Larry Elliott, Director,
Office of Compensation Analysis and Support
National Institute for Occupational Safety & Health
4676 Columbia Parkway, Mailstop C-46,
Cincinnati, OH 45226

Dictum

While a student of statistics, sociology and physics during my years at Princeton University and the University of California, I was privileged to have been mentored by some of the most renowned professors in their respective fields.

In large part as a result of the tutelage I received, I am greatly apprehensive concerning the shortcomings of statistical methodologies. Due to the inherent nature of statistical analyses, there are significant opportunities for adverse results. Such results, if accepted as key determinants of dose reconstruction by O.C.A.S., could negate the achievement of the goals of the program (i.e., the optimal fairness of evaluations) as outlined by the Office of Compensation Analysis and Support (O.C.A.S).

To wit:

Methodologies making use of Gaussian distribution ("bell-shaped" curve) models, are, by definition, merely approximations of reality; i.e., they deal with probability analysis - nothing more, nothing less. The accuracy of cohort data analysis, is limited by levels of confidence and margins of error within the confines of any given standard deviation.

On the other hand, an attempt at ascertainment of reality, per se, (insofar as such might possibly be attainable) could more reasonably be approached (with an accompanying quantum leap in the level of certitude) through the implementation of intensive radiometric analyses and extensive forensic studies of biological remains, rather than reliance upon statistical probability analyses.

Modification of dose reconstructions to incorporate radiometric and forensic studies of biological remains (as well as statistical determinants) would more likely result in the achievement of the stated goals of N.I.O.S.H. / O.C.A.S. vis-a-vis fairness and equity in the evaluation of claims.

It is within these contexts that the enclosed materials are presented.

July 28, 2007 July 28, 2007 Special Exposure Cohort Petition under the Energy Employees Occupationliness Compensation Act Department of Health and Human Services

Centers for Disease Control and Preventor
ascess institute for Occupational Safety and Health

Number 0920-0639

Expires: 05/31/2007 Page 1 of 7

Special Exposure Cohort Petition - room o

ties of this form and disclosure of Social Security Maridier are voluntary. Failure to use this form of disclose this number will not result in the darkst of any right, benefit, or privilege to which you may be entitled.

General Instructions on Completing this Form (complete instructions are available in a separate packet):

Except for signatures, please PRINT all information clearly and neatry on the form.

Please read each of Parts A — G in this form and complete the parts appropriate to you. If there is more than one petitioner, then each petitioner should complete those sections of parts A — C of the form that apply to them. Additional copies of the first two pages of this form are provided at the end of the form for this purpose. A maximum of three petitioners is allowed.

If you need more space to provide additional information, use the continuation page provided at the end of the form and attach the completed continuation page(s) to Form 8.

If you have questions about the use of this form, please call the following NIOSH toll-free phone number and request to speak to someone in the Office of Compensation Analysis and Support about an SEC petition 1-808-356-4674.

	☐ A Labor Organizatio	on,		S	w: at D	on Page 3
ff you	D An Energy Employs	e (current or	tormer),	Sta	m at C	on Page 2
2/0:	XA Survivor (of a for	ner Energy El	mployee),	Şta	er. al 8	on Page 2
•	☐ A Representative (of a current or	tormer Energy 5	imployee), Sti	et at A	on Page 1
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if you are representing a Survivor, go to Part B; if you are representing an Employee, go to Part C

Name of Sodal Security Number of First Petitioner ____

Special Exposure Conort Patition Aspartment of Health and Human Services Centers for Disease Compolanti Prevention under the Energy Employees Occupativ Hinesa Compensation Act National Institute for Occupational Safety and Health AIB NUMBER 0920-0639 Explose: 05/31/2027 Special Exposure Cohort Petition - Form B Page 2 of 7 В Survivor Information — Complete Section 8 if you are a Survivor or representing a Survivor. 8.1 Mr./Mrs./Mis First Name Middle inga Last Name 8.2 Social Security Number of Survivor: 色.3 Address of Survivor. Apl # P.O. Ecx City ZIG Code 8.4 Telephone Number of Survivoi. 8.5 Email Address of Survivor. 8.6 Relationship to Employee: Ga to Part C. () Employee Information — Complete Section C UNLESS you are a labor organization. C.1 Name of Employee: MILIME MS. First Name Middle m流动 Last Name C 2 Former Name of Employee (e.g., maiden name/legal name change/other): MI MIS FIST Yame Middle mida: Last Name ĊЗ Social Security Number of Employee: 04 Address of Employee of Avance Street P.O. Bax Apt # City State Zip Code C 5 Telephone Humber of Employee: C 5 Email Address of Employee: C 7 Employment Information Related to Petition: C 7a Employee Number (* known -**NOV.** 30, 1975 Ena C 7b Dates of Employment Start Employer Name: WESTINGHOL MIC POWER P C 7c see enclosed © Tell Guper, sons Name

Go to Part E.

Special Exposure Cohort Petition Louis M. KRAM U.S. Department of Health and Human Services under the Energy Employees Occupational Centers for Disease Control and Prevention NIOSH 022603 Ilmess Compensation Act hisdonal Institute for Occupational Ballety and Health S.S. 162-14-9991 Expires 06/31/2007 OMB Number, 9920-0639 Special Exposure Cohort Petition -- Form B Labor Organization Information — Complete Section D ONLY if you are a labor organization. D.1 Labor Organization information: Name of Organization Position of Contact Person D.2 Hame of Petition Representative: D 3 Address of Petition Representative: Sueet ADI ₹ P.O. Box City State Zip Code 04 Telephone Number of Patition Representative: D.5 Email Address of Petition Representative: Period during which labor organization represented employees covered by this petition 06 (piease attach documentation): Starr 0.7 identity of other labor organizations that may represent or have represented this class of employees (If known): Go to Part E.

UPOCT	isi Exposure Conort Petition re Energy Employees Occumental Compensation Act		Certe	rs for Diger	nd Human Services te Control and Preventor assoral Sately and Health
3pec	iai Exposure Cohort Pelluou — r	eria U	AIB Number: 092	0-063 9	Expires: 06/31/2007 Page 4 of 7
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€ 3	List job titles and/or job dufies name any individuals other tha included in this class:	n petitioner TER	s identified on this form	who you	Delieve anould be
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٤٠	Employment Dates relevant to	this petition		-	· · · · · · · · · · · · · · · · · · ·
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Special Exposure Cohort Petition under the Energy Employees Occupational litness Compensation Act

U.S. Department of Health and Human Services
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health

OMB Number: 0920-0639

Expires: 05/31/2007 Page 5 of 7

Special Exposure Cohort Petition — Form B

Basis for Proposing that Records and information are inadequate for Individual Dose — Complete Section F.

Complete at least one of the following entries in this section by checking the appropriate box and providing the required information related to the selection. You are not required to complete more than one entry.

F.1 3 IAVe have attached either documents or statements provided by afficiarit that indicate that radiation exposures and radiation doses potentially incurred by members of the proposed class. That relate to this petition, were not monitored, either through personal monitoring or through area monitoring.

(Attach documents and/or affidaves to the back of the petition form.)

Describe as completely as possible, to the extent it might be unclear, now the attached documentation and/or attitiating) indicate that potential radiation exposures were not monitored.

See http://66.218.69.11/search/cache?ei=UTF-8&p=%22
potential+radiation+exposures &fr=robo&u=www.cdc.gov/niost/OCAS/pdfs/sec/y12/y12evrpt.pdf&w=%22potential+radiation+exposures
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NOTE: In spite of the fact that upervisor was a) Official Westinghouse document FORM 24903 F (q.v.), does NOT list ...
HIGHEST SECURITY CLEARANCE EVER HELD". Furthermore,

thes same document states that i was "exempt" from the military and the draft. All attempts to discover this information failed...

F.2 If We have allactive either documents or statements provided by affidavit that indicate that radiation monitoring records for members of the proposed class have been lost, faisfised, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

(Attach documents and/or affidavEs to the back of the petition form.)

Describe as completely as possible, to the extent it might be unclear, how the attached documentation and/or affidavit(s) indicate that radiation monitoring records for members of the proposed class have been jost, affered flequely, or destroyed.

proposed class have been lost, altered lilegally, or destroyed.

As a follow up to F.1, it seems odd that no documents are either extant or available to pecific activities at the East Pittsburgh location. Whether the documents have been destroyed or lost, or otherwise

prohibited from surfacing remains unclear. What is clear, however, is that the document cited in F.1 outlines the many difficulties which must be surmounted in order to establish dosage recreations. Even

though the article pertains to a different locale, the principles remain the same, and the difficulties have not been circumvented.

Part F is continued on the following page.

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Name or Social Security Number of First Petitioner	-			 ******		 atronomic							

Special Exposure Cohort Petition

under the Energy Employees Occupational Illness Compensation Act

U.S. Department of Health and Human Services

Centers for Disease Control and Prevention National Institute for Occupational Safety and Health

OMB Number: 0920-0639

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Special Exposure Cohort Petition — Form B

F.3 I/We have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition. The report specifies the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

(Attach report to the back of the petition form.)

F.4 I/We have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Facilities Safety Board, or published in a peer-reviewed journal, that identifies dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

(At	tach report to	o the back of the	petition form.)			
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Special Exposure Cohort Publics — Fore B

Public Burden Statement

Public-reporting burden for this collection of information is estimated to average 300 minutes per response, including thee for reviewing instructions, gathering the information medied, and completing the form. If you have any comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to CDC Reports Clearance Officer, 1600 Cliton Road, MS-E-11, Atlanta GA, 30333; ATTN:PRA 0920-0639. Do not send the completed petition form to this address. Completed petitions are to be submitted to NIOSH at the address provided in these instructions. Persons are not required to respond to the information collected on this form unless if displays a currently valid OMB number.

Privacy Act Advisement

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a), you are hereby notified of the following:

The Energy Employees Occupational fibresis Compensation Program Act (42 U.S.C. 55 7364-7365)
(EEOICPA) authorizes the President to designate additional classes of employees to be included in the Special Exposure Cohort (SEC). EEOICPA authorizes HHS to implement its responsibilities with the assistance of the National incitive for Occupational Safety (NIOSH), an incitive of the Centers for Disease Control and Prevention. Information obtained by NIOSH in connection with petitions for including additional classes of employees in the SEC will be used to evaluate the petition and report findings to the Advisory Board on Radiation and Women Neath and HHS.

Records containing identifiable information become part of an existing NIOSH system of records under the Privacy Act, UP-20-147 "Occupational Health Epidemiological Studies and EEGICPA Program Records... This CDC/NIOSH." These records are treated in a confidential mariner, unless otherwise compelled by law. Disclosures that NIOSH may need to make for the processing of your petition or other purposes are fisled below.

NIOSH may need to disclose personal identifying information to: (a) the Department of Energy, other federal agencies, other government or private entities and to private sector employers to permit these entities to retrieve records required by NIOSH; (b) identified witnesses as designated by NIOSH so that these (admitduals can provide information to assist with the evaluation of SEC petitions; (c) contractors assisting NIOSH; (d) collaborating researchers, under certain limited circumstances to conduct further investigations; (e) Federal, state and local agencies for taw enforcement purposes; and (f) a Member of Congress or a Congressional staff member in response to a verified inquiry.

This notice applies to all forms and informational requests that you may receive from NIOSH in connection with the evaluation of an SEC petition.

Use of the NIOSH petition forms (A and 8) is voluntary but your provision of information required by these forms is mandatory for the consideration of a petition, as specified under 42 CFR Part 83. Petitions that fail to provide required information may not be considered by HHS.

Name or Social Security Number of Final Pelitioner.

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C.7 C.?a	Employment Information Related to Petition: Employee Number (# known):	<u> </u>	
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C.7c	Employer Name: WESTINGHOUSE	ATOMIC POWER	PLANT
C.7d	Work Site LocationEAST PITTSBL	IRGH PENNSYLV	ANIA
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Special Exposure Cohort Petition - Form B Appendix - Continuation Page

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Phys. Rev. 57, 247-254 (1940)

Phys. Rev. 57, 344-361 (1940)

Phys. Rev. 58, 1035-1042 (1940)

Rev. Mod. Phys. 17, 351-471 (1945)

HAXBY, W. E. SHOUPP, W. E. STEPHENS AND W. H. WELLS Westinghouse Research Laboratories, East Pittsburgh, Pennsylvania (August 30, 1940)

http://legacystory.apps.em.doe.gov/text/link/link8.htm

http://www.em.doe.gov/doe/cda/search/search_results/0,2157,15023,00.html

Observation

Given the nature and import of wartime research at the Westinghouse East Pittsburgh Atomic facility, it is, at best, curious that I have been unable to recover any information regarding draft exemption(s) during World War II.

Furthermore, in spite of literally dozens of F.O.I.A. requests, no information was received concerning ecurity clearances during the war.

This is totally inexplicable given the circumstances of his work, his work locale, his supervisors, etc.

n.b.. ______n was simmediate supervisor while both worked at the East Pittsburgh Westinghouse Atomic facility during the war. Dr.

Simpson and Louis Kram both worked together at the East Pittsburgh

Westinghouse Atomic facility between 1937 and 1946.

John M. Cim.

began his career in 1937 as a junior engineer at Westinghouse's switchboard division in East Pittsburgh, Pa. There he met he Navy's contract officer on the switchboard project at Westinghouse. The two first worked together to build switchboards that could withstand the hard impacts faced by naval vessels.

At the same time, a was studying at the University of Pittsburgh for a master's degree in electrical engineering, which he received in 1941.

After the attack on Pearl Harbor, tried to enlist in the Army. When Rickover found out, he called "" Into his office and told him he would never let him leave his scientific work. He said, "We don't need more heroes, we need to win this war."

In 1946, Westinghouse granted I two-year leave to work at the Oak Ridge National Laboratory in Tennessee. There, with Rickover and a group of engineers and scientists, he helped draft plans for the first attempt at applying nuclear energy to the generation of electricity.

After returning to Westinghouse in 1949, he was named assistant manager of engineering at the Bettis Atomic Power Laboratory in Pittsburgh, which the company operated for the Atomic Energy Commission. There, in addition to working on the Nautilus with Rickover, he helped design propulsion plants for the U.S.S. Long Beach and the U.S.S. Enterprise, the nation's first nuclear surface ships, and for the U.S.S. George Washington, the first nuclear submarine that carried Polaris missiles.

Ehe New Hork Eimes nytimes.com

January 17, 2007	
By	
, a former top executive ar	nd engineer for the
Westinghouse Electric Corporation who pla	
developing the nation's atomic energy prog	ram, died near his
home on Hilton Head Island, S.C. He was	
→ work as a junior engine	er at the Westinghouse
switchboard division in East Pittsburgh, Pa	
a close associate of	
the nuclear Navy. The two first worked toge	ther during World War II to
build switchboards at Westinghouse Electri	
East Pittsburgh, Pennsylvania.	
panels that could withstand the hard impact	
•	ant director of the atomic
energy Manhattan Project. At the same time	e, was
attending the Univerity of Pittsburgh, where	he studied atomic
physics and engineering.	received a Master's
Degree in Electrical Engineering in 1941.	
After the attack on Pearl Harbor.	led to enlist in the
After the attack on Pearl Harbor, Army. When Found out, he called	into his office
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"We don't need more heroes, we need to win this war."

Obituaries

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Appendix A-3 Residual Radioactivity Evaluations for Individual Facilities

FACILITY NAME:

Westinghouse Atomic Power Development Plant

East Pittsburgh, Pennsylvania

ALSO KNOWN AS:

East Pittsburgh Plant

TIME PERIOD:

1941-1944

DESCRIPTION OF ACTIVITIES:

Westinghouse prepared uranium metal for ______ staff and conducted development and pilot scale production of uranium oxide fuel elements. There could have been as much as 65 tons of uranium produced at this facility. But, the information is unclear as to whether all of the operations took place at the East Pittsburgh facility.

Documentation indicates that centrifuge assemblies existed at this facility as late as April 1946, with requests for disposition instructions. There is no available radiological survey data associated with this equipment. Additionally, documentation indicates that this facility was performing energy threshold and cross section fission studies in 1947, and was requesting information from the AEC on the process to obtain limited amounts of high purity metallic U-235.

A 1976 survey by ORNL did not identify any radioactive contamination above which could normally be considered background at the East Pittsburgh facility. The site was eliminated from FUSRAP consideration in 1985.

At the time of this report, documentation indicates that other Westinghouse facilities located in the Pittsburgh area may have been performing MED/AEC reactor development work, but are not listed on the AWE facility listing.

INFORMATIONAL SOURCES:

The sources of information used in this evaluation include information on the DOE Worker Advocacy Website and internal AEC/DOE correspondence provided by the DOE Worker Advocacy Group.

EVALUATION FINDINGS:

Documentation reviewed indicates that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred.

PERIOD OF POTENTIAL RESIDUAL CONTAMINATION

Residual contamination from AEC/DOE activities is indistinguishable from non AEC/DOE activities.

Appendix A-1 Changes to Radiological Facility Status

Facility	City	State	Period	Evaluation Finding in Status Report	
Vitro Manufacturing (Canonsburg)	Canonsburg	PA	1942-1957	This site warrants further investigation.	The property of the control of the c
W.E. Pratt Manufacturing Co.	Jollet	IL.	1943-1946	This site warrants further investigation.	and the African Construction of the African Age of African Construction of the African Construction of the African Construction of the African Age
W.R. Grace (TN)	Erwin	TN	1958-1970	This site warrants furtifier investigation.	The above order of the above of
W.R. Grace and Company (MD)	Curtis Bay	MD	1955-1958	This site warrants further investigation.	the state of the s
Waterlown Arsenal	Waterlown	MA	1946-1952;1953-1957	This site warrants further investigation.	 See English of the second of th
Westinghouse Advanced Reactors	Cheswick	PA	1971-1972	Not Included	e de granda de la començão de la capaçõe de la transita de la capação de
Westinghouse Atomic Power Development Plant	East Pittsburgh	PA	1941-1944	This site warrants further investigation.	en en generalet finanzen filte idea de la servicio del servicio del servicio de la servicio del servicio della

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Observation

Interior typical of building "K"



Electric Corporation's East Pittsburgh Atomic Energy site.

I would make reference to Docket No.: 070-00239, License number SNM 234, Subject: Special Inspection No. 070-00239/96, and I quote:

"A contractor for the NRC, Oak Ridge National Laboratory (ORNL), initially reviewed each terminated license file and scored it according to a system designed to identify facilities that required additional review by the NRC staff. In general, files that indicate that radioactive material may have been used at particular facilities, but which do not include final survey records for these facilities, are identified for additional review. The review by ORNL identified <u>LICENSE NO. SNM-234</u> as a file describing a site that requires additional review. The Region I staff reviewed this file and determined that additional action was necessary since there was NO FINAL RADIOLOGICAL SURVEY conducted at the facility. (BUILDING K at the Westinghouse Electric Corporation's East Pittsburgh Atomic Energy site.)

"<u>License No. SNM-234</u> was issued to <u>Westinghouse Electric Corporation's</u> (Westinghouse) East Pittsburgh facility for research and development with <u>ENRICHED URANIUM.</u>"

"On June 14, 1996, s of this office conducted a special safety inspection of <u>BUILDING K</u>
<u>OF THE EAST PITTSBURGH FACILITY</u> of activities authorized by the former AEC license. The inspection consisted of of observations, interviews with personnel and radiological measurements of building K where <u>LICENSED RADIOACTIVE MATERIAL AUTHORIZED BY LICENSE No. SNM-234 WAS PREVIOUSLY USED OR STORED.</u>