

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

+ + + + +

WORK GROUP ON WORKER OUTREACH

+ + + + +

WEDNESDAY  
AUGUST 29, 2012

+ + + + +

The Work Group convened in the Zurich Room of the Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky, at 9:00 a.m., Josie Beach, Chair, presiding.

PRESENT:

JOSIE BEACH, Chair  
WANDA I. MUNN, Member  
PHILLIP SCHOFIELD, Member  
LORETTA R. VALERIO, Member

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ALSO PRESENT:

TED KATZ, Designated Federal Official  
ISAF AL-NABULSI, DOE\*  
LYNN AYERS, SC&A  
MARY ELLIOTT, ATL  
CHRIS ELLISON, DCAS\*  
MORIAH FERULLO, DOE\*  
JOE FITZGERALD, SC&A  
STU HINNEFELD, DCAS  
J.J. JOHNSON, DCAS  
MARK LEWIS, ATL  
VERNON MCDUGALL, ATL  
ARJUN MAKHIJANI, SC&A\*  
JOHN MAURO, SC&A\*  
L. MICHAEL RAFKY, HHS\*  
JOHN STIVER, SC&A\*

\*Participating via telephone

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

2 9:00 a.m.

3 MR. KATZ: Okay. Good day,  
4 everyone. The Advisory Board on Radiation and  
5 Worker Health, Worker Outreach Work Group, and  
6 we have mail.

7 (Laughter.)

8 Welcome, everyone, and let's get  
9 started with roll call. We are speaking about  
10 materials related to one site, Rocky Flats,  
11 today.

12 So, please speak to conflict of  
13 interest with respect to Rocky Flats. Let's  
14 go with Board members, beginning with the  
15 Chair.

16 (Roll Call.)

17 MR. KATZ: Very good. The  
18 materials that are publicly releasable and  
19 available, are available on the website under  
20 the Work Group section of the website.

21 And the agenda for this meeting is  
22 there as well, and it's your agenda, Josie.

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1 CHAIR BEACH: Okay, thank you.

2 We do have a very full agenda  
3 today. I do want to welcome Loretta. Thank  
4 you for joining us. There's a lot of work and  
5 we're happy that you signed up to help us with  
6 that.

7 Anyway, we do have a full agenda,  
8 like I said. We're going to start with the  
9 procedure, the issues matrix.

10 J.J., did you have anything that  
11 you wanted to start with on the procedure or  
12 have any comments on it? Otherwise, I was  
13 going to go ahead and let Joe go through the  
14 matrix, but I'd like to give you an  
15 opportunity first if --

16 MR. JOHNSON: No, I think on my  
17 part, I think Joe is good to go.

18 MR. HINNEFELD: We'll have  
19 discussion. As we go through the matrix,  
20 we'll have some discussion on various things.

21 CHAIR BEACH: Various issues.

22 MR. HINNEFELD: Yes, but we don't

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1 have anything to really start with.

2 CHAIR BEACH: Okay. I do want to  
3 thank everyone for all the hard work. I know  
4 this has been quite a task, this first pilot,  
5 the Rocky Flats pilot, and it's good work on  
6 all parts.

7 So, I guess we'll go ahead and get  
8 started on the matrix with Joe and Lynn.

9 MR. FITZGERALD: Yes, just I want  
10 to give a little, quick background. I did  
11 explain this in an email I sent to the Work  
12 Group, NIOSH, and the parties at the table.

13 We went ahead and streamlined the  
14 matrix. This is different than what you've  
15 seen before.

16 And I thought at this stage, given  
17 the history, it was getting a little complex.

18 And this is taking it back to something  
19 that's a little easier to follow and can be  
20 used as a tool just to facilitate the  
21 discussion.

22 The biggest change between a year

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1 ago and now, obviously, is the Work Group  
2 wanted to see the changes that were being  
3 discussed in the Work Group sessions actually  
4 manifest in the draft procedure, which, in  
5 fact, it's been issued twice now since that  
6 last Work Group meeting, I believe, in June of  
7 last year and in June of this year.

8 So, we wanted to reflect that and  
9 what actually was introduced in there, and we  
10 didn't go much further than that.

11 I think that's certainly what the  
12 Work Group wants to discuss and elicit some  
13 discussion on is what those changes mean, how  
14 significant they are, how responsive they are.

15 So, we didn't go any further than just  
16 highlight what was done in terms of response  
17 to a particular issue.

18 We did have some questions of  
19 clarification we went ahead and jotted down as  
20 more of a placeholder in the matrix to include  
21 in discussion.

22 What I would suggest is Lynn Ayers

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1 has been doing the absolute yeoman's work. I  
2 give her a lot of credit. You look at the  
3 hundreds of pages. You're looking at the  
4 person who actually had to work through much  
5 and we're the beneficiary of that close  
6 analysis.

7 So, I'd like to have her since  
8 she's the continuity going back on this  
9 procedure, just sort of walk through each  
10 item. Maybe bring the Work Group, since it's  
11 been a while, bring the Work Group up to date  
12 as to where that issue came from, where it was  
13 left and maybe a little perspective on, you  
14 know, some of the discussion that took place  
15 on it.

16 Then, certainly turn to J.J. and  
17 whomever, maybe Stu, to provide the current  
18 status. That would probably be a good plan.

19 MS. AYERS: Okay. Continuity-wise  
20 I probably haven't met most of you. I was  
21 sort of working in the background for a few  
22 years.

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1 I did support Kathy in the initial  
2 review in 2010 that we released in April. And  
3 then Kathy was pretty much still taking the  
4 lead at that point. So, I was involved  
5 largely at her discretion where she needed  
6 support in that, but did contribute to that  
7 report.

8 And other than that for the  
9 matrix, though, pretty much dug through  
10 documents that she left behind and primarily  
11 relying heavily on the Work Group meeting  
12 transcripts from October and December of 2010.

13 And also, there was one in June, I believe,  
14 of 2011.

15 So, in terms of anybody's position  
16 on anything, that's where I tried to pull that  
17 from. And apologize in advance if -

18 CHAIR BEACH: A lot of work.

19 MS. AYERS: - we've made any  
20 errors of interpretation there.

21 MEMBER MUNN: Thank you for pulling  
22 that together. It's still terribly confusing,

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1 but it's a lot better than it was.

2 CHAIR BEACH: Absolutely.

3 MS. AYERS: Thank you.

4 We did mention - I don't know if  
5 it was in Joe's email or somewhere, but  
6 there's a little bit of reorganization of some  
7 action items in terms of which finding or  
8 observation they're associated with.

9 There was a couple that I just  
10 looked at and it kind of - I know there's a  
11 lot of overlap in these issues. And so,  
12 sometimes it just didn't quite make sense to  
13 me.

14 And then when I look back -

15 MR. FITZGERALD: That's the  
16 purpose, yes.

17 MS. AYERS: - it seemed like it  
18 was, yes, oriented under the -

19 MR. FITZGERALD: That's the purpose  
20 of the footnotes in some cases.

21 MS. AYERS: Yes.

22 MR. FITZGERALD: We did reorder the

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1 numbering, and the footnote explains where it  
2 came from.

3 MS. AYERS: So, hopefully we can  
4 follow this.

5 All right. To start, then, I  
6 guess -

7 CHAIR BEACH: Yes.

8 MS. AYERS: - Finding 1, again,  
9 this drives back to the April 2010 report.  
10 The procedure does not provide direction for  
11 tracking training, evaluating or responding to  
12 worker input.

13 In the center section there, some  
14 of the specific concerns that have been  
15 discussed along the way include minutes and  
16 notes, gathering the information from  
17 information-gathering meetings such as focus  
18 groups and outreach, capturing substantive  
19 comments from other forms of meetings that are  
20 not primarily intended to gather information,  
21 workshops, town halls, tracking of comment  
22 resolution and training of recurrent issues.

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1 There was a concern about the scarcity of  
2 action items that were present at the time in  
3 the OTS database. And just the whole  
4 integration of this procedure, how does it  
5 feed into other efforts at NIOSH and how does  
6 the information collected get in to the people  
7 that are dealing with the technical work  
8 documents.

9 MR. FITZGERALD: I think the  
10 overview on this one as I see it, is sort of  
11 the perpetual balance we have with procedures  
12 as to how much direction, explicit direction  
13 and detail do you want in a procedure.

14 You can go to an extreme where it  
15 becomes almost unusable, but certainly you  
16 need enough direction where it does clarify  
17 what needs to be done as well.

18 So, I think that's sort of the  
19 natural tension that we're talking about in  
20 this one is, you know, what level, what  
21 balance of direction does one need in the  
22 procedure to effect what's expected in terms

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1 of an outreach? And this covers the  
2 documentation, evaluation and response to  
3 comments.

4 And I think our comments, again,  
5 from an overview standpoint, were that we felt  
6 it was not necessarily clear in all cases.  
7 And I think the Work Group has some specific  
8 actions to sort of ticket that a little bit  
9 and see if there could be more explicitness in  
10 the procedure.

11 I have a general observation. And  
12 this, you know, again, this may be an artifact  
13 of the way procedure is written. But maybe  
14 it's from too many years of looking at Federal  
15 Register Notices, but, you know, it's a  
16 procedure that has a section on procedure.

17 So, it sort of - the first  
18 question that came to my mind when we were  
19 looking at sort of the additions that were  
20 made to this particular revision of the  
21 procedure was, you know, a lot of it's in the  
22 appendices, some of it's in the front end.

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1 So, the front end, back end. And I guess my  
2 general question was, you know, what's the  
3 status of, you know, the information?

4 In a lot of cases, information,  
5 prospectus and guidelines that fall outside of  
6 the section called "Procedures," which to me  
7 is the section that says this is what you're  
8 going to do, one, two, three, four, but may  
9 fall in an appendix which provides  
10 information, background information, other  
11 guidelines and whatnot. That wasn't really  
12 clear to me.

13 And a lot of times you looked for  
14 something from the Procedure section of a  
15 procedure or a rule or a regulation that  
16 references the Appendix or references that  
17 particular piece of information that ties it  
18 in, that makes it a part of the actionable  
19 requirement of the procedure, and I didn't see  
20 that.

21 I didn't see that reference that  
22 says, you know, you're going to do it and, oh,

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1 by the way, Appendix F, you know, gives you  
2 the criteria that you're going to use.

3 So, what I found was sort of a  
4 standalone Appendix F that provided criteria,  
5 but wasn't clear that the expectation was that  
6 that will be applied as a matter of course by  
7 this procedure.

8 Does that make sense? That was  
9 sort of a format issue. Maybe it turns out  
10 the entire procedure is implemented as written  
11 and perhaps just needs to be clarified that  
12 way.

13 That was the comment that was  
14 written as a general observation as far as how  
15 that was written. And I think we're going to  
16 get into that.

17 MS. AYERS: Right.

18 MR. FITZGERALD: There's a lot of  
19 the enhancements, in fact, and the addition of  
20 the various appendices and some of the  
21 references that are made in the procedure.  
22 But, again, is that going to be, you know, is

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1 staff and organizations going to become  
2 accountable to those provisions or not?

3 CHAIR BEACH: Good question.

4 (Laughter.)

5 MR. JOHNSON: I'm in the hot seat,  
6 right?

7 MR. FITZGERALD: Yes.

8 MR. JOHNSON: The appendices are  
9 referenced in Section 5.0. And with regards  
10 to that, that's - the expectation is that the  
11 individuals that fall into and under this  
12 procedure, they use those guidelines to follow  
13 through on their work when it comes to  
14 observing information from respective meetings  
15 or following through and putting it into an  
16 issues matrix for follow up and such like  
17 that.

18 MR. FITZGERALD: You're saying  
19 Section 5.0?

20 MS. AYERS: Yes.

21 CHAIR BEACH: You see right here?

22 MR. FITZGERALD: Oh, okay. Right.

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1                   Why - I guess, again, I just want  
2 to clarify. How does that contrast with the  
3 next section, which is the Procedure section?

4                   Not to get too semantic, but, again, I guess  
5 I understand what you're saying that in  
6 general these appendices ought to be  
7 referenced, but it seems to me that the  
8 Procedure Section 6.0, is actually the guts of  
9 what would be - what everyone would be held  
10 accountable to if you made the requirement  
11 part of this.

12                   MR. JOHNSON: 6.0 is going through  
13 and identifying what the need is for an  
14 outreach event and how it's to be performed.

15                   Those references, those sections,  
16 appendices can be referenced in here. I just  
17 have to look at and verify that they can be  
18 placed in the appropriate sections reasonably  
19 and make sure that it flows well enough.

20                   But I'm sure I can go back and  
21 look at it and - if you will, a lot of these -  
22 some of these appendices were put in there as

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1 kind of like a back fit because of issues that  
2 came up in previous - and then some  
3 consequently.

4 That's how Section 5 was updated  
5 with regards to reference to the appendices  
6 and the development of appendices.

7 MR. FITZGERALD: Yes, I think  
8 that's probably an effective way to do it,  
9 because I would suspect that we will be  
10 tweaking this as lessons are learned.

11 And instead of having to always  
12 rewrite the core of the procedure, you can  
13 attach guidelines like that.

14 I think what you're saying has  
15 merit though. I think maybe anchoring those  
16 additions over time into the body of the  
17 procedure, which is Section 6.0 - 6.0, to me,  
18 sort of strikes me as if you were looking at  
19 what process needs to be implemented, you  
20 would look at 6.0.

21 That served as the - it's sort of  
22 the A to B to C to D of what you need to

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1 accomplish depending on the type of meetings  
2 and what have you, and I think that's very  
3 good.

4 I think by pointing to the  
5 appendices that carry some of these details,  
6 it sort of makes it very clear to the  
7 implementer that those appendices aren't  
8 simply there for FYI.

9 Actually, they're part of what  
10 needs to be applied.

11 MR. JOHNSON: Right.

12 MR. FITZGERALD: I think that was  
13 the intent. But when I was going through this  
14 it wasn't quite clear, because the general  
15 section, you know, some people may interpret  
16 that to be introduction more than the - or  
17 background more than the actual procedure.

18 MR. JOHNSON: Also, in the future  
19 when this procedure is approved and presenting  
20 it to everybody and having the folks  
21 understand what the procedure is, those  
22 appendices will be identified as expectations.

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1 CHAIR BEACH: Instead of general.

2 MR. JOHNSON: Right.

3 CHAIR BEACH: Yes.

4 MR. HINNEFELD: You know, we wrote  
5 these things, you know, we've developed a set  
6 of expectations for these meetings. And  
7 we've, you know, we've incorporated a lot of  
8 advice from this Work Group in developing  
9 these.

10 And, to me, the execution is far  
11 more important than the structure of the  
12 procedure.

13 So, it certainly - mind you, I  
14 probably bother J.J. more than he cares to in  
15 saying that, you know, the Work Group is  
16 giving us good advice on something here that  
17 is one of the items that I felt really I  
18 wanted to address when I got this job.

19 I can't believe it's been two and  
20 a half years since I got this job. Sometimes  
21 feels like 80.

22 But one of the things that was

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1 clear to me was we need to make sure that we  
2 are carefully listening to what we're hearing  
3 and carefully considering what we're hearing.

4 And so, for that reason we've  
5 really valued these discussions and we really  
6 want to be responsive to the things we hear  
7 and make sure that they are weighed  
8 appropriately, you know.

9 No matter what we write in the  
10 procedure, there are going to be various, you  
11 know, there's going to be a various degree of  
12 ardor on the part of whoever is our  
13 representative with respect to that.

14 So, it's just up to us in the  
15 execution to make sure that we accomplish  
16 these things that we intend to accomplish at  
17 these outreach meetings, and that we gather  
18 the information and treat the information  
19 appropriately.

20 So, to me, I understand exactly  
21 what you're saying. Usually you go to the  
22 procedure part of a procedure and that says,

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1 this is what I have to do. And I understand  
2 that comment.

3 Joe, I think what I understood you  
4 to say is maybe working the references into  
5 the procedure part as we get some experience,  
6 might be an appropriate way to go here.

7 MR. FITZGERALD: Let me just second  
8 what you just said. I think the expectation  
9 written in an upstream procedure is less  
10 important than the actual execution and the  
11 commitment of the staff to actually make it  
12 happen.

13 But since the context of this  
14 discussion today is upstream of the procedure,  
15 again I thought anything we can do to make  
16 that procedure as clear as possible would be a  
17 good thing to do.

18 And I think there's no  
19 disagreement that sort of as these are all  
20 add-ons and sort of like a house that has all  
21 these sort of rooms that have been attached,  
22 we can integrate that and reference them in.

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1 Even if you leave them as attachments, that's  
2 going to make it clearer to somebody that  
3 theses aren't simply tacked-on informational  
4 things, but actually part of the procedure and  
5 we execute it as such.

6 CHAIR BEACH: So, I did capture  
7 that in an action - oh, sorry, Wanda.

8 MEMBER MUNN: Well, wouldn't the  
9 meat of your concern with respect especially  
10 to meeting minutes and things of that sort, be  
11 captured by simply adding the appropriate  
12 statement under the five headings of Section  
13 6, which are NIOSH sections? The other one  
14 being DOL, and you can't do much about that.

15 MR. FITZGERALD: Right.

16 MEMBER MUNN: But if you simply add  
17 a statement under issues of those five  
18 headings to the effect that minutes should be  
19 taken with regard to concerns expressed and  
20 integrated into the OTS, that's really -

21 MR. FITZGERALD: Yes.

22 MEMBER MUNN: - the only thing

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1 that needs to be done, right?

2 MR. FITZGERALD: This is simply  
3 almost a format clarification thing.

4 MEMBER MUNN: Yes.

5 MR. FITZGERALD: It's not a major  
6 thing. It's just I thought that was the  
7 intention. But because of the history of the  
8 procedure as things were added on, it became a  
9 little less clear how that was going to be  
10 referenced.

11 MEMBER MUNN: Well, it was pretty  
12 cumbersome. Actually, it's a bit of a  
13 cumbersome procedure.

14 MR. FITZGERALD: Yes. It's almost  
15 like housekeeping. Go back and actually add  
16 the references in and make sure it's very  
17 clear that these add-ons are actually now part  
18 of the mainstream procedure even if they were  
19 sort of tacked on the back.

20 MEMBER MUNN: But you don't even  
21 have to tack it on the back. You just need to  
22 have an additional heading under those five -

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1 MR. FITZGERALD: I think how you do  
2 it is something that NIOSH -

3 MEMBER MUNN: Section 6.

4 MR. FITZGERALD: Yes.

5 CHAIR BEACH: So, I captured that  
6 as a NIOSH action item to add the references  
7 in Section 6.0 and the procedure for the -  
8 reference the Appendix section.

9 All right. Next step.

10 MR. FITZGERALD: Well, I think then  
11 you get into more of the specific actions that  
12 the Work Group arrived at, at the last Work  
13 Group meeting and trying to bring them up to  
14 date.

15 So, I'll kind of go back to Lynn  
16 and start going through those specific ones.

17 MS. AYERS: Okay. So, Page 3, I  
18 believe, begins the action items that we have  
19 on the table related to this finding.

20 Action 1 was to add guidance in  
21 PR-012 to identify the types of events for  
22 which meeting minutes will be taken.

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1           And again there, I think, on first  
2 read through the procedure, what struck us was  
3 there was language in there that said, you  
4 know, minutes are typically taken.

5           And as an outsider looking - I'm  
6 sure it's been clarified over time that there  
7 was a semantic issue, minutes versus notes and  
8 what that means in terms of who produces them  
9 and how they're done.

10           But where it strikes one on their  
11 first read was that it's optional to take a  
12 record, and that was obviously not what was  
13 intended.

14           And we want to make sure that,  
15 obviously, you know, from what Stu just said -

16           MR. JOHNSON: What it typically  
17 means is such that as you go through into  
18 further Section 5.0, it talks about minutes  
19 and notes.

20           And so, you address, I mean, I can  
21 take the word "typically" out. If you just  
22 give me a word that you would like in there, I

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1 can put that there. But it's used as a  
2 flexibility, because there aren't necessarily  
3 minutes always or notes always.

4 MS. AYERS: Right. And we  
5 understand that now after it's been discussed  
6 in some of the Work Groups.

7 I was just saying it kind of  
8 matters the first time when we read it, it  
9 looked like, oh, my gosh, minutes are  
10 optional.

11 And that's part of - I'm just  
12 describing where the finding and the concern  
13 came from.

14 MR. JOHNSON: Oh, okay.

15 MS. AYERS: We're not still there.

16 CHAIR BEACH: 2010.

17 MS. AYERS: Right. So, anyway -

18 MR. FITZGERALD: There's no closure  
19 on that item though.

20 MS. AYERS: Right.

21 MR. FITZGERALD: I think the Work  
22 Group had left it to let's see how it's

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1       crafted -

2                       MS. AYERS: Right.

3                       MR. FITZGERALD: - in the revised  
4 procedure. And of course we didn't have that  
5 revision in front of us. The last Work Group  
6 meeting predated that.

7                       So, I guess the question is, is  
8 the Work Group satisfied with what's in the  
9 revision, the OCAS 2012 Section 5, Page 4 and  
10 5. And this is exactly an excerpt of what's  
11 in there now.

12                      CHAIR BEACH: My read through, I  
13 didn't have any issues with it. How about  
14 other Work Group Members? Phil or Wanda?

15                      MEMBER MUNN: No. And in practice  
16 as I've observed in recent months, seems to be  
17 doing well. In most cases, the notes and/or  
18 minutes have been in concert with my memory of  
19 the actions that had taken place in the  
20 meetings.

21                      So, I think that's the - that had  
22 been the real point of concern in the Work

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1 Group is to make sure that the meat of any  
2 comments especially that were made by workers  
3 or others, were captured and were married into  
4 OTS.

5 And it seems to have been  
6 happening in the minutes recently that I've  
7 seen. Of course, I haven't seen them all, but  
8 you guys did a good job.

9 MR. FITZGERALD: And going back to  
10 Lynn's comment, I think the only hesitation  
11 back when - and this is going back almost a  
12 year and a half, was the interpretation of  
13 "typically" and, you know, as well as  
14 "likely."

15 MEMBER MUNN: Likely.

16 MR. FITZGERALD: And I think J.J.,  
17 I think, shed some light on that perspective  
18 that really there was an expectation there,  
19 but it may not be universal in all instances,  
20 I think is what you're saying.

21 MR. JOHNSON: Right.

22 MR. FITZGERALD: That you wanted to

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1 make clear that, you know, certainly the  
2 expectation is that you will do that, but, you  
3 know, it's not going to necessarily be a  
4 hundred percent of all cases.

5 CHAIR BEACH: Well, yes, in the DOE  
6 world it's "should" or "shall." So, "should"  
7 means kind of likely, and "shall" means you  
8 will do it. So, there's just a terminology  
9 difference.

10 MS. AYERS: Right. I think where  
11 they're trying to maintain the flexibility  
12 between one form and another, but the "shall"  
13 should apply to there shall be a record of the  
14 substantive issues discussed in the meeting.

15 That could precede the sentence  
16 that says "minutes shall typically be taken."

17 And then you would - there would be a clear  
18 statement that there's going to be a record.

19 And then you can get into it might be this and  
20 it might be this, which I think would -  
21 something like - I think that was actually  
22 suggested in one of the prior meetings.

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1 CHAIR BEACH: So, are you talking  
2 in both places? Appendix F, and in 5.0?

3 MR. AYERS: This is more, I think,  
4 at 5.0 because - on Page 5 you've got that  
5 minutes are typically taken, but notes may be  
6 taken for smaller groups.

7 CHAIR BEACH: Well, Page 4  
8 references minutes are typically taken as  
9 well.

10 MR. FITZGERALD: So, it's the form  
11 of the -

12 MS. AYERS: Oh, that's a specific  
13 meeting.

14 CHAIR BEACH: Yes.

15 MR. FITZGERALD: It's the form of  
16 the record which is optional and needs to be  
17 flexible. But the fact that there's a record  
18 should not - it should not be - there should,  
19 in fact, always be a record of these kinds of  
20 things, focus groups and -

21 MS. AYERS: I suppose that would be  
22 Page 4, I guess, the very first time where

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1 it's mentioned in the general description,  
2 might be the place to say -

3 MR. JOHNSON: So, a record of  
4 pertinent information will be - and then  
5 followed by minutes or notes, you know.

6 MEMBER MUNN: Well, the response,  
7 though, in the issue status as Josie points  
8 out, Appendix F says minutes are likely for  
9 SEC, outreach and town hall meetings, and  
10 meeting notes are likely for focus groups,  
11 right?

12 Isn't that clear enough?

13 CHAIR BEACH: Well, "likely" is  
14 still kind of a wishy-washy word.

15 MEMBER MUNN: If you have no  
16 significant issues that are brought up that  
17 are new, we've already discussed in previous  
18 meetings the fact that if you're talking about  
19 the same issue repeatedly and no new  
20 information is forthcoming, then there is not  
21 any purpose achieved by repeatedly entering  
22 the same issue again and again in OTS.

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1           And that's what we're trying to do  
2 here, is it not, is capture the concerns of  
3 the workers? That's our point, right? That's  
4 our name, Worker Outreach Group.

5           If the workers are not expressing  
6 any new concerns, if all of the concerns that  
7 we had have been recorded, then the only major  
8 concern we have is assuring the worker that we  
9 have heard them and that a response is  
10 underway for their -

11           CHAIR BEACH: Right. And while  
12 that's true on some meetings, the first one we  
13 were talking about is a focus group, and  
14 that's typically a meeting that NIOSH  
15 initiates looking for information.

16           MEMBER MUNN: Right.

17           CHAIR BEACH: Isn't that one that  
18 you generally take notes at instead of  
19 typically?

20           MEMBER MUNN: Well, it says meeting  
21 notes are likely.

22           MR. JOHNSON: It can go either way.

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1 If it's kind of like a closed meeting and we  
2 don't have ATL there to support development of  
3 minutes, we use notes and that's the  
4 difference.

5 If there is classified material  
6 being discussed, you have notes.

7 CHAIR BEACH: Right.

8 MEMBER MUNN: Well, let's be very  
9 clear in our instruction to NIOSH if we want  
10 them to use specific language. Let's tell  
11 them what to use.

12 CHAIR BEACH: Well, that's what  
13 we're discussing.

14 MR. HINNEFELD: Well, we started  
15 out with just saying, you know, we could  
16 insert a statement that says a record of the  
17 meeting shall be generated.

18 MEMBER MUNN: Shall be kept.

19 MR. HINNEFELD: And then just  
20 saying it could be notes or minutes, you know.

21 CHAIR BEACH: That's exactly -

22 MR. HINNEFELD: Whether there's

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1 anything new or not, somebody is going to be  
2 sitting there writing these things down  
3 anyway. There's going to be something taken  
4 in the meeting.

5 MEMBER MUNN: Right, right.

6 MR. HINNEFELD: So, I don't know  
7 that anything other than that, you know, if  
8 that's what - if you'd like to say there shall  
9 be a written record of the meeting -

10 MEMBER MUNN: Are you going to take  
11 it and do we want it recorded in OTS then?

12 MR. HINNEFELD: Well, we can get to  
13 OTS later on.

14 MR. FITZGERALD: You have to  
15 determine that and - but I think that's where  
16 we had left that, that with that preparatory  
17 statement, then the rest of it makes a lot of  
18 sense, because you need flexibility as far as  
19 what form you record the information on.

20 But the fact that you're going to  
21 record it shouldn't be a -

22 MR. HINNEFELD: Right.

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1 MR. FITZGERALD: - discretion.

2 CHAIR BEACH: Right. Okay.

3 Got that?

4 MS. AYERS: All right. Okay, Item  
5 2. Action Item 2 under Finding 1 was  
6 referenced as appropriate DCAS procedures.  
7 And that was probably completed as of December  
8 of 2010.

9 They've added references to  
10 several policies and PROC-10 is their data and  
11 interview procedure. That's a DOE  
12 classification review procedure.

13 So, those were the ones that had  
14 been committed to being added.

15 MR. FITZGERALD: Which I think was  
16 the -

17 MS. AYERS: As far as I know --

18 MR. FITZGERALD: - scope of what  
19 the --

20 CHAIR BEACH: Right.

21 MS. AYERS: - that was completed.

22 MR. FITZGERALD: - Work Group was

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1 interested in. I think that pretty much is  
2 completed.

3 CHAIR BEACH: Okay. So, I think  
4 that's completed, closed. Unless there's any  
5 objections to Number 2, I think that's been  
6 done.

7 MR. FITZGERALD: Number 3.

8 THE COURT REPORTER: Could I just  
9 remind people to please try and speak one  
10 person at a time?

11 CHAIR BEACH: Thank you. Thank  
12 you.

13 MS. AYERS: Okay. Number 3,  
14 develop appropriate wording characterizing the  
15 requirements to capture worker input from  
16 information-gathering meetings. So, this is  
17 more like the focus groups, what we're talking  
18 about there.

19 Let's see. The Work Group meeting  
20 transcript indicates the procedure should  
21 clearly require an accurate account - oh, this  
22 is what we've really been just discussing is

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1 Number 3 there. We did talk about that  
2 language.

3 MR. FITZGERALD: Which is the  
4 preparatory statement.

5 MS. AYERS: Right, the preparatory  
6 statement.

7 MR. FITZGERALD: Right.

8 MS. AYERS: Regardless of whether  
9 the format is minutes or notes, just make it  
10 clear that there shall be a record.

11 MR. FITZGERALD: Right.

12 MS. AYERS: And that was still  
13 lacking and we've just discussed that under  
14 Item 1.

15 CHAIR BEACH: Okay. So, we can say  
16 we are going to make it clear that notes will  
17 be taken and this Item Number 3 can be closed  
18 as well or considered complete?

19 Does everybody agree with that?

20 MR. HINNEFELD: Yes.

21 CHAIR BEACH: Okay.

22 MR. HINNEFELD: One of the notes we

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1 took is that we would include that statement.

2 MS. AYERS: Right. Okay. Page 4,  
3 Item 4, evaluate the OTS and WISPR database  
4 compatibility to determine if comments and  
5 action items from WISPR can be added to OTS.

6 CHAIR BEACH: Vern, I think -

7 MS. AYERS: And I think that was in  
8 progress.

9 CHAIR BEACH: I think this one's  
10 yours, Vern.

11 MR. McDOUGALL: Okay. All of the  
12 action items, all of the comments and action  
13 items in WISPR have been transferred to OTS.  
14 And we invite you to go in and look at them  
15 there.

16 CHAIR BEACH: You know, I actually  
17 went in and looked, but I didn't - I couldn't  
18 tell that everything had been transferred.  
19 So, you actually -

20 MR. FITZGERALD: What's the  
21 effective date? Was it recently or -

22 MR. McDOUGALL: About a week ago.

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1 I don't know that there's an easy way to  
2 navigate it to see which ones came from WISPR.

3 But I think the best thing we need  
4 -

5 CHAIR BEACH: Yes.

6 MR. McDOUGALL: We really have to  
7 pick a meeting from that era and go in and  
8 look at the individual to test it. Kind of go  
9 in and look at the notes on that particular  
10 meeting.

11 CHAIR BEACH: Okay.

12 MR. McDOUGALL: It's pretty old  
13 now. I don't think anything is - when did we  
14 end this program?

15 CHAIR BEACH: 2007. Okay. So, all  
16 data has been transferred as of last week.

17 MR. McDOUGALL: Yes.

18 MS. ELLIOTT: And that may be  
19 either meeting or site action items or into  
20 the individual meetings.

21 CHAIR BEACH: Okay, perfect. I  
22 guess that's to other actions proposed or

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1 considered.

2 MS. AYERS: Okay. So, NIOSH  
3 proposes adding an appendix, Appendix E,  
4 describing the criteria for determining action  
5 items.

6 That has definitely been done, but  
7 we're going to cover that in more length under  
8 Finding 2 where it's more directly applicable.

9 B, let's see, the importance of  
10 documenting comments and questions from  
11 information-gathering, giving or information-  
12 giving meetings. So, this is in lieu of  
13 taking formal meeting minutes or notes.

14 So, basically, in the context of  
15 the Work Group meeting, there seemed to be  
16 agreement between NIOSH and SC&A and the Work  
17 Group that that was an important objective to  
18 make sure that we captured those regardless of  
19 what kind of meeting they came from. And we  
20 had recommended that that be reflected  
21 somewhere in the procedures.

22 Now, for town hall meetings there

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1 is a statement. Let me see what page it is.

2 CHAIR BEACH: It is on Page 5 and  
3 it says, minutes will be taken. It was added,  
4 because it's -

5 MS. AYERS: No, this isn't about  
6 the minutes.

7 CHAIR BEACH: Okay.

8 MS. AYERS: Oh, just that there was  
9 a potential for them to receive - it's under  
10 the specific description of that meeting.  
11 Page 5. This was actually already in the  
12 original text of the procedure.

13 Typically, NIOSH may not be  
14 seeking any new information from the audience  
15 in a town hall meeting. However, comments for  
16 new information may be obtained and, yes,  
17 minutes are taken because of the nature of  
18 that meeting.

19 CHAIR BEACH: So, then they're  
20 captured.

21 MS. AYERS: Yes, that's the only  
22 information-giving/gathering type of meeting

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1 that actually says that kind of thing that  
2 there is a potential for us.

3 Even though it's not the primary  
4 objective of the meeting, there's a potential  
5 for us to receive new information that's  
6 relevant to dose reconstructions and general  
7 work products and we want to capture them.

8 MR. FITZGERALD: So, are we saying  
9 that that language is now there or was there?

10 MS. AYERS: No, it was there only  
11 for that one kind of meeting.

12 MR. FITZGERALD: Just the town  
13 hall. Town hall meeting.

14 MR. JOHNSON: But by virtue of the  
15 expectation of a town hall meeting or a focus  
16 group meeting, we want to capture information.

17 MS. AYERS: Right.

18 MR. JOHNSON: So, whether I say it  
19 or not, that's why we have the meeting, the  
20 expectation.

21 And, therefore, the appendices for  
22 attempting to identify through information

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1 that either affects a TBD or new information  
2 or issues that may not be able to be addressed  
3 at that point in time, have to come back and  
4 provide feedback to the individual that asked  
5 the question.

6 CHAIR BEACH: So, if I'm reading  
7 this right, you're not worried about the town  
8 hall. Because if you look under the actions  
9 proposed, it says with the exception of the  
10 town hall.

11 MS. AYERS: Right.

12 CHAIR BEACH: So, you're interested  
13 in other meetings where -

14 MS. AYERS: Right. Other types of  
15 information -

16 CHAIR BEACH: Okay.

17 MS. AYERS: - giving, gathering.  
18 So, over on the other side, workshops, invited  
19 forums, joint outreach meetings, DOL meetings  
20 -

21 CHAIR BEACH: So -

22 MS. AYERS: So, any kind of meeting

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1 that they have, there's a potential for new  
2 information to come. Which, as you said, the  
3 Appendix E covers what you're looking for.

4 CHAIR BEACH: So, Mark Lewis, you  
5 have a town hall - or you have a workshop  
6 meeting, you invite people from DOE side, you  
7 may get information there that is important  
8 that - I think that's what the reason for this  
9 comment was to gather that.

10 MS. AYERS: Right.

11 CHAIR BEACH: And you guys  
12 typically, you take notes at some point, don't  
13 you, during those meetings, or not at all?

14 MR. LEWIS: More commonly we make  
15 sure that they know - me and Steve, we make  
16 sure that the site that they're talking to, we  
17 make sure that they get with the person that's  
18 from the site.

19 Like, if it's -

20 CHAIR BEACH: Yes.

21 MR. LEWIS: - WR Grace, we'll make  
22 sure they give them to Tom. Tom's, you know,

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1 the person there. Make sure they get the  
2 feedback to there and they get the  
3 communication line set up.

4 CHAIR BEACH: But because of your -

5 MR. LEWIS: I don't get it and say,  
6 could you write that down, or I don't document  
7 it.

8 CHAIR BEACH: Right, right, right.

9 MR. LEWIS: I just make sure that  
10 they - especially if it's in a workshop and  
11 we're close there, you know, I just may hook  
12 them up right there face to face, you know,  
13 but I'll make sure that they communicate with  
14 a person from the site.

15 CHAIR BEACH: I think that's a  
16 reasonable expectation and - comments on this  
17 one? Any other -

18 MR. FITZGERALD: Does it need to be  
19 clarified in the procedure, or is that the way  
20 it is? I mean, guess that's the issue, right?

21 CHAIR BEACH: Yes.

22 MS. AYERS: I guess Appendix F does

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1 state this in the observation. Appendix F  
2 does list action items as a potential product  
3 of all types of outreach.

4 So, there's an implication there  
5 that, yes, we might have action items  
6 regardless of what type of meeting it is. And  
7 that's kind of what this point is about.

8 Is that clear enough? Are you  
9 satisfied with that?

10 MR. FITZGERALD: Could that be  
11 addressed as part of referencing the  
12 appendices into the procedure process?

13 Because Section 6 is where you  
14 actually site these different types of  
15 meetings, provide a process that you would  
16 follow.

17 And we were talking about, you  
18 know, sort of referencing to the appendices  
19 and F seems to be the one that actually  
20 provides -

21 MS. AYERS: E is the one.

22 MR. FITZGERALD: Or E. I'm sorry.

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1 The expectation that if you referenced E as  
2 enveloping these different meeting types, that  
3 would be it. I mean, it just sounds like a  
4 little bit of a clarification, but sort of in  
5 the context of what we were talking about  
6 earlier which is, you know, some of this new  
7 stuff that you've added actually kind of  
8 addresses this, but it's sort of, you know, it  
9 doesn't tie back into, or, in this case, the  
10 different types of meetings.

11 It's only kind of referencing the  
12 town hall, but you really intend it to be  
13 broader than just the town hall.

14 MR. JOHNSON: Kind of like a dotted  
15 line versus a solid line.

16 MR. FITZGERALD: Yes. So, you  
17 know, I think when one is trying to format  
18 this and referencing the appendices, I think  
19 that's an easy fix by just saying, you know,  
20 tying Appendix E back into the, you know, the  
21 full spectrum of meetings rather than just  
22 having town hall be the only place that you

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1 kind of explicitly reference it.

2 And I think it's the explicit part  
3 that you're looking for, right?

4 MS. AYERS: It's similar to the  
5 other one more like a -

6 MR. FITZGERALD: Yes, I don't think  
7 - a lot of these are -

8 MS. AYERS: The general section  
9 that -

10 MR. FITZGERALD: I don't hear any  
11 disagreement. A lot of what you're saying,  
12 J.J., is pretty much what, you know, you were  
13 saying. Of course the intention is to take  
14 the notes and to look beyond just town hall  
15 for that purpose.

16 So, I think it's a matter of just  
17 clarifying it very simply, not too much effort  
18 in the formatting of the procedure as we  
19 discussed it. I don't think it's going to  
20 take that much at all.

21 CHAIR BEACH: I agree.

22 Okay, ready for C?

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1 MS. AYERS: Yes.

2 MR. FITZGERALD: Trying to fix it  
3 is much easier than the issue.

4 MS. AYERS: Well, it's very easy  
5 when it's something that you're already doing,  
6 and you just have to say that you're already  
7 doing it. That's the nice kind of procedure  
8 change I like to make.

9 MR. FITZGERALD: Anyway, so are you  
10 going to C?

11 CHAIR BEACH: Yes.

12 MS. AYERS: Item C, tracking and  
13 trending. NIOSH has indicated that tracking  
14 and trending can be performed on just about  
15 any field in the OTS. And the particular  
16 discussion was regarding action items.

17 There aren't any recommendations  
18 in the procedure to do so. I don't - I guess  
19 that would be up to the Work Group to  
20 determine if that was a concern or not.

21 CHAIR BEACH: Well, that the  
22 procedure would tell them to go in to put the

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1 information into OTS.

2 MS. AYERS: Let's see. No, this is

3 -

4 MR. JOHNSON: This is addressing  
5 the tracking and trending on either likely a  
6 periodic basis and/or - and I've left it such  
7 so that ad hoc reports can be generated based  
8 upon management's need for a trend, not  
9 necessarily to go out there and look for a  
10 trend.

11 Because if you, like was  
12 addressed, there aren't that many points out  
13 there. And to trend a couple issues doesn't  
14 make a lot of sense, you know, until which  
15 time - and I would assume that's why the  
16 expectation was to go back and repopulate the  
17 issues in WISPR so that there would be  
18 something out there that there would be a  
19 tracking and trending capability. At least a  
20 database for that.

21 So, it was left open as a  
22 management tool for their capability, but with

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1 no expectation of a periodic review.

2 CHAIR BEACH: Okay. That makes  
3 sense. I mean, it should be at your  
4 discretion or NIOSH's discretion when they  
5 need that information, I would say.

6 Do we need something in the  
7 procedure? That's the question.

8 MS. AYERS: Well, the procedure  
9 does say pretty much what J.J. just said.

10 CHAIR BEACH: Okay.

11 MS. AYERS: It says it is possible  
12 to do it.

13 MR. JOHNSON: Right.

14 CHAIR BEACH: Perfect.

15 MS. AYERS: And as far as tracking  
16 an individual thing through to resolution,  
17 your Appendix E does deal with that as well.  
18 And we will get to that in the -

19 CHAIR BEACH: Okay.

20 MEMBER MUNN: That was the  
21 expectation here.

22 MR. FITZGERALD: And so, the

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1 previous version of the procedure was silent,  
2 but now there's actually some statement that  
3 it can be done at discretion. There's a  
4 second part.

5 CHAIR BEACH: Second part.

6 MR. FITZGERALD: Which gets to the  
7 status of the OTS tracking system, which we  
8 heard a little bit about in terms of the  
9 uploading of the legacy items from WISPR.

10 I guess the question that we would  
11 have is there were six action items literally  
12 in OTS back two years ago or whatever when  
13 somebody looked at it. Then the Rocky Flats  
14 was added, and you have since added WISPR in.

15 So, there's some larger number.

16 Are there action items, I'm  
17 assuming, from other sources or ongoing  
18 sources that are being added as you go in  
19 addition to these pieces, the Rocky Flats  
20 piece, the WISPR piece?

21 And then I guess there were  
22 originally six action items that were reviewed

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1 at the very beginning of this Work Group.

2 It's kind of hard to discern that.

3 You say it's kind of, you know, you're just  
4 looking at this grouping, but have you been  
5 adding in real-time, action items and is there  
6 some sense about, you know, what the numbers  
7 might be over the course of a year or -

8 MR. McDOUGALL: I don't know that  
9 they're identified as action items. We've  
10 done a lot of focus group-type meetings in the  
11 last year, but I don't know that the records  
12 of those themselves - I think it's implied,  
13 you know, that NIOSH is going to take this  
14 information and use it largely in evaluating  
15 SEC petitions.

16 I don't know that there's written  
17 into those specific tasking.

18 MR. FITZGERALD: The reason I'm  
19 asking, you know, sort of what's emerging is  
20 some thought to what kind of criteria might  
21 inform identifying the action item. I mean,  
22 that's one of the appendices.

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1           And, clearly, there's some thought  
2           that, yes, you probably do need to have some  
3           basis for plucking out of these meetings those  
4           items which need some significance and attach  
5           - and management attention attached to them.

6           And I was wondering, you know, in  
7           addition to sort of this nascent here is some  
8           criteria that we need to think about, is there  
9           any process that's ongoing to pull out items  
10          that would be considered action items?

11          I can understand you're inheriting  
12          action items, but are you generating action  
13          items?

14          MR. McDOUGALL: Okay. Well, I can  
15          say -

16          MR. HINNEFELD: You go ahead and  
17          say what you were going to say.

18          MR. McDOUGALL: Okay. I can say  
19          we're not generating action items. If you  
20          think about these meetings, if you take, for  
21          example, the Nuclear Metals meeting, okay -  
22          meetings - I think it's implied that the

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1 health physicists that were in those meetings  
2 are going to go back and digest what they  
3 heard and apply it in the Petition Evaluation.

4 Is anybody writing specific  
5 tasking, you know, kind of sketching out  
6 specific tasking, you know, look at this  
7 issue, look at this issue, look at this issue?

8 And that's certainly - that's certainly  
9 beyond our - beyond our expertise.

10 MR. HINNEFELD: But, again, this  
11 kind of points out - maybe I'll review again  
12 for flexibility here, because the recent  
13 efforts are things like Nuclear Metals, which  
14 was done specifically for an SEC, you know.

15 We had an SEC Petition. And so,  
16 we initiated this focus group with workers as  
17 part of the preparation process for the  
18 Evaluation Report.

19 It was done at Rocky Flats. It  
20 was done someplace up at Fort Wayne, Indiana  
21 at Joslyn or something.

22 And so, they were done for that

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1 specific purpose. And so, the HP rather than  
2 go through the meeting minutes and his notes  
3 from those meetings and decide what are these  
4 things I have to act on, he takes the body of  
5 information whether - his notes in combination  
6 with the minutes, and uses that in  
7 constructing a new document, Evaluation  
8 Report, for the SEC Petition.

9 So, it's not really - it doesn't,  
10 you know, we kind of crafted this, this part  
11 of this procedure as though, well, we've got a  
12 Site Profile, we're doing, you know, we're  
13 presenting it or we're doing some other sort  
14 of worker outreach, and there's a technical  
15 document that is influenced by the  
16 information. And they say okay, guys, we've  
17 got this existing technical document that we  
18 should go back and here's some things that we  
19 probably should make sure we cover, you know,  
20 sufficiently in our existing approaches and  
21 technical documents and things like that.

22 For these meetings that are

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1 written specifically for the purpose of  
2 writing a new document, the idea of going  
3 through there and saying here's an action  
4 item, here's an action item is a little - it  
5 places an additional burden on the health  
6 physicist, which he was going to do that  
7 anyway.

8 He's going to go through there and  
9 say, these are the important things that I  
10 have - that have to be considered. But to  
11 then to build this administrative system is  
12 just sort of artificial act.

13 And so, I think for that reason  
14 you won't see a lot of action items coming out  
15 of an SEC focus group, because it's just not -  
16 it doesn't fit the process.

17 Those will come out of other types  
18 of meetings where there's an established  
19 practice that we need to consider whether this  
20 input causes us to alter or establish  
21 practice.

22 So, for that reason, I don't see -

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1 and, boy, lately I think we've done mainly SEC  
2 focus groups, haven't we?

3 So, I don't see a lot of actions  
4 being generated this past several months  
5 anyway, because we mainly have done SEC focus  
6 groups.

7 MR. FITZGERALD: I kind of agree  
8 with that. I think we certainly saw that in  
9 the Rocky Flats study as well.

10 I think the analogue is where the  
11 Advisory Board as a whole came to a couple  
12 years ago where, you know, the question was  
13 you sort of have a lot of comments added and,  
14 you know, what do you do to disposition and  
15 not lose those comments? And a tracking  
16 system such as it is and was, was set up for  
17 the Board.

18 But clearly, you know, when you  
19 have sort of a Board meeting at a SEC site,  
20 you get, you know, a lot of commentary that  
21 goes directly to the SEC.

22 I think the notion there which is

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1 similar to what you're saying is that, you  
2 know, the Board doesn't need to capture that  
3 so much as to make sure that NIOSH and the  
4 Work Group and SC&A hear those comments and  
5 include those comments as part of the  
6 proceedings.

7 But on the other hand, you do get  
8 some generic comments made that may not bear  
9 on that particular site and you don't want to  
10 lose those.

11 And I think that sort of the real  
12 reason for the tracking system is to make sure  
13 that those go to some sort of disposition, and  
14 I think this is the case here.

15 And I hear what you're saying  
16 that, you know, if the worker outreach program  
17 is 95 percent devoted to SEC focus groups,  
18 that's the answer.

19 You're not going to have a lot of  
20 actions generated just by the sheer notion  
21 that, you know, it wouldn't make any sense.  
22 And I agree with that.

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1 I was kind of getting at, you  
2 know, in having different worker outreach  
3 meetings, not just the SEC focus groups, but  
4 other forums, you would have a process, I  
5 would assume, given the Appendix and some of  
6 the discussion in this procedure, to both  
7 record, capture, and then attribute some  
8 significance to items that should be elevated  
9 if - any that come from left field, but it  
10 seems like it's a technical issue that may not  
11 have been addressed before. You wouldn't want  
12 to lose it and I was interested in the  
13 process.

14 Certainly the criteria is a good  
15 start. It gives you some sense about how you  
16 would judge the significance and make  
17 something an action, but I - when I read that  
18 I was thinking, what's the process?

19 Who actually, you know, given the  
20 source of information of this SEC focus group,  
21 that's the answer. All those issues in that  
22 context are going to go to who's handling the

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1 SEC.

2 But for everything else, you know,  
3 what's the process if you were to kind of  
4 scratch your head and say, you know, that's  
5 kind of an important issue. How can we make  
6 sure it doesn't get lost in the process?

7 And you're saying you can't really  
8 - and I agree with you. You can't apply the  
9 technical judgment necessarily at the meeting  
10 level, but how does that go from your  
11 capturing it to maybe an HP in DCAS saying,  
12 you know, that's something we haven't seen  
13 before, we probably need to spend some time  
14 looking at that.

15 It may be a generic issue, it  
16 might be a site-specific issue, but make sure  
17 it doesn't get lost. That - and I think then  
18 the criteria makes sense.

19 Somebody will apply the criteria,  
20 maybe an HP, but, you know, going from you to  
21 the HP, it's not clear to me how that happens.

22 MR. HINNEFELD: Well, I can speak

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1 to that. And actually, you made me rethink my  
2 last statement a little bit.

3 In these SEC evaluations,  
4 meetings, SEC focus meetings, first of all, it  
5 depends upon where we fall on our Evaluation  
6 Report whether the comments - whether there  
7 might be additional comments beyond what's  
8 being written into the Evaluation Report.

9 For instance, if we - if we in our  
10 Evaluation Report conclude that we - dose  
11 reconstruction is infeasible throughout the  
12 cover period, most of the stuff we're going to  
13 hear will be wrapped up in the Evaluation  
14 Report.

15 If in our evaluation process we  
16 say, well, we believe doses can be  
17 reconstructed, then there could be items that  
18 we hear or even if can be reconstructed  
19 proportionately, there might be items that we  
20 hear in this meeting that relate to these  
21 people's work experience that are outside the  
22 covered period or inside.

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1                   And so, we need - I think if we're  
2                   - I think we'll address certain of them more  
3                   specifically.

4                   And I'm thinking exactly of Rocky  
5                   Flats now when we had a 1973 event and actions  
6                   were taken after 1973 at Rocky Flats where  
7                   they say, okay, we know better, we've got  
8                   things under hand, but we got comments  
9                   certainly from people who worked after 1975.

10                  And so, those areas we need to  
11                  look carefully and make sure we're considering  
12                  what they're telling us in the context of the  
13                  whole - other information we received there  
14                  since 1975.

15                  So, to me, I'm going to relax my  
16                  last statement a little bit. I think you're  
17                  right and we need to make sure we carefully do  
18                  things like that even on these SEC outreach.

19                  Now, we have yet, so you won't see  
20                  any action items in here yet, but that might  
21                  be something - because I think we're going to  
22                  get that later on in terms of process of

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1 identifying action items. We're going to get  
2 to that, I think, a little later on in the  
3 procedure.

4 And so, there is a process, we're  
5 going to get to it, and maybe I should just be  
6 quiet and wait until we get to the procedure.

7 But I think I do want to relax  
8 that last statement. Just because we're in an  
9 SEC focus meeting, does not mean - that does  
10 not relieve us of the responsibility of  
11 looking through notes and minutes to see  
12 whether or not there are action items that  
13 need to be addressed beyond the technical  
14 document we're currently writing.

15 MR. FITZGERALD: We've been  
16 through, for example, some of the Site Profile  
17 revisits. And there are still some issues  
18 that require some disposition on a technical  
19 level, but are fairly significant even though  
20 they weren't of SEC significance. And it just  
21 seems like there's a number of items that you  
22 want to capture.

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1           And I thought the criteria were  
2 good criteria, just without getting ahead of  
3 myself, but I - sort of a hip bone connected  
4 to the leg bone type of thing. I wasn't quite  
5 sure how those things would get to the  
6 individual who could apply those criteria and  
7 sort of say, yes, this is something that  
8 should be nailed down better and we need to  
9 track it. It needs to go into some kind of  
10 system so it doesn't get lost, and that  
11 process wasn't clear.

12           MR. HINNEFELD: Well, we'll have to  
13 - we've got a process now. We'll have to  
14 maybe look at some of those kinds of meetings,  
15 you know, maybe look back at some of the old  
16 meetings and see whether we can go through  
17 that process there.

18           I was just going to suggest that  
19 coming out of here we could - we'll work with  
20 the ATL to identify some of those types of SEC  
21 or Site Profile revisit meetings.

22           I don't want to go back, you know,

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1 eight or nine years, but we can go back a  
2 couple anyway and then go through the process  
3 with the record from those meetings whether  
4 it's meeting minutes or notes.

5 Then, the process is all on our  
6 side. We'll just work with the ATL to  
7 identify which are those meetings. And we'll  
8 go through that process on our side and see if  
9 we can arrive at - see if we arrive at actions  
10 and see if we can go back a little bit.

11 Like I said, I don't want to go  
12 way back, but I'm willing to go back a couple  
13 years.

14 MR. FITZGERALD: Now, this process  
15 is outreach-oriented. This is really the ATL-  
16 oriented just to clarify. I mean, everything  
17 else that comes open transom, you know,  
18 wouldn't fall into this venue at all.

19 MR. HINNEFELD: Right.

20 MR. FITZGERALD: I mean, if  
21 somebody writes in and says, you know, I'm at  
22 such and such a site and I've got this

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1 technical issue, you would disposition that as  
2 a separate response.

3 MR. HINNEFELD: And I know Chris  
4 had to drop off our phone call and she's  
5 probably not on right now. And Chris in the  
6 past six months has been - had a detail or she  
7 had like a - I forget - eight-month detail as  
8 deputy director of the division, our division.

9 And she just started a detail on the World  
10 Trade Center for the majority of her time.

11 So, progress on some items are not  
12 going, you know, have not gone as quickly as  
13 they would have otherwise, but the - but our  
14 view is that we don't want to try to address  
15 all those various inputs in what we call an  
16 output procedure. We want to address them,  
17 and we want to have a system for addressing  
18 them.

19 And so, that has not proceeded as  
20 far as maybe it would have had we not had  
21 other conflicting resource demands.

22 MR. FITZGERALD: So, there is

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1 certainly an intent to integrate -

2 MR. HINNEFELD: The same kind of  
3 process. We expect to use the same kind of  
4 process, which is having the cognizant health  
5 physicist from our side go through the  
6 information as provided whether it comes from  
7 an outreach meeting, whether it comes in  
8 through, you know, any of the various sundry  
9 ways that information just pops into us, go  
10 through the same thing and determine, okay,  
11 what is, you know, what is the thing here, are  
12 there action items here, and capture it in  
13 some fashion.

14 Probably not in outreach tracking,  
15 but something akin to outreach tracking or  
16 maybe into an integrated system that include  
17 both the outreach tracking system and actions  
18 and things that come in otherwise.

19 CHAIR BEACH: Okay. So, on the  
20 matrix, the second portion I'm going to call  
21 completed, because I think the essence of it  
22 was the WISPR.

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1 MR. FITZGERALD: This more gets  
2 into -

3 MS. AYERS: These specific things  
4 are done.

5 CHAIR BEACH: Yes, okay.

6 MS. AYERS: And the others are  
7 going to come up later, probably.

8 CHAIR BEACH: So, that will put us  
9 into this F2. You're going to jump on that  
10 one?

11 MS. AYERS: All right. Finding 2,  
12 the procedure does not specify criteria for  
13 identifying action items or evaluating the  
14 adequacy and timeliness of response  
15 resolution.

16 So, here we go. Okay. So, this  
17 is leading right into what we're talking about  
18 already. The procedure described a process  
19 for documenting action items rather than every  
20 comment that was collected. And, therefore,  
21 identifying/capturing those action items is a  
22 key element of being responsive toward

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1 comments and getting them considered just as  
2 we have said. So, that's what this one was  
3 about.

4 Work Group-recommended actions;  
5 Number 1, additional guidance will be  
6 incorporated into PR-012 to address action  
7 items final disposition determination.  
8 Responsible address commitment date, review  
9 for technical adequacy, designation of whether  
10 technical document requires an update and  
11 identification of how the action item was  
12 closed.

13 And that is all coming through in  
14 Appendix E.

15 MR. FITZGERALD: And that was  
16 discussed in the very last Work Group meeting,  
17 but had not been manifested in the revision of  
18 the procedure before the Work Group.

19 So, now it has been. So, it's  
20 consistent with the direction or the  
21 recommendation of the Work Group. So, that's  
22 where it stands.

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1 CHAIR BEACH: So, that one is  
2 considered completed, unless I hear otherwise.

3 So, Number 2.

4 MS. AYERS: Actually, Number 2 -  
5 Number 1 and Number 2 are both -

6 CHAIR BEACH: Exactly the same.

7 MS. AYERS: They're pretty much in  
8 the same boat.

9 CHAIR BEACH: And thank you for  
10 referencing the transcript, too, to be able to  
11 go back and look at that. That was helpful.

12 MS. AYERS: Got to keep my brain  
13 straight to make sure -

14 CHAIR BEACH: That was very  
15 helpful. You did a good job, Lynn.

16 MS. AYERS: Okay. Oh, there's the  
17 three - oh, WISPR comments. I guess it  
18 affected a lot of things. So, I guess -

19 MR. FITZGERALD: I think we  
20 discussed that.

21 MS. AYERS: Appears to be -

22 CHAIR BEACH: Make sure there's

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1 nothing missing.

2 MS. AYERS: This was the end of F2.

3 MR. FITZGERALD: The same as the  
4 previous one.

5 MS. AYERS: Right.

6 CHAIR BEACH: Okay. So, we're  
7 calling F3 completed - never mind. I got it.

8 MS. AYERS: We haven't gotten to F3  
9 yet.

10 CHAIR BEACH: Okay, go ahead.

11 MS. AYERS: Okay. F3 is the  
12 majority of expected documentation is not  
13 available at the time of the review in OTS for  
14 the meetings conducted within the effective  
15 period of PROC-12.

16 Kathy did prepare a follow-up  
17 review in - when was that? December of 2010.

18 It included several recommendations.  
19 Incorporate guidance provided in those extra  
20 informational - I think they might have been  
21 slides at the meeting. Classification of  
22 worker outreach meetings and types of NIOSH

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1 meetings. I believe that's been done in one  
2 of the appendices.

3 Complete communication and  
4 training of facilitators and hold them  
5 accountable. So, those were our  
6 recommendations for the follow-up for it.

7 So, action items, SC&A had an  
8 action item to validate one of the updates of  
9 OTS result that concerned under Finding 3.  
10 That's the report from 2010, what we just  
11 described.

12 NIOSH action items. Number 1,  
13 reevaluate the meeting minutes from meetings  
14 conducted since the implementation of OCAS-PR-  
15 012 based on the new criteria and determine if  
16 there are additional action items.

17 MR. JOHNSON: And we did that and  
18 we identified what meetings had minutes or  
19 were required to have minutes. And I sent a  
20 memo out to the respective HPs.

21 They reviewed the minutes and  
22 responded back in all cases indicating that

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1 there were no additional action items  
2 identified in the minutes.

3 CHAIR BEACH: So, is that captured  
4 anywhere? It's not, is it, in the procedure.  
5 That's -

6 MR. HINNEFELD: Well, I mean,  
7 there's really nowhere in the procedure to  
8 write something like this.

9 CHAIR BEACH: Yes.

10 MR. HINNEFELD: That's more of a  
11 historical actions taken.

12 CHAIR BEACH: Yes.

13 MR. HINNEFELD: It occurs to me  
14 that's a one-point decision, you know. One  
15 person looks at it and says there's nothing  
16 new.

17 CHAIR BEACH: Yes.

18 MR. HINNEFELD: I'm toying with  
19 whether or not there may be a sampling of  
20 those ought to be looked at by a second person  
21 on our side or your side or something.

22 MS. AYERS: You have a list of the

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1 meetings that we reviewed in that matter?

2 MR. JOHNSON: This is a listing of  
3 the procedures in yellow. And those were the  
4 folks that were - that it was sent to. And  
5 then attached to it is their responses.

6 MR. HINNEFELD: Okay. Well, in the  
7 essence of cooperation, I think I'd like to  
8 look at this and maybe share it with the Work  
9 Group and SC&A, rather than say, okay, well,  
10 our people said it's okay, so it's okay, you  
11 know. I'd like to look at it for --

12 CHAIR BEACH: So, could we do  
13 something, some kind of a sampling?

14 MR. HINNEFELD: Well, I mean --

15 MR. JOHNSON: How many are there?  
16 It might not -

17 CHAIR BEACH: Yes, how many are  
18 there?

19 MR. HINNEFELD: There are - well,  
20 in terms of number of sites, there are - or  
21 number of meetings. These are eight meetings.

22 Two of the meetings are GE

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1 Evendale, which is an NCC approval period.  
2 Two of the meetings are Paducah. They've got  
3 six sites.

4 The others are Kansas City, Weldon  
5 Springs, Huntington Pilot Plant and Simonds,  
6 or "Simmons," Saw and Steel.

7 We've been calling it Simonds.  
8 Somebody from the neighborhood up there called  
9 it "Simmons" one time. So, we were wondering  
10 if maybe we were wrong.

11 (Laughter.)

12 MR. FITZGERALD: These are outreach  
13 meetings, not the SEC focus meetings. We've  
14 had eight of those since the -

15 MR. HINNEFELD: Well, the earliest  
16 one on here is on August of 2009. And the  
17 latest one looks like it's in July of 2010.  
18 And these were - well, let me think.

19 I think there may have been a  
20 variety of reasons for having these. I'm not  
21 really sure.

22 MR. FITZGERALD: Just seems like

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1 eight --

2 MR. HINNEFELD: GE Evendale, I  
3 believe, was the focus group meetings we had  
4 when we were trying to finalize that  
5 Evaluation Report and to vote on the  
6 Evaluation Report, because we were having a  
7 series of focus meetings with those people.  
8 That's probably what those were.

9 Paducah in December of `09, Chuck  
10 Nelson was there - or at least he's the guy  
11 who looked at the - he's the one who looked at  
12 the minutes.

13 MEMBER MUNN: Well, certainly eight  
14 meetings would not be burdensome for us to  
15 take a look at.

16 MR. FITZGERALD: No, no. I thought  
17 it would be more than that.

18 MEMBER MUNN: Yes.

19 CHAIR BEACH: So, Jim, do you want  
20 to take a look at those and then share them  
21 with the Work Group, SC&A possibly?

22 MR. HINNEFELD: I would love for

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1 Jim to do that, but I'm afraid I'm going to  
2 have to.

3 (Laughter.)

4 CHAIR BEACH: I'm sorry, Stu. I  
5 was with Jim all day yesterday. I was with  
6 Jim all day yesterday.

7 Okay. So, Stu, would you like to  
8 take a look at those and then --

9 MR. HINNEFELD: Nobody on our golf  
10 league can tell us apart either and we've been  
11 playing in that league for five years.

12 CHAIR BEACH: Oh, so I don't feel  
13 so bad.

14 MR. HINNEFELD: No, no.

15 CHAIR BEACH: How do you want to  
16 share that?

17 MR. HINNEFELD: I'd like to read it  
18 first, and then I'll just - it's an email.

19 CHAIR BEACH: Right.

20 MR. HINNEFELD: They can send me  
21 the email version and then I want to go  
22 through it and see what I think, and then I'll

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1 just add it on to the --

2 CHAIR BEACH: Okay. So, the action  
3 is for Stu to review and then to send it on to  
4 the Work Group.

5 MR. FITZGERALD: Just for  
6 curiosity's sake, any action items come out of  
7 the --

8 MR. HINNEFELD: Well, the HPs all  
9 said there's nothing new.

10 CHAIR BEACH: Okay.

11 MR. FITZGERALD: Nothing new, okay.

12 MR. HINNEFELD: See, the problem  
13 with that is it's a - it's beneficial to you  
14 to say there are no new action items if you're  
15 the HP, because you're the HP that's going to  
16 have to deal with it. So, that's why I'm  
17 thinking about the one point - it's a one-  
18 point decision.

19 All these people are good people  
20 and conscientious people. I think they  
21 probably made the right decision.

22 CHAIR BEACH: Sure.

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1 MR. HINNEFELD: But I just like to  
2 know what we're saying. Unfortunately, we  
3 don't all think alike in our organization.

4 CHAIR BEACH: Okay.

5 MR. HINNEFELD: Or maybe  
6 fortunately.

7 CHAIR BEACH: So, we'll put that as  
8 an action coming from you, Stu. I even put  
9 your name down spelled correctly.

10 Okay. So, two.

11 MS. AYERS: Two, incorporate  
12 guidance for classification of worker outreach  
13 meetings and types of NIOSH meetings into PR-  
14 012 or internal guidance document. NIOSH  
15 added Appendix F, examples of likely outreach  
16 meeting documents. So, that would be the  
17 response to that issue.

18 CHAIR BEACH: Okay. And I'm going  
19 to assume we're all happy with these being  
20 completed as they are - as we go through them,  
21 unless I hear differently.

22 So, F4.

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1 MS. AYERS: Page 7, F4.

2 CHAIR BEACH: Moving right along.

3 MS. AYERS: Finding 4, the  
4 procedure fails to consider other venues of  
5 worker outreach. The multiple venues are not  
6 subjected to equivalent standards for  
7 documentation. Of particular concern is the  
8 two-track system for obtaining and documenting  
9 worker input that appears to give site expert  
10 interview records more weight than worker  
11 input obtained through outreach meetings.

12 Okay. Background here. Some of  
13 the venues that were brought up include, but  
14 are not limited to, Advisory Board meetings,  
15 the OCAS website, docket, CATIs and close-out  
16 interviews.

17 This is specifically not when  
18 information may be discussed in one of those  
19 interviews that goes beyond the application to  
20 just the individual case.

21 General information, emails,  
22 letters, inside expert interviews. Some of

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1 those procedures are formalized, but existing  
2 procedures don't provide a mechanism by which  
3 site-specific - general site-specific  
4 information may be captured for consideration  
5 and technical work products.

6 MR. FITZGERALD: Yes, if I may,  
7 this sounds like what Stu was referring to as  
8 Chris' project, a thankless project --

9 MR. HINNEFELD: Yes.

10 MR. FITZGERALD: - to find a - to  
11 develop an integrated tracking system that  
12 would somehow envelope both the outreach  
13 meetings as well as other sources. And I  
14 would assume that includes interview sources  
15 as well.

16 Just make sure that significant  
17 inputs aren't lost by virtue of where they  
18 came from, I guess, is the best way to put it.

19 I guess the only question there  
20 would be - for the Work Group would be, you  
21 know, a little bit of sense of time frame.

22 I guess Chris sounds like she is

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1 pretty busy.

2 CHAIR BEACH: So, that gets us back  
3 to Number 1, right?

4 MR. FITZGERALD: Right.

5 CHAIR BEACH: And the action was  
6 status unknown. So, I guess NIOSH - Stu, if  
7 you could maybe tell us what you're thinking  
8 on that time frame-wise or --

9 MR. HINNEFELD: Well, sitting here  
10 today I don't really have a good answer. This  
11 is also - and I don't think you should expect  
12 that this is going to be complete any time  
13 soon.

14 And the reason I say that is some  
15 of these input avenues you've talked about are  
16 going to be complicated. CATI in particular  
17 is going to be very complicated. Close-out  
18 interview may be not quite as complicated.

19 And then some of them won't be  
20 very complicated, you know, like matching this  
21 to the docket or to our inbox, our email  
22 inbox. I mean, building a system for those

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1 will not be very complicated, but some of  
2 these other avenues are going to be  
3 complicated and difficult.

4 And by difficult, I mean resource-  
5 intensive to impose, to put something like  
6 this in.

7 MEMBER MUNN: But the Advisory  
8 Board meetings is done.

9 MR. HINNEFELD: Yes, the Advisory  
10 Board meetings are done.

11 MEMBER MUNN: That's a big lump.

12 CHAIR BEACH: Yes, start with the  
13 small, simple. And I think some of this was  
14 in the ten-year review, too.

15 MR. HINNEFELD: Yes.

16 CHAIR BEACH: And I know Chris is  
17 going to report on that later today when she's  
18 back on the line and when we get to that  
19 section.

20 MR. FITZGERALD: Just to go back, I  
21 mean, yes, I think this is a complex  
22 undertaking. Programmatically you're crossing

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1 different venues, different sources and  
2 they're not very much the same. The form of  
3 the input is very much different. So, it's  
4 not an easy thing to do.

5 What I think we emphasize, though,  
6 was the importance of proceeding, because in a  
7 way, the concern that we had originally going  
8 back a year or two is that somehow it was  
9 almost like the tail wagging the dog.

10 The tracking system, the rigor of  
11 the process, the attention given to that  
12 process could very well - and, I think, in the  
13 opinion of our reviewers in the past, did -  
14 influence what inputs got, you know, what  
15 visibility in the system.

16 That because outreach, because of  
17 the good efforts of ATL and others, there was  
18 a fairly rigorous process of capturing, you  
19 know, what was being said in these worker  
20 outreach meetings and some of the venues.

21 That came out with a pilot study,  
22 in fact, that, you know, these, just by virtue

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1 of the way they were handled, were more  
2 readily captured, more readily handled and  
3 managed.

4 Other venues were less so and not  
5 because there was any intent not to give them  
6 attention. It's just the regime, the tracking  
7 system, the process, was not quite as rigorous  
8 and they didn't necessarily wind up in the  
9 same place as perhaps the SEC focus groups or  
10 some of these other rather intense spotlight-  
11 type worker outreach things.

12 So, I think, if anything, what  
13 Chris is doing is a leveling effort. It sort  
14 of levels the playing field, you know. In  
15 terms of comments, they're going to be given  
16 attention by virtue of their significance  
17 apart from where they came from and how they  
18 came into the organization, which I think is a  
19 pretty important thing, but it's not an easy  
20 thing.

21 So, I just wanted to throw that in  
22 because I think the basis for the concern came

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1 from a sense that there was maybe a two-level  
2 process or, you know, sort of a bifurcated  
3 process of which, you know, one source wasn't  
4 quite given the visibility that the other  
5 source was, not by intention, just by virtue  
6 of the process that had been originally set  
7 up.

8 And now, you know, eight, ten -  
9 nine, ten years into it and that's where I  
10 think the ten-year review gets into it,  
11 looking back realize that, okay, this is the  
12 way things proceeded over time.

13 But if you want to make it much  
14 more homogeneous, then you certainly would  
15 look at how you would actually do it if you  
16 were to do it today. And you'd probably make  
17 it more leveling, you know, more inclusive  
18 than maybe it is now.

19 And I think looking at some of the  
20 stuff, Rocky was the notion that, yes, back in  
21 2004, the context and the focus was how can  
22 one capture the specific information to be the

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1 Site Profile and to get into an SEC review,  
2 and that was it.

3 I mean, that was, you know, sort  
4 of remember those days, you know. You really  
5 didn't have much time for anything else.

6 Now, it's gotten to be a little  
7 bit different in terms of the tempo and what's  
8 being looked at. And I think that's where it  
9 makes more sense to sort of step back and say,  
10 can you do that. And it sounds like it's  
11 going that way.

12 MR. HINNEFELD: I just really can't  
13 offer up a time today for sure. And Chris  
14 isn't a hundred percent on the World Trade  
15 Center. So, I can still go talk to her about  
16 it.

17 MEMBER SCHOFIELD: Seems like the  
18 CATIs, particularly the close-out interviews,  
19 are at a higher risk of HIPAA violations that  
20 you almost have to - you almost walk on  
21 eggshells in some of those cases.

22 You get the information that could

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1 be used in this database, but still not have  
2 any type of personal identifiers.

3 MR. HINNEFELD: Well, depending  
4 upon, you know, as long as this database stays  
5 within the program, it's not a problem where  
6 the privacy - we are all Privacy Act-trained.  
7 We all know our responsibilities under the  
8 Privacy Act.

9 So, the difficulty becomes when  
10 you want to make information part of the  
11 public and it becomes a little more difficult.

12 But it would seem to me that we  
13 could deal with it as an internal resource,  
14 meaning internal to all of us who work the  
15 project.

16 The difficult thing, to me, is  
17 that there are so many CATIs and so many  
18 close-out interviews. And the people who do  
19 those interviews are very good at doing the  
20 interviews, but they're not health physicists.

21 And so, to get health physics to  
22 interject into that process to determine, you

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1 know, and this has got to be the health  
2 physicist who's knowledgeable about the site  
3 you're talking about where the person worked  
4 at. So, it can't just be anybody.

5 To go through that and determine  
6 this is a generic comment that this person  
7 made. That they made it in the context of  
8 their own claim, but it's generically  
9 applicable. And so, that is just a huge  
10 undertaking.

11 And my mantra whenever we talk  
12 about things like this in any Work Group  
13 meeting is, the effort we spend on this is  
14 effort we're not spending on doing new dose  
15 reconstructions and evaluating SEC Evaluation  
16 Reports and, you know, going back and  
17 revisiting Site Profiles, many of which have a  
18 number of open findings on them.

19 So, for that reason I try to be a  
20 little bit stingy in trying to really promise  
21 that we're going to put HP resources into this  
22 effort when, by and large, the comments you

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1 hear on CATI and close-out interview are  
2 claim-specific and you don't understand my  
3 experience or things to that event, you know.

4 Here's what I know about what I did.

5 And what we hear normally is  
6 consistent with our understanding of how  
7 things worked at the site, but this person may  
8 tell us something about their personal  
9 situation that maybe we would not have  
10 realized otherwise.

11 So, to me, it's a lot - it seems  
12 to me like a big investment. And the only way  
13 you're going to do it is to look at every one.

14 You've got to have somebody with the  
15 technical expertise at each one.

16 And so, that one, to me, is one  
17 that I don't relish taking on any time in the  
18 near future. Some of the other avenues I  
19 think we can take care of relatively  
20 straightforwardly.

21 MEMBER SCHOFIELD: Well, I think  
22 you addressed one of my concerns is basically

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1 keeping CATIs internalized and giving that  
2 interviewer the opportunity if they see  
3 something they feel is, you know, applicable  
4 site-wide, then they can take that out of the  
5 CATI interview.

6 Obviously, it's going to have to  
7 be cleaned up and then transferred over and  
8 then someone else can take a look at it, but  
9 otherwise -

10 MR. HINNEFELD: We have discussion  
11 with our contractor ORAU, our other  
12 contractor, about what might be done.

13 A couple of the CATI people are  
14 technically smart - or, I mean, technically  
15 competent.

16 MR. LEWIS: They're not health  
17 physicists.

18 MR. KATZ: Doesn't the DR person  
19 for a claim review the CATI interview?

20 MR. HINNEFELD: Well, that's the  
21 other thing. The dose reconstructor will  
22 look, you know. So, there is always an HP

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1 that looks at the CATI.

2 MR. KATZ: Right.

3 MR. HINNEFELD: It might be able to  
4 catch it at that. So, that would be something  
5 for us to talk to ORAU about.

6 MR. KATZ: Yes.

7 CHAIR BEACH: So, let's go ahead  
8 and talk about Two, and then we'll take our  
9 morning break.

10 So, let's finish that one up.  
11 We've discussed some of it, but -

12 MS. AYERS: Okay. Two said,  
13 "develop a proposal for resolving the dual-  
14 track system for site expert interviews and  
15 worker outreach meetings. This will take into  
16 consideration different types of comments,  
17 various sources and how it informs the review  
18 preparation of technical work documents.  
19 Consideration given to resolving how comments  
20 from different types of workers or site  
21 experts are weighted."

22 This feels like it's all part of

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1 one conversation, so I'm not quite sure what  
2 that might look like.

3 Obviously, Appendix E is dealing  
4 specifically with the outreach meetings. And  
5 that piece is complete.

6 CHAIR BEACH: And it's captured in  
7 Appendix E.

8 MS. AYERS: Right. NIOSH has  
9 already said that PR-012 is not going to  
10 attempt to cover the broad range of venues.  
11 So, we don't know exactly what actions they  
12 would be taking in that regard.

13 CHAIR BEACH: Well, we're still  
14 looking for a proposal of how they're going to  
15 resolve that issue. And I think that goes  
16 back to Stu to, number one, a timeline. And I  
17 think that's kind of on you, NIOSH, to kind of  
18 answer.

19 MR. HINNEFELD: Yes.

20 CHAIR BEACH: So, they're coming  
21 together. It's partially answered.

22 Okay. Anything else? Joe, any

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1 other --

2 MR. FITZGERALD: No.

3 CHAIR BEACH: Okay. Let's go ahead  
4 and take a 15-minute break. Everyone okay  
5 with that?

6 (Whereupon, the above-entitled  
7 matter went off the record at 10:26 a.m. and  
8 resumed at 10:44 a.m.)

9 MR. KATZ: We are back, re-  
10 convening after a short break. Worker  
11 Outreach Work Group. Josie?

12 CHAIR BEACH: Okay. So, we are on  
13 to Number F5. And, again, I'll have Lynn go  
14 ahead and go through that.

15 MS. AYERS: Okay. Finding 5, the  
16 procedure does not describe a process for  
17 assuring that worker feedback is accurately  
18 and completely documented.

19 This was dealing primarily with  
20 the affirmative sign-off by meeting  
21 participants who provided input and the  
22 destruction of audiotapes which might prevent

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1 the resolution of issues that might arise  
2 regarding omissions or misrepresentation.

3 SC&A recommended a feedback loop,  
4 including a specified review period for  
5 verifying accuracy and completeness of meeting  
6 minutes, notes or interview summaries.  
7 Furthermore, the procedure should address how  
8 comments provided during - well, we talked  
9 about that already - comments during  
10 information-giving meetings are to be  
11 documented and resolved.

12 Okay. So, action item - oh, SC&A  
13 recommended that the invitation letter should  
14 include a disclosure that tapes being made by  
15 NIOSH and its contractor will be destroyed, so  
16 that participants can bring their own  
17 equipment if they desire to record the  
18 proceedings.

19 So, Action Item 1 for NIOSH in  
20 OCAS-PR-012, "include additional wording at  
21 the end of the statement addressing the  
22 recording of the meeting stating that copies

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1 will not be available for public  
2 distribution."

3 So, that is in Appendix A, general  
4 meeting structure and discussion points and  
5 announcement made at the start of the - oh,  
6 that's where it's addressed.

7 And SC&A remaining observation is  
8 that if they just make the announcement at the  
9 start of the meeting, that wouldn't  
10 necessarily address this opportunity for  
11 people to be able to bring their own  
12 equipment, if they want, to record the  
13 proceedings.

14 MR. HINNEFELD: Unless we announce,  
15 as we announce the meeting, unless we tell  
16 them the meeting is going to be recorded, and  
17 then at the meeting tell them, well, it's  
18 going to be recorded, but it's going to be  
19 destroyed, it's not available -

20 MS. AYERS: Right.

21 MR. HINNEFELD: - what would  
22 prevent them if they wanted to record it, what

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1 would prevent them from bringing it anyway?

2 If they want to record the meeting  
3 and we don't say anything about it being  
4 recorded, if they want a recording of it, they  
5 would bring their own equipment.

6 We don't ever promise - we don't  
7 say anything about recording until we're  
8 there.

9 MEMBER MUNN: Given the state of  
10 digital technology now, anyone who wants to  
11 record anything can record it.

12 MR. HINNEFELD: Can record  
13 anything, yes. Find yourself on YouTube.

14 MEMBER MUNN: It's not 2005.

15 MS. AYERS: So, the announcement's  
16 there.

17 MR. HINNEFELD: I just don't - I  
18 don't think there's a need to do that. I  
19 think that if they want a recording, they can  
20 bring their equipment, they can record it.

21 CHAIR BEACH: Well, as I looked at  
22 the procedure, Appendix 8 is four pages long.

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1       It's a long appendix. And I made a note that  
2       what you added under the focus meeting on Page  
3       13, "makes announcement addressing the  
4       recording of the meeting." And I said it  
5       needs a better explanation of "recording of  
6       the meeting." But then when you go back to  
7       Page 16, it tells you this meeting is being  
8       recorded. So, it just seems cumbersome to me.

9               I guess I was wondering why what  
10       was noted on Page 16 wasn't on Page 13.

11               MS. AYERS: Is it just because it  
12       comes up in each different meeting type?

13               CHAIR BEACH: I don't know.

14               MS. AYERS: Do you want it repeated  
15       each time?

16               CHAIR BEACH: I'm not sure. I was  
17       going to ask J.J. about -

18               MR. JOHNSON: Because what is on 16  
19       is what is announced, made as an announcement.

20               CHAIR BEACH: Okay. So, then the  
21       double asterisk, what was the purpose of that  
22       on Page 13, makes the announcement?

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1                   So, does the double asterisk, does  
2                   that mean that it's going to be an  
3                   announcement or - I was trying to figure that  
4                   out.

5                   It's just kind of confusing, I  
6                   guess. I'm a little confused by this.

7                   MR. JOHNSON: The thing is, I put  
8                   the double asterisk so that a person can go  
9                   back here and see what is being said about the  
10                  --

11                  MEMBER MUNN: Read the quote.

12                  MR. JOHNSON: Pardon?

13                  MEMBER MUNN: I said perhaps you  
14                  should read the quote, so everyone can hear  
15                  what that says.

16                  CHAIR BEACH: Oh, at the bottom of  
17                  Page 15.

18                  MEMBER MUNN: Yes.

19                  "This meeting is being recorded.  
20                  The purpose of the recording is to help  
21                  prepare accurate meeting minutes. Thus, the  
22                  recording is a tool and will be destroyed once

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1 the minutes of this meeting have been  
2 finished. Does anyone object to the use of  
3 the recording?"

4 If there's no objection, you  
5 record.

6 CHAIR BEACH: Okay.

7 MEMBER MUNN: If there are  
8 objections, then we have to resolve it on the  
9 spot.

10 CHAIR BEACH: And then on Page 16,  
11 you've got the double asterisk. And  
12 additionally as appropriate at the beginning  
13 of the meeting interview, OCAS team facility  
14 or DCAS representative will address and  
15 discuss the sensitive classified material.

16 Okay. It just seemed a little  
17 disjointed to me. Maybe that's just a flow  
18 thing for me.

19 MR. JOHNSON: I'll look at it and  
20 see what I can do to kind of streamline it.

21 MR. HINNEFELD: Yes, I think it was  
22 constructed that way because at least in two

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1 locations, one under the focus group for  
2 outreach and another one under the worker  
3 outreach town hall meetings, both those  
4 announcements are made.

5 So, rather than repeat those  
6 fairly lengthy announcements in two places,  
7 there's just a discussion of recording  
8 announcement with an asterisk.

9 Then you look at the asterisk, and  
10 then it tells you what the recording  
11 announcement is, and the security  
12 announcement, which is two asterisks. Then  
13 you look at the two asterisks and you see what  
14 security means. It's to abbreviate the  
15 procedure rather than write those two  
16 announcements out twice.

17 CHAIR BEACH: That's clearer now  
18 looking at it. It was a few days ago that I  
19 actually wrote that comment, but okay.

20 So, everything is covered, it just  
21 - it's just cumbersome. It's four pages  
22 there.

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1                   MEMBER SCHOFIELD: Yes, but Mark  
2 can tell you from his experience, and the  
3 number of them that I have attended, a lot of  
4 people if they see you taking notes, they  
5 think you're taking - they need to understand  
6 that it is verbatim what's being said. Then  
7 some of them will come back and say, well,  
8 where's the transcript, you know? So, if they  
9 expect a transcript, you know, or there isn't  
10 one being done, it definitely should be  
11 addressed up front so people understand this.

12                   MR. HINNEFELD: I mean, they don't  
13 say it a lot of times. Maybe it's not in here  
14 that there's no transcript.

15                   It would be easy enough to put in  
16 the recording, you know, saying, "there won't  
17 be a transcript prepared, but the recording is  
18 used to help prepare the minutes of the  
19 meeting, but there won't be a transcript  
20 prepared."

21                   MEMBER SCHOFIELD: I think that  
22 would be sufficient.

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1                   MEMBER MUNN: It says minutes of  
2 the meeting.

3                   MR. HINNEFELD: Okay.

4                   MEMBER MUNN: It says minutes.

5                   CHAIR BEACH: Okay. Anything else  
6 on Appendix A covered in this Topic Number 1?

7                   (No response.)

8                   CHAIR BEACH: We'll go ahead and go  
9 to Two if there's no objection.

10                  MS. AYERS: Two, evaluate the  
11 feasibility of incorporating a feedback loop  
12 into PR-012. Feedback for a large group  
13 meeting may be obtained from the meeting  
14 organizer after a specified target date. Lack  
15 of response is interpreted as consent or  
16 agreement. It's a little bit cumbersome here.

17                  Okay. Appendix G of the draft  
18 describes a feedback loop in which draft  
19 outreach meeting minutes are distributed to  
20 the post -- organization and posted on the  
21 website for 60 days. So, that's NIOSH's  
22 action.

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1           And I wrote a comment: to promote  
2 review and comment by individual participants,  
3 I suggest that we could inform participants at  
4 the time of the meeting that the minutes will  
5 be posted for their validation after all these  
6 steps are completed so they might know to look  
7 for it, that they would have that opportunity  
8 to give feedback.

9           CHAIR BEACH: So, that's a  
10 recommendation that came out of -

11           MS. AYERS: Right. That's our  
12 observation.

13           CHAIR BEACH: And Appendix G -  
14 Appendix G was all written after our last Work  
15 Group meeting, correct? After the June 29th?

16           MS. AYERS: Yes.

17           CHAIR BEACH: So, this is sort of a  
18 new section, yes.

19           Did you get a chance to review  
20 Section G? Any comments on it?

21           MS. AYERS: I think that's the end  
22 of the comment.

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1 CHAIR BEACH: That's the end  
2 comment there, okay.

3 MS. AYERS: But I tended to do more  
4 of an observational thing. This is what they  
5 did and, you know, leave it to the Work Group  
6 to determine if they were satisfied with it.

7 So, Appendix G is on Page -

8 CHAIR BEACH: 30.

9 MS. AYERS: - 30.

10 CHAIR BEACH: And 31.

11 MS. AYERS: That's the whole  
12 development process for the worker outreach  
13 minutes.

14 CHAIR BEACH: So, J.J., is that  
15 comment doable, SC&A's comment recommending  
16 informing the participants at the time of the  
17 meeting that the minutes will be posted for  
18 their validation?

19 Is that something that's --

20 MR. JOHNSON: I can put a triple  
21 asterisk on here.

22 (Laughter.)

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1 MR. JOHNSON: And add that in, you  
2 know, as a comment right up front.

3 MR. HINNEFELD: It kind of fits  
4 with the recording.

5 MS. AYERS: With the recording,  
6 yes.

7 MR. HINNEFELD: You can put it in  
8 the recording part, because that's where  
9 you're talking about preparing minutes.

10 MR. KATZ: You can stick with just  
11 two asterisks.

12 CHAIR BEACH: Well, we've already  
13 got two asterisks used. So, we have to -

14 (Simultaneous speakers.)

15 MS. AYERS: Would the notes be  
16 posted in a meeting that you weren't  
17 recording?

18 MR. JOHNSON: Say that again.

19 MS. AYERS: Would the minutes/notes  
20 be posted in the same way if there wasn't a  
21 recording? I'm just wondering if there's an  
22 either/or there.

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1 MR. McDOUGALL: For our meetings,  
2 there's never been not a recording.

3 MS. AYERS: Right. So, the only  
4 ones are like the focus groups and things  
5 where ATL is not represented wouldn't have a  
6 recording, would they post the minutes for  
7 that? Would there be this feedback loop?

8 Because that would be the only  
9 reason you wouldn't put it right in with the  
10 recording is if you could sometimes have the  
11 minutes available for review when there's not  
12 a recording.

13 MR. JOHNSON: That would -

14 MR. McDOUGALL: Well, in practice,  
15 there's not minutes. If we're not involved,  
16 there's not minutes. All there is, is an HP's  
17 notes.

18 MS. AYERS: So, when there's an  
19 HP's notes, is there a feedback loop for  
20 participants to agree that it's been captured  
21 correctly?

22 MR. JOHNSON: Not necessarily. I

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1 can someplace address that to make sure that  
2 the notes are either reviewed by the  
3 participants or gone over with the  
4 participants.

5 CHAIR BEACH: Okay. Does that  
6 answer your question sufficiently or -

7 MS. AYERS: I think so.

8 MR. FITZGERALD: Yes, I mean, you  
9 know, I think the process is pretty detailed  
10 and the assignment of responsibilities by  
11 organization is pretty clear.

12 So, you know, I think with that  
13 addition I don't have any problems with the  
14 way it's laid out.

15 MS. AYERS: If they add that they  
16 would have them.

17 MR. FITZGERALD: Yes, I think as a  
18 postscript.

19 CHAIR BEACH: My only other  
20 comment, J.J., for Appendix G is you use a lot  
21 of acronyms. And I know this is an in-house  
22 procedure, but there's no, like, acronyms list

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1 at the front to say -

2 MR. HINNEFELD: It's at the back.

3 CHAIR BEACH: Is it at the back?

4 Oh, I looked at the front. Where is it at?

5 Oh, right there. Okay, 31.

6 MS. AYERS: Is that just for that  
7 piece?

8 CHAIR BEACH: That's just for that  
9 piece, and I didn't notice it anywhere else.

10 MR. JOHNSON: No, that was just the  
11 style that I woke up with that morning.

12 (Laughter.)

13 CHAIR BEACH: Okay. All right.  
14 That takes care of that then. All right. Any  
15 other comments on this particular finding?

16 (No response.)

17 CHAIR BEACH: So, action out of  
18 that, could you - J.J., did you get an action  
19 that I neglected to write down?

20 MR. JOHNSON: I would add or  
21 include into the discussion of sharing or  
22 readdressing or covering notes -

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1                   MR. HINNEFELD: Essentially, we  
2 verified with the attendees that the HP's  
3 notes appropriately captured what was said.

4                   CHAIR BEACH: Okay.

5                   MR. HINNEFELD: I think  
6 realistically the best time to do that is at  
7 the meeting, at the end of the meeting.

8                   CHAIR BEACH: Okay. Thank you.  
9 And the next section is on observations.

10                  MS. AYERS: Observation 1, the  
11 procedure does not address the possibility  
12 that sensitive or classified information could  
13 be shared at worker outreach meetings. At a  
14 minimum, the procedure should alert the staff  
15 to submit the recordings, minutes and notes  
16 for classification review if they have any  
17 doubt.

18                  So, that was probably something  
19 that was already being done and hadn't been  
20 captured in the procedure.

21                  CHAIR BEACH: Yes, it was in  
22 abeyance and we were waiting for it to come

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1 out in the procedure.

2 MS. AYERS: Right. So, Number 1,  
3 add a reference and sentence in PR-012 to note  
4 the review of minutes by the Department of  
5 Energy.

6 That is mentioned in Section 5 and  
7 in Appendix G as a step in the development  
8 process for worker outreach minutes. So,  
9 that's been done.

10 Any concerns or questions on that  
11 one?

12 (No response.)

13 MS. AYERS: Moving on. Number 2,  
14 address or reference the process in PR-012 for  
15 the discussion of classified sensitive  
16 material. References and information have  
17 been added in Section 3 in Appendix A.

18 MR. FITZGERALD: That's Observation  
19 1, which has been completed.

20 CHAIR BEACH: Yes, Observation 1 is  
21 completed.

22 MS. AYERS: Oh, is that all of it?

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1 CHAIR BEACH: Yes.

2 MR. FITZGERALD: Yes.

3 CHAIR BEACH: Okay.

4 MS. AYERS: So, that is complete.

5 Observation 2, the procedure does  
6 not provide an opportunity for workers to  
7 discuss potentially classified information.  
8 The workers may be restricted from openly  
9 discussing site-specific information due to  
10 security concerns.

11 So, the procedure should describe  
12 a process for those who wish to share at a  
13 discussion, to include an announcement that  
14 they are not to discuss classified/sensitive  
15 information and a separate interview can be  
16 arranged.

17 That Number 1 has been added in  
18 Appendix A as discussed at the December 16th,  
19 2010 meeting. So, that's complete.

20 Number 2, address or reference the  
21 process for the discussion of  
22 classified/sensitive materials. Complete a

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1 note in Appendix A, directs the staff to  
2 conduct and document special interviews in  
3 accordance with Section 5.2 of PR-10 due to  
4 access and interview procedures. So, the  
5 reference is there, and the tie-in to the  
6 procedure.

7 CHAIR BEACH: Okay. So, that one  
8 has been done and completed. Closed.

9 MS. AYERS: Complete. Okay.

10 Are you ready, Josie?

11 CHAIR BEACH: Yes.

12 MS. AYERS: Okay. Observation 3,  
13 there are no provisions for soliciting  
14 comments from workers who are unable to  
15 physically attend meetings.

16 The action item was to address  
17 independent interviews associated with the  
18 specific outreach meeting will be collated  
19 with the minutes of the group meeting, the  
20 capture of special interviews in OTS.

21 So, if someone could not attend  
22 and they were interviewed separately, that

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1 would be added into OTS in conjunction with  
2 the meeting that it was associated with,  
3 correct?

4 MR. JOHNSON: Well, what I need to  
5 do is we need to back out of that a little  
6 bit, meaning that the interviews are done by  
7 ORAU and we - when we complete the minutes, we  
8 input those into the outreach tracking system.

9 Now, what I would have to do is  
10 obtain the interview, which is now already in  
11 the SRDB, Site Research Database, and put it  
12 in OTS.

13 Once I put it in OTS, it  
14 automatically goes back over to ORAU to  
15 reinsert back into the SRDB. So, there is  
16 that loop.

17 What we are doing is, we've made a  
18 connection between the minutes and separate  
19 interviews. Meaning that on ORAU's side when  
20 it comes to interviews associated with a  
21 particular SEC or outreach meeting, that they  
22 will have documented communication.

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1                   And if it's an SEC, SEC 00192, and  
2 then some additional information, whatever  
3 ORAU wants to put on there as a trail for that  
4 particular documentation.

5                   On our side, we're going to put in  
6 documented communication SEC 00192, and our  
7 identification of what it is, and they both go  
8 into the SRDB.

9                   They go in the SRDB on the ORAU  
10 side, and then separate into ORAU and NIOSH's  
11 SRDB.

12                   And then when we input our  
13 minutes, they go to ORAU and they take those  
14 minutes and classify them as the same name  
15 trail and input it.

16                   So, when somebody does a search,  
17 they do a search on SEC 00192 or documented  
18 communications, and they're tied together.  
19 So, they pull them up that way.

20                   MEMBER MUNN: I hope nobody's  
21 motherboard fails.

22                   (Laughter.)

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1                   MEMBER MUNN: I'm not sure I  
2 followed that completely, J.J., but -

3                   MR. KATZ: Wanda's motherboard  
4 failed.

5                   (Laughter.)

6                   MR. HINNEFELD: We have a fairly  
7 complicated backup system. These are all  
8 running on our server systems.

9                   MEMBER MUNN: Right.

10                  MR. HINNEFELD: And so, there's a  
11 fairly complicated backup for the servers.

12                  MEMBER MUNN: I have a hard time  
13 getting to the SRDB for some reason. I can  
14 get to the OTS easily, but I don't know why I  
15 --

16                  MR. HINNEFELD: Really?

17                  MEMBER MUNN: Maybe I need help.

18                  MR. HINNEFELD: Yes, the thought  
19 process behind the system is that ORAU's side  
20 and our side are used to working out of SRDB  
21 as the repository for information.

22                  And so, by putting the OTS

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1 information automatically into SRDB, it gets  
2 it automatically in front into the data  
3 collection that people are working from.

4 MEMBER MUNN: Where you want it.

5 MR. HINNEFELD: And by this -  
6 you're adopting - this is essentially a file-  
7 naming convention that J.J. is talking about.

8 You then - the type of search that  
9 you would use to find one, will find the  
10 other. And so, that's the idea that you will  
11 then pull these things up.

12 This is also trying to sort out  
13 that dual-track issue with worker input kind  
14 of gets treated differently than interview  
15 input, because this puts it all in the same  
16 place, it makes it all findable with the same  
17 kind of search you would do and brings it up  
18 together.

19 So, it's an attempt to try to  
20 systematize what we intend to do, which is to  
21 get all this information in front of the  
22 technical people so they can weigh it all

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1 appropriately.

2 MEMBER SCHOFIELD: That's good.

3 CHAIR BEACH: Okay. So, J.J., the  
4 second part of that is consider adding  
5 documentation on special interviews as  
6 appropriate to the list of potential documents  
7 associated with the types of outreach meetings  
8 in Appendix F.

9 Is that something that based on  
10 what you just described that is covered or -

11 MR. JOHNSON: Yes, yes.

12 CHAIR BEACH: So, we don't  
13 necessarily need to document that in F, unless  
14 -

15 MR. JOHNSON: No.

16 CHAIR BEACH: I guess I'm looking  
17 just for some thoughts from you on that  
18 comment.

19 MS. AYERS: So, that would make it  
20 similar to action items. It's just something  
21 that -

22 MR. JOHNSON: If it's associated

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1 with an outreach, it will be connected.

2 CHAIR BEACH: Yes, that's kind of  
3 what I gathered.

4 MR. JOHNSON: That was the intent.

5 CHAIR BEACH: Right. It sounds  
6 like a good system. What's your thoughts on  
7 it? Because this was an SC&A recommendation  
8 there, I believe.

9 MS. AYERS: And that was just one  
10 of these procedural consistency sort of  
11 things. Like, if we have an Appendix F that  
12 says this is what we might find in OTS, then  
13 should those go there as something we might  
14 find?

15 MR. FITZGERALD: Just for  
16 clarification, though, it sounds like it's all  
17 right the way it is.

18 MS. AYERS: Yes, I agree.

19 CHAIR BEACH: Okay. Great. So,  
20 the second part of this - let me catch up  
21 there.

22 MS. AYERS: Page 12. Two, check

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1 into posting the presentations from the worker  
2 outreach meeting on the NIOSH website. NIOSH  
3 was investigating the feasibility of posting  
4 the outreach meeting presentations. But at  
5 the June 2011 meeting, we noted that the  
6 government is restricted from posting things  
7 if they aren't official numbered documents and  
8 you would need to request special permission  
9 to do so.

10 CHAIR BEACH: Stu, do you have any  
11 updates on that or -

12 MR. HINNEFELD: I don't have any  
13 updates on that. I don't know if Chris is on  
14 the phone now or not, because I think that  
15 she's the one who knows about the restrictions  
16 and requirements that are laid down on us for  
17 our website, you know. We're not completely  
18 free to do what we want with our website.

19 CHAIR BEACH: Right.

20 MR. HINNEFELD: And I am not  
21 familiar with those and haven't talked to her  
22 about it. So, I don't have anything to add on

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1 that.

2 On the face of it, it seems like a  
3 reasonable idea. But I don't know where the  
4 agency is with respect to, you know, to say  
5 this is, you know, if we're going to go to a  
6 group of people and we're going to provide  
7 this presentation, it's essentially our  
8 product, you know.

9 Whether we put a number on it or  
10 not, it's essentially our product. So, I  
11 don't really quite get it entirely especially  
12 if we're going to put draft minutes up there,  
13 you know.

14 So, I just - I'll have to do some  
15 more research. I'm not prepared to really say  
16 much more about it.

17 CHAIR BEACH: No, that's okay.

18 MEMBER MUNN: Does the Work Group  
19 really feel that strongly about it?

20 CHAIR BEACH: Well, that was going  
21 to be my next question of how - what we think  
22 about that.

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1                   MEMBER MUNN: Isn't it one of those  
2 nice to have, but nobody is going to die if we  
3 don't do it?

4                   MR. FITZGERALD: Yes, the context  
5 was just checking into it. And I think the  
6 initial reaction was that it may be harder  
7 than you think, and this is the reason why,  
8 which was some ambiguity about whether or not  
9 you could do it easily because of that  
10 restriction.

11                  MEMBER MUNN: It sounds like  
12 there's a barrier to doing that. And in my  
13 personal view that's a nice to have, but not  
14 necessary.

15                  MR. FITZGERALD: Yes. If it's not  
16 easy to do or straightforward, it probably  
17 isn't worth it. Or at least that's the  
18 question.

19                  CHAIR BEACH: Well, it's going to  
20 be captured in Issue 3, one of the actions for  
21 the ten-year review also that that directly  
22 relates to posting. And so, I guess we can

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1 wait on that one for Chris. So, it is  
2 captured there.

3 What's your thoughts on should we  
4 complete this, close this?

5 MS. ELLISON: This is Chris. I'm  
6 sorry. I just walked in and kind of missed  
7 part of the conversation.

8 CHAIR BEACH: Well, thanks.

9 MEMBER MUNN: Good timing.

10 CHAIR BEACH: Yes, Chris, what  
11 we're doing is we're looking at the  
12 observations of the matrix.

13 And one of the items - I don't  
14 know if you have the matrix in front of you or  
15 not. The question was, we were checking into  
16 posting the presentation from the worker  
17 outreach meetings on the NIOSH website.

18 And as of the June meeting, in  
19 short, we were told that they would need a  
20 special request and permission to be able to  
21 post that. And we were kind of wondering  
22 where that was, or if it's anywhere at this

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1 time, for informal presentation.

2 MS. ELLISON: I think this is the  
3 item maybe that J.J. and I talked about the  
4 other day.

5 MR. JOHNSON: Yes.

6 MS. ELLISON: And currently, I  
7 think we need to meet with Stu to discuss the  
8 posting procedures for those presentations.  
9 Because it's my understanding at the current  
10 time, I'm not sure what clearance levels those  
11 presentations go through prior to those worker  
12 outreach meetings.

13 MEMBER MUNN: On that, it sounds as  
14 though that even if we were going to go the  
15 clearance route, it would impose an additional  
16 burden in preliminary preparations for a  
17 meeting with regard to having to clear it more  
18 so than -

19 MS. ELLISON: Right, things to  
20 consider. At the current time, I'm not exactly  
21 sure. I don't see those presentations. I  
22 don't know what information is contained in

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1       them and I'm sure there is some site-specific  
2       information.

3               So, it might also even include DOE  
4       clearances, you know, on what type of  
5       information, you know, is for those worker  
6       outreach meetings, because typically the  
7       worker outreach meetings are for an invited  
8       set of audience.

9               MEMBER MUNN: Yes.

10              MEMBER SCHOFIELD: Well, it runs in  
11       my mind, and of course this is going on faulty  
12       memory, about five, six years back Larry  
13       Elliott addressed this issue publicly; that  
14       these aren't posted, because they're not  
15       official transcripts.

16              And so, this is the reason they  
17       weren't being posted to the site. I may be  
18       wrong. Maybe Stu remembers - knows about that  
19       or not.

20              MR. HINNEFELD: I really don't  
21       recall. It seems like -

22              MS. ELLISON: This is Chris. I

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1 don't recall. And, you know, back when Larry  
2 was the director, at that time we were not  
3 posting any of the, like the presentations for  
4 the Board meetings or anything. That's a  
5 newer policy.

6 So, you know, things have changed  
7 since then. So, I'm not aware of that  
8 statement that he made.

9 MEMBER SCHOFIELD: Well, this is  
10 just addressing these worker outreach  
11 meetings, not the full Board meetings.

12 MEMBER MUNN: Well, and we're just  
13 talking about presentations - slide  
14 presentations and things of that sort.

15 Especially if it imposes a pre-  
16 meeting burden on the presenters, then that's  
17 not desirable either.

18 CHAIR BEACH: Okay. So, I would  
19 suggest that we leave this open, allow Chris  
20 and Stu and J.J. to complete that, because I  
21 know there's been a lot of progress made in  
22 that area.

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1                   So, if that is okay with the rest  
2 of the Work Group -

3                   MEMBER MUNN: If it's a matter of  
4 they're just checking on it, my personal  
5 feeling still is if the situation is, as one  
6 gathers from reading this statement here, that  
7 preliminary information must be cleared in the  
8 event that we're going to post it and that it  
9 requires additional numbering and things of  
10 that sort, then I would propose that we  
11 consider closing it at the time that NIOSH  
12 reports back on the current status, simply  
13 because it is a nice to have, but not  
14 necessary thing.

15                  CHAIR BEACH: Yes. If it's doable,  
16 I think it's well worth pursuing. Because I  
17 know it is nice if you're not going to be able  
18 to attend a meeting, to see what's posted,  
19 what's being presented. And that's been  
20 handy.

21                  MEMBER MUNN: There would be  
22 nothing to prevent a person from asking for

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1 that, I would think.

2 MS. AYERS: It sounds like there  
3 might be a precedent at the Board meeting  
4 presentations that are now able to be  
5 published. I didn't realize that.

6 MEMBER MUNN: But everything about  
7 the Board is completely wide open. It's quite  
8 different with the worker groups.

9 MR. HINNEFELD: Anything that goes  
10 public has some kind of clearance process. I  
11 think that's the issue here and it's just - it  
12 may be fairly simple. It may be a simple  
13 clearance process, but we'll talk about it  
14 back in the office.

15 MS. AYERS: Okay. Other actions  
16 proposed or considered; A, NIOSH proposed  
17 adding the following verbiage: Support efforts  
18 where individuals - anyway, I don't need to  
19 read the whole thing.

20 CHAIR BEACH: No.

21 MS. AYERS: They were going to add  
22 verbiage describing that ATL would support

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1 getting individuals a way in who can't attend  
2 the meeting. And that has been incorporated  
3 in Section 6.2.6, Page 7.

4 CHAIR BEACH: So, that's been  
5 completed.

6 MS. AYERS: Okay. Done with that  
7 one, Observation 3.

8 CHAIR BEACH: Yes.

9 MS. AYERS: Observation 4, there's  
10 no requirement for disclosure of conflict of  
11 interest during worker outreach meetings.  
12 That has been added in Appendix A through just  
13 discussing the double asterisk comment.

14 CHAIR BEACH: Yes. So, that one is  
15 completed, and it runs on into Page 13.

16 MS. AYERS: Page 13, that's  
17 completed. Everybody give it up?

18 CHAIR BEACH: Yes.

19 MS. AYERS: Observation 5, the Site  
20 Profile and TBD procedure references PROC-0097  
21 which has been replaced.

22 So, there was an email sent to

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1 ORAU informing them that the reference should  
2 be updated or removed, and that would be done  
3 during the next update to the procedure.

4 We don't know what the status of  
5 that procedure is, PROC-31.

6 MR. HINNEFELD: Yes, I moved that  
7 one up. That's been changed. What I did was  
8 I did a word search on PROC-31. And the only  
9 reference, you know, for 0097 it only pops up  
10 once and at the end of the record it changes  
11 where it says, "this was changed to remove  
12 0097."

13 CHAIR BEACH: Oh, okay.

14 MR. HINNEFELD: One of the changes  
15 that was done.

16 MS. AYERS: So, it has been  
17 revised. All right.

18 CHAIR BEACH: Okay.

19 MR. HINNEFELD: Now, you say you  
20 got copies of it?

21 MR. JOHNSON: I thought I had one.

22 MR. HINNEFELD: Okay. You can just

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1 go ahead and give it to Josie.

2 CHAIR BEACH: So, 31.

3 MR. HINNEFELD: Yes, if you just  
4 look in the - like, the first thing on the  
5 page has the publication record. For that  
6 revision, it should say that it was revised to  
7 remove PROC-0097. It's one of the first  
8 pages.

9 MS. AYERS: Yes.

10 CHAIR BEACH: Okay, right here.  
11 Cancellation of 0097. Okay, beautiful.

12 MR. HINNEFELD: Yes, that's the  
13 only place 0097 popped up when I did the word  
14 search on that.

15 CHAIR BEACH: Okay. So, that  
16 brings us to outstanding findings.

17 MS. AYERS: This is a legacy issue  
18 from the review - SC&A's review of PROC-0097  
19 in 2007. And the procedure does not  
20 explicitly require worker outreach meetings  
21 for all sites - are being prepared. It refers  
22 to ORAU Plan 10, which has such a

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1 specification.

2 So, basically the observation was  
3 that old procedures did require worker  
4 outreach meetings when a Site Profile was  
5 being developed.

6 And SC&A had an action item to  
7 provide the Work Group with examples where  
8 worker outreach meetings were not held during  
9 the preparation of the Site Profile.

10 That was done in June of 2011, and  
11 I think that was available for discussion at  
12 the last outreach meeting - Work Group  
13 meeting.

14 CHAIR BEACH: I don't think we  
15 discussed it, though. I don't recall that  
16 discussion on this.

17 MS. AYERS: June 16th -

18 MR. JOHNSON: I believe the ORAU  
19 procedure that discussed their desire to have  
20 an outreach associated with a TBD or technical  
21 document had been cancelled well before 2007.

22 And, therefore, wasn't used as a

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1 resource to follow through in development of  
2 needed TBDs out there.

3 MS. AYERS: So, you're saying this  
4 Plan 10 after it was obsolete, then that  
5 guidance wasn't binding anymore?

6 MR. JOHNSON: Right, right.

7 MS. AYERS: Do you know when that  
8 was?

9 MR. JOHNSON: I'd have to go back  
10 and look. I don't recall offhand. I can get  
11 that date for you.

12 MS. AYERS: Anyway, I guess the  
13 action item was to provide a written response  
14 for - oh, okay - a rationale for the lack of  
15 worker outreach meetings.

16 MR. FITZGERALD: Well, it was a  
17 two-part issue. I mean, it sounds like the  
18 first part is what you just mentioned: what is  
19 the rationale for not hard-linking the worker  
20 outreach meetings to TBD development, you're  
21 saying.

22 Well, that was dropped as a

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1 necessary prerequisite -

2 MR. JOHNSON: Right.

3 MR. FITZGERALD: - back, actually,  
4 how long ago? It sounds like a long time ago.

5 MR. JOHNSON: Probably 2007.

6 MR. FITZGERALD: 2007, okay. And I  
7 think that sort of provides the rationale that  
8 Number 1 provides for.

9 Number 2 is maybe a more  
10 substantive issue, which is even without that  
11 hard-wiring, that prerequisite meeting, would  
12 any of the Site Profiles, you know, benefit  
13 from - the ones that, you know, the Work Group  
14 asked us just to come up with a list -- is  
15 there any rationale or any basis for figuring  
16 out where worker outreach meetings would be  
17 beneficial? Quite apart from whether it's  
18 required.

19 MR. JOHNSON: There were a list of  
20 sites that were identified by a memo from  
21 SC&A.

22 CHAIR BEACH: Is that the June 11th

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1 - or June 16<sup>th</sup>, 2011?

2 MR. FITZGERALD: June 16th of last  
3 year. And nothing more exotic than just  
4 simply looking which ones had meetings and  
5 which ones did not. Would there be any, you  
6 know, even without that requirement from 2007,  
7 would there be any, I guess, reason for  
8 wanting to reach out to those workers or not?

9 MR. HINNEFELD: Well, I guess we  
10 haven't prepared a written response. I can  
11 talk about it in general. I mean, we can  
12 still provide a written response at the  
13 meeting sometime, but there are a number of  
14 things on here that are Atomic Weapons  
15 Employers that would have some period of  
16 operation, you know. Probably most of them  
17 were either - were shaping uranium metal in  
18 some fashion. That's what most of them did.

19 And from our viewpoint, in many  
20 cases, the people working with uranium weren't  
21 even told they were working with uranium.

22 And so, the kind of information

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1 you can gather in that instance from worker  
2 outreach meeting, I mean, they're going to  
3 tell you about the conditions they faced in  
4 their workplace.

5 And if you're talking about the  
6 '50s, those were not very pleasant conditions,  
7 but they can - so, they can talk to you about  
8 that, but the information you hear isn't  
9 necessarily specific to the uranium operation.

10 And so, I question whether you're  
11 going to get, you know, really a lot in some  
12 of those.

13 Now, not every AWE is that way,  
14 but a number of them kind of fall into that  
15 category. Medina and Clarksville, I don't  
16 really think there's a lot to be gained here.

17 Since their SEC is for the entire operational  
18 period, I don't think there's a lot to be  
19 gained for a Site Profile from those.

20 Hematite, I'm a little surprised  
21 we haven't done anything. There's been a lot  
22 of work at Hematite. I don't know if we

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1 haven't done any public - because that's  
2 United Nuclear. And that's in the midst of  
3 discussion.

4 MR. FITZGERALD: Well, this is as  
5 of -

6 MR. HINNEFELD: A year ago.

7 MR. FITZGERALD: Well, not quite a  
8 year ago.

9 MEMBER MUNN: Yes, it was a year  
10 ago.

11 MR. FITZGERALD: Well, yes, it was  
12 a year ago. 14 months ago.

13 MEMBER MUNN: Yes.

14 MR. FITZGERALD: So, you know,  
15 maybe -

16 MR. HINNEFELD: I think Metals and  
17 Controls is an SEC, if I'm not mistaken. I  
18 think we'll have to go back and look maybe one  
19 by one, and I apologize we don't have a  
20 written response yet, but there are a couple  
21 things at play here.

22 One is: I think for a number of

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1 these sites it won't necessarily be terribly  
2 useful. And the second thing at play is that,  
3 again, it's a matter of resources and where do  
4 you apply your outreach resources.

5 We have a limited amount of money  
6 that we can make available for outreach. And  
7 so, where do you apply it? So, that question  
8 is going to come up, too, but we'll provide a  
9 more complete response.

10 I would just suspect that we don't  
11 really intend to go charging off and doing  
12 that. In fact, we've done Jessop Steel now.  
13 That's been done pretty recently. So, we've  
14 got one from there.

15 So, but I don't, you know, and we  
16 did that because we got an SEC Petition.

17 So, to me, it's going to be kind  
18 of a mixed bag of stuff. There might be some  
19 on here that maybe might warrant one. I don't  
20 know. I'll have to go back and find more  
21 data.

22 Some, I don't know that we're

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1 going to just go off broad scale and just to  
2 check - make a checkmark on the list that,  
3 yes, we did one.

4 CHAIR BEACH: Right. No, I don't  
5 think that was our intention. That was not  
6 our intention at all.

7 Okay. So, the action is for NIOSH  
8 to review the list and then report or just -

9 MR. FITZGERALD: Well, I think one  
10 is -

11 MR. HINNEFELD: We'll provide a  
12 written report.

13 MR. FITZGERALD: One is the updated  
14 list. It's 14 months old. So, there's  
15 probably some -

16 MR. HINNEFELD: Well, we may put  
17 this under the categories of, well, for these  
18 sites on the list, these meetings have  
19 occurred since.

20 MR. FITZGERALD: Yes.

21 MR. HINNEFELD: And for these  
22 sites, they have become SECs and so we don't

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1 know the plot there. So, we'll put it in the  
2 category.

3 MR. KATZ: So, the comment itself  
4 needs a little bit of editing, because really  
5 the comment is, "is consideration given to  
6 doing a worker outreach for each site?" As  
7 opposed to: "why aren't you doing it for all  
8 sites?"

9 MR. FITZGERALD: The implication  
10 isn't to judge that somehow these should be  
11 done. It's to understand better -

12 MR. KATZ: But it makes sense to  
13 give consideration of that for each site.

14 MS. AYERS: Just to recommend a  
15 review of the Site Profiles, to be reevaluated  
16 to determine whether it would benefit.

17 MR. KATZ: Yes, all right. So, you  
18 got that.

19 MS. AYERS: So, it's consistent.

20 MR. KATZ: Yes.

21 CHAIR BEACH: Okay. So, that takes  
22 us through the matrix. And, J.J., next

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1 question is how long before - I mean, very  
2 small, slight items need to be incorporated, I  
3 would say.

4 And so, I'm looking for a timeline  
5 of completing those, and then actually -  
6 because this is not in circulation, right?  
7 You're holding this?

8 MR. JOHNSON: I'm going to be gone  
9 starting this weekend for a week. I can work  
10 on it the following week and get it out  
11 Friday.

12 CHAIR BEACH: Okay. So, just  
13 through email and then - through email we can  
14 take a look at it and -

15 MR. JOHNSON: Sure.

16 CHAIR BEACH: Because, yes, I'd  
17 hate to hold this up till the next Work Group  
18 meeting for the minor -

19 MR. JOHNSON: If I can get back  
20 with you no later than Friday the week after  
21 next.

22 CHAIR BEACH: Okay. So, the 8th.

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1 MR. HINNEFELD: Yes, this Friday is  
2 - that would be the 15th - or the 14th. This  
3 Friday is the 31st. Next week is the week  
4 he's gone.

5 CHAIR BEACH: Oh, I got you.

6 MR. HINNEFELD: The week after that  
7 being the 14th.

8 CHAIR BEACH: Okay, perfect. So,  
9 the 14th and then just circulate it. If  
10 there's no comments, then I'm assuming you'd  
11 be free to put it out on the drive then.

12 MR. JOHNSON: It would go through  
13 our review system for signatures.

14 CHAIR BEACH: Okay, perfect. Any  
15 other comments, questions, concerns?

16 (No response.)

17 CHAIR BEACH: Excellent. Good  
18 work. Okay. So, our next item is the Worker  
19 Outreach Pilot.

20 And, Joe, are you ready for that?

21 MR. FITZGERALD: Yes. Well, this  
22 has a fair amount of history, which it's

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1 probably worth just outlining a little bit  
2 where it came from.

3           The Work Group, and this is going  
4 back almost 18 months ago, defined four  
5 objectives in its charter. One of which  
6 addressed whether "DCAS" - and this is a quote  
7 from the paper - "is giving thorough  
8 consideration to information received from  
9 workers through worker outreach efforts, and  
10 adequately communicating the impact of  
11 substantive comments to those workers."  
12 That's a direct quote.

13           And I guess there was a lot of  
14 discussion surrounding how one would go about  
15 evaluating that question, the question of  
16 whether or not sufficient consideration and  
17 responsiveness was evident.

18           And what the Work Group proposed a  
19 bit over a year ago was that perhaps what  
20 would be useful is to have a pilot review,  
21 something that would test out an approach.

22           In this case, it was an evaluation

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1 of the comments at Rocky Flats during the  
2 active engagement time during the Site Profile  
3 and SEC, which was roughly 2004 to 2007.  
4 Although, there were a few comments that went  
5 beyond that.

6 But the idea was to do a pilot  
7 study to identify the comments that originated  
8 with workers from different venues. Not just  
9 worker outreach, but also through Board  
10 meetings, Work Group meetings, through direct,  
11 you know, correspondence, emails, and really  
12 do a fairly wide-reaching review of what  
13 comments were generated by the workers and  
14 provided to NIOSH and to what extent - and  
15 this was, again, the parameters that the Work  
16 Group defined - to what extent a direct  
17 response was provided by NIOSH to these  
18 comments, you know, to what extent the actual  
19 comments themselves were reflected and  
20 considered in NIOSH's evaluation, and to what  
21 extent that was evident in any documents or  
22 reports that were being addressed during that

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1 Site Profile/SEC time frame, and how the  
2 communication of that deliberation was  
3 communicated to the commoner.

4 So, the issue is three-fold.  
5 Identifying what the substantive worker  
6 comments were, the input process upstream,  
7 determining or considering how to address  
8 those comments in the proceedings, in the  
9 documentation that was important to those  
10 proceedings, the SEC and Site Profile process  
11 primarily, and to what extent did the  
12 organization get back to the worker providing,  
13 you know, acknowledgment, response, some sense  
14 of closure on those comments. So, that's kind  
15 of how we proceeded.

16 The pilot review itself sought to  
17 identify the substantive worker comments.  
18 Again, we used those as sources and we quickly  
19 got into a scale issue.

20 And I was involved with the Rocky  
21 Flats SEC review, and I guess maybe I  
22 purposely have forgotten how extensive that

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1 was. But, nonetheless, once we waded into  
2 those waters, it was hard to wade back out. I  
3 mean, it was literally, you know, over 500  
4 comments.

5 And this doesn't really count, and  
6 we'll get into this a little later, this  
7 doesn't really count comments that by virtue  
8 of the way they came in whether it be by  
9 email, in some cases by interview notes - or  
10 interviews, there wasn't necessarily a record.

11 So, you know, if there wasn't a  
12 record, it wasn't included, because obviously  
13 we would need some objective source to review.

14 So, this is just that which was  
15 recorded. There was documentation, something  
16 for us to look at. And that was over 500  
17 comments.

18 The Work Group just again since  
19 it's been so long and we did this in the  
20 report up front, but the Work Group set these  
21 parameters. We would look at direct  
22 responses, not indirect responses. So, that

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1 would be a very clear thing.

2 We would look at the feedback in  
3 interviews and limit that to validation  
4 reviews. In other words, as opposed to a  
5 direct comment where you would look for a  
6 direct response, for interviews, the measure  
7 of response was whether or not the  
8 organization got back to the interviewee to  
9 validate what they had given. And that's how  
10 it was framed by the Work Group.

11 The time frame for a response, and  
12 this actually figured in some of the  
13 discourse, I think, with NIOSH on this  
14 question of what is a response and, you know,  
15 whatnot.

16 A lot of the comments had to do  
17 with the, you know, as we just indicated, with  
18 the SEC process and the Evaluation Report and  
19 a lot of comments came in through that venue.

20 And I think in a number of cases,  
21 NIOSH pointed out that, you know, it became  
22 part of the deliberations and there was no,

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1 you know, certainly no procedure or intent to  
2 respond to these as they were handled as  
3 input. And eventually they would be addressed  
4 in the ER.

5           However, the Work Group wanted us  
6 to truncate this at six months. Meaning that,  
7 you know, looking for some responsiveness to  
8 the comment during that six-month time frame.

9           And the ER process, as we all know, went for  
10 several years.

11           So, we flagged that, but with the  
12 acknowledgment that certainly NIOSH made that  
13 point that, you know, it was part of this  
14 process, it was moving toward resolution, but  
15 clearly there wasn't a sort of a quick  
16 turnaround response to the individuals  
17 providing comments during that deliberation.

18           Likewise, even though in a couple  
19 cases, not very many cases, there was a sense  
20 that it was more or less a generic issue and  
21 was addressed by putting it on the website as  
22 a frequently asked question, the Work Group

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1 asked us not to acknowledge that as a direct  
2 response, and we did not. And we were  
3 cautioned not to get into revisiting technical  
4 issues or trying to make technical judgments.

5 Our context, frankly, was almost  
6 actuarial, you know. We wanted to provide the  
7 Work Group, you know, the benefit of, you  
8 know, what the comments were in this sample,  
9 you know, what the, you know, what the measure  
10 of response had been without getting into any  
11 value judgments, but here's the response, what  
12 consideration could we find in technical  
13 deliberations or documents, and what could we  
14 find in the way of how these comments were, in  
15 fact, evaluated.

16 Really, reporting to the Work  
17 Group, but not getting into any value  
18 judgments good, bad or indifferent per se,  
19 but, I think, giving the Work Group the  
20 information it needs to decide, you know, is  
21 this meeting expectations, does it raise  
22 issues or implications.

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1           And I think this is important in  
2 the sense that it's easy, particularly given  
3 the statistical, rather sophisticated  
4 statistical sampling that we did, to forget  
5 that this is a very subjective process, you  
6 know. This is not scientific so much as it is  
7 looking at comments, making some subjective  
8 calls as to what the response may have been  
9 and to what extent they were considered.

10           And I think what's gained from  
11 this is not the numbers, and we try to de-  
12 emphasize that, although, we wanted to provide  
13 some of those numbers in the report, but what  
14 is important to gain is insight, you know.

15           Understanding why a particular  
16 comment or set of comments was handled the way  
17 they were and what does that necessarily say  
18 about how judgments are made in terms of  
19 outreach and in terms of significance of  
20 comments and why some comments may get more of  
21 a response than others.

22           So, it's really the insight into

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1 the thinking that goes on. And even though  
2 this is dated thinking, this goes back a  
3 while, I think there's some insights which are  
4 pertinent to the present and may very well  
5 have been captured already in the current  
6 approach.

7 And, you know, again, we don't  
8 know as much about that, but - so, I want to  
9 make sure that, you know, we recognize that  
10 this is a very subjective process designed to  
11 give, I think, all of us the gist of a certain  
12 period of time, but with a lot of qualifiers  
13 about what the individual - this is sort of an  
14 appeal to look at the forest and not the  
15 trees. Meaning that we're not trying to say,  
16 yep, that one, Number 122, shows that  
17 something went amiss. It's more the  
18 collective, you know, of all this that makes  
19 the difference.

20 MEMBER MUNN: How's the program  
21 doing?

22 MR. FITZGERALD: Yes, how's the

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1 program doing, and is there any insights that  
2 would benefit both the Work Group and NIOSH.  
3 And that's kind of how we approached it.

4 Further, we did go through a, I  
5 think, a well-thought-out process of what  
6 would not be included. And there were a  
7 number of non-relevant comment categories and,  
8 you know, we talked about time frames.

9 And that's all in there. I'm not  
10 going to go over that, but I think there was a  
11 lot of work by the Work Group with NIOSH and  
12 with SC&A to sort of define this so it didn't  
13 get to be an undoable exercise.

14 The sampling plan is in there. We  
15 had worked on that. It was a way to make it  
16 manageable. We had 546 comments. The  
17 prospect of going through 546 would kind of  
18 make your head spin. 101 made my head spin.

19 So, this was a way to make it  
20 manageable. It was a random sampling process,  
21 but one that was designed to assure there was  
22 some representativeness in what we selected.

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1           And we did go out of our way to -  
2 because I think one concern was, what about  
3 certain categories of comments, that because  
4 they were small numbers, they might not get  
5 picked up in this sampling process.

6           We went back to the Work Group and  
7 said, you know, we need to make sure we don't  
8 lose those. And that's where we went from 75  
9 to 101 to make sure that wasn't lost.

10           In any case, and you do have some  
11 of the details in the summary, the other  
12 observation is again, I think the biggest bias  
13 in this, and I want to make sure that's sort  
14 of on the table, is what I said earlier, was  
15 that we can only look at, you know, it's sort  
16 of like if a tree fell in the middle of the  
17 woods and no one is there to hear it, would  
18 you know it's - you know, that kind of issue  
19 relative to looking at worker outreach.

20           If a comment wasn't addressed,  
21 wasn't documented, wasn't received and  
22 accounted for, we would not have seen it in

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1 the first place.

2 What we're seeing is the comments  
3 that were in fact identified, addressed and  
4 seen as sufficiently important to be recorded  
5 in the process and they were retrievable.

6 So, in a way, that's the  
7 denominator we're working with. That 101  
8 sample is really that which had passed muster  
9 or went through the first process.

10 The ones we would not have seen  
11 which may actually bear some significance on  
12 the worker outreach side, there's no way of  
13 knowing. So, I just want to make sure it's  
14 clear.

15 We're looking at what showed up in  
16 the process, in the system that was deemed,  
17 you know, important enough to record, that was  
18 retrievable and met the criteria we're talking  
19 about. So, it's with that sample that we're  
20 providing some perspective.

21 So, if one gets away from the  
22 numbers, because, again, I think the numbers

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1 are interesting, but I think it's the insights  
2 that matter more than they do, I think that's  
3 where the most can be gained from this kind of  
4 analysis.

5 And as I indicated before, we're  
6 talking about anywhere from eight years ago to  
7 maybe five years ago. So, we're talking about  
8 a time frame that is pretty far back. And we  
9 recognize that going into it, and that  
10 qualifies what we're saying.

11 And we recognize that things are  
12 different now, but I think the notion was to  
13 go ahead and look at a very active site, a lot  
14 of worker comments, and see what one can learn  
15 in the way of applying a pilot, a new way of  
16 doing a review. So, it was a test.

17 MEMBER MUNN: That time period was  
18 also probably the premier developmental period  
19 for this program, because it was past the  
20 newborn stage and was fully active, but not  
21 yet fully developed, so that there was a great  
22 number of changes occurring during that period

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1 in itself.

2 And the fact that those limits  
3 were what you had to work with still was very  
4 revealing, because it managed to capture a key  
5 period in the entire process that we've gone  
6 through during the decade that the Board has  
7 now operated.

8 MR. FITZGERALD: Right. And I  
9 think, you know, given the intensity of worker  
10 involvement/engagement and the kinds of  
11 complexity of the issues, I think, you know,  
12 Rocky was a good test for this, even if we had  
13 to narrow it down in terms of numbers.

14 Okay. What we found, and that's  
15 laid out in the Executive Summary, but, you  
16 know, nothing too surprising. We found in  
17 general that NIOSH was responsive to direct  
18 questions or concerns, okay.

19 If there was a clear question or a  
20 concern that the worker raised in various  
21 media, it didn't matter, and it was couched as  
22 a concern or a question, generally we found a

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1 substantive response. Maybe not right away,  
2 but we found a response and typically found  
3 some consideration somewhere.

4 There are exceptions. We pointed  
5 to those exceptions. But in general, that's  
6 what we found.

7 However, you know, there were two  
8 variables that affected that, you know. One  
9 was venue. And we found that certain venues  
10 lent themselves much better for that kind of a  
11 timely, more direct response.

12 And we've all been in those venues  
13 whether they're worker outreach meetings -  
14 clearly, you know, Vern and his crew and Mark,  
15 you are there, questions are raised.  
16 Typically you get back, and that's what we  
17 found, that the answers are fairly direct.

18 Board meetings, Work Group  
19 meetings, similarly, a question is raised,  
20 typically a response is provided.

21 When you get sort of away from  
22 those, you know, face-to-face type of things

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1 whether they're more on the interview side or  
2 in letters, presentations, you know, maybe  
3 petitioner comments, whatever, it gets a  
4 little fuzzier in terms of the responsiveness,  
5 not necessarily consideration.

6 But instead of very specific  
7 questions or very specific concerns being  
8 raised, you might end up getting statements  
9 for the record, you know. Operational  
10 experience. I was working there and I, you  
11 know, experienced this and, you know, that's  
12 provided in a Work Group meeting, that might  
13 be provided in a Board meeting.

14 For those, I think the sense was,  
15 you know, that's good input. That's  
16 information as part of the proceedings whether  
17 an SEC or Site Profile, but not really  
18 expressing an issue that suggested looking for  
19 a response.

20 So, you know, again, we've found a  
21 number of comments that were very detailed,  
22 very useful and full of technical information.

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1 But because they were couched more as  
2 statements, maybe more as input or  
3 contributing information for the proceedings,  
4 they did not necessarily get a response in the  
5 same way that you would, maybe if the question  
6 came up in a worker outreach meeting or  
7 something like that.

8 So, you know, in the scope of what  
9 we were looking at, that counted as no direct  
10 response.

11 And not surprisingly, you know, I  
12 think NIOSH's position is, well, it didn't  
13 look like the commenter was expecting to hear  
14 a response, but wanted to be heard.

15 So, you know, when we went through  
16 the - you will see that on the - I had to come  
17 up with this just to keep my sanity. It's  
18 sort of a summary of each of the comments and  
19 the disposition rather than the 200-page  
20 version.

21 And we kind of earmarked - it's  
22 much better on screen because it's in color.

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1 The black-and-white version is - but we  
2 earmarked certain of these issues for Work  
3 Group attention.

4 But anyway, we indicated "Work  
5 Group" on some of these, because some of those  
6 really suggested some interesting questions or  
7 issues that, you know, that by virtue of the  
8 NIOSH response, I think the Work Group would  
9 find useful to pursue a little further and  
10 have a discussion at this table, for example,  
11 today. And you'll see that in that summary  
12 where I do have "WG" on the right-hand column.

13 Not to say that there is a gap or  
14 a problem, but so much that it raises an  
15 interesting issue that may have relevance  
16 today, that some of these reasons for a lack  
17 of response or maybe a lack of consideration  
18 raised some interesting process questions that  
19 I think the Work Group could get into, but  
20 that's again more specific to the individual.

21 That's the trees versus the  
22 forest, and I just wanted to make sure that

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1 you're aware of that.

2 In any case, you know, we went  
3 through and did provide a sense of level of  
4 response. And as I indicated, we found about  
5 half of the comments that were sampled had a  
6 direct response, you know, period. That there  
7 was a clear response.

8 Most of those were associated with  
9 the venues that you would expect to have a  
10 direct response. About a quarter lacked the  
11 direct response. But as I indicated earlier,  
12 the form of the comment was such, whether a  
13 statement or input, that certainly NIOSH's  
14 response to that was: no response really was  
15 expected.

16 And then there were - and this is  
17 in Table 4 of the report. There were some  
18 instances where there was no response and no  
19 consideration, which, you know, was a bit  
20 troublesome. And we highlighted some of that  
21 and really it came down to two or three  
22 subject areas that, you know, in one case it

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1 was an indoor radon question, which I think  
2 that was actually three comments, but the  
3 subject was one issue.

4 And there was a rationale for not  
5 providing a response. It was felt that, you  
6 know, it wasn't a relevant issue for Rocky  
7 Flats. And that was the rationale for not  
8 addressing it. But again, we didn't find a  
9 clear response to the worker that kind of made  
10 it clear that was the position of the agency.

11 And I think that's one where in  
12 the last round of NIOSH review was pointed out  
13 that IG-003, which is a guideline, wouldn't  
14 have the agency necessarily addressing this  
15 kind of an issue, because it's a technically -  
16 what's the word? Technically enhanced natural  
17 radioactivity. It's not really an EEOICPA  
18 source term. It's a natural source term.

19 MEMBER MUNN: Or its background.

20 MR. FITZGERALD: Yes. Now, that  
21 guide kind of postdated the comment. But  
22 nonetheless, you know, the issue there is

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1 simply a response under those circumstances to  
2 clarify the agency's posture would certainly  
3 be warranted.

4           And it's not even clear, you know,  
5 what the implications of that comment might  
6 have been, because certainly indoor radon does  
7 figure, but this seemed to be a natural source  
8 of indoor radon. So, there wasn't any uranium  
9 in that building or radium-226 in that  
10 building.

11           And the other issue got into - and  
12 these were exceptional cases. I think we made  
13 it clear. I mean, this wasn't the overview,  
14 but certainly stood as exceptions to the other  
15 involved chemical sources.

16           And we've seen this in other sites  
17 where workers really don't distinguish being  
18 Part E, Part B. And Loretta's familiar with  
19 that. And what happens is, you know, we get  
20 chemical issues raised.

21           In this case, two of the comments  
22 dealt with chemical synergy questions which I

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1 think was highlighted originally in the Act,  
2 but NIOSH indicates, and has indicated in the  
3 past, that it's an ongoing research topic.

4 But again, that didn't quite get  
5 communicated back to the worker who raised  
6 that.

7 And to clarify even further, these  
8 comments were raised as part of the ER - I'm  
9 sorry, the SEC review process in open public  
10 meetings that went on.

11 So, again, I think the argument  
12 is, you know, these were statements, these  
13 were inputs. And likewise, it wasn't really a  
14 Part B issue.

15 So, I think back, way back when  
16 there wasn't a real good feedback loop to the  
17 workers. So, we highlighted that that  
18 regardless of, you know, whether Part E or  
19 Part B, certainly closing the loop with the  
20 worker as far as the rationale would certainly  
21 be warranted just to, you know, not leave them  
22 in the dark.

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1           But those - that's the nature of  
2 the cases where we found, you know, not only  
3 no direct responses, but really no sense that  
4 it needed to be considered.

5           And I think, by and large, those  
6 were the exceptions of the 100 we sampled -  
7 the 101 we sampled.

8           There's some in the gray area, you  
9 know. The report says 94 percent. That only  
10 - 94 percent were considered. That highlights  
11 these three or four or five comments that I  
12 just mentioned, but there's numbers in the  
13 gray area.

14           If you look at Table 4 and do the  
15 arithmetic, you'll see that actually there's  
16 some that were partially considered or that  
17 would make it more like 88 percent.

18           But I went back sheet - form by  
19 form and there's some cases where there's  
20 evidence of consideration, but the  
21 consideration didn't address the worker's  
22 complete comment.

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1           And, you know, my comment on the  
2 whole thing, too, is: this does not imply  
3 cause and effect. Meaning that we did not try  
4 to evaluate whether the worker's comment  
5 actually, you know, induced the change in the  
6 deliberations, the response by the agency.

7           We just said we looked at the  
8 documents, and clearly that technical question  
9 or that issue was addressed at some point  
10 during the deliberations. And, therefore, you  
11 know, that issue was not lost.

12           Now, whether that issue was in  
13 fact as a result of the comment, there was no  
14 way to know that. So, we didn't get into  
15 trying to determine whether comments influence  
16 the end result. We just looked at the end  
17 result.

18           And we try to, in the report, and  
19 I don't want to get into that now unless  
20 there's any specific interest of doing so, but  
21 we did try to highlight these, you know, sort  
22 of these interesting pieces of information,

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1 these insights I mentioned earlier and tied it  
2 to specific examples. We used the comment  
3 number.

4 So, as you go through in your  
5 report as you have read that, you can go back  
6 to those comments and say, you know, we have  
7 some issues of clarity going back and trying  
8 to, you know, in some cases would there be a  
9 need to clarify the technical issue, for  
10 example, to the worker because you're talking  
11 about something that you have a response, but  
12 it's on a complex issue. And maybe the Work  
13 Group might want to think about, you know, in  
14 some cases would NIOSH - would it be useful to  
15 not only have a response, but get into what  
16 does it mean for more of a layperson, not a  
17 health physicist? And that's certainly a  
18 question that could be considered.

19 And we looked at consistency and  
20 some other issues as well. So, there's  
21 specific examples in the report that ties to  
22 some of these things that we did find.

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1           Now, beyond some consideration of,  
2           you know, what - how these comments were  
3           dispositioned and what kind of response was  
4           provided, we also understand, again, this is a  
5           pilot study. We wanted to test out, you know,  
6           how the process worked.

7           And, you know, this wasn't an easy  
8           birth. And all of you were, you know, there  
9           in the beginning. It definitely was a hard  
10          thing to do.

11          And granted, it's not a technical  
12          review. It's much more of a subjective review  
13          of process.

14          So, we also went into some of  
15          these lessons in terms of how the review was  
16          conducted and what some of the difficulties  
17          may be.

18          I think Rocky is unique. I think  
19          it was the toughest site that one could have  
20          tested this process out on, okay.

21          I think the Work Group, in terms  
22          of considering a path forward, there's other

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1 sites where just the number of comments  
2 involved and the complexity is going to be  
3 much different, not certainly up to that  
4 level.

5 And I think some of these - I  
6 won't call them logistical, but maybe they're  
7 logistical challenges, won't be nearly as much  
8 in terms of looking at the performance in a  
9 certain time period.

10 I think the study, even though it  
11 tackled a very difficult site and we went  
12 through a lot of process head-scratching with  
13 the Work Group, I think accomplished what it  
14 set out to do.

15 I mean, you know, what it set out  
16 to do was: can one identify, you know, these  
17 significant comments? Can one address the  
18 level of response to the worker? And can you  
19 establish what degree of separation in the  
20 deliberations and/or the documents of a  
21 particular site occurred to compare that with  
22 worker input, deliberations and documents, and

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1 is there a major gap?

2 And I think from that standpoint,  
3 I think this review was able to do that,  
4 despite some logistical challenges.

5 I think, you know, the - there's a  
6 lot of process lessons learned. There's  
7 things that we can do much easier and better.

8 One of which, actually, is, you know, we  
9 spent an inordinate amount of time trying to  
10 establish, you know, what disposition in terms  
11 of documentation occurred within the agency.

12 And for a third party from the  
13 outside, that's a, you know, that requires a  
14 lot of effort, a lot of interaction with  
15 people like J.J. And it just seems like one  
16 lesson would be, I think, the agency is in a  
17 much better position to just simply, you know,  
18 document, you know, what the disposition was,  
19 what documents reflect, you know, that  
20 particular technical comment or issue.

21 And that part of it would be more  
22 efficiently done that way, but that's

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1 something the Work Group can consider. It  
2 just seems like that was a large part of what  
3 turned out to be the effort.

4 We had a number of  
5 recommendations. And again, this sort of got  
6 into more of the process side. Let me see if  
7 I can tell you the page number here.

8 Are there any comments or any  
9 issues so far?

10 MEMBER MUNN: Well, I have to  
11 observe, however, that your comment about a  
12 difficult birth was not lost on us. It has  
13 been a personal concern of mine from the  
14 outset that this was almost too much of a  
15 challenge. Having to wrestle this sort of  
16 statistical information to the ground without  
17 any established or even possible digital  
18 transcription from which to work is a  
19 monumental task.

20 I expressed concerns over it from  
21 the outset, and continue to have concerns over  
22 it. I think you've done a yeoman's job just

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1 based on what we've seen here.

2 I'm interested in knowing how much  
3 time SC&A had to put in on this in order to do  
4 it. And that would give some reflection for  
5 us of what the agency time had to be -

6 MR. FITZGERALD: Right.

7 MEMBER MUNN: - in response to  
8 your efforts. Because there is, I think,  
9 incumbent upon this Work Group the  
10 responsibility of then assessing whether there  
11 is truly a path forward for this kind of  
12 thing, using the DOE term which I don't like.

13 But if this is the kind of  
14 activity that's going to be considered by the  
15 Work Group in the future, we definitely have  
16 the responsibility of weighing the value of  
17 the information we have, which is difficult to  
18 assess against the cost to the taxpayer and  
19 the program for what we've done.

20 MR. FITZGERALD: Yes, and I -

21 MEMBER MUNN: So, I wouldn't expect  
22 you to have that in your hip pocket.

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1 MR. FITZGERALD: No.

2 MEMBER MUNN: But I would hope  
3 you'd have some concept of the time that SC&A  
4 has had to devote to it.

5 MR. FITZGERALD: Yes, there's two  
6 factors. Without getting into any of those  
7 specific details, and certainly that  
8 information is available. Two factors, which  
9 I think I touched on at least one of them.

10 Rocky Flats is probably the  
11 toughest site, from the standpoint of the  
12 scope of comment and worker involvement, to  
13 address in this context.

14 MEMBER MUNN: Well, yes and no. I  
15 can think of four others I can throw at you  
16 very quickly.

17 MR. FITZGERALD: That would be an  
18 interesting competition. I think Rocky in  
19 terms of comments, is right up there.

20 CHAIR BEACH: So, one of the  
21 toughest.

22 MR. FITZGERALD: One of the

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1 toughest.

2           So, in terms of a pilot study, you  
3 know, if one were to do it over again and you  
4 knew the scope was over 500 comments and  
5 counting, certainly I would immediately say  
6 let's not gather up 500 comments off the bat,  
7 because that's an inordinate amount of effort.

8           So, that part of it, certainly the  
9 scope and scale from a pilot study standpoint  
10 is - was great.

11           The second thing is the one I  
12 mentioned a little earlier that by virtue of  
13 the independent nature of the review, I think  
14 the Work Group did want us to go ahead and  
15 solicit the information from NIOSH, you know,  
16 all the documentation and everything.

17           MEMBER MUNN: Oh, yes. It was  
18 necessary in order to do what you've been  
19 charged with.

20           MR. FITZGERALD: And, you know,  
21 having lived within the agency and outside the  
22 agency, trying to, you know, identify and

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1 obtain all these various pieces of information  
2 whether they're memos, emails, interview  
3 documentation, all sorts of documents,  
4 essentially going into the files of the agency  
5 and trying to obtain this documentation to  
6 evaluate, and talking about the scale that  
7 we're talking about, sort of makes your head  
8 spin.

9           So, there's a number of scaling  
10 issues that I think were apparent to me on the  
11 process side and apparent to all of you,  
12 obviously, too, that led to the sampling  
13 regime and some of the other things.

14           Now, you know, this is the before  
15 and after. After all that, you get down to  
16 the actual evaluation. You have documentation  
17 in front of you and you're doing, you know,  
18 you're actually asking the obvious questions  
19 about response and everything. I think it's a  
20 different story.

21           Then, you're talking about, you  
22 know, looking at the documents, deciding if

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1 it's covered, maybe asking some follow-up  
2 questions of NIOSH and coming up with  
3 essentially the forms that you have.

4 I mean, and I actually did a  
5 number of those just not out of any desire for  
6 pain, but to really just understand it better.

7 And it's not real hard. I mean, it's a  
8 question of judging responsiveness and what  
9 the basis of the responsiveness is and looking  
10 at relevant documents for consideration.

11 So, you know, certainly answering  
12 the questions once you do have the information  
13 in front of you, isn't that intense. But  
14 before that issue, it is.

15 MEMBER MUNN: It's a continual  
16 decision-making process.

17 MR. FITZGERALD: It's a judgment  
18 call.

19 MEMBER MUNN: It's a judgment call  
20 constantly.

21 MR. FITZGERALD: It's a judgment  
22 call.

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1                   MEMBER MUNN: And that requires an  
2 enormous amount of expertise and a great deal  
3 of time and thought.

4                   MR. FITZGERALD: Yes, and I thought  
5 -

6                   MEMBER MUNN: You can't just say -

7                   MR. FITZGERALD: I think we're in  
8 violent agreement. I think, you know,  
9 certainly the Work Group needs to look at this  
10 - this is a pilot not only of the results  
11 themselves, but a pilot of the process.

12                   So, that's one reason we included,  
13 you know, that experience in the report,  
14 because I think that experience is very  
15 relevant. And what you're adding is the  
16 resource issue, and all of that needs to be  
17 considered on the path forward.

18                   MEMBER MUNN: That term again.

19                   MR. FITZGERALD: I'm sorry. Well,  
20 I did work at DOE.

21                   MEMBER MUNN: I know. It comes  
22 out. I don't think you can hide it.

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1 MR. FITZGERALD: Right. So in any  
2 case, you know, that may factor into what else  
3 one looks at, you know.

4 It may be warranted that a site  
5 that has a lot less scope, a lot less  
6 complexity would make more sense if, in fact,  
7 the value was seen as being there.

8 So, that's the Work Group's  
9 province and that's where we'll leave it, but  
10 I did want to outline the recommendations  
11 which you obviously have in the report  
12 already, which, you know, would be for some  
13 consideration.

14 One thing as we were going through  
15 - and this is a dated snapshot, but it sort of  
16 elicited some questions. And actually, some  
17 of the discussions we've had today kind of  
18 actually underscored some of the same  
19 questions.

20 We felt that it would be very  
21 helpful for the Work Group to clarify with  
22 DCAS management what the, you know, what the

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1 current expectations are. And I think PR-012  
2 goes a long way of defining that.

3 And to what extent the current  
4 practices and the procedures would mitigate  
5 the concerns, some of which were raised in the  
6 Rocky Flats study, you know, there was some -  
7 there was certainly a subtext in the responses  
8 from NIOSH that, yes, okay, this was six or  
9 seven or eight years ago. We are certainly  
10 doing better.

11 And, you know, if there were some  
12 shortcomings, and I think you raised this  
13 earlier, Wanda, you know, this was the very  
14 beginning of the worker outreach program, and  
15 a lot has been learned since. And that sort  
16 of has to be remembered.

17 So, one thing that would be very  
18 helpful, I think, for the Work Group is to  
19 clarify. Things presumably are better. How  
20 much better, given some of the issues that  
21 we've raised?

22 I mean, with these issues not

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1 likely to be questions in the current regime  
2 and why is that so? How do you know, you  
3 know, things are better? I mean, it's kind of  
4 an obvious question.

5 CHAIR BEACH: Well, we may not know  
6 that unless we do another study of a more  
7 current site.

8 MR. FITZGERALD: Well, no, I was  
9 just saying even beyond the Board, you know, I  
10 think - I'll just look at the number of NIOSH  
11 responses. They were more crisp, Brant's  
12 version, with an exclamation point.

13 But, you know, yes, NIOSH is and  
14 can do better. And my only question is at  
15 this point in time, how would you measure that  
16 or how would you know it's better? And can  
17 the Work Group understand how that is so,  
18 without doing evaluation - I think your point  
19 is well taken.

20 It's not a very good tool to have  
21 people like us look from the outside and try  
22 to make judgments as far as how things are

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1 going.

2 I mean, really the best judgments  
3 are internal judgments. So, I'd like to know,  
4 you know, we can do better or we are doing  
5 better. How is that, you know, how would you  
6 know that and how is that actually - how does  
7 one determine that and what expectations are  
8 there? I mean, so that if it's better, then  
9 there must be some expectation so it defines  
10 what it should be. So, I think PR-012 lays a  
11 lot of that out, but maybe there's more than  
12 that.

13 The second thing, which sort of is  
14 coupled with that is, you know, is there any  
15 way one internally evaluates or gauges how  
16 worker outreach is going?

17 And I'm sure contractually ATL is  
18 judged every year, but not even talking about  
19 that, but just generally how does, you know,  
20 DCAS management gauge worker outreach?

21 And, you know, certainly there's  
22 conventional ways of doing that that the Work

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1 Group is aware of, you know. You can survey  
2 the customer, you know, see how the workers  
3 feel. You can set certain metrics and see how  
4 those metrics are achieved.

5 I recall just struggling with that  
6 when cost plus award fees were given out to  
7 all the contractors in DOE. And I had to look  
8 at all the safety portions of those cost plus  
9 award fees and put my two cents worth in.

10 And that was always the question,  
11 what's the performance metric for safety and  
12 how do you know they've achieved it and how do  
13 you go in and gauge that?

14 Sort of like a personnel/staff  
15 thing too, the annual evaluations. You lay  
16 out expectations and then you have to  
17 determine where those expectations fit.

18 So, to some extent the self-  
19 evaluation is sort of - we can't ever from the  
20 outside, I think, provide a very good  
21 analysis. We can provide a sampling, we can  
22 provide sort of a Gestalt judgment of here are

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1 some of the things, but I said earlier it's  
2 more of an insight rather than - nothing  
3 approaching a report card, nothing approaching  
4 any kind of thing with rigor. That really  
5 comes from the inside.

6 So, that's kind of the question I  
7 would pose for the Work Group is, you know, is  
8 that done?

9 And Number 3, I think, has been  
10 answered. I was kind of wondering whether it  
11 was an integrated tracking approach, because  
12 these comments seem to be coming from all  
13 these different venues.

14 And I think what we heard was,  
15 yes, I think there was every intention to move  
16 in that direction in some fashion.

17 The fourth item is outside of ATL,  
18 you know, I know the HPs have to, you know,  
19 shoulder a lot of the weight of worker  
20 response or worker comment response.

21 I mean, I think a comment may come  
22 through worker outreach or come through worker

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1 interviews or whatever, but in a sense the  
2 staff across the Board all are engaged in the  
3 worker response.

4 I think one comment was, we were  
5 looking through these individual 101 comments  
6 and found, you know, sometimes Staff A  
7 responded this way, Staff B responded that  
8 way. And is there any kind of training,  
9 orientation, anything that would, you know,  
10 put the word out or impress upon not just ATL  
11 and the people that are on the front lines,  
12 but what worker outreach expectations mean for  
13 DCAS.

14 Number 5 is sort of going back to  
15 the feedback loop. And this is not feedback  
16 on a worker outreach meeting. This is more or  
17 less - I think there might be something like  
18 this. Maybe I don't - one thing we don't know  
19 about is, you know, outside of the ten-year  
20 review, maybe that was the venue, how do the  
21 workers feel about worker outreach?

22 And you already have served that

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1 survey or that feedback, but that's sort of a  
2 natural question quite apart from what we  
3 think. What do the workers think?

4 And I wasn't clear on that, but I  
5 thought it was something the Work Group, you  
6 know, might find appealing.

7 MEMBER MUNN: Although, not being a  
8 true survey wonk, but knowing a lot about  
9 surveys, I have to observe that cases like  
10 this do not lend themselves to the kind of end  
11 customer survey that one normally gets,  
12 because the customer's view of how successful  
13 the program is depends entirely upon whether  
14 or not they received the kind of end result  
15 that they anticipated, not on how they were  
16 treated in between that time.

17 MR. FITZGERALD: Yes, and I grant  
18 you that.

19 MEMBER MUNN: And as a result, I  
20 can't see that you could anticipate any  
21 meaningful result from a survey of that type,  
22 an internal survey of the people who handled

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1 material.

2 And a review, you know, you've  
3 posed the proper questions, I think, here.

4 MR. FITZGERALD: Well, I was just  
5 going to say I think whether anyone does that,  
6 I suspect, you know, this has come up a long  
7 time ago and I agree. I think it's fraught  
8 with -

9 MEMBER MUNN: Not meaningful  
10 results.

11 MR. FITZGERALD: - fraught with  
12 issues of, you know, if I don't get, you know,  
13 compensated, don't get this or that, you know,  
14 I'm not happy. So, therefore, that colors the  
15 process.

16 But even beyond that, just the  
17 question of that kind of feedback loop would  
18 be something that would be relevant, I think,  
19 to this whole thing.

20 MEMBER MUNN: Hmm. I don't know  
21 what it would get for you.

22 MR. FITZGERALD: Well, actually,

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1 part of it is informational. Is it done or  
2 has it been attempted, thought of, you know,  
3 that kind of thing is really part of it and  
4 not really suggesting anything specific.

5 Just sort of a question of  
6 feedback and how it's addressed or whether it  
7 be worth addressing, that kind of thing.

8 MR. McDOUGALL: If I may, I think  
9 Wanda is exactly right. If you ask  
10 stakeholders was the worker outreach  
11 effective, they're going to view it completely  
12 through the prism of: did I get what I wanted  
13 out of it, did I get that, you know, if I was  
14 making a specific argument, did they buy that  
15 argument completely?

16 So, you know, to just do some kind  
17 of an opinion survey, you know, like a  
18 customer service survey, I don't think that's  
19 going to be effective.

20 I think this probably, if you were  
21 going to continue to do this, might lend  
22 itself better to a more social-science-

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1 oriented process evaluation than to some kind  
2 of a statistical analysis.

3 I think it would be better, faster  
4 and cheaper to do it that way.

5 CHAIR BEACH: I think the survey  
6 was a suggestion, but it's open to, you know,  
7 different ideas of how to maybe answer that or  
8 measure it.

9 MR. FITZGERALD: Well, the ten-year  
10 review, I think -

11 CHAIR BEACH: Is one way, yes.

12 MR. FITZGERALD: - was probably  
13 the most prominent thing that's happened that  
14 tried to ask those kinds of questions and seek  
15 input.

16 MEMBER MUNN: And I'll go back to  
17 my original concern when we first started this  
18 process, which is: and what are we going to  
19 get out of it?

20 If what we expect to get out of it  
21 is assurance inside this Work Group that the  
22 process that our agency has established is a

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1 good one and it's working, then that's one  
2 point.

3 But if we expect to get some other  
4 kind of statistical data for it, then my  
5 question remains: to what end?

6 CHAIR BEACH: Well, it's an  
7 important question.

8 MEMBER MUNN: It's an important  
9 question for the Work Group, but that is - if  
10 we're going to recognize that this is  
11 specifically information for the Work Group -

12 CHAIR BEACH: And the Board and the  
13 agency.

14 MEMBER MUNN: By definition, the  
15 Work Group is doing the work for the Board.  
16 But if we have other purposes for it, then we  
17 need to understand what our purposes are  
18 before we think in terms of other similar  
19 programs or moving onward.

20 CHAIR BEACH: Right. And that  
21 would be interesting to get NIOSH's input.

22 MEMBER MUNN: It will.

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1 CHAIR BEACH: So, you've got one  
2 more, Joe?

3 MR. FITZGERALD: Well, no. Just to  
4 respond, I think, you know, going back to the  
5 origins of this, you know, the objective, the  
6 Objective 3, you know, how can one gauge  
7 whether consideration is being given to  
8 information received from workers through the  
9 worker outreach efforts and adequately  
10 communicated and considered.

11 And this was one avenue that the  
12 Work Group wanted to test as to whether one  
13 could answer the question how well were things  
14 going.

15 And, you know, there's other ways  
16 to do it, but this was the one that I think  
17 was the desired test.

18 So, and that's where we're at. I  
19 mean, the test is done and these are the kinds  
20 of results. I think it's not, you know, again  
21 I think I emphasized earlier it's not a  
22 statistical review. I mean, it's easy to see

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1 it that way, but it isn't.

2 I think where that sense may come  
3 from is that to narrow the scope, you know, we  
4 had to come up with some kind of sampling  
5 regime. And that had to be representative of  
6 the different categories that were being  
7 considered of comments.

8 You didn't want to lose whole  
9 categories, so we did apply a random sampling  
10 regime to that to narrow it down.

11 But beyond that, again, you're  
12 really taking a group of comments and using  
13 the guidelines that the Work Group has  
14 provided, judging the degree of response,  
15 degree of response and degree to which the  
16 substance of those comments were considered in  
17 the review process and reflected in documents,  
18 and that's it, you know.

19 When you get right down to the  
20 core of what was done, that's it. It's not a  
21 statistical analysis, it's very much an  
22 overview, you know. The forest, not the

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1 trees.

2 And that's one thing I want to  
3 emphasize. We wanted to be rigorous so that  
4 this wasn't sort of a, you know, an off-the-  
5 top-of-the-head type of thing.

6 But on the other hand, didn't want  
7 to lose the reality that in a sense this is an  
8 overview based on a collection of comments  
9 that were large enough that this was  
10 representative.

11 And the results speak for  
12 themselves that I was, to some extent,  
13 surprised that even as far back as 2004-2005  
14 for direct questions and direct concerns, one  
15 can find in most almost all cases, a  
16 substantive response and due consideration.

17 And that's something this Work  
18 Group, I don't think, really had a handle on  
19 and there wasn't any clear idea that that was  
20 the case.

21 I think that's pretty significant  
22 to be able to at least come away with that

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1 kind of result.

2 Now, you know, we did point out  
3 that it's not pure. There's a number of, you  
4 know, notable glitches, but not ones that you  
5 wouldn't expect in that early time frame.

6 So, you know, I think that's a  
7 pretty bracing result that the Work Group  
8 wanted to have, and has it.

9 Now, the question of getting there  
10 efficiently, I think, is a valid one. And  
11 that's one that I think the Work Group has to  
12 look at.

13 But I think what's, you know,  
14 after lunch we can, you know, bore into this,  
15 but that's at the Work Group's, you know, your  
16 discretion.

17 MEMBER MUNN: We'll leave that to  
18 Madam Chair.

19 MR. FITZGERALD: I was not going to  
20 lead you on that one. It's up to you, but I  
21 think the real question is, you know, is this  
22 a tool that the Work Group would find useful

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1 to bring up to date since this is such a dated  
2 review: six, seven, eight years ago.

3 But not one to replace, I think,  
4 what the organization has to accomplish within  
5 DCAS, which is the one that matters most and  
6 which is, how do you know it's going well, how  
7 does DCAS know it's going well, and how do you  
8 gauge the expectations and whether or not  
9 those expectations are being met.

10 And I think, you know, anything we  
11 do is just a sampling no matter what. It's an  
12 assurance which I think is what the Board is  
13 here for, but it's not going to replace, you  
14 know, the kind of management, commitment and  
15 attention that would take place within the  
16 organization.

17 So, this is just again keeping  
18 things in perspective. It's a rough sample,  
19 something that gives you more assurance, but  
20 it's not going to be so precise as to replace  
21 what NIOSH management would need to do in any  
22 case.

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1 CHAIR BEACH: All right. Everybody  
2 ready for lunch?

3 MEMBER MUNN: Oh, yes.

4 CHAIR BEACH: Okay. So, let's take  
5 an hour. Back at 1:30.

6 (Whereupon, the above-entitled  
7 matter went off the record at 12:26 p.m. and  
8 resumed at 1:33 p.m.)

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1 we do along those lines?

2 I'm not particularly ready to  
3 speak with any specificity here today, but I  
4 do think these are some worthwhile  
5 recommendations on whether we can really show  
6 a concrete action going forward.

7 And each one of them I'm not real  
8 sure, but I think it's a pretty good set of  
9 things that we need to be thinking about as we  
10 go forward.

11 There are ways, and I know there  
12 will be - there is a built-in bias when you  
13 poll people about their satisfaction with the  
14 program, because a lot of it depends on the  
15 outcome of their claim if they're a claimant,  
16 but there are ways to do things like gather  
17 information about their perceptions perhaps in  
18 a slightly different way like focus groups and  
19 things like that.

20 And NIOSH has organizations that  
21 run - routinely run focus groups for various  
22 issues. We might be able to enlist some help

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1 and do some things like that.

2 But it certainly is, I think, a  
3 worthwhile set of recommendations and it  
4 speaks to the obligation of the management of  
5 the organization to have some way to get the  
6 picture of how they're doing in this arena.

7 So, other than that, other than  
8 saying I think the recommendations are done  
9 pretty well, I don't know that I have much  
10 else to offer.

11 CHAIR BEACH: I guess I would like  
12 to ask, do you see value in this?

13 MR. HINNEFELD: Well, sure. The  
14 thing about this is it provides an outsider's  
15 perspective. An outside organization has come  
16 and taken what evidence they could find and  
17 provided this assessment, which is like - I  
18 don't have a similar internal assessment that  
19 I can hand you. So, it's certainly valuable  
20 from that, because it provides some feedback  
21 that we've not gone out and, you know, we've  
22 not tried to do an assessment on our own and

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1 haven't really tried to structure one. So, I  
2 think it's really valuable from that  
3 standpoint.

4           Having been at one place, I guess  
5 the debate would be, is it valuable to go  
6 forward with something else, with another  
7 sample or another pilot or another, you know,  
8 other investigation, or is there more value in  
9 fleshing out some of these recommendations  
10 about how could this work?

11           I mean, give us a shot first on  
12 what we feel like might be possible and going  
13 through that in order to have sort of a more  
14 real-time, continuous monitoring of how we're  
15 doing as opposed to some sort of snapshot.

16           I mean, that's kind of my first  
17 impression. So, I guess I'll just leave it at  
18 that.

19           Certainly the Work Group can  
20 evaluate how they want to evaluate, but I  
21 think the recommendations about what we should  
22 be doing in terms of our becoming smarter

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1 about how we're doing, you know, making it  
2 part of our routine operations to know how  
3 we're doing, I think that's a worthwhile set  
4 of recommendations.

5 CHAIR BEACH: And I don't want to  
6 lose any momentum either. So, that's another,  
7 you know, aspect of what I was thinking about.

8 MR. HINNEFELD: That implies that  
9 we have some in any aspect of what we're  
10 trying to do.

11 CHAIR BEACH: Well, we're here,  
12 we're talking about this. So, there's a  
13 little bit of momentum there, yes.

14 I mean, it's been a year since we  
15 met and, you know, we've made progress.  
16 Hopefully the procedure will be put in place,  
17 but it's been languishing for years. So, some  
18 of that, you know, we need to keep the  
19 momentum going forward.

20 Work Group Members?

21 MEMBER MUNN: Yes, surprise. Wanda  
22 has something to say.

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1 I'm very pleased with the results  
2 of this review for several reasons. The  
3 perception here has always been that DCAS and  
4 all of the NIOSH people work very hard at  
5 attempting to see that worker outreach is a  
6 part of their culture.

7 Joe speaks to, is there a culture  
8 of commitment, and I think that the culture of  
9 continual improvement to their approach to  
10 worker outreach is obvious to a person who  
11 works with them all the time. That's already  
12 there.

13 And in answer to the Number 4  
14 question, yes, it is obvious that most of the  
15 staff members that we interact with as a Board  
16 are oriented to effective outreach and they  
17 think that way and work that way, but it's  
18 very nice to have SC&A say, yes, that does  
19 appear to be going on.

20 One of the things that would be  
21 really helpful - Stu has just said that  
22 there's no internal self-evaluation process

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1 that's going on now.

2 It seems that it would be very  
3 helpful if there were some thought given to  
4 the possibility of whether that's a meaningful  
5 thing and -

6 MR. HINNEFELD: Well, that's why  
7 we'll be going back. I mean, I think these  
8 recommendations, they seem, like I said,  
9 thoughtful and helpful. And I think I also  
10 said I'm not so sure I'll be able to show a  
11 concrete action on every one of them.

12 MEMBER MUNN: No. Some of them are  
13 already answered. In my view, they're done.  
14 But the internal evaluation process is one  
15 that just, without thinking it all the way  
16 through, doesn't sound as though it would be a  
17 major undertaking to establish at least some  
18 sort of a minor oversight of just once you  
19 think about it, there probably is something  
20 that is less strenuous than what we certainly  
21 have seen necessary that fits.

22 MR. HINNEFELD: Well, just some

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1 thinking and -

2 MEMBER MUNN: Just some thought  
3 whereas how that might be done without any  
4 real rigor, but I don't believe anyone can  
5 anticipate a major statistical breakthrough in  
6 things of this sort, but an overview would be  
7 very - seems like it might be helpful from an  
8 agency viewpoint.

9 CHAIR BEACH: Okay, Phil. Any  
10 thoughts, comments?

11 MEMBER SCHOFIELD: I think this  
12 whole process where NIOSH has been a constant  
13 evolution of things, because I look back at it  
14 before all the regulations were even finalized  
15 thinking about some of the meetings we had  
16 back then and the way they've done worker  
17 outreach and things have progressed over the  
18 years.

19 So, I think they're - without  
20 being a formal program in the sense of review,  
21 I think they have taken what they learned out  
22 in the field and have been applying that.

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1           So, but you go back, and I think  
2           it would be hard to use a lot of that data  
3           from the early days to really judge as far as  
4           numbers or put a, you know, put a grade to it,  
5           you might say.

6           So, I think they've actually done  
7           a lot of outreach over the years, you know,  
8           and it has been a learning process for  
9           everybody.

10           CHAIR BEACH: Loretta, I know  
11           you're just brand new to this and just stepped  
12           in at kind of the final hour.

13           Any comments or questions?

14           MEMBER VALERIO: Yes and no. I am  
15           still learning a lot. I think that NIOSH and  
16           ATL have done a lot of outreach. It's been  
17           very interesting reading through the Rocky  
18           Flats pilot program.

19           I just - my only concern is that  
20           the concerns that they addressed in this  
21           review were older concerns and I'm just  
22           wondering how many of those concerns still

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1 exist, you know, more recently.

2 CHAIR BEACH: Yes, and we knew that  
3 going in that we were taking a look back. And  
4 part of the forward process will be, you know,  
5 given time to digest this, is maybe choosing  
6 another site that's more current, engaging,  
7 but we'll decide that as a Work Group if we're  
8 going to go that route.

9 MEMBER VALERIO: Would it be at all  
10 possible maybe to do a follow-up review on  
11 Rocky Flats?

12 CHAIR BEACH: Yes, honestly I would  
13 say that we would probably go with something a  
14 little smaller, a little less cumbersome, to  
15 be real honest with you, at this time. That's  
16 just my sense.

17 Other Work Group Members can weigh  
18 in, but I think we'd like to maybe take a  
19 chunk of something that's much smaller next.  
20 Something way more current.

21 MEMBER VALERIO: Okay.

22 CHAIR BEACH: So, the other thing

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1 that I - Vern pointed out that early on we had  
2 invited ATL to kind of share with the Work  
3 Group who they are and what they do. And  
4 they've been with us of course this entire  
5 process.

6 So, not to go back and have you  
7 rehash what you do and everything, I guess I'm  
8 just looking for comments from ATL on how you  
9 think the process is going and evolved and -

10 MR. McDOUGALL: And I mentioned  
11 that some time ago Mike had talked to us about  
12 basically kind of explaining our process. And  
13 I haven't really had a lot of time to prepare  
14 something -

15 CHAIR BEACH: I don't expect you to  
16 be prepared.

17 MR. McDOUGALL: - but I do want to  
18 bring you up to date a little bit. And I  
19 think that Stu, not just because he pays my  
20 bills, but Stu deserves a lot of credit for  
21 really what has happened in the last year, I  
22 think.

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1           And that has - and when you speak  
2 about the culture of worker outreach, I think  
3 that has really materially changed the way  
4 that specifically SEC Petition Evaluations are  
5 done.

6           About December-January, somewhere  
7 around the beginning of the year -

8           MR. HINNEFELD: Something like  
9 that. I don't remember when.

10          MR. McDOUGALL: Okay. Basically,  
11 NIOSH built in - DCAS built into the  
12 evaluation process getting us involved really  
13 in their first meetings.

14          So, we had a heads up. We could  
15 start thinking about worker outreach when it  
16 started to look like a petition was going to  
17 be qualified, okay.

18          And one of the things that has  
19 always been kind of a constraint on worker  
20 outreach and petition evaluation is the time  
21 frame, but that gave us an opportunity to  
22 start thinking sooner, to start planning.

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1           And once the petition was  
2 qualified, to really kind of jump into action,  
3 work with the health physicists and arrange  
4 for outreach that was timely and fit and got  
5 them information that they could digest within  
6 the time frame.

7           And I think that - and I think  
8 that is really reflected in the behavior of a  
9 number of the health physicists that have been  
10 leading some of these evaluations. That they  
11 actually are looking for - they are looking to  
12 workers for information to flesh out what they  
13 see as the holes.

14           And, actually, that's the process  
15 that they're going through. When we do one of  
16 these SEC focus group meetings now, the health  
17 physicists basically establish the agenda.

18           They identify, basically, the  
19 issues where they want to hear from workers.  
20 And they kind of bullet-point it out and come  
21 to the meetings with that and work through  
22 those issues with the former workers.

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1           And I really think it has made a  
2 significant difference both in the - I think  
3 both in the atmosphere and in some of the  
4 tangible results that you're seeing in these  
5 Evaluation Reports.

6           But someday I'd like to - someday,  
7 but not today, I probably would like to share  
8 with you just what some of the skill sets are  
9 that are involved in doing some of this  
10 outreach.

11           And I think Joslyn is a good  
12 example where Mark used some of his - he  
13 called upon some of his old union organizing  
14 skills to - because you're really talking  
15 about a lot of varied patient telephone work  
16 and not in the case of Joslyn did we have home  
17 visits, but sometimes it gets down to that  
18 way.

19           You're explaining a totally new  
20 concept especially with these AWE sites.  
21 Unlike workers at DOE sites, a lot of these  
22 former workers at AWE sites barely know what

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1 radiation is and, as you said earlier, much  
2 less what EEOICPA is.

3 So, you have to kind of imagine  
4 Mark's task in trying to explain to a 90-year-  
5 old why it's important to get information.

6 CHAIR BEACH: Right, exactly.  
7 Thanks. I noted that as an agenda item for  
8 the next meeting to give you some time to do  
9 that. And not to get too far off subject,  
10 Stu, can we get some kind of a timeline?

11 I know you're not ready to respond  
12 to these items, these recommendations today.  
13 But like I said, I want to keep the momentum  
14 up and I'm hoping to plan the next Work Group  
15 meeting within the next three to four months  
16 if that's doable.

17 MR. HINNEFELD: A timeline on -

18 CHAIR BEACH: On -

19 MR. HINNEFELD: - when we might be  
20 able to -

21 CHAIR BEACH: Address the  
22 recommendations and - that were put forth in

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1 this pilot.

2 MR. HINNEFELD: Well, if you  
3 schedule another Work Group in three months,  
4 we should be able to say something by then.  
5 And in advance, might be able to provide  
6 something in advance of the meeting so people  
7 can read it before that and then discuss.

8 CHAIR BEACH: Okay. Because I  
9 would like to talk about choosing another  
10 pilot or another study group, but I don't want  
11 to do that until you have the time, obviously,  
12 to go through this and -

13 MR. HINNEFELD: Yes, recognize that  
14 we're almost shot until the end of September,  
15 because of -

16 CHAIR BEACH: Correct, yes.

17 MR. HINNEFELD: - preparations for  
18 the Board meeting and the Board meeting.

19 CHAIR BEACH: And I wouldn't even  
20 propose -

21 MR. HINNEFELD: Yes.

22 CHAIR BEACH: - to do anything

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1 that soon.

2 MR. HINNEFELD: So, I'm thinking  
3 after that we can maybe, you know, or maybe  
4 some of us during the interim can start  
5 thinking about some of these things.

6 But before we really will be able  
7 to, it's probably going to be the end of  
8 September before we can really focus on really  
9 trying to do something with it.

10 CHAIR BEACH: Okay.

11 MR. HINNEFELD: But if you have  
12 another Work Group meeting in about three  
13 months, I would hope that we would be able to  
14 at least be able to say some things along  
15 these lines.

16 CHAIR BEACH: How much time would  
17 you need to do like an in-depth -

18 MR. HINNEFELD: Oh, gee. I don't  
19 know. Until I kind of - until I got some time  
20 to think about it and talk about it with some  
21 people, I don't even know what in-depth will  
22 be.

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1 CHAIR BEACH: Okay.

2 MR. HINNEFELD: You know, what's  
3 in-depth really amount to?

4 CHAIR BEACH: Yes.

5 MR. HINNEFELD: So, I would think  
6 that I'm just going to have to stick with what  
7 I said. We'll be able to say something about  
8 some of these things probably -

9 CHAIR BEACH: Okay.

10 MR. HINNEFELD: - before three  
11 months are up.

12 CHAIR BEACH: And then beyond that,  
13 kind of more of a -

14 MR. HINNEFELD: Beyond that, you  
15 know, once we've gotten into it a little bit,  
16 you know, we can maybe go from there into more  
17 details after that. I don't know.

18 Doing the first part may give us  
19 an idea of what's involved in doing the second  
20 step and really digging into the ones we're  
21 going to do then.

22 CHAIR BEACH: Okay. And I guess

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1 I'm going to ask the Work Group, do you see  
2 any value of going through these comments step  
3 by step as a group around the table and kind  
4 of looking at especially the ones that Joe  
5 pointed out, or what's your thoughts on that?

6 I mean, I've read the responses  
7 and most of the comments as much as I could  
8 possibly keep straight, but Joe pointed out,  
9 you know, a half a dozen or a dozen, or would  
10 you rather wait for NIOSH to come back with  
11 some answers to the recommendations?

12 What do you guys think?

13 MEMBER MUNN: I'm not at all sure  
14 what we would take away or add to the process.

15 But by looking at these individual cases,  
16 unless there is some specific topic that's of  
17 more than general interest to one of the Work  
18 Group Members -

19 MR. FITZGERALD: Maybe I can  
20 clarify a little bit.

21 CHAIR BEACH: Oh, thank you.

22 MR. FITZGERALD: You know, I

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1 highlighted these not necessarily because they  
2 were a burning issue that had to be resolved,  
3 but more of a - in terms of the NIOSH  
4 response, I thought it would be of interest to  
5 the Work Group just to be aware and to focus  
6 in on that particular item.

7 For example, I think the first one  
8 here is you have this little colorful guide as  
9 Number 19, conflict of interest. I think, you  
10 know, we - that was a comment that was raised.

11 And of course it's not a technical comment,  
12 but, you know, certainly one that was a pretty  
13 major issue at Rocky Flats, for obvious  
14 reasons, and there really was no direct  
15 response.

16 And I think the NIOSH response was  
17 - well, there was a, you know, conflict of  
18 interest policy that was not in place at the  
19 time. That came a little later. But  
20 certainly it was incumbent on the Board to  
21 identify any situations where there was a COI-  
22 based omission, because we're part of the -

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1 the Board is part of the proceedings.

2 So, if one felt there was a COI  
3 issue, certainly it's incumbent upon the Board  
4 to raise its hand and point out the COI issue,  
5 you know. In other words, the ownership of  
6 that kind of concern is not just NIOSH's.

7 I thought that was a perspective I  
8 wasn't quite clear on in my experience. And I  
9 just wanted to make sure that you had a chance  
10 to be aware of and, not to solve it so much,  
11 as just be aware that that was one where this  
12 issue came up and that was the response.

13 MEMBER MUNN: This is water so far  
14 under the bridge.

15 MR. FITZGERALD: Well, everything  
16 is under the bridge.

17 MEMBER MUNN: But this one is -

18 MR. FITZGERALD: Yes.

19 MEMBER MUNN: - a particularly  
20 burning issue that is so far under the bridge  
21 that it's difficult to see how revisiting it  
22 and looking at it would be applicable to

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1 current practices.

2 MR. FITZGERALD: Well, I think the  
3 question is sort of shared responsibility when  
4 one is in these SEC forums on issues whether  
5 it's COI or other issues. It's not just  
6 NIOSH.

7 MEMBER MUNN: No, it isn't.

8 MR. FITZGERALD: And certainly the  
9 Board has a responsibility to, you know, if  
10 you're a part of that discourse, to raise  
11 these questions as they arise.

12 And I thought that was an  
13 interesting perspective that I wanted to flag  
14 at least saying that in terms of the response  
15 to that particular comment/issue, why there  
16 wasn't a direct response from NIOSH.

17 The comment was that, well, we are  
18 going back over and certainly if we felt there  
19 was a COI issue at the time, the Board  
20 certainly was in a position to raise it as  
21 well.

22 MEMBER MUNN: Well, having read

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1 some of the specific cases that you had given  
2 us there, I think, I mean, I can't imagine  
3 that we could add any more to it than you've  
4 already incorporated in the material you gave  
5 us.

6 Having read that, I thought, yes,  
7 I remember that. Yes, that's - boy, things  
8 are different now.

9 But if, you know, it's the Chair's  
10 prerogative.

11 CHAIR BEACH: No, that's why I  
12 asked the Work Group if they felt there was  
13 any value in going through any of these. And  
14 I highlighted the ones that Joe pointed out.  
15 So -

16 MR. FITZGERALD: It's not action.

17 CHAIR BEACH: No, it's not action.  
18 It's just discussion.

19 MR. FITZGERALD: It's awareness or  
20 attention that, you know, there may be an  
21 implication that goes beyond sort of the rote  
22 which is sort of response, no response, you

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1 know.

2           These were kind of responses that  
3 carried with them a little bit more  
4 information or implication than some of the  
5 more rote, R-O-T-E, ones.

6           MEMBER MUNN: Yes. But I look at  
7 things like internal dose and I think, yes, we  
8 know. And worker protection and monitoring,  
9 yes.

10           CHAIR BEACH: Okay.

11           MEMBER MUNN: I guess I don't know  
12 -

13           MR. FITZGERALD: Well, that's the  
14 question.

15           MEMBER MUNN: - aside from your -  
16 what you've already done.

17           MR. FITZGERALD: Right.

18           MEMBER MUNN: Which, by the way,  
19 thank you for including the individual sheets  
20 on these things, because it was - I found it  
21 instructive to read through the individual  
22 cases that you provided for us. That was most

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1 informative. Thank you.

2 MR. KATZ: I think, Joe, I mean, if  
3 there are some of these that you think will be  
4 stimulating for DCAS in terms of considering  
5 how they do outreach in the future, how they  
6 work on these matters, evaluation or actually  
7 doing outreach, I mean, call it out. This is  
8 a good opportunity to -

9 MR. FITZGERALD: Well, you know, I  
10 think we have. And, actually, these were kind  
11 of called out in the report.

12 CHAIR BEACH: Yes.

13 MR. FITZGERALD: And the items  
14 point to the examples, these very examples.

15 MR. KATZ: Yes.

16 MR. FITZGERALD: And, you know,  
17 anything from back in the ancient days when  
18 something came up that, say, was a chemical  
19 issue or maybe was a DOL question, it seemed  
20 like, you know, not us, was more or less the  
21 stance. And I don't think that would be  
22 nearly the case now.

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1 I've been at enough Board meetings  
2 where the DOL rep is usually there. But if  
3 the DOL rep isn't there, I think there's great  
4 pains taken to say that we're going to make  
5 sure it gets to DOL. Back in 2004, it was  
6 obviously not the case.

7 So I, you know, I don't think -  
8 and I think this is what you're saying, too,  
9 Wanda. These aren't issues for resolution,  
10 but just sort of flagging those that are  
11 indicators of something that might have been a  
12 practice, might have been a lesson that  
13 probably more than likely is resolved now, but  
14 one that certainly between NIOSH and the Board  
15 you would want to see resolved by now.

16 So, without knowing the actual  
17 practice, I wanted to flag the things that,  
18 you know, if there wasn't an improvement,  
19 there wasn't something that would mitigate  
20 against something like that happening. In  
21 this case, COI, of course COI has gone eons  
22 from where it was in 2004.

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1           But these are places where it  
2 didn't go probably as well as we would want  
3 them to go now. It is something that if you  
4 want to cross the T, you would want to say,  
5 yes, any of these instances would not be  
6 likely now because; one, we would pass things  
7 to DOL; two, we have a very, very tight COI  
8 policy on all regards; three, you know,  
9 chemical synergy, clearly that's under  
10 research, but we will certainly provide  
11 perhaps a clearer response to the worker so  
12 that that would be obvious that that's  
13 something that's not being brushed under the  
14 rug, but is being addressed actively, you  
15 know, so forth and so on.

16           So, the rest of it is kind of cut  
17 and dry. The rest of it is there was a  
18 response and it was considered. There was a  
19 response, but maybe the documents, you know,  
20 to me those are not particularly helpful.  
21 There's no insights other than the fact that  
22 we establish what the status was.

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1           So, these others are a little  
2 different. These are things that you would  
3 want to be aware of and figure out, you know,  
4 yes, that must be different now, you know,  
5 that kind of thing.

6           CHAIR BEACH: On the other end of  
7 that, some of these - in fact, a number of  
8 them have the comment that NIOSH will attempt  
9 to improve at providing responses to the  
10 commenters.

11           That in itself is great, but I  
12 guess based on your responses, how? How is  
13 that going to happen in reporting that out?  
14 And not every case will have a how, but I  
15 think those, to me, are as important as some  
16 of the other ones Joe was just referring to  
17 also.

18           MR. FITZGERALD: And I would say,  
19 you know, if there's not a lot of value in  
20 going through and dissecting these individual  
21 cases, then maybe it would be appropriate to  
22 give, you know, DCAS some breathing room to

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1 collect their thoughts and just, you know, in  
2 terms of the Work Group, provide some  
3 perspective of the question that seems to be  
4 on the table. Are things better, and how do  
5 you know?

6 And I think that would be  
7 something that would be helpful to read in  
8 terms of a response.

9 A lot of work went into this thing  
10 and I think a thoughtful response to some of  
11 these points might be useful to the Work  
12 Group. That might be a better way to do it.

13 I was going to say today would be  
14 helpful if either the Work Group or NIOSH  
15 would benefit from any clarification where  
16 we're coming from.

17 You've read the report. Is there  
18 anything that, you know, perhaps is unclear,  
19 sticks in your craw, is not obvious? You  
20 know, that kind of thing, I think, would be  
21 helpful for us to do if you want.

22 CHAIR BEACH: Did you have

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1 something, Mark?

2 MR. LEWIS: Can I say something?

3 CHAIR BEACH: Yes.

4 MR. LEWIS: Now, what you mentioned  
5 a while ago, the synergistic effect, what  
6 would be an appropriate response? What would  
7 be one, because we're not, you know, we're  
8 doing these things. I'm not going to tell the  
9 guys to go lobby their congressman or  
10 something, because it's not in the Act.

11 Although, that's what - my gut  
12 feeling, I know the response, what I would  
13 say, but it's not addressed at this time.

14 I would tell them that I'm not  
15 supposed to tell them to go talk to their  
16 congressman or lobby, because I'm on the dime  
17 anyway.

18 So, what would be if someone asked  
19 me about the effects of radiation and  
20 chemicals together, what would be the  
21 response? That NIOSH get back with them or  
22 something? What do I say?

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1 MR. FITZGERALD: Well, a response  
2 was provided, I think, to those three  
3 comments.

4 MR. HINNEFELD: NIOSH's response to  
5 a question like that is that the science is  
6 not well enough developed to make a  
7 quantitative judgment about what - and so,  
8 there's nothing to do with that.

9 The chemical exposure is it's  
10 booted from Part B anyway.

11 MR. LEWIS: Subtitle E, yes.

12 MR. HINNEFELD: So, it's a Subtitle  
13 E thing, and the Department of Labor chooses  
14 how it tends to go about, you know, dealing  
15 with that question, which is essentially what  
16 I said. Well, the science isn't well enough  
17 developed to deal with that question.

18 MR. LEWIS: That's what we've been  
19 doing anyway. But I just, you know, I don't  
20 think a lot of - that doesn't get it with  
21 people, you know.

22 MR. FITZGERALD: I have no problem

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1 with the issue. It's just that the comment,  
2 you know, our direction was, you know, does  
3 the worker get any satisfaction in terms of  
4 the direct response?

5 And in this case even though there  
6 is an explanation, that response wasn't - no  
7 response was provided.

8 MR. LEWIS: Okay.

9 MR. FITZGERALD: And, again, going  
10 back that far in the past, you know, it was -

11 MR. LEWIS: It was just something  
12 that was like rolling around in my brain and  
13 the only good question was the one I didn't  
14 ask.

15 MR. FITZGERALD: Right. There  
16 wasn't a good answer. So, no answer was  
17 given.

18 I think today you would provide  
19 that answer that we, you know, that Stu just  
20 did. And that - I think that would satisfy  
21 it. There isn't anything else you can say.

22 So, you know, without putting too

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1 much on it, that was kind of the - that was  
2 the only finding there that was sort of left  
3 unspoken.

4 MR. LEWIS: All right.

5 CHAIR BEACH: Okay. Anything else  
6 on this?

7 MEMBER MUNN: One other thing.

8 CHAIR BEACH: Okay.

9 MEMBER MUNN: Joe's going to give  
10 us a scoping value of -

11 MR. KATZ: I'll get back to you. I  
12 have that.

13 CHAIR BEACH: Oh, good.

14 MR. KATZ: That's not a big deal to  
15 get to you. I mean, you actually all have it,  
16 because you get the reports that I get.

17 CHAIR BEACH: Yes.

18 MR. KATZ: All I would be telling  
19 you is what the totals are.

20 CHAIR BEACH: Yes.

21 MR. KATZ: And they're actually in  
22 the latest - well, they should be in the

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1 latest reports. You may have an easier time  
2 finding it if we need it, but -

3 MR. FITZGERALD: Oh, the progress  
4 report.

5 MR. KATZ: Yes. The progress  
6 report is giving the budgets for this item.

7 CHAIR BEACH: All right.

8 (Simultaneous speaking.)

9 MS. AYERS: I think when that topic  
10 came up earlier, the thought that came in my  
11 mind was the total expenditure resources might  
12 not be as illuminating as some sort of  
13 breakdown of the process points.

14 Because as you mentioned in your  
15 review of room for improvement of the process  
16 itself, there were definitely areas that  
17 consumed an enormous amount of resources. The  
18 first two stages in particular tried to  
19 capture all the comments, trying to identify  
20 what documents we wanted to specifically  
21 request from NIOSH.

22 And then we really did - didn't

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1 necessarily anticipate from the beginning that  
2 we would go back to the agency who has better  
3 access to memories of how these things were  
4 addressed.

5           And so, we were literally, you  
6 know, trying to dig up any evidence we could  
7 find in any sort of broad range of documents  
8 trying to look for is there an answer, you  
9 know, is there evidence that this was dealt  
10 with or considered.

11           And so, those two pieces, I would  
12 say, probably consumed the bulk of the  
13 resources that were expended. And they might  
14 not necessarily be done that way the second  
15 time around.

16           MR. KATZ: I mean, I can pull the  
17 figures, but why don't I get with Lynn and she  
18 may be able to just sort of frame that figure  
19 in terms of just roughly the proportions of  
20 the resources that went to the different  
21 elements of the effort.

22           MEMBER   MUNN:   Even   a   rough

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1 assessment would be helpful, I think.

2 CHAIR BEACH: Can we just send that  
3 around in email?

4 MR. KATZ: Yes. Oh, absolutely.

5 CHAIR BEACH: Okay. Perfect.

6 MR. KATZ: No problem.

7 CHAIR BEACH: Okay. Could you  
8 check and see if Chris is on the line?  
9 Because the next agenda item is the ten-year  
10 review and I think she's a big part of that.

11 MS. ELLISON: Yes, I am on the  
12 line.

13 CHAIR BEACH: Hi, Chris. Thank  
14 you.

15 MS. ELLISON: Not a problem.

16 So, what I had planned to do is I  
17 have the list of the action items for the  
18 quality of service. So, I was just going to  
19 run down through them, if that's okay.

20 CHAIR BEACH: Okay. Could you just  
21 do a quick background just so everybody  
22 understands what it is and maybe where it came

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1 from?

2 MS. ELLISON: This is part of the  
3 results from the ten-year review and what was  
4 done. The report on the quality of service,  
5 it was reviewed. And out of that, the quality  
6 of service review piece, there are four issues  
7 that relate to levels of service. And with  
8 each one of them, there is one action item.

9 The first issue is related to the  
10 using of customer-supplied information. And  
11 the action item says that DCAS will review  
12 current communication vehicles and where  
13 appropriate, will make improvements in such  
14 vehicles.

15 One of the things we have started  
16 working on in looking into this, there's a  
17 wide array and variety of ways that we can  
18 receive comments on the various sites and the  
19 technical documents and such.

20 And I've been working a little bit  
21 with our technical team. And we've looked at  
22 all of the different avenues anywhere from a

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1 CATI interview we could get information about  
2 a site, it could come through via email, phone  
3 call, worker outreach meetings, Advisory Board  
4 meetings. So, there's a wide array of places  
5 that information can come in to us.

6 And they're looking into currently  
7 formatting and sketching out some sort of  
8 database-type program where we can track all  
9 of this. And hopefully in the future then  
10 once a comment comes in and it gets entered  
11 into the system, be able to assign it to an  
12 individual. But unfortunately, this is only  
13 at the beginning stages for that action item.

14 Would you like me to continue the  
15 next action item, or do you want to discuss  
16 any of that?

17 CHAIR BEACH: Are you talking about  
18 within the first action item one, or going to  
19 the next one under -

20 MS. ELLISON: That was the first  
21 issue.

22 CHAIR BEACH: Okay.

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1 MS. ELLISON: Customer-supplied  
2 information.

3 CHAIR BEACH: Comments, questions.  
4 And realize nothing was prepared other than  
5 just asking Chris to kind of gauge where  
6 they're at and what the future looks like.

7 (No response.)

8 CHAIR BEACH: All right. Go ahead,  
9 Chris. There's nothing.

10 MS. ELLISON: Excellent. The  
11 second issue was related to the  
12 understandability and quality of information.

13 And the action that we were asked to take on  
14 that was DCAS will continue ongoing efforts to  
15 evaluate and improve the understandability and  
16 quality of DCAS communication vehicles.

17 There has been a lot going on in  
18 this arena, and a lot of it starting prior to  
19 this ten-year review.

20 The things that occurred, one  
21 thing was the requirement for accessibility.  
22 And so, one of the things we've been tackling

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1 is that all of our documents that we put out  
2 on the web, the PDFs are in a 508-compliant  
3 format.

4 This means that if someone has a  
5 screen reader, they can accurately use the  
6 screen reader to read those documents.

7 That's one of the things that is  
8 required government-wide that we've had to  
9 adhere to. And, therefore, at this time we  
10 are not allowed to post anything to the  
11 website that is not 508-compliant.

12 And I will commend SC&A, you know,  
13 once that came across, they now send me  
14 everything - all the PDFs are 508-compliant.  
15 So, I have no problems there and it's been  
16 very easy getting things on the web and not  
17 having to tackle that issue.

18 And the other thing that has  
19 occurred under the quality and understanding  
20 of our information is there's a Plain Language  
21 Act that was recently passed.

22 And that requires your information

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1 to be at a level where the general public can  
2 understand it. And that's kind of rolled into  
3 this action item also.

4 And what we have currently done in  
5 that effort, we've reviewed all of the - what  
6 we call process letters, the acknowledgment  
7 letter, the CATI letter and those things, and  
8 made appropriate changes and reviewed them to  
9 make sure that they're understandable and made  
10 any updates.

11 The two - the one letter, that  
12 process letter that had quite a bit of change  
13 done to it is the CATI letter.

14 And then, also, some of our SEC  
15 letters we changed quite extensively there  
16 also.

17 And I don't know if everyone saw  
18 the email yesterday I had sent, because Josie  
19 had asked for some examples. And I had sent a  
20 couple examples.

21 I believe I sent the previous CATI  
22 letter, and then the new, revised one. And

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1 then I had also sent a copy of a revised SEC  
2 letter. It was when we sent out the  
3 Evaluation Report.

4 And that one, the former letter  
5 pretty much said we've completed the  
6 evaluation, here's the Evaluation Report, the  
7 next thing that will happen is the Board will  
8 discuss it, and very little information.

9 Our new, revised letter tells  
10 them, you know, we state the Class, we make  
11 some statements that are found in the  
12 Evaluation Report as to the key points that  
13 are found in it. And then we kind of break  
14 down and point out separately the next steps,  
15 what the Advisory Board will do with this  
16 Evaluation Report, what will happen after  
17 that.

18 So, then hopefully the petitioner  
19 knows this is where my petition is at and  
20 here's some of the future things to expect.  
21 And that's kind of what we've done with all of  
22 the SEC letters that we not only are giving

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1       them the information, but we're telling them  
2       what's the next steps, what can I expect next.

3               So, I think that's hopefully  
4       helping increase their understandability of  
5       especially the SEC petitioning process.

6               Other things that we've done to  
7       help with the understandability of the  
8       information, is ease of the information. I  
9       don't know if anyone has noticed, and I think  
10      that we sent emails out about it, but we  
11      revised the Advisory Board page on the  
12      website.

13              And I don't know if anyone prior  
14      to us revising it had tried to print the page,  
15      but the page if you printed the previous  
16      Advisory Board page, it was probably about 80  
17      pages long.

18              CHAIR BEACH: Right.

19              MEMBER MUNN: Yes, you couldn't  
20      stop it no matter what you tried to do.

21              MS. ELLISON: There was a lot of  
22      information on that one page. And so, what we

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1 did was we broke that out and put things on  
2 their own pages just to help people be able to  
3 find it. And then if they needed to print  
4 something, not to have to print so many pages.

5 And the other thing that was  
6 helpful to us was prior to that, we listed  
7 Advisory Board meetings and notices on the  
8 Advisory Board page, plus, then, on a public  
9 meeting page.

10 Well, that was all collapsed into  
11 one page. So, you know, we try to, if at all  
12 possible, not double-post things to make it  
13 easier on us so we can remember where we need  
14 to post stuff and not forget to post it in  
15 certain places. So, hopefully that's helped  
16 also the public, but then it also has helped  
17 us.

18 The other major thing that's kind  
19 of going on with the website is reformatted -  
20 started reformatting the SEC petition  
21 sections.

22 And I think - I don't know if

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1 anyone has looked at this. Some of the pages  
2 that are currently completed are the newer  
3 petitions, Winchester, the Hanford page has  
4 been updated, Nuclear Metals, Ventron. I  
5 think we even did the GSI, Electro Met. But  
6 it breaks down - there are tables now with  
7 each petition.

8           And I think the new format helps  
9 considerably when there are multiple petitions  
10 from one site. Because instead of having a  
11 bulleted list and all the petitions listed  
12 under one little piece in that bulleted list,  
13 you now have a table that goes through all the  
14 various steps, the SEC petitioning process,  
15 and it's only for that petition. There is a  
16 separate table for each petition.

17           So, I encourage you if you haven't  
18 looked at some of those SEC pages, to give  
19 them a - look at them and just see how they've  
20 changed with that table in there, but I think  
21 it makes the SEC information a little bit  
22 clearer. And that seems to be a lot of

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1 everyone's emphasis of what they want to know  
2 about.

3 I think that's a lot of what's  
4 been going on with the understandability of  
5 the communication pieces.

6 So, are there any questions on  
7 that?

8 CHAIR BEACH: Well, it sounds like  
9 you've made a lot of progress and I wasn't  
10 able to copy all that down.

11 So, if you have that in a written  
12 form, I would really like to have that sent  
13 out as an email just so I can kind of keep  
14 track of all the different things you just  
15 mentioned.

16 MS. ELLISON: Well, one thing I'm  
17 working on is also trying to put together some  
18 summary reports or final reports on some of  
19 these action items.

20 CHAIR BEACH: Right. Great.

21 MS. ELLISON: It would be in the -

22 CHAIR BEACH: Okay.

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1 MS. ELLISON: Anything else on that  
2 issue?

3 MEMBER MUNN: Chris, this is Wanda.  
4 You've certainly done a great job with the  
5 webpage. Everything that I've looked at has  
6 been very nice indeed.

7 I am really sorry that you took  
8 the Board's picture off. I wish you had Photo  
9 shopped our new Members in and left it there.

10 But other than that, it's looking  
11 very good.

12 MS. ELLISON: Well, I think you all  
13 need to update your picture. There are some  
14 new additions to the Board.

15 MEMBER MUNN: We would like to do  
16 that, but who's going to bring their camera?

17 MR. KATZ: We brought it actually  
18 the last time I was in attendance with you.

19 MS. AYERS: Sounds like individual  
20 pictures.

21 MEMBER MUNN: Going to have to  
22 Photoshop them in. That's all there is to it.

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1 DR. MAKHIJANI: This is Arjun.  
2 Josie, this is Arjun Makhijani.

3 CHAIR BEACH: Hi, Arjun. Nice to  
4 hear from you.

5 DR. MAKHIJANI: Yes, with this  
6 comment on what Chris just said, you know,  
7 besides the petitioners and so on, I use that  
8 page quite a lot because I review SEC  
9 petitions. And I've found the changes to be  
10 generally very helpful.

11 Specifically, I found, you know,  
12 all the old versions of the TBDs to be on the  
13 same page as the SEC. And now I'm reviewing  
14 Nevada Test Site to go over the Special  
15 Exposure Cohort stuff, like from the point of  
16 view of locating the Site Profile issues.

17 And I found that having all the  
18 old versions of the Site Profiles on the same  
19 - in the same place to be really, really  
20 useful.

21 It saved a lot of time and  
22 resources and I didn't have to go hunting

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1 everywhere for them, you know. They are in my  
2 computer and various places, because this goes  
3 back many, many years.

4 So, I just wanted to thank NIOSH  
5 for having made these changes. It made my  
6 life much easier.

7 MS. ELLISON: Well, good. Thank  
8 you very much. Anything else before I  
9 continue?

10 (No response.)

11 MS. ELLISON: Well, nothing said,  
12 then I will continue.

13 The third issue regarding the  
14 quality of service is related to the access of  
15 information. And the action item states that  
16 the DFO and staff will continue efforts to see  
17 that Board and Work Group work products are  
18 posted on the website as soon as practical.

19 And just as a policy, we do, once  
20 we receive information, make every attempt  
21 that we can to post information within a 24-  
22 hour period. And we really need to, just as

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1 an FYI, we have until about two o'clock.

2 And it seems like anything after  
3 two o'clock is hard to get posted on that day.

4 So, it usually falls to the next day.

5 But we have been working and as  
6 you all probably know, there's been a lot more  
7 information posted regarding the Work Group  
8 meetings in addition to the agendas there, the  
9 discussion papers and everything.

10 I don't recall when it was  
11 started, you know, as you know now posting the  
12 draft White Papers and the discussion papers.

13 And so, there's been a large influx of  
14 information that we are posting to the website  
15 regarding the Work Groups and the Advisory  
16 Board.

17 And the other addition that is  
18 fairly new that we have started doing is  
19 posting the presentations for the full Board  
20 meetings. And there might be some out there  
21 for the Work Group meetings.

22 I don't really recall right

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1 offhand. I'm sorry, but I know definitely for  
2 the full Board meetings we have been posting  
3 the presentations.

4 And, also, there are - there's a  
5 huge list of documents that, prior to us  
6 posting the older, you know, prior to us  
7 posting a lot of this Work Group information  
8 that wasn't up there before, we are trying to  
9 backfill and post all of those older documents  
10 that weren't out there. So, work is  
11 continuing on that.

12 And I do want to thank Ted.  
13 Because when you send your emails telling us,  
14 oh, this needs to go with - this document  
15 needs to go with this Work Group meeting, that  
16 does help just so we can ensure that we  
17 associate the proper discussion papers with  
18 the proper - the appropriate meeting.

19 And that's pretty much all I have  
20 on that item.

21 CHAIR BEACH: Any comments,  
22 questions?

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1 (No response.)

2 CHAIR BEACH: Hearing none, Chris,  
3 you can go ahead and take us through the last  
4 one.

5 MS. ELLISON: The last one relates  
6 to the perceived burden on claimants and  
7 petitioners.

8 The action item states that DCAS  
9 will consider its current communication  
10 strategies as they might present perceived  
11 burdens to claimants and petitioners  
12 particularly in light of the real burdens felt  
13 by those individuals through their  
14 interactions with DOL.

15 I spoke a little bit about the  
16 changes that we've made to the SEC letters,  
17 which, you know, hopefully that will help.

18 We also have Josh Kinman, our SEC  
19 petitioner, and I know he's quite involved and  
20 talks a lot with the petitioners.

21 And the other big thing I kind of  
22 skimmed over when we were talking about the

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1 understandability of our information, the  
2 other big change that occurred was with the  
3 CATI and primarily just the CATI letter and  
4 the cover sheet to the questions.

5           And in dealing with the perceived  
6 burden on individuals, one of the things I was  
7 concerned about and wondering and that has  
8 changed is that we're changing a little bit  
9 how we perceive and convey this information to  
10 the claimants.

11           We are no longer in the letter,  
12 and hopefully they're trying on the phone, to  
13 not call it an interview, you know.

14           If I say to you, I want to  
15 interview you, you think one thing. You think  
16 reporter and you have a different stress level  
17 than if you say, I'd like to talk to you about  
18 your work history.

19           So, the one big change that was  
20 made in the letter is that we don't say that  
21 we're interviewing them. We say that we'd  
22 like to talk to them, you know, we'd like to

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1 discuss their work history with them.

2 And we've tried to point out very  
3 clearly that this is voluntary, that we don't  
4 expect them to know all the answers, we don't  
5 expect them to go looking for the information.

6 This is just a conversation to  
7 gather some information, to pick their brain,  
8 you know, that sort of thing.

9 And I did send a copy of the old  
10 CATI letter yesterday in my email and then the  
11 new format with the new information.

12 And a lot of that information  
13 that's in the letter, we reinforced it then  
14 again on the cover sheet that goes with the  
15 questions.

16 So, you know, it will be  
17 interesting after this has been implemented  
18 for a year or so to see if it's helped and,  
19 you know, if it's relieved some of that  
20 perceived burden, that perceived stress over  
21 this CATI.

22 And I think that's pretty much all

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1 that I have.

2 CHAIR BEACH: Thank you, Chris.

3 Anybody have any questions,  
4 comments?

5 (No response.)

6 CHAIR BEACH: Chris, you've done a  
7 really - an excellent job in kind of telling  
8 us kind of where you're at and what you're  
9 doing.

10 I guess I'm wondering what your  
11 next steps are and then I know you said you  
12 sent out the example of the CATI, which I did  
13 not get this morning, but I will have it  
14 obviously on my computer.

15 MS. ELLISON: And let me, Josie,  
16 while you're talking about that, I sent it to  
17 everyone's CDC account.

18 CHAIR BEACH: Okay, yes. And I  
19 have not looked at CDC yet today with as busy  
20 as we have been, but what's next for you,  
21 Chris? I know you're busy.

22 MS. ELLISON: One of the things I'm

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1 working on and trying to wrap up with a lot of  
2 these action items is putting together some  
3 final - a final report for each action item,  
4 obviously, except for the one that's open with  
5 the customer-supplied information, you know.

6 Because a lot of this stuff, you  
7 know, we've made great strides, but it's an  
8 ongoing thing that it's something continual  
9 that we always - we're always reviewing the  
10 web pages, we're always reviewing the  
11 communication pieces to make sure that, one,  
12 they say the most current thing that they  
13 should be saying and that there is, you know,  
14 not a better way to say it.

15 So, you know, we are always  
16 considering that and that is an ongoing piece  
17 of our work.

18 CHAIR BEACH: Right. And I think  
19 for us, we're going to have to look at some of  
20 the products and kind of just do a review and  
21 a report-out on some of the things you've done  
22 and the improvements you've made.

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1           So, those are some of the things  
2 we're going to have to look to for this Work  
3 Group.

4           MS. ELLISON: Essentially, what  
5 will happen is when the - I've put together  
6 the reports. I'm sure they will be sent to  
7 you all for comments.

8           CHAIR BEACH: Okay. Any other  
9 comments, questions?

10           (No response.)

11           CHAIR BEACH: Yes, and if you could  
12 just send me the list of all the stuff, Chris,  
13 that would be helpful for me when I prepare  
14 just to report out at the next Board meeting,  
15 I'm sure, just to kind of give some examples.

16           MS. ELLISON: Sure, I can do that.

17           CHAIR BEACH: That would be  
18 excellent. Thank you.

19           Anybody else?

20           (No response.)

21           CHAIR BEACH: All right. Thanks,  
22 Chris.

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1           So, our next item is worker - just  
2 anybody have any comments online? Earlier we  
3 didn't have anybody on the line and are there  
4 any workers, worker representatives or  
5 advocates on the line that would like to make  
6 comments at this time?

7           (No response.)

8           CHAIR BEACH: Okay. So, since we  
9 are fairly far ahead, I would suggest that we  
10 take an afternoon break for ten minutes and  
11 maybe look at - think about individually next  
12 steps and forward. And then we'll come back  
13 and discuss that.

14           Does that work?

15           MR. KATZ: Sounds good.

16           CHAIR BEACH: Okay.

17           (Whereupon, the above-entitled  
18 matter went off the record at 2:28 p.m. and  
19 resumed at 2:41 p.m.)

20           MR. KATZ: All right. We're back  
21 from our break. Josie.

22           CHAIR BEACH: Okay. So, once again

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1 I wanted to give the workers or worker  
2 advocates a chance to comment if they wish to  
3 do so. And we'll give you a couple extra  
4 minutes if you're on mute, to get off mute and  
5 address the Working Group.

6 Anybody out there?

7 (No response.)

8 CHAIR BEACH: Okay. So, the next  
9 part of the agenda, Step 5, was next steps for  
10 worker outreach.

11 And Joe, SC&A, sent around a memo,  
12 I think most everybody got it, on August 21st  
13 improving efficiency of an internal  
14 documentation process.

15 And Joe's going to go ahead and  
16 talk about that memo for the procedure and  
17 just some of his ideas.

18 MR. FITZGERALD: Yes, I'm going to  
19 ask Lynn to weigh in as well. But process-  
20 wise, you know, looking at the interview  
21 process and we've had some years to go through  
22 this, it became more and more apparent

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1 particularly, you know, when Kathy was doing  
2 that job being the - sort of the omnibus go-to  
3 person for coordinating interviews and doing  
4 documentation and everything else, it sort of  
5 ran pretty smoothly just because it was all  
6 integrated that way.

7 But ever since we've been doing  
8 this, it became clear that there was an extra  
9 loop that had become more apparent where we  
10 had to, by virtue of collecting the workers'  
11 validation of their interviews and if they  
12 made any changes, we were compelled and needed  
13 to go back through DOE for classification  
14 review.

15 That doesn't sound like much, but  
16 for some sites the cycle time for a loop  
17 through the classification process, it  
18 literally could cost you four, five or six  
19 months. So, it's not trivial.

20 And so, that came up and we talked  
21 about, is there a process way that we could  
22 make this more efficient, avoid unnecessary

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1 loops through DOE. And it certainly would be  
2 a savings for them, because, again, every  
3 classification review is pretty resource-  
4 intensive.

5 And what we presented in this one-  
6 pager was essentially, yes, there's a definite  
7 issue that affects timeliness and efficiency  
8 and the quality of information.

9 The quality issue comes in because  
10 if you have a six-month delay in terms of  
11 being able to access notes that can be used in  
12 a review, you very well might not get very  
13 good use of it.

14 And on the other hand, the person  
15 who actually did the interview, maybe so much  
16 time elapsed that it's hard to put two and two  
17 together and make heads of it.

18 So, there's a real downside to a  
19 significant lag time involved. And that's  
20 what we've experienced in a couple cases where  
21 we had to send interview notes back to the  
22 interviewee.

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1           And if the interviewee makes any  
2 changes, we're obliged to cycle that back  
3 through the classification office to make sure  
4 that none of those changes have any  
5 implications from a security standpoint, which  
6 we can't make that call.

7           So, anyway, what's proposed here,  
8 you know, it's not anything very complex or  
9 profound. We just came up with a process that  
10 says we can do this in real-time in terms of,  
11 onsite, making sure that interviewees have the  
12 opportunity to see our notes to actually  
13 discuss how we have reported their interview,  
14 and to try to take out a loop where we have to  
15 go back to them and offer them a chance to  
16 make changes and have that as another cycle in  
17 the process.

18           And the reason we're certainly  
19 going through this and outlining this in some  
20 detail to you, this is in PROC-10. This is in  
21 our procedure. It mirrors, I think, something  
22 similar that's in the NIOSH procedure.

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1           And before we actually propose  
2 some changes to the Board's PROC-10 procedure,  
3 we wanted to at least identify the issue, talk  
4 about the fact that it's driven by question  
5 sufficiency and timeliness and see if the Work  
6 Group and the Board would agree with moving  
7 forward and proposing some wording changes.  
8 Wouldn't be major. In fact, we've been  
9 playing with it a little bit and it's just  
10 some minor tweaking of some of the provisions  
11 in that.

12           If the Work Group would support  
13 that, we would then propose some language  
14 change in that. We want to do it in  
15 coordination with NIOSH.

16           The interviewee doesn't make a  
17 distinction much in who is interviewing them.  
18 So, clearly we would want NIOSH and ORAU and  
19 ATL to take a look at what we're proposing.

20           And it's outlined in this, but,  
21 you know, you can certainly also provide the  
22 provisions, the PROC-10 language and see if

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1 that is going to be a problem or pose some  
2 issues that we're not aware of that you may be  
3 more aware of.

4 You certainly do more interviews,  
5 I think, than we do. But nonetheless, so it's  
6 a coherent process that the interviewee is not  
7 going to see a different approach to how  
8 that's conducted or not.

9 So, this is really kind of a  
10 broad, you know, here's what we are thinking  
11 and here's why. And we don't need, obviously,  
12 an answer today.

13 But what I would suggest to the  
14 Work Group is that we've given you the one-  
15 pager which kind of lays it out. If the Work  
16 Group wants, we can also provide -

17 (Telephone interruption.)

18 MR. FITZGERALD: So, anyway, what I  
19 was going to suggest is that you sort of have  
20 the one-pager. We can certainly talk about  
21 this more, I'm not sure how much time - but  
22 it's really just a process efficiency issue

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1 and this is where it comes from, but it does  
2 require us to revise PROC-10.

3 And that PROC-10 mirrors NIOSH's  
4 PROC-10. So, we want to do this rather  
5 carefully and deliberately and get feedback  
6 from all parties.

7 So, if you want, I don't know if  
8 people are ready to talk about this or not,  
9 but, you know, you certainly have the one-  
10 pager. We can provide a sort of a straw man  
11 markup of our PROC-10, the Advisory Board  
12 PROC-10. And this doesn't have to be resolved  
13 today, but maybe get feedback from the Board,  
14 Work Group and from NIOSH as to whether  
15 there's any issues or objections to, you know,  
16 maybe pursuing this further.

17 I wouldn't raise this, because  
18 process issues sometimes are bedeviling, but  
19 we are experiencing some real delays on the  
20 classification loop. And I think it was for  
21 Pinellas that literally cost us five or six  
22 months on that one loop of just simply taking

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1 the interview notes and cycling it back  
2 through DOE.

3 CHAIR BEACH: There's several  
4 examples of that.

5 MR. FITZGERALD: Yes, and it's not  
6 trivial.

7 MS. AYERS: DOE didn't have it that  
8 long. But by the time the notes got back and  
9 if the individuals who went don't have  
10 particularly informative notes, then by the  
11 time the notes come back to them, the  
12 interviewers can't reconstruct what was said.

13 I don't know. I'm sure DCAS has a  
14 lot of experience with - between focus groups  
15 and interviews, how do you make sure that you  
16 can capture the substance?

17 MR. HINNEFELD: I think in general  
18 we're supportive of what you're describing  
19 here for non-classified interviews. That's  
20 what we're talking about.

21 In particular, because we're  
22 asking, you know, I think the process is to

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1 send like some questions in advance, having  
2 people answer those questions in advance.

3 As long as we're comfortably in a  
4 non-classified arena, you know, I think this  
5 is going to be working fine.

6 If we're in at a Nuclear Safety,  
7 NNSA site where we don't think we're in a  
8 classified area and we ask a set of questions,  
9 that doesn't prevent the responder from  
10 filling out, you know, writing something  
11 that's classified in response in their  
12 preparation in their house where they  
13 shouldn't be writing those things down.

14 So, I think we need to be a little  
15 cautious about pursuing this at an NNSA site  
16 even if we don't think we're going to be  
17 getting into classified areas, because we're  
18 not really qualified to judge in all cases.

19 And so, we have to be a little  
20 careful about that, but that leaves quite a  
21 number of sites where this process could be  
22 used, we think, at first blush. Now, we've

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1 only had it a little bit. We've taken a look  
2 at it.

3 And then the other, this is best  
4 suited for like a one-on-one interview  
5 situation as opposed to preparation for a  
6 focus group.

7 The reason being that when you  
8 start asking the same information for a group  
9 of people, then you very quickly run into, you  
10 know, information-gathering review approval  
11 items from OMB.

12 And so, as long as we're talking  
13 about I'm going to go interview Joe Smith  
14 about Weldon Springs or something like that,  
15 then it seems like this would probably work.

16 And we agree with you that the  
17 review cycle can be really long at the sites.  
18 Headquarters is usually pretty quick, but  
19 headquarters only reviews a few places.

20 If you're at an active site, the  
21 review occurs at the site and some of them are  
22 not very prompt. We agree with that.

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1 MR. FITZGERALD: Yes, and the key  
2 difference is do the validation with the  
3 interviewee in real-time at the site. And  
4 then take that through declassification.

5 MR. HINNEFELD: That can be done  
6 either way, you know. Whether or not you send  
7 the advance questions, you can verify your  
8 notes and the accuracy of your notes with the  
9 interviewee regardless.

10 MR. FITZGERALD: Right.

11 MR. HINNEFELD: In fact, if you're  
12 doing the interview in a classified area, you  
13 can still do that, you know. Have I captured  
14 the essence of what you wanted to say  
15 correctly?

16 You should still be able to do  
17 that there, because you're going to leave your  
18 notes. And then the ADC at that site is going  
19 to let you know what you can have from your  
20 notes.

21 MR. FITZGERALD: Well, I think  
22 what's been going on is that we've done the

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1 interview and have brought the notes back  
2 through declassification, and then sent them  
3 unclassified for validation to the  
4 interviewee.

5 And if the interviewee makes any  
6 changes, it has to go back through. And we're  
7 saying, well, if you can make those changes in  
8 real-time at the site, that the declassifier  
9 sees it once and you're done, then you don't  
10 have to send it back to the interviewee.

11 MR. HINNEFELD: I think the  
12 verification at the location, at the interview  
13 site, I think that can absolutely work. I  
14 think that should be able to absolutely work  
15 in every case.

16 I think the advance questionnaire  
17 is going to be -

18 MR. FITZGERALD: In a perfect  
19 world, the other process would work, too.

20 MR. HINNEFELD: Yes.

21 MR. FITZGERALD: But we're finding  
22 it's just that that loop that we're - that

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1 actually we have in our procedures is  
2 inefficient and it's costing a lot of time and  
3 delay.

4 MR. HINNEFELD: Yes.

5 MR. FITZGERALD: So, we're going to  
6 propose a change, minor change, but a change  
7 to the PROC-10 that says that we'll, you know,  
8 unless it is an exceptional case, do the  
9 validation with the notes and not send them  
10 back after they're declassified back to the  
11 interviewee.

12 So, that's kind of in a nutshell,  
13 but -

14 MEMBER MUNN: And it makes sense.

15 MR. FITZGERALD: Yes, I don't think  
16 it's very major. And what we'll do is if the  
17 Work Group wants, we can make that, you know,  
18 what the change would be. It's really minor.

19 A sentence or a word change in the - but we  
20 didn't want to do it and be out of step with  
21 NIOSH's PROC-10.

22 MR. HINNEFELD: Well, we would make

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1 a similar one. Yes, we would make that  
2 similar.

3 MR. FITZGERALD: We'll take the  
4 action to forward - well, you have the one-  
5 pager, but forward what would be a markup of  
6 sorts of what would change in PROC-10 if we  
7 were to do this. And it will be very minor,  
8 but just to make sure the Work Group has it.

9 CHAIR BEACH: That's good. Okay.

10 MEMBER MUNN: Logical thing to do.

11 CHAIR BEACH: Okay, that sounds  
12 good.

13 So, I've got two items left,  
14 tasking and then ideas for the next meeting.

15 Let's go ahead and go through the  
16 tasking, just to make sure everybody is on the  
17 same page.

18 The first one I have is to issue  
19 PR-012. We've agreed on the changes, they're  
20 minor, and I guess I would think that NIOSH  
21 can go ahead and issue that procedure. I don't  
22 know how everybody else feels, instead of

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1 waiting for us to review those small changes  
2 that we talked about today.

3 MS. AYERS: Didn't we plan to send  
4 it to you in a couple weeks?

5 CHAIR BEACH: Yes, we talked about  
6 sending it to us in a couple of weeks.

7 MR. JOHNSON: Right.

8 CHAIR BEACH: So, would you prefer  
9 to have us look at it and then hear back from  
10 everybody and then issue it?

11 MR. JOHNSON: Yes, I think that  
12 would be good. I would not want to miss a  
13 small part and then have to recycle it back  
14 through again.

15 CHAIR BEACH: Then I guess my  
16 request would be for the Work Group Members to  
17 review it and try to make timely changes or,  
18 you know, if you have anything, to get that  
19 back to J.J., because this procedure has been  
20 sitting on the shelf a while.

21 MR. JOHNSON: What I'll do is I'll  
22 make the changes. I'll have a cover sheet

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1 indicating the page changed and what was  
2 changed. And then that way you can easily  
3 review, see, review, see, review.

4 CHAIR BEACH: Okay. So, go through  
5 and update everything to a new review and,  
6 yes, that would be great.

7 MR. JOHNSON: Right.

8 CHAIR BEACH: Compared to what we  
9 have now.

10 MR. JOHNSON: And so, everything  
11 that's in it right now, all the bold print  
12 will go away.

13 CHAIR BEACH: All black, okay.

14 MR. JOHNSON: And then everything  
15 new will be bold print.

16 CHAIR BEACH: Okay, nice. That  
17 sounds great and efficient. Okay. So, that's  
18 the first one and that of course is on NIOSH.

19 The other one is to respond to the  
20 pilot study. And we talked about the  
21 recommendations, but also the findings that  
22 were listed on Page 14.

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1                   And I know, Stu, you said you'd  
2 give us kind of an outline, because it would  
3 be a little too cumbersome to do in four  
4 months, but at least give us an idea of a  
5 response on the findings and the  
6 recommendations and the path forward from  
7 there.

8                   The next one I have is the  
9 progress report or plan on - if you remember  
10 from Issue F4 in the matrix, the tracking  
11 system - and I realize you need to talk to  
12 Chris about that. And I don't really have a  
13 good sense of what you're going to do there as  
14 far as a path forward or a task.

15                   Okay. I just put open NIOSH  
16 action. So, I guess an outline on that as  
17 well, of where that's going to be or what your  
18 plans are for that timeline.

19                   The other two I have for SC&A, we  
20 didn't talk about this, but SC&A to update the  
21 matrix that we just went over today, and then  
22 the draft of PROC-10 and forward that out.

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1           Any other tasks other than I know  
2 J.J. has tasks that I didn't mention. He's  
3 aware of those for the slight changes in the  
4 procedure.

5           Anybody have anything else that I  
6 didn't note?

7           (No response.)

8           CHAIR BEACH: Okay. So, future  
9 meetings. We talked about maybe meeting in  
10 three to four months. Some of the things I  
11 wrote down for next steps, this is just stuff  
12 we've talked about and some of it's my vision  
13 open for discussions, of course.

14           So, ATL to give us a briefing what  
15 they do. So, we'll give them time to kind of  
16 go over that, and, not necessarily in this  
17 order, NIOSH to report out on the responses  
18 for Rocky. And then, again, an update of the  
19 ten-year review.

20           And then, the next one we haven't  
21 talked about, but the implementation plan that  
22 we wrote a couple of years ago and over the

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1 last couple of years.

2 I kind of want to spend some time  
3 as a Work Group going over this plan and the  
4 mission statement and making sure it's what we  
5 want, where we want to be and steps forward  
6 and changing what we need to change.

7 And I realize it was very labor-  
8 intense to write this, but I think we need to  
9 revisit it and make sure that it still does  
10 what we want this Work Group - or does what we  
11 want it to do, I guess, for lack of better  
12 words.

13 And then I think we should look at  
14 what - I mean, we've looked at three. We need  
15 to pick another work site, but I also want to  
16 go back to the other issues and see what we're  
17 going to do and how we're going to move  
18 forward on some of these plans as well.

19 And then Joe did come up with a  
20 list of sites. So, I'll have him email that  
21 out to everybody so that you can be thinking  
22 of that for the next Work Group meeting to

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1 decide if we're going to choose another site  
2 after we work out some of the logistics of  
3 that.

4 Comments for future - those are  
5 just some of my ideas.

6 MEMBER MUNN: That ought to keep us  
7 busy for a day.

8 CHAIR BEACH: You think?

9 MEMBER MUNN: I think.

10 MS. AYERS: I guess there was  
11 another action that you gave us to report on  
12 the resource investment in -

13 CHAIR BEACH: Oh, yes. I thought  
14 you and Ted were going to work on that.

15 MS. AYERS: Right.

16 MR. KATZ: Yes, but that will be -  
17 we'll just respond via email soon.

18 CHAIR BEACH: Okay. Perfect.

19 MR. HINNEFELD: There was one other  
20 action for us, too, and that was to provide  
21 our reaction to the list of sites that have  
22 Site Profiles, but have not had an outreach

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1 meeting.

2 CHAIR BEACH: Very good. Thank  
3 you. Yes, that was in the matrix.

4 MR. HINNEFELD: Right.

5 CHAIR BEACH: Okay. Thank you.

6 MS. AYERS: There was some stuff  
7 you asked Chris to do, too, regarding her  
8 information.

9 CHAIR BEACH: Yes. I don't believe  
10 Chris is on the phone, but I know she'll take  
11 care of that.

12 So, Joe worked out different sites  
13 to think about. And since I have it in front  
14 of me, I'll just go over them.

15 The sites he chose are more - are  
16 up to date. How many copies do you have of  
17 this?

18 MR. FITZGERALD: I was just  
19 checking. I think I might, but -

20 CHAIR BEACH: It might be easier if  
21 it's in front of you to look. Anyway, he  
22 chose four sites. Much smaller number of

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1 claims.

2 MR. FITZGERALD: This borrows from,  
3 I think, some of the discussions we had today  
4 that, you know, one, Rocky was dated looking  
5 at a snapshot that's six, seven, eight years  
6 old.

7 Two, it's a big site. Scale is  
8 very, very large and would seem to be more  
9 manageable to go for something with a lot less  
10 scale, but still offer the attributes of  
11 having worker involvement, having a reasonable  
12 number of claims and timeframe-wise, having  
13 the status of SES actions either complete or  
14 near completion.

15 So, what - this is pending some of  
16 the analysis that we've talked about relative  
17 to the experience on the pilot study.

18 So, this is just looking ahead for  
19 the next Work Group session. Let me see how  
20 many copies I have.

21 But these are relatively small  
22 sites. They're more current sites if we look

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1 at the dates. They do have a modicum of  
2 claims, not, you know, there's certainly  
3 enough claims that there's enough activity  
4 going on.

5 And the SEC activity is such  
6 where, you know, anything we would do would  
7 not necessarily get in the way, I don't think.

8 And this is the reason I sort of  
9 throw this out as candidates, because, you  
10 know, you may have a different perspective.  
11 There may be things going on or issues going  
12 on that may mitigate against one of these  
13 being an actual candidate for a future look,  
14 but all of them have the same characteristic  
15 of being relatively - I wouldn't call them  
16 tiny. They're not AWEs, but they're smaller.  
17 They are more current. And the Board has  
18 recently acted on them in some fashion so that  
19 they're either done or close to being done.

20 But, again, there may be some  
21 other implications that I may not be aware of,  
22 but I wanted to at least give you something to

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1 chew on as far as possibilities.

2 MR. KATZ: One thing I would  
3 suggest be a factor and which DCAS can provide  
4 input on is it would be good to choose one  
5 where there's been substantial input from  
6 workers, since that what we're looking at  
7 here.

8 We wouldn't want one where the  
9 workers were relatively silent.

10 CHAIR BEACH: Right.

11 MR. FITZGERALD: Right. And that  
12 would be something that may be based on your  
13 OTS - I didn't go through and try to catalog  
14 the level of comment activity.

15 But, you know, I think that's a  
16 good suggestion, if you can advise the Work  
17 Group if - these are four possibilities, which  
18 one seems to have the highest level of worker  
19 comment activity, or if none of them do.

20 MEMBER MUNN: There's a lot from  
21 Santa Susana.

22 MR. FITZGERALD: I've been involved

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1 at least in the periphery, and I think Weldon,  
2 Santa Susana, I believe Chapman, too, have had  
3 a level of activity. But, you know, whether  
4 that activity is fairly high or not, I think  
5 that would help to hear that from NIOSH.

6 CHAIR BEACH: Well, and I thought  
7 Weldon Spring might be a good candidate, too,  
8 but that - will you take that on as an action,  
9 NIOSH, to look at that and review the list and  
10 see if there are -

11 MR. HINNEFELD: Yes. We'll see what  
12 we can find out in terms of what we can gather  
13 -

14 CHAIR BEACH: Okay.

15 MR. HINNEFELD: - of worker  
16 comments in these various areas.

17 MR KATZ: The other thought I have  
18 in looking at these and thinking particularly  
19 like Weldon Spring, which is still in the  
20 works.

21 CHAIR BEACH: Pending, yes.

22 MR. KATZ: Not only I think for

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1 SC&A's evaluative purposes would you want the  
2 SEC to be put to bed so that you can look at  
3 what filing was done by DCAS with respect to  
4 the SEC Evaluation since those get amended,  
5 but you'd also want related TBD matters to be  
6 put to bed, too, ideally, so that you can see  
7 that, again, that -

8 CHAIR BEACH: That might be a tall  
9 order.

10 MR. KATZ: - that there were  
11 considerations. Yes, I know that raises other  
12 hurdles for some sites, for sure.

13 CHAIR BEACH: Yes.

14 MR. HINNEFELD: Santa Susana is not  
15 entirely complete.

16 CHAIR BEACH: No. We haven't had a  
17 meeting.

18 MR. HINNEFELD: There are years  
19 still under consideration. Been under  
20 consideration for a while.

21 MEMBER POSTON: That's why we  
22 haven't had a meeting yet.

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1 CHAIR BEACH: Yes.

2 MR. HINNEFELD: There are going to  
3 be - I don't remember the schedule now, but I  
4 think something is going to be -

5 MR. FITZGERALD: Yes, it's sort of  
6 a sorting process of looking at, you know,  
7 active, I mean, you know, the Fernald's and  
8 the Hanford's, you know, sort of staying away  
9 from that, looking at, you know, larger sites  
10 that are dated. Ones that go back as far as  
11 Rocky, like Pantex and Fernald. And then  
12 looking at the smaller sites, not AWEs, that  
13 have some activity that's more current than  
14 Rocky.

15 It doesn't seem to make much sense  
16 to go back and do something four or five years  
17 old. So, it's interesting. You do end up  
18 with a relatively short list of what would be  
19 candidate sites, but I may have missed one or  
20 two.

21 MR. KATZ: But the one thing I  
22 would suggest in relation to what you just

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1 raised is even if you were to, for example,  
2 Fernald. Sure, it goes back a long way. But  
3 you could just parcel out recent years,  
4 because there's been a lot of activity on  
5 Fernald over recent years.

6 And so, I mean, you could take a  
7 three-year snapshot and then you're getting a  
8 current picture of how things are being  
9 handled.

10 I'd just say Fernald, because  
11 there has been a lot of interaction on  
12 Fernald. That's just one example.

13 MR. FITZGERALD: Well, I think this  
14 is kind of why I wanted to stir the pot a  
15 little bit.

16 I mean, I think there's agreement  
17 that it should be bite-size and I think that's  
18 a perfectly good way to make it bite-size.

19 CHAIR BEACH: A snapshot, yes.

20 MR. FITZGERALD: A snapshot and  
21 also not necessarily complicate an active SEC.

22 I think that was one of the

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1 reasons that Rocky was a candidate, but I  
2 don't know, you know, if you applied these  
3 different criteria, what tends to fall out.

4 I think maybe if you did two or  
5 three years, Fernald would be back on the  
6 list. Maybe another site or two would be as  
7 well.

8 So, anyway, it doesn't have to be  
9 solved today, but I think maybe NIOSH's input  
10 and any Work Group Member feedback or  
11 commentary would be helpful for the next  
12 meeting.

13 MR. KATZ: So, another one to think  
14 about, like Fernald, if you're going to take a  
15 reasonable chunk of years as opposed to the  
16 whole thing, LANL might even be put to bed and  
17 a lot of interaction there.

18 MR. FITZGERALD: Yes. So, that's  
19 definitely a good suggestion. So, different  
20 ways to go, but certainly the key criteria is  
21 relatively current and bite-sized. Those two,  
22 and then go from there.

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1 CHAIR BEACH: Okay. So, I guess I  
2 want to open it up before we look at our  
3 calendars. You might be getting your  
4 calendars out for the next meeting.

5 Work Group Member thoughts,  
6 direction, path forward, anything that comes  
7 to mind for how we're doing, the Work Group?

8 Now, I'm not talking about  
9 calendars yet. I'm just talking about the  
10 agenda, the tasking, the next Work Group  
11 meeting. Any thoughts?

12 Looking at the mission statement  
13 and our steps, anything that we need to look  
14 at?

15 MEMBER MUNN: Lot of work.

16 MEMBER VALERIO: Three months out  
17 would put us at the December Board meeting,  
18 wouldn't it?

19 CHAIR BEACH: No, I'm looking at  
20 November, yes. Okay. So, I guess we're at  
21 our calendars now.

22 MR. KATZ: Well, the Work Group

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1       itself probably giving some consideration to  
2       the products that Chris has turned over in  
3       response to the ten-year review so that you  
4       can discuss -

5                   CHAIR BEACH: Oh, for next meeting?

6                   MR KATZ: Yes, for next meeting.

7                   CHAIR BEACH: Yes, I mentioned  
8       that, yes.

9                   MR. KATZ: Discuss your view of how  
10       those products meet the needs.

11                   CHAIR BEACH: Yes, I put that on  
12       the list.

13                   MR. KATZ: Yes.

14                   CHAIR BEACH: So, thank you, yes.  
15       That's a good plan.

16                   So, I was looking at November as a  
17       time frame. And it's enough time, maybe  
18       towards the end of November, and it's still a  
19       couple weeks before the December Board  
20       meeting.

21                   So, maybe, you know, the week of  
22       the 12th. How's that look for people? And,

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1 NIOSH, of course, that gives you a deadline  
2 for -

3 MEMBER MUNN: That's possible.

4 CHAIR BEACH: Or the week of the  
5 19th.

6 MEMBER MUNN: As an FYI, Procedures  
7 meets on Thursday the 1st.

8 CHAIR BEACH: Yes, I knew that.

9 MR. FITZGERALD: And the week of  
10 the 19th is Thanksgiving.

11 CHAIR BEACH: The week of the 19th  
12 is Thanksgiving week.

13 MEMBER MUNN: Yes, so you want to  
14 try to stay away from that, I think.

15 CHAIR BEACH: Well, I don't want to  
16 - I was thinking the week of the 1st or 2nd,  
17 but then I want to give NIOSH as much time as  
18 possible to -

19 MEMBER MUNN: Well, that gives them  
20 -

21 MR. FITZGERALD: How about the end  
22 of that week of the 12th, maybe like Wednesday

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1 or Thursday?

2 CHAIR BEACH: Yes, no, that's fine.

3 That whole week.

4 MR. FITZGERALD: 14th or 15th.

5 CHAIR BEACH: Or the 16th even.

6 MR. FITZGERALD: Or the 16th.

7 CHAIR BEACH: Yes, that's -

8 MR. KATZ: The 14th I've got a  
9 conflict.

10 CHAIR BEACH: How about the 15th,  
11 16th?

12 MR. KATZ: And the 15th and 16th,  
13 the only catch is that 15th and 16th have been  
14 blocked off. OGC is not available then, but I  
15 don't - Michael, are you on the line? Michael  
16 Rafky?

17 MR. RAFKY: I'm here, Ted.

18 MR. KATZ: Ah. So, I think I have  
19 from you folks that you're not available the  
20 14th. I think OGC has some sort of function.

21 MR. RAFKY: I'm sorry, this is  
22 September you're talking about?

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1 MR. KATZ: This is November.  
2 November 14th and 15th OGC has some sort of -

3 MR. RAFKY: That's when we have our  
4 branch annual meetings.

5 MR. KATZ: Right.

6 MR. RAFKY: It's generally sort of  
7 a command performance for us.

8 MR. KATZ: Right. So, we generally  
9 like to have them available to monitor the  
10 call.

11 MEMBER MUNN: Earlier that week, or  
12 are Fridays just completely out of everybody's  
13 --

14 CHAIR BEACH: Not mine. Fridays  
15 are good.

16 MR. KATZ: Well, that Friday's not  
17 great.

18 CHAIR BEACH: That Friday's not  
19 great. The 9th?

20 MR. KATZ: The 16th is not good.  
21 The 9th is fine for me.

22 MEMBER MUNN: And the 2nd? What

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1 about the 2nd?

2 CHAIR BEACH: 2nd is fine with me.

3 MR. HINNEFELD: That's getting  
4 earlier.

5 CHAIR BEACH: That's getting  
6 earlier for NIOSH.

7 MR. KATZ: Yes, the 2nd's not great  
8 for me either.

9 CHAIR BEACH: The 2nd's not great?  
10 How about like the 20th? I know that's the  
11 holiday week - oh, never mind. Let's stay  
12 away from that week.

13 MR. KATZ: What's wrong with - how  
14 about the 8th?

15 CHAIR BEACH: The 8th is fine with  
16 me.

17 MR. KATZ: The 2nd is Election Day,  
18 but -

19 CHAIR BEACH: Yes, I'm fine on the  
20 8th.

21 MR. KATZ: By then everybody will  
22 be over the trauma, whatever it is.

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1 (Laughter.)

2 CHAIR BEACH: And the Board call's  
3 on the 5th.

4 MR. KATZ: Is the 8th good for  
5 others?

6 CHAIR BEACH: Yes.

7 MR. HINNEFELD: The 8th looks like  
8 it will work for us.

9 MR. KATZ: Okay.

10 CHAIR BEACH: Okay. So, everybody  
11 has their homework. Thank you, and I would  
12 say this meeting is adjourned.

13 MR. KATZ: Yes, thank you,  
14 everyone. Good meeting, very productive.  
15 Have a good day.

16 (Whereupon, the above-entitled  
17 matter was adjourned at 3:15 p.m.)

18

19

20

21

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