

ORIGINAL

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

Date June 4, 2009

Employee: Walter T. Keeling
File No.: 402244547

RE: CONFIRMATION OF WALTER KEELING PADUCAH SEC STATUS

To: Rachel P. Leiton, Director
Christy Long, Deputy Director
Michael A. Chance, Chief, Policy Branch
LuAnn Kressley, Chief, Final Adjudication Branch
Eugene Schwartz, M.D., Medical Director
Mr. Jeffrey Reeds, FAB Hearing Official

Dear Mr. Reeds and Ms. Leiton,

In addition to the "Declarations" I recently sent to you that confirmed the carpenter's hourly pay rate of approximately \$2.50 per hour, I have now located a former Paducah Gaseous Diffusion Plant (PGDP) "electrician", Mr. Robert Flowers who was employed as an electrician at PGDP at or about the same time as Walter T. Keeling. Mr. Flowers recently held an informal Department of Labor (DOL) "Final Adjudication Branch (FAB) hearing on April 21, 2009 with the DOL hearing official Mr. Curtis Johnson.

During my conversation with Mr. Flowers at that time and after Mr. Durward Johnson's FAB hearing ended, Mr. Flowers provided me with his 1954 "electrician" hourly pay rate of approximately \$2.50 per hour. By using Mr. Keeling's total wages earned during his employment at PGDP (per CES Exhibit 1- subcontractor's work sheet and Exhibit 2 – social security detail from 1951 through 1954) that equals \$9,613.34 earned as a PGDP electrician and dividing the total earnings by the \$2.50 /hourly "electrician" pay rate, **Mr. Keeling's total hours equal 3,845 total hours or 480.7 work days worked at the PGDP.** Since the Paducah "Special Exposure Cohort" (SEC) requires PGDP workers to work a minimum of 250 days, Mrs. Walter T. Keeling more than qualifies for the maximum compensation for her deceased husband for Parts B and E, since Mr. Keeling more than exceeded the minimum requirements of the Energy Employee Occupational Illness Program Act (EEOICPA), and as a result of his exposures in the workplace to

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toxic chemicals and transuranics, died as a result of developing one of the EEOICPA "SEC" qualifying cancers.

I again contacted Mr. Flowers on Monday 6-1-09 and he also provided the name of "Brubaker Electrical", a PGDP subcontractor who **had not** been listed as working at PGDP, until now. Brubaker Electrical Company was most likely a local "lower tier" subcontractor (as will be confirmed through the DOE FOIA request filed on behalf of Paducah subcontractor workers on 6-3-09 (attached) who held a subcontract with other PGDP prime contractors performing work under F. H. McGraw's primary contract at the time. Since Rust Engineering and Raytheon Engineering Construction were both listed as contractors working at the AEC Oak Ridge plant and their names are listed on the DOE/ DOL "subcontractor work sheet" and Mr. Keeling worked for Raytheon as indicated by his social security records, Mr. Keeling's employment records clearly indicate he did, in fact, work for the DOE contractors who were paying him to perform his job as an electrician.

The production of PGDP construction reports and company records, including the "Declarations" from Mr. Robert Flowers and Don C. Vander Boegh, will confirm that subcontracting companies were omitted from DOE's list of PGDP companies performing work at the Paducah DOE site since the 1950's. Mr. Vander Boegh was the "Chief of the McGraw Guard" force/ FBI clearance investigator who also recalled "Brubaker's" PGDP site presence in the early 1950's.

In addition, I assume you were unaware that the DOE provided construction oversight for the PGDP project through the DOE Oak Ridge, Tennessee facility where Paducah employment and exposure records are currently in existence. These Paducah worker records maintained at the Oak Ridge, Tennessee facility will confirm that many subcontractors and their employees who were, in fact, performing work at the PGDP. With the public disclosure and release of these "subset of contractors records", claimants will finally be able to confirm their employment status at these DOE facilities.

"DOE FOIA Excerpt 6-03-09"

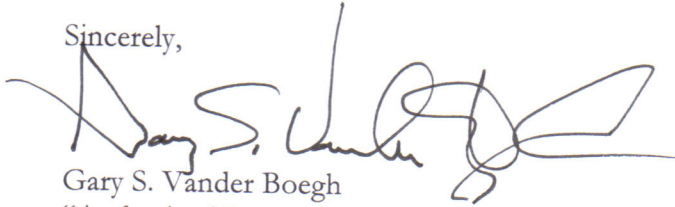
"Please provide a list of DOE contracts (including subsets of records) that were performed by Rust Engineering and Raytheon Engineering and Constructors on behalf of DOE that were managed by DOE Oak Ridge program officials for the Paducah Gaseous Diffusion Plant site. Include the names, of all subcontractor workers that may have received training at the PGDP. Please redact the first 5 social security numbers and include training records, documents, and construction records maintained for subcontractors working for the above mentioned DOE contractors."

I have attached the "Declaration" statements for witnesses Robert Flowers and Don C. Vander Boegh. In addition, all updated information will be posted on the Commonwealth Environmental Services (CES) web site at www.commonwealthenvironmentalservices.com for your further review and consideration. With the "Disclosure" evidence and that already provided to the DOL, along with the newly discovered confirmation that Rust Engineering

and Raytheon Engineering and Construction held DOE contracts at the PGDP and Oak Ridge Facility (to be confirmed by through the DOE Oak Ridge contract management), please let me know if you require any additional evidence prior to approving Mrs. Walter T. Keeling's Part B and E claims for compensation.

Please contact me at (270) 450-0850, if you have any further questions above.

Sincerely,



Gary S. Vander Boegh
"Authorized Representative"

Vice President- Commonwealth Environmental Services, LLC.

Attachment: 1/ Declaration of Robert Flowers
2/ Declaration of Don C. Vander Boegh
3/ DOE "Freedom of Information Act" request
4/ Subcontractor Worksheet
5/ John Poe History Affidavit
6/ Walter Keeling Social Security Earnings

**VIA FACSIMILE (W/Attachments- CES Exhibit 1 and SS Records _202-693-6111
The Honorable Hilda Solis**

Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-2018
Washington, DC 20210

Senator Richard Durbin via facsimile (202) 228-0400
Senator Mitch McConnell via facsimile and email (202) 224-2499
Senator Jim Bunning via facsimile (202) 228-1373

Senator Harry Reid via facsimile (202) 224-7327
Senator Ted Kennedy via facsimile (202) 224-2417

Congresswoman Sheila Jackson Lee via facsimile (202) 225-3317
Congressman Ed Whitfield via facsimile (202) 225-3547
Congressman Bart Stupak via facsimile (202) 225-4744

electrical subcontractors, that were working at the PGDP when I was employed as an electrician, were "Bagby Electric and Elevator" and "Brubaker Electric." One of the PGDP workers who worked for Brubaker Electric was Curley Norris who, as I understand, has since passed away.

Further affiant sayeth not.

Pursuant to 28 U.S.C. Section 1746, I, Robert Flowers, hereby swear, under penalty of perjury, that the foregoing statements are true and correct to the best of my information and belief.

Robert Flowers
Name

6-4-09
Date