

ERRATTA, ADDITIONS & ACTIVE PDF LINKS ADDED TO ENDNOTES

April 24, 2011

NIOSH DOCKET OFFICE

(513) 533-8611

Fax: (513) 533-8230

Email: NIOCINDOCKET@CDC.GOV**Comment to Ten-Year Review of the
NIOSH Radiation Dose
Reconstruction Program
Docket Number 194**Dr. Carmine F. Vasile
60 Herbert Circle
Patchogue, NY 11772
631-758-6271 (F: 730-3918)

To whom it may concern: Please accept this Comment to NIOSH Docket Number 194.

ABSTRACT

Since it's impossible for NIOSH to reconstruct doses for unknown, ingested radioisotopes, every Listed Facility and those that should have been Listed must be classified as an SEC if its potable water wells were found to be contaminated with **ANY** of the radionuclides identified in Tables MW2 & SSR in pp. 3 & 4 @ www.gfxtechnology.com/Table-B.pdf. No widow should ever again have to write what Jan Lovelaceⁱ was compelled to write: "**My husband's claim has been in the DOL/DOE/EEOICPA claim process for 9 years...6 cancers, 4 or 5 dose reconstructions, 3 hearings, and numerous remands. He is now deceased.**" --- as is my Uncle Pat; a WWII Vet that escaped harm in NAZI Germany only to be poisoned by Uncle Sam after he went to work for the Brookhaven National Laboratory (BNL) six decades ago. Unlike Mr. Lovelace, he was never informed about the EEOICPA as ordered in President Clinton's E.O.13179ⁱⁱ; nor was I. When asked why we weren't notified at last year's BNL Town Hall meeting, the DOL official lied with no fear of prosecution or remorse! She then refused my request to provide the NSSP phone number (866-812-6703) to a room filled with BNL's victims.

EXECUTIVE SUMMARY

On April 8, 2010, Charles Saundersⁱⁱⁱ filed the following comment to the NIOSH Docket Office:

- **"My point is that the Dosimeter Badges used to guide the Reconstruction process, they are not even close to any kind of accuracy. The location that the badges were to be worn..."**
- At least he was given **Dosimeter Badges**, but even if they were 100% accurate, it wouldn't matter if he ingested radioactive dust or drank radioactive water laced with Pb-210, Sr-90, Cs-137, Bi-214 and other exotic radionuclides found in soil and tap water where I worked/consulted as a troubleshooter for Hazeltine, Motorola, Boeing's Rockwell International, Atomics International, Grumman/Northrop Grumman, NASA, JPL, EPRI -- some of the biggest polluters & violators of the Emergency Planning and Right to Know Act "EPCRA".

DEADLY EXAMPLES

1. Tables B, MW1, MW2 & SSR @ www.gfxtechnology.com/Table-B.pdf & Table A footnotes @ www.gfxtechnology.com/Table-A.pdf show CDC is well aware that BNL poisoned thousands of employees, visiting scientists, local residents, wildlife, marine life and the environment --- because its located on an island in a residential neighborhood in Upton, NY and is one of the most toxic Superfund sites in the world; West of Chernobyl, Russia, East of Fuku-Shima-Dia-Ichi plants in FukuShima, Japan.
2. According to Table SSR CDC officials found soil samples having Cs-137 concentrations up to 44,000,000 pCi/g; Sr-90 = 1300 pCi/g, Cs-137 = 800,000 pCi/g to name a few of the most deadly radionuclides that Japan is now worried about.
3. Yet there was no evacuation order issued for either workers or residents living near BNL.
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5. CDC's Table MM2 indicates pound-for-pound, Lead-210 is a billion times more toxic than total Lead, which has an Maximum Contaminant Level (MCL) of 15 micrograms per liter (ug/L = ppb).
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7. To put all this into perspective, Pb-210 has an MCL of **1.2 pCi/L** compared to: **3** for Ra-226; **8** for Sr-90; **200** for CS-137 & **20,000** for Tritium ((H-3).
8. Table B shows Pb-210 concentrations 900 times its MCL in public wells lying in BNL plumes just South of BNL -- near its mapped Cs-137 & Sr-90 plumes.
9. My NSSP screening failed to test for toxic materials and diseases identified in the FWP-Protocol^v.
10. See related "**Petition For A Health Assessment To Determine Harm To 9/11 First Responders & Related Health Hazards Caused by NY State's Ban On Hair Analysis & Radionuclide-Urine Tests**", dated April 24, 2011 www.gfxtechnology.com/CDCHA.pdf.

THEREFORE, could any sane person trust CDC's NIOSH to calculate a realistic radiation dose for thousands of workers; given my February 2010 NSSP-screening failed to include (a) High Resolution Hair Analysis^{vi}, (b) ETDA/DMPS-provoked urine & hair test^{vii}, (c) provoked blood tests, (d) Full Body Scans^{viii}, or (e) any radioactivity measurement whatsoever?

DE-CLASSIFIED HISTORY LESSON

In 1962 I became an Electrical Engineer and was drafted into the secret world of Electronics Warfare (EW) and took an oath of secrecy at age 21; first by Hazeltine, then Motorola, Boeing/Rockwell, Grumman & Northrop-Grumman. In the 1970's Boeing/Rockwell began managing the Hanford site and a then-classified spent fuel reprocessing facility. Today you can read all about it on Wikipedia, e.g.:

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October 1977 was the year my son's cancer reached his brain; three years after three cancers were removed from his spine and he was treated with ineffective radiation. He died August 5, 2008, after 34 years of torment and many secondary tumors --- like Mr. Lovelace.

In August 1977 I co-authored a Final Report for a DOE-contractor EPRI (#NP519). In September 1977 we submitted an unsolicited proposal to EPRI (Rockwell International #S2910T) to develop advanced systems to find flaws in radioactive Breeder Reactor welds, the B1 Bomber, C5A, depleted-uranium aircraft & artillery shells, Space Shuttle boosters, etc.

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- About 35 years ago, the San Onofre Nuclear Generating Station (SONGS) was leaking radioactive water into Uncle Sam's side of the Pacific. (Can't talk about the Nuclear Subs we tested.)
- In a panic, DOE & DOD decided to fund a nuclear power plant safety program and award grants to many universities.
- I co-managed that Grant Program, as well as classified programs involving non-destructive evaluation of military, commercial and space-borne reactors/atomic batteries.
- But President Carter decided to ship Boeing/Atomic International's Breeder-Reactor technology to France and kill the B-1 --- the same week.
- That week 10,000 workers were laid off; today Carter's legacy includes more oil-wars.

Waste Fraud & Abuse Complaint to EEOICPA Ombudsman

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I collect a Grumman Pension, yet Grumman and Boeing/Rockwell lied to my EEOICPA claims examiner -- claiming they had no records to confirm I worked for them. Hazeltine, Motorola, Boeing, Rockwell International, Grumman, Northrop-Grumman, NASA, JPL, China Lake, Zetec all failed to notify me of the EEOICPA/NSSP/FWP by 2001; in violation of Clinton's Executive Order 13179.

- Based on the 34 comments @ www.cdc.gov/niosh/docket/archive/docket194.html -- I'm not alone.

"Welcome to Shirley", by Kelly McMasters.

1. In early 2008 a friend told me to read "**Welcome to Shirley**", by Kelly McMasters; a book about atrocities committed at BNL -- a sad reminder of Waste, Fraud & Abuse on classified projects in the Nuclear Power/Weapons Industry that I witnessed in California, Washington, Nevada, Long Island, NY and classified, un-listed facilities.
2. Complaints to the newly formed NRC were ignored, so I quit the Rockwell Science Center in Thousand Oaks, CA; returned to Hazeltine in the early 1980's and retired from Grumman in November 1994.
3. A few months after reading Welcome to Shirley, son finally found peace and I decided to investigate Kelly's allegations; supported by recent BNL Superfund reports.
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5. Not so, because BNL lies in a residential neighborhood in Upton, NY atop our drinking water supply; creating Long Island's cancer pandemic. (See "**Sources of Radioactive E- & N-Waste**" @ www.gfxtechnology.com/TOXFAQ.html)
6. BNL's depraved-indifferent managers and local EPA officials have been violating **EPCRA**^x for decades with government officials standing willfully blind.
7. CDC/ATSDR/NIOSH/OSHA/NRC/EPA have all allowed BNL to contaminate the water supply for nearly a million people, as shown by documents CERCLA lawsuits, NRC & CDC letters @ www.gfxtechnology.com/CDC-BNL.pdf, www.gfxtechnology.com/LLL.html & www.gfxtechnology.com/HM-Perks.html --- all made possible by NYS's water blending program crafted to pass the Safe Drinking Water Act -

- although the NYS Health Code (Exhibit A @ www.gfxtechnology.com/BB.pdf) prohibits blending radioactive water.

Pending Request for Reconsideration

Yesterday was the first time I spoke to ANWAG's Terrie Barrie, who sent me an email pointing to her comments dated April 29, 2010^x & April 18, 2011^{xi} @ www.cdc.gov/niosh/docket/archive/docket194.html. These comments and others portray a corrupt, out of control program "**whose administrative costs are equal to 32 percent of the benefits**"; according to "**EEOICPA & NIOSH Article by Mark Schiller**"^{xiii}.

- Clearly, these administrators have a vested interest to deny claims – by lying – until they are rich and we are dead.

Coincidentally, on April 21, 2011 I mailed a Request for Reconsideration^{xiii} of a scandalous Rejection dated March 25, 2011^{xiv} by David F. Howell, Hearing Representative, U.S. Department of Labor, Final Adjudication Branch, P.O. Box 77918, Washington, D.C. 20013-7918.

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PROSECUTION DEMAND

Upon the foregoing, all 34 Comments, and pursuant to 18 USC §4 (Misprision of Felony)^{xv} I hereby demand that depraved indifference and willful blindness complaints be filed against the corrupt, self-serving EEOICPA administrators and Listed Facility managers for suborning and/or violating EPCRA & Clinton's E.O. 13179.

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Given it's impossible for NIOSH to reconstruct ANY DOSE for unknown, ingested radioisotopes, every Listed Facility must be classified as an SEC if its potable water wells were found to be contaminated with ANY of the radionuclides identified in said Tables MW2 & SSR in pp. 3 & 4 @ www.gfxtechnology.com/Table-B.pdf; especially since the NSSP/FWP screening protocol was crafted to prevent the detection and treatment of both radionuclides & heavy metals.

WHEREFORE, it's imperative that billions of dollars stop being wasted on corrupt EEOICPA & NIOSH administrators and be used to the enefits of employees poisoned by radioactive tap water, soil and/or foods prepared with radioactive tap water at Listed Facilities -- so that no widow will ever again have to write what Jan Lovelace was compelled to write: "**My husband's claim has been in the DOL/DOE/EEOICPA claim process for 9 years.....6 cancers, 4 or 5 dose reconstructions, 3 hearings, and numerous remands. He is now deceased.**" -- as is my cancer-ridden son Tony.)

Yours truly,

Carm F. Vasile
Dr. Carmine F. Vasile
Ph.D. Electrophysics

ENDNOTES

- i [Jan Lovelace <www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-110110-LovelaceJ_sub.pdf>](http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-110110-LovelaceJ_sub.pdf)
- ii [E.O. 13179 <http://nodis3.gsfc.nasa.gov/displayEO.cfm?id=EO_13179 >](http://nodis3.gsfc.nasa.gov/displayEO.cfm?id=EO_13179)
- iii [Charles Saunders <http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-040810-SaundersC_sub.pdf>](http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-040810-SaundersC_sub.pdf)
- iv [excessive <http://www.gfxtechnology.com/5C3H.pdf>](http://www.gfxtechnology.com/5C3H.pdf)
- v [MEDICAL SCREENING PROTOCOL \(FWP\) <www.hss.energy.gov/HealthSafety/FWSP/formerworkemed/Medical_Protocol.pdf>](http://www.hss.energy.gov/HealthSafety/FWSP/formerworkemed/Medical_Protocol.pdf)
- vi [High Resolution Hair Analysis <http://www.hairanalysiskit.com/hair-analysis-lab.htm>](http://www.hairanalysiskit.com/hair-analysis-lab.htm)
- vii [ETDA/DMPS-provoked urine & hair analysis <http://www.gfxtechnology.com/ETDA.pdf>](http://www.gfxtechnology.com/ETDA.pdf)
- viii [Full Body Scans <http://en.wikipedia.org/wiki/Nuclear_medicine>](http://en.wikipedia.org/wiki/Nuclear_medicine)
- ix [EPCRA <http://www.gfxtechnology.com/EPCRA.pdf>](http://www.gfxtechnology.com/EPCRA.pdf)
- x [April 29, 2010 <http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-042910-Barrie_addendum.pdf>](http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-042910-Barrie_addendum.pdf)
- xi [April 18, 2011 <http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-041811-Barrie_sub.pdf>](http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-194/0194-041811-Barrie_sub.pdf)
- xii [EEOICPA & NIOSH Article by Mark Schiller <http://www.facebook.com/topic.php?uid=72350544432&topic=8716>](http://www.facebook.com/topic.php?uid=72350544432&topic=8716)
- xiii [Request for Reconsideration <http://www.gfxtechnology.com/REC2.pdf>](http://www.gfxtechnology.com/REC2.pdf)
- xiv [Rejection dated March 25, 2011 <http://www.gfxtechnology.com/REJ2.pdf>](http://www.gfxtechnology.com/REJ2.pdf)
- xv [18 USC §4 \(Misprision of Felony\) <http://www.law.cornell.edu/uscode/718/usc_sec_18_00000004----000-.html>](http://www.law.cornell.edu/uscode/718/usc_sec_18_00000004----000-.html)

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Ph.D. Electrophysics

Dragon, Karen E. (CDC/NIOSH/EID)

From: Carmine Vasile [gfx-ch@msn.com]
Sent: Sunday, April 24, 2011 12:27 AM
To: NIOSH Docket Office (CDC)
Cc: Terrie Barrie; Harry Williams; Sinks, Tom (CDC/ONDIEH/NCEH); Ulirsch, Gregory V. (Greg) (ATSDR/DHAC/CAPEB); Congressman Bishop c/o Bilal Malik; Gerard Petrella_Senator Schumer; senatorgillibrand@politicalconfidence.com
Subject: Comment to Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program; Docket Number 194
Attachments: NIOSH Comment.pdf

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To whom it may concern: Please accept the attached Comment to NIOSH Docket Number 194. Here's its Abstract & Executive Summary:

ABSTRACT

Since it's impossible for NIOSH to reconstruct doses for unknown, ingested radioisotopes, every Listed Facility and those that should have been Listed must be classified as an SEC if its potable water wells were found to be contaminated with **ANY** of the radionuclides identified in Tables MW2 & SSR in pp. 3 & 4 @ <http://www.gfxtechnology.com/Table-B.pdf>. No widow should ever again have to write what **Jan Lovelace** was compelled to write: **"My husband's claim has been in the DOL/DOE/EEOICPA claim process for 9 years...6 cancers, 4 or 5 dose reconstructions, 3 hearings, and numerous remands. He is now deceased."** --- as is my Uncle Pat; a WWII Vet that escaped harm in NAZI Germany only to be poisoned by Uncle Sam after he went to work for the Brookhaven National Laboratory (BNL) six decades ago. Unlike Mr. Lovelace, he was never informed about the EEOICPA as ordered in President Clinton's **E.O. 13179**; nor was I. When asked why we weren't notified at last year's BNL Town Hall meeting, the DOL official lied with no fear of prosecution or remorse! She then refused my request to provide the NSSP phone number (866-812-6703) to a room filled with BNL's victims.

EXECUTIVE SUMMARY

On April 8, 2010, [Charles Saunders](#) filed the following comment to the NIOSH Docket Office:

- **"My point is that the Dosimeter Badges used to guide the Reconstruction process, they are not even close to any kind of accuracy. The location that the badges were to be worn..."**
- At least he was given a **Dosimeter Badges**, but even if they were 100% accurate, it wouldn't matter if he ingested radioactive dust or drank radioactive water laced with Pb-210, Sr-90, Cs-137, Bi-214 and other exotic radionuclides found in soil and tap water where I worked/consulted as a troubleshooter for Hazeltine, Motorola, Boeing's Rockwell International, Atomics International, Grumman/Northrop Grumman, NASA, JPL, EPRI --- some of the biggest polluters and violators of the Emergency Planning and Right to Know Act "**EPCRA**".

Yours truly,
Dr. Carmine F. Vasile
Ph.D. Electrophysics

Date: Fri, 22 Apr 2011 12:08:08 -0700
From: tbarrie@yahoo.com
Subject: EEOICPA and ANWAG
To: gfx-ch@msn.com

Hi Carmine,

Thanks for calling today. It was quite the interesting conversation. Here are the names of two attorneys that I feel confident in.

Frank Gerlach, www.atomiclawyer.com, contactus@atomiclawyer.com, 800-354-7755. He's in OH

Anne K. Block

Attorney at Law
14571 N. Kelsey St. Suite 105-391
Monroe, WA 98272
206-288-3781
anne.k.block@comcast.com

On this website you'll find a few letters from ANWAG or affiliated advocates regarding NIOSH's dose reconstruction. <http://www.cdc.gov/niosh/docket/archive/docket194.html> If your in the mood to make comments, deadline is April 25. I know that's short notice but they still may accept them afterwards.

Here's the text of the legislation we need Congressman Bishop to cosign. Also, if you wouldn't mind asking Sens. Schumer and Gillibrand to cosign the Senate version, S-545, I'd appreciate it.

H.R.1030 -- EEOICPA Amendment Act of 2011 (Introduced in House - IH)

HR 1030 IH

112th CONGRESS
1st Session
H. R. 1030

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act.

IN THE HOUSE OF REPRESENTATIVES

March 10, 2011

Mr. WHITFIELD (for himself and Mr. POLIS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'EEOICPA Amendment Act of 2011'.

SEC. 2. ESTABLISHMENT OF THE ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.

(a) Advisory Board on Toxic Substances and Worker Health- Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385 et seq.) is amended by adding at the end the following new section:

'SEC. 3687. ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.

'(a) Establishment-

`(1) IN GENERAL- Not later than 120 days after the date of the enactment of this section, the President shall establish and appoint an Advisory Board on Toxic Substances and Worker Health (in this section referred to as the `Board').

`(2) CONSULTATION ON APPOINTMENTS- The President shall make appointments to the Board in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a balance of perspectives from the scientific, medical, legal, worker, and worker advocate communities.

`(3) CHAIR- The President shall designate a Chair for the Board from among its members.

`(b) Duties- The Board shall--

`(1) advise the Secretary, the Secretary of Energy, and the Secretary of Health and Human Services concerning the review and approval of the site exposure matrix used to determine eligibility for compensation under this subtitle for illnesses resulting from exposure to toxic substances;

`(2) periodically review and approve guidance provided to claims examiners on weighing medical evidence under this subtitle;

`(3) review reports by consulting physicians to ensure quality, objectivity, and consistency; and

`(4) coordinate exchanges of data and findings with the Advisory Board on Radiation and Worker Health to the extent necessary.

`(c) Staff-

`(1) IN GENERAL- The Secretary shall appoint a staff to facilitate the work of the Board. The staff shall be headed by a Director who shall be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

`(2) FEDERAL AGENCY PERSONNEL- The Secretary may accept as staff of the Board personnel on detail from other Federal agencies as necessary to enable the Board to carry out its duties under this section. The detail of personnel under this paragraph may be on a nonreimbursable basis.

`(3) CONTRACTORS- The Secretary shall employ outside contractors and specialists selected by the Board to support the work of the Board.

`(d) Expenses- Members of the Board, other than full-time employees of the United States, while attending meetings of the Board or while otherwise serving at the request of the President, while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

`(e) Security Clearances-

`(1) APPLICATION- The Secretary of Energy shall ensure that the members and staff of the Board, and the contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate.

`(2) DETERMINATION- The Secretary of Energy should, not later than 180 days after receiving a completed application for a security clearance under this subsection, make a determination whether or not the individual concerned is eligible for the clearance.

`(3) REPORT- For fiscal year 2013 and each fiscal year thereafter, the Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report specifying the number of applications for security clearances under this subsection, the number of such applications granted, and the number of such applications denied.

`(f) Information- The Secretary of Energy shall, in accordance with law, provide to the Board and the contractors of the Board access to any information that the Board considers relevant to carry out its responsibilities under this section, including information such as Restricted Data (as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))) and information covered by the Privacy Act.'.

(b) Ombudsman Report- Section 3686 of such Act (42 U.S.C. 7385s-15) is amended--

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

`(h) Response to Report-

`(1) TIMING- Not later than 90 days after the publication of the annual report under subsection (e), the Secretary shall submit to Congress a written response to the report.

`(2) CONTENTS OF RESPONSE-

`(A) AGREEMENT- If the Secretary agrees with a finding of the Ombudsman in the report, the Secretary shall include in the response proposed actions to address any issues raised by the finding.

`(B) DISAGREEMENT- If the Secretary disagrees with a finding of the Ombudsman in the report, the Secretary shall include in the response the reasons of disagreement with the finding.

`(3) PUBLICATION- The Secretary shall post the response on the public Internet site of the Department of Labor.'.