

## ATTACHMENT D.2

02-25-13 P04:19 RCVD

February 21, 2013

Fax To: Secretary of Health & Human Services  
 c/o Josh Kinman NIOSH SEC Petition Counselor  
 4676 Columbia Parkway, MSC-46  
 Cincinnati, OH 45226  
 513-533-6831, Fax: 513-533-6826  
 877-222-7570; email: [dcas@cdc.gov](mailto:dcas@cdc.gov)

CC: Matthew Fowler  
 Hearing Representative  
 USDOL (EEOICPA)  
 Final Adjudication Branch  
 P.O. Box 77918 Washington,  
 D.C. 20013-7918  
 866-538-8143 F: 202-513-6401

**1<sup>st</sup> SEC Petition For Grumman Aerospace Facilities in Calverton & Bethpage, NY**

Re: DOL/EEOICPA File Number: xxx-xx-1378

Dear Mr. Kinman: Thank you for taking the time to explain the SEC Petition process – for a second time. Again, I apologize for not following your advice before Christmas, but I was nearly disabled for months until my cardiologist cleared me to resume weekly

etc. These treatments make me ill for days. Today was my

--- followed by surgery, and a host of debilitating

complications including

Some of the information you requested is in the 57-page attachment; Exhibits A-D.

Exhibit D contains some of the information you will need to evaluate my SEC Petition, which I hope to complete after the effects of today's case off.

**List of Exhibits**

- A. 7-page NOTICE OF RECOMMENDED DECISION dated September 7, 2012 by Kimberly Bender.
- B. List of 45 CERCLA/RCRA sites on Long Island. My SEC Petition will cover:
  - RCRA Site #27, Northrop Grumman Corporation [f/k/a Grumman Aerospace Corp.] - Bethpage Nassau Bethpage;
  - RCRA Site #24, Grumman mismanaged Naval Weapons Industrial Reserve Plant Suffolk Calverton.
- C. The article I mentioned to illustrate the dangers of Tokamaks like those Grumman made on AEC/ERDA/DOE contracts; "Fission-Fusion Fission" by William Sweet (IEEE Spectrum, January 2013)
- D. Fax #4 to Niesha Felder, Complaint Analyst addressing these questions:
  - *What are the names of the claims examiners in question?*
  - *Do you have any evidence to support your allegations involving the claims examiners in question?*

**NOTE:** Fax #4 includes a December 8<sup>th</sup> 2012 letter to Mr. Fowler entitled:

**Additional Evidence Grumman Aerospace Corporation  
 is a Covered Contractor, Subcontractor & Should be a Covered Facility  
 Re: DOL/EEOICPA File Number: xxx-xx-1378**

As I mentioned, I was extorted by Miriam Bartos, DOE's FOIA Officer of \$12.00 -- after she demanded over \$12,000 for documents obtained free from the BNL library & Internet from DOE's Office of Scientific and Technical Information (OSTI); [www.osti.gov](http://www.osti.gov) & [www.facebook.com/ostigov](http://www.facebook.com/ostigov).

You can use the OSTI site to obtain de-classified proof that Grumman, its contractors identified in Table I below, and others were both prime and subcontractors for AEC/ERDA/DOE/DARPA/NASA, etc.

Not only did Ms. Bender misrepresent and/or misinterpret the EEOICPA Rules in Table II, she knew or should have known about the OSTI Website.

Instead, she submitted a fraudulent Document Acquisition Request (DAR) that excluded covered contractor facilities where she knew I had worked and performed covered services. See Exhibit D, Sub-Exhibit I entitled: "2nd OBJECTION Based on New Evidence of Waste, Fraud & Abuse (Received Late Friday 11/9/12; Mailed 11/5/12)". Ms. Bender also wasted DOE resources via a fraudulent Document Acquisition Request for a covered facility she knew I never worked, as stated under oath during both hearings.

Yours truly,

**Table I: Chronology of Covered Employment @ AEC/ERDA/DOE Facilities as a Contractor, Contractor Employee & Sub-Contractor Employee as Defined in EEOICPA Procedure Rule Excerpts in Table III From ¶¶4, 13, 14**

	Relevant Covered Facility (Table IV)	Dates	Employer	Type	File Document No. From Table II'
1.	##60 & 311	1962 to 1972	Hazeltine Corp.	Subcontractor to Grumman	##5, 7, 9, 10, 11, 12
2.	Classified	1972 to 1973	Molodt Corp.	AEC Contractor	---
3.	##60 & 311	1973 to 1974	Hazeltine Corp.	Subcontractor to Grumman	##5, 7, 9, 10, 11, 12
4.	##27, 36, 73 & 102	1974 to 1981	Boeing/Rockwell International	AEC/ERDA/DOE/NRC Contractor	#1 - Not listed by Kimberly ##3, 8
5.	##60 & 311	1/82 to 9/86	Hazeltine Corp.	Subcontractor to Grumman	##5, 7, 9, 10, 11, 12
6.	##60 & 311	10/86 to 11/94	Grumman & Northrop-Grumman	AEC/ERDA/DOE/NRC Contractor	##5, 7, 9, 10, 11, 12
7.	#60 (BNL)	1997-Present	Part time, Vasile & Grieco, Inc. & successors.	N/A	##5, 7, 9, 10, 11, 12
8.	#60 (BNL)	1980-1983	Self, on leave from Boeing/Rockwell (11/20/78 - 5/30/81)	DOE/BNL Contractor	##5, 7, 9, 10, 11, 12

Rule	<b>Table II: Relevant Rules In EEOICPA Procedure Manual 2-500 Sections That Kimberly Bender Disregarded and/or Misrepresented</b>
¶4(c)	<b>Department of Energy (DOE) Facilities.</b> A DOE facility means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located in which operations are, or have been, conducted by, or on behalf of, the DOE...and with regard to which the DOE has or had either (A) a proprietary interest; or (B) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. [NOTE: "... is following irrelevant exception: "except for buildings, structures, premises, grounds, or operations covered by Executive Order 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program - which does not exclude DOE contractor/subcontractor facilities outside the fence of a covered facility, which includes off-site dumps, incinerators, landfills, rivers carrying wastewater, contaminated groundwater plumes, contaminated vegetation, etc. that poisoned thousand of DOE workers.]
¶9f	<b>Document Acquisition Request (DAR) Processes:</b> "For cases involving DOE contractor employees, the CE or resource center makes a request to DOE for records useful for developing information regarding toxic exposures. Although DAR records are predominately used in the adjudication of the toxic exposure component of Part E cases, DAR records can also contribute to the evidence of covered employment, especially in cases involving DOE subcontractor employment, which is further described in paragraph 14 of this chapter. DAR records can include site medical records, job descriptions, radiological records, incident or accident reports and others. Generally, a request for DAR records is only made of DOE once employment is confirmed. However, some DOE operations offices have stated that they prefer to receive the DAR request at the same time as they receive the EE-5. If resource center or district office staff are aware of such a situation, they include the request for DAR records in the EE-5 package. The point of contact at DOE for DAR records is also included in EPOD. For more details on the DAR process, refer to Chapter 2-0700 of this manual."
¶9(g)	<b>Dosimetry Records:</b> It is general program policy for NIOSH to obtain dosimetry records from DOE as part of the dose reconstruction process. The dosimetry records become associated with the file when the district office receives NIOSH's dose reconstruction report. Nevertheless, in instances in which dose records may be useful for confirming that an individual was on site or was monitored for radiation exposure the CE may request such records from DOE as part of employment development.
¶10	<b>Contacting Corporate Verifiers:</b> Many of the facilities designated under EEOICPA are operated by private companies and neither DOE nor any of its predecessors have possession of the employment or personnel records. However, many of these companies are still in business, or have been bought by other companies which have maintained

	<p>records of past employees. Many of these companies have agreed to provide employment verification for purposes of adjudicating claims under EEOICPA. These companies are referred to as corporate verifiers. For each facility that has been identified as having a corporate verifier, EPOD provides the name and contact information for the corporate verifier. The CE is to follow the instructions listed in EPOD to obtain such employment information. General procedures for handling corporate verifiers include...</p>
¶13	<p><b>Other Employment Evidence</b> Other Employment Evidence: "Evidence of employment by DOE, a DOE contractor, beryllium vendor, or atomic weapons employer may be made by the submission of <del>any trustworthy</del> <u>contemporaneous records</u> that on their face, or in conjunction with other such records, establish that the employee was so employed, and the location and time period of such employment. No single document noted in this section is likely to provide all elements needed for a finding of covered employment, but rather each piece of evidence can contribute valuable elements needed to make a finding of covered employment."</p>
¶14	<p><b>Subcontractor Employment:</b> Subcontractor employment at beryllium vendors and DOE facilities is covered under the Act, provided that certain developmental elements are met.</p> <p>a. Definitions.</p> <p>(1) <b>Contractor.</b> An entity engaged in a contractual business arrangement with DOE to provide services, produce material or manage operations.</p> <p>(2) <b>Subcontractor.</b> An entity engaged in a contracted business arrangement with a contractor to provide a service on-site.</p> <p>(3) <b>Service.</b> In order for an individual working for a subcontractor to be determined to have performed a "service" at a covered facility, the individual must have performed work or labor for the benefit of another within the boundaries of the facility. Examples of workers providing such services include janitors, construction and maintenance workers. The delivery and loading or unloading of goods alone is not a service and is not covered for any occupation, including workers involved in the delivery and loading or unloading of goods for construction and/or maintenance activities.</p> <p>(4) <b>Contract.</b> An agreement to perform a service in exchange for compensation, usually memorialized by a memorandum of understanding, a cooperative agreement, an actual written contract, <u>or any form of written or implied agreement is considered a contract for the purpose of determining whether an entity is a "DOE contractor."</u></p> <p>b. <b>Standard.</b> Mere presence on the premises of a facility does not confer covered employment. There are three developmental components that must be met before a decision of covered subcontractor employment can be reached. These elements are:</p> <p>(1) <u>the claimed period of employment occurred during the covered time frame as alleged, and</u></p> <p>(2) <u>a contract to provide "covered services" existed between the claimed subcontractor and a contractor at the facility or the identified vendor (during the covered time frame), and</u></p> <p>(3) <u>the employment activities (work or labor) took place on the premises of the covered facility.</u></p>

*Obj Due Nov. 7<sup>th</sup>*

## U.S. DEPARTMENT OF LABOR



Energy Employees Occupational Illness  
 Compensation Program Act (EEOICPA)  
 1001 Lakeside Ave., Suite 350  
 Cleveland, OH 44114  
 (216) 802-1300 Toll Free (888) 859-7211  
 Fax: (216) 802-1308

September 7, 2012

FILE NUMBER: xxx-xx-1378  
 NAME OF EMPLOYEE:

Dear Mr.:

Enclosed is the Recommended Decision of the district office concerning your claim for compensation under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The District Office recommends denial of your claim for benefits. Please note that this is only a RECOMMENDED Decision; this is not a Final Decision. The Recommended Decision has been forwarded to the Final Adjudication Branch (FAB) for their review and issuance of the Final Decision.

Please read the Recommended Decision carefully, and follow the directions in the Notice of Recommended Decision and Claimant Rights. If you agree with the Recommended Decision and wish to waive any objections to it, you must follow the instructions for doing so provided in the section entitled "If You Agree with the Recommended Decision." If you submit the attached Waiver Sheet (or a statement waiving the right to object) to the FAB via fax at (202) 513-6401, or to: U.S. Department of Labor DEEOIC, Final Adjudication Branch, P.O. Box 77918, Washington, DC 20013 -7918, a final decision can be issued before the end of the sixty (60) day period for filing objections. If you fail to submit a Waiver Sheet or statement, the final decision cannot be issued until after the end of the sixty (60) day period. Failure to submit the Waiver Sheet or statement may delay the issuance of the lump sum payment to those claimants who are eligible to receive this benefit.

If you disagree with the Recommended Decision, you must follow the instructions provided in the section entitled "If You Wish to Object to the Recommended Decision." Your objections must be filed within sixty (60) days from the date of the Recommended Decision by writing to the Final Adjudication Branch at the address above. If you would like to complete an anonymous customer service survey, please visit our web site at [www.dol.gov/owcp/energy](http://www.dol.gov/owcp/energy).

Sincerely,

Kimberley Bender  
 Claims Examiner

Cc: .

EXHIBIT A

## U.S. DEPARTMENT OF LABOR



Energy Employees Occupational Illness  
 Compensation Program Act (EEOICPA)  
 1001 Lakeside Ave., Suite 350  
 Cleveland, OH 44114  
 (216) 802-1300 Toll Free (888) 859-7211  
 Fax: (216) 802-1308

NAME OF CLAIMANT(S):  
 NAME OF EMPLOYEE:  
 FILE NUMBER: xxx-xx-1378  
 DATE OF ISSUANCE: 09/07/12

**NOTICE OF RECOMMENDED DECISION**

The district office recommends that \_\_\_\_\_ claim be denied under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA or the Act).

**STATEMENT OF THE CASE**

On 02/23/10, you filed a claim for employee benefits under the EEOICPA. You claimed that you developed \_\_\_\_\_

\_\_\_\_\_ as a result of your employment at a Department of Energy (DOE) facility. On 03/24/11, a Final Decision was issued denying these conditions. You also filed additional claims for \_\_\_\_\_

\_\_\_\_\_ The district office received a large amount of medical evidence in support of these claimed conditions. On 05/24/12, your claim was remanded to the district office for further development, based on additional evidence.

The following additional evidence was submitted to the district office:

- 1<sup>st</sup> Response Re: Hearing Examiners Questions About Dates I Was At BNL, dated 03/07/12
- 2<sup>nd</sup> Response Re: Hearing Examiners Questions About Dates I Was At Atomics International, Santa Susana, Rocketdyne & Zetec, dated 03/22/12
- Recent Medical Reports, dated 04/10/12
- Material Re: Brookhaven National Laboratory
- Medical documents from South Shore Neurologic Associates
- 3<sup>rd</sup> Response Newly Discovered Evidence Re: Hearing Examiners Questions About BNL, dated 03/07/12
- FOIA Request, dated 07/09/12
- Complaint Re: Ongoing Waste, Fraud & Abuse, dated 07/10/12
- Petition for Financial Hardship Fee Waiver, dated 07/20/12
- Supplement to Complaint Re: Ongoing Waste, Fraud & Abuse, dated 07/25/12

- Notice of FOIA Fraud, Extortion & Delaying Tactics by DOE FOIA Officer, dated 08/07/12

You also submitted an Employment History Form EE-3 and a resume indicating your employment at the following locations:

- Santa Susana Field Laboratory, Ventura County, CA approximately 6/73 to 9/73
- Jet Propulsion Laboratory, Pasadena, CA
- Motorola Research center in Mesa, AZ
- Rockwell Science Center, in Thousand Oaks, CA and possibly the De Soto Avenue Facility in Canoga Park, CA, approximately 7/74 to 11/81
- Electric Power Research Institute, Palo Alto, CA
- Zetec, Inc., Issaquah, WA
- Brookhaven National Laboratory, Brookhaven, NY, between 10/80 and 11/94
- Hanford Site, Hanford, WA, 1/74 to 1981
- Hazeltine Corporation, Greenlawn, NY, 1962-1972, 1973-1974 & 1/82-9/86
- Northrop-Grumman, NY, 10/86 to 11/94

*AI &  
Rocketdyne*

Your employment history form indicates that you worked on research and development of various scientific inventions and classified projects. The correspondence you submitted indicates you received DOE grants to fund your projects; that you worked under various Department of Energy (DOE) contracts; and that you provided consultant services at various DOE facilities across the country. The district office received a large amount of employment related documents, which outlined your reported work on these projects, including research/testing, dissertations, and technical specifications for the inventions and projects which you were involved. The district office also received evidence of your employment with Rockwell International and Northrop-Grumman companies.

### EXPLANATION OF FINDINGS

The purpose of this Recommended Decision is to determine if the evidence submitted is sufficient to establish employment under the Energy Employees Occupational Illness Compensation Program Act. In order to qualify for benefits under this program, it must be shown that an employee worked at a covered facility under the EEOICPA, as shown in the DOE's Federal Register and online at:

<http://www.hss.energy.gov/healthsafety/fwsp/advocacy/faclist/findfacility.cfm>

Based on your hearing testimony, and evidence submitted in your claim, the district office acknowledges that you may have worked at DOE locations not on the above list, however, only the DOE locations on the covered facility list qualify for purposes of this program. Similarly, although you may have received grants from the DOE for your inventions, this type of association with the DOE, in itself, does not constitute covered employment under the Act. We reviewed the documents you submitted regarding your scientific research and inventions. While some of these documents relate to your inventions by the DOE, they did not specifically indicate that you worked directly at a covered DOE facility while performing research, development, testing, etc. *\* Fala*

Of the facilities you reported to us, only Brookhaven National Laboratory, the Hanford Site, and Area IV of the Santa Susanna Field Laboratory are covered under this program. According to the 02/22/12, hearing transcript, you never worked at the Hanford Site. In order to be a covered employee at any of these locations, your duty station must have been a covered facility, and you must have been physically present at these locations and performed a "covered service" for the DOE. A covered service is that which is essential or relevant to the DOE's functioning and/or mission. (See EEOICPA Procedure Manual 2-500 (14).) As noted in the Procedure Manual, the delivery of goods is specifically excluded from the definition of a covered service. ←

With regard to the Brookhaven National Laboratory, the district office has reviewed the additional employment evidence submitted in your claim. Specifically, the district office reviewed your 03/07/12, letter in which you outline your employment at Brookhaven National Laboratory from 06/80 to 04/01. This letter describes the purpose of your visits was for the testing of your invention. In your letter you indicate your initial visit was around 06/90; there were subsequent visits to deliver and retrieve your invention, identify potential field test locations, and to meet with managers. The DOE was unable to find personnel records or other documents showing you were a visitor at this facility. As previously stated, the delivery of goods is not considered a covered service, and does not constitute covered employment at a DOE facility. ← *Set up first visit*

The district office received pension documents showing that you worked for Northrop-Grumman from 1986 to 1994. Northrop-Grumman is known to have had a contract with the Brookhaven National Laboratory during the 1990's. In order to establish covered employment, it must be shown that you were working on site at Brookhaven National Laboratory while Northrop-Grumman had a contract with the DOE, and that your work activities constitute a covered service other than the delivery of goods. ← *Set*

The district office reviewed your 03/22/12, letter in which you identify the dates of your employment with Rockwell International, from 1976 to 1980. You also list the names of former co-workers. The district office contacted the DOE to verify your employment, and request personnel records. The DOE responded that from 1974 to 1978, you worked at the Rockwell Science Center in Thousand Oaks, CA. However, the DOE had no information showing you were employed at any covered facility under this program. While, it is known that Rockwell International was a contractor at the Hanford Site, Area IV of the Santa Susanna Field Laboratory, and the De Soto Avenue Facility, this is not sufficient to establish you as a covered employee. ← It is also acknowledged that Boeing North America acquired Rockwell International; therefore Boeing is shown on your Social Security records.

By letter dated 06/11/12, the district office requested that you provide evidence of your presence on site at the Brookhaven National Laboratory, and Area IV of the Santa Susanna Field Laboratory. The district office provided several Employment Affidavit Forms to be completed by individuals who had first-hand knowledge of you being

physically present at these facilities, such as co-workers. Thirty days were provided for the submission of evidence and/or affidavits. In response, the district office received numerous letters and documents relating to your claim; however we did not receive sufficient evidence to establish your presence at any covered facility.

#### CONCLUSIONS OF LAW

Of the facilities you reported to us, only Brookhaven National Laboratory, the Hanford Site, and Area IV of the Santa Susanna Field Laboratory are covered under this program. In order to be a covered employee at any of these locations, your duty station must have been a covered facility, and you must have been physically present at these locations and performed a "covered service" for the DOE. A covered service is that which is essential or relevant to the DOE's functioning and/or mission. (See EEOICPA Procedure Manual 2-500 (14).) As noted in the Procedure Manual, the delivery of goods is specifically excluded from the definition of a covered service.

The evidence received is not sufficient to establish you had covered employment under the Act. Accordingly, the district office recommends that your claim be denied under Parts B and E of the Act.

Prepared by:

Kimberley Bender

Kimberley Bender  
Claims Examiner



**NOTICE OF RECOMMENDED DECISION AND CLAIMANT RIGHTS**

The District Office has issued the attached recommended decision on your claim under Part B and Part E of the Energy Employees Occupational Illness Compensation Program Act. This notice explains how to file objections to the recommended decision. This notice also explains what to do if you agree with the recommended decision and want the Final Adjudication Branch (FAB) to issue a final decision before the 60-day period to object has ended. Read the Instructions contained in this notice carefully.

9/7/12  
480

**IF YOU WISH TO OBJECT TO THE RECOMMENDED DECISION:**

If you disagree with all or part of the recommended decision, you **MUST** file your objections to it within sixty (60) days from the date of the recommended decision by writing to the FAB at:

Final Adjudication Branch  
U.S. Department of Labor, EEOICPA  
PO Box 77918  
Washington, DC 20013

If you want an informal oral hearing on your objections, at which time you will be given the opportunity to present both oral testimony and written evidence in support of your claim, you **MUST** request a hearing when you file your objections. If you have special needs (e.g., physical handicap, dates unavailable, driving limitations, etc.) relating to the scheduling (time and location) of the hearing, those needs must be identified in your letter to the FAB requesting a hearing. In the absence of such a special need request, the FAB scheduler will schedule the hearing in accordance with the hearing provisions in the EEOICPA regulations. If you do not include a request for a hearing with your objections, the FAB will consider your objections through a review of the written record, which will also give you the opportunity to present written evidence in support of your claim. If you fail to file any objections to the recommended decision within the 60-day period, the recommended decision will be affirmed by the FAB and your right to challenge it will be waived for all purposes.

**IF YOU AGREE WITH THE RECOMMENDED DECISION:**

If you agree with the recommended decision and wish for it to be affirmed in a final decision without change, you may submit a written statement waiving your right to object to it to the FAB at the above address. This action will allow the FAB to issue a final decision on your claim before the end of the 60-day period for filing objections. If you wish to object to only part of the recommended decision and waive any objections to the remaining parts of the decision, you may do so. In that situation, the FAB may issue a final decision affirming the parts of the recommended decision to which you do not object.

**BE SURE TO PRINT YOUR NAME, FILE NUMBER AND DATE OF THE RECOMMENDED DECISION ON ANY CORRESPONDENCE SUBMITTED TO THE FAB.**

Please be advised that the final decision on your claim may be posted on the agency's website if it contains significant findings of fact or conclusions of law that might be of interest to the public. If it is posted, your final decision will not contain your file number, nor will it identify you or your family members by name.

U.S. Department of Labor, DEEOIC  
Final Adjudication Branch  
P.O. Box 77918  
Washington, DC 20013-7918

Fax: (202) 513-6401

Dear Sir or Madam:

I, \_\_\_\_\_, being fully informed of my right to object to any of the findings of fact and/or conclusions of law contained in the recommended decision issued on my claim for compensation under Parts B and E of the Energy Employees Occupational Illness Compensation Program Act, do hereby waive those rights.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

xxx-xx-1378  
File Number

- You are here: [EPA Home](#)
- [Region 2](#)
- [Cleanup](#)
- [Site Lists http://www.epa.gov/region02/cleanup/sites/index.html](http://www.epa.gov/region02/cleanup/sites/index.html)
- New York Sites

211 New York Sites [45 on Long Island in Table Below]

Click on the headings to view sites by Name, County, City or Cleanup Type.

Site Name	County	City	Cleanup Type
1. AGFA Corp. - Peerless Photo Products	Suffolk	Shoreham	RCRA
2. Anchor Chemicals	Nassau	Hicksville	NPL
3. Applied Environmental Services	Nassau	Glenwood Landing	NPL
4. Brookhaven National Laboratory/USDOE	Suffolk	Upton	NPL
5. Circuitron Corporation	Suffolk	Farmingdale	NPL
6. Clatmont Polychemical	Nassau	Old Bethpage	NPL
7. Computer Circuits	Suffolk	Hauppauge	NPL
8. Edmos Corporation	Nassau	Glen Cove	RCRA
9. Fairchild Republic Company	Nassau	Farmingdale	RCRA
10. Fulton Ave.	Nassau	Hempstead	NPL
11. Genzale Plating Co.	Nassau	Old Bethpage	NPL
12. Goldisc Recordings Inc.	Suffolk	Holbrook	NPL
13. Gowanus Canal	Kings	Brooklyn	NPL
14. Hooker Chemical/Rulo Polymer Corp.	Nassau	Hicksville	NPL
15. Islip Municipal Sanitary Landfill	Suffolk	Long Island	NPL
16. Jackson Steel	Nassau	Mineola/North Hempstead	NPL
17. Kenmark Textile Corp.	Suffolk	Farmingdale	NPL
18. Lawrence Aviation Industries Inc.	Suffolk	Port Jefferson Station	NPL
19. LI Tungsten Corporation	Nassau	Glen Cove	NPL
20. Liberty Industrial Finishing	Nassau	Farmingdale	NPL
21. Mackenzie Chemical Works	Suffolk	Central Islip	NPL
22. Marlborough Press LTD	Nassau	Plainview	RCRA
23. Mattiace Petrochemical Co. Inc.	Nassau	Glen Cove	NPL
24. Naval Weapons Industrial Reserve Plant	Suffolk	Calverton	RCRA
25. Newtown Creek	Kings	Brooklyn	NPL
26. North Sea Municipal Landfill	Suffolk	Southampton	NPL
27. Northrop Grumman Corporation (Bethpage)	Nassau	Bethpage	RCRA
28. Old Bethpage Landfill	Nassau	Oyster Bay	NPL
29. Old Roosevelt Field Contaminated Groundwater Area	Nassau	Garden City	NPL
30. Pasley Solvents & Chemicals Inc.	Nassau	Hempstead	NPL
31. Peninsula Boulevard Ground Water Plume	Nassau	Hewlett	NPL
32. Port Washington Landfill	Nassau	North Hempstead	NPL
33. Preferred Plating Corp.	Suffolk	Babylon	NPL
34. Pride Solvents & Chemical Company Incorporated	Suffolk	West Babylon	RCRA
35. Radium Chemical Company Inc.	Queens	Woodside/Queen	NPL
36. Republic Environmental Systems	Nassau	Farmingdale	RCRA

EXHIBIT B

Site No.	Site Name	County	City	Cleanup Type
37	Rove Industries Groundwater Contamination	Suffolk	Village of Sag Harbor	NPL
38	Smithtown Ground Water Contamination	Suffolk	Smithtown	NPL
39	SMS Instruments Inc.	Suffolk	Deer Park	NPL
40	Stanton Cleaners Area Ground Water Cont.	Nassau	Town of Great Neck	NPL
41	Simpson Co. Inc.	Suffolk	Bayport	RCRA
42	Summerfield Street	Queens	Ridgewood	Removal
43	Sybaset Landfill	Nassau	Oyster Bay	NPL
44	Triumvirate Environmental Incorporated	Queens	Astoria	RCRA
45	Tronic Plating Co. Inc.	Suffolk	Farmingdale	NPL

#### GLOSSARY OF TERMS RELATED TO CERCLA, EPCRA, PPA, RCRA and TSCA

(<http://homer.ord.gov/sesa/environment/guidance/cercla/gloss97.pdf>)

This glossary contains CERCLA-, EPCRA-, PPA-, RCRA- and TSCA- related terms that are most often encountered in U.S. Department of Energy (DOE) environmental management activities. Detailed definitions are included for key terms, along with source references and alphabetically listed acronyms. [This glossary supercedes DOE/EH-0347, October 1993.]

The CERCLA definitions included in this glossary are taken from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended and related federal rulemakings (e.g., 40 CFR 300, National Oil and Hazardous Substances Pollution Contingency Plan).

The EPCRA definitions included in this glossary are taken from the Emergency Planning and Community Right to Know Act and related federal rulemakings (e.g. 40 CFR 370, EPA Hazardous Chemical Reporting and Community Right-To-Know Requirements).

The PPA definitions included in this glossary are taken from the Pollution Prevention Act.

The RCRA definitions included in this glossary are taken from the Resource Conservation and Recovery Act (RCRA) and related federal rulemakings (e.g. 40 CFR 264, EPA Regulations for Owners and Operators of Permitted Hazardous Waste Facilities).

The TSCA definitions included in this glossary are taken from the Toxic Substances and Control Act (TSCA) and related federal rulemakings (e.g. 40 CFR 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions). Definitions related to TSCA are limited to those sections in the statute and regulations concerning PCBs and asbestos.

CERCLA BASELINE RISK ASSESSMENT (References 41, 48) (Human Health Evaluation) Under Sections 104 and 121 of CERCLA, the U.S. Environmental Protection Agency (EPA) is required to assess the risks to human health posed by uncontrolled hazardous waste sites on the National Priority List (NPL). That assessment is conducted in the remedial investigation/feasibility study (RI/FS) phase of the site cleanup process. When applied to the evaluation of the human health impacts caused by uncontrolled CERCLA sites (i.e., if no remedial action is taken), this process is termed the "baseline risk assessment."

Housatonic Pilot Plant, which has also been called the Housatonic Avenue Plant.

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## 60 - Brookhaven National Laboratory

**State:** New York    **Location:** Upton  
**Time Period:** 1947-present  
**Facility Type:** Department of Energy

**Facility Description:** Brookhaven National Laboratory (BNL) is the former site of a U.S. Army installation (Camp Upton) and has been involved in research and development activities in support of the Department of Energy (DOE) and its predecessor agencies since 1947. BNL's facilities conduct basic and applied research in high energy and nuclear physics and in other areas of science.

Throughout the course of its operations, the potential for beryllium exposure existed at this site, due to beryllium use, residual contamination, and decontamination activities.

**CONTRACTORS:** Brookhaven Science Association (Battelle Memorial Institute and State University of New York at Stony Brook)(1998-Present); Associated Universities, Incorporated (1947-1998)

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## 61 - Brush Beryllium Co. (Detroit)

**State:** Michigan    **Location:** Detroit  
**Time Period:** 1942-1950s  
**Facility Type:** Atomic Weapons Employer    Beryllium Vendor

**Facility Description:** The Brush Beryllium Company in Detroit, MI, was one of several companies that rolled or extruded uranium rods for Hanford reactor fuel in the late 1940s and early 1950s. In 1950, Hanford began making rolled uranium rods onsite, but the Atomic Energy Commission shifted the rolling work to the Fernald, OH, Feed Materials Production Center and its supporting contractors in 1952. A number of private companies, including Brush Beryllium Company, contracted with Fernald to provide Hanford with these rolled rods.

Due to Brush Wellman's status as a statutory beryllium vendor, all employees of Brush Wellman in the U. S., regardless of location, are covered for the entire period for which Brush Wellman and its predecessors supplied beryllium to the U. S. Department of Energy or its predecessor agencies. That period is defined as August 18, 1943 and continuing.

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## 311 - Sylvania Corning Nuclear Corp. - Hicksville Plant

Also Known As: General Telephone and Electronics Laboratories (GTE)

Also Known As: Sycor

State: New York Location: Hicksville

Time Period: 1952-1966

Facility Type: Atomic Weapons Employer

Facility Description: Under Atomic Energy Commission (AEC) contracts, the facility was used for research and development with radioactive materials, principally uranium and thorium. It was also licensed by the AEC to fabricate reactor fuel elements for the AEC, for Sylvania use, for sale, and for research purposes.

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## 312 - Tapemation

State: California Location: Scotts Valley

Time Period: 1990-1995

Facility Type: Beryllium Vendor

Facility Description: Tapemation is a machine shop that provided services to Sandia National Laboratory, California. Several small jobs involved the precision machining of beryllium-copper materials.

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## 313 - Tech-Art, Inc.

State: Ohio Location: Milford

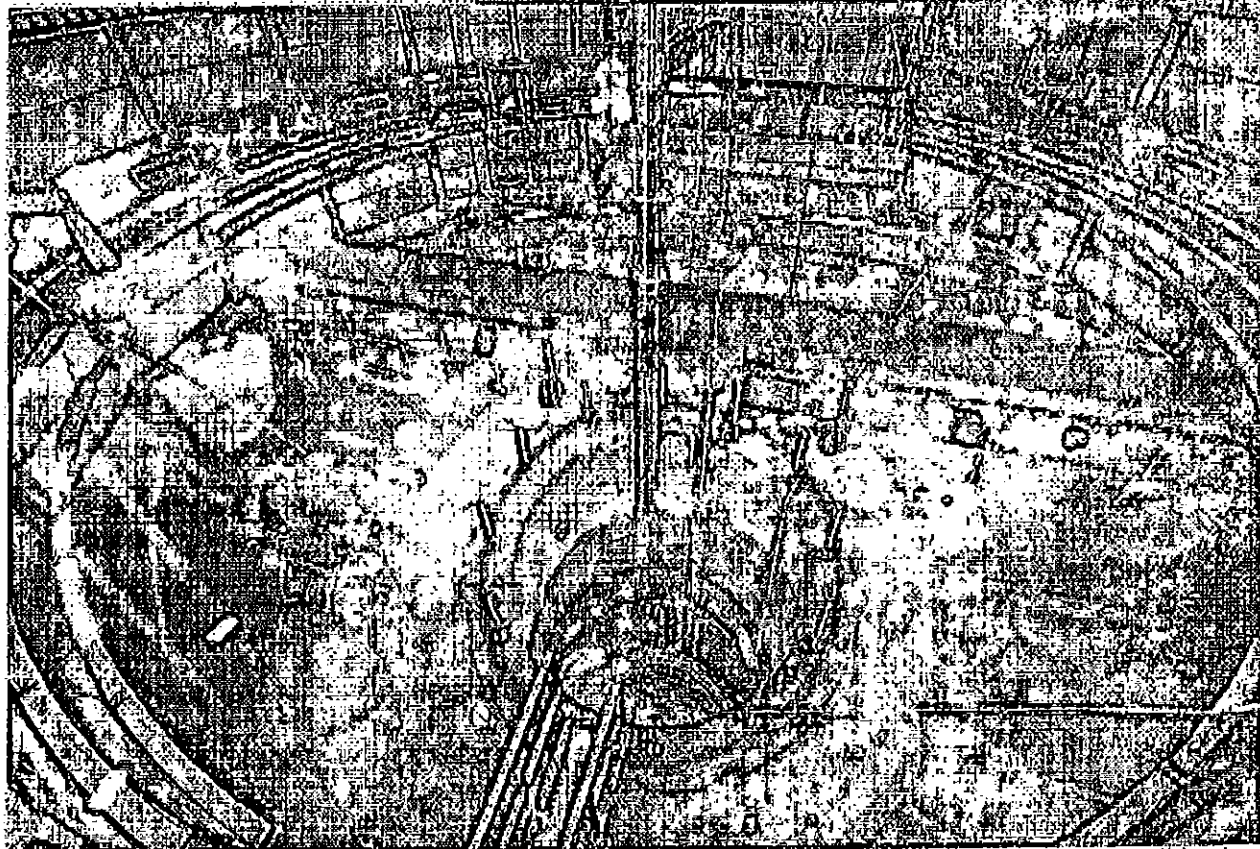
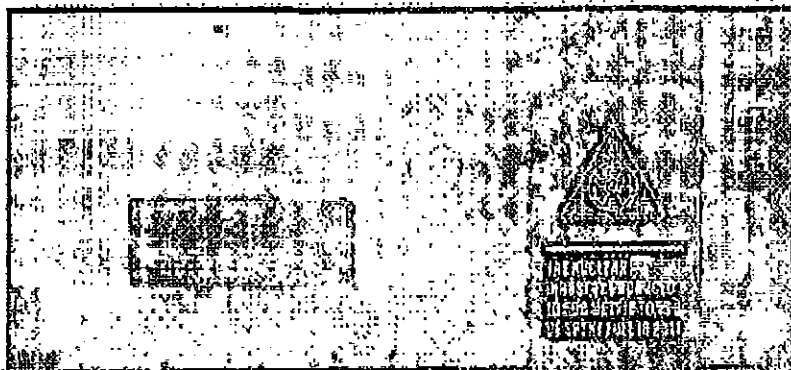
Time Period: 1952

Facility Type: Atomic Weapons Employer

Facility Description: In 1952, National Lead Company of Ohio (Fernald) used Tech-Art to grind inserts as part of a study of Firth Sterling HF carbide profile inserts in conjunction with the machining development program. Additional documentation shows that Tech-Art possessed a subcontract with NLO for "[m]achine shop operations on Government owned materials at prescribed hourly rates of pay."

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# NEWS



## A FISSION-FUSION FUSION

Could a marriage of fusion and fission reactors save both technologies?

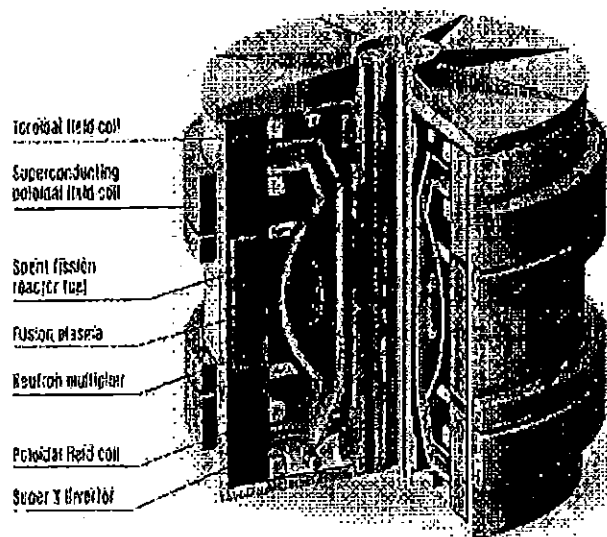
BY WILLIAM SWEET

**☒** What if you could help solve the nuclear waste problem and at the same time give fusion research a new raison d'être? A trio of physicists at the University of Texas at Austin have dreamed up a trick to pair nuclear fusion and fission in a way they think could open more promising futures for both technologies.

*THEY HOPE A tokamak reactor could make the fuel rods removed from this fission reactor safer to store.*

Their idea is to surround a compact, circular tokamak fusion reactor they have devised with a ring containing the most noxious waste products from nuclear power plants. Neutrons emanating from the fusion reactor would break down long-lived transuranic radioactive wastes from spent fuel and turn them into much shorter-lived elements. The net effect would be to convert high-level radioactive wastes containing elements like americium and curium, which need to be stored safely for 100,000 years or more—a problem that has derailed big storage projects like Yucca Mountain—into fission products, such as barium, that fully decay in hundreds of years.

**EXHIBIT C**



**TRANSMUTING TOKAMAK:** Toroidal and poloidal magnetic fields compress a deuterium and tritium plasma until it fuses, releasing a dense shower of neutrons, charged particles, and unburned fuel. The neutrons smash into a blanket of spent fission fuel that surrounds the fusion reactor, transmutting the more dangerously radioactive elements in the spent fuel into shorter-lived isotopes. Meanwhile, the hot unburned fuel is swept away by the Super X Divertor.

But this scheme wouldn't work unless scientists and engineers could come up with a neutron source that was simultaneously intense and compact. A source like that would have its own waste disposal problem: The plasma core would emit heat and a flow of particles so intense they would destroy the machine.

In a standard tokamak, magnetically confined deuterium and tritium fuse in a plasma, releasing neutrons, electrons, and alpha particles (helium nuclei). The magnetic field lines confining the plasma consist of open regions—where the lines penetrate the reactor—and closed regions, where they form self-contained ovoids. At the so-called X-point where the lines are open, the plasma can be tapped to let unburned ions escape, transferring their heat to a metallic plate. The rub is that in some tokamaks, that concentrated stream of plasma would melt any conceivable plate.

The Texas team of researchers—Swadesh Mahajan, Mike Kotschoureuther, and Prashant Valanju—came up with the idea of redesigning the fields to broaden the X-point and channel the ash stream into a divertor, where they would place a second

X-point well away from the main plasma. Fanning out from the second X-point, the wider waste stream would be able to transfer 5 to 10 times as much heat, or 10 megawatts of heat per square meter.

This design, called the Super X Divertor, will be put to the test as a centerpiece of a £30 million (US \$48 million) upgrade to the MAST, or Mega Amp Spherical Tokamak, at the Culham Science Center in Abingdon, England, according to the center's CEO, Steve Cowley.

The researchers at Culham aren't really interested in turning this tokamak into a spent fuel transmutation unit, but the 12-year-old fusion machine, when upgraded and operating again in 2015, will be similar to such a unit. In the transmutation scheme, a modular spherical tokamak is surrounded by a blanket of spent fuel rods. The physical arrangement is rather like that of a standard fast-breeder reac-

tor, in which neutrons emitted from a core of plutonium or highly enriched uranium are captured in a blanket consisting of nonfissionable uranium-238, which transmutes to fissionable plutonium. The Super X Divertor will make it possible to design and build a tokamak compact enough to emit the dense cloud of neutrons needed to transmute nuclear wastes.

For the record, the Texas team is not the first to propose using fusion-generated neutrons to chop the half-lives of fission wastes. Ideas for fission hybrids have been kicking around since the 1950s. Several years ago, Weston M. Stacey of Georgia Tech came up with what Mahajan calls the "canonical concept" for a hybrid in which a fission reactor would be embedded inside a large tokamak, a vision Stacey calls the Subcritical Advanced Burner Reactor.

Separately, the Nobel Prize-winning physicist Carlo Rubbia has talked up the idea for two decades of having protons from an accelerator bombard a target, knocking off neutrons, which in turn do the work of fracturing transuranics. A test of that approach began last January, at the Belgian Nuclear Research Centre, in Mol, when an accelerator and reactor were linked for the first time.

An obvious problem with Stacey's hybrid is how to implant and remove fuel from—not to mention maintain—a fission reactor that is surrounded by a tokamak generating hugely energetic plasma fluxes. The obvious problems with accelerator-driven systems, says Mahajan, are their relatively unattractive neutron economics and the rather Rube Goldberg-esque sense of the overall system design.

But the Texas approach also could look increasingly like one of Goldberg's mad engineering drawings as the specific details are fleshed out. For example, for the transuranic waste to be fully converted to shorter-half-life elements, three stages of fuel reprocessing would be required, with extracted elements reinserted into the tokamak blanket for further fissioning. Right now only the Super X Divertor is a well-developed design. ■

The ITER fusion device now under construction will exceed 5000 metric tons. A hybrid fission-fusion reactor would weigh less than 200 metric tons.



FAX #4
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Dear Ms. Felder: I called your office but received no return call or confirmation that the email below and three attachments were received. Your receptionist told me to Fax the evidence you requested. Accordingly, I will be faxing six (6) Faxes, one for each attachment my 2<sup>nd</sup> email below, originally sent on 2/5/13.  
Yours truly,

February 6, 2013

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From:  
To: talktosolis@dol.gov  
Subject: 5th try FW: 2nd Response to your January 18, 2013 Letter RE: DOL IG Investigation (DOL/EEOICPA File Number: xxx-xx-1378)  
Date: Wed, 6 Feb 2013 14:09:15 -0500  
The email below has been rejected more than once. Please forward this to:  
Niesha Felder, Complaint Analyst  
Office of Inspector General  
200 Constitution Avenue, NW  
Room S-5502  
Washington, DC 20210  
Telephone: (202) 693-5100  
Fax: 202-693-7020  
[hotline@oig.dol.gov](mailto:hotline@oig.dol.gov)

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From:  
To: [hotline@oig.dol.gov](mailto:hotline@oig.dol.gov)  
CC: [felder.niesha@oig.dol.gov](mailto:felder.niesha@oig.dol.gov)  
Subject: FW: 2nd Response to your January 18, 2013 Letter RE: DOL IG Investigation (DOL/EEOICPA File Number: xxx-xx-1378)  
Date: Tue, 5 Feb 2013 17:53:07 -0500  
The email below was also rejected because I used the wrong email [hotiine@oig.dol.gov](mailto:hotiine@oig.dol.gov) instead of [hotline@oig.dol.gov](mailto:hotline@oig.dol.gov). Ms Felder's email also bounced.

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From:  
To: [hotiine@oig.dol.gov](mailto:hotiine@oig.dol.gov)  
CC: talktosolis@dol.gov; ombudsman@dol.gov; db\_dcch@hotmail.com; lawyergg@zoomnet.net; felder.niesha@oig.dol.gov; bilal.malik@mail.house.gov; krystyna.baumgartner@mail.house.gov  
Subject: RE: 2nd Response to your January 18, 2013 Letter RE: DOL IG Investigation (DOL/EEOICPA File Number: xxx-xx-1378)  
Date: Tue, 5 Feb 2013 17:16:04 -0500  
Niesha Felder, Complaint Analyst c/o  
**Daniel R. Petrole**, Deputy Inspector General  
Office of Inspector General  
200 Constitution Avenue, NW  
Room S-5502  
Washington, DC 20210  
Telephone: (202) 693-5100  
[hotline@oig.dol.gov](mailto:hotline@oig.dol.gov)

**DOL IG Investigation** (DOL/EEOICPA File Number: xxx-xx-1378)

Dear Ms. Felder: Please accept the six (6) attachments as further evidence requested in your January 18, 2013. The first 5 were submitted my 2nd Hearing Examiner, Matthew Fowler, Hearing Representative Final Adjudication Branch. I didn't think the 6<sup>th</sup> was necessary and Congressman Bishop may have additional evidence from his investigation as noted in the 2nd attachment.

1. "1st Objection-Grumman-11\_4\_12.pdf" dated November 4, 2012 entitled: **OBJECTION RE: NORTHROP-GRUMMAN**

EXHIBIT D
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2. **"2nd\_Objection-11\_10\_12.pdf"** dated November 10, 2012 entitled: **2nd OBJECTION Based on New Evidence of Waste, Fraud & Abuse (Received Late Friday 11/9/12; Mailed 11/5/12)**
  1. □ Note CCC: Congressman Bishop Attention: Bilal Malik District Office Congressman Timothy Bishop, 31 Oak Street, Suite 20 Patchogue, NY 11772 Fax: 289-3181 &
  2. □ Exhibit A; **CASE INFORMATION AND PRIVACY RELEASE FORM AUTHORIZATION**
  3. **"Chronicle-11\_16\_12.pdf"** dated November 16, 2012 entitled: **"CHRONOLOGY OF EMPLOYMENT AT COVERED FACILITIES (Request @ November 13, 2012 Hearing**
  4. **"3rd-Evidence-Grumman-12\_8\_12.pdf"** dated December 8, 2012 entitled: **"Additional Evidence Grumman Aerospace Corporation Is a Covered Contractor, Subcontractor & Should be a Covered Facility"**
  5. **"4th-Evidence-BNL-12\_12\_12.pdf"** dated December 12, 2012 entitled: **"Additional Evidence Supporting My Testimony & More Evidence of Fraud"**
  6. **"Grumman Response to Appeal-12\_26\_12.pdf"** dated December 26, 2012 proves Grumman believes I worked at covered facilities.

Yours truly,

December 8, 2012

Matthew Fowler  
 Hearing Representative  
 Department of Labor (EEOICPA)  
 Final Adjudication Branch  
 P.O. Box 77918 Washington,  
 D.C. 20013-7918  
 866-538-8143 F: 202-513-6401

**Additional Evidence Grumman Aerospace Corporation  
 is a Covered Contractor, Subcontractor & Should be a Covered Facility**

Re: DOL/EEOICPA File Number: xxx-xx-1378

Dear Mr. Fowler: Exhibits II-IV contain additional information requested by you at my November 13, 2012 Hearing in support of my testimony and my "2nd OBJECTION Based on New Evidence of Waste, Fraud & Abuse" dated November 10<sup>th</sup> 2012 -- three (3) days before my November 13<sup>th</sup> Hearing. These Exhibits relate to Grumman Aerospace Corporation (hereinafter "Grumman").

**Material Facts Overlooked By Kimberly Bender, Amrene K. Smith, Tracy Smart, Lora Yancy,  
 David F. Howell, Amanda Wine, Glen S. Podansky, Rachel P. Leiton & Others**

Kimberly Bender, Amrene K. Smith, Tracy Smart, Lora Yancy, David F. Howell, Amanda Wine, Glen S. Podansky and Rachael P. Leiton (Director, DEEOIC, DOL) know or should have known President Truman signed the McMahon/Atomic Energy Act on August 1<sup>st</sup> 1946, transferring control of atomic energy from military to civilian hands on January 1<sup>st</sup> 1947.

Upon classified information, belief, and Exhibits II & III, there can be no question that Grumman's nuclear programs for weapons, space, propulsion, nuclear-power generation, etc., were funded by the Atomic Energy Commission (AEC) and its successors before and after 1975 -- the year the AEC was split into the Nuclear Regulatory Commission (NRC) & Energy Research and Development Administration (ERDA). In 1977, ERDA was combined with the Federal Energy Administration (FEA) to form the U.S. Department of Energy (DOE).

Table I identifies ERDA & DOE funded programs which provide proof Grumman's facilities in Bethpage, NY & Calverton, NY are, in fact, covered facilities according to the EEOICPA Rules & Definitions cite in Table II: *Rules In EEOICPA Procedure Manual 2-500 Sections That Kimberly Bender Disregarded and/or Misrepresented.* As noted in Exhibit I, Grumman was "... a prime AEC/ERDA/DOE contractor & sub-contractor before becoming Northrop-Grumman in 1994". See Exhibits II, III, IV & Table I.

Years	Table I. Grumman/ERDA/BNL/DOE Reports
1976	Tokamak Fusion Test Reactor Report, (ERDA Contract EY-76-C- 02-3073): "MANUFACTURING ASPECTS OF TOROIDAL FIELD MAGNETS FOR TOKAMAK POWER REACTORS" by Gray E. Smith, Grumman Aerospace Corporation, Belhpage, NY
1976/77	"TOKAMAK FUSION TEST REACTOR VACUUM - VESSEL - DEVELOPMENT OF ELECTRICAL RESISTANCE BELLOWS" by Joseph Willko, Grumman Aerospace Corporation, Belhpage, NY 11714 & Nicholas V. Kownouras, EBASCO Services Inc., New York, NY. 10007 (ERDA Contract E(II-4) - 3073 with Princeton University, Princeton, NJ another covered EEOICPA facility)
1981 Syr plan for 1982 to 1987	"NEUTRAL BEAM DEVELOPMENT PLAN - FY 1982 - 1987", Magnetic Fusion Energy: TIC-45001 (September 1981 BNL--S1436, DE82 006122); Research Sponsored by DIVISION OF MAGNETIC FUSION ENERGY UNITED STATES DEPARTMENT OF ENERGY, WASHINGTON, D.C., BNL's NEUTRAL BEAM DEVELOPMENT GROUP ACCELERATOR DEPARTMENT. [See: XI. Organization and Grumman Participation, pg 38 & Acknowledgements: "The program schedule and budget evaluation was a collaborative effort of the BNL staff and personnel of the Grumman Aerospace Corporation"]
Before 1987	BNL--39695 "NUCLEAR PROPULSION SYSTEMS FOR ORBIT TRANSFER BASED ON THE PARTICLE BED REACTOR" by J. R. Powdi, et. al., Brookhaven National Laboratory, Upton, NY 11973 & M. Solon, et. al. Grumman Aerospace Corporation, Belhpage, NY & B. Short, et. al., Babcock and Wilcox, Lynchburg, VA & R. Boyle et al Garrett Corporation, Phoenix, AZ 85010
Before 1993	"UTRLA VIOLET FREE ELECTRON LASER FACILITY PRELIMINARY DESIGN REPORT", BNL-48565 (DE93 009360). NOTE: "Design and construction of such a gun (Gun II) has begun under a joint Grumman-Brookhaven National Laboratory (BNL) research collaboration." (Quote from pg. II.A.3.a-1, before JANUARY 1993)
11/87 to 5/95	"SPACE NUCLEAR THERMAL PROPULSION PROGRAM FINAL REPORT [SNTP] by R.A. Hastlett, Grumman Aerospace Corporation, Oyster Bay Road, Belhpage, NY 11714, Final Report, May 1995 from <a href="http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA305996">http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA305996</a>