

SUMMARY OF MINUTES OF THE EIGHTH PUBLIC MEETING OF THE VETERANS' ADVISORY BOARD ON DOSE RECONSTRUCTION

The eighth meeting of the Veterans' Advisory Board on Dose Reconstruction (VBDR or the Board) was held at the Westin Baltimore Washington Airport Hotel, 110 Old Elkridge Road, Linthicum Heights, Maryland on September 10-11, 2008.

In accordance with the provisions of the Federal Advisory Committee Act, *Public Law 92-463*, which sets forth standards for the formation and conduct of government advisory committees, the meeting was open to the public.

All VBDR Board members were present or were in attendance via telephone.

Representatives from the Defense Threat Reduction Agency (DTRA), the Department of Veterans Affairs (VA), and the National Council on Radiation Protection and Measurements (NCRP) were also in attendance as well as 4 atomic veterans, one via telephone.

OPENING REMARKS

Brigadier General Randy Manner called the meeting to order and welcomed everyone to the eighth meeting of the Board.

Dr. Zimble (Chairman) also welcomed everyone to the eighth meeting of the Board, and invited guests to make use of the available handouts. **Dr. Zimble** welcomed **General Manner** to his first VBDR meeting, and noted there would be opportunity for public comments during the meeting.

Dr. Zimble also welcomed **Ms. Jacqueline Garride** from the House Veterans' Affairs Committee (HVAC), noting that there will be good news to share with the HVAC, as well as thoughts on how this Board should proceed. He added they looked forward to some direction from that Committee.

Dr. Zimble also introduced **Ms. Cheryl Flohr**, Service Center Manager for the Baltimore VA Regional Office (VARO). He suggested that if any veteran here has a concern, there is a representative available with whom they can speak. He noted there has been a VA representative at every meeting, and they have been very helpful in resolving some of the veterans' problems. He expressed his gratitude to the VA for their advocacy for all veterans.

Dr. Zimble acknowledged that Board member and atomic veteran Colonel Ed Taylor's absence was due to health reasons and he may not be available by telephone. [Later in the meeting, Colonel Taylor did join the meeting via telephone.]

He announced that **Dr. Elaine Vaughan**, former Board member and consultant for risk communication, will be available by telephone for part of the meeting should there be any need for her assistance.

The primary topics of the 1.5-day VBDR meeting included briefings on the current status and activities of the Nuclear Test Personnel Review (NTPR) dose reconstruction program by **Dr. Paul Blake**, and the VA compensation program by **Mr. Thomas Pamperin**. The activities and accomplishments of the four VBDR subcommittees (DTRA Dose Reconstruction Procedures, VA Claims Adjudication Procedures, Quality Management, and Communications and Outreach) were also presented by the Committee Chairs.

During the meeting, one veteran, **Mr. Edward Shaller** (participant at Operation Dominic I at Johnson Island in 1961 and 1962) and one family member of a veteran, **Mr. Kenneth Demarais** (whose brother was part of the 41st Division in either Nagasaki or Hiroshima), gave public testimony regarding their initial awareness of the NTPR Program.

Full meeting minutes, as well as verbatim transcripts of each presentation, session, and public comments, are available on the VBDR Web site at <http://www.vbdr.org>.

VBDR SUBCOMMITTEES

At the eighth VBDR annual meeting presentations were made by the Chairs of SC-1 (Dr. Harold Beck), SC-2 (Dr. Ronald Blanck), SC-3 (Dr. Curt Reimann), and SC-4 (Mr. Kenneth Groves)

Subcommittee 1 (SC-1)

The Chairman of SC-1, Mr. Harold Beck, indicated that the Board's discussions are on continuing issues, and SC-1 did not propose any formal recommendations at this time. Continuing issues were discussed briefly, which included: using probabilistic uncertainty assessment; consistent and understandable messages to veterans; continuing communications regarding results of an expedited Radiation Dose Assessment so that any future claim for a different disease will not be misunderstood; and continuing to support a recommendation that NTPR work with SC-4 to improve the presentation of material sent to the VA and the veteran.

Addressing the future of the Board, SC-1 observed the major reason for formation of the Board was to perform audits of the dose reconstruction process and this objective has been successfully addressed by NTPR. Whether or not the Board continues in its present form, continuing and independent outside oversight of the NTPR program is essential. There will be a continued need to monitor communication and outreach issues, as well as to maintain VA/DTRA coordination.

Subcommittee 2 (SC-2)

The Chairman of SC-2, Dr. Ronald Blanck, stated that SC-2 commended the Jackson VARO on its efforts and hard work in support of its mission to adjudicate radiation claims, observing nonetheless that there seemed to be a few areas where streamlining might be useful and where the VBDR subcommittee could make specific suggestions.

Topics suggested for further discussion included periodic refresher training for the Jackson VARO staff involved with processing radiation claims, VA's continuing to ensure the Jackson office has the necessary dedicated personnel resources, and updating and clarifying VA's response to recommendation number four of the April meeting. Recommendation four requested that the VA central office provide to the Jackson office personnel ongoing focused training on current trends and issues regarding radiation claims.

Subcommittee 3 (SC-3)

The Chairman, Dr. Curt Reimann, summarized SC-3's observations relative to NTPR's future were discussed briefly. They included completion of the documentation system for radiation exposure cases, reducing backlogs, the Decision Summary Sheets, double-blind studies on Radiation Dose Assessments (RDAs), and the need for a simple and brief guidance document enabling NTPR leadership to outline relationships among the NTPR contractor organizations and support documents.

Observations relative to the VA included the fact that SC-2 continues to report instances of processing errors in its case audits, and SC-3 believes that new or existing QA procedures specific to the factors arising in radiation claims could assist the Jackson VARO in reducing such errors.

Subcommittee 4 (SC-4)

The Chairman of SC-4, Mr. Kenneth Groves, reported that SC-4 has had two conference calls and one meeting since the San Diego VBDR public meeting. The subcommittee is considering publishing an article in the Ionizing Radiation Registry newsletter at its next printing. A discussion was conducted on the importance of the proactive outreach by VA and DTRA to atomic veterans unaware of their eligibility for benefits. SC-4 continues to review and provide advice concerning letters that both VA and NTPR send to atomic veterans.

BOARD DISCUSSION

Dr. Zimble raised the issue of a letter that had been received from a claimant who was angry, feeling he had not been dealt with fairly regarding his radiation-related claim. This particular issue again points out a need to improve the communication to veterans regarding expedited doses and actual doses.

Discussion was difficult because of Privacy Act concerns. The topics of discussion by the Board included Radiation Exposure Compensation Act payments and the entitlement of any citizen to know how much disability payment is being received from VA. **Dr. Zimble** requested that **Mr. Pamperin** respond to the claimant, making every effort to explain that he has been treated fairly.

Review of the VBDR charter followed, with discussion regarding modifications to the structure and mission of the Board. It included the observation that in Paragraph (e) of the charter periodic renewal is necessary for the Board to meet. Without a current authorized charter the Board cannot meet; however, it continues to exist in accordance with legislative statute.

Thursday, September 11, 2008

Call to Order and Opening Remarks

Dr. Zimble called the meeting to order at 8:59 a.m., reminding everyone that it was the seventh anniversary of the terrorist attack on 9/11, and asked that at 9:00 o'clock the assembly stand for a moment of silence.

Public Comment Session

Dr. Thomas S. Tenforde, President of the National Council on Radiation Protection and Measurements (NCRP), spoke to announce the departure of **Dr. Isaf Al-Nabulsi**, who was taking a position with the Department of Energy in the Office of Health and Safety. **Dr. Tenforde** wanted to take this opportunity to express appreciation for her service to the VBDR program as its administrator for the last three and a half years.

He assured the Board that NCRP will take all steps necessary to ensure continuity of its administrative and technical services. In furtherance of that goal the role of **Mr. Thomas Bell**, technical consultant, was being increased to assume many of the administrative responsibilities performed by **Dr. Al-Nabulsi**. He remarked that **Mr. Bell** had been doing many of the independent RDAs as part of the double-blind studies in support of SC-1's work.

Continuation of the Discussion Regarding the Future of VBDR

Five courses of action were presented for consideration, each consisting of a proposed number of Board members, proposed number of annual meetings, and committee actions required to implement that proposal.

The subcommittee chairs were asked to modify their charters in order to describe how their committee would work in the future and report to the Board at the next meeting. Although the Board may request a transition in structure and a modification of its mission, a continuing function must remain to satisfy the oversight requirement mandated by Congress in *Public Law 108-183*.

Mr. R. J. Ritter noted that from the atomic veteran community standpoint, they are starting to gain faith in the Board, and recognize that the Board is working for them

Dr. Boice observed the Board will not go on forever since there is a finite limit related to the age of the atomic veterans. There were initially 450,000 atomic veterans and now there are

225,000, with the youngest age being roughly 65. Therefore, it seems easiest for the Board to stay as it is, meet less frequently, and allow those Board members who wish to retire to do so.

Dr. Zimble opined that the Board's preferred course of action is that there would be no recommendation for any major changes at present and over the course of the next year the Board would consider its future structure and role. Members who are ready to come off the Board will be allowed to do so, with their replacements being made as necessary.

It was recommended that a document be prepared that summarizes the history and accomplishments of the Board and its activities, including the recommendations to DTRA and VA on improving the dose reconstruction and claims adjudication programs.

Dr. Zimble suggested the Board recommend that it has reached a milestone and is ready to transition into an oversight role, and that agencies consider requesting legislation to provide a sunset provision for the Board. He asked **Dr. Lathrop** to prepare a letter to go to the heads of both agencies, with copies to appropriate addressees, which indicates that the Board is ready to make a transition, the rationale for the transition, and the need for a sunset provision. This letter, of course, will be completely separate from the document on the history of the Board and its accomplishments.

Dr. Zimble asked each subcommittee chair to outline a plan for going forward. The Board members suggested another meeting in six to nine months. **Dr. Zimble** asked that at the next meeting the subcommittee chairs be prepared to provide any modifications of their charters for Board approval.

BOARD'S RECOMMENDATIONS

The VBDR Board had no formal recommendations to DTRA and VA on the atomic veterans claim program.

FUTURE VBDR MEETINGS

Following discussion by the Board, it was agreed to hold the ninth meeting on June 9, 2009 for subcommittee meetings and June 10 for the ninth Board public meeting in the Washington, D.C. area. Details about future meeting dates and locations will be announced in the federal register and on the VBDR web site.

Dr. Zimble thanked the Board and the staff for their efforts, the public attending for their comments, and called for a motion to adjourn.

Following closing comments from **Brigadier General Manner** applauding the members of the Board for what they have accomplished in serving the veterans better than they were being served in years past, a motion was made and seconded to adjourn the meeting.