

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

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

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WORK GROUP ON WORKER OUTREACH

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THURSDAY
JUNE 5, 2014

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The Work Group convened via teleconference at 1:30 p.m., Eastern Daylight Time, Josie Beach, Chair, presiding.

PRESENT:

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

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ALSO PRESENT:

TED KATZ, Designated Federal Official
LYNN AYERS, SC&A
MARY ELLIOTT, ATL
JOE FITZGERALD, SC&A
J.J. JOHNSON, DCAS
STU HINNEFELD, DCAS
MARK LEWIS, ATL
VERNON McDOUGALL, ATL
DAN McKEEL
CHRISTOPHER MILES, ORAU Team
DAN STEMPHLEY, ORAU Team
DONALD STEWART, ORAU Team
JOHN STIVER, SC&A

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

2 (1:32 p.m.)

3 MR. KATZ: Advisory Board on
4 Radiation and Worker Health, Worker Outreach
5 Work Group, first time we've met in quite a
6 while. For everybody on the phone the
7 materials that we're going to be discussing
8 today, which are, there's an agenda and then
9 there's just two items.

10 And one is a report related to
11 outreach on LANL, Los Alamos. And the second
12 is a draft presentation for a presentation that
13 will be made to the Board in July about possible
14 future paths for the Work Group going forward.

15 So anyway those are all up on the
16 NIOSH website. If you go to the Board section
17 of the website, to schedule of meetings, and you
18 click on today's date and today's meeting,
19 they're posted there, and you can look and
20 follow along that way for anyone who wants.

21 The other thing I just want to note

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1 generally before we do roll call, and then you
2 we don't have to discuss it individually as we
3 do roll call, but two of the Board Members, Phil
4 and Loretta, Loretta are you on the line?

5 MEMBER VALERIO: Yes, I am.

6 MR. KATZ: Okay, great. Phil and
7 Loretta both have conflict with respect to Los
8 Alamos National Labs. So the first agenda
9 item, they're on the line to hear because
10 they'll need to be here for when it's done and
11 for general information as to what was
12 discussed there.

13 But they won't be participating in
14 that agenda item. They'll be recused from
15 that, so that's just for everyone's general
16 notice.

17 And for others, so I've covered that
18 for the Board Members, other parties on the line
19 should also indicate if they have conflict with
20 Los Alamos as we go through roll call. But that
21 takes care of the Board Members.

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1 So with no further ado, let me do the
2 roll call, I mean we already have, I already
3 heard we have Wanda.

4 MEMBER MUNN: Yes.

5 MR. KATZ: The Chair, I mean Wanda,
6 Josie, the Chair, Loretta and Phil are all on
7 the line. So we can, just go forward from there
8 with NIOSH, ORAU team.

9 (Roll call)

10 CHAIR BEACH: Okay. Thank you,
11 Ted. As Ted pointed out this is a pretty simple
12 agenda. We are going to have SC&A start with
13 the LANL slide review, or the report. And then
14 I'll go into path, the backwards and forwards
15 Work Group accomplishments over the last few
16 years.

17 Our last meeting was held in
18 November of 2012. Some of the highlights from
19 that meeting, just a quick review here. We
20 completed the PROC-12 procedure. We chose
21 LANL as our site. ATL gave us a pretty

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1 informative presentation during that Work
2 Group meeting. And then we had Chris review
3 some ten-year review items.

4 Let's see, you did point out that we
5 had the presentations on the NIOSH website, we
6 also have a lot of background information that
7 was sent out. The full review for the
8 Responsiveness to Worker Comments was put out
9 in May. And then the summary document you
10 should have gotten, that was sent out in April.

11 So anyway, Lynn it's pretty much
12 your agenda at this point. I know we do have
13 to get your slides up on the Live Meeting, so,
14 and have you actually joined Live Meeting yet
15 Lynn, as a presenter?

16 MS. AYERS: No, actually I have not
17 used that application previously. I just have
18 the slides up from the website as I was phoning
19 in --

20 CHAIR BEACH: Okay.

21 MS. AYERS: -- by phone, as I --

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1 CHAIR BEACH: So we -- Ted, I'm
2 going to let you walk her through it.

3 MR. KATZ: Well I was just going to
4 suggest then, I mean it might be just as easy
5 since everyone has access to the presentation
6 --

7 MS. AYERS: Right.

8 MR. KATZ: -- if they want to just
9 follow along independently rather than putting
10 it up on Live Meeting --

11 CHAIR BEACH: Oh, okay.

12 MR. KATZ: -- at this point. If
13 that's not a problem. If it's a problem for
14 someone then let me know. But otherwise you
15 can --

16 CHAIR BEACH: So let me ask. Does
17 everybody have access to Lynn's slides that's
18 on the phone?

19 MR. KATZ: Well, I mean they're
20 posted, for one.

21 CHAIR BEACH: They're posted

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1 that's correct. Okay, all right.

2 MR. KATZ: I mean you have it on
3 your own computer, you can follow along that way
4 too. And Lynn just call out the slide as you
5 go.

6 MS. AYERS: Okay.

7 CHAIR BEACH: Okay, here we go.

8 MS. AYERS: All right shall we give
9 everybody a minute, or shall we just move
10 forward?

11 CHAIR BEACH: I would move forward.

12 MS. AYERS: Okay. All right.
13 Well, first slide is simply the title slide, the
14 Review of NIOSH Responsiveness to Worker
15 Comments for the Los Alamos National
16 Laboratory.

17 As Josie just mentioned, the Rev 0
18 was issued on May 14th of this year. I sent it
19 to the Work Group in the not PA-cleared version.

20 We actually just sent a revision to
21 the Work Group today with two very minor

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1 corrections on one page and we will be providing
2 a PA-cleared version after OGC completes their
3 review. So that's coming.

4 All right, skip to Slide 2. I'm
5 just mentioning this part here to put it in
6 context because I think Josie will be covering
7 it in more detail very shortly. This is the
8 background of the Work Group Charter. Sort of
9 the context for the review that we conducted.

10 Mission Statement, the part that's
11 applicable to this review is to evaluate the
12 effectiveness of NIOSH activities in obtaining
13 and making use of information from current and
14 former workers and their representatives.

15 In more detail that Evaluation
16 Objective 3, focuses on DCAS giving thorough
17 consideration to information, incorporating
18 that into its work products as appropriate, and
19 adequately communicating the impact of
20 substantive comments to workers.

21 And it's that last piece of

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1 communicating that's gone through a little bit
2 of a change over time, but I'll get to that when
3 we get there. Still doing some review and
4 background so that everyone keeps track of
5 where we've come from to get this review.

6 Two reviews focusing on Objective
7 3. The first one was a pilot review of inputs
8 for the Rocky Flats Plant. That review was
9 done in 2011 to 2012. And this is a follow up
10 done between 2013 and '14.

11 Next slide, these are just some
12 examples of the kind of things we've considered
13 in trying to evaluate those three main points,
14 considering incorporating and communicating.

15 So under documentation practices we
16 thought about things about the completeness of
17 records. In regard to Objective 3, that's
18 pretty much are they putting minutes of
19 meetings in the Outreach Tracking System?

20 Site expert interviews, are those
21 all available? Do they have complete

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1 interview notes? Validation reviews, means
2 are they sending completed notes from the
3 interviews back to the participants, the
4 interviewees to verify that they've been
5 captured accurately.

6 How's that documented? And then
7 the documentation of action items and follow up
8 on the issues that come up, that are provided
9 by the commenters.

10 The next major step is
11 consideration and incorporation into technical
12 documents. Obviously incorporation is fairly
13 straightforward since you can see if an issue
14 has been addressed in the final version of the
15 document that comes out.

16 Consideration is a lot more both
17 subjective and a little bit difficult for us to
18 pursue. Some of the evidence we've looked at
19 comes from the work documents themselves,
20 transcripts of meetings, the databases, the
21 Site Research Database, and the SEC viewer and

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1 Outreach Tracking System.

2 And sometimes data capture. We'll
3 see an issue come up and say, oh well, we can
4 see that they gathered from documents on that
5 topic. And so that's evidence that they
6 considered the issue that the commenter was
7 addressing.

8 And then from the Work Group we had
9 on this matter, was that we were always going
10 to reflect the most recent NIOSH position on the
11 issue. Though obviously sometimes that
12 changes over time as the Work Group discussions
13 kick around, an SEC goes forward.

14 So we're just going pick the most
15 recent one that obviously streamlines the
16 nature of the review. But those things
17 together combined with sort of a recognized
18 issue that we've discussed in the past about
19 sort of a lack of a comprehensive tracking
20 system which NIOSH is working on.

21 And we're not really identifying,

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1 did we consider this input from this person?
2 Or rather we're looking a little bit more
3 broadly, was the issue that they were concerned
4 about somehow reflected in NIOSH's, you know,
5 discussion or the document?

6 And then again because we know our
7 access is limited, both reviews incorporated an
8 opportunity to bring NIOSH to get a copy of the
9 initial evaluation of the individual comments,
10 and had an opportunity to give their feedback
11 and input, which helps to address that
12 limitation in our access, as they have better
13 access to the individuals and documentation
14 from what process.

15 The last major element here is
16 response to commenters. That was a major
17 component of the Rocky Flats Pilot review. And
18 the guidance we received from the Work Group was
19 that we were looking for a direct response to
20 the individual within six months.

21 And that subsequently when we

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1 prepared for the LANL review, we did just
2 determine that was sort of beyond the scope of
3 the Board's charter and for our contract.

4 Primarily from the standpoint of
5 that we were judging that response to
6 commenters falls under more of a quality of
7 service, rather than a quality of science, so
8 that was not part of the LANL review.

9 Next slide, the recap of the Rocky
10 Flats is broad in scope. Venues included the
11 Advisory Board and Work Group meetings which
12 again that's sort of a contrast to the LANL
13 review.

14 Very broad, we had interviews, we
15 had Board and Work Group meetings. There's
16 comments submitted to the Docket. Just a wide
17 variety of different ways that people had
18 provided input, comments. Obviously the
19 worker outreach meetings themselves were a
20 major source.

21 Okay, the cut-off that was

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1 established by the criteria we were following
2 was November of 2010. But the bulk of the
3 comments that were received fell in the range
4 of 2004 to 2007 which was a very active time
5 and an SEC review.

6 A total of 549 comments were
7 initially identified. Got that whittled down
8 a little bit but then we eventually had to come
9 up with a statistical sampling plan in order to
10 sort of constrain the scope of the resources
11 needed to complete that review. In the end
12 they selected 101 comments on the variety of
13 topics.

14 Again the two major frameworks were
15 consideration of the issues, and communication
16 with the commenters for this review.
17 Consideration of the issues was generally
18 pretty strong. 94 percent of the comments we
19 judged to have some consideration of the
20 issues.

21 It wasn't necessarily complete,

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1 that would include whole and partial, and
2 basically that was addressed or considered in
3 some way. In 85 percent of the cases which is
4 still pretty strong, we felt that it was
5 adequate or complete.

6 And there were 15 percent, that 15
7 percent is sort of a combination of those that
8 were not considered, as well as those that were
9 sort of partial or incomplete. Or perhaps, you
10 know, maybe our interpretation was simply that
11 they missed an element of the commenters'
12 concern.

13 There's an error here on this slide.
14 I'm sure everybody will be seeing, this is to
15 see if you guys are awake. That radon should
16 be tritium. I got confused with some stuff and
17 we were all worn out there.

18 But, yes there was an issue with
19 tritium that had been brought up in some of the
20 comments. And really those comments have been
21 sort of among that population that was sort of

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1 partially addressed and that became the basis
2 for a later SEC Petition and Class I believe.

3 The next major issue was the
4 communication with the commenters. About 50
5 percent of the comments received a direct
6 response in six months. That varied a lot by
7 the venue in which they were presented.

8 Obviously in a case like the public
9 comments to the Advisory Board meetings, the
10 structure of that venue does not allow for a
11 direct, immediate response and at the time
12 frame we were dealing with, there was not a
13 mechanism in place to capture and track those.

14 Others may not have received
15 response for other reasons. Several were in
16 the petition, so they were actually addressed
17 very thoroughly at a later time and in the
18 Evaluation Report. But that was not within the
19 six months' time frame that we had for the
20 review.

21 Couple other issues. Site expert

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1 review of interview notes was not well
2 documented. That was the only parameter for an
3 interview that we were looking for in terms of
4 feedback to the commenter, was that they had an
5 opportunity to review those notes. Again
6 we're looking back at the 2004 to 2007 time
7 frame.

8 And just generally where there was
9 a lack of response, discussion, rationale, and
10 closure that could contribute to an appearance
11 of NIOSH being dismissive, regardless of what
12 NIOSH actually did in terms of consideration
13 and/or the correctness of their position on the
14 issue. That was the summary of Rocky Flats.

15 Winding up from that and in the
16 transitional period, these were some of the,
17 I'm sorry -- next slide. We're now on Slide 5.
18 We were recognizing the retrospective sort of
19 limitations of that review and wanting to focus
20 on how DCAS is currently managing these issues.

21 Some of the recommendations at the

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1 end of that review focused on that, trying to
2 move forward. What are the current
3 expectations, practices, and procedures? How
4 does NIOSH manage self-evaluation and
5 continual improvement? What system do they
6 have now for tracking and following up on
7 comments?

8 How do they communicate
9 expectations to the staff? Solicitation of
10 worker feedback and directed to the outreach,
11 or to the Work Group. We suggested that they
12 would consider a follow up review of any more
13 recent experience to gauge the effectiveness of
14 improvements that happened over time.

15 Next slide, so NIOSH did have an
16 opportunity to respond to those suggestions.
17 And these next couple slides come out of that
18 response. I wanted to acknowledge their
19 responses.

20 So at first they basically took the
21 venues where they had acknowledged some, you

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1 know, room for improvement in the Rocky Flats
2 data set. And addressed how those are being
3 handled currently. This was in November 2012,
4 that's the most recent Work Group meeting.

5 Public comments at Advisory Board
6 meetings, a process has been developed to
7 tabulate those comments and provide
8 information to the Board.

9 SEC Petition, NIOSH has took the
10 position that those, that information and
11 issues submitted in the petition, are addressed
12 in the Evaluation Report. Don't expect a
13 direct response to individuals.

14 And then the follow up on those
15 issues is going to be determined by the
16 Evaluation Report and the subsequent Work Group
17 discussion activities that occur.

18 Work Group meetings, similar to the
19 SEC Petition issues, those comments are being
20 addressed through the Work Group discussions.
21 NIOSH facilitates access to that information

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1 quite well by posting transcripts on the
2 website.

3 And more recently beginning to post
4 White Papers and other discussion items in
5 advance so that people can follow along in real
6 time.

7 Next slide, NIOSH response
8 continued. This was that clarification of
9 current expectations and practices. There was
10 some really good information here that we had
11 that they presented to us about their
12 management expectation for responsiveness and
13 receipt of comments.

14 Responding to correspondence as
15 soon as possible, using the same method as it
16 came in. ATL was being tasked to review
17 transcripts of Advisory Board meetings.
18 They're identifying lists of public comments.

19 DCAS prepares responses as
20 appropriate, forwards those comments and
21 responses to the Board. And comments that are

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1 related to a specific Subcommittee or Work
2 Group are forwarded to those Chairs.

3 In the Work Group discussion it
4 seems to be that everyone is fairly satisfied
5 that that is being an effective way to track and
6 handle and ensure responsiveness to those
7 comments received.

8 When DCAS staff members attend
9 activities where they may encounter claimants,
10 advocates, or members of the public, their use
11 of kind of internal practices that are being
12 conducted to support follow up.

13 For the one obviously the best goal
14 is to provide an immediate response. If a
15 question is addressed to the satisfaction of
16 the individual then that wouldn't have to be
17 documented further. Generally it's already
18 being captured in the minutes depending on the
19 type of venue that they're at. So that, it's
20 closed and resolved and they can move on.

21 Number two, they would encourage

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1 the individual to send a question by mail or
2 email. That is because there is an existing
3 tracking system there. And also it sort of
4 assures that it's in the words, of the commenter
5 and not being misinterpreted by staff.

6 Number three, DCAS carry, staff
7 carry note cards that they can use to document
8 comments, questions, and contact information
9 to facilitate responses. They're planning to
10 have a new computer application for tracking
11 comments and questions. And those could be
12 used as data entry sources.

13 Minutes are also entered into the
14 Site Research Database and are procedurally
15 required to be considered during subsequent
16 revisions to the technical documents.

17 And again those are all addressing
18 different things that have come up, both in the
19 procedural review and in the Rocky Flats Review
20 about how do we keep sight of these things, how
21 do we make sure they're being followed and not

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1 falling through the cracks?

2 Next slide, other responses and
3 developments. Sort of beyond the Objective 3
4 reviews, but a procedure for formal Worker
5 Outreach Program, Revision 1, was presented at
6 the Work Group meeting in November and issued
7 in December of 2012.

8 And DCAS described an intent to
9 develop a more comprehensive comment tracking
10 application to give them a method for managing
11 comments and responses.

12 Next slide, and we get to the follow
13 up review. So, again starting with the scope
14 and the time frame. Our primary objective was
15 to try to assess the impact of changes over time
16 because we realized that Rocky Flats input had
17 happened a long time ago.

18 The Work Group helped us select a
19 site with recent SEC activity. A nice thing in
20 this case was that they then revised the
21 Evaluation Report, and also two Site Profile

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1 TBDs were evaluated during the time that the
2 report was in progress.

3 And they gave us really good access
4 to the most current NIOSH position on a lot of
5 these issues. That was a real advantage that
6 we didn't have with Rocky.

7 Frustrating in some ways too as we
8 were looking at comments that had been made in
9 the petition process and yet the ER had been
10 issued at the beginning of that process.

11 And so it did not reflect at all any
12 of the decisions or changes in positions that
13 had happened over that time. And that was a
14 great thing for the Los Alamos that we had those
15 updated documents.

16 It was decided that SC&A would not
17 review comments from the Advisory Board and
18 Work Group meetings. Sort of explained in a
19 previous slide, because those are now being
20 subject to an effective tracking process.

21 And we narrowed down the topics a

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1 little bit. Focused primarily on issues that
2 would affect dose reconstruction and SEC
3 evaluations. More technical issues and less
4 layman's experience with a project, sort of
5 comments.

6 The cutoff that was established was
7 August 2012 when the Work Group advised in its
8 determination on the recommendations, but the
9 actual bulk of the comments was actually, that
10 was reviewed, occurred again sort of back in the
11 past between 2005 and 2008.

12 With the more narrow structure and
13 the nature of the review, there was a smaller
14 number of comments identified, so we were able
15 to review all of them without any sort of
16 statistical selection process.

17 Elements of this review included
18 the documentation practices, consideration and
19 investigation of the issues, incorporation
20 into technical documents. We did not evaluate
21 feedback to commenters as that was judged to be

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1 a quality of service issue.

2 Next slide, so results in terms of
3 documentation practices. This had been an
4 issue that, stemming out of the review of the
5 procedure. Worker outreach new meetings, how
6 complete was that in the OTS system?

7 Initially when we scoped the
8 review, there were minutes available for 12 of
9 15 worker outreach meeting sessions. The
10 three missing sessions were an artifact of in
11 transition that had happened when ATL was
12 transitioned from a subcontract position under
13 ORAU to a direct contract under OCAS. And I
14 believe that was 2007.

15 I found that the remaining sessions
16 have subsequently been added and that was not
17 considered to be a systemic sort of issue.

18 And expert interviews, how thorough
19 was that documentation? They actually found
20 very few interviews on the SRDB or the SEC
21 Viewer database. There were only eight in this

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1 entire time range between 2008 and 2012.

2 And so the question there is did
3 they really not interview very many people, or
4 do we have incomplete documentation? And we
5 made some effort to try to distinguish that, but
6 we didn't really get a conclusive reading on
7 that.

8 We did find that the interviews
9 that were available were predominantly focused
10 on dosimetry data gathering. There was only
11 one discussion that was actually with an
12 individual regarding facility operations.
13 That occurred during the review of the SEC-109
14 Petition.

15 There were some indicators,
16 primarily I was looking at comments in the Work
17 Group meetings that kind of thing, where they
18 might be talking about their data capture and
19 what they've done. There was some quotes that
20 indicated that additional interviews, more
21 general sorts of interviews had been done.

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1 But there wasn't enough detail in
2 those comments to go look for, you know, hey do
3 you have the interview of this person or this
4 type of person even? So the completeness was
5 sort of an unanswered question from this
6 review. Oops, I moved forward in my own slides
7 too quickly.

8 Action items, that was an issue from
9 our review of the procedure and procedure
10 related documentation. Again, SC&A had been
11 somewhat concerned that there was a very low
12 number of action items recorded in the Outreach
13 Tracking System, which -- that seems to be
14 procedurally is a main means of tracking follow
15 up on issues that come up in these outreach
16 meetings. That was, that's the nature of the
17 issue that we were looking at there.

18 The LANL outreach meetings that
19 were held, all occurring in 2005 and 2008, the
20 current procedure or even the previous
21 procedure, OCAS-PR-012, was issued in 2009 and

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1 has recently been revised in 2012.

2 So we sort of again, we're not
3 reviewing material that pre-dates the formal
4 guidance that we currently have.

5 One action item was recorded from
6 the 15 outreach sessions. And several NIOSH
7 responses, you know, during the discussion
8 seemed to indicate interest in further follow
9 up on the topics. But they weren't recorded as
10 action items in the current procedure at the
11 time if, database at the time, which was WISPR,
12 Worker Input to Site Profile Reviews were the
13 current Outreach Tracking System. And we
14 didn't find follow up. So that appeared to be
15 an indicator that we weren't able to find that
16 there was follow up that was lacking,
17 associated with the presence or absence of a
18 tracking mechanism.

19 Next slide, consideration of
20 technical information. Again this was pretty
21 strong in Rocky, the pilot review and it has

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1 continued to be pretty positive. Especially
2 given the limitations of our review looking at
3 documents to find clues to consideration.

4 Eighty-six were incorporated into
5 technical documents to some degree. We kind of
6 used some terminology in order to get some sort
7 of a quantitative results out of a relatively
8 qualitative process.

9 So yes kind of meant that the issue
10 was reflected in technical documents but it had
11 the same breadth of scope that it was given.

12 General would mean, you know,
13 person gave a relatively narrow scoped issue or
14 comment or concern. It was addressed in a more
15 general fashion.

16 Partial might mean there were some
17 elements of the comment or issue that were
18 addressed and some that weren't.

19 Fourteen percent were not
20 incorporated and again we don't necessarily
21 believe that every comment warrants

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1 incorporation into a technical document, so
2 that's not necessarily meaningful in itself,
3 though I did sort of a sub-analysis of those 14
4 percent.

5 And in terms of NIOSH, our
6 conclusions of NIOSH's overall responsiveness,
7 five percent were felt to be responsive. Only
8 three percent not responsive and six percent
9 uncertain or inconclusive.

10 An example of a responsive was an
11 issue regarding exposure. An individual's
12 operating screening X-ray equipment. And
13 NIOSH's response to those individual comments,
14 gave us some really good feedback of how those
15 are assessed or the likelihood of the exposure
16 related to that.

17 Again showing consideration even
18 though the issue itself wasn't exclusively
19 covered in the document.

20 An unresponsive example was issues
21 regarding dosimeters worn underneath lead

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1 aprons. That has been addressed in some other
2 Site Profiles, but they were sort of a missed
3 opportunity to follow up on the worker's input
4 to address that for LANL.

5 It's not something that can't be
6 done, but it just had not been done. There may
7 be further follow up in the future.

8 The last one, support service
9 worker issues that were not directly addressed
10 in Evaluation Report for SEC-109.

11 There was one kind of confusing, in
12 the first read though of the ER because the
13 issues were reflected in the description of the
14 workers concerns at the beginning of the
15 report, but they never came back to them.

16 And I finally figured out that the
17 reason was that had really not been a primary
18 basis. It had been a concern that was
19 addressed by the workers, but the primary basis
20 was these other, you know, internal exposure
21 sources.

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1 And so it doesn't really get covered
2 in any detail in the wrap up of the evaluation.
3 However, obviously the concerns were addressed
4 more generally, and obviously the workers were
5 included in the recommended Class because the
6 LANL SEC covered the entire population.

7 Moving on, investigation and
8 technical issues. Eighty two percent of the
9 cases we found there was positive evidence that
10 the issue was investigated, either in the same
11 scope or a more general scope than the comment
12 that was given.

13 Six percent we felt were partially
14 investigated, so some aspects were, some
15 aspects weren't. Four percent, this is only
16 three comments we're talking about here, were
17 not investigated.

18 Two had an adequate rationale, so
19 even there that wasn't a major problem. And
20 one was a missed opportunity I believe, related
21 to the dosimeter under the lead apron issue.

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1 Then eight percent we had really not
2 enough evidence to make a determination as to
3 whether they had or hadn't investigated the
4 issue, those were uncertain or inconclusive.

5 Next slide, continuing the
6 consideration of technical information. This
7 was NIOSH's opportunity to provide input to the
8 process.

9 For 50 of the 78 comments they
10 concurred with the SC&A observation. So there
11 really wasn't a dispute, we're just, they
12 agreed with the review or the comments.

13 So in only 28 of the cases were they
14 in a position to provide additional input.
15 Eighteen of those comments, those responses we
16 felt were responsive to our observation. They
17 either provided new information, provided an
18 explanation, or a rationale for the position
19 that they had.

20 Six of the cases were partially
21 responsive. That included some with aspects

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1 that weren't addressed, but some that were,
2 they implied an investigation but we didn't
3 have information. So basically it was a
4 comment like, there was some concerns about
5 fraud or data destruction, were some of the
6 examples.

7 On the response, NIOSH has not found
8 evidence of this at the site. So that implies
9 that they did investigate but it didn't tell us
10 any detail about the nature of that
11 investigation.

12 How thoroughly they looked, what
13 they looked for? You need that to really
14 assess it. That's all under that partially
15 responsive category.

16 And four of the 28 were considered
17 non-responsive where they didn't provide any
18 additional information or attempt, or explain
19 that had attempted to obtain it.

20 And some of those were fairly minor
21 issues that are unlikely to have an impact on

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1 dose reconstruction. But there may be
2 explanations, but that's just the data.

3 So overall responsiveness, 90
4 percent of the comments were addressed to some
5 extent, either yes, general or partial.
6 Fifteen percent have some negative
7 observations, partial, no, or uncertain.

8 And less than three percent were
9 really assessed as non-responsive. Again sort
10 of no systemic evidence of significant problems
11 in that area of the issues. The general issues
12 being presented by the commenters being
13 eventually considered and addressed.

14 Next slide, lessons learned. This
15 is primarily a matter of the type of review, the
16 nature of the reviews that have been conducted
17 for Objective 3.

18 These comprehensive reviews
19 dealing with a single site of an entire frame
20 of activities, has given us a good appreciation
21 of process, the variety of inputs that come in

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1 and the challenges in addressing those inputs,
2 and for us to review and try to make a judgment
3 on responsiveness.

4 They have had to identify
5 big-picture strengths and weaknesses and give
6 it a practical application of the procedure
7 review findings. Because you can review a
8 procedure and say this procedure looks good or
9 not good, or detailed, or comprehensive or not.
10 But in practice when they carry it out, that
11 implementation was valuable.

12 On the down side, these reviews have
13 been cumbersome and resource-intensive
14 digging through records from a long time ago.
15 And even when we give NIOSH an opportunity for
16 feedback, they're looking back a long way and
17 trying to say well, did we or didn't we, or is
18 there something we can show that would
19 demonstrate the consideration we gave to that
20 issue?

21 The retrospective approach

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1 complicates the review. It can either result
2 either way. In a positive direction, it forces
3 us to look more generally at you know, did they
4 ever consider that issue? You know before,
5 after, since, at any time have they considered
6 that issue? So that's sort of in NIOSH's
7 favor.

8 Negative, obviously if we don't
9 find something written then we're going to have
10 to call it inconclusive or negative, when it may
11 be much more of a documentation issue or a
12 currently available data issue, than an actual,
13 related to whether or not they've considered
14 the concern.

15 So, then also because of the nature
16 of the time frame of the comments that were
17 available for review, we were really unable to
18 assess the impact of all the changes that have
19 been made since 2009 largely.

20 So that leaves us with some
21 unresolved questions. What is the current

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1 status of comment documentation and follow up?
2 There's been recent guidance added to
3 procedures, particularly in regard to action
4 items. You know the question is what impact
5 does that have?

6 One would expect it to be positive.
7 But, and the current status of documentation of
8 site expert interviews, also a question. And
9 that would conclude that aspect of the
10 presentation.

11 And I know that afterwards we'll
12 sort of spring Board off that into moving
13 forward into the future. Any questions?

14 CHAIR BEACH: First of all, Lynn,
15 this is Josie, thank you. That was a very
16 comprehensive report and it was also good to
17 have the Rocky Flats recap at the start of your
18 report. Overall, it seems to be very positive.

19 Wanda, too, thank you for putting
20 those slides up on the screen for us. Good
21 practice there for you.

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1 MEMBER MUNN: Yes, and I'm glad
2 that it worked. One never knows.

3 CHAIR BEACH: Any comments Wanda,
4 from you?

5 MEMBER MUNN: No. I'm impressed
6 with the amount of work that's gone into this.
7 This is such an amorphous topic to try to deal
8 with, that there's such a wide variety of
9 sources of information and types of information
10 that had to be coordinated.

11 I think it's really impressive that
12 SC&A has done the job they've done on this. And
13 Lynn particularly, you get kudos for this.

14 I realize how difficult it is when
15 we're dealing with human actions and
16 interactions to try to identify how it ought to
17 be handled, and how you can deal with the
18 information that comes out of it.

19 But I think you've done as good a job
20 as could be done with the type of miscellaneous
21 material that we've had to deal with. Thank

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1 you, very much.

2 CHAIR BEACH: Yes, thanks Wanda.
3 I couldn't have said that better. Lynn does
4 anything jump out from what you've learned from
5 the Rocky Flats review to the LANL review? Any
6 surprises or --

7 MS. AYERS: I think the biggest
8 surprise for me was when it got down to do some
9 analysis and really it hit me the impact of that
10 time frame. You know sort of the whole point
11 of selecting Rocky was that it had such recent
12 activity but --

13 CHAIR BEACH: For LANL, yes. I
14 agree.

15 MS. AYERS: Isn't that funny?

16 CHAIR BEACH: Yes, and it was back
17 years back further than we thought it would be.

18 MS. AYERS: Right and I think that
19 happened because we did determine that the
20 Advisory Board stuff and the Work Group stuff
21 was being handled adequately now.

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1 It doesn't need to be studied, we
2 had to get a sense of it. But that's where
3 really the bulk of the interaction. I look
4 back at the Rocky data, of the different venues,
5 and like 41 percent of the Rocky Flats comments
6 had come from Work Group meetings and Board
7 meetings.

8 So and certainly the more newer ones
9 had, because the outreach meetings tended to be
10 conducted at the time when they rolled out a
11 Site Profile. And that's a generalization
12 definitely.

13 CHAIR BEACH: Right.

14 MS. AYERS: That tended to be the
15 pattern. We complete the Site Profile, and we
16 roll it out and we want to go present it to the
17 workers, and give them an opportunity to get
18 some feedback and learn about the process. So
19 that was, that just occurred pretty far back.
20 And in terms of --

21 (Simultaneous speaking)

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1 MS. AYERS: -- to work with NIOSH
2 program, yes.

3 CHAIR BEACH: Right. NIOSH or
4 SC&A, any other, or ATL, any other comments,
5 questions?

6 MR. HINNEFELD: Well, this is Stu.
7 I guess I'll speak first from our side. I don't
8 know that I have any particular comments.

9 I wonder if the Work Group has some
10 expectation about, we have an obligation to
11 dispose of some of the comment items that are
12 essentially unaddressed. The handful,
13 whether they were called, you know, missed
14 opportunities or so on.

15 And some of the comments about
16 things that a comment or information we
17 received from a claimant, petitioner, some
18 which, from in some fashion through worker
19 outreach or one of these mechanisms, that
20 ultimately wasn't addressed because it was
21 during the SEC period.

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1 Even though for instance maybe it
2 was an external dose comment and the SEC's about
3 the internal. And was there something falling
4 upon us to do that? So it was kind of that
5 question.

6 I kind of feel obliged to make sure
7 to go back and check and make sure we haven't
8 missed out on opportunities in that arena.

9 I think we should recall though that
10 in an SEC Class, I think there's a different
11 mindset that you start to bring to dose
12 reconstruction a little bit, you don't want to
13 cheat anyone.

14 But the rule, our rule says in
15 response to questions during the publication of
16 the SEC rule, the question was, well what will
17 NIOSH do about those people in an SEC who don't
18 have SEC cancers?

19 And since you will only have added
20 the SEC when you've shown that dose
21 reconstruction isn't feasible. And our

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1 response was, well we'll do what we can do.

2 So there's a recognition I think at
3 that time, that there will be some, you know,
4 some parts of the dose which are not feasible
5 to reconstruct, which should not be included.
6 But we will do what we can do. But it doesn't
7 promise to invent anything.

8 So if we don't have evidence of an
9 exposure, in particular, you know, we wouldn't
10 add things just to add it, you know, for a
11 claimant favorability.

12 So we can go back and look at that.
13 I also did want to make the comment that I hope
14 is reassuring, it reassures me a little bit,
15 about the wearing the dosimeter under the lead
16 apron issue.

17 In those events where that's
18 identified, in a, and it's usually through a
19 CATI, that this was done. Dose reconstructors
20 are -- we would hope, would take that into
21 consideration.

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1 And even though there's no comment
2 in that, about lead aprons in the Site Profile,
3 remember a dose reconstructor really doesn't
4 read the Site Profile every time he does a dose
5 reconstruction.

6 And dose reconstructors know how
7 dosimeters work, and they say well gee, that
8 would affect how we deal with this for certain
9 organs. It would be an, have to have been an
10 organ that is outside the apron. And they
11 might say, there are a couple techniques and a
12 couple of Site Profiles for how to deal with
13 leaded aprons.

14 And we also have a principal
15 external dosimetrist that they can contact for
16 assistance on dealing with that. So our hope
17 is that when information like that is available
18 to dose reconstructors, that it's not just
19 ignored but the dose reconstruction is done
20 accordingly.

21 Now in the case of the person who

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1 made a comment about, it's not, he didn't make
2 the lead apron comment but he made the comment
3 about unleaded glass in a glove box. What he
4 called or what was called a drop box, I think,
5 and higher exposures to certain parts of his
6 body compared to the dosimeter.

7 I looked at that dose
8 reconstruction to see did we make allowance for
9 that? Or what did we do about that comment?
10 And it turns out his was a successful, or
11 greater than 50 percent dose reconstruction.
12 Greater than 50 percent PoC on a partial dose
13 reconstruction which only used a portion of his
14 employment.

15 He had a fairly long career at a
16 facility other than Los Alamos and then
17 additional work at Los Alamos. And he had
18 sufficient dose at his, during his other
19 employment that the dose reconstruction
20 reached 50 percent.

21 And so none of his dose from Los

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1 Alamos was even included in his dose
2 reconstruction. So it's indeterminate in that
3 case whether the dose reconstructor would have
4 made that judgment, made a judgment about how
5 can I, is this affected or not?

6 There's also a question whether the
7 cancer would have been in the unshielded
8 portion of the glove box as well. So if that
9 particular dose reconstruction wasn't
10 instructive as to the question, well will dose
11 reconstructors catch on, you know, really do
12 this right?

13 So anyway I've talked probably more
14 than I care to. I didn't know if anybody from
15 ORAU wanted to comment in addition to some of
16 the items that were raised in the report.

17 We haven't had it all that long and
18 we're still kind of digesting what's there and
19 is there stuff that we, you know, for
20 completeness want to make sure we have done a
21 complete job even during an SEC period.

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1 CHAIR BEACH: Right, those are some
2 good points, Stu. And I don't think we have to
3 answer to everything at this point because you
4 haven't had the report very long. But it will
5 give us some food for process later on and
6 moving forward with the Work Group. So anybody
7 else have any other comments, ORAU or?

8 MR. STEMPFLEY: This is Dan
9 Stempfley. I don't have anything at this
10 point.

11 CHAIR BEACH: Okay. Thank you.

12 MR. FITZGERALD: Yes Josie, it's
13 Joe. I guess the one comment I would make is
14 you know, these, this goes back to something
15 Wanda said a little earlier. This is a very
16 qualitative subject.

17 I mean it does have a few hard edges,
18 but unlike much of what the Board reviews, this
19 is, this deals with interactions and
20 transactions.

21 And the performance indicators that

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1 were selected way back, oh, seems like five or
2 six years ago now with Rocky, I thought were the
3 best sampling of indicators which would give
4 you some idea, even if it's going to be on a
5 macro level.

6 But those indicators I think depend
7 on, in a lot of respects, the formality of
8 tracking systems and the documentation of
9 results. And you know that system has changed
10 over the last five or six years and I think to
11 the better. And I think PR-012 reflects that.

12 But it does have a different level
13 of tracking and certainly has evolved into a
14 different level of documentation, for example,
15 the action levels.

16 So to some extent, these indicators
17 may be telling us that the system has in fact
18 changed to some extent and we're seeing less
19 indicators to count. You know, I don't know if
20 I'm making it clear, but you know to some extent
21 we're kind of hostage to the degree of tracking

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1 and documentation that one can evaluate.

2 And I think one thing and this is
3 evident in Lynn's last slide, is that you know,
4 we're seeing, certainly we're seeing less
5 documentation on interviews perhaps. Perhaps
6 less action items and certainly a less broad
7 degree of tracking of these inputs.

8 Not saying that there is a lesser
9 degree of scrutiny or follow up. Just saying
10 the systems have shifted as they have matured.

11 So again these snapshots because
12 they're based on some very uniform indicators
13 can be affected greatly by the process itself
14 and how the process has changed over the time
15 frame, even between Rocky and Los Alamos.

16 So sort of my take away is that, you
17 know, these indicators certainly at some level
18 tell you that nothing that we can see from a
19 major standpoint is being missed or being left
20 out, not being followed up on.

21 But it's difficult to go much beyond

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1 that because again these tend to be snapshots
2 using indicators based on what documentation we
3 can identify. So there are some limitations.

4 CHAIR BEACH: Thank you, Joe.
5 Okay, are there any other comments for Lynn's
6 slides or the Los Alamos report?

7 MEMBER MUNN: Nothing here.

8 DR. McKEEL: Josie, this is Dan
9 McKeel.

10 CHAIR BEACH: Hi, Dan.

11 DR. McKEEL: I'm wondering, I'm
12 right in the middle of a major lightning storm
13 right now and I have one comment to make about
14 Lynn's presentation. Could I make that now
15 while we're thinking about it because it's
16 really kind of different from the rest of my
17 comments about this?

18 It may be a very simple thing.
19 There's no PA-cleared report of what her
20 PowerPoint is about, but my question relates to
21 her slides Number 11 and 12, further breakdown.

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1 It says 86 percent incorporated to
2 some degree into technical documents. And
3 then the investigation of technical issues, 82
4 percent positive investigation.

5 My question is, in the paper itself,
6 are those categories of yes, and general, and
7 partial, are they, are the percentages that are
8 assigned to them recorded?

9 Because that's the real key data in
10 this whole study it seems to me. And really it
11 boils down to the percentage of yes, which is
12 definite direct answers to the questions.

13 CHAIR BEACH: Thanks, before Lynn
14 answers, Dan, I do know that the PA-cleared
15 document is being worked on at this time. I
16 don't think Nancy was able to get back to us to
17 tell us when it would be done, but you should
18 see that posted shortly.

19 DR. McKEEL: You know, that's okay.
20 I just wondered. That's so important for today
21 though, I mean 86 percent sounds terrific.

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1 CHAIR BEACH: Yes.

2 DR. McKEEL: But it's, let's be
3 facetious and say if 84 percent of those were
4 partial answers, that wouldn't be so wonderful.
5 So my real question is what were the percentages
6 that were yes?

7 And there, this comes up on both
8 Slides 11 and 12. The other one on 12 is for
9 overall responsiveness, that 90 percent of
10 comments were addressed to some extent. And my
11 question would be, but to what extent?

12 CHAIR BEACH: Thank you, Dan.
13 Lynn can you take that on?

14 MEMBER MUNN: This is Wanda. I
15 don't see how you can answer that, you know,
16 accurately.

17 CHAIR BEACH: Yes.

18 MEMBER MUNN: But Dan you're --

19 DR. McKEEL: Wanda, why can't Lynn
20 answer the question?

21 MEMBER MUNN: Oh, yes she --

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1 MS. AYERS: Yes, I will. I'm
2 flipping through pages right now to try to
3 figure out where the data is.

4 CHAIR BEACH: Well you've got the
5 report, the Appendix 1 on the April, I don't
6 know if, that was just where I flipped to as a
7 quick look.

8 MS. AYERS: Yes. Well the first
9 one was that consideration, incorporation into
10 documents. First Dan --

11 DR. McKEEL: Yes.

12 MS. AYERS: I, well actually, I
13 know I had that. First both yes and general
14 were sort of, and actually those are defined,
15 in looking they're, well defined is a little
16 strong term, but actually we did explain how we
17 applied those terms.

18 DR. McKEEL: I understand that.

19 MS. AYERS: Right.

20 DR. McKEEL: But there was a
21 specific percentage --

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1 MS. AYERS: Yes and general, there
2 was sort of really gray line, blurred line
3 between them because in some cases one would
4 actually expect an issue to be dealt with on a
5 more general level than the individual
6 commenter who's perhaps describing a personal
7 experience.

8 You would expect to see that, you
9 know, reflect more generally --

10 DR. McKEEL: Right. But you had to
11 classify it as one of the three I would think.

12 MS. AYERS: Right, right. Well
13 then under the investigation I did separate
14 them out better. Eighty two was just yes and
15 general. I separated the partial out.

16 Only six percent were partial from
17 the investigation issue, which is actually
18 probably more important than the incorporation
19 into technical documents.

20 Again just the information that's
21 on those slides, where it said 14 percent were

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1 not incorporated --

2 DR. McKEEL: Exactly.

3 MS. AYERS: -- into the technical
4 documents.

5 DR. McKEEL: I see that, but you see
6 under 14 percent not incorporated, then you
7 break down --

8 MS. AYERS: That 14 percent.

9 DR. McKEEL: -- the percentage as
10 being responsive, non-responsive. And I'm
11 certain --

12 MS. AYERS: Twenty percent.

13 DR. McKEEL: -- to me that's
14 helpful.

15 MS. AYERS: Right, and 20 percent
16 of those 14, right, of those 14 percent we felt
17 that they were responsive to the issues. So
18 either there was an explanation, or we
19 certainly saw evidence of consideration. So
20 that the incorporation into the technical
21 document isn't necessarily expected.

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1 DR. McKEEL: Yes.

2 MS. AYERS: I know you understand
3 this.

4 DR. McKEEL: Yes, I understand it.

5 MS. AYERS: I can't talk and flip
6 very well.

7 DR. McKEEL: I mean it seems to me
8 that's a good thing to do. To break them down
9 like that.

10 MS. AYERS: To break them down.
11 Yes.

12 DR. McKEEL: Anyway I don't want to
13 prolong it, I just thought it might be an easier
14 question to answer. I guess I can see that from
15 the final report.

16 MS. AYERS: I believe it will be in
17 there.

18 DR. McKEEL: Okay.

19 MS. AYERS: I'm just not getting to
20 the right page real quickly when we're still
21 talking. Let me look at your other slide too.

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1 Yes, again I --

2 (Simultaneous speaking)

3 DR. McKEEL: That's the next slide
4 and it's --

5 MS. AYERS: The evaluation
6 comments?

7 (Simultaneous speaking)

8 DR. McKEEL: Now you've got the,
9 overall responsiveness that 90 percent of the
10 comments were addressed to some extent, yes,
11 general, and partial.

12 MS. AYERS: Well, I can at least
13 tell you, since we are still in the matter of
14 doing the PA-cleared revision. I can look at
15 that more carefully after the conference call.

16 DR. McKEEL: Okay.

17 MS. AYERS: And make sure that
18 that's reflected in a way that will make sense.

19 DR. McKEEL: Okay. I'm not trying
20 to --

21 MS. AYERS: Push through another --

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1 DR. McKEEL: -- interfere with your
2 process, I just wanted --

3 MS. AYERS: No, it's an excellent
4 question. And it's --

5 DR. McKEEL: I think it would have
6 strengthened the conclusions enormously. At
7 least from a statistical point of view, so.

8 MS. AYERS: Right. That's what
9 the whole thing with the terminology was, was
10 trying to come up with some quantitative -- okay
11 there's where it definitely turns.

12 So with the, I did find on the part
13 where they weren't incorporated into the
14 technical documents, there were four, now this
15 is the overall general NIOSH responsiveness,
16 four were yes, zero were general or partial.

17 Two comments were no, and five were
18 uncertain. That's that six percent uncertain.
19 Only three percent of the total that we really
20 can say were not responsive to the substance of
21 the issue.

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1 DR. McKEEL: Yes.

2 MS. AYERS: If that helps.

3 DR. McKEEL: Okay.

4 MS. AYERS: So, I'll make sure in
5 the report that gets publicly available that
6 there's a place that you can find that if it's
7 not already there.

8 DR. McKEEL: Okay. I sure
9 appreciate it.

10 MS. AYERS: Thank you.

11 CHAIR BEACH: All right. Thank
12 you, Dan and thank you, Lynn. If there's no
13 further comments or questions I'm going to move
14 on with my slide presentation. And Wanda if
15 you'd like some more practice, I'll let you put
16 that up.

17 MEMBER MUNN: This may be more of an
18 adventure than you anticipate. We'll see.

19 CHAIR BEACH: Well I think
20 everybody has it available as Ted pointed out
21 earlier, so we'll see what we can do here. Okay,

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1 so as Ted said, this is the presentation that
2 I will be reporting out in the July 29th, Idaho
3 Falls Board meeting.

4 First slide just gives us what we're
5 doing. We're looking backwards and forwards.
6 Work Group members if you are, turn to Slide 2,
7 the Work Group history. Worker Outreach Work
8 Group was formed back in February of 2007 to
9 review worker outreach program, including
10 NIOSH and NIOSH's contractors' approach to
11 organizing meetings.

12 We wanted to look at how outreach
13 meetings are conducted and the impact of the
14 information gathered for dose reconstruction,
15 Site Profiles, SEC petitions, and how
16 information collected from all sources was
17 handled.

18 The Work Group initially attended
19 various DOL and NIOSH outreach meetings.
20 Those included and held in conjunction with
21 Argonne East, Texas Chemicals, Blockson, Rocky

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1 Flats, Pinellas, and we also attended ATL led
2 Work Group workshops, just to name a few.

3 The first Work Group meeting was
4 February 1st of 2008. It started with NIOSH
5 and SC&A each outlining for the Work Group
6 overviews of their current state of worker
7 outreach activities.

8 It was very informative. The
9 worker outreach was defined as a formal program
10 within a broader context of outreach
11 activities. We were questioning are there
12 enough programs? What are they doing? How
13 are they doing it? What are they
14 accomplishing?

15 The program was in transition from
16 ORAU subcontract to direct OCAS-DCAS contract.
17 And ATL continued on as the program contractor.
18 Early on the Board, NIOSH, and SC&A made it
19 clear that we take the participation in this
20 process very seriously.

21 Next slide, Slide 3. This slide is

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1 a representation of the common goals and values
2 for outreach. And this was based on program
3 concerns consistently expressed during Board,
4 and Work Group meetings by NIOSH, the Board, and
5 SC&A.

6 Of the first five bullets listed
7 here, Diversity, Completeness, Verification,
8 Parity, Communication of impact, it was always,
9 had been important to seek input from a broad,
10 representative population.

11 We wanted to make sure worker input
12 made its way into the system. We also wanted
13 to capture input from all venues for
14 consideration. So folks who had their boots on
15 the ground, to those working in more of an
16 overseer's role.

17 Verification was important to
18 provide an opportunity for review of meeting
19 minutes and interview notes to assure the
20 authenticity of information recorded.

21 We wanted to give equal value, and

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1 consideration, and investigate information,
2 concerns, based on merit and significance,
3 regardless of the venue or source.

4 And we always wanted to communicate
5 participation influenced by perceptions. Can
6 workers see that their input is taken seriously
7 and has the impact on dose reconstruction and
8 SEC recommendations?

9 So in doing all that we needed to
10 use, needed to have effective use of our
11 resources. Above goals are pursued in context
12 of a larger program, in balance with other
13 priorities.

14 And along with parity we wanted to
15 make sure the same tests applied, whether we're
16 getting the information from health
17 physicists, or say a welder, we want to apply
18 the same test in terms of consistency with other
19 information.

20 The next slide. And Slide 4,
21 mission statement and evaluation of

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1 objectives. Our charter mission statement
2 which was approved by the Board in 2009, I know
3 Lynn read a partial, I'll go ahead and the whole
4 statement, to evaluate the effectiveness of
5 NIOSH activities in obtaining and making use of
6 information from current and former workers and
7 their representatives.

8 Includes monitoring and evaluating
9 the effectiveness of NIOSH sources of
10 assistance to assure this information is
11 available to as many potential EEOICPA
12 claimants as possible.

13 The implementation plan had four
14 objectives. The first objective was DCAS
15 taking appropriate measures to solicit worker
16 input. Two, is DCAS obtaining and documenting
17 input from workers? And is DCAS giving
18 thorough consideration to information received
19 from workers?

20 And finally four, is DCAS
21 effectively communicating information to

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1 workers?

2 We knew early on that the
3 implementation plan had a number of pieces.
4 And as a Work Group we decided it was best to
5 address them one at a time. So in our February
6 2010 Board meeting the Work Group focused on
7 Objectives 1, 2, and 3.

8 We deferred to DCAS' internal
9 ten-year review, quality of service in place of
10 Objective 4. And then we created, as Lynn
11 pointed out earlier, the separate effort to log
12 and track public comments presented to the
13 Advisory Board.

14 Next slide. And Work Group
15 activities from 2007 until present. This just
16 captures where we've been. We, under
17 Objective 1 and 2 of the implementation plan,
18 in conjunction with the Procedures
19 Subcommittee, we looked at ORAU's procedure
20 0097. That was issued 2005. We reviewed it
21 along with the WISPR database, NIOSH's early

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1 vehicle for capturing data.

2 OCAS-PR-012 was issued in 2009. We
3 reviewed that with an issues matrix, all those
4 comments for, now DCAS-PR-012 were of course
5 completed in November of 2012 and that document
6 was issued December 14, 2012.

7 General principles guiding
8 assessment, we looked for goals to improve
9 outreach procedures and work products, our
10 sampling approach. It was not continual or
11 comprehensive monitoring of the entire
12 program.

13 Evaluate consideration of the
14 issues, not an agreement or disagreement with
15 NIOSH's position. And under Objective 3, the
16 site-specific reviews of outreach inputs and
17 disposition. We spent most of our time there.
18 We completed the Rocky Flats review and Los
19 Alamos most recently.

20 So Slide 6. Under lessons learned,
21 what have we learned?

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1 So while there was initial concern
2 expressed that the proposed plan may be too
3 ambitious, much of the initial worker outreach
4 Work Group agenda has been accomplished. We
5 understood that this Work Group's purpose and
6 approach would be unique and would need to be
7 tested.

8 Site reviews have provided a means
9 to validate the implementation plan of worker
10 outreach procedures and management systems.

11 The empirical use of actual
12 examples has supported collaborative,
13 productive discussions of issues related to
14 outreach program implementation.

15 Most issues raised by commenters
16 are reflected, as least in general sense, in
17 NIOSH communications and work documents.
18 However, these large site reviews proved to be
19 resource intensive and not timely.

20 Retrospective reviews measure what
21 was, not what is. This blurs the connection

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1 between review results and current
2 opportunities for improvement.

3 Under performance, reviews require
4 documentary evidence and spurs some
5 defensiveness. Evolution of outreach and
6 advent of the ten-year review actions have
7 overtaken the original Work Group
8 implementation plan.

9 And under Slide 7, revised Work
10 Group Charter. So this just gives a blanket of
11 where, what we've achieved, what we'd --
12 changes that have been made.

13 So we talked about the procedure
14 revision, PROC-012. And the ten-year review
15 actions, it's still not clear what this Work
16 Group's role is there completely.

17 Effective tracking system for
18 Public Comments to the Board. That has been
19 implemented successfully. Rocky Flats and
20 LANL, those site reviews are completed.

21 NIOSH's initiative to capture

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1 comments from multiple venues in a centralized
2 application. That as we discussed in November
3 at our last Work Group meeting, is the long
4 range plan. It's an Outreach Tracking System
5 and NIOSH could possibly let us know at some
6 point. Not necessarily today, where they are
7 with that.

8 The Work Group's initial evaluation
9 objectives have largely been accomplished like
10 I said earlier. And in discussing a new path
11 forward here's some questions to think about.

12 What is the current level of
13 satisfaction and confidence regarding common
14 values and goals for outreach?

15 How to apply lessons learned and
16 address remaining opportunities to work with
17 NIOSH to strengthen worker outreach?

18 So the next slide, are just some
19 ideas moving forward. I don't want to like
20 overshadow other people's ideas so would you --
21 I guess my question is to the other Work Group

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1 members, do you, have you had some time to think
2 about ideas? Shall I run through these that I
3 have listed? What's your thoughts?

4 MEMBER MUNN: It would probably be
5 a good idea to go through them, Josie. I don't
6 know about the other Work Group members, but
7 yes, I've had an opportunity to see it and think
8 about it a little bit --

9 CHAIR BEACH: Okay.

10 MEMBER MUNN: -- I'm not sure
11 whether I have much to add, but perhaps it's
12 worthwhile for the record to run through the
13 ideas that you had listed.

14 CHAIR BEACH: Okay, so Slide 8,
15 some ideas. First one, move away from
16 comprehensive, site-specific reviews toward
17 more real-time observational ones in
18 conjunction with NIOSH outreach activities.

19 Here's some examples for what we can
20 provide some feedback on, based on our
21 participation, so SEC outreach meetings, DOL

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1 and NIOSH informational meetings, interviews
2 and focus groups. So that's the first idea.

3 The second one is to select specific
4 issues for focused Work Group follow up and
5 review. So we've got worker-raised concerns
6 regarding NIOSH responsiveness. Referrals
7 specifically made by the full Board or Work
8 Groups. And then worker outreach selected
9 based on Work Group meeting discussions. So
10 those are three ideas there.

11 Continue to follow progress and
12 provide input as NIOSH develops a new
13 application responsiveness to remaining matrix
14 items, issues from PROC-012 review.

15 Number four, would be define clear
16 roles to facilitate collaborative
17 consideration of process being achieved on the
18 ten-year review, quality of service issues
19 related to communications with workers,
20 claimants, and petitioners.

21 And the last idea is to solicit

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1 regular feedback from workers at Board meetings
2 on how communications are handled and whether
3 comments or issues are being addressed in a
4 timely manner?

5 So with that, go ahead and open it
6 up for discussion, comments, thoughts.

7 MR. KATZ: Josie, this is Ted.

8 CHAIR BEACH: Hi, Ted.

9 MR. KATZ: Hey, I thought just, it
10 just occurred to me when I was thinking through
11 these again as you were presenting them that
12 there's something else that's going on already
13 right now, which probably deserves some
14 recognition in this thinking about these.

15 And that is, and it's been going on
16 for quite a long time, we've had this process
17 and Joe can speak to it more than I can because
18 he attends, you know, most of it where as I've
19 only attended sporadically some of it.

20 But, you know, NIOSH, DCAS staff,
21 ORAU staff, and SC&A staff have, you know, for

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1 years now, quite a few years now, coordinated
2 closely and conducted together quite a lot of
3 the interview process that gets done to
4 interview site experts and workers at sites.

5 And so they do those together and
6 that in and of itself is I think sort of a very
7 good opportunity. I think probably some of
8 this already occurs, I don't know.

9 But just for feedback, direct
10 feedback, sort of as you can give direct
11 feedback in a public meeting even when you have
12 the answer, but between parties about their
13 processes, and interviewing, soliciting
14 information and accounting for that.

15 And I just thought I'd raise that.
16 That's sort of another, it's an activity that's
17 ongoing that relates pretty well to this whole
18 issue of how you solicit information from
19 workers as well as other groups and take it into
20 consideration.

21 CHAIR BEACH: Yes, that's a good

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1 point Ted, from our most recent Kansas City
2 collaboration there and the INL one coming up
3 this month. Good point. Joe, any comments on
4 that?

5 MR. FITZGERALD: Yes, I think this
6 is an evolution of the process. I think
7 there's been a whole lot more integration
8 between the worker inputs that NIOSH and SC&A
9 have been working on for the last several years
10 actually, pre-dating KCP.

11 Yes, and I think that actually
12 provides a real time, ongoing ability to see how
13 each, you know, each camp is doing. But it's
14 so collaborative that I think it becomes a joint
15 process to elevate these issues and get them
16 addressed.

17 I think, yes, I think that's been a
18 key feature that probably hasn't gotten as much
19 visibility over the last, I would say, three or
20 four years now.

21 CHAIR BEACH: Or recognition.

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1 MR. FITZGERALD: Yes, because it's
2 sort of a collaborative part of the SEC Site
3 Profile process. But I would agree that, that
4 has done a lot to kind of open things up and to
5 provide a means to almost, I wouldn't even say
6 accountability, but just to encourage an
7 elevation of issues if they're important
8 enough, and get them addressed.

9 MEMBER MUNN: And quite often those
10 activities occur outside the view of the Board
11 Members themselves. So if -- but this is not
12 the kind of continual collaboration that all of
13 us as Board Members would be aware of in every
14 case. It's good for us to note, take note of
15 that I think.

16 CHAIR BEACH: And Wanda just for a
17 little bit on that comment, I think the Board
18 Members are being told more and more often when
19 those interviews are taking place.

20 And then the Work Group members at
21 that particular site do have those options to

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1 join in those discussions a lot of times.

2 MEMBER MUNN: Yes, but we don't see
3 the overall picture. And --

4 CHAIR BEACH: The results.

5 MEMBER MUNN: Yes.

6 CHAIR BEACH: Yes.

7 MEMBER MUNN: Yes, we don't see
8 what happens there but it's very clear that a
9 great deal of that kind of effort has gone on
10 increasingly, I think, over the years. And
11 that's certainly to the benefit of the worker
12 population.

13 CHAIR BEACH: Okay, Phil or Loretta
14 any comments or suggestions?

15 MEMBER SCHOFIELD: Can you hear me
16 now?

17 CHAIR BEACH: Yes.

18 MEMBER SCHOFIELD: Thank you. You
19 know when we went out to Pinellas to do those
20 interviews, there was an SC&A, NIOSH, and I was
21 the only Board Member available to go at that

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1 time.

2 But we went out there with the idea
3 of collaboration between all of us and you know,
4 trying to reach the same goal, get the same, you
5 know, kind of information, feed off each other.
6 That's what we all, what's important to you?
7 Or somebody would come up and say, you know,
8 maybe we should pursue that a little more.

9 And it actually turned into an
10 exceptionally good trip in that respect. That
11 we were able all to work together and I think
12 it was very productive by going in there with
13 the idea of the, that we're all going to work
14 together as a team to get information. And you
15 know, I was quite pleased the way everything
16 turned out.

17 CHAIR BEACH: Yes, I agree after
18 being involved in Kansas City. I think we are
19 on the right track with those types of meetings
20 and collaboration between SC&A, NIOSH, and the
21 Board.

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1 So, ideas on the Work Group Charter,
2 mission, I know I sent everybody out the latest
3 draft for the mission implementation plan.

4 I don't plan on talking about it
5 today, but it is something we discussed at our
6 last Work Group meeting extensively to change
7 that and to update it. So that kind of goes hand
8 in hand with moving forward for this Work Group.

9 MEMBER MUNN: It does and it
10 probably would behoove us as a Work Group to get
11 very serious about what our real actual
12 anticipation might be of any future activities
13 and how much future activity there really
14 should be.

15 I don't think we've ever had a real
16 discussion about whether we're ever going to
17 try to build in a sunset clause to our
18 activities or not. Or whether we're going to
19 continue to update and revise our anticipation
20 of our purpose and our goals.

21 It's probably worthwhile for us to

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1 at least just spend a little time individually
2 and as a group thinking about that. Whether
3 it's meaningful for us and for the
4 organization, and especially for the
5 claimants, for us to continue to function as,
6 for a specific reasoning.

7 And I think sometimes it's hard for
8 us to be realistic about what our real reasons
9 are. I would hope that we would reach a point
10 in our activities where unless some unusual
11 circumstance arises, our primary concerns
12 would be to essentially fall into Bullet 3,
13 there on the ideas page.

14 To check to see that the process
15 that's been setup and essentially agreed to as
16 being functional, is being followed in the
17 appropriate way, as kind of a QA function.

18 But undoubtedly somebody needs to
19 do it, and perhaps this Work Group is the best
20 one to do that. But beyond that, it might be
21 beneficial for us to spend some thought time

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1 with what we really -- what really is needed
2 from a worker outreach group at this point in
3 the program's development. It has changed
4 radically over the last decade.

5 CHAIR BEACH: Yes, and Wanda, while
6 I agree with that in general, that's where we're
7 at right now. The large site reviews to me are
8 just so cumbersome to us as a Work Group when
9 you get a document that's 216 pages. And so
10 anyway that's why these ideas are, we need to
11 kick them around on future --

12 MEMBER MUNN: Future meetings.

13 CHAIR BEACH: -- what we're going
14 to do, so, Loretta, anything on what your
15 thoughts are? How about the presentation in
16 general to go before the full Board, is it too
17 big? Lacking? Does it need something else to
18 express where we are and -- Joe, any comments
19 from SC&A?

20 MR. FITZGERALD: No, I think that
21 sums it up pretty well. And I do think this is

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1 a juncture to make, sort of gives us some
2 thought because again I think you've had a
3 pretty good experience on doing the vertical
4 assessments.

5 But I think the notion of, does the
6 review fit, or does the process fit where things
7 are right now? I think is a very legitimate
8 one, particularly with worker outreach.

9 CHAIR BEACH: Right.

10 MEMBER VALERIO: Josie, this is
11 Loretta.

12 CHAIR BEACH: Hi, Loretta.

13 MEMBER VALERIO: Can you hear me
14 now?

15 CHAIR BEACH: I sure can.

16 MEMBER VALERIO: My mute button
17 wasn't working well. I apologize.

18 CHAIR BEACH: No, that's okay.

19 MEMBER VALERIO: So I think that
20 this presentation, both of these presentations
21 by Lynn and by yourself helped me as the newer

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1 member of the Work Group to understand, you
2 know, what the scope or the purpose of the Work
3 Group itself is.

4 I understand that with these larger
5 sites, the work is very cumbersome for all
6 parties involved. And I think that maybe next
7 week when we meet in Cincinnati, maybe give us
8 a few more days to just kind of come up with some
9 additional ideas. And maybe we can put those
10 on the table next week when we meet as well.

11 CHAIR BEACH: Well, next week we're
12 meeting for Kansas City.

13 MEMBER VALERIO: Kansas City.

14 CHAIR BEACH: But I imagine we can
15 kick around some ideas between now and the Board
16 meeting and then schedule a Work Group meeting
17 for after the Board meeting as a moving forward
18 point.

19 MEMBER VALERIO: And yes, and I
20 understand next week is specifically about
21 Kansas City and I was very, very thankful that

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1 SC&A and NIOSH, and you know, other members were
2 there to kind of help guide me through the
3 process of reviewing records, since that was my
4 first actual outreach activity.

5 But maybe, yes, I think maybe
6 another Work Group meeting where we can have
7 more definitive plans on what the next step that
8 this Work Group needs to move towards.

9 CHAIR BEACH: Okay, so we do have
10 the presentation, and we do have some ideas, and
11 I guess I would just ask the Work Group members
12 to address or look at these five ideas and kind
13 of take some time to decide, you know, where
14 you're at, with where we should be. So that
15 when we do get together we can define our role.

16 MR. FITZGERALD: Yes, Josie.

17 CHAIR BEACH: Yes.

18 MR. FITZGERALD: I really should
19 add one more comment.

20 CHAIR BEACH: Okay.

21 MR. FITZGERALD: I'd be

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1 particularly interested in hearing what Stu and
2 his staff would provide and some perspective
3 on, you know, we keep saying, you know if
4 things have evolved, have changed here, where
5 they are now?

6 CHAIR BEACH: Yes.

7 MR. FITZGERALD: But they more than
8 anybody obviously would have a good, intimate
9 feel for, you know, where PR-012, you know
10 implementing the procedure that was put in
11 place a couple years ago. Where the ten-year
12 plan stands. And you know, there's a number of
13 moving parts on this whole question of worker
14 outreach. It's kind of a complex management
15 system.

16 I'd just be interested, what would,
17 you know, from their vantage point, what would
18 complement, not duplicate, not burden, but
19 complement what they do in a way which would add
20 value?

21 Provide feedback from the Board and

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1 do so in a way which I think they would find
2 effective and efficient. I think at this
3 stage, I think that would be a good piece of
4 feedback the Work Group would benefit from.

5 CHAIR BEACH: Yes.

6 MR. HINNEFELD: Okay, this Stu.
7 I'll try a couple things. I think what several
8 of you have commented about from the, just how
9 things are working now in terms of outreach and
10 seeking worker comments at these various SEC
11 and Site Profile review investigations, I think
12 is reflective of a change we made, oh, a couple
13 years ago in the utilization of our Site
14 Profile, or our worker outreach contractor to
15 make them a routine part of an SEC Evaluation
16 process.

17 You know, where early on we, a lot
18 of site, or worker outreach work was associated
19 with Site Profile preparation. You know
20 either when we were preparing, or when we had
21 something out, a Site Profile published. We

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1 want to present it and so you would go to the
2 affected parties, you know, worker groups of
3 the affected areas, and collect comments.

4 And that's when we were more in that
5 sort of comment collection phase with various
6 databases. But I think for the last I guess
7 it's a couple years or so, the predominant focus
8 of outreach has been sort of integrated into our
9 work processes, particularly in terms of SEC
10 Evaluation reports.

11 So we're not just going out to site
12 management anymore and getting records and
13 statements from their management and their
14 health and safety staff.

15 We're now, during the Evaluation
16 Report, seeking a broad range of workers in the
17 interview process as we perform -- as we do
18 Evaluation Reports and then continue, you know,
19 in reviews of Evaluation Reports with the
20 Board.

21 And so I think you, some of the

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1 comments you made sort of reflect that
2 alteration. So in that sense Board Members
3 although sometimes yes, sometimes no, to
4 whether they're Worker Outreach Work Group
5 members are sort of involved in, right in what
6 we are now, what we consider a big part of our
7 worker outreach process which is
8 identification of people to interview during
9 evaluations and Site Profile review, you know,
10 finding resolutions.

11 And so to the extent that you feel
12 like it's necessary, you know, it would seem
13 like there's sort of direct
14 involvement/oversight and opportunities for
15 direct and current feedback from Board, you
16 know, from Board Members and Board Members'
17 contractor as we work sort of collegially to
18 gather this information.

19 So I think that's, I don't know if
20 there is more to do there than to continue to
21 do what we're doing.

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1 One of the things you asked about
2 was ten-year review and how that wraps into
3 this? And the quality of service items from
4 ten-year review, I think a lot of those we are,
5 have accomplished and are accomplishing.

6 But I think when it comes to that,
7 that's not something you're ever really done
8 with, you know. And I think we are continually
9 examining our communications with, how we
10 communicate with people and seeing if we can't
11 communicate more clearly and more completely.

12 Some things that have come out of
13 that is our current process of putting White
14 Papers and so on that are going to be discussed
15 at Work Group meetings, and getting those on the
16 web so they're available as long as they're
17 PA-cleared so they're available for the public
18 to participate and follow the discussion. And
19 things like that.

20 But that's not something that, you
21 know we're never done trying to improve our

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1 quality of service to our clients. And so
2 there seemed to be like there was a third
3 category Josie mentioned. I can't really
4 think of for sure. I don't know of a --

5 CHAIR BEACH: Well.

6 MR. HINNEFELD: -- I haven't
7 envisioned a structure that the Work Group can
8 adopt. Probably because I haven't thought
9 about it very much and even if I did think about,
10 I don't know if I could.

11 But I don't know if I can think of
12 a structure or a formality that the Work Group
13 could adopt that puts them in a position to view
14 our various efforts in this area, to kind of
15 provide continuing feedback or correction, or
16 point to areas of opportunity for instance of
17 -- other than where we are already.

18 But from our standpoint, I guess the
19 key feedback, or the assistance that to us would
20 be, maybe identification of those areas of
21 interest or areas of opportunity for improving

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1 our communication and our service, and our
2 listening, or not only our speaking, and how
3 well we communicate to people, but how well we
4 listen to people.

5 And continuing you know, maybe some
6 continuing suggestions for opportunities or
7 improvement in that area, but I don't know how
8 to structure a system to kind of formalize that.

9 Since the Board and SC&A are
10 participating in much of our, you know, many of
11 our outreach activities now that might be, I
12 mean it kind of might be built in, that sort of
13 search for opportunities for improvement might
14 be built into the process we're using.

15 So I'm afraid I wasn't very helpful
16 but in my view the outreach efforts today are
17 far different than they were six and seven years
18 ago when so many of these documented comments
19 in the site, in the tracking databases were
20 generated.

21 And the system is much different now

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1 and it seems like the opportunities for Board
2 and SC&A sort of correction, or direction, or
3 assistance are sort of built in. So I don't
4 know how anybody else feels about that.

5 CHAIR BEACH: Yes, the other one
6 Stu, was the Outreach Tracking System but --

7 MR. HINNEFELD: Yes, I guess the
8 Outreach Tracking System has not reached the
9 area of maturity that I would have thought by
10 now. We've had other priorities and personnel
11 issues -- losses in the TST, and so it's not at
12 a point where I would have thought it might be
13 by now.

14 But we do have a variety of systems
15 where we do capture comments. And we didn't
16 really want to duplicate those.

17 CHAIR BEACH: Right.

18 MR. HINNEFELD: I do know that we
19 make an effort to make sure that things we don't
20 answer when we're at meetings get answered.

21 Now from personal experience I was

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1 at some public meetings in Denver in February
2 that had to do, it was a joint outreach task
3 group meeting, but it was mainly sponsored by
4 the Department of Labor because they were
5 announcing or presenting information about the
6 most recent edition of an SEC Class at Rocky
7 Flats which was effective sort of in the
8 beginning of this year I think.

9 And there were some people who came
10 up to me after the meeting, and said they felt
11 like they had information that might be
12 relevant to the continuing discussion of the
13 additional years. Because we're still
14 discussing additional years that might be added
15 to the SEC at Rocky Flats.

16 And from that, you know, I said, I
17 took their contact information and our SEC team
18 got a hold of them and they were some of the
19 people who were talked to and interviewed
20 afterwards.

21 So you know, that doesn't show up in

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1 a database anywhere. But that's why there was
2 three people that showed up on the interview
3 list and why we have now documented the
4 interviews with them in SRDB.

5 So to a certain extent we work like
6 that, and if the database were up and running
7 then I probably should have entered, made all
8 that entries in the database, but it wasn't up
9 and running so we just went ahead and did it.

10 So you know, whenever we, so we, I
11 think those opportunities occur whether it
12 happens every time we go out to a public meeting
13 or not is open to question, but certainly we're
14 subject to get questions like that when we go
15 out to public meetings.

16 I think we do try to get answers back
17 to individuals who go, try to get pretty
18 conscientious about getting back to people in
19 one fashion or another.

20 CHAIR BEACH: Okay, thank you, Stu.
21 Appreciate your input.

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1 MEMBER MUNN: Josie, may I make a
2 suggestion?

3 CHAIR BEACH: Sure.

4 MEMBER MUNN: Might I suggest that
5 the Board Members and any other interested
6 parties who want to do so, might take time to
7 do a one-pager or less than one-pager to send
8 to you, giving you that individual's or that
9 organization's vision of what this Work Group
10 is currently and what it should be in the
11 future?

12 That might give you, it might help
13 refine this, your ideas that were given in your
14 slide presentation and force all of us to think
15 in a very focused manner on what we are and what
16 we need to continue to be in the future.

17 CHAIR BEACH: Yes, Wanda, I think
18 that's a good suggestion. However, let's, I
19 think let's start with the Work Group Members
20 at this point. Maybe between now and the July
21 Board meeting, if you could do that, that would

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1 be helpful.

2 MEMBER MUNN: I certainly would
3 like to do that and I hope Phil and Loretta feel
4 similarly.

5 CHAIR BEACH: Yes, because I think,
6 you know, as it has been pointed out numerous
7 times today, from where we started when this
8 Work Group was formed back in 2007, there has,
9 there's been a lot of changes, a lot of
10 improvements.

11 I still think we have a role, just
12 I think it needs to be defined, so --

13 MEMBER MUNN: Yes, many of those
14 changes and improvements are a result of some
15 the activities that we've been involved in as
16 a Work Group, so --

17 CHAIR BEACH: I agree.

18 MEMBER MUNN: -- that's a
19 salubrious effect.

20 CHAIR BEACH: I agree. Okay, so
21 any other comments, suggestions on my

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1 presentation or Lynn's before we move it to the
2 public comments?

3 (No audible response)

4 CHAIR BEACH: Okay, hearing none,
5 are there any other workers, advocates, that
6 would like to make comments?

7 (No audible response)

8 CHAIR BEACH: Dan, I thought you
9 had another comment but I'm not sure. Are you
10 still with us?

11 DR. McKEEL: Can you hear me now?

12 CHAIR BEACH: Yes, we sure can.

13 DR. McKEEL: All right. Yes, I do
14 have a, this is a comment that I prepared before
15 this meeting. And by the way connected with
16 Wanda's excellent suggestion just now, I will
17 put this in an email to you as soon as we're
18 through here today.

19 CHAIR BEACH: Thank you.

20 DR. McKEEL: All right. Anyway I
21 want to say good afternoon. I'm Dan McKeel,

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1 I'm a 75 year old MD, physician, pathologist,
2 was a tenured faculty member at Washington U's
3 School of Medicine in St. Louis 31 years.
4 Retired from that job in 2005.

5 I certainly appreciate the
6 opportunity to express my views to you today as
7 an SEC petitioner, co-petitioner at three AWE
8 sites, General Steel Industries, and Dow in
9 Illinois, and the Texas City Chemicals site in
10 Texas.

11 And as you know, two of those sites
12 have been awarded SECs. So I've been through
13 that process as well. GSI was denied its SEC
14 in December 2012 after four years of
15 deliberations by a close nine to eight split
16 vote. And I then filed an administrative
17 review appeal for GSI which has been underway
18 at HHS since April the 17th, 2013.

19 It's appropriate about feedback to
20 the public and SEC petitioners in particular
21 that after lengthy negotiations with the HHS

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1 Assistant Secretary who's handling that
2 matter, I finally found out that it took until
3 January the 24th to get the complete GSI record
4 to HHS.

5 And that review panel did not start
6 meeting until last month, in May of 2014. So
7 I would anticipate that this administrative
8 review will take a little longer than two years
9 to process. And I'll leave it up to you all to
10 see whether that's timely or not. I don't
11 think it is.

12 Since 2003 I've contributed 81
13 White Papers on the SEC rule, the NIOSH ten-year
14 review, and several other NIOSH dockets,
15 including 53 papers to the GSI Docket 140.

16 Almost all of them, including the
17 GSI administrative review are posted on the
18 DCAS website.

19 The organization I co-founded, the
20 Southern Illinois Nuclear Energy Workers, or
21 SINEW. And that's S-I-N-E-W, the acronym, has

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1 participated in the larger national debate
2 about EEOICPA 2000, along with ANWAG, the
3 United Weapons Workers and other
4 organizations.

5 We have worked with workers to
6 submit numerous affidavits to NIOSH and the
7 Board. We've discovered in January 2007 that
8 NIOSH had film badges at Landauer, and we
9 contributed major new information to NIOSH and
10 the Board through participating in the FOIA
11 process.

12 Ironically, exactly six years
13 previously to the Board vote on the GSI SEC, on
14 December 12th, 2006 at its 42nd meeting in
15 Naperville, Illinois, then Illinois Senator
16 Barack Obama, before he became our 44th
17 president of the United States, addressed this
18 Board.

19 And you can see his remarks starting
20 on Page 125 of that transcript. And he
21 acknowledged the help he received from SINEW

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1 understanding GSI and their site.

2 He expressed frustration at the
3 slow pace of NIOSH in performing dose
4 reconstructions, noting that only two claims at
5 Dow had been paid.

6 I have always viewed this worker
7 outreach group as being central to the mission
8 of the Board task, according to its original
9 charter. I think many people in the advocacy
10 camp share my hopes and aspirations for this
11 Work Group.

12 I do agree with recent transcripts
13 of this Work Group which document a gradual
14 erosion of that original mission. And I
15 applaud today's effort to look forward towards
16 the future.

17 I have read both of the discussion
18 presentations for today's outreach Work Group
19 meeting. And kind of in response to all of this
20 I offer the following few comments that I hope
21 will be constructive ones.

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1 First and foremost I challenge the
2 accuracy of the overall analysis that NIOSH
3 addressed worker concerns 90 percent of the
4 time in a general way or in a significant way.

5 The important question would be or
6 should have been, how often has NIOSH addressed
7 worker site expert or SEC petitioner concerns
8 in direct and specific ways?

9 Two, the emphasis on worker
10 outreach has become way too narrow focusing
11 only on the largest DOE sites. Witness today's
12 discussion papers that deal almost exclusively
13 and retrospectively with LANL and Rocky Flats.

14 I agree that what is needed for the
15 future is real time analysis and much broader
16 sampling. For example, NIOSH and the Board
17 could answer questions from the public directly
18 during Board public comment sessions.

19 NIOSH and the Board could state
20 specific actions they would take to answer the
21 questions definitively both in real time and in

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1 writing, I would say within seven days of the
2 meeting.

3 The way things are now, and I'm not
4 being facetious, the person receiving the
5 answers is such or ever forthcoming, often has
6 lost track of what the original question was,
7 or when and where it was asked.

8 In the future the Work Group should
9 expand its outreach to include many more sites
10 that include AWE sites which form a large
11 majority of all covered EEOICPA sites.

12 Three, I suggest that the outreach
13 communications data from AWE sites will be far
14 different from those of large DOE facilities.
15 Outreach from large DOE sites with designated
16 points of contact are not representative of the
17 situation at AWE sites.

18 To my knowledge, no one at DOL or DOE
19 has ever attempted to construct or make use of
20 a list of designated contact people at AWE
21 sites. And frankly I wonder why this has not

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1 happened?

2 Fifth, while joint task force
3 outreach meetings by DOL, NIOSH, and DOE have
4 greatly intensified in recent years. DOL and
5 NIOSH worker outreach meetings to explain the
6 DR process and SEC processes at AWE sites has
7 practically ceased.

8 SINEW on May the 12th, 2014 held an
9 outreach informational meeting for GSI and Dow
10 workers at Granite City, Illinois. DOL was
11 invited but they were unable to attend. NIOSH
12 was invited and they were also not able to
13 attend.

14 The Paducah Resource Center did
15 furnish some brochures. But importantly at
16 that meeting, we identified eight new people
17 who wished to file Part B claims. And new
18 claims from GSI and Dow have been practically
19 stagnant for the last year.

20 So I believe that holding those AWE
21 site meetings would be very productive about

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1 expanding the population of people who file
2 claims.

3 Six, to document the accuracy of my
4 preceding two observations in items four and
5 five, this work and the Board could task SC&A
6 to compile a master list of worker outreach
7 informational meetings held by NIOSH, DOL, and
8 DOE from 2000 to 2014.

9 This list should not include worker
10 meetings held to discuss or address Site
11 Profile issues or SEC issues, I view them as
12 separate processes. The AWE and DOE sites
13 should be listed separately.

14 Seven, my personal experiences over
15 the past 11 years with matters that are central
16 to this Work Group, may be summarized very
17 briefly as follows.

18 A, almost none of my many public
19 comments has been addressed by NIOSH by a letter
20 or email directly to me stating the writer was
21 addressing a Dan McKeel public comment.

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1 There was a specific set of Dan
2 McKeel public comments, that NIOSH claimed to
3 have addressed directly with me, that Board
4 Chairman Melius reviewed at a subsequent ABRWH
5 Board working session.

6 That assertion was completely
7 false. I wasn't contacted by NIOSH. At the
8 time I wrote this comment, I did not have that
9 specific transcript available. But I can
10 locate it.

11 B, a significant proportion of my
12 many informational contributions to the Board
13 at various Work Groups and to NIOSH, have never
14 been acknowledged much less acted upon.

15 I believe professional and common
16 courtesy requires the recipients of good faith
17 input from the public, and from petitioners,
18 and site experts should acknowledge receipt of
19 the same in writing and promptly, right away as
20 soon as practical.

21 C, NIOSH often does not follow

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1 through and interview workers who make public
2 comments and file affidavits that directly
3 affect Site Profile, site specific dose
4 reconstructions, and site specific SECs.

5 Two recent examples relate to the
6 Dow SEC 79 covered period and worker public
7 comment and SEC Board discussion input from
8 multiple Rocky Flats and Kansas City plant
9 workers at each site concerning Dow-Madison
10 HK31 thorium alloy use at those two plants.

11 Nor have the Work Groups
12 considering these two sites taken action that
13 I am aware of. The Outreach Work Group should
14 try to document or refute this allegation.

15 D, NIOSH errs in not giving eye
16 witness worker affidavits sufficient weight in
17 decision making about key technical documents,
18 such as Site Profiles, TIBs, TDBs, SEC
19 Evaluation Reports, et cetera.

20 An older example of
21 underutilization of sworn affidavit

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1 information by NIOSH is six GSI worker
2 affidavits which established that an 80-curie
3 cobalt-60 non-destructive testing gamma source
4 was used during the AEC contract periods,
5 1964-66 at GSI.

6 Another example is that no less than
7 14 sworn Dow worker affidavits are on the
8 published record attesting to HK31A thorium
9 alloy plate shipments to Rocky Flats DOE site,
10 that are now backed up by new, that is 2013 and
11 '14, Rocky Flats and Kansas City Plant worker
12 testimonies. See item C above.

13 SINEW has submitted other evidence
14 that Dow HK31 alloy plates most likely were used
15 in the Rocky Flats transport modification
16 center located in building 440. And the Kansas
17 City plant information was that Dow HK31 was
18 used in the model shop and in area 20E.

19 HHS, the Office of General Counsel,
20 the CDC/ATSDR FOIA Office and NIOSH are all
21 highly inconsistent in the way they redact

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1 written worker input to the Board and its Work
2 Groups.

3 They have refused to honor Dow and
4 GSI worker Privacy Act waivers submitted by a
5 well-qualified, experienced, pro bono Illinois
6 law firm who helps SINEW.

7 They redact deceased person private
8 information even though such individuals are
9 not covered by the Privacy Act, by 5 US Code
10 552a. The names of SEC petitioners are omitted
11 from the SEC petition posting on the DCAS
12 website, but are printed when the same person
13 addresses the Board during an SEC presentation.

14 And names and other identifying
15 data are usually but not always omitted from
16 NIOSH group worker interviews on the
17 participant page and from lists of candidate
18 cases for DR Subcommittee interviews that are
19 handed out to the public in the past.

20 Such occurrences ought to be
21 investigated and analyzed as part of the

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1 quality control assessments of the Outreach
2 Work Group's activities. I will end at this
3 point. Most of my additional concerns were
4 expressed in my six different sets of comments
5 on the NIOSH ten-year review. And I thank you
6 for giving me an audience today.

7 CHAIR BEACH: Thank you, Dan. And
8 you said you will be sending that to me?

9 DR. McKEEL: Yes, I will.

10 CHAIR BEACH: I appreciate that.

11 DR. McKEEL: All right.

12 CHAIR BEACH: And that'll give us
13 the time to look at those individually and
14 hopefully get back to you on as many as we're
15 capable along with NIOSH.

16 DR. McKEEL: Josie, I'm not
17 actually asking for a response. This is input
18 I want your --

19 CHAIR BEACH: Okay.

20 DR. McKEEL: -- your Work Group to
21 have.

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1 CHAIR BEACH: Oh, okay.

2 DR. McKEEL: And use for whatever
3 purpose. It might be useful.

4 CHAIR BEACH: Okay, that, thanks
5 for that clarification, Dan.

6 DR. McKEEL: Thank you.

7 CHAIR BEACH: Any other worker,
8 workers, worker advocates wishing to make
9 comments?

10 I know I had heard from [identifying
11 information redacted] earlier that she was
12 going to try and make the call, so -- okay,
13 hearing none, it's been an interesting,
14 productive Work Group meeting. Any other
15 comments before we move to adjourn?

16 (No audible response)

17 CHAIR BEACH: Ted, anything that we
18 need to think about for moving forward? I
19 think it's too early to plan another Work Group
20 meeting, but --

21 MR. KATZ: You know --

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1 CHAIR BEACH: -- certainly we
2 should be thinking about it after our July
3 meeting.

4 MR. KATZ: Right. And the only
5 other thing I was going to say is I think I would
6 hold off on doing much with the charter until
7 you get to hear from the rest of the Board.
8 That's probably what you're planning anyway?

9 CHAIR BEACH: Right. Exactly.

10 MR. KATZ: Yes, but no. I just
11 want to thank everyone for a productive meeting
12 today, so great job.

13 CHAIR BEACH: Okay and Wanda thank
14 you for mastering Live Meeting, finally.

15 MEMBER MUNN: Well I'm not sure
16 there was much mastering, but --

17 CHAIR BEACH: Well, you got the
18 slides up.

19 MEMBER MUNN: That's true.

20 CHAIR BEACH: That's pretty good.
21 Thank you, Lynn. Thank you, NIOSH and SC&A,

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1 ATL for joining us. And I'll see some of you
2 in Cincinnati next week.

3 MEMBER VALERIO: We'll see you on
4 Tuesday.

5 CHAIR BEACH: Okay, sounds great,
6 thank you, all.

7 (Whereupon, the above-entitled
8 matter went off the record at 3:33 p.m.)

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