

BUSINESS CONFIDENTIAL

LOCKHEED MARTIN

Memorandum

Date: February 16, 1996 ✓
POEF-150-96-0088

To: Dan Hupp

From: Don Butler *Don*

Subject: Internal Investigation into Health Physics Management Practices

On Thursday, February 1, 1996, at the direction of General Manager Dale Allen, through Security Group Manager Dan Hupp, and Safety, Safeguards, and Quality Manager Lee Fink, I and Quality Assurance Specialist John Bellows, B/61173 (reporting to Lee Fink), initiated an investigation into allegations of improper conduct on the part of Health Physics supervision. On Friday, February 2, 1996, we were joined in our inquiries by Lockheed Martin Utility Services (LMUS) Ethics Officer/Internal Audit Director Ron Wetherell, B/60666.

The allegations were directed specifically at Health Physics Supervisor Mike Smith, B/60174, by Senior Health Physics Technician Monte (Chris) Kelley, B/60387 to her organization manager, Production Support Organization Manager Sandra Fout, B/58554. The allegations concerned inconsistencies in overtime assignment, misrepresentation of training records to outside auditors, time card fraud, improperly changing an employee's dosage record, and corruption in the maintenance of the DOE LAMP Thermal Luminescent Dosimeter (TLD) Database. Mike had been placed on Crisis Suspension at 1130 hours, on February 1, 1996, by Sandra Fout, pending the outcome of the investigation.

The following personnel were interviewed during the course of this investigation:

- Research Staff Member John Bowdle, B/55503
- Senior Health Physics Technician Jeff Cunningham, B/60243
- Business Analyst Sally Cunningham, B/58612
- Health Physics Supervisor Rick Dively, B/60306
- Health Physicist Clyde Dulin, B/58488
- Production Support Organization Manager Sandra Fout, B/58554
- Research and Development Associate Rich Ginther, B/60504
- Senior Health Physic Technician Chris Kelley, B/60387

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have originated during the latter part of 1994, but didn't recall any request for dosage information, however.

Jim stated that he was the privacy officer for Internal Dosimetry only. Dr. Walter Lyon was the privacy officer for the medical department, and handled those requests on his own.

DFB

cc: Dale Allen
John Bellows

Sandy Fout
Dan Hupp

Emery Smith
Ron Wetherell

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Memorandum

LOCKHEED MARTIN

Date: February 9, 1996
POEF-150-96-0088

Lockheed Martin Utility Services, Inc.

To: [REDACTED] Dan Hopt

From: [REDACTED] Don Butur

Subject: Internal Investigation into Health Physics Management Practices

On Thursday, February 1, 1996, at the direction of [REDACTED] through [REDACTED] and [REDACTED], I and [REDACTED] (reporting to [REDACTED]), initiated an investigation into allegations of improper conduct on the part of [REDACTED]. On Friday, February 2, 1996, we were joined in our inquiries by Lockheed Martin Utility Services (LMUS) [REDACTED].

The allegations were directed specifically at [REDACTED], by [REDACTED] to her [REDACTED]. The allegations concerned inconsistencies in overtime assignment, misrepresentation of training records to outside auditors, time card fraud, improperly changing an employee's dosage record, and corruption in the maintenance of the DOE/LAP Thermal Luminescent Dosimeter (TLD) Database. [REDACTED] had been placed on Crisis Suspension at 1130 hours, on February 1, 1996, by [REDACTED], pending the outcome of the investigation.

The following personnel were interviewed during the course of this investigation:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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*Bill
people
who
worked
in the
TPD*

inconsistency

Background/talking points—Walburn testimony (2 pages)

- We cannot provide any information on dosimetry practices prior to 1993, when USEC assumed responsibility for operations at the Portsmouth site.
- A review of Walburn's medical records by our site physician did not reveal any alteration of his medical diagnosis.
- An internal investigation of Walburn's allegations did not reveal proof that his doses had been changed as a result of pending litigation. This report has been made available to external agencies upon request. The report was shortened and redacted to protect the individuals involved. This was done to ensure that our employees continue to feel free to express concerns to management without the fear of their names and concerns being made public.
- Internal and external investigations have never substantiated that any of Walburn's dosimetry records were destroyed. These records currently remain intact.
- The Company was unable to document the source of Walburn's alleged exposure. The Company and UPGWA jointly requested NIOSH to conduct a health hazard evaluation of this event. DOE and Martin Marietta Energy Systems Central Safety and Health organization (Oak Ridge) also investigated the incident.
- Doses are changed based on current health physics practices and procedures. These practices are based on scientific methods for determining doses. Several things may cause dosimetry doses to be investigated and adjusted when it is believe the doses are in error. All records of doses which have been changed are maintained in the individual's dosimetry record file. Examples of when this may happen are when dosimetry is lost, accidental exposure to medical radiation occurs, a TLD is inadvertently put through an airport x-ray machine, etc.

If the investigation report (POEF-150-96-0088) is made public:

- The February 1996 investigation revealed that doses had been conservatively assigned at levels greater than what would be expected. These assignments were done without proper investigation.
- The February 1996 investigation revealed a need for improvement in dosimetry records. At this time, LMUS was transitioning from the DOELAP database to the NVLAP database in preparation for NRC regulation. (DOELAP—Department of Energy Laboratory Accreditation Program; NVLAP—National Voluntary Laboratory Accreditation Program)
- The supervisor submitted his resignation following the investigation.
- A problem report was initiated and a corrective action plan developed following the investigation. As a result, we did the following:
 - Developed guidance for controlling and reporting information stored in dosimetry databases (Completed 6-21-96)
 - Established accountability for dosimetry records (Completed 6-21-96)
 - Historical dosimetry records were collected and placed in personnel files (Completed 7-30-96)
 - Validation of DOELAP database conducted by outside experts. (Completed 9-16-96)

19/15/98

As part of an OSHA settlement in 1998, we conducted a reconstruction of the USEC dosimetry database (1993 and forward), which involved review of approximately 1,800 records. This took place from July 1999 to February 2000 and was done to provide the most accurate doses possible, reconstructed either from actual dosimetry readings or based on scientific methods for estimating doses. (e.g. co-workers' doses, surveys of work locations)

Walburn's dosimetry records were not destroyed and to this day remain intact, including the initial exposure as 26 millirem. Walburn's dosimetry record from the alleged time of the exposure (7/26/94) is indicated as zero and has been that way since the initial read. The record he is alleging was changed from 26 to zero and back to 26 was from the January-March 1994 quarter, and not during the quarter of his alleged incident. To put this in perspective, our plant administrative limits are 500 millirem per year. NRC limits are 5,000 millirem per year. Most experts in radiation biology believe that actual damage from acute exposure to radiation does not occur until an individual exposure reaches 25,000 to 50,000 mrem.

1000-

tlc rts

Memorandum

LOCKHEED MARTIN

Date: February 22, 1999
POEF-X38030-99-010

To: Jim Olsen

From: Ron Smith, X-710, MS2210, PORTS (4574) *WES*

Subject: Dosimetry Reconstruction Effort (Resolution of OSHA Dosimetry Citation)

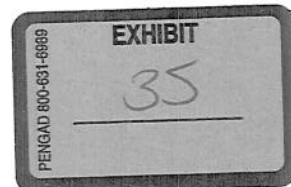
The following is the proposal for dosimetry reconstruction during the time when OSHA had jurisdiction. In spite of the fact that monitoring for individuals during the time period from July 1, 1993 to October 1, 1995, would not have been required by OSHA regulations, the following approach to dosimetry reconstruction will be taken:

- 1) Personnel who had codes which flagged in the dosimetry possessing database as requiring a calculated or estimated dose will be reviewed.
- 2) This review will include a review of glow curve information, where available.
- 3) The assignment of doses which are reviewed will include documentation as to the methodology which was used to determine the dose, e.g., recalculated dose from glow curve information, etc.
- 4) The unions will be provided with a copy of the dose results prior to and after the reconstruction of the dosimetry records. This report will be limited to the listing of before and after doses only.
- 5) Dosimetry will place a report in the individual's dosimetry record for the time period in question including:
 - a. Number of TLD measurements in which the dose was estimated and/or calculated.
 - b. Dose results before and after the reconstruction effort.
 - c. Whether the dose was calculated by the dosimetry system or manually calculated.
 - d. If manually calculated, what methodology was used in the calculation.
 - e. A final record indicating entry of the doses into the dosimetry tracking system.
 - f. Individuals may request these results by submitting appropriate documentation.
- 6) Reports will be made quarterly to the unions regarding the status of the dosimetry dose reconstruction effort and any results obtained.
- 7) As has always been the case, the unions may ask for information regarding dosimetry processes and records that do not involve information guarded by individual privacy.

The effort for dosimetry construction will begin with FY-00, i.e., after July 1, 1999. It is estimated it will take approximately 2 man-years to complete the review of the 1839 records in the reconstruction effort. Please contact me if you have any questions regarding this matter.

RES:crw

cc: Morris Brown
Tom Douglas, UPGWA
Jon Gahn, UPGWA
Brad McRee, USEC
Dan Minter, PACE
Pat Musser
Herman Potter, PACE
Tim Taufbee
Marsha Teeters





Department of Energy

Washington, DC 20585

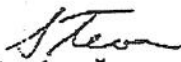
March 16, 2000

Mr. Emery Smith
Portsmouth Gaseous Diffusion Plant
Piketon, Ohio

Dear Emery,

Thank you very much for your timely response to my inquiry. The document in question, POEF150-96-0088, was requested by a Ms. Catherine Walters, Legislative Assistant to Senator George Voinovich of Ohio. I understand from you that the document contains business sensitive information and will relay that information to the staffer. Thank you very much for your quick response to my request. If you need any further information from me, please contact me at (202) 586-5470.

Sincerely,


Stephen Lerner
Office of Congressional Affairs
U.S. Department of Energy
Room 7B-180
Forrestal Building
1000 Independence Avenue, SW
Washington, D.C. 20585

Fax:

(202) 586 - 0143



Printed with soy ink on recycled paper

001638

June 11 2008
Charles O. Lawson Jr.
229 Brookside dr.
Lucasville Ohio 45648
1-259-3833

On April 22, 2008 I was attending a meeting along with our Union officers. The meeting was with the NIOSH office out of Cincinnati Ohio. NIOSH was represented by Dr. James Neton and Mr. Larry Elliott. Dr. Neton and Mr. Elliott asked if it would be OK to tape the meeting. The union president, Mr. BoCook said it would be OK if the union could get a copy of the tape. Dr. Neton and Mr. Elliott said that was no problem, they would give a copy to the union. Mr. David Adkins who is union safety rep. said OK as long as we get a copy of the tape. Jeff Walburn said it would be OK and wanted a copy also. I myself said the same and asked for a copy also.

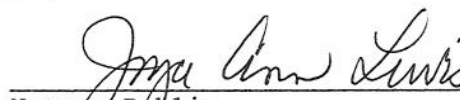
The meeting was about dose reconstruction. Our point was how it was being done and the assay of the uranium. I was using John Cardarelli's HETA report #96-0198-2651. That was done in 1996 and I made reference to the SC+A report that came out February 7, 2008. That noted that NIOSH was basing our dose on 3.5% assay when they (NIOSH) knew that we worked around 97% assay a great deal of the time. I had stated to Mr. Elliott and Dr. Neton that I had talked with John Cardarelli and that John had told me he had kept all four rewrites because he believed it would end up in court. John had told me how NIOSH Cincinnati and Washington would not let him say that it was criminal. Mr. Elliott made the comment "We couldn't let him say it was criminal." Mr. Elliott then pushed himself back from the table, then grasping his head with both hands and bent over shaking his head and a look of deep despair was on his face. He was sitting next to me at the table.


CHARLES O. LAWSON JR.

STATE OF OHIO
SCIOTO COUNTY, ss:

Charles O. Lawson Jr., being first duly sworn, says that the statements contained in this June 11, 2008, document are true.

Signed and acknowledged in my presence this 12th day of June, 2008.


Notary Public

JOYCE ANN LEWIS
Notary Public, State of Ohio
My Commission Expires June 11, 2009

Affidavit of Jeffery B. Walburn
concerning comments made by Larry Elliot
at the April 22 meeting with NIOSH and the Security Police and
Fire Professionals of America SPFPA Local # 66

I Jeffery B. Walburn was present in an official meeting April 22, 2008 at the Piketon Republican Headquarters Building in Piketon Ohio which is a facility that the SPFPA Local #66 Guard Union rents for meetings. The meeting was with Larry Elliott and Dr. James Neton of NIOSH. Also present was Mary Elliott of NIOSH who was taping the meeting. The meeting was in response to a "draft" report on dose reconstruction performed by SC & A and presented to NIOSH I officially asked Larry Elliott for a copy of the tape of the meeting as did others, Elliot agreed that we would in fact get copies of the tape. I have never received a copy of the tape. The meeting was attended by Greg Bocook, President of the Guard Union SPFPA Local # 66, and David Adkins Safety Officer for the Union. The meeting was also attended by Charles Lawson former Safety Officer of the Guard Union. Others present were Kathryn Demers of SC&A Group Health Physics expert who had presented a draft report on "dose reconstruction" for the Piketon Plant AKA (Ports) Ports. is a uranium producing plant in the NRC / DOE system in Piketon Ohio. Mark Lewis formerly of the of the USW and a technical assistant working with NIOSH and one other board member whose name I do not know was also present.

During the course of the meeting Mr. Lawson was in an exchange with Larry Elliott about the details of the HETA report John Cardarelli II M.S. of NIOSH had authored entitled HETA 96-0198-2651 Portsmouth Gaseous Diffusion Plant. Mr. Lawson was referring to a conversation he had had with John Cardarelli concerning the report and the 4 peer reviews NIOSH had done on Cardarelli's report. Mr. Lawson said to paraphrase that Mr. Cardarelli had said that he had kept copies of the original draft and that he had found criminality at Ports. in 1997 and he had reported this to NIOSH during his investigation of the plant and that NIOSH was aware. At this time Larry Elliott spoke up and said plainly in response to Mr. Lawson's allegation and I quote, "We couldn't let him say that." Mr. Lawson stopped his statement after this response. The exchange can be heard on the taped copy of the meeting which has been asked for and is in the possession of NIOSH.


JEFFERY B. WALBURN

I Jeffery B. Walburn do swear and affirm that this statement is true

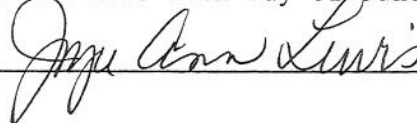
Date: June 12, 2008

Witness



STATE OF OHIO, SCIOTO COUNTY, ss:

Sworn to before me and subscribed in my presence this 12th day of June, 2008.



JOYCE ANN LEWIS
Notary Public, State of Ohio
My Commission Expires June 11, 2009