

UNITED STATES OF AMERICA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION

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NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY
AND HEALTH
ADVISORY BOARD ON RADIATION
AND WORKER HEALTH

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BOARD SECURITY PLAN DEVELOPMENT WORK GROUP

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TUESDAY, APRIL 21, 2009

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The workgroup convened in the
Zurich Room of the Cincinnati Airport Marriot,
Hebron, Kentucky at 9:30 a.m., Bradley P.
Clawson, Chairman, presiding.

PRESENT:

BRADLEY P. CLAWSON, Chairman

JOSIE M. BEACH, Member

ROBERT W. PRESLEY, Member

THEODORE M. KATZ, Acting Designated Federal
Official

IDENTIFIED PARTICIPANTS:

TED KATZ, Designated Federal Official

GRADY CALHOUN, NIOSH ORAU*

MARK ROLFES, NIOSH ORAU*

LARRY ELLIOTT, NIOSH ORAU

JOHN MAURO, SC&A

JOE FITZGERALD, SC&A

ARJUN MAKHIJANI, SC&A

KATHY ROBERTSON-DEMERS, SC&A*

NANCY JOHNSON SC&A*

STEVE OSTROW, SC&A*

NANCY ADAMS, NIOSH Contractor*

ROY LLOYD, HHS*

EMILY HOWELL, HHS

TERRIE BARRIE, ANWAG*

*Participating via telephone

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

2 9:30 a.m.

3 MR. KATZ: Good morning. This is
4 the Board of Security Plan Development Work
5 Group of the Advisory Board on Radiation
6 Worker Health. This is the initial and
7 possibly the only meeting of this working
8 group, which will be developing Board
9 procedures for compliance with the DOE
10 security plan for access to records and for
11 review of documents, for classification review
12 of documents by DOE.

13 First off, let's just check on the
14 phone line. Can you hear us, somebody -- on
15 the phone line?

16 MS. JOHNSON: Yes, we can hear you.

17 MR. KATZ: All right, great. I can
18 hear you. Let's do roll call first. We'll
19 start with the Board members in the room.

20 CHAIRMAN CLAWSON: Brad Clawson,
21 working group chair.

22 MEMBER BEACH: Josie Beach, member.

1 MEMBER PRESLEY: Robert Presley,
2 member.

3 MR. KATZ: And on the phone line,
4 do we have any Board members? Okay, I think
5 we're expecting -- Phil Schofield is on this
6 working group to call in shortly. And then for
7 the NIOSH ORAU team in the room?

8 MR. CALHOUN: Grady Calhoun.

9 MR. KATZ: And on the line, do we
10 have anyone from NIOSH ORAU team?

11 MR. ROLFES: Mark Rolfes.

12 MR. KATZ: Welcome, Mark. I think
13 we're expecting Larry Elliot to join us later
14 here in the room later today. And then now,
15 for SC&A, in the room?

16 DR. MAURO: John Mauro, SC&A.

17 MR. FITZGERALD: Joe Fitzgerald,
18 SC&A.

19 DR. MAKHIJANI: Arjun Makhijani,
20 SC&A.

21 MR. KATZ: And on the line, do we
22 have anyone from SC&A?

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

3 MR. KATZ: Hi, Kathy.

4 MS. JOHNSON: Nancy Johnson, SC&A.

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

6 MR. KATZ: Okay, and was there a
7 fourth?

8 Kathy, Steve, Nancy -- was there a
9 fourth from SC&A? Okay.

10 And then, do we have any federal
11 employees on the line? There are none in the
12 room at this point, other federal employees.

13 MR. LLOYD: Roy Lloyd, HHS.

14 MR. KATZ: Welcome, Roy.

15 Okay, I think we're expecting
16 Emily Howell to join us in the room. We'll
17 make note when she comes too. Are there any
18 members of the public on the line who want to
19 identify themselves?

20 MS. BARRIE: This is Terrie Barrie
21 with ANWAG.

22 MR. KATZ: Welcome, Terrie.

1 MS. BARRIE: Good morning.

2 MR. KATZ: That does it for roll
3 call. Let me remind -- I can hear someone
4 breathing on the line. Let me remind everyone
5 on the line to please mute your phones except
6 when you have to speak. If you don't have a
7 mute button, *6 will work, *6.

8 If you disconnect -- if you need
9 to stop listening for awhile, disconnect.
10 Please don't use your hold button. Just hang
11 up and call back in because the hold will
12 disrupt the line.

13 MS. ADAMS: Ted, it's Nancy Adams,
14 NIOSH contractor.

15 MR. KATZ: Thank you, Nancy.
16 Welcome. And then, Brad, it's -- I'll turn it
17 over to you.

18 CHAIRMAN CLAWSON: Well, first of
19 all, we'll kind of go into a little bit of
20 background. Last year, NIOSH developed some
21 procedures for data retrieval and for dealing
22 with classified issues for the Department of

1 Energy and so forth.

2 Further aboard, they felt that it
3 influences sometimes the Board's independence,
4 so we were asked to be able to sit down and
5 write our own procedures for the Board to be
6 able to try to maintain that independence that
7 we have required to be able to do this
8 process, which, with the help of SC&A, we've
9 sat down and basically mirror-imaged what
10 NIOSH's procedures have been, but with just
11 slight changes to them in the data retrieval
12 and so forth. That's what started this.

13 We've had one phone call since
14 then to discuss what we were going to go over
15 and so forth.

16 Since that time, Joe Fitzgerald
17 has helped us with putting together two
18 procedures to be able to do this. They've been
19 sent out to the Board members, but that's
20 about it until we get done with this.

21 I've got some here. I guess I'll
22 turn it kind of over to Joe so that he kind of

1 knows -- he went through the steps of where
2 we're at into this and put some very good
3 explanations at the bottom of the page of what
4 he's doing and why he did that.

5 MR. FITZGERALD: Does everyone have
6 a reference?

7 MEMBER PRESLEY: I've got this one.

8 MR. KATZ: Are these what were
9 distributed to us?

10 MR. FITZGERALD: Yes. This is it.

11 MEMBER BEACH: I've got two right
12 here that I brought. I don't know if you need
13 --

14 MR. CALHOUN: Thank you.

15 MR. FITZGERALD: For
16 clarification's sake -- all right, this is Joe
17 Fitzgerald. For clarification's sake, what
18 we're talking about is a draft that's dated
19 March 9. It's data access interview
20 procedures. It's what we would call the
21 Board's equivalent to PROC-010, which was the
22 data access interview procedures that NIOSH

1 issued January 23, 2009.

2 In support of the Board, what we
3 did essentially was to start with the PROC-010
4 procedure and just review what would be the
5 appropriate corresponding procedure for the
6 Board in support of the work group.

7 So what I want to do -- unless
8 there's any questions. Anyone have any
9 questions about the background of this thing?
10 What I want to do is just sort of walk through
11 the draft that the work group generated and
12 compare it as we go along to some extent with
13 the original PROC-010.

14 The intent was not to re-invent
15 the wheel in this case. I think there was no
16 argument that the procedures that were listed
17 in PROC-010 were certainly appropriate in a
18 lot of cases for the data access of the sites.

19 What we were concerned about, from
20 the standpoint of the workgroup, was the
21 independence of the Board, the Board's
22 function within that procedure. So we focused

1 on that primarily.

2 I'm going to walk through this.

3 For the benefit of the folks on the phone, I'm
4 going to be probably a little bit more
5 explicit than I would be if everybody was just
6 simply looking over the paper here, so you can
7 follow what we're doing.

8 CHAIRMAN CLAWSON: Joe, one thing
9 that I would like to bring up is that during
10 this process, when this was sent out to the
11 Board and so forth, we asked for input into
12 the procedure and so forth, and we did get two
13 responses back. One was from Jim Melius, which
14 I have a copy of his request and some
15 punctuation errors from Dr. Ziemer.

16 But what we wanted to do is start
17 out with the basic procedure that we have. We
18 wanted to do -- in public -- show what the
19 changes were going to be that Dr. Melius
20 wanted and have this on the record, so this
21 will kind of come forth a little bit later.

22 I wanted to let everybody know

1 that it had been out to the Board, that we had
2 requested comments, and we've only received --
3 any issues was with Dr. Melius.

4 MR. KATZ: Just to note, Emily
5 Howell has joined us from HHS general counsel.
6 Also, just to note that this is currently a
7 draft we're discussing that SC&A has drafted.
8 The working group has not yet worked on this
9 draft.

10 MR. FITZGERALD: They have
11 commented on it.

12 MR. KATZ: Yes.

13 MR. FITZGERALD: Okay. Let me just
14 begin with the purpose. Again, this is the
15 March 9 draft of data access interview
16 procedures draft of the working group.

17 What we wanted to focus in on the
18 purpose was to clearly state that it was the
19 procedure for the advisory Board, in terms of
20 its functions, statutory function, to
21 implement the sites in terms of what
22 information we would collect and how we would

1 collect it.

2 So this distinguishes, I think,
3 from the original NIOSH procedure 10, where it
4 was an overarching procedure that covered not
5 only NIOSH and its contractors, but the Board
6 and the Board's technical support contractors.
7 So this applies exclusively to the Board and
8 to the Board's technical support contractor.

9 What we say in the purpose section
10 is this procedure corresponds to and is
11 consistent with the objectives and tenets of
12 the NIOSH procedures contained in OCAS PROC-
13 010, which is the data access interview
14 procedures and PROC-011, which is the
15 classification review procedures.

16 So I think the intent there was to
17 indicate that while we were trying to
18 emphasize the Board's unique responsibilities
19 and role and how technical support contractors
20 would support that role, we were, in fact,
21 trying to make this as consistent with PROC-
22 010 as possible just to assure a coherent

1 uniform approach on the DOE site. I think
2 that's what DOE would want to see. I think
3 that's sufficient as well.

4 Actually, in practice, I think
5 things have been going reasonably well in
6 terms of the coordination, so the intent here
7 was to stipulate how the Board and its
8 technical support contractor would function
9 independently, but to point to how that would
10 be consistent with PROC-010.

11 This procedure differs in some
12 respects. It does not get into, necessarily,
13 all the steps. For example, with classified
14 information, and we can talk about that a
15 little later. It does point to the DOE
16 security plan. It does point to PROC-011. It
17 does not repeat a number of those steps. I
18 think there were some sections in the PROC-010
19 that, in fact, did that. So to some extent,
20 there is some modification in that area.

21 In addition to data access, it
22 also gets into the steps to conduct interviews

1 at the sites -- it says on-site as well as
2 off-site -- and how the information collected
3 from that interview would be handled. So
4 again, that's pretty consistent with what I
5 think was in the original PROC-010. In terms
6 of scope --

7 MR. KATZ: Joe, before we go, there
8 is what seems like a substantial difference
9 under your purpose. I don't know if we want to
10 go through these piece by piece --

11 MR. FITZGERALD: Would that be
12 helpful?

13 CHAIRMAN CLAWSON: That would be
14 fine.

MR. FITZGERALD: Okay.

15 MR. KATZ: But under purpose, you
16 have sort of broken out that it's -- the steps
17 in this procedure are only recommended for
18 data requests for all of the DOE and AWE
19 sites. But that they're required only for
20 certain sites that you list under appendix A,
21 named applicable weapons and former weapons
22 facilities, which is a real deviation, I

1 think, from the OCAS procedure, which requires
2 this procedure for all sites without any
3 qualification.

4 MR. FITZGERALD: Okay.

5 MR. KATZ: Maybe you could discuss
6 that.

7 MR. FITZGERALD: Well, I think that
8 was something that was not intended, so if the
9 wording is recommended -- this should be
10 required for the DOE sites.

11 MR. KATZ: Does everybody follow
12 where I'm leading here? It's in the purpose,
13 the second paragraph. It begins the steps
14 outlined in this procedure are recommended for
15 data requests for certain sites that are
16 listed in appendix A, but that they're only
17 required -- they're recommended for certain
18 sites, but they're only required for the sites
19 in appendix A.

20 DR. MAKHIJANI: Joe, it seems to me
21 that in appendix A, you were listing all the
22 DOE sites that you were recommending for AWE.

1 Is that --?

2 MR. FITZGERALD: No. Appendix A is
3 a list that was derived -- I believe it was
4 for PROC-011.

5 CHAIRMAN CLAWSON: These are the
6 ones that have security issues?

7 MR. FITZGERALD: Right.

8 MR. KATZ: It's applicable weapons
9 and former weapons facilities. It's the
10 Lawrence Livermore -- there may be about 15 of
11 them, major sites.

12 MR. CALHOUN: I'm not sure that
13 list is even necessary because they won't see
14 them all.

15 DR. MAURO: Yes, I was just going
16 to say that.

17 MR. CALHOUN: Not every one.

18 DR. MAURO: Is there any intent or
19 discussion on making distinctions between
20 these different kinds of sites?

21 MR. CALHOUN: That's how we started
22 and then DOE says no. I mean, just for an

1 example, we've all heard of the Residual
2 Contamination Report, mostly AWE facilities --
3 they want to see that?

4 MR. FITZGERALD: Okay, I don't see
5 any issue with making that required and apply
6 to all sites.

7 MEMBER BEACH: So you're just
8 saying slash out the recommended and --

9 MR. FITZGERALD: We don't have to
10 wordsmith it here. I would say required for
11 all sites and no list. I agree with Grady. I
12 think we kind of departed from being specific
13 unless -- I think that was an original
14 construct that the community was considering
15 back in the early fall last year, but I think
16 they've kind of diverged from that and want to
17 see everything now.

18 MR. KATZ: Brad, could I raise just
19 a procedural question?

20 CHAIRMAN CLAWSON: Sure.

21 MR. KATZ: Just in this example
22 that Joe noted not to do copy-editing here. Is

1 it fine with you -- throughout the document I
2 would suggest, it's very hard to do copy-
3 editing in real time, but if we just indicate
4 where there are issues and the substance of
5 the issue, could we then just provide comments
6 to SC&A and the working group and the working
7 group members, you all. Those copy edits then
8 can be done?

9 CHAIRMAN CLAWSON: Yes, that will
10 be fine, but I thought this was kind of what
11 this was for so we could go through this step
12 by step.

13 MR. KATZ: I'm agreeing with that
14 totally. I'm just saying actual copy-editing,
15 writing it out as it -- to speak -- is
16 difficult to do.

17 CHAIRMAN CLAWSON: We'll have to
18 sit down afterwards and get it exact.

19 MR. FITZGERALD: Just to clarify,
20 you're saying to submit sort of more formally
21 after the meeting?

22 MR. KATZ: Exactly.

1 MR. FITZGERALD: That's fine.

2 MR. KATZ: Just so that we don't
3 spend a lot of time trying to get the words
4 exactly right.

5 DR. MAURO: Before we move on with
6 this, the fact that we're discussing --
7 distinctions may or may not emerge from
8 handling highly secure sites to just, let's
9 say, not such secure DOE sites, then the
10 different categories of AWE facilities --
11 there's a continuum here of interest. I
12 haven't been privy to lots of the discussions
13 related to when there may be treat-handling of
14 those interviews, data capture, or on the
15 back-end, review of work products.

16 In my mind, I guess one of the
17 things I'd like to hear as we move through all
18 this processes, is where distinctions are made
19 where we may get a little relief -- because I
20 have been living in the trenches with the
21 procedures, as many of us have, and I know
22 that sometimes that can be burdensome.

1 On face value, some of them seem
2 to be burdening the system and perhaps,
3 sometimes it doesn't need to be burdened. But
4 sometimes you have no choice and I understand
5 that, and so as we move through this, those
6 places where distinctions are made, where
7 maybe some relief is granted not only to us
8 but also to OCAS, I'd like to hear a little
9 bit more about that and make sure if there is
10 room for some relief that we capture that
11 language in our procedures.

12 MS. HOWELL: Ted, Nancy has said
13 they're having no sound.

14 MR. KATZ: Oh no, there's no line,
15 as a matter of fact. That's what that beeping
16 was.

17 MR. FITZGERALD: I thought somebody
18 was coming in or something.

19 MR. KATZ: So let's break for a
20 second and figure out what happened with the
21 line.

22 (Whereupon, the above-entitled

1 matter went off the record at 9:48 a.m. and
2 resumed at 9:51 a.m.)

3 MR. FITZGERALD: This is Joe
4 Fitzgerald again. I hope everybody can hear
5 me. Quick recap -- I was going through the
6 purpose section, which is section 1 of the
7 proposed -- or I should say the strawman
8 version of the data access and interview
9 procedures for the Board.

10 I think a comment was raised when
11 we got to the applicability of this procedure
12 to the DOE sites. We had recommended with a
13 list of DOE National Security sites, which I
14 think was rightfully pointed out that it's an
15 outmoded construct. It was something that was
16 a framework that we looked at, probably in
17 early fall last year and DOE is looking at all
18 documents coming from all their sites,
19 including AWE sites.

20 So what was commented on was the
21 need to reword that to indicate that this
22 procedure is required for all DOE, including

1 AWE sites. I think it was Grady's comment that
2 frankly, on that basis, the list of facilities
3 could be struck as well, which I agree with
4 because it is just not relevant at this point
5 given what the actual practice is in terms of
6 reviews at DOE sites.

7 So that's pretty much what we had
8 covered before the interruption and that's
9 where we are. We're in section 2.0, which is
10 scope.

11 MR. KATZ: Wait. Hold on one
12 second. Can someone on the phone let me know -
13 - can you still hear us?

14 MS. JOHNSON: Yes.

15 MR. KATZ: Okay, okay. Thank you
16 very much.

17 MR. FITZGERALD: Okay, we are
18 moving on. That was section 1, in terms of
19 purpose. We're going to section 2, which is
20 the scope of the procedure.

21 The difference there is simply the
22 scope in the, I think, the original NIOSH

1 procedure was to obviously cover NIOSH's
2 contractors and the Board and its technical
3 safety, technical support contractors under
4 one umbrella. This particular scope applies to
5 the Board and its technical support contractor
6 alone. That's the difference in the scope.

7 References -- we are referencing
8 both PROC-010 and PROC-011, the NIOSH data
9 access interview procedures, the DOE
10 classification review of documents procedure,
11 the Title 42, part 82, Title 43, part 83,
12 which are the two key NIOSH reconstruction
13 regulations.

14 DR. MAURO: Joe, I think it is 42.

15 MR. FITZGERALD: I'm sorry. Did I
16 say 42?

17 DR. MAURO: This is a typo.

18 MR. FITZGERALD: It's a typo? Okay.
19 We're passing typos as we go too. Again, this
20 is the strawman, so we are probably going to
21 do some editing as we go.

22 And the DOE security plan for the

1 EEOICPA program, which was issued on January
2 23, 2009 by memorandum from DOE.

3 MEMBER PRESLEY: Before we go on.

4 MR. FITZGERALD: Yes?

5 MEMBER PRESLEY: Do you not need to
6 reference the Atomic Energy Act of 1954
7 because that's what this is all about?

8 MR. FITZGERALD: Well, I think we
9 wanted to -- again, NIOSH reference three
10 documents. We're referencing which we thought
11 were the most direct documents that bore on
12 this one. We kind of cut it off at the five or
13 six.

14 I mean, clearly, there might be a
15 lot more than this, but I think these are the
16 five or six. But that's open -- I guess
17 whatever you want to do.

18 MS. HOWELL: I was just going to
19 say that I'm pretty sure that 10 CFR 1017, the
20 DOE UCNI regulation incorporates that and some
21 other laws by reference.

22 MR. KATZ: Okay.

1 MR. FITZGERALD: I mean, if there's
2 anything that --

3 MR. KATZ: And that reference is in
4 the OCAS document too.

5 MR. FITZGERALD: We actually added
6 a few more from OCAS, but understandably, we
7 listed two of the OCAS procedures, so clearly
8 that would have been listed, but we're here,
9 so --

10 MR. KATZ: On references, I just
11 suggest -- I mean, OCAS -- the PR-011, which
12 has to do with review of classified documents
13 and so on, that's really a separate document
14 now with you. It wasn't really ever covered in
15 this document, so it probably can come out of
16 this as a reference.

17 It's not actually discussed in
18 this procedure except for in the front end
19 where it promises that it will be covered but
20 it's not covered, so you could just remove
21 that.

22 MR. FITZGERALD: Or maybe the

1 question is whether it should be cited when we
2 get to the issue of classification or not.

3 We can go to the DOE security
4 policy or plan as a reference in the back as
5 well as PROC-011. I'm not sure.

6 MR. KATZ: So just while I'm
7 explaining this, you have now a comparable
8 PROC-011 to the OCAS procedure, whereas I
9 think when you started writing this document,
10 you were thinking about covering PROC-011 and
11 this and that, but you never did.

12 MR. FITZGERALD: Okay, I see what
13 you mean. I see what you mean, yes.

14 MR. KATZ: It's not in here.

15 MR. FITZGERALD: Yes, okay.
16 Certainly, the notion was that there wasn't
17 going to be an equivalent document to PROC-
18 011, but that has since been developed so this
19 would come out.

20 MR. KATZ: Exactly.

21 MR. FITZGERALD: I got you.

22 DR. MAURO: Joe, I've got another

1 question. I notice that there is an OCAS
2 policy 1 called handling and controlled
3 unclassified information.

4 I've been not quite sure of the
5 distinction between -- where that policy fits
6 in with 10 and 11. There's distinctions that
7 are between policy and the PRs.

8 MR. CALHOUN: That policy was in a
9 higher level document that we wrote to comply
10 with the DOE security plan. We actually had
11 that document reviewed by DOE and then PROC-
12 010 and 011 are kind of implementing
13 procedures for the policy.

14 DR. MAURO: Okay, so this is
15 hierarchy as here and though you've crossed to
16 make reference to this, it's captured by the
17 lower tier documents? Okay, thank you.

18 MR. FITZGERALD: You are saying
19 that it should not be listed?

20 DR. MAURO: That's what I'm
21 hearing, yes.

22 MR. FITZGERALD: Yes, I don't know

1 if there's a particular presumption on these
2 references, but certainly we can play with
3 that a little bit.

4 Again, a little bit more to the
5 meat of the procedure, getting into the
6 responsibilities. We spent some time,
7 obviously given the length of the treatment --
8 a couple pages worth on the responsibilities
9 just trying to clarify -- again, we haven't
10 had a -- I don't think -- a Board procedure
11 quite like this, so this is kind of cutting a
12 new cloth as far as who does what to whom.

13 So to some extent, this truly is a
14 strawman that the work group would have to
15 consider as far as what makes sense and what
16 options are available. We chose one path just
17 to have, again, a strawman of how it might be
18 able to work.

19 Now, just for the benefit of the
20 folks on the phone, what we're trying to
21 contrast this with is in PROC-010, which is
22 the NIOSH data access procedures. It's a

1 system whereby we have NIOSH site points of
2 contact that the Board and its technical
3 support contractor would have to coordinate
4 with, work through, in terms of interactions
5 with DOE.

6 What we have in terms of
7 responsibilities for the Board -- in this
8 Board document is that the Chairman -- in this
9 case, Paul Ziemer -- would appoint POCs for
10 the various sites and presumably, those POCs
11 for sites that have work groups would be the
12 work group chairs. But nonetheless, those that
13 would be sort of the equivalent of what is in
14 PROC-010 is NIOSH POCs for the sites.

15 Getting into some of the details
16 of what might be an approach for the Advisory
17 Board, POC would be responsible for the
18 implementation of this procedure at the site.
19 Advisory Board POC may delegate all or part of
20 his functions to the technical support
21 contractor doing work at that particular
22 site. Now, the reason this

1 framework is laid out because essentially
2 that's the MO or the modus operandi for how we
3 function at the DOE sites right now. We have
4 an individual or individuals that work with
5 DOE, identify information, make arrangements
6 for documents.

7 They keep the Board work group
8 chair informed of what's going on, status-wise
9 and whatnot. They coordinate with the NIOSH
10 POC. They coordinate with the DOE site POC. If
11 necessary, they go back and certainly do the
12 same with the headquarters POC. So that's kind
13 of the status-quo.

14 Now, let me make it very clear.
15 We're following the issued PROC-010, which
16 requires a lot of those communications to be
17 done through the NIOSH POC, certainly in the
18 beginning in particular, but through different
19 steps as prescribed by PROC-010.

20 This would provide certainly a
21 similar system, but that would be done through
22 the Advisory Board POC or as it is done now,

1 through SC&A, if in fact, the work group chair
2 looks to SC&A to do that.

3 We have a couple things in here
4 that I want to just touch on. The chairman of
5 the Advisory Board would certainly provide the
6 DOE with the pertinent information on who's
7 who. Certainly, one of the challenges we have
8 is that a lot of times the site may not know
9 who we are and what function we're playing.

10 So to some extent, this helps in
11 terms of identifying people, identifying what
12 contracts we're operating under and whatnot.
13 It's sort of a station identification.

14 From there, we would coordinate
15 first time visits. This would still, in fact,
16 be very carefully coordinated with NIOSH. A
17 lot of times we're at the site at the same
18 time. From the DOE's standpoint, there's a
19 real advantage to making sure that they're not
20 getting inundated. So in terms of site visits,
21 in terms of document requests, that would
22 remain to be coordinated.

1 DR. MAURO: I'm sorry, Joe. You
2 left the first item under responsibilities on
3 the chairman --

4 MR. FITZGERALD: Yes. I am under
5 the Advisory Board point of contact. I think
6 the one item we had for the chair was to, in
7 fact, designate who the site POCs would be.

8 DR. MAURO: One of the things you
9 said that struck me that is very important is
10 that we know the trigger is for -- it says,
11 okay, we want an SEC review --

12 MR. FITZGERALD: Or a site.

13 DR. MAURO: Some trigger, a
14 trigger. Now, at that point, that means that
15 there are procedures -- we, of course, SC&A,
16 have the Board approved procedures to, in
17 effect, implement. In fact, we trigger a
18 procedure that we already have in place and
19 has been approved.

20 MR. FITZGERALD: Right, right.

21 DR. MAURO: What you had mentioned
22 earlier was something that I hadn't thought

1 about. That is, once that trigger is pulled,
2 someone needs to inform DOE that this has
3 occurred.

4 Now, what I heard you say was that
5 someone is the chairman of the Advisory Board.
6 Is that right?

7 MR. FITZGERALD: No. No, what I
8 think -- on an annual basis is what we're
9 indicating here. DOE headquarters --
10 basically, Gina's office -- just simply wants
11 to know who is going to the sites.

12 This is service station
13 identification that we would update every year
14 and that would be provided to DOE so that they
15 can be apprised of who they can expect to see
16 and who is cleared and who is not.

17 It's really kind of what we
18 provide as we go now. This will be something
19 that would be provided by the Board.

20 DR. MAURO: Okay. That was my
21 question.

22 MR. FITZGERALD: It's ad hoc.

1 DR. MAURO: Right now, it's ad hoc,
2 okay. So once that process is started by the
3 Board, the way in which we -- I know one of
4 the things that we've agreed to is this
5 baseline in that aspect.

6 But that clearly establishes
7 obligations that SC&A has to interface
8 directly with the NIOSH point of contact when
9 they're about to begin this process. I know
10 that's a little later, but before that process
11 begins, it's almost like there's another --
12 beside plugging into the NIOSH world, which
13 may have been ongoing for some time, it seems
14 that once the trigger is pulled, we have to
15 plug into the DOE world.

16 It seems a little unclear who is
17 going to have the obligation and
18 responsibility to alert the appropriate --

19 MR. FITZGERALD: Let me back up. I
20 think we're getting hung up on something that
21 was identified for the chair.

22 Really, the process is on an on-

1 going basis, the chair of the Advisory Board
2 would certainly designate a POC for a
3 particular site.

4 Now, I say POC because clearly,
5 all the DOE sites, AWEs, have work group
6 chairs. It's not work groups necessarily.

7 DR. MAURO: Right.

8 MR. FITZGERALD: It doesn't mean we
9 wouldn't be necessarily collecting the
10 information at that site.

11 So in this case, there would be a
12 Board individual, Board member, who would have
13 cognizance of that particular site, who, if in
14 fact, either SC&A is supporting that
15 individual or is in fact, delegating
16 responsibilities to go ahead and do the data
17 access, there would be a Board individual that
18 would be sort of the Board's representative
19 for that particular site.

20 DR. MAURO: Okay.

21 MR. FITZGERALD: That's pretty much
22 the essence of what the chair would do.

1 Now, this other item, when we got
2 into the POCs is simply housekeeping. That's
3 why I don't want to spend too much time on
4 that because really, we're sort of doing on
5 the fly, keeping DOE apprised of who is on-
6 site, who's clear, who's not, who's working
7 for whom, and that kind of thing.

8 I think this was just something
9 that based on experience should be helpful to
10 have the Board provide DOE rather than sort of
11 have it kind of be piecemeal as we went.

12 So this not something, I think, is
13 in PROC-010. It's not something that's in our
14 procedures, but it was felt to be a useful
15 adjunct to how we operate, rather than have it
16 be sort of ad hoc as to what SC&A is doing in
17 terms of individuals and what their clearance
18 status is and that kind of thing. So anyway,
19 that's all that is.

20 Moving beyond that, really, the
21 responsibilities for the Advisory Board POC
22 would be to do some of the up-front work that

1 the NIOSH POC would do in PROC-010, which is
2 basically to be the interface with DOE.

3 Now, we do have that sort of
4 parenthetical mention of delegating this to
5 this technical support contractor. The reason
6 that's there is, again, the practice, as it
7 has evolved over the last five or six years is
8 in fact -- in this case, SC&A -- does handle
9 all the hands-on kind of interactions in terms
10 of data access.

11 So the question is whether or not
12 the Board work group would want to see that
13 pretty much be enabling through this or not.
14 I think that Certainly is one question that --
15 really, we have work group chairs. We have
16 POCs from the Board standpoint, but if SC&A is
17 day to day, that would be almost full time
18 collecting data interacting. It might be
19 something that makes sense.

20 CHAIRMAN CLAWSON: Joe, if I could
21 interrupt. This is -- and I don't mean -- I
22 think this would be the best Board to bring it

1 in.

2 Dr. Melius raised these issues of
3 the point of contact not being the Advisory
4 Board. It being a point of contact would be
5 SC&A.

6 The reason that I initially put
7 this in here is because as an Advisory Board
8 member, we are really ultimately responsible
9 for knowing what our contractor is doing and
10 going so forth and so that's why we kind of
11 wrote it in this way.

12 But in listening to what Dr.
13 Melius has said -- he is correct that the
14 point of contact should not be the Advisory
15 Board. It should be the SC&A point of contact
16 reporting back to the Advisory Board member
17 because he agreed with me that we need to
18 know, as Advisory Board members, what is going
19 on, where they are going, what they're looking
20 for.

21 The SC&A people, with their
22 responsibilities should meet certain

1 requirements in terms of familiarity with DOE
2 procedures, appropriate training, et cetera --
3 I'm reading from his notes -- breach
4 designated site, the work group chair will be
5 with the designated SC&A point of contact for
6 the site. The designated SC&A point of contact
7 should work with NIOSH POC and appropriate DOE
8 site and headquarter staff on records
9 requirements, et cetera.

10 His number one was the SC&A
11 project office works with the Advisory Board
12 chair to designate an SC&A point of contact to
13 assist for this program.

14 After discussing it on a phone
15 call, we all agreed with it, that what Jim was
16 saying was really right because as Advisory
17 Board members, we really don't have the time
18 to do that.

19 But what I was trying to be able
20 to say is we could delegate it too, but we
21 feel that it would be much cleaner if we
22 initially just put the responsibility onto our

1 technical contractor.

2 That's going to come out, but in
3 this first draft, we wanted to be able to do
4 this on public and on record of the changes
5 that we wanted to do just with all our whole
6 transparency and so forth. But this is what
7 we're ultimately going for.

8 MR. KATZ: And while we're on this
9 point, let me just also note, since the
10 designated federal official is in effect,
11 really responsible for things that go wrong
12 and so on in terms of this whole world of
13 work, I think it would be useful -- I totally
14 agree about having SC&A serve as point of
15 contacts. I completely agree with that.

16 Certainly, there can be
17 communication with working group chairs where
18 there are working group chairs to keep them
19 apprised without that bogging it down in any
20 way.

21 But the designated federal
22 official, I think, needs to be informed of the

1 assignment of an SC&A point of contact and
2 then the designated federal official can
3 communicate those to DOE. That way you have
4 that formal communication with DOE, keeping
5 apprised of who is coming on as a point of
6 contact for a particular site.

7 We can do that on an annual basis
8 or whatever makes sense in terms of keeping
9 that information fresh for the duration of
10 SC&A activities at a particular facility.

11 DR. MAURO: And I think it's
12 important to keep a record of -- one thing I
13 notice is very often, I'll find myself saying,
14 who is the NIOSH point of contact that I
15 should make sure that I put on copy on some
16 correspondence related to some activity for
17 whatever reason.

18 It's not always -- now, they're
19 entering this process in the same way, I
20 think, SC&A needs to maintain a record that's
21 available to all interested parties. Who is
22 the designated point it contact at SC&A for

1 Santa Susana? For Fernald, et cetera, et
2 cetera, so that everyone on the Board,
3 everyone at NIOSH, and perhaps even members of
4 the public -- I don't know whether they've
5 been given --

6 CHAIRMAN CLAWSON: I think NIOSH
7 and SC&A have been doing --

8 DR. MAURO: We've been trying to do
9 that.

10 CHAIRMAN CLAWSON: The only thing
11 that has happened is as the work load has
12 gotten bigger, some people have been switched
13 from one side. Just like you and Hans and so
14 forth. When we do do something like that, we
15 need to just remember to be able to make
16 everybody aware of it.

17 DR. MAURO: Is this something that
18 we want to put up on the website? Right now,
19 there's none. The website is very complete.
20 That is, we have lots and lots of information
21 on work groups, who's on them. Is this
22 something that we feel -- certainly, there's

1 nothing wrong with the procedure, but while
2 we're talking about it, is this something we
3 want to memorialize and keep current so that
4 everyone can look it up, if someone is
5 interested in getting information or getting
6 a status report? Any feelings regarding that?

7 MS. HOWELL: The list? I'm sorry?

8 DR. MAURO: The list of the
9 designated points. Once an SC&A person is
10 designated as the point of contact on a
11 particular SEC petition review or site profile
12 review, is that something you want to
13 officially put on the website so that people
14 want contact information and there's never any
15 question by a Board member because sometimes
16 it's not known.

17 Maybe there will be NIOSH people
18 who want to communicate. It goes both ways. I
19 know there are times when I say who's the lead
20 on Hanford because I may be putting a memo out
21 and I want to make sure that -- usually, what
22 I end up doing right now is sending to Jim

1 Neton and then he makes sure the right person
2 gets it.

3 MEMBER BEACH: So you're talking
4 about adding that to the current list that's
5 already on the web, the points of contact?

6 DR. MAURO: Yes. Right now.

7 MEMBER BEACH: I believe that's
8 already done.

9 DR. MAURO: Not SC&A people.

10 MEMBER BEACH: Or is it just what
11 we did?

12 DR. MAURO: Not SC&A people.

13 MS. HOWELL: There's some on -- I
14 mean, I think -- on the work group list,
15 there's an SC&A contact.

16 DR. MAURO: Is that right?

17 MS. HOWELL: But I don't know that
18 that's the same thing.

19 DR. MAURO: I'm wrong.

20 MS. HOWELL: It may not be the same
21 thing, though.

22 CHAIRMAN CLAWSON: We've got it on

1 our work group list, but I don't know if
2 that's on the Board or not.

3 MEMBER BEACH: So this is an older
4 one, but that's what I have seen.

5 DR. MAKHIJANI: Are we -- is the
6 task manager for a particular site profile
7 going to be also the same point of contact for
8 DOE? Is that what we're talking about or is
9 there one SC&A point of contact for accessing
10 documents?

11 MR. FITZGERALD: Yes. I think the
12 intent of --

13 DR. MAKHIJANI: I'm not clear.

14 MR. FITZGERALD: Yes, the intent of
15 the provision was really to hone in on a Board
16 point of contact because I think the SC&A
17 point may actually shift around as we go from
18 site profiles to SECs or whatever.

19 More than likely, not, because
20 we've been trying to keep people consistent.
21 But nonetheless, I think that's part of the
22 reason for wanting to do this real-time

1 listing of who's who and who's where because
2 it does get confusing for almost all parties,
3 really, as to who the point of contact might
4 be.

5 I know we had the same question of
6 NIOSH. Who's the point of contact for NIOSH?

7 DR. MAURO: You know what's
8 interesting? In our situation, we do have an
9 individual -- for example, I'm the lead on
10 Fernald, but when it comes to -- whenever we
11 do need to have a site visit, data capture,
12 that responsibility, quite frankly, I think
13 for all sites, has fallen on Kathy Biers.

14 In other words, she has been the
15 person that has been making all the
16 arrangements, has developed a relationship
17 with all the contact points. It seems to be
18 working well.

19 So in a funny sort of way, though
20 I might be the lead, I look to Kathy to
21 implement and schedule all of the myriad
22 things that need to be done to make

1 arrangements for these kinds of things and to
2 communicate with the lead point of contact.

3 So I think, Arjun, your question
4 is very well taken. One person might very well
5 be the lead for the particular site profile
6 review, but in terms of the point of contact
7 and the actual day to day interaction between
8 whether it's NIOSH and DOE, it's usually Kathy
9 unless --

10 MR. FITZGERALD: That's why --

11 DR. MAURO: It's a little bit of ad
12 hoc.

13 MR. FITZGERALD: It has been.
14 That's why I think it's important that there
15 is a designated Board point of contact who is
16 aware of who's who and who's doing what at
17 their particular site and if there's some way
18 to convey that information, whether it's the
19 DFO or whomever, so that they know who to call
20 or contact.

21 Now, you're right. I think it has
22 been ad hoc and I think it's one of these

1 where familiarity -- Gina knows to call Kathy
2 if they say interview question and knows to
3 call me if it's a security issue or knows to
4 call you if it's a Fernald work group issue
5 from the SC&A standpoint. So it's sort of
6 tribal knowledge, but it does get confusing at
7 times when you have so many sites.

8 I think we've kind of got to the
9 point where we have a lot of parties, a lot of
10 sites, a lot of POCs. I was sort of writing
11 this up and I sort of got tangled up in all
12 the POCs.

13 DR. MAURO: Well, maybe we can
14 regiment it. Maybe the reality is there are
15 certain process and I guess it's up to you,
16 Ted, sort of processes that we do have to
17 leave a little bit of wiggle room to allow the
18 process to breathe. I don't know.

19 MR. KATZ: I mean, I think I would
20 prefer -- and we can add this to the
21 procedures as an initial step, since the
22 procedure sort of starts with the assumption

1 that there's a point of contact-- but that
2 there be an assignment of a point of contact.
3 That can change. There's no time requirement
4 on that, but that there be -- SC&A would
5 assign a point of contact and inform me and
6 inform also if there's a relevant working
7 group chair, inform that person too of that.

8 Anyway, I can inform NIOSH and DOE
9 who that point of contact is and keep that
10 information fresh just as long as I'm apprised
11 by SC&A. Emily?

12 MS. HOWELL: And I just want to
13 interject before we get away from this point
14 of contact discussion that I'd like to see --
15 and I think you've already made a note about
16 this, Joe -- but I'd like to see the role of
17 the DFO as both the contracting officer and
18 the designated federal official for the Board.

19 It is necessary that he or she be
20 included on all of these communications, not
21 just initially, but it bears ongoing things
22 happening between the technical support

1 contractor point of contact, the Board point
2 of contact.

3 Ted or whomever is serving as the
4 DFO needs to be cc'ed on all of those e-mails
5 because otherwise we have no ability to really
6 track. Since we're working with different
7 Board members, different SC&A or other
8 technical support staff, the agency and the
9 Board has to have somebody who's actually able
10 to track what's going on and that's necessary
11 from a contracting perspective. It's necessary
12 from a FACA perspective, so that needs to be
13 clarified in this paragraph.

14 The one mention of the DFO near
15 the bottom really makes it sound like the only
16 purpose of notifying the DFO is to coordinate
17 with NIOSH to prevent duplication of work and
18 that's not really it.

19 MR. FITZGERALD: No, that's a -- I
20 did make note of that, by the way, but I think
21 you're evoking something even more relevant.

22 I think it's a discussion because

1 as the Board is, I think, understandably
2 reluctant to get into the day to day because
3 of the amount of interaction that goes on --
4 I mean, typical DOE site data access interview
5 process is just almost a daily interaction. I
6 think the NIOSH folks appreciate that too,
7 having been on-site doing the same thing.

8 We don't and I don't know if you
9 want to have the 100's of thousands of
10 communications cc'ed. I think, though, if I
11 can make a distinction -- what you're
12 referring to is the sort of formal, here's a
13 data capture plan. Here's a site visit that
14 we're scheduling, things that would be
15 milestones rather than this sort of minutiae
16 of what happened to this document, can we
17 coordinate these documents?

18 MS. HOWELL: Right.

19 MR. FITZGERALD: I think you're
20 talking about those milestones. That's a
21 subjective thing, but I think I understand
22 what you're saying.

1 MS. HOWELL: I think you're going
2 to have to use some discretion, obviously, but
3 I mean, when in doubt --

4 MR. FITZGERALD: Right.

5 MR. KATZ: I concur completely with
6 what you said, Joe. The major milestones are
7 what I would be cc'ed on. Then if there are
8 problems that arise from the SC&A's
9 perspective or DOE's, that's when I would --

10 MR. FITZGERALD: That's helpful
11 because I think that's the way it operates now
12 and we'll certainly put something in here
13 that's more distinct about that need and
14 requirement that DFO be copied if not included
15 in some of these things in terms of actual
16 actions.

17 These are actions or milestones
18 where the process is moving forward, for
19 example, and commitments are being made. Some
20 of these have implications on DOE for
21 resources, which I appreciate that is a key
22 aspect of where NIOSH has to be involved

1 because again, from an inter-agency
2 standpoint, if a request goes on and it
3 involves their making documents available or
4 doing things for us, then that will need some
5 kind of account commitment, which I understand
6 -- I'm not sure all the backroom machinations,
7 but they'll have to make sure they get paid
8 for that.

9 MR. KATZ: So I think some of that
10 back, in particular, can be reflected in the
11 procedures themselves. But in this section
12 that we're in right now, responsibilities, I
13 think the DFO role can just be elaborated a
14 little to explained the general role.

15 MR. FITZGERALD: Maybe even a
16 separate --

17 MR. KATZ: It doesn't -- we
18 shouldn't have procedures in the roles, per
19 se.

20 MR. FITZGERALD: Right.

21 MR. KATZ: We just want to explain
22 the role.

1 MR. FITZGERALD: Right, right. I
2 think this is probably fairly exhaustive as it
3 stands. But I think the intent was to provide
4 enough details to give some sense about what
5 these individuals would be doing.

6 CHAIRMAN CLAWSON: Joe, can I bring
7 up one thing? John brought up that on the
8 NIOSH web page that the SC&A contact and
9 actually even the NIOSH contact -- where it
10 shows the different working groups, it just
11 has the Advisory Board members. It does not
12 have SC&A or the NIOSH point of contact on
13 that.

14 That would be for Larry if they
15 want to put that. But right now, all there is
16 is the working groups and the Advisory Board
17 members are on.

18 MEMBER BEACH: Ours must come out.

19 MR. KATZ: Yes, there are two
20 versions. There's a version that gets sent to
21 the Board that has -- because the Board needs
22 to know the SC&A contacts. But then there's

1 the version that's -- he's absolutely right --
2 the version that's on the website just lists
3 the Board membership.

4 MR. FITZGERALD: Okay. Just picking
5 up where we left off on the -- this is, again,
6 still with the Advisory Board point of contact
7 or its designee. Again, that possibility.

8 I think Brad made the comment that
9 we're sort of in a dual mode. I mean, the
10 draft reflects the Advisory Board point of
11 contact being in this role of doing sort of
12 first hand interface with DOE.

13 A comment from Jim Melius was this
14 should be pre-delegated, and as it's done now,
15 you may have the technical support contractor,
16 SC&A, do this work and keep the Board
17 informed.

18 I think -- I've worked with them
19 in discussion, but I guess that's -- you
20 accept that approach?

21 CHAIRMAN CLAWSON: Yes. I accept
22 that approach. My main thing that I was trying

1 to get by the Advisory Board working group
2 chair would be involved so that he knew what
3 was going on at the sites, what was being
4 requested, and where they were going at. I
5 just wanted to have a little bit more input of
6 what was going on.

7 We'd still be able to have with
8 what Dr. Melius says, but then there would be
9 no question as to a Board member taking on
10 that kind of responsibility because
11 truthfully, that's a full time job.

12 MR. KATZ: To affect that -- I
13 mean, to get what Brad's asking for -- if
14 you're going to be copying me anyway under
15 major milestones and making requests to decide
16 who's going to be a visit, et cetera, you can
17 copy the working group chair on these
18 communications and that way they're completely
19 informed as well.

20 Then if Board members want to
21 participate in a visit, et cetera, that will
22 be their information to be able to act on. I

1 think that will work very easily.

2 MR. FITZGERALD: And I think that
3 would also tighten up a system, which I think
4 we're operating under anyway, but would make
5 it much more systemic that everybody would
6 know each step of the way how things are going
7 on-site and could choose to participate, raise
8 questions, and what not.

9 There was an argument here I just
10 want to -- again, we're still on the top part
11 of page 3 under the Advisory Board point of
12 contact where we indicate that again, we'll
13 coordinate first time visits and this is
14 pretty much the current practice.

15 Again, this doesn't get into a
16 flow diagram, but I think it touches on the
17 things that we would raise questions or
18 requests of DOE on which are arrangements for
19 site visits, describing the activities, who we
20 are, what we are intending to do, and
21 requesting assistance from the site of DOE
22 headquarters and meeting DOE security

1 classification review obligations.

2 The next one, where we coordinate,
3 submit all data requests to DOE, which is of
4 course the data capture plan, and then this is
5 something that -- what we say next, is insures
6 that the information capture is properly
7 protected and is provided for uploading in the
8 site research database.

9 This is in PROC-010. This is not
10 something that we do routinely. I think it's
11 been moving that way, in terms of under PROC-
12 010 and even before that, trying to make sure
13 what we collect is shared fully with NIOSH and
14 ORAU and then can be put up on SRDB.

15 I think it's a great idea. I think
16 it's something that we want to see happen as
17 well and we, in fact, have been doing that, I
18 think, since probably early fall. I think,
19 with Mound, in fact, we've been it since last
20 summer.

21 But the -- and we'll get to this
22 detail a little later -- the logistics of

1 scanning, which is something that we don't
2 routinely do, I think is a challenge. I think
3 what we've done in the past and what I did at
4 Mound was I was there with ORAU and ORAU
5 scanned while we collected, which was very
6 convenient. I'm not sure that's going to
7 happen at all the sites.

8 So in terms of a loose end, I
9 think it's a good idea to make sure that
10 everything that we collect gets on the SRDB as
11 available, but the mechanics of getting it
12 scanned and doing that, I think, we'll have to
13 pick up on later.

14 I think what we say in the
15 corresponding piece that is in PROC-010 about
16 how that's done, I think we just indicate that
17 either NIOSH or DOE would do that. Now, again,
18 that's a strawman. I have no idea what either
19 one would be willing to do. But I think that's
20 a need that has to be addressed.

21 How? We don't have scanning
22 equipment. Certainly, we don't necessarily

1 have access to either agency and it's not
2 clear either agency would be willing to do
3 that, but to make that happen, I think that's
4 an open question. I don't know if you want to
5 talk about that now or talk about it later.

6 DR. MAURO: But when that happens -
7 - let's say our phones are out of site and we
8 go through the limited bibliographic databases
9 at the site --

10 MR. FITZGERALD: We go through
11 boxes of records. We pull records, right.

12 DR. MAURO: And if we have them in
13 front of us, we say, here's what we need.

14 MR. FITZGERALD: You want that.
15 Right.

16 DR. MAURO: Now, it's at that -- so
17 we're physically actually at the DOE site now
18 when we identify documents that we think are
19 important?

20 MR. FITZGERALD: Right.

21 DR. MAURO: And we want to bring --
22 we want them cleared?

1 MR. FITZGERALD: What we do --
2 well, clearance is another issue.

3 DR. MAURO: Okay.

4 MR. FITZGERALD: But in terms of --
5 assuming that it's already been reviewed,
6 screened, and what we're looking at is
7 cleared, we want a copy. We copy it and we
8 bring it back. That's pretty much the way it's
9 been.

10 DR. MAURO: Well, now we share. I
11 ask, how do we share?

12 MR. FITZGERALD: Well, the question
13 is how do we go from having a copy of a
14 relevant document that we'll reference in our
15 review to one which is not only shared with
16 NIOSH and ORAU, which we do, and they, in this
17 case, have scanned our copy or scanned the
18 original -- at Mound, they were scanning
19 originals because we were doing it at the same
20 time -- but how do we go into an electronic
21 form.

22 Now, there's a number of reasons

1 why -- I don't know if we need to spend time
2 today trying to figure out the mechanics of
3 how you do it. I'm just saying that I think
4 the intent is there, the need is there. It's
5 not clear how that could happen. We could
6 certainly shift copies of what we find to one
7 of two agencies. We can work with the DFO in
8 terms of capabilities for scanning, portable
9 scanning.

10 I'm just saying that that -- even
11 though it's in the procedures, the ability to
12 do that is not there right now.

13 DR. MAURO: Is it something that
14 would be different depending on the site and
15 the degree to which the site --

16 MR. FITZGERALD: Yes, and I think
17 that's covered. That's covered in the NIOSH
18 procedure.

19 DR. MAURO: Maybe we should be
20 looking -- in other words, we're going to do
21 it. How it's going to be done has to be dealt
22 with on a case by case basis? Would that be --

1 MEMBER PRESLEY: Jim, you know DOE
2 is not going to let you do your own scanning.

3 MR. FITZGERALD: No, but I'm just
4 tracking with, I think, the approach that was
5 mentioned in a NIOSH document, which said that
6 some sites, I guess it was capable to make
7 arrangements and that was one of the options.
8 Another of the options was to do scanning on-
9 site.

10 In our case, a third option was we
11 just would send it back to SC&A and they would
12 do the scanning. I'm just raising that because
13 I don't think that was within the scope of
14 work originally and having been there
15 firsthand, it's not a trivial thing.

16 It's actually a lot of work to go
17 through and do page by page by page. I was
18 relieved that Mounds and actually ORAU was
19 willing to scan our documents too. I'm just
20 saying that that needs to be addressed as a
21 loose end, but it's a big loose end in terms
22 of making that happen.

1 MEMBER PRESLEY: Don't the
2 documents have to be DC'ed, number one before
3 they go off site.

4 MR. FITZGERALD: Yes, this is not
5 DOE -- this is after they've been DC'ed, but
6 before we take them and start using them. The
7 question is how do we get them, both NIOSH and
8 ORAU, and also get them into an electronic
9 form. Maybe that's -- maybe they go over hard
10 copy and is scanned once it gets over to NIOSH
11 or ORAU.

12 MR. KATZ: Another current OCAS
13 procedures is 5.1.5, just as long as we've
14 jumped ahead and we're discussing the scanning
15 question. OCAS has it at simply two
16 alternatives -- NIOSH or its contractors
17 conduct the scanning.

18 It says when NIOSH contractors
19 conduct scanning, the DOE site POC is
20 responsible for providing adequate space to
21 conduct scanning and for ensuring that all
22 documentation is appropriately marked before

1 the scanning is conducted.

2 The alternative is DOE conducts
3 the scanning. It says when DOE agrees to
4 conduct the scanning, NIOSH site POC and the
5 DOE site POC will coordinate an appropriate
6 schedule to ensure scanning conducting in the
7 time frame that meets NIOSH's needs and duty.

8 I think SC&A can have just the
9 parallel structure there. Maybe I'm naive, but
10 in scanning equipment, I think, to the extent
11 that you do your own scanning, this isn't
12 major purchases of very expensive equipment
13 and so on, is it? I mean, it's --

14 MEMBER BEACH: It could be
15 resources and equipment taken to the site.

16 MR. FITZGERALD: It's going to be
17 time and equipment. That's basically it.

18 MR. KATZ: Right. But it's an
19 appropriate expenditure of time because the
20 purpose of this is important to everybody.

21 MR. ELLIOTT: If it helps to
22 streamline it, if you want to give us hard

1 copies, we could get it scanned. We could put
2 it in PDF and put it in whatever folders you
3 want us to put it in.

4 MR. FITZGERALD: I think what we're
5 trying to do is avoid an extra step where if
6 you have receipt requirements, meaning that I
7 think I've seen the screening requirements for
8 what goes on in the SRDB, and there's a number
9 of thresholds that have to be met before it
10 gets put on.

11 I wouldn't want to try to have
12 them do the scanning, have to go back and
13 forth, if it's easier just to send the hard
14 copies over.

15 But I didn't want to presume, in
16 this part piece, that this would be picked up
17 one way or the other at this point.

18 MR. KATZ: I think it's near
19 procedure of you just provide for it either
20 being done by SC&A in a case where DOE is not
21 going to do it or as Larry just offered,
22 providing the materials to NIOSH to do the

1 scanning. That will work?

2 MR. FITZGERALD: Okay, we'll then
3 take another look at the provision that you
4 just mentioned in there and use the same
5 language. But again, that's just cited as one
6 of the roles.

7 Just to complete what we had for
8 the Advisory POC, before we lose that thread,
9 the Advisory Board POC or, I guess, where we
10 are now, is SC&A is responsible for notifying
11 NIOSH, the DFO -- and again, I think the point
12 is well taken that we're going to be much
13 clearer that there's more with the DFO than we
14 have here -- and working group members,
15 concerning site visits when we're going to the
16 sites for the first time and also on-site
17 visits and coordinating data capture requests
18 as we're doing now, the idea there is to avoid
19 unnecessary duplication with previous and
20 ongoing NIOSH data requests.

21 I think that's been actually, in
22 practice, working much better. The issue there

1 is essentially full disclosure on both sites
2 so that when we go to DOE, who is the
3 recipient of both levels of request, they're
4 not getting the same request and we're
5 avoiding that duplication.

6 We'll get into, maybe, some of
7 that a little later. I think what may be
8 lacking is, to some extent -- we call it
9 baseline, but the disclosure is somewhat ad
10 hoc in a sense that I think we're sending e-
11 mails back and forth requesting information.

12 I think one advantage and one
13 improvement might just to be make that a
14 little bit more automatic as we go into
15 different sites to -- and this goes for us as
16 well -- to just pretty much put all the
17 information on the table that's been collected
18 to date and also anything that's in progress
19 so that when we go to DOE, they're not going
20 to come back and say well, NIOSH just got that
21 or the same people have been interviewed
22 already.

1 DR. MAURO: Let's talk about a
2 little bit of a practical side. The real world
3 work we've seen, like, for example, I believe
4 there was a Brookhaven action and there were
5 reports for March.

6 As always, we wanted to --
7 sometimes, you know, you're not available and
8 the question we then find ourselves, all
9 right, well, lest sit tight for awhile. Wait
10 till we get a chance and I think eventually
11 everything got cleared up.

12 One of the things I did, for
13 better or worse, is I said, well, listen. We
14 do it the best we can to coordinate,
15 communicate baseline, but I don't want to hold
16 up the train. So I said let it rip. That's
17 what I did.

18 Now, I realize that that breaks
19 the rules because we're supposed to hold off.
20 But maybe there's a -- because in the real
21 world, everyone is not always available when
22 you'd like to have them available. That's just

1 the way it is and there's nothing wrong with
2 that.

3 Well, I guess I'd like to talk a
4 little bit about when we -- let's say we e-
5 mail, make a couple of phone calls, give a
6 reasonable amount of time, whatever that
7 means, to try to get some feedback, maybe even
8 contact General Contact or contact Ted for
9 this and in the process of trying to baseline
10 and launch, at some point though, I guess, we
11 want to move. I mean, we've got our horses
12 ready to go.

13 I've got a little feel from what
14 the sense is. When we run into these types of
15 obstacles, which happen regularly and it's
16 okay, should we just move and just keep you
17 apprised so that you know we've started to
18 move and eventually, we re-connect or should
19 we just sit tight and wait until -- and not
20 launch?

21 MR. CALHOUN: I don't think we
22 should hold you up. I mean, in that one

1 particular case, I thought I had sent it and
2 I didn't.

3 I think that I would be okay with
4 saying hey, I've asked this a couple times. I
5 haven't got it, so I'm going to be moving
6 forward. That's what I do and it worked for
7 me.

8 DR. MAURO: It will catch up. It
9 catches up. It's all well-intended. It just
10 happens.

11 MR. KATZ: But the situation is
12 much easier now because now you don't have --
13 you're not going through a NIOSH point of
14 contact for making requests and so on. I mean,
15 the only thing you need to do with the OCAS
16 staff is baseline.

17 DR. MAURO: This is what I want
18 because right now --

19 MR. KATZ: In this instance, but in
20 general, this is going to --

21 MR. CALHOUN: We want to keep it as
22 efficient as we can with DOE too.

1 MR. KATZ: Absolutely.

2 MR. CALHOUN: The harder we make it
3 for them, the harder they make it for us.

4 MR. KATZ: Absolutely.

5 DR. MAURO: When you step back on
6 the history of this, the real trigger, or one
7 of the big triggers of the problem, was going
8 back to DOE, asking is this the document that
9 you folks you already have and that's
10 embarrassing.

11 So we really, really give a great
12 deal of importance to baseline.

13 MR. KATZ: Okay, just to recap.
14 What we have for the Advisory Board POC, based
15 on Jim Melius's comments -- a lot of that
16 would evolve to SC&A, but essentially, it's to
17 make arrangements with the site.

18 This is with the DOE site, in
19 terms of data capture, planning interviews,
20 how to deal with classified information, how
21 to coordinate the actual on-site work, and
22 what we indicate was those specific milestones

1 would be certainly coordinated, copied with
2 the DFO as we progressed.

3 But we would act on behalf of the
4 Advisory Board POC, typically the work group
5 chair in most cases, and would keep that work
6 group chair or Advisory Board person apprised
7 the same way the DFO is apprised, but pretty
8 much as we progress through the major
9 milestones of the process of getting
10 information and doing interviews.

11 We would keep everybody informed
12 as we went. We would not necessarily,
13 obviously, day to day, try to deluge anybody
14 with everything that we're doing, but
15 certainly the milestones we would keep you
16 apprised of.

17 CHAIRMAN CLAWSON: And when will
18 you copy that? You said the DFO.

19 MR. FITZGERALD: Yes, and again, I
20 think the major milestones would be the
21 initial contact when we do send a letter to
22 the site that kind of lays out who we are,

1 what we're doing, the purpose, and some key
2 word searches, that kind of thing.

3 We have, over the last year, come
4 up with a data capture plan approach -- I
5 think we prototyped it at Mound -- where we
6 mirrored pretty much what NIOSH and ORAU does
7 in the way of coming up with a formal plan
8 that lays this out -- who we want to talk to,
9 what information we want.

10 That data capture plan would be
11 baselined against anything that NIOSH has done
12 at the site, NIOSH and ORAU, to make sure
13 there's not any duplication. That would be
14 something that would happen very early in the
15 process.

16 I think one difference that would
17 be in the procedure would -- we'd want that to
18 be sort of a baseline to start with. It
19 wouldn't be something we'd have to go through
20 a lot of requests for. It would be an
21 understanding that essentially what we want is
22 what documents, classified and unclassified,

1 to happen collective -- in terms of classified
2 documents, where they reside since obviously
3 they can't be easily forwarded.

4 In terms of the unclassified
5 documents, the ones that are generally
6 available -- what's on the site research
7 database, the O: drive, what is not -- perhaps
8 they haven't been scanned yet -- and what is
9 in process of being collected, which is the
10 tougher part. That's the one where the request
11 has been made.

12 Maybe the documents are coming,
13 but they're not available yet. But yet, we
14 probably don't want to ding DOE again to ask
15 the same stuff. We know what's in the
16 pipeline. We just won't ask for those
17 documents. We'll wait for them to arrive and
18 be scanned in and then go forward. That would
19 be a big benefit.

20 Looking at things like Brookhaven
21 and other sites, I think we probably can
22 reduce the number of documents duplications by

1 50, 75 percent. It's a large number of
2 documents that we would have asked for. We're
3 not going to ask for because it's already been
4 requested and obtained. So this is a major,
5 major saving, in terms of the efficiency of
6 the process.

7 Once we go through the baseline,
8 however, and find what may be left that we're
9 going to go through and submit those to DOE
10 and collect those documents and from there, I
11 think, go ahead and do the interviews and
12 write the report.

13 But those milestones would be
14 copied to both Ted, DFO, and to the
15 appropriate Advisory Board POC. So that's kind
16 of the summary of that responsibility.

17 DR. MAURO: Joe, once you get by
18 the baseline process in the raw and running --
19 we've done due diligence and we've made sure
20 that we reviewed and now we have our plan and
21 we know what we want to do, we've put together
22 our data capture plan and wrote the DOE, how

1 closely do we coordinate and communicate with
2 the NIOSH point of contact once we're off and
3 running on the whole. When I say on the whole,
4 we've finished the baseline.

5 How closely knit -- I know you
6 were very close with Brant throughout the
7 process on Mound. You guys were connected at
8 the hip during the process, watching the e-
9 mail exchanges.

10 Once we're off and running, is
11 this something that takes its own form as a
12 self organizing process?

13 MR. FITZGERALD: I think it's both.
14 I think -- it's all fact finding, so if I find
15 facts that NIOSH doesn't have access to, I'm
16 going to make those facts available and
17 documents and interview notes, that kind of
18 thing, so once we capture what we capture in
19 the way of documents and whatnot, they would
20 and should be available.

21 Now, obviously, the research and
22 analysis and figuring out what it means from

1 the standpoint of the independent review, that
2 would be propriety and is something that we
3 would, obviously, keep to ourselves. But the
4 actual documents and the facts collected at
5 the site is something that should be shared
6 and we've been sharing that.

7 So really, that's not going to
8 change. I think interaction after we've been
9 on-site is one of making documents and facts
10 available to everybody, no matter who collects
11 it and then engaging back and forth.

12 I think with Mound, if I'd come
13 across documents that Brant wasn't aware of,
14 I'd just send them over and he did the same.
15 So I think the fact finding part, I think, is
16 pretty straightforward,

17 MR. KATZ: So even, I mean, part of
18 this is already -- since you're going to be
19 notifying the DFO on major milestones like
20 captures and so on, and I'm sure you'll be
21 speaking to the OCAS point of contact anyway
22 because you're checking up on whether they're

1 in the process of getting something anyway,
2 but I get copied as well, just as another
3 failsafe. So I can copy the OCAS point of
4 contact with that information so they know as
5 well that that next step is coming online.

6 MR. FITZGERALD: Yes, the
7 interaction would be matter of coordinating
8 milestone and any resource issues because
9 again, resource issues would be on -- we have
10 a site that may not have the resources, and
11 this is very common, or can't get to it
12 because they have other priorities.

13 We would both inform the DOE
14 counterparts and inform you that we have a
15 problem. Wednesday have to wait for some
16 resolution of the problem from that
17 standpoint.

18 DR. MAURO: So there are really
19 several hubs. In other words, when you're
20 working and communicating -- you've provided
21 the information that's critical. You've
22 provided the Board chairperson, Brad, with the

1 same information, so there are more than one
2 hub where information goes out and from there,
3 it goes out further.

4 For example, when you get your
5 information, I guess you communicate and
6 coordinate with an array of individuals that
7 you feel are essential and need to be kept
8 informed of these matters.

9 Same thing goes with the Board
10 members. Is it true that with -- I don't think
11 we're dealing with a linear process. That's
12 what I'm getting at.

13 MR. FITZGERALD: No, no, no.
14 Absolutely not because, take Brookhaven, for
15 example. We're doing a site -- we're halfway
16 through a site profile review while Grady is
17 finishing up probably ER and we'll finish that
18 up just as something is going to happen with
19 his product and then we may very well turn
20 around and let the Board authorize to do
21 additional work, so it's going to be a very
22 organic process.

1 The only thing I think we can do
2 is make sure everybody knows who's on first,
3 who's on second, that we're in fact, on-site,
4 doing this so if he or his folks are going on-
5 site as well, they know we're there doing data
6 capture for a site profile review.

7 If DOE, say Brookhaven, is maybe
8 balking because they feel like they've been
9 inundated -- they don't really easily make the
10 distinction. This is SC&A and this is NIOSH.
11 They just see external folks coming in.

12 So just having that information
13 out, I think, is important. The rest of it is
14 simply something that we would do in practice,
15 which is to make sure that there's full
16 disclosure of all factual documents,
17 information that's been collected so that
18 everybody has the same facts.

19 What we do with the facts is
20 another issue, but the facts are there and
21 there's no surprises as we go along if there's
22 a document or something that somebody wasn't

1 aware of. There's always some gaffes.
2 Something comes up. But we typically take care
3 of it pretty fast.

4 Okay, I think -- unless there's
5 some questions capsules what we have looked at
6 or the Advisory Board slash technical support
7 contractor role and how that plays against the
8 DOE and NIOSH.

9 Now, the DOE site point of
10 contact, I think we -- I'll have to go back
11 and double-check, but I think we kind of
12 mirrored much of what was in PROC-010 on what
13 DOE's role would be.

14 This kind of reflects current
15 practice in respecting we still have to work
16 through the Greg Lewises and whatnot to make
17 introductions to sites. Then once we get on-
18 site, we have to deal with the site point of
19 contact and their security people. I've been
20 doing this for five years so in a sense,
21 there's some native understanding of how that
22 works. Each site has a different records

1 process and different faces that touch, so
2 that has to be tailored.

3 We do rely on folks like Kathy
4 Robertson-Demers because this tends to be an
5 experience-based process where you sort of
6 have to navigate the site in terms of what's
7 required.

8 But the DOE point of contact, that
9 responsibility is essentially, once the
10 coordination is done, to provide the records
11 to gather information and make arrangements
12 for interviews to -- whatever site-specific
13 requirements there are for records and
14 security. That's pretty much laid out in this
15 provision.

16 MR. KATZ: I just have a comment
17 about this. This is in partners of this, but
18 it goes right on this and I just would make
19 the suggestion -- so OCAS basically just says
20 this is DOE point of site, site POC's role and
21 leaves it at that.

22 But this goes beyond that and sort

1 of instructs DOE about how to conduct this
2 role. I would suggest that that's really not
3 appropriate for your procedure.

4 MR. FITZGERALD: Can you be
5 specific?

6 MR. KATZ: So beginning after
7 directives here, it says that -- it goes on to
8 say -- so it tells you what the DOE POC will
9 do -- provide access, et cetera -- and then it
10 says the DOE site POC will develop and
11 administer a process to ensure that DOE
12 documents undergo thorough and timely
13 classification review, blah, blah, blah.

14 I'm just saying that's really --
15 that's DOE's responsibility to handle their
16 business well. I really think probably your
17 document shouldn't be instructing DOE on how
18 to do their work because at least, the OCAS
19 document doesn't instruct DOE on how it's to
20 do its work in parallel, and I think you have
21 to -- certainly, if there are issues because
22 DOE is not doing its work in a way that's

1 timely and so on, that's again, when I would
2 want to know about that and then we can have
3 discussions with DOE about the problems.

4 But really, to sort of lay out in
5 this document --

6 MR. FITZGERALD: Well, maybe it's
7 the --

8 MR. KATZ: There's performance
9 expectation --

10 MR. FITZGERALD: I don't think it's
11 performance expectations. I think it was more
12 reflecting actual experience with what role
13 they assume.

14 This is strictly a section on
15 roles, so if the will -- the use of the will
16 is -- noting some -- then I would just say
17 strike --

18 MR. KATZ: If you're striking the
19 wills, I think maybe it's just the --

20 MR. FITZGERALD: I mean, I think
21 you could lose it completely just because I
22 don't think really it's necessary, but that's

1 again --

2 MR. KATZ: Also, John, I guess
3 maybe the issue of -- DOE, at the end of the
4 day, DOE is going to have to be happy with
5 your procedure before you can implement it.

6 I'm trying to save you the problem
7 of going to the Board with a document that has
8 components in it that Doe is unhappy with and
9 then you won't come out of, necessarily, the
10 Board meeting.

11 MR. FITZGERALD: No, we certainly
12 don't want to make DOE unhappy.

13 MR. KATZ: I'm trying to just --
14 I'd love to see the procedures in effect as
15 quickly as possible so that SC&A can be
16 running under its own rules -- I mean, under
17 the Board's rules. So I wouldn't gratuitously
18 add anything to these documents that might
19 cause a hiccup.

20 MR. FITZGERALD: That's probably a
21 point well taken. I don't think there was any
22 intent.

1 CHAIRMAN CLAWSON: The part about
2 the very last statement here though, that DOE
3 site -- DOE will determine any training
4 requirements -- see, that's part of the thing
5 we got into some.

6 Besides, when we get in there, all
7 of a sudden, they do get to us, but
8 communicate these to the Advisory Board so
9 that we know what we're needing to be able to
10 have because -- like rad worker or any of
11 these other things that we need to be able to
12 do any of these.

13 I was just -- the very last line
14 that DOE is -- site POC will determine any
15 training requirements, communicate these to
16 the Advisory Board and their technical site
17 designated -- available --

18 MR. KATZ: Well, is that not
19 actually covered in the procedures themselves?
20 If not -- I mean, having that -- that's just
21 a role. I think that's okay. It probably
22 belongs in the appropriate place in the

1 procedure itself.

2 CHAIRMAN CLAWSON: Okay, but --

3 MR. KATZ: But that's not --
4 again, I'm not concerned about that, about
5 actual role information. It's just not
6 instructing them on how to do their work.

7 MR. FITZGERALD: Well, I think some
8 of this is essentially the role that they
9 play. I do agree that the will part -- the use
10 of the word will -- probably gives it the
11 connotation that wasn't intended.

12 But I also appreciate what you're
13 saying is that, if we outline a DOE role, even
14 if it's what was experienced in practice,
15 certainly, you would have to have the Board or
16 the Board would need to run it past DOE to see
17 if they would agree.

18 That is an issue since I would
19 imagine that the DOE site point of contact
20 role that's in PROC-010 was probably based on
21 something that's been reviewed by DOE.

22 DR. MAURO: One of the things that

1 I think you tried to do here is that, in
2 effect, what's being said is it is the Board's
3 desire or understanding that certain good
4 things will happen.

5 See, you're not really writing
6 their procedures. We can't do that. I mean,
7 you're absolutely right. We can't say they
8 will do this or shall do that.

9 But the idea that -- and maybe
10 that's not the place for it -- but the
11 importance of the interaction and the kinds of
12 actions that are going to be taken by DOE.
13 There's certain things that are going to be
14 very important for us to get our job done. In
15 effect, that's what you're really doing.

16 MR. FITZGERALD: Let me just read
17 this for a second. I'll drop the will out
18 because that, I think, is a grammatical -- let
19 me read this without the wills.

20 Again, I don't disagree that
21 certainly I would want Jean or somebody to
22 say, well, that doesn't cause me heartburn

1 because that's what we do. But let me just
2 read it without the will.

3 The DOE site point of contact --
4 this is DOE again -- develops and administers
5 a process to ensure that DOE documents undergo
6 thorough and timely classification control
7 reviews prior to release. The DOE provides
8 timely classification control reviews of
9 notes, drafts, and reports generated to
10 fulfill requirements contained and reviews
11 conducted at the site level.

12 They may also designate an
13 authorized representative to act in their
14 place for all responsibilities outlined below,
15 including coordination of all aspects with the
16 Advisory Board or their designee, technical
17 support contractor designee.

18 Information reviewed and
19 requested, I guess, would be provide to the
20 Advisory Board or their technical support
21 contractor. DOE site point of contact
22 determines any training requirements,

1 communicates these to the Advisory Board or
2 SC&A and arranges for that required training.

3 This, again, is based on practice, but --

4 MR. KATZ: If you want to -- I
5 mean, if you want commentary on what DOE does,
6 I think that's okay. I don't think that -- I
7 know they wouldn't expect to have heartburn
8 over that.

9 MR. FITZGERALD: But I think the
10 point is well taken. I think the way it was
11 crafted, with the three wills, I would object
12 to as well, so that wasn't intended, but I
13 think that does -- I think we interpreted it
14 that way.

15 MEMBER BEACH: I would like to see
16 it tacked in without the wills personally.

17 MS. HOWELL: And also, if you're
18 going to keep it in, then the language about
19 providing information should also probably
20 list the DFO at the end.

21 MR. FITZGERALD: At the end?
22 Relative to the training or --

1 MS. HOWELL: Just that they're
2 going to communicate things to the DFO in
3 addition to the Advisory Board and technical
4 support contractor.

5 MR. FITZGERALD: Yes.

6 DR. MAURO: In the last sentence.

7 MR. KATZ: Actually, not to the --
8 it wouldn't be to the Advisory Board. I don't
9 think they would be directly communicating to
10 the Advisory Board about these, right?

11 MR. FITZGERALD: Well, in the
12 current construct, it would be the SC&A.

13 MR. KATZ: Right. That's what I'm
14 saying. That's all.

15 MR. FITZGERALD: And Emily, what
16 you're saying is that with any interagency
17 communications, the DFO would be on cc?

18 MS. HOWELL: Yes.

19 MR. FITZGERALD: Okay. Okay, DOE
20 headquarters point of contact -- I think,
21 again, the context of this was to reflect
22 what's been the practice, so this does go a

1 little further than the statement in the
2 equivalent, PROC-010.

3 I'm just going to read through
4 this and if there's any wills, you can whack
5 them out. Maybe I'll whack them out.

6 MR. KATZ: Just whack them as you
7 read them.

8 MR. FITZGERALD: DOE headquarters
9 point of contact is responsible for
10 coordinating and providing funding to the DOE
11 site POC, support Advisory Board or technical
12 support contractor requests for information.

13 MR. KATZ: Just about the wills
14 before you get into it, the first half of this
15 paragraph comes right out of OCAS in this
16 line, I think. I think it mirrors the OCAS.

17 MR. FITZGERALD: DOE headquarters
18 point of contact.

19 MR. KATZ: Really, once you get to,
20 for documents submitted that you've gone
21 beyond what OCAS has.

22 MR. FITZGERALD: Okay. Let me just

1 make sure I make another line here. Again,
2 this is just pretty much mirroring what's in
3 PROC-010, so DOE headquarters would be
4 responsible for coordinating, providing
5 funding to the DOE site point of contact. They
6 will facilitate necessary approvals for the
7 Advisory Board, to enter DOE facilities,
8 review records, gather information, conduct
9 interviews, and perform other related
10 activities. This would include establishing
11 Advisory Board or support contractor, need to
12 know, press appropriate signal clearances, and
13 coordinate and transmit clearance information
14 to enable Advisory Board members and
15 contractor to access sensitive information.

16 So this is right out of PROC-010.
17 This would be the additional language which we
18 have proposed. For documents submitted to
19 headquarters for review -- and I'll take out
20 the will -- they would develop and administer
21 a process to ensure that DOE documents undergo
22 thorough and timely classification control

1 reviews prior to their release.

2 This is similar to what was
3 written before. The DOE headquarters will
4 assist the Advisory Board and their contractor
5 in locating facilities where
6 classified/controlled unclassified information
7 will store process transmitter discussed in a
8 secure manner.

9 That's another practice that
10 they've been doing. They have set up secure
11 locations for us at certain sites and have
12 arranged for storage of UCNI.

13 The DOE headquarters will
14 designate an experienced security advisor to
15 assist the Advisory Board and its support
16 contractor in resolving security issues.

17 They have done that. We do have a
18 couple folks at headquarters who act in that
19 role, that they've asked us to more or less
20 coordinate with those individuals when we have
21 questions or issues.

22 Again, the will part, I think,

1 obviously needs to come out so the context is
2 easier. This is a descriptor of roles, not a
3 functional statement.

4 CHAIRMAN CLAWSON: All right.

5 MR. FITZGERALD: Okay, moving on,
6 if -- I mean, that's the addition to what was
7 in PROC-010 and that reflects practice that
8 we've been undergoing.

9 Site classification officer -- I
10 don't know if --

11 MR. KATZ: It's not the OCAS one.

12 MR. FITZGERALD: Again, this is by
13 experience. Again, some of this is just coming
14 from the -- I guess, going on six years of
15 experience with the sites. We have to deal
16 with a site classification officer who is
17 designated by the site with coordination by
18 Greg Lewis, who pretty much tells us what we
19 can and cannot do and what the site specific
20 process is. That's just reflecting that. And
21 this, for those -- following the DOE site
22 classification officer will assist the team by

1 providing guidance on how to submit notes for
2 review and when possible, how to present the
3 controlled information in a manner that allows
4 it to be unclassified or uncontrolled, which
5 I think is essentially --

6 MEMBER BEACH: So to keep it
7 consistent, if you get rid of the will and
8 just say assist, then it just describes what
9 they do.

10 MR. FITZGERALD: Right. In terms of
11 the NIOSH site point of contact, I'm quickly
12 seeing whether there -- let me just read
13 through this and others can compare it with
14 PROC-010, but it should be close with maybe a
15 few minor additions.

16 The NIOSH site point of contact is
17 responsible for coordination with the Advisory
18 Board or SC&A depending on the situation and
19 the DOE site point of contact regarding
20 resources needed for initial site information
21 request and ensuring same is necessary with
22 the DOE headquarter's POC.

1 I think what we're saying there
2 basically is the triumvirate when we go on-
3 site that we can ask, but DOE doesn't
4 necessarily provide unless NIOSH engages with
5 DOE and authorizes resources to respond.

6 So again, we're sensitive to the
7 issue of -- we can come up with data capture
8 plans and whatnot, but in all cases at the
9 sites, they're looking for an account number.
10 They're looking for a way to actually support
11 the requests and that takes resources. So that
12 coordination is reflected there.

13 DR. MAURO: Joe, I'm sorry to
14 interrupt. Is that a concurrent baselining or
15 is that a real time as we're interacting?

16 MR. FITZGERALD: No, that's a real
17 time. Greg Lewis and Gina oversee the EEOICPA
18 program and there's a budget for requests at
19 the sites. But that wires in the DFO and the
20 agency on the other side, meaning that we, as
21 contractors, can't enjoin an agency to spend
22 resources by ourselves.

1 DR. MAURO: So there are
2 implications here in terms of -- the model I
3 had in my head is that once we are
4 independent, so to speak, in terms of our
5 interaction with the DOE point of contact and
6 we're workable and we identify -- let's say
7 we're now with the electronic database. I
8 remember there was a -- I forget the acronym
9 that was being used at Savannah River and we
10 identified documents and lists, things we'd
11 like to look at.

12 Now, all of those eventually, when
13 communicated to the DOE point of contact, had
14 cost implications for them that were not
15 anticipated.

16 At this point, does the process
17 stop until NIOSH point of contact is informed
18 of this data capture, these 30 or 40 boxes
19 that we'd like to get our hands on, and needs
20 to assure or make provisions for funding? The
21 DOE? I mean, I guess that's what I just heard.

22 MR. FITZGERALD: No, no. I think in

1 practice, what happens is when we go initially
2 on-site and with all the data capture, that is
3 coordinated with DOE headquarters and the DFO
4 relative to NIOSH. That goes in Gina's shop.
5 DOE headquarters' program that has the
6 responsibility for the budget on the DOE side
7 has to work with the site and the site has to
8 have an account that they can charge against
9 all this.

10 Now, once you get beyond the
11 initial point, plus there's a major
12 perturbation, meaning that something major
13 comes up that the site cannot support. In
14 other words, they have a certain amount of
15 resources but that goes well beyond that. They
16 go back to Gina's shop, headquarters, and then
17 maybe headquarters gets a hold of Ted and says
18 SC&A is asking for the sun and the moon. We
19 don't have resources. We need some relief on
20 that.

21 DR. MAURO: So that's something
22 that -- while Kathy is interacting with her

1 counterpart at DOE point of contact trying to
2 get the job done, if something unfolds in a
3 way that is clearly, oh my goodness, DOE will,
4 at that point, make it known we have problems?

5 MR. FITZGERALD: There's no
6 question. What happens is basically -- up
7 front, there's a sizing of the effort, meaning
8 that by virtue of the data capture, the amount
9 of work that we want to do at the site, the
10 site figures out what this is going to take.
11 There's an interaction we don't see between
12 the site and headquarters, DOE headquarters,
13 and that's when they figure out, okay, this is
14 what can happen.

15 We don't see that, nor would we
16 see anything come out of that unless something
17 comes up where it goes so long that we've
18 outstripped the resources they thought they
19 had there or we come up with something that is
20 not unexpected.

21 That's when I think Ted would get
22 the call. Otherwise, Ted would never get a

1 call because I think the initial sizing of
2 this thing through the data capture and what
3 have you would give them a sense and they
4 would set things up at the site and everything
5 that goes along. It's within this sphere of
6 expectations.

7 We're on a roll here. This is it.
8 This is where we get into the role of the
9 NIOSH point of contacts that we discussed
10 earlier about baselining, that there would be
11 disclosure of all documents either collected
12 or being collected, classified or
13 unclassified, even if they're in the pipeline
14 so that when we come up with our data capture
15 request, it's going to reflect pretty much
16 what's been requested already.

17 MR. CALHOUN: I don't understand
18 that sentence completely because it says that
19 we confirm that our collection of documents in
20 the SRDB is complete.

21 They're never complete. I mean,
22 with Brookhaven, if there wasn't a funding

1 issue right now, we are still collecting
2 documents, so I mean, we could certainly let
3 you know what the status is

4 MR. FITZGERALD: I think that's a
5 better word. That's good. We'll make that
6 change. I think, as I said, just a minute ago,
7 just looking for what is in fact, requested or
8 on hand -- that's all -- so that our request
9 coming on the heels of your request isn't
10 going to be seen by DOE as overlapping. There
11 might be some, but hopefully not very much.

12 The NIOSH site POC will provide
13 necessary coordination with DOE headquarters
14 and the DOE site POC, when resources require -
15 - we did discuss that. That would be when it
16 would be required.

17 We did put the notion that --
18 maybe it's going to be written a little
19 differently. This coordination would not
20 impeded routine interactions. In other words,
21 you wouldn't have to be -- I think this goes
22 to your comment, John. It wouldn't have to be

1 for every request, like we want to interview
2 Joe Schmo. It wouldn't be at that level, need
3 to go back for resource check. I mean, this is
4 the macro resources, not the micro resources.
5 That's the intent there that we would still be
6 able to proceed on interactions at the site
7 while doing resource checks.

8 MEMBER BEACH: Joe, at the start of
9 that, are you going to go ahead and take the
10 will out again for NIOSH -- it says will
11 provide -- and just make it a POC --

12 MR. FITZGERALD: Yes. I think the
13 will is not appropriate for roles and
14 responsibilities, so all the wills would come
15 out throughout the roles and responsibilities.

16 MR. KATZ: Well, there are some
17 wills that were appropriate -- Don't take,
18 globally, wills out.

19 MR. FITZGERALD: We'll be very
20 careful on that.

21 To close out, NIOSH site POC is
22 responsible under OCAS PROC-011 for submitting

1 final documents to DOE for review.

2 This would be that final loop
3 where we send something to PA review and
4 that's it. It goes -- because DOE doesn't want
5 any -- once it goes on the website, they want
6 the final, final, final. Nancy, are you still
7 on the phone?

8 MS. ADAMS: Yes, I am.

9 MR. FITZGERALD: Is that correct? I
10 want to make sure. As far as what is put up on
11 the OCAS website, DOE reviews that as the
12 final pass for clearance purposes. That's
13 after PA review?

14 MS. ADAMS: Yes.

15 MR. FITZGERALD: And I guess, from
16 the standpoint of whose fingers touched it
17 last, I thought it went directly from --
18 people are shaking their head no, so maybe I
19 got that wrong -- directly from NIOSH to DOE
20 for that final review.

21 MS. ADAMS: No.

22 MR. FITZGERALD: So it comes back

1 to us. Then it goes to -- okay.

2 MS. ADAMS: No, no. we are
3 requested to have a document PA reviewed. We
4 address the comments and then if there have
5 been changes from a previously cleared
6 document, then it has to go back for a final.

7 MR. FITZGERALD: Okay, I need to
8 change that then because --

9 DR. MAURO: That's important. So
10 there's a certain degree of discretion? What
11 I'm getting out of this is -- the document is
12 cleared by DOE?

13 MS. ADAMS: We have been sending
14 documents to DOE prior to PA review.

15 DR. MAURO: Yes.

16 MS. ADAMS: They clear them. We
17 send them to the Board of Restrictive
18 Documents.

19 DR. MAURO: Yes.

20 MS. ADAMS: Many of them, we send
21 to PA clearance at the same time. If there are
22 no changes in the document and nothing has

1 been altered at all, we can simply send it
2 back as a PA-cleared document without going
3 through DOE again.

4 If there have been changes that
5 may affect classification -- and I can't
6 determine that -- so if there have been
7 changes in the text, then we have to send it
8 for another clearance from DOE before it can
9 be posted on the website.

10 DR. MAURO: That's what I mean by
11 degree of discretion and judgment. In other
12 words, there is a degree of judgement made by
13 the PA folks and yourself in terms of what are
14 the kinds of PA changes that might be made.
15 Or if there's anything changed, does that
16 mean, nope, it's got to go back to DOE again?

17 MS. ADAMS: I defer to Joseph
18 Gerald for that. I run everything by him and
19 ask him whether it has to go back.

20 MR. FITZGERALD: Yes. DOE wants to
21 have the -- there's been some minor
22 exceptions. I tell them, well, you've deleted

1 a proper name and put brackets saying deleted.
2 They said, no. We don't want to see that. But
3 they're looking for any content changes, any
4 rewording of sentences beyond simply dropping
5 formal names out and things like that.

6 So a PA review, if it's just,
7 typically, drops out formal names and it just
8 puts deleted or a blank. They don't care to
9 see that again.

10 DR. MAURO: But we let them know
11 that, though. They do want to know that. In
12 other words, it's not just a matter of --

13 MR. FITZGERALD: I call them up and
14 just tell them --

15 MR. CALHOUN: We get e-mail and we
16 say in between the initial draft that you've
17 cleared and the final that's approved --
18 signed off, done -- there have been no
19 technical changes made to the document.

20 MR. FITZGERALD: Right.

21 MR. CALHOUN: And they say, don't -

22 -

1 MS. ADAMS: I need some guidance on
2 that. Again, I defer to Joe and I ask Joe
3 specifically about the one I just sent out,
4 whether I have to notify DOE and he had told
5 me no. So if I need to advise them --

6 MR. FITZGERALD: Those aren't
7 technical changes. They were just names being
8 dropped out.

9 MS. ADAMS: But no, it was just
10 numbers that we put redacted number.

11 MR. FITZGERALD: Right.

12 MS. ADAMS: The bottom line is, we
13 made changes. We didn't tell them and NIOSH is
14 saying that they do.

15 MR. CALHOUN: We just tell them
16 that -- we just say, hey, we've made no
17 technical changes to this document and we
18 don't think it needs to be reviewed. Is that
19 cool with you? And then we get something back
20 from them: an e-mail from Gina that says okay.

21 MR. FITZGERALD: Why don't with we
22 hold that for PROC-011?

1 MR. KATZ: Let me just say, on this
2 note, that I sent an e-mail to Gina just
3 yesterday, I believe, in anticipation of this
4 meeting and knowing that this was a concern of
5 John's that there are times where we do --
6 where there's an SC&A document and there's no
7 real technical changes made and it just goes
8 to PA review and just names were redacted and
9 maybe other information that's equivalent to
10 giving a name or could lead someone to a name.

11 So I posed the question to Gina
12 and I asked -- I actually didn't know OCAS's
13 procedure, but I actually proposed exactly
14 what I just heard from Grady to Gina. Would
15 that be adequate in those cases if you get
16 certification from SC&A that there have been
17 no changes other than that, would that be okay
18 to not have to send it back? So I haven't had
19 a response yet, but I just wanted to let you
20 know I did actually communicate that.

21 MR. CALHOUN: We asked that twice.

22 MR. KATZ: So we'll get feedback

1 from Gina and I'll forward it --

2 MR. FITZGERALD: I think it was
3 the certification.

4 MR. CALHOUN: If they want a
5 written certification, we can do that. I think
6 that would be a good way to do it.

7 MR. KATZ: And then there's a role
8 for DFO -- I don't know if --

9 MR. FITZGERALD: I think we can
10 elaborate that without -- we talked about that
11 already without having to dwell on it. We can
12 just elaborate that description as we go.

13 MR. KATZ: Okay, I think that point
14 was already made.

15 MR. FITZGERALD: That the end of
16 the roles and responsibilities. Before we
17 break, I guess, does anyone --

18 MEMBER BEACH: So there's no
19 question on the NIOSH rule? I'm just curious.

20 MR. KATZ: So I have a question
21 with,-- actually, I had it and then I lost it
22 in this discussion, but this last sentence so

1 is -- we just discussed it. It's coming out.

2 It's not correct. So that's all.

3 MR. FITZGERALD: Right.

4 MR. KATZ: I just wanted to make
5 sure we documented it.

6 MEMBER BEACH: So the last sentence
7 is coming out?

8 MR. FITZGERALD: Yes. It's coming
9 out, right.

10 MEMBER BEACH: And I guess I'm
11 curious. We do have NIOSH in the room. Is
12 there any problems that you guys see?

13 MR. CALHOUN: I didn't see anything
14 that was different than what we had.

15 MR. KATZ: Grady would have
16 commented about the status versus SRDB being
17 complete.

18 MR. FITZGERALD: We can change
19 that, yes. And I think you were commenting
20 earlier that after the fact, you can provide
21 more specific -- the suggested changes,
22 including that one.

1 MR. CALHOUN: Yes.

2 MR. FITZGERALD: Okay. I'm just
3 writing status. I'm not sure that will --

4 MR. KATZ: I will certainly, and I
5 guess everybody will provide you and Brad with
6 -- the whole working group -- each other and
7 you with any suggestions for particular copy
8 edits.

9 Okay, Brad, do you want to?

10 CHAIRMAN CLAWSON: Let's break.

11 MR. KATZ: Folks on the phone,
12 we're going to take a 10 minute break, so
13 we'll be starting up about half past 11 by my
14 watch.

15 (Whereupon, the above-entitled
16 matter went off the record at 11:19 a.m. and
17 resumed at 11:33 a.m.)

18 MR. KATZ: Folks on the phone, this
19 is the Advisory Board on Radiation Worker
20 Health, the working group on developing
21 Board's security plan and we're starting back
22 up again.

1 Someone on the phone, just let me
2 know if you can hear us?

3 MS. ADAMS: Yes. We hear you.

4 MR. KATZ: Thank you. I guess I
5 should check with two. Phil Schofield, did
6 you, per chance, join us again?

7 CHAIRMAN CLAWSON: He's probably at
8 the airport.

9 MR. KATZ: No, he's going a little
10 later. He's going at 2.

11 CHAIRMAN CLAWSON: Let's just
12 continue.

13 MR. KATZ: Okay.

14 MR. FITZGERALD: All right. This is
15 Joe Fitzgerald again, SC&A.

16 We left off of what was section
17 4.0 on roles and responsibilities and we're
18 starting now into the actual procedures. That
19 was all a preface to the actual procedures
20 themselves.

21 As an approach, what we did was we
22 started with the PROC-010 procedures and

1 amplified in some cases with what I would call
2 actual practice that we do on sites.

3 So some of this is more in the
4 vein of explaining what processes we follow
5 while on site, just to put it on paper. I
6 think it's good to do that. I think some of
7 this has been proceduralized, but some of it
8 has not. It has evolved over the last four or
9 five years and I think, memorializing, how we
10 do that is useful in this particular
11 procedure. So some of this is actually in
12 writing for the first time, as far as a set
13 procedure.

14 For the benefit of the folks on
15 the phone, I'm going to outline, but not
16 necessarily read, what's in these procedures.
17 The first point in the procedures is 5.1,
18 which is the process of requesting
19 information. I believe this is a verbatim
20 repeat of what was in PROC-010, but during the
21 site profile development and review in support
22 of DOSHA reconstruction or through SEC

1 petition evaluations, additional information
2 from DOE is generally necessary to address the
3 scientific issues related to estimation of
4 radiation dose.

5 In these instances, it's necessary
6 for the Advisory Board or its technical
7 support contractor to formally request the
8 additional information from DOE.

9 Before a request is submitted,
10 what we do is the respective POCs, the
11 Advisory Board, and SC&A in this case, are
12 responsible for checking the site research
13 databases -- the O: drive, I think some of you
14 have heard about.

15 Again, this is part of the
16 baselining of the process and making sure that
17 as we put our request together, that we're
18 reflecting what's available through that
19 means. We also list OSTI, which has a number
20 of DOE holdings as well. That's, again, a
21 preface for the specific procedures.

22 Initial contact, in terms of

1 process -- what we're talking about, is the --
2 and I'm going to just say SC&A just as
3 shorthand. We had Advisory Board and/or the
4 TSC, technical support contractor. I'm just
5 going to SC&A just to keep it simpler.

6 SC&A shall notify the
7 corresponding DOE site POC and headquarters
8 POC of intent to conduct data retrieval, on
9 site interviews, and writing. As Emily pointed
10 out and as seconded by the DFO, this would be
11 copied to DFO, in terms of that initial
12 request.

13 The SC&A will open a dialogue with
14 DOE headquarters. I think that's been the way
15 it's been going on. We coordinate with Greg
16 Lewis, who has been a POC for that part of HSS
17 and DOE headquarters, when we're getting ready
18 to make a request at a site. But we want to
19 inform them in an introductory way of the
20 nature of the information that we're looking
21 for, the types of individuals -- health
22 physicists, managers, workers, former workers

1 -- who we want to interview, and how that
2 relates to on-going requests by NIOSH.

3 The notion there is we're
4 coordinating with the NIOSH POC in terms of
5 how to make the most effective and efficient
6 request of DOE in terms of information at the
7 site.

8 What we find out from the site is
9 what the records database and systems are
10 like, how they keep their information and how
11 we access that in the most effective way.
12 Usually we get a point of contact identified
13 for that purpose and we typically identify key
14 word searches and we're told how those key
15 word searches would be handled. We would
16 obviously baseline, as we indicated before,
17 with any other request that NIOSH has
18 conducted in the past.

19 So all of this is going on as
20 preparatory to coming up with what we would
21 call a site data capture plan, meaning what
22 we're going to actually request, what key word

1 searches we're going to do, and what
2 individuals, both on and off site, we would
3 want to -- who we would want to interview --
4 so that would all be preparatory to that.

5 We would coordinate those requests
6 with the NIOSH POC. We would want a disclosure
7 of what's been collected, a status of what's
8 on the O: drive perhaps and a status of,
9 perhaps documents requested but not yet
10 received. We're calling that baseline, but I
11 think that's become familiar enough.

12 In turn, and this is a two way
13 street, if we happen to have documents already
14 and documents that we would collect and
15 process, we would disclose those to the NIOSH
16 POC as well. So it's a two way street as we go
17 along.

18 Again, the purpose of this initial
19 contact is to give the appropriate parties at
20 DOE advance notice, to make sure the NIOSH POC
21 knows what we're doing, the DFO is aware of
22 plans, and to just start the coordination

1 process through headquarters to the site in
2 terms of their responding to requests and
3 having the resources to do so.

4 So that is more or less the kick-
5 off. One key thing that would be part of that
6 is simply -- a key part of this also, and this
7 is one that has been emphasized in the past,
8 is to clarify for the site how we play into
9 the picture -- that we're reviewing
10 documentation for the purposes of evaluating
11 a site profile or perhaps an evaluation report
12 for an SEC -- just so they know who we are,
13 what we're doing, and what the context of the
14 visit is. So that's the advance process for
15 visiting a site and doing initial contact.

16 As far as a formal request -- this
17 is all preparatory for a formal request. We
18 would prepare and submit a request letter and
19 that letter essentially identifies what we're
20 doing, who we are, the time frame, the scope
21 of the request, and everything that we kind of
22 learned from the initial interaction and have

1 established as far as status with NIOSH, we
2 kind of reflect in this letter.

3 This is really the vehicle which
4 DOE would use to establish what the site would
5 need to do to respond and the level resources
6 for that response.

7 This site data capture plan would
8 be provided prior to even going on site. That
9 would be sort of the going in game plan for
10 the visit and would be the basis for the site
11 to decide how they could best respond, how
12 they would make arrangements.

13 That piece is a pretty important
14 piece. It corresponds with pretty much NIOSH
15 and ORAU practice. We have started submitting
16 these site data capture plans starting, I
17 think, with Mound. Maybe with a couple of
18 other sites. This is a process that has
19 evolved.

20 We did not do it as formally as
21 that prior to the middle of last year, but I
22 think that since the middle of last year,

1 we've gone through that process and it has
2 helped, I think, to communicate the scope of
3 what we're doing for all the parties
4 concerned. I think that's turned out to be a
5 pretty good thing.

6 MEMBER PRESLEY: Joe, I have a
7 comment on this. Nowhere in this particular
8 item do I read that HHS/CDC gets a copy of
9 this plan prior to whenever it goes to the
10 site.

11 MR. FITZGERALD: Yes.

12 MEMBER PRESLEY: Would that not be
13 applicable for --

14 MR. FITZGERALD: Yes, in practice,
15 we are -- in fact, we run the plan right now
16 by the POC pretty much to confirm that what
17 we're requesting isn't necessarily something
18 that's already been requested. So I think
19 that's a good point.

20 MR. KATZ: That's the NIOSH POC.
21 So the other addition would be that you'd copy
22 me before or in the process of submitting the

1 formal request, not before? It doesn't need to
2 be a prerequisite?

3 MR. FITZGERALD: Yes. The first
4 part is where, I think, we interact up front
5 to try to make sure that there isn't
6 duplication and to make sure that all the
7 parties understand the scope.

8 This part is where we have taken
9 all that preparation and reflected in its
10 survey starting point document that is the
11 data capture plan. That would be, in our
12 estimation, something that everybody would
13 have a copy of. I mean, you would have a copy.
14 NIOSH would have a copy. The DOE would
15 obviously have a copy, and that would be the
16 starting point for the on site interactions.

17 So beyond that point, we would be
18 day to day. But at that point, that's pretty
19 much the understood proposition that we're
20 going on site with. So I agree. I think we can
21 make that explicit that that data capture plan
22 would be something that both agencies would

1 have, the Board would have, and we would use
2 as the starting point.

3 MEMBER PRESLEY: Somebody would
4 have the last --

5 MR. FITZGERALD: Kathy? Do you have
6 a comment?

7 MS. ROBERTSON-DEMERS: Yes. I think
8 that we're going to have to do with the data
9 capture plan is to make it a two step process
10 because if I wait to give them the key words -
11 - the authors -- until I've chosen the
12 documents, it's after the fact. So we're going
13 to have to break it up into actually two data
14 requests.

15 DR. MAKHIJANI: I didn't get that,
16 Kathy.

17 MS. ROBERTSON-DEMERS: Okay, right
18 now, when you make a data request, it includes
19 who you want to interview, what key words you
20 want searched, what authors you want searched,
21 what databases you want searched, and the
22 records that you want retrieved.

1 In practice, that document gets
2 provided at the end. However, the key words
3 and the authors have to be provided before you
4 select the document.

5 So what I'm saying is that it's
6 probably going to be two data capture plans --
7 one for the front end work and one for the
8 back end work.

9 MR. FITZGERALD: Yes. Just to
10 reiterate, to identify the documents that
11 would be listed as ones we would want them to
12 retrieve, we almost have to do a search to
13 find out what they are.

14 So the first part, which I think
15 is more under preparatory and we can maybe
16 make that a little clearer in that preparatory
17 stage, we would look at what's been collected
18 and based on what's been collected -- we
19 actually have access to -- am I right, Kathy -
20 - to key word searches that have been done by
21 NIOSH or no?

22 MS. ROBERTSON-DEMERS: We have

1 requested them. We don't have access to them
2 in all cases.

3 MR. FITZGERALD: Okay. In some
4 cases, we've been asking before we run our key
5 word search, can you tell us what key words
6 you use and maybe if there's one that you
7 haven't used, we would use them.

8 But it's kind of an organic
9 process in the beginning to figure out what
10 key words to use. I think that's more of the
11 preparatory stage. Unless we actually
12 establish that these are the documents that
13 we're requesting -- the scope of the documents
14 were requested -- that would be in the site
15 data capture. So it would be a two phase
16 process, but I think that first part really
17 isn't the plan so much as part of the
18 preparation for the plan.

19 MEMBER PRESLEY: There needs to be
20 something in there to work back and forth that
21 says you will work with NIOSH on this first
22 thing to make sure that you all are not doing

1 the same thing twice.

2 MR. FITZGERALD: Yes. We'd
3 emphasize that throughout, that the intent is
4 not to have -- put DOE in double jeopardy as
5 far as having dual requests.

6 Kathy, just to confirm, if I put
7 that initial phase of key word searches that
8 need to be done as part of the preparatory
9 stage and indicate that the results of that
10 search will be reflected in the formal data
11 capture plan that everybody would get, would
12 that take care of the issue you're talking
13 about?

14 MS. ROBERTSON-DEMERS: I think so.

15 MR. FITZGERALD: Okay.

16 MEMBER PRESLEY: You know, down at
17 the bottom where you have -- is it J down here
18 on the explanation of that for the one up
19 there?

20 MR. FITZGERALD: Yes.

21 MEMBER PRESLEY: That thing's
22 pretty much to that.

1 MR. FITZGERALD: Yes. I mean, the
2 idea in the preparatory stage is for everybody
3 to compare notes to make sure that DOE is
4 getting a non-duplicative request to the
5 extent possible and that we're benefitting
6 from whatever has been done before. That's the
7 first stage.

8 The second stage is reflecting
9 what we see as the scope of the request that
10 DOE would be asked to respond to. That's where
11 resources come into, that's where we would
12 need to make sure everybody was aware of this
13 plan -- sort of like making sausage. We don't
14 want to get you involved in the process, but
15 you want to see the results so that you know
16 what the resource implications will be and DOE
17 is fully aware of it as well so everybody is
18 on board.

19 So the notion here would be the
20 plan would be made available before we would
21 go on site and everybody -- and we might go on
22 site to just kind of figure out who's who and

1 sort of setting things up. But as far as the
2 actual getting the documents in our hands and
3 doing interviews, we want to have that plan
4 ahead of that point and everybody would have
5 that plan.

6 That would be a chance to raise a
7 hand and say well, we have that document.
8 Somehow in the process you weren't aware of
9 that we have that document and cross it off,
10 not send that in.

11 MR. KATZ: So probably in both of
12 these, you want to reflect that you are
13 communicating the formal request to the DFO?

14 MR. FITZGERALD: Right.

15 MR. KATZ: And also to the Advisory
16 Board contact, as well as the initial sort of
17 investigatory visit at the DOE site.

18 MR. FITZGERALD: They'll probably
19 want to incorporate that into this.

20 DR. MAURO: Joe, one of the things
21 that we do is log books. See this? This is
22 invaluable. Who does that bring this up vis a

1 vis? The process really is a continuum, that
2 is the prep work evolves slowly, maturely, and
3 at some point, the process -- I think we're at
4 the point where we are ready to submit our
5 formal request.

6 In other words, we've reached the
7 critical mass. We understand. We can put it
8 out. It's a milestone. But the process just
9 keeps grinding along.

10 MR. FITZGERALD: Yes, it keeps
11 going.

12 DR. MAURO: And this continual
13 communication and I think that it's important
14 that everyone, when they're involved with such
15 a process, keep a daily log of communications,
16 coordinations, who we spoke to. It doesn't
17 have to be lengthy.

18 And then of course, at some point,
19 the outcome of this would be some official
20 document that's distributed.

21 But those logbooks, in my mind,
22 become really the record of the program. This

1 is almost like each person working on the
2 project -- when they make phone calls, when
3 they receive phone calls -- I know I try to
4 keep in the habit of doing that.

5 I agree that this doesn't have to
6 be in this procedure. But I would just like to
7 alert everyone this is good practice.

8 MR. FITZGERALD: Okay, anyway, I
9 think in a sort of a overview -- certainly, on
10 the preparatory part of this thing, there may
11 be an investigatory trip, an initial
12 arrangements trip, certain interactions with
13 all the parties involved just to get to the
14 point, including key word searches, get to the
15 point where you have a snapshot.

16 DR. MAURO: I think that's a good
17 point -- a snapshot of what we see as the
18 scope of the request and what we need from
19 DOE. That snapshot, at that point would be
20 delivered -- everybody would have a copy.

21 MR. FITZGERALD: I don't disagree.
22 I think as we get on site and as we do

1 interviews and take documents -- no question
2 there's going to be additional documents that
3 will come up and we may be looking at a box
4 and the document we're looking for might lead
5 us to something more relevant.

6 I think, as I said earlier, the
7 notion there -- that's not going to change the
8 scope dramatically for DOE. If it does, then
9 we need to work with DOE and the DFO. But if
10 we find additional documents, then we do
11 acquire them and go through the security
12 process, of course, but would then -- if NIOSH
13 doesn't have it -- we would make it available.

14 I think that keeps going as we
15 come up with new issues, new avenues of
16 inquiry, we might actually go back and do two
17 or three rounds of document review. That's
18 been the practice and as long as we stay
19 within this broad scope of the expectation of
20 the site resources they have, that hasn't been
21 a problem.

22 But the Rocky Flats and other

1 sites, I think DOE does come back after awhile
2 and if there's resource questions or some
3 other issues, certainly they'll come back to
4 the DFO and we hear about it. But I think that
5 feedback has been working pretty well.

6 Just moving on, then, on the
7 submittal of the formal request, I think we
8 talked about large request necessitating
9 coordination between the Advisory Board and,
10 I think this is another place where DFO would
11 need to be reflected as a co-party on that.

12 We do acknowledge that in terms of
13 on-site reviews -- we say typically by Q-
14 cleared individual -- I think it's turned out
15 because of the uncertainty at most of the
16 sites, we do use Q-cleared personnel to do the
17 records retrieval.

18 But at other sites, we use some
19 discretion when it's pretty much a non-
20 classified site. But we treat all documents
21 collected as if they might be classified.

22 I raise that because I think

1 that's a little bit of a gray area in the
2 sense that if there's a potential for some of
3 this to be inadvertently classified, not
4 labeled, and we use unclassified people, that
5 presents another issue, but so far it's been
6 handled fairly well. With weapons and
7 sensitive sites, we've used Q-cleared people.
8 At AWEs and sites that aren't sensitive, we
9 have used non-cleared people. Again, I think
10 that's what that means.

11 I think that's pretty much it on
12 the submittal of the formal requests. I don't
13 know. Are there any questions on -- I think we
14 went through the first two pieces, the
15 preparatory piece, initial contact, and the
16 submittal of the site data capture plan.

17 MR. KATZ: If there are no
18 questions from the Board, I just note that --
19 I didn't want to interrupt the start of this,
20 but I think you need a step before all of this
21 requesting information, very brief and easy,
22 but about the assignment of SC&A point of

1 contact and informing the DFO of who that is
2 so that that communication can be made to DOE
3 and so on and to the Board.

4 CHAIRMAN CLAWSON: For the initial
5 contact?

6 MR. KATZ: Yes. So the very
7 beginning, before requesting information -- I
8 mean, the first step in this process is SC&A
9 establishing who its point of contact is for
10 a site.

11 MR. FITZGERALD: Okay, moving on to
12 actual site access, the two other pieces for
13 preparing for the site visit and then the
14 submittal of the plan to retrieve information
15 -- this one would be the actual process on
16 site.

17 I think this probably parallels
18 some of the process, if not a lot of the
19 process in PROC-010, but a law that's pretty
20 common sense and would establish the time
21 frame, make sure that that works with the site
22 -- who's the individuals involved in terms of

1 names, clearance status, and whatnot.

2 If there's any Board members, that
3 would be included. So it's just really so they
4 need who would be involved with the site
5 visit.

6 Site badging and training --
7 clearly the coordination of what's necessary
8 logistically to have the people operate at the
9 site in terms of the badging requirements or
10 training requirements.

11 Any questions on some of that? I
12 guess I would consider that the certain
13 logistics of getting on site.

14 Moving on to 5.3, which is the
15 actual data review. I think the steps in PROC-
16 010 were pretty straightforward. I think we
17 reiterated that and made a few minor changes.

18 MR. KATZ: I'm sorry. Let me just
19 go back a second. I just have one question
20 because this is a difference between OCAS. I
21 didn't know whether it's necessary or not, but
22 OCAS cites particular forms that they use DOE

1 for 5631.2 and so on. You don't address that.
2 It's for participating individuals. You'll see
3 OCAS has this --

4 MR. FITZGERALD: Right.

5 MR. KATZ: You must be familiar
6 with the form probably since you work in that
7 milieu.

8 MR. FITZGERALD: Right.

9 MR. KATZ: But is that necessary to
10 be cited here?

11 MR. FITZGERALD: I'm going to --
12 what's that? A lifeline. Kathy? The question
13 was, there was a reference in here to a DOE
14 form 5631.20, which is a request for a visit
15 or access approval, which is cited in PROC-010
16 as being required to be completed prior to
17 site visiting.

18 We don't mention it explicitly in
19 here. Would there be a reason for that or is
20 it just --

21 MS. ROBERTSON-DEMERS: Well, access
22 to each site is dependant upon what

1 information is going to be accessed. So we've
2 been doing it independently with the sites.

3 For example, when we need Q-
4 cleared people and whether they need to verify
5 clearance, whether we need to --

6 MR. KATZ: Kathy, this is Ted. The
7 OCAS procedure just says when necessary -- I
8 think this sort of takes into account what you
9 were just saying. It says when necessary, the
10 NIOSH site POC will provide this forum.

11 So all I'd suggest is OCAS says
12 that and if it's not a problem to have it in
13 here, since DOE is happy with the OCAS
14 procedure, that just might buy you something,
15 unless there's some reason not to have it.

16 MS. ROBERTSON-DEMERS: Yes, I think
17 we'd have to go back and look at it and see if
18 it's going to meet the need of the site.

19 I know that some of the forms
20 mentioned in PROC-010, we intentionally did
21 not implement because we have other ways of
22 doing it.

1 MR. KATZ: Okay, but this gives you
2 the caveat --

3 MS. ROBERTSON-DEMERS: I'll have to
4 go back and look at it because --

5 MR. KATZ: Kathy, you need the
6 caveat. It's when necessary, so it wouldn't
7 ever come into effect if it weren't necessary.
8 I'm not sure it gets you into any trouble. I
9 think it just avoids the situation if DOE
10 wants this actually cited as a procedure and
11 you don't have it in here, it goes to the
12 Board.

13 I'm just trying to avoid the
14 possibility that DOE will be unhappy with the
15 Board what the Board approves and then we'll
16 have to have a whole other round before we get
17 things up and running.

18 DR. MAURO: Kathy, this is John.
19 This difference that exists between different
20 sites, some of them wanting the form and some
21 of them not wanting the form -- could you tell
22 me a little bit about the role this form plays

1 and why is it that some sites feel it's not
2 necessary and others feel it is?

3 MS. ROBERTSON-DEMERS: Well, we've
4 never used the 10 form. It's always been
5 saying, we need your -- the names of the
6 people who are coming, their Social Security
7 numbers, their birthdates, their citizenship,
8 et cetera.

9 It kind of depends upon the sites
10 and there's an interaction here between me and
11 DOE in that if during the preparatory process,
12 we discover that we are going to be pulling
13 classified documents that require signets,
14 then we're going to have to go through the
15 process of getting signets before we can look
16 at those.

17 DR. MAURO: Is that when the form
18 is triggered?

19 MS. ROBERTSON-DEMERS: Like I said,
20 we haven't used --

21 DR. MAURO: So it's never really --
22 so apparently, our interactions at the site --

1 whether it's classified or not classified
2 interactions -- we've been moving through a
3 process without the form nevertheless, but
4 NIOSH has a form. So there is a difference
5 here besides the --

6 MR. KATZ: It's a DOE form.

7 MR. CALHOUN: I don't recall being
8 asked for it either. It's just one of those
9 things, I believe, we probably pulled from the
10 DOE security policy and they said when
11 necessary, so we said when necessary.

12 MR. FITZGERALD: And it may be very
13 possible that they're filling it out based on
14 the information that we're providing.

15 MR. ELLIOTT: Headquarters is the
16 one that negotiated with us on our documents
17 and so what their field and sites do are most
18 generally different things.

19 DR. MAURO: Put it in.

20 MR. FITZGERALD: Yes, I don't see
21 any --

22 CHAIRMAN CLAWSON: Just with the

1 caveat of when necessary.

2 MR. KATZ: It's just -- You can
3 just verbatim take it from the OCAS because
4 that's the way they do it.

5 MR. FITZGERALD: Yes, and it sounds
6 like in practice, it doesn't sound like NIOSH
7 or OCAS is doing anything too differently.
8 They're still doing the same thing dealing
9 with sites and giving the information they
10 need.

11 MS. HOWELL: Can I interject before
12 we move on? At least in the establishing date
13 and participating individuals category, you
14 probably should add some DFO language to those
15 two as well because especially if we have
16 Board members in attendance for any meetings,
17 we have to be careful about that sort of thing
18 as well.

19 MR. FITZGERALD: Is it possible --
20 I guess, in terms of format -- I don't
21 disagree. In fact, I think we're going to say
22 it in a number of places, but this gets back

1 to maybe the roles and responsibilities for
2 DFO listed up front -- if we could capture --

3 MS. HOWELL: Put it up there.

4 MR. FITZGERALD: Put it up there
5 and -- otherwise then we'd be repeating it and
6 every milestone, when I think if we can just
7 indicate the milestones up front, when we're
8 going on site because the date the individuals
9 -- all of that should be something you all
10 know about -- who, when, and I think I'd like
11 to play with that a little.

12 I think in the DFO roles and
13 responsibilities, I think we can lay that out
14 up-front as an exception, a requirement that
15 that would happen on the milestones. So I like
16 the idea of the milestones. We can stipulate
17 that and that seems satisfactory then.

18 MS. HOWELL: Yes. I mean, we can
19 look at another version of this where you
20 intended to do it as long as it's somehow in
21 there and it's not going to be confusing if
22 somebody else were to try to apply this

1 policy.

2 MR. FITZGERALD: Right.

3 MS. HOWELL: That's fine.

4 MEMBER BEACH: Have we talked about
5 the site badging and training? I have a
6 question on that. We haven't got to that yet.

7 MR. FITZGERALD: Well, no,
8 actually, it's part of this paragraph here.

9 MEMBER BEACH: Well, one of the
10 things I was looking at is it says under that,
11 site badging and training DOE site POC will
12 coordinate with headquarters. It talks about
13 the appropriate badging, but Nowhere in our
14 first section does it talk about badging. I
15 was just curious if we needed to add that?

16 In DOE point of contact, it talks
17 about the sigmas under the headquarters point
18 of contact, but neither one of those sections
19 talks about that again. It talks about
20 training.

21 I just wondered if we needed to
22 add that in the DOE point of contact?

1 MR. FITZGERALD: Roles and
2 responsibilities?

3 MEMBER BEACH: Just something to
4 look at, Joe, at some point.

5 MR. FITZGERALD: That's kind of --
6 headquarters has a role relative to badging
7 where they submit the sigmas to the site and
8 the site actually handles our badging
9 directly.

10 So there's a bit of a handoff from
11 headquarters, but really the site typically
12 handles the actual badging.

13 MEMBER BEACH: Right. Badging is
14 just not mentioned in either one of those two
15 roles.

16 MR. FITZGERALD: Okay. Yes, it
17 certainly is a role to arrange for the
18 badging.

19 MEMBER BEACH: I thought that
20 needed to be added somewhere.

21 MR. FITZGERALD: Well, we have
22 sigmas under DOE headquarters, which I think

1 is appropriate, but the coordination of the
2 badging is something that headquarters would -
3 -

4 MEMBER BEACH: It kind of falls
5 under the site.

6 MR. FITZGERALD: Well, yes, but the
7 coordination starts at headquarters.

8 CHAIRMAN CLAWSON: It starts at
9 headquarters because they're the ones that
10 have to initiate like you guys are Q'd, so --

11 MEMBER BEACH: Right. I just
12 thought it bore mentioning in there somewhere.

13 MR. FITZGERALD: Yes. I think it
14 would be helpful to clarify that and also to
15 point out that there's a handoff that goes to
16 the local level to do the actual badging.

17 And that has been an issue on
18 occasion because if that doesn't work, you
19 don't get the appropriate level of sigmas that
20 enable you to get the information that you're
21 looking for. So the site will not do it unless
22 they get the authorization from headquarters.

1 So that has to work right.

2 DR. MAURO: Is there a -- prior to
3 making the visit, it sounds like this is a
4 critical path. That is, you don't want to show
5 up at a site and find out the badging hasn't
6 been issued.

7 MR. FITZGERALD: Oh, no. You won't
8 go very far.

9 DR. MAURO: So is there a step in
10 the process where before everyone takes off,
11 that there's confirmation that all of the
12 necessary paperwork is in place so that we can
13 leave now?

14 MR. FITZGERALD: Yes. I mean,
15 that's part of the pre-arrangements for a site
16 visit. You have to get clearance from the
17 site. That's one of the very first things that
18 the site wants to understand is the level of
19 clearance for the individuals you're
20 proposing. They want to know their names,
21 Social Security number, what you want to look
22 at, because that determines access

1 requirements and sigmas.

2 That has to be pre-approved by a
3 sponsoring part of DOE headquarters that owns
4 that facility. So if it's like Pantex, the
5 NNSA has to give -- it's not HSS. The NNSA has
6 to give approval that you can have access to
7 that level of information.

8 DR. MAURO: And that flows from DOE
9 headquarters to the site to our point of
10 contact before your trip is made?

11 CHAIRMAN CLAWSON: There is usually
12 a courtesy copy to the site, a courtesy copy
13 to SC&A's point of contact, of these people,
14 and so forth, from what I've seen. Savannah
15 River is an example. Also Pantex and so forth.

16 MR. FITZGERALD: Right. Kathy, does
17 that ring true? All right, well, that's my
18 understanding and really, the only time we'd
19 have issues with that linkage is when the
20 headquarters doesn't pre-approve to the site,
21 which could really be a problem. So that's a
22 major step.

1 Anymore questions on the first two
2 sections?

3 CHAIRMAN CLAWSON: John, just to
4 iterate on what you said. Before we can -- I
5 know Pantex was one. Before we could even go
6 to the site and stuff, there was a letter from
7 DOE headquarters assuring that these people --
8 and there was a list of everybody -- had
9 access, that everything was set up and that up
10 they would be taken care of by Pantex security
11 and blah, blah, blah.

12 DR. MAURO: So when you show up at
13 the door and you have that piece of paper,
14 they let you in?

15 CHAIRMAN CLAWSON: They already
16 have it, yes. I believe it was -- Robin was
17 her name. She was one contact and so forth.

18 MR. FITZGERALD: But to elaborate a
19 little further and we can get into this with
20 the PROC-011 discussion, those connections are
21 very critical because we have arrived on site
22 to find that the point of contact for the DOE

1 site hasn't engaged the Security side of that
2 site to the degree that arrangements have been
3 pre-arranged for us.

4 So even though we had the
5 clearances, the badging, we still couldn't get
6 to the classified documentation. So there's a
7 number of connections that have to be made to
8 make that work. It's not an easy process to
9 make sure they're all aligned. They all have
10 to be aligned in order to have access and
11 that's the classified information.

12 That was site access or Advisory
13 Board members. Moving on to data review itself
14 -- the first item is site classification, an
15 overview and introduction.

16 Again, I think we even touched
17 upon that already that SC&A will meet with the
18 site classification office or officer for a
19 brief overview of site sensitivities.

20 This is akin to something we've
21 been doing of late in a more formal way, which
22 is to make sure we understand the boundary

1 conditions for what would be sensitive and not
2 sensitive and to give some guidance from the
3 local security office if not headquarters on
4 how to handle a particular site. Of course,
5 we've done that in more detail with Pantex and
6 more recent sites.

7 Also, it gives us some feel for
8 how to do key word searches and sensitivities
9 that might be attended to that.

10 In terms of retrieval information,
11 the DOE site folks will coordinate with their
12 records people -- usually, sort of a left
13 hand, right hand, the site POC will work with
14 the records people to provide a means to do
15 the searches, to get the documents, to have
16 places to look through the documents and
17 whatnot. I think that's pretty similar to what
18 NIOSH is experiencing. They have the same
19 words.

20 Communication of the information -
21 - we will coordinate and communicate with the
22 Advisory Board.

1 MR. KATZ: Can I make a suggestion.

2 I know where this came from and it's a little
3 bit -- it's just a little bit bungled here.

4 MR. FITZGERALD: Okay.

5 MR. KATZ: OCAS has this same
6 provision here and it's really for the OCAS
7 lead to be communicating with the team that
8 does the data capture for OCAS.

9 MR. FITZGERALD: Right.

10 MR. KATZ: And I think you just
11 want -- the analogous situation here is that
12 it copies the POC, then it's coordination with
13 whoever else would be working with working
14 with --

15 MR. FITZGERALD: On the team.

16 MR. KATZ: Yes, yes.

17 MR. FITZGERALD: Okay. We'll re-
18 word that. Okay, thank you for that.

19 MR. KATZ: Sure.

20 MR. FITZGERALD: The next one is
21 documentation of the review. Here, I think, we
22 might get into a question of form. We have the

1 same words, but we do not cite the OCAS form
2 03 tracking of the log sheet.

3 I think the notion there is not
4 that we don't think that logging the contents
5 of a box aren't important, but from our
6 standpoint in our sampling review -- we're
7 doing a sampling review. We're going after
8 specific pieces of documents -- maybe one
9 document in a box that would inform our review
10 -- so we're not looking at the other
11 documents.

12 So from a resource standpoint, we
13 would take a copy of that document, but would
14 not go through and inventory the entire box if
15 we didn't think it was relevant.

16 So I think in the original PROC-
17 010, the notion was that it's a good idea. I
18 think it's a good idea in terms of data
19 capture as a baseline. I think I could argue
20 the other way if we're doing a sampling review
21 with a relatively short period of time and
22 doing sort of a QA check. It would be pretty

1 burdensome if we had to inventory the entire
2 box if we're after one piece of paper.

3 So that's the reason we did not
4 mirror, I think, PROC-010 in that regard --
5 that the practice we're going through right
6 now would be to retrieve the document of
7 interest and to capture that, but not to
8 inventory --

9 MR. CALHOUN: Yes. You don't record
10 what you didn't capture or what you didn't
11 review.

12 MR. FITZGERALD: Yes, and I think
13 that's kind of where we're at right now. If we
14 do see items in the rest of the box that are
15 of interest, we would go ahead and capture
16 them, but again, we wouldn't log in the rest
17 of the stuff.

18 MR. CALHOUN: As long as we can go
19 back and see what box you captured the
20 document you captured from, I think --

21 MR. FITZGERALD: Yes, and that's
22 kind of what we would do. We would record the

1 box number, what we took out of that box and
2 that would be pretty much what we would have.

3 MR. KATZ: You may want to -- I
4 mean, I don't know if you're leaving it as
5 this -- the reviewer will fill out or an
6 equivalent form. You have it as that right
7 now, right? They are actually filling out that
8 or an equivalent form.

9 MR. FITZGERALD: No, I was talking
10 about the log sheet.

11 MR. KATZ: Maybe -- talking about
12 14?

13 MR. FITZGERALD: The one before
14 that.

15 MR. KATZ: Oh, I see. I'm on the
16 next one.

17 MR. FITZGERALD: It actually leaves
18 out the form 003 log sheet. I just had to
19 explain why that was left out. The next one,
20 you're talking about?

21 MR. KATZ: Yes.

22 MR. FITZGERALD: We've seen,

1 certainly, a corollary reason to fill out that
2 form. I have filled out many, many of those
3 forms at Mound and I think it's a good thing
4 to do. I think it basically identifies the
5 document and provides a summary that would go
6 in the file. That's what we would do.

7 DR. MAURO: Joe, is there any
8 benefit to having a foot note on 5.3.1.4
9 explaining what you -- because that's
10 important because the people who are doing
11 this work -- now, certainly, Kathy is aware of
12 it -- but to know that in this particular
13 instance, it's not necessary to fill in form
14 3.

15 MR. FITZGERALD: Right.

16 DR. MAURO: I wouldn't want anyone
17 to think that maybe that was an oversight. I
18 don't know if -- I'll leave it up to you
19 whether you think a footnote -- not necessary
20 to fill in form 3. The Board and its
21 contractor did not require the filling of Form
22 3. MR. FITZGERALD: Well, I think

1 mention here is that either it's that specific
2 form or it's the same information so I'm not
3 sure.

4 What I would kind of default to
5 just filling out the form -- because I've
6 filled out the form. I think it's fine. But
7 this is, I think, a necessary prelude to
8 putting it up on the O: drive.

9 DR. MAURO: I don't want to leave
10 our people with the --

11 MR. FITZGERALD: You mean the log
12 sheet?

13 DR. MAURO: I went back. I went
14 back. That's why I said three. Just to let
15 people know that this is something where we
16 are parting ways. There was no need for us to
17 do this unlike NIOSH that does have to do
18 this.

19 MR. CALHOUN: It helps us out.

20 MR. FITZGERALD: We can put a foot
21 note or something like that, a parenthetical
22 thing why.

1 MEMBER BEACH: So we are aware
2 there's a form, but not necessarily --

3 DR. MAURO: We don't have to fill
4 this one out.

5 MR. CALHOUN: Yes, because we can
6 look back that form and say, oh, this was in
7 this box. We didn't capture it. Let's go look.
8 And you guys don't have to --

9 DR. MAURO: We don't have to do
10 that. Right.

11 MR. KATZ: Okay. For the next
12 step, what I was saying for documentation, for
13 capture and coding, for that form, I was just
14 going to suggest you actually just as OCAS
15 did, add an appendix to this so that you
16 complete procedure. You said you're going to
17 leave it. I would just add this in the
18 appendix. It's just useful to have that whole
19 procedure with all its bits and pieces
20 together.

21 MR. FITZGERALD: Okay, and the
22 intent there, again, is uniform entry to the

1 site research database, so whatever makes or
2 enables that, certainly we would want to do
3 that.

4 Next one, classification review of
5 identified information -- once the information
6 to be captured has been identified, the DOE
7 site folks would coordinate with the site
8 classification officer to review the
9 information by necessary security markings.

10 As necessary, each document data
11 set for it is captured, so we know that we're
12 dealing with classified documents. We shift to
13 fielding unclassified documents. We shift
14 directly to SC&A. I think that's pretty much
15 a mirror.

16 MEMBER PRESLEY: Can I -- are we
17 through with that section?

18 MR. FITZGERALD: No.

19 MEMBER PRESLEY: Before we go
20 forward, I would like to back up to 5.3.1.1,
21 please.

22 MR. FITZGERALD: Okay.

1 MEMBER PRESLEY: In your initial
2 thing -- I'll let you go through this because
3 I don't see it anywhere -- it says that the
4 Advisory Board point of contact or their TSC
5 designee will meet with the NNSA/DOE site
6 classification office.

7 I would like that the contractor
8 classification office be added to that. I'll
9 tell you why. A lot of times, your site
10 classification office, your DOE -- and Joe, I
11 think, will back me up on this --that your
12 people that are your contractor office are the
13 people that know more about the documents.
14 They know where they might be found. They know
15 the different names, a whole lot more than
16 NNSA/DOE contract classification officer will.

17 MR. FITZGERALD: Yes.

18 MEMBER PRESLEY: And they certainly
19 will know a lot of times more than that person
20 who's working in your document accountability
21 group that knows how to put a box on a shelf,
22 but he or she doesn't know what's in that box.

1 So it might be to everybody's
2 advantage if they work also with site
3 contractor there.

4 MR. FITZGERALD: Yes. I think what
5 we could do is just say NNSA/DOE/contractor.
6 Depending on the site, you would go down
7 through that hierarchy and -- I agree. I mean,
8 it would be useful to talk to the contractor
9 or laboratory.

10 MEMBER PRESLEY: As you know, it's
11 a whole lot easier to talk to the staff
12 classification officer than it is to the one
13 over at DOE.

14 MR. FITZGERALD: Oh, yes. In fact,
15 that's who we interacted with when we were at
16 Y12 last month.

17 CHAIRMAN CLAWSON: We still have to
18 go through DOE.

19 MEMBER PRESLEY: Right. You still
20 have to do it. It's still a chain of command.

21 MR. FITZGERALD: That's why I say -
22 - I sort of put the chain of command down. I

1 just added slash contractor because to get to
2 the contractor, we had to touch those bases
3 anyway.

4 But I agree. I think the
5 contractor should be listed after a hashmark,
6 as another -- Actually, as the end point.

7 Thank you, Bob. And we had very good support
8 from the contractor security guy at Y12.

9 5.4. on data capture -- now, this
10 gets to be more explanatory of practice and
11 just bear with me here. This gets into a
12 little more detail because we wanted to
13 memorialize how we were doing things. This is
14 an area where comments are welcome, of course.
15 This is what we're doing.

16 Site data capture -- some
17 coordination between the Advisory Board POC --
18 in this case, it's SC&A -- and the DOE site
19 POC is necessary as is advanced coordination
20 with NIOSH. This is, again, data capture.

21 As with the initial request, there
22 are two basic methods for which the review

1 data can be captured. First is that DOE
2 provides either a hard copy of the
3 appropriately marked information and SC&A
4 scans or captures that information.

5 The second is that the site itself
6 -- this is the DOE site personnel -- scan the
7 information and provide an electronic copy.
8 This is where I had said earlier that there's
9 an issue of how we go about doing that. This
10 lays out the options.

11 Where scanning equipment and/or
12 resources are not available to the Advisory
13 Board SC&A -- and again, that's if in fact we
14 don't have capabilities -- documents would be
15 forwarded to either NIOSH or DOE Depending on
16 who might be able to scan those.

17 With Larry's comment, I guess we
18 could indicate that if we weren't able to do
19 it locally, we could forward hard copies to
20 NIOSH.

21 I think the number of documents
22 would be, hopefully, smaller than one would

1 expect just because if we had done the
2 baselining right, these would be documents, in
3 addition to those already collected by NIOSH
4 and ORAU and would presumably be valuable to
5 go ahead and put on the O: drive. So these
6 would be the delta, the additional documents.

7 Original documents would be
8 returned. Obviously, we would keep the
9 originals and they'd be put up in electronic
10 form.

11 Now, we don't have scanning
12 equipment, but I think this is solvable one
13 way or the other.

14 MR. KATZ: My only suggestion is
15 that you may want to just look at the OCAS
16 procedure again, which was very clear about
17 the scanning situation and see if you want to
18 adapt that just to -- or if you want to stay
19 with us and just sort of stream the narrative
20 a little.

21 MR. FITZGERALD: I think the
22 narrative is fine. I think maybe as an

1 appendix or something just so the SC&A folks
2 understand what the scanning process is and
3 what the OCAS requirements are to receive
4 documents because I think there was something
5 in there about providing the assurance that --
6 for example, if the interviewee gave us
7 documents, they would have to be screened by
8 DOE prior to submitting them to OCAS for
9 scanning, just simply because you wanted to
10 make sure that they were ruled unclassified,
11 not UCNI. So there are some of those steps
12 that I think have to be clarified, which would
13 be clarified in the appendix.

14 MEMBER PRESLEY: You all know this
15 is a problem if you got to take it to the DOE
16 site. If you take the scanner in -- that thing
17 sitting right there -- you're opening a can of
18 worms.

19 MR. FITZGERALD: I think in those
20 cases, DOE probably wouldn't let you. You'd
21 have to use their scanning equipment.

22 MEMBER PRESLEY: Yes. Make sure

1 that they've got the equipment up front and
2 have people to do it each time you visit.

3 MR. KATZ: Joe, my point is just
4 that if you look at the OCAS procedure, it's
5 actually not elaborate. It's very brief. I
6 mean, I wouldn't put an appendix to this sort
7 of thing. There's so little to append, but if
8 you want to incorporate that, you could --

9 MR. FITZGERALD: Well, there is
10 actually -- it's very simple, but I think it's
11 easier to follow than just the narrative.

12 MR. KATZ: Okay.

13 MR. FITZGERALD: No, but certainly,
14 with the discussion we've had today on -- and
15 this is more of a logistics issue. We agree
16 they need to be scanned. To the extent that
17 NIOSH is going to take hard copy, then we can
18 lay out the procedures and follow the OCAS
19 procedure for submitting documents for
20 scanning.

21 CHAIRMAN CLAWSON: How about if we
22 stop for lunch?

1 MR. FITZGERALD: Actually, I was
2 going to suggest that when we get to
3 interviews, that's a good place.

4 CHAIRMAN CLAWSON: Okay.

5 MR. FITZGERALD: And interviews is
6 next. Any other questions on the actual data
7 capture, the document capture at the site?
8 We're done with that now. We're going on to
9 interviews, the next set of paragraphs.

10 So just for the benefit of the
11 people on the phone, there's two parts to this
12 procedure. One deals with data access,
13 information at the site, records, what have
14 you. The second piece deals with how
15 interviews would be conducted. We're at the
16 juncture between those two parts now.

17 So I guess your suggestion is to
18 break now.

19 CHAIRMAN CLAWSON: Yes. Why don't
20 we break for lunch?

21 MR. KATZ: So probably we are going
22 to break for lunch?

1 CHAIRMAN CLAWSON: Yes, we are.

2 MR. KATZ: So for everyone on the
3 phone, it's almost 12:30, so I think we'll
4 break till 1:30 and then re-establish the
5 line. Thank you, everybody.

6 (Whereupon, the above-entitled
7 matter went off the record at 12:27 p.m. and
8 resumed at 1:30 p.m.)

9 MR. KATZ: So this is the Advisory
10 Board on Radiation Worker Health and we're re-
11 convening after lunch. It's the working group
12 developing the Board's security plans so we're
13 compliant with DOE security plan.

14 Joe, you can just pick up where
15 you left off.

16 MR. FITZGERALD: Okay. Yes, just
17 again, we left off with the heart of the
18 procedure that dealt with data access at the
19 sites and we're picking up now on the latter
20 portion that deals with conduct of interviews.

21 I'm just going to, again, walk
22 through this, particularly for the benefit of

1 the folks on the phone that don't have the
2 written procedures in front of them.

3 In support of site profiles or SEC
4 reviews, we have interviewed -- and this is
5 pretty much in practice -- current and former
6 workers who have information that would be of
7 benefit to the review.

8 It's been a fundamental part of
9 what we do. We do it very much as a foundation
10 for the later analysis.

11 The only difference between the
12 conduct and the interview of a former worker
13 and a current worker is the current worker
14 typically requests the interview be conducted
15 during the work hours and we do have to make
16 arrangements. They, in fact, are compensated
17 by the contractor they work for so there are
18 some implications there.

19 So we pretty much deal with the
20 DOE site POC to establish where we would have
21 that interview and how they would participate.
22 Of course, participation of those interviews

1 is voluntary and there's no requirement for
2 them to sit down with us, but typically, we do
3 make the invitation and go from there.

4 Anyway, we go through the process
5 -- and this, again, tracks what I think was in
6 PROC-010 with maybe a couple of differences.
7 Again, these differences are more for the
8 elaboration based on our experience at the
9 site.

10 Kathy has done a lion's share of
11 our interviews, so she contributed a lot to
12 laying this out.

13 I think there's some new issues we
14 might want to get into as well. When
15 conducting the interviews with workers at the
16 DOE sites, one issue is that we have to be
17 very careful about the sensitivity of the
18 information that's conveyed to us.

19 Whether it's a former worker or a
20 current worker, that they work at a site with
21 sensitive information -- we treat the
22 information we receive as potentially

1 sensitive and without condition. Those notes
2 are given to the classification reviewers
3 immediately before we leave the site. They
4 don't leave the site with us. They are left
5 with the security people who screen the notes
6 and if necessary, do redactions before we
7 would get the notes back.

8 So I want to make sure that's
9 clear that that's part of the process that we
10 go through and certainly, the same process
11 that NIOSH and ORAU go through.

12 We notify the workers when we
13 interview them that that's the case -- that in
14 fact, because of the classification
15 procedures, those notes, even though they're
16 supporting our review, do cycle through the
17 classification review process at the DOE site
18 in question.

19 DR. MAKHIJANI: Now, are you
20 talking about classified reviews in this case?

21 MR. FITZGERALD: No. Anything that
22 we would get, regardless of the site, if it's

1 an interview, we treat everything we receive
2 in terms of information and what we record as
3 notes as potentially classified.

4 DR. MAKHIJANI: We send everything
5 for review, but we send it later on when we
6 actually compile the notes.

7 MR. FITZGERALD: No, any -- well,
8 let me put it this way. Any notes that are
9 recorded at the site, when you're doing the
10 interview at the site --

11 DR. MAKHIJANI: At the site, okay.

12 MR. FITZGERALD: At the site, they
13 stay at the site. In fact, the site has a
14 means to review.

15 Some sites do not. In fact, they
16 don't exist anymore, in which case, we would
17 send it to whoever DOE indicates we should
18 send it to.

19 DR. MAKHIJANI: Right.

20 MR. FITZGERALD: There's procedures
21 for how you package that and send it. I think
22 the SOP is that everything we collect in the

1 way of notes and record in the way of notes is
2 directed to DOE before we would use those
3 notes further.

4 DR. MAKHIJANI: Right.

5 MR. FITZGERALD: Yes. And there's
6 certainly other advance notifications that we
7 lay out. Certainly, there's the Privacy Act
8 requirements that we have to abide by and if,
9 in fact, there's the potential -- I mean,
10 other than the presumed potential but actual
11 potential for classified information, there's
12 always the option to do the interview at a
13 secure site.

14 Now, for a weapons facility or
15 NNSA site, we would take a step further and
16 just do all the interviews in a secure
17 location just because the workers, in a lot of
18 cases, held few clearances or certainly the
19 site itself had classified information
20 associated with it. So we would just take a
21 step of having the interviews in the first
22 place in a secure area.

1 One issue that has come up and
2 actually, what we have in the procedure pre-
3 dates a lot of the dialogue on this question
4 of anonymity. In the past, we have been open
5 to a worker who really didn't want his name
6 associated with the information that they were
7 conveying to us and we would both leave the
8 name out as well as summarize the overall
9 interview so that really, there wasn't even
10 any specific information from that interview
11 itself. It was all sort of conglomerated into
12 a summary.

13 However, with more thinking about
14 this, clearly -- and we have done both
15 classified, unclassified sites -- clearly,
16 with the advent of submission of all interview
17 notes to DOE for review, there is that
18 potential that there may be some sensitive
19 information identified in one of the sets of
20 interview notes.

21 Of course, DOE always would follow
22 up and want to know the source of that

1 information, so there is a sort of a qualifier
2 on that. Certainly, we could indicate, to the
3 extent we could try to keep this anonymous,
4 but there is that factor where if, in fact,
5 there's some sensitive information, DOE may
6 follow up and want to establish where it came
7 from.

8 So I think what we do in the front
9 part of this, and this is what I would add to
10 what's in this procedure, is we need to make
11 clear to the interviewee that in addition to
12 these things routinely going to DOE for
13 clearance, that there's a potential if they
14 want anonymity, that if there is any
15 classification issues, that DOE may want to
16 backtrack and find out the source and that may
17 involve identifying the source of information.

18 So I think with further -- and
19 that hasn't happened, but with further
20 thinking, that certainly is one possibility
21 that we want to make clear to the interviewee
22 before doing that.

1 So I think that aspect of it is
2 something and I opened it up a little bit
3 because I think that's something we've talked
4 about, but haven't really firmed up as far as
5 procedurally how we would do it.

6 MR. KATZ: Let me just add some
7 more information to this since you had
8 interactions, Joe and John, on this very
9 topic. It goes beyond even DOE having the
10 classification issue because there are other
11 scenarios in which the identity of the
12 individual would have to be divulged as well,
13 including sort of judicial situations where
14 HHS would have to know the identity of the
15 person.

16 So where the discussion stands
17 right now is really, you shouldn't be making
18 any offer for anonymity to an interviewee. I
19 mean, I think you can -- I mean, you might be
20 able to offer that their name wouldn't be on
21 the documents at the outset, but really,
22 making any kind of promise of anonymity would

1 be a problem.

2 Having a sort of a waiver, which
3 you would normally require, that you would
4 provide the individual for informed consent,
5 I think would be difficult to craft. So this
6 really is kind of a sticky issue and maybe
7 there's a way that SC&A can offer -- so, a low
8 profile to an individual, but I don't know
9 that you can make any kind of implication of
10 anonymity whatsoever.

11 MR. FITZGERALD: Yes, and I think
12 that's kind of the concern that we've had.
13 Again, this is something that's been discussed
14 of late.

15 One tool that we have is
16 typically, for what we do, which is to do a
17 number of interviews and those collected
18 interviews inform a site profile review or
19 inform an SEC, we can summarize -- and we have
20 done that in the past -- summarize these
21 individual interviews so that the information
22 itself, which is vital for the review is

1 provided, but it does not identify any
2 particular source among several sources.

3 It also obviates a problem that
4 we've gotten into with Privacy Act because
5 again, sometimes it's difficult to avoid
6 Privacy Act issues when you have descriptors
7 that are clearly unique to whoever you
8 interviewed and they can be identified by
9 descriptors.

10 So this is something that's become
11 more and more apparent over time. The reason
12 it's come up, I think, lately is because
13 clearly, as the DOE security plan is coming
14 into place in PROC-011, we've looked at some
15 of these implications and realized that even
16 though in the past, people have come forward
17 and wanted their names not associated with a
18 specific piece of information, we could see
19 scenarios where you couldn't avoid it.

20 So it seems that we would have to
21 be up-front about that when we interviewed the
22 individual and had to make clear that that

1 might, in fact, happen.

2 DR. MAKHIJANI: Kathy, are you on
3 the line?

4 MS. ROBERTSON-DEMERS: Yes, I am.

5 DR. MAKHIJANI: Okay. We have a --
6 Kathy has certainly done more interviews than
7 me, but I've done my fair share and we have a
8 kind of a script that we go through. We don't
9 have a formal script, but we have scripts.

10 Basically, we tell them that it's
11 an unclassified interview. It's their
12 responsibility to protect classified
13 information. Nowadays, since the things are
14 going to the DOE, that we send the draft to
15 the DOE for review. I've done off site
16 interviews, essentially. So we send the draft
17 to the DOE for review.

18 But I think if you have a blanket
19 statement that there's no anonymity possible,
20 even those who may not want anonymity may
21 shrink from giving you the interview.

22 The possibility that it can be

1 anonymous actually encourages more open -- in
2 my experience, that's from the atmosphere of
3 the interview. No one I've ever interviewed
4 has elected to be anonymous.

5 I understand that statement that
6 you've made and the concerns. Obviously, I'm
7 not qualified to talk about when something has
8 to be made public and I accept what you say at
9 face value. But some kind of disclosure about
10 some conditional anonymity disclosure
11 provision could perhaps be crafted that you
12 could offer then that so that it's not that
13 you have to give your name and it will be --

14 MR. KATZ: I think you could sort
15 of, in the low profile scenario I just
16 suggested and Joe just sort of described, I
17 think you could offer to someone that their
18 information is going to be summarized and not
19 identified with them. If that's your plan, I
20 think you could describe that sort of scenario
21 to them and explain that that's how their
22 information would be handled.

1 But you could not -- you shouldn't
2 even imply that under any situation, they
3 would have anonymity because it's not
4 supportable legally.

5 So I think you can get to where
6 you want, Arjun, by explaining to the
7 individual again that their information is not
8 going to be provided with their name in the
9 way it's presented. It's intended to be
10 presented through the system, but they would
11 have to understand that there are a number of
12 scenarios under which their individual
13 identity would have to be divulged to either
14 DOE or to HHS. They'd have to understand that
15 that was a possibility.

16 MR. FITZGERALD: Okay, but I
17 understand Arjun's pt too because given the
18 breadth of experience we've had, these are
19 rather exceptional instances where that would
20 occur. We just identify these possible
21 scenarios.

22 I think the notion we have to

1 avoid is this iron clad, under any
2 circumstances, you will be anonymous with the
3 information -- we can't do that given the fact
4 that --

5 DR. MAKHIJANI: I understand that.

6 MR. FITZGERALD: But I think what
7 Ted is saying is that in this up front
8 disclaimer -- we go through a lot of things,
9 cautionary notes and everything --I think in
10 that one, we have to be clear that we will
11 strive to protect the identity by removing the
12 name but keying it in.

13 In other words -- I know Kathy can
14 say interview A, B, C, D, and she knows who A,
15 B, C, and D are. She has the key and that
16 would be submitted that way and then it would
17 be summarized. So there's a lot of ways --

18 DR. MAKHIJANI: We can do that?

19 MR. FITZGERALD: Yes.

20 DR. MAKHIJANI: What goes to the
21 DOE would just be A, B, C, D?

22 MR. FITZGERALD: Yes. Now, the

1 problem we're talking about is if interview C
2 turns out to have sensitive information and
3 they want to know the source, we have to go
4 back to interview C. If they independently
5 want to interview that person or talk to that
6 person, they'll know who that person is.

7 DR. MAKHIJANI: Can you tell them
8 that?

9 MR. KATZ: I think you can. I
10 think you can tell them this is my game plan.
11 Absolutely, I think you could do that.

12 I just wouldn't want you to ever
13 even utter the words that this is an anonymous
14 interview. I mean, you can explain to them
15 that this is the approach you're taking with
16 the information and so on.

17 But I think they should understand
18 that there are scenarios under which their
19 name would have to be identified by one or
20 another in the agency's office.

21 MR. FITZGERALD: Right, and that's
22 the same context of either cautioning that

1 we're going to stay away from sensitive areas.
2 We certainly want to keep this unclassified --
3 do this, do that -- however, this is going to
4 be screened.

5 I think it should be very clear
6 that DOE will be looking at this and in the
7 unlikely -- I'm trying to remember all the
8 words -- in the unlikely event that something
9 is found, there might be a follow up
10 investigation by which they'll want to know
11 the source.

12 MEMBER BEACH: And if you divulge
13 the source and DOE or NIOSH wants to interview
14 that individual, that individual has that
15 opportunity to decline a further interview or
16 --

17 MR. FITZGERALD: Well, not from
18 DOE. That's national security.

19 MEMBER BEACH: Okay, so they would
20 have -- I was just curious if their
21 information could be withdrawn in that
22 interview?

1 MR. FITZGERALD: No.

2 MR. KATZ: There may be other
3 scenarios too, outside of DOE, where they
4 would not be able to decline further
5 participation.

6 DR. MAURO: Could you tell me a
7 little bit more about that -- about those
8 other situations? What other circumstances?

9 MR. KATZ: I don't understand it
10 very well, but in judicial issues -- if there
11 are legal issues. It may not relate directly
12 to what SC&A is doing whatsoever, but where.

13 MEMBER PRESLEY: Wait. Let me tell
14 you more, okay. If that person was involved in
15 an accident and had something to say about
16 that accident and that accident was an
17 accident involving death or something like
18 that --

19 DR. MAURO: Litigation?

20 MEMBER PRESLEY: Litigation. Then
21 that person -- once it comes up and it's
22 public, it's on the record.

1 DR. MAURO: I see.

2 MR. KATZ: A criminal matter, I
3 think, probably would be another instance.
4 Give me an example where there would be no
5 protection of their identity.

6 MS. HOWELL: There are legal
7 concerns, but for uses within the program and
8 for uses outside the program.

9 DR. MAURO: You know what's ironic
10 about this? In my experience -- and I haven't
11 done anywhere as many interviews -- but the
12 people at the AWE facilities that I was in --
13 they want their name in the document. They cry
14 out for it and we can't put it in.

15 MR. ELLIOTT: They even want to
16 become authors.

17 MS. ROBERTSON-DEMERS: Can I bring
18 up another issue that recently cropped up with
19 interviews?

20 MR. KATZ: Yes, Kathy.

21 MS. ROBERTSON-DEMERS: It may be
22 that when we submit interviews to the DOE for

1 review in review summary, we are going to have
2 to remove the names because if we don't, some
3 of the sites are marking them officially use
4 only, which then gets us into a problem with
5 can we release to the public or not.

6 MR. KATZ: I mean, that just,
7 again, fits right in there with you telling
8 them what their strategy is in terms of
9 divulging information.

10 MR. FITZGERALD: I think one thing
11 that might be useful to add here -- I know in
12 the PROC-010, there's actually a very formal -
13 - some would call disclaimer -- sort of a text
14 to open the int. It seems like it would be
15 helpful to outline some of these cautionary
16 notes.

17 CHAIRMAN CLAWSON: Don't
18 disclaimers have one because the interviews
19 that I've seen --

20 MR. FITZGERALD: No, we have one,
21 but it's not in the procedure. I'm just saying
22 it sounds like it would be very helpful to

1 make sure we itemize the bases that have to be
2 touched.

3 DR. MAKHIJANI: I think that would
4 be good. There are a lot of people doing
5 interviews and I think it would be good to
6 have some uniformity to this.

7 CHAIRMAN CLAWSON: Would it be
8 wrong to have a signature where they are
9 acknowledging that this was read to them?

10 DR. MAURO: Is it -- mirandizing?

11 CHAIRMAN CLAWSON: No, actually
12 what I've seen is -- you've got to remember
13 that with the interviews I'm involved with
14 there, that they went through this step by
15 step by process and explained it. I just want
16 to make sure that people --

17 MR. FITZGERALD: I think there's
18 probably a number of things in that front end
19 that would be helpful to be more specific and
20 offer a flow.

21 DR. MAKHIJANI: Instead of a
22 signature making it a little bit more kind of

1 off-putting, we might hand them a sheet and
2 say, here's the procedure and then just go
3 through it, walk them. I don't know.

4 MS. HOWELL: We would definitely
5 have to review anything like that. But if
6 there's a sigmas issue --

7 DR. MAKHIJANI: It would be part of
8 this procedure.

9 MR. KATZ: Joe, you're discussing
10 doing something along the lines of what OCAS
11 has, right?

12 MR. FITZGERALD: I'm not sure it's
13 a statement you would read, but it would be
14 something that -- yes, I wasn't certain
15 whether we would read a statement, but I think
16 whether we hand something or use a systemic --
17 sort of like a checklist -- I think that would
18 fulfill some of what's in this statement, but
19 also serve the process well.

20 So I think that's something we'd
21 want to do and we would certainly have to send
22 that over to counsel for review. But it would

1 capture, I think, what you're talking about,
2 which is a cautionary note as well as -- not
3 sort of disclaimer, but sort of here's what we
4 can do, but it's not a guarantee.

5 DR. MAKHIJANI: And here is the
6 process and here are the options.

7 MR. FITZGERALD: Right.

8 DR. MAKHIJANI: I think a checklist
9 might work.

10 MR. FITZGERALD: Well, I think
11 we've got to play with it. That's one option,
12 a checklist.

13 MEMBER BEACH: I think as simple as
14 possible, though. Signatures require us
15 keeping track of that stuff and we probably
16 don't want to get into that.

17 CHAIRMAN CLAWSON: You're going to
18 have to have one for charity and like on-site
19 interviews because you're going to be covering
20 two different things. Classified issues are a
21 totally different issue.

22 As I've seen, when it's off site,

1 they make very sure that we cannot discuss any
2 kind of classified information.

3 MR. FITZGERALD: Any more on that?
4 Any more on that part, Kathy?

5 MS. ROBERTSON-DEMERS: No.

6 DR. MAURO: I'm sorry. I do have a
7 question. I know I've see the end of the
8 process where after some protracted period of
9 time, an appendix shows up to one of our site
10 profile residency reviews -- a 40 or 50 page
11 summary of the interview.

12 It goes through the whole formal
13 process and is eventually inserted as appendix
14 B or whatever into one of our work products.

15 What I don't know really -- and I
16 know there's been some discussion -- the
17 actual notes being pertinent, when you sit
18 down and talk to the person, there are the
19 person's name, as I understand it -- tell me
20 if I'm wrong -- and what the discussion was.
21 You're basically keeping a log talking to this
22 person.

1 MR. FITZGERALD: Essentially, yes.

2 DR. MAURO: The date you're talking
3 to this person and there are notes. Now, those
4 notes, I understand, are also a part of the
5 process where DOE wants them back too.

6 MR. FITZGERALD: No, that's the
7 first thing they look at.

8 DR. MAURO: That's the first thing,
9 good. Now, but it's not made it into this
10 program. In other words, our notes -- I know
11 haven't seen them.

12 MR. FITZGERALD: That's right.

13 DR. MAURO: Our notes are not
14 published in any way, whether closed within
15 the work group or open, for certain. But they
16 do exist.

17 MR. FITZGERALD: That's right.

18 DR. MAURO: Is there anything about
19 that that we should be talking about, about
20 those particular notes and where they fit into
21 this program in terms of accessibility to
22 other parties involvement in this program.

1 MR. FITZGERALD: Well, it's sort of
2 the same character because if I go on site and
3 look at documents, I'm writing notes about the
4 what the relevance to those documents and how
5 they might fit into analysis. But that's not
6 going to be the review that would be subject
7 to the Board or provide the Board. Those are
8 just sort of ongoing notes.

9 This is the fodder for the
10 summaries that will become part of the
11 documents, the input. I think they're
12 maintained just because if there's any
13 questions on the summaries, you can go back to
14 the original notes that one takes.

15 But those original notes go
16 through DOE, make sure they're unclassified.
17 They then go back to the interviewee to
18 validate that what we recorded, in fact, is
19 what the interviewee believes they've said. So
20 there's a validation step involved.

21 If there's any major corrections,
22 guess what? They go back to DOE to make sure

1 that those suggestions don't embody anymore
2 classified information.

3 After they come back or when they
4 come back to the interviewee, then someone
5 like Kathy sits down and summarizes those
6 individual interviews into the section that
7 you see.

8 So really, the drafting of that
9 section is the first time this becomes even a
10 draft version of what would end up in our
11 analysis. Everything before that is sort of
12 pre-decisional note taking.

13 MS. ROBERTSON-DEMERS: Can I back
14 up here a minute?

15 MR. FITZGERALD: Yes, go ahead.

16 MS. ROBERTSON-DEMERS: First of
17 all, you have the very raw note that we take
18 during the int. I think Arjun can tell you
19 that a lot of the time, these things don't
20 make sense to any body else but the author.

21 They go through review and then we
22 do an individual interview summary of those

1 notes. They also go through review by DOE. At
2 that point, they're released to the
3 interviewee for comment.

4 MR. FITZGERALD: Okay, so none are
5 cycled.

6 MS. ROBERTSON-DEMERS: To me,
7 they're pretty decisional at a targeted stance
8 from the interviewee, but yes, that's what I
9 said.

10 MR. KATZ: This is to address what
11 you're discussing in these procedures already?

12 MR. FITZGERALD: Yes, in a general
13 way.

14 MS. HOWELL: I would clarify that
15 while certainly those documents would be
16 predecisional and protectable from FOIA and
17 other forms of release in multiple ways,
18 there's still documents that you've created on
19 your contract with the government and their
20 government contract documents.

21 DR. MAURO: Where do they reside
22 now? Where are they now?

1 MR. FITZGERALD: Well, they reside
2 with Kathy, I would think, for the interviews.
3 Right, Kathy?

4 MS. ROBERTSON-DEMERS: A lot of
5 them do. They actually reside with the
6 interviewee.

7 DR. MAKHIJANI: They reside with
8 the interviewer.

9 MS. ROBERTSON-DEMERS: The
10 interviewer, sorry. I haven't done 100 percent
11 of the interviews. Some of them reside in
12 files at the DOE.

13 MEMBER BEACH: I was going to say,
14 aren't those also available to -- if they're
15 SC&A's notes, aren't they available to NIOSH
16 and NIOSH's notes are also available to SC&A?

17 MR. FITZGERALD: I think the point
18 she was making though, until they come back
19 from the interviewee as validated, and at that
20 point -- am I right, Kathy? At that point,
21 there are documents that would be available?

22 MS. ROBERTSON-DEMERS: Right.

1 MR. FITZGERALD: Now, whether
2 they've been systematically made available is
3 part of what we've been treating in this that
4 in terms of all documents, that would include
5 interview notes. That would be made available
6 at that point. Right?

7 MS. ROBERTSON-DEMERS: Like I --

8 MR. FITZGERALD: Even before
9 summarization, it would be made available.

10 MS. ROBERTSON-DEMERS: Some of
11 these raw notes are sitting at DOE sites
12 because they have to be maintained there.

13 DR. MAURO: No, my question is a
14 little different. My question is, at some
15 point in the process, the notes with people's
16 names on it and your notes, after they've gone
17 through whatever number of cycles they need to
18 go through, including the interviewee and DOE,
19 eventually they have a home sitting on your
20 file and you have the document. Of course,
21 that becomes the source material from which
22 you make your summary level documents.

1 That material that's sitting there
2 is certainly a work product that was prepared
3 under contract, under our contract. It belongs
4 to the government, and the question is, what
5 do we do with those notes right now? Where are
6 they sitting? Who has ownership? Is it part of
7 our process to make them available to the
8 record -- not the public record, but the
9 project record -- available to NIOSH and its
10 folks. Or do we wait until someone asks for
11 them before we distribute them?

12 MS. HOWELL: Well, I would -- the
13 original notes -- the ones that are just
14 scribbles -- those are government also.

15 Now, we are not in the habit of
16 requesting those. I don't foresee us
17 requesting those, but if we were to request
18 them, we would receive them.

19 DR. MAURO: I got you.

20 MS. HOWELL: Now, when you're
21 talking about the later summaries and whatnot,
22 I mean, typically, I thought that those were

1 being turned over to the Board as being
2 responsive to a contract task request.

3 MR. FITZGERALD: Yes, summaries go
4 with the report.

5 MS. HOWELL: So Ted at least, is
6 getting them.

7 DR. MAKHIJANI: Let me just kind of
8 explain. The scribbles in the computer
9 typically stay with us. Of course, you can
10 request them. Normally, until now, the draft
11 goes through DOE.

12 Its cleaned up, spot checked. It
13 goes through DOE and then it goes back to the
14 worker. If we do not hear from the
15 interviewee, we don't use any of that material
16 in our analysis because it's considered
17 unverified.

18 And so, we actually just set that
19 aside and it sits there. MPS is a good
20 example. I mean, we didn't get a few of the
21 interviews back and we did not use them. They
22 don't appear in the summary because we don't

1 he said, she said -- oh, I didn't mean that
2 kind of situation appearing in any of our
3 analyses.

4 And that's the whole part of the
5 procedure -- sending it back to the worker and
6 getting an affirmative response. And so, yes,
7 there are a lot of raw notes and yes, in
8 principle, they could be requested and become
9 part of some public record eventually. Well,
10 not public record, but project record.

11 But there are interviews that are
12 unverified and normally, nowadays -- at first,
13 we did not actually need the individual
14 interview part of what we submitted to the
15 Board. This discussion arose two or three
16 years ago and the Board said well, why aren't
17 we seeing the individual interviews because at
18 first, we were only publishing the summaries.

19 And then we began the practice of
20 when the individual interviews were final,
21 along with the summaries, we also provide the
22 individual interview records to the Board.

1 So there are two kinds of things
2 that go through NIOSH and the Board -- the
3 final verified interview record with all the
4 names. This corresponds with the other stuff
5 about Privacy Act. The Board said we want to
6 see everything and they can see everything.
7 That applies to the interviews and then the
8 summaries, which becomes part of the public
9 record.

10 MR. FITZGERALD: I think the only
11 comment I would have -- I don't think there's
12 been a systematic -- and this has been an
13 evolving process over the last eight or nine
14 months -- and I think that's what we're
15 looking at here. It's more or less automatic
16 full disclosure transfer of any information,
17 including interview notes, over as soon as
18 they're past the validation phase.

19 Kathy, did you have a comment?

20 MS. ROBERTSON-DEMERS: Just --
21 okay, when you're talking about the
22 handwritten notes -- John says where are they?

1 They're with the interviewer or they're in a
2 safe at DOE, depending upon the classification
3 level.

4 There are some SC&A interviews
5 that have to be maintained that way at DOE.

6 MR. KATZ: So my only question with
7 this is, for those ones that stay with the
8 interviewer --obviously, if the DOE is
9 holding, that's a different issue -- but does
10 SC&A actually gather those up so that they're
11 sort of corporate property as opposed to just
12 with individuals who may or may not be with
13 SC&A three years from now?

14 DR. MAURO: The answer is no.

15 MR. KATZ: But I think that
16 probably needs to be -- I'm not sure whether
17 that needs to be reflected here, but it does
18 need to be --

19 DR. MAURO: No, this is an
20 important conversation because the way I see
21 it is, everything that we do, everything we
22 do, we're billing time against this contract,

1 including writing e-mails, whatever it is we
2 do.

3 This is part of the project and
4 you have access to it. As a project officer,
5 you have that. That's how I see it. There's
6 nothing we can retain.

7 DR. MAKHIJANI: That is true, first
8 of all, because it's contractual. Typically,
9 these are conversations that are going on . We
10 do not tape these.

11 DR. MAURO: No.

12 DR. MAKHIJANI: The reason we do
13 not tape this is a lot of people say a lot of
14 things and sometimes they're ill-advised -- a
15 personal point of view, allegations, things.
16 We've always felt that it's better to make an
17 accurate record with some discretion, in terms
18 of not actually making a tape recording and
19 then adding that to become an issue.

20 DR. MAURO: Absolutely.

21 DR. MAKHIJANI: But because,
22 essentially, we can't transcribe. We're not

1 court reporters. And so we try to make an
2 accurate record, but these interviews could
3 contain errors. I mean, there are places where
4 I know I write I didn't get this or is this
5 clear or I don't know if this is right.

6 I'm a little uncomfortable about
7 erroneous -- no, no. I don't understand the
8 legal side of it, so if CDC requests this and
9 it goes into CDC, then you have -- and the
10 interview is never verified by the
11 interviewer, so you don't have a corrected
12 record -- then you have something that's
13 incomplete and may contain errors that could
14 become part of the public record.

15 MS. HOWELL: And that's why you put
16 some sort of language on it stating that.

17 MR. KATZ: I mean, the government
18 is full of these kind of programs. From its
19 own doings, it's full of these kinds of
20 records. They are government records. They
21 belong to the government, but they're not
22 final products. They're not reviewed, et

1 cetera.

2 I mean, the government is replete
3 with this kind of information. It doesn't ever
4 -- 99.9 percent of it never sees the light of
5 day, in terms of going beyond the government
6 to anyone else. It stays in the files because
7 it's part of the file.

8 MS. HOWELL: You have to have work
9 products to get to that final point where you
10 do assume some verification in the document
11 and everything, but the problem is that
12 everything up to that point is still a record
13 that needs to be maintained.

14 DR. MAKHIJANI: It would be useful
15 to have some kind of boilerplate language that
16 you could stick on top of these things because
17 certainly, we have not been doing this -- if
18 we could stick on this because if it's going
19 to be corrected in a corporate format, then
20 they should all have some kind of a uniform
21 disclaimer not only that it's predecisional but
22 that it could be incomplete and may contain

1 errors.

2 MR. KATZ: I mean, for example,
3 with your interviews, you could state across
4 there, this information has not yet been
5 verified.

6 DR. MAKHIJANI: Yes.

7 MR. KATZ: That's a simple
8 statement to make. It makes it very clear that
9 this is just the person's notes, but not
10 necessarily accurate notes. It can be shown in
11 that context.

12 DR. MAKHIJANI: And the way we have
13 been doing that, of course, is we -- say a
14 draft has been reviewed and then we send I off
15 and then when it comes back, we finalize it.

16 So I have kind of a three step
17 process, but the control of it generally
18 belongs to the interviewer until it becomes a
19 final product.

20 MS. HOWELL: The other thing too,
21 just as a contracting concern, while the real
22 award of this particular contract may have

1 already gone through, if we were to ever
2 switch technical support contractors, there
3 were additional questions from a site -- you
4 know, there needs to be that continuity of
5 information there so that we don't duplicate
6 efforts.

7 That's just another reason for
8 insuring that somewhere there is a repository
9 that -- it can be passed along.

10 DR. MAURO: Arjun's point is
11 especially relevant now that we're about to
12 move into what I call losing the government's
13 computers. We're soon going to be receiving
14 30 computers. All our work that's infected --
15 right now, it's like watching sausage being
16 made.

17 I know what reports look like.
18 Some times the writing is very poor, plenty of
19 errors in this, and there's a process of
20 getting a quality product out, which is
21 protracted.

22 All of this now, I believe -- tell

1 me if I'm wrong -- is going to go on, on these
2 government computers, every step of the way.

3 MS. ROBERTSON-DEMERS: That's
4 actually not true.

5 DR. MAURO: Okay, yes? Then I need
6 a little help with this because I'm not sure
7 what's going to happen when that thing
8 happens.

9 MS. ROBERTSON-DEMERS: When you do
10 on site interviews, most of them are hand-
11 written or you do them on a DOE computer if
12 you're lucky. You don't bring your own
13 computer on site, especially at places like
14 Pantex.

15 DR. MAURO: Well, eventually, what
16 you do -- let me ask you this -- eventually,
17 you take your log book with handwritten notes
18 and you key it into something. I'm assuming
19 what you'll be doing now is keying it in to
20 your new government computer.

21 So that's the place where it
22 enters behind the cone of silence, so to

1 speak. It's going to enter there in its
2 crudest form. It's going to be there. And that
3 work product is now going to be -- we're going
4 to work on. All that.

5 Now, as we move through that
6 process, that's going to evolve. That document
7 is itself going to evolve. It's going to
8 disappear and be replaced. It's going to be
9 edited, just like we do now, only it's all
10 going to be going on on your computer.

11 So I'm assuming that every stage
12 in the maturation of a document is not going
13 to be archived. Is that correct? In other
14 words, we're going to be allowed to work our
15 product and not show every step because the
16 steps are numerable.

17 MS. HOWELL: Certainly, that is
18 true. Generally, I'll offer only a lawyerly
19 comment, which is to say that you will be
20 working on government computers and every key
21 stroke that you make on a computer, whether
22 it's government or not, never really goes

1 away.

2 And not that we are going to be
3 running tests on these computers -- we're
4 certainly not -- but in the event that we are
5 involved in litigation, one of the things that
6 can be discovered now under the federal rules
7 of evidence is metadata. So if you have some
8 version of your document on there and it was
9 properly requested, which would require a
10 great deal of knowledge about how this Board
11 and the contractor and the program works, but
12 if it were properly requested, it is possible
13 that some previous predecisional draft version
14 that was never actually sent to anybody could
15 come out.

16 But that is not how we typically
17 work. That is not what I'm trying to say where
18 we talk about what needs to be maintained.

19 DR. MAKHIJANI: I've actually come
20 across this since I've worked in the legal
21 arena quite a bit. Only once in my own work
22 outside this arena, -- I'm in the habit of

1 keeping my various drafts -- was everything
2 requested. We supplied huge numbers of boxes
3 with the same print, slight differences
4 between one draft or another, but we did send
5 that.

6 MR. KATZ: And just to be clear,
7 I'm not saying I want -- I don't want SC&A to
8 submit all this information to the agency. All
9 I'm saying is that SC&A, as the contractor,
10 has to have its organizational files with
11 these records in them. I'm not saying that
12 they need to be turned over to us.

13 DR. MAURO: So the single most
14 important thing that I got out of this
15 conversation is that there are handwritten
16 records that exist right now by the
17 interviewers that are not in our central file.

18 It sounds to me that we have an
19 obligation to keep that in our central file.
20 Is that what I'm hearing? Legally,
21 contractually.

22 MS. HOWELL: Also, it sounded to me

1 like you have formal type written things that
2 are not being centrally maintained.

3 DR. MAKHIJANI: They are, they are
4 not. There's also a question associated with
5 that because now when we prepare -- I'm
6 looking at these notes -- these went from me
7 to Kathy so she could put all the interviews
8 that we did during that trip together, cleaned
9 them up and sent them to the DOE.

10 These are the draft interviews.
11 I'm presuming that's what should be in the
12 central record. Now, what I send to Kathy
13 sometimes -- here's how the sausage is made
14 and when you advise us.

15 So typically, there are a number
16 of us who would be -- typically, there are at
17 least two people making notes to make sure
18 that you don't miss stuff because stuff goes
19 fast. Very often, we're interviewing two or
20 three or four workers at the same time.
21 There's a lot that can be happening and a lot
22 being said.

1 So typically, when Kathy and I
2 together, I will send my notes to Kathy
3 because they will have gaps. They will have
4 things that I missed or questions that I have
5 and she will compare to her notes and she'll
6 compile a draft record. And that's a draft
7 record. That's the raw record.

8 But then there's the thing that I
9 sent her and in my mind, the thing that I'm
10 understanding that should go into the
11 corporate records would be what Kathy sends to
12 the DOE as a draft interview and then whatever
13 comes back from the DOE -- I'm not sure what
14 all is being asked to be part of the corporate
15 records and what all can be maintained simply
16 by the record?

17 MS. HOWELL: I mean, I guess I
18 would say that you probably need to keep
19 copies of the records before and after the DOE
20 review. Although, there would be certain
21 people in NIOSH who would at least be able to
22 see the version prior to DOE release.

1 So therefore, it would seem to me
2 you would want to maintain that version as
3 well as the cleared version.

4 DR. MAKHIJANI: Okay.

5 MS. HOWELL: Prior to that, the
6 handwritten notes or the rough --

7 MR. ELLIOTT: Field notes, we would
8 call them.

9 MS. HOWELL: Field notes, right.
10 Which I guess would also include your initial
11 write up of them and sending them to Kathy.
12 Those would need to be maintained, but I'm not
13 sure that they need to become part of the
14 corporate record.

15 DR. MAKHIJANI: They are
16 maintained. I mean, they're maintained.

17 MS. HOWELL: Right.

18 DR. MAKHIJANI: They're maintained
19 with the interviewer.

20 MS. HOWELL: But I mean, if you
21 were to have someone on staff or a sub
22 contractor that is hired through SC&A and

1 who's been doing this work and they were to
2 leave, you would want to ask them for even
3 those materials.

4 As long as they continue to be in
5 your employ, one way or another, it's fine for
6 them to maintain them as long as you're in
7 keeping with all the security requirements and
8 everything else. But if that person were to
9 sever their ties with you, you would want to
10 get that from them.

11 MR. CALHOUN: And Emily, let's just
12 say, hypothetically speaking, we go to the
13 site and meet some people at a library and we
14 take some notes down and interview, we submit
15 those interview notes to DOE -- because we're
16 not at a DOE site -- and something bad and
17 nasty is in there, we're not going to keep
18 those notes. They're gone.

19 MS. HOWELL: Right.

20 MR. CALHOUN: So you said to try to
21 maintain a copy before and after DOE? Those
22 notes are gone.

1 MS. HOWELL: Assuming you had any
2 notes. I guess we would at least know that
3 there had been something else there that was
4 then not.

5 MR. CALHOUN: And then let me ask
6 one more question. If you go to a site -- it
7 doesn't matter if it's classified or not --
8 and you go to interview Grady Calhoun about
9 the Fernald site and then you write your
10 handwritten notes.

11 Then ultimately, you come up with
12 a written document that is submitted to DOE,
13 presumably cleared by DOE hopefully, that this
14 is an interview with Grady Calhoun about
15 Fernald site, 1995. That document, you send to
16 the SRDB, correct?

17 DR. MAURO: Once it's cleared?

18 MR. CALHOUN: Once it's cleared. So
19 that I've got a documented interview with
20 Grady Calhoun that you guys did that's in
21 SRDB.

22 MR. FITZGERALD: That's what I was

1 referring to before.

2 MR. CALHOUN: Because we do that.

3 MR. FITZGERALD: Yes. The SRDB
4 input, making that systemic -- meaning across
5 the board for anything that's collected,
6 including interview notes -- has not happened.

7 MR. CALHOUN: Not the notes. I'm
8 talking about the interview itself.

9 MR. FITZGERALD: the interview
10 itself after it's been validated by the DOE?

11 MR. CALHOUN: Yes.

12 MR. FITZGERALD: Yes, I was trying
13 to circle back because Arjun had some
14 comments. That was the gap, I think, that I
15 picked up on that the summaries and stuff, of
16 course, go into the document.

17 But the actual individual
18 interviewee write up that has been cleared by
19 DOE, validated by the interviewee feeds into
20 the summaries but doesn't go anywhere by
21 itself.

22 MS. ROBERTSON-DEMERS: That's not

1 true.

2 DR. MAURO: It does.

3 MR. FITZGERALD: It does, okay.

4 MS. ROBERTSON-DEMERS: Yes. That's
5 not true. What we've been doing since we
6 started doing individual summaries is that
7 that goes to the working group.

8 MR. FITZGERALD: That goes to the
9 working group, but not to NIOSH for inclusion
10 in the S30B.

11 MEMBER BEACH: Their part in NIOSH
12 is art of the working group.

13 MS. ROBERTSON-DEMERS: Well, I
14 would assume that because it was going to the
15 working group, it was going to NIOSH.

16 MR. CALHOUN: I'm just saying that
17 once we've got that summary, it needs to go
18 into SRDB.

19 MR. FITZGERALD: Yes, I think
20 there's a -- we haven't got to it yet, but
21 there's a facet of this thing that deals with
22 input to SRDB. It's in PROC-010.

1 We don't have it explicit here,
2 but I think in an earlier discussion, we were
3 indicating that it would probably be good to
4 have an appendix or something that would be
5 very explicit about what stuff and how it goes
6 into the SRDB.

7 I think that would take care of
8 identifying the individual notes as well as
9 whatever else that goes in there. Right now,
10 it isn't. I mean, it goes to the work group.
11 I don't think it goes to the SRDB.

12 MS. HOWELL: Shouldn't the SRDB
13 also have the full version and not just the
14 summary?

15 DR. MAKHIJANI: Kathy is calling
16 the summaries, really, the cleaned up notes.
17 It's not truly a compressed --

18 MR. ELLIOTT: Yes, this is the raw
19 launcher, raw field notes. But if you turn
20 your raw field notes into an individual
21 summary that then is melded into a composite
22 of the interviews themselves, I think we want

1 both of those.

2 DR. MAKHIJANI: Now, the working
3 group, as well as NIOSH, get both of those,
4 except as Grady is saying, it's not in the SEC
5 reviews.

6 But many of our reports are not in
7 the SRDB either. I mean, I know many reports
8 that we do for boards and the working group,
9 white papers. Even SEC reviews, CC reviews,
10 you know, when they come out in rapid fire
11 once a month, many of them are not on the
12 NIOSH website or on the SRDB. They're not all
13 on the NIOSH website.

14 MR. ELLIOTT: So what is it that is
15 not on the NIOSH website that you think should
16 be? White papers are not -- I don't think
17 they're fodder for the website.

18 DR. MAKHIJANI: I can give you a
19 couple of examples.

20 MR. ELLIOTT: All right.

21 MS. ROBERTSON-DEMERS: Well, I've
22 got an example off the top of my head. It

1 would be the K25 site profile review, unless
2 it's been loaded in the last --

3 DR. MAURO: I'm sorry. That was an
4 oversight. This is something -- yes, the K25
5 site profile review took awhile to get up
6 there.

7 MR. ELLIOTT: So that should be on
8 the website.

9 DR. MAURO: Yes, of course.

10 MR. ELLIOTT: It wasn't, but it is
11 now, I believe.

12 DR. MAURO: We're talking about
13 something else. Like for example --

14 DR. MAKHIJANI: We've got a number
15 of old reports that are not on the NIOSH
16 website.

17 DR. MAURO: At least a dozen white
18 papers have been produced in the last month
19 related to Mound, the Nevada test site.

20 MR. ELLIOTT: But the white papers
21 won't go on the website.

22 MR. KATZ: They can't go on the

1 website before the Privacy Act review.

2 DR. MAURO: Are they going -- they
3 are going through the Privacy Act review?

4 MR. ELLIOTT: White papers don't go
5 on the website. Only the official products
6 given to the Advisory Board as a review from
7 SC&A go on the website.

8 The other documents that you're
9 talking about should be placed in that site
10 research database or the board's whatever
11 they're called -- share drive -- that the
12 board has. There should be a set of files for
13 all that Mound SRS.

14 DR. MAURO: we have a little bit if
15 a dilemma. One of the things that we did
16 starting a few years ago was, if you recall,
17 we have a very formal process that we prepare
18 site profiles.

19 MR. ELLIOTT: Yes.

20 DR. MAURO: And the product comes
21 out as a stand alone work product and goes
22 off. It's not kept in the closets.

1 We used to do that with SEC
2 petition evaluation report reviews. It became
3 a large effort. What happened was along the
4 way, we realized that no, what we're going to
5 do is we're going to make every SEC process
6 more of a focused review where we transition
7 from a site profile review into -- it usually
8 goes this way -- into an SEC process. The
9 workgroup decides what are the issues that
10 they'd like their contractor, SC&A, to focus
11 in on and prepare special investigations. Then
12 SC&A moves down that road. In the same exact
13 way, so does NIOSH and its contractor.

14 So all of a sudden what we have is
15 a series of targeted lines of inquiry related
16 to the SEC process, all of which take a form,
17 most of the time, of a white paper. There are
18 lots of them.

19 The work products that are
20 actually being prepared in support of the
21 Board's decision making related to SEC are
22 really white papers. We don't really have

1 these big tomes coming out anymore on SEC
2 related matters.

3 MS. HOWELL: But aren't you rolling
4 those white papers into SEC documents later
5 on? I thought --

6 DR. MAURO: Maybe eventually. We've
7 been in the middle of a lot of tests right now
8 for a couple of years.

9 MR. ELLIOTT: But some of the white
10 papers just go away too. Just -- there is a
11 fraction or whatever and --

12 DR. MAURO: We both - we are able
13 to go down a road and at someplace along the
14 way, we realize, you know, we're going to
15 change direction now.

16 MS. HOWELL: So we're getting into
17 an area of discussion that is really not
18 germane to the security.

19 MEMBER BEACH: I was wondering if
20 we were kind of drifting.

21 MS. HOWELL: And it's certainly
22 important, but --

1 MR. ELLIOTT: It is important
2 though. If there are documents that you feel
3 should be on the website from SC&A that are
4 not there, Ted should let me know. We should
5 get them put up if there are documents that
6 need to be up there.

7 DR. MAURO: I think this is worthy
8 of --

9 MR. FITZGERALD: This is a separate
10 discussion. I'm sure the standing of these
11 intermediate documents that are actually very
12 crucial to the SEC process and how one -- what
13 their standing is and how they're logged in --
14 they need to go into the SRDB automatically.

15 Right now, there isn't any real
16 guidance. They just sort of exist and some
17 things peter out.

18 You really need predecisional
19 support documents of the workgroup to make a
20 decision on a particular SEC issue, but just
21 memorializing the documents used for that
22 decision and putting them somewhere where ten

1 years from now, they can be located would
2 probably be a good idea.

3 DR. MAURO: A very good test case
4 would be what happened to all of the white
5 papers that emerged from the Blockson process.

6 The Blockson process generated a
7 large number of very focused investigations
8 that led us to where we are now. The Board, of
9 course, on occasion, has voted on that
10 particular issue, as you know.

11 But behind that vote are all of
12 these white papers. I've got to tell you, I'm
13 not sure -- I know I have them on my -- I have
14 a box. Is that it? I mean, there's got to be
15 a better way of doing it?

16 MS. HOWELL: There's a way for a
17 distinction to be made between what is on the
18 website and what is maintained by the agency.
19 I don't think that we have lost track of a
20 single white paper.

21 MR. ELLIOTT: No. They all are in
22 our file. They have permeated everywhere.

1 MS. HOWELL: But there's a major
2 difference between looking up --

3 MR. ELLIOTT: But that is the
4 problem. Because we pick one up and we don't
5 know -- should this one go anywhere or was
6 this one morphed into something else. Was this
7 finalized?

8 MS. HOWELL: I thought the agency
9 database was supposed to be tracking that.

10 DR. MAURO: We've got to talk about
11 this.

12 MR. ELLIOTT: There is a new
13 document control system that we are preparing
14 to roll out and with the advent of the issue
15 of the computers for you folks and the Board
16 members.

17 It has a feature that you all can
18 engage with and essentially task others to
19 review your documents without us seeing who
20 you're asking to review. You then place them
21 into this system so they're appropriately
22 archived and housed.

1 So I don't think we've lost any of
2 these documents. I think all we've managed to
3 do is create a big mess of documents that
4 we're having trouble sorting out and figuring
5 out what's the life of the document, where did
6 it impact, and what change did it result in.

7 DR. MAURO: What I find myself
8 doing -- every white paper that we write, we
9 always have an introductory paragraph on its
10 genesis and where it sits within the sequence
11 of events, how did it come about, why are we
12 doing it.

13 So it's there, but I have to tell
14 you that after a few years of this, if someone
15 wanted to go back and recreate what happened,
16 it's no small task.

17 MR. ELLIOTT: No, it's not. It's
18 not. But I would commend you guys. SC&A --
19 Nancy has done an excellent job lately of
20 sending out documents and providing very clear
21 explicit explanations of what the document is,
22 whether it's been Privacy Act reviewed,

1 whether it's been DOE reviewed, what the
2 actions the person who's receiving it should
3 take.

4 And I've asked my folks to look at
5 what you guys have done and say I want to be
6 as good, if not better. So get it up to speed.
7 Because, you know, Brad sent one out last week
8 and just said here's a white paper. Well, I
9 don't know what it's on. Even I'm asking
10 what's it on? What's on Mound? Well, big deal.
11 Show, tell me it's on Mound. Tell me it's
12 Privacy Act controlled or it's Privacy Act
13 released. Tell me it's DOE reviewed or tell me
14 it's being DOE reviewed, but let's get with
15 it.

16 So I think we've got some work to
17 do on our side and I just commend you guys for
18 the steps you've taken.

19 If there's documents you need up
20 on the website --

21 MR. FITZGERALD: I'm being prodded
22 by the work group chairman --

1 CHAIRMAN CLAWSON: I wasn't going
2 to tell you -- let me tell you a little story.
3 Let me write this story here. Just like, we
4 have -- these are important questions and I'm
5 not downplaying them at all, but these should
6 be taken care of at another place, in other
7 times and other meetings.

8 MR. FITZGERALD: Actually, we're at
9 the last major paragraph. I'm going to tell
10 you what this paragraph provides and then tell
11 you what is here relative to PROC-010 and why.
12 That would probably be a good way to cap it.

13 This basically lays out, by virtue
14 of practice, what we do in terms of how we
15 scope the site, how we work with the DOE site
16 POC to set up and arrange interviews.

17 We set up off site interviews with
18 former workers, advocacy group petitioners,
19 what have you. We do on site interviews where
20 it's pretty clear there may be the potential
21 for classified information or we're dealing
22 with active workers and these, again, it's

1 coordinated with the DOE at the site. I think
2 part of the issue is giving the interviewee
3 some context of who we are and what we're
4 after.

5 Beyond that, in terms of the
6 classification process, I think we already
7 covered that. Everything that we produced,
8 that's generated in the way of notes and what
9 have you, any documents that we receive would
10 have to go back to DOE just to have that
11 screening done.

12 We go through a process of
13 summarization. We covered all of that so I
14 won't go through that in too much detail, but
15 there is a process by which we take those
16 notes and we produce a first cut, which is
17 sent back to the worker for validation. And
18 then that's re-typed and as I was corrected,
19 it's evolved to a process where we make that
20 available to the work group. Once we clarify
21 the way this is input into the SRDB -- it
22 would also be provided for inclusion in the

1 SRDB, the first cut.

2 Of course the summary goes into
3 the draft report so that, of course, by that
4 nature, gets in there anyway. And then there's
5 a master summary, as we just said.

6 Now, what's not here in that
7 process I just outlined quickly is we don't
8 get into the inputting to the SRDB in any
9 detail, which is laid out, perhaps in more
10 detail, in PROC-010. I think we said earlier
11 that would be a good idea whether it
12 references within the text, with an appendix
13 or something because we fully intend to submit
14 documents we identified as well as interview
15 notes to the SRDB. So I think that would be
16 something we would add.

17 Another thing that we didn't cover
18 explicitly but is covered explicitly in some
19 detail is the process that we would follow if
20 provided documents by the interviewee in terms
21 of having those documents screened and made
22 ready for the SRDB.

1 Kathy, you do this all the time.
2 In terms of documents which are volunteered by
3 interviewees, what's the process by virtue of
4 practice right now?

5 MS. ROBERTSON-DEMERS: At the
6 moment, we don't usually put them through DOE
7 review because they're usually public sources.

8 MR. FITZGERALD: Public documents?

9 MS. ROBERTSON-DEMERS: But if
10 there's a reason to believe that they need to
11 review -- for example, two documents recently
12 given to me at San Dia, I will submit them to
13 DOE even for a second review if I'm not sure.

14 MR. FITZGERALD: Now, you have a
15 copy of PROC-010 in front of you? What I'm
16 getting to is, is there any reason we couldn't
17 go through due process as laid out in PROC-010
18 as we're required right now to submit
19 documents pretty much along that regime? I'm
20 talking about 5.2.3, page 10.

21 MS. ROBERTSON-DEMERS: We can. It's
22 just a matter of to what degree. If somebody

1 gives you a website, for example, you want to
2 go ahead and print that out and submit it.

3 MR. FITZGERALD: Well, no. I think
4 we're talking about unmarked documents as
5 documents which are clearly not public
6 documents, just documents that --

7 MS. ROBERTSON-DEMERS: You mean
8 company documents?

9 MR. FITZGERALD: Well, yes. If you
10 -- typically, a former worker may have
11 something he kept when he retired and it's
12 unlabeled. That would be certainly something
13 that would fall in this regime where you
14 certainly don't know -- if it weren't labeled
15 back when, it might now be considered
16 sensitive and you wouldn't want to deal with
17 the ambiguity.

18 MS. ROBERTSON-DEMERS: Yes, and a
19 lot of times, for example, when we were doing
20 interviews with Mound workers, we just
21 included what we were given in with the
22 interview notes.

1 MR. FITZGERALD: Right. I recall
2 that. That's what I'm saying. I'm trying -- it
3 doesn't sound like it would be any problem
4 that either we would submit it with the
5 interview notes or we would submit them
6 separately, but anything that's not clearly a
7 public document would be submitted.

8 MS. ROBERTSON-DEMERS: Right.

9 MR. FITZGERALD: Now, I would think
10 the one that would make us most nervous is
11 something that was clearly a company document.
12 A lot of times those would be dicey, so we
13 would certainly want to control that.

14 I think what we're going to do on
15 this one is just go ahead and mirror, to the
16 extent that it's relevant -- I think all this
17 is relevant -- just put much of this in here
18 in terms of documents just to make it clear
19 that the documents collected would be handled
20 that way.

21 The other thing that we don't, as
22 far as contrasting PROC-010 with this

1 document, we don't go into a lot of the
2 classification process here. I think what we
3 were doing was simplifying and just saying
4 that we would adhere to the DOE security
5 policy and the requirements that -- they do
6 stipulate how those kinds of interview notes
7 and documents would be handled.

8 I don't believe there's anything
9 here that would not be covered by that policy.
10 By reference, we're applying those
11 requirements to UCNI and ECI and classified
12 information. I think some of this speaks to
13 that.

14 I don't know, Grady, if there's
15 anything here that would be not covered by the
16 security policy.

17 MR. CALHOUN: I'd have to look. I
18 don't have it in front of me.

19 MR. KATZ: I just would suggest
20 that it's much more clear to include it then
21 to just refer to this vague thing called the
22 DOE security plan that someone would have to

1 go and look at and figure out where in that
2 security plan --

3 MR. FITZGERALD: With the proviso
4 that some of the forms at issue, we might have
5 to change, but other than that, I don't have
6 any problem with that. I think that would make
7 it cleaner.

8 CHAIRMAN CLAWSON: So you would
9 attach the whole PROC-011?

10 MR. FITZGERALD: No, just retain
11 the language that's in PROC-010. Assuming that
12 really even though we simplified by
13 referencing the security policy, it doesn't do
14 any harm and probably clarifies better if we
15 track with that.

16 CHAIRMAN CLAWSON: Why? There's an
17 appendix in the back?

18 MR. FITZGERALD: Well, no. It's
19 actually part of the section. Just write it
20 in. Take the provisions in the security policy
21 and go ahead and leave it in the actual
22 procedure.

1 What we did was basically said,
2 well, the procedure, the policy, covers these
3 actions so we're not going to include them.
4 But on the other hand, any difference that's
5 going to make it confusing to anybody that
6 looks at these two documents.

7 I think that accounts for the
8 differences that I saw. The entry to SRDB, the
9 documents provided by the interviewee, and
10 referencing the security policy rather than
11 being explicit in the text.

12 I think you can remedy all three
13 of those. I don't see that it -- it wouldn't
14 change materially how we would do business on
15 those.

16 As I said before, I think, given
17 the conversation earlier, we would delete
18 appendix A. It's outmoded. That was an early
19 DOE idea that they're not using.

20 That's it for that piece. For that
21 one..

22 MR. CALHOUN: For that one...

1 MR. KATZ: That's the book because
2 the evidence is very new.

3 MR. FITZGERALD: We did indicate we
4 would include the OCAS-4 form, which is not
5 there now. It's in the appendix.

6 Any final comments on this version
7 of the proposed Board site access procedures?

8 CHAIRMAN CLAWSON: Do we want to
9 take a quick 10 minute break?

10 MR. KATZ: Sure. A 10 minute break
11 for the folks on the phone. So it's almost 20
12 to, so about 10 to 3, we'll get back in.

13 (Whereupon, the above-entitled
14 matter went off the record at 2:38 p.m. and
15 resumed at 2:52 p.m.)

16 MR. KATZ: So we are getting back
17 going again and this is the working group
18 developing the Board and its contractors
19 security plan. We're starting into the next
20 procedure, which has to do with controlled
21 documents. Joe?

22 MR. FITZGERALD: Right. This is the

1 working draft dated April 6, 2009. It is the
2 equivalent document for classification
3 procedures to OCAS PROC-011.

4 Both these documents, frankly,
5 reflect the multi-month rigorous interaction
6 between NIOSH and DOE on what would be
7 acceptable as far as classification procedures
8 from a Department of Energy standpoint. So
9 really, in a sense, there's not anything that
10 we're in a position to want to change or can
11 change. This is pretty much where DOE is
12 coming from relative to how they're going to
13 review the EEOICPA documents and
14 classification.

15 So what we did with the working
16 group is pretty much take PROC-011 and
17 materially did not change anything other than
18 to refer to the Board and its technical
19 support contractor as having this procedure
20 applied to it, which is a change that we made
21 in the scope of the document. That's section
22 2.0 on page 1.

1 The purpose is the same. You
2 outline steps required to coordinate review of
3 documents to DOE's classification office for
4 review. The scope is the same. It covers all
5 the pertinent documents that we deal with --
6 site profiles, TBDs, SEC documents.

7 MR. KATZ: Let me suggest though,
8 the scope is different, actually, because in
9 your documents, those TBDs aren't in your
10 documents. I mean, some of this will apply to
11 SC&A documents and Board documents, but not to
12 the OCAS documents. Theirs are covered by
13 their docket.

14 MR. FITZGERALD: Okay.

15 MR. KATZ: Just a minor point.

16 MR. FITZGERALD: Thank you, yes.

17 With that exception then, the list is the same
18 list. Again, we don't want to change the
19 scope, but clearly, that's a NIOSH document.

20 References -- we used a longer
21 list of references -- the same ones, I think,
22 we had for the other procedure.

1 MEMBER BEACH: You just need to
2 change that title.

3 MR. FITZGERALD: Right. That should
4 be title 42. That's a typo.

5 I'm just looking at the two PROC
6 references. We took 11 out of the last one. Do
7 we take 10 out of this one?

8 Again, those are the references.
9 Going to the actual procedures -- I'm sorry.
10 This is, I guess this is the preface to the
11 general provisions.

12 The only thing we added to what
13 was in -- for the benefit of the people on the
14 phone -- this is the preface, which goes into
15 the documents being the subject of this
16 procedure that generated from assumed
17 unclassified documents or generated from
18 official use only export control information,
19 ECI, or unclassified controlled nuclear
20 information source material.

21 It goes into the flow diagram of
22 this procedure, which is appendix B to PROC-

1 011, which we include as well, which was
2 included in the original DOE security plan, as
3 I recall. So that pretty much summarizes the
4 process we go through.

5 The only change we really made was
6 on the last statement, which says on the rare
7 occasion the documents created on DOE site
8 directly from unclassified documents must be
9 reviewed and marked prior to leaving that DOE
10 site.

11 A lot of times, we'll also send a
12 document to whomever is responsible for that
13 site. If the site is closed or unable to do a
14 classification review, we will send it by
15 courier or other appropriate means that DOE
16 stipulates. That's just a little bit of an
17 add-on there.

18 Procedure -- I believe that's
19 identical in terms of the process by which we
20 submit and DOE would review documents except
21 I think we got into -- no, I guess that's the
22 same.

1 One thing that we've been talking
2 to DOE about is this question of submission of
3 electronic records. They have generally come
4 back and said yes, you've been giving us CDs,
5 but frankly, we'd rather have the hard copy.
6 So we've kind of stopped sending CDs and are
7 sending hard copies for that reason. So that's
8 the only thing I would comment, but I think
9 that wording is probably appropriate.

10 MR. ELLIOTT: They are treating
11 this the same way?

12 MR. FITZGERALD: Yes. Yes, I think
13 it's just easier for them, rather than having
14 to handle electronic versions.

15 I've changed the reference from
16 OCAS to the Advisory Board technical support
17 contractor in that reference on what is 52.4
18 on each of the documents --

19 MEMBER BEACH: When you added 52.1,
20 you added something in that paragraph too.

21 MR. FITZGERALD: Let me go back.

22 MEMBER BEACH: The export control

1 information, ECI -- it's not in the OCAS
2 notes.

3 MS. ROBERTSON-DEMERS: That was
4 something that NIOSH had left out of their
5 procedure that we have encountered at Hanford,
6 which needs to be handled in a special way.

7 MEMBER BEACH: I just didn't want
8 to go past it.

9 MR. FITZGERALD: Okay, thank you,
10 Kath. With that change to the Advisory Board
11 technical support contractor, the only thing
12 else that I added was something that would be
13 a routine communication to the Board.

14 I mean, I think to some extent,
15 all that is going to be is Nancy copying a
16 Board member, whoever the POC might be. That's
17 an option, meaning that I'm not sure if the
18 Board is aware of these transactions or not or
19 whether it needs to be, but I wanted to at
20 least provide -- since everyone else is
21 getting routinely informed of the status of
22 documents and issues.

1 It seems like, certainly the Board
2 -- and it may just be somebody who calls a few
3 clearance who is familiar with DOE security
4 that might be the repository of these status
5 reports. It wouldn't create any extra work. We
6 do that now, sending things to Grady and other
7 wise keeping each other informed of what's in
8 the pipeline. It might be something that we
9 would give the Board as well. That's what that
10 addition is.

11 MR. KATZ: The DFO, I believe -- if
12 it's not secret information, the status, then
13 it looks like it would be good to let the DFO
14 know there's things in the pipeline that are
15 sitting there waiting.

16 DR. MAURO: The only thing I was
17 talking to Nancy about recently was with
18 regard to configuration control of the
19 documents. I think you folks in the institute
20 are putting the document number - tracking
21 number - when you move things out or to DOE?

22 MR. CALHOUN: Yes. It's so helpful.

1 I was just -- as a recommendation to her.

2 That's all.

3 DR. MAURO: She told me she was
4 talking to you about that and I think it's a
5 great idea. I wish they would institute it
6 because very often there is confusion by DOE
7 of which particular document you're referring
8 to.

9 The title doesn't always help, but
10 a tracking number that Nancy would assign is
11 something that I think would really make life
12 easier. If you could work that into the
13 procedures, saying that a tracking number will
14 be assigned to all the documents that enter
15 the system. A unique tracking number would be
16 great.

17 MR. CALHOUN: You may have the same
18 document reviewed twice.

19 DR. MAURO: Oh, absolutely.

20 MR. ELLIOTT: Does your number note
21 that -- the second review, third review?

22 MR. CALHOUN: Well, I tried that.

1 No, I've got an individual number from
2 everything -- every document that goes
3 through.

4 MR. ELLIOTT: So if it's re-
5 viewed, that's a different tracking number.

6 MR. CALHOUN: Yes.

7 DR. MAURO: That's correct, yes.

8 MR. FITZGERALD: Okay, section 5.3,
9 review of documents of head DOE site office or
10 headquarters review, I believe that's
11 identical.

12 MEMBER BEACH: Did you notice 5.3.1
13 isn't identical to that note, so you either
14 left out this document can be electronically
15 distributed for technical review? It was left
16 out and at first this section of 5 was just --

17 MR. KATZ: You copied the wrong
18 text into 5.3.1. You repeated the text above
19 instead of saying these documents can be
20 electronically distributed for technical
21 review and approval. That's what should be in
22 that procedures step.

1 MR. FITZGERALD: In 5.3.1.

2 MR. KATZ: 5.3.1.

3 MEMBER BEACH: Just a cut and paste
4 mistake.

5 MR. FITZGERALD: Yes, okay. Looks
6 like. Well, but there was no intent to really
7 change any of that process so we'll make sure
8 the wording matches.

9 MR. KATZ: The one issue that I
10 don't know whether this would be reflected in
11 here that Grady talked about being slightly
12 different than seems to show here, and then
13 I said that I raised with DOE is the issue of
14 documents that are sent to Privacy Act review
15 but are unchanged after Privacy Act review
16 except for redactions.

17 It's not reflected here. It's not
18 reflected in the OCAS procedure right now, but
19 it sounds like it's a practice with OCAS right
20 now and somewhat a practice by you.

21 MR. ELLIOTT: Our agreement with
22 DOE is to try to work with them on document

1 specific circumstances and whether or not we
2 can avoid a review or not.

3 Hopefully, they'll let down at
4 some point in time and day they've seen enough
5 of this stuff. They got a satisfaction that
6 they only need to see this category of stuff.

7 MR. CALHOUN: And the out exists in
8 their clause.

9 MR. ELLIOTT: Yes, the out exists
10 in their clause.

11 MR. KATZ: To decline a review, you
12 mean?

13 MR. CALHOUN: Yes. There's either
14 an as necessary or something in there.

15 MR. FITZGERALD: We've been dealing
16 with it case by case. The difference, I think,
17 is that we haven't memorialized it in a
18 declaration, e-mail declaration, that there's
19 no technical changes -- certification, which
20 I think is a good idea.

21 But the intent was the same. In
22 other words, we dropped out two formal names,

1 put redact in there. Is that okay? I would
2 contact the security person or talk to Gina.
3 But I think that should be pinned down in
4 writing. I guess you have a --

5 MR. KATZ: So I have a question in
6 to her and depending on how DOE responds, it
7 may or may not be able to be reflected in the
8 procedure itself as opposed to simply being a
9 sort of side agreement operating both for OCAS
10 and for SEC.

11 MR. FITZGERALD: Yes, I think that
12 is an ambiguity.

13 MR. ELLIOTT: We didn't try to
14 force the issue in language going into ours,
15 but we had a discussion about it.

16 MR. KATZ: I wasn't sensitized.
17 This was completely my own doing, so I didn't
18 even realize it was --

19 MR. FITZGERALD: Yes, it's been
20 working so we've left it alone. But Nancy has
21 been very good about saying we just went
22 through PA review and we dropped off two

1 formal names. Is that okay?

2 I would check and they would say
3 yes. I mean, as long as you're not adding to
4 technical content.

5 MEMBER BEACH: I've got a question.
6 This OCAS form 006. Is that just -- what type
7 of a form is that? Is it a one page -- I was
8 just wondering if we could make that an
9 appendix.

10 MR. KATZ: What step is it?

11 MEMBER BEACH: It's the 7.1. It
12 just references the OCAS form 006.

13 MR. FITZGERALD: That's the cover
14 sheet that would go over to DOE for retouching
15 and revision.

16 MEMBER BEACH: I just wanted to
17 know what that was. Put something in ours as
18 an appendix or --

19 MR. FITZGERALD: Yes, I think we
20 use a cover sheet, but there's no problem --
21 that certainly is no problem, that cover
22 sheet.

1 MEMBER BEACH: So is that something
2 we would take out of ours? Because we've got
3 it listed in our procedure though because --

4 MEMBER PRESLEY: Didn't we agree to
5 do that though with DOE?

6 MR. FITZGERALD: Yes. What Nancy
7 does is puts a cover sheet over it. I'm just
8 saying that whether it's --

9 MR. CALHOUN: It doesn't have to be
10 art work.

11 MR. FITZGERALD: It's just a cover
12 sheet.

13 MEMBER PRESLEY: But I think it's
14 one that we agreed on before. We said that
15 we'd go ahead and --

16 MR. FITZGERALD: Yes, it's a DOE --
17 they crafted it. It has check boxes and
18 everything and they just sent it over.

19 MEMBER PRESLEY: They were familiar
20 with that.

21 MR. FITZGERALD: Right, and that's
22 what --

1 MEMBER BEACH: So that's the name
2 of --

3 MR. FITZGERALD: Well, it's been
4 given that number by NIOSH but it's form that
5 DOE provided. I think it's even in their
6 security policy. It's included in that.

7 MEMBER BEACH: I just wasn't
8 familiar with what it looked like.

9 MR. FITZGERALD: So we would stay
10 with that.

11 CHAIRMAN CLAWSON: Are your issues
12 taken care of?

13 MR. KATZ: I'm sure I'll get a
14 response from DOE and then I'll communicate
15 accordingly with the working group as to
16 whether there is language we can include that
17 would be acceptable to DOE or not, to make
18 that adjustment. I did. I gave them a concrete
19 proposal, more or less.

20 CHAIRMAN CLAWSON: Okay, so both of
21 these are finalized then?

22 MR. FITZGERALD: Well, subject to

1 comments that --

2 CHAIRMAN CLAWSON: Subject to our
3 copy edits and everything else like that.
4 We've made it through both of them.

5 John, you had some issues that you
6 wanted to bring up at this meeting?

7 MR. KATZ: Before we put the button
8 down -- process for this first.

9 CHAIRMAN CLAWSON: Sure.

10 MR. KATZ: Because since we are now
11 on April 21 and this week is slaughtered with
12 working group meetings.

13 But thinking about the Board
14 meeting ahead, if we want to have to a product
15 that everybody has given their individual
16 input to and SC&A has been able to
17 incorporate that and so on, that means
18 everybody getting their input to SC&A lickety-
19 split because we really only have a couple of
20 weeks of work time in between now and then.

21 So you may want to set up a date
22 by which SC&A needs its input from all of us

1 and then a turn around time because we would
2 like to get a document to DOE to see that they
3 don't have any major issues or at least to see
4 that they'd be prepared at the Board meeting
5 to make any recommendations or requests that
6 they would want at that Board meeting so that
7 we can close the issue at the Board meeting
8 and have a final product after that Board
9 meeting.

10 MEMBER BEACH: Well, how soon, Joe,
11 will you be able to get a document to us based
12 on what we've talked about today?

13 MR. FITZGERALD: Well, I certainly
14 want these specific text changes that are
15 being offered up. Those can get to me by COB
16 Tuesday, a week from today. I could turn this
17 around by that Friday.

18 So at the end of next week, you
19 would have the next version of this, which
20 should be enough time to confirm or offer any
21 final questions. So this would be sort of full
22 Board, I would think. Are you going to keep a

1 work group or --

2 CHAIRMAN CLAWSON: Well, the way I
3 saw it was it was going to come back to us as
4 a work group and then we would be able to take
5 and send it out from there to the rest of the
6 body.

7 I guess my thing would be just to
8 review, do it to make sure that we haven't
9 missed something or some of the edit reviews
10 have a weekend or something like that to look
11 at, and then send it out to the full Board and
12 request any of their input into it and so
13 forth.

14 MEMBER PRESLEY: That is the first.

15 MR. KATZ: So if we get -- let's
16 see-

17 MR. FITZGERALD: This is this
18 Friday, so you want the next.

19 MR. KATZ: So on the 28th is --
20 28th, does everybody want to mark this down?
21 Does that work for everyone?

22 The only caveat is whether I get

1 the response from DOE for that little piece or
2 not in that time frame. I can't be certain of
3 that, but for every else, absolutely, I will
4 get you.

5 CHAIRMAN CLAWSON: Along that one
6 little caveat, if we have to insert something
7 later on, I was just thinking we could do
8 that. But be able to go over the procedure and
9 so forth like that, you're feeling that you
10 could --

11 MR. FITZGERALD: That aspect is not
12 proceduralized anyway, so in a way, it's an
13 interpretation that we don't have to put in.
14 It would be nice to put in.

15 MR. KATZ: It would be nice to put
16 in if we can.

17 CHAIRMAN CLAWSON: Right.

18 MR. KATZ: So the 28th, by the
19 close of business, everybody will get comments
20 to Joe. And then that gives us -- Joe?

21 MR. FITZGERALD: Well, I think that
22 by COB Friday, I would hope to be able to turn

1 it around and get it back to, maybe earlier,
2 depending on how long it takes.

3 MR. KATZ: That's May 1?

4 MR. FITZGERALD: Yes.

5 MR. KATZ: So May 1?

6 MR. FITZGERALD: Right. Back to the
7 workgroup for QA checks and just make sure
8 comments were reflected. I would send them
9 back to you as well, Ted, just to coordinate
10 and make sure that it came in right.

11 MEMBER PRESLEY: After May 1, don't
12 count --

13 MR. FITZGERALD: Don't count on
14 you?

15 MEMBER PRESLEY: Well, if you don't
16 want any comments from me, then don't worry
17 about it. That means I can't get to them. I
18 will be home until 6:00 in the morning on May
19 1.

20 CHAIRMAN CLAWSON: Part of the
21 thing is that classes of workgroup have agreed
22 on things that need to be changed. We just

1 need to make sure it's put into the final
2 version the way we discussed, kind of a QA
3 check there or whatever you want to say.

4 MR. KATZ: So then, are you
5 thinking, Brad -- so that's Monday, May 4 --
6 say, you'd have the weekend and you have May
7 4. On May 5, is that when you're thinking
8 about sending it to the full Board?

9 CHAIRMAN CLAWSON: What's May 5?

10 MR. KATZ: That gives you one whole
11 day basically.

12 CHAIRMAN CLAWSON: There's not that
13 much to it besides the wills.

14 MR. KATZ: So then what I would do
15 too then is, at that point, that's when I
16 would be sending the document to DOE so that
17 they can get clear on what's in here.

18 CHAIRMAN CLAWSON: You know, I'm
19 wondering if when Joe sends it to us, would it
20 be wrong to send it out to the whole Board
21 right then?

22 DR. MAURO: I have to say there's

1 been enough -- in my perspective, there's
2 enough wordsmithing and insertion that leads
3 to changes -- new material, as we discussed
4 around the table, that it's probably a good
5 idea, once Joe takes his best cut at doing
6 that, that everyone has a chance to read
7 through.

8 MR. KATZ: One day to read through
9 it.

10 DR. MAURO: One day because I think
11 everyone has taken notes and, Ted, I know
12 you've contributed a lot too.

13 That will only take a day or two
14 and at least we'll know that this is what we
15 agreed on and then it moves out from there.

16 And from there, if you want to
17 send it in parallel to DOE and the Board at
18 the same time, I don't know --

19 CHAIRMAN CLAWSON: I might actually
20 do that through Ted.

21 DR. MAURO: Okay.

22 CHAIRMAN CLAWSON: To make sure

1 that that's handled in that way right there.
2 I'll take care of the working group and
3 whatever else you could forward it on to NIOSH
4 or whatever else needs to.

5 MR. KATZ: Sure. Well, so May 4
6 we'll be able to review this and get any final
7 comments to Joe for anything that might have
8 been missed or whatever is different than
9 we've anticipated.

10 And then we'll be looking at May 5
11 to distribute this to the Board, to DOE, and
12 anyone else. So May 4, for example, we would
13 certainly get this to NIOSH and OCAS too.

14 And then DOE should be well
15 prepared for the Board meeting. They'll have
16 plenty of time to read it.

17 DR. MAURO: So in principle then,
18 the next time we all are together again will
19 be at the May meeting. The Board itself will
20 have had a chance, a week or two --

21 CHAIRMAN CLAWSON: Yes, we'll mark
22 it up.

1 DR. MAURO: And it's at that
2 meeting where, in theory, we could finalize
3 it.

4 CHAIRMAN CLAWSON: Right.

5 DR. MAURO: And it could be voted
6 on and approved. The reason I'm pushing for
7 that is I'm especially interested in getting
8 to the point where we could start to interact
9 directly with DOE. That's why I'm doing that.

10 CHAIRMAN CLAWSON: That's what
11 we're pushing for.

12 DR. MAURO: Right, and that's
13 great.

14 CHAIRMAN CLAWSON: Actually, to
15 tell you the truth, I'm going to expect to
16 have the Board comment back in to us actually
17 before then.

18 DR. MAURO: Yes, if they can
19 provide feedback, that's even better.

20 MR. KATZ: And if I can get
21 feedback back from DOE before the Board
22 meeting, certainly we would get that too.

1 DR. MAURO: That would be great.

2 CHAIRMAN CLAWSON: Then that way,
3 if we have a comma in the wrong spot or wrong
4 hyphen in there, we can take care of that.

5 MR. FITZGERALD: Too many wills --

6 CHAIRMAN CLAWSON: Yes.

7 DR. MAURO: What we want to avoid
8 is, let's say there's a major issue that the
9 Board has with the document. For it to be
10 engaged during the meeting, you know they're
11 not going to vote on it at that time. They'll
12 want to kick it back down to us and have us
13 look at this issue again.

14 CHAIRMAN CLAWSON: Right.

15 DR. MAURO: If we can get to a
16 point where by and large, everybody agrees in
17 principle, this is the document, the concept,
18 the approach, and then I'm certain there will
19 be some wordsmithing during the Board meeting.

20 But if we can get to that point,
21 that's why -- the extent to which we do get
22 feedback on wait a minute, we've got a fatal

1 flaw here -- if some Board member sees it that
2 way. If we can get them to let us know and fix
3 that before the meeting, that would be great.

4 CHAIRMAN CLAWSON: Right, and we
5 will try as best to our abilities. But if
6 something unforeseen comes up that we'll be
7 able to deal with. But I have not heard
8 anything -- the only one was Dr. Melius.

9 MR. FITZGERALD: This is the second
10 pass so actually --

11 CHAIRMAN CLAWSON: We've already
12 got them, and the reason I didn't bring that
13 procedure out is because I wanted everything
14 to be on record as we were going through the
15 process.

16 What we're doing is turning it
17 over to the SC&A point of contact, but the
18 working chair of each group is going to be
19 contacted because that was my main issue. I
20 wanted to know where things were going and
21 what was happening with it. I think that we
22 kind of did a pretty good draft here and these

1 dates, we'll send them out as soon as we can.

2 MR. FITZGERALD: In terms of
3 distribution, I am basically providing the
4 material to the workgroup. Ted has to handle
5 the distribution. There's a lot of different
6 parties. I'm not going to -- I know Larry and
7 Grady are involved. I'm just saying to you --

8 CHAIRMAN CLAWSON: The way I kind
9 of foresee it -- and if I'm wrong, correct me,
10 Ted -- but Ted will take care of all the
11 government entities and so forth and I will
12 look at it strictly from the workgroup.

13 MR. FITZGERALD: All right.

14 CHAIRMAN CLAWSON: And I'll pass it
15 on.

16 MR. KATZ: And I can send it to the
17 full Board too.

18 CHAIRMAN CLAWSON: Yes, that would
19 be fine. I just don't want to have any PA
20 problems with it or anything. I keep getting
21 into, I don't know whether --

22 MR. KATZ: There's not an iota of

1 PA in this.

2 CHAIRMAN CLAWSON: Okay.

3 MR. KATZ: It's strictly an
4 administrative document.

5 CHAIRMAN CLAWSON: Okay, so we'll
6 head out onto that. We're looking at the 28th.
7 We'll review it before. Should be out by May.

8 MR. FITZGERALD: May 5, COB, we
9 would hope to be able to send it to the Board
10 and to DOE.

11 MR. KATZ: That makes things tight
12 for Joe.

13 CHAIRMAN CLAWSON: Emily, do you
14 want to be sent a copy on all these things?

15 MS. HOWELL: Yes, either from you
16 or from Ted.

17 CHAIRMAN CLAWSON: Probably from
18 Ted. I've got your e-mail, I just -- I've
19 tried to attach a copy on a lot of things, but
20 it seems like you get maybe four or five
21 copies of the same thing. I just wanted to
22 make sure.

1 MR. KATZ: I'll certainly --
2 absolutely, I'll take care of the whole
3 distribution issue.

4 MEMBER PRESLEY: With the 5th
5 being a Monday, I'll be there and ready to go
6 at that time.

7 MS. HOWELL: That's a Tuesday.

8 DR. MAURO: One of the areas that
9 we were talking about, and I think you'd
10 probably agree that we leave alone for now,
11 and that is this business about talking to
12 DOE. During the meeting now or at the meeting,
13 we talked about this idea of the PA end of the
14 process, the very back end of the process, PA
15 has redacted and made certain changes that it
16 hasn't done. Right now, the way we're doing it
17 is -- are we going to be looking to discuss
18 this issue?

19 In other words, how do we get
20 closure on that with DOE? In other words, if
21 you and Nancy work on a document, you edit it,
22 and it's your judgement and Nancy's judgement

1 that listen, we just took out a few names.

2 Right now, do we communicate this
3 to DOE before we put it up on the web, to make
4 sure that it's okay with them? I mean, I think
5 we left that a little bit ambiguous.

6 MR. KATZ: I think that's the issue
7 that I addressed.

8 DR. MAURO: And what is the answer,
9 sir?

10 MR. KATZ: I sent a communication
11 to DOE.

12 DR. MAURO: Okay, so that's the way
13 we're going.

14 MR. KATZ: I will await their
15 response. If they respond in a timely fashion
16 that we can work it into these procedures and
17 if they are amenable to working it into these
18 procedures, then we will work it into these
19 procedures.

20 If not, we'll be silent on this
21 issue just as the documents are silent right
22 now on this issue.

1 DR. MAURO: Okay, I missed that.

2 MR. KATZ: We'll work with DOE on
3 this issue going forward, but on sort of a
4 parallel path.

5 DR. MAURO: Okay.

6 CHAIRMAN CLAWSON: This brings to
7 close these procedures until we can address
8 them again. But John, you sent me an e-mail in
9 there this week that you want to discuss Q
10 clearances and stuff or is that still on?

11 DR. MAURO: We're okay.

12 CHAIRMAN CLAWSON: We're good with
13 that?

14 DR. MAURO: Yes. Actions are being
15 taken to -- just real quickly, there were
16 three areas that are important. One is the re-
17 investigation of yourself, Kathy, and Abe. Is
18 that what you were referring to?

19 MR. KATZ: I'm just saying I
20 wouldn't really discuss it.

21 DR. MAURO: You wouldn't talk of
22 that here?

1 MR. KATZ: Well, because particular
2 individuals --

3 DR. MAURO: Oh, I'm sorry. There's
4 a re-investigation. There are the new q's and
5 that there are the people that need to get
6 through the process so that they can get their
7 computer and the key fob.

8 I was concerned that -- SC&A, on
9 the receiving end of this, we're not sure
10 whether all three aspects of this was -- were
11 moving forward in a timely way.

12 I've been assured that everything
13 is moving forward in a timely way, so the e-
14 mail I sent out recently regarding this matter
15 is well in hand. So I have no concerns.

16 CHAIRMAN CLAWSON: Okay. I just
17 wanted to make sure because you had said that
18 you wanted to have this on there, so I'll
19 delete that out.

20 Is there any further witness that
21 needs to come before this workgroup? Anybody
22 on the phone have anything that they would

1 like to say? If there's silence, I'll take it.

2 We're complete then.

3 MR. KATZ: Good work, everybody.

4 Thank you, for everybody on the phone.

5 (Whereupon, the above-entitled
6 matter went off the record at 3:21 p.m.)

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