

**Special Exposure Cohort Petition**

under the Energy Employees Occupational  
Illness Compensation Act

11-14-08 P02:58 IN

**U.S. Department of Health and Human Services**

Centers for Disease Control and Prevention  
National Institute for Occupational Safety and Health

OMB Number: 0920-0639

Expires: 05/31/2007

**Special Exposure Cohort Petition — Form B**

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Use of this form and disclosure of Social Security Number are voluntary. Failure to use this form or disclose this number will not result in the denial of any right, benefit, or privilege to which you may be entitled.

**General Instructions on Completing this Form** (complete instructions are available in a separate packet):

Except for signatures, please PRINT all information clearly and neatly on the form.

Please read each of Parts A — G in this form and complete the parts appropriate to you. If there is more than one petitioner, then each petitioner should complete those sections of parts A – C of the form that apply to them. Additional copies of the first two pages of this form are provided at the end of the form for this purpose. A maximum of three petitioners is allowed.

If you need more space to provide additional information, use the continuation page provided at the end of the form and attach the completed continuation page(s) to Form B.

If you have questions about the use of this form, please call the following NIOSH toll-free phone number and request to speak to someone in the Office of Compensation Analysis and Support about an SEC petition: **1-800-356-4674**.

<b>If you are:</b>	<input type="checkbox"/> A Labor Organization,	Start at D on Page 3
	<input type="checkbox"/> An Energy Employee (current or former),	Start at C on Page 2
	<input checked="" type="checkbox"/> A Survivor (of a former Energy Employee),	Start at B on Page 2
	<input type="checkbox"/> A Representative (of a current or former Energy Employee),	Start at A on Page 1

**A Representative Information — Complete Section A if you are authorized by an Employee or Survivor(s) to petition on behalf of a class.**

A.1 **Are you a contact person for an organization?**  Yes (Go to A.2)  No (Go to A.3)

**A.2 Organization Information:**

Name of Organization

Position of Contact Person

**A.3 Name of Petition Representative:**

Mr./Mrs./Ms. First Name

Middle Initial

Last Name

**A.4 Address:**

Street

Apt #

P.O. Box

City

State

Zip Code

A.5 **Telephone Number:** ( )

A.6 **Email Address:**

A.7  Check the box at left to indicate you have attached to the back of this form written authorization to petition by the survivor(s) or employee(s) indicated in Parts B or C of this form. An authorization

**If you are representing a Survivor, go to Part B; if you are representing an Employee, go to Part C.**

Name or Social Security Number of First Petitioner: \_\_\_\_\_

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**B Survivor Information — Complete Section B if you are a Survivor or representing a Survivor.**

B.1 Name of Survivor:

WE First Name III Middle Initial Last Name

B.2 Social Security Number of Survivor: \_\_\_\_\_

B.3 Address of Survivor:

Street Apt # P.O. Box  
City State Zip Code

B.4 Telephone Number of Survivor: \_\_\_\_\_

B.5 Email Address of Survivor: \_\_\_\_\_

B.6 Relationship to Employee:  Spouse  Son/Daughter  Parent  
 Grandparent  Grandchild

Go to Part C.

**C Employee Information — Complete Section C UNLESS you are a labor organization.**

C.1 Name of Employee:

First Name Middle Initial Last Name

C.2 Former name of Employee (e.g., maiden name/legal name change/other):

Same  
Mr./Mrs./Ms. First Name Middle Initial Last Name

C.3 Social Security Number of Employee: \_\_\_\_\_

C.4 Address of Employee (if living):

Street Apt # P.O. Box  
City State Zip Code

C.5 Telephone Number of Employee: ( ) \_\_\_\_\_

C.6 Email Address of Employee: \_\_\_\_\_

C.7 Employment Information Related to Petition:

C.7a Employee Number (if known): \_\_\_\_\_

C.7b Dates of Employment: Start 9/29/52 End 8/31/59

C.7c Employer Name: Electro-Metallurgical

C.7d Work Site Location: Niagara Falls, N.Y.

C.7e Supervisor's Name: unknown

Go to Part E.

Name or Social Security Number of First Petitioner: \_\_\_\_\_

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**D Labor Organization Information — Complete Section D ONLY if you are a labor organization.**

**D.1 Labor Organization Information:**

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Position of Contact Person

**D.2 Name of Petition Representative:**

\_\_\_\_\_

**D.3 Address of Petition Representative:**

\_\_\_\_\_  
Street

\_\_\_\_\_  
Apt #

\_\_\_\_\_  
P.O. Box

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

**D.4 Telephone Number of Petition Representative:** ( ) - \_\_\_\_\_

**D.5 Email Address of Petition Representative:** \_\_\_\_\_

**D.6 Period during which labor organization represented employees covered by this petition**  
(please attach documentation): Start \_\_\_\_\_ End \_\_\_\_\_

**D.7 Identity of other labor organizations that may represent or have represented this class of employees (if known):**

\_\_\_\_\_

**Go to Part E.**

Name or Social Security Number of First Petitioner: \_\_\_\_\_

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**E Proposed Definition of Employee Class Covered by Petition — Complete Section E.**

E.1 Name of DOE or AWE Facility: Electro Metallurgical

E.2 Locations at the Facility relevant to this petition:  
Entire Building (50 x 217)

E.3 List job titles and/or job duties of employees included in the class. In addition, you can list by name any individuals other than petitioners identified on this form who you believe should be included in this class:  
all employees

E.4 Employment Dates relevant to this petition:  
Start 9/29/52 End 8/31/59  
Start \_\_\_\_\_ End \_\_\_\_\_  
Start \_\_\_\_\_ End \_\_\_\_\_

~~E.5~~ Is the petition based on one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents?  Yes  No

If yes, provide the date(s) of the incident(s) and a complete description (attach additional pages as necessary):

\_\_\_\_\_  
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Go to Part F.

Name or Social Security Number of First Petitioner: \_\_\_\_\_

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**F Basis for Proposing that Records and Information are Inadequate for Individual Dose —  
Complete Section F.**

Complete at least one of the following entries in this section by checking the appropriate box and providing the required information related to the selection. You are not required to complete more than one entry.

F.1  I/We have attached either documents or statements provided by affidavit that indicate that radiation exposures and radiation doses potentially incurred by members of the proposed class, that relate to this petition, were not monitored, either through personal monitoring or through area monitoring.

(Attach documents and/or affidavits to the back of the petition form.)

Describe as completely as possible, to the extent it might be unclear, how the attached documentation and/or affidavit(s) indicate that potential radiation exposures were not monitored.

Letter from Dow Chemical (purchaser of Union Carbide) that states there are no records for employees that worked at this site.

F.2  I/ We have attached either documents or statements provided by affidavit that indicate that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

(Attach documents and/or affidavits to the back of the petition form.)

Describe as completely as possible, to the extent it might be unclear, how the attached documentation and/or affidavit(s) indicate that radiation monitoring records for members of the proposed class have been lost, altered illegally, or destroyed.

Letter from Dow Chemical Retiree Services that records for employees that had been retired or had died 6 or more years before Dow's purchase of Union Carbide had been destroyed.

Part F is continued on the following page.

Name or Social Security Number of First Petitioner: \_\_\_\_\_



F-1

Union Carbide Corporation  
A Subsidiary of The Dow Chemical Company  
USA

February 27, 2008

This is in response to your letter that I received on February 5, 2008 requesting information regarding retirement benefit. You also requested information regarding his employment history at Union Carbide Corporation ("UCC").

Date of Hire was September 29, 1952 and his adjusted Continuous Service Date at UCC was March 18, 1953. This adjustment results from a brief period where he was laid off. employment ended on September 30, 1986 as a result of the Voluntary Severance Program which included a "3 + 3" pension benefit enhancement. The "3 + 3" enhancement added an additional 3 years to his age and service for purposes of his pension calculation. When his employment at UCC ended, actual age was 52 year, 10 months and actual service was 33 years, 6 months. His "Application for Retirement Benefits" is enclosed.

He elected to commence his pension benefit immediately on October 1, 1986. He elected the 50% Joint and Survivor option (enclosed) and also elected the Level Income option (enclosed). He received \$2,079.55 per month prior to age 62 and was scheduled to receive \$1,477.55 per month after age 62 but passed away before this benefit became effective. The survivor pension (\$905.78) was based on his pension benefit prior to processing his Level Income election. His pension calculation is enclosed.

He passed away on 1994 and your survivor pension (\$905.78) commenced on 1994. It was increased to \$955.78 on September 1, 2007 as a result of the recent pension adjustment.

According to our records management schedule, personnel files of employees are kept for 6 years plus the current year after an employee leaves employment. Therefore, personnel file has been destroyed and I am unable to provide great detail of his employment history with Union Carbide Corporation. However, there was some information in his pension file that I can share with you (enclosed).

He retired from the Carbon Products division at their facility in Clarksville, TN. His last position was a Staff Analyst in the Information Technology group. It appears that he

spent his entire career in the Carbon Products division. Prior to July 1, 1965 he appears to have worked in clerical positions, e.g., Senior Clerk. Starting on July 1, 1965 and until he retired he held a variety of positions in the Information Technology group starting as a Program Analyst until his final position as Staff Analyst. During this time he worked in:

- Niagara Falls, NY: Prior to September 1, 1959.
- Clarksburg, WV: September 1, 1959 – July 31, 1960
- Columbia, TN: August 1, 1960 – June 30, 1965
- Niagara Falls, NY: July 1, 1965 – August 31, 1984
- Clarksville, TN: September 1, 1984 – September 30, 1986.

If you have any further questions, please call the Retiree Service Center at (800) 334-0661.

Sincerely,



F-2

Union Carbide Corporation  
A Subsidiary of The Dow Chemical Company  
Midland, MI 48674  
USA

Re:

Under a Service Agreement between The Dow Chemical Company and Union Carbide Corporation. this letter is in response to your request dated 10/13/2008 regarding badge records for In reviewing our records for Union Carbide. we  
do not have any dosimetry -- film badge or finger ring records for the sites  
worked at for the time period he was employed.

Sorry we could not be of further assistance.



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F.3  I/We have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition. The report specifies the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

(Attach report to the back of the petition form.)

F.4  I/We have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Facilities Safety Board, or published in a peer-reviewed journal, that identifies dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

(Attach report to the back of the petition form.)

**Go to Part G.**

**G Signature of Person(s) Submitting this Petition — Complete Section G.**

**All Petitioners should sign and date the petition. A maximum of three persons may sign the petition.**

Signature	_____	Date	_____
Signature	_____	Date	_____
Signature	_____	Date	_____

**Notice:** Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided under EEOICPA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both. I affirm that the information provided on this form is accurate and true.

Send this form to: SEC Petition  
Office of Compensation Analysis and Support  
NIOSH  
4676 Columbia Parkway, MS-C-47  
Cincinnati, OH 45226

**If there are additional petitioners, they must complete the Appendix Forms for additional petitioners. The Appendix forms are located at the end of this document.**

Name or Social Security Number of First Petitioner: \_\_\_\_\_

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**Public Burden Statement**

Public reporting burden for this collection of information is estimated to average 300 minutes per response, including time for reviewing instructions, gathering the information needed, and completing the form. If you have any comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to CDC Reports Clearance Officer, 1600 Clifton Road, MS-E-11, Atlanta GA, 30333; ATTN:PRA 0920-0639. Do not send the completed petition form to this address. Completed petitions are to be submitted to NIOSH at the address provided in these instructions. Persons are not required to respond to the information collected on this form unless it displays a currently valid OMB number.

**Privacy Act Advisement**

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a), you are hereby notified of the following:

The Energy Employees Occupational Illness Compensation Program Act (42 U.S.C. §§ 7384-7385) (EEOICPA) authorizes the President to designate additional classes of employees to be included in the Special Exposure Cohort (SEC). EEOICPA authorizes HHS to implement its responsibilities with the assistance of the National Institute for Occupational Safety (NIOSH), an Institute of the Centers for Disease Control and Prevention. Information obtained by NIOSH in connection with petitions for including additional classes of employees in the SEC will be used to evaluate the petition and report findings to the Advisory Board on Radiation and Worker Health and HHS.

Records containing identifiable information become part of an existing NIOSH system of records under the Privacy Act, 09-20-147 "Occupational Health Epidemiological Studies and EEOICPA Program Records. HHS/CDC/NIOSH." These records are treated in a confidential manner, unless otherwise compelled by law. Disclosures that NIOSH may need to make for the processing of your petition or other purposes are listed below.

NIOSH may need to disclose personal identifying information to: (a) the Department of Energy, other federal agencies, other government or private entities and to private sector employers to permit these entities to retrieve records required by NIOSH; (b) identified witnesses as designated by NIOSH so that these individuals can provide information to assist with the evaluation of SEC petitions; (c) contractors assisting NIOSH; (d) collaborating researchers, under certain limited circumstances to conduct further investigations; (e) Federal, state and local agencies for law enforcement purposes; and (f) a Member of Congress or a Congressional staff member in response to a verified inquiry.

This notice applies to all forms and informational requests that you may receive from NIOSH in connection with the evaluation of an SEC petition.

Use of the NIOSH petition forms (A and B) is voluntary but your provision of information required by these forms is mandatory for the consideration of a petition, as specified under 42 CFR Part 83. Petitions that fail to provide required information may not be considered by HHS.

Name or Social Security Number of First Petitioner: \_\_\_\_\_

**Petitioner Authorization Form**

**Use of this form is voluntary. Failure to use this form will not result in the denial of any right, benefit,**

**Instructions:**

If you wish to petition HHS to consider adding a class of employees to the Special Exposure Cohort and you are NOT either a member of that class, a survivor of a member of that class, or a labor organization representing or having represented members of that class, then 42 CFR Part 83, Section 83.7(c) requires that you obtain written authorization. You can obtain such authorization from either an employee who is a member of the class or a survivor of such an employee. You may use this form to obtain such authorization and submit the completed form to NIOSH with the related petition. **Please print legibly.**

**For Further Information:** If you have questions about these instructions, please call the following NIOSH toll-free phone number and request to speak to someone in the **Office of Compensation Analysis and Support** about an SEC petition: **1-800-356-4674.**

**Authorization for Individual or Entity to Petition HHS on Behalf of a Class of Employees for Addition to the Special Exposure Cohort**

I, \_\_\_\_\_  
Name of Class Member or Survivor

\_\_\_\_\_  
Street Address of Class Member or Survivor Apt. # P.O. Box

\_\_\_\_\_  
City, State, Zip Code of Class Member or Survivor

do hereby authorize:

\_\_\_\_\_  
Name of Petitioner

\_\_\_\_\_  
Address of Petitioner Apt. # P.O. Box

\_\_\_\_\_  
City, State and Zip Code of Petitioner

to petition the Department of Health and Human Services on behalf of a class of employees that includes:

\_\_\_\_\_  
Name of Class Member (employee, not the employee's survivor)

for the addition of the class to the Special Exposure Cohort, under the Energy Employee's Occupational Illness Compensation Program Act (42 U.S.C. §§ 7384-7385).

In providing this authorization, I recognize that the petitioner named above will have all the rights of a petitioner as provided for under 42 CFR Part 83.

Sigr. \_\_\_\_\_

Date 11/10/08

Name or Social Security Number of First Petitioner: \_\_\_\_\_