

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

+ + + + +

ADVISORY BOARD ON RADIATION AND  
WORKER HEALTH

+ + + + +

WORK GROUP ON WORKER OUTREACH

+ + + + +

WEDNESDAY  
JUNE 29, 2011

+ + + + +

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

PRESENT:

JOSIE BEACH, Acting Chair  
WANDA I. MUNN, Member  
PHILLIP SCHOFIELD, Member\*

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## ALSO PRESENT:

TED KATZ, Designated Federal Official  
ISAF AL-NABULSI, DOE\*  
TERRIE BARRIE\*  
CHRIS ELLISON, DCAS  
MARY ELLIOTT, ATL  
MORIAH FERULLO, DOE\*  
JOE FITZGERALD, SC&A\*  
J.J. JOHNSON, DCAS  
JOSH KINMAN, DCAS contractor\*  
MARK LEWIS, ATL  
JENNY LIN, HHS\*  
ARJUN MAKHIJANI, SC&A  
JOHN MAURO, SC&A\*  
VERNON MCDUGALL, ATL\*  
MICHAEL RAFKY, HHS\*  
KATHY ROBERTSON-DEMERS, SC&A  
JOHN STIVER, SC&A  
DAVE SUNDIN, DCAS  
ABE ZEITOUN, SC&A\*

\*Participating via telephone

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

2 (9:04 a.m.)

3 (Roll call not transcribed)

4 MR. KATZ: Okay. And that's it.

5 Let me just remind everyone on the line,  
6 please mute your phones except when you're  
7 addressing the group. Use \*6 if you don't  
8 have a mute button, \*6 again to take it off  
9 mute. And otherwise we're off. Josie, it's  
10 your agenda now.

11 CHAIR BEACH: Okay. So what I'd  
12 like to do, I know the agenda is posted on the  
13 website but I'll just go through it briefly.  
14 And we're going to start with the status of  
15 the current Objectives 3 review.

16 Kathy is going to go ahead and  
17 lead that discussion and I believe that will  
18 take about 30 to 45 minutes. Kathy would like  
19 to present that with no discussion until the  
20 end of her presentation. So we're going to go  
21 ahead and give her that time first thing to

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1 present the status.

2 And then we'll go ahead, and she  
3 will review the questions in the next bullet  
4 point. Discussions of questions, there's 12  
5 questions that she has asked the Work Group to  
6 answer. Those will come up in her  
7 presentation but again we're not going to  
8 discuss them until the second point.

9 So if you have questions, hold  
10 them for the discussion of the questions,  
11 which will be the second topic.

12 MR. KATZ: Josie, this is Ted.

13 CHAIR BEACH: Yes.

14 MR. KATZ: I mean, that's fine  
15 with her doing her initial presentation but  
16 we're walking into the issue of those  
17 questions and there's issues related to that.

18 CHAIR BEACH: I understand.

19 MR. KATZ: That I have to raise.

20 CHAIR BEACH: Yes, and that's the  
21 point is we wanted to give Kathy time to just  
22 do her presentation and then we'll go back and

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1 step-by-step question one, two, three, we will  
2 go through it.

3 MR. KATZ: That's fine. I can be  
4 patient.

5 CHAIR BEACH: Kathy asked me to  
6 give her that first half hour and I agreed,  
7 so. But we will have time to answer all the  
8 questions. Okay?

9 And then worker comment period is  
10 listed. There's no time set for that so it's  
11 either going to occur the hour before lunch or  
12 the hour right after lunch, based on the  
13 schedule. I'm not sure how fast we're going  
14 to go, it was hard to give a time for that.  
15 So for those of you waiting to give comments  
16 you will have an opportunity.

17 MR. KATZ: So just to give you a  
18 sense but from the phone so, Terrie,  
19 especially since she's the only worker right  
20 now. So we're thinking either 11:00 or 1:00  
21 depending on how everything else goes. 11:00  
22 or 1:00 Eastern Time.

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1                   MS. BARRIE:    That'll work.    Yes,  
2                   that'll work fine, thanks.

3                   MR. KATZ:    Thanks, Terrie.

4                   CHAIR BEACH:   Okay.    And then we  
5                   do have an SC&A status report on outstanding  
6                   actions for PROC-12.   NIOSH also will report  
7                   on that and we'll try to come to some closure  
8                   on PROC-12.

9                   And then discussion of Worker  
10                  Outreach Work Group's role in the Advisory  
11                  Board's meeting, public comments.   I just  
12                  wanted to get a sense and I think Mike wanted  
13                  to get a sense of what this Worker Outreach  
14                  Group wanted to do with those comments or, if  
15                  anything, we could do with the comments.

16                  And then again we'll talk about  
17                  actions and scheduling our next meeting.   I  
18                  asked Arjun if he would take notes throughout  
19                  this meeting and he has agreed to do that.   So  
20                  that frees you up, Kathy.   And anybody else,  
21                  of course that wants to.   But he's going to  
22                  take them for the Work Group.

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1 DR. MAKHIJANI: And I can share  
2 them with Ted.

3 MR. KATZ: Sure. I take notes  
4 too.

5 DR. MAKHIJANI: And I know you  
6 always take notes so that's why --

7 CHAIR BEACH: And I need you to,  
8 but sometimes we catch different things. So  
9 if there's any comments or any questions about  
10 the agenda. If not, Kathy, go ahead.

11 MS. ROBERTSON-DEMERS: Okay. The  
12 reason that I wanted to, during this  
13 presentation, kind of bring up the questions  
14 is so that you would have it in the context.

15 But like, Josie said, in order for  
16 me to get through all the information on  
17 what's going on, I would prefer to hold the  
18 discussion on the questions until afterwards.

19 First I wanted to provide you with  
20 kind of a history of how this review got  
21 started. SC&A was asked to put together an  
22 Objective 3 Review Plan. And we presented

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1 that to the Working Group at the last Working  
2 Group Meeting on December 16th, 2010.

3 At that time we were asked to do a  
4 couple of things in relation to this review.  
5 One was to add some verbiage up front  
6 regarding the scoping of the review and that  
7 was -- OGC asked us to provide that  
8 information.

9 We did so. We provided the  
10 revised implementation plan to Ted and  
11 basically, after their review, we were given a  
12 start-work authorization by Ted on January  
13 6th of 2011.

14 In the meantime, we were also  
15 asked at the last Working Group meeting to  
16 come up with a list of documents which we  
17 would request from NIOSH.

18 And we provided that list of  
19 documentation, the initial list, on basically,  
20 December 16th, 2010. We got an initial  
21 response from NIOSH in December 2010.

22 It was a partial response to what

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1 we had requested. We made some follow-up  
2 responses with regard to documentation to  
3 NIOSH in February, March, April and May with  
4 the responses becoming subsequently smaller.  
5 And they in turn, NIOSH and ORAU, provided  
6 additional responses in February, March, April  
7 and May. There are still some outstanding  
8 requests from, I believe, the March or April  
9 request.

10 And what had happened was we held  
11 a conference call with Chris Ellison and we  
12 had come up with a list of documents which  
13 were basically derived from us reviewing the  
14 Advisory Board meeting minutes and the Working  
15 Group meeting minutes.

16 And we've come up with a few  
17 references out of those sources that we wanted  
18 to get our hands on. We put together a table,  
19 sent it to Chris. She provided some of those  
20 responses and there's still a couple that are  
21 outstanding out of that.

22 I believe, for example, we asked

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1 for the petitioner's video from the  
2 presentation that they did at either the May  
3 or June meeting. We asked for some additional  
4 site expert interviews that were referenced in  
5 Working Group meetings or Advisory Board  
6 meetings.

7 And we asked for a couple of  
8 letters that were called out in Advisory Board  
9 meetings. The actual letters that were  
10 presented to the Board. So there's a couple  
11 of things that are outstanding.

12 On May 25th, Jim Melius put a  
13 stop-work on us. So we haven't been working  
14 on this review since then, with the exception  
15 of preparing for this meeting.

16 Some general information on the  
17 comments that have been collected to date. I  
18 think when I put together the progress report  
19 I told you there were about 400-450 comments,  
20 that was really an estimate based upon what I  
21 had already had in the spreadsheet. Now I've  
22 completed that spreadsheet and there are

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1 actually 549 comments.

2 And those comments are coming from  
3 104 individuals. We decided that it was  
4 easiest to address the comments if we  
5 segregated them into categories. Okay. So we  
6 could address similar comments all at once.

7 A good example of that would be  
8 high-fired oxide where we get repetitive  
9 comments from a lot of different people. And  
10 we wanted to be able to focus on the response  
11 to high-fired oxide.

12 So there's 36 categories of  
13 comments but the intention in segregating the  
14 comments into categories was really to make  
15 our job easier in addressing them.

16 To date, minus the outstanding  
17 requests that we still have with NIOSH, we are  
18 100 percent complete in compiling the comments  
19 with the data that we've received.

20 We are about 50 percent complete  
21 in compiling the NIOSH responses for those  
22 comments. We're about 20 percent complete

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1 with evaluating the NIOSH response in relation  
2 to the comment and whether it was incorporated  
3 into a technical document. We're about 40  
4 percent complete with documenting whether  
5 there was feedback to the commenter.

6 MR. KATZ: Can I just ask a  
7 clarification? This category for comments  
8 incorporated, you said you're 20 percent  
9 complete. When you say incorporated, do you  
10 mean considered, even, or do you just mean it  
11 actually shows up in a document?

12 MS. ROBERTSON-DEMERS: In this  
13 case, it is probably actually incorporated  
14 into a document, you know, because we haven't  
15 really gotten to --

16 MR. KATZ: You've gotten to the  
17 issue of whether they considered it but --

18 MS. ROBERTSON-DEMERS: Right.

19 MR. KATZ: -- but doesn't need to  
20 be incorporated or whatever.

21 MS. ROBERTSON-DEMERS: Right.

22 MR. KATZ: Okay.

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1                   MS.     ROBERTSON-DEMERS:           We're  
2     pretty early on in that process and I'll talk  
3     about that later.

4                   MR. KATZ:    Thanks.

5                   MS.     ROBERTSON-DEMERS:           So we're  
6     about 40 percent complete with finding  
7     documentation supporting the feedback to the  
8     commenters.     And we're about 15 percent  
9     complete with the report preparation.     So  
10    that's kind of where we stand on that.

11                   The reason that I raised the  
12    completion statistics is that one of the  
13    things we're going to have to consider is that  
14    we have two possible directions to go with  
15    this review.     Or these are actually what we  
16    envision as possibilities; you may come up  
17    with additional possibilities.

18                   One is to proceed with addressing  
19    the comments on an individual by individual  
20    basis, which is what we have done with many of  
21    the comments that we have completed to date.

22                   The other option is to -- do you

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1 guys remember the form that we presented to  
2 you as a part of the implementation plan?  
3 There's a section on that form called SC&A  
4 Observation Comments. And this is kind of  
5 what I'm talking about.

6 Another option would be to put in  
7 that section a reference to a particular  
8 section in the report and to address the  
9 comments as an aggregate. And a good example  
10 of this would be the multiple comments you see  
11 for high-fired oxide that overlap.

12 So instead of going into my form  
13 and putting an answer for every comment on  
14 high-fired oxide, I would reference that out  
15 to a common answer, which would be in the  
16 report.

17 The time commitment for doing it  
18 on a individual by individual comment basis is  
19 probably about another thousand hours. If we  
20 aggregate them it's about 700 and that doesn't  
21 seem like much of a difference, but the time-  
22 intensive part of putting together this review

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1 was actually gathering the comments and  
2 locating the NIOSH responses, which I'll kind  
3 of get to later in the questions.

4 Just to remind you of the  
5 objectives of this review, and I kind of want  
6 you to think about this and think about what  
7 your goals are for this review.

8 One was to identify substantive  
9 worker comments related to the Rocky Flats  
10 Plant from the inception of the Worker  
11 Outreach Program. This is, what are the  
12 source of the comments, who is the commenter  
13 and what is the comment. If you put it in  
14 terms of the form that I provided as part of  
15 the implementation plan.

16 The other one is to evaluate if  
17 the information was considered for  
18 incorporation into technical work documents.  
19 In the context of the form this is what is the  
20 source of the response, what is NIOSH and  
21 ORAU's response, what are the affected and  
22 resolution documents, meaning what document

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1 will this comment impact. And if it was  
2 considered in a technical work document, what  
3 is the response document. And then another  
4 part of that evaluation process is the SC&A  
5 observations and comments.

6 And then finally, evaluate how  
7 DCAS communicated its response to the  
8 commenter. This is the feedback to the  
9 comment, pure and simple.

10 So when we get into discussions on  
11 questions I would ask you to just remember  
12 what is your goal for each of these objectives  
13 defined.

14 Now we had listed the sources from  
15 which we were going to pull comments but I'll  
16 kind of give you a rundown of where we found  
17 comments. Obviously, Advisory Board meetings  
18 and a lot of the comments came from the April  
19 2006 meeting, the May 2007 and the June 2007  
20 meeting, which were all meetings where the  
21 Rocky Flats SEC petition was discussed.

22 We got a couple of comments from

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1 the docket and website. NIOSH provided us  
2 with emails, probably several hundred, and we  
3 went through each of those emails.

4 We tried to segregate those that  
5 had more of a generic comment versus, what's  
6 the status of my claim.

7 And we took the emails and letters  
8 that had more of a generic comment that would  
9 impact some document and took those comments  
10 into consideration. So we have letters and  
11 emails.

12 We have the SEC Petition itself,  
13 primarily the affidavits. We did look at the  
14 SEC Viewer communications. That is  
15 principally where we found most of the site  
16 expert interviews as opposed to the Site  
17 Research Database.

18 MR. KATZ: In the SEC Viewer?

19 MS. ROBERTSON-DEMERS: Yes.

20 MR. KATZ: SEC Viewer, is that  
21 both, okay, so that's whenever a petitioner  
22 writes or calls or anything, communicates,

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1 right? They all go in the SEC Viewer?

2 MS. ROBERTSON-DEMERS: Yes.

3 MR. KATZ: Okay. Thanks.

4 MS. ROBERTSON-DEMERS: But what  
5 Karin Jessen must have done is when, say, Mel  
6 Chew went out and interviewed Person X and  
7 they summarized the interview, it ended up in  
8 the SEC Viewer.

9 MR. KATZ: Right. So expert  
10 interviews as well as --

11 MS. ROBERTSON-DEMERS: Well,  
12 that's primarily where we got the site expert  
13 interviews.

14 MR. KATZ: Okay.

15 MS. ROBERTSON-DEMERS: So also  
16 site expert interviews in general was a  
17 source. We got some interview information off  
18 the Site Research Database. There were very  
19 few documented communications in the Site  
20 Research Database; I believe four.

21 We eventually found some  
22 additional interviews there. It wasn't the

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1 whole scope of the site expert interviews,  
2 though, and we actually had to combine what we  
3 found in the SRDB and in the SEC Viewer.

4 We found some comments from the  
5 Work Group meetings, the Rocky Flats Work  
6 Group meetings. The petitioners were pretty  
7 active in participation in those meetings.

8 We found some comments in the  
9 worker outreach databases. We actually, in  
10 our original request to NIOSH, requested  
11 TopHats which was the first database for worker  
12 comments. We requested WISPR, which was the  
13 second database. And then we also looked in  
14 OTS.

15 And incidentally, just to note,  
16 the comments that were previously in WISPR,  
17 have been updated to OTS. And then of course  
18 we have the Worker Outreach meetings  
19 themselves which occurred in 2004.

20 MR. KATZ: Now let me just ask,  
21 the databases, those comments, they don't  
22 overlap with the comments from the interviews

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1 and so on, SEC Viewer and all that, these are  
2 all separate additional ones?

3 MS. ROBERTSON-DEMERS: There is  
4 some overlap between the databases and the  
5 Worker Outreach meeting. There is some  
6 overlap between what's in TopHat and the very  
7 early Advisory Board meetings.

8 And what we did was to list, say,  
9 all the sources. We have a place on our form  
10 where we list the source of the comment. So  
11 if it came from say the Worker Outreach  
12 meeting in WISPR, both of them are listed as  
13 sources, but there's a single comment. If  
14 that makes sense.

15 MS. ELLIOTT: A single line with  
16 two references.

17 MS. ROBERTSON-DEMERS: There's a  
18 single form for it. So in other words, you  
19 don't have the same comment on another form  
20 listed under another source.

21 MR. KATZ: Yes, okay.

22 MS. ROBERTSON-DEMERS: Okay. And

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1 the questions that I asked you to think about  
2 in the context of the comments, there's a  
3 couple. One is, should we establish an end  
4 date for the worker comments. And I'm going  
5 to throw out some dates for you.

6 The final SEC petition class was  
7 granted on June 12th, 2007. The External  
8 Dosimetry TBD was last issued October 20th,  
9 2010. The last directly relevant TIB to Rocky  
10 Flats was issued November 29th, 2010.  
11 However, the construction worker TIB, which is  
12 important in dose reconstruction, the last  
13 revision was February 17th, 2011. And I  
14 believe that the date of the last comment I  
15 have in my system is March of 2011.

16 In that same venue, should we  
17 establish an end date for responses provided  
18 by NIOSH and how they have incorporated those  
19 into technical work documents and communicated  
20 those to the commenter.

21 So just think about those. One  
22 additional question related to comments is, we

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1 had a couple of situations where I really  
2 didn't know what to do with these comments.

3 I think I mentioned that the  
4 original site expert interviews I found on the  
5 SRDB, I found a few of them, and they just so  
6 happened to be a documented communication from  
7 Roger Falk, when he was employed by ORAU, and  
8 several documented communications by Bob  
9 Bistline when he was employed by SC&A.

10 In addition to that, long before  
11 Bob Bistline ever was employed with SC&A, he  
12 made comments, I believe, at a Town Hall  
13 meeting or an Advisory Board meeting.

14 Then, of course, we have the site  
15 expert interview comments that SC&A collected  
16 as a part of the site expert interview process  
17 which are documented as a part of the Rocky  
18 Flats Site Profile Review.

19 MEMBER MUNN: I'm sorry, Kathy,  
20 would you say that one more time?

21 MS. ROBERTSON-DEMERS: We have the  
22 site expert interview comments that were

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1 collected by SC&A, as a part of the site  
2 expert interview process, they are a part of  
3 the Rocky Flats Site Profile Review.

4 MEMBER MUNN: Right.

5 MS. ROBERTSON-DEMERS: And we  
6 weren't sure what to do with those, whether to  
7 include them or not. I can tell you right now  
8 that the categories that I just spelled out to  
9 you are not included at this point in those  
10 449 comments. Because I wanted direction from  
11 the Working Group on this.

12 MR. KATZ: I'm sorry. Which  
13 categories? My computer just went completely  
14 blank. Which categories are not included?

15 MS. ROBERTSON-DEMERS: Site expert  
16 interview comments from individuals supporting  
17 ORAU at the time of the interview. Site  
18 expert interview comments from personnel  
19 supporting SC&A at the time of the interview.

20 MR. KATZ: Supporting, okay. So  
21 you're saying site experts employed by ORAU  
22 and SC&A, those are not included?

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1                   MS. ROBERTSON-DEMERS:     Right, at  
2                   this point.  And then the other one that's not  
3                   included, at this point is, is the site expert  
4                   interview comments from SC&A site expert  
5                   interviews.

6                   MR. KATZ:        Yes, ORAU and SC&A,  
7                   okay.

8                   MS. ROBERTSON-DEMERS:  Well, this  
9                   is a little bit different.  This is when we  
10                  went out and we did site expert interviews in  
11                  support of the Site Profile and we created a  
12                  site expert interview summary, and that was a  
13                  part of our report.

14                  MR. KATZ:        Yes, I understand,  
15                  thanks.

16                  MS. ROBERTSON-DEMERS:  Okay.  Now  
17                  we actually did include comments from  
18                  individuals who eventually went to work for  
19                  one of the contractors prior to their going to  
20                  work with the contractor.

21                  The best example of that is the  
22                  very first comment I have, the earliest

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1 comment I have is from 2002, it was made by  
2 Bob Bistline on high-fired oxide at that time  
3 he was a DOE employee; he did not work for  
4 SC&A.

5 So that comment was included.  
6 There are comments that --

7 DR. MAURO: Is there going to be a  
8 point where we could pose questions just for  
9 clarification or would you rather continue?

10 MS. ROBERTSON-DEMERS: Well,  
11 clarification, yes.

12 DR. MAURO: Yes, just  
13 clarification. I wasn't quite sure, so you're  
14 saying that the good example is Bob Bistline's  
15 comments that were made prior to his  
16 employment with SC&A are captured and are  
17 among the 500 or so, or are they not?

18 MS. ROBERTSON-DEMERS: Yes.

19 MR. KATZ: They are.

20 DR. MAURO: Okay. I just wanted  
21 to make sure. And that also goes with the  
22 other fellow that you mentioned that works

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1 currently, or has worked for DCAS?

2 MS. ROBERTSON-DEMERS: No, the  
3 ones, once Roger and Bob became employed with  
4 one of the contractors, I did not include  
5 their comments.

6 DR. MAURO: But prior to their  
7 being -- I guess the way to say it is this,  
8 prior to their being on the payroll of either  
9 SC&A or NIOSH, when they were basically  
10 experts who worked or formerly worked at these  
11 sites and were not under the employ of any of  
12 these organization, SC&A or NIOSH's  
13 contractors, people made comments, like Roger  
14 did, like Bob did; are they captured?

15 It sounds like Bob's is; how about  
16 Roger? Is his comment captured?

17 MS. ROBERTSON-DEMERS: Roger  
18 didn't make any comments before he went to  
19 work with ORAU.

20 DR. MAURO: Okay. Very good. But  
21 when comments did come in by these folks were  
22 at the time that they were under the employ,

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1 or whatever, they were not captured in the  
2 database?

3 MS. ROBERTSON-DEMERS: Right. And  
4 I'm asking for guidance on that, but we'll get  
5 back to --

6 DR. MAURO: Well, I just wanted to  
7 make sure I understood the question.

8 MS. ROBERTSON-DEMERS: Okay.  
9 There's a couple of other categories. There  
10 were some comments directed towards John  
11 Howard and the Secretary of HHS concerning the  
12 petition. And if I remember correctly, this  
13 was about an appeal on the decision. And so I  
14 wanted some direction on those letters.

15 It may be that the, actually the  
16 docket letter went to John Howard rather than  
17 to NIOSH. So later, we'll discuss clarifying  
18 that issue.

19 And then finally, I wasn't sure  
20 what to do with comments that were made that  
21 were directed at the Advisory Board but that  
22 had relevance to NIOSH. In other words, maybe

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1 the letter was submitted to the Advisory Board  
2 but it was asking the Advisory Board, how are  
3 you going to calculate the dose for high-fired  
4 oxide, which is more appropriate for NIOSH to  
5 answer and I wasn't quite sure how to handle  
6 those comments.

7 MR. KATZ: Someone on the line is  
8 not muted, if you could just mute your phone,  
9 please. \*6 if you don't have a mute button,  
10 thanks.

11 MS. ROBERTSON-DEMERS: Okay. Now  
12 moving on to the source of responses. What we  
13 found was there are really two types of  
14 sources of response. There's a direct  
15 response, which you typically see in an email.

16 A person asks a question, they get  
17 an email back and it's a direct answer. And  
18 then there is an indirect answer. And in a  
19 minute I will give you an example of an  
20 indirect answer. Okay?

21 But the sources of responses are  
22 actually the Advisory Board meetings

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1 themselves, the Dose Reconstruction and SEC  
2 Process Fact Sheets, the EEOICPA regulations  
3 and the preambles to those regulations,  
4 Frequently Asked Questions, which occurs on  
5 the NIOSH website, letters and emails to the  
6 commenter, SC&A petition ER review report --  
7 and this would be in Volume 2 where there was  
8 an exercise to go through the comments and the  
9 affidavits, and NIOSH provided a response to  
10 the comments that were raised. And those  
11 responses were pretty direct.

12 MR. KATZ: Those responses were in  
13 the SC&A report?

14 MS. ROBERTSON-DEMERS: Actually,  
15 that's where they're catalogued.

16 MR. KATZ: But they're NIOSH  
17 responses?

18 MS. ROBERTSON-DEMERS: Right. It  
19 was a breakdown where we went through the  
20 affidavits and we brought up an issue and  
21 NIOSH gave a response and then we gave a  
22 counter-response.

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1 DR. MAKHIJANI: It must have been  
2 in one of the attachments to the reports, Ted.  
3 I'll look it up at a break.

4 MS. ROBERTSON-DEMERS: Yes.

5 MR. KATZ: No, it's all right. I  
6 was just curious.

7 MS. ROBERTSON-DEMERS: But it was  
8 in Volume 2 of the report.

9 MR. KATZ: So just to understand  
10 that, so NIOSH was really responding to SC&A  
11 about the comments and then you were  
12 responding back to NIOSH?

13 MS. ROBERTSON-DEMERS: We had  
14 listed out the comments, they had provided a  
15 response.

16 MR. KATZ: They responded to you,  
17 like a Work Group setting or whatever, for the  
18 Work Group?

19 MS. ROBERTSON-DEMERS: Yes, pretty  
20 much.

21 MR. KATZ: Okay. I understand  
22 now.

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1                   MS. ROBERTSON-DEMERS:       Obviously  
2       Technical Information Bulletins and Technical  
3       Basis Documents, work Group meetings, the  
4       Worker Outreach databases. I would like to  
5       have the full version of WISPR versus the  
6       summary document that's out there on the O:  
7       Drive because in the full version, the  
8       original version, NIOSH actually gave the  
9       response --

10                   (Telephonic interference.)

11                   Gave a response to not only  
12       substantive comments but unsubstantive  
13       comments and we don't have access to, we only  
14       have access to a limited number of comments  
15       that resulted in TBD changes.

16                   But even that limited amount of  
17       information in WISPR provides a NIOSH  
18       response.

19                   MEMBER MUNN:            Wouldn't that  
20       limited -- I'm sorry I didn't mean to  
21       interrupt your discussion, but wouldn't the  
22       substantive questions have been the ones that

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1 were included in the abbreviated transcript  
2 that you have in WISPR?

3 MS. ROBERTSON-DEMERS: Well,  
4 actually the ones that resulted in the TBD  
5 change are in there presently.

6 MEMBER MUNN: So your real  
7 question is, are the comments that were made  
8 that did not result in any action, were any of  
9 those actually substantive enough that they  
10 should have been. That's the real question,  
11 right?

12 MS. ROBERTSON-DEMERS: Well,  
13 that's part of it, but remember, we're looking  
14 at consideration too. And if they've  
15 considered it, okay, and determined that it  
16 didn't need a change, the earlier version of  
17 WISPR would have told us that. And then of  
18 course another source of the work --

19 DR. MAURO: Kathy, this John  
20 again, I'm sorry to interrupt. I think that  
21 Wanda raised a question that could very easily  
22 later when we discuss.

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1           You know, I understand you'd like  
2           to go through, straight through, but I think  
3           she raised a question that goes to the heart  
4           of the objective of what we're doing. So I  
5           don't want to lose track of that concern.

6           Namely, notwithstanding the  
7           importance of the question, what you're really  
8           saying is, that's really not the issue. The  
9           issue really is one of bedside manner. That  
10          is, if someone did raise concerns and it's  
11          contained, let's say, in the bigger WISPR  
12          database that we haven't seen, even though the  
13          correct judgment might have been made by  
14          NIOSH, that really is not an important issue  
15          and as a result it really never surfaced to  
16          the summary level or any of our documents.

17          And I'd just leave with the Work  
18          Group, this goes to the heart of one of our  
19          objectives, which goes toward, you know, the  
20          degree to which, you know, we're not really  
21          making a value judgment, SC&A; we're just  
22          really tracking to see what comments are

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1 recorded and how well were they treated, in  
2 terms of getting it back to the commenter.

3 And so I would argue that, Kathy,  
4 your concern seems legitimate, that is, to  
5 look at everything and to see how closure was  
6 achieved on those.

7 So looking at the entire WISPR  
8 database, and this is now, in my opinion and  
9 maybe I'm overstepping my bounds at this  
10 point, but that will be the rationale why we  
11 might want to look at it. Or why the Work  
12 Group might want to look at it. I'm sorry, go  
13 ahead.

14 MS. ROBERTSON-DEMERS: Yes, that's  
15 part of it, and I haven't gotten deep enough  
16 into the other comments to tell you whether I  
17 agree, whether it's a substantive or  
18 unsubstantive comment.

19 But I want to be fair to NIOSH if  
20 they've considered it and deemed that it was  
21 not substantive enough to result in a  
22 technical change to a document.

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1                   MEMBER MUNN:   The real question is  
2                   whether or not it was addressed.

3                   MS. ROBERTSON-DEMERS:   Whether it  
4                   was considered.

5                   MR. KATZ:   Just to clarify terms.  
6                   I mean, it may be substantive and it may not,  
7                   you know, they may not think that it warrants  
8                   a TB change so it's not even a matter, some of  
9                   these comments may be very substantive but  
10                  there may be disagreement about whether it  
11                  should impact the way they do dose  
12                  reconstructions. It's not really whether it's  
13                  substantive or not. It's just simply -- I  
14                  think -- I mean, I agree you're looking at how  
15                  did they address all the comments.

16                  MS. ROBERTSON-DEMERS:   And my  
17                  feeling is, having their responses to the  
18                  comments as a total versus just the ones that  
19                  affected the TBD would demonstrate that, in  
20                  fact, they did consider comments. And that's  
21                  part of what we're trying to do here.

22                  Okay.   On the form, there is a

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1 place for NIOSH response and as we went  
2 through and started gathering some of the  
3 NIOSH responses, we were struggling with what  
4 should go there.

5 Should it be a direct response to  
6 the comment or can it be an indirect response  
7 to the comment?

8 A direct response: a good example  
9 is, a person brings up a comment in a meeting  
10 and it's addressed directly in the meeting.  
11 Or they sent an email, they get an email  
12 response.

13 An indirect type of response would  
14 be that they ask about high-fired oxide, for  
15 example, and there's a TIB out there  
16 addressing high-fired oxide.

17 So it wasn't really a response  
18 back to the person, but there is something out  
19 there that addresses it.

20 MR. KATZ: I think that's mixing  
21 apples with oranges. I mean that's not a  
22 response to a person. It's just, I mean,

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1 those three parts that is a change in the TBD  
2 or whatever, but it's not a response to the  
3 person so I don't know why that would go in as  
4 a response to the person, indirect or  
5 whatever.

6 That's -- the core of this is  
7 evaluating how well NIOSH takes into account  
8 worker input in making its policy decisions  
9 and that answers that, but it doesn't answer  
10 the customer service, third element that  
11 you're talking about at all.

12 MS. ROBERTSON-DEMERS: Well, hold  
13 that thought because the other question in  
14 this arena is, to what level should we go to  
15 find a NIOSH response.

16 MR. KATZ: So we should get to  
17 that.

18 MS. ROBERTSON-DEMERS: Let me give  
19 you an example of a direct response, okay?  
20 Commenter says, how will you know which form  
21 of plutonium a worker was exposed to, which  
22 model will you apply, the most claimant-

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1 favorable one?

2 And the response is, in general if  
3 there is a question about which solubility  
4 class is appropriate NIOSH will choose from  
5 among the plausible solubility classes the one  
6 that results in the highest organ dose to the  
7 claimant. Okay, so, comment, direct response.

8 Okay. Here is an example of where  
9 we found kind of an indirect response.  
10 Comment says that hearing officer is not the  
11 least bit concerned that they don't understand  
12 radiation, referring to DOL, because NIOSH is  
13 the determining factor. They are only in  
14 place to make sure that the NIOSH  
15 determination is enforced and they hide behind  
16 the law and it is the only tool they have to  
17 make their determination because NIOSH is the  
18 rule that determines least as likely or not.

19 It is not their job to understand  
20 but only to implement. They have no idea of  
21 the relevancy of radiation dose and to make it  
22 more frustrating, you cannot question the

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1 methodology.

2           You cannot question the numbers  
3 they use, because only NIOSH can handle that.

4       They can send questions back to NIOSH but  
5 they cannot address concerns and they forbid  
6 you from questioning the methodology because  
7 NIOSH is the governing body. That's the  
8 comment.

9           We couldn't find a direct  
10 response, but we did find a response. And  
11 that response was in the Frequently Asked  
12 Questions, which are posted on the website.  
13 And the question was, "What if I disagree with  
14 the findings of the dose reconstruction?"

15           And a portion of the answer to  
16 that questions is, "Claimants have the  
17 opportunity to participate in a closing  
18 interview with NIOSH to review the dose  
19 reconstruction results and the basis on which  
20 the results were calculated.

21           During the interview, claimants  
22 can voice their disagreement with the findings

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1 and provide any additional relevant  
2 information that may affect the dose  
3 reconstruction and indicate that they are in  
4 the process of obtaining such information."

5 So we did find an answer to the  
6 comment but we had to go out and search for it  
7 on the website. And that's what I'm calling  
8 an indirect response.

9 MR. KATZ: Right. And I'll just  
10 distinguish, the other example you gave  
11 though, was a change in the TBD which -- that  
12 is not a response. But here if they get a lot  
13 of the same questions, to add a FAQ makes a  
14 lot of sense. But changing the TBD is not a  
15 response to that -- do something about high-  
16 fired or whatever.

17 DR. MAURO: This is John. I think  
18 the comment you made is very important in  
19 helping us. And certainly we'll talk more  
20 about this with the Work Group.

21 But what I'm hearing is that if,  
22 effectively, a concern raised by a petitioner

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1 is effectively addressed, not directly, but as  
2 Kathy pointed out, indirectly in a Site  
3 Profile or an amendment to a Site Profile,  
4 that piece of information is not of interest  
5 to the Work Group.

6 What is of interest to the Work  
7 Group is whether or not that particular  
8 question that was raised was in fact directly  
9 responded to, to that person. It does make a  
10 difference.

11 MR. KATZ: John, I wasn't saying  
12 that at all.

13 DR. MAURO: Oh, I misunderstood.

14 MR. KATZ: It's a core interest to  
15 the Work Group and it's the second part of  
16 this objective, whether DCAS took into account  
17 in their TBDs, SECs, et cetera, input and made  
18 changes, or considered making changes. So  
19 it's a core interest for that.

20 All I was distinguishing is it's  
21 not a response, this sort of petitioner -- I  
22 mean, this sort of customer service thing, it

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1 is not a response back to the commenter. It  
2 is a technical change. It gets covered in  
3 that middle bullet, if you want to talk about  
4 the three bullets.

5 DR. MAURO: Very good. No, I just  
6 --

7 MR. KATZ: That's all I'm saying.

8 DR. MAURO: You've answered my  
9 question, thank you.

10 MS. ROBERTSON-DEMERS: Okay. And  
11 to go further on that, I kind of raised a  
12 couple of other issues and it will go back to  
13 the direct/indirect question I had, which is:  
14 is posting a document, Frequently Asked  
15 Question or other information to the website,  
16 without notification to the workers,  
17 considered a response?

18 And then, secondly, if you do that  
19 and you notify the workers, is it considered a  
20 response? Okay. Now I'm going to move down  
21 my form. And there's a section on there  
22 called SC&A Observation and Comment.

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1           And I'm going to kind of give you  
2           a feel for what we think might go there, but  
3           it's a little cloudy. So I'm going to kind of  
4           need some feedback on this.

5           One of the questions we're going  
6           to ask is, was the comment considered and  
7           incorporated into the dose reconstruction SEC  
8           process? And if so, where and how?

9           In this case, after doing this for  
10          awhile, it's really come down to four  
11          technical document types where it would be  
12          incorporated and impact, primarily the dose  
13          reconstruction process, but to a lesser extent  
14          the SEC process.

15          Those documents are the Technical  
16          Basis Document for Rocky Flats. They are the  
17          Technical Information Bulletins which are  
18          directly related to Rocky Flats. For example,  
19          OTIB-49, which has to do with highly insoluble  
20          plutonium.

21          The intention here is not to go  
22          out and look through every Technical

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1 Information Bulletin to see if a Rocky Flats  
2 comment was incorporated. That would be an  
3 insurmountable task.

4 Another item is the dose  
5 reconstruction guidelines. Okay, now that  
6 you've got a TBD, what are you telling your  
7 dose reconstructors to do?

8 And then finally, and I really see  
9 this to a lesser extent, is the SEC Petition  
10 Evaluation Report itself.

11 CHAIR BEACH: Kathy, I missed  
12 that. Could you repeat that last one?

13 MS. ROBERTSON-DEMERS: SEC  
14 Petition Evaluation Report.

15 CHAIR BEACH: Okay. Thank you.

16 MR. KATZ: Why is it a lesser  
17 extent?

18 MS. ROBERTSON-DEMERS: Because  
19 ultimately, if your dose reconstructors are  
20 not told to not only take into consideration  
21 the Technical Basis Document, but to also  
22 consider the information in the SEC Petition

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1 Evaluation Report, then it's not being  
2 incorporated into the dose reconstruction  
3 report.

4 And ultimately, that information  
5 has to be transferred from the SEC Petition  
6 Evaluation Report into, say, a Technical  
7 Information Bulletin or a Technical Basis  
8 Document.

9 It's not to say that we're going  
10 to ignore it as a way of addressing issues,  
11 but part of this is how do you integrate it  
12 into the process?

13 And it might be easier for me to  
14 give you an example. There's been a lot of  
15 discussion, say, about thorium in the Rocky  
16 Flats case. Thorium -- the word "thorium"  
17 does not occur in the dose reconstruction  
18 guidelines.

19 It is discussed in the site  
20 description of the TBD. But if there's not a  
21 direct communication with the dose  
22 reconstructor to consider thorium, then the

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1 process falls apart.

2 MR. KATZ: So this is your point  
3 about looking at the DR guidelines, workbooks,  
4 whatever?

5 MS. ROBERTSON-DEMERS: Right.

6 MR. KATZ: Okay. Thanks.

7 MS. ROBERTSON-DEMERS: It's not  
8 really -- you don't just look at one, you look  
9 at them in combination.

10 MR. KATZ: To go back to your SEC  
11 point just for a second, just because I think  
12 that needs to be a little more clear. You  
13 said that you're thinking of that only in  
14 relation to DR, but of course SEC comments  
15 relate principally, first most, to the SEC  
16 petition in the first place.

17 So I mean you're getting this  
18 input related to the SEC decision that's  
19 upcoming and you want to know that the input  
20 was considered there. So there's nothing to  
21 minimize about that.

22 MS. ROBERTSON-DEMERS: Yes, and

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1 there are certain things that are specifically  
2 coming out of the Evaluation Report that I  
3 can't get anywhere else.

4 MR. KATZ: No, all I was trying to  
5 say is that you were saying sort of that SEC  
6 is sort of a second-rung matter, SEC comments,  
7 but they're not a second-rung matter, they're  
8 a first-rung matter with respect to SEC  
9 Petition Evaluations that DCAS does.

10 Because you want to know that  
11 they're taking into account workers' input in  
12 advance of their final decisions about an SEC.

13 MS. ROBERTSON-DEMERS: Yes, and  
14 decisions where they decide that it's not an  
15 SEC issue ultimately have to go into the dose  
16 reconstruction process.

17 MR. KATZ: No, no, I understand  
18 there's overlap. I understand that.

19 MR. STIVER: This is John Stiver.  
20 I can see where Kathy's going and that could  
21 be a category of issues that would be  
22 pertinent that could impact the dose

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1 reconstruction report or the SEC --

2 MR. KATZ: Oh there's no question  
3 that it's going --

4 MR. STIVER: It seems to me that  
5 may be missed because they're never brought  
6 into those other documents.

7 MR. KATZ: Right. No, I'm not  
8 missing that point at all.

9 DR. MAURO: This is John. I want  
10 to jump into this too. I guess I'm a little  
11 bit disoriented right now in terms of the  
12 issues that I think we are concerned with  
13 here, and correct me if I'm wrong, is really  
14 the relationship between the commenter and  
15 NIOSH and the degree to which closure is  
16 achieved.

17 The mechanics of how -- well, I  
18 guess a couple of matters. The degree to  
19 which the answer is correct, satisfactory,  
20 adequately distributed to all of the NIOSH  
21 participants and their contractors, whether it  
22 be in an OTIB or a Site Profile or an SEC

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1 Evaluation Review.

2 The mechanics of making sure that  
3 that particular issue that was, in fact,  
4 addressed that was raised by a commenter is in  
5 fact incorporated mechanically into the  
6 process, whether it's an SEC decision or it's  
7 a dose reconstruction.

8 I guess I have to say that I never  
9 thought that we were concerned with that  
10 here. That's something different. The thing  
11 we're concerned about is: was there a venue by  
12 which a particular comment has been addressed,  
13 either directly or indirectly?

14 Not whether or not it's been  
15 adequately distributed to NIOSH personnel to  
16 make sure that they do good dose  
17 reconstructions. Unless I misunderstood the  
18 discussion, that's what I heard.

19 MR. KATZ: No -- okay, I think  
20 you're on target, John. I mean, we're not  
21 looking at implementation issues.

22 We want to know that the

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1 machinery, just like I think you're saying,  
2 the technical documents, whether they're a  
3 workbook, whether they're a TBD, whatever, the  
4 technical documents that guide decisions,  
5 whether those reflect consideration of the  
6 input that was received from workers, right?

7 DR. MAURO: Yes, and --

8 MR. KATZ: I think we're saying  
9 the same thing.

10 DR. MAURO: -- I don't think we're  
11 making the judgment here, or trying to, either  
12 SC&A and certainly the Work Group can weigh  
13 in, on whether the mechanics of distributing  
14 that information to the people that need to  
15 have it on NIOSH's side is really not --  
16 that's a different question.

17 MR. KATZ: Yes, sure.

18 DR. MAURO: Certainly a quality  
19 assurance question. That comes up in other  
20 venues. But in this matter it's really --  
21 I've got to say, what we really care about is  
22 the degree to which the public and the

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1 interested parties, or the stakeholders, are  
2 achieving closure and feel as if they have  
3 been heard.

4 I think that that's really, when  
5 all is said and done, the degree to which  
6 they've been heard is really where we are here  
7 as opposed to some of the, let's say, more of  
8 the technical matters that we deal with in  
9 other workgroups.

10 MR. KATZ: Okay.

11 DR. MAURO: Okay.

12 MS. ROBERTSON-DEMERS: And part of  
13 the reason why I called those four types of  
14 documents out is because, if you go beyond  
15 those four types of documents, the review is  
16 just getting overwhelming.

17 MR. KATZ: I think DCAS should be  
18 able to tell you, I mean, if they had a  
19 technical comment, they should be able to tell  
20 you if it was incorporated in the workbook or  
21 whether it was in the TBD or if it was  
22 incorporated in whatever.

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1                   It shouldn't be, you know, there  
2 shouldn't be a real hunt. They'll know  
3 whether they made a change based on the  
4 comment or not, we hope, at least, and that  
5 would --

6                   MS. ROBERTSON-DEMERS: Well, part  
7 of it comes from the WISPR database, okay,  
8 where they've made changes. Part of it comes  
9 from the preamble of the TBD.

10                  MR. KATZ: And part of it will  
11 come from speaking to folks.

12                  MS. ROBERTSON-DEMERS: And part of  
13 it comes from, I see that as going into the  
14 response and as looking at the Working Group  
15 meetings. And I'll get to that because,  
16 actually in the next question is: the comment  
17 was considered but not incorporated.

18                  Okay. And consideration, the only  
19 way I kind of envision figuring out whether it  
20 was considered is to look at those four  
21 sources I just mentioned and also to look at  
22 the Working Group discussions.

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1                   MR. KATZ:     Yes, I mean, if you  
2     want to do everything based on the record on  
3     documents then you're going to do that.

4                   I mean, the only way to go beyond  
5     that is to interview the people that were  
6     involved and ask them, you got this comment, I  
7     can't find any documentation showing that it  
8     was given any consideration.

9                   Was it given consideration and can  
10    you show me where or how?     And that,  
11    obviously, would be the next step if you want  
12    to close the loop on whether DCAS did take it  
13    into consideration.

14                  MS. ROBERTSON-DEMERS:     And, you  
15    know, I haven't gone as far as to say I need  
16    all the interaction between ORAU and DCAS on  
17    the Rocky Flats plan because some of it may be  
18    in email, I don't know.

19                  MR. KATZ:     Yes.    I mean, you don't  
20    need to make a blanket request.    You can, as  
21    you hit these and you don't find a response,  
22    you can ask the question for that particular

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1 item.

2 I mean, if you're going to go that  
3 far or if you're going to move off the  
4 documentation itself.

5 MEMBER MUNN: And one can always  
6 imagine situations where comments would have  
7 received consideration and discussion but not  
8 necessarily at a formal venue so that there  
9 would be a written record of them.

10 MR. KATZ: Well, it's like the TBD  
11 is not going to have discussion about things  
12 that weren't incorporated in the TBD, for  
13 example, I don't think. I wouldn't expect  
14 that. Especially back then, maybe we do more  
15 of that now.

16 So if you're looking at a comment  
17 that was considered but then didn't result in  
18 a change, it's not going to be reflected, you  
19 know, in the TBD that they considered it and  
20 didn't make a change, I don't think.

21 MS. ROBERTSON-DEMERS: And with  
22 the available documentation, no such things

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1 are going to come up in Working Groups.

2 DR. MAURO: Could I -- if you  
3 could get a little closer to the microphone?  
4 I can hear you but it's a little difficult. I  
5 hear Ted much easier.

6 CHAIR BEACH: John, before you  
7 start, can I --

8 DR. MAURO: Yes.

9 CHAIR BEACH: Kathy, how much more  
10 do you have for your presentation part? It  
11 would be nice to get through that so we can  
12 get to questions and more comments.

13 MS. ROBERTSON-DEMERS: I can push  
14 through in ten minutes.

15 CHAIR BEACH: So I'm just  
16 wondering if you could just --

17 DR. MAURO: I'll hold off.

18 CHAIR BEACH: If you could just  
19 lay out what you want to say, because we're  
20 getting into the discussion part of it that we  
21 were going to hold until the end, if that's  
22 okay with everyone. Because I'd like to get

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1 to it.

2 MS. ROBERTSON-DEMERS: Okay. And  
3 then the third category is a comment which was  
4 just disregarded and that would be, there is  
5 no documentation to say that it was ever  
6 considered.

7 Some of the things that, under  
8 SC&A Observation and Comment, that I think we  
9 should be looking for is: does the response  
10 directly speak to the comment?

11 Was the response complete? Was  
12 the response technically correct? And in that  
13 venue, I'm going to give you a fictitious  
14 comment and a fictitious response to  
15 demonstrate what I mean.

16 If the guy says, what is picked up  
17 by the film badge? And the NIOSH person comes  
18 back and says tritium is picked up by the film  
19 badge. That's what I'm talking about where we  
20 would make a statement and say that is an  
21 incorrect response, because the film badge  
22 does not pick up tritium.

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1           It's really not any deeper than  
2 that. Another thing is: did the response  
3 resolve generic issues as well as individual  
4 issues?

5           So, in other words, an individual  
6 may bring up a couple of incidents and the  
7 response may address his particular incident,  
8 but the concern, the overall reaching concern,  
9 is about incidents in general.

10           And then, were comments from site  
11 expert interviews considered collectively or  
12 selectively? And I'm going to give you an  
13 example of one of the most difficult comments  
14 we have come across to deal with. We're not  
15 sure where the boundaries are with respect to  
16 how we evaluate this.

17           So let me kind of give you some  
18 background. When I went out to the SRDB I  
19 told you I only found a couple of documented  
20 communications, they were from Roger Falk and  
21 Bob Bistline.

22           And I knew from my attendance at

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1 one of the Advisory Board Meetings where they  
2 voted on the petition, that there was at least  
3 one more interviewee that I could pull out.

4 And that was a supervisor who was  
5 involved in the thorium strikes. And if you  
6 all remember, NIOSH discussed their interview  
7 with him and how he was a very knowledgeable  
8 person and they basically considered that  
9 interview above a couple of documents which  
10 contradicted what he had said.

11 Now what we found was that there  
12 were a couple of interviews with this  
13 individual. The interview that I had  
14 requested from NIOSH came back and it was a  
15 drawing, a map, very few words.

16 The map listed, kind of drew an  
17 area in 771 where this process had worked.  
18 And it drew the areas out in 881 where the  
19 process had occurred.

20 It had a little notation down here  
21 that there was a U-233 strike in this area and  
22 then it showed the machine shop. And it was

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1 provided to me in February of 2011, with a  
2 note that said that -- okay, well, first of  
3 all it was signed by the person, the map.

4 And they put a documented  
5 communication cover sheet on it. And that  
6 documented communication was created the day  
7 before they shipped it out to me in 2011.

8 As I said, we found a couple of  
9 interviews with this individual, and the first  
10 interview was related to the thorium strikes.

11 It said "Name" could not tell us  
12 much about the thorium, some work was done in  
13 the uranium area. Thorium strikes, "Name" was  
14 in charge of the 233 Project, strikes in  
15 building 771, work on product in buildings 81  
16 and 883.

17 The thorium strikes had actually  
18 happened by the time they got to the 233  
19 project. "Name" does not know how the strike  
20 waste was handled, he was in building 81, his  
21 work was machining in building 81. And then  
22 it kind of goes on and talks about the rad

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1 controls. Okay?

2 The second interview was this map  
3 I was talking about. And NIOSH indicated: on  
4 May 15th, 2007, I contacted "Name," a former  
5 employee of the Rocky Flats, who was in charge  
6 of the U-233 special project which occurred in  
7 April 1965 in building 881, room 226.

8 This project involved the removal  
9 of thorium from uranium, the so-called thorium  
10 strike. "Name" provided the attached sketch  
11 showing where the thorium strike occurred.

12 I used this information while  
13 preparing a spreadsheet to analyze the air  
14 sample data associated with the thorium  
15 strike.

16 On May 16th, 2007 I added a note  
17 from my conversation with "Name" documenting  
18 the information he verbally provided me. The  
19 sketch was provided to OCAS on May 16th, 2007,  
20 but through oversight was not submitted for  
21 inclusion in the SRDB at that time.

22 When a request was made on

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1 02/15/11 by DCAS staff for information  
2 associated with this interview of "Name", this  
3 sketch was found and it was submitted for  
4 inclusion on the SRDB, 02/16.

5           There was a great deal of debate  
6 at the time over where these thorium strikes  
7 occurred. And, as I said, the sketch named  
8 specific areas in building 881 as crosshatched  
9 and labelled uranium 233 foundry, uranium 233  
10 machining, uranium 233 strike. U-233 is also  
11 identified in building 771, Room 134.

12           And this is all based upon a map.

13       Now the first concern that I had was: am I  
14 authorized to say that the two interviews are  
15 in conflict with one another with regard to  
16 the buildings? Is that a part of our  
17 evaluation process? And I'm going to add some  
18 more information on top of it to you.

19           We did review all of the  
20 interviews. And there were two other people  
21 who said that the strikes occurred in building  
22 771. What do we do with -- we got three

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1       comments, two of them conflict with one  
2       another, from the same person.

3               Are we allowed, in our SC&A  
4       observation comment, to bring out the fact  
5       that there were two interviews that seemingly  
6       conflicted and NIOSH should have resolved this  
7       before integrating it into the SEC process and  
8       the TBD?

9               That's what we're not sure of.  
10       Now I'm going to switch categories on you,  
11       okay. I just wanted to bring that example out  
12       because it is probably the hardest example to  
13       deal with as far as what is our role in the  
14       SC&A observation comment field. Okay.

15               The sources of feedback, and this  
16       is literally similar to the NIOSH response,  
17       but this is feedback sent directly to the  
18       commenter. Advisory Board Meeting responses,  
19       Working Group direct responses, Worker  
20       Outreach Meeting direct responses, letters,  
21       emails, and then documented telephone  
22       conversations with the commenter.

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1           Some of the questions that we had  
2 related to feedback is, for example, do we  
3 really need NIOSH to provide feedback to a  
4 site expert other than for them to allow that  
5 site expert to review their summary and  
6 approve it? That was a question we had.

7           Should we be doing an observation  
8 evaluation on a response that the Advisory  
9 Board provides? Should we be doing an  
10 evaluation on a response that DOL provides?  
11 And this is all in the context of an  
12 individual who's sitting at a NIOSH meeting.

13           Should we put a limit on the  
14 period of time in which we search for feedback  
15 to the worker? In other words, is it okay for  
16 NIOSH to take five years to provide the  
17 feedback or should we be looking within six  
18 months of the comment?

19           And then, is posting of a document  
20 to the website adequate as feedback? And the  
21 last thing that I wanted to do was, in the  
22 process of this review, I came up with some

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1 questions for NIOSH that I needed an answer  
2 for.

3 CHAIR BEACH: Are those separate  
4 from the twelve you sent to us?

5 MS. ROBERTSON-DEMERS: Yes. Yes.  
6 There was a Health Physics Journal article  
7 that was put out, and as a part of that NIOSH  
8 sent out, apparently, the interview summary  
9 and a release form saying that it was --  
10 asking whether it was okay or whether it  
11 needed changes.

12 And there were -- oh, probably  
13 eight to ten of those which were provided  
14 through Chris. And my question on that is, to  
15 which interviews do those releases correlate?

16 MR. KATZ: I mean, things like  
17 that it seems like, if you're doing your work  
18 and sort of taking the questions that you  
19 might have, I mean, do we need to do these at  
20 the Work Group level? Because --

21 MS. ROBERTSON-DEMERS: I can do  
22 them either way. I mean, I can go through

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1       them real quick, there's four of them.

2                   MR. KATZ:   I know, but --

3                   CHAIR BEACH:       What does NIOSH  
4 prefer?   Do you prefer Kathy to send you a  
5 list of questions that she has and --

6                   MS. ELLISON:   This is Chris.  That  
7 would work fine.

8                   MS. ROBERTSON-DEMERS:  Okay.

9                   MS. ELLISON:   It would probably be  
10 better.

11                   CHAIR BEACH:   That way you have a  
12 chance to review them and not have them  
13 pulled.

14                   MS. ELLISON:   Right.

15                   MS. ROBERTSON-DEMERS:       And then  
16 that's it.

17                   CHAIR BEACH:   And I'm sure, Kathy,  
18 when you send them out you can send them to  
19 the entire Work Group so that we know what's -  
20 -

21                   MR. KATZ:   Yes.

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

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1 That's the end.

2 CHAIR BEACH: Okay. So I have a  
3 question for the Work Group. It's 10:21, do  
4 you want to break?

5 MR. KATZ: Do we want a five-  
6 minute break?

7 CHAIR BEACH: Before we just get  
8 started. Let's do that, ten minutes?

9 MS. ELLISON: Ten minutes is a  
10 good idea.

11 MR. KATZ: Ten-minute comfort  
12 break.

13 CHAIR BEACH: 10:31. That's ten  
14 minutes exactly.

15 (Whereupon, the meeting went off the record at  
16 10:22 a.m. and resumed at 10:34  
17 a.m.)

18 MR. KATZ: So we're going to  
19 restart, but can I --

20 CHAIR BEACH: Arjun, are you going  
21 to send that to Betty?

22 DR. MAKHIJANI: I have Kathy's

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1 email, these are the questions. I can send it  
2 to everybody I have, see if I've got everyone  
3 on my list.

4 MR. KATZ: So, Jenny, what's your  
5 email?

6 MS. LIN: I-T-E.

7 MR. KATZ: I-T-E.

8 MS. LIN: Nine.

9 MR. KATZ: Excuse me, I didn't get  
10 that.

11 DR. MAKHIJANI: ite9@cdc.gov?

12 MR. KATZ: Yes.

13 MEMBER SCHOFIELD: I am online.

14 MR. KATZ: Okay. Thanks, Phil,  
15 there's some reverb with your speaking for  
16 some reason. But glad to have you, Phil.

17 MEMBER SCHOFIELD: Okay. I did miss  
18 your conversation on the hand badge. I'll hang  
19 up and redial in.

20 MR. KATZ: Okay. Thanks.

21 CHAIR BEACH: Okay. So Kathy had  
22 sent out 12 questions for the Work Group to

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1 answer so that she could continue with her  
2 Rocky Flats review, this was --

3 MR. KATZ: Could you just give us  
4 the date of the email so we --

5 CHAIR BEACH: June 17, I believe  
6 it went out. And there was a earlier version  
7 that went out in May, mid-May, I believe.

8 MS. ROBERTSON-DEMERS: You mean  
9 the original questions I sent out?

10 CHAIR BEACH: The original.  
11 Anyway, so there was two versions of this.  
12 This is a little more streamlined. So the  
13 first question, "What does the Working Group  
14 hope to gain from Objective 3 review?" The  
15 Objective 3 review plan outlined three  
16 objectives of the review.

17 The first bullet is identified in  
18 documenting substantive worker comments.  
19 Second bullet evaluating if this information  
20 was considered for incorporation into the  
21 Technical Work Documents.

22 Third bullet is assessing how DCAS

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1       communicated the impact of the substantive  
2       comments to the worker providing the comments.

3               The question is: is this still the  
4       goal of the review? I have Mike's answers, he  
5       emailed them to me last night. I believe  
6       that, yes, that is still the focus or the  
7       goal. Wanda?

8               MEMBER MUNN: No, I think the goal  
9       was stated too broadly when we were first  
10      putting this together. I think we were trying  
11      to make sure that we covered all bases and  
12      that we weren't going too far afield.

13              But the underlying heartstring  
14      purpose for our having established this Work  
15      Group at the outset was to respond to workers  
16      who felt that their comments were not being  
17      considered at all.

18              The genuine feeling, among many  
19      people, was: I bring you an issue, I tell you  
20      something that's important and you don't even  
21      pay any attention to what I've said.

22              And the purpose that we discussed

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1 in earlier meetings was we need to do  
2 something to make sure that, first of all, the  
3 comments were given some attention of some  
4 sort.

5 And, two, that the worker  
6 understands that we have not always agreed  
7 with the comment or incorporated it, but have  
8 paid attention to it. So identifying and  
9 documenting worker comments, yes, I believe  
10 that certainly is a part of the goal.

11 Evaluating this information for  
12 incorporation into Technical Work Documents,  
13 whether it was incorporated, is a tough job  
14 but, yes, that's a part of the goal. I don't  
15 think that number three really and truly is a  
16 part of the goal.

17 Because assessing how DCAS  
18 communicated their impact of substantive  
19 comments to the worker is a judgment call  
20 which you could get 15 different responses  
21 from if you asked 15 different people.

22 Further, it is beyond the scope of

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1 our original discussions about the purpose of  
2 the entire Work Group, because we would be  
3 hard-pressed to communicate the impact of what  
4 the comment was.

5 How could one even begin to  
6 evaluate what the impact of the comment was?  
7 I think it's an impossible task and one that  
8 oversteps the original purpose of our intent.

9 CHAIR BEACH: I think you make a  
10 good comment there, Wanda. Kathy, can you  
11 respond? Is there a way to maybe bring that  
12 into more of a focus so it's not so  
13 encompassing, like Wanda said?

14 MS. ROBERTSON-DEMERS: The way I  
15 interpreted that was pretty much -- the way I  
16 interpreted that was actually much simpler  
17 than it sounds. And it was, was the person  
18 provided with feedback?

19 CHAIR BEACH: Okay. And that  
20 makes sense to me, if that's, in essence, all  
21 you're doing is: was the person provided  
22 feedback?

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1                   MEMBER MUNN:     And if the third  
2                   statement there says, was feedback provided to  
3                   the commenter, then that would, from my  
4                   perspective, be a legitimate incorporation of  
5                   what our stated original purpose was.

6                   CHAIR BEACH:    I agree.

7                   MR. KATZ:     Phil, were you able to  
8                   hear that?

9                   (No response.)

10                  MR. KATZ:     Phil, do we still have  
11                  you?    Do we have other people on the line,  
12                  anyone?

13                  MS. LIN:     Jenny's still here.

14                  MR. KATZ:     Okay.     Good, I just  
15                  wanted to make sure the line was live, but  
16                  maybe Phil's having other troubles with his  
17                  phone.

18                  CHAIR BEACH:    Okay.     So I think  
19                  with that, just that understanding of that  
20                  third goal, can we move on?  Are you okay with  
21                  that?    The second question was, "Should we  
22                  establish an end date for capturing worker

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1       comments?"   And that I know is a hot topic.

2                   MR. KATZ:   That's a hot topic.

3                   CHAIR BEACH:   So who would like to  
4       start with their opinion?   I've got Mike's  
5       written and I'll read that in later.

6                   MR. KATZ:   Well, I'd like to get  
7       some context for that to start with.

8                   CHAIR BEACH:   Okay.

9                   MR. KATZ:   And Kathy gave some  
10      dates of different TBDs and other items that  
11      might be relevant and I would just flesh that  
12      out a little bit more.   Each of the TBDs for  
13      Rocky Flats has a date on it.   I don't know, I  
14      can't tell you, she mentioned some of them,  
15      but I can't tell you off the top of my head  
16      what they are.

17                   You know, the TIBs, whatever, that  
18      are specifically for Rocky Flats will have a  
19      date on it too, and of course the SEC action  
20      has a date on it too.   And this evaluation is  
21      supposed to be looking at how the comments  
22      that were received were taken into account in

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1 these products.

2 So my view, in terms of just being  
3 scientifically valid here, I mean, you can  
4 only consider comments that came in in time to  
5 be considered for those products.

6 If you're considering comments  
7 that came in after, obviously you can't look  
8 at the product and say why isn't it there?  
9 Because the comment came in after the product  
10 was produced.

11 CHAIR BEACH: Right.

12 MR. KATZ: So I don't think, well,  
13 just I hope a friendly amendment to what Kathy  
14 was saying about one possibility, which is to  
15 set the date according to one of these dates.

16 I think you set the date for comments based  
17 on the specific document that they relate to.

18 So if someone gives a comment  
19 that's related to the internal TBD and the  
20 internal TBD was finished in 2010, or whatever  
21 it was, I'm throwing it out, I probably got  
22 the date wrong.

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1           But if that was the date when the  
2 internal TBD was last revised, you would look  
3 at any comments that were received prior to  
4 that, to see whether they were taken into  
5 account on the TBD or not and why.

6           But you wouldn't look at a comment  
7 related to that internal dose reconstruction,  
8 in other words, that came in after that  
9 because it's not going to show up.

10           You have your answer already, of  
11 course, it's not taken into account, it was  
12 received after the product.

13           So that was one of my comments  
14 that I fed back in emails to you all as a  
15 suggestion, and which I'll lay on the table  
16 now.

17           MS. ROBERTSON-DEMERS: Okay, and I  
18 understand your point, Ted, but the comments  
19 that are made sometimes would change a TBD or  
20 go into account for maybe making a change to a  
21 TBD, so comments after those dates, I would  
22 think that we would want to capture them, just

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1 to know what the comments were.

2 But keeping in mind the date that  
3 they were received and maybe that they would  
4 look at them, NIOSH may respond to them,  
5 because NIOSH is not going to not respond to  
6 comments just because they were made after a  
7 certain date. They still have an obligation  
8 to respond to all comments that come in,  
9 correct?

10 MR. KATZ: I mean, that's true,  
11 but the heart of this, again, was to say what  
12 kind of product was produced and how is the  
13 worker input reflected in it?

14 And so to -- you don't have a  
15 product for the others. And so then for this  
16 Work Group to get in the role of saying, well,  
17 you've received comments more recently, what  
18 are you going to do about that? -- is a whole  
19 other issue and I don't think it's really the  
20 provenance of this Work Group to get into how  
21 are you updating, revising your TBDs in the  
22 future or similarly --

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1                   MS. ROBERTSON-DEMERS:     But isn't  
2     our role as a Work Group also to look at  
3     worker comments and how NIOSH responds to them  
4     in general?     Not just -- because we never  
5     really discussed the fine points that you  
6     bring out now on the products and when the  
7     comments and when the end line date was for  
8     these comments.

9                   MR. KATZ:        No, we didn't ever  
10    discuss them.    I think they were implicit in  
11    discussion that we all -- there's a ton of, if  
12    you look.

13                   I know you read the transcript, I  
14    read the previous transcripts.  There's a lot  
15    of discussion about, this was retrospective  
16    based on the records kind of review.

17                   It makes sense to me, of course  
18    there are more comments to consider but I  
19    don't even know why -- I mean, we already have  
20    what, 500 and -- remind me -- 549.

21                   MS. ROBERTSON-DEMERS:   Up to March  
22    of 2011.

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1           MR. KATZ: We have a wealth, we  
2           have a plethora of comments and we're not  
3           trying to like expand our universe here to  
4           make our job more difficult.

5           Let me make a remark that relates  
6           to this, because I think a lot of my comments,  
7           and this is one, but also sort of dovetails  
8           nicely with the other issue that SC&A put on  
9           the table, which Kathy laid out. Kathy laid  
10          out a couple of options for going forward,  
11          right.

12          And I would lay out another option  
13          because the issue is resources, how much  
14          resource we're spending. We've gone through  
15          all the resources for the Worker Outreach  
16          Group for the whole year already in six  
17          months, okay?

18          So we expended everything we  
19          expected to expend and now we're going into a  
20          new budget, basically. We're going to double  
21          the budget or double and a half the budget for  
22          this activity, which gives me concern.

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1                   And I'm happy to give you more  
2 context as to how that kind of expenditure  
3 relates to SECs and so on. It's high.

4                   So here's what I would suggest. I  
5 mean, when you have, in this case, what, 540  
6 data points, whatever, inputs, basically, I  
7 mean, normally what you do in the evaluation  
8 world, if someone was coming to CDC and  
9 proposing an evaluation project and bidding on  
10 it, you know, they would do a sample.

11                   They wouldn't do a census and  
12 evaluate all 540 comments and all the  
13 responses to those comments and so on. And it  
14 sort of relates to what Kathy was saying, you  
15 know, and she was talking about amalgamating  
16 some comments that are common in terms of  
17 their responses.

18                   But the normal way you deal with  
19 this in evaluation research is you do a  
20 sample, a representative sample.

21                   In this case, I think you'd  
22 probably want to stratify that sample.

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1 Because you have sort of different inputs and  
2 so on and you'd probably want to capture that  
3 in your representative sample.

4 But that would make this all much  
5 more manageable, would allow you to go much  
6 more deeper in the comments that you do deal  
7 with and the responses would allow this sort  
8 of interview and so on to really get to the  
9 bottom of how did DCAS deal with this, if you  
10 don't find documentation, if that's what you  
11 want to do.

12 But instead of dealing with 540  
13 comments and responses and so on, you know,  
14 you'd be dealing with 54 or whatever. I mean,  
15 it's just a much more manageable project and  
16 we're not blowing the budget out. And so  
17 that's my sort of general suggestion.

18 Because, again, we're trying to  
19 get to answers. You're not trying to evaluate  
20 every comment. That's not the point, the  
21 point is to see how is the system working and  
22 what improvements can you make.

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1                   And you can get that from a  
2 representative sample perfectly. That's what  
3 they're for. And that's what you do in  
4 science. I'd just throw that on the table for  
5 you guys to consider.

6                   MS. ROBERTSON-DEMERS: Do you want  
7 some dates for the TBDs?

8                   DR. MAURO: This is John. Let me  
9 just help out a little bit. We are at -- the  
10 amount of money we've spent so far, we  
11 originally, back in January, estimated that  
12 the job would cost \$100K. We are actually at  
13 \$68,000 as of the end of May.

14                   So there is some, you know,  
15 there's about \$30,000 left from what  
16 originally planned. And you are correct,  
17 though, the projections will, if we -- so  
18 we're under budget -- right now, we have in  
19 the bank, so to speak --

20                   MR. KATZ: Well, let me correct,  
21 let me just understand that, John.

22                   DR. MAURO: Yes.

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1                   MR. KATZ:        Because my budge  
2                   figures from, and I checked them for each  
3                   month, we had put aside \$70,000 for this. I  
4                   mean it's in each of the budget reports,  
5                   monthly budget reports that goes to the Board,  
6                   \$70,000. And we have spent basically \$70,000.

7                   DR. MAURO:    Yes, we're actually at  
8                   68.     Okay, well, my recollection back in  
9                   January is, this was during a meeting, I  
10                  estimated that the job would cost about \$100K.  
11                  You're probably citing some other --

12                  MR. KATZ:    I'm citing the actual -  
13                  -

14                  DR. MAURO:    You're correct.

15                  Okay,     just     for     the     Board's  
16                  knowledge, we were at \$68K at the end of May,  
17                  and certainly if we do another 1,000 work  
18                  hours, assuming on the order of just roughly  
19                  \$100 per work hour --

20                  MR. KATZ:    \$112.

21                  DR. MAURO:    Where are we going to  
22                  come out if we go the additional 1,000 work

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1 hours?

2 MS. LIN: Hi, Ted, this is Jenny.

3 MR. KATZ: Yes.

4 MS. LIN: I just have a couple  
5 comments to kind of dovetail what you guys are  
6 saying. My concern is that when -- my  
7 understanding of this Rocky Flats evaluation  
8 is that this is sort of like a snapshot of  
9 what DCAS has been doing in terms of  
10 responsiveness to worker comment.

11 So I think what would be really  
12 helpful is for this Work Group, at the end of  
13 this project, to come up with a list or  
14 recommendations so that NIOSH can take that  
15 set of recommendations and couple that with  
16 simultaneous review of customer service and  
17 form a cohesive implementation plan.

18 So I don't know if we necessarily  
19 need to see this end date as a one size fits  
20 all for this entire worker outreach activity.

21 So if we can just get a sense or  
22 agree on principle that we want to do certain

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1 samples, we want to sample certain technical  
2 documents and then perhaps the Work Group can  
3 decided when should be the end date for when  
4 those documents should be reviewed.

5 More of a tailored type of end  
6 date determination, instead of having this  
7 one-size-fits-all. And also keep in mind that  
8 these technical documents are considered  
9 living documents.

10 And then there are also site-  
11 specific Work Groups that are considering  
12 these technical inputs. So I just don't want  
13 us to be replicating efforts and overspending  
14 our resources.

15 DR. MAKHIJANI: Can I make a  
16 comment on what you said, Ted?

17 MR. KATZ: Yes.

18 DR. MAKHIJANI: I think, you know,  
19 I agree if we're assessing how NIOSH, and this  
20 is obviously without having discussed it with  
21 SC&A, I'm just responding from a personal  
22 point of view.

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1           I actually think, out of 549 I  
2 would suspect that 150 relate to high-fired  
3 oxide in there; 150 are probably one comment.

4           But taking the spirit in which you  
5 said, evaluating how NIOSH is responding to  
6 comments so that you could dig deeper if we  
7 sampled, and so I generally agree with that  
8 comment.

9           And what I would suggest is that  
10 we've got the list of 549, that can be part of  
11 an attachment to the report or something.

12           And then we make a judgment about  
13 which are technically important, as SC&A sort  
14 of is working for the Board, Working Group can  
15 make their own judgment. Because you'll have  
16 the 549 anyway. That work is done, doesn't  
17 require any more resources.

18           And then we follow up and dig  
19 deeper into those particular comments and that  
20 way, I think, you'll get depth and adequate  
21 breakdown. I don't know how many we should  
22 choose, but I haven't had a look at the 549.

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1                   MR. KATZ:     Well, I think a ten  
2     percent sample of that size population is a  
3     pretty healthy sample, so it's just --

4                   DR. MAURO:    This is John, I have  
5     to jump in because, Arjun, I don't agree.  And  
6     Ted also.  I have a different perspective.  
7     We have 549 comments.  Okay, we've captured  
8     that, that's a major accomplishment in itself.  
9     What do we want to know about them?

10                  We don't want to know which ones  
11     are important and which ones are not  
12     important, that's not important to our mission  
13     here.

14                  We want to know whether or not the  
15     people who made those comments feel as if they  
16     were treated right.  That their comment was  
17     heard, whether or not the answer is correct,  
18     complete, that's a different subject.

19                  That is not, in my opinion, what  
20     we're about.  I'm just offering you my  
21     perspective.

22                  MEMBER SCHOFIELD:  You know, John,

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1 I'll agree with that.

2 DR. MAURO: Yes, we're about  
3 saying, listen, you had 549 comments come in  
4 from 549 people.

5 CHAIR BEACH: No --

6 DR. MAURO: Maybe some of them  
7 you're right, maybe the answer is half of them  
8 are high-fired plutonium. That's not  
9 important, what's important is each one of  
10 those people, and this goes to the heart, I  
11 think, of this, did each one, did NIOSH get  
12 back to each one of those people and let them  
13 know, listen, we heard your comment and this  
14 is how we're dealing with it.

15 That's what Kathy referred to as  
16 the direct response. In my mind, if the  
17 record shows that NIOSH got back to each one  
18 of those 549 people, or the people that made  
19 those 549 comments, I'm sure some people made  
20 multiple. So maybe let's say it's 300 people,  
21 I don't know how many people there are.

22 MEMBER MUNN: It was a hundred and

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1 some.

2 DR. MAURO: But let's say it turns  
3 out that NIOSH got back to those people, and  
4 it's on the record somewhere. Let me tell you  
5 something, that would be a tremendously  
6 positive statement. The fact that they called  
7 them up or emailed them or did something.

8 If it turns out it's indirect I  
9 don't think that's very satisfactory. The  
10 very fact that the answer to a person's  
11 concern can be found on Page 27 of TBD  
12 something, that's not what we're about.

13 I mean, I think that's information  
14 that's valuable. So that the Board knows that  
15 yes, these people did raise issues, whether  
16 they were important or -- you know, and the  
17 issue has been addressed in the document.  
18 Certainly getting that as a product, but I  
19 think that's a secondary product, the fact  
20 that we would acknowledge that.

21 But I think the real purpose here  
22 is, and here's where I feel that there really

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1 shouldn't be a cutoff and there shouldn't be a  
2 linkage between the person's comment and what  
3 document it pertains to and --

4           It just gets very simple. A  
5 person made a comment, and whatever the venue  
6 was, the question is: did NIOSH get back to  
7 them? And did they talk to them and did they  
8 give them that satisfaction?

9           This is, in my opinion, one of the  
10 biggest concerns I have. I think that's what  
11 the petitioners are concerned about, they're  
12 not being heard. And I think we can't lose  
13 sight of that.

14           MR. KATZ: John, a couple of  
15 things just to say, while you're doing that,  
16 I'm talking about methodology, not end outcome  
17 here, and I think Arjun was too.

18           And whether you do it by a sample  
19 or you do a census, which is much more  
20 expensive, and, sure, that's good if you want  
21 a lot of work but it's much more expensive  
22 when we're talking about Board resources here.

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1 DR. MAURO: I'm okay with, I  
2 approve that. I think a random sample is one  
3 way. I mean, I'm offering this up to -- in my  
4 opinion we want to walk away from this work  
5 product saying, and this is a pilot study,  
6 remember, we're just doing a pilot study, and  
7 we're using, we happened to pick Rocky.

8 Whether or not, out of all the  
9 people that commented and the comments they  
10 made, we want to get a sense of how  
11 responsive, directly, NIOSH was back to those  
12 people so that they feel as if they were  
13 heard. If we get that much out of this, we've  
14 done a lot.

15 CHAIR BEACH: Okay. Kathy --

16 DR. MAURO: If it turns out, if we  
17 find that only 20 percent of the people really  
18 were ever directly dealt with, I would say,  
19 listen, you've got to beef that up a little  
20 bit. If we find that 80 percent -- and don't  
21 forget, Rocky was before all of these  
22 procedures.

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1           And if turns out 80 percent were  
2 actually gotten back to directly, where  
3 someone made a call or email or whatever, I  
4 would say that shows they're really on a good  
5 -- even though this goes back a few years, not  
6 bad. I mean, I'm looking at it really simply.

7           If we can get more out of this,  
8 great. And, Ted, I would agree with you, a  
9 sample of people or comments and not doing  
10 maybe -- trying to track every one.

11           And quite frankly I would even say  
12 let's say we do the best we can. Let's say we  
13 take a sample of whatever percent and we see  
14 if in fact it was a direct response or an  
15 indirect response.

16           But we don't have to turn over  
17 every stone, we can do the best we can within  
18 reason to see the exact date it was dealt with  
19 either directly or indirectly, and then make  
20 our report.

21           And NIOSH could certainly say  
22 well, no, no, no, on this comment we actually

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1 did respond, it's over here. That would be  
2 part of the issues resolution. But I think  
3 that we can't -- I agree with you, we can't  
4 load ourselves down with too much expectation.

5 I'm actually, in a way, saying: let's do a  
6 little less. Let's just simply, if you want  
7 to go with a sample, that's fine, because  
8 that'll work.

9 And simply ask the question: did  
10 this person get an answer to his question or  
11 not? And that's, in my mind, our main goal.

12 MR. KATZ: Okay. Kathy wants to  
13 say -- but just to elaborate, I mean, it isn't  
14 just did they get a response, it is also,  
15 which was key to this whole endeavor, you  
16 know, did NIOSH consider the comment in a  
17 substantive way with respect to their  
18 machinery for dose reconstruction in the SEC?

19 You can't let that fall off the table.

20 MS. ROBERTSON-DEMERS: No.

21 DR. MAURO: Well, you know  
22 something? I'm sorry, my reaction right now

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1 is that this question of "substantive" goes to  
2 the heart of what's a substantive comment, a  
3 judgment has to be made, and whether or not it  
4 was a complete and accurate response. I'm a  
5 little troubled by that.

6 Because what that does is it  
7 starts to get into the technical aspects of  
8 this thing. Whether the answer was good,  
9 whether it was right, was it complete. We're  
10 actually getting into, you know, what you  
11 would call Site Profile issues. I don't think  
12 we want to go there.

13 MR. KATZ: But, John, you can  
14 avoid that still. You don't have to debate  
15 whether the technical solution, so to speak,  
16 was the one you would choose. You can just  
17 simply get into the issue of: did this comment  
18 ever get consideration in a technical way or  
19 not?

20 DR. MAURO: I agree.

21 MR. KATZ: And leave it at that. I  
22 mean, you could leave it at that.

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1 DR. MAURO: And I agree with that.

2 Okay. All right, good.

3 MR. KATZ: Thanks. But, Kathy,  
4 sorry for making you wait.

5 MS. ROBERTSON-DEMERS: Number one,  
6 some of these comments have been seen through  
7 to the end and some of them are beyond the TBD  
8 date. And regardless of what date you choose  
9 I think they should be included, because  
10 they're done. Okay?

11 And number two, I wanted to throw  
12 out some dates for you, okay? The external  
13 TBD was last issued 10/20/10. Internal was  
14 issued 08/17/2007.

15 Environmental was 04/23/2007.  
16 Medical was 04/23/2007. The site description  
17 was 02/01/2007. The latest version of the DR  
18 Guidelines that we have was issued 05/08/2009.

19 The Petition Evaluation Report  
20 came out 04/07/06. The TIB on glove boxes,  
21 which is relevant to Rocky, came out  
22 06/18/2010. The Rocky Flats internal coworker

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1 model was issued 12/07/2006. High-fired oxide  
2 OTIB came out 11/29/2010, the latest version.

3 MR. KATZ: Just responding to your  
4 thing about some of these are done, but I  
5 don't see, if it's beyond the date of the TBD,  
6 it may be done but it obviously didn't take  
7 into account whether the document, I mean, it  
8 came out after the document was produced. So  
9 you didn't take that element into account,  
10 because the answer's no --

11 MS. ROBERTSON-DEMERS: Sometimes  
12 the answer occurs before the comment. So in  
13 other words --

14 MR. KATZ: Yes, but it's --

15 MS. ROBERTSON-DEMERS: I'm  
16 concerned about einsteinium, blah, blah, blah.

17 And you go back to the TBD, even though it's  
18 from 2007 and they've got an approach --

19 MR. KATZ: No, I understand, but  
20 then it's not in response to the comment that  
21 they made the change, obviously, because they  
22 received the comment afterwards.

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1                   So you're just saying that there's  
2                   a satisfactory answer to their question there  
3                   but that's not what this evaluation is  
4                   evaluating.

5                   It's evaluating how they're  
6                   responding to comments, not how things ought  
7                   to be taken into account.

8                   MR. STIVER: This is John Stiver.

9                   Could I say something here? I think Jenny  
10                  raised a very good point in that these are  
11                  living documents and that, you know, in a  
12                  broader sense, we may have picked Rocky for a  
13                  particular pilot study. And granted there's  
14                  a SEC granted at a certain point in June of  
15                  2007 and there's certain TBDs and revisions  
16                  have occurred since then, up until about 2010.

17                  But I think there are comments  
18                  that are going to be continually gathered and  
19                  incorporated and addressed by NIOSH and these  
20                  oftentimes do result in new revisions to  
21                  technical documents.

22                  And in evaluating how well these

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1 comments have been addressed from a process  
2 standpoint, I mean, I can see us really as the  
3 reporters not the Opd type people.

4 We're tryng to interpret whether  
5 these were adequate comments, technically,  
6 we're just getting down the record of what  
7 took place. And so from a practical  
8 standpoint in addressing the objectives of the  
9 study, I really don't see that an endpoint  
10 applies.

11 MR. KATZ: I strongly disagree. I  
12 strongly disagree, but --

13 DR. MAKHIJANI: I think the  
14 comment is simply, I think it's a logical  
15 comment, if this is about how NIOSH is  
16 responding to comments.

17 We have to look after the date of  
18 the comment, obviously. I mean, we can't look  
19 before the date of the comment. It's just a  
20 sequencing problem. But Ted is commenting on  
21 it.

22 MR. KATZ: Up to the date of the

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1 document, whatever, the response.

2 DR. MAKHIJANI: Yes. But the  
3 document responding has to be after the date  
4 of the comment.

5 MR. KATZ: Right. Well, that just  
6 --

7 MS. LIN: Well, let me clarify  
8 what I meant by "living document." I don't  
9 mean to encourage SC&A to continue evaluating  
10 NIOSH's responsiveness to worker comments, you  
11 know, day after day. I'm actually -- I mean,  
12 especially since this is a Work Group and your  
13 work has to have a definitive end project and  
14 end product.

15 So what I'm trying to encourage  
16 the Work Group to think about is that -- what  
17 would be really helpful to DCAS is that you  
18 can provide some systematic recommendation.

19 So if you find something that has  
20 occurred throughout time or throughout this  
21 project, then those would be good nuggets to  
22 share with DCAS.

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1           You know, a Work Group isn't  
2 necessarily a auditing body of the agency that  
3 could get going on every single comment and  
4 every single response.

5           And I think what would be really  
6 effective use of the resources in this case is  
7 that in light of the fact that these are  
8 living documents, you do a retrospective  
9 study, a sample of the comments and responses,  
10 and you present those findings to NIOSH.

11           And so NIOSH could implement,  
12 going forward, a more cohesive way of  
13 addressing these customer service issues more  
14 comprehensively.

15           MR. KATZ: Let me flesh out my  
16 strong disagreement with John's, so you'll  
17 understand where that's coming from. So let's  
18 take the extreme example.

19           We're doing Rocky Flats. NIOSH  
20 has received a comment last month on Rocky  
21 Flats. Are you going to look at that and say,  
22 oh, what has NIOSH done?

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1           I don't think so.    Because it's  
2   not even a fair question.   Okay, so then let's  
3   back up.   Six months ago they received a  
4   comment, what have you done?   It's again, why  
5   are you even getting -- so is six months a  
6   reasonable time for NIOSH to have changed the  
7   TBD, or a year?

8           You don't need to get into those  
9   questions.   And you don't need the Board in a  
10  role where it's in effect sort of auditing in  
11  real time how NIOSH is revising its TBDs based  
12  on incoming comments.

13           And that's sort of the venue  
14  you're starting to get into that now you have  
15  the Board looking over their shoulder and  
16  saying, well, have you responded yet, have you  
17  done something yet on these comments you've  
18  received?

19           And my point is simply, yes, you  
20  could do that, but you have a wealth of  
21  comments that fit within the scope prior to  
22  these documents coming out.

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1                   Why on earth do you need to go to  
2                   the later comments, what are you going to  
3                   learn by going to comments that were received  
4                   after that you're not going to learn from the  
5                   comments that were received before the  
6                   documents?

7                   And with the advantage that you  
8                   actually have the final document that resolves  
9                   whether they took it into account or not. So  
10                  I just don't see the gain there, but I see a  
11                  lot of expense there.

12                  MR. STIVER:     I understand your  
13                  point.     However, I strongly agree with your  
14                  suggestion about using stratified sampling.  
15                  That's a really good idea, certainly as a way  
16                  to control costs.

17                  I'm just concerned that -- and I  
18                  can also see, you know, you get something last  
19                  week or last month, sure, no one's going to,  
20                  NIOSH is not going to have a chance to  
21                  respond.

22                  However, how about a year ago? It

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1 might give you some information, you know, as  
2 far as customer service about the timeliness  
3 of responses and the process time that's  
4 required for that kind of thing.

5 So I understand your point that,  
6 you know, here we're got a document, we know  
7 what went into it, we know what comments were  
8 made, we know what was addressed, how old were  
9 those addressed, I can understand that.

10 But also this issue with the  
11 living document and being responsive  
12 throughout time as these things are approved  
13 and develop is also an important point.

14 CHAIR BEACH: There's one open item  
15 I'd like to make a comment to.

16 MEMBER MUNN: Well, let's get  
17 really down into the weeds and begin to define  
18 terms here. Not quite what "is" means, but  
19 what does "we" mean here? Should we establish  
20 an end date for capturing worker comments.  
21 Who is "we?"

22 MS. ROBERTSON-DEMERS: The Work

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1 Group.

2 MEMBER MUNN: Is "we" SC&A? Is  
3 "we" the Work Group? Is "we" the Board? Who  
4 is "we?"

5 MS. ROBERTSON-DEMERS: The Work  
6 Group.

7 MEMBER MUNN: And if "we" is the  
8 Work Group, then one thing that needs to be  
9 kept in mind is the Work Group should be  
10 making every effort to define an end date of  
11 its own.

12 So when are we going to stop doing  
13 this small goal that we set out, which was to  
14 identify worker comments that were of concern  
15 and making sure that they were considered and  
16 responded to.

17 If that is going to continue to be  
18 our goal, and we've already said right here  
19 today it is, then capturing worker comments is  
20 not the issue.

21 The real issue is: have we seen,  
22 when we're done with this, from what we've

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1 done, that the process that NIOSH has gone  
2 through has been reasonable and that they have  
3 met, within reasonable boundaries, the concern  
4 that we've expressed here.

5           Were the workers right? Was NIOSH  
6 doing the best it could? That's really the  
7 bottom line here. So whether or not we  
8 establish an end date for capturing worker  
9 comments, worker comments are likely to go on  
10 as long as this program exists.

11           And the best we can do, the best  
12 any Work Group could do, is to say to this  
13 date, in this particular small portion of what  
14 we've looked at, either these goals that we  
15 have looked at were met to some degree or they  
16 were not.

17           That seems to me to be the best we  
18 can do. So an end date probably doesn't --  
19 even if we establish an end date the comments  
20 are going to continue to occur. And we are  
21 not, hopefully, going to stay around to look  
22 at it.

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1 DR. MAURO: Wanda, throw a date  
2 out, let's hear one.

3 CHAIR BEACH: Okay. John, I'd  
4 like to say first of all, I think we need to  
5 remember that this is a pilot. This is our  
6 first attempt at reviewing a site. So I don't  
7 think we should spend all our money here when  
8 I know we want to do other sites, potentially.

9 And if we look back at our second  
10 bullet it says we are evaluating this  
11 information that was considered for  
12 incorporation into technical work documents.  
13 I think that brings it right back to the end  
14 dates of the technical work documents.

15 And I think that we need to end at  
16 those technical documents. I'm not saying  
17 that the worker comments are not important  
18 after those dates. But we set up to review  
19 the technical work documents, which is, I  
20 believe, what was stated earlier.

21 I also agree with the sampling. I  
22 don't know how that would all work. I'd need

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1 some more information and maybe a technical  
2 call for us to set up how would we pinpoint  
3 that sampling.

4 I think it's a good idea. And if  
5 we can get into more depth doing that I think  
6 that, this is just my opinion, I think that  
7 that's where we should go.

8 I also want to review what Mike  
9 has written for that question. And he says,  
10 "I don't believe it was our intent to  
11 establish an end date and I still feel that  
12 way. However, if we can demonstrate there are  
13 problems with the work done to date, we have  
14 established one point.

15 NIOSH needs to get started and go  
16 back and reevaluate work products and the DRs.

17 We could pause the search while we monitor  
18 NIOSH correcting the errors thus far.

19 Then continuing to go further back  
20 in time to determine the extent of these  
21 shortcomings and additional DRs that need to be  
22 reevaluated. I believe this would be the

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1 point we would have to transfer this group to  
2 a subcommittee."

3 Mike also said that these were  
4 just his quick opinions but he would defer to  
5 what our judgments and thoughts are during  
6 this meeting as well. And, Phil, we haven't  
7 heard from you yet.

8 MEMBER SCHOFIELD: Yes. You know,  
9 the trouble is, it's just kind of an  
10 artificial thing, just like it's already been  
11 suggested, the fact that we run into this  
12 problem of, there may be comments coming later  
13 on, people who are new to this program, that  
14 might actually change the TBD.

15 CHAIR BEACH: And, again, that  
16 would be for future TBDs. Our goal was to  
17 look at the current technical work documents  
18 based on our own bullets that we established.

19 MEMBER MUNN: That's been done.

20 CHAIR BEACH: Kathy?

21 MS. ROBERTSON-DEMERS: I can go  
22 down the list of the TBD and OTIB directly

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1 relevant dates and I can marry up my  
2 categories with those dates. Some of them are  
3 not going to be clear-cut.

4 CHAIR BEACH: I expect that.

5 MS. ROBERTSON-DEMERS: I mean, I  
6 can give you that information.

7 CHAIR BEACH: Okay.

8 MS. ROBERTSON-DEMERS: But I will  
9 tell you that the last DR Guidelines were  
10 05/08/09.

11 CHAIR BEACH: Okay. And I think  
12 that that's --

13 MS. ROBERTSON-DEMERS: And that is  
14 one of the documents we're looking at to see -  
15 -

16 CHAIR BEACH: But I think at the  
17 end is that the documents are behind and they  
18 need to be reviewed and updated then that's  
19 part of our recommendation at the end of this  
20 also.

21 MS. ROBERTSON-DEMERS: And one of  
22 the things that Arjun said I actually disagree

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1 with.

2 CHAIR BEACH: Which is that?

3 MS. ROBERTSON-DEMERS: Let me give  
4 you an example of how I would go backwards in  
5 determining whether something was considered  
6 and put into a technical work document.

7 We've all heard about incidents,  
8 okay? We heard that well beyond the release  
9 of the last internal TBD. Well, NIOSH  
10 actually did upgrade the TBD to include more  
11 incidents. But that happened before these  
12 comments, so I think they should be given  
13 credit for doing that.

14 MR. KATZ: Again, that's not  
15 answering the question. It's not that --

16 MS. ROBERTSON-DEMERS: And I'm not  
17 talking response here, I'm talking  
18 integration.

19 MR. KATZ: No, but it's, again, if  
20 they did something before the comments were  
21 received, it doesn't relate to the comments.  
22 So, I mean, if they had comments prior that

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1 helped inspire that change, then that's  
2 relevant. But the comments that we received  
3 after they already made a change are not  
4 relevant.

5 So sure it shows that their  
6 document reflects what some people in the  
7 outside world have concerns about, but it's  
8 not answering the evaluation question that we  
9 have here, which is considering and  
10 responding.

11 MS. ROBERTSON-DEMERS: Well, it  
12 doesn't answer the response and the feedback  
13 question, but there is integration of  
14 additional incidents into a TBD.

15 MR. KATZ: But the consideration,  
16 the point of this evaluation is to see that  
17 workers' input is considered. So, again, we  
18 care about the workers' input that came prior  
19 to making that change.

20 You know, obviously it's great  
21 that workers then, in effect, agree that some  
22 of those things should have been incorporated.

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1 But that's not the point of the evaluation  
2 whatsoever, it doesn't shed any light.

3 It doesn't improve DCAS's  
4 operations with respect to worker outreach  
5 whatsoever. There's no recommendation you can  
6 make to DCAS based on that data that helps.

7 Except to say you were, you know,  
8 you had foresight in addressing that before  
9 the workers commented to you about it.

10 MR. SUNDIN: This is Dave Sundin.

11 Just a brief comment, observation. It seems  
12 to me like my perception is there's a bit of  
13 schizophrenia as to the purpose of this group.

14 I mean, John Mauro and others have talked  
15 about the bedside manner, did you respond,  
16 acknowledge the comment once it came in the  
17 door, or quickly thereafter.

18 And the other is: was there a  
19 substantive change made in any document based  
20 on that? They're really two separate  
21 questions entirely.

22 I mean, if a comment comes in

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1 about an issue that's already been dealt with  
2 in a TBD, the response back should be, thanks  
3 for that comment, go look at Page 35 where we  
4 dealt with that. And that's sort of simple  
5 housekeeping.

6 DR. MAURO: Whoever said that, I  
7 agree completely.

8 MR. KATZ: And my point is that  
9 you can address both with the same comment, is  
10 my point. You can look at, did they  
11 incorporate it and then did they feedback?  
12 That's all. The only relationship is that you  
13 have the comment and now you want to see the  
14 actions that fell from that comment.

15 MEMBER MUNN: And whether they did  
16 --

17 MR. KATZ: That flow from that  
18 comment, sorry. Hopefully, they didn't fall.

19 MEMBER MUNN: Whether they did or  
20 did not incorporate it is not really the  
21 relevant question.

22 MR. STIVER: Absolutely not.

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1                   MEMBER   MUNN:           The    relevant  
2                   question is: was it considered?

3                   MR. KATZ:    Right.

4                   MEMBER   MUNN:           Was it considered  
5                   and did they tell the person that it was  
6                   considered, that's really all that's --

7                   MR. STIVER:   Yes, we really have  
8                   to keep the scope of this limited to the  
9                   process.   And it's very easy to start going  
10                  beyond that and saying you know what  
11                  substantive changes resulted but that's really  
12                  not our mission here.   We need to just keep  
13                  this scope within reason here.

14                  DR. MAURO:       I think that the  
15                  difficulties we're running into right now with  
16                  the point that was just made, that I didn't  
17                  really whose voice that was, is the  
18                  distinction between a direct response and an  
19                  indirect response.   They're completely two  
20                  different things, both of which are important.

21                  The    first    one,    the    direct  
22                  response, is really a matter of getting back

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1 to the person themselves and it's a linkage.  
2 You made a comment, this date, I'm getting  
3 back to you to answer your question. That's  
4 very important that we've learned about that.

5 And of course, from a practical  
6 standpoint, you know, you're not going to go  
7 look at -- if we look at that world alone for  
8 a moment, and you say well what date do you  
9 pick? Well, you're certainly not going to  
10 pick up to the present. That's not fair.

11 I would say certainly anybody that  
12 raised a comment and we're interested in  
13 whether there was a direct response to that  
14 comment, let's say someone made it back in  
15 January 1st of this year, I would say by now  
16 it would have been nice if they would have  
17 gotten back to the guy.

18 Even saying, listen, we don't  
19 really have an answer to you, but we're  
20 working on it, or something like that. So in  
21 other words I think this idea of date is  
22 almost like a common sense thing.

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1           If someone would say, I would say,  
2     in my world of common sense, if someone made a  
3     comment up to, you know, the beginning of this  
4     year and there was not a direct response to  
5     that comment I would say, well, I like to know  
6     that.

7           If it's a little later than that,  
8     it starts to get to be April, May, I say, well  
9     maybe they really didn't have a chance to get  
10    back to them, it's really not fair to impose  
11    that. That would have to do with the direct  
12    response.

13           Now with the indirect response,  
14    that's a whole different game. What that  
15    really says is someone has made a comment and  
16    it's of a technical nature, whatever the  
17    concern is, and there may not have a direct  
18    response and so they failed that test. NIOSH  
19    failed that test, they didn't get a direct  
20    response.

21           The question does though then  
22    become, but nevertheless, is there information

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1 contained in any one of the numerous documents  
2 that are out there that deal with that issue?

3 And that's good, I mean, the issue  
4 has been dealt with. It's not very good from  
5 a bedside manner point of view. But it is  
6 good that at least it was dealt with.

7 And then there's a third one where  
8 someone raised the comment and there was no  
9 direct response and we can't seem to find  
10 anything in the literature that was produced  
11 where that issue is dealt with and we need to  
12 know that too.

13 So I think that, and whether it's  
14 before or after, this before or after  
15 question, Ted, that you brought up, I think  
16 in the latter it doesn't really matter. In  
17 other words, if a person brings a comment up  
18 and we find out there was no direct response.

19 Okay. You get a negative score on  
20 that one, you didn't give a direct response.  
21 But there could be a positive response, oh by  
22 the way, some document was published a year

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1 ago, a year before the comment, that really  
2 deals with that issue. And we need to know  
3 that. So, I mean, I'm looking at it in a very  
4 sensible, pragmatic way.

5 MR. KATZ: I don't want to prolong  
6 this.

7 MEMBER MUNN: I'd like to make a  
8 suggestion. I'd like to suggest that we do,  
9 in fact, establish a date. And I would like  
10 to suggest that we choose that date to be the  
11 date of the relevant TIB which I believe was  
12 November the 29th of 2010. Was that correct?

13 CHAIR BEACH: That's one of them.

14 MR. KATZ: It depends on the  
15 document.

16 MEMBER MUNN: Yes, I know. That's  
17 the relevant TBD that affects most of -- it  
18 didn't include the construction workers, I  
19 understand that, other things involved here --  
20 but that is the one that covers --

21 MR. KATZ: There are five TBDs  
22 with five different dates. And then there's

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1 the date when the SEC was issued. And then  
2 there's a TIB or two. They all have their own  
3 dates and I think you don't need to go over  
4 them, but --

5 MEMBER MUNN: No, but you see,  
6 11/29/10 is one of the relevant TIBs and not  
7 only that, it is very near the end of this  
8 last year. And anything that occurred up  
9 until that time, we certainly should be able  
10 to get a picture of what the process is and  
11 what kind of response has been received from  
12 comments.

13 CHAIR BEACH: So you're saying all  
14 comments up to November of 2010? November  
15 29th.

16 MEMBER MUNN: Yes.

17 CHAIR BEACH: So you're suggesting  
18 --

19 MEMBER MUNN: That's six months  
20 ago or something.

21 CHAIR BEACH: -- consider all  
22 comments up to that point and cover all the

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1 TBDS?

2 MR. KATZ: Okay, but, Wanda, my  
3 problem which I've been saying all along is  
4 for the comments that don't relate to that TIB  
5 but relate to a different TBD or whatever,  
6 they should have a different date.

7 Because they're not taken into  
8 account by the TIB you're talking about. That  
9 last date, so that was my point.

10 CHAIR BEACH: I think that we  
11 should go to the TBDs and their respective end  
12 dates and leave it at that. And we need to  
13 consider all the technical documents that are  
14 relative to Rocky Flats. Do we agree with  
15 that? It's sort of a friendly amendment to  
16 what you just recommended.

17 MR. STIVER: Josie, can I add  
18 something? Are you, let me get this clear,  
19 are you recommending then stratifying the  
20 sampling within each of those TBDs, each of  
21 which has a separate end date? If you do that  
22 you may find yourself without enough --

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1 (Simultaneous speakers.)

2 MR. KATZ: No, you're not  
3 stratifying. No, that's not how you'd  
4 stratify.

5 CHAIR BEACH: No, and I did say I  
6 don't quite know how the sampling would work.  
7 But no, I'm not saying stratifying within  
8 those dates, no.

9 MR. STIVER: I guess my question  
10 is how much granularity I'm going to get out  
11 of this. Because if you pick an end date,  
12 like Wanda suggested, that's relevant to one  
13 TBD, now how's that going to affect all the  
14 others?

15 CHAIR BEACH: Well, Kathy just  
16 said she could put comments to the relevant  
17 TBDs and work documents.

18 MR. STIVER: Right. My only  
19 question is I'm foreseeing, having done some  
20 statistical sampling design in the past, that  
21 you may get to a situation where, you know,  
22 she got all these comments. And like she

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1 said, maybe 200 are related to high-fired  
2 oxide.

3 And then maybe only four or five  
4 in some other categories. They've got a  
5 situation -- you may have a TBD that has an  
6 end date and there may not be enough comments  
7 that relate to that particular document to  
8 draw any relevant result or conclusions from.

9 MR. KATZ: You wouldn't stratify  
10 them by the document. There's no reason to --

11 MR. STIVER: Well, by the date.

12 MR. KATZ: No, you would not,  
13 you're stratifying, you stratify your whole  
14 sample once you have it. And you're trying to  
15 create your original population. Your  
16 original population is based on these dates.  
17 And then your stratification is not based on  
18 which document it relates to.

19 MR. STIVER: Well, based on the --

20 MR. KATZ: The document's related  
21 to the channels that it comes in if you're  
22 going to stratify by that. So look at the,

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1 but if that doesn't make sense, you think of  
2 what does make sense for stratifying it.

3 If there is no reason to stratify,  
4 you don't stratify it. But we're just coming  
5 up with the original population of data to  
6 then stratify and --

7 MR. STIVER: I understand. I'm  
8 just thinking out loud how we would go about  
9 setting this up, maybe that's not really  
10 appropriate for this meeting at this point.  
11 I'm just trying to see how to relate that back  
12 to these various end dates.

13 MR. SUNDIN: My guess is that the  
14 comments don't neatly stratify -- associate  
15 themselves with one only TIB.

16 MR. KATZ: And they may not. I  
17 mean Kathy's sort of suggested that some of  
18 them are going to fall in between two, in  
19 which case that's fine. Then you have two  
20 dates to deal with.

21 MR. SUNDIN: Proliferating the  
22 number of cells you've got to look at.

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1 MR. KATZ: Right. That's --

2 DR. MAKHIJANI: You know, there are  
3 two different types of dates we're talking  
4 about. The date of the comment and the date  
5 of the document.

6 MR. KATZ: Yes.

7 DR. MAKHIJANI: And I think we can  
8 establish a cutoff for the date of the  
9 comments and view the comments, as a rule,  
10 obviously, if the comment, if the TIB is only  
11 about high-fired oxide and the comment is  
12 about neutron dose, you know, then obviously  
13 the comment that we should make is that the  
14 comment came after the last revision and --

15 MR. KATZ: It's not part of your  
16 population.

17 DR. MAKHIJANI: -- and that's not  
18 -- yes, exactly. And so I think it's more  
19 important to establish a cutoff date for the  
20 comments, so maybe it could be November or  
21 whatever, and leave the judgment, you know,  
22 just exercise the common sense rule that there

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1 can't be a response before, the response has  
2 to come after the comment.

3 MR. KATZ: Yes, you just include  
4 all those comments in your population that  
5 come before the response for each of these  
6 things. That's like what Josie was saying.

7 CHAIR BEACH: And as far as how  
8 the sampling is done and the stratification of  
9 it, that's probably above me and we do  
10 definitely need to have a technical discussion  
11 on that.

12 MR. STIVER: That's going to be a  
13 technical discussion there.

14 MR. KATZ: Right.

15 CHAIR BEACH: As long as SC&A  
16 feels like they can do that and --

17 MR. STIVER: We could probably  
18 talk about trying it, and say that's  
19 something.

20 CHAIR BEACH: That would be a --

21 MR. KATZ: Just like sample size,  
22 it could be a ten percent sample or whatever.

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1 That makes sense and that's a statistical  
2 question that's easily answered.

3 DR. MAKHIJANI: So I would take  
4 Wanda's suggestion as a cutoff date for the  
5 comments and then make a judgment as to --

6 MR. KATZ: No, her date -- I mean,  
7 Josie amended, again the comments go with each  
8 document. So it's each document has a date  
9 and that's the date of the comments related to  
10 that document.

11 CHAIR BEACH: I see no other way  
12 we can do it.

13 MR. KATZ: Seven dates, or  
14 whatever, seven dates for comments.

15 CHAIR BEACH: Based on the scope.  
16 Remember we have a page and a half scope that  
17 we can refer back to, but those three bullets  
18 really identify what we said we were going to  
19 do and that's, I think we need to stick to.

20 The other thing I want to remind  
21 everybody is we have four objectives for this  
22 Work Group, we're only dealing with one

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1 objective. If we see something that we want  
2 to look at, then later on we'll go into those  
3 other objectives.

4 I mean, there's four of them and  
5 it's a huge task so I don't want to get bogged  
6 down in this first thing that this Work Group  
7 has tried to do and make it so we can't do it  
8 when I think it's very simple to do a pilot,  
9 which is what we said we were going to do and  
10 let's move forward.

11 And as simply as possible so that  
12 we can continue moving forward. If we find  
13 that this is the wrong scope or it doesn't  
14 work, then we need to come back and discuss  
15 that at another Work Group meeting.

16 DR. MAKHIJANI: I just have a  
17 clarity question about that. Is it -- and  
18 maybe Kathy knows the answer to this, I'm a  
19 little bit unclear. Is a comment always  
20 related to a particular document? Is the  
21 context always clear?

22 MR. KATZ: Sometimes it's more

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1 than one.

2 DR. MAKHIJANI: Yes, sometimes  
3 it's more than one. So that sort of --

4 MR. KATZ: And that's fine, then  
5 you use the latter date.

6 MR. STIVER: The later date.

7 MR. KATZ: Right. If it's related  
8 to more than one, you'd use the outer date.

9 CHAIR BEACH: Yes. And I have  
10 faith that Kathy can handle that.

11 DR. MAKHIJANI: Yes. That's the  
12 only clarity I wanted, because sometimes --

13 MR. STIVER: -- we have an overlap  
14 between documents.

15 CHAIR BEACH: Okay. So we're  
16 clear with question two, and we can move on to  
17 question three?

18 DR. MAKHIJANI: Okay, so the note  
19 I have shows the comment cutoff date should be  
20 the document for which the comment was made;  
21 if more than one, then the outer date.

22 MR. KATZ: Yes.

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1 CHAIR BEACH: Okay.

2 DR. MAKHIJANI: And that sort of  
3 was the Work Group --

4 CHAIR BEACH: Pretty much.

5 DR. MAKHIJANI: -- what the Work  
6 Group direction is.

7 CHAIR BEACH: Okay. So the third  
8 question, should we establish an end date for  
9 considering and communicating the impact of  
10 substantive comments? And anybody, is it  
11 different from what we just discussed?

12 MEMBER MUNN: I don't see --

13 MS. ROBERTSON-DEMERS: Yes,  
14 because this is the response.

15 MR. KATZ: It's the response from  
16 NIOSH.

17 MEMBER MUNN: And it isn't, we're  
18 not doing impact. This relates to the third  
19 bullet of number one up there. We're just  
20 talking about response, not impact?

21 MR. KATZ: Yes, right.

22 DR. MAKHIJANI: Yes.

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1                   MR. KATZ: I mean, what's NIOSH's  
2 sense for how quickly they would expect  
3 someone to have gotten the response if they  
4 were going to get one?

5                   That might be helpful. Again, it  
6 doesn't mean that you changed the TBD, just  
7 that you responded to the comment.

8                   MR. SUNDIN: I think it depends to  
9 some extent on the context that the comment  
10 came in at. And I hope that's reflected in  
11 what we see from this.

12                   Because it strikes me if the  
13 comment arises during the public comment  
14 section of the Board meeting, NIOSH is not  
15 expected to interrupt that process and respond  
16 on the spot.

17                   MR. KATZ: Well, yes.

18                   MR. SUNDIN: On the other hand, if  
19 something comes into our inbox or a letter,  
20 those should be responded to quickly, and are.  
21 So I don't think there's one guideline for  
22 everything.

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1           But the idea is to be timely with  
2 the response. If you want to put six months  
3 on there, nothing should go beyond six months,  
4 in my opinion.

5           MS. ROBERTSON-DEMERS: That's what  
6 I kind of suggested later on. And I can tell  
7 you that the public health advisors who  
8 respond to some of these comments are back to  
9 those people within three weeks, on the outer  
10 side.

11          MR. KATZ: So the answer we have  
12 here is, we'd be looking for response within a  
13 time frame of six months or sooner. Right, is  
14 that what you guys here see?

15          MR. STIVER: Define the outer bound  
16 of timely as six months?

17          MR. KATZ: Yes. You may not think  
18 it's timely, it's just -- but if that's where  
19 you're looking for a response in that time  
20 frame, if you're looking at all this  
21 documentation.

22          MR. SUNDIN: But I guess just to

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1 clarify, my answer is based on striking the  
2 word "substantive comment." I mean, I'm back  
3 to this customer response, or sort of  
4 acknowledging the response and saying what  
5 we're going to do with it versus showing a  
6 change in a document.

7 MR. KATZ: Yes. And that's what  
8 John's emphasized heavily -- John Mauro, on  
9 the phone today.

10 CHAIR BEACH: Okay. Are we ready  
11 to move forward? So six months, is that what  
12 I heard?

13 MEMBER MUNN: Yes.

14 MS. ROBERTSON-DEMERS: Well, can I  
15 ask Dave a question? You're on a biannual  
16 review of the TBDs, am I correct?

17 MR. SUNDIN: I'm not sure.

18 MS. ROBERTSON-DEMERS: Update?

19 MR. SUNDIN: I don't know. I'm  
20 not sure.

21 MS. ROBERTSON-DEMERS: Okay.  
22 Well, the question I have is, if that's the

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1 case or if every three years you go back and  
2 you look at it, whatever it is, would I not be  
3 able to expect you to incorporate substantive  
4 comments into that document, say, three years  
5 after the issuance of the last version?

6 MR. SUNDIN: I guess if I knew the  
7 answer to your first question I could answer  
8 the second one.

9 MR. KATZ: Well, we're sort of  
10 beyond that issue. We've already established  
11 how we're going forward here on that. We're  
12 looking at documents that are issued, not  
13 documents that would be issued in the future.

14 MS. ROBERTSON-DEMERS: Well, it's  
15 an important piece of information. If they're  
16 supposed to update it every two years and it's  
17 been four --

18 MR. KATZ: We're not tracking  
19 whether they're updating documents based on  
20 the comments. Whether their documents that  
21 have been issued reflect the comments, if they  
22 should reflect the comments. Right? I mean,

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1 that's what we've been talking about all this  
2 time.

3 MEMBER MUNN: That they have  
4 considered --

5 MS. ROBERTSON-DEMERS: So we don't  
6 care about the timeliness of integration of  
7 the comments?

8 MR. KATZ: It has nothing to do  
9 with not caring about that, but that's not  
10 central to what we're doing in this  
11 evaluation.

12 MS. ROBERTSON-DEMERS: I just want  
13 to be clear. So if the day after the TBD was  
14 released, there was a comment that was  
15 substantive and for four years they've done  
16 nothing to update the TBD, that's okay.  
17 That's not in our purview?

18 MEMBER MUNN: No. All our purview  
19 is, is did they consider it, regardless of how  
20 substantive it was. If they considered it and  
21 responded to the person who made the comment,  
22 then, unless their response said "you're

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1 absolutely right and we're going to  
2 incorporate that in the revision that we  
3 have," which is not a usual response. If  
4 that, then that's a different thing. But the  
5 only thing we're considering here is: was  
6 there a response to the comment?

7 And we can't evaluate, we're  
8 certainly, as a Work Group, not in the  
9 business of, nor do we have the capacity for,  
10 identifying whether that substantive comment  
11 should or should not be included in the  
12 document. Regardless of whether or not it was  
13 substantive.

14 MS. ROBERTSON-DEMERS: And all I'm  
15 trying to ask is --

16 MEMBER MUNN: And the answer is  
17 no.

18 MS. ROBERTSON-DEMERS: -- there is  
19 in my report I can say nothing on the fact  
20 that comments were given and there was -- the  
21 TBDs were supposed to be modified every two  
22 years and they weren't?

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1 DR. MAKHIJANI: Okay. That's what  
2 I don't think there is actually, now this is  
3 an ad hoc observation from having looked at a  
4 lot of TBDs, but I don't think there is a  
5 regular schedule for revising TBDs. TBDs are  
6 revised as necessary.

7 I know -- I say that just from  
8 having looked at the Savannah River TBD a lot  
9 recently, as you know, and the last published  
10 Savannah River TBD is actually quite old. And  
11 there's an in-process TBD that we look at on  
12 the O: drive that hasn't been published.

13 And I presume it hasn't been  
14 published because there's so many questions  
15 still up in the air about it. And so I  
16 actually don't think is there a regular two-  
17 year or three-year cycle that I'm aware of.  
18 Maybe there is, but I'm not aware.

19 MS. ROBERTSON-DEMERS: This is  
20 mentioned in either the Site Profile  
21 Development Procedure or the QA Policy, which  
22 is the ORAU QA Policy --

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1                   MR. STIVER:     Kathy has a good  
2 point, if there is indeed a review cycle, it  
3 would certainly set an end point for what we  
4 would consider the end date for --

5                   MR. KATZ:        I thought we just  
6 answered the question.

7                   MR. STIVER:    Yes, we already did.  
8     Personally, I would agree with Arjun I've  
9 never seen any kind of a pattern like that in  
10 the review -- the revisions that I've  
11 observed.

12                  MR. KATZ:     So we return in three  
13 years and look at Rocky Flats again, there'll  
14 be new TBDs that'll capture a new host of  
15 comments.    And because the program will be  
16 improved from recommendations and so on,  
17 you'll see improvement in their responsiveness  
18 and their caretaking of the workers' comments  
19 no doubt.

20                  CHAIR BEACH:    Okay.     So we're  
21 clear three?  We're done with three?

22                  MEMBER MUNN:    Yes.

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1 DR. MAKHIJANI: Okay. Should I  
2 just read my note?

3 CHAIR BEACH: Yes, please. Read  
4 us your note.

5 DR. MAKHIJANI: Nothing should go  
6 beyond six months in terms of communicating to  
7 the workers, you know, responding to workers.

8 CHAIR BEACH: Communicating the  
9 response, yes.

10 DR. MAKHIJANI: Strike the word  
11 "substantive" from the question. We don't  
12 need to show the change, just communicate the  
13 intent. Elsewhere, I guess, we document  
14 whether there has been a change or not in the  
15 relevant document. That's a separate thing  
16 and not impact, just that there was a  
17 response.

18 CHAIR BEACH: Correct. Strike  
19 "impact" as well as "substantive."

20 DR. MAKHIJANI: And is that, I  
21 sort of actually wrote down more or less what  
22 Wanda said, but I just wanted to check that

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1 that's the direction of the Work Group.

2 MEMBER MUNN: Yes, I think that's  
3 what we said.

4 CHAIR BEACH: Phil, any comments?

5 MEMBER SCHOFIELD: Yes. The only  
6 thing I was going to comment is maybe that  
7 should be documented somewhere so that people  
8 understand that, you know, if these comments  
9 come after an update, they may be incorporated  
10 in the next update. That way people  
11 understand that those comments aren't  
12 necessarily being ignored.

13 CHAIR BEACH: Well, I think that  
14 goes without saying, actually.

15 MR. STIVER: It's self-evident.

16 MEMBER SCHOFIELD: Yes, but I  
17 think it's going to have to be spelled out  
18 some way so a lot of people look at this they  
19 don't say, well, you know, I made this comment  
20 after the date and they've totally ignored  
21 what I've said.

22 MR. KATZ: Well, the, I mean --

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1 CHAIR BEACH: Okay.

2 MEMBER SCHOFIELD: It just takes a  
3 line or two, I think, that comments received  
4 after this date will be looked at for future  
5 updates.

6 MR. STIVER: Maybe we need to get  
7 back to the --

8 (Simultaneous speakers.)

9 MR. KATZ: No, that's more a  
10 response from NIOSH to the person commenting,  
11 I think.

12 MEMBER MUNN: We're talking about  
13 process that we can't control here. What  
14 we're looking at is process and we can't  
15 identify what process is going to be in the  
16 future.

17 What we're doing is looking at  
18 what the process has been in the past and if  
19 it's satisfactory, then fine. If it's not,  
20 then we may have a comment.

21 MEMBER SCHOFIELD: Okay. I'll buy  
22 that.

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1 CHAIR BEACH: Okay. So let's move  
2 on to four if everybody's comfortable with  
3 that. And four, should we include the  
4 following comments in the evaluation? And  
5 there are several bullets so I'm going to just  
6 take one bullet at a time.

7 So the first one, site expert  
8 interview comments from personnel supporting  
9 ORAU, ORAU employees and subcontractors at the  
10 time of the site expert interview, site expert  
11 interview comments from personnel supporting  
12 SC&A.

13 SC&A employees and associates and  
14 subcontractors at the time of the site expert  
15 interview. Kathy, can you just summarize  
16 that?

17 MS. ROBERTSON-DEMERS: I was  
18 writing while you were doing that. Okay.  
19 First of all, these two bullets, the first  
20 two, are related to documented communications,  
21 okay?

22 And I'm not talking about emails,

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1 I'm not talking about their input in Working  
2 Group meetings, because I think that they were  
3 probably paid for that.

4 Let me go back up to the  
5 questions. What this is is an ORAU interview,  
6 this first bullet, Roger Falk. And they  
7 created a documented communication. And it  
8 was during the time that he worked for ORAU.

9 Okay. That Roger worked for ORAU.

10 It's one of the few documented communications  
11 up on the SRDB. And my question is: do you  
12 want me to include that? Because we are  
13 including other site expert interviews.

14 MR. KATZ: So the question is: are  
15 you considering it worker input, when it's  
16 coming from within one of the organizations?

17 MR. STIVER: When you look at this  
18 list, what I see is that you've got basically  
19 two different categories. You have people who  
20 are commenting in a public format and you have  
21 those who are on the payroll of one of the  
22 organizations that's involved, either SC&A or

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1 ORAU.

2           They kind of fall along those two  
3 lines. So maybe a simple rule we could apply  
4 is that those who were not on the payroll  
5 could be considered public comments for  
6 consideration and those who were site experts  
7 in the employ of ORAU or SC&A would not be.

8           MS. ROBERTSON-DEMERS: Okay. And  
9 let me make a clarification. There are site  
10 expert interviews that, you know, these people  
11 were not on the payroll that we are including.

12           MR. STIVER: Yes. Because we  
13 wouldn't want them on the payroll. Those who  
14 are employed would not be considered public  
15 comment.

16           DR. MAKHIJANI: So just to be  
17 specific, I think what we're saying is if Bob  
18 Bistline made a comment before he was employed  
19 by SC&A, that's fair.

20           MR. STIVER: That's correct, but -  
21 -

22           DR. MAKHIJANI: But if he made a

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1 comment after he was in the employee of SC&A  
2 that's not, shouldn't be included. That's the  
3 proposal?

4 MR. STIVER: Seems reasonable.

5 CHAIR BEACH: That makes sense to  
6 me.

7 MR. KATZ: That's a Work Group  
8 question.

9 MS. ROBERTSON-DEMERS: Well, I  
10 think it's more fundamental than that. Even  
11 if he was an SC&A employee, was he paid?

12 MS. LIN: Can I just ask a  
13 question about why this distinction? Because  
14 I thought the Work Group's concern was whether  
15 the agency is responsive to comments submitted  
16 by the public. Because obviously, the public  
17 members are saying they're not sure whether  
18 their comments are heard.

19 So if these site experts are  
20 employed by ORAU, by SC&A, does the Work Group  
21 still have the same concern with NIOSH  
22 responding to them in a timely fashion, like

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1 we received your comments, we'll consider it,  
2 et cetera, et cetera?

3 MS. ROBERTSON-DEMERS: The concern  
4 with the site expert interviews is whether  
5 that data is being incorporated into technical  
6 work documents.

7 MS. LIN: Right, but then there's  
8 two separate questions, right? Because one of  
9 the questions that the Work Group is concerned  
10 with is the customer service aspect of it.

11 So I'm just curious whether the  
12 Work Group was concerned with NIOSH's  
13 responsiveness to -- you know, from the  
14 customer service perspective that they're  
15 concerned with these people who are higher  
16 within the house.

17 DR. MAURO: This is John. I think  
18 Arjun just laid out a proposed approach which  
19 is, no, if they're on the payroll of SC&A, at  
20 the time the they're on the payroll of SC&A or  
21 at the time that someone is on the payroll of  
22 NIOSH or its contractors involved in the

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1 program, well, no, that's not a comment that  
2 is of concern to this Work Group, that's our  
3 proposal.

4 Now if there's a person that, like  
5 to use the Bob Bistline example again, it was  
6 a long period of time where he was involved,  
7 had comments, was an expert. He was not on  
8 the SC&A payroll, he was just a worker and an  
9 expert and he had comments. Well, sure, then  
10 he just becomes another individual who has the  
11 --

12 MS. LIN: Oh, okay.

13 DR. MAURO: Yes, so I agree with  
14 you, I guess what we're doing is --

15 MS. LIN: Thanks for the  
16 clarification.

17 DR. MAURO: Yes, because Arjun  
18 just said that and I completely agree with  
19 Arjun's position on this, and I think it's the  
20 sensible one. We would not want comments that  
21 we make, that's not really of interest. I  
22 mean, that's of interest but not to this

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1 particular venue. So I think we're in violent  
2 agreement on this.

3 MS. ROBERTSON-DEMERS: Okay. Just  
4 so you know, the interview with Roger was  
5 related to external dosimetry, it does have  
6 direct bearing on the external TBD. And I'm  
7 talking documented interviews, what NIOSH  
8 calls a site expert interview.

9 The conversations with Bob  
10 Bistline were related to the Rutenber  
11 database, were related to thorium and are  
12 relevant to both the external and the internal  
13 TBDs. So that's what's going away.

14 CHAIR BEACH: And then I guess  
15 that would be captured in Objective 1, I mean,  
16 at some point in time?

17 MS. ROBERTSON-DEMERS: No, it  
18 wouldn't, because --

19 MR. KATZ: But it's not worker, I  
20 mean, it's not worker input.

21 CHAIR BEACH: It's not.

22 MR. KATZ: It's not worker input,

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1 it's professional input by the teams. That's  
2 --

3 CHAIR BEACH: Yes.

4 MR. STIVER: I might also add,  
5 because I remember seeing a lot of lot of  
6 attributions to Roger Falk in the TBD, I think  
7 it's captured.

8 MS. ROBERTSON-DEMERS: And that's  
9 why I specifically said these are documented  
10 communications where NIOSH was asking them,  
11 formally, questions. And I know there's a lot  
12 of emails, I know there's a lot of annotations  
13 and attributions. I'm talking about a couple  
14 of documents here.

15 DR. MAURO: Was he paid at the  
16 time? In other words, was he working for  
17 NIOSH or its contractors at the time those  
18 communications took place?

19 MS. ROBERTSON-DEMERS: He was  
20 working for ORAU, but I don't know if he was  
21 paid to do the interview.

22 DR. MAURO: Ah. Now that's a

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1 nuance that we didn't talk about.

2 MS. ROBERTSON-DEMERS: And Bob  
3 Bistline was working for SC&A but he has told  
4 me he did not charge for that interview.

5 DR. MAURO: Now I think you've hit  
6 the nail on the head. That is a good question  
7 and I don't have an answer to that one. I  
8 don't have an opinion on that one. I just  
9 have no idea how to deal with that.

10 MR. KATZ: So in both cases, in  
11 NIOSH's and SC&A's case we both, as  
12 organizations, interviewed their own employees  
13 but not as employee, interviewed them as if  
14 they weren't an employee, just for site  
15 expertise?

16 MS. ROBERTSON-DEMERS: Yes, and it  
17 was actually NIOSH conducting these  
18 interviews.

19 MR. KATZ: Both of them? In both  
20 those instances?

21 MS. ROBERTSON-DEMERS: Yes.

22 MR. KATZ: So NIOSH interviewed

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1 the SC&A person?

2 MS. ROBERTSON-DEMERS: Right.

3 CHAIR BEACH: That's interesting.

4 Okay, so let me read what Mike wrote. First  
5 of all he said, "Not sure I understand. To  
6 me, ORAU employees' subs whose site knowledge  
7 was used to produce NIOSH work documents  
8 should be construed as site expert as opposed  
9 to using worker input to build the work  
10 products, if that is what you're asking."

11 MR. STIVER: So it all hangs on an  
12 employment status, whether they were --

13 CHAIR BEACH: I think we need to  
14 go back to the scope --

15 MR. STIVER: -- compensated for  
16 that particular --

17 CHAIR BEACH: -- and we're talking  
18 about workers. If they --

19 MS. ROBERTSON-DEMERS: Okay. In  
20 the Objective 3 plan, we agreed that site  
21 expert interviews would be included.

22 MR. KATZ: Right, but I think

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1 people were thinking of site experts being  
2 people out there that we interviewed. People  
3 weren't really thinking of site experts being  
4 your own employees.

5 MEMBER MUNN: Well, but so often  
6 they are. And this is --

7 MR. KATZ: No, I'm just saying  
8 when it was considered before, I don't think  
9 anyone was really imagining that, I don't  
10 think.

11 MEMBER MUNN: And, you know, when  
12 you talk about a person being a worker, the  
13 fact that they are not working at that plant  
14 anymore doesn't change the fact that they are  
15 a site expert and they are a worker.

16 If you ignore the knowledge that  
17 they have, the personal information that they  
18 have from the time that they were involved in  
19 the project, then you're reducing the value of  
20 the document that you're working with.  
21 They're workers.

22 MR. KATZ: Yes. No. That's true

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1 for sure, but I think the intent was, again,  
2 to evaluate, as Josie started off saying,  
3 evaluate worker input. Workers are trying to  
4 provide input. And where it's your own  
5 employee and you're asking them, it's like  
6 there's not much, first of all, you have  
7 control over that in the first place.

8 You're asking them, they're not  
9 just sort of providing their input. And the  
10 point isn't, you know, the point isn't whether  
11 the document was changed based on them in  
12 their case. Because there is no  
13 responsiveness aspect --

14 MR. STIVER: Customer service  
15 aspect.

16 MR. KATZ: -- whatsoever. They're  
17 your own person.

18 MEMBER MUNN: No, there's no  
19 responsiveness.

20 MR. KATZ: They're your own  
21 person. I mean, I don't, personally it  
22 doesn't matter to me. Just make a decision as

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1 to whether they're in or out and apply the  
2 rule.

3 MEMBER MUNN: I don't see them as  
4 comments. I see those as part of the basic  
5 process in putting together the document.  
6 That's not a comment.

7 When you've got a public comment,  
8 or when you get a letter from someone outside  
9 the process, then you're getting public  
10 comment. And I thought we were looking at  
11 public comment.

12 CHAIR BEACH: Okay. So what was  
13 your first -- let's go back to that.

14 DR. MAKHIJANI: Well, my proposal  
15 was -- the suggestion that we thought might  
16 make sense is that if they are in the  
17 employment of somebody, whether it's NIOSH or  
18 ORAU or SC&A, then their comments would not be  
19 considered public comments. And they're not.

20 But I think the question that  
21 Kathy has raised is they weren't paid for that  
22 particular thing. And I think there's just a

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1 couple of comments she was talking about. You  
2 might want to throw them in or not. I don't  
3 have an opinion.

4 But generally, they're in the  
5 employ. I think that it would horribly  
6 complicate things and defeat the purpose of,  
7 goes so beyond the purpose of what we're  
8 trying to do, which is why I thought it made  
9 sense to do it this way.

10 MEMBER MUNN: Just use common  
11 public commenters.

12 MR. KATZ: Yes.

13 MS. ROBERTSON-DEMERS: So that's a  
14 no?

15 CHAIR BEACH: That's a no. Now  
16 the second bullet, is that, it seems to me  
17 pretty much the same?

18 MS. ROBERTSON-DEMERS: Yes.

19 MEMBER MUNN: They both are.

20 MS. ROBERTSON-DEMERS: So for the  
21 third bullet is, what if they made comments  
22 prior to their employment?

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1                   MR. STIVER:     Then that's when we  
2     have the --

3                   CHAIR BEACH:    Then it's in.

4                   MEMBER MUNN:    It's in.

5                   CHAIR BEACH:    The next bullet is  
6     comments directed at John Howard or the  
7     Secretary --

8                   MS. ROBERTSON-DEMERS:   No.

9                   MEMBER MUNN:    No.

10                  MS. ROBERTSON-DEMERS:   No.     The  
11     next bullet has to do with the SC&A site  
12     expert interviews and whether they should be  
13     included.

14                  CHAIR BEACH:     I thought we just  
15     said if it was before their employment then  
16     they would be considered?

17                  MS. ROBERTSON-DEMERS:   No, these  
18     are the interviews we conducted on behalf of  
19     our review of the Site Profile.   We have a  
20     master interview summary in the back of that  
21     document.

22                  This was a series of Rocky Flats

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1 workers, just like any other set of interviews  
2 we do for any other Site Profile.

3 CHAIR BEACH: Did those comments  
4 go to NIOSH at that time?

5 MS. ROBERTSON-DEMERS: They are a  
6 part of our review.

7 CHAIR BEACH: Then I would say  
8 yes.

9 MR. KATZ: So the complicated  
10 thing there is, I mean, you could consider  
11 them in terms of how those were considered  
12 with respect to any changes to the TBD.

13 There are two complicating  
14 factors. Considering that element, though,  
15 you have the fact that those were processed by  
16 SC&A in making its input in the first place,  
17 so it's not really independent.

18 Because those were taken into  
19 account by SC&A in making its final  
20 recommendations to the Board which effect what  
21 DCAS does with its TBD, and -- anyway.

22 And then the other aspect of this

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1 that is complicating is that for the  
2 responsive side of it, well, you wouldn't  
3 expect DCAS to be responding to the people  
4 that SC&A interviewed --

5 CHAIR BEACH: No.

6 MR. KATZ: -- about their  
7 interview and thanks for the input, because it  
8 came through SC&A's doing their work. I mean,  
9 that would be completely --

10 MS. ROBERTSON-DEMERS: One point  
11 of clarification. There is no difference in  
12 our site expert interview summaries and the  
13 summary put together for the Worker Outreach  
14 meetings.

15 It is a stand-alone appendix and  
16 has no insertion of what we think, that's all  
17 done up in the report. It's just literally  
18 retelling, summary, putting together of what  
19 the workers said.

20 MR. KATZ: Oh no, and I wasn't  
21 questioning that at all. All I was saying is  
22 that when SC&A produces its report, for which

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1 that's an appendix, I mean, its basis for its  
2 recommendations to the Board include the  
3 content of those interviews, because that's  
4 how SC&A goes about making its  
5 recommendations, that part of the data it  
6 relies on.

7 MEMBER MUNN: So NIOSH would not  
8 respond to them?

9 MR. KATZ: So in terms of, when  
10 NIOSH receives an SC&A report they're  
11 responding to the SC&A report which integrates  
12 the worker comments that SC&A has considered.

13 And in effect, SC&A has sort of  
14 taken on primary responsibility for having  
15 heard the workers that interviewed and  
16 emphasizing what SC&A thinks is important  
17 about that interview information.

18 (Simultaneous speakers.)

19 MR. KATZ: It doesn't really  
20 belong in there, but.

21 CHAIR BEACH: And I understand  
22 that and agree, so that's a no.

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1                   And, Phil, I expect you just to  
2                   jump in, I'm not going to ask you each time,  
3                   so jump in if you have a disagreement or a  
4                   comment.

5                   MEMBER SCHOFIELD:   No, I actually  
6                   agree on that one there.   That's why I didn't  
7                   bother saying anything.

8                   CHAIR BEACH:       Okay.   Thank you.  
9                   Okay, so the next one -- I'm trying to wrap  
10                  this up by noon so we can go to lunch.  
11                  Comments, not to rush, but comments directed  
12                  at John Howard or the Secretary of HHS  
13                  concerning the petition.

14                  MEMBER MUNN:   No.   And the reason  
15                  I say no is because if either Dr. Howard or  
16                  the Secretary wish to respond to that they  
17                  will respond to it.

18                  If they wish their agents to  
19                  respond to it they will relay that information  
20                  to the agent, as we often do in our -- this of  
21                  course slops into the next one -- when we have  
22                  people with direct questions or comments at

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1 our Advisory Board meetings.

2 Then we often say, X in NIOSH will  
3 respond to you about that, or X at SC&A will  
4 respond to you about that. So I would  
5 anticipate that Dr. Howard, or the Secretary,  
6 would either chose to make their own response  
7 or chose to have someone else make it.

8 MR. KATZ: Can I ask a clarifying  
9 question?

10 MEMBER SCHOFIELD: Wanda, are you  
11 sitting down?

12 (Simultaneous speakers.)

13 MR. KATZ: Can I ask a clarifying  
14 question? Is the comments to Dr. Howard, or  
15 the Secretary, were those in advance of DCAS  
16 completing its SEC Evaluation Report and so  
17 on?

18 MS. ROBERTSON-DEMERS: No.

19 MR. KATZ: Oh, so once the cow's  
20 out of the barn, you're not going to see it  
21 anyway reflected -- I mean, once it goes to  
22 the NIOSH and the Secretary level it's too

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1 late, in effect.

2 CHAIR BEACH: Yes.

3 MEMBER SCHOFIELD: Yes, I agree  
4 with that. I mean, that's something we can't  
5 even look at, because that's not on our  
6 purview, what they want to do or don't do. So  
7 I actually agree with Wanda on that one.

8 CHAIR BEACH: I agree with Wanda  
9 also, and that would be a no. Any other  
10 comments on that one? I just lost my screen.

11 Okay. Last bullet, comments directed at the  
12 Advisory Board may be relevant to NIOSH.

13 MS. ROBERTSON-DEMERS: Kind of  
14 what Wanda was just describing. The letter  
15 goes to the Advisory Board, but it has topics  
16 that you would in turn forward to NIOSH for  
17 resolution.

18 MEMBER MUNN: I have not seen any  
19 in the last year or so. But in the past, I  
20 have seen several letters from the Chairman of  
21 the Board to an individual, indicating to them  
22 that the person who will be in contact with

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1       them is so and so and so and so.

2                   Whoever is the, whichever agency  
3 is the appropriate agency for the response to  
4 that question. I've seen --

5                   CHAIR    BEACH:           That's    just  
6 recently, but this is for the years prior,  
7 2007 and 2006.

8                   MEMBER MUNN:   This was years ago,  
9 that's what you said. The Chairman responded  
10 with, you know, the instruction went to NIOSH  
11 or to SC&A to respond.

12                   MR. KATZ:    I mean as far as -- is  
13 this letters or just everything?

14                   CHAIR BEACH:   Just the --

15                   MS. ROBERTSON-DEMERS:   Well --

16                   MR. KATZ:    Everything including at  
17 Board meetings, right? What do you mean to  
18 cover by this bullet?

19                   MS.    ROBERTSON-DEMERS:       Well,  
20 that's a good question because when people get  
21 up, even in the April and May and June,  
22 they're talking to the Board but they're also

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1 talking to NIOSH.

2 MR. KATZ: Sure. And NIOSH has  
3 people at all those Board meetings and so it  
4 seems to me that's within scope. And even if,  
5 at least I can't tell you how things worked  
6 then, but now, the last three years, when we  
7 receive a letter, the Board receives a letter,  
8 I always copy NIOSH on those letters, whether  
9 it's addressed to the Chairman or a Work Group  
10 or what have you, it goes to NIOSH as well.  
11 So it seems like that's a stream of input.

12 CHAIR BEACH: Yes, and I would  
13 say, my opinion would be, that's a yes, that  
14 we would consider those. That's just keeping  
15 in scope with the time frame.

16 MR. KATZ: Yes.

17 MR. STIVER: Right.

18 CHAIR BEACH: For relevant  
19 documents. Okay. So everybody -- so on to  
20 five, but I guess we should take a lunch  
21 break.

22 MEMBER MUNN: We really should.

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1 CHAIR BEACH: What do you think?

2 MEMBER MUNN: Yes.

3 MS. ROBERTSON-DEMERS: Actually,  
4 that's a really easy one.

5 MR. KATZ: Okay. Well --

6 CHAIR BEACH: What's that?

7 MS. ROBERTSON-DEMERS: This is a  
8 really easy one.

9 CHAIR BEACH: Five?

10 MR. KATZ: Okay. You promise?

11 CHAIR BEACH: Okay, so let's do  
12 five. In the case of site expert interviews  
13 SC&A does not expect NIOSH to provide feedback  
14 to the commenter. SC&A would, however, expect  
15 acknowledgment from the site expert that  
16 he/she read and concurred with site expert  
17 interview summary. Does the Work Group concur  
18 with this position? I said yes.

19 MEMBER SCHOFIELD: I'll go yes on  
20 that one.

21 MEMBER MUNN: I was trying to make  
22 sure I was not misinterpreting who is talking

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1 to whom about what. SC&A does not expect  
2 NIOSH to provide feedback to the commenters.

3 MS. LIN: I'm sorry, the expert  
4 interview was conducted by NIOSH or by SC&A?

5 CHAIR BEACH: NIOSH.

6 MS. LIN: Okay.

7 MEMBER MUNN: Yes. I thought we  
8 had all done that. Yes. I thought NIOSH  
9 always did that.

10 MR. KATZ: I don't know what the -  
11 - it seems like something scratching at the  
12 back of my memory is that practices have  
13 changed on that maybe. I know SC&A has made  
14 that a practice, to run their interview  
15 summaries by their, I don't know whether it's  
16 always been the case at NIOSH.

17 MEMBER MUNN: I always thought  
18 that the question was: do you agree this is  
19 what you said, because otherwise you --

20 MR. STIVER: So you always put  
21 that back --

22 MEMBER MUNN: Yes.

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1 MS. ROBERTSON-DEMERS: All I'm  
2 saying is, there's a place on the form which  
3 says "feedback" and what I'm saying is I don't  
4 expect NIOSH to go back and say, okay, site  
5 expert, here's what we did with your data like  
6 I would a worker.

7 MR. KATZ: No.

8 MEMBER MUNN: No, they just have  
9 an agreement that this is what you said.

10 MS. ROBERTSON-DEMERS: Right.

11 MEMBER MUNN: Yes, with NIOSH.

12 MR. KATZ: Well, you were right,  
13 Kathy, that was a quick one.

14 CHAIR BEACH: Okay. So let's  
15 break for lunch from 12:05 to 1:05. And  
16 everybody's going to be right back.

17 MR. KATZ: So we'll reconnect  
18 after lunch. Everyone on the line, thank you.

19 (Whereupon, the above-entitled matter went off  
20 the record at 12:04 p.m. and  
21 resumed at 1:03 p.m.)

22

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1                   MR. KATZ:           Great, sorry, we  
2                   couldn't hear you.

3                   MS. BARRIE:           Sorry. Yes, I  
4                   appreciate this, so are you ready for --

5                   MR. KATZ:   Absolutely, yes.

6                   MS. BARRIE:   Okay, first I want to  
7                   thank everyone, especially Kathy at SC&A for  
8                   doing all this research on the public comment  
9                   responses. It's very important to know how  
10                  well NIOSH has done with replying to  
11                  stakeholders' concerns.

12                  I do have, I've been following, as  
13                  you know, the discussions, and I'm not 100  
14                  percent happy with the decision to end the  
15                  comment dates when the technical documents  
16                  were issued.

17                  As you know, I've made many public  
18                  comments in the past couple of years  
19                  concerning the Rocky Flats Site Profile. And  
20                  since that Site Profile was issued February  
21                  1st, 2007, those comments will not be  
22                  reviewed, whether NIOSH responded to them or

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1 not.

2 So that's that, and in addition,  
3 the public comments that were made during the  
4 Board meetings in 2007, I realize some of them  
5 would be included in the TBDs that were  
6 recently released, you know, later than 2007,  
7 but some were released 2007. So those  
8 comments would not be included for review, so  
9 I do have a concern about that.

10 And I'm wondering if you could  
11 revisit that question. My thought would be  
12 that when the implementation plan was  
13 finalized in January, that would be the cut-  
14 off date.

15 And there's also other concerns  
16 like, for the past, well, seven years I guess,  
17 there's been concerns about conflict of  
18 interest.

19 And if you're only reviewing  
20 comments, and I might be wrong about this,  
21 comments that are related to the TBDs, then  
22 those comments wouldn't be under review

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1 either, so I would ask that you consider that.

2 I think that's all I have at this  
3 moment, because what I was thinking is that  
4 some of the things like the SC&A interviews  
5 you voted not to include that under review.

6 And I'm thinking that maybe the  
7 Rocky Flats Workgroup can take a look at them  
8 as well as the thorium issue. Since Dr.  
9 Bistline was not, his expert testimony was  
10 excluded also.

11 And I was wondering if perhaps  
12 this Work Group could relay any information  
13 that they uncover, or SC&A uncovers, to the  
14 Rocky Flats Work Group.

15 And I was also wondering, if I'm  
16 still on, if I have additional comments after  
17 the rest of the questions are debated if I  
18 could chime in afterwards?

19 CHAIR BEACH: Are you talking  
20 about after -- at the end of the day or after  
21 other people have a chance to talk?

22 MS. BARRIE: After other -- oh, I

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1 could do the end of the day.

2 CHAIR BEACH: No, I mean, we have  
3 an hour for that, Terrie, so you can go ahead  
4 and, if there's no other commenters, then you  
5 can definitely continue with any comments.

6 MS. BARRIE: Okay, because I want  
7 to listen to the rest of the discussion.

8 CHAIR BEACH: Okay.

9 MS. BARRIE: And I thank you for  
10 allowing me to make comments.

11 MR. KATZ: Sure, and just to  
12 answer at least one of your questions right up  
13 front, the Rocky Flats Work Group will be  
14 reconvening. And that is certainly an  
15 appropriate venue for taking up technical  
16 matters related to the TBDs and so on.

17 MS. BARRIE: Right. I just don't  
18 want the information that this Work Group has  
19 access to be just kind of lost somewhere.

20 MR. KATZ: Well, SC&A supports all  
21 the Board's Work Groups, so, you know,  
22 whatever research SC&A has done is going to be

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1 available to any of the Work Groups.

2 MS. BARRIE: Great, great, I  
3 appreciate that.

4 MR. KATZ: Sure.

5 CHAIR BEACH: Absolutely. Thank  
6 you, Terrie, are there any other -- anyone  
7 else that would like to make a comment at this  
8 time?

9 DR. MAKHIJANI: May I ask?

10 CHAIR BEACH: Yes.

11 DR. MAKHIJANI: I was a little  
12 confused by something that Terrie said in  
13 terms of what we discussed earlier. She said  
14 she'd made a comment on the TBD back then,  
15 before 2007, or just after 2007.

16 MR. KATZ: Yes.

17 DR. MAKHIJANI: But presumably we  
18 considered, since the TBD has have been  
19 revised since then, right?

20 MS. ROBERTSON-DEMERS: No, not  
21 from 2007.

22 MR. KATZ: Most of the TBDs.

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1 MS. ROBERTSON-DEMERS: Except for  
2 external.

3 DR. MAKHIJANI: Hasn't the  
4 internal one been revised also?

5 MS. BARRIE: Yes, I'm talking  
6 about the Site Profile that was revised  
7 February 1st, 2007. But in the past couple of  
8 years, I've uncovered some documentation that  
9 would affect that Site Profile, for instance  
10 Building 440 had a glove box in it that  
11 reclaimed plutonium, that's not reflected in  
12 the Site Profile. 46 E --

13 MR. KATZ: They're all in an email  
14 that I sent to --

15 MS. BARRIE: -- may have had  
16 plutonium in it also.

17 So those two comments would not be  
18 reviewable, and I think there is one other one  
19 that I have. Oh, and the thorium issue in the  
20 700 Complex. They're all related to the Site  
21 Profile but since the Site Profile was last  
22 revised in 2007, those comments would not be

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1 reviewable, since I made them after 2007.

2 MS. ROBERTSON-DEMERS: Arjun,  
3 those were the dates I had read earlier.

4 DR. MAKHIJANI: Yes. Sorry, again,  
5 it went very fast and I couldn't write them  
6 all down.

7 CHAIR BEACH: Okay, any other  
8 questions for Terrie on that? And then,  
9 Terrie, there is time if you have additional  
10 comments.

11 MS. BARRIE: Okay, thank you,  
12 Josie.

13 CHAIR BEACH: Yes.

14 MS. BARRIE: And if you don't hear  
15 from me, then I don't have anything else to  
16 add.

17 CHAIR BEACH: Okay, and I'll ask  
18 you again before we close the meeting, how's  
19 that?

20 MS. BARRIE: Wonderful, thank you.

21 CHAIR BEACH: Okay, thank you.

22 Okay, so we are on Question Number

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1 7, and that is in case of situations where the  
2 Department of Labor, DOL, provided a direct  
3 response to the commenter, should SC&A provide  
4 an observation/evaluation of this comment?

5 And then the second part of the  
6 question is: should SC&A note whether NIOSH  
7 had any responsibility in responding to this  
8 comment?

9 MS. ROBERTSON-DEMERS: Can I give  
10 a little bit of a context in there?

11 CHAIR BEACH: Please.

12 MS. ROBERTSON-DEMERS: Where this  
13 mostly came into play was a discussion on the  
14 Ruttenber Database. And as you know, both  
15 NIOSH and DOL had a responsibility in this.

16 And there were a couple of times  
17 when DOL provided a response, but to create a  
18 complete response, NIOSH should have discussed  
19 their role in the Ruttenber Database, and how  
20 it is applied to individuals, as far as  
21 eligibility for the SEC.

22 MR. KATZ: I mean, I'm confused

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1 because it's a DOL call as to how that  
2 Ruttenber Database gets used.

3 MS. ROBERTSON-DEMERS: However,  
4 NIOSH was responsible for providing and  
5 reviewing that.

6 MR. KATZ: Well, I'm not sure  
7 about that. NIOSH weighed in early on, about  
8 the Ruttenber in this process and there was a  
9 lot of discussion at the Board level about  
10 this with DOL.

11 But for a long time, this has been  
12 on sort of DOL's plate, in fact it still, I  
13 think, is on DOL's plate.

14 MS. ROBERTSON-DEMERS: And these  
15 comments are coming from several years ago.

16 MR. KATZ: Right, but it's, again,  
17 it's not for NIOSH to determine how that  
18 Ruttenber Database gets used, it's a DOL  
19 issue.

20 NIOSH, I think, you know reported  
21 out to DOL on the facts related to the  
22 Ruttenber Database, but I would think it's a

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1 DOL issue and so -- and this is not, this  
2 Board doesn't really have a role in, and  
3 certainly not this evaluation in reviewing  
4 DOL's work.

5 MS. ROBERTSON-DEMERS: And I can't  
6 pull it up for you, specifically, the comment,  
7 if you gave me some time I could, but in a  
8 couple of cases the response was given by DOL  
9 but it was the NIOSH evaluation that was being  
10 asked about.

11 So, you know, that's all I'm  
12 saying, you know, should I say, yes, DOL  
13 answered it. And yes or no, NIOSH should have  
14 provided a response too. Or should I just say  
15 DOL answered it?

16 MR. KATZ: Well, I think the  
17 comment about the Ruttenber is about how NIOSH  
18 is using or should use the Ruttenber data for  
19 its own work, I think that's fine and that's  
20 on the plate, as long it's within scope in  
21 terms of time, then they follow it up as to  
22 how it was responded.

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1           But if the comment regards to DOL  
2           using the Rutenber Database, then I think  
3           it's really -- I guess I'm not sure what  
4           you're asking of NIOSH, if it's not for  
5           incorporation in the NIOSH work.

6           MS. ROBERTSON-DEMERS:       All I'm  
7           asking is if DOL comes back with an answer,  
8           and it has relevance to NIOSH, should I just  
9           say in my response, DOL answered the question,  
10          the end. Or should I say DOL answered the  
11          question and NIOSH should consider providing  
12          supplemental information?

13          CHAIR BEACH:    Is this within one  
14          of the time frames that we're dealing with,  
15          Kathy, within what we've already decided would  
16          be the time frame?

17          MS. ROBERTSON-DEMERS:   Yes.

18          CHAIR BEACH:    Because I would say  
19          we don't have the jurisdiction over what DOL  
20          answers or doesn't answer but I guess I don't  
21          have a problem with knowing that the comment  
22          was there, what the comment was and that DOL

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1 responded to it.

2 MEMBER MUNN: But whether SC&A or  
3 NIOSH should comment further is not in the  
4 scope, from my perspective, of what we're  
5 looking at here. Whether or not DOL answered  
6 it is a legitimate statement, but --

7 MS. ROBERTSON-DEMERS: Well, all  
8 I'm asking is if DOL provided an answer, is  
9 that the end of the story?

10 MEMBER MUNN: Yes, as far as I'm  
11 concerned.

12 MR. SUNDIN: My observation would  
13 be is if the question went from a member of  
14 the public to DOL, and DOL responded, I'm not  
15 sure that NIOSH would ever know that it was  
16 something on our plate to deal with.

17 MS. ROBERTSON-DEMERS: No, it was  
18 a joint -- both parties were there.

19 MR. SUNDIN: This was a written  
20 comment, or a written inquiry of some kind?

21 MS. ROBERTSON-DEMERS: It may have  
22 been even a Working Group meeting or an

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1 Advisory Board meeting.

2 MR. KATZ: We've had a lot, I  
3 mean, there've been a lot of communications to  
4 NIOSH and DOL about Ruttenber. There was lot  
5 of interaction, there was a lot of -- I mean,  
6 you folks sent folks out there to talk with  
7 Ruttenber and so on.

8 So there's been a ton of  
9 interaction about the Ruttenber Database and  
10 you know, capturing that, whatever, it's fine  
11 to capture it, I just don't, it doesn't seem  
12 like that's going to be very illuminating,  
13 because it's been a -- I think it's been a  
14 very responsive interaction, an interactive  
15 process with Ruttenber and with commenters.

16 And I'm sure Terrie's probably  
17 commented numerous times about Ruttenber  
18 Database herself. So, you know, capture away,  
19 I guess, but, given that this sort of an  
20 instance where NIOSH is working sort of hand  
21 and glove with Ruttenber and the commenters  
22 trying to get to the bottom of the issues

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1 related to the Rутtenber Database, I don't  
2 know how illuminating it will be.

3 MEMBER MUNN: Well, one may not  
4 agree with the response but there has  
5 certainly been responsive action taken.

6 MS. ROBERTSON-DEMERS: It's not  
7 really how you -- how are you going to apply  
8 the Rутtenber Database, it's more or less, you  
9 know, it might be as detailed as, what does  
10 this field mean, in the Rутtenber Database?  
11 And DOL comes back and responds.

12 MEMBER MUNN: And that's a  
13 response, that's --

14 MR. KATZ: So Kathy is saying,  
15 should NIOSH be responding about what this  
16 field means when they, NIOSH heard the  
17 question put: what does this response mean and  
18 what does this field mean?

19 MS. ROBERTSON-DEMERS: And I don't  
20 know that I'm going any farther than saying,  
21 should I say, NIOSH has a responsibility to  
22 respond to this particular aspect? Period?

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1           MEMBER MUNN:    Well, I don't know  
2           who makes that decision as to what NIOSH has  
3           the responsibility to respond to.  If DOL has  
4           responded to the question, then it's difficult  
5           to see why another agency needs to respond to  
6           it also.

7           MS. ROBERTSON-DEMERS:  So throw it  
8           into what I'm calling Appendix B which is  
9           basically just a catalog of comments and  
10          responses, without evaluation.

11          MR. KATZ:        If the comment is  
12          within scope, like we've been talking about,  
13          then you put it in the matrix, it's a comment  
14          that's within scope, and you look at the  
15          response from NIOSH and if you want to  
16          annotate that NIOSH didn't respond, but DOL  
17          did, then you annotate that.  I don't know  
18          what more, I don't know what more complexity  
19          this has but --

20          CHAIR BEACH:    Well, I don't know  
21          your second part of this is: should SC&A note  
22          whether NIOSH had any responsibility in

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1       responding to this comment? I don't know that  
2       we --

3                   MS. ROBERTSON-DEMERS:     It depends  
4       upon the comment, you know, if they're saying  
5       this is how we apply the Rutenber Database,  
6       that is clearly a DOL, it's clearly a DOL  
7       response and it should end there.

8                   CHAIR BEACH:     Yes.

9                   MS. ROBERTSON-DEMERS:     If they're  
10       asking about, I don't know, what are the  
11       constituents of the deep dose in the Rutenber  
12       Database and what does that mean, and DOL  
13       responds. What I'm asking you is: because  
14       NIOSH has evaluated that, should they jump in,  
15       and should I note when they don't jump in, and  
16       that's all.

17                   MEMBER MUNN:        I think Ted's  
18       viewpoint is quite accurate.     Yes, DOL  
19       responded to this; NIOSH did not.

20                   MS. ROBERTSON-DEMERS:     So put it  
21       into what I am affectionately referring to as  
22       Appendix B or a catalog of comments. This is

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1 the comment, this is the response and there is  
2 nothing else to it.

3 CHAIR BEACH: Yes, I think so,  
4 Kathy. Phil, anything on that?

5 MEMBER SCHOFIELD: No, I think  
6 that issue is kind of pretty well settled, I  
7 mean, a lot of that's going to have to be  
8 addressed by the Work Group, the Rocky Flats  
9 Work Group rather than us, I think.

10 MR. KATZ: Right, well, that Work  
11 Group is definitely going to take up, I think,  
12 the Ruttenber Data, questions or something  
13 along those lines, because we continually ask  
14 for updates and, again, we're planning to have  
15 a Rocky Flats Work Group and I'm sure Mark  
16 will continue to be interested in Rocky Flats,  
17 the Ruttenber Database use or non-use, however  
18 it's being handled by DOL.

19 CHAIR BEACH: Absolutely, I don't  
20 think that will get lost.

21 MR. KATZ: Yes.

22 CHAIR BEACH: Okay, Question 8,

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1 should the field of NIOSH response include  
2 direct responses, direct response in a  
3 meeting, email, et cetera, or indirect  
4 responses, inclusion of an issue, decision in  
5 a TBD or -- excuse me, TIB or TBD response on  
6 the website in a Frequently Asked Question,  
7 FAQ, et cetera? And then this aspect of the  
8 review will affect the time and money required  
9 to conclude the review.

10 MS. ROBERTSON-DEMERS: And I think  
11 I gave you two examples earlier.

12 MEMBER MUNN: If we stick to our  
13 reason for doing this, then this should  
14 include only direct responses, otherwise  
15 there's no way that a respondent would know  
16 that this answer is included in the FAQs.  
17 Unless the respondent had a note from someone,  
18 saying look in the FAQs, then they wouldn't  
19 know that.

20 So since we're concerned here,  
21 with the respondent's -- I mean, with the  
22 commenter's comfort with the response, then

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1       only direct responses would be acceptable, it  
2       would seem to me.

3                   CHAIR BEACH:     Okay, so Mike says,  
4       "I guess, my comment here is a) substantive  
5       comment and b) was it used, why or why not?"

6                   MS. ROBERTSON-DEMERS:     If you  
7       think of this under the field on the form of  
8       NIOSH response, that's what I'm talking about,  
9       I'm not in the evaluation phase yet.

10                  MEMBER MUNN:     Just yes, they  
11       either did respond to it directly, or they did  
12       not. And if they did not respond to it  
13       directly, then there's no way that the  
14       questioner would know that it had been  
15       considered.

16                  MS. ROBERTSON-DEMERS:     Right, and  
17       I would recommend that you skip down to 11 and  
18       12, because they are very similar, only  
19       related to feedback to the worker.

20                  CHAIR BEACH:     Okay, so 11 is  
21       posting a document, FAQ, or other information  
22       to the website without notification of the

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1 worker considered a response to the worker?

2 MS. ROBERTSON-DEMERS: Or  
3 feedback.

4 CHAIR BEACH: Or feedback.

5 MEMBER MUNN: I would say no, but  
6 the reason I would say no, one of the things,  
7 the only thing we don't know, is we do not  
8 know whether the worker has been informed  
9 verbally.

10 MS. ROBERTSON-DEMERS: That's the  
11 next question.

12 MEMBER MUNN: And, you know, if  
13 there has been a personal contact and we don't  
14 have record of it, then there's no way you can  
15 tell that that's been the case.

16 And if there is, if it has  
17 occurred in a Board comment session, for  
18 example, it's not at all uncommon for one of  
19 the NIOSH folks to be speaking with a  
20 questioner during the meeting, not on the  
21 public record, but personally. And that, to  
22 me, is a response, right there.

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1 CHAIR BEACH: In real time.

2 Okay, so in 12, because Kathy  
3 mentioned 12, is posting a document, FAQ or  
4 other information to the website, with  
5 notification of the worker, considered a  
6 response to the worker.

7 MS. ROBERTSON-DEMERS: The  
8 difference being that in one, the worker was  
9 not notified, and in the other they were  
10 notified.

11 MR. KATZ: I mean, sending them to  
12 a resource as opposed to giving it in a letter  
13 is fine, it seems.

14 MEMBER MUNN: Yes, that's a  
15 response.

16 CHAIR BEACH: And Mike said for  
17 11, and he said same for 12 is, "Not to  
18 substantive comments, if it is some repeated  
19 generic comments/question," and then he just,  
20 a lot of question marks, so --

21 MR. KATZ: Yes, I think he's on  
22 track with that, I mean, generally the FAQs

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1 deal with sort of generic issues, as opposed  
2 to something highly technical and relevant for  
3 a TBD or whatever, new information.

4 CHAIR BEACH: So does that answer  
5 your question, Kathy?

6 MS. ROBERTSON-DEMERS: Yes, now  
7 you can go back to nine.

8 CHAIR BEACH: Okay, so we're good,  
9 we just killed three of them, right?

10 Okay, nine, what level of effort  
11 should be involved in searching for a NIOSH  
12 response? This aspect of the review will  
13 affect the time and money required to complete  
14 the review. Are you talking about for  
15 yourself, SC&A or --

16 MR. KATZ: For DCAS.

17 CHAIR BEACH: Or for DCAS, sorry.  
18 Didn't mean to leave you out.

19 MS. ROBERTSON-DEMERS: Well,  
20 really, you know, are we going to have to go  
21 through every Advisory Board meeting issued  
22 after the comment to look for the response, or

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1 is there some reasonable end point?

2 Do we have to go through all the  
3 TIBs to look for a response, or can we choose  
4 the most likely subset, that type of thing?

5 MR. KATZ: These were direct  
6 responses we're talking about, right?

7 MS. ROBERTSON-DEMERS: Well, and I  
8 wrote that question before you answered.

9 MR. KATZ: So now it, I think,  
10 gets much simplified, you're dealing with  
11 direct responses. And, you know, you'll be  
12 asking, I mean, now you'll have a much more  
13 reasonable sample of comments that you're  
14 following up on.

15 And I think whatever you need to  
16 do to follow up in terms of contacting, Chris  
17 to start with, however this works. But to  
18 track down whether there was a response and,  
19 if so, what it was, that should be manageable  
20 now.

21 CHAIR BEACH: Sounds like it.  
22 Mike says, "It should be fairly easy to track,

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1 if not, it should be noted and NIOSH should be  
2 asked to provide the response, and put the  
3 work on them."

4 That's fairly straightforward. I  
5 shouldn't have read that last part, but  
6 anyway, it should be easy to track.

7 MEMBER MUNN: And where do you  
8 look, do you look in snail mail, as well as  
9 email, and I guess my only question would be,  
10 where do you look?

11 MS. ROBERTSON-DEMERS: Well, it  
12 really depends on the format of the comment.

13 MEMBER MUNN: Where did the  
14 question come from?

15 MS. ROBERTSON-DEMERS: Okay,  
16 that's why I kind of had outlined where I  
17 gathered the comments from.

18 You know, NIOSH, first of all I've  
19 looked at what, in the information that NIOSH  
20 has provided and what I have been able to get  
21 off the website and from the SRDB and the SEC  
22 Viewer.

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1                   Okay, so that's kind of the  
2 universe, you know, if it's say, the Worker  
3 Outreach meeting, you know, they might respond  
4 right away.

5                   MEMBER MUNN: Yes.

6                   MS. ROBERTSON-DEMERS: Okay, and  
7 if it's an email, there's usually an email  
8 sent back. If there's a comment in a meeting,  
9 like in an Advisory Board meeting, is not  
10 always addressed right away, but it may be  
11 addressed in a subsequent meeting.

12                  MEMBER MUNN: That's a relatively  
13 recent development, though, for the Advisory  
14 Board to be taking up past comments,  
15 responding to them, I think.

16                  MS. ROBERTSON-DEMERS: It wasn't a  
17 formal process, but sometimes it happened.

18                  MR. KATZ: Yes, sometimes it  
19 happened, but I guess I wouldn't scour the  
20 universe for those.

21                  MEMBER MUNN: No, that would be  
22 hard.

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1 CHAIR BEACH: Okay, thank you.

2 MS. ROBERTSON-DEMERS: Some  
3 formats are easier than others.

4 CHAIR BEACH: Okay, you good with  
5 that one, Kathy?

6 MS. ROBERTSON-DEMERS: Yes.

7 CHAIR BEACH: And then the last  
8 question, ten, should we put a time limit on a  
9 period in which we search for feedback to the  
10 worker, within six months of the comment?

11 MEMBER MUNN: And we've already  
12 done that.

13 CHAIR BEACH: Yes, same as above,  
14 okay. So that is the end of the questions,  
15 Kathy was there anything else that you need  
16 from this Work Group to continue your review  
17 at this point?

18 MS. ROBERTSON-DEMERS: No. Except  
19 permission to restart.

20 CHAIR BEACH: I would say --

21 MR. KATZ: We'll need a budget for  
22 the path forward, now that we have an

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1 approach.

2 CHAIR BEACH: Well, there's two  
3 parts to that, and I was just going to say,  
4 before we move on from this, is we need to  
5 decide, or SC&A needs to kind of let us know  
6 how they're going to do the sampling and to  
7 have it stratified. So that would be an  
8 action here.

9 MR. STIVER: Yes, I think we need  
10 to have a technical call on that particular  
11 issue.

12 CHAIR BEACH: Well, because I'm  
13 thinking a time frame should be fairly quick  
14 so that we can give you the go-ahead to go to  
15 work.

16 So a budget and a sampling is  
17 what, I guess, this workgroup needs, and then  
18 we need a technical call and then do we need a  
19 conference call to go forward, Ted?

20 MR. KATZ: No, we don't.

21 CHAIR BEACH: We don't, okay.

22 MR. KATZ: Send them off to work.

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1 MS. ROBERTSON-DEMERS: Just FYI,  
2 over lunch I went and put dates to the various  
3 comments. It didn't eliminate very many  
4 comments.

5 CHAIR BEACH: Okay. That's fine.  
6 Good.

7 MR. KATZ: Okay. Whatever the  
8 reality is, it is. That's why we need a  
9 sampling.

10 CHAIR BEACH: Okay, so we can  
11 expect something like a technical call fairly  
12 soon and then --

13 MR. STIVER: Yes, we'll get  
14 together in the next couple of days and  
15 contact you guys about scheduling a call.

16 CHAIR BEACH: Okay.

17 MR. STIVER: Let me get some of  
18 our statisticians and other people.

19 CHAIR BEACH: And then the budget,  
20 though, you guys can just handle via email.  
21 Is that correct? Does the Work Group need to  
22 be involved in that?

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1                   MR. KATZ:     Yes.     No, they don't  
2     need to.

3                   CHAIR BEACH:     We don't need to,  
4     okay.

5                   MR. KATZ:     Let me know what the  
6     path forward is, hours, dollars.

7                   MS. ROBERTSON-DEMERS:     Okay, one  
8     question with regard to budgeting.     Very early  
9     on in the presentation, I offered you a couple  
10    of options.

11                  CHAIR BEACH:     Right.

12                  MS. ROBERTSON-DEMERS:     We can go  
13     individual by individual responses, or we can  
14     go aggregate responses, and even within a  
15     sample set this applies.     I would prefer to do  
16     it aggregate.

17                  CHAIR BEACH:     I'm okay with  
18     aggregate, as long as it meets any budget  
19     requirements that --

20                  MR. KATZ:     Yes, it's really,  
21     you're just aggregating sort of common  
22     responses.

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1 MS. ROBERTSON-DEMERS: Similar  
2 comments.

3 MR. KATZ: I mean, you do your  
4 sampling and then you want to aggregate after  
5 that, that's fine.

6 DR. MAKHIJANI: Well, it's a  
7 question, you know, because I think now we've  
8 got these floating dates a little bit, so  
9 bundling the comments that are sort of similar  
10 but not exactly similar and we've got floating  
11 dates --

12 MR. KATZ: But you'll have, I mean  
13 you'll have a population of comments.

14 DR. MAKHIJANI: Yes.

15 MR. KATZ: That is, your whole  
16 population of comments, and then you'll sample  
17 from that and you'll get -- so instead of 500,  
18 or whatever it's whittled down to, you'll have  
19 50 or whatever, comments.

20 And then, once you have those 50  
21 comments, you know, if it makes sense somehow.

22 I mean, I don't totally understand the

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1 aggregation concept in the first place, but if  
2 somehow it's easing your way along, again,  
3 you're down now from -- you're not dealing  
4 with 500 anymore so how much aggregation you  
5 need to do, I don't know.

6 And some of that you can't  
7 aggregate because you want to know about this  
8 customer service thing, which is an individual  
9 thing, so, you know, I don't know, you guys  
10 can think about that, we don't need to sort it  
11 out here as to what really makes sense at this  
12 point, now that you have a different approach.

13 DR. MAURO: Ted, this is John, I'd  
14 like to second what you just said, in terms of  
15 sampling, I think there are two different  
16 kinds of things that we're interested in and  
17 the way you would sample would be different.

18 In one respect is the customer  
19 service issue, where you'd want to sample to  
20 see how individuals were in fact responded to,  
21 on a one on one basis so to speak.

22 And the other one is the degree to

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1       which certain technical areas were in fact  
2       dealt with in the products that NIOSH put out.

3               So I think that there would be two  
4       different types of sampling, one for one  
5       objective and one for the other objective,  
6       and what you would do would be different, how  
7       you would go about sampling.

8               In the latter, I think you'd do it  
9       by these 38 or 34 groups that Kathy developed,  
10      because you'd be interested in making sure  
11      each of the technical areas, that were a  
12      concern to people were in fact dealt with.

13              In the former, of course, you  
14      know, you wouldn't necessarily do it that way.

15      Anyway, that's just a suggestion.

16              MR. KATZ:   Why don't, I mean, SC&A  
17      work on some proposals for that because I have  
18      questions about that, but why not work up a  
19      proposal with one or more options for how to  
20      go about it, and that would be a good place to  
21      have this technical call, and settle that?

22              CHAIR    BEACH:            Okay,    Kathy,

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1 anything else?

2 MS. ROBERTSON-DEMERS: No.

3 CHAIR BEACH: Okay, and just so  
4 we're clear, work will not start again until  
5 after the technical call.

6 MR. KATZ: One thing, just before  
7 we just close out, that I noticed when I was  
8 reading this, you have, at the end of all  
9 these questions this categorization of  
10 different sort of natures of comments.

11 I don't know how many categories  
12 there are, quite a few, and I mean, I think  
13 this is something you'll also sort of wrestle  
14 with a little bit, I think. Because a lot  
15 these categories are for comments that one  
16 would guess by the nature of the category  
17 really don't relate to the technical content  
18 of anything.

19 In which case they don't entirely  
20 even relate to a major part of this  
21 evaluation, which is: how well did NIOSH take  
22 it to account in the TBD? For example,

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1 Congressional intent; I mean, that's not about  
2 technical content, really, or there are many  
3 examples of that, timeliness is again not a  
4 technical content thing.

5 I'm not saying those comments  
6 aren't important I'm just saying you're going  
7 to have to think a little bit about how you'd  
8 deal with that, because it doesn't hit all the  
9 aspects of this.

10 But I just say that so you can  
11 think about that when you're developing your  
12 plan.

13 CHAIR BEACH: Good comment, thank  
14 you. Okay, so next on the agenda is SC&A  
15 status report on outstanding action items for  
16 PROC-012. Kathy, I believe you were going to  
17 lead that? And that's just to your matrix,  
18 correct, that you sent that to the Work Group?

19 MS. ROBERTSON-DEMERS: Is it  
20 easier for me to go through the matrix and  
21 give a status report or to cover the action  
22 items that we had and let NIOSH cover the

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1 action items they had?

2 MR. KATZ: That sounds good.

3 MS. ROBERTSON-DEMERS: Okay,  
4 which?

5 CHAIR BEACH: I think action  
6 items, at this point. And I know you had a  
7 question on what was in advance and what was  
8 not, so maybe we can put some of those too.

9 MS. ROBERTSON-DEMERS: Okay, let  
10 me get back into the matrix.

11 CHAIR BEACH: So at this point, we  
12 just want an update and a review, basically,  
13 does everybody agree with that on the issues?

14 MEMBER MUNN: Yes.

15 CHAIR BEACH: J.J., are you okay  
16 with that?

17 MR. JOHNSON: And as we go through  
18 the issues, instead of me trying to repeat and  
19 start all over, would it be reasonable just to  
20 address it at that point in time?

21 CHAIR BEACH: Yes, please, I think  
22 that's a great idea.

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1 MS. ROBERTSON-DEMERS: Okay, first  
2 of all, SC&A was given another action item  
3 during the last Working Group, and that was to  
4 put together examples.

5 CHAIR BEACH: Can I stop you for  
6 just a second? Is that with Finding 1?

7 MS. ROBERTSON-DEMERS: No, that's  
8 what I was asking, which one?

9 CHAIR BEACH: Let's just go down -  
10 - when I said go down the findings, an action  
11 with each of the findings, starting with one.

12 MS. ROBERTSON-DEMERS: Okay, the  
13 first finding was: the proceder does not  
14 provide direct direction for tracking,  
15 trending, evaluating or responding to worker  
16 input.

17 And NIOSH proposed some changes to  
18 the procedure that were discussed at the last  
19 Working Group meeting. And we kind of came up  
20 with a preliminary response to that, but it  
21 would be easier, like I said, to see the  
22 changes in the context of the procedure as a

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1 whole.

2 And I know that J.J. responded, or  
3 provided responses to the findings in our  
4 report, but to actually see what the procedure  
5 might look like with the changes.

6 CHAIR BEACH: So you're saying  
7 with what we did on December 16th, the action  
8 items that NIOSH agreed to do, you'd like to  
9 see that in real time.

10 MS. ROBERTSON-DEMERS: I'd like to  
11 see it in the procedure, not in our review.

12 CHAIR BEACH: Right, right.

13 MR. JOHNSON: Well, actually,  
14 that's the procedure you have, and it was  
15 incorporated, I think you indicated you  
16 couldn't find it.

17 MS. ROBERTSON-DEMERS: Well, what  
18 I looked at --

19 MR. JOHNSON: Because I have it in  
20 red, I highlighted it in red, the changes that  
21 would be incorporated. And I think at that  
22 time, the only additional thing that I was

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1 going to do was follow through and identify  
2 respective documents associated with different  
3 types of meetings.

4 Along with the fact that I've been  
5 given direction to indicate that this  
6 procedure, Procedure 12, will not address  
7 expert interviews.

8 MS. ROBERTSON-DEMERS: Okay, the  
9 response that Josie just showed me was a  
10 response that was integrated into our review.

11 MR. JOHNSON: Oh, is that right?

12 CHAIR BEACH: Yes, it was  
13 originally -- you integrated it but it was  
14 with, it was their report.

15 MR. JOHNSON: So it wasn't an  
16 integration into the procedure?

17 MS. ROBERTSON-DEMERS: Right, no.

18 MR. JOHNSON: No, okay.

19 MS. ROBERTSON-DEMERS: And that  
20 would help us take it as a whole, in context.

21 MR. JOHNSON: Well, I can -- I  
22 don't have access to it right now but I can

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1 certainly send that out and then we can  
2 address that, I guess, perhaps better at  
3 another time.

4 CHAIR BEACH: So if we go through  
5 this on Page 6, it looks like where the heart  
6 of this issue is.

7 MS. ROBERTSON-DEMERS: Right.

8 CHAIR BEACH: Down at the bottom  
9 it says: "NIOSH proposed to insert the  
10 following references under Section 3 of the  
11 OCAS PR-012" and then it lists the three  
12 procedures. This is in the matrix that I'm  
13 reading from here. So that was from the  
14 December 16th meeting that you had agreed to  
15 do that.

16 MS. ROBERTSON-DEMERS: Actually,  
17 it was prior to that that it was discussed.

18 CHAIR BEACH: Prior to that, so  
19 prior to 12/16 and then it again said that  
20 NIOSH self-volunteered to add guidance and PR-  
21 012 to identify the types of events for which  
22 meetings will be taken. Now did you just say

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1 that you've been given guidance that that's  
2 not going to --

3 MR. JOHNSON: I indicated that  
4 this procedure will not be used for expert  
5 interviews. But in the December meeting, this  
6 is the procedure that I had, at that time, had  
7 sent out, we had it, and I had updated it, it  
8 was indicated that it was hard to follow  
9 because I had used red in this email in  
10 sending the document and it was suggested I  
11 boldface it.

12 And so we went through and  
13 addressed the different aspects of the meeting  
14 and at that point in time I had added Appendix  
15 E to -- it may not be indicated as any  
16 particular reference. Because I just took my  
17 --

18 CHAIR BEACH: Okay, I just wanted  
19 to see if your -- this is the procedure I  
20 have, and what page are you on?

21 MR. JOHNSON: That's 28.

22 CHAIR BEACH: Yes, okay, I don't

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1 have that one either.

2 MS. ROBERTSON-DEMERS: Did you  
3 maybe send it to Mike?

4 CHAIR BEACH: Okay, I guess I'm  
5 wondering what's the best way to proceed here?

6 MS. ROBERTSON-DEMERS: Do you want  
7 to just go through the action items and the  
8 progress on the action items?

9 MR. KATZ: I think that would be  
10 more productive and you can look at the  
11 inserts when -- I mean, J.J. can send it out  
12 again.

13 MR. JOHNSON: Yes.

14 MR. KATZ: And everybody can look  
15 at the inserts and that will be preparation  
16 for the next meeting, but I think it could be  
17 counted as just cover the action items and see  
18 where people are with those.

19 MS. ROBERTSON-DEMERS: And, J.J.,  
20 please speak up if it's not quite correct, I  
21 took this out of the meeting minutes, as far  
22 as action items. So if they're not quite

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1 right, let me know.

2 On December 16th, 2010, NIOSH was  
3 given two action items: develop appropriate  
4 wording characterizing the requirements to  
5 capture worker input for information-gathering  
6 meetings.

7 And then to evaluate the OTS and  
8 WISPR Database compatibility to determine if  
9 comments, action items from WISPR can be added  
10 to OTS.

11 MR. JOHNSON: Okay, to answer your  
12 second one, Mary's looked at that, we have  
13 gone through and looked at the WISPR Database,  
14 it's very time-consuming, as I believe your  
15 side of the story is time-consuming, to pull  
16 this stuff from WISPR and input it into the  
17 OTS tracking system. Mary has put a lot of  
18 time into trying to get the Rocky Flats up to  
19 speed and looking at the rest of the  
20 information in WISPR.

21 We've already started some of that  
22 but we're following through on attempting to

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1 complete the review and update OTS. Is that  
2 relatively accurate?

3 MS. ELLIOTT: Yes.

4 MR. KATZ: Okay, so that's in  
5 progress.

6 MR. JOHNSON: Now when it comes to  
7 TopHat, I'll let Mary talk about TopHat.

8 MS. ELLIOTT: Basically, TopHat  
9 was the forerunner of WISPR, and they used an  
10 old ATSCR Database format that really was not  
11 very friendly to work with for the purpose  
12 they were trying to do, to accomplish, which  
13 was basically to see that worker comments for  
14 meetings were responded to appropriately.

15 So that was put to rest and they  
16 went into the development of WISPR, which is  
17 very much outlined in PROC-097.

18 When they started populating  
19 WISPR, they started taking the old meeting  
20 minutes first and cutting and pasting comment  
21 then response. And they had a code where they  
22 decided how each one should be responded to.

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1 And that indicated how the comment would be  
2 distributed for response from the proper ORAU  
3 or NIOSH person.

4 And then those were emailed to get  
5 a response and to determine whether they would  
6 be relevant to make adjustments to the proper  
7 TBDs. So it was somewhat documented, there  
8 was a lot of stock answers, you know, for a  
9 certain response they might just say "That was  
10 responded to in the meeting," or something to  
11 that effect.

12 Or they would just go ahead and in  
13 very, in a lot of detail put how that was put  
14 into the proper TBD for that site.

15 To get that into the OTS we're  
16 doing the old meetings as legacy, identifying  
17 the ones that cause the change in the TBD and  
18 that is the basic resolution to that action  
19 item for legacy items.

20 And I don't know what else needs  
21 to be said. Did that answer what you asked  
22 me, what you wanted me to answer?

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1                   MR. JOHNSON: I think pretty much  
2                   that's it, other than the fact that anything  
3                   that was in TopHat was relatively put back  
4                   into WISPR.

5                   MS. ELLIOTT: There were a lot of  
6                   comments in TopHat, I mean they took,  
7                   dissected every single meeting comment, and  
8                   some of them were not really even appropriate  
9                   to put into a public database. And I'm not  
10                  going to go into detail there, but when they  
11                  did WISPR, they still cut and paste every  
12                  comment in, but obviously the need to respond  
13                  to some of those workers.

14                  Some of it is just people venting  
15                  their frustration with meetings and you can't  
16                  really respond to those. But you hear them,  
17                  you know, that's the important thing to go out  
18                  and to hear the workers, what they have to  
19                  say, and deal with the ones that do need to be  
20                  responded to.

21                  MS. ROBERTSON-DEMERS: What I  
22                  found when WISPR was up in its full version,

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1 was that about 90-plus percent of what I had  
2 actually had in hard copy for TopHats was in  
3 WISPR, it wasn't 100 percent.

4 MS. ELLIOTT: I don't know,  
5 because I was actually not in the development  
6 team for WISPR. They just took the product,  
7 the minutes, and they dissected them and  
8 decided what would go into WISPR. We were  
9 busy with a lot of meetings then, so I did not  
10 have much to do with the development of WISPR.  
11 In fact, I -- you know.

12 MR. KATZ: Is the TopHat Database  
13 still sitting somewhere, with the data in it?

14 MS. ROBERTSON-DEMERS: I believe I  
15 put it out on the O: drive.

16 MS. ELLIOTT: It's not functional  
17 as a database.

18 MR. KATZ: You mean, you can't cut  
19 and paste out of it any more electronically,  
20 it's just an image document at this point?

21 MS. ROBERTSON-DEMERS: It's a PDF.

22 MR. KATZ: Yes, that's an image --

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1 MS. ELLIOTT: Old format PDF.

2 MR. KATZ: I was going to suggest  
3 that you could indicate the 10 percent  
4 discrepancy to them and they could import it  
5 efficiently, as opposed to hunting for  
6 whatever it might be.

7 MS. ELLIOTT: You know, the fact  
8 is, probably the 10 percent was --

9 MR. KATZ: I mean, it might have  
10 been comments that you don't want to --

11 (Simultaneous speakers.)

12 MS. ELLIOTT: An action item for  
13 OTS, I don't see any reason why that would be  
14 a good thing to do.

15 CHAIR BEACH: What year did WISPR  
16 come into play?

17 MS. ELLIOTT: I think it was  
18 finally done in --

19 MS. ROBERTSON-DEMERS: 2005?

20 MS. ELLIOTT: That's when they  
21 started developing it, it took about a year  
22 and a half to develop and I'd say it probably

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1 didn't get fully populated until sometime in  
2 2007.

3 MS. ROBERTSON-DEMERS: It has an  
4 end date on it too.

5 MS. ELLIOTT: Yes, and it's  
6 shortly thereafter, May 2008. I don't think  
7 it's too much past that.

8 MR. KATZ: So what does the Work  
9 Group want to do with this one?

10 MS. ROBERTSON-DEMERS: Well, I  
11 have a counter-question for you, right now the  
12 finding as a whole is in progress. It's not  
13 necessarily because of this particular issue,  
14 it's because of earlier action items which  
15 preceded 12/16. So are you talking about  
16 closing out item by item?

17 CHAIR BEACH: No, we weren't  
18 talking about closing out anything.

19 MS. ROBERTSON-DEMERS: Or are you  
20 talking about the progress for the finding as  
21 a whole?

22 CHAIR BEACH: Well, I guess if you

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1 go back to what you have listed on Page 6,  
2 those are the early action items you're  
3 discussing right?

4 MS. ROBERTSON-DEMERS: Yes.

5 CHAIR BEACH: Okay, so, are any of  
6 these done? Have they been completed, like  
7 for Number 1, Guidance in PROC-012 to identify  
8 the type of events for which meeting minutes  
9 will be taken. Has that been -- is that  
10 action completed?

11 MS. ROBERTSON-DEMERS: Well, and  
12 that's why I was talking to him about, it  
13 would be helpful to get the changes in the  
14 context of the procedure to finalize this.

15 CHAIR BEACH: All right.

16 MS. ROBERTSON-DEMERS: We are not  
17 in 100 percent agreement that these actions  
18 have resolved the problems associated with the  
19 original finding. But I don't want to say  
20 that for sure until I can consider things in  
21 the context of the procedure and as a whole.

22 CHAIR BEACH: So SC&A needs to see

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1 the updated procedure, with those action items  
2 incorporated, so that's in the action to NIOSH  
3 to get a copy of that as it's completed. Is  
4 that correct? And that goes with Number 2 as  
5 well?

6 MR. JOHNSON: Actually, it  
7 probably goes throughout the whole.

8 MR. KATZ: I think J.J. said he  
9 would send out the draft of revised procedures  
10 to the Work Group.

11 CHAIR BEACH: Okay, then I think  
12 we should probably leave that in progress  
13 until we see those changes and then carry it  
14 over to the next Work Group meeting if  
15 everybody agrees.

16 MR. JOHNSON: Yes, that will be  
17 true of the whole shooting match.

18 MS. ROBERTSON-DEMERS: Not  
19 necessarily.

20 MR. JOHNSON: Why?

21 MS. ROBERTSON-DEMERS: Because  
22 there are some --

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1                   MEMBER SCHOFIELD:    Josie, I think  
2                   that would be good.

3                   CHAIR BEACH:    Thanks, Phil.

4                   MS.   ROBERTSON-DEMERS:   There are  
5                   some -- in this case we're not sure that we  
6                   agree that the actions, the changes, that have  
7                   been proposed, resolve the issue.    In other  
8                   cases we believe that the changes that have  
9                   been proposed will resolve the issues.

10                  CHAIR BEACH:    Okay, so we're not  
11                  closing one, we're just waiting until --

12                  MS.   ROBERTSON-DEMERS:    It's just  
13                  in progress.

14                  MR.   KATZ:        So we should cover  
15                  those ones where there's disagreement, right?  
16                  We should talk about the ones where -- if you  
17                  already know you disagree with the action, we  
18                  should get clarity about what the disagreement  
19                  is and then what the course forward is for  
20                  those.

21                  MR.   JOHNSON:       What was in the  
22                  discussion about seeing it in the procedure

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1 before, even though they have --

2 MR. KATZ: No, that's for ones  
3 that they, where they conceptually agree, but  
4 I'm just saying that if there's somewhere they  
5 don't agree --

6 MS. ROBERTSON-DEMERS: That's what  
7 I'm saying, is before I solidify SC&A's  
8 position I want to see the changes in the  
9 procedure, in the context they are going to  
10 appear, and consider it as a whole.

11 MR. KATZ: I see.

12 MS. ROBERTSON-DEMERS: Not just  
13 as a piecemeal response.

14 CHAIR BEACH: Okay, understood, so  
15 moving on to Finding 2.

16 MS. ROBERTSON-DEMERS: And that's  
17 pretty much in the same venue as Finding 1,  
18 which I would like to see the procedure with  
19 the items incorporated into the procedure and  
20 consider it as a whole.

21 CHAIR BEACH: Okay, and I guess  
22 that's -- we're on Page 10, that's where the

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1 recommended action items are listed for --

2 MS. ROBERTSON-DEMERS: Right, and  
3 these action items were prior to the last  
4 meeting, so they were discussed in the last  
5 meeting. So there were, as far as I found, no  
6 additional action items.

7 MR. KATZ: So they're resolved and  
8 closed, you mean?

9 MS. ROBERTSON-DEMERS: No.

10 CHAIR BEACH: No, they're just --

11 MR. KATZ: They're in progress  
12 too?

13 MS. ROBERTSON-DEMERS: Yes.

14 CHAIR BEACH: Yes, so, J.J., you  
15 promise on that or was it just stuff that  
16 you're going to add to --

17 MR. JOHNSON: I have it collated  
18 and I was just, you know, sending it out to  
19 you folks.

20 CHAIR BEACH: Okay.

21 MR. JOHNSON: I thought we had, I  
22 had sent this out, and I guess I dreamt I was

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1 in another meeting, but I will send this out  
2 to everybody.

3 CHAIR BEACH: Okay, so you're  
4 clear, there's no clarifying questions we need  
5 to go through on this one, then?

6 MR. JOHNSON: No.

7 CHAIR BEACH: Okay, perfect.

8 MR. JOHNSON: Matter of fact what  
9 I will do, I will go over the whole thing as  
10 best I can with a fine-toothed comb, and make  
11 sure that they are clearly addressed before I  
12 do send it out.

13 CHAIR BEACH: Sounds great, and  
14 then question, Finding 3, I have written from  
15 our last meeting that it was in abeyance.

16 MS. ROBERTSON-DEMERS: Yes.

17 CHAIR BEACH: Kathy? That one was  
18 in progress.

19 MS. ROBERTSON-DEMERS: Well, there  
20 were some action items that were given to  
21 NIOSH.

22 CHAIR BEACH: Okay.

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1 MS. ROBERTSON-DEMERS: On 12/16,  
2 reevaluate the meeting minutes, from the  
3 meetings conducted since the implementation of  
4 OCAS PR-012, based upon the new action items  
5 criteria, determining if there are additional  
6 action items.

7 MR. JOHNSON: That one's in  
8 progress.

9 CHAIR BEACH: Okay.

10 MS. ROBERTSON-DEMERS: And then  
11 are we ready for the next one?

12 CHAIR BEACH: Yes.

13 MS. ROBERTSON-DEMERS: Incorporate  
14 guidance from classification of Worker  
15 Outreach meetings and types of NIOSH meetings  
16 into PR-012 or an additional -- or an internal  
17 guidance document or communication to staff.

18 MR. JOHNSON: Incorporate  
19 guidance, from classification of Worker  
20 Outreach meetings, what is meant by that?

21 MS. ROBERTSON-DEMERS: Okay, I  
22 might get the date wrong on this, but I

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1 believe in June 2009, Larry, and I think it  
2 was ATL and you, sent out a description of  
3 information-gathering meetings, information-  
4 giving meetings, and combined meetings.

5 CHAIR BEACH: Wasn't it like a  
6 flow chart?

7 MS. ROBERTSON-DEMERS: It was a  
8 flow chart and then there was a document which  
9 described the types of meetings and the  
10 documentation that you would expect from those  
11 meetings.

12 So when you see those items in  
13 italics, they are actually documents. And  
14 what we're talking about is incorporating the  
15 guidance from those documents into PR-012 or  
16 an equivalent document.

17 CHAIR BEACH: And we did discuss  
18 that at the last meeting.

19 MR. JOHNSON: They are  
20 incorporated in with the original procedure  
21 with the exception of the type of documents  
22 associated with each one that we were going to

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1 keep. So they were already previously  
2 addressed.

3 Whether it was a type of outreach  
4 meeting or whether it was a meeting, say,  
5 like, we were invited to a DOL meeting, or if  
6 it was a training event.

7 MS. ROBERTSON-DEMERS: And I  
8 believe why we came to this conclusion was it  
9 was clearly defined what documentation was  
10 required for each meeting in these documents.  
11 And it was an easy way to make sure that all  
12 of that was covered for both information-  
13 gathering, information-gathering/giving and  
14 information-giving.

15 And the example we put forth was  
16 the Mound SEC Outreach meeting where two pages  
17 of notes were taken for a five-hour meeting.

18 And we felt that some guidance,  
19 some very clear guidance needed to be  
20 provided, not so much for the ATL meetings but  
21 for meetings handled by NIOSH staff.

22 What we're trying to prevent is a

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1 situation like that from happening again.

2 MR. JOHNSON: I think the bottom  
3 line discussion was what type of minutes we're  
4 going to be taking for those meetings, and we  
5 were going to look at what we could do for --  
6 because ATL does not attend all of our  
7 meetings.

8 CHAIR BEACH: Right.

9 MR. JOHNSON: And so therefore it  
10 would be respective HPs whether it's ORAU and  
11 DCAS or just DCAS, that would be in attendance  
12 taking notes and making formal minutes, if  
13 reasonable, out of those notes.

14 MS. ROBERTSON-DEMERS: Yes, there  
15 was a discussion of meeting minutes versus  
16 notes. I understand that those documents are  
17 not limited to meeting minutes or notes, okay.

18 They outline what is required for each type  
19 of meeting. And that is something very  
20 concrete and that can be applied across the  
21 board.

22 Now for some of the meetings, all

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1 it is is, if you get up and do a presentation,  
2 the presentation is the required document.

3 MR. JOHNSON: Yes, I understand on  
4 that.

5 MS. ROBERTSON-DEMERS: It was very  
6 clear in those two documents what was  
7 expected.

8 And the reason --

9 MR. JOHNSON: In those two  
10 documents though, that was, that was a process  
11 that we had put up on the board and concurred  
12 saying that those were specific types of  
13 giving and receiving information.

14 And we did talk about the type of  
15 documents, but we did not stipulate that those  
16 were going to be exactly the type of documents  
17 that would be out there.

18 Because if you look at one  
19 meeting, you may have no presentation  
20 materials and in another meeting you may have  
21 presentation materials. So I can go through  
22 for the specific type of meeting and address

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1 the expected type of document that I would see  
2 in relation to Outreach --

3 MR. KATZ: I think that's  
4 disparative.

5 MS. ROBERTSON-DEMERS: And I think  
6 that they are termed expected documents in  
7 that item. The reason that it was phrased the  
8 way it, to offer an option, not to necessarily  
9 to have to put it in this procedure but put it  
10 in some other document, documented  
11 communication to the staff, was that it  
12 effectively be communicated to the people who  
13 may not be as experienced as ATL in conducting  
14 these meetings, to make those expectations  
15 known.

16 MR. JOHNSON: I'll make sure that  
17 the information is in the procedure, everybody  
18 receives a copy of the procedure, or is  
19 informed the procedure is updated and could  
20 review it. And I don't know that there would  
21 be any formal training, but there could be.

22 MS. ROBERTSON-DEMERS: Anyway,

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1 that one was in progress.

2 MR. KATZ: Okay. Sounds good.

3 MS. ROBERTSON-DEMERS: Okay,  
4 Finding 4.

5 CHAIR BEACH: No other  
6 clarification needed for that, three?

7 MS. ROBERTSON-DEMERS: No, we're  
8 kind of waiting.

9 CHAIR BEACH: Okay, Number 4,  
10 action items are on Page 17.

11 MS. ROBERTSON-DEMERS: I have this  
12 one in progress.

13 CHAIR BEACH: So do I. Looks like  
14 nothing new, this is all prior to the December  
15 meeting.

16 MS. ROBERTSON-DEMERS: Actually, I  
17 think that's a typo where it says "prior to."

18 CHAIR BEACH: Okay.

19 MS. ROBERTSON-DEMERS: The second  
20 time, I think that's 12/16.

21 CHAIR BEACH: Okay.

22 MS. ROBERTSON-DEMERS: And that

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1 would be: to develop a proposal for resolving  
2 the dual track system for site expert  
3 interviews and Worker Outreach meetings.

4 This will take into consideration  
5 different types of worker comments, the  
6 various sources of comments and how it informs  
7 the review preparation and technical  
8 documents.

9 Further consideration will be  
10 given to resolving how comments of different  
11 types of workers or site experts are weighted.

12 And this really was for you guys to develop a  
13 proposal on how to resolve this.

14 MR. JOHNSON: As I indicated  
15 earlier, we are going to look at Procedure  
16 012, and it will not deal with expert  
17 interviews, and that aspect will be developed  
18 outside of procedure.

19 CHAIR BEACH: Okay, what happens  
20 to this action item then, does that go away,  
21 if you're going to develop this outside of the  
22 procedure?

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1 MS. ROBERTSON-DEMERS: I'm just  
2 speaking for myself, the other SC&A people can  
3 jump in.

4 CHAIR BEACH: Well, I'm just  
5 asking a question to clarify.

6 MS. ROBERTSON-DEMERS: I guess I'm  
7 looking for a written proposal.

8 DR. MAKHIJANI: Can I ask a  
9 clarifying question? Sorry, Wanda.

10 MEMBER MUNN: No, go ahead.

11 DR. MAKHIJANI: When you say  
12 expert --

13 MEMBER MUNN: Well, it started off  
14 talking about experts, but then what she just  
15 read was something about taking into  
16 consideration different types of worker  
17 comments. Various sources of comments and how  
18 it informs the review or preparation of work  
19 documents. Consideration to be given to  
20 resolving how comments from the different  
21 types of workers or site experts are weighed.

22 Even if you take the site experts

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1 issue out of that it's very difficult for me  
2 to see how one would go about resolving  
3 differing bits of information, or conflicting  
4 pieces of information from different  
5 individuals, regardless of whom they were.

6 MS. ROBERTSON-DEMERS: To clarify,  
7 this is the dual track system.

8 DR. MAKHIJANI: Yes, but I was, in  
9 light of our earlier discussion, you know,  
10 about what we take into account, you know, in  
11 assessing how NIOSH are, you know, itemizing  
12 or cataloging how NIOSH is responding to  
13 public comment.

14 I'm a little confused about, you  
15 know, maybe we need to revisit how we are  
16 thinking about workers and site experts and so  
17 on, because, if a site, I mean SC&A often,  
18 actually, we treat the terms a little bit  
19 interchangeably.

20 MS. ROBERTSON-DEMERS: Yes, and  
21 they should be.

22 DR. MAKHIJANI: And they are, in

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1 my mind they are, you know, somebody who was  
2 in the rolling mill in metal and steel or  
3 something, and operating a machine for me,  
4 he's an expert on that machine.

5 And so it doesn't matter, nothing  
6 else really matters, I mean, you know, he  
7 knows more than anybody else about that piece  
8 of equipment. And so what I might suggest,  
9 for consideration, you know, I've been a  
10 little bit out of the discussion, but I was  
11 part of the very early discussion on this  
12 question.

13 Maybe when you reformulate this  
14 procedure that the comments made by people on  
15 the team and internal and so on, be separated  
16 from the comments made by other people  
17 knowledgeable on the site that you're seeking  
18 information from and there would be one  
19 procedure for that.

20 So if you've got somebody who's a  
21 health physics expert who's not employed by  
22 ORAU or somebody that knows about a machine,

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1 those be equivalently treated. You got  
2 somebody in your team whom you're paying, you  
3 know, for their expertise that sort of goes  
4 into your document preparation anyway.

5 You pay them to exercise judgment  
6 about other results, conflicting comments.

7 MS. ROBERTSON-DEMERS: The reason  
8 why we brought this up is that there is no  
9 mechanism to incorporate those site expert  
10 interview comments into a technical document.

11 There used to be in PR-097, there is no  
12 longer a process to do that.

13 DR. MAKHIJANI: What do you mean  
14 by those site experts?

15 MS. ROBERTSON-DEMERS: The  
16 documented communications.

17 DR. MAKHIJANI: Yes, okay.

18 MS. ROBERTSON-DEMERS: Okay,  
19 versus the Worker Outreach meetings.

20 DR. MAKHIJANI: Okay.

21 MS. ROBERTSON-DEMERS: They're  
22 different, there's a line drawn between the

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1 two. And before we make any recommendations,  
2 I would like to see the proposal that NIOSH  
3 has and I think we need to discuss further.

4 DR. MAKHIJANI: I'd like to ask  
5 you a question. Are you proposing to  
6 separate, in different procedures, how you are  
7 going to incorporate documented communication  
8 versus information you get from information-  
9 gathering meetings from workers, is that the  
10 proposal?

11 MR. JOHNSON: This procedure will  
12 not deal with expert interviews.

13 DR. MAKHIJANI: Okay.

14 MR. JOHNSON: As an example, if I  
15 was to interview you based on expertise of  
16 activities over at Fernald, that would be part  
17 of a separate procedure, it would not be  
18 incorporated in here.

19 DR. MAKHIJANI: Got it.

20 MS. ELLIOTT: Some of this is a  
21 point in time issue. For example, the Mound  
22 meeting was in response to questions that were

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1 asked after the SEC evaluation, and that has  
2 not been part of ATL's contract and that's  
3 basically why there is not our involvement in  
4 that situation.

5 Therefore there's not the same  
6 type of documentation. And PROC-012 was  
7 basically to cover ATL's contract obligation  
8 and the description of work under that,  
9 correct?

10 MR. JOHNSON: That's a relatively  
11 accurate statement, yes.

12 MS. ELLIOTT: Okay, so it's a  
13 point in time issue where, you know, the HP is  
14 going out after the Evaluation Report has been  
15 submitted to answer additional questions so  
16 it's not in the conventional realm of Worker  
17 Outreach.

18 MS. ROBERTSON-DEMERS: Well,  
19 here's what I propose, you say you don't want  
20 to put it in PR-012, which is fine, but there  
21 has to be a linkage between those interviews  
22 and the Site Profile development, or the SEC

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1 ER development. Whether that's done in a  
2 separate procedure or what, that linkage, that  
3 requirement has to exist.

4 CHAIR BEACH: I wrote -- from  
5 Finding 4, I wrote it that it was in progress.

6 This is from our December meeting, and NIOSH  
7 to look at feasibility of adding another  
8 column in OTS. So that was part of our  
9 discussion in December.

10 MR. JOHNSON: Another column, just  
11 to capture.

12 CHAIR BEACH: And it was to  
13 capture.

14 MR. KATZ: I remember that, so you  
15 can track those just like you track the other  
16 ones.

17 MEMBER MUNN: Just to say we went,  
18 we spoke.

19 CHAIR BEACH: Because if you come  
20 up with something different since December,  
21 because all we have to go on is what the  
22 action item was from December, so if something

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1 is changed then we probably just need to see  
2 that in writing, what the change is so that it  
3 can be assessed or evaluated, because we  
4 haven't discussed this since December.

5 MR. JOHNSON: Yes, I think the  
6 point we were trying to make there is that we  
7 were going to go look to see if we could  
8 backfit OTS for a separate interview type  
9 thing.

10 And because it's not a specific  
11 meeting but it truly is a specific meeting, it  
12 falls into a different category. So I'd have  
13 to go back and talk with the IT people and  
14 discuss with Stu exactly how he wants to  
15 handle this in regards to most types of  
16 meetings.

17 If we were to put it in the OTS  
18 system, the information would go in and from  
19 there it would go over to ORAU, ORAU would put  
20 it in their SRDB and it would fly over to our  
21 SRDB. So that was the hopeful for the  
22 connection of the information-gathering and

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1 being put into both the SRDBs.

2 CHAIR BEACH: Right, okay, so it's  
3 in progress and I guess just have to report  
4 out what the decision is there?

5 MR. JOHNSON: Yes, I'll sit down  
6 and talk to Stu on that.

7 CHAIR BEACH: So the action item  
8 beyond that also stands, there's actually two  
9 prior to December 16th, and then the one we  
10 added in December and then you're going to  
11 look at the adding of another column?

12 MR. JOHNSON: I don't know if it  
13 will be a column or if it will be just kind of  
14 a straight entry as a separate meeting or  
15 exactly how it's going to --

16 CHAIR BEACH: Okay, so we'll just  
17 look to you for that at the next meeting.

18 MEMBER MUNN: That's a NIOSH  
19 action?

20 MR. JOHNSON: Yes.

21 MS. ROBERTSON-DEMERS: There were  
22 no new action items on Finding 5, and we have

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1 it in progress.

2 CHAIR BEACH: Yes, we do. All  
3 this just kind of goes back to the track thing  
4 we just discussed.

5 MEMBER MUNN: Yes, pretty much.  
6 It's the same type of meeting venue that we  
7 were just talking about.

8 MR. KATZ: So what's the decision?

9 MEMBER MUNN: It's hard to say  
10 much at this juncture.

11 MS. ROBERTSON-DEMERS: This one,  
12 this finding, if I go back up to the original  
13 finding, the procedure does not define,  
14 describe a process for assuring the worker  
15 feedback is accurately and completely  
16 documented. So it's very similar to the  
17 discussion we just had on integrating those  
18 two documents into PR-012.

19 MR. JOHNSON: This one has the  
20 term "correspondence," and so are we talking  
21 about like email or letters from --

22 MS. ROBERTSON-DEMERS: I'm got to

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1 go back here for a minute. This is related to  
2 the affirmative sign-off of the meeting  
3 participants on the meeting minutes, it's  
4 related to the destruction of audio tapes,  
5 those are the primary issues.

6 So in other words there needs to  
7 be a feedback loop, or let's see. We  
8 recommend there be a feedback meeting or loop  
9 be incorporated into the procedure, providing  
10 workers with an opportunity to correct  
11 inaccuracies or to insert information they  
12 feel was missed in the meeting minutes.

13 Furthermore, the procedure should  
14 address how comments provided during  
15 information-giving meetings are documented and  
16 resolved.

17 MR. JOHNSON: When it comes to the  
18 resolution, in the discussion that we had was  
19 that we have a DCAS HP, and an ORAU subject  
20 matter expert at the meeting.

21 And if there wasn't an ORAU  
22 individual there, HP would, along with the

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1 other attendees, would come up with any action  
2 items that they believe, through their  
3 professional judgment, were to be documented.

4 And they would review the minutes  
5 of the meeting to validate their judgment, and  
6 those items would go into the tracking system,  
7 and be assigned and tracked to closure.

8 MS. ROBERTSON-DEMERS: I think  
9 this is literally what I said, the action item  
10 findings, Number 2, this is having a mechanism  
11 in the procedure for sending out the meeting  
12 minutes, going back to the person and saying:  
13 did we miss anything, did we misinterpret you?

14 MR. JOHNSON: I have a Town Hall  
15 meeting, how I can do that?

16 CHAIR BEACH: So let me interrupt  
17 for a second, we're talking about five, right?

18 MS. ROBERTSON-DEMERS: Right.

19 CHAIR BEACH: I have that listed  
20 as we put it in abeyance at the last Work  
21 Group meeting.

22 MS. ROBERTSON-DEMERS: Well, we

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1 discussed the audio tapes, okay? And I  
2 believe that Arjun said that it was okay, that  
3 as long as the meeting minutes were posted on  
4 the website, that it was okay to destroy the  
5 audio tapes.

6 DR. MAKHIJANI: Well, the audio  
7 tape destruction matter was decided.

8 MS. ROBERTSON-DEMERS: Right,  
9 right, but there's another aspect of this and  
10 that's the affirmative sign-off of the meeting  
11 minutes by the attendees.

12 MEMBER MUNN: You know that's --  
13 it's hard to imagine if you're having a  
14 meeting with one or two individuals I can see  
15 how sign-offs would be reasonable.

16 Some of the worker meetings that  
17 I've attended where you have a zillion people,  
18 now how are you going to get a -- you can't  
19 get an affirmation from those.

20 MS. ROBERTSON-DEMERS: This was  
21 done under PR-090, under PROC-090, they had a  
22 mechanism in their ATL or ORAU, or whoever it

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1 was, where they sent it to the meeting  
2 coordinator.

3 MEMBER MUNN: The meeting  
4 coordinator signing off I can understand.

5 MS. ROBERTSON-DEMERS: On the  
6 other side.

7 (Simultaneous speakers.)

8 MS. ELLIOTT: We did talk about it  
9 at one of the meetings and it was put into  
10 abeyance, based on, it's been discussed  
11 before.

12 MR. KATZ: I thought the  
13 discussion was what somebody just said, was  
14 that you post it and if people wanted to send  
15 in comments on the minutes that they could.

16 MS. ELLIOTT: And we do submit  
17 them also to the entity that we had the  
18 meeting with and they are given an amount of  
19 time to reply. If they don't reply, that's  
20 taken as consent, or agreement.

21 MS. ROBERTSON-DEMERS: Okay, and  
22 my argument here is put it in your procedure.

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1 MS. ELLIOTT: If we're doing it,  
2 it is in our procedure, but I understand where  
3 you need it to be written, I just --

4 CHAIR BEACH: Okay, so, are we  
5 going to -- is that an action item then to put  
6 it in the procedure, is that what I'm hearing?

7 MEMBER MUNN: Have we agreed that  
8 it needs to go into the procedure, that it's  
9 appropriate to go into the procedures?  
10 They're part of the procedures now.

11 MR. KATZ: J.J., are you amenable  
12 to --

13 MR. JOHNSON: I will work on that.  
14 I will talk to Stu about that.

15 CHAIR BEACH: So that can just be  
16 an action item, that you guys can talk about  
17 it internally and let us know?

18 MR. JOHNSON: Yes.

19 MEMBER MUNN: Feasibility is the  
20 question right now.

21 MS. ROBERTSON-DEMERS: Now to  
22 clarify something, it is true that we resolved

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1 the audio tapes at the last meeting.

2 MR. KATZ: Okay, what's next?

3 MS. ROBERTSON-DEMERS: Observation  
4 1: the procedure doesn't address the  
5 possibility that sensitive or classified  
6 information could be shared at Worker Outreach  
7 meetings. NIOSH made a proposal.

8 CHAIR BEACH: Are you on  
9 Observation 1?

10 MS. ROBERTSON-DEMERS: Right.

11 CHAIR BEACH: Because I have that  
12 listed as in abeyance also.

13 MS. ROBERTSON-DEMERS: I have it  
14 listed a little bit differently. What I have  
15 in my matrix is, I'm uncertain based upon the  
16 transcript and the discussion at the end of  
17 the last Working Group whether it's in  
18 abeyance or closed, because there was some  
19 discussion that we were not going to use in  
20 abeyance.

21 MEMBER SCHOFIELD: You know,  
22 that's one of the things about classified

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1 information, where the people who are making  
2 comments, most of them are going to know  
3 whether that's classified or not.

4 And if they do want to give  
5 something that's classified, then we would  
6 have to make arrangements for them to do it in  
7 a classified setting.

8 So if people choose to state  
9 classified information the best we can do is  
10 just -- in some respects you can't acknowledge  
11 let's say, you know, come out and say that's  
12 classified, you know, you just kind of take it  
13 down.

14 Because you don't really have any  
15 control over that, what people are going to  
16 say. But give them an avenue where they can  
17 say something that's classified, I think would  
18 be reasonable.

19 MS. ROBERTSON-DEMERS: Okay, so my  
20 question here is: I don't know how to record  
21 the status based upon the discussions at the  
22 tail end of the last meeting. If NIOSH has

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1 committed to doing something, but the new  
2 procedure is not issued yet, and SC&A agrees,  
3 what status do you want to give it?

4 CHAIR BEACH: Well, help me out  
5 here. Abeyance means it's waiting for the  
6 final procedure.

7 MEMBER MUNN: The decision has  
8 been made, the paper hasn't been issued.

9 CHAIR BEACH: Okay, so it stays in  
10 abeyance until we see the procedure, you  
11 verify that it has indeed answered that  
12 observation and then we close it at the next  
13 meeting, is that how it works?

14 MR. KATZ: That's how in abeyance  
15 works. I think Kathy was noting that at the  
16 last meeting, we discussed whether we  
17 discussed whether we wanted to bother with in  
18 abeyance for this Work Group, versus the  
19 Procedures Subcommittee were we do in  
20 abeyance, as to whether it really needs to be  
21 -- somebody needs to go revisit these issues  
22 where everyone agrees what's going to be done.

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1                   So that was discussed at the last  
2 meeting, I think that's what Kathy's saying so  
3 she's not sure whether we're dealing in in  
4 abeyances at all, versus just simply in  
5 progress or closed.

6                   CHAIR BEACH: Okay, well, I think,  
7 I wrote down abeyance, so I guess I missed  
8 that conversation. Kathy, what's your comfort  
9 level on that? I'm okay with in abeyance and  
10 then closing it, or closing it and being  
11 assured that NIOSH is going to do it, or leave  
12 it in progress?

13                   MS. ROBERTSON-DEMERS: I'm happy  
14 with in abeyance.

15                   CHAIR BEACH: And then once you  
16 revisit it, then we close it. Does everybody  
17 agree with that?

18                   I'm okay with that. Because I  
19 don't remember the discussion of the abeyance  
20 or closed and what we decided.

21                   MR. KATZ: That's fine, it's fine,  
22 it's whatever you guys want to do, it's again,

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1 it's what is --

2 MR. JOHNSON: I think that  
3 discussion was close to the end of our  
4 meeting.

5 MS. ROBERTSON-DEMERS: It was.

6 CHAIR BEACH: And I'm okay with  
7 abeyance and then the next meeting go, Kathy  
8 or SC&A, are you satisfied? Okay, those are  
9 closed.

10 Because I think everybody should  
11 be comfortable, this is a lot of work.

12 MEMBER SCHOFIELD: I think I'm  
13 comfortable leaving it in abeyance there.

14 MR. KATZ: Okay, that's what we're  
15 doing, Phil.

16 CHAIR BEACH: So we can say that  
17 Observation 1, and I have two, three, four,  
18 and five, are all listed in abeyance.

19 MS. ROBERTSON-DEMERS: Hang on.

20 CHAIR BEACH: But don't let me jump  
21 ahead.

22 MEMBER MUNN: Well, anytime we've

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1 previously agreed that they were in abeyance,  
2 then, unless there is action since then,  
3 there's no point in addressing it again. I  
4 didn't have three as in abeyance.

5 MR. KATZ: So the action for all  
6 of these in abeyance would be just for DCAS to  
7 report when they're -- when it's issued.

8 (Simultaneous speakers.)

9 MS. ROBERTSON-DEMERS: Yes, I  
10 don't have Observation 3 as in abeyance.

11 CHAIR BEACH: I do, listed on  
12 December 16th but you're right on the new one,  
13 we have it in progress.

14 MS. ROBERTSON-DEMERS: Right.

15 MEMBER MUNN: That's what I see,  
16 under posting the presentations from the  
17 Worker Outreach meetings on the NIOSH website.

18 MS. ROBERTSON-DEMERS: Yes, that  
19 was the last action item that they got from  
20 the last meeting.

21 MR. KATZ: We have an issue,  
22 actually, with posting presentations now,

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1 anymore than -- Frank, don't we?

2 MS. ELLISON: That one cleared.  
3 That was for the Advisory Board meetings.

4 (Simultaneous speakers.)

5 MR. KATZ: That one cleared. So we  
6 have this issue is that they're clamping down  
7 in the world of government web on what you can  
8 post and what you can't. And we've had a  
9 couple wrestling matches already, which we've  
10 won, about posting things for the Board, like  
11 presentations that we're now putting on for  
12 the Board meetings.

13 We're posting those now so that  
14 people that aren't coming to those meetings  
15 can see those presentations too, which is  
16 great. But --

17 MS. ELLISON: We had to get an  
18 exception so that's was one of the things they  
19 are not allowed to post.

20 MR. KATZ: We had to get a blessing  
21 to do that. But the general rule is you  
22 cannot post presentations on the web, they are

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1     trying to sort of quality -- make more  
2     stringent --

3             MS. ELLISON:    You can as long as  
4     they are part of a part of a larger NIOSH  
5     numbered publication, which none of ours are.

6             MR. KATZ:     In other words, and  
7     what that means is that they're a formal  
8     published document by the government, then you  
9     can post them but not -- they don't want all  
10    this sort of informal sort of presentations  
11    and so on out there.  And that's just sort of  
12    -- this isn't coming from NIOSH, this is  
13    coming from up on above.

14            MS. ELLISON:   Yes, it is.

15            CHAIR BEACH:    Sure, because they  
16    couldn't verify all those.

17            MS. ELLISON:    Right, exactly.

18            CHAIR BEACH:    Sure, I understand  
19    that.

20            MR. KATZ:     Up on high.

21            MS. ROBERTSON-DEMERS:    In this  
22    case, those presentations would be a part of a

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1 bigger NIOSH document because --

2 MS. ELLISON: Not NIOSH numbered  
3 publications.

4 MR. KATZ: That's not, this is  
5 sort of formal publications by NIOSH, it's  
6 different.

7 MS. ROBERTSON-DEMERS: Okay, so  
8 ORAUT documents don't, okay.

9 MS. ELLISON: They do not have a  
10 DHHS number associated with them.

11 MR. KATZ: But anyway, we can ask  
12 for permission but it's not a given that we  
13 will get that.

14 CHAIR BEACH: Okay, so then, is  
15 that in progress or in abeyance? Just leave  
16 it as in progress?

17 MS. ELLISON: Leave it as in  
18 progress.

19 CHAIR BEACH: Okay.

20 MS. ROBERTSON-DEMERS: We're on  
21 Page 26, which is Finding 3 --

22 CHAIR BEACH: And that's an action.

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1       Okay, perfect.

2                   MS. ROBERTSON-DEMERS:    Observation  
3       4, there's no requirement for disclosure of  
4       conflict of interest during Worker Outreach  
5       meetings.

6                   MR. KATZ:    In abeyance.

7                   MEMBER MUNN:   Accepted and gone.  
8       And same is true of Number 5?    All in  
9       abeyance.

10                  MS. ROBERTSON-DEMERS:   Yes.

11                  MR. KATZ:    And three, we said in  
12       progress, right?

13                  CHAIR BEACH:   Yes.

14                  MR. JOHNSON:   Yes.

15                  MS. ROBERTSON-DEMERS:    Now we  
16       have, what you will find in this matrix, that  
17       I asked permission to get rid of all but the  
18       open findings from under PROC-097, so that's  
19       why you only see PROC-097-04.    And this was  
20       requirements for Worker Outreach meetings in  
21       the development of the Site Profile.

22                  CHAIR BEACH:    So then this goes to

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1 our action item that you delivered to us on  
2 June 16th?

3 MS. ROBERTSON-DEMERS: Right, we  
4 have an action item and I also have an action  
5 item down for NIOSH but I can explain mine  
6 first.

7 MR. KATZ: So this is sort of a  
8 new -- is this, I'm wondering if we could have  
9 a comfort break?

10 CHAIR BEACH: Yes, what time is  
11 it?

12 MR. KATZ: If this is a good place  
13 to do that.

14 CHAIR BEACH: 2:35, so ten  
15 minutes, 2:45?

16 MR. KATZ: Okay. Thanks.

17 (Whereupon, the above-entitled matter went off  
18 the record at 2:36 p.m. and  
19 resumed at 2:48 p.m.)

20 MR. KATZ: Worker Outreach Work  
21 Group, reconvening after a short comfort  
22 break, and we're onto -- well, Kathy, why

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1 don't you tell us where we're at?

2 MS. ROBERTSON-DEMERS: We're on  
3 097-04, Finding, is the only remaining finding  
4 from the review of ORAUT PROC-097. And SC&A  
5 had an action item out of this item, and what  
6 we were tasked to do is to provide examples of  
7 where Site Profiles were developed in the  
8 absence of Worker Outreach meetings.

9 And hopefully you guys got a memo,  
10 and so what was done is a list of the Site  
11 Profiles developed was compiled, and we cross-  
12 referenced that with the available Worker  
13 Outreach meetings that had occurred.

14 If you recall from PROP-097, that  
15 Worker Outreach procedure was written in the  
16 time period when they were developing Site  
17 Profiles, and it required that two meetings be  
18 conducted associated with the development of a  
19 Site Profile.

20 One was an introductory meeting  
21 which introduced the Site Profile and allowed  
22 people to make comments and there was an

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1 additional rollout meeting, where again NIOSH  
2 came, presented what was in the Site Profile,  
3 and tried to solicit additional information  
4 from workers.

5 If you turn to Page 2 of that  
6 document, I need to make a couple of  
7 clarifications in here. You have a list of  
8 facilities and each one of these facilities  
9 had no Worker Outreach meetings. Okay, so  
10 that's the first step.

11 This is not a comprehensive list  
12 of sites without Worker Outreach meetings, but  
13 it is a list of some of the sites that had  
14 more claims than others.

15 And I did provide the number of  
16 claims referred to NIOSH for these items as of  
17 the issuance date of this memo, and that was  
18 statistics taken from the DOL website.

19 One of the other things that I did  
20 was that I asked myself, okay, are there site  
21 expert interviews that were done in relation  
22 to these sites, and I have that specified as

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1 available on the Site Research Database.

2 So I went through, and like with  
3 Aliquippa Forge, I looked for site expert  
4 interviews associated with that facility and I  
5 found one on the SRDB.

6 CHAIR BEACH: Can I stop you for  
7 just a sec, did NIOSH get this memo? Because  
8 I'm looking at the heading and it's to the  
9 Worker Outreach.

10 MS. ROBERTSON-DEMERS: I might  
11 have a couple of extra copies.

12 CHAIR BEACH: Because I think it  
13 was only --

14 MR. KATZ: Well, I was copied so I  
15 don't know whether -- did you receive it?

16 MEMBER MUNN: What date?

17 CHAIR BEACH: It's the 16th, but I  
18 was working with J.J.

19 MR. KATZ: J.J., did you receive  
20 it?

21 (Simultaneous speakers.)

22 MR. KATZ: Is this new to you.

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1 J.J.?

2 MR. JOHNSON: Yes. June 16th.

3 MR. KATZ: Do you have the email?

4 Oh, so you know who it was sent to? Who's on  
5 there? Sent to J.J. and others.

6 CHAIR BEACH: Okay, I just wanted  
7 to make sure because I didn't know if anybody  
8 had it. Okay, sorry, Kathy.

9 MR. KATZ: It's very recent, just  
10 June 16th.

11 MS. ROBERTSON-DEMERS: Okay, now  
12 as you can see that if you go down to Bliss  
13 and Laughlin, although there wasn't a Worker  
14 Outreach meeting there were site expert  
15 interviews. And the site expert interviews  
16 may range from one to a dozen, okay, I didn't  
17 specify here.

18 Another place I looked was the SEC  
19 Viewer communications, because I learned in  
20 the situation with the Rocky Flats review,  
21 that that's sometimes where these site expert  
22 interviews show up, rather than the SRDB. If

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1 you look at Aliquippa Forge you'll see not  
2 applicable. What that means is there wasn't  
3 an SEC for that site.

4 In the case of Sandia National Lab  
5 Livermore, there was an SEC filed early on in  
6 relation to an X-ray accident, and as a part  
7 of that SEC review, they actually interviewed  
8 the guy. So yes, there was a site expert  
9 interview in that case.

10 So that's kind of the breakdown of  
11 the examples and, you know, I think that the  
12 recommendations that I put in this memo are  
13 very similar to one of the action items that  
14 NIOSH was given in one of the previous items.

15 And that is to review and  
16 reevaluate those profiles with no Worker  
17 Outreach -- where no Worker Outreach was  
18 conducted, to determine if the Site Profile  
19 would benefit from an information-gathering  
20 meeting.

21 Where the Site Profile would  
22 benefit, we recommended that the Work Group

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1 consider further action.

2 So we're asking NIOSH to go  
3 through and determine whether some sort of  
4 Worker Outreach would benefit these Site  
5 Profiles, and then looking to the Work Group  
6 to provide some direction.

7 CHAIR BEACH: So I talked to Mike  
8 about this last night because it is so new and  
9 I wasn't sure if NIOSH would have had time to  
10 even bring a response to the Work Group on  
11 this but I thought that, and Mike agreed that  
12 this, basically, we just need to allow NIOSH a  
13 chance to look at it and give us your thoughts  
14 on it, for lack of a better word.

15 And I guess that would also go  
16 with your original action item of 12/16, and  
17 that was provide a written response of  
18 rationale for the lack of Worker Outreach  
19 meetings supporting Site Profile development,  
20 so those kind of go hand in hand. Wanda, I  
21 don't know, how do you feel about that?

22 MEMBER MUNN: I think you're

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1 probably correct.

2 CHAIR BEACH: And then I guess to  
3 further on that, if NIOSH and SC&A and the  
4 Work Group decides that we need to act on some  
5 of these, then I guess we need some direction  
6 forward, but not right now.

7 MR. KATZ: It's not even clear to  
8 me what the action would be in terms of the  
9 Work Group, because it seems like this is  
10 really a NIOSH program matter, not so much a  
11 Work Group matter.

12 CHAIR BEACH: Which they would  
13 have to let us know. Did you have something?

14 MS. ROBERTSON-DEMERS: Well, we  
15 didn't want to recommend that they do Worker  
16 Outreach meetings for particular sites, that  
17 wasn't our plan.

18 CHAIR BEACH: The original was  
19 just the rationale behind why they do and why  
20 they don't, and I think that's all the Work  
21 Group was looking for, maybe, from what I  
22 recall. Okay, so anything else on the

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1 procedure? Because that's the end of the  
2 matrix.

3 MR. KATZ: That's it.

4 CHAIR BEACH: And on the other  
5 item, and I actually asked Kathy to add this,  
6 is I wanted to have a Work Group discussion --  
7 and I don't know if today's the right day  
8 since Mike isn't here.

9 I wanted to know what the Work  
10 Group members thought of what our role should  
11 be, or if we should have no role at all in the  
12 worker comments, public comments that we get  
13 at the Advisory Board.

14 I know that they're doing a very  
15 good job capturing those comments, we get a  
16 nice form and then we spend a minute or two on  
17 this after Board meetings.

18 And I was wondering if the Work  
19 Group shouldn't take that on as a discussion  
20 point where we would go through it maybe, and  
21 discuss those items, but that's just something  
22 that I've been thinking about and wondered.

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1 Because I thought that was some of our role  
2 that we'd be taking on that action.

3 MEMBER MUNN: I thought our role  
4 was to get the Board aware of the fact that we  
5 were not, that we had not been keeping  
6 adequate records of worker comments and give  
7 them an opportunity to see what those comments  
8 were. And from my perspective, having  
9 achieved that, in my mind, that issue's  
10 closed, we're doing it and it's being done on  
11 a regular basis.

12 It seems to be done in a competent  
13 manner, you know, it seems to capture the  
14 basic information. I don't know what we would  
15 do with it other than pick at it a little bit,  
16 make it bleed in spots perhaps.

17 CHAIR BEACH: That's a good point,  
18 are those posted anywhere besides what you've  
19 sent to us, Ted?

20 MR. KATZ: No, they're not posted  
21 nor actually -- I'm not even sure they're  
22 appropriate for posting in that kind of

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1 format.

2 MEMBER MUNN: Probably not. They're  
3 a part of the transcript.

4 MR. KATZ: I mean, all the  
5 comments exist on the transcripts, because  
6 that's where they come from.

7 CHAIR BEACH: Okay, it's just  
8 something I would have thought and that's --  
9 what you mentioned is a different thought  
10 process. Phil, what do you think, anything?

11 (No response.)

12 CHAIR BEACH: Still there?

13 MEMBER MUNN: Are you thinking?

14 (Simultaneous speakers.)

15 CHAIR BEACH: Okay, since that was  
16 mine and I'm okay with what you just said,  
17 that we are doing it and we are going to  
18 continue to do it, maybe that's what we need  
19 to do.

20 MEMBER MUNN: Unless we become  
21 unhappy with what we see in Board meetings.

22 CHAIR BEACH: There you go.

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1                   MEMBER SCHOFIELD: Okay, how about  
2 now?

3                   MR. KATZ: Phil?

4                   MEMBER SCHOFIELD: Yes, I was just  
5 going to say that in some cases there might be  
6 some comments that are made to the Board that  
7 they would give this Work Group to follow up  
8 on. You know, right offhand I can't think of  
9 any, but it is a possibility, rather than the  
10 full Board being involved.

11                  CHAIR BEACH: Okay.

12                  MR. KATZ: Although, just to  
13 remind you how that works, I mean, what we do  
14 with those comments is: comments that are  
15 germane with a particular Work Group, we send  
16 to that Work Group as well. Because there are  
17 comments for the Work Group to consider as  
18 well as DCAS, so that process is in place  
19 actually, right, J.J.?

20                  So we have in a way, we're already  
21 doing what you're suggesting, Phil, I think.

22                  CHAIR BEACH: Perfect, then I'm

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1 comfortable with that. And do we have any  
2 workers on the line that would wish to make  
3 additional comments, before we get to our last  
4 assignment and action items?

5 (No response.)

6 Okay, so assignments of action  
7 items, I think we've already completed that.  
8 Scheduling the next Work Group meeting -- and  
9 I just want to be clear on this, there's going  
10 to be a technical call and that's going to be  
11 an SC&A, and I believe you have that scheduled  
12 already for Friday?

13 MR. STIVER: Yes, we'll have an  
14 internal call within SC&A.

15 CHAIR BEACH: Oh, so an internal  
16 call, and then a technical call after that?

17 MR. KATZ Yes, I think they'll  
18 need to send us something.

19 MR. STIVER: That's what we'll do,  
20 we'll put together some sort of a plan.

21 MR. KATZ: Yes, that sounds good.

22 MR. STIVER: And send that to you

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1 guys.

2 CHAIR BEACH: Okay, so are we  
3 going to have a Work Group call?

4 MR. KATZ: No, that won't -- I  
5 think this is in the weeds, I don't think it  
6 needs to be a Work Group meeting to sort out  
7 how to stratify it.

8 CHAIR BEACH: Okay, so SC&A will  
9 have their call and then, I guess I'm trying  
10 to determine how we are going to move forward.

11 That document will be delivered to the Work  
12 Group, then don't we need to have a meeting to  
13 discuss it or --

14 MR. KATZ: Which document?

15 (Simultaneous speakers.)

16 CHAIR BEACH: What they decide.

17 MR. KATZ: The plan forward. We'll  
18 get that in the technical call, we'll talk  
19 about the issues related to that and I can  
20 stamp go when they start doing the work.

21 MR. STIVER: I'll have to have a  
22 separate technical call, the one we are going

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1 to have on Friday is just going to be internal  
2 --

3 MR. KATZ: No, no, I understand,  
4 you're going to have your own technical call  
5 but then you're going to have a technical  
6 call with anyone who wants to attend from the  
7 Work Group as well as, you know, DCAS, myself,  
8 whatever.

9 MR. STIVER: Okay, so it will be  
10 open to all participants.

11 MR. KATZ: And then after that  
12 we'll hopefully be getting the green light and  
13 you'll go forward with the rest of the work on  
14 Rocky Flats.

15 CHAIR BEACH: Okay, so we can  
16 anticipate a technical call. How soon, maybe  
17 in a couple of weeks?

18 MR. STIVER: Definitely. Well,  
19 we've got back-to-back meetings the next two  
20 weeks.

21 MR. KATZ: You've got a lot.

22 MR. STIVER: Yes, there's a lot

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1 going on. I'll have a better idea after we  
2 talk on Friday, and get an idea what the scope  
3 of the problem is.

4 CHAIR BEACH: Okay, perfect.

5 MR. STIVER: It may not be that  
6 difficult and we can do it more quickly than  
7 that.

8 CHAIR BEACH: So after the  
9 technical call, then we can move forward.

10 MR. KATZ: And at the same time,  
11 as part of that, you can be dealing with  
12 budget, hours, you're going to have a sense  
13 then of when you'd be ready to deliver  
14 something to the Work Group.

15 And that would be a good stimulus  
16 for scheduling the next Work Group, when you  
17 have a sense in your plan of how much time is  
18 required to complete the work.

19 CHAIR BEACH: And then we'll need  
20 to hear from J.J., because it would be nice to  
21 close out PROC-012 too if we could.

22 MR. STIVER: I will get to you the

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1 procedure, I'll send it out tomorrow.

2 CHAIR BEACH: Perfect.

3 DR. MAKHIJANI: Then there was one  
4 more that I have, would Kathy have a list of  
5 questions for NIOSH that you were going to  
6 send out?

7 MR. KATZ: She's going to send us  
8 the NIOSH directive.

9 MS. ELLISON: She did. I got  
10 them.

11 MR. KATZ: Done.

12 MS. ELLISON: Yes, they're not  
13 answered yet but I've got them.

14 MR. KATZ: Good. Done.

15 MEMBER MUNN: July is a mess  
16 anyhow.

17 CHAIR BEACH: Does anybody have  
18 anything else before we close?

19 MEMBER MUNN: You're not going to  
20 make any effort to establish the next meeting?

21 MR. KATZ: No.

22 CHAIR BEACH: No.

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1                   MEMBER MUNN:     Until after we've  
2     heard from them.

3                   CHAIR BEACH:    Even though I would  
4     love to, I said no.

5                   MEMBER MUNN:     I was going to  
6     suggest the first week in August.

7                   MR. KATZ:     No, I mean they have  
8     to, they're not going to get anything ready  
9     that quick, I don't think, and we need a plan  
10    first.

11                  CHAIR BEACH:    Okay, so then we're  
12    closed. Thank you, everyone.

13                  MR. KATZ:     We're adjourned. Thank  
14    you, everyone on the line.

15    (Whereupon the foregoing meeting was concluded  
16                   at 3:05 p.m.)

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