

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

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THURSDAY
 DECEMBER 16, 2010

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The Work Group convened in the Zurich Room of the Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky, at 9:00 a.m., Michael H. Gibson, Chairman, presiding.

PRESENT:

MICHAEL H. GIBSON, Chairman*
 JOSIE BEACH, Member
 WANDA I. MUNN, Member
 PHILLIP SCHOFIELD, Member

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ALSO PRESENT:

TED KATZ, Designated Federal Official
LYNN AYERS, SC&A*
TERRIE BARRIE, ANWAG*
BUCK CAMERON, ATL*
MARY ELLIOTT, ATL*
CHRIS ELLISON, DCAS*
JOE FITZGERALD, SC&A
STU HINNEFELD, DCAS*
EMILY HOWELL, HHS*
J.J. JOHNSON, DCAS*
MARK LEWIS, ATL*
JENNY LIN, HHS
VERNON MCDUGALL, ATL
ARJUN MAKHIJANI, SC&A*
KATHY ROBERTSON-DEMERS, SC&A

*Participating via telephone

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C-O-N-T-E-N-T-S

Call to order	5
Roll call	5
Draft Objective 3 Evaluation Plan	8
Kathy Robertson-DeMers	9
Discussion	12
Follow-up Review of the Outreach Tracking System, the Status of Finding 3	111
Kathy Robertson-DeMers	112
Discussion	120
Issues Matrix for OCAS PROC-12 and ORAU PROC-97	145
Kathy Robertson-DeMers	145
Finding 1	145
J.J. Johnson	147
Discussion	151
Finding 2	175
J.J. Johnson	175, 186
Discussion	178, 187
Finding 3	188
Discussion	188

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C-O-N-T-E-N-T-S

Finding 4	188
J.J. Johnson	188
Discussion	190
Finding 5	220
J.J. Johnson	220
Stu Hinnefeld	220
Observation 1	223
J.J. Johnson	223
Observation 2	225
J.J. Johnson	225
Observation 3	227
J.J. Johnson	227
Observation 4	242
J.J. Johnson	242
Observation 5	244
J.J. Johnson	244
Worker Comments	255
Terrie Barrie (read by Ted Katz) ANWAG	256
PROC-97	260
Kathy Robertson-DeMers	260
Future Meetings	269

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

2 9:01 a.m.

3 MR. KATZ: This is the Advisory
4 Board on Radiation and Worker Health, Worker
5 Outreach Workgroup.

6 My name is Ted Katz. I'm the
7 Designated Federal Official to the Advisory
8 Board.

9 And beginning roll call, with
10 Board Members in the room. Oh, actually,
11 let's begin with on the phone with our Chair.

12 CHAIRMAN GIBSON: Yes, Ted, this
13 is Mike. I'm here.

14 MR. KATZ: And in the room?

15 MEMBER BEACH: Josie Beach, Board
16 Member.

17 MEMBER SCHOFIELD: Phil Schofield,
18 Board Member.

19 MEMBER MUNN: Wanda Munn, Board
20 Member.

21 MR. KATZ: Very good. And are
22 there any other Board Members on the phone?

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1 (No response.)

2 No? Okay. And NIOSH-ORAU Team
3 did not make it in with the exception of Vern
4 McDougall.

5 MR. McDOUGALL: Vern McDougall,
6 ATL.

7 MR. KATZ: ATL, actually.

8 But on the line?

9 MR. HINNEFELD: Stu Hinnefeld,
10 DCAS.

11 MS. ELLISON: This is Chris
12 Ellison, DCAS.

13 MR. JOHNSON: J.J. Johnson, DCAS.

14 MR. LEWIS: Mark Lewis, ATL.

15 MS. ELLIOTT: Mary Elliott, ATL.

16 MR. CAMERON: Buck Cameron, ATL.

17 MR. KATZ: Was that Buck?

18 MR. CAMERON: Yes.

19 MR. KATZ: Welcome all of you.

20 SC&A team in the room?

21 MR. FITZGERALD: Joe Fitzgerald,
22 SC&A.

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1 MS. ROBERTSON-DEMERS: Kathy
2 Robertson-DeMers, SC&A.

3 MR. KATZ: SC&A team on the line?

4 And there are no members of the
5 public in the room.

6 Any members of the public on the
7 line?

8 MS. BARRIE: This is Terrie Barrie
9 with ANWAG.

10 MR. KATZ: Welcome, Terrie.

11 MS. BARRIE: Good morning.

12 MR. KATZ: You are constant
13 company for us. Thank you.

14 Any others? Oh, oh, sorry. And
15 also, HHS or other federal officials or
16 contractors to the fed in the room?

17 MS. LIN: Jenny Lin, HHS.

18 MR. KATZ: And on the line?

19 MS. HOWELL: Emily Howell, HHS.

20 MR. KATZ: Welcome, Emily.

21 Okay, we're all set to go.

22 Just let me remind everyone on the

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1 phone to mute your phones except when you're
2 speaking.

3 And, Mike, you're on.

4 CHAIRMAN GIBSON: Okay. Sorry the
5 weather didn't cooperate for everyone to be
6 here today, but I hope everyone's got the
7 agenda and the documents that could be passed
8 out that were PA-cleared that we're going to
9 be discussing today.

10 We will first go over the Draft
11 Objective 3 of the Implementation Plan. Then,
12 we'll do some discussion of the matrices,
13 issues on the matrices, for OCAS PROC-12 and
14 97, and follow up the review of the Outreach
15 Tracking System, secondly, then, the review of
16 the matrices, and then we will have time for
17 some worker comments before we adjourn. And
18 maybe everyone can get home before they get
19 snowed in.

20 So, let's start out with the Draft
21 Objective 3 Evaluation Plan.

22 Kathy or Joe, if you want to go

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1 ahead and start that? Then, we could get in
2 some discussion about that with DCAS.

3 MS. ROBERTSON-DEMERS: Okay. This
4 is Kathy Robertson-DeMers.

5 You were provided with two
6 documents related to a plan which we were
7 asked to put together in the October 20th
8 Working Group meeting for evaluating the Rocky
9 Flats worker comments.

10 The first part of that is actually
11 the plan, and the second part is an example
12 which was put together so that you could see
13 how this plan would be implemented. And
14 hopefully, everybody has a copy of those two
15 documents.

16 The plan was centered around
17 evaluating Objective 3, which is in the
18 Mission Statement and Implementation Plan for
19 this Working Group. And Rocky Flats was
20 chosen as the pilot site for this type of
21 evaluation.

22 The plan includes, basically, just

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1 to kind of break it down, the documents which
2 will be reviewed in the collection of the
3 worker comments, the documents which will be
4 reviewed as evidence for NIOSH resolving those
5 comments, the documents to be reviewed as
6 evidence that NIOSH gave a response to the
7 commenters or that some feedback was provided.

8 And, then, it also provides a
9 brief procedure on a consideration of worker
10 input, the collection of NIOSH responses to
11 this input, the determination of the comment
12 resolution process, and the feedback to the
13 workers. So, there's a brief procedure in
14 there on how we expect to do that.

15 This is a pilot review. So, we
16 anticipate that as we go through the process,
17 this procedure or plan may change. And
18 hopefully, by the end we will have a pretty
19 good procedure, if we decide to do this for
20 other sites.

21 The end product that we hope to
22 get out of this plan is a series of forms like

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1 the example that I provided and also a White
2 Paper summarizing the outcome of all of the
3 comments that are reviewed and any findings or
4 observations that we identify generically
5 during the process.

6 What we anticipate happening
7 through the process is that SC&A will put
8 together forms similar to the form that was
9 given to the Working Group for each comment.
10 We believe that we may aggregate some comments
11 that are identical or similar from workers.

12 And once we have compiled all of
13 these forms, we would like to give NIOSH an
14 opportunity to provide additional information
15 for feedback on observations, comments, how
16 they may have gotten back to the worker.

17 And we also suggest that maybe we
18 involve the Working Group members, once NIOSH
19 has provided that feedback, kind of in a
20 similar way as what is done with the dose
21 reconstruction process, where they get
22 involved in review of dose reconstructions

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1 with both NIOSH and SC&A, but that is a
2 suggestion.

3 And really, that's kind of the
4 plan in a nutshell. If there's any questions,
5 I can answer them.

6 CHAIRMAN GIBSON: Okay. Do any of
7 the Work Group Members or DCAS have any
8 questions on what Kathy has at least outlined
9 thus far?

10 MEMBER MUNN: No. The outline is
11 very thorough, as Kathy's work always is.

12 It's not clear to me how this
13 data, which is likely to be voluminous by the
14 time it's over with, is actually going to be
15 used. I understand, I think it's obvious what
16 the purpose of our efforts are here. But once
17 we have this data, what is going to be done
18 with it?

19 Sometimes I think we get carried
20 away with putting together information without
21 a very clear picture of precisely what value
22 this has. And I understand that, from the

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1 viewpoint of many, the concern here is that
2 workers' comments have not been responded to
3 or have not had the attention of the people
4 who are doing dose reconstruction. But once
5 we have accumulated this data, we will, then,
6 be in a position to be able to say, yes, see,
7 these comments were treated as though they
8 weren't heard or it appears that in most cases
9 these comments were at least heard.

10 Then, do we go a step further and
11 were they acted on or were they not acted on?

12 And if so, what do we do? What's the action
13 item at the end of this effort, is really the
14 question, I guess.

15 MS. ROBERTSON-DEMERS: This is
16 Kathy.

17 I can see a couple of ways that
18 this can be used. First of all, it can be
19 used to improve the outreach procedure
20 process-wise.

21 MEMBER MUNN: Which is flawed now
22 how?

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1 MS. ROBERTSON-DEMERS: Well,
2 there's not a lot of information on feedback
3 to the workers and resolution of comments in
4 PR-12, for example. If you go back and look
5 at ORAU PROC-97, there was a very detailed
6 process for how they read over the meeting
7 minutes, responded to the comments, or didn't
8 respond and didn't need to.

9 And, then, there was an interface
10 between the technical document preparation
11 procedures, such as the Site Profile
12 development procedure and the outreach system
13 procedure. There was a lot of feedback where
14 the comments from the workers were fed into
15 that technical document preparation process,
16 and those technical documents were improved as
17 a result. A lot of that description of that
18 process is absent from the new procedure.

19 MEMBER MUNN: Okay. So, it is at
20 least your feeling, Kathy, that one of our
21 purposes here is to try to improve 12?

22 MS. ROBERTSON-DEMERS: That's one.

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1 Also, you know, it's to improve the entire
2 outreach process in getting back to the
3 workers about their comments, improving that
4 interaction between the workforce and NIOSH.

5 MR. KATZ: Can I add something? I
6 mean the objective that we adopted here is, I
7 mean I think those are important, improving
8 the procedure as it is on paper and feedback
9 to workers, but central to this was a concern
10 about whether substantive information being
11 provided is actually getting to the document
12 owners and being incorporated where it needs
13 to.

14 And if the evaluation shows that a
15 lot of substantive input that DCAS ordinarily
16 would have taken into consideration, would
17 have considered, isn't actually getting there,
18 if they find that, then, I mean that's an
19 important finding for DCAS to think, how is it
20 that this information is coming in one door,
21 but not getting to the people that it needs to
22 or not getting the consideration it needs to

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1 improve procedures.

2 So, if people have opined as to
3 whether that is happening well or not, this
4 isn't intended to empirically look at whether
5 that's happening. And if it's not happening,
6 one would hope that this evaluation
7 illuminates where the breakdowns are
8 occurring.

9 MS. ROBERTSON-DEMERS: Yes, and I
10 was getting to the other item I was going to
11 say, which is it's going to improve the
12 technical work products.

13 MEMBER MUNN: It's the level of
14 detail, I think, that concerns me here more
15 than anything else.

16 DR. MAKHIJANI: Hi. This is
17 Arjun. Sorry, I got on a couple of minutes
18 late. Am I interrupting anyone?

19 MR. KATZ: No, no. Jump in.

20 MEMBER MUNN: You're right on
21 time.

22 DR. MAKHIJANI: Thank you.

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1 I think one of the things that we
2 might look at regarding the outcomes is when
3 NIOSH uses the worker interview materials or
4 materials gathered during outreach, they could
5 be better referenced in the technical
6 documents themselves. I think that's one part
7 of the outcome.

8 Maybe, you know, in this example,
9 they may have used it in a lot of places, but
10 they are not referenced. So, it becomes more
11 difficult for people who have made comments to
12 know whether they have been used.

13 At least I think it might be a
14 minor item in terms of improvement, but it
15 might have a major result in showing people
16 how their work was used or input was used.

17 MR. FITZGERALD: This is Joe.

18 I would like to, I guess, respond
19 to Wanda's comment because I think it is a
20 good comment. I mean, how do you scope
21 something like this, particularly if it is a
22 prototype?

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1 I think this is a difficult one
2 because we certainly haven't done it before.
3 We don't have a precedent.

4 And to some extent, I think you do
5 err to define a slightly broader scope. You
6 know, you're guessing a little broader because
7 you are going to try to test this thing. It's
8 very possible that some of the comparisons you
9 are doing in terms of the information you
10 collect, the documents you look at, may bear
11 out in this empirical test to be not as
12 worthwhile. You know, this is part of the
13 process. This is a shakedown.

14 We're trying to figure out what's
15 the appropriate level of review, scope of
16 review, the dynamic of what is termed
17 significant. You know, in that definition it
18 says we're going to look at these significant
19 items. Well, the level of significance is
20 something, I think, when we get into this, we
21 are going to be able to know firsthand.

22 You know, a lot of this has been

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1 abstract. I mean we are writing a procedure.

2 We are dealing with issues that come up and
3 we are trying to figure out, okay, certainly
4 it makes sense to find a way to assess how
5 much better we're getting.

6 But to do that, I think you almost
7 have to come up with a reasonable tool, and we
8 don't know what that reasonable tool might be
9 at this point. But we are going to try to
10 figure that out, using this as a prototype,
11 going back to Rocky and going through the
12 documents, figuring out what got adopted, and
13 all that.

14 And you may be very well right.
15 We may sweep in too much, and the conclusion
16 is we need to downscope this. Maybe there's
17 more significant items. Or we might have
18 guessed pretty much right. And a lot of these
19 look very reasonable. This is the scope that
20 we should be looking at.

21 But this will be very important
22 going forward, which I think is what Kathy was

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1 explaining, that as we go forward with
2 PROC-12, we want some confidence that the
3 scope of what is being collected makes sense.

4 We can answer your question after doing this
5 prototype and saying, yes, we're really sure
6 that everything on this list is significant,
7 should be looked at, should be compared, and
8 we would do so in the future as well.

9 So, this is, I think, a very
10 important milestone to go ahead and validate
11 this thing on the ground and make sure that
12 the scope is right, the procedures are right,
13 and the level of significance that we come to
14 is correct. And even the process, you know,
15 this process of doing the comparisons, having
16 NIOSH take a look at these comparisons, and
17 then engaging the Work Group in sort of this
18 collaborative assessment, see if that really
19 works well.

20 And I have some questions about
21 time cycle. Can this be done in a tight
22 enough timeframe that makes sense. And that's

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1 similar to your question. Is that going to be
2 manageable?

3 And I think we're going to bear
4 that out. We're going to find out for sure.
5 I think this is a good stab, but, as we were
6 saying earlier, it is a work-in-progress,
7 that, you know, it will be adapted as we go.
8 And if we find out, as you're pointing out,
9 quite plausibly, that maybe this is just
10 turning out to be too much, we will downscope
11 it in the process.

12 We don't have to wait. We will
13 come back to the Work Group and say we started
14 out this way, but Wanda was right; it just was
15 a mountain of data; we just can't get through
16 it in a reasonable amount of time.

17 I think timing is another issue.
18 This has to be done so that it's actually a
19 real-time feedback, not something that takes a
20 year.

21 MEMBER MUNN: When one looks at
22 the detail here, and does even an amateur

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1 evaluation of the amount of time and effort
2 that is going to be involved, especially given
3 the size of this particular project, and given
4 the number of individuals involved, the number
5 of records involved, one can't help but be
6 daunted by the concept of trying to get their
7 arms around that much information. That's a
8 staggering amount of information which,
9 clearly, has been gone over more than one time
10 by more than one set of eyes before.

11 And it would seem reasonable for
12 this group to go out of its way to try to work
13 with what is before us now in a very focused
14 manner to try to distill the essence of what
15 we want from this, instead of the shotgun
16 effect, which this clearly is broad enough to
17 be interpreted as a shotgun effect, even
18 though it is also clear that a great deal of
19 thought has gone into how this should be done.

20 MR. FITZGERALD: But I want to
21 comment. Certainly, it was not a shotgun
22 approach.

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1 MEMBER MUNN: Well, what I meant
2 is I think we have some --

3 MR. FITZGERALD: It certainly is
4 broad. It certainly is broad, yes.

5 MEMBER MUNN: Yes, about as broad
6 as one could get. I personally couldn't think
7 of anything else, as I was reading through
8 this, that could have been factored into it.

9 MR. FITZGERALD: Yes. Here's the
10 dilemma, I think, this program, given the
11 interfaces it has with workers, I mean it has
12 so many dimensions where we interact with
13 workers on an SEC or a Site Profile, I mean
14 starting from the outreaches in the beginning
15 to the Site Profiles, the outreaches on the
16 SEC, to comments that come in with the
17 petition, that come in before and after.

18 And when you actually start
19 looking at these streams of information and
20 where perhaps in the past there has been some
21 criticism that some of these paths have been
22 ignored, neglected, maybe not paid attention,

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1 you know, certain pathways were given more
2 attention perhaps because they were more
3 formal, that is the difficulty I think we are
4 in. The question is, are we paying attention
5 to the meaningful inputs that are being
6 provided, regardless of whether they come in
7 sort of at this level or at that level in
8 terms of comments from individual workers?

9 And if it were just simply to
10 docket, I think this would be a very simple
11 exercise because that's a very formalized
12 process. But I think what we're hearing in
13 comments that we have received on the question
14 of outreach is that a lot of workers who
15 provide more individual comments or provide
16 maybe oral comments at Board meetings, or who
17 knows what, they don't feel those comments
18 register in the system.

19 And that is kind of what I have
20 heard the worker kind of grapple with: how do
21 you kind of account for all these various
22 inputs? They all vary from the very formal to

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1 what I would consider pretty informal. How do
2 you account for them? And that's a difficult
3 process because you have such a variety.

4 I think that is reflected in the
5 elements we have here, that, yes, there is a
6 large variety of streams of information that
7 come in. I would hesitate -- and that's why
8 we didn't do it, but certainly the Work Group
9 can examine this -- we would hesitate to
10 truncate the list a priori upfront because I
11 think that is what some of the workers have
12 said in the past, that you seem to have in
13 advance decided what streams of information
14 are important to the Board and to NIOSH and
15 which ones aren't perhaps, even if it is
16 inadvertent.

17 And that is what I think we are
18 trying to deal with. Are we, in fact, paying
19 attention to all the key -- and I guess the
20 keyword is "key" --

21 MEMBER MUNN: Key.

22 MR. FITZGERALD: Levels of inputs

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1 and making sure that we're not ignoring some
2 of the key streams. And some of the workers I
3 think have brought that up.

4 I think this Work Group can look
5 at this list, but, again, I think we were
6 hesitant to decide amongst ourselves within
7 SC&A what were important inputs from workers
8 and which were not important inputs. Because
9 I think all the inputs are important. We just
10 have to figure out what is a manageable way --
11 and I think the key is manageable way -- to
12 look at it and decide whether or not that
13 information is being registered within NIOSH.

14 I think the emphasis on
15 manageable, I mean there is a lot of
16 information. But how do you manage that in a
17 way that it gets done in a timely manner and
18 we come up with a way that we can take forward
19 that uses a tool. If it's cumbersome -- and I
20 think this is where you're going -- if it's
21 cumbersome and it's so much information that
22 you lose the forest for the trees, then it is

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1 a useless tool and it doesn't do anybody any
2 good.

3 So, there is a balance point of
4 making sure that we don't ignore anything. On
5 the other hand, if it's not a manageable tool,
6 forget it; it's not going to work.

7 And that's kind of what we're
8 trying to do, is come up with a process, come
9 up with the elements that are inclusive, but
10 manageable. And this is a prototype to test
11 that. If the test is cumbersome, we are the
12 first ones to come back and say, you know,
13 we've cut this thing down, and here's how we
14 did it. And you can judge that editing in a
15 way that you either agree or disagree that
16 this would be a way to go.

17 But we will propose tailoring if
18 it turns to be an unmanageable process, but
19 right now we think it is manageable.

20 CHAIRMAN GIBSON: This is Mike.

21 Let me comment here. You know, I
22 like the broad approach that SC&A has come up

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1 with, and I also agree with Wanda there's a
2 lot of work to be done.

3 I wonder if, would it be workable
4 to perhaps get the opinion of a set of workers
5 or worker advocates from Rocky about a given
6 point of time or a given process, you know,
7 building-wise or something? And let's apply
8 this broad approach to an area that they think
9 or a time period they think that their input
10 was not included throughout the whole EEOICPA
11 process?

12 Maybe that would be a first step,
13 and then we could determine if we need to take
14 this broad approach back through the rest of
15 Rocky or if we can tailor it down and use a
16 more tailored-down version at Rocky and other
17 sites. Does that make sense to anyone?

18 MEMBER MUNN: In some ways it does
19 and in other ways it simply adds another layer
20 of complication to what I'm concerned about
21 here.

22 What Joe said contains a number of

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1 important words, "key" and "manageable" being
2 high among them.

3 MR. FITZGERALD: I did put them in
4 quotation marks.

5 (Laughter.)

6 MEMBER MUNN: Yes. It's highly
7 unlikely that, no matter what we do here, if
8 there is among a large group of people a
9 perception that their commentary is not being
10 utilized, it remains unlikely that, no matter
11 how much work we do here, we're going to
12 change perceptions that have been well-
13 polished by this time.

14 DR. MAKHIJANI: This is Arjun.

15 One sort of comment is I think it
16 would be difficult to narrow things down,
17 Mike, because you have to go through the
18 transcripts and the comments. You have to go
19 through the materials anyway. And I think
20 Wanda is right in that it would kind of add a
21 layer.

22 And my second comment is, you

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1 know, the list looks formidable, and to some
2 extent it is, but I think at Rocky Flats there
3 was so much discussion of the key points like
4 the Super S. There was a lot of repetition of
5 the main things. I think all parties did
6 incorporate those points.

7 Now there are many points that may
8 not have been incorporated, but the bulk of
9 the commentary was on a few things. I think
10 that the list is long, but the work may not be
11 as much as we think. I could be proven wrong
12 about this. It is just a guess from trying to
13 remember the discussions of a few years ago.

14 MR. FITZGERALD: Yes, and, you
15 know, another option, I know we're talking
16 about options because I think we appreciate
17 what Wanda is saying on scope, is the feedback
18 to this Work Group. You know, this is not
19 sort of we'll see you in four months when this
20 thing is done, but to feed back exactly how
21 this is progressing in terms of scope.

22 And if it turns out the progress

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1 over a month or so isn't sufficient to justify
2 the scope, then, we should come back to the
3 Work Group. We should come back to the Work
4 Group anyway with a progress report, but,
5 basically, report back on the scoping issue
6 and the resource loading issue.

7 When I say "manageable", this
8 thing has to be a real-time tool. It can't be
9 a one-year effort because we'll never get
10 enough of them done to give you feedback
11 anyway.

12 So, I think it's an important
13 point. This thing has to both be inclusive,
14 but manageable in a way that makes it a tool.

15 If it doesn't accomplish that, then we have
16 failed.

17 So, I think we're very, very
18 acutely aware that we have to demonstrate
19 that, and we owe the Work Group, I think, some
20 feedback. And this has to be a little bit
21 empirical. I guess I come back to that
22 because it does look formidable on paper. I

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1 think once we are comparing the documents that
2 we're talking about, it is not going to be as
3 formidable, but I can't prove that to you
4 until we actually start going through this. I
5 think we need an answer to that.

6 MR. KATZ: Can I just also raise a
7 comment, part comment, part question, about
8 the scoping issue? Not about doing Rocky
9 Flats in particular, but in general about
10 this, because something Joe said made me think
11 that people have different ideas about this.

12 But doing a program evaluation
13 like this, it's not a continual program
14 evaluation. You're not going to evaluate
15 every site, and so on, out into the future.
16 What you want to know is how well is a process
17 working and what improvements might help it.

18 So, I mean, you periodically dip
19 into the program and take a look and see how
20 the program is working. So, I mean, right
21 now, we have chosen to start with a pilot
22 effort to learn how to do this as well as to

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1 look at a site, with Rocky Flats. And down
2 the road we may choose some other different
3 kind of site, different kind of circumstance,
4 or whatever.

5 But I certainly didn't envision
6 that there would be any kind of ongoing
7 process at every site of looking at this,
8 because really you're doing a program
9 evaluation. You want to know how well a
10 process is working and how to improve it, but
11 you're not going to expend the kind of
12 resources it would take to be monitoring this,
13 as it goes on into the future, currently and
14 into the future, at every site or anything
15 even close to that.

16 MR. FITZGERALD: The importance of
17 what we're doing here actually goes well
18 beyond this prototype by judging the
19 significance of some of this input stream, and
20 looking at how you determine effectiveness.
21 And this is what you are kind of doing.
22 You're trying to come up with a means to

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1 monitor effectiveness. That alone I think is
2 a very important effort. If we can do that
3 with NIOSH, come up with an agreement that
4 this is a gauge -- it won't be perfect -- it's
5 a gauge of effectiveness of whether or not
6 things are being addressed, that's something
7 that NIOSH and ORAU can take into the program
8 going forward.

9 And I think what Ted is saying is
10 very important. You know, there's no way any
11 of this is going to be inculcated by external
12 means.

13 All we are doing is trying to
14 develop a tool and doing some sampling. I
15 would imagine over time the Work Group might
16 reach in and do some sampling in the future,
17 but it is not going to be anything continual.

18 What these tools would be valuable
19 for will be to NIOSH and to ORAU in terms of
20 self-assessment, looking at how well things
21 are going. Maybe this will turn up
22 vulnerabilities to both the PROC-12 procedure

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1 -- maybe we didn't really consider certain
2 things that we weren't quite aware were big
3 issues collaboratively.

4 And going forward, it is going to
5 provide some focus that, okay, here's some
6 weak points. You know, we are pretty strong
7 in these areas, but there are certain streams
8 of inputs from workers in terms of worker
9 outreach that, for various reasons, don't
10 quite register in the system. And this is how
11 you gauge that. This is what you can look at.

12 This gives you some measuring points.

13 That itself is going to be useful
14 going forward, not to us per se, but to NIOSH
15 and ORAU. The Board would only sample on
16 occasion, and that is going to be a periodic
17 thing. But that is something that can be used
18 all the time at all the sites, something that
19 could be used to self-assess, get away from
20 trying to externalize this thing, something
21 that could be done in-house.

22 So, I think some of these

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1 questions are hard. How do you know on some
2 of the individual worker inputs that we get --
3 this is sort of like what we heard on the
4 Advisory Board meetings -- how do you know
5 you've captured that? How do you know it gets
6 handed off so it's actually looked into? And
7 how do you know that the individual who made
8 the comment gets some feedback?

9 It sounds kind of basic, but when
10 you start looking at how you gauge that, that
11 is difficult in some of these worker inputs.
12 And that is what we are trying to judge in
13 this process, is actually empirically go into
14 the material itself, find out how you do it,
15 and what do you actually look at? Are we
16 guessing right that this will give it to you
17 or not? And, then, going back and figuring
18 out, can you do that on a continuing basis or
19 is it just going to be unmanageable?

20 MEMBER MUNN: And your keyword
21 there is judge. At best, no matter what we
22 do, and no matter how we do it, we cannot

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1 eliminate individual judgment from this
2 process.

3 MR. FITZGERALD: Well, that's why
4 we're spreading it around.

5 MEMBER MUNN: I just don't see a
6 way that can be done. Not only are we going
7 to have to judge what is and is not important,
8 we are going to have to judge whether or not
9 it was considered in the absence of specific
10 personal notes or rigorous information dealing
11 with any specific comment.

12 It's difficult to be able to say,
13 impossible to be able to say, this was
14 considered; nothing was done with that.

15 MR. FITZGERALD: Well, yes. Well,
16 first, I completely agree with you, that when
17 you're judging significance, that is in the
18 eye of the beholder.

19 That's one reason I think the one
20 process thing that I think is most important
21 for this process is that's a collaborative
22 judgment. It is not a judgment of Kathy, a

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1 judgment of SC&A. It is going to have to be a
2 judgment of this Work Group in conjunction
3 with NIOSH and with our support.

4 I mean it is going to be
5 everyone's collective judgment because this is
6 difficult. And what we're saying is all we
7 are going to do, I think, upfront is the
8 homework of just trying to get the pieces of
9 paper that give you some documentation on
10 this. We don't want this to be an informal
11 judgment or a judgment based on what came in.

12 It's documented in terms of a response and
13 how it got back to the worker. We're not
14 going to go further than that.

15 We're going to say the one
16 judgment that we're going to try to be careful
17 about, but then try to bring back to this Work
18 Group and to NIOSH is significance. In other
19 words, what is the significant input, the key
20 inputs that we talked about? We need to be
21 very clear how we judge that.

22 But, then, we're going to bring

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1 all this factual stuff, factual information,
2 back to the Work Group, engage the NIOSH staff
3 and ORAU, and say, okay, here's kind of what
4 it comes down to. Here's what it comes down
5 to. We haven't figured how good, bad, or
6 indifferent, but this is pretty much what we
7 see.

8 Now the question of judgment,
9 which is, okay, was this responsive enough or
10 not, on paper it doesn't look responsive. I
11 fully expect NIOSH or ORAU to say, well, the
12 paper doesn't tell you the whole story; here's
13 the whole story behind how we dealt with that
14 particular issue. That should get recorded
15 and be reflected.

16 And that may actually have an
17 impact on the answer. So, we won't know that
18 by looking at the paper on the ground. So, it
19 is going to be a process.

20 And, then, when that is done, this
21 Work Group -- and this is what Kathy was
22 referring to; this is like the Task 4 dose

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1 reconstruction reviews. There's going to have
2 to be sort of a deliberative discussion about
3 things like significance, about resolution of
4 issues, what that means, because it's all
5 subjective.

6 You are going to have to have a
7 collaborative discussion. But that discussion
8 alone, I would add, is going to be very, very
9 important for this process, because I don't
10 think there's been a real good discussion
11 based on actual empirical information.
12 There's been a general discussion. I think we
13 all have our own opinions. But there hasn't
14 been a good discussion based on actual
15 empirical information, which is what's going
16 to be collected. And that discussion, I
17 think, will move this thing forward.

18 And we can decide at that point,
19 this Work Group can decide what is really
20 significant and should be keyed on, and what
21 judgment, what kind of judgment should be
22 made.

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1 There I think you are going to
2 have a very vital discussion about what has
3 been done in the past and what should be done
4 in the future. The past doesn't necessarily
5 dictate the future, but it does inform it.
6 So, I think you are going to learn from this
7 review what has been done in the past and
8 whether that was good enough, and, then, how
9 you want the PROC-12 to read and how you want
10 the sampling done in the future.

11 So, this is really going to
12 influence how the judgments are applied into
13 the future, based on what you see at Rocky.
14 But we haven't had that opportunity yet. It
15 hasn't been pinned down on something that is
16 actually you're comparing an actual record
17 that's all been subjective.

18 MEMBER MUNN: I don't want to
19 belabor this, but, Joe, in your professional
20 opinion, then, if we do not spend our efforts
21 here today honing this proposal in any
22 significant way, then what's your expectation

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1 of the amount of time and resource loading
2 that is going into this pilot project we are
3 undertaking?

4 MR. FITZGERALD: Well, first off,
5 it is the Work Group's prerogative to take
6 this list and roll it around as you see fit.
7 I mean we are coming into this thing, as a
8 starting point, this is what's relevant.
9 Okay.

10 Now, from a resource loading and
11 scoping standpoint, to make it a real
12 tool -- and this is looking to the Contract
13 Officer because, basically, this is a
14 prototype. This is like the very first Site
15 Profile we ever did or the first SEC. It is
16 sort of flying dead blind.

17 But we are talking several months
18 as being a working time period, and no more,
19 because I think, if you are going to do
20 reviews like this, and knowing that getting
21 NIOSH together, getting the Work Group
22 together, that dynamic at the tailend is going

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1 to take a lot of time, then for this prototype
2 it could easily be four to five months.

3 But, you know, going back to what
4 Ted was saying earlier, this is not something
5 that we are going to do site by site by site.

6 So, this is a prototype. It is almost like a
7 baseline for the future program. We are not
8 going to repeat this. This is certainly
9 something to test out this review function.

10 MEMBER BEACH: Joe, some of this
11 is dependent upon NIOSH gathering documents
12 and getting them to the folks doing the
13 reviewing. So, depending upon how long that
14 may takes, it makes a difference, also,
15 doesn't it?

16 MEMBER MUNN: It's part of
17 resource loading.

18 MR. FITZGERALD: There are several
19 steps.

20 MEMBER SCHOFIELD: I see two parts
21 to this. One part of this is we are, in a
22 sense, auditors. We are auditing what has

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1 been done. We are kind of looking at what has
2 been done and seeing how the process has
3 worked or is working.

4 The other thing is I see this
5 process and procedure being useful,
6 particularly in the future, when we are
7 developing SEC petitions, the Evaluation
8 Reports, or Technical Basis Documents.
9 Because, typically, on any given facility or
10 site, you have a small number of people that
11 are labeled as site experts in the interviews.

12 A lot of times, they are looking at this
13 whole review as the entire facility. They
14 don't have the knowledge down on the ground
15 that a lot of the workers do, what actually
16 occurred in those buildings, where the flaws
17 were, where the dangers were.

18 And this is what comes out in this
19 feedback from the workers and people like
20 this. This is where it becomes important.
21 They need to know that what they are saying is
22 being given the same weight and is also being

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1 looked at just like the, quote, "site experts"
2 are. Otherwise, it is a one-sided process, if
3 we aren't gathering the data from both sides
4 of the equation.

5 MR. KATZ: Let me just, since Joe
6 raised the resource question, I mean he has
7 already talked about it, he and Kathy, a bit.
8 Then, I would say the same goes for DCAS.

9 I mean, so whatever their charge
10 is coming out of this meeting, and if they
11 require three to four months, whatever it
12 might be upfront, if they get a month into it
13 and Kathy finds, gee, this is incredibly
14 laborious, this is not going to go, I would
15 expect Kathy will let Joe know. "Joe, I'm
16 spending a zillion hours just doing this first
17 part."

18 And they would have to rethink,
19 and they would get in touch with us and say,
20 "Look, this isn't working. This is an
21 enormous amount of labor. You know, heads
22 up." And, then, we would be able to rethink.

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1 And I would say the same goes for
2 DCAS. I mean DCAS is going to be pulled on to
3 provide information, to look at these fact
4 sheets as they are produced and consider
5 whether there's stuff missing from them, and
6 so on.

7 The same goes for DCAS. If DCAS
8 starts into this and finds, holy Moses, you
9 know, we don't have the resources to do this,
10 we would want to hear back from DCAS, "Look
11 this isn't going to work."

12 But I would just encourage
13 everyone at least in spirit be a little bit
14 experimental here. That is the whole idea of
15 a pilot, is, as Joe said earlier, you don't
16 exactly what's going to work and work best,
17 but you have to go forward, and you learn
18 pretty quickly what is or isn't working as you
19 go.

20 MR. FITZGERALD: Yes, I am
21 concerned about resources and I'm concerned
22 about scoping as well. But I think we can

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1 work through this in the pilot and figure out
2 what makes sense. It is a balancing, as I was
3 saying earlier, between being inclusive and
4 being manageable. If it is not manageable,
5 you lose the whole thing anyway. So, we have
6 to strike that balance, and we owe it to the
7 Work Group to feed back what the experience
8 is.

9 And what I drew on the white
10 board, you know, there are three distinct
11 timeframes involved, and all of them involve
12 resources, maybe resources for different
13 people. But, upfront, there is a not
14 insignificant tasking I think for DCAS in
15 terms of providing their documents from the
16 files, you know, this sort of track record,
17 documentation that documents how inputs were
18 handled, because we can't really do a lot of
19 this review without knowing -- we know what
20 may have went in, but we certainly don't know
21 how it was managed. And if there's
22 documentation, fine.

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1 I'm thinking from my own
2 government experience you have chron files and
3 you have certain files that deal with worker
4 outreach. Anything that came in on a letter
5 or a comment probably got filed either in your
6 shop or in DCAS. And we are going to need
7 that documentation upfront to even do the
8 second part. So, we can't even start the
9 second part until we get the documents that
10 DCAS and the ORAU Team have that shows what
11 the dispositioning of these kinds of comments
12 has been.

13 And they may very well raise their
14 hand at some point. They're going to have to
15 go through and figure out, do they have these
16 things in files that are manageable and easily
17 accessible?

18 Now, if they don't, that actually
19 is a piece of information that is useful to
20 the Work Group because maybe there should be.

21 You know, I'm just saying that this whole
22 process is a learning process. So, the

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1 question of whether or not you have your
2 fingertips on the status of these worker
3 inputs and what happened to them is by itself,
4 I think, a prototype test.

5 But, assuming we do get that
6 documentation, that is when the SC&A review
7 begins. That is when, actually, this process
8 will be played out where we compare and all
9 that business.

10 So, the question is, can that
11 process be done in, I'm calling it real time,
12 but that is probably being too optimistic,
13 something approaching manageable time, you
14 know, four or five months. So, that the cycle
15 time on this getting back to the Work Group,
16 which is the tailend is not going to be in
17 excess of six months. I mean I think that
18 would be the killer.

19 The breakpoint to me is, if we
20 can't get back to the Work Group with this
21 thing, with the DCAS documentation, with the
22 SC&A review within six months -- this is the

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1 prototype, not the future, but the prototype
2 -- then we have a problem. And we need a
3 feedback if it looks like we can't get there.

4 That is either DCAS feeding back they can't
5 get the documentation or our feeding back that
6 either our scope or process is not manageable
7 and is too burdensome.

8 MEMBER MUNN: Too laborious.

9 MR. FITZGERALD: And too
10 laborious, and we're just not going to get
11 back to you in a reasonable amount of time. I
12 would say six months to give you a date to
13 come back for these deliberations would be the
14 outpoint. I would like to do better, but that
15 would be the outpoint, I think as a measuring
16 point.

17 Because the deliberations
18 themselves, they might be a one- or two-day, I
19 can almost imagine a two-day session like Task
20 4 under dose reconstruction reviews,
21 where you are going to want to talk about,
22 well, why do you think that was important and

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1 why don't you think that response was
2 adequate? You can see that going back and
3 forth.

4 MEMBER MUNN: Easily that much
5 time.

6 MR. FITZGERALD: Yes.

7 MEMBER MUNN: Easily.

8 MR. FITZGERALD: So, you know,
9 there is that concern over scope as well as
10 whether it is a manageable process. I think
11 that is what we are going to have to test out
12 and do it in a way which we have to adapt. If
13 we find things aren't working out, I think we
14 need to come back to the Work Group and Ted
15 and alert you to that, and then tell you what
16 we're going to do about it.

17 You know, maybe we're going to
18 downscope this thing. Maybe there's certain
19 documents that DCAS is finding difficulty
20 obtaining. We're going to go forward anyway,
21 even though that piece is missing, but note
22 that for the Work Group, that there's a piece

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1 that is, in our view, relevant that is going
2 to be missing from this, and this is the
3 reason.

4 So, I think if you think of a
5 prototype as we need to have constant
6 feedback, I think that is probably going to be
7 the case for this prototype, just to make sure
8 it is going to happen.

9 MEMBER MUNN: Let's just all be
10 very aware of the fact -- and I don't want me
11 to be the only person who is aware of the fact
12 -- that we said here, and I trust that we mean
13 here, we're not going to do this with every
14 site that we come to. This isn't going to be
15 a continuing program. We're not making a
16 lifetime work project out of worker outreach.
17 We're not going to do that.

18 What we're going to do here is
19 very limited. We are going to do this
20 extremely thorough pilot program, and we're
21 going to do it within a reasonable period of
22 time or else we are going to agree this is too

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1 obscure; we've gotten too far down in the
2 weeds, and we're not getting the value of the
3 time and effort that is going into it.

4 And if we can agree to that, then
5 there is no point in our spending very much
6 time looking further at Kathy's document.
7 There's no question it's thorough. The only
8 question is --

9 MEMBER BEACH: Wanda, I can see
10 that we would do the review on Rocky. This is
11 a site that is already closed. And, then,
12 maybe taking on one that we are currently
13 working on, Savannah River, Pantex, something
14 of that nature. That's kind of my view of
15 where we would need to go, and it would tell
16 us everything that we need at that point.

17 MS. ROBERTSON-DEMERS: Can I make
18 a slight clarification? We don't have to wait
19 until all the documents are put together by
20 DCAS to start on this. We have already,
21 through the process of writing up this plan,
22 downloaded everything that has been public,

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1 that is publicly available. We could start
2 there while we were waiting for some of the
3 documents that are not publicly available and
4 not on the SRDB.

5 MEMBER SCHOFIELD: I agree with
6 you, Wanda, this isn't something we will do
7 for every facility, every site, but we do need
8 an idea of how to flesh out this program, so
9 that they can get something together that is
10 actually functional, has real function to it,
11 and at the same time doesn't bog down the
12 whole system.

13 MEMBER MUNN: And that's going to
14 be PR-12, right? Didn't I hear that to begin
15 with?

16 MR. FITZGERALD: Well, you've got
17 two things. You've got this being an
18 empirical, on-the-ground test for PR-12,
19 meaning that, is there anything that is not
20 reflected in PR-12 that is glaringly obvious
21 from going on the ground looking at this past
22 history of worker input. So, it is a bit of a

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1 validation on the completeness of PR-12.

2 The other thing it gives you --
3 and I said this before -- it gives you going
4 forward some tools as well as perhaps some
5 judgments on significance and what's key, even
6 what we would call responsive. You know,
7 responsiveness is in the eyes of the beholder
8 as well. I think that is something that this
9 Work Group will get a chance to look at in
10 real time.

11 But going forward, I think to
12 answer your question earlier, I think the Work
13 Group, you all, getting the results of the
14 prototype, I think would be deciding how best
15 to use what comes out of that in terms of the
16 tools and in terms of some of these
17 definitions and judgments, and what have you.

18 That is going to inform not only
19 the discussion you have, but, also, inform
20 whatever you want to do in the future. I
21 think that question about what you want to do
22 in the future is up to the Work Group. I

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1 mean, clearly, you're driving how you want to
2 go ahead and monitor effectiveness. You are
3 going to be monitoring how PR-12 is actually
4 being implemented into the future, and how you
5 monitor might be informed by what we do at
6 Rocky.

7 So, I think that is all
8 information that can be used. How you use it
9 is something at that tailend step I think you
10 will be discussing for a couple or two or
11 three Work Group meetings, figuring out what
12 you're going to do going forward and how this
13 is helpful or not. And that's part of the
14 process.

15 MEMBER MUNN: It's the original
16 question.

17 MR. FITZGERALD: Yes.

18 MEMBER MUNN: Why are we doing
19 this?

20 MR. FITZGERALD: I mean I think
21 the whole idea was to both, in a sense,
22 validate PR-12, but, also, put on the table

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1 the actual empirical information that could be
2 used as a means to come up with the tools.

3 Right now, all we have is PROC-12.

4 MEMBER MUNN: Somehow?

5 MR. FITZGERALD: All we have is
6 PROC-12, a procedure, but that's just a
7 procedure. It doesn't tell you how this group
8 will be monitor how that procedure is
9 implemented or look at the effectiveness going
10 into the future. This is going to help.

11 CHAIRMAN GIBSON: This is Mike.
12 Let me make a comment here to what Wanda said.

13 I understand we wouldn't be doing
14 this for every site, and this is mainly to
15 make sure that PROC-12 and the process is
16 treating worker input fairly.

17 Secondly, if through this process
18 we see something that perhaps was not treated
19 fairly, and they have to go back and change
20 some of the Rocky documents, and therefore, do
21 a program evaluation review, then I can't see
22 us being limited if we have similar

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1 circumstances at a different site where
2 there's longstanding issues that are
3 unresolved, or whatever else, by certain
4 members of the Board, that we may not have to
5 take a look at those site documents also and
6 see how the worker input may or may not have
7 been included.

8 MR. KATZ: Well, Mike, I mean I'm
9 just thinking about that. But I think that
10 is, then, going beyond the scope of this
11 Worker Outreach Group. I mean if you are
12 discussing this being a process to determine
13 and make changes to NIOSH documents, this is
14 really not the intent of this Work Group to be
15 making those kind of judgments or to be
16 driving that kind of change.

17 I mean, certainly, DCAS may
18 realize, as you do this work, that some
19 important input was missed and may make
20 changes accordingly. But I don't think that
21 is the objective of this operation. Is that
22 what you're saying?

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1 CHAIRMAN GIBSON: Yes, that's what
2 I'm saying.

3 MR. KATZ: Okay.

4 CHAIRMAN GIBSON: I think that is
5 part of what this Work Group was charged to
6 do, is to assure that worker input is and was
7 used in site documents that were put together.

8 MR. KATZ: Right. All I'm saying
9 in distinguishing is, to me, this is a
10 process, ensuring that the process is working
11 for that, not particularly in relation to
12 specific sites or any specific site.

13 CHAIRMAN GIBSON: Yes, and we need
14 to get the process fixed. If it is not
15 working, we need to get the process fixed.

16 MR. KATZ: Right. Absolutely.
17 But that is the whole idea of making
18 recommendations, right?

19 CHAIRMAN GIBSON: Right, but, to
20 me, then, if there could be similar things
21 laying out there in the past, we don't just
22 leave them hanging.

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1 MR. KATZ: Well, I mean, again, if
2 you are then going to ask the question, so say
3 you do this evaluation on this site and you
4 find there are some holes that have resulted
5 in some information being left on the table,
6 so to speak, as opposed to being used by the
7 program, I mean I think it's fair to ask,
8 then, well, might there be also information
9 left on the table related to other sites.

10 But I'm not sure that that means,
11 okay, so now we're going to go through every
12 other site and see whether -- because, again,
13 you're trying to improve a process going
14 forward. You're not trying to -- I mean I
15 think internally that may be something for
16 DCAS to consider, well, look, in this case we
17 left stuff on the table; maybe we need to go
18 back and look at other places. But I don't
19 think that it has the Board all of a sudden
20 operating and examining every site in the past
21 because they found that there was a problem
22 with taking worker information into account at

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1 this site.

2 Again, I would say, you know, you
3 look at another example in a different
4 timeframe, whatever, and see how the process
5 is working then, or what have you. But you're
6 working to improve a process.

7 This is not does reconstruction
8 audits here, which the Board has a very
9 specific charge to do that, the sampling of
10 dose reconstructions. It doesn't have a
11 charge of monitoring every sort of process it
12 operates for every site that NIOSH has worked
13 on.

14 MS. HOWELL: Ted, this is Emily.
15 Can I just kind of chime in on what you're
16 saying there?

17 MR. KATZ: Yes. Sure.

18 MS. HOWELL: I think we have
19 gotten this draft proposal about how to
20 proceed from SC&A. I didn't want to kind of
21 look at that as a final document since it was
22 being presented to the Work Group today for

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1 their input. And I assume that there might be
2 some substantive changes about how you guys
3 would like to proceed.

4 But we are kind of on the edge of
5 some legal concerns and some FACA concerns
6 here. So, I would say that what we would like
7 to have would be more of a finalized plan
8 coming out of this meeting. Then, the
9 Department can have some time to kind of look
10 over and think about what the implications
11 are.

12 I think Ted has made some good
13 points about this distinction between ensuring
14 that the procedures are in place versus making
15 retroactive changes to issues that we have
16 visited in the past.

17 And I'm not saying that it is
18 definitely a problem, but I'm saying we need
19 some time to look at it. And I didn't want to
20 go off of the SC&A documents that we received
21 because those were a proposal.

22 So, I think one thing, if I could

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1 ask from the Work Group, would be for you guys
2 to come to more of an agreement on your plan
3 of what you would like your path forward to
4 be. And, then, before proceeding, maybe give
5 us an opportunity to actually think about it
6 from the agency and the departmental
7 perspective.

8 MR. HINNEFELD: Ted, this is Stu
9 Hinnefeld. I would like to offer something
10 here, if I could.

11 MR. KATZ: Yes. Absolutely.

12 MR. HINNEFELD: Okay. First of
13 all, I think what the Work Group is looking at
14 here is a program communications process, at
15 least one side of it. And I'm supportive of
16 that. I think that program communications and
17 working to improve program communications is
18 one of our more important initiatives that we
19 do need to embark on going forward.

20 You know, the broad approach here,
21 I guess, doesn't really bother me too much. I
22 think, though, that as you look at historical

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1 information, which is what we're going to look
2 at here, I think there is no doubt going to be
3 a number of deficiencies identified in the
4 communication process.

5 So, I think if we kind of
6 establish that expectation, I think it will be
7 maybe a little less confrontational for us
8 going forward. We certainly believe there is
9 room for improvement in the program's
10 communication with the claimant and advocate
11 community, and I think this is a pretty good
12 step, an important step, to sort of identify
13 specific deficiencies. That then, gives us a
14 better opportunity to determine specific
15 things we should be doing differently or
16 better.

17 I had a bit of a epiphany. It is
18 kind of a shame that I had to have an epiphany
19 about this. And it really happened to me when
20 I was looking at a survey, the results of a
21 survey that ANWAG posted. I believe this one
22 was on their website. I'm not exactly sure.

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1 It was on the internet somewhere.

2 And it was kind of a nice
3 PowerPoint Presentation, and it had to do with
4 the summary of a questionnaire or a survey
5 they had done of people affected by EEOICPA.
6 So, it didn't really distinguish between us
7 and DOL's role. So, from that standpoint, you
8 couldn't really parse us out of it, although
9 there were some comments that were clearly
10 specifically directed to us and there were
11 some that were clearly specifically directed
12 to DOL.

13 And the statistics are a little
14 hard to really interpret very much because the
15 questions were always about your interactions
16 with EEOICPA. And so, we at NIOSH will
17 determine that, well, all these bad responses
18 would be based on their interactions with DOL,
19 and DOL will say, well, all those bad
20 responses were based on interactions with
21 NIOSH.

22 But I don't think there is any

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1 other way to do this survey other than that,
2 because I'm not so sure that we and DOL are
3 particularly -- well-distinguished on the
4 population. So, I am not criticizing the
5 survey at all.

6 But that survey, there is a list
7 of comments, sort of a summary of the
8 individual comments. But in another section,
9 you know, this is after the statistics, and
10 then there's another section that I think is
11 suggestions for improvement.

12 And I read through all those
13 things. It kind of hits you in the face when
14 you read it as the Director of the Office, is
15 that what people are saying in that is that we
16 don't listen to them and they can't understand
17 us when we talk to them.

18 And so I said, well, that's both
19 sides of communication. So, we need to work
20 on this.

21 I have talked to Chris Ellison
22 just recently about this. So, we are in the

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1 starting-to-think-about-it stage of what we
2 can do about this.

3 I think the kind of effort that
4 the Work Group has laid out here could provide
5 us with some important evidence. It kind of
6 forces our hand to go and do these things and
7 evaluate our historical practices.

8 And to my mind, the intent here is
9 to figure out what is that we have not been
10 doing very well that we should be doing better
11 in the future. So, that is sort of my overall
12 take on how this is proceeding here.

13 And, then, also, I wanted to
14 explain why Chris is on the phone and is going
15 to be more heavily engaged in this Work Group
16 going forward. Chris Ellison, by the way, is
17 the team leader of our Public Health
18 Communications. So, I wanted to lay that out
19 there.

20 Now, having said that, though, I
21 think I want to be a little cautious about the
22 expectations of PROC-12 and deficiencies in

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1 procedure 12. That was written for a specific
2 activity that we call worker outreach, which
3 is far narrower than what is described in the
4 Work Group's charter here.

5 So, it was written for that
6 purpose and with that in mind. So, it is not
7 going to address everything here. I don't
8 know that those absences should be necessarily
9 considered deficiencies in PROC-12.

10 It may be that they are
11 deficiencies in programmatic guidance. I mean
12 we haven't written appropriate guidance for
13 all these other means of communication. So,
14 there may be that finding.

15 But I would kind of prefer that we
16 not expect PROC-12 or a single procedure to be
17 the programmatic guidance for all this
18 communication effort. I don't know if we can
19 do that or not because the various
20 communication techniques are so diverse that
21 it is pretty hard to proceduralize that many
22 things in one procedure.

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1 You can have some sort of an
2 overall general guidance in terms of make sure
3 you actually capture the comments through all
4 these things, all these avenues. Make sure
5 the comments are carefully considered by the
6 appropriate person and whether they warrant a
7 change in what we're doing in some fashion,
8 and providing a response, feedback back to the
9 commenter, when possible, that we have taken
10 your comments into consideration in this
11 fashion. I think those are all important for
12 all these things, and that could be sort of a
13 general line out there.

14 But when I'm thinking of a
15 procedure, which is kind of this is how I do
16 this process, these are so diverse, I don't
17 think you can write one to cover all that.

18 So, those are just my comments on
19 this and kind of establish maybe a DCAS
20 expectation. We intend, I think this effort
21 is an important part of our evaluation, of our
22 effort to improve our communication. So, we

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1 intend to support this to the extent we can.
2 Of course, this competes for resources just
3 like every other thing we do. I can't promise
4 unlimited resources for it, but we do intend
5 to support this.

6 MR. FITZGERALD: Stu, this is Joe.

7 I think that was a very good
8 comment on PROC-12, and I think that maybe is
9 the importance of inviting Chris and your
10 staff in on sort of the hot wash on the
11 prototype, just because we are going to end up
12 wanting to talk about where some of the
13 shortfalls would be addressable. And what
14 you're saying is a lot of them won't fall into
15 the PROC-12 bin necessarily.

16 MR. HINNEFELD: Right. I don't
17 know if they are going to necessarily be
18 PROC-12, but that is the important thing. I
19 think I would be surprised if you went through
20 this and you didn't find a whole bunch of
21 deficiencies --

22 MR. FITZGERALD: Yes.

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1 MR. HINNEFELD: Just based on the
2 comments we hear about our communications with
3 people.

4 MR. FITZGERALD: And that's the
5 other comment I would like to make.
6 Understanding I was involved with Rocky a few
7 years ago, so this is going back several
8 years. We appreciate that we are going to
9 find gaps, but I think what is most important
10 is to what extent those gaps are recognized
11 and somehow accommodated going forward. And
12 it is with that recognition we are going into
13 this. So, we realize that, yes, we are going
14 to find those gaps, and we really want to know
15 pretty much how they can be addressed.

16 The one thing Emily said earlier,
17 in terms of process, we are only going to
18 confine ourselves to looking at the
19 significant or key inputs that we have
20 identified and, as Kathy has laid out in this
21 plan, compare that with where the input may
22 have been reflected, or should have been

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1 reflected, and to what extent the worker or
2 workers were informed of this outcome.

3 And that is pretty much it before
4 we come back to NIOSH and to the Work Group.
5 So, if anything, what we are doing is the
6 homework that would enable the discussion that
7 happened, and not try to do any judgments as
8 to whether or not documents should have been
9 revised or would have been revised, any of
10 that. We are just simply looking at what was
11 done factually and try to bring that back as
12 is.

13 And Wanda is looking at me, and
14 the only judgment we're making is what we're
15 considering significant streams of input. And
16 we're going to be very clear on how we judge
17 those to be significant and whether the Work
18 Group will necessarily agree with that or
19 NIOSH will necessarily agree with that. And
20 that is part of the prototype.

21 And that is the one place where I
22 think there is no question we will have to

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1 decide what is important and what isn't. And
2 you can tell us if we gauge that right or not.

3 MEMBER MUNN: And a part of the
4 concern that I am expressing, I'm quite sure,
5 is semantics. For example, in Kathy's
6 document under "Procedure," the first word is
7 "evaluate." Now if that first word were -- it
8 says, "Procedure. (A) Evaluate the
9 consideration of worker outreach/input." If
10 that said "document the consideration of
11 worker outreach/input and its incorporation",
12 then one would be very clear about judgment
13 and what's going on and what isn't going on.

14 But when you say, under
15 "Procedure. (A) Evaluate", then that tells me
16 immediately that there is judgment going to be
17 involved in this. And you specify in item
18 number seven that it is. "Consider the
19 substance of the response or lack of response
20 and determine whether the commenter's concerns
21 were adequately addressed." That is certainly
22 a judgment call.

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1 MR. FITZGERALD: Yes, and I was
2 saying earlier that we recognize the judgment
3 calls in this, and we will bring that judgment
4 to NIOSH and to the Work Group. And I fully
5 expect there to be a healthy exchange with
6 NIOSH on whether the responsiveness, as we
7 have seen it -- you know, in some cases it
8 will be clear that maybe something fell in the
9 cracks; it just wasn't addressed fully, and
10 that was an artifact of how things were
11 handled three or four years ago.

12 MEMBER MUNN: That's the way it
13 was.

14 MR. FITZGERALD: Right, that's the
15 way it was. It's going to be better. When
16 NIOSH and SC&A brings this to the Work Group,
17 that will be kind of what you will get.

18 In other cases, we will judge
19 something as not being responsive based on
20 looking at what went in and what went out.
21 And some of this, you know, you're familiar
22 with this. Some of this is, "Well, I was

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1 standing here and I got radiation on one side,
2 and I think that's a problem." And the answer
3 is, no, it isn't. And we're going to say,
4 "Well, you did respond, but it wasn't
5 responsive to what seems to be a legitimate
6 concern, and here's why."

7 And I think that will be a
8 discussion with NIOSH, and we may or may not
9 agree. But that will come back to the Work
10 Group, too.

11 So, some of these aren't going to
12 be cut and dry. Some of these are going to be
13 questions of, was the technical response
14 adequate? You know, was it responsive? And
15 that's a judgment call. I mean, if it didn't
16 call for that, we're probably using overly-
17 skilled people to look at this because it
18 would be more of an administrative thing,
19 looking at the paper and just saying A or B, A
20 or B. There is some judgment on the question
21 of response.

22 And there is some judgment on the

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1 significance of the input. Some of these
2 inputs wouldn't necessarily be perhaps
3 significant from the standpoint of what we're
4 talking about here. Some will be.

5 MR. KATZ: It occurred to me that
6 there is a nuance that is probably important
7 here in this discussion that you're talking
8 about down the road about, well, what was the
9 technical response? I mean I could understand
10 that perfectly with respect to what you
11 communicate to the workers.

12 MR. FITZGERALD: Right.

13 MR. KATZ: But there's the other
14 issue of, okay, so they got this input and
15 here's how they responded to it technically.
16 They did something or they didn't do
17 something, made a judgment about it.

18 And I don't think this process is
19 about debating what's the right technical way
20 to integrate that.

21 MR. FITZGERALD: Right.

22 MR. KATZ: Because this is not a

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1 TBD review here.

2 MR. FITZGERALD: Right.

3 MR. KATZ: We're not debating, is
4 this technically the best way to do dose
5 reconstruction, given that input. If you find
6 that DCAS considered that comment and decided,
7 well, this doesn't impact dose, so we don't
8 need to change the TBD, I think you have to
9 sort of not necessarily respect, just to use
10 that term -- you have to sort of leave it as
11 is. Okay, DCAS did consider this information,
12 and they decided very deliberately that that
13 information shouldn't impact dose
14 reconstruction, and they moved on. Right?

15 I mean this is not going to be a
16 forum for debating, redebating the technical
17 issues.

18 MR. FITZGERALD: Right, not
19 second-guessing. I guess that is a good
20 point. Responsiveness in terms of answering
21 the question, and this may be more subtle, but
22 if someone raises a question -- and I guess

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1 all of us have been here long enough -- some
2 answers are more responsive than others. And
3 the question is whether the responder actually
4 went through the trouble to both communicate
5 clearly and also answer the question
6 completely.

7 Some of that does require some
8 technical understanding, but I think it is
9 more in the context of, was it responsive and
10 clear to the person that is raising the
11 question?

12 MS. LIN: So, I have two comments.
13 One is a clarification. I just want to make
14 sure that the Work Group hears what Emily or
15 OGC is asking this Work Group to do. As of
16 now, SC&A's proposal for a evaluation of Rocky
17 Flats, it still says, "Draft Implementation
18 Plan."

19 So, we are hoping that the Work
20 Group can come to a conclusion as to what you
21 want to do with this Rocky Flats evaluation,
22 so you give us time, OGC and the Departments,

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1 to evaluate whether there are other
2 implications that need to be considered before
3 this plan is actually taking place. So,
4 before SC&A does any actual work, you know,
5 give the agency and OGC some time to evaluate
6 it.

7 And the second part of that is
8 that we are talking about how SC&A is
9 evaluating DCAS's responsiveness to workers'
10 comments, but my understanding is that when a
11 site-specific Work Group is evaluating the
12 technical documents, it does take workers'
13 comments and other relevant material into
14 consideration.

15 So, when this Work Group is
16 evaluating other site-specific Work Groups'
17 work, you are calling the review process into
18 question. So, you are calling not only DCAS's
19 judgment, but SC&A's judgment and also the
20 Work Group's conclusion on those issues into
21 question.

22 MR. FITZGERALD: No, I don't

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1 believe so. I think all we're doing is a
2 prima facie here is what we see in terms of
3 what went in as far as process documentation
4 and what went out. And the judgment that
5 we're talking about -- and I think Ted made
6 the point pretty clearly -- is not to second-
7 guess the technical judgment of the content of
8 the response, but looking at whether it was
9 responsive in terms of clearly answering the
10 question and completely answer the question,
11 meaning that, if the reviewer or the commenter
12 raised three questions, but one question was
13 answered, then I would put down, "Well, it
14 doesn't look like it's complete," not to
15 second-guess the answer that was given, but it
16 looks like it wasn't responsive to what the
17 worker was asking.

18 But, you know, I would be
19 concerned about leaving it go at that because
20 I think, even in that facet of responsiveness,
21 I would want to hear NIOSH's perspective,
22 because there may be something that we don't

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1 know that was considered in answering that,
2 and that's why they answered it the way they
3 answered.

4 Sometimes something is classified
5 and you don't know, and there's an incomplete
6 answer, but it turns out that they couldn't
7 answer the question.

8 So, to get back to what you were
9 saying, we're not going to revisit the
10 judgments and the decisions that were made in
11 this process. We're looking at the process.
12 But that process does -- and you'll see the
13 word "responsiveness" -- does look at whether
14 the response was -- and I hate to use
15 "responsive"; what's another word for
16 responsive? -- the response was complete and
17 clear to the commenter or not.

18 MS. LIN: Right. I understand
19 that part.

20 MR. FITZGERALD: Yes.

21 MS. LIN: But even evaluating the
22 process itself, like Wanda said, involves some

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1 sort of judgment.

2 So, all I'm asking is that at the
3 outset, when a site-specific Work Group is
4 looking at sets of workers' comments, those
5 materials are also being evaluated by SC&A at
6 that time when they are participating in a
7 site-specific Work Group.

8 MR. FITZGERALD: Right.

9 MS. LIN: And so, the two parties
10 and the Work Group, then, evaluate whether
11 certain comments should be incorporated --

12 MR. FITZGERALD: Right.

13 MS. LIN: And certain should not.

14 So, where does this Work Group
15 find itself fit in, interface with other site-
16 specific Work Groups?

17 MR. FITZGERALD: Well, I would
18 just as soon, again, stay on the side of
19 collecting the facts as we can collect them.
20 There is a judgment on what's significant
21 coming in and what's responsive as far as
22 completeness going out. But try to stick or

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1 hone as close as we can to looking at the
2 documents coming in, the documented comments
3 coming in, the means by which they were
4 addressed, how it was addressed, and what went
5 back to the worker, just as it is put here,
6 one, two, three, and leave it at that.

7 And leave the deliberations to the
8 Work Group or a collaboration of NIOSH and the
9 Work Group, and SC&A supporting that Work
10 Group, as to the implications going forward,
11 but not get into second-guessing the site. In
12 other words, not get into that part of the
13 discussion, that this group would focus on
14 process. We would focus on process.

15 But it is very helpful to know
16 that there are some judgment parts that we
17 have to be very clear on, and one is what
18 comes in and how that is handled going out.
19 But stay away from critiquing the technical
20 judgments that were rendered at the time,
21 because we were engaged at the time -- this is
22 your point -- and we were a party in the end

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1 in supporting the Board for those decisions.
2 So, the process is going to be most important.

3 MS. ROBERTSON-DEMERS: I have one
4 clarification. I actually went back to
5 PROC-97 and looked at how they evaluated the
6 OCAS, HP evaluated the responses that were
7 provided by the Site Profile team lead. I
8 liked that criteria and will probably walk
9 through the evaluation with that criteria.

10 But one of the things that it
11 says, and I want you to think very broadly
12 here, is the response must be technically
13 correct. If the response is you can use film
14 badges to detect internal dose, which is not
15 factually accurate, I am going to say
16 something. I'm looking for big technical
17 inaccuracies.

18 MR. KATZ: Judging the quality of
19 the responses I think is fine. I'm hearing
20 the issue here is more concern, which, again,
21 in my mind, is not an element of this
22 evaluation, of reopening the technical

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1 debates, what's done with the information,
2 what judgments were made based on the
3 information. That's not the purpose of this.

4 MS. ROBERTSON-DEMERS: Right.

5 MR. KATZ: It's not your purpose,
6 I know from what you have said. It wasn't how
7 I read this document as the purpose.

8 But in response to OGC, most
9 certainly we can delay so that you can have a
10 chance to mull this over before we actually
11 step forward, as long as it's not a long
12 delay. Absolutely.

13 Let's just wait and let's get a
14 green light from OGC since they have concerns.

15 I don't know that they're ready to express
16 them all this moment, but we will get a green
17 light from you before we actually move forward
18 on this.

19 MEMBER BEACH: What's the
20 timeframe, Jen? If we do not change this
21 document, maybe we wordsmith it here and
22 there, but if, basically, it stays as is, can

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1 you give us an idea of how long it may take
2 you?

3 MS. LIN: Honestly, I don't know
4 at this point because there are several issues
5 at play. This is not just OGC that needs to
6 render on this, but, you know, there are other
7 parties to be consulted as well. So, at this
8 moment, I am not able to give you a timeline.

9 But we definitely know that this
10 is a priority for the Work Group, and without
11 moving on this protocol, you can't move on to
12 other priorities. So, we will definitely keep
13 that in mind.

14 MR. KATZ: Right, and I'm
15 committed to working with OGC to move this
16 forward as quickly as it can be moved forward.

17 MEMBER BEACH: Well, I'm curious
18 if it's going to require a Work Group call to
19 maybe change things. Because not knowing what
20 the scope of what you're looking at, it kind
21 of makes it difficult to know --

22 MR. KATZ: Yes, and I don't know

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1 myself. So, I couldn't speak to that at all.

2 But I would suggest that the Work
3 Group decide what it likes, what it wants to
4 go forward with, and then authorize that. We
5 authorize that here with the proviso that we
6 won't actually press the "Go" button until we
7 get clearance from OGC because we don't want
8 to cause unintended problems in doing this
9 work.

10 MR. FITZGERALD: Well, what we
11 have already covered this morning, some of
12 these admonitions, I have copied at least four
13 or five down. We can almost have a section
14 that deals with clarifications such as what
15 OGC is asking for, and this notion of real-
16 time feedback, given the scope and the burden
17 question, I think would be something worth
18 process-wise noting.

19 So, there are certainly things
20 that we could script today and propose to add,
21 and that way, you would have a more complete
22 picture of not only the process, but maybe

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1 some of these clarifications or admonitions.

2 You know, you hate to see this
3 thing become this monster because it is a
4 prototype. And clearly, the process is being
5 defined as we go.

6 But I think some of these
7 clarifications that you need on the legal side
8 and on the programmatic side could be put down
9 and actually maybe agreed by the Work Group
10 today. And you could take that back, and that
11 might help on the review.

12 MS. LIN: And I think
13 clarification of how this Work Group intends
14 to interact with other site-specific Work
15 Groups and also with some of the decisions
16 that the Advisory Board has rendered would be
17 a good idea.

18 MEMBER MUNN: So, we still have
19 not beaten to death the semantics question
20 with respect to Item A under "Procedure."

21 MR. KATZ: Can I ask you to just
22 to respond to Jenny's point right here first

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1 before we go on?

2 MEMBER MUNN: Sure.

3 MR. KATZ: I mean it's not clear
4 to me, I didn't envision, but I'm not the Work
5 Group, I'm just the helpmate here, but I
6 didn't envision that the Work Group would
7 interact with any other Work Groups on this.
8 So, to answer that question, I don't see why
9 there would be any reason for it to interact
10 with any other Work Groups on this.

11 MEMBER BEACH: No. Nor would we
12 try to change any decisions --

13 MR. KATZ: Right. In terms of
14 decisions or DCAS dose reconstruction
15 procedures, what have you, I didn't envision
16 that this Work Group would be evaluating the
17 quality of their dose reconstruction or their
18 SEC decision or any of that.

19 MEMBER BEACH: Absolutely not.

20 MR. KATZ: So, again, I mean
21 they're looking at, was incoming information
22 taken into account in some way or another?

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1 Or, in other words, neglected, left in the
2 cupboard, on the table, as I said earlier.

3 MEMBER BEACH: It's also not up to
4 us to direct NIOSH how they would change
5 anything. We just can make recommendations to
6 what we find really.

7 MR. KATZ: Right. In terms of how
8 to do the worker outreach.

9 MEMBER BEACH: Exactly.

10 MEMBER SCHOFIELD: I agree.

11 MR. KATZ: Okay. Well, okay, so
12 it sounds like at least I'm on the same plane
13 as the Work Group in terms of what it was
14 expecting.

15 Sorry.

16 CHAIRMAN GIBSON: This is Mike.

17 Let's just say most of the Work
18 Group.

19 MR. KATZ: Okay, most of the Work
20 Group. Well, Mike, if you have different
21 views, by all means, I think it's important to
22 voice them now, since OGC is trying to get a

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1 handle on what is being proposed.

2 MS. ROBERTSON-DEMERS: I would
3 recommend that you guys review the example
4 closely because this is the way I envision it
5 going. We spent some time trying to figure
6 out if this was a doable approach.

7 MS. LIN: Sure, and I think, you
8 know, definitely the Work Group can tell us
9 what you want to do.

10 MEMBER MUNN: Under "Procedure,"
11 Item A --

12 MS. ROBERTSON-DEMERS: Yes, and I
13 had an answer for you. Maybe you have a
14 better word, but part of the steps are
15 evaluation and part of them are documentation.

16 MEMBER MUNN: Yes. It seems to me
17 that Item A, and the items that have been
18 listed there, with the exception of number
19 seven that I pointed out before --

20 MS. ROBERTSON-DEMERS: Well, even
21 number one has some evaluation.

22 MEMBER MUNN: But a minimum amount

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1 of it. What I am trying to identify is
2 whether it is the Work Group's sense that that
3 should be a determination that we're asking
4 for, a documentation that we're asking for,
5 not an evaluation. A statistical listing of
6 the information that we have about what
7 happened, that's what we're after, as I
8 understood it. I think that's what we said we
9 were after.

10 If that's the case, then, what
11 we're looking for is a documentation of the
12 worker outreach input and its incorporation
13 into the technical work documents.

14 And you have given a list of all
15 of the things there you're going to look at to
16 get that documentation, and under 7, you said
17 you're going to consider the substance of it.

18 Fine.

19 But, then, Item B is evaluating.
20 And my question is, are you evaluating the
21 quality or the quantity, or both, of the
22 feedback? If so, should we not say, evaluate

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1 the quantity or quality, or both? Should you
2 say, evaluating the quality and quantity of
3 the feedback, or are you going to evaluate
4 only one, or both?

5 MR. FITZGERALD: Well, I could
6 offer clarity and completeness, but I think
7 quality is something that Ted mentioned. I
8 think quality encompasses those two things as
9 well. The quality of the response might
10 include the clarity and the completeness of
11 it.

12 MEMBER MUNN: I strongly suggest
13 the addition of that word.

14 MR. FITZGERALD: I'm sorry?

15 MEMBER MUNN: The addition of the
16 word "evaluate quality of the feedback
17 provided to the commenter" because that's --

18 MR. FITZGERALD: Do you have any
19 problem with that?

20 MS. ROBERTSON-DEMERS: Well, yes,
21 the very first question that we would ask is,
22 is there feedback?

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1 MR. FITZGERALD: Yes. Well, yes,
2 of course.

3 (Laughter.)

4 MS. ROBERTSON-DEMERS: As long as
5 that falls under quality, I don't have a
6 problem with it.

7 MEMBER MUNN: Well, that comes
8 under Item A. That's the documentation of
9 what happened.

10 MR. FITZGERALD: You know, it's
11 interesting, I think you have pointed out
12 something that I didn't catch before, the
13 nomenclature issue. It does say "evaluate"
14 going into A and B, but if you look under A
15 and B, it is basically review and document.

16 So, the context, we're so much, in
17 terms of SC&A's role, evaluating, but the
18 context of this thing, a lot of it is simply
19 reviewing what the document indicate to us as
20 what went in, how it was handled, and what
21 went out. And that is the, quote,
22 "evaluation", although I would intend that is

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1 probably less evaluation than we normally do,
2 and the evaluation is more the judgment that
3 is exercised, as we were talking earlier,
4 about the response, the quality of the
5 response is where, if there is an evaluation,
6 it is the quality of the response that is the
7 evaluation, and judgment is exercised there.

8 MEMBER MUNN: In earlier
9 conversation, you also mentioned several times
10 whether the response was a direct response to
11 the question that was asked. In other words,
12 was the question answered?

13 We have heard several times in
14 public comment from folks who indicated their
15 question was answered, but they didn't
16 understand the response. Now that is a
17 different issue entirely, because there are
18 only so many ways you can answer a question.
19 And if you have answered a question two or
20 three different ways, and the questioner still
21 does not understand the response, then you
22 have been as responsive as it is possible to

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1 be.

2 MR. FITZGERALD: Yes. I don't
3 think -- and I hope I'm not misspeaking -- but
4 we're not going to go so far as to interview
5 the commenters to find out whether they
6 understood the response. If we found the
7 response to be complete and clear or adequate,
8 it is sort of one of these things, I think,
9 where we are just looking at this process.

10 Stu raised a point, though, that
11 clearly there's a challenge that he has
12 accepted for NIOSH to try to deal with the
13 question of clarity. But, to me, that is
14 outside of looking at this process. You know,
15 whether the recipient understood a
16 technically-accurate and complete answer is
17 something that only that recipient would
18 probably be able to answer. And I don't think
19 we can deal with that. We have enough to deal
20 with --

21 MEMBER MUNN: Yes.

22 MR. FITZGERALD: In terms of

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1 process. I don't think we're going to deal
2 with that question.

3 MS. ROBERTSON-DEMERS: Let me
4 clarify something. We may interview
5 commenters and NIOSH about whether they
6 provided a response.

7 MR. FITZGERALD: Oh, whether a
8 response happened, yes, that's different.

9 MR. KATZ: Yes, you have that in
10 there.

11 MR. FITZGERALD: But your
12 question, I don't see how we can deal with
13 that issue. Although it is a legitimate
14 question, it's not part of this process.

15 MEMBER MUNN: I don't, either. I
16 just wanted to clarify it as a result of the
17 terminology that we were using earlier.

18 MR. FITZGERALD: Right. Yes,
19 responsiveness would not include --

20 DR. MAKHIJANI: This is Arjun.

21 I think Kathy's point is very
22 important, just trying to underline what I

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1 said earlier in the sense that I think
2 sometimes comments are taken into account, but
3 it is not obvious that they have been. So, I
4 think it would clarify a lot of things and be
5 important to do that.

6 MR. FITZGERALD: This list of
7 admonitions is actually getting pretty long.
8 We might have to come up with another
9 attachment or something.

10 (Laughter.)

11 MEMBER MUNN: Possibly.

12 MR. FITZGERALD: Well, it's sort
13 of a list of what it isn't, you know. But,
14 yes, I think just as important because I think
15 this helps hone this thing to what is relevant
16 and avoids getting into some of these other
17 areas.

18 The same question on a legal
19 issue, avoiding getting out of the
20 boundaries --

21 MR. KATZ: It might work to just
22 have in a preamble, or whatever, sort of an

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1 expectations element.

2 MR. FITZGERALD: I'm beginning to
3 think that we owe a scoping piece --

4 MR. KATZ: Scope, yes, it relates
5 to scope.

6 MR. FITZGERALD: For the Work
7 Group, capturing all this.

8 MEMBER MUNN: It would certainly
9 be helpful for some of the slower of us.

10 MR. FITZGERALD: No, every point
11 you have raised is a good point.

12 I guess with the addition of a
13 preface of that kind that you can look at, and
14 I think we can capture that relatively
15 quickly, get it back to -- and understanding,
16 I guess, the nomenclature issue, yes, it's
17 evaluation. But if you look at the
18 subelements, I think it is mostly comparing
19 documents and looking at process. We do use
20 the word "evaluate." That's how the
21 evaluation is being done.

22 Is this something that the Work

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1 Group, I guess given the preface, could -- you
2 know, you have the elements here -- live with
3 prior to OGC taking their look? Because what
4 we will do is try to get you a preface here.
5 I'm talking a matter of days because I think
6 we have a lot of notes, and see if that's
7 agreeable.

8 Then, I would assume, if you are
9 in agreement with these elements, to have Ted
10 provide this on behalf of the Work Group to
11 counsel for legal review. Mike, does that
12 sound reasonable?

13 CHAIRMAN GIBSON: Could you say
14 that again?

15 (Laughter.)

16 MR. FITZGERALD: I was just saying
17 that, you know, given where we have come, I
18 think it was Ted's suggestion that perhaps we
19 could embody a number of these admonitions and
20 clarifications into a preface for the
21 procedures and turn that around in a matter of
22 days, while it's still fresh, and get it back

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1 to the Work Group for consideration.

2 And if everybody is comfortable
3 with that preface, it sounds like, then, that
4 plus the current procedures for Rocky, we
5 would give those to Ted to make those
6 available to General Counsel for a legal
7 review, which would be the step before we
8 could then proceed to go ahead and put this on
9 the ground.

10 So, in terms of keeping this
11 moving, we will certainly write up that
12 preface, circulate it. If there's any
13 comments, we can deal with those. I know
14 we're pressed against Christmas. So, we would
15 try to do that pretty quickly and then get it
16 to GC. And you can have it for Christmas.

17 (Laughter.)

18 MEMBER BEACH: Would that include
19 a list of documents that DCAS needs to start
20 collecting separate from this list here? I'm
21 sure, from this list, they --

22 MS. ROBERTSON-DEMERS: No, I have

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1 a specific list.

2 MEMBER BEACH: So, you have a
3 specific list? Would that need to go --

4 MR. FITZGERALD: Maybe as an
5 attachment. I don't know.

6 MR. KATZ: I wonder, Stu or J.J.,
7 or someone, if you want to engage in this now,
8 but I was just thinking to myself about that
9 piece of it. It seems like Kathy is going to
10 need to spend some time sort of on the phone,
11 or what have you, with J.J. or somebody sort
12 of working through sort of explaining what it
13 is that Kathy might need from DCAS.

14 I'm not sure that DCAS can just
15 read this document and know what they're
16 supposed to do, right?

17 MS. ROBERTSON-DEMERS: It's
18 separate from this document. I have compiled
19 a list.

20 MR. FITZGERALD: She's got a
21 listing.

22 MR. KATZ: Yes.

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1 MS. ROBERTSON-DEMERS: I'm happy
2 to talk to them, but I can send them the list
3 of documents --

4 MR. KATZ: Right. I'm just saying
5 it may take some talk as well other than just
6 simply sending them a document saying, "This
7 is what I need." But you may need to actually
8 work with them a little bit because they may
9 find that it's easier for them to put this
10 stuff somewhere and you search through the
11 materials, or what have you. I don't know
12 what the procedure would be, but --

13 MEMBER BEACH: My question is,
14 does that list need to go through legal also
15 or can that be separate?

16 MS. ROBERTSON-DEMERS: Or can it
17 be done in conjunction with the review?

18 MR. KATZ: Well, I mean this is a
19 step forward in the process. So you wouldn't
20 even begin that yet until we get a green light
21 from OGC. But I don't think OGC needs a list
22 of the documents that you would want to look

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1 at. I mean I don't know if that has to go
2 through the OGC review.

3 MR. FITZGERALD: Yes, maybe what
4 we can do is we can forward this listing, Stu
5 and Chris, and you can take a look at it. And
6 we would be available at your convenience to
7 talk on a conference call about what the list
8 contains and whether or not it's doable or
9 not, or if there's some questions on it. And
10 we'll wait for you to let us know once you get
11 the list.

12 MR. HINNEFELD: This is Stu.

13 I would agree with that. Just
14 send us the list, and we'll decide if we need
15 to ask questions about it.

16 And I'm hopeful that anything we
17 have we will just put in an easy location on
18 what you guys view as the O: drive where you
19 can easily find it. Or we'll direct you to
20 where it already exists on our system. You
21 guys have access to some of our database
22 systems. They might be in there, too.

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1 MR. FITZGERALD: All right. That
2 sounds reasonable, and we'll get that list.
3 It's already prepared, so that should be
4 pretty quick.

5 Again, as you were saying, Chris
6 is going to be your point person for
7 coordination or -

8 MR. HINNEFELD: This is Stu again.

9 Yes, I think, given the breadth
10 that we're talking about here, I think Chris
11 will be the person, the coordinator, but you
12 can certainly include me on any --

13 MR. FITZGERALD: Oh, no, we would
14 certainly do that. I'm just saying, in terms
15 of any followup, what have you --

16 MR. HINNEFELD: Yes.

17 MR. FITZGERALD: -- you would look
18 to --

19 MR. HINNEFELD: I think you would
20 expect, if it gets involved, I think you
21 expect it would come from Chris.

22 MR. FITZGERALD: All right, we'll

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1 do that.

2 MR. HINNEFELD: She just found
3 that out probably.

4 (Laughter.)

5 MR. FITZGERALD: Okay. We'll
6 proceed on that basis.

7 Mike, is that what you would see
8 happening at this point?

9 CHAIRMAN GIBSON: Yes, that's
10 fine.

11 MR. FITZGERALD: All right. We'll
12 go ahead and prepare that preface and
13 circulate that as soon as we can in the next
14 couple of days or so.

15 I guess the only other question is
16 the question you raised earlier, which is,
17 other than that preface, which, hopefully,
18 will capture these clarifications and
19 admonitions, is there anything in the detailed
20 procedures before --

21 MS. LIN: You forgot abomination.

22 (Laughter.)

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1 MR. FITZGERALD: I didn't say
2 that.

3 (Laughter.)

4 I haven't said that yet today.

5 Is there anything in the
6 procedures that -- I mean I think -- have we
7 hammered you into submission on the procedures
8 themselves? I know they're very expansive,
9 but is there agreement on these elements
10 themselves, the specifics?

11 MEMBER MUNN: There is agreement
12 that, as a pilot project, we'll try it.

13 MR. FITZGERALD: Well, that's what
14 we're talking about. This is a pilot.

15 MR. KATZ: Mike, everyone else in
16 here, all your Board Members are nodding in
17 the affirmative, if you're with them.

18 MR. FITZGERALD: Yes, I think this
19 example, we haven't talked about that much,
20 but I think Kathy took the step of actually
21 illustrating what an element, one review
22 comment would look like in reality. I think

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1 it's pretty succinct and provides the
2 documentation.

3 If you want to see the proof of
4 what would be generated, we would have one of
5 these generated for each major comment.

6 MS. ROBERTSON-DEMERS: Or
7 aggregate.

8 MR. FITZGERALD: Or, yes,
9 aggregate.

10 MS. ROBERTSON-DEMERS: Of the same
11 comment.

12 MR. FITZGERALD: Of the same
13 comment, right. There might be more than one.

14 MEMBER BEACH: It makes sense.

15 MR. FITZGERALD: Okay.

16 MEMBER BEACH: Mike, is this a
17 good place for a break?

18 MR. KATZ: Mike, can we take a
19 break?

20 CHAIRMAN GIBSON: Yes.

21 MR. KATZ: Okay. So, what? About
22 10 minutes? Is that good for you?

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1 CHAIRMAN GIBSON: Come back at
2 11:00?

3 MR. KATZ: Okay. A few minutes,
4 okay. Thank you.

5 (Whereupon, the above-entitled
6 matter went off the record at 10:46 a.m. and
7 resumed at 11:02 a.m.)

8 MR. KATZ: Okay. Mike, are you
9 back with us?

10 CHAIRMAN GIBSON: Yes, I'm here.
11 And just for the record, you guys are three
12 minutes late. So you get a half-hour's
13 detention at lunchtime.

14 (Laughter.)

15 MR. KATZ: My watch only has us
16 two minutes late. So that means 20 minutes
17 detention.

18 Okay, Mike, do you want to --

19 CHAIRMAN GIBSON: We're pretty
20 much clear on what we're going to do on this
21 first issue, right? SC&A is going to be
22 providing us with a short document that kind

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1 of clarifies the intent in the next few days.

2 And then we are going to forward that on to
3 OGC, correct?

4 MR. KATZ: Yes, I'll take care of
5 getting that to OGC. What I would like is
6 -- I think Joe will send that to the whole
7 Work Group and everyone else involved, DCAS
8 and so on.

9 If you have any particular
10 concerns about what you see in what Joe
11 writes, please respond to me because I'll be
12 the one communicating with OGC. So let me
13 know if you have any concerns, and we'll deal
14 with those as we can. I'm out, but I'll deal
15 with them somehow anyway.

16 CHAIRMAN GIBSON: I'll respond to
17 you and the rest of the Work Group.

18 MR. KATZ: Yes. Yes, right. I'm
19 just saying I need to know because I'm the one
20 who would be working with OGC.

21 CHAIRMAN GIBSON: There's just a
22 little bit of reading and review I want to do

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1 before I just go on the record, you know,
2 agreeing to something.

3 MR. KATZ: Yes, that's fine.
4 That's fine. But, in principle, we have, I
5 think, Mike, you agree with the rest of the
6 Work Group that this should go forward?

7 CHAIRMAN GIBSON: Yes, absolutely.

8 MR. KATZ: Yes.

9 CHAIRMAN GIBSON: It should go
10 forward.

11 MR. KATZ: Okay.

12 CHAIRMAN GIBSON: Okay. So is
13 there anything else on that?

14 (No response.)

15 And if not, we can move on to the
16 follow-up review of the Outreach Tracking
17 System, the status of finding three.

18 Kathy or Joe, do you want to start
19 with that?

20 MS. ROBERTSON-DEMERS: This is
21 Kathy Robertson-DeMers.

22 The Working Group asked us to

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1 follow up on the review of finding three which
2 was related to the completeness of the OTS
3 system since NIOSH had done substantial
4 updates to the OTS system back in October.

5 Basically, what we found was that
6 NIOSH and its contractors had added roughly
7 200 documents to the OTS or the Outreach
8 Tracking System. A lot of these documents
9 were from legacy meetings prior to the
10 implementation of PR-12.

11 That was primarily done, like I
12 said, in October of 2010. This included
13 meeting notifications, sign-in sheets,
14 presentation files, and file meeting minutes.

15 For the documents that we reviewed
16 for our April 2010 report, for meetings that
17 were implemented under PR-12, there were 13
18 documents that had been added, including
19 meeting minutes for three of five meetings
20 that we identified that should have had
21 meeting minutes. Originally, I believe that
22 number was six, and NIOSH came back in their

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1 response and said that one of those was a non-
2 traditional meeting, kind of an attendance at
3 a union meeting at the request of the union.
4 So we took that off the table.

5 Since our review in April 2010,
6 there have been eight additional meetings,
7 including four focus groups. At the present
8 time, we did not identify any meeting minutes
9 for those focus group. Or I guess this was as
10 of November 2010. So they did not have any
11 meeting minutes posted for those focus groups
12 or requests for reviews by the participants.

13 One of our concerns that we still
14 have is the procedure lacks clarity and
15 consistency regarding what documents should be
16 produced for specific types of meetings. In
17 June of 2009, if the Working Group remembers,
18 Larry Elliott provided a couple of documents
19 to the Working Group. One was a graphic of
20 the different types of outreach meetings, and
21 another document was classification of worker
22 outreach meetings. That supplemental document

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1 and a third supplemental document described
2 the different types of meetings and what
3 documents were likely collected during those
4 meetings.

5 And we found that the guidance
6 provided in the procedure, in the guidance --
7 in the document -- the likely documents
8 outlined in the supplemental documents were
9 not always equivalent.

10 We also found that in the
11 supplemental documents that they had provided
12 likely documents for other venues, such as
13 workshops, Board meetings, invited forums, and
14 website and docket.

15 We did identify some
16 inconsistencies in expectations for the
17 documentations produced and the implementation
18 of PR-12. A couple of examples are that there
19 were four workshops identified, and only one
20 of those workshops had documentation in OTS.
21 Now the documentation for workshops is not
22 clearly defined in OTS, but it is defined in

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1 the supplemental document provided in June of
2 2009.

3 Another, I guess you would call
4 this a symptom of not having prescriptive
5 instructions in PR-12 about documentations
6 requested is that I believe it was meeting
7 113, which was a focus group meeting held at
8 Mound, and ATL indicated in their response
9 that they were not present at that meeting.
10 So it was run by OCAS staff, and OCAS staff is
11 covered by PR-12, according to the scope of
12 that procedure.

13 And what happened was that two
14 pages of notes were posted to the OTS system
15 for a meeting that workers indicated went on
16 for hours and hours, and there were no formal
17 meeting minutes taken. So that particular
18 staff member did not follow the requirements
19 for taking meeting minutes in a focus group.

20 What we felt was if the procedure
21 did a better job of specifying the
22 requirements for documentations, including

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1 other venues -- and here when I say other
2 venues, I don't mean the universe here. In
3 the supplemental documentation that was
4 provided June 16th of 2009, NIOSH listed the
5 major other venues. Those other venues make
6 up about 62 percent of the meetings that have
7 been conducted since the implementation of
8 PR-12.

9 So we felt like there needed to be
10 a clearer definition of what documentations
11 should be maintained for each meeting and what
12 documentations should be uploaded. And the
13 recommendation, I guess, would be to take the
14 supplemental documentation that was provided
15 in June of 2009 and to somehow integrate that
16 into PR-12. And, then, also, to hold those
17 individuals that are conducting outreach
18 meetings accountable to this procedure and
19 accountable to the collection of all that
20 documentation that would be required, so that
21 you don't have another situation like Mound.

22 Now I want to raise something that

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1 I learned about that Mound meeting that may
2 allow us to correct that particular problem,
3 the lack of meeting minutes, which is now not
4 only not available to the Mound workers, but
5 it's not available to SC&A, who is trying to
6 do an evaluation of neutron monitoring. And
7 that was the focus of that meeting.

8 What I learned from one of the
9 attendees is that he taped that meeting, and
10 that tape was provided to Brant Ulsh,
11 according to him. So if you can access that
12 tape, you can correct the problem of not
13 having meeting minutes for that meeting. That
14 is just kind of a lucky thing that happened.

15 MEMBER MUNN: If it's
16 intelligible.

17 MS. ROBERTSON-DEMERS: Right.

18 The other thing we looked at was
19 the action items which were available in the
20 OTS system. Now we're up to 126 meetings
21 which are included in the OTS system. And at
22 the time of our review, there were six action

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1 items loaded into OTS. And at the time of our
2 follow-up review, there were six action items
3 loaded in OTS. So there were no additional
4 action items.

5 However the issue with action
6 items is kind of being evaluated under
7 Findings 1 and 2. So I kind of defer that
8 discussion to the review under Findings 1 and
9 2 of the matrix.

10 MEMBER MUNN: These are the same
11 six action items?

12 MS. ROBERTSON-DEMERS: Yes, they
13 are the same six action items which are
14 provided in our follow-up report.

15 The one additional thing that I
16 would recommend or that SC&A would recommend
17 is that once you formalize the criteria for
18 determining action items from a meeting, that
19 you go back and you look at the meeting
20 minutes from those meetings that were held
21 under PR-12, particularly the information-
22 gathering meetings, and you determine whether

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1 you need to add additional action items, based
2 upon that criteria.

3 That's kind of where we stand on
4 things. So the bottom line is you need to
5 formalize the documents required in the
6 procedure for the major venues of outreach.
7 You need to communicate the requirements to
8 the staff that are responsible for holding
9 meetings, not so much ATL as the OCAS staff
10 that may go out independent of ATL, and you
11 need to hold them accountable for implementing
12 that procedure. And then, as I said, you need
13 to re-review the meeting minutes from the
14 PR-12 era after you have established the
15 action item criteria.

16 So that's kind of a rundown of the
17 follow-up review.

18 MR. HINNEFELD: This is Stu at
19 DCAS. I think we have encountered here
20 probably a disconnect in terms of how PR-12 is
21 reviewed and been viewed certainly by the DCAS
22 staff. And I would expect that they would

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1 have not considered this sort of a worker
2 outreach session in what we normally consider
3 worker outreach because ATL wasn't involved.
4 So that does not excuse, though, the need to
5 provide detailed minutes or detailed notes of
6 the meeting. So that is, in fact, something
7 that should have happened.

8 Now I have a couple of questions
9 about this. Joe, is this one of the Mound
10 meetings that you were at that was --

11 MR. FITZGERALD: No, this was a
12 meeting that we found out about after the fact
13 that Brant held with some 30 or 40 Mound
14 former workers.

15 MR. HINNEFELD: Okay. All right.
16 So it's something else. All right.

17 I think your point is well-taken,
18 and we need to do a better job of preparing
19 notes for those. And it points to the fact
20 that this guidance needs to be more broad.
21 Whether it's PR-12 or something else, we need
22 to get away from in our office calling this a

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1 worker outreach thing because that means
2 something different to us. So that is
3 certainly something we need to rectify.

4 So, J.J., if you'll take a note of
5 that, we'll talk about that when we get back
6 and decide how we can do better on that.

7 MR. FITZGERALD: Yes. I think
8 beyond the process question, though, there is
9 a real substantive question that might require
10 some followup, too. Because the input
11 recorded from those workers is inimical to an
12 SEC issue on neutrons at Mound. So if there's
13 a tape that could be transcribed and it's
14 clear enough, that would be important to
15 follow up on, just to cross that T.

16 MEMBER MUNN: Do we know anything
17 about that tape, Stu?

18 MR. HINNEFELD: Sitting here now,
19 I don't know anything about the tape
20 recording. If I was told about it, I promptly
21 forgot it. So I don't know anything about it,
22 but that will be something we'll find out as

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1 well.

2 And, again, we tend not to try to
3 record things from the federal side because
4 you, then, are faced with the obligation to
5 transcribe it because you have a federal
6 record and you need a federal record that can
7 be FOIAed. And I'm not so sure we're good
8 enough to redact, if necessary, a recording.
9 But I will look into that.

10 MEMBER MUNN: Now what did you
11 just say? If there's a recording, what's the
12 federal requirement?

13 MR. HINNEFELD: If we receive a
14 recording, it becomes a federal record, and,
15 therefore, it is discoverable. It is
16 available. I think now Jenny or Emily might
17 be able to help me out on this. My
18 understanding is if we have a recording, that,
19 then, is essentially a discoverable or a
20 FOIAable federal record.

21 In order for it to be FOIAable, it
22 has to be reviewed for possible redaction

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1 because there are certain categories of
2 information that you redact from FOIA
3 response. And so I'm not so sure where the
4 technology exists for us to redact a copy of
5 an electronic recording. So it may be that
6 the only way we would be able to do that would
7 be to transcribe it and then redact the
8 transcription, and that would -- what would be
9 available to FOIA.

10 MR. KATZ: Or you may have the
11 option of just not transcribing it verbatim,
12 but creating detailed minutes.

13 MR. HINNEFELD: I think minutes
14 would be actually a better way. Detailed
15 minutes from the recording would be a better
16 way to go, and that would be a federal record.

17 Again, if it were FOIAed, it would have to be
18 reviewed for redaction.

19 MR. KATZ: Right.

20 MR. HINNEFELD: But detailed
21 minutes is usually simpler than a
22 transcription.

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1 MEMBER MUNN: Well, that presents
2 a puzzle, doesn't it? One thing is whether --
3 not having the tape and not knowing anything
4 about it raises an abundance of questions, not
5 the least of which is how long is it, how good
6 is it.

7 MR. KATZ: Yes.

8 MEMBER MUNN: Formats.

9 MR. FITZGERALD: I think that
10 inquiry would determine that. I just think it
11 kind of raises an interesting question because
12 it does play a vital part on an SEC decision.
13 So if it is available, it probably needs to
14 be transcribed because right now all we have
15 is Brant's account of the meeting. And he
16 was, obviously, trying to bolster a particular
17 point on that issue. So he can't be
18 considered completely unbiased on the issue.
19 So it just kind of leaves a gap that might be
20 answered by whatever could come out of this
21 transcription, if it's possible. If it's not
22 possible, then we're no worse off than we are

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1 now.

2 MEMBER MUNN: True, but, you know,
3 the question of whether the fact that it was
4 given to someone in the agency, therefore,
5 makes it a FOIA document, that bothers me.

6 MR. KATZ: In any event, this is
7 really a -- this is a program issue. They
8 have to follow legal rules --

9 MEMBER MUNN: Yes.

10 MR. KATZ: -- about how to handle
11 this. And so, Wanda, there's really nothing
12 for the Work Group to engage in on this.

13 MEMBER MUNN: No.

14 MR. KATZ: I'm sure they'll do
15 whatever they need to do.

16 MR. FITZGERALD: This information
17 just happened to come up in this venue, but if
18 it came up in another venue --

19 MR. KATZ: Yes. Yes, and I would
20 imagine if that tape, if Brant held onto that
21 tape, that at a minimum they probably would
22 want to have detailed minutes from that tape,

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1 given what Joe just said.

2 MS. ROBERTSON-DEMERS: I guess my
3 concern over this whole thing is that a focus
4 group, and that's what this was, was held, and
5 the documentation was not collected. And
6 there needs to be some clarification in the
7 procedure on what's expected for what
8 meetings.

9 I thought that NIOSH did a good
10 job at explaining what was expected from each
11 meeting in the June 2009 memo on
12 classification of worker outreach meetings.

13 MEMBER MUNN: Stu, what is your
14 take on the possibility of incorporating that
15 document somewhere in your standard procedures
16 or your standard processes?

17 MR. HINNEFELD: Well, I would say
18 that's probably what we need to shoot for
19 here, and it will require either some internal
20 guidance or communication of that to the
21 staff, I would guess. So I think -- I mean
22 it's not entirely -- it's not a trivial thing

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1 to take care of. I'm thinking particularly of
2 a meeting where this focus group, where you're
3 having this focus group, and you have a health
4 physicist in all likelihood there who is
5 trying to obtain technical information. And I
6 won't deny that we all hear things the way we
7 want to hear them. And so the things that
8 register with us are the things that reinforce
9 what we think we're going to hear.

10 But when you have someone who is
11 leading a discussion of that nature, it is a
12 little difficult for that person to take
13 detailed notes and write detailed minutes --

14 MEMBER MUNN: Yes.

15 MR. HINNEFELD: -- of that
16 meeting.

17 MEMBER MUNN: Almost impossible
18 really.

19 MR. HINNEFELD: Yes. I mean it is
20 hard to maintain any kind of flow in that kind
21 of meeting if the person who is the most
22 engaged technically in the meeting has to make

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1 sure he's capturing all this stuff. So you
2 kind of need a second person. And that may be
3 just a matter for us to deal with to get a
4 second person there.

5 I don't have a lot to offer, but I
6 think that the June of 2009 memo, which I have
7 a vague recollection of, probably needs to be
8 placed more in the forefront and either put
9 out as guidance to the internal staff, so
10 everybody knows what is expected, or used to
11 build something else, some sort of procedural
12 document, so everyone knows what to expect.

13 MEMBER BEACH: Stu, there's also a
14 flow chart that was given at that same
15 meeting, which could be very helpful and
16 useful to incorporate as well with the same
17 date and the same number on it.

18 MR. HINNEFELD: Would this be
19 included with the transcript of the Working
20 Group meeting where it was first discussed?

21 MEMBER BEACH: I'm sure it was. I
22 can forward both of the documents to you, if

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1 you would like.

2 MR. HINNEFELD: If you would just
3 send them to me, that would be great.

4 MEMBER BEACH: Okay. Actually, I
5 could send them to you, Ted, if you want to
6 forward them on. Or do you have copies of the
7 two documents?

8 MS. ROBERTSON-DEMERS: Actually,
9 there's three.

10 MEMBER BEACH: Is there three?

11 MS. ROBERTSON-DEMERS: Yes.

12 MR. KATZ: I'm happy to forward on
13 anything you send me.

14 CHAIRMAN GIBSON: So this is Mike.

15 If NIOSH puts out this -- if DCAS
16 puts out this formal guidance, or however Stu
17 described it, now does that resolve the
18 concern by SC&A? Does that fix our program?
19 Or is this going to be further discussed in
20 the issues matrix? I mean I am just trying to
21 clarify this.

22 MS. ROBERTSON-DEMERS: Well, the

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1 other part of this is to put something formal
2 in the procedure on what documentation is
3 expected for what type of meeting. And then,
4 in addition to that, we were recommending that
5 after the action item criteria was developed
6 and completed, that they go back to the
7 meetings held since the implementation of
8 PR-12 and they look at the meeting minutes for
9 additional action items.

10 CHAIRMAN GIBSON: And does that
11 sound reasonable to DCAS?

12 MR. HINNEFELD: Can you run that
13 past me one more time? What was the
14 additional part?

15 MS. ROBERTSON-DEMERS: Okay.
16 Which part didn't you catch?

17 MR. HINNEFELD: Well, I guess my
18 mind drifted for a minute. What is the
19 additional expectation besides the detailed
20 minutes? You say just go back through the
21 minutes and check for action items that should
22 come out of those minutes?

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1 MS. ROBERTSON-DEMERS: Well, the
2 first one that I just talked about was to add
3 guidance on what documents are required for
4 what types of meetings. You know, the venues
5 that are outlined in the supplemental document
6 from 2009 to add direction to your procedure.

7 MR. HINNEFELD: Right.

8 MS. ROBERTSON-DEMERS: So that
9 people know what documents are expected for
10 what types of meeting.

11 MR. HINNEFELD: Okay. Okay.

12 MS. ROBERTSON-DEMERS: And that
13 was what Wanda was asking is how difficult
14 would it be to incorporate that into the
15 procedure, that supplemental guidance?

16 MR. HINNEFELD: Yes, I don't think
17 that's too awful difficult.

18 By the way, this is Stu Hinnefeld.
19 That's for the reporter.

20 MR. KATZ: Yes.

21 MS. ROBERTSON-DEMERS: And then
22 what we had suggested is once we are settled

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1 on a criteria for how to determine the action
2 items, that you go back to those meetings that
3 were held under PR-12, back through the
4 minutes and determine if there are any
5 additional action items based upon that
6 criteria that need to be added.

7 MR. HINNEFELD: Well, I'm not real
8 sure what the scope, what that kind of scope
9 would represent. But certainly, if there's
10 important information from those meetings that
11 somehow we haven't captured and addressed
12 appropriately, we want to do that. So I can't
13 argue with the benefit of doing that.

14 MR. FITZGERALD: I mean, on this
15 second item, this stems from what seems to be
16 a small number of actions that came from,
17 what, 120 meetings? I mean the impetus is
18 just the notion that it just seems like
19 there's a paucity of actions, given the number
20 of meetings that were held.

21 MS. ROBERTSON-DEMERS: Yes, and
22 that, like I said, is the criteria for the

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1 action items is being addressed under Findings
2 1 and 2.

3 MR. HINNEFELD: This is Stu -

4 MS. ROBERTSON-DEMERS: But the
5 concern is that there are six action items for
6 126 meetings.

7 MR. HINNEFELD: Okay. This is
8 Stu, and I will have to look into that some
9 more after we get out of here because right
10 now I don't have anything to add or offer on
11 that.

12 MEMBER MUNN: Well, you wouldn't
13 anticipate that there would be a lot of action
14 from information-giving meetings. And
15 information-giving meetings that I have
16 personal knowledge of, which certainly is not
17 a large number, the questions that are asked
18 at the meetings are usually answered at the
19 meetings, normally who to see, how to see,
20 who, how, when, where, that kind of
21 information, about that specific site.

22 But one would anticipate that the

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1 information-gathering meetings would be the
2 ones that would generate action items.

3 MS. ROBERTSON-DEMERS: That and
4 possibly the information giving/gathering
5 meetings, which just kind of fell down the
6 middle of Larry's chart.

7 MR. HINNEFELD: Yes, this is Stu.
8 I think it can certainly happen that we would
9 hear something in an information-giving
10 meeting that would require us to go do
11 something or check on something. But in many
12 of those -- I just want to make sure we're
13 clear here -- I mean in many of those
14 meetings, and the ones I have been at most
15 recently are the workshops, the dose
16 reconstruction and SEC workshops, there are
17 quite frequently questions. It is sort of
18 analogous to a classroom and you're covering a
19 particular topic, and people ask questions and
20 you answer that person's questions.

21 We're not envisioning taking those
22 kind of notes that would indicate that kind of

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1 interchange, right? I would think we would be
2 envisioning, if someone asked me a question
3 and said, "Gee, I'm not so sure we knew that
4 about that study. We've got to go check,"
5 that would be the kind of note you would take
6 and have to go research. Then you would want
7 to keep track of making sure you had
8 dispositioned it -

9 MEMBER MUNN: Yes.

10 MR. HINNEFELD: -- and provide
11 some feedback. Just so we're clear on that.

12 My experience in the workshops is
13 pretty much everything you hear is a question
14 that you, then, answer. But it's not out of
15 the realm of possibility that there would be
16 something else that you would need to follow
17 up on. Essentially what you're looking for is
18 stuff you need to follow up on after the
19 meeting, right?

20 MEMBER MUNN: Yes.

21 MR. FITZGERALD: So I guess what I
22 heard was sort of an agreement on the first

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1 item, which was to perhaps consider adding
2 guidance to the June 2009 --

3 MS. ROBERTSON-DEMERS: From that.

4 MR. FITZGERALD: From that. And
5 the second thing to me is maybe a validation
6 that with the new criteria from PR-12, whether
7 or not the 6 out of 126 -- and I think Wanda
8 raises a point that it's not 126, you know,
9 they're not all the same type of meetings, but
10 whether that number would vary because your
11 criteria have changed. I think that would be
12 obvious by looking at some of the meetings
13 where you are soliciting input. If it doesn't
14 change anything, I think that's your answer.

15 But I think the notion that there
16 were just six sort of begs the question
17 whether the new PROC-12 criteria would involve
18 perhaps more from the minutes than just the
19 six.

20 MS. ROBERTSON-DEMERS: Let me make
21 a couple of clarifications here. Two of those
22 action items were from the period after PR-12

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1 was put into use. What we're asking is that
2 you go back since PR-12 was implemented, and
3 that count, I believe, is 26 of those 126
4 meetings.

5 MR. FITZGERALD: So it's really
6 four out of 26?

7 MS. ROBERTSON-DEMERS: No, it is
8 four out of 100, which is the legacy items,
9 and two out of 26, which are the PR-12 items.

10 CHAIRMAN GIBSON: Okay. This is
11 Mike.

12 So that sounds -- there's two
13 subquestions here that we need to get an
14 answer to and get resolution on then, right?
15 That's the four meetings out of the 100 and
16 then the two out of the 26?

17 MR. FITZGERALD: Whether those
18 numbers still stand with the new criteria.

19 MS. ROBERTSON-DEMERS: Well, and
20 I'm going to leave it up to you. What I
21 recommended is that they go back and look at
22 the meetings that have been done since the

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1 implementation of PR-12, which is 26. That
2 leaves you with 100 meetings that were done
3 prior to that, prior to the implementation of
4 PR-12.

5 MR. KATZ: And I think what Stu
6 said was that he would look into the question
7 for scope concerns, et cetera, in terms of how
8 much work that would be, I guess, and other
9 matters. Right? Is that what you said, Stu?

10 MR. HINNEFELD: Yes. Sorry, my
11 fingers are not nimble enough for BlackBerrys.

12 Yes, that's what I said. I think
13 that we are obliged to do something here with
14 the 26 and see if, in fact, we have captured
15 actions appropriately out of that. See, I
16 don't know what 26 meetings there are. I mean
17 there may be some that we would consider of
18 less value than others. For instance, if we
19 did an SEC outreach meeting someplace, and
20 subsequently an SEC Class was added for the
21 entire coverage period of that, of that site,
22 I don't know that we want to go back to that

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1 meeting. I don't know we're going to find
2 anything that is going to change very much.
3 So, I mean, there may be some priorities of
4 things here, but I think we need to start by
5 looking at all 26.

6 MS. ROBERTSON-DEMERS: Well, yes -

7 CHAIRMAN GIBSON: This is Mike.
8 So just as far as process, what I'm trying to
9 get clear here, are we going to get an action
10 on this particular thing? We're discussing in
11 this section of this meeting, and are we going
12 to rehash this in the next session when we
13 discuss the findings in the matrix? Or should
14 we expect a response from DCAS in that matrix?

15 I mean, are we going to discuss this twice?
16 Or is there something different here that I'm
17 misunderstanding?

18 MS. ROBERTSON-DEMERS: Well, I
19 believe under finding three we have the only
20 action item. You know, that was to do a
21 followup review, and the discussion of the
22 criteria for the action items is going to fall

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1 under Findings 1 and 2.

2 The followup, you know, that I'm
3 recommending here is really, once you have
4 resolved, once everybody has agreed on the
5 action item criteria, then, in order to
6 satisfy finding three, we're suggesting that
7 they go back with the agreed-upon criteria and
8 evaluate the meeting minutes for these 26
9 meetings.

10 MR. KATZ: Right, and Stu just
11 agreed that they would look into that. So I
12 guess that's in progress.

13 MS. ROBERTSON-DEMERS: Does that
14 answer your question?

15 CHAIRMAN GIBSON: Okay. Yes. All
16 right.

17 MEMBER MUNN: It's in progress.

18 MR. KATZ: So it's in progress,
19 and at the next meeting we can get an update
20 on where they are, whether they have completed
21 that, or whether there's more work to be done
22 in looking at those 26.

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1 MS. ROBERTSON-DEMERS: I did want
2 to say one thing. They did a great job at
3 uploading a lot of documents to OTS,
4 especially the older meetings. I just kind of
5 wanted to let them know.

6 MR. McDOUGALL: Thank you for
7 that. And, by the way, we have continued. So
8 it's better today than it was when you looked
9 at it.

10 MR. KATZ: It's still in progress.

11 MR. McDOUGALL: It is still in
12 progress.

13 MEMBER MUNN: Now, one clarifying
14 question for you. Now who is updating the --
15 how is the matrix getting updated?

16 MR. KATZ: Kathy is keeping the
17 matrix.

18 MEMBER MUNN: Okay.

19 MR. KATZ: So she'll update it,
20 right?

21 MS. ROBERTSON-DEMERS: Right.

22 MR. KATZ: Correct. Right.

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1 MEMBER MUNN: Thank you.

2 MR. FITZGERALD: So, Mike, is that
3 sufficient for, I guess, the second item on
4 OTS?

5 CHAIRMAN GIBSON: Yes, I think so.
6 Do the rest of you all agree? Wanda?

7 MEMBER MUNN: Yes.

8 CHAIRMAN GIBSON: Josie? Phil?

9 MEMBER BEACH: Yes.

10 CHAIRMAN GIBSON: Okay. So, if
11 nothing else, I don't know what you guys want
12 to do for lunch, but do you want to go ahead
13 and get started on the issues matrix, and
14 then, whenever you guys get ready for lunch,
15 just let me know and we'll break for lunch?

16 MR. FITZGERALD: It sounds like
17 we're going to be breaking sooner than later.

18 MEMBER MUNN: You don't ever want
19 to ask when I'm in a meeting if we're ready
20 for lunch. It's the wrong question.

21 MR. KATZ: Time is a constant. So
22 whether we take the break now or later, it is

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1 up to everyone here as to how much your
2 stomach is growling.

3 MEMBER BEACH: Anytime.

4 MR. KATZ: What's your wish?

5 MEMBER MUNN: Lunch.

6 MR. KATZ: Okay. Wanda would like
7 to break now. Is that okay with you, Mike?

8 CHAIRMAN GIBSON: Yes, that's
9 fine. I'm just going to grab a sandwich and
10 shovel the driveway again.

11 (Laughter.)

12 MR. KATZ: Can we try to do it,
13 say, within the hour at least, at longest? So
14 we would be back here starting again at
15 quarter of 1:00 by my watch, unless my watch
16 is not right.

17 MEMBER MUNN: Yes.

18 MR. KATZ: Yes, quarter of 1:00

19 Thank you, everyone on the line.

20 (Whereupon, the above-entitled
21 matter went off the record at 11:43 a.m. and
22 resumed at 12:46 p.m.)

23

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1 MR. KATZ: Wonderful.

2 And how about Arjun, is he back on
3 the line, too?

4 DR. MAKHIJANI: Yes, I am back on
5 the line.

6 MR. KATZ: Okay. Great. All
7 right.

8 So, Mike, you can get the ball
9 rolling again.

10 CHAIRMAN GIBSON: Okay. I guess
11 we're ready to move into the issues matrix for
12 OCAS PROC-12 and ORAU PROC-97, if SC&A wants
13 to go ahead.

14 MR. FITZGERALD: Do you just want
15 to walk through the items one by one pretty
16 much?

17 CHAIRMAN GIBSON: Yes, I think
18 that would be best.

19 MR. FITZGERALD: Okay.

20 MS. ROBERTSON-DEMERS: Well, let
21 me kind of explain things.

22 This is revision one of the issues

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1 matrix. And the difference is that we went
2 and took NIOSH's initial response and put it
3 into the matrix so that everything was in one
4 place. We also added the action items that
5 were assigned at the last meeting for both
6 SC&A and NIOSH. So that is kind of the
7 difference between this version and the
8 previous version.

9 MR. KATZ: So, Mike, I think what
10 we need to do is to go to the items that are
11 in progress, right, and see if there's any
12 more progress to record? Does that make
13 sense? We don't need to run through items
14 that --

15 MS. ROBERTSON-DEMERS: Not really.

16 CHAIRMAN GIBSON: Yes, the items
17 that are in progress or still open to see if
18 DCAS has any kind of update for them.

19 MR. KATZ: Exactly.

20 MS. ROBERTSON-DEMERS: So the
21 first finding in progress is finding one.
22 SC&A didn't have any action items out of this

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1 finding. So I will defer the floor to DCAS.

2 Did you guys catch that?

3 MR. JOHNSON: Yes, I'm going to go
4 through my list. This is J.J. Johnson. And
5 I'll indicate what I have put into the
6 procedure based upon what I transmitted the
7 day after we had our last Working Group
8 meeting.

9 MR. KATZ: Okay, but, J.J., do you
10 want to do this -- let's do this issue by
11 issue so that Kathy can keep the issues matrix
12 abreast of progress?

13 MR. FITZGERALD: So it would be
14 finding number one.

15 MS. ROBERTSON-DEMERS: Yes,
16 finding one.

17 MR. KATZ: So, yes, finding number
18 one.

19 MR. JOHNSON: Okay. I mean I'll
20 go right from finding one to recommended
21 actions.

22 MS. ROBERTSON-DEMERS: Right.

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1 MR. JOHNSON: So that's on the
2 bottom of page 4 -

3 MR. FITZGERALD: Yes, page 4.

4 MS. ROBERTSON-DEMERS: Right.

5 MR. FITZGERALD: Yes.

6 MR. JOHNSON: Okay. "Add guidance
7 in OCAS procedure 12 to identify the types of
8 events for which meeting minutes will be
9 taken."

10 I have sent out to the folks a
11 matrix as well as an updated procedure. So if
12 you go to the general section, it's addressed
13 in 5.0 as to what outreach means that I
14 identified in this procedure, which ones will
15 have meeting minutes.

16 Does everybody have that updated
17 procedure?

18 MEMBER BEACH: Yes, I do.

19 MS. ROBERTSON-DEMERS: Yes, we got
20 it. This is Kathy. I got your copy
21 yesterday, and Joe, John, and Arjun just got
22 it this morning. I forwarded it to them.

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1 MR. KATZ: So is anyone ready to
2 sort of compare that and see if this --
3 they've addressed the meeting types that you
4 would expect them to address?

5 MEMBER BEACH: You know, I think
6 maybe it would be better if he just goes
7 through them and then we need to maybe digest
8 it and then get back at a different day
9 because there's quite a few of them.

10 MS. ROBERTSON-DEMERS: J.J. has
11 made quite a few changes, and we haven't even
12 had the chance to digest them.

13 MR. FITZGERALD: To consider them.

14 MS. ROBERTSON-DEMERS: Yes.

15 MR. KATZ: Okay. Well, then,
16 maybe our best -- what will work here -- is
17 this true for all of J.J.'s changes? You're
18 talking about throughout for the matrix?

19 MS. ROBERTSON-DEMERS: Yes.

20 MR. KATZ: So, maybe, then, what
21 will work here is just for you, J.J., if you
22 want to summarize changes you have made, that

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1 would give folks here an opportunity that
2 maybe they even haven't read this closely to
3 hear it, and if they have any questions,
4 clarifications, whatever, on the spot, they
5 can ask them now. And otherwise, we will plan
6 to take up these changes at the next meeting,
7 if that makes sense, Mike.

8 MEMBER BEACH: I think most of us
9 got them late last night. I know I did.

10 CHAIRMAN GIBSON: Yes, it sure
11 does.

12 MR. KATZ: Okay. So would you
13 mind doing that, J.J.? Just sort of walk
14 people through what the changes are. And that
15 way, if they need clarifications or what have
16 you, they can ask now, and that will put us a
17 step forward to dealing with these changes at
18 the next meeting.

19 MR. JOHNSON: Yes. Sure, I'll try
20 to attempt that.

21 MR. KATZ: Thank you, J.J.

22 MR. JOHNSON: In the focus group,

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1 I indicated that minutes are typically taken,
2 but notes will be taken for smaller groups or
3 one-on-one or if classified/sensitive material
4 is to be discussed.

5 MS. ROBERTSON-DEMERS: Okay. Is
6 that --

7 MR. JOHNSON: So if we have our
8 contractor that supports us was taking and
9 developing minutes, we'll have minutes. If
10 they aren't asked to support the meeting, we
11 will be taking notes.

12 MS. ROBERTSON-DEMERS: Okay. Can
13 you clarify that a little bit? One-on-ones
14 are usually site expert interviews? Or are
15 you talking about when someone cannot attend a
16 meeting?

17 MR. JOHNSON: Either. Either/or.

18 MS. ROBERTSON-DEMERS: Okay. I'm
19 a little bit confused because there is a
20 documentation process for a site expert
21 interview. It's called a documented
22 communication. Or there's really not a

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1 procedure for it, but that's what is done by
2 NIOSH.

3 MR. JOHNSON: And that procedure
4 is referenced in this procedure also, yes.
5 And that's why the wording is set the way it
6 is because it's in correspondence with
7 procedure 10.

8 MS. ROBERTSON-DEMERS: I thought
9 procedure 10 was about the review process for
10 DOE.

11 MR. JOHNSON: You might be right.

12 MS. ROBERTSON-DEMERS: That is
13 what it says, data access and interview
14 procedures.

15 MR. KATZ: Yes, the Board has the
16 same procedure.

17 MR. JOHNSON: Procedure 11 is
18 declassification or review of classified --
19 review of documents.

20 MS. ROBERTSON-DEMERS: Right, and
21 then --

22 MR. JOHNSON: So procedure 10,

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1 data access and interview procedures.

2 MS. ROBERTSON-DEMERS: I'll have
3 to go back and look at it, but I thought that
4 was mainly the process for getting it through
5 DOE.

6 MR. HINNEFELD: This is Stu. I
7 just want to say real briefly I think we might
8 run into a semantics difficulty here because
9 we say in some cases we're going to take notes
10 of the meeting, in other cases we're going to
11 have minutes.

12 From our standpoint, what ATL
13 prepares at the outreach meetings that they
14 arrange and they support, we refer to those as
15 minutes.

16 I think the important question
17 here, the important issue, though, is to have
18 a complete record of the discussion. Whether
19 you call it a note or minutes may not be
20 terribly relevant. I don't know what other
21 people's opinions are on that.

22 It seems like the issue is

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1 recording the relevant information from the
2 meeting, and the name of what you call that
3 may be kind of splitting hairs a little bit.

4 MS. ROBERTSON-DEMERS: Well, you
5 know, what we had discussed this morning in
6 follow-up action --

7 MR. HINNEFELD: Yes, I know that
8 was an instance where the notes maybe didn't
9 convey the entirety of the discussion. I know
10 that was an instance. That's something for us
11 to deal with internally to make sure we have
12 enough resources in the meeting that there's
13 somebody who is taking, you know, making a
14 record of the meeting.

15 MS. ROBERTSON-DEMERS: Well, I
16 guess what I was talking about is if you
17 integrated the material from your supplemental
18 material provided into your procedure, you
19 know, that is going to define where your
20 meeting minutes are taken.

21 MR. HINNEFELD: Right.

22 MS. ROBERTSON-DEMERS: That was

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1 kind of why I was asking, are you talking
2 about site expert interviews here or --

3 MR. HINNEFELD: Well, a site
4 expert interview would be -- you know, one-on-
5 ones should be probably recorded the way a
6 site expert interview is recorded. Whether
7 you call it a documented communication or
8 something like that --

9 MS. ROBERTSON-DEMERS: Right.

10 DR. MAKHIJANI: This is Arjun.
11 Stu, I have a question about the documented
12 communication.

13 MR. HINNEFELD: Okay.

14 DR. MAKHIJANI: Yes. When the
15 summary of those communications is prepared,
16 does the interviewee get to review the
17 summary?

18 MR. HINNEFELD: Well, it's my
19 understanding that they do, but I won't swear
20 that that has happened every time.

21 DR. MAKHIJANI: Okay. A lot of
22 the communication documentation is very, very

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1 brief. Maybe there are brief interchanges,
2 you know, for a specific point or whether
3 there was a longer communication, and the
4 interviewer was looking only for one piece of
5 information and wrote only that. Sometimes I
6 wonder about that.

7 And that's the origin of my
8 question is does the interviewee see the
9 draft?

10 MS. ROBERTSON-DEMERS: This is
11 Kathy. In some of the later documented
12 communications, you will see a statement on
13 the bottom. There is a particular person at
14 ORAU that's good about doing this. The
15 interview was passed through the interviewee
16 and documented per their comments, something
17 to that effect. Most of them, you do not see
18 that statement. So it's kind of unclear
19 whether they have been sent back through the
20 interviewee or not.

21 MR. HINNEFELD: Well, we'll sort
22 that out. I can't speak terribly

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1 knowledgeably about that here today, but that
2 should be part of our guidance going forward,
3 I think.

4 MR. KATZ: Are we okay on that
5 one?

6 MEMBER BEACH: The only concern I
7 really have is in the general, and I was
8 looking down to see if it was answered
9 further. In the second-to-the-last and the
10 last paragraph, it says, "Minutes are
11 typically taken, but notes will be taken for
12 smaller groups."

13 So minutes typically taken doesn't
14 really direct somebody to take those notes.
15 It is a very soft sentence, I guess. And I
16 was hoping that maybe it was -- because when
17 you look down further, it says, "Minutes of
18 the meeting will be taken." So I have a
19 concern with that, but it may be addressed
20 later on.

21 MR. KATZ: Right.

22 MR. HINNEFELD: This is Stu. If I

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1 can offer, again, I think, again, this is a
2 question of the semantics of what are meeting
3 notes and what are meeting minutes. And to
4 me, the key issue is that, regardless of what
5 you call them, and what makes you call
6 something "minutes," it would seem to me that
7 the important thing is to take care to collect
8 the information, to prepare an account of what
9 was discussed. Whether you call it notes or
10 minutes is not particularly relevant.

11 And because of that, I think this
12 procedure kind of draws a dividing line that,
13 if ATL prepares it, we're going to call it
14 minutes. And in some of these, they will
15 support some Work Groups -- or some of these
16 focus groups, and they don't support all of
17 them. So that's probably where that came
18 from.

19 MEMBER BEACH: Right.

20 MR. FITZGERALD: But you've moved
21 away from that nomenclature where minutes
22 refer to the ATL traditional transcription,

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1 and now minutes are something else? I guess
2 I'm a little confused as to exactly where we
3 are now.

4 MR. KATZ: Yes. I mean that last
5 quote makes a distinction between minutes --

6 MR. FITZGERALD: Yes.

7 MR. KATZ: -- and notes,
8 irrespective of ATL's involvement. So it just
9 sort of begs the question. I guess whoever is
10 doing this at least -- someone seems to have a
11 distinction in mind other than just the
12 author.

13 MR. JOHNSON: This is J.J.
14 Johnson. The expectation of this statement,
15 instead of saying that minutes are always
16 taken or minutes are taken, minutes are
17 typically taken if ATL is there to support us
18 for that aspect.

19 MS. ROBERTSON-DEMERS: Okay.

20 MR. JOHNSON: The term "notes" is
21 used if ATL is not there, and we are
22 interviewing and taking notes but without

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1 ATL's support.

2 MR. FITZGERALD: And ATL support
3 is an actual -- what do you call it, recorder
4 or what? I'm just trying to figure out, do
5 they just take notes but more detailed notes?

6 MR. JOHNSON: Both, electronic and
7 notes.

8 MR. FITZGERALD: They're hand
9 notes?

10 MR. McDOUGALL: Well, basically,
11 what we do is we do two things. We record the
12 session, and we take notes. Okay? So the
13 notes help in making sense out of the
14 recording. And, then, we basically produce,
15 from those, we produce a document that then
16 goes through the review process. And that
17 becomes --

18 MR. FITZGERALD: And it's fair to
19 say that the ATL minutes are sort of a
20 validated set of notes versus maybe an
21 unvalidated set of notes? I'm just trying to
22 get some feel for what the difference is.

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1 This sounds like, you know, you're
2 taking notes. There are notes being taken
3 over here, but your notes are called minutes.

4 And I'm just saying, well, it sounds like you
5 have the recording, but what's the recording
6 used for?

7 MR. McDOUGALL: Well, the
8 recording is to provide more detailed
9 information than the person's --

10 MR. FITZGERALD: To make the notes
11 more comprehensive?

12 MR. McDOUGALL: Yes, to make --

13 MR. FITZGERALD: So, the
14 comprehensiveness?

15 MR. McDOUGALL: To make the
16 ultimate document richer.

17 MR. FITZGERALD: Okay.

18 MR. McDOUGALL: Okay?

19 MR. KATZ: Go ahead.

20 MR. HINNEFELD: This is Stu. I
21 was just going to say that one key distinction
22 of when ATL supports a meeting and generates

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1 the notes, there is a person there who that is
2 that person's job to do that. Now it won't
3 always be the case from a meeting or a
4 discussion, certainly a one-on-one, where when
5 ATL is not there, you won't necessarily have a
6 person there for purposes of generating the
7 notes of the meeting. We haven't done it up
8 until now. I think we may think about that
9 going forward, particularly if we are going to
10 have a meeting of some size.

11 But that is clearly what happens
12 now and why meeting minutes are, I would
13 guess, in most cases, if not all cases,
14 somewhat more comprehensive than any meeting
15 notes. It is because ATL has a person there
16 whose job it is to ultimately prepare the
17 minutes of the meeting. And I mean there's
18 logistics and things as well, but during the
19 meeting their job is to record, so they can
20 write the minutes.

21 And we haven't done that in every
22 case for other meetings where ATL has not

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1 provided the support. But it is something
2 that we will think about going forward,
3 particularly for meetings of some size.

4 MS. ROBERTSON-DEMERS: This is
5 Kathy. I'm a little bit disturbed at the
6 tieback to whether ATL is there or whether ATL
7 is not there. If it is a defined meeting, in
8 accordance with PROC-12, like the Mound
9 meeting, for example, that was an SEC focus
10 group, then the procedure should direct them
11 to take meeting notes. It should be tied to
12 the worker outreach meeting type rather than
13 whether ATL is there.

14 MR. KATZ: Right, but, Kathy, I
15 mean that's what Stu is saying. Stu is saying
16 that they are going to look at how they do
17 this going forward in terms of it doesn't
18 matter whether it's ATL or DCAS being
19 sufficiently detailed to capture a full
20 account of the meeting's proceedings.

21 MEMBER MUNN: The key is almost
22 always whether there is a person there who is

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1 available to take meeting notes.

2 MR. KATZ: Sure. Sure.

3 MEMBER MUNN: Because, as we
4 pointed out earlier, it's almost impossible to
5 run a meeting and take good notes at the same
6 time.

7 MR. KATZ: Of course.

8 MR. JOHNSON: This is J.J. Johnson
9 again.

10 If you notice the wording, it
11 says, "worker outreach focus group" and "SEC
12 worker outreach focus group." The terminology
13 "minutes are typically taken" is in both of
14 them. And for smaller groups, notes will be
15 taken.

16 So the term "minutes typically
17 taken" and for the notes are both referenced
18 to specific types of meetings.

19 MS. AYERS: This is Lynn Ayers
20 from SC&A Salient.

21 And I just had an observation that
22 could resolve the concern about the soft

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1 language. Stu's earlier statements that the
2 relevant issue, the key concern here is that
3 we capture all of the relevant issues,
4 information, to convey the entirety of the
5 discussion. If you preceded this sentence
6 with some statement there of the primary
7 concern, whether you call it minutes or notes,
8 that this is the purpose of what should be
9 accomplished at the meeting, then you could
10 follow it up with some distinction between
11 what might happen in different settings.

12 But it seems like both should be
13 there. That way, it doesn't sound like it's
14 optional to take a record. I think that was
15 the earlier concern.

16 MEMBER SCHOFIELD: Well, what's
17 the definition of a small group versus large
18 group or one you want to take minutes and one
19 you want to take notes?

20 MR. KATZ: Well, I mean, really,
21 if they're taking detailed notes, minutes,
22 whatever you want to call them, it doesn't

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1 really matter. None of this really matters as
2 long as there is the full proceedings
3 adequately detailed, it doesn't matter whether
4 they call them notes or minutes.

5 MR. FITZGERALD: I think the thing
6 that Stu pointed out is probably the valid
7 thing, which is maybe a reconsideration of
8 when a dedicated notetaker a la what ATL has
9 done in the past may be warranted. And that
10 is a judgment call, I guess, depending on the
11 type of meeting.

12 I think you used the example of
13 the Mound focus. In that case, it shouldn't
14 be optional; you should seek out a dedicated
15 notetaker. Whether you call it minutes or
16 notes, it is really a question of someone
17 being dedicated to the task and providing a
18 comprehensive set of minutes.

19 And that's the distinction I see.

20 I think he already acknowledged that. Am I
21 right, Stu?

22 MR. KATZ: Yes.

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1 MR. HINNEFELD: Yes, that would be
2 my position on this. Let's not kill ourselves
3 about minutes and the requirements, when are
4 you going to call them minutes and things like
5 that. Let's figure out a process to use so
6 that we get a good account of the meeting, no
7 matter what it is.

8 CHAIRMAN GIBSON: This is Mike.
9 Yes, I agree with you, Stu, but I think that
10 when we figure that out, it needs to be
11 spelled out in this procedure so that each
12 staff member, when they pick up this
13 procedure, and they're getting ready to have a
14 meeting, they don't have a doubt in their mind
15 somewhere down the line.

16 MR. HINNEFELD: Yes, I understand
17 that, and we'll include some more, whether
18 it's in this -- this procedure is probably a
19 good place for it or something like this
20 procedure. So that people who are doing these
21 sort of, we call them -- we call all these
22 things where they're information-gathering

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1 meetings, we call them all part of our data
2 capture or information capture and research or
3 site research.

4 And so we have to make sure that
5 people are aware that when they are having a
6 meeting for site research purposes, that they
7 need to make sure that they have the
8 wherewithal, either being another person or
9 whatever, to gather a complete record of
10 what's discussed, just as part of the
11 planning.

12 But I hate to be too specific
13 about the requirements because there can be a
14 wide variety of reasons why it is going to be
15 complicated or easy to record the account.
16 You know, one thing is if you have a lot of
17 people, it is probably going to be complicated
18 for one person to record it. Another thing is
19 if you have a broad-ranging discussion, even
20 with a few people, it would probably be
21 difficult for one person. But if you have a
22 narrow, sort of a narrow-scoped meeting, even

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1 if you have quite a few people there, one
2 person might be able to gather that, to be
3 able to conduct the meeting and generate the
4 notes maybe. I don't know that I would
5 promise that.

6 But I hate to be too specific in
7 requirements here because we are going to be
8 using these requirements to apply, I think, to
9 quite a lot of different things. So I would
10 rather not be too terribly specific and really
11 get too wrapped around the axle on specific
12 language.

13 DR. MAKHIJANI: This is Arjun.
14 Could I just make a suggestion that might be
15 helpful? We might preface all of this kind of
16 by saying that an accurate account of the
17 meeting shall be prepared and then indicate
18 whether the account is prepared by tape
19 recording and preparing minutes afterwards,
20 which seems to me a distinction between what
21 you're calling minutes and notes, or whether
22 the notes are made on the spot and then

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1 verified afterwards with the interviewee, you
2 know, you can indicate the flexibility in
3 that, if it is prefaced by saying that there
4 shall be an account, an accurate account of
5 the meeting, of the substance of what went on,
6 the substantive points that were raised.

7 MR. HINNEFELD: Yes, I'm okay with
8 that.

9 MR. FITZGERALD: And that would
10 follow because if you did have a larger
11 meeting, it would be very untenable to try to
12 do that with one person. It just would be
13 difficult to do it. So you almost need a
14 dedicated notetaker.

15 MR. JOHNSON: This is J.J. Johnson
16 again. How about if I work with Stu, and
17 we'll come up with some appropriate wording
18 for those two areas?

19 MEMBER MUNN: Sounds good.

20 MR. JOHNSON: Okay. Further on,
21 worker outreach and townhall meeting, minutes
22 of the meeting will be taken. SEC outreach

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1 meetings, minutes of the meeting are not
2 taken. When we're invited to other meetings
3 like Department of Energy, minutes are not
4 taken. And workshops, minutes are not taken.

5 MS. ROBERTSON-DEMERS: This is
6 Kathy DeMers. I don't have a problem with
7 minutes not being taken, say, for
8 presentations at these meetings, but when a
9 worker speaks up and makes a comment, even
10 during those types of meetings, they should be
11 captured.

12 MR. HINNEFELD: Yes, this is Stu.
13 I think I kind of agree with that. I think
14 that there are things that are said, or there
15 can be things that are said at those meetings,
16 whether it be a dose reconstruction workshop
17 or one of the DOL-sponsored or joint-outreach-
18 sponsored meetings, that may require follow-
19 up.

20 And the same question we asked,
21 you know, the same comment I made this
22 morning, sometimes in those meetings people

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1 ask questions that can be answered on the
2 spot. And I'm not proposing that we make a
3 record of that. But if they comment about a
4 situation that was encountered that they knew
5 about that the attendee doesn't, isn't really
6 familiar with, or it could be new information,
7 I think it is incumbent on the attendee to
8 make that note and investigate that. And that
9 should probably be captured as we capture this
10 feedback. So that would apply.

11 Now just so everybody knows, these
12 DOL meetings that we go to are generally the
13 public meetings they have when a new Class is
14 added, okay? When a new SEC Class is added,
15 DOL goes and has public meetings in the
16 vicinity to describe the process and how it is
17 going to be administered.

18 I think part of that is sort of it
19 might be part, kind of outreach to advertise
20 it, so everybody there knows it. It is
21 explained to the claimants who are already in
22 the system what steps are going to happen on

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1 theirs. We attend those only to answer
2 questions. We have no presentation role or
3 anything like that.

4 The other kind of meeting I talked
5 about, the joint outreach, there's a Joint
6 Outreach Work Group with people from the DOE
7 program, you know, EEOICPA office. The
8 workers' monitoring programs participate in
9 that. The DOL participates, either through a
10 resource center, although now the programmatic
11 office in Washington is being more involved.
12 And we go to those. And the DOL Ombudsman is
13 one of the main players.

14 We go to those, again, mainly to
15 answer questions. I would treat those the
16 same as a workshop or DOE meeting. It is
17 that, if somebody asks a question, you may
18 answer it on spot. Done. If somebody raises
19 an issue or asks a question that you can't
20 answer right away, that attendee has to record
21 that in some fashion and bring it back.

22 Now that will be different than

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1 writing comprehensive notes of a meeting.
2 Because comprehensive notes of a DOL meetings
3 or of those joint outreach meetings are a
4 description of the DOL EEOICPA process, and
5 the difference between B and E, and so on.

6 So those would be just simply
7 exception things, things that came up that we
8 maybe didn't know about or at least the
9 attendee didn't know about and has to go
10 investigate further.

11 Is everybody okay with that?

12 MR. KATZ: Yes. There are heads
13 nodding in the room silently. Thank you, Stu.

14 J.J., do you want to carry on?

15 MR. JOHNSON: Yes. For the second
16 one, I've placed references in the procedure
17 under Section 3, as promised.

18 MR. KATZ: All is good here, J.J.
19 Carry on.

20 MR. JOHNSON: Okay. Well, then,
21 we go to finding two.

22 MR. KATZ: Oh, wait.

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1 MS. ROBERTSON-DEMERS: Can I say
2 something?

3 MR. KATZ: Kathy has something to
4 say.

5 MS. ROBERTSON-DEMERS: And maybe
6 you'll address this in your response to
7 finding two, but I still have a concern about
8 how the current procedure doesn't discuss how
9 comments provided by workers are evaluated and
10 then, subsequently, if necessary, integrated
11 into technical work documents or how the
12 comments are resolved with the individual --

13 MR. JOHNSON: I think if you were
14 to look at the last page of the procedure, you
15 will see an attachment there which addresses
16 -- it's Appendix E. And that discusses action
17 items.

18 And it says, "Action items are
19 documented and tracked in the action item
20 screen. Consideration for processing an
21 effective action item takes into account
22 several things, including a specified end

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1 date, response review, and how the action item
2 has been closed out."

3 MS. ROBERTSON-DEMERS: I think
4 maybe we need to go through finding two, and I
5 might get an answer to this question or I
6 might not.

7 MR. KATZ: Okay. So are you
8 saying carry on?

9 MS. ROBERTSON-DEMERS: Yes.

10 MR. KATZ: Okay. Carry on, J.J.

11 MR. JOHNSON: All right. I guess
12 we're on page 6 now. It says, "Additional
13 guidance will be incorporated into the OCAS
14 procedure to address action items, final
15 disposition, determination. The response will
16 address commitment date, review for technical
17 adequacy, designation of whether a technical
18 document requires an update, identification of
19 how the action item was closed out."

20 That continues on to the bottom of
21 that particular new appendix, and it says,
22 "Through coordination of the DCAS HP and the

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1 ORAU subject matter expert, an owner is
2 identified and assigned to resolve/address the
3 issue. In conjunction with identifying an
4 owner, a date of completion is entered into
5 the system which has been agreed to based on
6 work schedule, level of effort, and timely
7 need for responsiveness.

8 "Along with the above information,
9 action item current status and action item
10 resolution details are inputted. Action item
11 current status addresses the current state of
12 response. It may address roadblocks,
13 progress, completion, et cetera, while the
14 action item resolution details -- addresses
15 the issue as to what was done to resolve the
16 issue and what, if any, impact it may have had
17 on the technical document.

18 "Once the action item resolution
19 is completed, it is reviewed by the DCAS HP
20 for completeness and technical adequacy, notes
21 date of resolution, and includes in the action
22 item closure type, what it influenced, a

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1 technical basis update, feedback to the EE, et
2 cetera."

3 Comments?

4 MEMBER BEACH: It takes a while to
5 digest that.

6 MS. ROBERTSON-DEMERS: Yes. Yes,
7 I think it's going to take time to digest
8 that. But I did have a related --

9 MR. JOHNSON: It addresses each of
10 those bullets.

11 MS. ROBERTSON-DEMERS: I do have a
12 related comment, and maybe this goes back to
13 finding one, you know, you had mentioned in
14 your response that you guys were capable of
15 tracking and trending items in the OTS system,
16 right?

17 MR. JOHNSON: Yes.

18 MS. ROBERTSON-DEMERS: One of my
19 concerns is if there's six action items for
20 126 meetings, how are you going to track
21 comments and determine whether you're having
22 recurrences, whether you have to reevaluate

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1 the answer that you have given previously
2 because people keep coming back and asking the
3 same question.

4 MR. JOHNSON: Anything that is put
5 into the action item tracking screen, I can go
6 and talk with our PST people and they can
7 initiate an ad hoc report for me.

8 MS. ROBERTSON-DEMERS: I guess my
9 concern is there are not very many action
10 items to track or trend or to do anything
11 with.

12 MR. HINNEFELD: Well, there's a
13 couple of things here. One is we have already
14 said that as part of our discussion with
15 number three this morning, it is that we are
16 going to go back and take a second look at
17 that and make sure that we have done a
18 faithful job of capturing action items from
19 those 26 meetings since PR-12 was implemented.

20 So we are going to look at that to make sure
21 that we are doing that. I think part of that
22 is the thing that maybe has run into other

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1 people's minds, as the procedure as written it
2 essentially provides autonomy to the health
3 physicist and the ORAU Team.

4 And one of your items was review
5 technical adequacy. So there may be some sort
6 of supervisory or team leader review that
7 might be called for there. So I think maybe
8 J.J. and I will take a look at that, if that's
9 what we're looking at. Right now, I would
10 like to get away from the fact that there are
11 only six action items in the database other
12 than to say that, you know, we're going to go
13 back and check those 26 meetings and make sure
14 that we have been playing straight with that.

15 MS. ROBERTSON-DEMERS: Well, can I
16 ask a simple question?

17 MR. HINNEFELD: I don't know,
18 Kathy. I don't know that you ever have asked
19 a simple question.

20 (Laughter.)

21 MS. ROBERTSON-DEMERS: Is there
22 data that is available, say, from the WISPR

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1 database?

2 MR. HINNEFELD: I'm sorry,
3 somebody coughed, and I missed the first part
4 of the question.

5 MS. ROBERTSON-DEMERS: Is there
6 data already available, say from the WISPR
7 database, that can be inserted into the OTS
8 database?

9 MR. HINNEFELD: I guess I'm not
10 really knowledgeable enough to talk about
11 that. I guess I kind of worry about looking
12 back too far in the past. So far, we have
13 committed to looking at PR-12.

14 We're looking at PR-12 and the 26
15 meetings since PR-12, and that's a big chunk
16 of work. So I'm a little hesitant about how
17 far back we have to go. I would like to keep
18 our current efforts a little more current and
19 at least get a feel for how we have been
20 doing.

21 I mean, if we start looking
22 through the information that we are gathering

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1 now and we conclude to ourselves, you know, we
2 have not been paying this enough attention, we
3 have not really been dealing with worker
4 comments sufficiently, and we have sufficient
5 evidence of it by what we're doing, we may
6 need to go back farther and make sure that we
7 haven't left things out there and behaved as
8 if we were ignorant of them, even though we
9 have been told about them. So we may need to
10 do that later, but I would like to wait for a
11 while on that before we go back any farther
12 and put older things yet into the database.

13 MS. ROBERTSON-DEMERS: I guess
14 what I'm asking you is not really going back
15 and reevaluating it. It is, more or less,
16 taking what's already out there and copying it
17 into OTS.

18 MS. ELLIOTT: This is Mary
19 Elliott. I may be able to shed some light
20 very briefly on this and the four items that
21 do pertain to things that were in WISPR that
22 were put into OTS. If I might, Stu?

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1 MR. HINNEFELD: Yes, go ahead.

2 MS. ELLIOTT: There were four
3 meetings while ATL was still with ORAU. So
4 these are legacy meetings that had WISPR
5 responses back and forth. There were issues
6 raised in the meetings that affected the TBDs,
7 and the WISPR database documented that.

8 I knew for a fact about these
9 meetings because we wrote letters to the
10 unions to enumerate the changes in the TBDs.
11 And for those meetings, I went back and took
12 entries from WISPR and entered those into
13 action items as legacy. And those are where
14 four of those came from. For example, for
15 Hanford and Idaho. So those have been
16 addressed by putting what was in WISPR into
17 the site action items. Does that help?

18 MR. HINNEFELD: Yes, it helps. I
19 think I just need, I guess we need to spend a
20 little more time with the database, OTS, and
21 maybe get more knowledgeable about exactly
22 what it's telling us and how we are looking at

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1 minutes to develop action items before I
2 really say much more here.

3 MS. ELLIOTT: Kathy, did that help
4 you at all, my statement?

5 MS. ROBERTSON-DEMERS: Yes, and I
6 actually, you know, have looked at WISPR
7 quite a bit, and I don't remember off the top
8 of my head how many of the action items were,
9 for example, for Rocky Flats. Maybe one,
10 maybe two.

11 But just as an example, WISPR had
12 at least a dozen comments in it which actually
13 resulted in a technical document change. And
14 it would be nice to have that information in
15 OTS, if it was convertible.

16 MR. HINNEFELD: Okay. If that's
17 the specific information we are looking for,
18 then, I think we'll take that and see what we
19 can do. I don't know if it is or not. I am
20 woefully ignorant of both. So I don't know
21 if it is convertible or not.

22 MR. KATZ: Okay. J.J.?

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1 MR. JOHNSON: Yes, I'm writing
2 myself a note.

3 MR. KATZ: Oh, I'm sorry. I'm
4 sorry. No, I wasn't rushing you.

5 MR. JOHNSON: You couldn't hear
6 the pen scratch here?

7 (Laughter.)

8 MR. KATZ: No. I was just
9 indicating the green light; that's all.

10 MR. JOHNSON: Okay.

11 MR. FITZGERALD: Are you taking
12 minutes or notes?

13 (Laughter.)

14 MR. JOHNSON: Notes.

15 MR. KATZ: For the record, Joe is
16 taking neither.

17 MR. FITZGERALD: That's right.

18 (Laughter.)

19 MR. JOHNSON: Okay. The second
20 action was, "Additional guidance will be
21 incorporated into the OCAS procedure 12 to
22 address judgment for identifying action

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1 levels." I have also placed at -- or "action
2 items," I'm sorry.

3 That is part of Appendix E. That
4 is the first part, Identification of Action
5 Items. "Action items are identified by the
6 DCAS HP and may be coordinated in-house with
7 ORAU or in combination. Based on professional
8 judgment, action items are identified and
9 tracked due to their specific nature.

10 "At a minimum, one should be
11 sensitive to discussions and action items
12 initiated in which it has been pointed out
13 that the Site Profile or technical document is
14 incorrect or inadequate, new information which
15 has not been considered before has been
16 identified that may have an impact on the
17 technical document, and a follow-up is needed
18 to address a question not immediately or
19 completely addressed, a request or a possible
20 need to look for additional information. This
21 guidance is not intended to be comprehensive,
22 but an awareness for likely sources of action

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1 items."

2 Comments?

3 MR. FITZGERALD: Kathy's taking
4 notes now.

5 (Laughter.)

6 MR. KATZ: I think folks are just
7 reading and thinking for a second.

8 MR. FITZGERALD: We're reading
9 this off the screen, so it's a little bit
10 cumbersome.

11 MS. ROBERTSON-DEMERS: This is one
12 of those things where I think I need to give
13 it some thought, you know.

14 MR. KATZ: Okay. We'll have
15 another meeting. So by all means.

16 But, Wanda, or anyone else have
17 any comments? Mike, on the phone, too, before
18 we pass --

19 MEMBER MUNN: No.

20 MR. KATZ: -- go forward?

21 Okay, J.J., everybody said go
22 forward.

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1 MR. JOHNSON: All right. I guess
2 we'll follow on to finding three, and perhaps
3 Vern can support that.

4 MR. McDOUGALL: Well, I don't have
5 a copy.

6 MS. ROBERTSON-DEMERS: Well, the
7 only action item was ours, and we discussed
8 that this morning.

9 MEMBER MUNN: Yes.

10 MR. KATZ: Oh, yes. Okay. Right.
11 So moving on.

12 MR. FITZGERALD: Four.

13 MR. JOHNSON: Recommended action
14 in procedure 12. "Include additional wording
15 at the end of the statement addressing the
16 recording of the meetings stating that copies
17 of the recording will not be available for
18 public distribution."

19 That is in the procedure. And
20 that's in the procedure on page 16, top of the
21 page.

22 MR. FITZGERALD: Yes, we see it.

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1 MS. ROBERTSON-DEMERS: Keep going,
2 J.J.

3 MR. JOHNSON: Okay.

4 MR. FITZGERALD: Yes, item two.

5 MR. JOHNSON: Item two. Item two
6 is addressed in section five, I believe.

7 MR. FITZGERALD: You said section
8 five?

9 MR. JOHNSON: I believe so. Let
10 me check. It's the second paragraph. It's in
11 red.

12 "Draft minutes are developed and
13 directed to the DCAS/DOE liaison for DOE
14 review. Upon return from DOE, the minutes go
15 through Privacy Act redaction process, if not
16 already completed."

17 MS. ROBERTSON-DEMERS: Well, some
18 of our concerns under finding four have been
19 addressed. Some of them I need to go back and
20 look at what you have done with other findings
21 to see if they're also addressed.

22 I know that one of our concerns

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1 was site expert interviews, how they are
2 documented, how that worker input is put into
3 and considered for technical work documents.
4 And that's not really addressed by the
5 recommended actions.

6 MR. FITZGERALD: But the specific
7 items one and two seem to be. I mean I think
8 you're talking about maybe the context of
9 what's in the --

10 MS. ROBERTSON-DEMERS: Right.

11 MR. FITZGERALD: -- overall
12 findings.

13 MS. ROBERTSON-DEMERS: Right.

14 MR. FITZGERALD: So, J.J., one and
15 two are fine as you have inserted the new
16 language. I think Kathy was just saying that
17 there is embedded in four some issues that
18 overlap into the other areas.

19 MS. ROBERTSON-DEMERS: Is that
20 three? Okay.

21 MR. FITZGERALD: Finding four.

22 MS. ROBERTSON-DEMERS: Finding

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1 three and four -

2 MR. JOHNSON: Well, you know, in a
3 sense, that is addressed in the general
4 section, section five, where we talk about the
5 worker outreach focus group meetings and/or
6 SEC worker outreach focus group meetings. It
7 does not specify, it does not state technical
8 expert or expert in any way or form.

9 But it says, "but notes will be
10 taken for smaller groups or one-on-one, and if
11 classified, sensitive material is discussed."

12 So that should lightly address that area.

13 MS. ROBERTSON-DEMERS: Okay. If
14 one of the OCAS HPs goes out -- and I'm going
15 to make up a name -- interviews Mickey Mouse,
16 and it goes into a documented communication,
17 which it usually does, I don't see what the
18 process is to consider those comments, develop
19 action items, and put it into OTS.

20 MR. JOHNSON: I would consider it
21 no different than having been there and
22 developing action items from a large group

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1 meeting. The process would be the same. And
2 therefore, Appendix E would be in effect.

3 MS. ROBERTSON-DEMERS: Perhaps a
4 solution to this problem would be to add site
5 expert interviews as one venue of worker
6 outreach. Right now, it's not defined as
7 that, but we believe it is worker outreach,
8 and we believe that those comments should be
9 considered equally to those provided in ATL
10 meetings.

11 MR. HINNEFELD: This is Stu. I
12 guess I had never really thought of what I
13 think of as a site expert interview as
14 outreach, but it is certainly part of our
15 program communications. I mean everything
16 we're talking about here is program
17 communication.

18 Well, we will look at that. I
19 mean those things are captured right now, and
20 they are put in SRDB, the Site Research
21 Database. So whether we prepare them or
22 whether you guys prepare them, that's where

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1 they end up.

2 So I guess I will go have to check
3 with some folks, and particularly the PST guys
4 about having it appear both places. If the
5 Work Group feels there's value in that, we'll
6 go find out what that would involve.

7 MEMBER MUNN: Well, I think you
8 have a point, Stu. It's hard to see that as
9 worker outreach. That's a part of the
10 standard process for putting together any
11 documentation. I guess it depends on how one
12 defines -- if you define any interaction with
13 any worker as being worker outreach, then
14 you're getting into a real sticky wicket.

15 MS. ROBERTSON-DEMERS: I guess
16 what we don't want to see -- and, Arjun, if
17 you're on the phone, you can help me out -- is
18 a two-track system.

19 MEMBER MUNN: Is a what system?

20 MS. ROBERTSON-DEMERS: A two-track
21 system where you've got comments from site
22 experts over here and comments from the

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1 general workforce over here.

2 MEMBER MUNN: Well, you see,
3 there's a real problem when you start slicing
4 and dicing people like that. I think our
5 entire process here has spent an awful lot of
6 time identifying a worker as somebody who is
7 on the floor all the time and who gets dirty,
8 and anybody who doesn't do that is somehow not
9 a worker. You know, we've been through this a
10 gazillion times.

11 And a site expert could just as
12 easily be the guy on the floor with the dirty
13 feet as it is the guy in a top office who
14 happens to know what's going on at that site
15 or is supposed to know and sometimes doesn't.

16 A site expert does not put somebody in a
17 category other than this is a person who has
18 spent a lot of time on this site and has
19 knowledge of what's going on.

20 So these are people that are
21 interviewed in the normal process of putting
22 together the documentation for this program

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1 and for doing dose reconstructions.

2 MS. ROBERTSON-DEMERS: Perhaps I
3 used the wrong terminology here. We've got
4 meetings conducted by ATL, and that stuff is
5 getting put into OTS.

6 Then we've got -- and I'll just
7 talk from my own experience -- then we've got
8 interviews where we go to the site and we talk
9 to Joe Smith. Okay? And that's documented
10 over here in an entirely separate way.

11 And what we're asking is that this
12 stuff be brought together into OTS because Joe
13 Smith, you know, may have valuable information
14 that results in an action item that should be
15 followed through on.

16 DR. MAKHIJANI: Yes, this is
17 Arjun.

18 We have discussed this off and on
19 for quite a while with NIOSH. And there has
20 been in the past a kind of two-track system
21 where somebody preparing a technical document
22 who is a health physicist often, or

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1 equivalent, would pick up the phone and talk
2 to his counterpart at the site and get
3 information and use it. Whereas, people on
4 the floor were treated differently.

5 I think where we are now, if we
6 can have a consolidated system of identifying
7 the issues and making sure that the record is
8 substantively complete, then that two-track
9 concern would go away. And I think it would
10 also alleviate similar concerns that workers
11 might have that they are not being listened
12 to.

13 So I am kind of heartened by Stu's
14 earlier statement, and the response to what I
15 said, you know, sometimes the notes seem to be
16 brief, and maybe the conversation was brief or
17 not. And if we have a sufficiently
18 verifiable, not bureaucratic process of making
19 sure we have captured the comments, and they
20 can all be found in one tracking system with
21 action items, I think this concern would go
22 away. And it seems to me we are on that

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1 track, but maybe we don't have the procedure
2 down fully yet.

3 MR. HINNEFELD: Yes, this is Stu.
4 I am sensitive to the concern that the person
5 preparing the Site Profile goes, talks to the
6 health and safety management or people at the
7 site, or whatever. And because that was done
8 at the TBD author's volition, that could be
9 valued more highly by the author than
10 information received from other venues,
11 whether it be outreach meeting, focus groups
12 or other individual interviews.

13 So, I'm sensitive to that, and I
14 want to make sure we do something about that.

15 But, I mean, I think, candidly, putting them
16 all in the same place does not necessarily
17 depict that.

18 It has to do with a circumspect
19 look at all the information that is being
20 received, rather than saying, as an author, "I
21 had this task to do. I went out and found
22 this guy to talk to, these people to talk to.

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1 I've got my product together, and I wrote it
2 down."

3 That's what we have to avoid in
4 the process and in order not to value people,
5 in fact, more heavily than people that we
6 didn't know to contact or didn't contact or
7 who provided their input through other
8 avenues.

9 So, that is devilishly difficult,
10 which doesn't mean we shouldn't do it. But
11 I'm not so sure that putting things in one
12 place fixes that.

13 It may enable evaluation of the
14 situation to a certain extent. Then, a
15 reviewer, whether it be us, like a management
16 review on our side or a Board reviewer or the
17 Board's contractor, that may enable them to
18 say, "Well, I have these various inputs in
19 these various forums, and I can find them all
20 easily because they're all together," and the
21 Site Profile reads just like what this guy
22 said right here, even though a number of these

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1 other things that were said by other people
2 would call that into question. So, it would
3 enable that.

4 So, I'm just talking to myself.
5 I'm sort of thinking out loud here. Like I
6 said at the start, I've got no particular
7 problem with putting site expert interviews
8 from all sources in OSA myself. I just want
9 to check with some people at the ranch to see,
10 when I say we're going to do that, what am I
11 saying we're actually going to do and how much
12 work will we find.

13 But the key element here is that
14 evaluation of all these sources and making
15 sure that we are not overvaluing the people
16 that we knew to go contact.

17 CHAIRMAN GIBSON: This is Mike.

18 Stu, were you done?

19 MR. HINNEFELD: Yes, I'm here.

20 CHAIRMAN GIBSON: Oh, okay. I
21 mean, were you done? I didn't mean to cut you
22 off.

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1 MR. HINNEFELD: I was done. I had
2 already talked too much.

3 CHAIRMAN GIBSON: No, you hadn't.
4 And I just wanted to say that I completely
5 agree. And it is pleasant to hear someone in
6 DCAS that has that belief. If DCAS can find
7 some way to get that paradigm shift out there
8 without us parsing every word of every
9 procedure that we're going through, I would be
10 totally supportive of that.

11 DR. MAKHIJANI: Yes, this is
12 Arjun.

13 Yes, I agree with both Mike and
14 Stu. I think there are two different kinds of
15 issues. One is documentation, and is it there
16 where somebody that is preparing a technical
17 document can find it? Is it convenient? Is
18 it reasonably substantively accurate and
19 complete?

20 And, then, there's a sort of an
21 internal culture question. We all may value
22 what our peers may say more, and we may not

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1 think to call workers or, you know, even to
2 look. And that is kind of an internal culture
3 question.

4 I think if you look at the
5 Bethlehem Steel record, with which I was very
6 involved from the very beginning, the very
7 difficult questions of creating that matrix
8 were ultimately resolved by a combination of
9 talking to on-the-floor workers and then
10 looking at literature, highly technical
11 literature, on these specialized topics like
12 cobalt. And we were able to come up with some
13 numbers that I thought were pretty good.

14 So, I think there is an internal
15 maybe communication training function that
16 goes beyond what's on the page because I agree
17 with Mike; you can't just fix that by just
18 what's on a page in a procedure.

19 MR. HINNEFELD: I think the record
20 should show that Mike, I think, said something
21 nice about DCAS.

22 (Laughter.)

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1 DR. MAKHIJANI: And me too.

2 MEMBER MUNN: So, please clarify
3 what's being proposed here. Are we proposing
4 that, at least for some section of work that
5 has been done in the far distant past, there
6 has been a combing of the records in order to
7 try to identify comments that have been made
8 across the board by site experts, by workers
9 who are not site experts but are workers?
10 What are we proposing in terms of --

11 CHAIRMAN GIBSON: This is Mike.

12 I know, Wanda, I'm not calming any
13 of the waters of the past, in my opinion.

14 I am just saying, from here
15 forward, if the leadership of DCAS can shift
16 that paradigm and get that out there, just as
17 Stu described it -- you know, he described it
18 brilliantly -- then I don't know that we need
19 to worry about every word of every procedure.

20 If there's things in the past that
21 we still need to review, see if the procedures
22 are currently adequate to reflect that change

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1 in value -- well, I don't want to call it
2 "value" -- the change in philosophy, or
3 whatever, I'm just saying, could we as a Work
4 Group, and as SC&A and DCAS, think of some
5 different way to kind of move forward other
6 than completely worrying about every word of
7 every procedure?

8 I'm not saying that there's still
9 not a lot of other stuff that needs the change
10 that we have discussed.

11 MEMBER MUNN: No, that's what I'm
12 trying to clarify. Precisely what is the
13 proposal? Is the proposal before us that
14 every person who is interviewed in the future
15 about anything, that such an interview be
16 considered worker outreach, and that any
17 questions raised by that person be factored
18 into our database? Is that the proposition?

19 CHAIRMAN GIBSON: I was not making
20 any proposition, Wanda.

21 This is Mike again.

22 MEMBER MUNN: No, no. I think it

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1 was SC&A's proposition. That is my question.

2 MR. FITZGERALD: Yes, I am not as
3 steeped in PR-12 history as some of you, but
4 just listening to this thing, I think what Stu
5 is pointing out is that the taxonomy of OTS,
6 meaning what bins need to be filled, and
7 whether you should have only one bin, and
8 that's a OTS as a bin, may not be as important
9 as the behavioral changes that you are looking
10 for throughout the staff; in other words, the
11 practice of looking in different places to
12 make sure you have a broad input to your
13 documents, not just simply go to OTS and think
14 you're done, but look at some of these other
15 interviews, and what have you, and come up
16 with a more comprehensive base for your Site
17 Profile, whatever.

18 I think, Stu, you were going to
19 kind of go back to the fort to kind of check
20 and find out whether that makes sense as far
21 as the way you're organized and how documents
22 such as TBDs are put together? In other

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1 words, would it benefit from having these
2 things in one place? Or, really, it's more
3 important to make sure that people look
4 broader when they are putting these documents
5 together. And maybe it is the behavioral
6 shift that is more important than trying to
7 top-down driving to the procedure, which, you
8 know, procedures by themselves don't make
9 things change.

10 MEMBER MUNN: No, they don't.

11 MR. HINNEFELD: Yes. Well, no
12 matter what you do, whether you change the
13 procedure or not, what you are aiming to do is
14 change behaviors.

15 MR. FITZGERALD: Right.

16 MR. HINNEFELD: So, I think that
17 what I would proposed happen was that I would
18 find out from just broader discussions within
19 the office, and maybe with our contractor,
20 with ORAU, kind of some thought process about
21 this is what I want to accomplish; what work
22 practices will be helpful for that? You know,

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1 this is what I want to accomplish. I want to
2 make sure that technical document authors have
3 available to them, and routinely consult, all
4 the information relevant, rather than
5 overvalue the people they know to call.

6 And so, that, to me, is a little
7 bit different than saying we're going to put
8 -- and if it is simply a matter of putting
9 site expert interviews in OSA, I suspect
10 that's fairly simple. But there's more to
11 behavioral change than that.

12 What I was proposing to do is for
13 DCAS to come back with some sort of proposal
14 and some things that might be done. I mean
15 this started from the comment -- I mean the
16 comment that hit home with me was the two
17 tracks, the dual tracks for interviews; you
18 know, some interviews seem to be valued more
19 highly than others. They're put here and
20 they're given a certain value, and, then, this
21 other information is stuck over here in the
22 OSA database, which may have less primacy than

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1 these technical document authors. So, it is
2 sort of considered second-tier. And that's
3 what we want to avoid.

4 So, I don't know that putting them
5 all in one place solves that, but it may be a
6 way that would help. So, I am just proposing
7 to go sort out some things along that line
8 with staff, just to try to get past this
9 valuing, if it is going on, valuing one piece
10 of information more than other pieces.

11 MR. FITZGERALD: It sounds like
12 you are just, you know, from a behavioral base
13 standpoint, you are just trying to figure out
14 what path gets you there. And if it turns out
15 that consolidating in OTS facilitates it, then
16 that's probably one part of the answer. But
17 it is helpful to know from the practitioners
18 what's going to make the difference.

19 MR. HINNEFELD: Yes. Yes, that's
20 it. That's kind of what I want to do. I want
21 to have some conversations internally about
22 how that might work.

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1 MS. ROBERTSON-DEMERS: Can I make
2 a suggestion?

3 MR. HINNEFELD: Yes.

4 MR. KATZ: Yes. Of course.

5 MS. ROBERTSON-DEMERS: Probably
6 shortly, you will get the list of documents
7 that I would like to see for the Rocky Flats
8 review. Now keep in mind that, if they were
9 available on the O: drive or the website, I've
10 already pulled them down.

11 But, as you go through this
12 evaluation, if you would kindly consider all
13 that data and where you have to go to get it,
14 and so on and so forth, it might inform your
15 review.

16 MR. HINNEFELD: Okay. I think
17 that's a good point. We will take that into
18 consideration when we get the list.

19 MR. FITZGERALD: It might give
20 them something tangible to use as a guide --

21 MR. HINNEFELD: Right.

22 MR. FITZGERALD: As to how easy is

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1 it, would it be to compile this, if that were
2 the task.

3 CHAIRMAN GIBSON: This is Mike.

4 Along with that comment by SC&A,
5 maybe another thing to consider is where a
6 person's input was used by someone who created
7 -- who has helped an author of a document,
8 then that person is referenced, you know, in
9 that document. Perhaps those with differing
10 recollections of things concerning that issue
11 or that building or that time period, if their
12 comments were also referenced, just to show
13 that all things have been considered -- does
14 that make any sense to anyone?

15 MEMBER MUNN: Yes, sort of. How
16 to reference them might be a problem.

17 MS. ROBERTSON-DEMERS: Do you mean
18 like annotations.

19 MEMBER MUNN: But it does make
20 sense.

21 MS. ROBERTSON-DEMERS: Do you mean
22 annotations at the end of the document?

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1 CHAIRMAN GIBSON: Correct.

2 MS. ROBERTSON-DEMERS: Similar to
3 what they do for --

4 MR. FITZGERALD: TBDs.

5 MS. ROBERTSON-DEMERS: The site
6 experts?

7 MR. FITZGERALD: Like site expert
8 attributions in Site Profiles.

9 CHAIRMAN GIBSON: If there was a
10 site expert or take stable tritiated
11 particulates, whatever, you know. If that is
12 used, if someone's opinion was used for a Site
13 Profile or a dose reconstruction in the
14 procedures or in any DCAS document, and there
15 was people that also gave comments, gave
16 information, not comments, I'm sorry, gave
17 information that differed than that which was
18 used, then at least acknowledge that and that
19 it was considered, and some way to
20 substantiate that.

21 MR. HINNEFELD: Okay. So, what
22 you're saying is not just reference the

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1 interviews that were used, but acknowledge
2 information that, for some reason, was not
3 considered significant and say this issue was
4 raised, however, and essentially why it
5 wasn't?

6 CHAIRMAN GIBSON: Correct.

7 MR. HINNEFELD: Okay.

8 CHAIRMAN GIBSON: I mean that
9 would almost automatically force you guys to
10 track all this stuff, right, all the way
11 through the process?

12 MR. HINNEFELD: Yes, I understand
13 the comment. And again, I hate to speak too
14 definitively on these meetings because, when I
15 say things in these meetings, I oftentimes
16 don't understand the entire consequence of
17 what I'm saying.

18 (Laughter.)

19 CHAIRMAN GIBSON: This is Mike
20 again.

21 Stu, I just was saying that was
22 just another suggestion just to consider.

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1 MR. HINNEFELD: Okay. Well, yes,
2 we will look at that, too.

3 MR. FITZGERALD: You know, that
4 comment does resonate on a couple of reviews
5 that we are working on where an issue rides on
6 actually interviews. And if you have
7 contradictory interview inputs, and all you do
8 have is the interviews, and everyone is
9 searching for something harder, but in the
10 meantime you have interviews, it almost would
11 necessitate at least acknowledging that you
12 have conflicting interviews that provide this
13 information.

14 And I can think of two or three
15 specific examples at SEC sites right now where
16 we do have contradictory interviews. And
17 somehow, when we get into a process of
18 resolving that, that needs to be acknowledged
19 and that information given some emphasis both
20 ways.

21 CHAIRMAN GIBSON: And this is Mike
22 again.

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1 At least to my way of thinking,
2 and a roundabout way of thinking, that could
3 almost help drive this paradigm shift that Stu
4 is basically talking about throughout the
5 organization, if they knew they had to
6 reference that and they knew they would have
7 to defend themselves, or not defend
8 themselves. They would have to justify their
9 professional judgment.

10 MR. KATZ: You know, Mike, I was
11 just thinking, I mean the key here, I think,
12 if there were to be such a practice, would be,
13 I mean, you would really have to pick and
14 choose. It would really be, I think, the
15 controversial, sort of like Joe was
16 explaining, controversial situations where it
17 is really a loaded situation with thoughts on
18 both sides of the fence versus I would think
19 it would be very hard for DCAS to annotate
20 their documents for every sort of comment that
21 might be differing from what they did sort of
22 in general circumstances. They would end up

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1 having to do an awful lot of annotation to
2 capture all of that, all situations.

3 But I think in the most
4 controversial circumstances that this might
5 have a lot of value, also, just for sort of
6 strengthening the report, the report out, and
7 giving a sort of very clear understanding of
8 how they got where they got to.

9 CHAIRMAN GIBSON: This is Mike.

10 Yes, I wasn't talking about every
11 comment that's made justifying it. But I'm
12 just talking about this whole outreach program
13 we're trying to figure out how to move forward
14 on. It may help roll back into this process
15 just where we have meetings that there were
16 several people that had a differing opinion or
17 this whole thing we're trying to track.

18 I wasn't talking about the things
19 we have laughed and joked about, that, you
20 know, someone makes this comment and you
21 explain to them, "Well, no, that's not true
22 scientifically." I wasn't trying to get down

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1 that far in the weeds at all.

2 MR. KATZ: I wasn't suggesting you
3 were, Mike. I just was trying to make the
4 point that I think it's pretty select
5 circumstances that would even be feasible to
6 annotate in DCAS documents. That's all I'm
7 saying.

8 MR. FITZGERALD: Yes, I think just
9 to further that point a little, we had a
10 useful discussion on something similar to this
11 in terms of exposure in Santa Fe. When you
12 move away from hard data and you rely on
13 history and operational information, as well
14 as interviews of people who are in those
15 operations, then you have to, I think, take
16 stock of what's being said, and if you have
17 differing opinions from workers from the same
18 era, that should set off a red flag in the
19 sense that who's saying these, you know, who's
20 making these statements? Are we getting a set
21 of statements from people of a later era
22 versus an earlier era, people from health

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1 physics versus workers on the floor? I think
2 that's where it becomes particularly important
3 to know what you've got.

4 And I think what you're pointing
5 out is you need to capture as much of that as
6 you can because that may tell you whether
7 you're getting a complete story or not. Or
8 you're just simply getting a commentary from
9 one segment of the workforce or a certain
10 timeframe.

11 I'm finding in a lot of our
12 discussions end up, who is the source of the
13 comment, and then deciding whether that source
14 is the complete picture or not. I think what
15 you're arguing for is as complete a picture as
16 possible.

17 MEMBER MUNN: But you have to keep
18 in mind the fact that, if over 200 years of
19 recorded law enforcement data has any bearing
20 on anything, if you have more than two
21 witnesses to any event, then you are going to
22 have at least three or more versions of what

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1 that event was.

2 MR. FITZGERALD: Right.

3 MS. ROBERTSON-DEMERS: I think
4 that's why, wherever possible, at least when
5 we get comments, we try to substantiate those
6 comments with documentation. And if we can't,
7 we can't.

8 MEMBER MUNN: You really need
9 data.

10 MR. FITZGERALD: Yes. Ultimately,
11 that's the best answer, but when you don't
12 have it, that's where it becomes more
13 important to weigh what commentary you're
14 getting from the interviews.

15 CHAIRMAN GIBSON: This is Mike.

16 I guess I know I'm getting us a
17 little further off path, but I didn't mean to.

18 But, you know, I just heard a comment you
19 have to have data. I guess that gets back to
20 my point where, if someone with DCAS or ORAU
21 knew someone, and what we're trying to prevent
22 is them just calling someone they may have

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1 used to work with and using them as a site
2 expert. That's not really getting data,
3 either. That's using a friendship as opposed
4 to this dual track that Kathy brought up
5 earlier, not taking the same consideration to
6 comments of, as Wanda put it, those people who
7 got their feet dirty.

8 You know, you have to use data, I
9 guess, but the data has to be good.

10 MR. KATZ: I think everybody
11 agrees with that, Mike.

12 CHAIRMAN GIBSON: So, if you have
13 a number of people who have a different
14 recollection of what the current data, that
15 perhaps in one situation this site expert
16 said, then that forces DCAS for that
17 particular issue to look deeper and not just
18 say, "Well, yes, this former rad protection
19 manager said this and that this data is good,
20 so we're going to use it."

21 MR. FITZGERALD: And I think Stu
22 has said the right things in terms of that

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1 issue because we spent a lot of time looking
2 at commentary from health physics managers at
3 a site historically and collecting a quite
4 different picture from the workforce on the
5 floor. And sometimes we spend a lot of time
6 at Work Group meetings trying to reconcile one
7 set of comments versus another set of comments
8 when maybe the issue is that everybody needs
9 to look at this from the standpoint of whether
10 we have a complete set of perspectives.

11 I think Stu has pointed out that,
12 yes, that's been a problem and something that
13 needs to reconcile with the staff, that
14 they're looking at both sources, that there is
15 not a dual track.

16 So, as far as an action, I think
17 the one that Stu mentioned, is that
18 reasonable?

19 MEMBER MUNN: It certainly sounds
20 like it.

21 MR. KATZ: Okay, J.J.

22 MR. JOHNSON: All right. I think

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1 we're done with 4 then. On to 5?

2 MS. ROBERTSON-DEMERS: Right.

3 MR. JOHNSON: I think maybe I'll
4 let Stu talk to that one. He has talked a
5 little bit earlier with regard to Chris'
6 coming onboard and looking and attempting to
7 capture a lot of input information.

8 With that, Stu, would you like to
9 discuss that?

10 MR. HINNEFELD: Yes, I'm here.
11 I'm a real novice at mute. So, I'm playing
12 with that quite a bit.

13 I think not being as familiar with
14 everything as I should be probably, but this
15 talks about capturing and tracking information
16 from other kinds of media and correspondence.
17 Again, this gets to what I spoke about
18 earlier. The Work Group is talking about
19 program communications, which is far broader
20 than what we have historically considered
21 outreach in DCAS. We think that program
22 communication is the fundamental issue and is

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1 one of the key initiatives we need to improve
2 as we move forward.

3 So, it is probably a little
4 premature for me to offer very much about this
5 other than to say I hesitate to say we're
6 going to do something in procedure 12 that's
7 going to deal with this. To me, this is
8 something broader, like one of my first
9 comments. So, I don't know where this will
10 end up.

11 But it is part of the effort that
12 we will be taking on, and I can only say I
13 don't expect a quick result, but I do expect
14 us to start relatively quickly to start doing
15 some things better, and we can have a more
16 consolidated picture, I think, sometime later.

17 So, I guess I have nothing more to
18 offer than that.

19 MEMBER MUNN: Am I'm hearing that
20 you're going to do what we already have a note
21 from the previous meeting is going to happen?

22 You're going to look at the feasibility of

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1 doing what's been suggested, essentially,
2 right?

3 MR. HINNEFELD: Yes.

4 MEMBER MUNN: Okay.

5 MR. HINNEFELD: Yes, we are going
6 to look at this suggestion in light of what we
7 need to accomplish, then, through the program.

8 MEMBER MUNN: And how you can do
9 it?

10 MR. HINNEFELD: Yes.

11 MEMBER MUNN: Yes. Fine.

12 MR. KATZ: Everyone here seems
13 content. Mike, are you okay?

14 CHAIRMAN GIBSON: Yes.

15 MR. KATZ: Okay, J.J.

16 MR. JOHNSON: This is observation
17 one. Recommended action: in procedure 12,
18 add a discussion to include an announcement at
19 the beginning of an outreach meeting not to
20 discuss classified, sensitive information. If
21 there is a need to discuss classified,
22 sensitive information, a separate interview

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1 can be arranged."

2 That, again, is procedure page 16,
3 I believe, indicating that it will be
4 discussed that the purpose of the meeting is
5 not to discuss sensitive or classified
6 material. If such discussion is necessary, a
7 separate meeting will be arranged in
8 coordination with DOE in a secure location at
9 a later date.

10 CHAIRMAN GIBSON: This is Mike.

11 SC&A, does that address what your
12 concern was?

13 MS. ROBERTSON-DEMERS: Yes. I
14 just trying to say I'm okay with that.

15 MR. KATZ: Okay.

16 MS. ROBERTSON-DEMERS: Looks good.

17 MEMBER BEACH: So, does that close
18 this or we --

19 MS. ROBERTSON-DEMERS: Well, it
20 was in abeyance, and there's a second item.

21 MR. KATZ: What does it mean
22 "advance," by the way?

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1 MS. ROBERTSON-DEMERS: Abeyance.

2 MR. KATZ: Oh, abeyance. Yes, I
3 was wondering. I thought it was in advance,
4 and I thought maybe it was sort of a global
5 replacement from a different word. Okay.

6 MS. ROBERTSON-DEMERS: That's what
7 I heard.

8 MR. KATZ: Okay. Got it.

9 MR. FITZGERALD: Number two on
10 that one, J.J.?

11 MR. JOHNSON: Well, that statement
12 covers both of them right there.

13 MR. FITZGERALD: It also points to
14 the process --

15 MS. ROBERTSON-DEMERS: The second
16 paragraph.

17 MR. FITZGERALD: That you would
18 refer to.

19 MS. ROBERTSON-DEMERS: Plus,
20 didn't you add the procedures in your
21 references, too?

22 MR. JOHNSON: Right. Yes. It is.

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1 MR. FITZGERALD: I think that's
2 enough.

3 MR. KATZ: So, is that another one
4 to close?

5 CHAIRMAN GIBSON: Close it. Okay.

6 MR. KATZ: Mike, is that good for
7 you, closing it?

8 CHAIRMAN GIBSON: Yes, I think so.

9 MR. KATZ: Okay, J.J.

10 MR. JOHNSON: Okay. Observation
11 two.

12 MR. FITZGERALD: That refers back
13 to one.

14 MEMBER BEACH: I was just
15 wondering if there was a reason that
16 documentation is listed twice, the same
17 procedure, in that third bullet.

18 MEMBER MUNN: The third bullet
19 where?

20 MEMBER BEACH: On page 16, down at
21 the bottom, where it starts with the last
22 paragraph. It kind of repeats it, but I

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1 wasn't sure if it was necessary. I guess it
2 talks about OTS in the second sentence. I'm
3 fine.

4 MR. JOHNSON: I think that
5 particular one may address observation two
6 here, where we are talking about, "Procedure
7 does not provide an opportunity for workers to
8 discuss potentially classified information,
9 and special interviews with former workers or
10 current workers, as noted above, are conducted
11 and documented in accordance with Section 5.2
12 of OCAS procedure 10, Data Access and
13 Interview Procedures. Documentation is noted
14 in Section 5.2.2."

15 MR. FITZGERALD: The last bullet
16 is responsive to observation two.

17 MEMBER BEACH: Yes, I got it, the
18 2.2. Okay. Thank you.

19 MR. JOHNSON: "Entered into OTS
20 for prospective facility and meeting." Okay?

21 MEMBER BEACH: Is that one now
22 closed?

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1 MR. FITZGERALD: That should take
2 care of observation two.

3 MEMBER BEACH: Okay.

4 MR. KATZ: Okay, J.J.

5 MR. JOHNSON: All right.
6 Observation three. "In OCAS procedure 12, it
7 address the interviews associated with a
8 specific outreach meeting will be collated
9 with the minutes of the group meeting for
10 continuity and usability."

11 That's partially addressed in the
12 statement I just made where documentation as
13 noted in Section 5.2.2 is to be entered into
14 OTS for respective facility and meetings.

15 So, that one also addresses this
16 particular issue when it comes to collating
17 the comments for a particular site and
18 meeting, period.

19 MS. ROBERTSON-DEMERS: Are you
20 looking somewhere specific in the procedure?

21 MEMBER BEACH: Page 16, the last
22 paragraph.

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1 MR. JOHNSON: The last paragraph
2 of page 16. So, you know, it addresses
3 collating to make sure that the information
4 from a group meeting or an individual meeting
5 is associated with that particular facility,
6 as well as addressing of opportunities for
7 workers to discuss potentially classified
8 information.

9 MR. FITZGERALD: So, essentially,
10 that paragraph does double duty.

11 MR. JOHNSON: It does.

12 MR. FITZGERALD: It speaks to the
13 classification issue and also speaks to
14 special interviews that are done separately
15 from the group?

16 MR. JOHNSON: Correct.

17 MS. ROBERTSON-DEMERS: Can I ask a
18 question? There's no mention of getting
19 presentation material out to these special
20 interviewees. You know the stuff that, for
21 example, when you go and you present a Site
22 Profile to a group of people, you usually give

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1 a presentation.

2 MR. JOHNSON: Yes.

3 MS. ROBERTSON-DEMERS: And people
4 who cannot make it to the meeting, obviously,
5 will not have access to that presentation. Is
6 there something in here on providing them with
7 that information, so that they can provide you
8 with valuable comments?

9 MR. JOHNSON: Let's see.

10 MR. HINNEFELD: Can I offer
11 something here? This is Stu.

12 I'm trying to envision how this is
13 going to work. I would be somewhat surprised
14 if for these meetings that we're talking
15 about, at least the way I envision this to
16 happen, that we would be told by someone,
17 "Hey, I want to be there, but I can't make
18 it." I think it would be more likely, if
19 we're organizing this through a union
20 organization, or however it's being organized
21 locally, they would notify sort of their local
22 person, the person they knew and say, you

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1 know, "I really would like to make that
2 meeting, but I can't."

3 And if we wanted to make our
4 presentation available to them, the easiest
5 way to do it would be to make it available to
6 the people, you know, the local organizing
7 people. I am only thinking of union groups.
8 I know there might be other groups who do it
9 as well. I mean we could leave it with them.

10 And, you know, people may say that
11 and, then, decide later on, you know, I am not
12 going to do it anyway. Yes, I don't want to
13 leave a big expectation about this because I
14 don't want to exclude anybody who wants to
15 participate, but, you know, a mention of
16 interest at sometime does not always translate
17 into that. So, I am trying not to be too
18 prescriptive here, but I think it might be
19 possible to leave the presentation with the
20 local officials who organized the meeting.

21 I mean, am I wrong on any of this
22 stuff?

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1 MS. ROBERTSON-DEMERS: Well, the
2 overall issue of this observation was that you
3 have workers who are unable to physically
4 attend the meeting. How are you going to give
5 them an opportunity to comment?

6 MR. HINNEFELD: Well, yes, I know.
7 I know what it is, and how will we know who
8 they are? We may not even know who they are.

9 MS. ROBERTSON-DEMERS: Most
10 likely, through the union organization you're
11 organizing with.

12 MR. HINNEFELD: Okay. Then, we
13 would leave the presentation with them and
14 have the union tell their guy, "Okay, we've
15 got the presentation. If you want to see it
16 and want to submit any comments," they can
17 send them on.

18 I mean we can open a pathway like
19 that and puts words in there like it. But
20 I've just got to believe this isn't going to
21 be a very regular occurrence.

22 MR. McDOUGALL: Can I try to

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1 clarify a little bit about how these meetings
2 work? And maybe that will help.

3 When we reach out to a group,
4 whether it's a union group or another group,
5 they generally select -- it isn't like you're
6 going into a union with 400 members and all
7 400 members are invited to the meeting. They
8 usually select the people who have (a) the
9 interest and (b) something to offer. And it
10 is a meeting like any other business meeting
11 you would go to. It's not universal
12 information.

13 So, if somebody doesn't show up or
14 if there's somebody who somehow wasn't
15 included in the meeting, it is pretty rare
16 that they are so crucial to the process that
17 we go out and seek out that person or that we
18 even know that there's somebody who they would
19 have liked to have there that wasn't there.
20 The expertise isn't exactly that unique.

21 So, no, and I don't think this has
22 happened. And Mark can jump in if he wants,

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1 but we have been doing this for about seven
2 years, and I could probably say with
3 confidence that we can count on the fingers of
4 one hand the number of times when we reached
5 out to somebody outside of that group meeting.

6 So, it is not that big a deal.

7 MS. ROBERTSON-DEMERS: I think at
8 one point you guys had mentioned that there's
9 always the website and the docket where people
10 can provide comments. Is it possible, is
11 there any reason why you couldn't post the
12 presentation to the website?

13 MR. LEWIS: This is Mark Lewis.
14 Can you guys hear me okay?

15 MR. KATZ: Yes.

16 MS. ROBERTSON-DEMERS: Yes.

17 MR. LEWIS: Okay. We do leave --
18 and Mary can jump in here, too -- but when we
19 have meetings, we lots of times, well, most of
20 the time, we leave copies of the NIOSH CD with
21 how to get information into NIOSH, you know,
22 to DCAS. And we leave ample copies of the

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1 Site Profile about every time at that sort of
2 meeting, or even if it is an SEC, we leave the
3 profiles there, as long as the local resource
4 center's number, you know how they can file
5 claims, and if we put ourselves in the
6 people's shoes and we think they would want.

7 And as far as going to special
8 needs with some people, I have been to a lot
9 of folks' homes and dropped off the Site
10 Profile and had a union person with me, you
11 know, come out and introduce me to them, you
12 know, if they couldn't make it, or whatever.
13 And like Vern said, that happens lots of times
14 and they come back with us, but it's very
15 rare. It has probably happened less than five
16 times or so.

17 But lots of times, you get
18 information with the SEC more than the Site
19 Profile, when you're looking, when that
20 pertains to an SEC.

21 MR. JOHNSON: This is J.J. Johnson
22 again.

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1 On page 7 of the procedure, I've
2 added 6.2.6, "Support efforts where
3 individuals would like to participate in an
4 outreach meeting but are unable to for some
5 reason. This may include establishing
6 teleconference capabilities at the scheduled
7 meeting, providing phone interview
8 arrangement, directing individuals to the
9 NIOSH website for their feedback, or directing
10 individuals to the DCAS HP."

11 MS. ROBERTSON-DEMERS: I guess I
12 don't have a problem with how you resolved
13 collating the meeting minutes from these
14 individual encounters into the sum total for
15 that site. I don't have a problem with that.

16 The question is just how to make
17 the presentation material available. And
18 that's why I asked if it's possible to post
19 that to the website.

20 MEMBER MUNN: Some of those
21 presentations are pretty repetitious, aren't
22 they?

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1 MR. McDOUGALL: The PowerPoints?

2 MEMBER MUNN: Yes.

3 MR. McDOUGALL: Yes, they all have
4 a certain family resemblance.

5 MEMBER MUNN: Yes, it's an
6 information-giving medium certainly.

7 MS. ROBERTSON-DEMERS: Well, the
8 benefit of the presentation is that it
9 actually gives you an overview of the Site
10 Profile without having to go through --

11 MEMBER MUNN: The Site Profile.

12 MS. ROBERTSON-DEMERS: The Site
13 Profile itself, which a lot of workers might
14 not understand.

15 MR. McDOUGALL: Well, it's
16 certainly possible, if Stu wants to do it.

17 MR. KATZ: Okay. Well, maybe this
18 is --

19 MR. HINNEFELD: This is Stu.

20 We'll do a check. Your suggestion
21 is to put the presentations that we make at
22 these meetings on our website?

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1 MS. ROBERTSON-DEMERS: Right.

2 MR. HINNEFELD: I think these
3 meetings probably appear on our website. So,
4 it would be there, I guess. I'll find out.
5 We will see if we can do it.

6 MS. ELLISON: Stu, this is Chris.
7 It's possible to do, yes.

8 MR. HINNEFELD: Okay.

9 MR. McDOUGALL: Kathy, I don't
10 think in seven years anybody has ever asked
11 for it.

12 MS. ROBERTSON-DEMERS: Well, if
13 it's a simple thing to do --

14 MEMBER MUNN: But, on the other
15 hand, if it isn't wanted or needed --

16 MEMBER BEACH: So, I want to go
17 back to that.

18 MS. ROBERTSON-DEMERS: Maybe we
19 need to check with the workers.

20 MEMBER BEACH: The special
21 interviews, we talked about that documentation
22 as noted. I'm on page 16, the last paragraph,

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1 where it says, "Documentation as noted in
2 Section 5.2.2 of the PR-10," that last
3 sentence is just leaving me hanging. So, I
4 went back over to 10 and looked at that,
5 5.2.2. And I don't know if that really
6 captures what we want it to capture.

7 Basically, that's telling you to
8 use OCAS Form 005 to document the
9 communication in the SRDB database. So, at
10 this point, Kathy, I'm not sure that that
11 really answers that concern.

12 MS. ROBERTSON-DEMERS: Well,
13 really what answers that concern is Section
14 6.2.6, which was on page 7.

15 MEMBER BEACH: No, I'm talking
16 about the concern prior to that. I'm not
17 talking about the materials. The
18 documentation of the interviews previously,
19 the individual interviews that we were talking
20 about prior to that.

21 MEMBER MUNN: On the previous
22 observation.

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1 MS. ROBERTSON-DEMERS: You mean
2 the Site Profile interviews from the previous
3 finding?

4 MEMBER BEACH: Yes.

5 MEMBER MUNN: The previous
6 observation.

7 MEMBER BEACH: Yes. To me, that
8 just doesn't take care of it.

9 MR. JOHNSON: What leaves it
10 hanging?

11 MEMBER BEACH: Well, it's
12 basically the answer is go over to PROC-10,
13 5.2. And to me, that doesn't really address
14 what we're trying to get at for this procedure
15 12.

16 MR. JOHNSON: Well, I consider it
17 in this procedure a special interview with
18 former or current workers. The process is to
19 be done in accordance with PROC-10 and
20 documented on the form. It's put in the SRDB,
21 and in accordance with trying to collate those
22 interviews, it's going into the OTS system as

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1 well.

2 MEMBER BEACH: Okay.

3 MS. ROBERTSON-DEMERS: I'm just
4 confused --

5 MS. ROBERTSON-DEMERS: That's
6 fine.

7 MS. ROBERTSON-DEMERS: About where
8 you are.

9 MEMBER BEACH: Oh, I'll talk to
10 you about it.

11 MR. JOHNSON: Bottom of page 16.

12 MS. ROBERTSON-DEMERS: Because the
13 way I read this sentence is this is concerning
14 classified interviews.

15 MEMBER BEACH: Yes, one-on-one
16 interviews.

17 MS. ROBERTSON-DEMERS: Classified.
18 That was the meaning of the subject of 1 and
19 2.

20 MEMBER BEACH: The observation
21 two.

22 MS. ROBERTSON-DEMERS: Okay.

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1 Section 6.2.6 addresses observation three.

2 MEMBER BEACH: Okay. Well, maybe
3 we're fine. We'll move on.

4 MS. ROBERTSON-DEMERS: Or at least
5 number one.

6 MR. KATZ: Okay. So, back to this
7 one, DCAS is going to consider this, about
8 putting them on the website. So, are we done
9 with this observation? Okay.

10 So, J.J., you can move to the
11 next.

12 MR. JOHNSON: Okay. What am I on
13 now?

14 MEMBER MUNN: Four, disclosure of
15 conflict.

16 MR. JOHNSON: Disclosure, yes.
17 That's incorporated into the procedure, page
18 13. No, that's not it.

19 MEMBER MUNN: I saw it somewhere.

20 MR. JOHNSON: Yes, page 13, I'm
21 sorry, under OCS focus group meeting outreach,
22 SEC, it says that "The facilitator makes the

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1 announcement addressing recording of the
2 meeting, addresses discussion of classified,
3 sensitive material, and requests that each
4 NIOSH and support personnel, including the OCS
5 team facilitator, state whether they are
6 conflicted or not."

7 And the note there, "If the OCS
8 facilitator is not present, this will be
9 addressed by the DCAS HP."

10 MS. ROBERTSON-DEMERS: Okay. Is
11 there any reason for disclosing conflict of
12 interest at other meetings?

13 MR. JOHNSON: Not that I'm aware
14 of.

15 MS. ROBERTSON-DEMERS: I guess I'm
16 asking the Working Group.

17 MEMBER MUNN: Why? What other
18 meetings?

19 MS. ROBERTSON-DEMERS: Well, they
20 probably won't have an opportunity for
21 townhall meetings. It is really a question,
22 if the answer is no --

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1 MEMBER MUNN: It doesn't seem
2 pertinent to me in this kind of venue.

3 MR. JOHNSON: I've also addressed
4 it under worker outreach townhall meeting,
5 bottom of page 2. It addresses discussion of
6 classified, sensitive material. It requests
7 that "Each NIOSH and support personnel,
8 including the OCS team facilitator, state
9 whether they are conflicted or not."

10 MEMBER MUNN: So, you've got it
11 everywhere?

12 MR. JOHNSON: Yes, ma'am, I
13 believe I do.

14 (Laughter.)

15 MS. ROBERTSON-DEMERS: Okay. That
16 was my question. I'm fine.

17 CHAIRMAN GIBSON: This is Mike.
18 So, Kathy, what are you saying?
19 Do you think it's lacking somewhere? And if
20 you do, where?

21 MS. ROBERTSON-DEMERS: Well,
22 that's what J.J. was just pointing out, is

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1 that it was under townhall meetings, for
2 examples. It wasn't just under the focus
3 groups.

4 CHAIRMAN GIBSON: Okay. So, we're
5 okay with that then?

6 MS. ROBERTSON-DEMERS: Yes.

7 CHAIRMAN GIBSON: Okay.

8 MR. KATZ: Okay, J.J.

9 MR. JOHNSON: On to five, then.

10 MS. ROBERTSON-DEMERS: Are we
11 going to close that one out?

12 MR. KATZ: Yes.

13 MR. JOHNSON: Under observation
14 five, a reference of another procedure that no
15 longer exists in another ORAU procedure. I've
16 emailed the folks over there, and they have
17 indicated to me that their next update they'll
18 make that correction.

19 I can send you a copy of that
20 email from that individual, if you would like.

21 (Laughter.)

22 MEMBER MUNN: That would be nice.

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1 MS. ROBERTSON-DEMERS: Yes, that
2 would be nice because we will have a complete
3 record.

4 MEMBER BEACH: Send it to Wanda,
5 please.

6 (Laughter.)

7 MEMBER MUNN: So, we're tracking
8 the other part?

9 MS. ROBERTSON-DEMERS: Yes. Is
10 that one closed?

11 MEMBER MUNN: Well, it's still,
12 under the protocol that we established in
13 procedures, it would still be in abeyance
14 until that actually occurs, but we don't
15 necessarily have to follow that same protocol
16 in this Work Group.

17 MR. KATZ: Actually, what we have
18 talked about here is, if everybody is in
19 agreement with it, it's beyond concept and
20 everybody knows exactly what is wanted, then
21 we close it.

22 MEMBER MUNN: Yes, we have

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1 resolved the issue that we were worried about,
2 yes.

3 MR. KATZ: In abeyance is only
4 when an issue is not completely resolved.

5 MEMBER MUNN: So, from the work --

6 CHAIRMAN GIBSON: This is Mike.
7 Did we actually agree to that?

8 MR. KATZ: Yes.

9 CHAIRMAN GIBSON: Or did we --

10 MR. KATZ: Yes. What we said is,
11 if it's unclear what the change would actually
12 be, then we would leave it in abeyance. But
13 if everybody is perfectly clear on what the
14 change would be, then we would close it.

15 CHAIRMAN GIBSON: Okay. I was
16 under the impression that we agreed, but until
17 we have seen it done -- that's fine. Never
18 mind. Go ahead.

19 MR. KATZ: Okay.

20 MS. ROBERTSON-DEMERS: Well, it
21 would be nice to see how they changed it
22 because it's more than just going in and

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1 cutting and pasting a procedure number.

2 MR. KATZ: Okay. All I'm saying
3 is I don't know whether you have uncertainties
4 about what is going to be produced. If you
5 do, then leave it in abeyance. But if you
6 understand what they are going to do, and you
7 agree with it, then we would close it. You
8 could still see the final product later.

9 So, that's the question. If the
10 Work Group Members have uncertainty about what
11 this is going to actually be, then we leave it
12 in abeyance. But if you are confident that
13 this is solving the problem, then you close
14 it.

15 MEMBER MUNN: And in this case, it
16 is not a question of changing one thing for
17 another, it is simply you will no longer
18 reference a procedure that is no longer in
19 use. And they said, yes, they'll do that;
20 they'll take it out.

21 MS. ROBERTSON-DEMERS: Well, it's
22 more than just taking out a single word. It's

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1 taking out direction and --

2 MR. KATZ: Right, but it sounds
3 like it's clear what needs to be done, unless
4 Work Group Members are not clear.

5 MS. ROBERTSON-DEMERS: Do you
6 intend to modify the content where it tells
7 them to take into consideration the worker
8 outreach comments or are you just going to
9 take it all out? Do you know?

10 MEMBER BEACH: That's for J.J.,
11 right?

12 MR. KATZ: Yes, that was a
13 question for J.J.

14 MR. JOHNSON: Oh. Well, when I
15 sent the email, my understanding was that the
16 procedure referenced another procedure. So,
17 my email states that "SC&A looked at the
18 worker outreach program recently, and in doing
19 so, noted that procedure 31 still references
20 procedure 97, a procedure believed no longer
21 in use. During the next review and update of
22 procedure 31, please change as appropriate."

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1 So, I would assume that "please
2 change as appropriate" means the reference and
3 any other associated wording that might have
4 leaped from 31 to 97.

5 MR. FITZGERALD: And with the
6 addendum in this paragraph that "Any other
7 procedures, plans, or policies that likewise
8 reference 97 should be updated." So, 31
9 certainly is the key one.

10 It's the last sentence in the
11 position statement.

12 So, assuming 97 is referenced in
13 places that might go beyond 31, that would
14 just be sort of an addendum to your comment
15 that would need to be made to the powers that
16 be.

17 MR. JOHNSON: Well, I've already
18 sent them an email. I can reemphasize if they
19 would scan the rest of their procedures to
20 make sure that it's not a reference.

21 MR. FITZGERALD: It is sort sounds
22 like SOP when a new procedure supplants, you

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1 go across the board and make sure the old
2 procedure has been taken out.

3 MR. JOHNSON: I have sent this
4 email to Wanda and to Kathy, so they should
5 have it.

6 MR. FITZGERALD: Okay.

7 MEMBER MUNN: Thanks, J.J.

8 MS. ROBERTSON-DEMERS: I guess I
9 would defer to you, Mike.

10 CHAIRMAN GIBSON: Well, this is
11 Mike.

12 You know, again, I am going to
13 have to go back and re-review some things.
14 But if this Work Group has agreed that, when
15 something is agreed upon, that's closed and
16 not in abeyance until we see it, then I will
17 say this issue is closed.

18 But I will state for the record
19 that one item that this Work Group will talk
20 about on the next meeting is any item that is
21 agreed upon is not closed until we see it done
22 in the future.

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1 MEMBER BEACH: Well, Mike, I don't
2 think that's what we agreed on. That was what
3 the Procedures Work Group does. We didn't
4 do --

5 MR. KATZ: What I stated is what
6 we discussed at the last Work Group meeting
7 very clearly and agreed upon. But you can
8 change it, you can change how you do it. It
9 really doesn't matter to me. But we did
10 discuss this at the last Work Group meeting.
11 You can look at the transcript and see that
12 discussion. And you can change the procedure
13 any way you want.

14 CHAIRMAN GIBSON: And I understand
15 that's the way that Procedures does it, and
16 it's not --

17 MR. KATZ: No, it's not, Mike,
18 it's the way the Procedures Work Group does
19 it, actually. It's just the way this Work
20 Group decided to do it. But, again, like I
21 said, you can change that.

22 Procedures actually leaves

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1 everything open until they see the written
2 word on everything. And when we discussed
3 this, it seemed to me really quite unnecessary
4 for that sort of --

5 MEMBER MUNN: It's too much.

6 MR. KATZ: Nitpicking sort of last
7 step, because it just leaves it sort of
8 looking like there's more business to do than
9 needs to be done, and we want to move on with
10 things.

11 But I personally have no care
12 about this.

13 CHAIRMAN GIBSON: Right, and I
14 understand what you're saying, Ted. But I
15 guess what I'm trying to avoid in the future
16 is just this 15-minute discussion on, is this
17 closed, and if it's closed, okay, how is it
18 going to be referenced in the future, and
19 everyone is undecided and we're talking about
20 it 20 minutes later.

21 So, in the future, let's just, at
22 the next meeting, we will just have something

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1 on the agenda that the Work Group will discuss
2 how we handle issues in the future. That's
3 all I'm saying.

4 MR. KATZ: Sure. Okay, J.J.

5 MR. JOHNSON: I think I'm done.

6 MR. KATZ: Oh, J.J. is done.
7 That's good.

8 MEMBER BEACH: Is it time for a
9 break?

10 MR. KATZ: Well --

11 MS. ROBERTSON-DEMERS: I don't
12 know. Wanda, do you think we can get through
13 the PROC-97 stuff --

14 MEMBER MUNN: PROC-97 has only one
15 item on it, actually.

16 MR. KATZ: We also have worker
17 comments.

18 I will need to leave at about no
19 later than 3:20 or so. So, if we could just
20 use that as benchmark, and I don't think we
21 have that much more time we need, but --

22 MEMBER MUNN: We'd better soldier

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1 on.

2 CHAIRMAN GIBSON: What we usually
3 do is -- and I didn't put it time-specific in
4 the agenda -- but about three o'clock is
5 worker comment time. So, if you guys want to
6 take maybe a 10-minute break, we will see if
7 there are worker comments at three o'clock.
8 And, then, if you have to leave at 3:20,
9 that's fine, Ted. If there's not worker
10 comments, then maybe we can attend to this
11 PROC-97 stuff.

12 Sound good?

13 MR. KATZ: Yes, it sounds good,
14 and it sounds like we don't have that much to
15 do on PROC-97.

16 MEMBER MUNN: No.

17 CHAIRMAN GIBSON: Okay. So, take
18 a 10-minute break then.

19 MR. KATZ: Okay. Thanks. Yes.

20 (Whereupon, the above-entitled
21 matter went off the record at 2:51 p.m. and
22 resumed at 3:01 p.m.)

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1 MR. KATZ: Okay. So, Mike, are
2 you on?

3 CHAIRMAN GIBSON: Yes.

4 MR. KATZ: I have a comment from
5 Terrie that I need to read, but let's see if
6 there's anybody live.

7 CHAIRMAN GIBSON: Yes. Are there
8 any claimants or worker advocates on the line
9 that would like to make comments? If so,
10 please identify yourself and go ahead. If
11 there's anyone on the line, please identify
12 yourself and go ahead.

13 (No response.)

14 Okay. If not, Ted, I guess you
15 can go ahead and read Terrie's comments.

16 MR. KATZ: Okay. Let me just
17 scroll down.

18 Okay. So, she had to leave. So,
19 she sent me her comment and asked that I read
20 it into the record.

21 "I wish to thank the Work Group
22 for their commitment to ensure that there is a

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1 transparent dialog between NIOSH and the
2 workers.

3 "I would like to offer a few
4 personal observations from the morning's
5 discussion on the RF" -- that means Rocky
6 Flats -- "pilot program.

7 "I wish to allay one of Wanda's
8 concerns. Her concern is that, despite this
9 audit, it will still be difficult to change
10 individual perceptions that the workers'
11 comments are not being ignored. I disagree.

12 "One of the things the claimants
13 and advocates rely upon is the independent and
14 unbiased review of SC&A, at the direction of
15 the Board, of NIOSH's work products. And I
16 believe that if SC&A finds that NIOSH has
17 incorporated the issues or evidence presented
18 by the Rocky Flats workers or advocates into
19 their technical documents for dose
20 reconstructions, that finding will be accepted
21 by the stakeholders.

22 "If, however, the comments and

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1 evidence made by the workers were ignored,
2 this needs to be known. I understand that it
3 may not be this Work Group's responsibility to
4 inform or make recommendations to the Rocky
5 Flats Work Group when SC&A issues their
6 findings. I personally do not see why this
7 Work Group couldn't share information in the
8 same manner as the Work Group for Procedures
9 or Dose Reconstruction does.

10 "However, if SC&A does find
11 deficiencies, then it will be the workers and
12 the advocates who will need to press on and
13 ask NIOSH and/or the Board's Rocky Flats Work
14 Group to revisit present technical documents.

15 "With Stu's comments today about
16 reading the ANWAG EECAP survey, I am a bit
17 more optimistic that NIOSH will be amenable to
18 taking another look at Rocky.

19 "I am concerned about OGC's
20 request to delay the start of the audit until
21 they review it for legal ramifications. If
22 there are such issues, will OGC prevent the

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1 audit? Is that within their responsibility?
2 Or are they infringing on the Board's
3 authority? I'm curious, has OGC ever stepped
4 in when a Work Group directed SC&A to look
5 into something?

6 "I would hope that the main
7 concern for everyone involved is to find the
8 truth, fix what's broken, and ensure that all
9 comments and evidence is considered when
10 developing technical documents and debating
11 SEC petitions. I trust OGC's review of the
12 procedure is quick, so that the audit can
13 proceed.

14 "Again, I thank everyone for their
15 concern and hard work to make sure that the
16 workers' voice is being heard. Safe travels
17 home and happy holidays, Terrie Barrie."

18 CHAIRMAN GIBSON: Okay. Thanks,
19 Ted, for reading that into the minutes --

20 MR. KATZ: Sure.

21 CHAIRMAN GIBSON: And into the
22 record.

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1 And thanks to Terrie for providing
2 those comments.

3 We'll ask one more time, is there
4 anyone on the line that would like to make
5 comments, a worker or worker advocate?

6 (No response.)

7 Okay. If not, we still have a few
8 minutes left, if you want to get back to the
9 findings from PROC-97. I think we're down to
10 the last couple of pages here, the last issue
11 here.

12 SC&A, do you want to speak to it
13 or --

14 MS. ROBERTSON-DEMERS: Well, it's
15 my understanding from Wanda that the
16 Procedures Subcommittee has closed out all but
17 finding PROC-0097-4.

18 MEMBER MUNN: That is the one that
19 was transferred to the Work Group.

20 MS. ROBERTSON-DEMERS: And that's
21 on page 22.

22 And this kind of gets back to a

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1 discussion that we had at the last Work Group.

2 The procedure did not explicitly require
3 worker outreach meetings for all sites where
4 Site Profiles were being prepared.

5 (Voice on phone line.)

6 MR. KATZ: Jenny, Jenny, your
7 phone is not on mute. Jenny, your phone is
8 not on mute.

9 MS. LIN: Sorry about that.

10 MR. KATZ: It's okay.

11 Okay. Sorry.

12 MS. ROBERTSON-DEMERS: And we kind
13 of had a discussion about this at the last
14 meeting. And what we recommend is that a
15 review of those Site Profiles where there was
16 no worker outreach that was conducted be
17 reevaluated to determine whether the Site
18 Profile would benefit from information
19 gathered in meetings.

20 One of the bullets in the original
21 proposal that we gave for objective three was
22 to go back and look at which sites had no

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1 worker outreach which benefitted the
2 development of the Site Profile.

3 So, that's kind of the gist of
4 this finding. And it really wasn't covered
5 under the PR-12 review because PROC-97 was
6 focused on the development of Site Profiles
7 and conducting two meetings associated with
8 the development of those two profiles.

9 CHAIRMAN GIBSON: Okay. So, DCAS,
10 is there any response to this that you have
11 prepared today or?

12 MR. HINNEFELD: This is Stu. I'm
13 thinking.

14 I wonder about, you know,
15 potentially all of our Site Profiles have been
16 reviewed by SC&A in the site profiling. Do we
17 feel like by having some sort of worker -- if
18 we went back and made some judgment about
19 whether they would benefit, do we think that
20 would, coming from this new view, from that
21 kind of a review, do you think that would find
22 anything that we needed to investigate beyond

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1 SC&A?

2 Because when SC&A does the Site
3 Profile review, they normally do a fair amount
4 of expert interviews. And you get the kind of
5 information from those things, from those
6 interviews, that you get at Site Profile
7 meetings, worker outreach meetings.

8 So, I just wonder if we're going
9 to gain anything by doing it. I'm a little
10 hesitant to go down this road and take on this
11 task, but there is really, as far as I know,
12 no indication that there's anything lacking, a
13 deficiency to fix here.

14 MEMBER MUNN: Stu, could I suggest
15 that you simply put that comment in writing
16 and submit it to us? It seems like a logical
17 response from NIOSH. And, then, at our next
18 meeting, we can deliberate whether or not that
19 meets the needs of the Work Group. Perhaps
20 that would be the most direct way to resolve
21 it.

22 MR. HINNEFELD: I could certainly

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1 do that.

2 CHAIRMAN GIBSON: And, then, this
3 is Mike.

4 I would also suggest that, if SC&A
5 has any examples from interviews that they
6 have conducted where there has not been Site
7 Profiles, if they provide that then, and then
8 we can discuss it.

9 MS. ROBERTSON-DEMERS: Yes, I can
10 give you two examples off the top of my head
11 at Sandia National Lab -

12 CHAIRMAN GIBSON: Let's prepare it
13 for the next meeting.

14 MS. ROBERTSON-DEMERS: Okay.
15 Okay.

16 MR. FITZGERALD: So, prepare some
17 examples as well as maybe illustrate some
18 information that may not be being tapped?

19 MEMBER BEACH: And, then, moving
20 forward, are Site Profile reviews being done
21 without worker interviews for future sites?
22 I'm wondering if that's still occurring.

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1 MR. HINNEFELD: You know, yes, I
2 was checking to see if I was on mute. This is
3 Stu.

4 And I don't think we're doing any
5 new Site Profiles. I don't think we've done
6 any for a while. There are revisions
7 underway. Quite likely, those are due to or
8 as a result of SC&A reviews of those Site
9 Profiles. But I don't know that we're doing
10 -- I don't think we're writing any new Site
11 Profiles.

12 CHAIRMAN GIBSON: This is Mike.

13 Would it be appropriate to, for
14 DCAS, when they're considering that, to think
15 about their SEC Evaluation Reports, and if it
16 may be advisable to get some information from
17 workers more than they are, or is that just
18 filling more --

19 MR. HINNEFELD: Well, I mean I
20 think we do, when we are on SEC Evaluation
21 Reports, I think we do SEC outreach meetings
22 although I won't swear we do that every time.

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1 CHAIRMAN GIBSON: Let's just leave
2 it at this finding. I don't want to add more
3 to the mix. I just want to -- okay, I'm
4 sorry.

5 MR. HINNEFELD: Okay. I'll draft
6 up a response and send it back, and we can
7 talk about it. But there are more than likely
8 a couple of Site Profiles that have not had an
9 SC&A review. I guess by identifying those
10 specific ones, then they give some insight.
11 You know, I heard Kathy say Sandia, and we
12 know that Sandia has its issues, and there's,
13 in fact, an SEC petition at Sandia right now
14 that we're trying to do an Evaluation Report
15 on that is reviewing some things.

16 So, well, I will just send my
17 response and you guys can decide. We may be
18 able to talk about this more some other time.

19 MR. FITZGERALD: Yes. I guess
20 what complicates this, it sounds like this
21 almost purely retrospect, given the fact that
22 you have gone through all the Site Profiles,

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1 and we have reviewed probably 30 or 40 of them
2 and have done worker interviews almost on all
3 of them. So, the question is the value added
4 for the ones that clearly lacked, whether
5 Sandia or a couple of others, lacked the
6 interviews that we, in fact, have done since.

7 So, I guess that is a value judgment by DCAS
8 and the Work Group. I mean it's not going to
9 add value at this stage.

10 Going forward, maybe it is a
11 little different issue if there's SECs coming,
12 such as Sandia. But, you know, we will cross
13 that bridge --

14 MS. ROBERTSON-DEMERS: This is
15 Kathy.

16 I needed to make a clarification.
17 That was Sandia National Lab, Livermore, not
18 Albuquerque.

19 MR. HINNEFELD: They're both in
20 that.

21 MR. KATZ: Okay. So, SC&A's part
22 of this is to provide, think about it, and

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1 provide a few more examples other than what
2 you just mentioned. You don't have to do an
3 exhaustive list.

4 CHAIRMAN GIBSON: Okay. This is
5 Mike.

6 Is there anything else on that
7 issue? Other than the actions we have
8 committed to going forward?

9 MEMBER MUNN: I don't believe so.

10 CHAIRMAN GIBSON: Okay.

11 MS. ROBERTSON-DEMERS: Would
12 anyone have an objection if I kind of change
13 the format and put PROC-97-4 in the format of
14 the OCAS PR-12 findings and get rid of the
15 others?

16 MEMBER MUNN: No. As a matter of
17 fact, it seems a reasonable thing to do.

18 MR. KATZ: We only have this one,
19 right?

20 MEMBER MUNN: Yes.

21 MR. KATZ: That sounds good.
22 Mike?

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1 CHAIRMAN GIBSON: Okay. So, does
2 that complete our agenda on the issues matrix?

3 MEMBER MUNN: It completes
4 everything I have that you sent.

5 MR. KATZ: I believe it completes
6 the whole agenda.

7 CHAIRMAN GIBSON: Okay. Do we
8 have time to talk about the next meeting and
9 how long it's going to take to get some of
10 these actions together, so we can try to make
11 some more progress here in the near future?

12 MEMBER MUNN: Sure. We can do
13 that in three minutes.

14 MR. KATZ: That's about what I
15 have, three minutes.

16 MEMBER MUNN: We've got to do in
17 three minutes.

18 MR. KATZ: But I guess --

19 CHAIRMAN GIBSON: But, Ted, you
20 still have detention.

21 (Laughter.)

22 MR. KATZ: Yes, that's true. I'm

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1 always in detention.

2 Folks at DCAS, I don't know if you
3 have any kind of immediate response for how
4 long before it makes sense to have the next
5 meeting. I mean the next meeting relies both
6 on DCAS actions and SC&A actions because I
7 think the most substantive thing I had will be
8 -- I mean there will be the continued work of
9 DCAS on these actions that are in progress,
10 and, then, there will also be the SC&A
11 enterprise that they're getting started.

12 So, unless we have immediate sort
13 of thoughts from DCAS about their time and
14 SC&A, I would just suggest we can by virtual
15 means get some feedback on this timing for our
16 next meeting from SC&A and DCAS. And, then,
17 we will go ahead. Mike, I'll work with you to
18 schedule it.

19 CHAIRMAN GIBSON: I would love to
20 have another meeting before the February
21 Advisory Board meeting.

22 MEMBER MUNN: Yes, it would be a

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1 good idea if we could.

2 CHAIRMAN GIBSON: I would like to
3 have some progress to report at that meeting.

4 MEMBER MUNN: Give you a good
5 report.

6 MR. FITZGERALD: We can certainly
7 on the Rocky piece try to -- the two actions
8 we have are almost real-time, and that can be
9 put in the hands of GC and expedite that.
10 Then, that would be --

11 MR. KATZ: Yes, I'm just
12 concerned. We have Christmas coming up, and
13 that's sort of --

14 MR. FITZGERALD: I'm just saying
15 it would put you in January sometime.

16 MR. KATZ: But that already puts
17 you in January --

18 MR. FITZGERALD: Right.

19 MR. KATZ: And, then, the Board
20 meeting is in February. And for you to get a
21 lot of substantive work done --

22 MR. FITZGERALD: Oh, no, not the

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1 work. I'm just saying to have the milestone.

2 I think what Mike is saying, to go to the
3 full Board with some milestones and progress,
4 and one progress would be just simply the
5 implementation of the pilot.

6 MR. KATZ: Oh, yes, but that
7 doesn't require another meeting. That will
8 get in here.

9 MR. FITZGERALD: No, I don't think
10 so.

11 MR. KATZ: Right.

12 MR. FITZGERALD: I think that was,
13 to me --

14 MR. KATZ: But Mike is saying he
15 would like to have another meeting, which
16 would mean getting progress on both SC&A work
17 and DCAS work, and really we are only talking
18 about progress during January and a bit of
19 February.

20 MR. FITZGERALD: Yes.

21 MEMBER MUNN: Well, our Augusta
22 meeting isn't until almost the fourth week of

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1 February.

2 CHAIRMAN GIBSON: The 23rd, yes.

3 MEMBER MUNN: The third week,
4 depending on how you look at it.

5 CHAIRMAN GIBSON: I'm sorry. I
6 just meant the 23rd. I'm sorry, Wanda.

7 MEMBER MUNN: Yes. That's
8 correct, the 23rd, 24th, and 25th.

9 CHAIRMAN GIBSON: Yes.

10 MEMBER MUNN: There is one Work
11 Group meeting already scheduled February 11th
12 here in Cincinnati. So, that is still a week
13 and a half before the meeting.

14 MR. KATZ: But my point is I'm not
15 sure -- we need to give SC&A and DCAS a chance
16 to think about how much time they have to make
17 progress.

18 MEMBER MUNN: Yes.

19 MR. KATZ: Because there's no
20 point in scheduling a meeting if they can't
21 get real work done.

22 MEMBER MUNN: No, that's true, but

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1 I thought that would give the entire month of
2 January and --

3 MR. KATZ: Yes. It just doesn't
4 seem to me like it's that much. But let's
5 hear from those parties as to whether that's
6 -- before we bother even trying to pencil in
7 the date.

8 CHAIRMAN GIBSON: This is Mike.

9 MR. KATZ: Yes.

10 CHAIRMAN GIBSON: Let's have SC&A
11 and DCAS just submit kind of an email and path
12 forward to Ted and the Work Group.

13 MR. KATZ: Yes.

14 CHAIRMAN GIBSON: And, then, we'll
15 set a meeting after that.

16 MR. KATZ: Yes. Yes. Thank you.

17 That is exactly what I was trying to get at.

18 CHAIRMAN GIBSON: Okay?

19 MEMBER MUNN: Okay.

20 CHAIRMAN GIBSON: So, is there
21 anything else from anyone?

22 (No response.)

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1 If not, Ted, get on your plane.

2 This meeting is adjourned.

3 (Whereupon, the above-entitled

4 matter went off the record at 3:19 p.m.)

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