

November 27, 2007

Ms. Florence Black
Center for Disease Control and Prevention
Acquisition and Assistance Field Branch
Post Office Box 18070
626 Cochrans Mill Road – B-140
Pittsburgh, PA 15236-0295

Re: Contract No. 200-2004-03805, Task Order 3: Draft Report SCA-TR-TASK3-0003,
Revision 1 of Addendum 1: *Review of ORAUT-PROC-0097, Conduct of the Worker
Outreach Program Procedure*

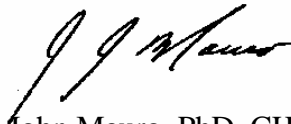
Dear Ms. Black:

SC&A is pleased to submit its draft report, *Review of ORAUT-PROC-0097, Conduct of the Worker Outreach Program Procedure*, SCA-TR-TASK3-0003, Addendum 1, Revision 1. This addendum should be considered a part of Draft Report SCA-TR-TASK3-0003 forwarded to you on October 29, 2007.

Please note that Revision 0 of this document, a restricted version that had not been reviewed for Privacy Act information, was forwarded to you on November 9th. The attached Revision 1 of this document has been edited in accordance with the PA review and is now cleared for distribution.

If you have any comments or questions, please contact me at 732-530-0104.

Sincerely,



John Mauro, PhD, CHP
Project Manager

cc: P. Ziemer, PhD, Board Chairperson
Advisory Board Members
L. Wade, PhD, NIOSH
L. Elliott, NIOSH
J. Neton, PhD, NIOSH
S. Hinnefeld, NIOSH
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Project File (ANIOS/003)

Draft Report

**NATIONAL INSTITUTE FOR
OCCUPATIONAL SAFETY AND HEALTH**

ADVISORY BOARD ON RADIATION AND WORKER HEALTH

***TASK 3: REVIEW OF NIOSH/ORAUT PROCEDURES AND METHODS
USED FOR DOSE RECONSTRUCTION***

**Review of ORAUT-PROC-0097,
Conduct of the Worker Outreach Program Procedure**

**Contract No. 200-2004-03805
SCA-TR-TASK3-0003, Addendum 1 – Revision 1**

Prepared by

S. Cohen & Associates
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November 2007

Disclaimer

This document is made available in accordance with the unanimous desire of the Advisory Board on Radiation and Worker Health (ABRWH) to maintain all possible openness in its deliberations. However, the ABRWH and its contractor, SC&A, caution the reader that at the time of its release, this report is pre-decisional and has not been reviewed by the Board for factual accuracy or applicability within the requirements of 42 CFR 82. This implies that once reviewed by the ABRWH, the Board's position may differ from the report's conclusions. Thus, the reader should be cautioned that this report is for information only and that premature interpretations regarding its conclusions are unwarranted.

Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 2 of 35
--------------------------------------	---------------------------	---	---------------------

S. Cohen & Associates: <i>Technical Support for the Advisory Board on Radiation and Worker Health Review of NIOSH Dose Reconstruction Program</i>	Document No. SCA-TR-TASK3-0003, Addendum 1
	Effective Date: Draft – November 27, 2007
	Revision No. 1 (PA Cleared)
Review of ORAUT-PROC-0097, Conduct of the Worker Outreach Program Procedure	Page 2 of 35
Task Manager: _____ Date: _____ Stephen F. Marschke Project Manager: _____ Date: _____ John Mauro, PhD, CHP	Supersedes: Rev. 1

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 3 of 35
--------------------------------------	---------------------------	---	---------------------

TABLE OF CONTENTS

Executive Summary	4
Summary of Findings.....	4
Summary of Observations.....	5
Suggestions for Improvement.....	5
1.0 ORAUT-PROC-0097 — Conduct of the Worker Outreach Program	7
1.1 Background Information: Worker Outreach Objectives.....	8
1.2 Content and Organization	8
2.0 Overview of Procedure Used in the Conduct of the Worker Outreach Program.....	9
3.0 Strengths of ORAUT-PROC-0097	12
4.0 Procedure Review Checklist.....	13
5.0 Significant Findings Pertaining to Procedure	18
6.0 Observations	22
7.0 References.....	23
Attachment 1: SC&A Questions to Participating Workers.....	24
Attachment 2: Worker Input to SC&A Questions on the Worker Outreach Process	25
Attachment 3: Target Organizations of NIOSH/ORAUT Worker Outreach Meetings.....	33

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 4 of 35
--------------------------------------	---------------------------	---	---------------------

EXECUTIVE SUMMARY

The Worker Outreach Program provides opportunities for current and former workers to obtain information and provide input into the development of site profiles, which allows workers to become an active part of the adjudication of a claim. This is a *partial* review of the National Institute for Occupational Safety and Health (NIOSH) procedure for worker outreach and documentation of that outreach. The procedure reviewed here is *Conduct of the Worker Outreach Program*, ORAUT-PROC-0097, Rev. 00, December 29, 2005 (Murray 2005).

SC&A sent a set of questions to worker outreach meeting participants, advocates, and representatives to determine their perspective on the worker outreach process and outcomes. Questions posed to the workers are available in Attachment 1. Verbatim responses from the six individuals responding are shown in Attachment 2.

SC&A's review is partial because the NIOSH/Oak Ridge Associated Universities Team (ORAUT) did not provide SC&A access to the Worker Input to Site Profile Revisions (WISPR) database in time for the preparation of this report. In the interim, NIOSH has provided SC&A personnel with access and training on the use of WISPR. Because of the timing, SC&A decided to finalize this review as it stood without addressing WISPR. We suggest that the degree to which we may need to review WISPR and any other follow-up activities be part of the closeout process for this report.

The WISPR database is called out in ORAUT-OTIB-0097 as a tracking mechanism for worker comments. In accordance with the procedure, the database is used to ensure that responses to comments are developed and implemented where appropriate. The WISPR database is key to the evaluation of the worker outreach process and its effectiveness. Since SC&A was not able to obtain access to this database in time for the preparation of this report, this review is not complete insofar as the assessment of the effectiveness of the procedure is concerned. Furthermore, SC&A could not evaluate the comments made by the interviewees against the actual entries into the WISPR database. This evaluation is needed for a more complete assessment of the effectiveness of the procedure.

SC&A awaits direction from the Board as to the next steps, if any, in the review of this procedure.

SUMMARY OF FINDINGS

Finding 1: The procedure is deficient because it does not require the audiotapes of the outreach meetings to be archived. In addition, the audiotapes are destroyed after the minutes of the outreach meetings are finalized. This is a serious deficiency in the procedure because it limits the ability of NIOSH to resolve concerns by some workers or their representatives that the information provided in outreach meetings is not accurately represented by NIOSH/ORAUT. Minutes of the meetings are finalized after 60 days, whether or not responses to the draft minutes are received from workers or their representatives (PROC-0097, pg. 11). At this point the audiotapes are destroyed. If the minutes of the meetings are not accurate or complete in some essential points and the minutes are finalized without worker

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 5 of 35
--------------------------------------	---------------------------	---	---------------------

response, these worker comments are lost. The practice of destroying the audiotapes significantly hinders the identification and resolution of complaints by workers and site experts that information provided during outreach meetings was not reflected or was misrepresented in the site profiles.

Finding 2: The procedure does not address follow-up discussions with particular workers and how these are documented.

Finding 3: There are no provisions for soliciting comments from workers who are not able to physically attend meetings.

Finding 4: The procedure seems to focus on outreach meetings with labor organizations, though the purpose of the meetings is to obtain worker input and inform all workers.

Finding 5: A two-track system appears to exist for obtaining employee and site expert input. One track is formal, governed by ORAUT-PROC-0097, with documentation requirements, while the other track is informal and appears to be intended as a means to obtain information from site experts. The latter, under which NIOSH/ORAUT interview health physicists and others, does not appear to be governed by any formal procedure, at least none that has come to the attention of SC&A during discussion of documentation issues associated with site expert interviews.

SUMMARY OF OBSERVATIONS

- (1) The procedure does not require disclosure of conflict of interest during worker meetings.
- (2) There is no provision for classified outreach meetings.

SUGGESTIONS FOR IMPROVEMENT

- (1) Outreach should extend beyond union representatives. It should include present and former workers who are not union members, including individuals who have experience in particular types of work at the site. The de facto two-track process—one informal for contacting site experts and health physicists and the other for labor organizations—should be revised to a procedure that includes outreach to all those individuals who could provide information, documentation, or expertise that could be relevant for preparing a site profile. This should include survivors of claimants.
- (2) NIOSH/ORAUT should send prepared questions in advance in order to enable participants to gauge NIOSH/ORAUT needs for information.
- (3) NIOSH/ORAUT should establish outreach criteria and procedures for sites where no site profile is to be prepared.
- (4) NIOSH should arrange for telephone interviews so that workers who are not able to physically attend worker outreach meetings can contribute to the process.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 6 of 35
--------------------------------------	---------------------------	---	---------------------

- (5) The procedure should be amended to make it explicit that worker outreach meetings are to be conducted at all sites for which NIOSH is preparing a site profile document.
- (6) The procedure should require an affirmative sign-off on the minutes from the interviewees.
- (7) NIOSH should consider splitting the meeting agenda into two distinct parts—one to provide information about the program to claimants, including workers, and one for workers to provide site and other expert information to NIOSH/ORAUT.
- (8) The audiotapes should be archived in order to ensure that valuable information is not lost. In addition, having access to the audiotapes will help to ensure that worker concerns are completely and accurately captured and incorporated into the site profiles and other NIOSH documents. Ideally, the audio record of the interviews should be made available to the interviewees or their representatives, along with the draft minutes.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 7 of 35
--------------------------------------	---------------------------	---	---------------------

1.0 ORAUT-PROC-0097 — CONDUCT OF THE WORKER OUTREACH PROGRAM

The review of ORAUT-PROC-0097, *Conduct of the Worker Outreach Program*, Revision 00, dated December 29, 2005, was prepared by Kathryn Robertson-DeMers and Arjun Makhijani.

This report is part of SC&A's Task Order 3, under which procedures used by the National Institute for Occupational Safety and Health (NIOSH) and its contractor, Oak Ridge Associated Universities Team (ORAUT), relating to dose reconstruction for energy employees and associated tasks are reviewed at the direction of the Advisory Board on Radiation and Worker Health (Advisory Board). This report provides a review of the ORAUT procedure for conducting worker outreach meetings, *Conduct of the Worker Outreach Program*, ORAUT-PROC-0097, Rev. 00, December 29, 2005 (Murray 2005).

During the October 29, 2003, meeting in St. Louis, Missouri, the Advisory Board recommended that NIOSH develop a process for public and site expert participation and involvement in the preparation of site profiles. Furthermore, the participation was to include opportunities for input both prior to the publication of the site profile on the web site and participation after the initial publication of the document (ABRWH 2003). In response to this recommendation, and under the direction of NIOSH, ORAUT proposed a plan in 2004 titled *Worker Outreach Program Plan* (ORAUT-PLAN-0010, prepared by Murray and McDougall, 2004). The plan includes the preparation of ORAUT-PROC-0097 (Murray 2005), which describes the purpose of the procedure as follows:

The program provides current and former Department of Energy (DOE) and Atomic Weapons Employer (AWE) employees with the opportunity to obtain information about site profiles and to provide information for consideration and possible use in dose reconstructions and Project documents.

The processes are specified for arranging and conducting worker outreach meetings, preparing and distributing meeting materials, preparing minutes of worker outreach meetings, tracking comments and/or materials submitted by workers/union representatives at and after meetings (using the Worker Input to the Site Profile (WISPR) database) and ensuring that responses to the comments are developed and implemented where applicable.

The Worker Outreach Team captures and responds to comments from former and current workers that may result in modifications to the site profiles and dose reconstructions. Additional comments that do not affect project documents but provide valuable insight are captured and considered in document updates and dose reconstructions, but do not require a response.

This report presents a review of ORAUT-PROC-0097. In addition, since ORAUT-PLAN-0010, *Worker Outreach Program Plan*, also has some bearing on worker outreach, it is also addressed in this review.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 8 of 35
--------------------------------------	---------------------------	---	---------------------

1.1 BACKGROUND INFORMATION: WORKER OUTREACH OBJECTIVES

NIOSH was asked by the Advisory Board to develop a process for public and site expert participation and involvement in the development of the site profiles. In response to this request, NIOSH and ORAUT began to conduct worker outreach meetings throughout the DOE complex and at locations around AWE sites. The worker outreach meetings offer current and former employees the opportunity to obtain information about the site profiles and supporting documents, and to provide information for consideration and possible use. This process helps to ensure that the technical documents used in dose reconstructions contain correct and useful information.

1.2 CONTENT AND ORGANIZATION

This portion of the Task 3 report is limited to the review of procedures pertaining to the worker outreach program. This review is represented below in Sections 2 through 7, which are followed by three attachments:

- Section 2.0 provides a brief description of the procedures under evaluation
- Section 3.0 identifies those elements of the procedure that SC&A considers positive strong points
- Section 4.0 consists of a summary review of findings (or checklist)
- Section 5.0 describes significant findings pertaining to applicable procedures
- Section 6.0 describes observations about the procedure
- Section 7.0 provides references
- Attachment 1 presents the five questions that SC&A asked participating workers
- Attachment 2 presents some worker responses to the SC&A questions
- Attachment 3 includes a list of worker outreach meetings conducted by NIOSH/ORAUT

The format of the checklist in Section 4 and the scoring system was prepared in accordance with SC&A procedure number SCA-PR-Task3, Rev. 1, Final, April 29, 2004, titled *A Protocol for the Review of Procedures and Methods Employed by NIOSH for Dose Reconstruction*. This SC&A procedure was approved by the Advisory Board. Two items, 7.3 and 7.4, have been added to this checklist because they were relevant to the review of this procedure.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 9 of 35
--------------------------------------	---------------------------	---	---------------------

2.0 OVERVIEW OF PROCEDURE USED IN THE CONDUCT OF THE WORKER OUTREACH PROGRAM

The Worker Outreach Program, as described in ORAUT-PLAN-0010, is divided into three phases. Phase 1 involves consultation with stakeholders during the research and development stage of the site profile:

Soon after a team is assembled to prepare a new Site Profile, the ORAU Team's Worker Outreach Group will identify unions and other advocacy groups that may have an interest in the Site Profile. The Worker Outreach Group will contact the stakeholder organizations to coordinate an informal meeting with the Site Profile team. The purpose of this meeting will be to introduce the purpose of the Site Profile and the development process, describe the kinds of information that may be helpful, and identify the pathway for the stakeholder organizations to provide documents or other useful input for the Site Profile team. (ORAUT 2004, pg. 6)

Phase 2 involves discussions with the stakeholders at the completion of the site profile development.

Once a Site Profile is approved by NIOSH-OCAS, the ORAU Team Worker Outreach Group will contact the stakeholder groups to arrange a meeting (or separate meetings, as appropriate) to discuss the content of the Site Profile and the methods used to develop it; to review how it will be used in dose reconstruction; to answer stakeholder questions and receive their feedback; and to remind those who wish to comment further concerning the pathway for receiving written comments on the Site Profile. Where there is substantial stakeholder interest in a Site Profile, the Worker Outreach Group may organize a public briefing during evening hours. Such meetings may be announced via local newspapers or other media, through the stakeholder organizations, and/or by other available means. At these meetings, stakeholder representatives and individual members of the public will be invited to provide written comments on the Site Profile. (ORAUT 2004, pg. 6)

Phase 3 entails the review and integration of new information into a site profile already in use.

After the Site Profile is used, new information may be provided that may impact the Site Profile. Because the Site Profile development teams are temporary and essentially cease to exist upon completion of the initial tasks, the Worker Outreach Group will monitor the Site Profile comments on an ongoing basis. Any revised Site Profile will be posted on the NIOSH OCAS web site. (ORAUT 2004, pp. 6-7)

When a site profile team is established, NIOSH/ORAUT identifies labor organizations affiliated with the Department of Energy (DOE) or Atomic Weapons Employer (AWE) site, contacts those organizations, and verifies contact information for local labor organization officials. In coordination with the labor organization, the Worker Outreach Team establishes a path forward

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 10 of 35
--------------------------------------	---------------------------	---	----------------------

and coordinates meeting arrangements. An introductory letter is sent to the stakeholder union or group to disseminate information regarding EEOICPA, the site profile, background information for the Union Outreach Specialist, and/or other information as needed.

The stakeholders are informed in the introductory meeting (Phase I) of the types of information and records that are useful in developing the site profile. The union and workers are not asked to request records from the site, the contractors, or the company. NIOSH/ORAUT submits a request for recommended records and information from the site, information which will help in the preparation of the site profile.

An overview of the information in the site profile is presented to stakeholders during a second meeting (Phase II). Workers are asked to comment on the accuracy and completeness of the site profile. The Worker Outreach Team solicits information from the attendees, which could be important to the dose reconstruction process or site profile accuracy.

At the meeting, individuals are asked to sign an attendance roster, and printed materials are provided. An audio recording and meeting notes are compiled during the meeting. The meeting consists of a presentation, followed by a period of open discussion facilitated by NIOSH/ORAUT. A summary of the proceedings is compiled into draft minutes by a writer/editor. Final draft minutes are forwarded to the host organization(s) for review and comment. Following a 60-day review period, comments are evaluated and changes made to the meeting minutes, as necessary. NIOSH/ORAUT provides the final meeting minutes to the labor organization(s). The minutes are finalized after 60 days, even if no responses are received from the workers or their representatives.

The Worker Outreach Team Leader (WOTL) reviews draft and final meeting minutes and materials and extracts comments to be entered into the WISPR database. The comments that have the potential to affect site profiles are communicated informally to the dose reconstruction group by the Task Manager during weekly conference calls. They are also communicated formally by e-mail to the Site Profile Team Leaders to ensure that they are taken into account. This process helps to ensure that data and other information provided by stakeholders are incorporated into the site profiles as appropriate and in a timely manner.

The WOTL reviews written correspondence and meeting minutes and extracts comments to be entered into the WISPR database. A judgment is made on whether a comment requires a response. Items requiring response include, but are not limited to, the following (Murray 2005, pp. 11–12):

- *Point specifically to an area of a site profile or other Project document that the commenter feels is incorrect or inadequate.*
- *Require an action to take place, such as looking for additional information, following up on an issue, or revising the site profile.*
- *Identify new information that may not have been considered previously.*

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 11 of 35
--------------------------------------	---------------------------	---	----------------------

The WISPR comments are provided to Task Managers and/or the Site Profile Team Leader (SPTL). Responses to comments, if required, are requested within 30 days. The WOTL reviews the responses and determines if they are acceptable, based on the following criteria defined in ORAUT-OTIB-0097 (Murray 2005, pg. 12):

- *The response must address the comment.*
- *The response must be technically correct.*
- *The response must specify if the site profile needs to be revised and include anticipated changes.*
- *If the site profile does not need to be revised, the response must explain the reason for not doing so.*
- *The response must include a tentative schedule for completing the site profile revision, if applicable.*

The WOTL either accepts the response, and it is entered into the WISPR database, or sends the response back to the originator for further consideration. Scheduled actions are recorded as a part of the response and are tracked through to completion. Finally, a letter is sent to the union organizations identifying specific changes to the site profile that resulted from stakeholder input. All the comments are entered into the WISPR database, whether or not they may affect dose reconstruction or the site profile.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 12 of 35
--------------------------------------	---------------------------	---	----------------------

3.0 STRENGTHS OF ORAUT-PROC-0097

The following strengths were noted in the procedure and the WISPR database used to track worker comments:

- There is a specified procedure for capturing the information provided and recording it in a computer database.
- Scheduling attempts to accommodate workers by providing both daytime and evening meetings.
- NIOSH/ORAUT now conducts worker outreach meetings prior to the release of a site profile. This was not initially the case.
- An audiotape is made of the interviews.
- There is a specific process for incorporating worker input to correct errors in the site profile or to make other revisions based on worker-provided information that is deemed relevant to dose reconstruction.

Examples of the kinds of comments that could lead to a revision of a site profile are provided. Except for the issues identified below, the procedure appears to be complete and well documented.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 13 of 35
--------------------------------------	---------------------------	---	----------------------

4.0 PROCEDURE REVIEW CHECKLIST

Table 1 is a checklist of objectives that SC&A designed under the first phase of Task Order 3 to evaluate whether the procedure adequately supports the dose reconstruction process. Because this is a partial review due to the unavailability of the WISPR database at the time of the preparation of this report, entries should be regarded as partial and are subject to revision. SC&A was only recently trained on the use of WISPR, and should be in a position to review it during the closeout process, if such a review is desired by the Work Group.

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Table 1. Procedure Review Outline/Checklist*

Document No.: ORAUT-PROC-0097	Effective Date: 12/29/2005
Document Title: Conduct of the Worker Outreach Program	
Reviewer: Kathryn Robertson-DeMers/Arjun Makhijani	

No.	Description of Objective	Rating 1-5**	Comments
1.0	Determine the degree to which the procedure supports a process that is expeditious and timely for dose reconstruction.		
1.1	Is the procedure written in a style that is clear and unambiguous?	5	The portions of the procedure related to scheduling and documenting worker outreach meetings are clear.
1.2	Is the procedure written in a manner that presents the data in a logical sequence?	5	
1.3	Is the procedure complete in terms of required data (i.e., does not reference other sources that are needed for additional data)?	4	Procedure emphasizes outreach to union representatives and should be expanded to include all workers and stakeholders. There is no provision for classified interviews.
1.4	Is the procedure consistent with all other procedures that are part of the hierarchy of procedures employed by NIOSH for dose reconstruction?	3	There is linkage between ORAUT-OTIB-0097 and ORAUT-PROC-0031, <i>Site Profile and Technical Basis Document Development</i> . This is the only procedure that requires destruction of information, i.e., the audiotapes of the meetings are destroyed after finalization of the minutes. (See also 7.3)

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No.	Description of Objective	Rating 1-5**	Comments
1.5	Is the procedure sufficiently prescriptive in order to minimize the need for subjective decisions and data interpretation?	4	Some guidance is provided in relation to which comments require a response. There is some room for subjective judgment as to who is included in the worker outreach program. A de facto two-track system—one governed by ORAUT-PROC-0097 for labor organizations, and one for site experts like health physicists—appears to exist. However, the site expert track is not formally addressed in the procedure.
2.0	Determine whether the procedure provides adequate guidance to be efficient in instances where a more detailed approach to dose reconstruction would not affect the outcome.		
2.1	Does the procedure provide adequate guidance for identifying a potentially high probability of causation as part of an initial dose evaluation of a claim?	N/A	
2.2	Conversely, for claims with suspected cumulative low doses, does the procedure provide clear guidance in defining worst-case assumptions?	N/A	
3.0	Assess the extent to which the procedure accounts for all potential exposures and ensures that resultant doses are complete and based on adequate data in instances where the POC is not evidently clear.		
3.1	Assess quality of data sought via <u>interview</u> :	----	
3.1.1	Is scope of information sufficiently comprehensive?	4	The procedure does not explicitly require worker outreach meetings for all sites where site profiles are being prepared, but it refers to ORAUT-PLAN-0010, which has such a specification.
3.1.2	Is the interview process sufficiently flexible to permit unforeseen lines of inquiry?	4	Worker outreach meetings are specific to a particular site. In some cases, the location of the meeting solicits workers from other facilities. NIOSH should make an effort to put the correct SPTL in contact with the

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No.	Description of Objective	Rating 1-5**	Comments
			participant.
3.1.3	Does the interview process demonstrate objectivity, and is it free of bias?	3	This procedure clearly focuses on union and advocate organizations and does not define a method for establishing contact with other stakeholders (e.g., former and current nonunion personnel). Although the procedure requires conflict of interest disclosures for the WOTL, these are not made available to participants either in writing or on the appropriate web site.
3.1.4	Is the interview process sensitive to the claimant?	4	This procedure does not provide a mechanism for all stakeholders to provide comments.
3.1.5	Does the interview process protect information as required under the Privacy Act?	5	
3.2	Assess whether the procedure adequately addresses generic as well as <u>site-specific data</u> pertaining to:	----	
3.2.1	Personal dosimeters (e.g., film, TLD, PICs)	N/A	
3.2.2	In vivo/In vitro bioassays	N/A	
3.2.3	Missing dosimetry data	N/A	
3.2.4	Unmonitored periods of exposure	N/A	
4.0	Assess procedure for providing a consistent approach to dose reconstruction regardless of claimants' exposures by time and employment locations.		
4.1	Does the procedure support a prescriptive approach to dose reconstruction?	N/A	
4.2	Does the procedure adhere to the hierarchical process as defined in 42 CFR 82.2?	N/A	
5.0	Evaluate procedure with regard to fairness and giving the benefit of the doubt to the claimant.		
5.1	Is the procedure claimant favorable in instances of missing data?	N/A	
5.2	Is the procedure claimant favorable in instances of unknown parameters affecting dose estimates?	N/A	
5.3	Is the procedure claimant favorable in instances where claimant was not monitored?	N/A	
6.0	Evaluate procedure for its ability to adequately account for the uncertainty of dose estimates.		
6.1	Does the procedure provide adequate guidance for selecting the types of probability distributions (i.e., normal, lognormal)?	N/A	
6.2	Does the procedure give appropriate guidance in the use of random sampling in developing a final distribution?	N/A	

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No.	Description of Objective	Rating 1-5**	Comments
7.0	Assess procedure for striking a balance between the need for technical precision and process efficiency.		
7.1	Does the procedure require levels of detail that can reasonably be accounted for by the dose reconstructor?	N/A	
7.2	Does the procedure avoid levels of detail that have only limited significance to the final dose estimate and its POC?	N/A	
7.3	Does the procedure require records retention to ensure accuracy and verifiability of the substance of the interviews?	1	The procedure requires the audiotapes of the interviews to be destroyed after the minutes are finalized. Minutes may be finalized without an affirmative sign-off from the interviewees or their representatives, though such a response is sought.
7.4	Does the procedure treat employees on a level playing field as potential sources of expert information and experience?	2	There is a two-track process of interviews seeking site expert information. One is formal and relates mainly to unions. It is the subject of PROC-0097. The other is informal and appears to concern interviews with HP personnel and others whom NIOSH regards as site experts. There is no formal documentation procedure for these interviews.

* The original checklist, extending through to item 7.2 (inclusive), was written for reviews of procedures relating directly to dose reconstruction. Items 7.3 and 7.4 have been added to this check list, since they cover topics that are important to the procedure review and are the subject of SC&A's findings.

** Rating system of 1 through 5 corresponds to the following: 1=No (Never), 2=Infrequently, 3=Sometimes, 4=Frequently, 5=Yes (Always). N/A indicates not applicable.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 18 of 35
--------------------------------------	---------------------------	---	----------------------

5.0 SIGNIFICANT FINDINGS PERTAINING TO PROCEDURE

Finding 1: The procedure is deficient because it does not require the audiotapes of the outreach meetings to be archived. In addition, the audiotapes are destroyed after the minutes of the outreach meetings are finalized.

As a part of this review, SC&A asked several stakeholders questions related to their participation in the worker outreach meetings. The questions are listed in Attachment 1, followed by the responses in Attachment 2. Responses to these questions indicate that many workers found the information portion of the meeting helpful. The workers, however, often feel that many of the comments provided in these meetings are disregarded or misrepresented. Feedback from the workers indicates that comments are not effectively being resolved. For example, one worker provided the following comment related to their experience at a worker outreach meeting (SPFPA 2007).

While attending the meeting in Cincinnati, Ohio, my recollection of the meetings were: they were designed to informationalize the workers that attended. Not a bad meeting in that respect. But, Larry Elliott tried his best to convince us that he was all for the workers while simultaneously ignoring what we were telling him about our exposures. I would say that everyone had time to speak, but as I said most of the information that was presented from the workers was ignored.

Similar comments were communicated to SC&A during site expert interviews conducted at various facilities. As a result, SC&A recommends that a feedback meeting or loop be added to supplement the current procedures. This would generate confidence in the NIOSH approach to workers' comments and alleviate stakeholder concerns.

As a result of not having access to the WISPR database at the time of our investigations, SC&A was unable to determine whether these comments are generally valid, reflect what is in the database, or are personal impressions not corroborated by the content of the database. We recommend review of the WISPR database by the Work Group during the comment resolution process for this procedure.

However, the fact that at least some interviewees believe that their information was disregarded or misrepresented indicates gaps in the process of finalizing the minutes of the meetings. These gaps include a lack of a provision for an affirmative sign-off by interviewees.

The procedure requires that draft minutes be sent back to the union for review. There is a 60-day time limit for a response. Minutes are finalized whether or not a response is received. The procedure contains no requirement for a follow-up call prior to the deadline as a reminder or for receiving comments via telephone. Furthermore, the procedure prescribes the destruction of the audiotapes after the finalization of the minutes. This creates the potential for the finalization of the minutes without worker input, and there would be no way to resolve issues that arise regarding omissions and misrepresentation.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 19 of 35
--------------------------------------	---------------------------	---	----------------------

Finding 2: The procedure does not address follow-up discussions with particular workers and how these are documented. The final letter indicating how worker input resulted in changes to the site profile is only provided to the union organization, rather than each worker attending the meeting.

Finding 3: There are no provisions for soliciting comments from workers who are not able to physically attend meetings.

Finding 4: The procedure seems to focus on outreach meetings with labor organizations, though the purpose of the meetings is to obtain worker input and inform all workers.

The intent of the procedure is to obtain “comments from former and current DOE and AWE employees that might result in modifications to site profiles and dose reconstructions” (pg. 4). ORAUT-PLAN-0010 also requires broad outreach. However, the procedure appears to primarily emphasize labor organizations in the specific steps that are prescribed for organizing the meetings:

Senior Outreach Specialist and/or Union Liaison

6.1.1 Identifies the labor organizations that are or were affiliated with a DOE or AWE site. These labor organizations can be current or historic.

6.1.2 Contacts the international and/or national labor organizations, as appropriate.

6.1.3 Works with these organizations to identify current local officials for all labor organizations affiliated with the site and verifies contact information (i.e., mailing addresses, phone and fax numbers, and e-mail addresses) for the local labor organization official(s). [pg. 6]

NIOSH/ORAUT has made a considerable effort in reaching out to union organizations through the worker outreach process. Attachment 3 includes a list of worker outreach meetings conducted by NIOSH/ORAUT from 2004–2006. Worker outreach meeting minutes for 27 sites were reviewed to identify if stakeholders are adequately being included in the worker outreach process. Sites included both DOE and AWE facilities. Multiple worker outreach meetings were conducted at most sites. The 59 meetings compiled in Attachment 3 included the following:

- 37 Union organizations
- 17 Building and Construction Trades Councils/Unions
- 4 Advocacy groups and representatives
- 2 Current and former workers for specific time periods or locations
- 2 No documentation available.

A special emphasis on union organizations is appropriate, since they represent large numbers of workers. However, the procedure is too limited in not requiring outreach to employees with specific types of expertise and job experience, even if they are not members of labor organizations. Advocacy groups are mentioned and, as can be seen, have been included, but the

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 20 of 35
--------------------------------------	---------------------------	---	----------------------

steps of the procedure only require contact with labor organizations. The actual record also shows that few non-union site experts are included in the worker outreach program. SC&A recognizes that NIOSH and ORAUT contact health physicists and others as part of the development of site profiles, but that the process of outreach is not included in the procedure under review. As a result, there is a de facto process of contacting site experts that is not formalized as to its extent and its documentation, and there is a formal procedure that does not explicitly include personnel who are not members of labor organizations. This seems to be a two-track mode—one formal and one informal—for conducting worker outreach (see Finding 5 below).

The non-union population can be a majority at some sites (i.e., ANL-W). Although the SPTL appears to meet with site EEOICPA coordinators and radiological control staff, these discussions are not routinely documented and included as a part of the worker outreach process. In order to gain a full understanding of operations occurring at the site, the worker outreach program should include union and non-union workers. In addition, although survivors do not have operational experience at the DOE or AWE sites, they should also be allowed the opportunity to share information that may be pertinent to the site profile development process.

The focus on labor organizations appears to have a large logistical component. NIOSH/ORAUT places a considerable portion of the burden for arranging worker outreach meetings and contacting former and current workers on the stakeholder organization. Prior to scheduling a worker outreach meeting, NIOSH/ORAUT identifies labor organizations and/or advocacy groups affiliated with the DOE or AWE site and contacts those organizations. In cooperation with the labor organization and/or advocacy groups, the Worker Outreach Team coordinates meeting arrangements. The stakeholders are asked to make arrangements for meeting locations and contact current and former workers inviting them to the meeting. NIOSH/ORAUT plays a passive role in this process. The financial burden of obtaining a meeting place and contacting workers is placed on the stakeholder in cases where a site or union location is not available. Union organizations naturally concentrate their efforts on former and current union members.

Finding 5: A two-track system appears to exist for obtaining employee and site expert input. One track is formal, governed by ORAUT-PROC-0097, with documentation requirements, while the other track is informal and appears to be intended as a means to obtain information from site experts

ORAUT-PROC-0097 focuses primarily on obtaining information through labor organizations. The process for arranging and conducting the interviews is formalized, as is the procedure for the documentation of the interviews. However, ORAUT-PROC-0097 does not appear to explicitly seek input from site experts, such as health physics personnel or employees with experience in specific job categories. NIOSH and ORAUT have interviewed such site experts, but the consultation process does not appear to be formalized. Issues related to adequacy of documentation of some of these interviews have been raised in SC&A findings in the past, as in the case of the Nevada Test Site (SC&A 2006, Issue 25).

Therefore, there appears to be a two-track system for soliciting employee and site expert input, one for labor organizations (and possibly other groups) and one for those whom NIOSH and

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 21 of 35
--------------------------------------	---------------------------	---	----------------------

ORAUT consider to be site experts. SC&A is not aware of any formalized procedures for who is to be interviewed in the latter category or how those interviews are to be documented. SC&A has found workers who have experience in specific jobs and claimants who have extensive knowledge of site documentation. In addition, SC&A has found health physics professionals from the site and those familiar with the site in other ways to be very useful as interviewees. This de facto two-track procedure may detract from the soundness of the interview process and its documentation, especially for site experts who are contacted under the informal process not governed by PROC-0097.

The process of interviewing workers as part of ORAUT-PROC-0097 appears to be somewhat confusing, because meetings are held for a multitude of purposes; i.e., to provide information to employees, which would tend to elicit discussion about individual claims, and to solicit information and data from site experts (including employees and former employees) to help ORAUT draft site profiles. SC&A understands that claimants and potential claimants need to be informed about site profiles and other NIOSH documentation, and that a certain efficiency could be achieved by holding meetings that have multiple objectives. However, the purposes are quite distinct, and combining them risks pushing one or the other purpose to the margins, creating the potential for confusion. It also creates the potential for one part of the agenda to squeeze out the other.

If the two tasks are scheduled for the same trip, the agenda should be split into two parts. NIOSH/ORAUT presentations and claimant concerns and questions regarding their claims could be addressed in one part of the agenda, while site expert input (perhaps from some of the same people, but also from people who have no claims or concerns about their claims) could be addressed in the other.

SC&A also recommends that NIOSH/ORAUT use questions to guide the discussion with workers. For those sites which are under evaluation for a Special Exposure Cohort, NIOSH/ORAUT tends to come prepared with some questions; however, this is not the case for the introductory and site profile “roll-out meetings” conducted to obtain worker information. Asking questions often triggers memories and allows NIOSH/ORAUT to benefit from information that may not otherwise become available. Questions should be general enough to solicit the input of workers, yet specific enough to obtain pertinent information.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 22 of 35
--------------------------------------	---------------------------	---	----------------------

6.0 OBSERVATIONS

(1) The procedure does not require disclosure of conflict of interest during worker meetings

In accordance with ORAUT-PLAN-0010, individuals involved with the worker outreach program are required to disclose employment with DOE and contractors:

All Project personnel will be required to disclose prior DOE/contractor employment and other associations and to agree to recuse themselves from dose reconstruction activities that might result in potential conflicts of interest (Murray 2004, pg. 8)

PROC-0097 does not require a verbal disclosure of conflict of interest on the part of the interviewer, if it exists, to the workers at the start of outreach meetings.

(2) There is no provision for classified outreach meetings.

The worker outreach procedure does not include provisions for conducting classified worker outreach meetings. Workers are told not to disclose information if it may be classified. For some facilities (e.g., Y-12 Plant, LANL, LLNL, Pantex, the gaseous diffusion plants, IAAP, etc.), this could limit access to potentially important information, some of which may be unclassified, because the interviewees are concerned about revealing classified information. Classified discussions can provide valuable information on the operations conducted at the facility and the associated monitoring practices. The option of meeting in a secure location during Phase I meetings used to solicit information for the site profile should be offered to participants and planned accordingly. This might facilitate a more open discussion regarding what occurred at the site and allow NIOSH/ORAUT to obtain information they would otherwise not obtain.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 23 of 35
--------------------------------------	---------------------------	---	----------------------

7.0 REFERENCES

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 24 of 35
--------------------------------------	---------------------------	---	----------------------

ATTACHMENT 1: SC&A QUESTIONS TO PARTICIPATING WORKERS

- (1) Describe how the worker outreach meetings were set up and how individuals were notified of the meeting.
- (2) Describe what occurred at the meeting.
- (3) How much time was given for worker comments? Do you feel this was an adequate amount of time?
- (4) Was the worker outreach meeting beneficial to the workers?
- (5) Do you feel comments given by workers were considered in the development of the site profile and in dose reconstruction?

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 25 of 35
--------------------------------------	---------------------------	---	----------------------

ATTACHMENT 2: WORKER INPUT TO SC&A QUESTIONS ON THE WORKER OUTREACH PROCESS

Questions were sent to several stakeholders showing active participation in the EEIOCPA process representing sites across the country. The individuals responding to these questions represent workers, petitioners, and worker representatives. They were asked to describe their participation in planning and scheduling meetings, what occurred at the meeting, and whether they felt worker comments were adequately considered. In some cases, they indicated they were not invited to worker outreach meetings. Names have been removed to maintain the privacy of the individual.¹ Responses are provided verbatim as received via e-mail.

IAAP (Worker Representative)

I have not been involved in one of these since the IAAP meetings about 4 years ago. At that time I was furious with NIOSH as they clearly intimidated workers by saying that 'if there was any question about security issues' they shouldn't say anything at that time and that NIOSH would arrange for a Secured Facility in which to take their interviews.

I made a big stink then and there about this being totally inappropriate and we then went ahead and had a good meeting. That introduction actually seemed to inspire the workers to speak up.

Pantex (Former Worker/Petitioner)

I was not asked to participate in the site profile meetings. As far as I know, the meetings were set up by [Name]. I believe she may have asked [Name] for his input, but I am not sure. The site profile is merely a snapshot in time today and does not represent past practices or show early assembly buildings, etc.

Rocky Flats (Worker Representative)

Well, my answer is going to be very simple. I was never notified of the NIOSH worker outreach program. It appears that only union members were invited. Not former union members nor non union members.

Bethlehem Steel (Former Worker)

First there wasn't a worker outreach until 15 months after our TBD was approved by NIOSH.

- (1) The meeting was set up by myself, (Claimant) and the meeting hall expenses were paid for by 2 claimants. We notified claimants by group meetings and local newspapers.

¹ Although some individuals have indicated that their names may be used in this document, HHS has redacted certain names prior to public dissemination in accordance with the requirements of the Privacy Act. These names, however, were made available to Advisory Board members.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 26 of 35
--------------------------------------	---------------------------	---	----------------------

- (2) We had a 2-hour session scheduled for claimant (not site experts) comments, but NIOSH's dose reconstruction presentation took up 1 hour and 45 minutes until I asked that the claimants be allowed to speak. The evening session was also dominated by a Power Point presentation on dose reconstruction by NIOSH. From this meeting, a July 1, 2004 meeting was set up to meet with site experts. NIOSH rep. showed no interest in our comments. When a claimant inquired about the dose reconstruction, the reps comment was "we have all the evidence to create a dose reconstruction that we need." SC&A was the only one questioning the site workers and showed interest in the meeting.
- (3) No, claimants or site experts need more time when the information is 55 years old.
- (4) Absolutely not.
- (5) No, they could not have been in the BSC dose reconstruction because the TBD was approved 15 months prior to any meetings with NIOSH.

Portsmouth (Worker/Union Representative)

While attending the meeting in Cincinnati, Ohio my recollection of the meetings were that they were designed to informationalize the workers that attended. Not a bad meeting in that respect. But, Larry Elliott tried his best to convince us that he was all for the workers while simultaneously ignoring what we were telling him about our exposures. I would say that everyone had time to speak, but as I said most of the information that was presented from the workers was ignored. The meeting was beneficial to the effect that we got an eyeful of just how that outfit was going to work. Dose Reconstruction was considered, but as we told Larry, you can't do that at the Portsmouth Facility.

Dow Madison (8/21–22/2006) and General Steel Industries (January 24–25, 2007) (Worker Representative)

----- Original Message -----

From: [Name Redacted]
To: spectrumtech@att.net
Cc: [Name Redacted]
Sent: Saturday, September 15, 2007 7:23 AM
Subject: Re: Blockson Meeting reply (Q&A FYI) reply

Kathy,

You have my permission to use my responses if my name is left associated with them. I specifically grant the Privacy Act office who will be handling this to use my name. In fact, I insist they do. I will be happy to sign a CDC release form to this effect if one is sent to me. These are direct quotes from me and should be attributed. My view is they have more weight if they are attributed to me than if they are presented anonymized. The credibility of the source does matter and my group SINEW have a long-running disagreement with the CDC/ATSDR Atlanta FOIA office on this exact point that Paul Ziemer and Larry Elliott are both well aware of. The CDC/ATSDR FOIA/PA office has been uncooperative in disclosing the basis for a need to redact when the person's name they are redacting waives this requirement explicitly in writing. Also, this office is very inconsistent and sometimes redacts my name on Public Comments and at

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 27 of 35
--------------------------------------	---------------------------	---	----------------------

other times, without explanation, does not. I hope you understand. Obviously, I feel very strongly about this point. If my name is removed I will view this as censorship, plain and simple.

-- [Name Redacted] 9/15/07

p.s. By the way, at the actual Blockson 9/12/07 meeting in Joliet the three process-related NIOSH questions posed to attendees yielded very little new information. Jim Neton chose not to read the actual questions and got what I expected: not asked, not answered. Also, since the meeting was not recorded, and audience responder comments often overlapped with one another, it would be impossible for Mary Elliott's notes to accurately reflect the content of the meeting.

----- Original Message -----

From: [Name Redacted]

To: spectrumtech@att.net

Cc: [Name Redacted]

Sent: Friday, August 10, 2007 4:55 AM

Subject: Fwd: EEOICPA - SC&A Review of NIOSH/ORAU Worker Outreach Procedure reply

Kathy,

My answers related to NIOSH-sponsored Outreach meetings held 8/21-22/06 for the Dow Madison and General Steel Industries, IL AWE sites, and on January 24 and 25, 2007, for the Blockson Chemical AWE site in Joliet, IL are below in blue. These are meetings I participated in and helped to plan and organize, so I am very certain of many of the details. Hope these replies are helpful. Would you please make sure these responses are shared with Mike Gibson and his Advisory Board (ABRWH) work group on Outreach meetings?

Best wishes,

-- [Name Redacted] 8/10/07

In a message dated 8/7/07 9:53:11 AM, spectrumtech@verizon.net writes:

Good Morning -

SC&A is currently in the process of reviewing the NIOSH procedure on conducting the worker outreach program. I have a couple of questions for each of you which will assist us in completing this evaluation.

1) Describe how the worker outreach meetings were set up and how individuals were notified of the meeting.

[Worker Representative]:

(a) At GSI and Dow: Direct communications between OCAS/NIOSH and SINEW were primarily with Laurie Ishak Breyer, the SEC Counselor. From SINEW (Southern Illinois Nuclear Workers) myself, [Name redacted] (husband of GSI survivor-claimant and future GSI co-petitioner), and [Name redacted] of SimmonsCooper (attorney for law firm in East Alton, IL, that provides extensive pro bono services to assist the GSI and Dow workers), helped make most of the arrangements, including locating a venue (Holiday Inn, Collinsville, IL), hiring and paying for Pohlman court reporters and the resulting DVD videos and hard copy and electronic verbatim transcripts (redacted forms of the latter are now posted on www.cdc.gov/niosh/ocas/ website and original unredacted material is at NIOSH with clear instructions from us to share them with all

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 28 of 35
--------------------------------------	---------------------------	---	----------------------

agencies who might be involved with Dow or GSI dose reconstruction or SEC activities: SC&A, ABRWH, DOL, DOE, ORAU, Battelle), specifying the need for a screen and projector for Powerpoint presentations, helping to arrange the microphone system, among many other types of assistance that we provided to NIOSH to facilitate these meetings.

Notification of participants: NIOSH was very passive about this and SINEW made all of these contacts and bore all of the mailing and postage expenses. NIOSH never offered to send out meeting notices to claimants, or to take out newspaper ads, or to defray costs for the court reporter, transcripts and video footage, which would have been appropriate and useful in SINEW's view. We worked from a previously compiled *EXCEL* mailing list of EEOICPA claimants from both parties kept at SimmonsCooper (SC). Staff personnel from SC handled all of the mailing and extensive phone contacts to ensure that participants knew about the meeting and would attend. It was our expertise and familiarity with the workers that assured the most knowledgeable GSI and Dow workers attended and gave testimony. I even had to suggest to Larry Elliott that [Name redacted] of ATI be allowed to attend as the steelworker union advocate since both GSI and Dow were heavy duty Steelworkers union sites. [Name redacted] and I made certain that [Name redacted] met [Name redacted], the local district Steelworkers Union representative. SC staff logged people in on the days of the meetings (4 sessions were held over two days, August 21 and 22, 2006). We provided the attendance sheets to NIOSH.

Note that we had held two previous worker meetings at both Dow and GSI to gather information for affidavits that have now been submitted to the Board, NIOSH and SC&A (7/7/06, 7/21/06, 8/11/06). SC&A held another worker meeting at Dow on June 20, 2007, that SINEW arranged. All meetings had court reporter transcripts that were arranged for and paid for by SC/SINEW. We have given the 6/20/07 SC&A transcript to John Mauro and to Chick Phillips, who led the meeting. Grady Calhoun from NIOSH/OCAS attended the 6/20/07 meeting held at SimmonsCooper in East Alton, IL.

(b) At Blockson: My primary contact was Mary Jo Zacchero, who was an independent contractor who helped ORAU, ATI and NIOSH set up and conduct worker Outreach meetings. I interacted with several members of her team from those organizations as arrangements for the Blockson Outreach meeting proceeded. My part of meeting pre-arrangements included submission of a Microsoft *Powerpoint* file with specific topics to be addressed, which was then edited and expanded by NIOSH and reformatted with their slide format and approved for use by NIOSH. An explicit goal of the January 24-25, 2007 Outreach meeting was to gather more data from Building 55 workers. Only 5 workers had been interviewed for the previous site profile and none had worked in Bldg. 55. I therefore suggested that NIOSH and DOL collaborate in identifying Bldg. 55 claimants and send them contact letters. NIOSH had mailed meeting notices to only 21 workers. Through Ms Zacchero, I persuaded DOL to send additional meeting invitations and notices that eventually more than doubled the number of workers contacted. I was astounded to see the reluctance of NIOSH and DOL share database information on claimants with each other. Especially because they were both implementing EEOICPA! It reminded me of the deplorable situation that existed with communications between CIA and the FBI related to 9/11. Specifically, NIOSH claimed it had no access to the DOL claimant file. DOL never did get or use the list of 21 NIOSH invitees. NIOSH did locate a venue, hired a court reporter (but declined to do video) who was used only on Jan. 24 and then was dismissed for the Jan. 25 session (reason not disclosed to me), arranged for a projector to show the Powerpoints that never worked, and had [Name redacted] moderate the sessions (he insisted). The first night the prepared questions were asked and answered and then workers gave free form testimony. The second night the questions were dropped and the single new worker just gave free form testimony. The court reporter had been dismissed. Only Mary Elliott was left to take notes of the second night. Wanda Munn attended both nights but was essentially an observer. I was allowed to interact with and address the workers and was allowed be at the front table both nights. Robert Stephan was also allowed to ask questions and to facilitate the discussion of key points. Robert and I both felt that [Name redacted] was very passive in his role as moderator and that many key points were poorly developed and needed our direct intervention.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 29 of 35
--------------------------------------	---------------------------	---	----------------------

2) Describe what occurred at the meeting.

[Worker Representative]:

General comment, for GSI, Dow and Blockson both NIOSH and SINEW stressed that the major goal was to hear from site experts rather than to discuss individual claims. The testimony was heavily weighted toward presentation of site operations facts with minimal digression into aspects of individual claims.

(a) GSI and Dow. SC staffers assisted with sign up and provided the sign up sheets to NIOSH. A moderately large meeting room was filled up with workers, claimants, and interested visitors such as union representative [Name redacted] from the Steelworkers. I was allowed to make a brief Powerpoint presentation (also provided to NIOSH, the Board and to SC&A) following opening remarks by Stuart Hinnefeld and introduction of [Name redacted], Laurie Breyer and David Allen (NIOSH). A single microphone was then passed along the rows from front to back of the meeting room. Each session lasted several hours. Everyone present got a chance to make their input, no one was cut off. The entire proceeding was captured by the court reporter firm, Pohlman. [Name redacted] and [Name redacted] were allowed to interact and solicit added details from the workers. NIOSH people also asked questions and viewed exhibits that were presented by several of the workers. Exhibits included full color printouts of my initial Powerpoint slides (copy to NIOSH), documents, plant maps and a small Magnaflux unit. I showed an aerial map poster of the Dow Madison plant site. The testimony presented was very rich and detailed. NIOSH commented afterwards that the fact that most workers held multiple jobs throughout the plant would bolster an SEC recommendation. Lavon Rutherford informed me on September 6, 2006, that Dow Madison would be recommended by NIOSH for an 83.14 SEC. Dow SEC-00079 became law on July 22, 2007, and 53 claims at NIOSH were sent to DOL for further processing and compensation under EEOICPA 2000.

(b) Blockson. Please refer to answer #5 and to the 1/24/07 transcript and the 1/25/07 minutes now posted on the OCAS website. Note the 1/24/07 transcript was first posted unredacted, then was withdrawn and redacted, and finally was posted again on the OCAS website several months later. I believe that only 11 worker-site experts attended, only one of whom worked directly inside Bldg. 55. New information was gathered that bolstered the factual basis for extending the SEC Class to ancillary phosphate extraction operations that occurred outside Bldg. 55. Workers also provided new details about Bldg. 55 operations. The avoidance of the use of questions on Jan. 25 and the lack of availability of a working projector were a detriment to the meeting. [Name redacted] was not an affective moderator and discussion leader. The Blockson SEC was denied at the July 2007 ABRWH meeting.

3) How much time was given for worker comments? Do you feel this was an adequate amount of time?

[Worker Representative]:

Ample time was allocated for workers to give testimony at all GSI Dow and Blockson worker outreach sessions. I observed no one being cut off or their time to speak limited in any way by anyone. That was a strong positive. Sessions ran 2-3 hours each and extended over two days and included two sessions each date to accommodate worker schedules and make sure that as many as possible attended the meetings.

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 30 of 35
--------------------------------------	---------------------------	---	----------------------

4) Was the worker outreach meeting beneficial to the workers?

[Worker Representative]:

Allowing workers to provide input is good because it makes them feel part of the process. The real worker benefit, however, is to actually have their testimony make a difference in the content of key technical documents and to facilitate them getting accurate dose reconstructions and fair technical documents, especially site profiles that govern DRs, and balanced evaluations of SEC petitions. It is clear to SINEW and to me, personally, that counterbalancing the excellent quality of the worker testimony is a serious reluctance, resistance and even aggressive denial by NIOSH, SC&A and the Board of (a) truly accepting as legitimate worker evidence that rivals primary technical documents for validity, and (b) incorporating worker testimony into the DR and SEC decision-making process. Worker testimony is routinely disregarded and misrepresented in the overly brief summaries and minutes that ATI and NIOSH routinely generate from worker Outreach meetings. SC&A should recommend that verbatim transcripts of the entire meeting should be mandatory. A one month transcript delivery deadline should be imposed as a contractual term on court reporters. I believe the Outreach meetings are often used by NIOSH perversely to discredit the validity of worker testimony. NIOSH will deny this, however, they should be asked by SC&A to give concrete examples of instances where worker testimony was used to positively modify a site profile or key technical document that led to an SEC being granted, or a Class definition extended, or to increased compensation of claims under the DR process.

(a) Dow-specific comments: NIOSH, DOL and DOE are currently refusing to validate Dow Madison worker testimony that: (a) the plant shipped thorium alloy metal to at least four AEC sites: MCW, Rocky Flats, Oak Ridge, and Los Alamos, (b) that MCW uranium was processed at Dow Madison from 1957-62 rather than 1957-60 as included in the SEC-00079 Class definition, (c) that Rocky Flats plutonium billets were handled at Dow Madison after the covered period through 1960, and (d) that possibly radioactive platinum was handled at Dow Madison and was shipped from there to Rocky Flats. In summary, the Dow SEC-00079 1957-60 was aided by the Outreach meeting. The refusal of NIOSH, DOE and DOL to accept worker testimony is damaging the chance of the Dow SEC-00079 being extended to cover 1961-1998 (*mixed outcome of Outreach meeting*).

(b) GSI-specific comments: NIOSH ignored massive GSI worker testimony at three meetings, including the NIOSH Outreach 8/21-22/06 meeting, that at least six radiation sources were in use at GSI and that activation of metal casting was important. NIOSH refuses to issue an 83.14 SEC despite massive evidence that one is warranted. NIOSH has no radiation monitoring data available for GSI and Appendix BB is scientifically inadequate to do accurate DR. So the worker Outreach meeting has not discernibly helped the GSI workers despite the fact that testimony was offered that should have materially helped them in the form of an 83.14 SEC recommendation and in a far better quality Appendix BB. (*outreach meeting benefit negated, DRs based on Appendix BB that ignores worker input will lead to decreased DR compensation*)

(c) Blockson-specific comments: The Blockson Jan. 24-25, 2007, Outreach meeting failed to change the outcome of the Blockson SEC petition which was denied. It is not clear whether there will be changes in the DR process that will lead to an increase in percentage of claims compensated. (*Outreach meeting no change in SEC outcome or increase in compensation through DR*)

5) Do you feel comments given by workers were considered in the development of site profile and in dose reconstruction?

[Worker Representative]:

(a) GSI and Dow. There was no site profile at the time of the 8/21-22/07 NIOSH Outreach meeting for either GSI or Dow. So there was no TBD for either site for the workers to comment on. NIOSH never made any attempt to put any information before the workers prior to the outreach meeting. Their role was entirely passive. NIOSH made no attempt to share a list of topics they

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 31 of 35
--------------------------------------	---------------------------	---	----------------------

were interested in exploring with the workers beforehand. I would rate this aspect of NIOSH's performance as very poor and inadequate given that getting worker input into the site profile and other technical documents is a primary stated mission of NIOSH Outreach meetings. My observation from reading many NIOSH/ATI/ORAU Outreach meeting minutes and summaries is that NIOSH rarely focusses primarily on reviewing TBDs and one gets the impression that NIOSH never makes any effort to ensure that workers get copies of the relevant TBDs in time to review them prior to the Outreach meeting (see below for Blockson). The General Steel Industries Appendix BB to Battelle TBD-6000 was finally released on June 25, 2007, almost a month after the Battelle Task Order 16 had expired on May 31, 2007. It was obvious that much worker testimony on there being six radiation sources at GSI had been ignored by document owner Sam Glover. Mr. [Name redacted] and I felt this was so deplorable and objectionable that we both submitted detailed critiques of Appendix BB to the Board, NIOSH and subsequently to SC&A in mid-July. We asked the Board to task SC&A to review Appendix BB and our critiques, which the Board complied with on 7/19/07. Mr. Elliott has promised that OCAS/NIOSH will reply to our critiques in writing by August 20, 2007. John Mauro cannot yet state when the SC&A review will be submitted to the Board ([Name redacted] spoke with him on 8/9/07 about this matter).

Comment: SINEW believes brief Outreach meeting minutes and summaries are markedly inferior and inadequate compared to verbatim transcripts and video recordings such as we provided to NIOSH for GSI and Dow Madison. SINEW strongly believes that verbatim transcripts should be mandated for all NIOSH worker Outreach meetings. We also deplore the use of redaction as practiced by NIOSH and the CDC/ATSDR Atlanta FOIA office (Lyn Armstrong, Mary Griffin) for several compelling reasons: (1) we provided signed and notarized Privacy Act releases by Outreach participants drawn up and with prior approval by Ms. Ishak (Breyer) that were then refused to be honored by the CDC FOIA office without adequate explanation despite repeated attempts on our part to obtain such explanations. (2) Redaction destroyed much of the important information in the worker statements. In particular their JOB and the DATES of their employment. The workers specifically gave me permission to use their testimony unredacted through their releases, and I asked NIOSH not to redact the transcripts, yet NIOSH was unwilling to accept this. (3) the redaction process led to a delay of 4.5 months in posting the 8/21-22/06 Outreach transcripts on the OCAS website. Several groups, including ANWAG, Rocky Flats petitioners, asked NIOSH and SINEW to read the transcripts in the interim period. Due to redaction, one could not therefore judge what a person's job was or when that person was employed in relation to the covered period as defined by DOE. SINEW strongly objected to this practice of redaction in the face of excellent PA releases that were essentially ignored. To this date I have never received an adequate legal opinion why NIOSH ignored PA releases drawn up by a leading law firm with extensive court experience in supplying affidavits as documentary evidence during civil litigation. I believe PA issues are being overused as a delay tactic by NIOSH and the Atlanta CDC FOIA office. Such delays have been an issue on many interactions between SINEW and NIOSH and they are very detrimental to the SEC and DR processes.

(b) Blockson. The situation at Blockson was quite different. Robert Stephan had called for the Blockson site profile to be reexamined to ABRWH, and hence it was withdrawn by NIOSH prior to the Blockson Outreach sessions in January of 2007. Worker input was specifically sought by the Board and Wanda Munn's Blockson Chemical work group to inform the revised Blockson site profile document and the revised NIOSH evaluation of the Blockson SEC (also withdrawn by NIOSH). I had been explicitly asked by [Name redacted] (ATI) to help organize this meeting and I did so primarily to complement Senator Obama's and Robert Stephan's efforts to assist the Blockson workers. I had suggested discussion point topics/questions to be presented to the workers Jan. 24-25, 2007. NIOSH had approved my questions and had added some of their own. I urged Mary Jo Zacchero to request NIOSH to provide all the participants with copies of the old Blockson site profile but my request was turned down. I judged this rejection must have been on a cost and effort required basis because, clearly, how could the workers provide meaningful input into a site profile if the site profile had been withdrawn from the OCAS website and was therefore not available to them prior to the meeting? To me the refusal to provide the worker-experts with site profile copies prior to the Outreach meeting was tantamount to an admission that NIOSH and

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 32 of 35
--------------------------------------	---------------------------	---	----------------------

the meeting organizers were just going through the motions and, in fact, were not prepared to get the maximum benefit of having site expert workers critique the existing TBD (Blockson exposure matrix).

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 33 of 35
--------------------------------------	---------------------------	---	----------------------

ATTACHMENT 3: TARGET ORGANIZATIONS OF NIOSH/ORAUT WORKER OUTREACH MEETINGS
(Compiled by SC&A)

Facility	Date	Time	Organizations Represented at Outreach Meeting	Date of First Site Profile Issuance	SEC Currently Pending
Allied Chemical	6/22/2006	6:00 PM	PACE Local 6-669	2/1/2006	No
Allied Chemical	6/22/2006	6:00 PM	USW Local 7- 669	2/1/2006	No
Argonne National Laboratory-East	6/2/2005	5:15 PM	International Association of Machinists and Aerospace Workers (IAM) & Local Lodge 2458 (Technician)	11/11/2005	No
Argonne National Laboratory-East	6/2/2005	3:45 PM	International Association of Machinists and Aerospace Workers (IAM) & Local Lodge 742 (Machinists)	11/11/2005	No
Argonne National Laboratory-East	6/3/2005	8:00 AM	Service Employees International Union (SEIU) Local 73	11/11/2005	No
Bethlehem Steel	6/21/2006		Bethlehem Steel Action Group	3/31/2003	Yes
Bethlehem Steel	7/1/2004		Bethlehem Steel Action Group	3/31/2003	Yes
Blockson Chemical Company	1/24/2007	7:00 PM	Former Workers of Blockson Chemical Plant, Joliet, Illinois	10/10/2003	Yes
Bridgeport Brass	3/31/2005		United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)	9/15/2005	No
Brookhaven National Laboratory	9/25/2006	2:30 PM	International Brotherhood of Electrical Workers (IBEW) Local 2230	8/30/2006	No
Chapman Valve	2/14/2005	5:15 PM	United Electrical Radio Machine Workers (UE)	2/22/2005	Yes
Fernald	11/16/2004	9:00 AM	Greater Cincinnati Bldg & Construction Trade Council, AFL- CIO, Numerous Other Unions		Yes
Fernald	6/28/2004	12:15 PM	Fernald Atomic Trades & Labor Council / International Guards Union of America		Yes
Hanford	3/28/2007	5:00 PM	Workers employed at Hanford 1942–1946	11/7/2003	Yes
Hanford	3/28/2007	12:30 PM	Workers employed at Hanford 1942–1946	11/7/2003	Yes
Hanford	4/22/2004	n/a	PACE Local #8-0369, Fluor Hanford - Hanford Guards Union Local #21	11/3/2003	Yes
Hanford	1/13/2004	n/a	Hanford Atomic Metal Trades Council	11/3/2003	Yes
Hanford	1/14/2004	n/a	Central Washington Building and Trades Council	11/3/2003	Yes
Huntington	1/5/2006	1:00 PM	United Steel Workers of America (USW) Local 40 & Steelworkers Organization of Active Retirees	10/31/2003	No
Iowa Army Ammunition Plant	7/29/2004	10:25 AM	Former Workers and University of Iowa staff		No

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 34 of 35
--------------------------------------	---------------------------	---	----------------------

Facility	Date	Time	Organizations Represented at Outreach Meeting	Date of First Site Profile Issuance	SEC Currently Pending
Idaho National Laboratory	4/28/2004	2:05 AM	Paper, Allied-Industrial, Chemical and Energy (PACE), Amalgamated Transit Union, Security, Police, and Fire Professionals of America (SPFPA), International Brotherhood of Teamsters	3/17/2004	No
Idaho National Laboratory	4/28/2004	9:00 AM	Idaho Building & Construction Trades Council	3/17/2004	No
Idaho National Laboratory	10/11/2006	9:00 AM	Idaho Building & Construction Trades Council AFL- CIO, Pocatello, Idaho	3/17/2004	No
K-25/ Y-12	4/5/2005	4:00 PM	SPFPA & International Guard Union of America	1/6/2004	No
K-25	4/6/2005	10:00 AM	PACE Local 5-288/ PACE International	1/6/2004	No
Kansas City Plant	10/19/2005	1:00 PM	Int'l Association of Mach & Aerospace Workers (IAM) Local 778	3/31/2005	No
Kansas City Plant	9/15/2004	10:15 AM	SPFPA Local 251, Int'l Association of Mach. & Aerospace (Local 778)	3/31/2005	No
Kansas City Plant	10/19/2005	4:00 PM	SPFPA Local 251	3/31/2005	No
Kansas City Plant	10/20/2005	10:00 AM	Greater Kansas City Building and Construction Trades Council	3/31/2005	No
Lawrence Livermore National Laboratory	3/22/2006	7:00 PM	Society of Professional, Scientists and Engineers (SPSE), University Professional and Technical Employees, Communications Workers of American, Local 9119	7/18/2005	Yes
Lawrence Livermore National Laboratory	3/21/2006	10:00 AM	Building and Constructions Trade Council of Alameda County	7/18/2005	Yes
Lawrence Livermore National Laboratory	3/22/2006	12:00 PM	SPSE	7/18/2005	Yes
Linde	4/18/2005	n/a	PACE/USW Local 1-00277	3/31/2005	No
Linde	6/27/2005	1:00 PM	PACE/USW Local 1-00277	3/31/2005	No
Los Alamos National Laboratory	6/18/2005	9:15 AM	SPSE Local 1663	5/7/2004	Yes
Los Alamos National Laboratory	6/20/2005	11:30 AM	New Mexico Building and Construction Trades Council	5/7/2004	Yes
Los Alamos National Laboratory	8/16/2005	9:00 AM	International Guard Union of American Local 69	5/7/2004	Yes
Los Alamos National Laboratory	8/16/2005	1:30 PM	International Guard Union of American Local 69	5/7/2004	Yes
Los Alamos National Laboratory	8/16/2005	4:30 PM	International Guard Union of American Local 69	5/7/2004	Yes
Los Alamos National Laboratory	8/16/2005	6:30 PM	International Guard Union of American Local 69	5/7/2004	Yes
Mound	1/18/2005	n/a	Dayton Building and Constructions Trades	3/30/2004	Yes
Mound	1/18/2005	n/a	PACE/Guard Union	3/30/2004	Yes

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Effective Date: November 27, 2007	Revision No. 1 - Draft	Document No. SCA-TR-TASK3-0003, Addendum 1	Page No. 35 of 35
--------------------------------------	---------------------------	---	----------------------

Facility	Date	Time	Organizations Represented at Outreach Meeting	Date of First Site Profile Issuance	SEC Currently Pending
Nevada Test Site	8/9/2004	1:45 PM	Southwest Regional Council of Carpenters	2/4/2004	Yes
Nevada Test Site	8/9/2004	10:45 AM	Southern Nevada Building and Construction Trades Council, AFL-CIO	2/4/2004	Yes
Oak Ridge National Laboratory	11/8/2004	1:25 PM	Oak Ridge National Laboratory Atomic Trades and Labor Council	11/14/2003	No
Oak Ridge National Laboratory	11/9/2004	10:15 AM	Knoxville Building and Construction Trades Council	11/14/2003	No
Paducah	2/10/2005	10:15 AM	PACE Local 5-550 and SPFPA Local 111	2/5/2004	No
Paducah	2/11/2005	10:15 AM	Western Kentucky Building and Construction Trade Council	2/5/2004	No
Pantex	6/3/2004	12:00 AM	Metal Trades Council	2/18/2004	Qualification being contested
Portsmouth	3/24/2004	9:45 AM	Building Trades Unions; Plumbers and Pipefitters Local	1/5/2004	No
Portsmouth	4/16/2004	8:15 AM	PACE Local Union 5-689, SPFPA Local 66	1/5/2004	No
Rocky Flats Plant	6/23/2004	9:15 AM	Colorado State Building and Construction Trades Council	1/6/2004	No
Rocky Flats Plant	6/23/2004	1:15 PM	USW Local 8031	1/6/2004	No
Santa Susana	4/20/2006	4:00 PM	United Auto Workers (UAW) Local 1519	2/2/2006	No
SRS	11/11/2003	n/a	Meeting minutes have not been finalized per NIOSH website.	7/15/2003	No
SRS	9/14/2004	n/a	Meeting minutes have not been finalized per NIOSH website.	7/15/2003	No
WR Grace	7/21/2005		USW Local 5-3677	2/14/2004	No
Y-12 Plant	11/9/2004	1:40 PM	Y-12 Atomic Trades and Labor Council	11/19/2003	Yes
Y-12 Plant	4/5/2005	4:00 PM	SPFPA and International Guards Union of America	11/19/2003	Yes

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