



ORAU TEAM Dose Reconstruction Project for NIOSH

January 26, 2017

Mr. Frank J. Hearl, P.E.
Chief of Staff
National Institute for Occupational
Safety and Health
Centers for Disease Control
and Prevention (CDC)
395 East Street, SW
Washington, DC 20201

Mr. Grady Calhoun, CHP
Contracting Officer's Technical Representative
NIOSH Division of Compensation
Analysis and Support
Robert A. Taft Building
4676 Columbia Parkway
MS: C-46
Cincinnati, OH 45230

SUBJ: Conflict or Bias Authorization Request for Mr. Vincent A. King to discuss Internal and External Dosimetry practices, workplace monitoring practices, and site operations related to the Grand Junction Facilities Site

Dear Mr. Hearl and Mr. Calhoun:

The Oak Ridge Associated Universities team (ORAU Team) requests approval to utilize information from Mr. King to obtain a perspective as a site expert of the internal and external dose monitoring programs at the Grand Junction Facilities site from 1986 through 2010. Mr. King was a Senior Health Physicist in charge of the internal and external dosimetry programs from 1991 through 2000. Mr. King has unique information about the monitoring methodology and practices and the ORAU Team would like approval to utilize information from an interview with Mr. King in technical documents used to complete dose reconstructions. This request is for an authorization to participate in light of an appearance of loss of impartiality, and for an approval to participate in light of the appearance of bias.

Nature of Relationship

Mr. Vincent A. King is an employee of the MJW Corporation which is one of the ORAU teaming partners. As such, he is a contractor employee working on the NIOSH Dose Reconstruction Project. Based on Mr. King's former employment at Grand Junction, he may be eligible to receive financial and medical benefits under Part B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). Therefore, under EEOICPA, Mr. King is considered a potential claimant. NIOSH has previously determined that an employee's status as a potential claimant could cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality regarding an implicated covered facility.

Mr. King's spouse was also a former employee at Grand Junction. As such, she may be eligible to receive financial and medical benefits under Part B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). Mrs. King is considered a potential claimant.

Effect on Financial Interest

At this time Mr. King, nor his spouse, have the requisite illness and are not eligible to file a claim for benefits under Part B. As such, Mr. and Mrs. King are not eligible claimants and do not have a financial interest in the program. Consequently, Mr. and Mrs. King do not have any potential or actual financial conflicts of interest at the moment. Should Mr. and Mrs. King's status change from potential claimants to eligible claimants, and they become eligible to file a claim under EEOICPA, Mr. King has been advised to immediately inform his supervisor so that a reassessment will be conducted and a new authorization will be submitted if his continued involvement is necessary. In addition, Mr. and Mrs. King have no covered relationship for imputed financial interest under the appearance of loss of impartiality analysis.

Nature of Importance

NIOSH is engaged with the Advisory Board on Radiation and Worker Health in discussions about the feasibility of reconstructing radiation doses at Grand Junction for 1986 and later. Mr. King was the Senior Health Physicist in charge of the internal and external dosimetry programs from 1991 through 2000. Because of that he has unique information about the monitoring methodology and practices at the Grand Junction Facilities Site during the early 1990s. Mr. King can address certain questions about the use of air monitoring practices for the determination of worker doses during his tenure as Site Dosimetrist. This information will allow for the proper interpretation of the radiological monitoring that has been obtained from Grand Junction. Mr. King will be providing factual information only, and will not participate in evaluating whether the available information allows for sufficiently accurate dose reconstructions.

Sensitivity of the Matter

Questions have been raised by the Advisory Board on Radiation and Worker Health concerning the internal dosimetry and monitoring practices that have only been addressed through a review of site procedures and holdings of monitoring data. Background and technical justification is needed to explain some of the personnel and workplace monitoring practices outlined in the procedures. Mr. King was the Site Dosimetrist and can provide this information during the time period of interest. The information Mr. King provides will be independently reviewed not only by ORAU and DCAS staff but also by the Advisory Board and its technical support contractor.

Difficulty in Reassignment

As noted above, Mr. King's knowledge is unique with regard to personnel and workplace monitoring at the Grand Junction Facilities Site during the time period of interest. Please note we are not requesting that Mr. King be assigned any specific work product other than being interviewed in order to obtain knowledge about the dosimetry and monitoring programs and procedures at Grand Junction Facilities. Once the interviews are conducted, they will be documented by ORAU Team staff that do not have a conflict or appearance of bias and will only be fact checked by Mr. King.

Adjustments to Employee's Duties to reduce Appearance of Bias

Upon review of the issue, the ORAU Team will implement appropriate measures to ensure that any of Mr. King's perceived biases will not compromise this effort. These measures include:

- Mr. King will not be authoring any documents;
- Mr. King will not have final approval of the documents developed; and
- All information obtained from Mr. King will be reviewed closely by the ORAU Team and DCAS staff who do not have conflict of interest, appearance of loss of impartiality, or appearance of potential bias concerns with respect to the Grand Junction Facilities Site.

Our evaluation concludes that Mr. King's participation in this matter outweighs the possibility that a claimant from the Grand Junction Facilities with knowledge of Mr. King's participation could question Mr. King's impartiality in this situation. Because of the benefits to the ORAU Team and DCAS provided by Mr. King's unique qualifications and the oversight measures included in this activity, his participation in interviews is requested.

Sincerely,



Kate Kimpan
Project Manager
ORAU Team

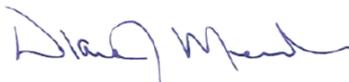
Requested Action:



Grady Calhoun, Concurrence
DCAS Contracting Officer Representative

1/26/2017

Date



~~Larry Guess~~, Concurrence - Diane Meeder
Contracting Officer

02/03/2017

Date



Frank Hearl, Approved
Acting Conflict or Bias Officer

02/06/2017

Date