May 19, 2011

To: U.S. Nuclear Regulatory Commission  
U.S. Department of Energy  
United States Enrichment Corporation

Re: Public Comments on the U.S. Nuclear Commission's Decertification Process Public Meeting at Piketon, Ohio

Ladies and Gentlemen:

1) Request for an Independent Investigation of Your Agency’s Malfeasance, Misfeasance and Non Feasance in Operation of Portsmouth Gaseous Diffusion Plant at Piketon, Ohio as it Relates to Employee Safety and Exposures to Radiation and Toxic Chemical Substances

2) Request for Action to Claw Back Fees to the United States of America that Were Paid Under Management Contract for Operation of the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio, for Contract Violations Relating to Safety and Exposure to Radiation and Toxic Chemical Substances

3) Request that Contract for Decertification be Contingent Upon Full Disclosure of Past Employee Exposures to Radiation And Toxic Chemical Substances And the Production of all Records That are Being Concealed or Filed So Employee Can’t Find It

4) Request That the Proposed Agreement being Required for Employees that Seals the Lips of What Happened In Criminal Activity and the Hiding of Radiation and Toxic Exposures Under Plant Managers of the Portsmouth Gaseous Diffusion Plant is Against Public Policy And Should not be Required To Resign with New Plant Management
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The above requests are being forwarded to you at the request of J. W., a security guard injured on July 26, 1994, and C. L., a security guard who was the union elected safety officer for the guards' union as well as being a Certified Trained Occupational and Safety Investigator who investigated the injury to J. W.

This is based on their investigation and their discovery of extensive documented facts that appear to be pure criminal activity by the Portsmouth Gaseous Diffusion Plant management and its staff while it operated the Portsmouth plant. There were various thwarted investigations which reviewed the facts and in discussions said there was a criminal conspiracy and criminal wrongdoing, but these findings were ordered deleted in the official final reports by the undue influence of corporate management.

These security guards have placed in my possession about 900 pages of documents that show and tie together what appears to be a major criminal conspiracy by a corporate culture of greed to protect the money interests of the corporation and its agents who operated the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio, without required regard to the health and safety of its employees per its contract with the Department of Energy.

The above security guards agreed for me to conduct a four hour video sworn statement under oath with 42 exhibits that fully document and detail the facts of a criminal conspiracy. A certified copy of the transcript, along with the 42 exhibits, has been submitted to United States Attorney General Eric H. Holder Jr. for his review with a request to show why he should seek a Grand Jury investigation and also pursue an action for the return of moneys for such illegal activities that were in violation of the contract with the U. S. government.

Names and addresses of those who should be required to give statements under oath who have knowledge of facts to verify the information and what they would testify to is being gathered together and would be provided to assist you upon your request for such. Most of the witnesses would be willing to give testimony as to the truth of the facts to document the criminal conspiracy, but since some are still employees, they will only testify under a subpoena for fear of retaliation. Those who appear to have committed acts of criminal conspiracy should also be subpoenaed to explain the actions and to admit or deny or take the fifth not to testify as it may incriminate them and to be required to reveal where the records are kept of employee exposures to radiation and toxic chemical substances.

The best way for you to quickly review the facts of the appeared criminal conspiracy and criminal acts is through a case study of an injury to J. W. and the results of an investigation as to his injury by C. L.

The example of the conspiracy efforts to cover up radiation and toxic chemical substance exposures will demonstrate how the corporation, through its management
and supervisory staff, reacted to J. W.’s injury from toxic chemicals and radioactive substances while serving as a security guard at the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio, in Building X-326 at Cell 25-7 that processed the highest level of enrichment up to weapon-grade material of over 97% enrichment on July 26, 1994.

Mr. W. was injured when piping was clogged due to uranium turning to a solid and clinging to the walls of the pipe causing what is known as a “slow cooker” that throws off high radiation energy neutrons. The management, with no notice to security guards as was required by plant safety rules, proceeded to convert the blockage back to a gas “shot the cell” with a secret mixture of 26 highly corrosive and toxic chemicals that leaked down on Mr. W. His face and hands immediately turned red and were burning, and he was having difficulty breathing and was becoming disoriented. He was taken to the plant dispensary and was treated by placing ice and alcohol on him.

He was then ordered to return to work to finish out his shift as the plant was short of security guards without any concern for the health of Mr. W. After work he then went to his wife’s employment to switch cars after his shift and was feeling terrible and spitting up from the mouth his lung tissue. His wife took him to the Emergency Room of Southern Ohio Medical Center where she worked for treatment and he was immediately admitted to the hospital after the doctor called the poison control center and was told to admit that man at once as he was in great danger.

Details of the incident and plant management reaction from the J. W. interview are attached from the interview given in the S C & A investigation which is attached as Exhibit 1.

The corporate culture of the plant was to cover up exposures and radiation exposures so no injury claims would have to be reported to nuclear regulators, Occupational and Safety authorities, and the Department of Energy as required by law and the management contract.

The plant used these illegal and criminal methods to fight the claim.

1) They claimed he was not hurt on the job, and it must have been some chemicals he was exposed to at his home while caring for his pool. **He did not have a pool.**
2) The plant ordered his radiation record for external radiation to be reduced to zero as it might be a “court case” and would not give the chemicals to which he was exposed to his treating physicians.
3) They fought his Workers’ Compensation claim and used false information to support the plant’s case to deny compensation.
4) The plant even created a false log book to prove he was not injured at the plant site.
5) His medical records at the plant dispensary were altered to support the plant position.

6) Threats of injury were made to Mr. W and his family if he continued with his claim as well as to C, a certified OSHA inspector. Testimony of other threats and intimidation that were used are in the four hour deposition.

7) When Mr. W testified before a United States Senate panel, the plant gave false and misleading information that there was only one badge changed and withheld records to further mislead the Senators of facts as management altered thousands of employee badges to show low or no exposure to radiation full well knowing the information was false.

8) The plant deliberately kept dosimetry readings separate from bioassay urine tests so the extent of external and internal exposures would not be connected or added together to show the full extent of radiation doses and concealed records of exposures.

9) In a subsequent NIOSH investigation they destroyed records to cover up dosimetry records where they would have a high reading but would record it as zero while the investigators were on the plant site which was contrary to its duty to preserve records.

10) The plant would reward those who assisted in a cover up with promotions and raises and bonuses or would make threats of being fired to keep the plant in line with corporate policy that no one was injured at the plant site from radiation and toxic chemicals.

11) The plant concealed known danger of neutron radiation exposures to its employees, and neutron exposures were not included in doses of radiation from employment.

12) Plant management would by-pass or disconnect warning alarms and use rubber bands to keep gamma criticality radiation alarms from sounding.

13) Required random bioassay reports of guards would be given when guards would have been off work for three day weekends and vacations to minimize radiation exposure readings to get clean readings.

14) The plant would modify dosimetry records for uranium handlers, security guards and instrument mechanics known as “RAD” workers by putting zero as the reading or by a “bucket dose” where they would use administration, employees and non-production workers so that “RAD” workers’ exposures could spread out a high dose to a “RAD” worker so records would always show little or no external radiation exposure to those most exposed to radiation.

15) The plant also concealed known arsenic and neutron exposure to its employees.

16) The plant continues to reveal known radiation and exposure documents under names such as “Non Conformance Report” and “Problem Reports” which I just discovered, but such reports have not been provided to claimants so as to reveal their true exposures.

Discovery of a lot of documents were obtained through J W’s Federal Qui Tam suit under the Federal False Claims Act that was designed to curtail fraud and abuse and is commonly known as a “whistleblower” case.
Another source of documents was obtained from a discrimination lawsuit filed by L on January 31, 1994, and the depositions taken in that case. SEE Exhibit 3 where it is revealed that falsification of dosimetry records was part of the corporate policy to show low or no exposure to radiation to all plant employees as a regular practice.

A sample of threats made by plant management is attached in the form of an Affidavit dated April 28, 2011, of C who investigated the J injury. SEE Exhibit 2.

The dose rate was also influenced by not considering the “minimum” detectible level of radiation per the news article from The Knoxville News-Sentinel on November 4, 1996.

The plant was delinquent in urinalysis analysis reports in 1994.

An example as to how these actions adversely impacts EEOICPA claims is through injured security guard, P, who made a claim for prostate cancer. NIOSH decreased the probability of his prostate cancer from 31.21%, then reduced it to 11.984% and again reduced probability to 5.74% probability in its last dose reconstruction. His records show how false radiation exposures work to deny claims under the Energy Employees Occupational Illness Compensation Program Act and in support of how NIOSH operated is demonstrated in his case due to the concealment of records.

**SUMMARY**

Atomic plant workers, known as Cold War Patriots, performed their duties under total secrecy to protect the United States without the benefit of knowledge of the toxic hazards of exposure to radiation and toxic chemicals and the plant was built under budget and ahead of schedule.

The nuclear industry plant management was not held to the same standards and regulations of all other businesses and industries in the United States of America that were designed to protect their workers and our environment from diseases from deadly, silent radiation and toxic chemical substances.

The National Institute of Occupational Safety and Health, known as NIOSH, has been declared to be a “king” by our country and can do no wrong or be challenged by the Court for their use of known false dose reconstruction.

The President of the United States has ordered the government to be transparent, but NIOSH still keeps its methods of dose reconstruction secret which further allows the criminal conspiracy to continue forward.
When you object to a NIOSH dose reconstruction calculation and denial of your cancer claim, the hearing officer, before receiving any testimony and evidence will read the following statement:

"At this time, I would like to say something about the NIOSH dose reconstruction. NIOSH is given full authority under the regulations that govern the act to conduct dose reconstruction use by the Department of Labor to determine the probability that a cancer is related to employment. I am, therefore, not in a position to discuss the way in which NIOSH goes about preparing the dose reconstruction. However, I can discuss issues of a factual nature regarding information to NIOSH but not any challengers to the application of NIOSH methodology."

My first reaction is you lose your case before it begins and I’m here to take your objections and to enter them into the evidence of record, but as the hearing representative states, I’m not permitted to consider objections to NIOSH’s methodology at this time. In my opinion the no challenge secret rule is arbitrary, capricious and unconstitutional.

In my opinion NIOSH generally includes words like they overestimated your radiation exposure and looked at facts in a “claimant friendly manner.” These are words designed to falsely indicate to workers that NIOSH did all it could to help workers when, in fact, it is a code for "you lost --- go away; if you come back, we will make your probability less than what it was before."

I am asking each entity to make a completely independent investigation and then you can proceed with your decertification process after a full and complete investigation.

I feel it is my duty as an attorney at law to bring these facts that I have accumulated in representing injured atomic workers since December 27, 2005, as the facts in the transcript of a four hour deposition of J[redacted] W[redacted] and C[redacted] L[redacted], along with about 900 pages of supporting documents submitted to me fully justify this request. This will allow all the Cold War Patriots to be treated fairly based on true facts and not lies.

Those who appeared to have been wrongdoers or witnesses with knowledge of wrongdoing should be required to give sworn statements to your entity to preserve evidence of wrongdoing.

As a taxpayer and citizen it is also urged that you review management contracts and exercise the contract right of the U.S. government to claw back fees paid to plant operators for failure to follow and meet contractual obligations.
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Signed at Portsmouth, Ohio, this 19th day of May, 2011.

Respectfully submitted,

Franklin T. Gerlach
Attorney at Law
And as the Authorized
Representative of 541
Claimants Seeking Benefits
Under the Energy Employees
Occupational Illness
Compensation Program Act
814 Seventh Street
Portsmouth, Ohio 45662
Phone 740.354.7755

FTG/jal

Copy: News Media Present
Sanford Cohen and Associates, Inc. (SC&A) has completed a summary from the interview conducted with you at the Portsmouth site. The summary is specific to the July 1994 incident. Other information provided will be forthcoming in a separate summary. The summary is not intended to be a verbatim transcript of the interview, but serves as a representation of the interview. As a part of making sure the summary is accurate, we are supplying those interviewed with the opportunity to provide comments. Any corrections recommended should be forwarded to me at the address below or via email. These corrections will be reflected in the final master summary. There are highlighted areas within the text where I need clarification or possibly correction.

Sincerely,

SC&A Site Profile Review Team
Significant concerns have been raised regarding the documentation of serious incidents at Portsmouth. On July 26, 1994 during day shift, an incident involving two security personnel occurred while cells were being shot. Two guards were assigned to the X-326 L cages at the Local Control Cabinet withdraw cabinets (sampling point). The post was situated immediately above (~12 feet) Cells 2507-2518. This area was designated to handle Category I assay material. The cells were being shot during the incident. The process of shooting a cell involved forcing COF₃ through the process system to unclog uranium build ups. In accordance with procedures, individuals were to be notified when the cells were shot so they could take appropriate protective measures. In this particular case, the officers were not notified that this was to occur. During the shots, operations wore fresh air respirators. When shots were performed, the cells exceeded atmospheric pressure causing a leak. Materials were forced upward past the above duty station. The exact content of the material released was unknown. At the time the Argon Gamma Radiation monitor went off.

The two guards felt a usual pressure pass over them and became disoriented. They exited the area and notified supervision. Safety staff was sent in to sampling the atmosphere for potential hazards following he release. The first guard was told to wash his face and sent back to the duty station immediately. The other guard was sent to Medical for evaluation and treatment for difficulty breathing and burning all over. After the completion of the onsite medical evaluation he was sent back to work. A bioassay sample was collected approximately two hours following the incident. The site expert did not know what the sample was analyzed for. No blood samples were taken following the incident. He was left on the job until 3:00 pm although he continued to feel disoriented. By the end of the shift his face was peeling and he had lost his voice.

The second guard stopped to trade cars with his wife at a local hospital on the way home. Upon seeing his condition, a call was placed to the Poison Control Center and hospital staff admitted him for treatment immediately. By this time his lungs began to shut down. The face and lungs were burned and crystalline structures were formed in the lungs causing the difficulty in breathing. The individual was treated at the local hospital. While at the hospital, the company public relations representative called to verify that the individual was okay.

Several company and DOE sponsored investigations were conducted with a determination that nothing had occurred. MMES conducted an investigation which indicated there were problems associated with the dosimetry program. The Inspector General indicated that the record of the guard involved in the incident had been changed but that this was an isolated occurrence. In the meantime, meetings between the guard's supervision and plant management resulted in a heated argument where the guards were
told they were lying about the incident, and that the employee had received his injury at home. In the meantime, the shots were continuing, and others, including the second guard, were being exposed to subsequent releases. As a result, additional employees received similar exposures in days that followed.

Being frustrated by the company and DOE investigations into the matter, the Security Union Safety Officer requested a Health Hazard Evaluation from NIOSH. Two NIOSH employees conducted a Health Hazards Investigation at Portsmouth. The company denied that shots took place during the time in question. During the course of this visit, NIOSH personnel conducted a tour of the cascade areas and visited ACR 6 in Building 326 to evaluate operations logbooks for the period in question. The first logbook they were shown did not indicate there were shots performed on the day of the incident or that the pressure readings went above atmospheric pressure. The logbook looked suspicious. A second logbook was requested which indicated that shots had been completed that day and that readings had exceeded atmospheric pressure. Since the investigators were not allowed to take a copy of the entry in question because of classification issues, each of them, along with union members, sat down and read the log one at a time. Individuals involved in operations the day of the incident would not come forward. This investigation branched into several other investigations related to the leaking seals and deposits in the cascades. The investigation was documented in a report prepared by NIOSH, and can be obtained from them.

The Union representative and the injured employee examined the onsite medical and radiological files to obtain information on chemical and radiological exposures. The hardcopy radiation exposure index card indicated the injured guard had received in excess of 1 - 3 Rem of exposure. Health Physics did not think this dose was likely so they assigned an estimated dose by assigning an external dose received by another guard who did not have an equivalent assignment (i.e., the guard was not involved in the incident). This was translated into the electronic dosimetry data record as less than detectable. There was a change in the dose in September of 1994 associated with the exchange cycle including the day of the incident. The dose was reduced to zero. Site experts believe this was done as a result of harmed individuals hiring an attorney. Eventually the record was changed back to the original values.

The cells involved in the incident were particularly troublesome as the seals in the compressors had a history of leakage. The seals were leaking faster than they could be repaired. Problems with leakage from this bank of cells were identified in 1979.

Some site experts feel the incident was covered up and that DOE did not want to admit there was an issue. There was a cover up on this incident. The motivation behind this may have been related to the prioritization efforts and the cost.
STATE OF OHIO  
COUNTY OF SCIOTO, ss:

CL first being duly sworn, states as follows:

H and I were asked to attend a meeting about the dosimeter badges in the office of GM. There were three other men in his office. We were told one was from Paducah, Kentucky; one was from Oak Ridge, Tennessee; and the third man was T.

A secretary for GS, who was over the safety department, came into GM's office and stated that Mr. S needed to talk with H. H told her we are just about to start our meeting. She then stated "GM (S) needs to talk to you right now." GM told H to go ahead and he would wait till he got back. H got up and walked out of the office.

GM looked out through the open door to see if H was gone. He then turned and looked me in the eye. He then poked me in the chest and said "Who do you think you are messing with? Don't you realize Lockheed Martin is a first strike company?" I responded "What are you talking about?" GM then said to me "Lockheed Martin is the largest independent contractor in the world. We have 50% of Congress and Senate in our pockets. You ever hear of Karen Silkwood?" I answered I had seen the movie. GM then stated to me "We made her disappear. We're going to make you disappear." I asked H who was outside the open door "Did you hear what he (I was pointing at GM) just said?" What M couldn't see is H was stopped by a co-worker who wanted to ask a question. H never left the area outside the door. H said "They are going to kill you." I looked at M and said "I guess this meeting is over."

H and I went downstairs to the Local 66 union office. I then asked H to tell our union president, TD, and JG, our vice president, what GM had just related to me. H then told them that M (Lockheed Martin) was going to "make me disappear. They're going to kill C." This took place at the time of my dosimeter investigation.

I received many death threats to myself and to my family. I was told that my house would be burned down with my family in it. I would get phone calls while I was working with a man's voice saying they were "going to rape my wife and daughter and then kill them and my boys." My supervisor would make comments pointing at me and saying to the other police officers "There's the guy who's going to cost you your job. He's going to shut the plant down. You will be picking up pop cans alongside the road." This treatment went on for years.
Further, the affiant sayeth naught.

Sworn to before me and subscribed in my presence this 28th day of April, 2011, at Portsmouth, Ohio.

Notary Public, State of Ohio
My Commission Expires June 11, 2014
DEPOSITION OF WITNESS
APRIL 22, 1997

IT IS AGREED AND STIPULATED BY AND BETWEEN COUNSEL FOR THE RESPECTIVE PARTIES HEREIN THAT THIS DEPOSITION MAY BE TAKEN IN SHORTHAND BY DENISE M. SHAPE, WHO MAY LATER, OUT OF THE PRESENCE OF THE WITNESS, TRANSCRIBE OR CAUSE SAID SHORTHAND NOTES TO BE TRANSCRIBED; THAT THE FORMALITIES AS TO THE TIME AND PLACE OF THE TAKING OF THE DEPOSITION ARE PURSUANT TO NOTICE; AND THAT THE QUALIFICATIONS OF THE OFFICER BEFORE WHOM TAKEN SHALL BE EXPRESSLY WAIVED.

DEPOSITION OF A WITNESS
TAKEN BEFORE ME, G. E. A. PROFESSIONAL REPORTER AND NOTARY PUBLIC WITHIN AND FOR THE STATE OF OHIO, AT THE PICKET COUNTY COURTHOUSE, 100 EAST 2ND STREET, WAVERLY, OHIO, COMMENCING AT 10:02 A.M., SAID DEPOSITION TAKEN PURSUANT TO THE STIPULATIONS OF COUNSEL HEREFORTHER SET FORTH.

APPEARANCES:
STEVE J. EDWARDS, ESQ., 4030 BROADWAY, GROVE CITY, OHIO 43123, APPEARING ON BEHALF OF THE PLAINTIFFS.
ROBERT E. TAIT, ESQ., OF THE LAW FIRM OF WORXS, SATER, SEYMOUR AND PEASE, 52 EAST 2ND STREET, COLUMBUS, OHIO 43215; AND JAMES S. OLSN, CHIEF COUNSEL, LOCKHEED MARTIN UTILITY SERVICES, INC., P.O. BOX 628, PINEGROVE, OHIO 45661, APPEARING ON BEHALF OF THE DEFENDANTS.

ALSO PRESENT: "...

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EXHIBIT
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Exhibit 3
THEREUPON,

BY MR. EDWARDS:

Q. WOULD YOU STATE YOUR FULL NAME, PLEASE.

A. MY NAME IS STEVE EDWARDS.

Q. INTRODUCED MYSELF JUST BRIEFLY OFF THE RECORD. I'M AN ATTORNEY AND I REPRESENT J W IN A UNIVERSITY CASE PRESENTLY PENDING AGAINST LOCKHEED MARTIN UTILITIES. I'M HERE TODAY TO ASK YOU A FEW QUESTIONS. IF AT ANY TIME DURING THE DEPOSITION YOU DON'T UNDERSTAND MY QUESTIONS, WOULD YOU LET ME KNOW VERBALLY SO I CAN REPHRASE IT OR MAKE IT MORE CLEAR?

A. YES, I WILL.

Q. IF AT ANY TIME YOU WANT TO TAKE A BREAK FOR ANY REASON, I'LL BE HAPPY TO DO THAT.

A. OKAY.

Q. IF YOU DON'T UNDERSTAND SOMETHING OR SOMETHING LIKE THAT, JUST LET ME KNOW. I'M NOT HERE TO TRICK YOU. I JUST WANT TO GET A FEW FACTS.

WOULD YOU STATE YOUR AGE.

A. 53.

Q. YOUR DATE OF BIRTH?

A.

Q. YOUR SOCIAL SECURITY NUMBER?

A.

Q. WHAT'S YOUR PRESENT RESIDENCE ADDRESS?

A. MAILING ADDRESS?

Q. YES.

A. I HAVE TWO. IT'S [ redacted ] .

Q. ARE YOU PRESENTLY MARRIED?

A. NO.

Q. COULD YOU BRIEFLY TELL ME, DO YOU HAVE ANY EDUCATION BEYOND HIGH SCHOOL?

A. YES, I OBTAINED TWO ASSOCIATE DEGREES, ONE IN COMPUTER ADMINISTRATION AND ONE'S A MEDICAL.

Q. WHERE FROM?

A. SHAWNEE STATE.

Q. WHO ARE YOU PRESENTLY EMPLOYED BY?

A. LOCKHEED MARTIN.

Q. HOW LONG - WHERE ARE YOU EMPLOYED AT?

A. IN THE DOSIMETRY LAB, HEALTH PHYSICS.

Q. THAT'S AT THE PLANT THERE?

A. IN PIKETON, YES.

Q. HOW LONG HAVE YOU BEEN EMPLOYED AT THAT PLANT?


Q. WHERE WERE YOU EMPLOYED AT PRIOR TO THAT TIME?

A. SCIOTO MEMORIAL HOSPITAL, AS A LAB TECH.

Q. HOW LONG WERE YOU EMPLOYED THERE?

A. PROBABLY ABOUT, ANYWHERE FROM FOUR TO SIX MONTHS, RIGHT AFTER MY RESIDENCY WHEN I GOT OUT OF MEDICAL SCHOOL.

Q. OKAY. SINCE YOU HAVE BEEN EMPLOYED AT PIKETON, HAVE YOU ALWAYS WORKED IN THE HEALTH PHYSICS SINCE 1980?

A. YES, I HAVE.

Q. HAVE YOU PRETTY MUCH HELD THE SAME JOB SINCE 1980?

A. I WORKED TWO YEARS AS A HEALTH PHYSICS SURVEYOR GOING OUT IN THE FIELD.

Q. AFTER THOSE TWO YEARS, YOU HAVE BEEN IN YOUR PRESENT JOB PRETTY MUCH?

A. YES, I HAVE.

Q. I HAVE TO ASK YOU THIS. HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR OTHER THAN A TRAFFIC OFFENSE?

A. NO.

Q. HAVE YOU EVER BEEN DEPOSED BEFORE IN A SITUATION LIKE THIS?

A. YES, SIR.

Q. HOW MANY TIMES?

A. TWICE, I THINK.

Q. OKAY. I'M HERE TO ASK YOU SOME QUESTIONS IN CONNECTION WITH J W'S DOSAGE READINGS AT THE PIKETON PLANT. HAVE YOU EVER GIVEN A STATEMENT BEFORE TODAY ON THAT SUBJECT MATTER?

A. YES, I HAVE.

Q. HOW MANY DIFFERENT TIMES, DO YOU RECALL?

A. TWICE, I THINK.

Q. WHO DID YOU GIVE THOSE STATEMENTS TO?

A. [ redacted ] .

Q. ARE THOSE BOTH EMPLOYEES AT THE PLANT IN PIKETON?

A. YES, SIR.

Q. WHAT IS YOUR TITLE TODAY AT YOUR JOB?

A. HEALTH PHYSICS TECHNOLOGIST.

Q. WHAT ARE THE RESPONSIBILITIES OF YOUR JOB?

A. I'M GROUP LEADER. I TRAIN THE PEOPLE UNDER ME TO READ THE DOSES AND RUN THE MACHINES.

Q. HOW LONG HAVE YOU HELD THAT JOB AS A GROUP LEADER?

A. TWO YEARS, I THINK.
Q: When that quarter is up, we have a badge change. We take that one out and read it and assign a new one. It's put in there and goes through with a heading, a signal, you know, reads it and takes it out -- the readoff of it.

Q: So when the cards come to you, are they numbered?

A: Yes, sir.

Q: Okay. You said you train people to read. How do you get the dosage from the raw reading?

A: We run a mag rhythm.

Q: Just supervision of the dosimetry lab?

A: No, wait a minute. They did change it.

Q: Okay. You said you train people to read.

A: To read the cards, use the machines.

Q: Okay. All right. Who is your immediate supervisor now? What's their title?

A: Supervisor.

Q: Is that a separate machine or computer?

A: PC, yes.

Q: So the raw data that comes up --

A: Is put into a file.

Q: Okay. Put into a file by -- manually or by computer?

A: By computer.

Q: On a PC you run. You do something to it and that raw data is changed into a reading?

A: Uh-huh.

Q: That's all right. So the only human input in all this is just basically you taking the card out of the badge and putting it into the machine, is that correct?

A: Yes, sir.

Q: And then somebody -- you do something on the PC and the dosage figure comes up?

A: Yes.

Q: Now, does that dosage figure get reviewed by anyone before it is assigned to a particular person by badge number? They wear it a certain amount of time. We do quarterly reads now. So when that quarter is up, we have a badge change. We take that one out and read it and assign a new one. It's put in there and goes through with a heading, a signal, you know, reads it and takes it out -- the readoff of it.
EMPLOYEE?
A IT DEPENDS. IF THEY SEE SOMETHING WRONG
WITH THE READ, THEY HAVE A SUSPICION WITH A CURVE,
YES, IT GETS REVIEWED. IF THERE'S NOTHING WRONG
ON THE CURVE, NO, THEY DON'T REVIEW.
Q IS EVERY READ INSPECTED TO SEE IF IT IS
OKAY?
A WE PUT -- THERE'S A GLOW CURVE ANALYSIS
WHICH AVERAGES THE GLOW CURVE TO SEE IF IT'S IN THE
RIGHT POSITION. IF IT SAYS IT'S OKAY -- WE SEE, IT
INDICATES, IT PUNCHES OUT THE ONES WE LOOK AT.
Q IS THIS GLOW CURVE ON THE SAME MACHINE THAT
DOES THE READINGS?
A IT'S ON A PC SEPARATE, BUT YES.
Q SO IS THE BADGE TAKEN TO A DIFFERENT
MACHINE?
A NO.
Q IT'S JUST DONE IN THE SAME MACHINE BUT
THROUGH A DIFFERENT PC?
A RIGHT.
Q SO ON ONE PC YOU GET THE DOSAGE READING AND
ON ANOTHER PC THE GLOW CURVE INDICATOR WILL SAY
SOMETHING?
A YES.
Q AND IF THE GLOW CURVE HAS CERTAIN
PARAMETERS AND IT IS OUTSIDE THE PARAMETERS, SOMEONE
REVIEWS IT?
A YES.
Q WHO TYPICALLY IN THE LAST FIVE YEARS OR SO
HAS BEEN THE PERSON TO REVIEW THE GLOW CURVE
INDICATOR?
A 
Q IN YOUR -- OVER THE LAST -- AND YOU HAVE
BEEN DOING THIS -- STRIKE THAT.
I'LL START AGAIN. YOU HAVE BEEN DOING THE
READING OF THE CARDS FOR THE LAST 14 YEARS, SOMETHING
LIKE THAT?
A YES.
Q IN YOUR 14 YEARS OF DOING THIS, HAS THERE
BEEN Instances WHERE THE DOSAGE READING THAT CAME UP
ON THE PC WAS EVER CHANGED?
A YES.
Q UNDER WHAT CIRCUMSTANCES Normally IS THAT
FIGURE CHANGED?
A SOMETIMES WHEN THE MACHINE WILL
MALFUNCTION, WE'LL CHANGE A DOSE. IF THE GLOW CURVE
DOESN'T LOOK RIGHT AND THEY REVIEW THE GLOW CURVE AND
STUFF, IF THE DOSE IS NOT CORRECT, THEY WILL CHANGE
IT.
Q HOW ARE THESE -- STRIKE THAT.
ON THE COMPUTER WHEN IT SHOWS THE DOSAGE
FOR A PARTICULAR CARD, IS THAT AUTOMATICALLY PUT INTO
THE EMPLOYEE FILE THEN BY COMPUTER OR --
A NO.
Q OKAY. HOW DOES THAT GET INTO AN EMPLOYEE
FILE, SO TO SPEAK?
A UP UNTIL WE STARTED ON THE NEW SYSTEM,
WHICH WAS LIKE TWO YEARS AGO, WE MADE A DATA TAPE,
MAG TAPE, MAGNETIC TAPE, AND WE SENT IT TO THE
BUILDING AND THEY MERGE IT INTO THE PEOPLE'S RECORDS.
TWO YEARS AGO WE STARTED ON THE NEW ONE AND WE ARE
RESTARTING NOW. IT'S ALL THROUGH THE COMPUTER RIGHT
NOW.
Q BY MANIPULATING THE COMPUTER, I GUESS, IT
GETS IT IN THE EMPLOYEE FILE NOW?
A YES.
Q IN THE OLD SYSTEM WHERE THE MAG TAPES HAD
TO BE DONE, HOW OFTEN WAS THAT DONE?
A IT WAS DONE USUALLY ONCE A MONTH TO TAKE
OVER THE TEMPORARY READS AND IT WAS DONE EVERY QUARTER
WHEN I FIGURED A READ.
Q I HAVE HEARD SOME TERMINOLOGY CALLED A
BUCKET QPSE. HAVE YOU EVER HEARD THAT TERMINOLOGY
BEFORE?
A YES.
Q TO YOUR UNDERSTANDING, WHAT IS A BUCKET
DOSE?
A A BUCKET DOSE IS WHERE EVERYTHING GOES THAT
CANT GET ASSIGNED TO ANYBODY.
Q SO THERE WOULD BE CARDS COME IN THAT FOR
ONE REASON OR ANOTHER WOULDN'T BE ASSIGNED TO AN
EMPLOYEE OR SOMETHING LIKE THAT?
A YES, SIR.
Q WOULD THAT BE LIKE VISITORS OR THINGS LIKE
THAT OR UNKNOWN BADGES?
A WELL, CAN YOU --
Q SURE. LET ME REPHRASE THE QUESTION.
A CAN YOU REPHRASE THAT?
Q SURE. TO YOUR UNDERSTANDING, HOW -- WHAT
ARE SOME OF THE CIRCUMSTANCES WHICH WOULD GIVE RISE TO
A BUCKET DOSE?
A WHEN A BADGE IS LIKE UNASSIGNED, DIDN'T GET
ASSIGNED TO A PERSON. THAT DOSE GOES IN THERE. IF A
BAR CODE CAN'T BE READ, CAN'T BE TRACED BACK, THAT
DOSE GETS DUMPED IN THERE. JUST STUFF LIKE THAT.
Q WHEN YOU SAY, GETS DUMPED IN THERE, INTO A
1. LIMIT IT TO 1990'S, WHO WOULD HAVE THE AUTHORITY TO
2. DECIDE TO MAKE A CHANGE ON A DOSAGE READING?
3. A ANYBODY ABOVE ME.
4. Q OKAY. ANYBODY ABOVE YOU WOULDN'T HAVE
5. THE AUTHORITY ON YOUR OWN?
6. A NO.
7. Q SO ANYONE ABOVE YOU BEING ANYONE IN THE
8. HEALTH PHYSICS LAB ABOVE YOU?
9. A YES.
10. Q OKAY. AND THROUGH THE 1990'S, LIMIT IT TO
11. THE 1990'S, HOW MANY DIFFERENT PEOPLE DO YOU RECALL
12. GIVING YOU AN INSTRUCTION TO MAKE CHANGES IN DOSAGE
13. READINGS?
14. A ONE.
15. Q ONE. THAT WOULD HAVE BEEN YOUR IMMEDIATE
16. SUPERVISOR?
17. A .
18. Q OKAY. NOW, HOW IS A -- HOW IS THAT CHANGE
19. MADE? I MEAN HOW DID THEY GO ABOUT --
20. A WE HAD A TLD CORRECTION SHEET THAT WAS FOR
21. THE 112 BUILDING. AND WE PUT ON THERE THE CHANGE WE
22. WANTED TO HAPPEN. AND IT WAS SUBMITTED TO THE 112
23. BUILDING. THEY DID THE JOB AND THE PAPER CAME BACK TO
24. US.

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1. Q NOW, THIS TLD CORRECTION SHEET, WAS THAT IN
2. THE FORM OF AN ACTUAL PIECE OF PAPER?
3. A YES, SIR.
4. Q AND WOULD THAT HAVE A NUMBER OF CHANGES OR
5. WOULD EACH CHANGE BE ON A SEPARATE SHEET?
6. A IT DEPENDED. SOMETIMES YOU WOULD HAVE 20
7. CHANGES. SOMETIMES YOU WOULD HAVE ONE.
8. Q THIS -- WAS THIS A PREPRINTED FORM THAT YOU
9. HAD IN THE HEALTH PHYSICS LAB?
10. A YES, SIR.
11. Q WOULD IT HAVE TO BE SIGNED BY ANYONE IN
12. ORDER FOR IT TO GO THROUGH?
13. A IT WOULDN'T.
14. Q SO NORMALLY -- WOULD IT BE ACCURATE, WHAT
15. NORMALLY WOULD HAPPEN WAS THIS -- WOULD COME TO YOU
16. WITH THE FORM ALREADY FILLED OUT?
17. A NO.
18. Q HOW WOULD THAT NORMALLY OCCUR?
19. A HE WOULD REVIEW THE PERSON'S DOSE AND IF IT
20. NEEDED TO BE CHANGED, THEN IT WOULD COME BACK TO ME
21. WITH A YELLOW STICKY ON IT, SO MUCH SHALLOW, SO MUCH
22. DEEP.
23. Q AND WOULD THAT BE YOUR INDICATION TO FILL
24. OUT THE TLD CORRECTION SHEET?
A: No.
Q: On the TLD correction form would it have your name?
A: No.
Q: And the people who authorized the changes, their names would appear nowhere in the paperwork.
A: Right.
Q: Now, when the changes are actually made according to the changes that are indicated on the TLD correction forms, did the people who inputted those changes—strike that. That's a bad question. To make a change in a person's dosage, was there a certain type of code or access code required to get into that system to make those changes, if you know?
A: I would imagine. I don't know.
Q: I guess my question is, could just—could you sort of describe what was on it? A: Yes.
Q: Could you sort of describe what was on it? A: What was on those TLD correction forms was the employee's name put on those forms?
A: No.
Q: What was put on those forms? A: Their badge number, employee number. Q: So was this just a single sheet of paper, the TLD correction form?
A: Yes.
Q: So the largest amount of changes would be at the end of each quarter?
BADGE, WHETHER THE BADGE HAS BEEN, THE DOSE HAS BEEN CALCULATED ON IT, FOR SOME REASON THE MACHINE WOULDN'T CALCULATE IT. WHETHER IT IS AN ESTIMATE OR A SHALLOW OR DEEP FROM A LOST BADGE, DIFFERENT THINGS LIKE THAT.

Q: IN - EXCLUDING WHAT MAYBE HAPPENED IN --- S - IN ALL THE YEARS THAT YOU HAVE BEEN WORKING THERE - STRIKE THAT

IT'S MY UNDERSTANDING THAT THERE WAS A CHANGE ORDERED ON ONE OF J W S READINGS SOMEWHERE IN THE '90S. DO YOU HAVE ANY RECOLLECTION OF THAT?

A: YES, SIR. I DO.

Q: OKAY. COULD YOU TELL ME WHAT YOU REMEMBER ABOUT THAT CHANGE, THE CIRCUMSTANCES SURROUNDING IT?

A: YES. I WAS WORKING IN THE TLD LAB DOWNSTAIRS, THE OLD 9000 C, AND S W ALCIES IN -

S W ALCIES IN AND HE SORT OF LEANED OVER TO ME AND SAID, I NEED YOUR HELP HERE. AND I SAID, WHAT, AND HE SAID, I NEED THESE CHANGES MADE. AND I SAID, WHY? WHAT DID I DO WRONG? YOU KNOW, AND HE SAID, NO, NOTHING IS WRONG. IT'S A COURT CASE. AND I SAID, A COURT CASE? AND HE SAID, YES. AND SO THAT'S WHEN HE WENT INTO MY OFFICE AND HE SHOWED ME WHAT HE WANTED CHANGED AND I CHANGED IT.

Q: NOW, PRIOR TO THAT TIME IN THE YEARS YOU HAVE BEEN WORKING THERE, HAD ANYONE EVER COME TO YOU AND ASKED YOU TO CHANGE SOMETHING FOR A COURT CASE?

A: NO.

Q: SO THIS WAS HIGHLY UNUSUAL?

A: YES, IT WAS.

Q: THE MANNER IN WHICH HE ASKED YOU, THAT YOU JUST DESCRIBED THERE, WAS THAT DIFFERENT? I MEAN, GOING INTO YOUR OFFICE, WAS THAT DIFFERENT OR IS THAT THE TYPICAL WAY?

A: NO, IT WAS DIFFERENT. USUALLY IT CAME DOWN ON A YELLOW STICKY NOTE ATTACHED TO THEIR PRIOR DOSE.

Q: YOU KNOW, THE SLIP THAT WAS HE WAS DISPECTING OR -

A: YES, I DID.

Q: AND DID YOU EVENTUALLY RECEIVE THAT TLD CORRECTION SHEET BACK?

A: YES.

Q: DO YOU RECALL IF THAT WAS FILED?

A: IT WAS FILED, YES.

Q: OKAY. AT SOME TIME AFTER THAT DID YOU EVER GO BACK IN -

Q: NOW, PRIOR TO THAT TIME IN THE YEARS YOU HAVE BEEN WORKING THERE, HAD ANYONE EVER COME TO YOU AND ASKED YOU TO CHANGE SOMETHING FOR A COURT CASE?

A: NO.

Q: SO THIS WAS HIGHLY UNUSUAL?

A: YES, IT WAS.

Q: YOU KNOW, THE SLIP THAT WAS HE WAS DISPECTING OR -

Q: SO HE ASKED YOU TO MAKE THIS CHANGE. DID YOU THEN FILL OUT A TLD CORRECTION FORM?

A: YES, I DID.

Q: DID YOU TAKE IT OVER TO THE 112 BUILDING?

A: YES, I DID.

Q: AND DID YOU EVENTUALLY RECEIVE THAT TLD CORRECTION SHEET BACK?

A: YES.

Q: DO YOU RECALL IF THAT WAS FILED?

A: IT WAS FILED, YES.

Q: OKAY. AT SOME TIME AFTER THAT DID YOU EVER GO BACK INTO THE SYSTEM AT SOME LATER TIME TO INSPECT OR TO CHECK ON WHETHER THAT CHANGE HAD BEEN MADE?

A: YES, I DID.

Q: AND DID YOU INSPECT TO SEE WHETHER THE CHANGE REMAINED?

A: YES.

Q: AND DID YOU INSPECT TO SEE WHETHER THE CHANGE REMAINED AT THAT TIME?

A: YES, I DID.

Q: AND DID YOU INSPECT TO SEE WHETHER THE CHANGE REMAINED AT THAT TIME?

A: YES.

Q: AND DID YOU INSPECT TO SEE WHETHER THE CHANGE REMAINED AT THAT TIME?

A: NO.

Q: WHAT WAS IT CHANGED TO AT THAT TIME?

A: BACK TO 26 SHALLOW AND 26 DEEP.

Q: DO YOU KNOW IF ANOTHER TLD CORRECTION FORM WAS FILLED OUT TO CHANGE IT BACK FROM 0 TO 0?

A: NO.

Q: NO, YOU DON'T KNOW?

A: I DID NOT RECEIVE ANYTHING TO CHANGE THE DOSE.

Q: OKAY. WHAT IS A DEEP AND SHALLOW DOSE, TO YOUR UNDERSTANDING? I'M NOT ASKING YOU FOR A SCIENTIFIC...

A: SHALLOW DOSE IS ALPHA. DEEP DOSE, BETA GAMMA.

Q: DID MR. S INDICATE TO YOU THAT HE HAD -- THAT HE HAD DISCUSSED THIS CHANGE WITH ANYONE ELSE?

A: NO.

Q: OKAY. DID YOU SUBSEQUENTLY HEAR WHETHER HE HAD DISCUSSED THE CHANGE WITH ANYONE ELSE?

A: I DID NOT HEAR., BUT I SAW A PIECE OF PAPER.

Q: WHAT WAS IT CHANGED TO AT THAT TIME?

A: BACK TO 26 SHALLOW AND 26 DEEP.

Q: DO YOU KNOW IF ANOTHER TLD CORRECTION FORM WAS FILLED OUT TO CHANGE IT BACK FROM 0 TO 0?

A: NO.

Q: NO, YOU DON'T KNOW?

A: I DID NOT RECEIVE ANYTHING TO CHANGE THE DOSE.

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A: I DID NOT HEAR., BUT I SAW A PIECE OF PAPER.

Q: WHAT WAS IT CHANGED TO AT THAT TIME?

A: BACK TO 26 SHALLOW AND 26 DEEP.

Q: DO YOU KNOW IF ANOTHER TLD CORRECTION FORM WAS FILLED OUT TO CHANGE IT BACK FROM 0 TO 0?

A: NO.

Q: NO, YOU DON'T KNOW?

A: I DID NOT RECEIVE ANYTHING TO CHANGE THE DOSE.

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A: NO.

Q: OKAY. DID YOU SUBSEQUENTLY HEAR WHETHER HE HAD DISCUSSED THE CHANGE WITH ANYONE ELSE?

A: I DID NOT HEAR., BUT I SAW A PIECE OF PAPER.

Q: WHAT WAS IT CHANGED TO AT THAT TIME?

A: BACK TO 26 SHALLOW AND 26 DEEP.

Q: DO YOU KNOW IF ANOTHER TLD CORRECTION FORM WAS FILLED OUT TO CHANGE IT BACK FROM 0 TO 0?

A: NO.

Q: NO, YOU DON'T KNOW?

A: I DID NOT RECEIVE ANYTHING TO CHANGE THE DOSE.

Q: OKAY. WHAT IS A DEEP AND SHALLOW DOSE, TO YOUR UNDERSTANDING? I'M NOT ASKING YOU FOR A SCIENTIFIC...

A: SHALLOW DOSE IS ALPHA. DEEP DOSE, BETA GAMMA.

Q: DID MR. S INDICATE TO YOU THAT HE HAD -- THAT HE HAD DISCUSSED THIS CHANGE WITH ANYONE ELSE?

A: NO.
J. W., ET AL. VS. LOCKHEED MARTIN CORP., ET AL.

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1. THAT YOU CAN RECALL?
2. A: NO.
3. Q: AND THE INDIVIDUAL'S RECORDS THAT WERE
   CHANGED WERE [WHITESC;]: CORRECT?
4. A: YES, SIR.
5. Q: IN YOUR EXPERIENCE, WHO WOULD HAVE HAD
   ACCESS TO CHANGE THE READING FROM 8 BACK TO 17?
6. A: [WHITESC;]
7. Q: ANYBODY ELSE?
8. A: NOT THAT I KNOW OF.
9. Q: WOULD THERE BE - EXCEPT FOR MR. S OR
   ONE OF THE PEOPLE ABOVE YOU, WOULD ANYBODY ELSE HAVE
   THE ABILITY TO GO INTO THAT SYSTEM AND MAKE THE
   CHANGES?
10. A: I DON'T THINK SO.
11. Q: OKAY. IS THERE SUCH A THING IN YOUR
    EXPERIENCE AS AN AVERAGE DOSE, I MEAN?
12. A: YES, SIR. THERE IS.
13. Q: WHAT, IN YOUR OPINION, IS AN AVERAGE DOSE?
14. A: ANYWHERE FROM 50 MILLI... [WHITESC;] DOWN.
15. Q: WOULD IT BE FAIR TO SAY, IN THE HUNDREDS
    AND THOUSANDS OF CHANGES YOU HAVE MADE, YOU CAN'T
    RECALL ALL OF THEM?
16. A: THAT'S TRUE.

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1. Q: THE CHANGES THAT YOU HAVE MADE, HAVE THEY
   BEEN ABOVE AVERAGE DOSES, BELOW AVERAGE DOSES, BOTH
   TYPES?
2. A: BOTH TYPES.
3. Q: ARE THE - STRIKE THAT.
4. HAVE YOU EVER SEEN ANY TYPE OF PAPERWORK OR
   ANYTHING THAT WOULD INDICATE THE CHANGE BACK FROM 6
   BACK TO 29, OTHER THAN VIEWING IT ON THE SCREEN?
5. A: NO.
6. Q: WHAT I'M TRYING TO GET AT HERE, I'M TRYING
   TO SEE FOR THOSE TYPES OF CHANGES, THE ONLY PAPER
   TRAIL THERE APPEARS THERE WOULD BE WOULD BE THE TLD
   CORRECTION FORM AND THAT'S ONLY IF THAT WAS STAPLED
   AND FILED PROPERLY. IS THAT CORRECT?
7. A: YES, SIR.
8. Q: AND THEN THOSE WOULD ONLY INDICATE THE
   PERSON AT YOUR LEVEL THAT ACTUALLY FILLED IT OUT, NOT
   THE PERSON THAT ORDERED IT, CORRECT?
9. A: YES, SIR.
10. Q: DO YOU KNOW OF INSTANCES, OTHER THAN THIS
    PARTICULAR ONE HERE, WHERE READINGS HAVE BEEN CHANGED
    WITHOUT A TLD CORRECTION FORM BEING INITIATED?
11. A: YES, SIR.
12. Q: DID THAT HAPPEN - IN YOUR EXPERIENCE DID

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1. THAT HAPPEN MORE THAN ONCE OR TWICE A YEAR?
2. A: THAT I CAN'T ANSWER.
3. Q: OKAY. YOU HAVE KNOWN OF IT HAPPENING, BUT
   YOU DON'T KNOW HOW FREQUENTLY?
4. A: RIGHT.
5. Q: THE CIRCUMSTANCES UNDER WHICH DOSAGE
   READINGS COULD BE CHANGED WITHOUT A TLD CORRECTION
   FORM IN HOW MANY INSTANCES THAT YOU CAN RECALL, HOW
   DID THAT COME ABOUT? HOW COULD THAT COME ABOUT?
6. A: THEY COULD CHANGE ANYTHING THEY WANTED TO.
7. Q: ALL YOU NEED BASICALLY IS ACCESS TO THE
   SYSTEM?
8. A: YES, SIR.
9. Q: IN ALL THE OTHER CHANGES YOU MADE,
   EXCLUDING THE OTHERS, WERE YOU TYPICALLY - YOU
   WEREN'T TYPICALLY - STRIKE THAT.
10. A: EXCLUDING THE OTHERS, FROM WHAT YOU
    SAID, YOU WEREN'T GIVEN THE REASON FOR MAKING THE
    CHANGES, YOU JUST GOT A YELLOW STICKY THAT SAID MAKE A
    CHANGE?
11. A: YES, SIR.
12. Q: SO THE PERSON ORDERING YOU TO DO -
    WHATEVER REASON THAT PERSON HAD YOU DIDN'T QUESTION
    THE AUTHORITY, YOU JUST MADE THE CHANGE?

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1. A: YES, SIR.
2. Q: WOULD IT BE FAIR FOR ME TO SAY THAT YOU CAN
   RECALL THIS CHANGE BECAUSE OF THE COMMENT BY
   MR. S THAT IT WAS FOR A COURT CASE?
3. A: YES, SIR.
4. Q: AND I ASSUME IF THAT COMMENT HADN'T BEEN
   MADE TO PLACE IT IN YOUR MEMORY, THIS CHANGE WOULD
   HAVE GONE LIKE THE HUNDREDS AND THOUSANDS OF OTHER
   CHANGES YOU HAVE MADE.
5. A: YES, SIR.
6. Q: WAS MR. S AROUND OR IN THE AREA WHEN
   [WHITESC;] MADE THIS COMMENT TO YOU?
7. A: YES, SIR. SHE WAS.
8. Q: IN YOUR OPINION FROM YOUR OBSERVATIONS.
   WOULD YOU CONSIDER THE DOSAGE RECORDS THERE IN THE
   PAST YEARS, WOULD YOU CONSIDER 
   THOSE RECORDS, READINGS, THE FIXED READING ON THE
   DOSAGE RECORDS, TO BE SECURE AND ACCURATE?
9. A: YES, SIR.
10. Q: BUT YOU CAN GO AHEAD AND ANSWER.
11. A: NO. I SAID NO.
12. Q: OKAY. IF THERE WERE READINGS THAT WERE
    INACCURATE OR INCORRECT OR IN ERROR, IS THERE
    ANYTHING, ANY WAY TO BE ABLE TO TELL THOSE INACCURATE

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1. OR INCORRECT OR ERROR READINGS FROM THE READINGS THAT
2. ARE ACCURATE AND CORRECT?
3. A NO
4. MR. EDWARDS: I WOULD JUST LIKE ONE
5. SECOND
6. ... RECESS TAKEN
7. ... BY MR. EDWARDS:
8. Q TO THE BEST OF YOUR KNOWLEDGE, IS THERE
9. ANY - STRIKE THAT
10. YOU INDICATED THAT YOU HAVE GIVEN ONE OR
11. TWO STATEMENTS, I BELIEVE THAT'S WHAT YOU SAID
12. EARLIER, WAS THAT PART OF AN INTERNAL INVESTIGATION
13. CONDUCTED BY LOCKHEED MARTIN?
14. A YES
15. Q HAVE - TO THE BEST YOUR KNOWLEDGE, HAS
16. THERE BEEN ANY OTHER INVESTIGATIONS DONE BY ANYBODY
17. ELSE ON THE CHANGES OF RECORDS THAT YOU ARE
18. AWARE OF?
19. A YES
20. Q WHOM ARE YOU AWARE OF THAT HAS INVESTIGATED
21. THIS?
22. A MY LAWYER

Q ANYONE OTHER THAN THAT?
A NOT THAT I KNOW OF
Q OKAY, IS THAT INVESTIGATION, TO THE BEST
OF YOUR KNOWLEDGE, THE INTERNAL, ONE, IS THAT'S ONGOING
OK HAS THAT BEEN CONCLUDED, TO THE BEST OUR YOUR
KNOWLEDGE?
A I WOULD - WAS TOLD CONCLUDED
MR. EDWARDS: I DON'T HAVE ANYTHING MORE
... CROSS-EXAMINATION
BY MR. TATI:
Q AS I INDICATED, MY NAME IS BOB
TAT AND I REPRESENT LOCKHEED MARTIN IN CONNECTION
WITH THIS CASE. DO I UNDERSTAND CORRECTLY THAT YOU
HAVE BEEN EMPLOYED IN THE DOSIMETRY LAB FOR ABOUT 14
YEARS?
A YES, SIR.
Q PRIOR TO YOUR EMPLOYMENT IN THAT CAPACITY,
OR AT ANY TIME DURING YOUR EMPLOYMENT IN THAT
CAPACITY, HAVE YOU HAD RADIATION PROTECTION TRAINING
AT ANY TIME?
A YES, I HAVE.
Q WHAT HAS THAT TRAINING ENTAILED?
A THE STUFF THAT YOU NEED TO STAY AWAY FROM

VISITOR LEAVES THE PLANT OR ON A QUARTERLY BASIS IF
YOU ARE AN EMPLOYEE?
A YES, SIR.
Q SO IN MR. CASE THEY WOULD BE READ
EVERY QUARTER?
A YES.
Q AND THE READING IS DESIGNED TO DETERMINE
THE AMOUNT OF RADIATION THAT PARTICULAR EMPLOYEE HAS
BEEN EXPOSED TO DURING THE PAST QUARTER, IS THAT
RIGHT?
A YES, SIR.
Q DO YOU HAVE ANY IDEA AS TO HOW MANY BADGES
YOU READ ON A QUARTERLY BASIS?
A 3,000.
Q SO DOES THAT INCLUDE JUST EMPLOYEES OR
EMPLOYEES AND VISITORS?
A NO, THAT'S EMPLOYEES.
Q YOU WOULD ALSO READ THE BADGES OF THE
VISITORS OR ANYBODY ELSE AT THE PLANT?
A YES, SIR.
Q AND APPROXIMATELY HOW MANY OF THOSE WOULD
YOU SEE ON A QUARTERLY BASIS?
A ARE WE TALKING ABOUT NOW OR THE '90S?
Q '90S.
A: WE READ 40 TEMPORARIES A DAY. THAT'S 1200 BADGES A MONTH.
Q: SO THAT WOULD BE 3600 A QUARTER PLUS THE 3000 EMPLOYEES FOR 6600 BADGES A QUARTER. SO WHEN YOU TOLD MIL EDWARDS THAT SOMETIMES YOU WOULD CHANGE 100 TO 150, THAT AMOUNT WAS OUT OF 6600 BADGES?
A: YES, SIR. UH-HUH.
Q: OKAY. NOW, YOU TOLD MR. EDWARDS THAT YOU HAVE GIVEN A STATEMENT ABOUT MR. W OR THE CHANGES THAT YOU INITIATED - THE FORM, THE CHANGES IN MR. W'S READINGS AND YOU HAVE GIVEN STATEMENTS TO D B AND R W.
A: YES. SIR.
Q: THAT WAS IN CONNECTION WITH AN INVESTIGATION THE FACILITY.
A: YES, SIR.
Q: WHO ELSE DID YOU DISCUSS THAT CHANGE WITH?
A: MY ATTORNEY.
Q: THAT WAS MR. ZIN'GARELLI?
A: YES.
Q: WHO ELSE?
A: I WAS TRYING TO THINK OF ANYBODY ELSE ON PLANT SITE THAT TALKED TO ME. I DON'T THINK I DID,
Q: WHAT WAS YOUR BASIS OF YOUR LAWSUIT AGAINST MARTIN MARIETTA?
A: DISCRIMINATION. I WAS NOT PROMOTED.
Q: AM I CORRECT THAT THAT SUIT WAS SETTLED?
A: YES.
Q: WHEN WAS THAT SETTLED?
A: [DON'T REMEMBER] CAN'T REMEMBER THE DATE.
Q: BEFORE THIS INSTANCE WHEN MR. S ASKED YOU TO CHANGE MR. W'S DOSIMETRY READING, WERE YOU ACQUAINTED WITH MR. W?
A: I SEEN HIM AROUND PLANT SITE, HE WAS A GUARD. WE WORKED IN DOSIMETRY WITH HIM.
Q: YOU ONLY SAW HIM ON PLANT SITE, YOU WEREN'T SOCIAL FRIENDS WITH HIM?
A: NO. N.
Q: NOW, YOU IN'DICATED, I BELIEVE, THAT THE CORRECTION SHEET, WHEN IT'S FILLED OUT, DID NOT INCLUDE THE NAME OF THE EMPLOYEE. IT SIMPLY INCLUDED THE BADGE NUMBER AND THE PARTICULAR CODE INVOLVED.
A: ASWELLASREMEMBER.
Q: RIGHT. HOW DID YOU THEN DETERMINE THAT THE PARTICULAR BADGE NUMBER THAT MR. S HAD ASKED YOU TO CHANGE THE DOSAGE FOR BELONGED TO MR. W?
A: [LOOKED IT UP ON THE PRINTOUT.]
Q: BEFORE OR AFTER YOU INITIATED THE CHANGE?
A: BEFORE.
Q: AND WHY DID YOU DO THAT?
A: BECAUSE HE TOLD ME IT WAS A COURT CASE.
Q: IS THIS SOMETHING THAT YOU HAVE DONE OTHER TIMES WHEN YOU MADE CHANGES OR WAS THIS THE ONLY TIME?
A: NO. THAT WAS THE ONLY TIME.
Q: DO YOU REMEMBER APPROXIMATELY WHEN
MR. SI ASKED YOU TO MAKE THIS CHANGE?

A JULY OR AUGUST, MAYBE '94, ALONG THERE.

Q DO YOU REMEMBER WHAT QUARTER THE BADGE

READING REPRESENTED?

A NO, I DON'T.

Q IF IT WAS IN JULY OR AUGUST OF '94, IF I'M

CORRECT, YOU WOULD NOT HAVE HAD THE BADGE READINGS FOR

THE THIRD QUARTER OF '94.

A RIGHT.

Q SO IT WOULD HAVE TO HAVE BEEN FOR THE FIRST

OR SECOND QUARTER?

A OR FURTHER BACK.

Q AND IF I RECALL YOUR TESTIMONY CORRECTLY,

THE REQUEST WAS TO CHANGE THE READING FROM 26 SHALLOW,

26 DEEP TO 0 SHALLOW, 0 DEEP.

A YES.

Q IS 26 SHALLOW, 26 DEEP A READING THAT

WOULD REQUIRE ANY ACTION?

A NO.

Q IT'S CONSIDERED TO BE AN INCIDENTAL

READING?

A YES.

Q YOU TOLD MR. EDWARDS ABOUT A PIECE OF PAPER

THAT YOU SAW, I ASSUME THAT MR. S HAD, THAT

INCLUDED MR. D'S AND MR. M'S NAMES ON IT.

A YES.

Q WHY DID YOU CORRECT THAT WITH THE CHANGE IN

THE BADGE READING?

A BECAUSE IT WAS ON THE PAPER THAT HE BROUGHT

DOWN TO TELL ME THE CHANGE.

Q I DON'T UNDERSTAND. I THOUGHT YOU TOLD

MR. EDWARDS HE ORALLY TOLD YOU THE CHANGE.

A HE HAD A NOTE ON A PIECE OF PAPER OF THE

DATE HE WANTED CHANGED AND THIS CONTAINED M's

AND D's NAMES ON THE PIECE OF PAPER.

Q WAS THERE MORE THAN ONE CHANGE THAT HE

REQUESTED?

A YES, SIR, THERE WAS.

Q WHAT OTHER CHANGES?

A TWO MORE OF THE SAME READING.

Q TWO MORE OF THE SAME READING?

A YES. THERE WERE THREE IN ALL CHANGED.

Q AND DID YOU ASK OR INVESTIGATE AS TO WHOM

THOSE READINGS INVOLVED?

A THE SAME ONE, SAME BADGE NUMBER.

Q I'M SORRY. I THOUGHT YOU TESTIFIED YOU

ONLY CHANGED ONE READING

A NO, THERE WAS THREE IN ALL.

Q THREE READINGS FOR MR. W?

A YES.

Q FOR THREE DIFFERENT PERIODS?

A YES.

Q WHAT OTHER PERIODS OTHER THAN THIS 26

SHALLOW, 26 DEEP THAT YOU CHANGED?

A I CAN'T REMEMBER, BUT THERE WERE THREE

READINGS. I DON'T RECALL THE DATES.

Q DO YOU RECALL THE SPECIFICS OF THE

READINGS?

A YES.

Q ALL RIGHT. WHAT WERE THOSE?

A 26.

Q ALL 26 SHALLOW, 26 DEEP?

A ALL OF THEM.

Q CHANGED TO 0?

A Uh-huh.

Q HAVE YOU EVER SINCE THAT TIME HAD OCCASION

TO REVIEW MR. W'S HISTORICAL DOSIMETRY RECORD?

A I WOULD HAVE NO CAUSE TO.

Q IF THAT WAS THE CASE, THEN HOW DID YOU

DETERMINE THAT THE CHANGE, IN FACT, HAD BEEN CHANGED

BACK?

A I HAVE TO AUDIT THE PAPER WHEN IT COMES

BACK TO SEE WHEN IT WAS CHANGED. I GOT SUSPICIOUS AND

WENT BACK IN AND CHECKED AND THEY CHANGED IT BACK.

IT WAS ON THE PC. ANYBODY IN PHYSICS CAN DO IT.

Q DID YOU JUST REVIEWS THOSE THREE PARTICULAR

CHANGES OR ONE CHANGE OR WHAT DO YOU ... IT'S ALL BROUGHT UP. YOU

CANNOT CALL FOR A SPECIFIC DATE. WHEN I REVIEW THEIR

HISTORY, IT PRINTS IT ALL OUT.

Q AND YOU COULD TELL FROM THAT REVIEW

THAT THIS 26 SHALLOW, 26 DEEP READING HAD BEEN REINSTITUTED

ON THAT FILE?

A YES, I GLANCED AT IT. IT WAS UP ON THE

SCREEN.

Q AND YOU COULD TELL FROM THAT REVIEW THAT

THE 26 SHALLOW, 26 DEEP READING HAD BEEN REINSTITUTED

ON THAT FILE?

A YES, I COULD.

Q BUT AM I CORRECT THAT YOU RECALL - DON'T

RECALL HERE TODAY FOR WHAT PERIOD THOSE READINGS -

A NO, I CAN'T PULL THE DATES UP IN MY MIND.

Q OKAY. TO YOUR KNOWLEDGE, IS THIS THE ONLY

TIME THAT MR. S ASKED YOU TO CHANGE A READING FOR
1 A COURT CASE?
2 A YES, SIR.
3 Q DID HE EXPLAIN TO YOU WHY HE WANTED YOU TO
4 CHANGE THIS READING?
5 A YES.
6 Q WHAT DID HE SAY?
7 A HE SAID IT WAS EASIER TO EXPLAIN 0 AND 0
8 THAN 26 AND 26.
9 Q DID YOU QUESTION HIM AT ALL ABOUT THAT?
10 A NO. HE WAS MY SUPERVISOR.
11 Q AND AM I CORRECT THAT YOUR SUSPICION THAT
12 MR. [REDacted] AND MR. [REDacted] WERE AWARE OF THE CHANGE IS
13 BASED UPON THE FACT THAT THEIR NAMES WERE ON THIS
14 PIECE OF PAPER?
15 A YES.
16 Q HAVE YOU EVER DISCUSSED THIS WITH EITHER
17 MR. [REDacted] OR MR. [REDacted]?
18 A NO.
19 Q DID YOU EVER SEE THIS PIECE OR PAPER AGAIN?
20 A NO.
21 MR. TAIT: I DON'T THINK I HAVE ANY MORE
22 QUESTIONS. THANK YOU VERY MUCH.
23 MR. EDWARDS: THANK YOU, MS. SMIT.
24 

SIGNATURE NOT WAIVED.

- - -
THEREUPON, AT 10:58 A.M.,
ON TUESDAY, APRIL 22, 1997,
THE DEPOSITION WAS CONCLUDED.
- - -

CERTIFICATE
STATE OF OHIO )
COUNTY OF FRANKLIN ) SS:
I, [REDacted], PROFESSIONAL
REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF
OHIO, DO HEREBY CERTIFY THAT BEFORE THE TAKING OF HER
DEPOSITION, THE SAID [REDacted] WAS FIRST DUTY
SWORN BY ME TO TELL THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH;
THAT SAID DEPOSITION WAS TAKEN IN ALL
RESPECTS PURSUANT TO THE STIPULATIONS OF COUNSEL.
HEREFORE SET FORTH AND GIVEN AT THE SAID TIME AND
PLACE BY THE SAID [REDacted]
THAT I AM NOT AN ATTORNEY FOR OR
RELATIVE OF EITHER PARTY AND HAVE NO INTEREST
WHATSOEVER IN THE EVENT OF THIS LITIGATION.
IN WITNESS WHEREOF, I HAVE HEREBY SET MY
HAND AND OFFICIAL SEAL OF OFFICE AT PIKETON, OHIO,
ON THIS [REDacted] DAY OF [REDacted], 1997.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

[REDacted]
