

**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

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**Special Exposure Cohort Petition — Form B**

**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 checked="" type="checkbox"/> An Energy Employee (current or former),	Start at C on Page 2
	<input 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:

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:

Mr./Mrs./Ms. 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):

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 1965 End 2001

C.7c Employer Name: MONSANTO, EG&G, BWXT, etc

C.7d Work Site Location: MOUND LAB SITE MAMISBURG, OH

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

N/A

**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: MOUND SITE - MIAMISBURG, OHIO

E.2 Locations at the Facility relevant to this petition:  
ALL BUILDINGS AND EXTERNAL WORK SITE AREAS (ALL) WITHIN THE FACILITY BOUNDARY

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, INCLUDING SUPERVISORY AND CLERICAL AT THE MOUND PLANT

E.4 Employment Dates relevant to this petition:  
Start February 1955 End 2001 PRESENT  
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):

(07/16/2007)  
MOVE TO SECTION F.1

MOUND DEVELOPED A CULTURE OF HAPHAZARD, ADMINISTRATIVELY CONTROLLED MONITORING OF WORKERS WITHOUT REGARD TO EMPLOYEE INPUT. INCIDENT OCCURRENCE AND CRITIQUE REPORTING WILL SHOW A PATTERN OF ONE INCIDENT AFTER ANOTHER OF RADIOACTIVELY CONTAMINATED MATERIALS IN NON-CONTROLLED AREAS FOR STORAGE AND SHIPMENT. EMPLOYEES WORKING IN NON-CONTROLLED AREAS WERE PROHIBITED FROM RECEIVING MONITORING

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  (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.

MINND HAS DOCUMENTATION WAS VERY CLOSELY GUARDED BY MANAGEMENT AND PROCEDURES(S). THEY EVEN WENT SO FAR AS TO SEND MINND SECURITY TO THE HOME OF \_\_\_\_\_ TO RETRIEVE DOCUMENTS THAT HE TOOK HOME IN AN ATTEMPT TO PROVIDE HIMSELF DEFENSE IN THE CASE OF FUTURE HEALTH ISSUES. THEREFORE ANY DOCUMENTATION IS ONLY WITHIN DEPT OF ENERGY RECORDS, THE (DOE) ORRS OCCURRENCE REPORTING AND PROCESSING SYSTEM WILL CONTAIN SOME HISTORIC DATA. IT IS OF COURSE "NOT" AN OPEN RECORD - THESE RECORDS WERE REMOVED FROM THE MINND SITE TO THE DISKET DUE TO BEING RADIOACTIVE.

- F.2  (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.

F.1 (F.1 CONT'D) THE "RAD" DATA BASE WHICH DID EXIST WAS NOT A WELL DESIGNED SOFTWARE AND THE INTEGRITY OF THE DATA THAT DOES EXIST HAS NO VALUE

Part F is continued on the following page.

AFFAVIT(S) ATTACHED 07/16/2007

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

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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

May 31, 2007

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.

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

### 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.

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

May 15, 2007

U. S. Department of Labor  
Final Adjudication Branch  
1001 Lakeside Avenue, Suite 390  
Cleveland, OH 44114

Re:

File Number:

Objection to NIOSH Dose Reconstruction Methodology and 42 U.S.C 73841(9) (B) and 42 U.S.C 7384n (b)

I am appealing the Denial of my claim based on the following reason(s):

A. Causation of my documented Cancers: Current research **does not** eliminate Hodgkin's Lymphoma and Basal Cell Carcinoma from causation by the exposure factors that were prevalent at the Mound Plant Site. (NIOSH – Sanford Cohen Audit of Mound)

B. Monitoring and Health Records of Mound Lab Plant Employees:

1. Monitoring of potentially radioactive materials and Mound Plant Employees was done in a haphazard way, with changing criteria almost daily. Monitoring of personnel via dosimeter, urinalysis, etc. was even more sporadic and eventually administratively denied to all except those employees chosen by 'Rad Control'. In place Administrative Controls prohibited the collection of Radiological data for most all Mound employees.

2. Mound Plant Employee Health Records are not available. These records were removed from the Mound Plant site in 2005 and buried in the Los Alamos, N.M. desert without the knowledge and permission of the Dept. of Labor (Energy Compensation Program) due to radioactive contamination.

3. Mound Plant Employee Health Records were removed from their storage site at Mound and kept in Building 61 prior to their shipment to the desert site. I was the Supervisor over the crews that were involved with the removal and shipment of these records (materials). These materials sat in Building 61 for a period of time prior to their shipment to Nevada.

I am requesting that the U. S. Department of Labor place the Mound Plant Site in the Special Exposure Cohort Status; so that Mound workers who were exposed to radiation have the opportunity that has been given to other nuclear and radioactive plant workers to receive assistance and compensation benefits. I will be submitting a Petition for Special Exposure Cohort Status with the U.S. Dept. of Health and Human Services.

Sincerely,

Cc: Senators George Voinovich and Sherrod Brown and Representative David Hobson  
Copy - submitted to U.S. Dept. of Labor at EEOICPA Hearing on May 15, 2007  
File

# Report says ill Mound workers treated unfairly

An independent auditor faults the site profile being used to evaluate and often reject compensation claims.

By Tom Beyerlein  
Staff Writer

A newly released independent auditor's report punches holes in the source document that the federal government has been using to evaluate — and, in most cases, reject — compensation claims from cancer-stricken former workers at the Miamisburg Mound Plant.

The audit by contractor Sanford Cohen and Associates offers a stinging critique of Mound's program for monitoring workers for radioactive exposures over the years. And it suggests that poor monitoring and record-keeping could make it impossible for the government to accurately assess the claims of sick Mound workers seeking federal compensation.

Sanford Cohen audited a technical "site profile" used by federal officials as the basis for determining whether worker illnesses were caused by workplace exposures.

The National Institute for Occupational Safety and Health has used the profile to process 88 percent of the claims filed by Mound workers — 70 percent of which have been rejected for compensation.

NIOSH will have to reopen those claims if the site profile ultimately is revised by the federal Advisory Board on Radiation and Worker Health, said NIOSH spokeswoman Amanda Harney.

If the government deter-

tifically reconstruct worker exposures, Mound could qualify for "special exposure cohort" status that would allow sick workers to automatically receive lump-sum payments and medical benefits if they have certain cancers. Atomic workers who don't have the status can spend years fighting an uphill battle to prove their illnesses were caused by on-the-job toxic exposures.

Workers at the pre-Mound Dayton Project, run by Monsanto Chemical Co., are close to being approved for the special status after a similar audit found it wasn't possible to accurately reconstruct their doses.

To date, the Labor Department has paid 197 of 1,465 claims filed by 719 Mound workers with the Energy Employees Occupational Illness Compensation Act.

One problem pointed out in the audit: Support staff — including administrative, maintenance, security and janitorial workers — were unknowingly exposed to the same hazards as radiation workers, but not monitored.

"It is not clear," the audit said, "how dose estimation would be performed for maintenance and support workers ... whose actual jobs could have led to exposures comparable to radiation workers."

»» **Audit: Workers likely exposed to**

# Mound Plant records buried in New Mexico

**Exhumation would cost millions, but they are key to workers' health claims.**

By Tom Beyerlein  
Staff Writer

At least a dozen pallets of shrink-wrapped cardboard boxes, six 55-gallon drums and 11 safes containing classified records from the Miamisburg Mound Plant are buried in underground shafts in Area G of a radioactive waste landfill at Los Alamos National Laboratory in New Mexico.

Nobody knows the condition of the records, and the Energy Department says it would take up to 18 months and cost as much as \$9 million to unearth and decontaminate them.

But a leading federal health official said Tuesday it may be necessary to dig up the more than 400 boxes of records from the 1980s and 1990s in order to get a clear picture of the hazards workers faced at Mound. The records could

help to determine if hundreds of cancer-stricken Mound workers qualify for federal compensation.

"We are open-minded as to whether (the records) should be exhumed," said Larry J. Elliott, director of compensation analysis for the National Institute for Occupational Safety and Health, or NIOSH. "This is an interesting problem, and we're doing the best we can to make sure that we have the documents we need to do our work."

Elliott's office oversees scientific "dose reconstructions," a paperwork method of estimating atomic workers' exposures to harmful radiation and chemicals. If a reconstruction shows at least a 50 percent probability that a worker's cancer was caused by an on-the-job exposure, the worker qualifies for cash and medical benefits under the Energy Employees Occupational Illness Compensation Program.

But NIOSH can't accurately estimate worker exposures without knowing the hazards present at each of the nation's

atomic plants. Federal contractors working on a "site profile" of Mound hazards went to Los Alamos to view the classified records last year, only to learn the records had been buried as radioactively contaminated waste in 2005. Elliott said it's the largest destruction of compensation-related documents by Energy that he's ever seen.

"I find it amazing that the variety of records here — 12 pallets full — could all be contaminated," Elliott said. "How could it happen?"

According to the Energy Department, Mound shipped 458 boxes of classified records to Los Alamos in 1995 and later reclaimed 40 boxes for an early dose reconstruction project. Los Alamos officials buried the remaining boxes, which contain logbooks, safety analysis reports, Mound studies of the properties of toxic metals used there, and descriptions of a 1989 release of radioactive tritium.

Energy officials are scouring their archives in hopes of finding uncontam-

inated copies of the Mound records, and exploring ways to prevent more destruction of documents that could help ailing atomic workers to prove their compensation claims, said department spokeswoman Megan Barnett.

"We are looking into it," she said. "We take this very seriously."

Elliott said he hopes uncontaminated copies of the documents can be found. It may be necessary to exhume the records, he said, but that would require potentially exposing workers in special protective gear to radioactive waste. Elliott said he'll know in a few weeks whether exhumation will be necessary.

In a memo released last week, the Energy Department told the federal Advisory Board on Radiation and Worker Health it would take six months and cost \$1.5 to \$3 million to exhume the records and another year and up to \$6 million to scan them to create uncontaminated copies.

Contact this reporter at (937) 225-2264 or [tbeyerlein@DaytonDailyNews.com](mailto:tbeyerlein@DaytonDailyNews.com).