

Special Exposure Cohort Petition

under the Energy Employees Occupational Illness Compensation Act

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**.

If you are:

- A Labor Organization, Start at D on Page 3
- An Energy Employee (current or former), Start at C on Page 2
- A Survivor (of a former Energy Employee), Start at B on Page 2
- 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 form for this purpose is provided.

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: _____
First Name 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):
N/A
Mr./Mrs./Ms. First Name Middle Initial Last Name

C.3 Social Security Number of Employee: _____

C.4 Address of Employee (if living):
N/A
Street Apt # P.O. Box
City State Zip Code

C.5 Telephone Number of Employee: () - N/A

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 08/ '33 End 06 '64

C.7c Employer Name: Hooker Electrochemical Corp.

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

C.7e Supervisor's Name: _____

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

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

E.1 Name of DOE or AWE Facility: Hooker Chemical Corp.

E.2 Locations at the Facility relevant to this petition:
Buffala Ave.
Niagara Falls, NY

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:
Laborer/Furnace Processor

E.4 Employment Dates relevant to this petition:

Start	<u>Jan. 1943</u>	End	<u>Decr 1948</u>
Start	<u>Jan. 1949</u>	End	<u>Decr 1976</u>
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):

Go to Part F.

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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.

- 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.

Part F is continued on the following page.

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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

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: _____

ATTACHMENT - AFFIDAVIT

SPECIAL EXPOSURE COHORT PETITION - FORM B

To the best of my knowledge, experienced extreme conditions innumerable times when the air quality was so bad in the furnace room that he, as well as, fellow employees would gag, choke, and have to run to a window for air. In fact, they had to stand on a bench to reach the window. He used to remark how the room would fill with so much "gas" that they could hardly breathe.

These incidences were not recorded and apparently no monitoring was done. No medical assistance was supplied to him or the others at these times.

On these days, felt so ill that he skipped lunch so as not to cause vomiting. We remember the many times he came home with his lunch pail in his hand and the contents were untouched. One has to realize that when the lungs are affected causing difficulty in breathing, a person's appetite diminishes and debility ensues.

There were no warning devices installed to give the employees a chance to escape. Nor was there any protective gear which they wore either from the neck down or anything resembling a mask with or without oxygen.

I have discussed the above with and we are in agreement with the above.

A job meant so much in the 1940's that you put up with hazards to stay employed.

Respectfully submitted,

Christine J. Ryan
March 3, 2009

CHRISTINE J. RYAN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES
DECEMBER 6, 2009

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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-XXXX. 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: _____

SEC Petition
Office of Compensation Analysis
and Support
NIOSH
4676 Columbia Parkway, MS-C-47
Cincinnati, Ohio 45226