

UNITED STATES OF AMERICA  
CENTERS FOR DISEASE CONTROL AND PREVENTION

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NATIONAL INSTITUTE FOR OCCUPATIONAL  
SAFETY AND HEALTH

WORKER OUTREACH WORK GROUP

+ + + + +

MONDAY,

JANUARY 12, 2009

+ + + + +

HEBRON, KENTUCKY

+ + + + +

The work group convened in the Zurich Board Room at the Cincinnati Airport Marriot, 2395 Progress Drive, Hebron, Kentucky at 9:30 a.m., Michael Gibson, Chair, presiding.

BOARD MEMBERS PRESENT:

MICHAEL GIBSON, Chair  
WANDA MUNN  
JOSIE BEACH  
PHILLIP SCHOFIELD \*

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## IDENTIFIED PARTICIPANTS PRESENT:

TED KATZ, Acting Designated  
Federal Official  
STU HINNEFELD, NIOSH  
J. J. JOHNSON, NIOSH  
LAURIE BREYER, NIOSH  
LARRY ELLIOTT, NIOSH  
DAVE SUNDIN, NIOSH \*  
ABE ZEITOUN, SC&A  
KATHY ROBERTSON-DEMERS, SC&A  
JOHN MAURO, SC&A \*  
STEVE OSTROW, SC&A \*  
VERN McDOUGALL, ATL  
MARK LEWIS, ATL  
MICHAEL RAFKY, OGC  
EMILY HOWELL, HHS \*  
BONNIE KLEA, Advocate \*  
TERRIE BARRIE, Alliance of Nuclear  
Worker Advocacy Groups  
NANCY ADAMS, NIOSH Contractor \*  
DAN McKEEL, Advocate \*

\* - Present via telephone

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

2 9:30 a.m.

3 MR. KATZ: Let's get started now.  
4 It's right on time, 9:30, and I'm glad to  
5 hear, John, that you made it on, too. So  
6 let's just start roll call. Start with the  
7 board members with the Chair.

8 CHAIR GIBSON: Mike Gibson, Advisory  
9 Board member and chair of the Worker Outreach  
10 Work Group.

11 MEMBER MUNN: Wanda Munn, Advisory  
12 Board member.

13 MEMBER BEACH: Josie Beach, Advisory  
14 Board member.

15 MEMBER SCHOFIELD: Phillip  
16 Schofield, Advisory Board member.

17 MR. KATZ: Any other board members  
18 on the phone. Okay. Then the NIOSH ORAU  
19 team, starting in the room.

20 MR. HINNEFELD: Stu Hinnefeld, and  
21 NIOSH OCAS technical program manager.

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

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1 HP.

2 MS. BREYER: Laurie Breyer, OCAS.

3 MR. KATZ: And SC&A in the room.

4 MR. ZEITOUN: Abe Zeitoun.

5 MS. ROBERTSON-DEMERS: Kathy

6 Robertson-Demers.

7 MR. McDOUGALL: Vern McDougall, ATL,  
8 outreach support contractor.

9 MR. LEWIS: Mark Lewis, ATL,  
10 outreach support contractor.

11 MR. KATZ: And then NIOSH, ORAU, or  
12 SC&A staff on the phone.

13 MR. MAURO: John Maro, SC&A.

14 MR. OSTROW: Steve Ostrow, SC&A.

15 MR. KATZ: Okay, and then other  
16 federal officials in the room.

17 MR. RAFKY: Michael Rafky, HHS.

18 MS. HOWELL: Emily Howell, HHS.

19 MR. KATZ: Okay, and then any  
20 members of the public or representatives of  
21 congressional offices on the telephone.

22 MS. KLEA: Yes, Bonnie Klea, Santa

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1 Susana, petition 93.

2 MR. KATZ: Welcome Bonnie.

3 MS. KLEA: Thank you.

4 MS. BARRIE: Terrie Barrie.

5 MR. KATZ: Welcome Terrie. Any  
6 others? Okay then. We have no conflict of  
7 interest needs to address, so --

8 MS. ADAMS: And Nancy Adams is here.

9 MR. KATZ: Nancy, welcome.

10 MS. ADAMS: Thanks.

11 MR. KATZ: That would be Nancy  
12 Adams. She's a contractor. Mike?

13 CHAIR GIBSON: Okay, well first off  
14 thanks for everything attending the meeting  
15 today, and for those of you on the phone.  
16 What we plan on covering today is we're not  
17 really far enough down the road to have a  
18 specific agenda, so we're just outlining some  
19 particular areas we want to cover. We want to  
20 give NIOSH a chance to give us a review of the  
21 program, where its been, where it seen, where  
22 they see it going basically. Things like

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1 that.

2 And then SC&A, the support  
3 contractor for the board, we are going to give  
4 them an opportunity to tell us what reviews  
5 and audits they've conducted to date  
6 concerning worker outreach, and any other  
7 comments or thoughts they would like to share  
8 with us. Then we are going to take some time  
9 to give the claimants and their advocates that  
10 may be on the phone a chance to tell us their  
11 experiences, pro or con, with the worker  
12 outreach or the interactions with OCAS.

13 And then lastly, some time this  
14 afternoon before we adjourn, hopefully the  
15 work group can develop some more specific  
16 agenda items for a future meeting, and where  
17 we're going to go from here.

18 So with that, I guess we'll turn it  
19 over to NIOSH, and let you just give us an  
20 overview of the program, and some of the --  
21 maybe hit some of the bullets that are listed  
22 here on the agenda.

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1 MR. KATZ: And as a matter of  
2 record, let me just note that Larry Elliot,  
3 who is head of the OCAS program, has just  
4 joined us, and I probably should stop and  
5 identify, too. This is Ted Katz, and I'm the  
6 acting DFO for the Advisory Board.

7 MR. ELLIOTT: I apologize for my  
8 tardiness. It took a little longer than I had  
9 planned to navigate my way here this morning.

10 So thanks, Michael. As we've said in the  
11 past, our outreach efforts are perhaps limited  
12 in some regards. The Department of Labor has  
13 the administrative lead on outreach for  
14 claims, and they do that in venues such as  
15 town hall meetings, and NIOSH has been  
16 included in many of those at the request of  
17 Department of Labor.

18 That's where I would start with  
19 outreach, but I would depart from that and say  
20 that NIOSH has conducted outreach to workers  
21 and claimants with a specific purpose in mind  
22 each time we have done that. And we use a

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1 variety of ways, based upon a given purpose,  
2 as to how we go about interacting with people  
3 of interest. So we have used small focus  
4 groups and interviews where we were building a  
5 site profile or a technical basis document  
6 approach. In that, we would identify workers  
7 from the era of interest, and either interview  
8 them individually and capture those interviews  
9 in our record system. And I believe each time  
10 we would offer the opportunity for the worker  
11 to -- we drew what was the summary notes of  
12 that information that was captured during the  
13 interview, not a verbatim transcript per se,  
14 or a set of minutes per se, but an  
15 understanding of what we captured as their  
16 answers to certain questions or certain issues  
17 that were raised that we thought were  
18 substantive and salient to the interest at  
19 hand. We have -- so they get that. They are  
20 able to comment on that. We make changes  
21 accordingly, and place those in our systems of  
22 records for use in site profile

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1 development/technical basis document approach  
2 development.

3           We have conducted worker meetings  
4 about a given topic, or situation, or  
5 circumstance at a site where we've invited  
6 workers together, and sometimes we've done  
7 this in conjunction with the Board's  
8 deliberation process, such as Blockson  
9 Chemical, and other times its been something  
10 we've convened on our own through our good  
11 works of either our contractor, ATL, and/or  
12 prior to that ATL teaming with ORAU, where we  
13 would convene a group of workers and talk  
14 about a situation or experience at a certain  
15 site, and we would document that by summary  
16 notes of the meeting.

17           And we have also conducted  
18 workshops where we have invited in -- this  
19 year we are planning our fifth of these  
20 workshops, I believe, in March. But we've  
21 invited in at each of these workshops  
22 claimants who are interested in learning more

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1 about dose reconstruction or the SEC process,  
2 petitioners, potential petitioners,  
3 petitioners who are active and have processed,  
4 or any process with a petition. We have  
5 invited advocates for groups of workers. We  
6 have of course invited and entertained a lot  
7 of interest from organized labor reps who  
8 attended these meetings. These meetings last  
9 usually a day, day and a half. And again, we  
10 are planning one for March, early March this  
11 year.

12 With regards to our SEC counselor  
13 and ombudsman, we schedule meetings at their  
14 proposed proposals to educate potential  
15 petitioners, as well as claimants who are  
16 involved perhaps in a class situation. So  
17 those activities, SEC outreach type of  
18 activity to explain that rule and how we  
19 process petitions, and what it means to be in  
20 a class are handled in support of the SEC  
21 counselor and ombudsman, and ATL support  
22 staff, as well.

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1           So that's kind of a general  
2 overview of what we see our outreach efforts  
3 being. They are purpose-driven. Depending  
4 upon the purpose, the audience is tailored.  
5 The interaction is perhaps as broad and  
6 expansive as a town home meeting, or it may be  
7 just individual one-on-one interviews.

8           Of course we have our interaction  
9 with claimants in many ways through  
10 correspondence, through the website, through  
11 our interview process, before and after the  
12 dose reconstruction is done. And so we would  
13 point to that also as an opportunity to  
14 outreach, or educate, or explain support in  
15 the individual's set of interests. So we  
16 would point to that.

17           Have I missed anything, Stu or  
18 Vern?

19           MR. HINNEFELD: Well, Vern may want  
20 to add in a little bit. I would say that the  
21 evolution that's occurred over the last few  
22 years is that the focus for outreach for a

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1 while was on site profile efforts, and short  
2 of introducing the process, as well as then  
3 presenting site profiles, and this is what we  
4 have learned about this site where you worked,  
5 and for a couple of opportunities at those  
6 times. And its kind of evolved since then  
7 into mainly focused on SEC-type of activities.

8 It seems like at least more of those now are  
9 where employees or groups of employees, or a  
10 union organization will be interested in maybe  
11 submitting an SEC petition for their site.  
12 And so it will go for that purpose, and have  
13 that kind of meeting for that purpose in  
14 addition to the workshops, the SEC workshops  
15 that we've conducted and are conducting. So  
16 there's been a little bit of a shift in focus  
17 as the site profile work has sort of ebbed. I  
18 mean, the original publication of site  
19 profiles is, to a large extent, has been done.

20 Now certainly there's review and revision of  
21 those things that continues to go on, and so  
22 this fits. I mean, these kinds of things can

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1 fit there, as well. But that's just the only  
2 thing I was going to comment.

3 MR. ELLIOTT: I think that's a good  
4 point to bring up.

5 MR. HINNEFELD: Well, and the other  
6 thing is, as you said that, in almost every  
7 situation the things that you're interested or  
8 knowing are sort of uniquely designed for that  
9 situation depending upon what you've  
10 encountered so far because we don't  
11 necessarily start -- the first action we do  
12 isn't necessarily interviews. The first  
13 action that we normally do is document review  
14 to try to determine, what can we assemble,  
15 what knowledge can we assemble from the  
16 document that can inform us so we can even ask  
17 intelligent questions of people. So that  
18 information gathering process to start pretty  
19 much shapes where the process goes from there.  
20 So to an extent, each one is sort of custom-  
21 made that way. So it's a little difficult to  
22 put a lot of detail about exactly what are you

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1 going to ask in an outreach into a procedure,  
2 because its sort of custom-made each time.

3 MS. ROBERTSON-DEMERS: This is  
4 Kathy Demers. Can you tell which of the  
5 ORAU/ATL/NIOSH procedures cover all of these  
6 different elements?

7 MR. HINNEFELD: Well, as you  
8 mentioned in your comment on 097, that some of  
9 these are not proceduralized. For instance,  
10 we don't have a procedure for interviewing a  
11 person and documenting the interview. You  
12 know, that would be like -- I'm trying to  
13 envision the process there. I guess we could  
14 formalize the format of the write-up of the  
15 interview or something like that. But we  
16 don't have a procedure for that. We don't  
17 have different procedures for SEC outreach  
18 meeting versus any other outreach meeting. I  
19 think our procedure as it was, and I think  
20 probably as it's being revised to, although  
21 maybe I shouldn't speak about this, because  
22 I'm not familiar with what its being revised

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1 to, because it is being revised. I don't  
2 think it specifies necessarily for SEC  
3 outreach meetings, do this, for site profile  
4 outreach meetings, do this, for these outreach  
5 meetings, do this. I don't think it's  
6 particularly specified. So as far as I know,  
7 we have the one that covers outreach, and  
8 that's 097. Or it was 097. I guess it's  
9 going to be numbered the same on revision.

10 MR. JOHNSON: I think it's going to  
11 be 012.

12 MR. HINNEFELD: It's going to be  
13 renumbered? Okay.

14 MR. MAURO: This is John Mauro.  
15 Could I just interject something real quick?

16 MR. HINNEFELD: Sure.

17 MR. MAURO: I just wanted to sort  
18 of set prospective overview of what SC&A's  
19 role is, which is quite different of course  
20 than the activities that NIOSH performs. And  
21 I'll be brief. We basically do three  
22 different kinds of things. In support of the

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1 Board, we are involved in outreach activities  
2 also, which of course Kathy is able to provide  
3 a lot more detail. But those outreach  
4 activities are more along the lines of  
5 acquiring information rather than providing  
6 information. And basically we have procedures  
7 for reviewing site profiles, and we have  
8 procedures for reviewing SEC petitions.  
9 Embedded in those procedures, we're required  
10 to reach out and acquire information from  
11 claimants, petitioners, and workers. So our  
12 role primarily is one of obtaining information  
13 from the interested parties.

14 So the second thing -- so that's  
15 one category of activity that we do.

16 The other category that we do  
17 that's related to outreach, but not directly,  
18 is we rename procedures that NIOSH and OCAS  
19 and ORAU prepare for related to outreach, such  
20 as close out surveys, CATI interviews. So we  
21 review them, and we provide our commentaries,  
22 and you folks are familiar with that.

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1                   And the third category of what you  
2 might call outreach is, from time to time, we  
3 are called upon by professional  
4 representatives to brief them regarding the  
5 status of activities on our investigations on  
6 a given site. In that regard, we do provide  
7 information. We're not soliciting, but we're  
8 providing information, and the nature of that  
9 information always is to sort of summarize in  
10 layman's terms what we have already discussed  
11 or are discussing with the Work Group or the  
12 Board.

13                   So I wanted to set the table so to  
14 speak of overview of SC&A's role in outreach.

15                   I believe that captures the major categories  
16 of activities that we perform.

17                   MEMBER MUNN: John, this is Wanda.

18                   Am I correct in understanding that all of  
19 SC&A's outreach activities are responsive, not  
20 proactive?

21                   MR. MAURO: Well, responsive in  
22 terms of --

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1                   MEMBER   MUNN:            You're   either  
2                   responding to directions that have been given  
3                   to you by the Board, or to requests from  
4                   outside agencies or litigators.

5                   MR. MAURO:    That's correct, yes.  
6                   It is responsive.   Responsive in that we are,  
7                   it is proceduralized, so that once the Board  
8                   authorizes SC&A to do a site profile review,  
9                   or an SEC petition review, one of the things  
10                  we do automatically as part of that process is  
11                  meet with claimants, petitioners, and workers  
12                  to acquire information.   Of course, at a given  
13                  Work Group meeting, once we move into the mode  
14                  where we're actually trying to address issues  
15                  that we've raised, we take directions from the  
16                  Board.    This is very much the case that  
17                  occurred during the NTS work group meetings  
18                  where we are directed by the Work Group, in  
19                  this case, to reach out and acquire additional  
20                  information.    So yes, on several levels,  
21                  mainly on the broadest base level, which would  
22                  be just when we're triggered to go ahead and

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1 do a site profile review, and then we actually  
2 get into what I would call the weeds, and  
3 really do the day-to-day work, working with  
4 working groups, from time to time the working  
5 group will direct us to go and talk to people.

6 CHAIR GIBSON: Larry?

7 MR. ELLIOTT: Well, I'm trying to  
8 get back on track here. I want you to  
9 understand that Stu's point is something to be  
10 considered here that what would be examined in  
11 the past is certainly different than what  
12 would be examined currently. I think you can  
13 look at the WISPER database itself and it is  
14 still available, yes. It has been transferred  
15 from ORAU to OCAS. We have it online in OCAS  
16 if we need it. I question its utility though,  
17 because it really wasn't developed with a  
18 driven purpose per se as much as we would like  
19 to see. But at any rate OCAS Procedure 012 is  
20 underway. The ORAU Procedure 097 is not  
21 viable at this time, I guess. I don't think  
22 its being used. We are not trying to live by

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1 it, per se. But OCAS Procedure 012 is in the  
2 final review stages and once the final  
3 comments have been incorporated, I believe we  
4 will issue that.

5 MEMBER BEACH: Larry, can you tell  
6 me -- this is Josie. What procedure 012 is  
7 and what is that going to consist of?

8 MR. ELLIOTT: I will try to give  
9 you an answer to that. J.J. may help me out a  
10 little bit in detail here. Its to provide the  
11 process for the conduct and documentation of  
12 our outreach efforts. So it's a procedure  
13 that will describe that process, those various  
14 different types of interactions that I  
15 described earlier to be characterized and how  
16 they are done.

17 MEMBER BEACH: Okay, so will you  
18 get rid of 097? Will 097 go away?

19 MR. ELLIOTT: Yes, 097 is going  
20 away.

21 MR. HINNEFELD: Yes, because 097 is  
22 ORAU procedure.

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1 MEMBER BEACH: Right.

2 MR. HINNEFELD: And ORAU is not  
3 really the company that does it anymore. It's  
4 not ATL that does it.

5 MEMBER BEACH: Right.

6 MR. ELLIOTT: There is a tracking  
7 system that has been developed, a new database  
8 that we've developed and its identified as our  
9 outreach tracking system. I believe its  
10 working now, JJ?

11 MR. JOHNSON: Yes.

12 MR. ELLIOTT: So it is functional  
13 now. J.J. can identify the URL location for  
14 you if you are interested he can provide that.

15 MR. HINNEFELD: Well, we may have  
16 to put that on O:, on our system.

17 MR. ELLIOTT: Yes, right now we  
18 caught up with not putting anything new onto  
19 the ORAU domain so you can access it because  
20 we are going to this new security process and  
21 so the tracking system and new database is up  
22 and running. It tracks information like

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1 location, type of meeting, minutes or the  
2 summary notes of the meeting, our sign-in  
3 sheets, the informational handouts,  
4 correspondence about the meeting, points of  
5 contact. There is a calendar that is  
6 associated with this data that kind of  
7 identifies what meetings have been scheduled.  
8 And there is an issue-tracking component as  
9 well.

10 MEMBER MUNN: That is on the O:  
11 drive now?

12 MR. ELLIOTT: I don't think its on  
13 the O: drive.

14 MR. JOHNSON: No, it is in the OCAS  
15 tools.

16 MR. ELLIOTT: So that's on our  
17 side.

18 MR. JOHNSON: It's on our side.

19 MEMBER BEACH: So it's nothing we  
20 can access?

21 MR. ELLIOTT: Not today.

22 MR. HINNEFELD: Not today. We'll

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1 have to chat. Larry and will have to chat  
2 with the security thing changing, its not  
3 clear to me what would be most timely.  
4 Whether we would even want to put anything on  
5 the O:.

6 MR. ELLIOTT: You can come into our  
7 offices and see if it or if you've got your  
8 own, a key fob. If you can access through  
9 CITCO you can see it.

10 MR. HINNEFELD: And they are  
11 getting those right?

12 MR. ELLIOTT: They are getting  
13 those but they don't have those.

14 MR. HINNEFELD: So once board  
15 members have key fob and come into our system  
16 through CITCO, it will be available through  
17 our system.

18 MS. BREYER: Larry you mentioned  
19 WISPER. Is WISPER going away? I noticed that  
20 nothing's been really put into WISPER since  
21 06.

22 MR. HINNEFELD: It is historical

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1 now.

2 MR. ELLIOTT: It is historical.

3 MEMBER BEACH: So anything new that  
4 let's say Savannah River site, May meeting,  
5 anything that I would like to see from that  
6 meeting, I'm going to have to wait until I get  
7 a key fob to go into the new database or is  
8 there an area that I can look for that  
9 information now?

10 MR. ELLIOTT: We would have to  
11 provide you that information separate from the  
12 system at this point. We would have to burn  
13 it to a CD to give it to you.

14 MR. ZEITOUN: So there will be no  
15 database available for anybody to track what's  
16 happening?

17 MR. ELLIOTT: There is a database.  
18 It will be available to -- right now its only  
19 available within the NIOSH domain, within the  
20 firewall. Because of the transition in trying  
21 to become compliant with the IT security  
22 requirements, we can't put any new stuff out

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1 on the O: drive on ORAU's site. We're trying  
2 to break away from that knowing full well that  
3 ORAU is working on implementing a plan that  
4 will achieve as much as they can on IT  
5 security by March 30 and we don't want to  
6 confuse and confound that implementation  
7 effort by adding new packages, new  
8 applications on the O: drive site. So, I'm  
9 sorry but this is the constraint we face.

10 MEMBER BEACH: Early in your  
11 discussion you talked about systems of record  
12 and you talked about summary notes. Where are  
13 those accessible or are they?

14 MR. ELLIOTT: They are not.

15 MEMBER BEACH: They are not.

16 MR. ELLIOTT: Well historically the  
17 ones that may be on certain site research  
18 database holders, you might be still able to  
19 access through your traditional way.

20 MEMBER BEACH: So this is going to  
21 stay available for historic.

22 MR. ELLIOTT: This will stay

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1 available for historic interest.

2 MEMBER BEACH: But anything new --

3 MR. ELLIOTT: It is not being  
4 added. It is not be used. No this new  
5 application is what will be populated with the  
6 new information.

7 MEMBER BEACH: So if I have a  
8 question on, I know [identifying information  
9 redacted] had sends in an awful lot of stuff.

10 If I want to see your response to his  
11 inquiries, where would I find that  
12 information?

13 MR. ELLIOTT: Okay, that --

14 MEMBER BEACH: Is that --

15 MR. ELLIOTT: That's a whole  
16 separate matter. That's not considered an  
17 outreach.

18 MEMBER BEACH: That is not  
19 considered an outreach?

20 MR. ELLIOTT: No, that's not  
21 considered an outreach. That's [identifying  
22 information redacted] supplying information

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1 with regard to the Nevada Test Site situation,  
2 either site profile and his concerns about  
3 that or SEC petitions that are underway.

4 MEMBER BEACH: See I took that in  
5 context that it was interaction with claimants  
6 when you discussed that separate.

7 MR. ELLIOTT: Okay. System of  
8 records includes everything that NIOSH OCAS  
9 has that contains Privacy-Act related  
10 information as is accessible is keystroke  
11 available, okay. And so that means that if we  
12 have an application that drives this database  
13 for worker outreach, that's in the system of  
14 records. We have claims and claims are  
15 tracked in a separate database as you know,  
16 are not this system. So a claimant  
17 interaction is captured there either in a  
18 phone log or a correspondence file folder. Or  
19 in [identifying information redacted] case, if  
20 it is about his particular claim, I'm not  
21 sharing anything he hasn't already divulged to  
22 you, it would be captured there if it is

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1 claimant related. However, [identifying  
2 information redacted] is also a petitioner,  
3 okay. And in that right, we go to the -- we  
4 have an application that follows the  
5 petitions, an SEC viewer, that you will be  
6 able to see and you could go to that and see  
7 the petitions that has processed and those  
8 things that he has contributed to that  
9 process.

10 Also there is an opportunity for  
11 people to comment on site profiles, okay. So  
12 he sends information in or we get letters in  
13 about those. They go into a docket, if that's  
14 the way they are directed. And then we pull  
15 them out of the docket. [identifying  
16 information redacted] has not been directed to  
17 a docket. [identifying information redacted]  
18 been directed to me or to representatives on  
19 my staff about the site profile. So, we  
20 channel that information in to the site  
21 research database folder. We channel it to  
22 those folks that are working on that site

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1 profile, working on the work group issues  
2 matrix that are dealing with that site  
3 profile. So you have to first know what you  
4 are asking for to determine where you want to  
5 go find it. You see? So this is all the  
6 system of records that we have but we have  
7 different database systems within that, that  
8 track different sets of information. And  
9 right now I think you can see from your side  
10 but I don't know that you've been able to see  
11 this SEC viewer and track petitioners which  
12 you will be able to in the future where you  
13 can see the consultation phase that goes on.  
14 You can monitor that.

15 MEMBER MUNN: But that is more a  
16 matter of accessibility and responsiveness  
17 than it is outreach?

18 MR. ELLIOTT: Yes, yes.

19 MEMBER SCHOFIELD: I still have the  
20 same question Larry. Under these comments  
21 that come in from either petitioners or  
22 claimants and stuff, there are more of a

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1 global nature for a particular facility or  
2 site. Are those extracted and put into a  
3 database, separate database where they would  
4 be maybe in relation to the SEC or technical  
5 basis document?

6 MR. ELLIOTT: Comments that come in  
7 about a site would be provided to the site  
8 profile team. If they come directly to me, I  
9 turn them over to the OCAS point of contact  
10 for that site profile or that site itself.  
11 They in turn and Stu, as well, would be copied  
12 on that. We would make sure that the ORAU  
13 team members are apprised. We would turn to  
14 Kate Kimpan and say we have these issues  
15 identified relative to Nevada test site. Make  
16 sure that your folks are addressing them. The  
17 point of contact for that site, Mark Rolfes,  
18 for example, would turn to his team members,  
19 individual teams members on ORAU and elsewhere  
20 and say these are the issues that have been  
21 raised. They are new or they are not new, how  
22 should we address the new ones? Does that

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1 answer your question?

2 MEMBER SCHOFIELD: Yes it does,  
3 thank you.

4 MR. ELLIOTT: But that is not  
5 tracked. I don't believe we have an overall,  
6 general tracking system for issues that you  
7 could look at and go tease out site-specific  
8 or site-related issues. I don't think we have  
9 any animal of that sort.

10 MEMBER BEACH: I have one more  
11 question. Are we working to 097 at this time  
12 until 012 is put in place?

13 MR. ELLIOTT: No.

14 MEMBER BEACH: Not at all. So 097  
15 --

16 MR. ELLIOTT: 097 is not a  
17 functional procedure as far as we are  
18 concerned. It's ORAU's procedure on outreach  
19 and ORAU is not performing outreach until ATL  
20 says we need one of your team members to go to  
21 this site with us. ORAU says to our site, our  
22 focus point of contact that we have an issue

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1 we want to address. We think we can talk to a  
2 few workers and we can get it addressed. ATL  
3 is engaged and we go talk to them.

4 MEMBER BEACH: I just wanted to  
5 make sure I understood that all the reading I  
6 did was for naught.

7 MR. ELLIOTT: I'm sorry.

8 MEMBER BEACH: 012, has anybody has  
9 SC&A seen 012?

10 MR. ELLIOTT: No.

11 MEMBER BEACH: How soon?

12 MR. ELLIOTT: It is a pre-  
13 decisional document until we say it is final  
14 and it is forthcoming.

15 MEMBER BEACH: How soon?

16 MR. ELLIOTT: I said it is in the  
17 final stages of review meaning we have some  
18 comments yet to address and incorporate.

19 MR. HINNEFELD: I think we are  
20 determining accuracy of the resolution. So we  
21 commented. We now have the resolution of the  
22 comments and it is in our shop. It has just

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1 gotten back to our shop to determine the  
2 adequacy of resolution. That's where it is.  
3 So if the resolutions are adequate, it will be  
4 short, a shorter time. If not then it will be  
5 another cycle to the contractor.

6 MS. BREYER: Will this work group  
7 get that or will it go to procedures, that's  
8 my next question.

9 MR. ELLIOTT: We'll let the board  
10 know that it has been issued and implemented.

11 At the same time a lot of this is common  
12 sense and we've been trying to do the common  
13 sense approach here with these outreach  
14 efforts. So our description of what we're  
15 doing shouldn't be much different than what  
16 you read in this document. But yes, we'll  
17 notify the board and the board will then make  
18 a decision on which work group it goes  
19 through.

20 MEMBER BEACH: Larry, part of it is  
21 common sense but the other part is giving  
22 access to the comments that are raised and

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1 what's happening to those comments. WISPER,  
2 we could go online up until 2006 and see  
3 NIOSH's comments to the claimant. That is  
4 missing now, in a lot of cases.

5 MR. ELLIOTT: I don't think WISPER  
6 would show what our comments to claimants  
7 were.

8 MR. HINNEFELD: We had some  
9 responses.

10 MEMBER BEACH: Some responses. But  
11 I'm saying that's all we had. Now I wouldn't  
12 know where to go look for some of that stuff.

13  
14 MR. ELLIOTT: You will be able to  
15 see what we are doing in this new database.

16 MEMBER BEACH: Yes.

17 MS. ROBERTSON-DEMERS: This is  
18 Kathy Demers. You said that part of your  
19 outreach was more individual or small focus  
20 groups discussions. Now is that going to be  
21 included in the OCAS 012 procedure or is that  
22 going to be included elsewhere?

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1 MR. JOHNSON: Yes, it is in the  
2 procedure.

3 MS. ROBERTSON-DEMERS: Okay.

4 MR. MAURO: This is John Mauro. I  
5 have a brief follow-up question that relates  
6 to the matter that you just mentioned that  
7 Phil raised. I noticed that very often an  
8 interested party, I won't name any names I  
9 guess with the Privacy Act issue, but a matter  
10 would come in with a whole series of concerns,  
11 questions, new information, commentaries and  
12 very often I would be copied on it or it would  
13 be provided to me. I know eventually Larry, a  
14 lot of this material if not all of this  
15 material reaches your desk. And I have seen  
16 on many occasions where you have prepared on  
17 several sites, including Bethlehem Steel and  
18 some interested parties, Divide Pesticide  
19 comes to mind, perhaps Blocksman. I'm not  
20 sure -- GSI. You would prepare a written  
21 response to those letters and I appreciate you  
22 do copy me on those responses and I noticed

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1 also many board members. So I do notice that  
2 this living interaction that goes on related  
3 to certain matters for the different sites.  
4 There is paperwork, electronically anyway,  
5 that I observe and I think some board members  
6 observed but the totality of that material  
7 though that is not right now maintained in a  
8 place, a dedicated site where all of this type  
9 of interaction can be recovered so to speak.

10 MR. ELLIOTT: It's maintained in  
11 our controlled correspondence system, another  
12 application system, tracking system, where a  
13 correspondence comes in and it is given a  
14 control number and we provide a suspense date  
15 for a reply to be prepared and a reply is  
16 issued. Generally the people who are engaged  
17 at the site on a specific issue are charged  
18 with developing the response in that control  
19 reply and so they would be blind-copied and  
20 those blind copies of the response and the  
21 original set of, the incoming questions or  
22 issues would also be housed in the files of

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1 that particular team member. They should be  
2 shared in the site research database folder if  
3 appropriate. So if you go to like Bethlehem  
4 Steel, you would see and you talk with our  
5 controlled correspondence folks, they would be  
6 able to show you the Bethlehem Steel responses  
7 to Mr. Walker.

8 MR. MAURO: Okay.

9 MR. ELLIOTT: And if you then talk  
10 to, go to our Bethlehem Steel site research  
11 database folder and talk to Mr. Glover, Mr.  
12 Glover could probably point out the same  
13 correspondence.

14 MR. ZEITOUN: So, with the control  
15 system includes the incoming questions plus  
16 your responses.

17 MR. ELLIOTT: Yes. That's good.

18 MR. MAURO: I have another  
19 question.

20 MR. ELLIOTT: That's only if  
21 somebody writes me.

22 MR. ZEITOUN: Yes.

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1 MR. ELLIOTT: And says you've not  
2 answered these questions or these are the  
3 concerns I have. And that doesn't include e-  
4 mail. That's formal --

5 MR. ZEITOUN: Correspondence.

6 MR. ELLIOTT: That's formal  
7 correspondence.

8 MR. ZEITOUN: Back and forth.

9 MR. ELLIOTT: Control system, yes.

10 MR. MAURO: Okay.

11 MR. ELLIOTT: E-mail inquiries that  
12 come in to us are forwarded to the appropriate  
13 technical staff for response and so there's an  
14 e-mail interaction that happens at that level.

15 MR. ZEITOUN: Yes.

16 MR. ELLIOTT: And they would have  
17 to keep those. If it is regarding a petition,  
18 a site class, they would go into, it would be  
19 logged, copies of those e-mails would be  
20 logged into that site profile or that SEC  
21 petition.

22 MS. ROBERTSON-DEMERS: Can I give

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1 you an example and maybe you can tell me if it  
2 is going to fit into the procedure? Out at  
3 Hanford ORAU and NIOSH have been doing a lot  
4 of one-on-one interviews related to the PFP  
5 facility with, you know, either -- well one-  
6 on-one or with two or three people. Now is  
7 that considered outreach?

8 MR. HINNEFELD: I don't know that  
9 we would call that outreach in the sense that  
10 we typically define it and write procedures  
11 for it. We almost always interview people  
12 when we're writing a site profile or revising  
13 or determining whether a site profile is  
14 appropriate which is what we are doing at  
15 Hanford. And in that instance we would  
16 document the interviews in the way we normally  
17 document interviews and then go in the SRDB  
18 and be part of the evidence. The reason we  
19 have the interview and you document it is  
20 because it is going to tell you something you  
21 want to use so you document it and put it in  
22 just as you do with your interviews. You

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1 document the interviews and then put them in  
2 the same system of record. That I don't think  
3 would -- we don't normally think of that or  
4 have not historically thought of that as  
5 outreach and therefore covered under the  
6 outreach procedure.

7 MS. ROBERTSON-DEMERS: Okay.

8 MR. HINNEFELD: I might just say  
9 one other thing about communications from  
10 claimant. It might be worth remembering and  
11 maybe not, maybe I should keep my mouth shut.

12 Not every communication from a claimant  
13 warrants further investigation. There are a  
14 lot of communications from claimants with  
15 questions that can be answered with the  
16 investigation that has been to date. And so  
17 not every communication from a claimant  
18 requires, raises issues that are not suitably  
19 addressed. The key element is are we suitably  
20 capturing those and making sure the report or  
21 the work that's going on about that site is  
22 addressing the issue. And one other thing to

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1 recall, most of the communication,  
2 particularly the technical communication about  
3 SEC classes or site profiles, most of the non-  
4 claim specific communication occurs when the  
5 debate is ongoing. In other words we have  
6 written a product and typically it has a SC&A  
7 review and the board is considering it which  
8 can be as we all know a fairly extensive  
9 period of time when the debate is open. And  
10 during that time all this information can be  
11 readily assimilated into the debate and  
12 weighed against the issues that are already on  
13 the table and it could be supportive of  
14 existing issues or it could be new. So, you  
15 know a lot of this occurs in sort of an open  
16 debate kind of issue and a lot of the  
17 communication we receive about sites occurs  
18 during that time period.

19 MR. ELLIOTT: A very important  
20 point that he makes to you that for example,  
21 since [identifying information redacted] name  
22 has been raised, a lot of what [identifying

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1 information redacted] has provided of late,  
2 you won't find any specific responses from us  
3 to it. However, in certain situations that  
4 [identifying information redacted] has raised  
5 an issue or concern you'll find a specific  
6 response. So, we have taken some discretion  
7 as to when and where we engage during the  
8 debate period.

9 MR. ZEITOUN: But you close the  
10 loop -- I'm using the same [identifying  
11 information redacted] now. You close the loop  
12 of [identifying information redacted] saying I  
13 am not going to address this or this issue has  
14 been addressed before.

15 MR. ELLIOTT: Yes.

16 MR. ZEITOUN: That's excellent.

17 MR. ELLIOTT: We have tried, yes.

18 MR. ZEITOUN: I'm just using this  
19 because sometimes you know the question  
20 doesn't get the responses and the person  
21 outside doesn't know what you are doing about  
22 that. And he is waiting for it. But if you

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1 close the loop that's a good approach.

2 MR. ELLIOTT: You know, in those  
3 kinds of situations we take deliberate steps  
4 to try to focus what the issue or issues are.

5 Narrow as best we can with that person what  
6 is trying to be raised and how we can best  
7 answer it.

8 MR. ZEITOUN: Yes.

9 MR. ELLIOTT: To their  
10 satisfaction. You are always successful.

11 MR. ZEITOUN: But at least you are  
12 closing the loop

13 MR. ELLIOTT: We are not leaving  
14 him high hanging there.

15 MR. ZEITOUN: I have another  
16 question on the procedure 012. Is that going  
17 to take into consideration some of the  
18 comments that SC&A and the board has made on  
19 097?

20 MR. HINNEFELD: That was -- yes.

21 MR. ZEITOUN: Because some of the  
22 issues were raised, okay.

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1 MR. ELLIOTT: I don't think it was  
2 wasted time.

3 MR. ZEITOUN: No, no.

4 MR. ELLIOTT: It was a starting  
5 point because of the touchstone of what at  
6 that point in was thought to be necessary to  
7 conduct this kind of work.

8 MR. HINNEFELD: And if I am not  
9 mistaken the findings from 097 are captured in  
10 the procedures tracking database. Do you  
11 remember for sure Wanda?

12 MEMBER MUNN: The findings are in  
13 fact captured and as a matter of fact this  
14 conversation is of great interest to me  
15 because this procedure was scheduled in my  
16 mind to be on our meeting schedule later this  
17 month.

18 MR. HINNEFELD: The end of the  
19 month.

20 MEMBER MUNN: The questions that it  
21 was going to be proposed by me was are there  
22 going to be any responses to any of the

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1 outstanding -- all of the outstanding open  
2 issues because we had that.

3 MR. ELLIOTT: We hope this will be  
4 responsive to some.

5 MR. HINNEFELD: Yes, what we will  
6 do is procedure 012 should be responsive,  
7 should be directly responsive to the comments.

8 MEMBER MUNN: And if it is --

9 MR. HINNEFELD: I suspect it will  
10 not be responsive to all of them.

11 MEMBER MUNN: Well we can --

12 MR. ELLIOTT: I'll say, some we  
13 didn't accept, you know. That's our  
14 prerogative and we should explain why we found  
15 them not to be suitable.

16 MEMBER BEACH: Can you enlighten  
17 us?

18 MR. ELLIOTT: It's not ready for my  
19 signature and so I'm not in the process yet.  
20 When I see it, if I'm unhappy with it - I  
21 won't sign it.

22 MR. HINNEFELD: One of them comes

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1 directly to mind.

2 MEMBER MUNN: And we will  
3 anticipate that many of the responses to PROC-  
4 097 items, this will be addressed and the 012,  
5 yes.

6 MR. ELLIOTT: Yes, conversations  
7 yet to come.

8 MR. HINNEFELD: One item comes to  
9 mind.

10 MR. ELLIOTT: Go ahead. Go ahead.  
11 You know more about it than I do.

12 MR. HINNEFELD: Barely. One of the  
13 findings on PROC-097 is that the audio  
14 recordings of the meetings should be retained  
15 and we won't be doing it. Not going to  
16 happen. There is no, see there is no  
17 transcript of that if you keep it. There is  
18 no transcript of that and it very likely  
19 includes privacy act information.

20 MEMBER MUNN: So.

21 MR. HINNEFELD: So it were to, if  
22 it were in order to be really available and

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1 treated the way our records are treated, which  
2 means they are available for people to look at  
3 if they ask for them, we would then need to  
4 transcribe all of those meetings. And then  
5 have a privacy act review of the transcript  
6 and review the transcripts. So for that  
7 reason it has been decided they won't be  
8 retained. They will be retained long enough  
9 to prepare the minutes. They are contract.  
10 The contractor uses them as a tool to prepare  
11 the minutes, just like if I were at the  
12 meeting and I were preparing the minutes, I  
13 would not make a recording. I would write my  
14 notes and I would prepare the minutes from my  
15 notes. The minutes then are available. The  
16 notes in my notebook are not. And so that's  
17 what it would be is the audio recording, the  
18 notes that the contractor will use to prepare  
19 the minutes. That's one finding I know that  
20 will not be addressed.

21 MR. ZEITOUN: I will make one  
22 comment on that. Would you allow the

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1 commentors that you took the minutes from to  
2 read for accuracy?

3 MR. HINNEFELD: I think, I might  
4 need to discuss that with some other folks in  
5 the room.

6 MR. ZEITOUN: Because, you know, to  
7 read his summary notes --

8 MR. HINNEFELD: Summary notes to be  
9 sure that --

10 MR. ZEITOUN: To reflect summary  
11 minutes that you accurately reflect in his --

12 MR. HINNEFELD: We routinely  
13 provide, we routinely provide the summary  
14 minutes to participants. Not necessarily  
15 every participant.

16 MR. ZEITOUN: Right, I understand.

17 MR. HINNEFELD: But we do routinely  
18 provide the summary minutes to participants,  
19 yes. Yes, we do that.

20 MR. ZEITOUN: All right.

21 MR. ELLIOTT: There is another  
22 reason why. The recordings are used as a

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1 tool. They are not a deliverable under the  
2 contract and we don't want them as a  
3 deliverable because if they are in our system  
4 of records it creates a problem that Stu  
5 outlined for you. But there is another  
6 problem, another obstacle toward capturing  
7 recording and that is a legal one. And it's a  
8 patchwork quilt of states' laws and  
9 regulations on using recording devices. And  
10 we couldn't go into each and every state and  
11 examine the law and make sure we are abiding  
12 by it in each and every case. It just doesn't  
13 make sense and then what happens if the person  
14 says no. You know there is all these legal  
15 problems.

16 MR. RAFKY: Yes, in some states  
17 they have the permission of the person on the  
18 other end of the phone or meeting both parties  
19 and so yes.

20 MS. ROBERTSON-DEMERS: This is  
21 Kathy Demers. Are you going to address  
22 conducting -- how should I say this --

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1 sensitive outreach meetings?

2 MR. HINNEFELD: I don't know if it  
3 says that or not.

4 MR. ELLIOTT: Well I don't know  
5 that, well I haven't read it but a secure  
6 meeting is handled under our security plan.

7 MR. HINNEFELD: And in reality, I  
8 think we might run afoul of the rules if we  
9 said we are going to have the classified  
10 outreach meeting in classified space and  
11 invite a number of people because the people  
12 in that room while they may be entitled to  
13 hear or see classified information. They may  
14 be in the vicinity of it, that doesn't mean  
15 they are entitled to hear any classified  
16 information. And if they are there to provide  
17 information. They are not learn about the  
18 project. They are there to provide  
19 information, they have no need to know  
20 anything classified that anyone else in the  
21 room says. And so I think we would run afoul  
22 of the rules if we try to have an outreach

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1 meeting for the purposes of discussing  
2 classified information. I think we could, we  
3 can certainly, if someone says I can't talk  
4 about something and there is something I would  
5 like to talk about, we routinely have  
6 classified interviews. Not routinely, we have  
7 always had the capability to conduct  
8 classified interviews and we have conducted  
9 classified interviews. We do not, we don't do  
10 them routinely. It hasn't happened that much.

11 But we do that. And so we can have  
12 classified interviews but we would not be  
13 doing any classified outreach meetings as we  
14 call them, which is a group of people.

15 MR. MAURO: This is John. I think  
16 that is an interesting perspective that just  
17 hit me as you know. Can you folks hear me  
18 okay? The reason I sort of jumped in is I  
19 think the definition of outreach might be a  
20 little ambiguous the way we are using it. It  
21 could be used in a broader sense where you  
22 sort of communicate what anyone outside the

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1 circle. The circle being NIOSH and its  
2 contractors, the board and its contractors.  
3 And as soon as you reach out and talk to  
4 someone else maybe at DOE for whatever reason,  
5 whether you are giving information or  
6 receiving information, whether its classified  
7 or unclassified, whether you are meeting with  
8 a community, a group. It seems to me that  
9 when they say retrieving or capturing  
10 information, let's say within the classified  
11 setting from individuals at a site, my  
12 understanding is you would not consider that  
13 to be an outreach activity.

14 MR. HINNEFELD: If we are trying to  
15 obtain classified information, we would not  
16 call that outreach, no.

17 MR. MAURO: Okay. I think it is  
18 important that we make that distinction  
19 because I wasn't quite sure where we were  
20 drawing the boundary by way of definitions.

21 CHAIR GIBSON: This is Mike. I  
22 think that's one thing that maybe we need to

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1 spend a little time on is just exactly the  
2 scope of this group. I don't have the  
3 transcripts of the meeting when this motion  
4 was passed for this work group but at least  
5 its allowed us to get it out here and just get  
6 some comments. Its my belief that this work  
7 group is responsible for not just work group  
8 outreach meetings but any concerns that  
9 claimants or advocates may have with their  
10 interactions with the government agency or  
11 this specific government agency, not DOL and  
12 DOE and to hear their concerns and to see if  
13 there is anything that we can do to fix a  
14 perceived problem or actual problem.

15 MR. ZEITOUN: So what you are  
16 saying that you are dealing with the  
17 communication aspects between the outside and  
18 the NIOSH and this program in general. So  
19 this could go beyond outreach.

20 CHAIR GIBSON: That's my belief.

21 MR. ZEITOUN: Based on the  
22 definition I heard from Larry, there is lines

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1 in between and that's why the Procedure 012 by  
2 definition is going to deal only with one  
3 aspect. The major program of communication is  
4 not in that procedure. There's other things  
5 going on in different areas depends on what  
6 elements and categories they are receiving.

7 CHAIR GIBSON: I believe there are  
8 other communications with workers and  
9 advocates was part of the purpose of this work  
10 group. Larry or Stu if you guys want to --

11 MR. ELLIOTT: Well, the charge to  
12 the work group is on the website and I believe  
13 Ms. Munn is trying to find it here.

14 MEMBER MUNN: I will in this  
15 miasma.

16 MR. RAFKY: I have it.

17 MR. ELLIOTT: I don't maybe if you  
18 want to read it. That was the charge you all  
19 put on the website. I don't pretend to know.

20 MR. ELLIOTT: I don't know if this  
21 all came -- I mean I know Paul sent out this  
22 in draft form to us to comment on. But the

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1 work group will monitor the NIOSH worker  
2 outreach program and evaluate its  
3 effectiveness. To do work group members will  
4 attend outreach meetings as appropriate,  
5 review minutes and related documents that are  
6 generated at such meetings and talk to workers  
7 or other participants when necessary. The  
8 work group should consider developing a formal  
9 assessment instrument such as a follow-up  
10 questionnaire. The work group should report  
11 its findings to the board from time to time  
12 and make recommendations to the board as it  
13 deems appropriate.

14 MEMBER MUNN: Yes, in our name is  
15 worker outreach, specifically. It appears  
16 that interactions with other agencies would  
17 not fall under that purview.

18 CHAIR GIBSON: I agree with that.  
19 I was saying other worker claimant or advocate  
20 involvement with NIOSH, if they think, for  
21 example, the information they provide is not  
22 being followed through with appropriately or

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1 if they think that the program is not working  
2 that there should be some communication where  
3 we could see, you know, is there an outreach  
4 problem and try to find a solution to it or  
5 recommendation for a solution to it to NIOSH.

6 Is that in the bounds of this work group or  
7 am I, maybe we should go back to the board and  
8 discuss it with them?

9 MS. ROBERTSON-DEMERS: This is  
10 Kathy Demers. Can you solicit some input from  
11 the workers themselves?

12 CHAIR GIBSON: We want to hear the  
13 workers' input today but as far as the scope  
14 of this work group, I think that's ultimately  
15 what the board recommended or charged us with  
16 but I just want to make sure that the NIOSH in  
17 particular and our contractors are on the same  
18 page as me or they think I'm off base.

19 MR. HINNEFELD: Well I think  
20 probably at the time of the charter there may  
21 not have been a universal definition of the  
22 worker outreach program. So it was written a

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1 worker outreach program and that's the way  
2 they chartered it. I don't know that  
3 everybody had the same definition at the time,  
4 certainly not me. We didn't sit down and this  
5 is what it means. I don't remember any  
6 discussion along those lines. So I suspect,  
7 you know, that, well first of all I don't  
8 think we at NIOSH are going to take any  
9 position at all on what the work group looks  
10 at. We will be supportive of the work groups  
11 out there. If the board member or the work  
12 group members would feel like they would like  
13 to clarify this with the whole board and just  
14 tell the whole board, hey this charter reads  
15 this way but there are other avenues besides  
16 what's technically called the worker outreach  
17 program and could we and we just want to make  
18 sure its clear, maybe modify the charter to  
19 say that all those communication avenues are  
20 included or something like that. I mean that  
21 might be something the work group might want  
22 to do. I think from NIOSH's standpoint

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1       though, we'll support whatever the -- respond  
2       to whatever work group.

3                   MR. ZEITOUN:   For example, in the  
4       NEPA world, where I come from when they talk  
5       outreach, its by definition encompass all  
6       communication except the policy.

7                   MS. HOWELL:   This is Emily Howell.

8       I just want to interject here. I think the  
9       work group that's having questions about what  
10      exactly is the realm of their charter and  
11      these are questions that need to be going back  
12      to the full board for a discussion. I don't  
13      think that -- I think there are questions that  
14      the full board needs to be involved in that  
15      discussion and its not something where the  
16      working group can kind of define for itself  
17      what its going to look at.

18                   MEMBER MUNN:   I certainly agree to  
19      a large extent with what Emily had to say. I  
20      was very pleased to see the word goal involved  
21      in our agenda today because I was hoping the  
22      discussion around this table would include a

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1 definition of what the goal of this particular  
2 work group is. Because if the goal of this  
3 work group is to make sure that as much  
4 information about this program and its  
5 availability to potential claimants is  
6 available. If that's the goal, then that's  
7 one thing. If the goal is to encourage as  
8 many filings as possible, that's another goal  
9 entirely. And if it as stated in our current  
10 charter, work group members will attend  
11 outreach meetings as appropriate, review  
12 minutes and related documents that are  
13 generated and talk to workers and other  
14 participants when necessary. If that's our  
15 goal then we are talking about three entirely  
16 different actions here, and Emily is, I think,  
17 accurate when she indicates that if this,  
18 certainly if this group does not understand  
19 clearly what its charter is, then it needs to  
20 go back to the board for a little polishing  
21 before we can go to much further I would  
22 think.

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1 MR. KATZ: Let me inject. And I  
2 agree that Emily, with your point that the  
3 work group need s to go back to the board for  
4 clarification but I do think it is useful to  
5 have this conversation and whatever Abe has to  
6 contribute now and others but to flesh out  
7 what the scope of possibilities are so that  
8 when Mike goes back and the work group goes  
9 back to the board they can sort of paint the  
10 whole picture and then get clear direction.  
11 So I think it is helpful.

12 MS. HOWELL: I completely agree  
13 with you Ted. I think it is perfectly  
14 appropriate for the group to be kind of  
15 thinking about the different ways they could  
16 go. Just before any additional action is  
17 taken on moving in that direction, you need to  
18 go to the board and discuss with them if you  
19 deem that it is necessary to broaden your  
20 charter then that generally something that the  
21 full board can do. But it's a good idea to be  
22 discussing that now in the smaller group

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1 context and then you know, hopefully everybody  
2 will know what they think about that by the  
3 time you take it to the full board. Luckily  
4 there is meeting there soon.

5 MR. ELLIOTT: This is Larry  
6 Elliott. I think I agree with where Abe is  
7 coming from when we talk about outreach. What  
8 I think of is our communications.

9 MR. ZEITOUN: Right.

10 MR. ELLIOTT: How do we  
11 communicate.

12 MR. ZEITOUN: It depends on how we  
13 define it.

14 MR. ELLIOTT: Right. And if we say  
15 and we've been using worker outreach to  
16 specify what I introduced to you earlier.  
17 Those that are SEC-related or site-profile-  
18 related or you know, small focus groups that  
19 tackle a technical issue that we've got.  
20 Outreach in its whole complexity though deals  
21 with all of our communications. Laurie is  
22 developing, you know, in the future you are

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1 going to see hopefully a chat online, live  
2 chat session with our SEC counselor, where she  
3 can answer questions and interact with  
4 petition -- potential petitioners. Laurie is  
5 also developing some simple brochures that  
6 would hopefully better explain 83.14/83.13.  
7 We've already got brochures. Another outreach  
8 that I didn't talk about that we would say is  
9 worker outreach, as claimant outreach, is  
10 having our public health advisors attend the  
11 advisory board meetings and set up interviews  
12 with claimants. That's another component of  
13 communications but it is certainly outreach as  
14 we would like to.

15 MR. ZEITOUN: Right, it's a  
16 component of outreach. You are correct.

17 MR. ELLIOTT: So I apologize if my  
18 earlier remarks or comments kind of presented  
19 confusion about what your mission is and Stu's  
20 right. We're not going to offer any thoughts  
21 or comments about that other than to support  
22 you as best we can.

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1                   CHAIR GIBSON: They didn't confuse  
2 the issue at all. I just, I thought this was  
3 just a good thought to make sure we in the  
4 room believe our bounds. I wasn't trying to  
5 change any bounds. If we head down a path and  
6 then so and so says that's not in the path and  
7 we disagree in this room. Kind of get the  
8 ground rules and then go back to the board and  
9 get a clear definition at the next meeting.

10                   Okay, Larry, NIOSH, do you guys  
11 have anything else just on the general  
12 overview?

13                   Are we ready to move on to SC&A and  
14 talk about what's went on to date and just  
15 their opinion of where they see things and  
16 offer ideas, suggestions for us all to  
17 consider here?

18                   MR. ZEITOUN: Actually I could  
19 start with that by saying that we already  
20 covered this issue already by saying that we  
21 gave comments and it is reflected in the  
22 summary of findings on November 27. There

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1 were five plus we have two observations,  
2 summary of the observations. And also we have  
3 like eight suggestions given that document and  
4 I presume now that this issue is moot because  
5 it is going to be incorporated into or  
6 addressed in the new Procedure 012, so at  
7 least you know and this comment actually were  
8 on a partial document because the WISPER issue  
9 was not being addressed and this is also  
10 moving aside. So the whole thing is --

11 CHAIR GIBSON: There's an  
12 accessibility problem.

13 MR. ZEITOUN: Yes, exactly.

14 MR. ELLIOTT: Well, the problem  
15 with WISPER is it was created in a platform, a  
16 software platform that wasn't adaptable to the  
17 government system. So a conversion had to  
18 occur which took some time.

19 MR. ZEITOUN: The way is to say  
20 that we wait for the Procedure 012 and  
21 redefining the definition of outreach and go  
22 from there.

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1 MR. ELLIOTT: Would it pay  
2 dividends to do that?

3 MR. HINNEFELD: I was just looking  
4 through the findings and like you said there  
5 are five.

6 MR. ZEITOUN: Yes, five findings  
7 and then after that there are two summaries.

8 MR. HINNEFELD: Right.

9 MR. ZEITOUN: Summary of  
10 observation, the conflict of interest issue.

11 MR. HINNEFELD: Yes.

12 MR. ELLIOTT: This is the first  
13 opportunity SC&A has had to --

14 MR. ZEITOUN: Correct.

15 MR. ELLIOTT: On the record  
16 express.

17 MR. ZEITOUN: Correct.

18 MR. ELLIOTT: Their findings, so --

19 MR. ZEITOUN: That's correct.

20 MEMBER MUNN: Are we talking 097?

21 MR. HINNEFELD: A couple, I mean  
22 the first finding which is about the audio

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1 recording.

2 MR. ZEITOUN: Right, you already  
3 addressed that.

4 MR. HINNEFELD: The second  
5 recommendation which is the classified  
6 outreach.

7 MR. ZEITOUN: Right.

8 MR. HINNEFELD: We've kind of  
9 talked about that. Okay, just in case not  
10 everybody has this, the second finding is the  
11 procedure is not addressed, follow-up  
12 discussions with particular workers on how  
13 these are documented. I don't know if the  
14 procedural -- I want to make sure I understand  
15 all of these.

16 MEMBER BEACH: Is it appropriate to  
17 have SC&A go ahead and give their report on  
18 this 097 since you've said they haven't had  
19 that opportunity to do so. Just go through  
20 the findings or at least the ones we haven't  
21 covered already.

22 MR. ELLIOTT: Would they do it in

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1 procedures?

2 MEMBER MUNN: We show nine findings  
3 and procedures.

4 MEMBER BEACH: Right, and that's  
5 the --

6 MR. ZEITOUN: That is in our  
7 database yes.

8 MEMBER BEACH: Right, yes.

9 MR. ZEITOUN: Yes. The nine, some  
10 of them are overlapping.

11 MEMBER BEACH: Yes.

12 MR. ZEITOUN: So actually what's in  
13 the report are more accurate than what's in  
14 the database. The database is overlapping.

15 MEMBER BEACH: Correct.

16 MS. ROBERTSON-DEMERS: Would you  
17 like me to clarify?

18 CHAIR GIBSON: Sure, go ahead.

19 MS. ROBERTSON-DEMERS: Okay, as far  
20 as follow-up discussions, when you are in a  
21 worker outreach community you are going to  
22 find somebody that's really knowledgeable on

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1 topics. And you may choose to follow-up with  
2 them.

3 MR. ELLIOTT: Yes.

4 MS. ROBERTSON-DEMERS: And this is  
5 kind of getting at the process of how you do  
6 that.

7 MR. HINNEFELD: So in other words  
8 in the procedure on outreach we would want to  
9 refer to something that was sort of described  
10 in the interview process which is really what  
11 you are talking about. You follow-up and you  
12 interview these specific individuals who  
13 really seem to -- I'm thinking about GSI.  
14 There were guys at GSI who knew so much about  
15 that betatron and how betatron worked. That  
16 we did in fact follow-up with an interview.  
17 So those interviews I'm sure are documented  
18 the way they normally are. So that's what your  
19 comment is. Is should the procedure say that  
20 be alert for people who can provide  
21 particular, you know, information about the  
22 problem or some of the problems and issues or

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1 potential issues at the site and make sure  
2 that the appropriate people get to the  
3 interview stage. Is that the kind of comment  
4 --

5 MR. ZEITOUN: Even on the technical  
6 aspects. When I do some interviews when I  
7 follow up later there are certain topics that  
8 come up in the interview that are beyond my  
9 expertise.

10 MR. HINNEFELD: Right.

11 MR. ZEITOUN: Although we are  
12 health physicists and environmental and we  
13 know operation. We know, but certain areas  
14 goes beyond our expertise and when we go for  
15 evaluating that issue, you have to go to the  
16 expert. And the expert said I really don't  
17 understand what he meant by that. Let me talk  
18 to him and follow-up with him and try to make  
19 it happen. So this is the follow-up on things  
20 to be sure that you are fine-tuning the  
21 finding because sometimes if you are not  
22 experts in the area, you may make wrong

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1 conclusions. So that's the type of the  
2 follow-up to be sure that the topic from the  
3 issue when it comes up is well understood  
4 because this is an important aspect.

5 MS. ROBERTSON-DEMERS: And then, we  
6 have finding in here. Many of these workers  
7 are very old, some of which can't make it to  
8 worker outreach meetings. And one of our  
9 concerns was that they didn't have the  
10 opportunity to provide their input or get the  
11 same information that the individuals  
12 attending the worker outreach meeting would  
13 get.

14 MR. HINNEFELD: I understand. I  
15 understand and the reason and the basis for  
16 the finding. I'm struggling a little bit with  
17 how to do that. I mean, if they can't make it  
18 to the outreach meeting, there has to be some  
19 mechanism for us to (a) know about them. We  
20 won't necessarily know about them. If we find  
21 out, you know -- if they find out about the  
22 outreach meeting and they contact us. I'm not

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1 promising anything.

2 MR. ELLIOTT: What is the purpose  
3 of the outreach meeting?

4 MR. HINNEFELD: Yes, they would  
5 have something to do with it to.

6 MR. ELLIOTT: I mean if the  
7 outreach meeting is site-profile or SEC  
8 evaluation driven, looking at specific  
9 questions and trying to find the answers to  
10 it, then I would think if we identified that  
11 individual, they self-identified as somebody  
12 that knew about that, we would go seek them  
13 out. We would go to their home.

14 MR. ELLIOTT: We do that.

15 MR. HINNEFELD: We've done that.

16 MR. ELLIOTT: I mean, we have  
17 sought out people.

18 MR. HINNEFELD: If the purpose is  
19 we're having a town hall meeting to explain  
20 what we do or an SEC counselor meeting or an  
21 ombudsman to tell what happens with an SEC  
22 petition and a person can't get there, if they

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1 make it known to us, the counselor or  
2 ombudsman would contact them.

3 MS. BREYER: This is Laurie. I  
4 don't know think that it is uncommon that  
5 people have called me. When we send out  
6 letters to people, because that's typically  
7 one of our ways of doing outreach and  
8 procedures is that we are doing either a town  
9 hall meeting or an SEC outreach meeting or  
10 even an SEC worker outreach meeting in support  
11 of an evaluation report, we'll send letters to  
12 groups of people and then at the bottom of the  
13 letter it will say, please contact with any  
14 information or questions. I've had people  
15 call me and say, I can't attend the meeting.  
16 Is there something I can speak to and we'll  
17 get them in touch with the health physicist or  
18 contact point for who is going to be out at  
19 the meeting to see what kind of questions that  
20 they are going to be asking at that time. So  
21 I've had that happen plenty of times where  
22 people get the letter and it has the contact

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1 information on who to contact. You know, if  
2 you have any questions or need information,  
3 please contact so and so. They will call and  
4 say I can't attend the meeting and I have  
5 information I want to provide and I can't  
6 attend the meeting can you tell me what you  
7 are going to be discussing. I've sent  
8 PowerPoints to people. So it's not uncommon  
9 for them to contact us based on the letters  
10 they receive.

11 I would say it might be a little  
12 different with some of the more focused worker  
13 outreach meetings where it may be getting in  
14 touch with the union as opposed to maybe  
15 having a letter of mass mailing that we send  
16 out. I think we always in our communication  
17 try to provide contact information so if  
18 somebody does have a question or want to  
19 provide information.

20 MS. ROBERTSON-DEMERS: So it would  
21 be deferred to the interview process?

22 MS. BREYER: We brought the

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1 contact, point of contact is what I usually  
2 do. I don't know how the HP would handle it  
3 at that point. But we'll listen to any  
4 information that they have to provide or also  
5 if they have something in writing. They go  
6 through the process Larry described a minute  
7 ago, who will submit comments in writing.

8 MR. HINNEFELD: Yes.

9 MR. ZEITOUN: That goes back to the  
10 same issue you know, the purpose of the  
11 meeting and the outreach. That's why 097 or  
12 012, when it comes out has a very good  
13 definition of your objectives reiterating what  
14 John Mauro was saying. The procedures is  
15 based on your objective and definition  
16 insight. Then after that we can go beyond  
17 that regarding the communications in general.

18 But at least for that procedure, the  
19 definition has to be clear as boundaries.

20 CHAIR GIBSON: I think that, Wanda  
21 you've made some e-mail comments for some  
22 items to discuss. That kind of fits into what

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1 you were touching on.

2 MEMBER MUNN: Yes.

3 CHAIR GIBSON: You discussed the  
4 goals a little bit on how to measure them and  
5 stuff.

6 MEMBER MUNN: Exactly.

7 CHAIR GIBSON: Do you want to  
8 comment on that a little further?

9 MEMBER MUNN: I don't think there  
10 is much more to say other than what I've  
11 already said. I see personally outreach as  
12 being an attempt to make sure that everyone  
13 who wants the information about the program  
14 has all the information about the program that  
15 we can give them. I don't see outreach as an  
16 appropriate way to generate claims or to  
17 necessarily attempt to identify additional,  
18 anything other than additional venues for  
19 information that we have not. That to me is a  
20 major outreach activity. Trying to make sure  
21 the people that we do reach have an  
22 opportunity to feed back to us other groups or

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1 entities and individuals that we have not  
2 reached. But outside of that, the definition  
3 of outreach if it is going to encompass all  
4 communications is exceeding broad and I'm not  
5 at all sure how any group, even the board  
6 itself, much less a small work group, can  
7 encompass all communications being outreached.

8 MR. ZEITOUN: You see, I will give  
9 you another example which goes back to  
10 emphasis that. When we started on the NEPA  
11 issues a long time ago, it started with  
12 something called public participation.

13 MEMBER MUNN: Oh yes.

14 MR. ZEITOUN: Getting the public to  
15 participate and talk about the issues. They  
16 tried and it became bigger. It became  
17 outreach. Now its bigger than that. They  
18 call it comment response. All the comments  
19 goes in and you respond to it in the document.  
20 So its more the communication. That's what  
21 we are saying communication aspects. What's  
22 going back and forth, except for the policy.

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1 We put the policy of the agency on the side.  
2 We deal with everything coming in or out  
3 regardless if its coming from federal, state  
4 or people. And here you have to define, also,  
5 claimants, you know. So it's a bigger problem  
6 than just, it depends on what the definition  
7 that you are going to put on outreach. Here,  
8 the way I see it, the outreach was defined  
9 narrowly.

10 MEMBER MUNN: Yes.

11 MR. ZEITOUN: Just for one issue,  
12 one communication.

13 MEMBER MUNN: The workers.

14 MR. ZEITOUN: Yes and defined by  
15 workers.

16 MEMBER MUNN: Yes, because that was  
17 interpreted I believe at the time to be the  
18 concern of the board. To be assured that all  
19 workers were in fact notified of the program  
20 and of how it operated.

21 CHAIR GIBSON: I don't specifically  
22 want to go back into the scope of it, but you

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1 also had some concerns about whatever our  
2 mission is, how do we review the objections  
3 and kind of track, you know, not necessarily  
4 track them in a matrix but grade them on how  
5 well they are being achieved. Did I misread  
6 that or do you want to elaborate on that?

7 MEMBER MUNN: No, I don't think you  
8 misread it. It's just that I've slept several  
9 times since I wrote that and I need to go back  
10 to my own e-mail to see what I was thinking at  
11 the time I did it.

12 CHAIR GIBSON: If we want to, why  
13 don't we take about a ten minute break and  
14 Wanda can look up her comments. After the  
15 break we'll come back and hopefully shortly  
16 after the break maybe we can get some comments  
17 from the workers and advocates that's on the  
18 line.

19 MR. KATZ: Okay, so we'll be coming  
20 up again about five to 11:00. I'm just going  
21 to put the line on mute, everyone on the  
22 phone. Thanks.

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1           (Whereupon, the above-entitled matter  
2 went off the record at 10:44 a.m. and resumed  
3 at 10:58 a.m.)

4           MR. KATZ: Okay, for folks on the  
5 phone will someone let us know that you are  
6 still there.

7           MR. MAURO: John Mauro still here.

8           MR. KATZ: Great. Phil are you  
9 still with us?

10          MEMBER SCHOFIELD: Okay, I am here  
11 Ted.

12          MR. KATZ: Great, okay. So we're  
13 ready to start back up right?

14          CHAIR GIBSON: Okay, when we left I  
15 think Wanda was going to have some --

16          MEMBER MUNN: Yes, I think the  
17 simplest and most direct thing to do would be  
18 for me to read the e-mail that I sent to you  
19 and the other board members on this particular  
20 work group. In other aspects of the board's  
21 work there is great emphasis on the quality,  
22 accuracy and completeness of information used.

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1       Some discussion on that same level of need  
2       and outreach interactions is probably in  
3       order. It would be informative to review the  
4       stated goals of worker outreach programs and  
5       address whether there is any quantitative way  
6       to measure the degree to which the various  
7       efforts, past and present are achieving those  
8       goals. To the best of my knowledge I've only  
9       heard outreach expectations articulated in a  
10      general way. The formal expression of the  
11      established philosophy needs to be at hand for  
12      review. This would clearly involve  
13      participation of representatives and other  
14      agencies as well as NIOSH. We should  
15      determine who that should be and try to assure  
16      that they can attend at least some portion of  
17      the meetings. That I think is the thrust of  
18      my real question about and we've already  
19      addressed to some degree my concerns,  
20      personally about what our goals are and how we  
21      go about establishing those. I don't think  
22      we've resolved that quite yet. But there's

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1 also the issue of what's the point in doing  
2 this unless we are achieving whatever that  
3 goal is. We need to establish our goal and  
4 once we've established our goal, how are we  
5 going to determine that we are anywhere near  
6 achieving it. We haven't, to the best of my  
7 knowledge we haven't discussed the possibility  
8 of how we evaluate what's been done and how to  
9 change that if we want to do something else.

10 CHAIR GIBSON: And so, I guess I'll  
11 just throw this out. Would that be a process  
12 this work group solely would try to track or  
13 is that, is there something that NIOSH does  
14 in-house to track your, what you believe is  
15 your own effectiveness in the worker outreach,  
16 worker communication areas or I'm just  
17 throwing that general question out for  
18 discussion?

19 MR. HINNEFELD: Well, nothing comes  
20 to mind that strikes me as a way to measure  
21 the effectiveness of our communication  
22 program.

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1 MEMBER MUNN: Can we --

2 MR. HINNEFELD: I guess measuring  
3 effectiveness of communication probably  
4 wouldn't even be in my bailiwick or maybe  
5 others who would be involved in it.

6 MR. ELLIOTT: We have had research  
7 projects proposed on evaluating our  
8 communication effectiveness but they were not  
9 funded.

10 MEMBER MUNN: I guess one of the  
11 questions would be do we even have accessible  
12 records that would give us a better feel for  
13 how many individuals, how many groups, how  
14 many different types of organizations we have  
15 been successful in knowing that we are  
16 interfacing with? How many newspaper ads? Do  
17 we even have those numbers available?

18 MR. ELLIOTT: Well, maybe J.J. or  
19 Vern can fill in behind me here or Stu. If  
20 you ask us how many newspaper, press  
21 announcements, is that one of your examples?

22 MEMBER MUNN: Press announcements

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1 and ads?

2 MR. ELLIOTT: Press announcements  
3 of a opportunity to interact with NIOSH have  
4 been issued. We could produce that. We can  
5 go and identify how many of those have been  
6 prepared. The communications team can  
7 generate that up. Can they do a report  
8 immediately? No. It would take a little bit  
9 of pulling together and assembling the  
10 information. You know we have multiple  
11 reports from ATL and this is where Vern and  
12 J.J. may want to speak up, that summarize the  
13 activities for that past month. Those would  
14 certainly stand as I think there are some  
15 business-sensitive information there that  
16 would have to be redacted but they do provide  
17 a summary of effort during that.

18 MR. McDOUGALL: If you want to look  
19 at the scope and number of organizations and  
20 people that have been reached. The minutes of  
21 all the meetings are of course on the website  
22 and from that it's relatively easy to compile

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1 a universe of the organizations. The number  
2 of people is of course available from the  
3 sign-in sheets which are not on the websites  
4 but they certainly can be easily -- it can be  
5 easily compiled.

6 MR. ELLIOTT: If you want to know  
7 how many folks have attended one of our  
8 workshops, we can tell you that numbers as  
9 well. So it depends upon what you are asking,  
10 you know, what you are evaluating. It depends  
11 on how you frame your evaluation.

12 MEMBER MUNN: The goal, and it also  
13 depends on what's the goal. We can't make any  
14 -- I don't think any group can make an  
15 evaluation about how well you are doing if you  
16 don't have a clear definition of what your  
17 goal is and then some, at least rough estimate  
18 of how far your goals, are you achieving that  
19 goal. And to the best of my knowledge,  
20 certainly I add a warning before we even  
21 pursue this very much. We don't want to  
22 complicate this situation to the point where

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1 we are not doing what we want to do. We are  
2 trying to look at what we ought to be doing  
3 instead. We can complicate ourselves right  
4 out of effectiveness in communication and one  
5 doesn't want to do that. But in the absence  
6 of clearly defined goal and some rough first  
7 estimate of how effective those efforts have  
8 been in achieving those goals, it's hard to  
9 see how to proceed in an effective manner.

10 MR. ZEITOUN: The communication is  
11 existing, you know. Just listening to Larry  
12 and everybody around here, the communication  
13 is existing. The information are available.  
14 What is missing is the link of this  
15 information to you. You want to know what's  
16 happening to confirm that you are proceeding  
17 based on the charter we have. That's the  
18 whole thing. How are we going to work on  
19 getting this link to you and to whoever wants  
20 the information.

21 MEMBER MUNN: Because the question  
22 really boils down to is worker outreach doing

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1 any good in regard to whatever our goal turns  
2 out to be?

3 MR. ZEITOUN: Right, right.

4 MEMBER MUNN: And if it needs to be  
5 adjusted, how, where and why?

6 MR. ZEITOUN: That's the link, yes.

7 MS. ROBERTSON-DEMERS: This is  
8 Kathy Demers. Just so I could get ready for  
9 this meeting, I put together just some general  
10 information on the number of claims that NIOSH  
11 has. Whether there was a worker outreach  
12 meeting. Where there is a TBD and where there  
13 is an SEC that existed. And I could pass it  
14 around.

15 CHAIR GIBSON: Sure.

16 MS. ROBERTSON-DEMERS: But I really  
17 want NIOSH and ATL to comment on that before I  
18 made it official.

19 CHAIR GIBSON: We'll give them an  
20 opportunity to comment and then pass it out at  
21 some point in the future if you want. While  
22 we are talking about this if there any worker

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1 advocates or claimants on the phone that have  
2 any comments about worker outreach, worker  
3 communications concerning the OCAS-end the  
4 program, if you want to identify yourself and  
5 make your comments at this point. We could go  
6 ahead and hear from you.

7 MS. KLEA: This is Bonnie Klea,  
8 Santa Susana in California. I think the  
9 worker outreach was done very well with Laurie  
10 Breyer's help in sending out the letters and I  
11 met people that I wouldn't have met trying to  
12 find them on my own. And basically who has  
13 names of the workers is the corporation or the  
14 union. And I had no record at all trying to  
15 work with the union. They've gone absolutely  
16 silent in working with me. So that would be a  
17 very good resource, I think.

18 CHAIR GIBSON: Okay, thanks Bonnie.  
19 Anyone else? Ms. Barrie are you still on the  
20 line?

21 MS. BARRIE: Yes. I do have a  
22 couple of comments. One of the things that

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1 you've been discussing as to notify the  
2 claimant. I understand that Ms. Breyer has a  
3 letter to send out. But as you know, NIOSH  
4 hosts public meetings with the advisory board,  
5 the working group, and DOL advertises on their  
6 website, town hall meetings. I think it would  
7 be fairly simple for NIOSH to do the same  
8 thing on their website for outreach.

9           The other thing I would like to  
10 address is I think that Mr. Elliott said that  
11 they do use, they do tape the outreach meeting  
12 but it is only used as a tool and that is  
13 because it would be difficult to check out  
14 each individual state's laws concerning taping  
15 meetings. But, the advisory board meetings  
16 are recorded and transcribed so I don't  
17 understand why the worker outreach meeting  
18 couldn't be.

19           And my last comment and this might  
20 pertain to the Rocky Flats outreach meeting, I  
21 think the best bet is to have a general  
22 advertised town hall type meeting or the NIOSH

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1 work outreach meeting, I'm sorry, and then  
2 identify the individual too that would be to  
3 interview one on one. That way you can get a  
4 lot of information from a lot of different  
5 people and then just to see what they really  
6 need to, the people that they really need to  
7 get to and provide an opportunity to allow us  
8 to make comments during those meetings.

9 CHAIR GIBSON: Okay, thank you.

10 MR. McKEEL: Mike, this is Dan  
11 McKeel.

12 CHAIR GIBSON: Yes Dan, go ahead.

13 MR. McKEEL: Can you hear me all  
14 right.

15 CHAIR GIBSON: Yes.

16 MR. McKEEL: I had a couple of  
17 comments to make. The first one is of two  
18 interviews that I gave. One to SC&A and one  
19 to NIOSH. The interview to SC&A was the  
20 Weldon Spring site profile revision and that  
21 was on September 8. At the end of that I was  
22 promised that I would get a copy of the

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1 transcript of what I said to go over and make  
2 sure that it was transcribed correctly. And I  
3 just wanted to mention that its been three  
4 months and I haven't gotten that transcript  
5 yet.

6           The other transcript was a worker  
7 who asked me to join in for an exit interview  
8 and that there would be a transcript of that  
9 meeting, and I have not gotten a copy of that  
10 either. That is one comment.

11           The second comment is before the  
12 break I believe there was a suggestion that  
13 SC&A be allowed to discuss its findings and  
14 there seemed to be some discussion of whether  
15 there were five findings or nine findings and  
16 I tried to write down that discussion. As far  
17 as I can see those points weren't really gone  
18 through very systematically. So it seems to  
19 me that that's something that the work group  
20 needs to do and really needs to do today if  
21 possible. Particularly since it was commented  
22 that those findings have not been discussed

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1 yet in the work group.

2           The second thing is -- the third  
3 thing is I think when Emily Howell commented  
4 about and Larry Elliott and the discussion of  
5 the tapes and why the audio tapes couldn't be  
6 retained that there were so many conflicting  
7 state laws. Well, my take on that is some of  
8 the state laws actually require for public  
9 meetings there to be verbatim minutes and also  
10 some of them require audio recordings to be  
11 made and retained. So, you know it's a  
12 double-edged sword. You may use those  
13 conflicting laws as a reason not to retain the  
14 audio tapes. But I think there are some that  
15 explicitly say you should do that. So it  
16 seems to me there should be an expanded  
17 treatment of that from Emily and her group and  
18 the legal group on just exactly why those  
19 tapes should not be kept.

20           I think there's much to be said for  
21 retaining that information as a record of the  
22 raw input that was made to whoever takes the

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1 notes. In my opinion those summaries, some of  
2 the summaries in particular, are very short  
3 and truncated and don't have an accurate  
4 rendition of what was actually said at the  
5 outreach meeting.

6 Another point is for the group to  
7 consider, is I think it would be very useful  
8 for everybody if NIOSH could give some  
9 specific examples of information that they  
10 have gleaned at outreach meetings and then  
11 have actually been incorporated into site  
12 profiles or technical documents which are  
13 always billed as living documents, but it is  
14 very hard for many of the advocates to see  
15 that their comments are actually incorporated  
16 into those technical documents. So, at some  
17 point that would be very useful for NIOSH to  
18 let us know how those things are used.

19 I just have a couple more comments.

20 It is clear to many of the advocates or at  
21 least the advocates and the claimants, many of  
22 us feel that worker input is given far less

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1 weight than are documents. And I just wanted  
2 to comment that you know there is a reason  
3 from court proceedings that that is really a  
4 flawed idea that documents have more weight  
5 than worker input should and that is in  
6 criminal cases where eyewitness accounts are  
7 given far more weight than any other kind of  
8 hearsay evidence or written documents or  
9 anything. The key evidence there is what  
10 people see. And I keep on coming back to the  
11 Dow workers, many of whom attest to thorium,  
12 magnesium alloy shipments to Rocky Flats, and  
13 by now we have on the record from DOE that the  
14 specific kind of alloys that they said were  
15 sent to Rocky Flats were actually used in  
16 nuclear weapons production by the AEC from  
17 1956 to 1969. So, we feel that that weighting  
18 is really quite flawed.

19 The final point I would like to  
20 make is that this idea of redacting names from  
21 some of the outreach meeting summaries, not  
22 all but some, is really being applied very

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1       inconsistently, and I really wish it could be  
2       revisited because by eliminating names and in  
3       some cases job descriptions and even  
4       employment dates, it really destroys the value  
5       of those transcripts. Now I understand that  
6       the board and SC&A and NIOSH may have the  
7       unredacted transcripts, but just as a way of  
8       being transparent that's very detrimental I  
9       think. So, I wish you would consider that.

10               The other comment I've got to make  
11       is to Ms. Munn talking about the goal of this  
12       work group. I mean I find it incredible.  
13       This work group has been chartered now for  
14       more than a year, and it seems to me that  
15       figuring out the goal and what the work group  
16       is all about should have been done at the  
17       outset. So that's just a comment, and I  
18       appreciate the opportunity to make some  
19       comments. Thank you, Mike.

20               CHAIR GIBSON: Thank you, Dan.

21               MR. ELLIOTT: Mike, can I go back?

22               CHAIR GIBSON: Yes.

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1                   MR. ELLIOTT:    Dan, I want to go  
2 back to the start of your comments where you  
3 were mentioning that you felt you were owed  
4 transcripts.       Who owes you what on  
5 transcripts?

6                   MR. McKEEL: Well, SC&A owes me a  
7 transcript of my interview on Weldon Springs.

8                   MR. ELLIOTT: Oh, okay. So that's  
9 not OCAS. And then there was another one I  
10 thought you mentioned.

11                  CHAIR GIBSON: Exit interview.

12                  MR. ELLIOTT: And that's a close  
13 out interview with a claimant.

14                  MR. McKEEL: Yes, and I thought at  
15 that interview that we were going to get a  
16 copy of the transcript. Maybe I misunderstood  
17 that.

18                  MR. ELLIOTT: I think you perhaps  
19 misunderstood because we typically don't make  
20 transcripts of close out interviews or the  
21 opening interviews.

22                  MR. McKEEL: Okay.

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1                   MR.     ELLIOTT:           The     opening  
2     interviews are conducted with a questionnaire,  
3     and the questionnaire is filled out on a  
4     computer. As you know those are given back to  
5     the claimant to edit, comment on. But the  
6     closeout interview, unless there are specific  
7     questions and issues that are raised in that,  
8     that the claimant or the authorized  
9     representative corresponds to us on, we  
10    wouldn't normally capture minutes or notes or  
11    even a transcript of those sessions.

12                   MR. McKEEL: Okay, well maybe I got  
13    your procedures confused with the Department  
14    of Labor's then because I know on exit  
15    interviews, the final ones, where they do a  
16    final adjudication, then those interviews  
17    there is a transcript made of those. Okay,  
18    well that --

19                   MR. ELLIOTT: Certainly if you have  
20    something that you want to raise out of that  
21    closeout interview with us, we'd ask you to do  
22    so in writing so that we can start our

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1 document.

2 MR. McKEEL: I think that's a good  
3 idea.

4 MR. ELLIOTT: Thank you. Thank you  
5 for the clarification.

6 CHAIR GIBSON: Okay and I think  
7 SC&A has got a comment for you also Dan.

8 MS. ROBERTSON-DEMERS: Hey Dan, the  
9 Weldon Springs interviews are done, and they  
10 are being submitted to DOE for review before I  
11 can give them to the interviewees.

12 MR. McKEEL: I understand that, but  
13 you know, that's another issue that is not  
14 really directly relevant for this work group,  
15 but it certainly is a comment for the entire  
16 program. I understand what you are saying but  
17 it is taking way too long. That's the point.

18 Just way, way, way, way too long. And if  
19 it's the Privacy Act group that's holding it  
20 up because they are taking too long or the  
21 Department of Energy has to review it, they  
22 are taking too long. The whole process takes

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1 too long. Those interviews and those  
2 transcripts should be gotten back within a  
3 matter of a couple of weeks. That's really my  
4 comment on it. It goes for the entire  
5 program. That whole thing just needs to be  
6 speeded up dramatically. So I understand  
7 where the delays are, but that doesn't mean  
8 that the delays are in any way acceptable.

9 MS. ROBERTSON-DEMERS: I just  
10 wanted to let you know where they were.

11 MR. McKEEL: I know where they are.

12 MEMBER SCHOFIELD: Mike, this is  
13 Phil. I'd like to go back to one of Terrie  
14 Barrie's comments there --

15 CHAIR GIBSON: Okay, go ahead.

16 MEMBER SCHOFIELD: -- as far site  
17 experts. I think we need to have it available  
18 so that a person who has -- is not necessarily  
19 classified as site expert but they may be  
20 aware of a process or a situation that existed  
21 in a facility that sometimes site experts  
22 don't know that they can have this information

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1 put into the same database with the site  
2 expert's comments.

3 MR. HINNEFELD: I think, by and  
4 large that should happen. I think SC&A and  
5 ourselves as a matter of convention, consider  
6 a site expert someone who worked at the site.

7 It doesn't mean the person was a health  
8 physicist or it doesn't mean they were a  
9 technical expert. It means they worked there  
10 and they have expert knowledge compared to us  
11 of what happened.

12 And so I think the term expert or  
13 site expert is by convention used for anyone  
14 with knowledge of the site, regardless of who  
15 that particular person is. I think what you  
16 are asking for is being done. I think the  
17 interviews for both the management people and  
18 the worker people are documented in the same  
19 fashion, and we make them available on the  
20 same data system. Whether we collect them or  
21 SC&A collects them, they go on the same data  
22 system. So I think that's being done.

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1           MR. ELLIOTT: I agree. I think  
2 it's being done, and one level we view any  
3 worker having experienced work at a given site  
4 to be a site expert, any worker, because they  
5 have acquired that base knowledge that those  
6 of us sitting around the table may not have.

7           On another level though we use the  
8 term subject expert if you look in our  
9 conflict or bias policy, we talk about subject  
10 experts. And these may be workers who have  
11 knowledge about a particular technical aspect  
12 of the work or a situation that happened at  
13 work or they may be program managers who have  
14 all of the knowledge about how a particular  
15 program was developed and run at a site. So I  
16 just want to offer that. On different levels  
17 we see a site expert as being anybody who  
18 worked at a site down to perhaps a specialized  
19 knowledge-based individual.

20           MEMBER SCHOFIELD: I think that  
21 needs to be clarified for claimants and  
22 claimant representatives because a number of

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1 claimants have made the comment that a lot of  
2 our site experts quite often are people who  
3 are head of like health physics or a certain  
4 department at a facility, and a lot of them  
5 don't feel that from feedback that I've gotten  
6 that they are being addressed as site experts  
7 when in many times they actually knew what  
8 went on in the floor, what went on in the lab.

9 This needs to be clarified so that they can  
10 make comments as a "site expert". I think  
11 this clarification just needs to be spelled  
12 out for their sake.

13 MR. ELLIOTT: Okay, I appreciate  
14 your thoughts there, Phil.

15 MEMBER MUNN: It is often a  
16 misperception, I think.

17 MR. ELLIOTT: Yes.

18 MEMBER MUNN: In terminology.  
19 People often have a tendency to think that an  
20 expert is somebody other than themselves when  
21 other people are viewing them as expert,  
22 whether the individual recognizes that or not.

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1           CHAIR GIBSON: But Phil does bring  
2 up a good point that when specifically program  
3 managers of health physics or biassay labs or  
4 something like that is used, their input is  
5 used as weighing evidence in a NIOSH document,  
6 that's perceived as at least biased toward the  
7 program. You know, this person was paid to do  
8 this job and run this program for x amount of  
9 years and you know it is hard for claimants to  
10 imagine that someone is going to incriminate  
11 themselves when they know that their program  
12 might not have been up to snuff over the  
13 years. So I've heard the same comments, and I  
14 can certainly understand from my own  
15 experience at Mound how any weight given to  
16 certain person's comments in your documents  
17 makes the whole program look biased.

18           MR. ELLIOTT: I understand that as  
19 well, and I understand the perception that is  
20 there, and it is a challenge for us in our  
21 communications to try to be as clear and  
22 explicit as we possibly can, recognizing that

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1 no matter what we say and how we say it, we'll  
2 perhaps in some instances not diminish that  
3 perceived bias.

4 CHAIR GIBSON: We talked about at  
5 least perceived.

6 MR. ELLIOTT: Yes. But you know  
7 hopefully our conflict or bias policy and the  
8 steps that we have taken to make sure that we  
9 want to hear all perspectives. Yes we do seek  
10 out those who are integrally involved in the  
11 development of a program or monitoring  
12 practices or what have you at a site. But at  
13 the same time we point to the fact that you  
14 know, we interview every claimant, and  
15 particularly are interested in every Energy  
16 employee's comments about their work. We  
17 value that, so I understand. I understand and  
18 recognize it a challenge for us.

19 MR. HINNEFELD: I think along the  
20 lines, the review of 097, Procedure 097, I  
21 think you had commented in some fashion to  
22 that. The people we talk to, they talk about

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1 this two-track system of talking to the site  
2 like managers and stuff versus talking to  
3 other people. I think today there is far more  
4 commonality in how an interview is conducted.

5 And I think probably with some justification,  
6 SC&A saw the preponderance of interviews at  
7 the time they did the PROC-097 interviews.  
8 Preponderance of interviews that NIOSH  
9 conducted on its own were with the managers to  
10 the site. And I think they are probably  
11 correct. I think that's probably what was  
12 going on. It may still be going on, but I  
13 think it is much less slanted one way than the  
14 other, and I think we do now take efforts to  
15 try to make sure we are not just talking to  
16 managers of sites anymore. Bear in mind that  
17 most of the active debate involves probably  
18 SEC discussion, and we always try to do a  
19 worker outreach effort when SEC gets going on  
20 these sites to make sure that we are not just  
21 talking to managers. We've done a number of  
22 SEC outreach effort to make sure we are

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1 getting broader comment and opinion now at our  
2 stage. You know, because at the time if we  
3 would only talk to management and then SC&A  
4 would talk to the workers, then the workers'  
5 comments all of sudden comes in. So we are  
6 trying to get it at our stage of the activity  
7 now. So I think its something of a learning  
8 process, I guess, that we've gone through in  
9 terms of how to approach this and how to try  
10 to weigh all of the evidence you are going to  
11 get. Mike, you are certainly right about a  
12 bias or perceived bias, and I would tell you  
13 that if you want to know how the radiation  
14 protection program ran at Fernald, I was the  
15 radiation safety manager, you should not talk  
16 to me. You should talk to at least, maybe the  
17 rad. tech., who actually watched what happened  
18 on the site as well as the workers. So I know  
19 how I think it went, but those guys actually  
20 saw how it went. So, I think you are right,  
21 and I think we are getting better than what we  
22 were at PROC-097. I guess I am not willing to

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1 say here, say it right now and say boy we  
2 really are even-minded, and we do it all  
3 equally now. I'm not so sure I would say that  
4 yet, though I do believe we are getting  
5 better.

6 MR. ZEITOUN: Even you can see a  
7 difference between an incumbent manager and a  
8 retired manager in the interview.

9 MR. HINNEFELD: Is that right.

10 MR. ZEITOUN: The different senses.  
11 He is out, now he can talk. You can see that  
12 even in the interview process, you know. You  
13 can sense it. And Mike is correct in that.

14 CHAIR GIBSON: Okay, before we went  
15 on break, you know, I think Dan was correct,  
16 you know, I was going to let SC&A make some  
17 comments on their findings that NIOSH had had  
18 the chance to look them over. We weren't  
19 skipping over that, but I just wanted to give  
20 the claimants and advocates on the line a  
21 chance to comment, and we'll probably come  
22 back to you again this afternoon to see if

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1 there is any additional folks on the line  
2 while we try to set forth our path forward and  
3 what questions we need to take to the full  
4 board. So, SC&A, do you guys want to --

5 MS. ROBERTSON-DEMERS: Okay, the  
6 last finding that we brought up was those  
7 individuals that couldn't physically attend  
8 the meeting.

9 The next two comments, Finding 4  
10 and Finding 5 are similar. Finding 4 is the  
11 procedure seems to focus outreach meetings  
12 with labor organizations through the purpose,  
13 though the purpose of the meeting is to obtain  
14 worker input and inform all workers.

15 MR. HINNEFELD: Go ahead. Did you  
16 want to say more about it? I was just  
17 suggesting Vern talk.

18 MS. ROBERTSON-DEMERS: Well if you  
19 want to respond.

20 MR. HINNEFELD: I don't have  
21 anything.

22 MR. McDOUGALL: Well at this point

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1 we deal with organizations and we deal with  
2 organizations, pretty much the organizations  
3 that I think we can find, and I will give you  
4 an example, a recent example from Brookhaven.

5 We identified basically three organizations  
6 that we thought had an interest or might have  
7 an interest.

8 One was the IBW Local, which has --  
9 actually four because of the guards, too. One  
10 was the IBW Local, and we had a couple of  
11 meetings over the years with them, and we did  
12 arrange a worker outreach meeting with the IBW  
13 local there. That's the local that has pretty  
14 much the hourly, blue-collar people wall-to-  
15 wall. One was the Building Trades Council on  
16 Long Island, and we reached out to the  
17 Building Trades Council, and they chose not to  
18 have a regular, a full-blown meeting, but they  
19 did send a representative to the town hall  
20 meetings. And the police union there really  
21 basic frankly just did not want to hear from  
22 us at all.

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1           And we also reached out, there is a  
2 retirees organization there that is primarily,  
3 my understanding is it is primarily  
4 professional and engineering type retirees at  
5 the site. They took the information at their  
6 regular, at their next regular meeting, they  
7 actually invited Brookhaven to come,  
8 Brookhaven management to come in and talk to  
9 them about it. Brookhaven sent an HR person  
10 and an attorney to talk with them about it.  
11 The president of the retiree organization told  
12 me they had a fairly lively discussion. But  
13 the outcome was that they didn't see a need  
14 to, they didn't see a need to engage us  
15 further.

16           So we dealt with the organizations  
17 as we, basically as we found them. And we  
18 have done that at a number of sites. At most  
19 sites the organizations we can identify are  
20 unions. We have dealt with, in other cases  
21 such as Pinellas, which I spoke about last  
22 year. We started out dealing with a retirees

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1 organization. That was a non-union plant.  
2 And we dealt with a retirees organization that  
3 we were able to find there, and we had a  
4 couple of pretty successful meetings I think,  
5 and if you look at the Pinellas site profile  
6 I'll think you will see clear references to  
7 where input from those meetings was in fact  
8 incorporated into the revised site profile.  
9 And in fact one of the leaders of that retiree  
10 group is now among the leadership of the new  
11 organization down there. I can't think of the  
12 name of the new advocacy --

13 MS. BREYER: Nuclear Workers of  
14 Florida.

15 MR. McDOUGALL: Right. I think  
16 those are a couple of examples. You kind of  
17 take, have to take people as you find them.  
18 Blockson, there hadn't really, we couldn't  
19 find a union that had been there for many  
20 decades anyway. The plant had long since been  
21 closed, but Mark did find a retiree  
22 organization. It is a fairly informal retiree

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1 organization, but the leadership of that  
2 organization did participate at least in the  
3 town hall meetings.

4 MEMBER MUNN: And they got very  
5 good turnout at the worker meetings. Mark did  
6 a good job tracking them down. Many of the  
7 larger sites, not so much the smaller sites,  
8 have extensive numbers of professional  
9 organizations which are related to the work  
10 that went there. Has any effort at all been  
11 made to work through the professional  
12 organizations, the Health Physics Society, the  
13 American Nuclear Society, the IEEE, you know,  
14 there's a list of, for example, the site I'm  
15 most familiar with, has 17 different  
16 professional organizations, and the  
17 professional organizations have a very loose-  
18 knit, interactive group of their own that they  
19 cross-communicate?

20 MR. McDOUGALL: I confess that we  
21 haven't really thought about the Health  
22 Physics Society and ANS kind of groups, and I

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1 guess maybe this is part of our perception  
2 that we don't really see them as uniquely  
3 associated with a site, I guess, but maybe  
4 that's a problem with our perception.

5 MEMBER MUNN: Well certainly the  
6 sections are uniquely associated with the  
7 site, and perhaps I'm overly sensitive to that  
8 since I've been accused many times as not  
9 being a worker simply because I don't carry a  
10 union card, and that I think is incorporated  
11 in several of the comments that were made in  
12 the PROC-097 review from SC&A. It is one of  
13 the two major oversights that appeared to  
14 recur again and again. The assumption that  
15 all workers are union workers but the retirees  
16 organizations often are more productive in the  
17 long run because you have people who are  
18 already, who continue to be involved in  
19 interactions with other people from the site.

20

21 MR. McDOUGALL: And ANS and the  
22 Health Physics Society might be exceptions to

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1 that, but a lot of the retiree organizations -  
2 - the thing about the unions is that they are  
3 really thinking about, frequently on an  
4 ongoing basis, they are really thinking about  
5 the working conditions on the site. And some  
6 of these other, some of the other more  
7 generalized retiree organizations really are  
8 not focused -- their focus is much more  
9 social. Their focus isn't as much on the  
10 things that we are trying to get to talk to  
11 them about. But you make a good point; we  
12 should probably do a better job on that.

13 MEMBER MUNN: They are people who  
14 work in these facilities, whether they are  
15 focused on daily conditions is a secondary  
16 question because they work in those  
17 facilities, and the individuals are certainly  
18 focused on safety conditions. It is a major  
19 aspect of all the work that those individuals  
20 do.

21 MS. ROBERTSON-DEMERS: This is  
22 Kathy Demers. When we go out and we do our

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1 interviews we get a broad cross-section of  
2 people from the unions, from the radcon  
3 organizations, from medical, from  
4 environmental monitoring. Depending upon the  
5 site we may pull in reactor operators or  
6 accelerator operators, and the reason we do  
7 that is because everybody has a slightly  
8 different perspective. A lot of the workers  
9 when I ask them what did you work with as far  
10 as radioisotopes, will tell me I don't know.  
11 If I asked the same question to a manager he  
12 is likely to know and so I get that important  
13 information.

14 MEMBER MUNN: And if you ask the  
15 same thing of an ANS or HPS member, I  
16 guarantee you they will know.

17 MR. HINNEFELD: Did you identify  
18 them through the sites, site rosters, or how  
19 do you find these various populations?

20 MS. ROBERTSON-DEMERS: Do you want  
21 me to go through our process?

22 CHAIR GIBSON: Sure.

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1 MS. ROBERTSON-DEMERS: Okay, I'll  
2 just walk you through the process. When we,  
3 let's take a site profile. When we get  
4 assigned a site profile, the first thing I'll  
5 do is to of course read the site profile and  
6 in the process develop questions for  
7 interviewees that I might have. One of my  
8 primary sources is, who is NIOSH referencing  
9 and are they still alive?

10 MR. HINNEFELD: Okay, so in other  
11 words interviews we've had?

12 MS. ROBERTSON-DEMERS: Well not  
13 only interviews --

14 MR. HINNEFELD: Or documents.

15 MS. ROBERTSON-DEMERS:  
16 Documentation.

17 MR. HINNEFELD: Okay.

18 MS. ROBERTSON-DEMERS: And then I  
19 may go broader and look on the O drive to see  
20 if there is recurrent names in other documents  
21 that might not be referenced. With current  
22 radcon personnel, for example, I will go to

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1 the radcon manager of the site, and the first  
2 question I ask him is, I'm interested in  
3 dosimetry, internal and external, bioassay,  
4 etc., who do you have and who were their  
5 predecessors? And I get a lot of contacts  
6 that way.

7 I do contact the unions and that's  
8 how I reach out to a lot of the hourly  
9 workers. One of the most important ways of  
10 getting specific people identified is through  
11 the interviewees themselves. I do reach out  
12 to retiree organizations. I do attend retiree  
13 breakfasts, if I can catch them. There is a  
14 multitude of ways and I will come up with a  
15 list. Another way that is sometimes helpful  
16 is when I go out onto Amazon and retrieve all  
17 the historical documents on a site and read  
18 through those, you will get an idea of who the  
19 key personnel were at the site.

20 MR. ZEITOUN: There are a lot of  
21 books published and the names are there.

22 MS. ROBERTSON-DEMERS: So we form

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1 our list. We develop questions as a team. We  
2 work with the interviewees that we've selected  
3 and set up meetings. This is usually done in  
4 conjunction with the data capture at the site.

5 When we go to the site, obviously our best  
6 source of current workers is the EEOICPA  
7 contact at the site and the radcon  
8 organizations. And they help us define who we  
9 might want to talk to and we give them some  
10 conditions. You know we found that if a  
11 person hasn't been there for ten years or  
12 more, he may not be able to answer a lot of  
13 our questions. So we kind of put a time limit  
14 on with a couple of exceptions in there. When  
15 we go to the site we usually have questions  
16 prepared. And if they are prepared in advance  
17 the interviewees get them in advance. Another  
18 thing we have started doing is to provide them  
19 with the link to the document we are reviewing  
20 to see if they might have any comments. And  
21 we do our interviews in groups of six or below  
22 with usually two of us present. And it is

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1 kind of a we introduce ourselves, we ask the  
2 questions and they do all the talking from  
3 there. And this gets documented in raw notes  
4 and then an individual interview summary is  
5 put together. And this is provided to the  
6 interviewee for review. After it had gone DOE  
7 classification review, and incidentally our  
8 raw notes also go through the DOE  
9 classification. So there are several reviews  
10 in the interview process. They are provided  
11 to the individual at the interview and if they  
12 provide comments back to us we integrate them.

13 We also put together a master interview  
14 summary which takes out all the names of the  
15 individuals and gets rid of some of the  
16 duplication in different interviews,  
17 consolidates it. And that's what usually ends  
18 up in our report. That too has to go through  
19 a classification interview. Lately what we've  
20 been doing is providing the working group with  
21 the individual interviews that have the  
22 Privacy Act information all that we can

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1 release to the public and what's made  
2 available to the public is the master  
3 interview summary.

4 MEMBER MUNN: Now when you say you  
5 make that available to the worker group, what  
6 group do you mean?

7 MS. ROBERTSON-DEMERS: Well, for  
8 example, if we are doing Nevada Test Site  
9 interviews, the purpose of a Special Exposure  
10 Cohort, we will provide the individual  
11 interviews to the Nevada Test Site working  
12 group.

13 MR. ELLIOTT: Or the board?

14 MEMBER MUNN: The Board, that's  
15 just what I wanted to clarify.

16 MS. ROBERTSON-DEMERS: And with SEC  
17 petitions, it tends to be an iterative  
18 process.

19 MEMBER MUNN: Personal observation  
20 from having been involved in some of the  
21 interviews that Kathy performed, her comment  
22 about asking the right questions and then just

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1 letting the workers talk seems to work very  
2 well, certainly in the interviews which I was  
3 privy to.

4 MS. ROBERTSON-DEMERS: And just so  
5 you know we've done about 850 individual  
6 interviews.

7 MR. ZEITOUN: For the first five  
8 years?

9 MS. ROBERTSON-DEMERS: For the  
10 first five years.

11 MR. ELLIOTT: Thank you.

12 MR. MAURO: This is John. Kathy,  
13 I'd like to just carry this one step further.

14 I think the Nevada Test Site particular, I  
15 guess the genesis of that work is extremely  
16 relevant and is very timely as a good example  
17 where, in addition to what I would call the  
18 typical array of interviews as Kathy described  
19 for whether it is site profiles or SEC, we  
20 went through -- one of the big issues that  
21 came up had to do with badges left behind.  
22 And I know a lot of you folks are very

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1 familiar with the subject at a test site. And  
2 that triggered a round of interviews and the  
3 product which went to the work group after the  
4 DOE clearance was two documents and the work  
5 group has it, both of which have been DOE-  
6 cleared but not PA-cleared. Why is the summary  
7 level interview notes and the other is the  
8 actual person to person that I call the  
9 interview notes which people are named. Both  
10 of those documents are in the hands of the  
11 work group as DOE-cleared but not PA-cleared.

12 It is important to keep in mind the day may  
13 come when we will have a work group meeting  
14 where the chairman of the work group, Robert  
15 Presley, may say listen there's a lot of folks  
16 in the public who are going to want to look at  
17 this material. And at that point in time we  
18 have an interesting situation that we probably  
19 should all be aware of with outreach. And  
20 that is in theory we could try to PA-clear  
21 both documents. That's going to be -- and  
22 especially the detailed ones, that is going to

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1 be especially difficult because there is so  
2 much PA material that would actually destroy  
3 the integrity of a document. But then there's  
4 another twist. Once we go through that PA  
5 clearance process, that's the liability and  
6 General Counsel says, yes, these documents are  
7 clean. I suspect and I think and  
8 unfortunately Joe Fitzgerald is not on the  
9 line but I suspect that that document before  
10 it can released to the public as part of a  
11 work group meeting would have to go back to  
12 DOE one more time. I believe this PA-  
13 clearance and DOE-clearance process does  
14 affect our ability to be responsive to the  
15 general public who are very interested in a  
16 lot of these work products. And I think we  
17 should all be sensitive to that.

18 MS. ROBERTSON-DEMERS: Can I add  
19 one thing for the workers? One of the things  
20 I do because our interviews have to go through  
21 so many review processes is when I get back  
22 from an interview session I will get our team,

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1 our review team on the phone and I will tell  
2 them, I'll give them an overview of some of  
3 the key issues that they need to be  
4 considering as they prepare their review. And  
5 that's very important because then they can go  
6 back and look for relevant documentation and  
7 so on and so forth.

8 CHAIR GIBSON: So, is this process  
9 that you guys scripted, that's part of your  
10 procedure?

11 MS. ROBERTSON-DEMERS: Yes.

12 MR. MAURO: Can I add a comment to  
13 that regarding our procedure? Our procedure  
14 is going to be a subset of NIOSH procedures.  
15 So in other words, right now and Larry if he  
16 is there, I'm not sure if he is still there,  
17 could correct me, but there are two documents  
18 that are in preparation that are documents  
19 prepared by NIOSH dealing with both classified  
20 and unclassified data capture including  
21 interviews. What we do, we don't actually  
22 have a formal procedure. We have sort of an

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1 interim procedure, the one that Kathy just  
2 described but we eventually will prepare a  
3 more formal procedure where it actually will  
4 plug in as a subset to the overarching NIOSH  
5 procedures. So we are in that stage where,  
6 you know, we assume we should have one as soon  
7 as NIOSH's procedure and I think the NIOSH's  
8 protocols in regarding points of contact and  
9 how we make request and when I saw we, I mean  
10 the board's contractor, make requests for  
11 either interviews or for data capture is all a  
12 process by which we will follow and then  
13 document the material. All of that, that  
14 we've been talking about will be, I guess,  
15 formalized eventually but I think we are  
16 holding off until the board has a chance to  
17 review this overarching procedures and Larry  
18 could probably help out a bit here on when  
19 that might occur. It is still very much a  
20 work in progress but when they are ready to go  
21 and they may be at this time the board may  
22 want to weigh in because it does affect, the

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1 umbrella procedure does affect what SC&A's  
2 procedure will be because it will have to be  
3 compatible, consistent and actually  
4 subservient to it, which will affect how we  
5 will go about doing our business. So I wanted  
6 to make sure everybody understood that too.  
7 So, no we have not written those procedures  
8 down in any formal way, not yet.

9 MR. ELLIOTT: John is speaking  
10 about the security plan and there is a  
11 security plan that DOE will have that will be  
12 speaking to the DOE site contacts and  
13 affiliates and there is a NIOSH security plan  
14 which the audience would be, our staff,  
15 contractor staff, board operations under that.  
16 We also have two procedures that will be  
17 companion documents to our security plan. But  
18 the security plans just go to the access,  
19 coordination of access to information at DOE  
20 facilities and how to, there's a section in  
21 there on how to conduct interviews in a secure  
22 setting and then document-generation. What

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1 steps are we to take and what procedure are we  
2 to follow when we generate a document, either  
3 a site profile, a SEC petition evaluation  
4 review report, a SC&A review document, a  
5 matrix of issues that comes out of the board  
6 process. So these plans speak to that. They  
7 don't necessarily speak to outreach in a  
8 general broad sense. They don't speak to how  
9 to conduct these kind of meetings. And  
10 whether or not they speak to interviews of  
11 individuals in a non-cleared status, a non-  
12 secured setting, I'm not sure it will go  
13 there, these will go there. That would be  
14 attended to in other policy or process  
15 documents.

16 MEMBER BEACH: So, Larry, can you  
17 tell me what those procedure numbers are and  
18 how soon they will be available for us to  
19 review?

20 MR. ELLIOTT: Well these --

21 MEMBER BEACH: Those are --

22 MR. ELLIOTT: These are the -- I'm

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1       sorry, go ahead.

2                   MEMBER BEACH:       Those are very  
3       important access data.

4                   MR. ELLIOTT:       Absolutely.     Well  
5       these are the documents that we have talking  
6       about to the full board for the past two board  
7       meetings.

8                   MEMBER BEACH:     Right.

9                   MR. ELLIOTT:     And I do not have the  
10       procedure numbers at this point for you.    I  
11       don't know what our companion procedure  
12       numbers are. They are also in final stages of  
13       review.

14                  MR. MAURO:     Larry, I can help out a  
15       bit because we have had a chance as NIOSH has  
16       requested SC&A to provide feedback on them.  I  
17       have two and there may be others.    One is  
18       called OCAS PR-011.       That deals with  
19       classification review of documents.   And the  
20       other is OCAS policy PLCY-0001.   And that  
21       deals with handling control unclassified  
22       information.   Larry I know there may be, you

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1 had mentioned there might be some others but  
2 those are the two I am aware of.

3 MR. ELLIOTT: Yes, those are the  
4 two companion documents to the security plan  
5 that we are trying to put in place. I don't  
6 mean to evasive or cryptic about where we are  
7 at with these things but I have to tell you  
8 that these are very difficult documents to  
9 negotiate to finality because we shared them  
10 with SC&A as well as our contractors because  
11 we want them to be able to understand what is  
12 coming at them. What this means for them.  
13 Can they operate within the construct and  
14 confines that these documents present? And  
15 until we have, at that level, their  
16 understanding and buying in, these are pre-  
17 decisional documents.

18 MEMBER BEACH: I guess, Larry, you  
19 are asking for SC&A if they can work within  
20 those confines. Is there an opportunity to  
21 expand those confines or is what you are  
22 giving SC&A, bottom line this is it? I guess

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1 that's my curiosity.

2 MR. ELLIOTT: There is negotiation  
3 between the two departments on what it is  
4 going to take to be able to stand up and say  
5 we are practicing our work in an environment  
6 that maintains the national security interest  
7 to the best of our ability. That's the  
8 overarching goal that we have for these two  
9 documents. That's what these departments are  
10 trying to work together. We have to recognize  
11 that the Department of Energy has the primary  
12 authority to protect certain types of  
13 information. Department of Health and Human  
14 Services, it has to be recognized that we do  
15 not maintain or protect national security  
16 level information. We don't have the  
17 wherewithal, the safeguards, the procedures,  
18 the physical structures required to do that.  
19 Yet we operate in an environment, here in HHS,  
20 in this program where we are delving into  
21 another department's authorized responsibility  
22 area. And so while I may to say SC&A or to

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1 ORAU or to ATL, this is where NIOSH wants to  
2 be on this. This is how we think we can all  
3 work best together to get our jobs done. I go  
4 back to DOE and I may hear from them, that's  
5 okay, but it doesn't meet the acid test that  
6 it has to meet. And so you have to do this.  
7 And so until those interactions are concluded,  
8 I can't bring anything to the advisory board.

9 There is also this, the advisory is an  
10 advisory body that advises the Secretary of  
11 HHS. You are not involved in -- you don't  
12 have management of prerogative or management  
13 discretion here on how things get put into  
14 play. That's our job.

15 MEMBER BEACH: We can comment on  
16 how it affects our jobs.

17 MR. ELLIOTT: You sure can comment  
18 and I am hoping you are going to comment as  
19 well as you can because it will affect you.  
20 It is affecting you, as John's pointed out, as  
21 Dan McKeel pointed out it is going to affect  
22 everybody because yes you are right, John.

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1 Once you have had a document cleared all the  
2 way up and it is ready to be and it gets a  
3 privacy act reviewed, yes it is going to have  
4 to go back to DOE for another look before we  
5 can release it, just to make sure. Yes we are  
6 talking to DOE about pulling back on that over  
7 time as they gain more experience with us and  
8 the various kinds of documents that are put  
9 out into the public. What does it really take  
10 for them to say, they are comfortable at that  
11 document, that type of document? Does it need  
12 to have four or five reviews for sensitive  
13 information? Where can they draw the line?  
14 Is it after the first development of a draft  
15 that gets put into play for technical  
16 evaluation by a group of authors? I doubt it,  
17 but it may be at a point where the document  
18 has come to a state of finality that's all it  
19 needs is a Privacy Act review and all they are  
20 going to do is take out Privacy Act related  
21 information. That to me doesn't sound like  
22 DOE needs to see it again and that's the

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1 argument I'm making. But right now I haven't  
2 won that. So there's a lot of this going on.  
3 The board will have its opportunity.

4 MR. MAURO: Larry, I would like to  
5 add one thing. In fact, and also ask a  
6 question. My understanding is the procedures  
7 are primarily there for sensitive information  
8 and control but they also have an aspect to it  
9 for efficiency. I noticed as part of our  
10 review, working through the NIOSH point of  
11 contact for arranging for data capture and  
12 boxes being pulled and arranging for onsite  
13 interviews etc., under the new guidelines,  
14 these draft guidelines we will be working  
15 through a NIOSH point of contact. My  
16 understanding that was more toward a  
17 streamlining and efficiency approach that was  
18 towards national security, but maybe it is  
19 both.

20 MR. ELLIOTT: Well, I think you are  
21 right John. We had proposed to be and worked  
22 together to be more coordinated on the impact

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1 that we make on a DOE facility. And in that  
2 as you know DOE has said to us we want one  
3 person, a NIOSH person, to talk to us about  
4 what your information needs are for a  
5 facility. So that means that a NIOSH point of  
6 contact needs to know what SC&A's needs are  
7 because that point of contact for NIOSH is  
8 responsible for turning around SC&A and saying  
9 well look, we've got all of this information  
10 already assembled in this folder on our data  
11 research base. No we don't have those kinds  
12 of documents. We'll assist you and facilitate  
13 your access to get those documents retrieved  
14 from the site. So that's the efficiency  
15 process we are trying to tend to in this  
16 coordination effort. I don't believe --

17 MR. MAURO: Larry, you've got  
18 everybody here. One part of the interactions  
19 we've been having and one of the concerns that  
20 I had now I'm not sure it has been answered.  
21 One of the things Kathy Demers has described  
22 is her reaching out for interviews. I

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1 believe, offsite interviews. Right now we  
2 have been doing that on our own keeping of  
3 course NIOSH apprised we are doing it as  
4 opposed to this offsite now. As opposed to  
5 working through the point of contact. I  
6 understand that when it comes to onsite  
7 interviews where we will be burdening DOE,  
8 working to the point of contact is our, you  
9 know, are the ground rules, but for offsite  
10 interviews SC&A has independently pursued  
11 those keeping NIOSH apprised of course and of  
12 course all of those notes. And the notes go  
13 through the same clearance process through  
14 DOE. Is that, I don't think that particular  
15 matter was ever really explicitly discussed  
16 before. Do you see that as an appropriate  
17 interpretation of where things are going?

18 MR. ELLIOTT: I do. I don't see  
19 that the NIOSH point of contact has any need  
20 or you have any need of the NIOSH point of  
21 contact to conduct those kind of offsite  
22 interviews. That's certainly something that

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1 you all are capable of without our assistance.

2 And you know, all we are asking in that  
3 particular example is to get a copy of  
4 whatever final summary minutes or notes come  
5 out of that process so that we are all working  
6 with the same set of information in the end.

7 MR. MAURO: There's one more -- I  
8 appreciate that because I wasn't clear whether  
9 we are all in agreement on that. Now there's  
10 one more dimension to this, that is  
11 interesting and I think important. When we  
12 conduct these offsite interviews, and this has  
13 to do with the document after it has gone  
14 through DOE clearance and after it has been  
15 reviewed by the interviewee to make sure that  
16 we've captured the information provided  
17 faithfully. Now we have these notes, material  
18 and one of the things that we discussed before  
19 Larry, which is important, I always view that  
20 work product as the equivalent of a data  
21 capture and felt that at that point in the  
22 process it was reasonable to provide NIOSH

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1 with that information just as if we had just  
2 finished capturing a record of some sort, so  
3 that we all have the same complete set of  
4 records. However, in speaking to some of our  
5 folks including Joe Fitzgerald and Kathy, one  
6 of the things I learned and this maybe  
7 important to everyone concerned is that some  
8 folks in the interview would prefer that  
9 material not be distributed except to be kept  
10 and not be distributed to NIOSH early in the  
11 process. Of course eventually everyone will  
12 see it when it gets cleared and put into our  
13 site profile review as an appendix, summary  
14 level information. But some of the  
15 interviewees felt more comfortable if the  
16 material was going to be held confidential so  
17 to speak. Kathy, could you -- I mean I don't  
18 know if I'm overstating this case, but did I  
19 communicate that correctly some of the  
20 concerns that of the interviewees might have  
21 regarding our releasing that material to NIOSH  
22 and what the implications are?

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1 MS. ROBERTSON-DEMERS: Well, one of  
2 the questions we ask the interviewees right up  
3 front is do you want to remain anonymous or  
4 not but the content of that interview they  
5 typically don't object to providing to the  
6 working group and to NIOSH. And a part of why  
7 we originally did master interview summaries  
8 was a lot of people fell into this category  
9 where they wanted to remain anonymous and they  
10 didn't want anyone to know they were talking  
11 to us.

12 MR. MAURO: So this concern goes  
13 more toward the individual entity than it does  
14 to the summary level document?

15 MS. ROBERTSON-DEMERS: Right.

16 MR. MAURO: Okay.

17 MR. ELLIOTT: I don't know why -- I  
18 don't see a problem.

19 MR. MAURO: Okay.

20 MR. ELLIOTT: I mean we don't have  
21 to know the identity of a person you talk to.  
22 You know, we may ask that if there's some

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1 salient substantive point that is made in that  
2 communication that we need to follow-up on but  
3 that individual still has I believe a right to  
4 stay anonymous even at that point. We should  
5 be able to hopefully try to figure out a way  
6 to verify what has been said by other means.  
7 I don't understand this one-upmanship that  
8 goes on in this relationship that we all have.

9 You all should make sure that you make these  
10 folks aware that you work for the government  
11 and any of your products are government  
12 property. That doesn't preclude an individual  
13 from saying they want to volunteer their  
14 information anonymously but it is government  
15 property. So we are not asking for those I  
16 don't believe. We haven't asked for the  
17 identity of the anonymous individuals have we?

18 MS. ROBERTSON-DEMERS: No, you  
19 haven't but they are provided, labeled as  
20 anonymous.

21 MR. ELLIOTT: But the information  
22 is still --

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1 MS. ROBERTSON-DEMERS: There.

2 MR. ELLIOTT: -- there for our  
3 understanding and needs.

4 MR. ZEITOUN: Correct.

5 MR. ELLIOTT: I don't understand  
6 the issue though.

7 MR. MAURO: I'm sorry. I may have  
8 -- it was my understanding that one of the  
9 matters that came up is after the individual  
10 interviews were done. That there was an  
11 interest by and it may have been cleared by  
12 DOE, cleared by the interviewee as being  
13 faithful to the interview that there was some  
14 interest on the part of NIOSH to review that  
15 material, you know, the individual interviews,  
16 not the summary level. If that's not the  
17 case, then I have raised something that's not  
18 an issue.

19 MS. ROBERTSON-DEMERS: Well I think  
20 what you might be raising is that there are  
21 several versions to the interview notes. One  
22 is the raw notes before the interviewee ever

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1 has a chance to look at them. And we  
2 summarize those and provide it to the  
3 interviewee for comment and they return their  
4 comments, we integrate them. That is at the  
5 point that we give them to NIOSH. In other,  
6 in several situations NIOSH is requested to  
7 see raw notes.

8 MR. HINNEFELD: Yes, and every time  
9 I find out about that I tell them knock it  
10 off. It is the same way with our raw notes.  
11 You take your raw notes and then you write  
12 your summary from it. We're not, just let me  
13 know. When you get one of those requests,  
14 just let me know.

15 MR. ELLIOTT: It is a tool. I mean  
16 raw notes are a tool that are used at the  
17 discretion of the owner of that tool. Just  
18 like the tape-recordings are a tool. They are  
19 not a deliverable. They are not required  
20 under the contract. The individual author of  
21 the summary notes has decided to use a  
22 recording device as a tool to make sure that

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1 they captured what was said in the interview  
2 effectively and transcribe that to their  
3 summary notes. You know, people can comment  
4 on the use of recordings but this goes back to  
5 the earlier comments by the advocates. We are  
6 not going to go to recordings. It is just not  
7 going to happen. It is not necessarily just  
8 because of the state's requirements. It is  
9 more that once you have a recording in your  
10 system of records, how do you provide a --  
11 you've got to go to work to provide a  
12 transcript of that recording. Then you've got  
13 to redact the transcript and this is not the  
14 chosen type of documentation that we've made  
15 for these kinds of interactions. It is a set  
16 of summary notes. It is not a full-fledged  
17 transcript. So we are not going to go there.  
18 I'm just going to be pretty blunt and frank  
19 about that. We are not going to go there. We  
20 are not doing recordings. So if you all want  
21 to make a consensus recommendation to the  
22 secretary, it is going to come right back down

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1 to me and I'm going to explain to him why we  
2 are not doing recordings. It's done. I am  
3 adamant about that. So in this instance I  
4 don't think we have got a problem. NIOSH  
5 shouldn't be asking. Staff shouldn't be  
6 asking for these raw notes.

7 MR. HINNEFELD: If they ask for the  
8 raw notes, just let me know. Just let me  
9 know.

10 MR. SUNDIN: Larry and Stu, this is  
11 Dave Sundin. I do recall at least once  
12 instance where we had a FOIA request from a  
13 member of the public asking specifically for  
14 SC&A's raw notes. So we were advised at that  
15 point we had to go obtain them and then they  
16 were redacted prior to release to that member  
17 of the public.

18 MR. HINNEFELD: Okay, we will need  
19 to have a discussion outside the room on that.

20 MR. ELLIOTT: So, under FOIA it may  
21 or it may not be permissible to give up raw  
22 notes. That is a determination that has to be

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1 made by the Freedom of Information Act Office.

2 And in this instance I guess they determined  
3 it was releasable information.

4 MS. ROBERTSON-DEMERS: This is  
5 Kathy.

6 MR. SUNDIN: Appropriately  
7 redacted.

8 MS. ROBERTSON-DEMERS:  
9 Appropriately redacted, okay.

10 MS. ROBERTSON-DEMERS: This is  
11 Kathy. Was that an interview or was that  
12 notes from a document?

13 MR. SUNDIN: I recall that it  
14 included interviews. It was sort of field  
15 notes, I think yours and Arjun's. I don't  
16 even remember the site Kathy.

17 MS. ROBERTSON-DEMERS: Okay.

18 MR. MAURO: I recall that also. So  
19 yes, I think it was the field notes, yes.

20 CHAIR GIBSON: Okay, with that why  
21 don't we take a little break for lunch here  
22 for an hour and come back at approximately

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1 12:15/12:20 or 1:15/1:20.

2 MS. KLEA: This is Bonnie. Did I  
3 miss a comment period review dealing with the  
4 site experts?

5 CHAIR GIBSON: No, we just had a  
6 worker advocate comment period a little bit  
7 earlier. We are going to have another one  
8 some time this afternoon after lunch Bonnie.

9 MS. KLEA: Okay. So California I  
10 should be back on the phone at what time?

11 CHAIR GIBSON: It would be an hour.

12 MS. KLEA: Okay. Thank you.

13 MR. KATZ: So thank everyone on the  
14 phone. We are going to break the line now and  
15 we'll join back up a little bit after 1:00.

16 (Whereupon, the above-entitles matter  
17 went off the record at 12:14 p.m. and resumed  
18 at 1:22 p.m.)

19 MR. KATZ: This is Ted Katz with  
20 the work group on worker outreach and we are  
21 starting back up after a lunch break. Let me  
22 just check. Everyone from this morning is

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1 still here at the table. Let's see about  
2 folks on the phone. Phil, are you still with  
3 us?

4 MEMBER SCHOFIELD: Yes I am.

5 MR. KATZ: That's great and who  
6 else do we have, John Mauro?

7 MR. MAURO: Yes I am here.

8 MR. KATZ: And do we have, do we  
9 still have our folks from the public?

10 MS. KLEA: Yes, Bonnie from  
11 California.

12 MS. BARRIE: This is Terrie Barrie.

13 MR. KATZ: Welcome. Anyone else  
14 from the public joining us?

15 MR. RAMSPOTT: John Ramspott.

16 MR. KATZ: Welcome, John. And I  
17 don't know, I think that's it for what we have  
18 to have on here.

19 CHAIR GIBSON: Okay, I think we  
20 will start off after lunch with the  
21 petitioners or the advocates made a request  
22 for some more comments before lunch. So we'll

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1 open it up to the phone and let the worker  
2 advocates or claimants make some comments at  
3 this point and then we will just go back  
4 around the table and see if there is any items  
5 that we need to close up that we were  
6 discussing earlier and then we'll start  
7 talking about a path forward of the next  
8 meeting.

9 MS. KLEA: Yes, this is Bonnie.  
10 Can I add some comments at this time?

11 CHAIR GIBSON: Yes, go ahead  
12 Bonnie.

13 MS. KLEA: Okay. I'd like to see  
14 some kind of rule written about NIOSH cannot  
15 use, cannot consult with the site expert  
16 witness who has testified against the workers  
17 in workers' comp court. That's a situation  
18 that we have. We have a site expert that has  
19 given documents that he wrote and he swayed  
20 NIOSH on excluding the non-monitored workers  
21 on my petition. And this is the same  
22 gentleman who is the site expert in testifying

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1 in court against community claims and against  
2 workers' compensation claims. And to me it is  
3 a giant, giant conflict of interest and this  
4 same gentleman has also weighed in the work  
5 groups for my petition.

6 MR. ELLIOTT: So, Bonnie this is  
7 Larry Elliott.

8 MS. KLEA: Yes Larry.

9 MR. ELLIOTT: I would refer you to  
10 the NIOSH conflict or bias policy that is on  
11 our website and in that you will find a way  
12 that you can raise this up with the NIOSH  
13 coordinator on conflict or bias.

14 MS. KLEA: Okay, I've been speaking  
15 about this issue for at least the last eight  
16 years.

17 MR. ELLIOTT: Well, again I would  
18 ask you to look at the NIOSH policy on  
19 conflict or bias and make your points relevant  
20 to the issue at hand based upon your reading  
21 of that policy and submit them to the NIOSH  
22 designated official.

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1 MS. KLEA: Okay, and who would that  
2 be?

3 MR. ELLIOTT: Well the policy  
4 currently lists I believe by title only, not  
5 by name a person that is by title stated as  
6 the NIOSH coordinator.

7 MR. RAFKY: I would have to look.  
8 I don't remember what the exact title is. It  
9 is spelled out in the policy.

10 MS. KLEA: Okay, and then I worked  
11 with Terrie Barrie on that issue because she  
12 is so knowledgeable. Also we have a retiree  
13 organization which I belong to that mostly  
14 they don't like what I'm doing. They don't  
15 like the claims process and they are very  
16 secretive about the work and what they know.  
17 So, I don't know if all the retiree groups are  
18 like this but mostly it is management.

19 MEMBER MUNN: I think that varies  
20 widely from site to site.

21 MS. KLEA: Okay. Anyway, I would  
22 like to have someone from the program address

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1       them to see if they could come and speak and  
2       maybe I can work that out with Kathy  
3       Robertson.

4                   MR. ELLIOTT: Well, Bonnie this is  
5       Larry Elliott again.

6                   MS. KLEA: Yes.

7                   MR. ELLIOTT: We've had a number of  
8       interactions out there based upon again these  
9       are purpose driven meetings and so I know that  
10      there was a meeting with regard to the SEC  
11      petition process. I believe in the early days  
12      of our site profile development for Santa  
13      Susana Area 4 there was also a worker outreach  
14      meeting to hear thoughts and concerns about  
15      what happened at the site relative to our  
16      ability to reconstruct DOS and what the site  
17      profile should say in that regard. We  
18      certainly have had a board meeting out there  
19      recently. And so you know, as you are  
20      thinking about this, I would just ask that you  
21      be very clear in what you think the purpose of  
22      a meeting would be.

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1 MS. KLEA: Well I don't know. You  
2 mentioned it. You mentioned the retiree  
3 organization and I don't know if it is to  
4 inform people about the program or is this for  
5 SC&A to do.

6 MR. ELLIOTT: Well I won't speak  
7 about SC&A's motives. They would need to  
8 opine about that. From the NIOSH perspective  
9 we would say that we, our contractors have  
10 touched the various constituencies about the  
11 site to the best of their ability. I believe  
12 that is included depending upon the purpose  
13 for a given meeting, the retirees group. In  
14 other instances it may not have asked for  
15 participation from the retirees group. But  
16 from NIOSH's perspective, you know, I'm pretty  
17 satisfied that we have made attempts to try to  
18 involve the right people for the purpose of a  
19 given meeting out there.

20 MS. KLEA: Yes, you've done  
21 actually a good job in bringing people to the  
22 meetings and then of course when Laurie Breyer

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1 came out to talk about the SEC process, that  
2 was mostly claimants because otherwise how  
3 would you know who to send a letter to.

4 MR. ELLIOTT: Right, well we try to  
5 serve the claimant population in a town hall  
6 style meeting to inform the claimants about  
7 the petitioning process and about the dose-  
8 reconstruction process.

9 MS. KLEA: Right.

10 MR. ELLIOTT: I think one of the  
11 problems that we see with the Santa Susana  
12 site situation is there is a lot of concern  
13 rightfully so but it presents a lot of  
14 confusion and that concern is with regard to  
15 the off-site environmental contamination and  
16 the offsite environmental contamination is not  
17 something that is within NIOSH's privy nor the  
18 board's nor SC&A's. And so we would just ask  
19 that folks understand that if they can and try  
20 to consider that in how they frame their needs  
21 because we are real limited in what we can do  
22 in response to concerns that you all raise

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1 about environment contamination of public  
2 health problems off the site.

3 MS. KLEA: Well you know I say if  
4 it is off the site it certainly is got to be  
5 100 times more on the site.

6 MR. ELLIOTT: No argument there.  
7 We don't disagree with that concept at all.

8 MS. KLEA: Okay, thanks so much.  
9 Thank you for letting me give my comments.

10 CHAIR GIBSON: Okay thank you  
11 Bonnie. Are there any other advocates or  
12 claimants on the line that want to make  
13 comments at this time?

14 MS. BARRIE: This is Terrie. We  
15 do have a few comments Mike. One of the  
16 things that drew my attention was John Mauro's  
17 statement that SC&A's policies which meets the  
18 board when it comes to the security review.  
19 And forgive me if this has been already  
20 addressed and I missed. I have been off the  
21 phone for a little bit. This question is  
22 directed to John. Do you receive this as a

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1 little bit burdensome to SC&A?

2 MR. MAURO: Well, you know, it can  
3 be because previously you know we would  
4 interact directly with DOE and make our own  
5 arrangements to data capture interviews. Now  
6 in the streamlining process data capturing  
7 onsite interviews will be through the NIOSH  
8 point of contact. And the NIOSH point of  
9 contact will in effect be there to help us.  
10 So in one aspect the streamlining effect may  
11 actually expedite matters because it is going  
12 to one point and easy for DOE.

13 MS. BARRIE: This is Terrie. I was  
14 disconnected so I didn't hear that. I just  
15 got to dial back in.

16 MR. MAURO: Oh okay. I'll start  
17 from the beginning. I think what we are  
18 talking about is a situation that could be in  
19 some regards a benefit but also in some  
20 regards a drawback. What I was saying is for  
21 the point of view of how we used to operate  
22 was we would interact directly with DOE, make

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1 our own arrangements of data capture and  
2 interviews. However, of course at all times  
3 we would keep NIOSH informed and we would  
4 always interface with NIOSH beforehand to make  
5 sure we were not requesting documents that  
6 were already captured. There was a lot of  
7 front end work where we try to reduce the  
8 redundancy. But we were free to interact  
9 directly with DOE to make these arrangements.

10 But it does turn out that on some occasions  
11 that was somewhat burdensome for DOE. DOE did  
12 a request from both ends, efficiency and a  
13 security perspective to introduce these new  
14 protocols where for onsite interviews and for  
15 data capture retrieval of documents we would  
16 work through the NIOSH point of contact. Now  
17 the way I see it is as long as the NIOSH point  
18 of contact is looking after our needs and  
19 making sure that we get access to the  
20 information we need in a timely way, this  
21 should work out well. If it turns out for  
22 some reason SC&A is sort of put at the back of

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1 the queue in terms of retrieving documents and  
2 so forth, then of course there might be a  
3 burden here. So I think that if everyone is  
4 well intentioned and moving the whole process  
5 expeditiously it should work out okay. The  
6 fact that we have access to offsite interviews  
7 whereby we can make our own arrangements.  
8 That's important. I was glad to hear that  
9 that's the ground rules. So right now I guess  
10 I would say that we are prepared to move  
11 forward in that manner. We have been moving  
12 in that manner. We have some success on some  
13 recent site visits, for example Mound, that  
14 will work out well. We are about to go  
15 through the very same process. Right now we  
16 are very close to beginning the process for  
17 Savannah River. But we have had situations  
18 where things weren't as efficient. We ran  
19 into some problems on Hanford. So I guess,  
20 you know, we are optimistic that we will be  
21 able to work efficiently under the new ground  
22 rules.

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1 MS. BARRIE: Okay. I hope for that  
2 also. My other question, well actually it is  
3 a clarification of my earlier comment. I just  
4 wanted to, obviously it sounds like the worker  
5 outreach is much better prepared than it was  
6 with the Rocky Flats plant. At the Rocky  
7 Flats there was only two meetings held on one  
8 day and it did not include the non-production  
9 workers. It was very -- attended by a very  
10 small amount of people. And the question I  
11 have for consideration in the future that  
12 doesn't need an answer, with the advisory  
13 board public comment period, many, many people  
14 offer insight and information of their work.  
15 And I'm just curious to see if things obtained  
16 were not on file in the public commentary from  
17 the board meeting.

18 And my last comment is I'm a little  
19 bit surprised by Mr. Elliott's attitude on  
20 recording these meetings. He said that if the  
21 board recommended to the Secretary of Health  
22 and Human Services that they should be

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1 recorded and transcribed that he's not going  
2 to do it. He is adamant about that won't be  
3 done. That is very disconcerting.

4 And actually I do have one more. I  
5 would recommend that this working group  
6 recommend to the full board a public comment  
7 period be scheduled for all working group  
8 meetings. Thank you.

9 CHAIR GIBSON: Okay, thank you Ms.  
10 Barrie. Is there any other advocates or  
11 claimants on the line? Okay if not I guess we  
12 can just open it up here in the room for  
13 NIOSH's work group, any follow-ups or anything  
14 we want to talk about on things we've  
15 discussed earlier today or anything we didn't  
16 privy?

17 MS. ROBERTSON-DEMERS: Well, we  
18 have one additional finding.

19 CHAIR GIBSON: Okay, go ahead.

20 MS. ROBERTSON-DEMERS: That is a  
21 two-track system appears to exist for  
22 obtaining employee and site expert input. And

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1 by that it's the interview process the site  
2 experts versus the outreach process with site  
3 experts.

4 MR. MAURO: Excuse me, Kathy, maybe  
5 you could get a little closer to the  
6 microphone. I'm having a little difficulty  
7 hearing you.

8 MEMBER SCHOFIELD: Me too.

9 MR. KATZ: Let me just remind the  
10 folks on the phone too the problem might be  
11 that not everybody is muting their phone  
12 that's on the line. So we are actually  
13 hearing a lot of sort of background noise from  
14 your phones. So please everyone if you don't  
15 have a mute button, use \*6 and mute your  
16 phone. Thanks.

17 MS. ROBERTSON-DEMERS: Okay, I was  
18 saying that there is one final finding and  
19 that's related to having a two-track system to  
20 collect information from the workers and by  
21 that I mean you have your worker outreach and  
22 you have your small focus groups or

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1 interviews. And someone needs to be  
2 collecting the information into some sort of  
3 database that is provided in these more  
4 focused interviews, so that they can also be  
5 responded to.

6 CHAIR GIBSON: Does NIOSH have any  
7 comment?

8 MR. HINNEFELD: Well, I think there  
9 might two parts in this. One is I think in  
10 terms of capturing the information I think  
11 interviews are now are captured in the same  
12 manner regardless of who we are interviewing.

13 And I think, certainly when you did this  
14 PROC-097 review, our interviews were  
15 overwhelmingly management and I think since  
16 then we probably do other -- we have done  
17 better at doing other non-management  
18 interviews, more worker, on the line worker  
19 type interviews. Although I would not say that  
20 it is a balancing. It is not necessarily a  
21 balanced representation. So with respect to  
22 actually the documentation of an interview, I

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1 believe we are pretty consistent on how we do  
2 that. Then what was, is there more to this  
3 about the treatment of the information from a  
4 meeting, from an outreach meeting and how is  
5 that addressed.

6 MS. ROBERTSON-DEMERS: You have  
7 statements that are given to you in a worker  
8 outreach meeting and you respond to them.

9 MR. HINNEFELD: Yes.

10 MS. ROBERTSON-DEMERS: And the  
11 question is, you have comments that are given  
12 to you in an interview. How is that tracked?

13 MR. HINNEFELD: So now you are  
14 talking about, for instance, some other avenue  
15 other than exactly a worker outreach meeting  
16 but a claimant or a petitioner or interested  
17 party who would say have you considered these  
18 things here, and these other comments we  
19 received? Well Larry kind of talked about  
20 that earlier. I mean there are a number of  
21 avenues that those come in by so our response  
22 and our document kind of depends on how the

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1 response is. So I think maybe we might be  
2 able to summarize that in some sort of  
3 response to this.

4 MS. ROBERTSON-DEMERS: Let me kind  
5 of give you a better example. You know the  
6 personal communication documentation that  
7 NIOSH or ORAU fills out?

8 MR. HINNEFELD: Yes.

9 MS. ROBERTSON-DEMERS: After  
10 they've conducted an interview.

11 MR. HINNEFELD: Okay.

12 MS. ROBERTSON-DEMERS: There are  
13 elements that are brought up in those  
14 interviews and how are they being tracked in  
15 relation to how it may impact the technical  
16 work product?

17 MR. HINNEFELD: Okay. I'd have to  
18 -- I'm not prepared to give you an answer  
19 today but it will be part of what we have to  
20 do.

21 MR. MAURO: This is John Mauro.  
22 Interestingly enough your concern Kathy also

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1 applies to SC&A in that we often get, I often  
2 get a phone call, phone calls from interested  
3 parties who are wanting to communicate  
4 information to me. And sometimes they will  
5 send me files. Sometimes, you know --  
6 whatever -- material comes in. What I always  
7 do is I say it is important that whatever you  
8 send to me you also send to NIOSH and they  
9 respect that and understand that situation.  
10 But there is one circumstance that happened  
11 recently that was very interesting. There is  
12 a particular individual that has called me a  
13 great deal and provided me verbally over the  
14 phone with information and here's the point.  
15 I didn't summarize this information. I didn't  
16 write it down, but in the course of providing  
17 that information, there were certain aspects  
18 of it where I used my personal judgment. Now  
19 here's where things become subjective. Where  
20 I felt that is especially interesting and that  
21 I did write down and I did send on to the  
22 working group and also to interested parties

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1 at NIOSH. But I was a filter. In other words  
2 in effect the information was coming into me  
3 and I made a judgment on what I thought might  
4 be relevant. I passed it on. So we do have  
5 the circumstance where people send material.  
6 Now when they send it be e-mail, they'll send  
7 files. We have it, we forward it up to NIOSH  
8 and make sure they get everything we have, but  
9 there also are times we have people just  
10 communicating, volunteering information and  
11 right now all I can do is when I felt that  
12 there was something that was explained to me  
13 that could possibly be important, I would  
14 write it down and communicate it to the  
15 working groups and NIOSH. We really have  
16 never written down a procedure to that effect.

17 In fact, we have never even had a  
18 conversation when that happens with me. Now  
19 when you are involved, Kathy, when you are  
20 involved in actually interviewing people of  
21 course you have a formalism to it. But you  
22 make me think about it a little bit, what

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1 about me? I don't normally participate in  
2 these. I have only been on one interview case  
3 with Chapman Valve, but I do get phone calls  
4 quite often from interested parties and my  
5 protocol right now is just the way I  
6 described. I was selective in what I think is  
7 important and pass it on.

8 MS. ROBERTSON-DEMERS: Well, one of  
9 my experiences is by the time someone is  
10 providing me with documentation, they have  
11 already provided it to NIOSH, but of course we  
12 can make sure that they have it.

13 MR. ZEITOUN: We usually ask about  
14 that. Did you provide to it NIOSH and they  
15 said yes.

16 MR. HINNEFELD: Like I said I'm not  
17 prepared to talk about it today. I'd have to  
18 find out and see.

19 CHAIR GIBSON: Anything else?

20 MS. ROBERTSON-DEMERS: That pretty  
21 much sums up the findings that we had.

22 CHAIR GIBSON: Okay.

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1                   MEMBER BEACH:    I have something.  
2                   Could I ask a question for NIOSH?    Can you  
3                   describe briefly or however in-depth the  
4                   process of when you decide to have a worker  
5                   outreach meeting, how that process unfolds  
6                   basically?    I know there's one coming at W. R.  
7                   Grace.    So what would your process be?

8                   MR. HINNEFELD:    Do you want to take  
9                   that Vern?

10                  MR. McDOUGALL:    Yes.    W. R. Grace's  
11                  nuclear field services is a little bit  
12                  different situation but most of our outreach  
13                  meetings -- most of our outreach meetings are  
14                  basically driven by something that happens  
15                  with OCAS.    In the old days they used to be  
16                  driven largely by the development of site  
17                  profiles.    And the mission was to identify  
18                  stakeholders and get to them, get them a  
19                  chance to have input early on in the process.  
20                  And they would have to after the site  
21                  profiles were developed, go back and say,  
22                  okay, well here it is more of a closed-ended

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1 question, here's the document that is  
2 involved. This is an opportunity for you to  
3 critique this and provide additional  
4 information and show NIOSH where they are  
5 mistaken.

6 MEMBER BEACH: And that was per  
7 097? That was that procedure that drove that  
8 early on?

9 MR. McDOUGALL: Well actually this  
10 really started late 1993/1994 --

11 MR. HINNEFELD: You mean Procedure  
12 097.

13 MR. McDOUGALL: Yes, well before  
14 the procedure.

15 MEMBER BEACH: Well before, okay.

16 MR. McDOUGALL: Now with the SEC  
17 petitions kind of the same thing happens  
18 because what will happen -- let me say  
19 recently with Los Alamos, for example. The  
20 petitioner there was a member, he was  
21 associated with one of the stakeholder groups  
22 out there. And when we see any kind of a

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1 petition filed and most petitions aren't even  
2 filed by anybody, they are mostly filed by it  
3 seems by survivors. So a lot of the  
4 organizations that we've been dealing with  
5 over the years don't know when this petition  
6 has been filed necessarily. So what we do is  
7 we reach out, when we see the petition filed,  
8 we reach out to the stakeholder organizations,  
9 explain to them where this thing is in the  
10 process, a little bit about why it affects  
11 them. You know, this is -- there is going to  
12 be some decisions made in the next several  
13 months that are going to affect their members'  
14 compensation possibly for a long time to come.

15 And kind of work with them to see what their,  
16 what level of interest there is in having  
17 input into the process.

18 MEMBER BEACH: Okay and so then you  
19 plan a meeting.

20 MR. McDOUGALL: We plan a meeting -  
21 - if they are interested. If they are  
22 interested, yes we plan a meeting. There have

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1       been times, I'm trying to think of the site  
2       recently. Mark you went out by yourself the  
3       first time I think to talk to somebody. I'm  
4       drawing a blank right now. But yes, we plan a  
5       meeting. We give them an opportunity to, we  
6       give them an opportunity to learn about the  
7       process, where things are in the process, and  
8       to provide the input.

9                   MEMBER BEACH: So you actually do a  
10       presentation at the meeting?

11                   MR. McDOUGALL: Yes, we don't. It  
12       is usually somebody from OCAS. Laurie and/or,  
13       usually a health physicist, yes.

14                   MEMBER BEACH: Okay, so then --

15                   MR. McDOUGALL: Because it is a two-  
16       way street. There are still learning. These  
17       people are still, you know, they are not  
18       experts who -- most of these people, the  
19       stakeholders we reach out to are not people  
20       who deal with these issues on a day-to-day  
21       basis.

22                   MR. ELLIOTT: They may not even

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1 have claims.

2 MR. McDOUGALL: Yes, yes they most  
3 of them probably won't have current claims.  
4 So it is an educational process for them and  
5 it is an educational process -- its really a  
6 two-way communication process because they are  
7 learning about the process, about the  
8 implications for their future and at the same  
9 time, NIOSH is getting feedback where we can.

10 We try and identify some key issues that  
11 NIOSH wants to collect information on, get it  
12 into their hands ahead of time so that when  
13 they come to these meetings, NIOSH captures  
14 information that's going to be helpful to them  
15 in reviewing those petitions.

16 MEMBER BEACH: I guess that's what  
17 I am looking for. A real history of why you  
18 decide to go to a site, what you do when you  
19 get there, what questions you give them in  
20 advance? Do you do a presentation?

21 MR. ELLIOTT: It comes, it comes --  
22 there's a variety of ways that we could become

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1 engaged with folks at a site. An SEC petition  
2 is one way. Somebody expresses an interest to  
3 file a petition but doesn't fully understand  
4 and ask Laurie or Denise to come and help them  
5 and in conjunction with that, there's an  
6 offer. Would it be helpful if we talk to a  
7 broader-based group than just you? And so  
8 that gets put into play. In some instances,  
9 we are asked. We were asked to come to speak  
10 to the guards union at Portsmouth, Ohio,  
11 because they had a special concern that they  
12 wanted to raise specifically with me and Dr.  
13 Neton.

14 MEMBER BEACH: So once you decide,  
15 Larry, to go to that site, do you broadcast  
16 that information?

17 MR. ELLIOTT: No.

18 MEMBER BEACH: Okay, that's what  
19 I'm looking for.

20 MR. ELLIOTT: Not necessarily do we  
21 broadcast that information because the purpose  
22 may dictate that it is better for us to talk

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1 with a small group of knowledgeable people.  
2 The purpose may say to us, well here's a  
3 situation where a large number of claimants or  
4 just general people in the population don't  
5 understand what's going on around the site,  
6 whether it is an SEC process or whether it is  
7 DOS reconstruction. And it makes sense to us  
8 to respond with a town hall meeting.

9 MEMBER BEACH: Yes.

10 MR. ELLIOTT: And go out and you  
11 know we just open it up. We will have a short  
12 presentation and then, you know, we have  
13 public, we hear people's comments. And we try  
14 to deal with that in that kind of a setting.  
15 So, it could be a situation where the purpose  
16 says to us, there is a technical issue on the  
17 table, badges are left behind. Okay, so who  
18 do we go talk to, to find out about that? We  
19 will, SC&A would focus our interaction with  
20 people who have either said they've done that  
21 or they have reported they know of others who  
22 have done that. And in that situation we may

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1 say to ourselves well this takes a broader  
2 venue than just a small working group, a small  
3 focus group. We may want to have a more  
4 public. And in the more public sense, when we  
5 have a town hall meeting style, yes we  
6 announce that to the public. We want as many  
7 people to come bring as many perspectives as  
8 can be offered. On the other end of the  
9 spectrum though is the need to nail down some  
10 technical issue and try to identify those  
11 individuals who in a small group or even a  
12 one-on-one setting with us, can elucidate the  
13 issue for our better understanding. So it  
14 happens in a variety of ways. I mean, I'm  
15 sure Vern and Mark could go on and on and on  
16 about the ways we've tried to be proactive and  
17 reach out to people. And at the same time  
18 have a listening ear open and ready to respond  
19 as soon as we hear somebody say hey, you need  
20 to come and talk to us. And in some instances  
21 where they have reached out, they have a cold  
22 shoulder. They don't want to talk to you.

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1 MEMBER BEACH: Right.

2 MR. ELLIOTT: We don't want to get  
3 involved. In some instances where they have  
4 tried to reach out and say, you know, out here  
5 in INEO we would like to sit down and talk to  
6 everybody involved. Well, the painters don't  
7 want to be in the same room as the carpenters.

8 And the carpenters don't want to be in the  
9 same room as the electricians and those kind  
10 of things happen. So we end up with fractured  
11 meetings where we only meet with one organized  
12 labor group at a time because they function  
13 better that way. So, it is a very dynamic  
14 process that is driven in many different ways.

15 That is the best I can describe it for you.

16 MS. BREYER: I was going to say not  
17 to be repetitive but to give you some specific  
18 examples of what Larry is talking about, you  
19 know, and what Vern is speaking to as well.  
20 You know, if an SEC petition comes out from a  
21 survivor, you know, some of the union groups  
22 at the facility may not know about it or even

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1 the workers. They may do outreach to the  
2 union groups and say hey we have this SEC  
3 petition just to let you know. And then the  
4 unions may ask for a meeting at that point to  
5 provide input. And that would happen with Los  
6 Alamos.

7 There is another example where we  
8 received an SEC petition for Texas City  
9 Chemical, which is a very small site and so  
10 the health physicist working on that says we  
11 have some information but I would like to talk  
12 to the workers and ask them some information.

13 So he had ATL put together some small  
14 meetings with some individual workers. And in  
15 the process of having that small worker  
16 outreach meeting it was determined that there  
17 was a lot of confusion down there. So then we  
18 decided that it might be proactive of us to go  
19 to Galveston and hold a town hall meeting. So  
20 when we did the town hall meeting, then we  
21 would have done huge -- you know we would have  
22 sent letters to anybody that we had letters

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1 about. We would have tried to get retirees.  
2 ATL would have tried to get the unions. We  
3 would have put out a press release. It would  
4 have been on our website. In those type of  
5 instances then we would do a large amount of  
6 outreach. And then with the meetings like  
7 with Denise and I, people have either asked  
8 and said can you come out and explain the SEC  
9 to us or between Denise and I we would have  
10 gotten a lot of calls. So we've determined  
11 hey you know, this might be a good site to go  
12 out and do an SEC outreach meeting and again  
13 that would be a large audience that we would  
14 try to get there so we would do letters, press  
15 releases, put it on the website. So those are  
16 just examples like Texas City Chemical where  
17 we were proactive because there was a lot of  
18 confusion just about NIOSH and where we also  
19 did a small -- just with a small group of  
20 workers and I mean those are just some more  
21 hands-on examples of when in situations we've  
22 held some of these meetings by request or when

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1 we went out and talked to people.

2 MEMBER BEACH: Thank you.

3 CHAIR GIBSON: So even though  
4 there's many different forms, it sounds like  
5 to me there's basically two basic types of  
6 involvement with workers. I'm sure there's  
7 some of it crosses over but one of it's  
8 basically NIOSH is offering information to the  
9 general public, workers or workers have  
10 requested information from NIOSH whether it is  
11 a program, whether it is a SEC and then there  
12 is also types of meetings where NIOSH is  
13 seeking input from workers on a specific site  
14 or an issue or the workers have contacted you  
15 and said we have information we want you to  
16 hear. So it is kind of like two categories.  
17 I mean --

18 MR. ELLIOTT: It could be viewed  
19 that way.

20 CHAIR GIBSON: Kind of hear  
21 information from your general meetings that --

22 MR. ELLIOTT: And I could portray a

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1 meeting for you where both occurs, you know.

2 CHAIR GIBSON: Yes, crossovers.

3 MR. ELLIOTT: Yes, it crosses over,  
4 and we get more than we thought we bargained  
5 for or more than we went in for and I think  
6 and I hope that the people who came to attend  
7 learn something and got more out of it than  
8 they had anticipated as well. So it can be a  
9 beneficial exchange that way.

10 CHAIR GIBSON: I'm just trying to  
11 get this thing structured to where we can kind  
12 of put some legs underneath of it and see  
13 what, you know, try to set some metrics for us  
14 to look at to measure to work against. Would  
15 it be fair to kind of categorize them into  
16 those two groups understanding that there is  
17 crossover information or is that --

18 MR. ELLIOTT: I think that's a fair  
19 way to categorize in a categorical form what  
20 our outreach efforts are.

21 MR. HINNEFELD: No, I agree. I  
22 think it is a decent way to think about it.

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1 MS. BREYER: From our perspective  
2 yes.

3 MR. MAURO: Mike, this is John  
4 Mauro. There is one point I would like to  
5 bring to the table that I neglected to mention  
6 when I was responding to the last question. I  
7 think we need to all be sensitive to this. In  
8 the previous way in which we interacted  
9 directly with DOE, one of the things that  
10 happens is on let's say a data capture effort,  
11 very often it is an iterative process. As I  
12 understand and Kathy certainly could weigh in  
13 on this, whereby it is not a very linear  
14 process by way in which we capture data. We  
15 have certain areas of interest and then very  
16 often we need to in an iterative process  
17 refine the request for information to make  
18 sure that we get what we are looking for. And  
19 that requires some interaction between NIOSH,  
20 I'm sorry, between SC&A and DOE. With the new  
21 arrangement where we have a point of contact  
22 I'm a little concerned that t hat iterative

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1 nature of the interaction might be diluted --

2 MR. KATZ: John, could you hold one  
3 second. Go ahead John, I'm sorry.

4 MR. MAURO: Okay, yes. I'll say it  
5 again but briefly. In the new paradigm where  
6 we work through a point of contact, to take  
7 data capture, one of my concerns and I think  
8 we should all be concerned with this and be  
9 attentive to it, is the loss of what I would  
10 call to be the direct iterative interaction  
11 between SC&A and DOE, that sometimes is  
12 necessary in order to make sure that we get  
13 the information we need, because it is not a  
14 very linear process. There is interaction  
15 here. And one way of course is the point of  
16 contact could serve as sort of our agent in  
17 those interactions, or once we make our  
18 initial contact through the point of contact  
19 and describe what we need, at that point  
20 perhaps SC&A would have a certain degree of  
21 flexibility of talking to the DOE folks  
22 directly, once we get into the interactive

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1 mode. I'd like to get some sense from NIOSH  
2 and the work group as to that strategy or that  
3 concept.

4 MR. ELLIOTT: John, again, we are  
5 talking about the security plans and the two  
6 companion, one procedure, one policy under  
7 that relevant to the NIOSH plan, and I don't,  
8 I know for a fact that those plans and that  
9 procedure and that policy do not go into great  
10 levels of detail for perhaps good reason. We  
11 want to be as flexible as possible, and in the  
12 example that you just raised, I would expect  
13 that once the NIOSH point of contact has been  
14 touched and confirmed that we don't already  
15 have the information readily available for use  
16 by SC&A and has made in the spirit of  
17 coordination the prioritization of work for  
18 that particular DOE facility that we've talked  
19 about and made that aware to both the DOE  
20 point of contact and the SC&A contact. SC&A  
21 would be enabled at that point to speak to DOE  
22 directly about their particular needs.

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1 MR. MAURO: I appreciate that.

2 MR. ELLIOTT: We have not  
3 characterized this role of coordination as one  
4 of gatekeeper. That's not the role. The role  
5 is to coordinate to provide the most efficient  
6 path forward, and where NIOSH has already  
7 retrieved or assembled information that goes  
8 to the question at hand that SC&A is pursuing,  
9 they need to be made aware of that, and if  
10 there are pieces that are not in that  
11 assemblage of information that SC&A wants to  
12 pursue they should be able to pursue that with  
13 DOE directly.

14 MR. HINNEFELD: I think -- this is  
15 Stu. For the sake of the objective that we  
16 are adopting this, just so it is on the  
17 record, we did not ask to be the coordinators  
18 of this. We did not want this coordination  
19 job. We are doing this for DOE. So to the  
20 extent -- so bearing that in mind as the  
21 intent, I don't see any particular reason why  
22 we would have to continually coordinate your

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1 communications with DOE. I think it would be  
2 important for each of us, NIOSH and SC&A, to  
3 inform the others when we make these iterative  
4 approaches so that we'll be aware and maybe  
5 can dovetail and coordinate activities that  
6 may be coordinate-able. Not that we are going  
7 to sit and watch you but if for instance --  
8 not to cause DOE less interruption or less  
9 cost. That's what we are really talking about  
10 is what are we costing the DOE. So, I don't  
11 see any particular reason to continue to  
12 coordinate as long as we inform each other  
13 about our activities, our respective  
14 activities and so each one can then look for  
15 opportunities for coordination if need be.

16 So that's my view as well, John. I  
17 don't think there is any need for us to always  
18 have to, you know, you guys come to us always  
19 when you go back with a request. It may not  
20 have worked that way up to now.

21 MS. ROBERTSON-DEMERS: It is not.

22 MR. HINNEFELD: Okay.

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1 MS. ROBERTSON-DEMERS: Let me kind  
2 of give you a reality check on how it's going  
3 down.

4 MR. HINNEFELD: Okay.

5 MS. ROBERTSON-DEMERS: A site,  
6 which shall remain nameless, basically NIOSH  
7 has identified boxes and people that they  
8 wanted to interview onsite. They've put it  
9 into a data capture plan. They have sent it  
10 to us. We add on any key words that we want  
11 searched, any authors that we want searched,  
12 and so on and so forth, and then it is sent to  
13 DOE. But we also have to have the flexibility  
14 to submit those independent, like when we  
15 submit pre-decisional documentation as an  
16 example of when we would not involve NIOSH in  
17 that process. One of the problems that I'm  
18 seeing is that we are not the priority. We  
19 are having difficulty getting things out of  
20 site X. We have been having difficulty. I  
21 have seen that they are much more cooperative  
22 in releasing things to NIOSH, including

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1 interview notes. And still we're being asked  
2 to go through the NIOSH POC instead of going  
3 directly to the EEOICPA contact for everything  
4 from I want to interview Joe Smith on such and  
5 such a date, to I want to pull X boxes. And I  
6 don't have a problem with informing NIOSH that  
7 we're going to pull X boxes and even inviting  
8 them on, but we don't have the liberty to go  
9 directly to DOE at this point.

10 MR. HINNEFELD: Okay, I'll talk  
11 with you offline here so I can get a little  
12 more detail.

13 MR. ZEITOUN: They don't return the  
14 calls sometimes.

15 MR. ELLIOTT: Well, they're not  
16 supposed to, because DOE is not going to  
17 respond to a contractor. I'm sorry, I'm  
18 trying to be frank about it.

19 MR. ZEITOUN: Well, I'm trying to  
20 follow up on your ideas that, at the time the  
21 contacts are made, it's practical now that you  
22 just get your job done and moving, but I'm

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1 just saying probably they misunderstood that  
2 direction in general, and they say, we're not  
3 going to do anything with anybody unless the  
4 POC comes to us and tells us, go ahead. So  
5 that concept also needs to be clear during the  
6 process.

7 MR. ELLIOTT: I agree.

8 MR. ZEITOUN: It doesn't have to be  
9 immediate, but at least work on it between  
10 both of us, so they understood that we're not  
11 trying to circumvent anybody, but we're trying  
12 to get the job done.

13 MR. ELLIOTT: I agree. I think  
14 we're on the same page.

15 MR. ZEITOUN: I'm listening, I'm  
16 hearing you.

17 MR. ELLIOTT: This is an evolving  
18 experience, too, and certainly the one site  
19 you mentioned, Kathy, is problematic because  
20 of recent history in interacting with this  
21 site. And so where we have a whole different  
22 experience in another site. You know, I think

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1 we're seeing some overshadowing response to  
2 the recent history, in some ways, at the site  
3 you mentioned.

4 But we're going to have to work  
5 together to iron out these kinds of wrinkles  
6 as they appear. And it's not our intent to be  
7 a gatekeeper, nor do these points of contact,  
8 who are technical staff, who are researchers.

9 Believe me, they do not want to be burdened  
10 down with this additional mantle of being a  
11 coordinator of SC&A and NIOSH interests. They  
12 find that to be difficult, at best.

13 MS. ROBERTSON-DEMERS: One of the  
14 other things that I noted in doing these  
15 parallel reviews, for example, at site X, is  
16 NIOSH has not made up their mind how they want  
17 to come down on the issue, and that makes it  
18 really hard for us to know what we want to  
19 look for.

20 MR. ELLIOTT: This is a big  
21 problem. I will sign on to this problem 100  
22 percent, Kathy, and I would ask that the

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1 working group or the board needs to take up a  
2 deliberation of this issue alone, because this  
3 is problematic. When does SC&A's review of a  
4 product really start? And in this site  
5 example that you mentioned, because a site is  
6 so huge, and the history is so long, and the  
7 effort to evaluate a petition has now strung  
8 into, we're into probably our fourth  
9 evaluation of the remaining class. We just  
10 keep chipping off pieces of it. And what does  
11 SC&A actually pick up to use in their reviews?

12 And you're absolutely right, Kathy. NIOSH  
13 has not made a decision in some regards as to  
14 where we stand, and I understand the dilemma  
15 that presents to you, because you don't know  
16 what to evaluate at that point. And it's  
17 premature to say, well we think this ought to  
18 be this way, until you hear what NIOSH says.  
19 In other words, you're setting the policy, the  
20 practice, the procedure, and probably before  
21 we've made the decision. But it is a problem,  
22 because it's different than, in the early

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1 days, when NIOSH and ORAU are out there on  
2 their own developing a site profile, and the  
3 technical basis approaches for a given site,  
4 and then we put that on the table. We don't  
5 see that as much anymore. We're more involved  
6 in evaluations of classes and technical issues  
7 that have been placed on the board's  
8 deliberation table for their work group  
9 process, and that confuses, I think, in many  
10 instances, what it is you guys want to go  
11 track down that we didn't.

12 MR. MAURO: Larry, I can't tell you  
13 how much I agree with you on that particular  
14 matter. In an effort to streamline and  
15 expedite the review process, achieve closure  
16 on issues, one of the problems is that we've  
17 entered into an iterate process where both  
18 organizations are simultaneously peeling away  
19 at the onion. In theory, you know, once --  
20 you know, in a perfect world NIOSH would  
21 complete all of its work, deliver its product  
22 to the board, and the board would authorize

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1 SC&A to take a look at it, and then bring it  
2 back. But in an effort to streamline this  
3 whole process to expedite it, for a lot of  
4 reasons, I note I now see that we are moving  
5 in parallel to a certain degree, which is a  
6 subject that I think the board needs to  
7 engage. I would recommend to the work group  
8 that the fact that we're moving in parallel  
9 at the site where the issues are unfolding  
10 before us together is very unusual for an  
11 auditing organization or a review  
12 organization. Usually you wait until the  
13 NIOSH or this organization has a chance to  
14 finish its work. But so this is a big -- I  
15 think it's a very important issue.

16 MR. ELLIOTT: I agree.

17 CHAIR GIBSON: That's certainly an  
18 issue that does seem important. I don't  
19 believe that it's necessarily -- fits within  
20 the realm of this work group. I think it's  
21 more global, but we can certainly take this  
22 concern to the board.

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1           MR. ELLIOTT: I don't know that --  
2 I'm not advocating that there should be  
3 different rules or behavior patterns that are  
4 adhered to if it's NIOSH alone versus NIOSH  
5 and SC&A trying to pursue the same line of  
6 questioning. Maybe there is a need for  
7 different rules or different modes of behavior  
8 if we find ourselves in one camp versus the  
9 other camp. Certainly if it's just NIOSH and  
10 it's contractors doing what we need to do to  
11 establish our position on a site profile, or  
12 an evaluation of a class, and we have  
13 established by practice how we operate in that  
14 arena, but when we come in and we're walking  
15 side by side with SC&A and trying to pursue  
16 the same line of questioning, maybe the rules  
17 of engagement are slightly different. It's  
18 something to talk about.

19           MS. ROBERTSON-DEMERS: Well my  
20 thought is that, you know, occasionally it  
21 happens that we agree on an issue, and then  
22 SC&A just wasted all that time. So they could

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1 have concentrated on another issue.

2 MEMBER MUNN: At this juncture, it  
3 appears that the issue is still amorphous.  
4 We're working under a new set of rules here,  
5 and it's questionable whether the board  
6 understands what those rules are and how they  
7 are going to operate. It would seem wise for  
8 SC&A and NIOSH to have some offline  
9 discussions about how best to address this,  
10 and what kind of recommendation to bring to  
11 the board, rather than for us to drop this on  
12 the board and say, do something. Past history  
13 would warn us that the full board is not the  
14 best forum for resolving issues to their  
15 essence, and perhaps there's some  
16 communication and agreement with respect to  
17 how to proceed that should preclude this  
18 group's recommendation.

19 MR. KATZ: Just as DFO, but I'm  
20 also project officer for SC&A, this is I think  
21 something John and I need to discuss and sort  
22 of delve into in more detail just to

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1 understand, too, because it's unclear to me  
2 whether the problem is one of tasking, that  
3 they're getting tasked to do things  
4 prematurely, or whether it's an implementation  
5 question, and that SC&A just needs to hold its  
6 horses so that products can be delivered first  
7 before SC&A delves into them. It's really  
8 unclear from the sort of general discussion  
9 we've had, you know, what's the problem, but  
10 John and I look forward to talking to you  
11 more, and hearing the details so we can sort  
12 through this.

13 MR. ELLIOTT: I certainly think  
14 that the new DOE requirements that are being  
15 placed on us will impact more this category of  
16 work where we're walking down the trail  
17 together.

18 MR. MAURO: What I think will be a  
19 fundamental governor's issue emerged during  
20 the outreach discussion. And you're  
21 absolutely right, it has an affect. I mean,  
22 how are we -- our data capture protocols. How

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1 we do it? Outreach activities and gathering,  
2 which is just part of gathering information.  
3 Ultimately, yes, it's funny that it would lead  
4 to a very fundamental issue, and I agree, Ted,  
5 you probably, you and I could talk this  
6 through a little bit, because it's interesting  
7 that things are unfolding this way, where the  
8 separation in time of our activities is really  
9 not that separate anymore. They are actually  
10 moving together, as Larry said, down the path  
11 together. And I think that we need to talk a  
12 little bit about that.

13 MR. ELLIOTT: And the board and  
14 SC&A has some experience now with looking at -  
15 what do you call them - paper-only studies,  
16 reviews where you are using only the available  
17 documentation that was used to establish the  
18 NIOSH position. And I raise that because, on  
19 one hand, I find those to be informative, but  
20 they lack something.

21 MR. MAURO: Absolutely. In fact, I  
22 would say that that idea of a paper study that

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1 emerged, oh back, I'm not sure -- that was an  
2 unusual circumstance, because a contract was  
3 ending, and we really had to limit. In other  
4 words, we thought there would be some  
5 productive work that could be done in the two-  
6 month period before our contract ended that we  
7 could put in place as a document, and then the  
8 next contractor could seamlessly pick it up  
9 and go on from there, which is what we're  
10 doing. And now we have, on those three sites  
11 that we're calling the paper study, Santa  
12 Susana, Savannah River Construction, and one  
13 more, oh the other one, Pantex. We did put  
14 these studies out, paper studies. But I agree  
15 with you, in retrospect I think we would be  
16 better off if we did the full blown job,  
17 rather than come out with a paper study. I  
18 don't think we're going to run into the  
19 circumstance again.

20 MR. KATZ: Right. Okay.

21 CHAIR GIBSON: This is a setup we  
22 first talked to SC&A about, but I still

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1 believe that this issue, before we would  
2 recommend SC&A and NIOSH to get together  
3 offline and completely address this issue, or  
4 discuss this issue, that we should at least  
5 make the board aware of this whole potential  
6 problem, just because, you know, I feel they  
7 all -- all board members have the right to  
8 weigh in, and not just these working groups.

9 MR. KATZ: I concur. What I meant  
10 is, I mean if John and I have to talk offline,  
11 and if we need to bring in OCAS, too, to talk  
12 offline, but we just need to clarify what it  
13 is we're talking about. Because to me, from  
14 this general discussion, it is not clear  
15 exactly what the root of the matter is, and  
16 the board has issues to deal with, absolutely,  
17 but we need to put this up before them,  
18 though, in a way that's clear so that they  
19 understand where the problem lies.

20 CHAIR GIBSON: A lot of it may fall on  
21 other working groups, and some of it may fall  
22 back into this working group. But I think

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1 it's certainly larger than this working group.

2 MR. ELLIOTT: Can I offer, I hope,  
3 a concise statement of the issue as I see it,  
4 and maybe ask Kathy to either verify that I've  
5 got it right, or embellish it if she feels the  
6 need to? But the issue as I see it is that,  
7 when NIOSH and its contractors are pursuing a  
8 line of inquiry at a DOE site, and we're  
9 walking down the trail with SC&A pursuing the  
10 same line of inquiry, it gets confused in a  
11 way as to who has the priority. This is going  
12 back to Kathy's comment that they're getting  
13 short-changed, or they're not getting the due  
14 diligence that their request needs, or that  
15 theirs is put on the back of the burner, on  
16 the back of the stove, or even falls off the  
17 stove, who knows. But you know, I think  
18 that's the issue, as I see it. You know --

19 MR. KATZ: But, well go ahead.

20 MS. ROBERTSON-DEMERS: Well, it's  
21 very difficult to review something that's not  
22 been finalized, and that impacts how you look

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1 through the records and interview people.

2 MR. KATZ: Right, and so what I'm  
3 saying about this is, it's not clear to me  
4 from this general discussion why SC&A would be  
5 walking down the path at the same time as  
6 OCAS, is what I am saying. So I understand  
7 that -- how that would be a problem. I don't  
8 understand why we're in that situation,  
9 really, versus SC&A having before them a  
10 product to evaluate, versus trying to evaluate  
11 a situation while you yourselves at OCAS are  
12 evaluating that same situation. It's unclear  
13 to me what --

14 MS. ROBERTSON-DEMERS: Can I give  
15 them an example?

16 MR. MAURO: Can I add a comment on  
17 that? I think what Genesis was -- I think  
18 it's more an SEC issue than it is a site  
19 profile issue, and I'll explain what I mean by  
20 that. Very often SC&A -- our review of site  
21 profiles is very clean right now. By that I  
22 mean we are authorized to review a site

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1 profile, and we go down that road, and we put  
2 out our independent, standalone, complete  
3 product in accordance with all of our  
4 procedures. When we got to the stage -- let's  
5 say we were then authorized, okay, there is an  
6 SEC -- let's talk, Hanford, perfect example.  
7 We put out a site profile review on Hanford.  
8 Then there is an SEC petition, and the first  
9 step that we always do is identify, amongst  
10 all of the various issues that we've  
11 identified in the site profile, which ones  
12 clearly and unambiguously at this point in  
13 time cross over the bridge and continue to be  
14 SEC issues? And we do the best we can,  
15 because we cull down the ones that we think  
16 are really fundamental. And that usually goes  
17 to data completeness and data integrity. And  
18 that becomes the front-burner issue. Do we  
19 have sufficient data to understand the  
20 neutron-to-proton ratio. So right off the  
21 bat, that issue becomes a front-burner issue  
22 for the SEC petition. A work group meeting is

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1 held, and very often what happens there at the  
2 work group meeting is -- let's now start the  
3 SEC process, not as a standalone separate  
4 report where SC&A said, okay SC&A, go out and  
5 do your independent review of the evaluation  
6 report with all the site interviews, etc.  
7 What really happens then is the work group  
8 says, okay here's an issue. Neutron-to-proton  
9 ratios are very important. We would like both  
10 organizations to continue those  
11 investigations. And what we find ourselves  
12 doing is together moving down this path, and  
13 especially now with the new protocols, really  
14 moving down the path together. And I think  
15 it's an outcome of the intention of  
16 expeditiously addressing issues on the SEC.  
17 There's so much pressure to get an SEC  
18 decision out as quickly as possible, and I  
19 think as a result of that we find ourselves  
20 moving this thing together. In a perfect  
21 world, you know, we would just sit tight and  
22 let all, after the evaluation report comes out

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1 and is completed, then SC&A would be  
2 authorized to do a full-blown review of the  
3 evaluation report, etc., and put out a  
4 separate product. That's the way it was  
5 originally intended. But I think what  
6 happened along the way in order to expedite  
7 the process, so we don't -- it's not  
8 protracted, we are actually moving down the  
9 path together on lots of these issues. And I  
10 think it was an unintended consequence of  
11 expediting the ability to get information  
12 before the board as quickly as possible so  
13 that they could vote on a particular matter.  
14 And we find ourselves in this very unusual  
15 place right now.

16 MR. KATZ: Kathy, you wanted to --  
17 did you have something to -- ?

18 MS. ROBERTSON-DEMERS: Well, I was  
19 going to give you an example, because there is  
20 a slight different element to this, also.  
21 NIOSH and ORAU have made several box pulls at  
22 Hanford, and they have invited us to come look

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1 at those boxes. And part of the reason that  
2 they have done that is because DOE does not  
3 want to retrieve those boxes twice. They  
4 don't want to have to pull workers out of the  
5 field for interview twice. And so we're put  
6 into that situation, and Hanford doesn't want  
7 to keep those boxes around until --

8 MEMBER MUNN: From a DOE  
9 perspective, that puts everyone at loose ends.

10 MR. HINNEFELD: Yes.

11 MS. ROBERTSON-DEMERS: Right.

12 MR. HINNEFELD: Right. And from an  
13 SC&A standpoint, what are we reviewing? What  
14 should we be looking through these boxes for,  
15 because we don't know what it is we're  
16 reviewing. Is that it? At least part of it?

17 MS. ROBERTSON-DEMERS: Yes. We do  
18 the best we can.

19 MR. HINNEFELD: Yes. But just  
20 because you look good now doesn't preclude the  
21 fact that you may, once you see our product,  
22 may want to go look back at those same boxes.

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1                   MR. ELLIOTT:    Another wrinkle is  
2 when we say, oh, in that box we want document  
3 X, document Y, document 220 and document 580,  
4 that's the only five documents we want out of  
5 that box, they go to the classification  
6 officer for review for release, but SC&A may  
7 want ten more documents in addition to the  
8 ones we've requested.  And they don't want to  
9 send those boxes back.  They don't want to  
10 relieve that derivative classifier from the  
11 duty until SC&A has identified what their  
12 needs are.  So this is -- it's compounded by  
13 this DEO requirement that is placed upon us.

14                   MR. KATZ:    I don't want to derail  
15 this, because this work group really, this  
16 isn't the focus of this work group, and I  
17 don't want to derail it more.  And it was  
18 actually really helpful to hear that point,  
19 and so it at least makes some of the issues  
20 clearer for other groups to address.  Mike, I  
21 will turn the reins back to you.  Sorry for  
22 that tangent.

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1 CHAIR GIBSON: Well, is there any  
2 more comments from anyone in the room, or on  
3 the phone just in general about worker  
4 outreach or work communication?

5 MR. McKEEL: This is Dan McKeel, and  
6 I have a comment.

7 CHAIR GIBSON: Sure, go ahead Dan.

8 MR. McKEEL: I understand that the  
9 issue of the DOE new requirements related to  
10 security are not exactly the purview of the  
11 outreach meeting, but since the discussion  
12 came up, I do have to throw in my two cents'  
13 worth, and that is that it certainly would be  
14 helpful to the advocate, the petitioner and  
15 the public if somebody at NIOSH in particular  
16 I think would be appropriate, Mr. Katz maybe,  
17 could make it clear to us why it is that seven  
18 to eight years into the program, and almost  
19 eight years after 9/11, why are we getting all  
20 of this sudden interest in security access  
21 from the Department of Energy? And it's just  
22 not clear at all. But the other thing is I

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1 just cannot -- I mean I think it requires some  
2 explanation why these repeated Department of  
3 Energy reviews are so readily accepted as  
4 being necessary by NIOSH and by HHS, and I  
5 mean, that's not clear to me at all. It seems  
6 like they've made a request, to me, a quite  
7 unreasonable request, without much additional  
8 explanation, and yet nobody even seems to be  
9 questioning their right to do this. I mean,  
10 they are requiring all sorts of new procedures  
11 that definitely slow down the process.  
12 Department of Energy already -- I mean, I know  
13 everybody is trying to be collegial, but  
14 they've already been indicted in one sense in  
15 the EEOICPA by having Part B taken away from  
16 them because of the slow way that they've  
17 performed their job. And a lot of us think  
18 that they are still foot dragging mightily.  
19 So I just make a plea that the public, the  
20 advocate, the SEC petitioners, we don't  
21 understand why all of this is necessary. I  
22 don't think this is the forum to go into it.

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1 But if there are communications from this work  
2 group meeting to the full board and back home  
3 at CDC and HHS, I sure wish that explanation  
4 would be forthcoming. Thank you very much.

5 MR. KATZ: Thank you Dan, and you  
6 know, I'm sure there will be plenty of  
7 discussion when the security matters get  
8 placed before the board, whenever that time  
9 is, I think there will probably be a very full  
10 discussion about some of these issues.

11 MR. ELLIOTT: There's been  
12 explanations given as to why we are going in  
13 this direction. You can find those on the  
14 transcripts of the advisory board meetings for  
15 I believe the last three meetings. But  
16 essentially what is going on here is, as I  
17 said earlier in this meeting, DOE has the  
18 prime authority and responsibility to protect  
19 national security based information, which  
20 also includes official use only and  
21 unclassified nuclear control information. And  
22 we, in our responsibilities within HHS, do not

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1 have the ability, nor do we have the  
2 infrastructure, to maintain or protect that  
3 kind of information. So we operate in an  
4 environment where we are given information  
5 from the Department of Energy, as the  
6 Executive Order requires them to do, for use  
7 in our responsibilities here. And we have to  
8 take it on face value that that information is  
9 cleared for our use, is not of a sensitive  
10 nature unless it is so marked UNCI or OUO, and  
11 we will have to protect it in accordance with  
12 these policies and procedures that you will  
13 see forthcoming.

14 MR. McKEEL: I understand all of  
15 that, I think, perfectly well. What I don't  
16 understand is the timing in late 2008 and 2009  
17 that just doesn't -- from everything I know  
18 about our country and national security and  
19 all that, the timing of this doesn't make any  
20 sense. And let's just let it go.

21 MR. ELLIOTT: I don't know what to  
22 say about the timing. In 200- --

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1                   MR. McKEEL: Well, it hasn't been  
2 explained, let's put it that way.

3                   MR. ELLIOTT: In the late 1990s,  
4 DOE made a massive effort to release  
5 information that before was classified. Then  
6 in 2000 and 2002, they started tightening up.

7                   And then in certain -- you can look back in  
8 certain points in times where the loss of a  
9 laptop, or the loss of a hard drive situation,  
10 or data files from a site were found to be in  
11 the public arena where they weren't supposed  
12 to be, that has resulted in renewed interest  
13 to protect this information, and maintain it  
14 properly.

15                   MR. McKEEL: But we also are well  
16 aware that the Bush Administration has  
17 quintupled the amount of data that's been  
18 reclassified. So I understand the general  
19 trends that are going on. Maybe that's all we  
20 need to say for today.

21                   MR. ELLIOTT: That's all I can say  
22 about it.

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1 CHAIR GIBSON: Okay, thanks Dan.  
2 You know, we do understand the concern of you  
3 and the workers, and I share a lot of those  
4 concerns. It does, in my personal opinion,  
5 not as a board member, seems late in the game  
6 for DOE to be throwing up what appears to be  
7 road blocks. But again, that will be for  
8 another venue.

9 Okay, anything else as far as  
10 communications, worker outreach?

11 MR. KATZ: Do you -- Mike, do you  
12 want to sort of clarify the scope questions  
13 that you'd want to bring back to the board, if  
14 you want to do that?

15 CHAIR GIBSON: That's what I was  
16 getting ready to try to kind of wind things up  
17 here. I think we need to develop a question  
18 type to the board of what was the intent of  
19 their scope when the board passed the motion  
20 to establish this work group. And I think we  
21 could probably develop a fairly simple  
22 question in that order. I think it probably

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1 would help if -- Larry, if you or your staff  
2 could maybe -- but the different types of  
3 databases that communication which claimant  
4 stuff is filed in so that we could have at  
5 least a list of all those databases to present  
6 with our questions to the full board, so they  
7 could understand the --

8 MR. HINNEFELD: We should volunteer  
9 it, but we don't have to anymore.

10 MR. KATZ: I don't know if this  
11 will be helpful, Mike, but I just sort of  
12 jotted down the different kinds of activities  
13 beyond the one that's sort of formally defined  
14 here as outreach, as the way Larry and company  
15 have described it, but maybe that would be  
16 helpful. Do you want me to just reiterate  
17 these different activities that may or may not  
18 come within the scope?

19 CHAIR GIBSON: Sure.

20 MR. KATZ: As a way of framing  
21 this? So the one that sounds like it's  
22 already covered in the heart of it is the

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1 classic outreach activities that OCAS does,  
2 and those have sort of two purposes. One to  
3 inform and educate, but also to collect  
4 information as well needed for site profiles  
5 or SECs, and also I assume then as part of  
6 that to identify site experts who may not be  
7 identified yet. So that's sort of the heart,  
8 sort of clearly covered under the scope you  
9 have already.

10 Then other things we talked about  
11 here that are slightly tangential. One is  
12 site profile and SEC interviews. That  
13 process, which it's not clear to me whether  
14 they are considered within that outreach  
15 activity or tangential to it, and then there  
16 is a second other areas. Interactions with  
17 petitioners and claimants during the  
18 consideration of their claims, or during the  
19 consideration of a petition, in case you had  
20 some lack of clarity as to whether that's  
21 covered. And the third activity is assistance  
22 to petitioners and claimants to facilitate the

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1 process, and we've talked about, for example,  
2 Denise Brock and Laurie Breyer's activities  
3 and so on, and whether that's also considered  
4 part of outreach in a more general sense than  
5 was clearly defined by the board in charge.  
6 Those were the ones, anyway, that I wrote  
7 down.

8 MR. ELLIOTT: Does a workshop fit  
9 in number one or number two?

10 MR. KATZ: Which kind of workshop  
11 are you talking about?

12 MS. ROBERTSON-DEMERS: The March --

13 MR. ELLIOTT: The one where we  
14 invite interested parties to come and work  
15 through a session with us on what it takes to  
16 process a petition. How do you file a  
17 petition? That's the last --

18 MR. KATZ: That's part of the  
19 assistance.

20 MR. ELLIOTT: Dose reconstruction,  
21 we give them a tutorial on how we do dose  
22 reconstruction, those kind of things.

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1                   MR. HINNEFELD:    I think it's a  
2 combination. I think you will find activities  
3 that will fill more than one of these. If you  
4 are looking at these as purposes of what is  
5 accomplished, for instance, assistance and  
6 informing would both be accomplished.

7                   MR. KATZ:        Right, so would fall  
8 already, I think, in the scope when you are  
9 running a workshop. I think that's clearly  
10 covered.

11                  CHAIR GIBSON: The assistance thing  
12 you talked about before, I would call them  
13 probably one of two parts. One that we talked  
14 about where they kind of overlap sometimes.

15                  MEMBER BEACH:        Would it be  
16 appropriate to request SC&A to review the new  
17 Procedure 012 when it comes available, or is  
18 that something we would have to wait until it  
19 actually hit the street?

20                  MEMBER MUNN:        I think it's  
21 premature, myself.

22                  MR. ELLIOTT:    I think you're going

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1 to review it anyway when it hits the street.  
2 But it's not going to hit the street until  
3 it's ready.

4 MR. HINNEFELD: What typically has  
5 happened is it's essentially part of our  
6 response to findings. You know, like these  
7 findings, any finding we said we are going to  
8 fix this in the procedure, that's going to be  
9 in abeyance in the database. And so that will  
10 stay there until whichever work group, now  
11 this would be for the board to decide which  
12 work group's going to do this, whichever work  
13 group then is going to take care of these  
14 things once our procedure is out, and we say  
15 this is the fix for this finding, then  
16 normally the work group weighs in on whether  
17 they feel like that's an appropriate fix for  
18 that finding. And if so, then they could go  
19 from abeyance to closed. So that's what would  
20 happen there, and so as part of that, I mean  
21 they sort of get that second, that review of  
22 the new procedure.

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1                   MEMBER BEACH:     Would this work  
2                   group get it, or would the procedures work  
3                   group get it, and then would we have to make  
4                   that determination at that time if it would  
5                   filter back here?

6                   CHAIR GIBSON:    I think the board  
7                   would have to make that decision.  But I mean  
8                   it's -- I would make the case that it would be  
9                   the responsibility of this working group,  
10                  since it directly has to do with worker  
11                  outreach.  I don't know.  Wanda may have a  
12                  different opinion, but --

13                  MEMBER MUNN:   Well if you think I'm  
14                  going to argue that it should come to  
15                  procedures --

16                  (Laughter.)

17                  MEMBER MUNN:   -- you may be pushing  
18                  my limits here, although I don't see how it  
19                  would fail to come through procedures if it  
20                  were, in fact, a closure mechanism for our in  
21                  abeyance activities from PROC-097.

22                  MR. ELLIOTT:    Just transfer those

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1 findings to outreach. Transfer all the  
2 findings to worker outreach, and be done with  
3 it.

4 MEMBER MUNN: All abeyances go to  
5 worker outreach, all right.

6 MR. ELLIOTT: We will issue  
7 Procedure 012, OCAS Procedure 012. That will  
8 -- it will be posted on our website, and you  
9 all, the board will get a notice that it's now  
10 a living document on our website and is in  
11 use. And at that juncture, I would suspect  
12 there's going to be people on this work group  
13 and people on Ms. Munn's procedures work group  
14 that are going to be quick to raise their hand  
15 and say, here's a new procedure, we got to  
16 look at it.

17 MEMBER BEACH: And 010, as well?

18 MR. ELLIOTT: Pardon me?

19 MEMBER BEACH: Procedure 010, also?

20 MR. ELLIOTT: Oh, sure.

21 MEMBER BEACH: Yes, okay.

22 MR. ELLIOTT: That's going with the

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1 package of security plan and procedures.

2 MEMBER BEACH: Right.

3 MR. MAURO: If I could jump in, if  
4 we're talking about this new procedure as  
5 being a continuation of the closeout process  
6 for, I guess it's 097, the implications are  
7 that, okay, reviewing that procedure is part  
8 and parcel of the continuation of what we've  
9 been doing under Wanda's group.

10 MEMBER MUNN: Yes.

11 MR. MAURO: If it turned out that  
12 this is the review of the new procedure, that  
13 usually, new procedure reviews are usually  
14 authorized by the full board.

15 MEMBER MUNN: Yes.

16 MR. MAURO: And not by the work  
17 group. So we're in an interesting situation  
18 in terms of, if it's going to be an  
19 independent new review of a procedure, the  
20 entire procedure, then I think that's  
21 something the board has to authorize under our  
22 contract. Now if it turns out it's just a

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1 review of, continuation of a review of the  
2 issues that were raised in 097, then I think  
3 the work group certainly can direct the  
4 procedure. So an interesting judgment needs  
5 to be made here. And I look to really, if  
6 this was me, I'd look to the -- Ted, maybe you  
7 could help us with this.

8 MEMBER MUNN: Well, we have  
9 precedence with respect to your first comment  
10 about whether this is simply closing out and  
11 responding to the issues that were raised in  
12 097. If that turns out to be the case, and we  
13 certainly can't pre-judge that, not having  
14 seen the procedure yet, then there may be  
15 adequate justification for you to address it  
16 as we have done in the past as a simple  
17 closure and extension of the original  
18 procedures that you were charged with  
19 following through. If, however, there are  
20 significant other issues or concerns that are  
21 addressed in the new procedure, then I would  
22 agree with you it needs to go to the board for

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1 specific instruction to have SC&A review it.  
2 I don't think we can tell until we see the  
3 procedure, can we?

4 MR. MAURO: I think the same way  
5 you do, Wanda.

6 MEMBER MUNN: I don't think we can  
7 judge it until we see the procedure. I wrote  
8 three items of potential action down, if you  
9 would like to hear them.

10 CHAIR GIBSON: Sure.

11 MEMBER MUNN: I had indicated on my  
12 own notes here that the preliminary statistics  
13 that Kathy had put together were going to be  
14 looked at by NIOSH and SC&A to see (1) if  
15 these were significant and (2) if they are --  
16 I mean, do they really tell us anything that  
17 we need to know? We haven't decided inside  
18 this group whether we do need to know how  
19 effective our actions have been. That was a  
20 question that was raised earlier, but I don't  
21 think we fully addressed that. But we're  
22 going to take a look at what Kathy had put

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1 together to see if that comes close to  
2 addressing the concern.

3 MR. ELLIOTT: Wait a minute. On  
4 that, I didn't see it. I know Stu looked at  
5 it briefly, but it was a table of sites.

6 MR. HINNEFELD: Sites, claim  
7 numbers, whether it had the site profile,  
8 whether worker outreach has been done, and  
9 there are some other data fields in there.

10 MEMBER MUNN: Yes, what we've done,  
11 yes. And a beginning point for, do we need  
12 statistics of this sort? Are they helpful?  
13 Do they tell us anything about how effective  
14 the program has been? And if we don't need  
15 it, say so. If we do need it, then that was  
16 my understanding that SC&A and NIOSH were  
17 going to take a look at them and discuss  
18 whether it is of value.

19 MR. ELLIOTT: Well let me just, you  
20 know, Stu and J. J. may have studied this, or  
21 Mark, I don't know. They certainly have had  
22 an opportunity, more than I have, but I guess

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1 looking at this, there's a premise here that  
2 we need to do something at every site.

3 MS. ROBERTSON-DEMERS: No, I  
4 wouldn't say that.

5 MR. ELLIOTT: Okay.

6 MS. ROBERTSON-DEMERS: We've done a  
7 lot of sites that have one claim, and you've  
8 got to weigh whether that's worthwhile to do  
9 that.

10 MR. ELLIOTT: I understand. Well  
11 in this context, I would say it doesn't come  
12 so much to NIOSH to weigh in on whether this  
13 is useful for you, the working group, as much  
14 as it is the working group. So you know, I  
15 can look at this, and you know, Stu and others  
16 may have opinions about it, but I don't know,  
17 I don't know what we would make of this.

18 MEMBER MUNN: Well the basic  
19 question remains, do we have any interest in  
20 attempting to evaluate the effectiveness of  
21 the worker outreach program as it exists?  
22 That's the basic question. If we do, how are

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1 we going to do that? What Kathy has presented  
2 to us here is her initial effort at an attempt  
3 to get a handle on what we actually have  
4 completed.

5 MR. ELLIOTT: It seems like that  
6 might provide -- yes, I support that.

7 MEMBER MUNN: That follows into  
8 this question, so SC&A and NIOSH were, I  
9 thought, going to take a look at it to see, is  
10 this getting us where we need to be, or is it  
11 helping to get us where we need to be? If  
12 not, then what tactic should we take?

13 MR. MAURO: To me it's just a  
14 history. It's a history of what's been done  
15 and at what sites.

16 MEMBER MUNN: Well, and you have to  
17 start with a history.

18 MEMBER BEACH: Right.

19 MEMBER MUNN: Or else you can't  
20 evaluate. So we're back to the basic  
21 question, do we need an evaluation of  
22 effectiveness, because we need to start

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1 somewhere if we're going to do it.

2 MR. ELLIOTT: Certainly, I don't  
3 disagree with that. And just based on casual  
4 review, this looks like that's a good starting  
5 point to give you a basic understanding of  
6 where our outreach efforts have been, and  
7 where they have not been. But I would suggest  
8 that you need some measure of effectiveness.

9 MEMBER MUNN: Yes. Absolutely.

10 MR. ELLIOTT: Because if the  
11 measure of effectiveness is you need to go to  
12 all sites where you've got 20 or more claims -  
13 -

14 MEMBER MUNN: No.

15 MR. ELLIOTT: -- and do an outreach  
16 effort, then I'm going to tell you right now,  
17 we've already failed.

18 MEMBER MUNN: No, no.

19 MR. ELLIOTT: If the measure of  
20 effectiveness is where we have a given site  
21 situation, has NIOSH and its contractors  
22 performed an adequate outreach effort? That's

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1 a whole different analysis that can be done.

2 MEMBER MUNN: Yes, it is.

3 MR. ELLIOTT: Okay? And the  
4 outcome of that will be perhaps mixed,  
5 depending upon which and how many sites you  
6 look at.

7 MEMBER MUNN: And it may be an  
8 additional step that needs to be taken with  
9 respect to circulating among a few of the  
10 claimants a survey sheet. Do you feel you've  
11 had adequate response? And that may be all we  
12 need to do. But it would be a tool to get  
13 some feel for whether or not the public that  
14 we are attempting to serve feels that we  
15 served them.

16 MR. ELLIOTT: We need approvals on  
17 surveys.

18 MEMBER BEACH: Yes, that's hard,  
19 though.

20 MEMBER MUNN: I realize that.

21 MR. McKEEL: This is Dan. Wanda,  
22 may I make a comment please?

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1 MEMBER MUNN: Yes.

2 MR. McKEEL: Kathy Demers sent me  
3 from SC&A, when they were doing their review,  
4 as one of I think six advocates, just exactly  
5 such a survey as you mentioned, and I remember  
6 mine was several pages long and the response,  
7 and I wondered if anybody ever looked at that.

8 So there should be at least six set surveys  
9 that left the SC&A that you all could look at  
10 and at least get some definite input as to how  
11 effective the NIOSH outreach program had been.

12 So maybe Kathy could help generate those.

13 MEMBER MUNN: That's what we're  
14 trying to define. Thank you, Dan. We're  
15 trying to define what we've done, and whether  
16 that gives us the information we need. At  
17 least that's what I thought we had discussed  
18 earlier.

19 CHAIR GIBSON: And I think, you  
20 know, that Kathy can, if she can distribute  
21 that to the work group, you know, we can look  
22 to that and see if that's the starting point,

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1 and look through the history and stuff. But  
2 you know, I think your point's well taken,  
3 Wanda, but we need to leave this question on  
4 the table, but I don't think we're to the  
5 point where we can, at this point, actually  
6 define -- I think there has to be some  
7 measurements and some metrics and stuff  
8 memorialized, but I think it's still a little  
9 early.

10 MEMBER BEACH: Mike, you have that.

11 It's just part of NIOSH, or in SC&A's report  
12 of 097. It's at the back. So everybody  
13 should have had a chance to look at that.

14 MEMBER MUNN: It's just an action  
15 item.

16 CHAIR GIBSON: Yes, absolutely.

17 MEMBER MUNN: The second action  
18 item that I had was that I thought that Vern  
19 had indicated that it would be doable for ATL  
20 to compile a list of their activities. We had  
21 discussed that as a possibility, as well. And  
22 that is another set of data that needs to be

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1 incorporated into the effectiveness question  
2 if we are going to address that at some  
3 juncture later.

4 And the final item that I had as  
5 action was one Ted touched on a little  
6 earlier. What I wrote was goal definitions to  
7 the full board. We were still discussing  
8 goals, and what our real charter is going to  
9 be. I have to repeat what I said earlier.  
10 History tells us that just throwing an open  
11 question like that out to the full board is  
12 not very productive. It seems to work much  
13 more effectively if there's a straw man for  
14 the board to look at. If we feel that the  
15 charter that's been stated is incomplete, then  
16 it would be my suggestion that we attempt to  
17 undertake incorporation of several of the  
18 items that you mentioned, Ted. And if we feel  
19 that it needs to be broader, at least list  
20 those items in some fashion if we're going to  
21 present it to the board, because these kinds  
22 of discussions with that many people get to be

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1 pretty cumbersome.

2 CHAIR GIBSON: Right. So that's  
3 where I wanted, once we get the list from  
4 NIOSH of the various forms of worker outreach  
5 and communication, of which - not necessarily  
6 which database they're in, but I think that's  
7 how you describe them - that will at least  
8 give us a set of communications to set before  
9 the board, and say here's the type of issues  
10 we're talking about. Is our scope with all  
11 this just worker outreach meetings, or -- and  
12 once they've established what their intent was  
13 for our scope, then I think we can do the  
14 review of the history and everything else to  
15 better try to, as a work group itself, set  
16 forth what we're going to measure against.

17 MEMBER MUNN: That's good.

18 MS. ROBERTSON-DEMERS: Can I make a  
19 clarification on this history?

20 CHAIR GIBSON: Yes.

21 MS. ROBERTSON-DEMERS: I know that  
22 there have been meetings that have occurred

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1 that are not on this list, but it was based  
2 upon WISPER, and going on the O: drive, and  
3 looking specifically for meetings, and then  
4 going on the NIOSH website. So this is what's  
5 available right now.

6 CHAIR GIBSON: Okay.

7 MR. KATZ: I mean, I think that  
8 limitation's okay because -- I mean I think  
9 what you're kind of trying to come up with at  
10 this point is, generically, what are your  
11 evaluation questions? And so this is really  
12 just stimulation for what are the proper  
13 questions. So I don't think the fact that  
14 WISPER is limited in whatever findings is  
15 going to cause you any trouble. I mean I  
16 would suggest that, just to make the next work  
17 group meeting productive, probably the work  
18 group members need to start coming up with  
19 actually thoughts about evaluation questions  
20 and so on so that sort of groundwork has  
21 developed before, and I don't know whether you  
22 want to charge SC&A with helping with, or sort

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1 of do that spade work. But I think if you  
2 don't do that work -- I mean, it's very hard  
3 to do that kind of thinking in this kind of  
4 work group setting. You may want to do the  
5 initial thinking individually among the work  
6 group members -- what do our evaluation  
7 questions need to be, and then from that,  
8 think the next step how do you measure that.  
9 Think about that separately, and then you can  
10 bring that together in the next work group  
11 meeting. And again like I said, if you need  
12 SC&A to help you with that, you can task them  
13 to some extent to help you with that ground  
14 work.

15 CHAIR GIBSON: We're sure open to  
16 it. But again, until we really get the exact  
17 scope, the depth and breadth of the work  
18 group's responsibility charged from the board,  
19 it's hard to start with evaluation questions,  
20 because it's going to be different depending  
21 on a broad scope or just a very narrow worker  
22 outreach scope.

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1 MS. BREYER: The audience is going  
2 to be the most important part of any kind of  
3 evaluation.

4 MR. KATZ: I'm sorry, John?

5 MR. MAURO: Yes, when we last, when  
6 SC&A was last tasked to look into outreach  
7 matters, it was when we reviewed those  
8 procedures, 090, 094 and 097, and it was done  
9 under the procedures work group, and it was  
10 very clean. What I mean by that is, it was a  
11 set of procedures, and we were asked to review  
12 them with respect to their completeness, their  
13 clarity. In fact, we actually have procedures  
14 that we use to review procedures. And we did  
15 that. And we also, as part of the mandate in  
16 reviewing those procedures, was to actually  
17 sit in on some, I believe closeout interviews,  
18 and review the degree to which those, the  
19 implementation of the procedure, was in accord  
20 with the procedure. In other words, it was  
21 fairly regimented. I think Arjun and Kathy  
22 were key to that, and a lot of the findings

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1 that you discussed earlier today came out of  
2 that activity. We're in effect now talking  
3 about, I guess a follow -- I'm not too sure of  
4 how what we're talking about now is different  
5 than what we did before. See now we don't  
6 actually, we're not really talking about a  
7 particular procedure that we're going to be  
8 reviewing on behalf of the board or the work  
9 group. It's more of an amorphous kind of  
10 discussion as to the kinds of records that are  
11 kept and their completeness, whether or not --  
12 and how do you measure their effectiveness.  
13 So I mean I'm a little at a loss of what the  
14 action item might be.

15 CHAIR GIBSON: Just -- right now,  
16 just draft input if you have any. Don't take  
17 any extra, additional items or anything like  
18 that. Just if you had some, you know, Kathy  
19 or Arjun or some of your team had some draft  
20 ideas for this work group, just submit them to  
21 the work group in an informal email.

22 MR. MAURO: Okay, that's helpful,

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1 because it makes the scope a little narrower.

2 Very good. We can take care of that.

3 CHAIR GIBSON: Okay. Is there  
4 anything else? So if the members of the work  
5 group -- we can just start thinking of some  
6 ideas, and if OCAS has the opportunity to  
7 forward to us the different types of  
8 communications that are filed in the database,  
9 I'll put together a draft question for the  
10 board. I'll submit it to the work group  
11 members, and we'll have that finalized the 29<sup>th</sup>  
12 to submit to the board in the February  
13 meeting, and then hopefully, shortly  
14 thereafter, we can have a little more ground  
15 rules established, and see if we can't come up  
16 with some of these metrics and stuff on which  
17 to start building off. Does that sound  
18 acceptable?

19 MEMBER MUNN: Yes.

20 CHAIR GIBSON: Larry?

21 MR. ELLIOTT: I would offer, as an  
22 open invitation to any of the board members,

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1 when you're here in Cincinnati for another  
2 work group meeting, if you'd like to come over  
3 to our offices and view the new database  
4 that's being, has been developed before you  
5 can actually see it from your own, from your  
6 laptop that NIOSH is going to issue you, if  
7 you want to get an advanced look-see at this  
8 when you're in town, or you want to schedule  
9 one of your future work group sessions to  
10 include this kind of a thing, we can  
11 accommodate that. It might get us a leg up on  
12 looking at it before we can go with access to  
13 the firewall.

14 MEMBER MUNN: Do you provide  
15 chauffeur service?

16 MR. ELLIOTT: Well, I think we  
17 could probably look into that.

18 MR. ELLIOTT: We can look into that  
19 for sure.

20 MEMBER MUNN: Thank you.

21 MEMBER BEACH: I think that would  
22 be beneficial for this work group to see that

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1 for sure.

2 MS. ROBERTSON-DEMERS: And one  
3 other suggestion I would have in order to  
4 develop these goals is to actually sit on a  
5 worker outreach meeting.

6 CHAIR GIBSON: You haven't been to  
7 one, Kathy?

8 MS. ROBERTSON-DEMERS: I have not.  
9 Well, a smaller group meeting.

10 CHAIR GIBSON: Okay.

11 MS. ROBERTSON-DEMERS: But not one  
12 organized by ATL.

13 MR. McDOUGALL: SC&A has never been  
14 to anything that we set up.

15 MS. BREYER: We have been to the  
16 SEC evaluation for Hanford.

17 MR. McDOUGALL: We didn't set up the  
18 Hanford.

19 MS. ROBERTSON-DEMERS: I think you  
20 did some contacts for Hanford.

21 MR. McDOUGALL: We were between  
22 contracts when Hanford took place.

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1 MS. BREYER: Right.

2 MS. ROBERTSON-DEMERS: I believe we  
3 actually went to Bethlehem Steel, but that's  
4 the only one that comes to mind.

5 CHAIR GIBSON: If you're going to  
6 be, you know, the point of contact for SC&A  
7 for this work group, you know, I don't see any  
8 reason why Kathy couldn't go along.

9 MR. KATZ: Absolutely.

10 MR. ELLIOTT: No, of course. We  
11 put out there on the calendar these events,  
12 and the board members are welcome to attend  
13 those. SC&A can attend them for their  
14 appropriate tasks.

15 CHAIR GIBSON: John, would that be  
16 okay with you?

17 MR. MAURO: Yes, that's fine.  
18 Attending the meetings, that would be a --  
19 think of it like this. Attending those  
20 meetings would give us a baseline of what's  
21 going on. I don't know if we actually come  
22 out with any kind of reports until we refer

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1 the task. That is, for example, in the past,  
2 as I mentioned earlier, when we were actually  
3 tasked to sit in on a number of closeout  
4 meetings, for example, where we -- part of our  
5 deliverable was to report on that. In this  
6 case, it sounds like that SC&A will just join  
7 in on some of these meetings whether they  
8 were, you know, information -- whether NIOSH  
9 is providing information or gathering  
10 information, but I don't know. Is there  
11 anything that you would like us to deliver to  
12 the work group as a result of participating in  
13 those meetings by way of an action item?

14 CHAIR GIBSON: Not at this point.  
15 Just to gain experience and see the process.

16 MR. MAURO: That's fine. That's  
17 certainly within our budget and scope, and we  
18 can do that, sure.

19 CHAIR GIBSON: Okay.

20 MR. ELLIOTT: We would just ask  
21 that you remind yourself of the purpose of a  
22 given meeting. There are, as I tried to

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1 explain to you at the start of this session  
2 today, there are various purposes that would  
3 call for that meeting. And so, you know, you  
4 may want to look at it that way, that a town  
5 hall meeting is something you haven't seen and  
6 you want to go see. And if it's a focus group  
7 or a small session with three or four workers  
8 looking at a particular issue on a site, and  
9 it's going to an evaluation of a class, or  
10 it's going to the development of a site  
11 profile related issue, just keep that in mind,  
12 that's the purpose behind it. Or if it's an  
13 SEC petition outreach effort, that's going to  
14 be different than the other two that I've just  
15 described. If it's a workshop like we're  
16 going to have in March, that's going to be an  
17 entirely different purpose and scenario in and  
18 of itself. So keep in mind the purpose behind  
19 the meeting. Keep in mind who the audience  
20 is, and if you're there as observers, please  
21 be there as observers and don't, in that  
22 regard, please try not to interfere with the

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1 process that we tried to establish in these  
2 meetings, because it can derail us. If you're  
3 there and you ask questions about, why aren't  
4 there more people involved in this, then that  
5 derails the purpose of the meeting.

6 MS. ROBERTSON-DEMERS: I would  
7 suggest that it be an information-gathering  
8 meeting.

9 MR. ELLIOTT: Your purpose in  
10 attending?

11 MR. HINNEFELD: Well actually what  
12 she means is the meeting where we're trying to  
13 gather information, as opposed to where we're  
14 presenting it.

15 MS. ROBERTSON-DEMERS: Right.

16 MR. MAURO: It occurred to me, it's  
17 my understanding that you would be extending  
18 to SC&A, and I guess to the work group and the  
19 board members to come and watch, and we  
20 understand that, and respect the fact that we  
21 are just observers.

22 CHAIR GIBSON: Okay, is there

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1 anything else? Before we adjourn, any other  
2 comments from the phone? Thanks a lot. Then  
3 we're adjourned for today.

4 (Whereupon, the foregoing meeting  
5 was concluded at 3:03 p.m.)

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