

**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

Page 2 of 7

**Special Exposure Cohort Petition — Form B**

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

**B.1 Name of Survivor:**  
 \_\_\_\_\_  
 Mr./Mrs./Ms. 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):**  
 \_\_\_\_\_  
 Mr./Mrs./Ms. First Name Middle Initial Last Name

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

**C.4 Address of Employee (if living):**  
 \_\_\_\_\_  
 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 1962 End 1964

**C.7c Employer Name:** (NUMEC) NUCLEAR MATERIALS & EQUIPMENT CORP.

**C.7d Work Site Location:** APOLLO, PA.

**C.7e Supervisor's Name:** \_\_\_\_\_

**Go to Part E.**

Special Exposure Cohort Petition — Form B

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

E.1 Name of DOE or AWE Facility: (NUMEC) NUCLEAR MATERIALS & EQUIPMENT CORP.  
APOLLO, PA.

E.2 Locations at the Facility relevant to this petition:

ALL LOCATIONS OF THE NUMEC APOLLO SITE

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 OF NUMEC AT THE APOLLO SITE

E.4 Employment Dates relevant to this petition:

Start 1957 End 1983

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):

BASIS FOR THIS PETITION

NIOSH'S FAILURE TO PRODUCE A SITE PROFILE

6 YEARS AFTER THE EEOICPA LAW WAS ENACTED IN

THE YEAR 2000 FEASIBILITY HAS AN

OUTER TIME LIMIT.

NIOSH HAS NOT MET ITS COMMITMENT TO

CONGRESS TO HAVE A SITE PROFILE COMPLETED

BY MARCH 2005.

Go to Part F.

Special Exposure Cohort Petition — Form B

Continuation Page — Photocopy and complete as necessary.

THE NUMEC SITE PROFILE WAS DUE MARCH 2005  
IF RECORDS ARE NOT AVAILABLE IN A TIMELY  
MANNER — THEN IT IS NOT FEASIBLE TO  
ESTIMATE DOSE. THE NIOSH DIRECTOR HAS THE  
DISCRETION, UNDER THE SEC GUIDANCE, TO  
REQUIRE DOCUMENTS, AND IF NOT AVAILABLE IN  
60 DAYS —

TO APPROVE SEC ON THIS BASIS

Attach to Form B if necessary.

HHS HAS ALSO ADDED A NEW 83.13(B) WHICH AUTHORIZES THE DIRECTOR OF (OCAS) OFFICE OF COMPENSATION ANALYSIS AND SUPPORT WITHIN NIOSH TO DETERMINE THAT RECORDS AND/OR INFORMATION REQUESTED FROM DOE, AND AWE, OR ANOTHER SOURCE TO EVALUATE A PETITION IS NOT, OR WILL BE, AVAILABLE ON A TIMELY BASIS. SUCH A DETERMINATION WILL BE TREATED, FOR THE PURPOSES OF THE PETITION EVALUATION, AS EQUIVALENT TO A FINDING THAT THE RECORDS AND/OR INFORMATION REQUESTED ARE NOT AVAILABLE.

THIS WILL FACILITATE THE EFFORTS OF NIOSH TO EVALUATE PETITIONS WITHIN A REASONABLE AMOUNT OF TIME IN RELATION TO THE RECORDS AND/OR INFORMATION REQUIRED TO EVALUATE THE PETITION AND ANY OTHER RELEVANT FACTORS.

### 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

**Special Exposure Cohort Petition — Form B**

**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.

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- 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.

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**Part F is continued on the following page.**

# Radiation found in B&W pipe

## State: Risk to workers is minimal

By Belinda Thurston  
Staff writer

APOLLO: Radiation is 5,000 times higher than normal in part of the Babcock & Wilcox office building being prepared for demolition.

A B&W report shows a basement sewer pipe contained sludge that had 22,328 picocuries of uranium per gram.

Contaminated material trapped behind the floor molding on the first floor ranged from 11.7 to 17,800 picocuries of uranium per gram.

Elevated radiation levels also were found in drains, wooden floors and stairs. Radiation exposure can lead to cancer.

Natural radiation levels in Apollo are 4 picocuries of uranium per gram, B&W's research says.

The report came last week after borough council demanded radiation information two weeks ago because of public concern about health risks from gutting of the building by the company.

The office building is being prepared for demolition as part of B&W's \$65 million radiation cleanup, which includes its former plant across the street. The company

"You can't say exactly what risks there will be with such limited information, but it definitely warrants concern."

— Dr. Arjun Makhijani,  
director of Institute for Energy and Environmental Research

Institute for Energy and Environmental Research.

"You can't say exactly what risks there will be with such limited information, but it definitely warrants concern," Makhijani said.

Makhijani's organization, based in Takoma Park, Md., lobbies for strict regulations on nuclear materials.

### Risks are minimal

Pat Roy Woods, a radiation health physicist with the state Department of Environmental Resources, said the levels and type of radiation found cannot easily harm employees who used to work in the building or laborers gutting it.

"That's material that has been fixed in place so that we don't have to worry about someone standing there and being overexposed," Woods said. "If you could brush up against it or move it from where it is, there might be a health risk."

by wearing work gloves so no splinters get in their hands," he said. Woods said he did not know whether workers at the building are required to wear protective masks. The evidence of radiation in cracks and crevices means "They must have silted some material, and for whatever reason it was not cleaned up previously," Woods said. B&W administrative manager Joseph Cepena was not in the office Thursday. Technical manager Bernie Hartmann could not be reached for comment. The company will put out another

radiation report. Woods said since high levels of radiation were found in the pipe under the basement pipe inside the plant, are suspicious to be contaminated too. Findings in the building prove a danger to the workers, said Pauline Swartz, president of Environmental Compliance Organization, a cleanup watchdog group. "All of the fibers that buildings are and were made of have the potential of causing problems in the respiratory system. You shouldn't be breathing it, period, end of report."

**Special Exposure Cohort Petition — Form B**

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 Pe

ee persons may sign the petition.

12-02-2006  
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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