

NEW EVIDENCE

EXHIBIT A

APPENDIX A-1 RESIDUAL RADIOACTIVE CONTAMINATION – SUMMARY OF ALL SITES (AS OF OCTOBER 31, 2008) REVISED PERIOD OF POTENTIAL RESIDUAL CONTAMINATION.

This is new evidence. Previous Evaluation Findings on this report show “Little Potential”. Previous Period of Potential Residual Contamination shows “N/A”. As of October 31, 2008, Revised Evaluation Findings show “Potential Exists”. Revised Period of Potential Residual Contamination shows “1954-present”. (See Attachment 1.) This indicates to me that in 2008, someone discovered new information about this plant. It appears that some realization was made that the one small room was not the only area in the plant that should have been surveyed. The information I obtained about the Mathieson Chemical Plant Site was a one page document taken from the EEOICPA Facility List which shows that Mathieson Chemical Company in Pasadena, Texas is a facility also known as Pasadena Chemical Corp., Olin Mathieson Chemical Co., and Mobile Mining and Minerals Co.. This company was an Atomic Weapons Employer and, for the period of 1951 – 1953, extracted uranium oxides out of phosphoric acid compounds in a pilot study for the Atomic Energy Commission. This earlier document shows residual Radiation 1954 – October 2009. Another one page document from the EEOICPA Facility List gives basically the same information but also states in part, “Documentation describes the activities as bench-top type experiments for extracting uranium oxides from phosphoric acid compounds, which would most likely have been conducted under laboratory controls. There is no description of the quantities of uranium extracted or radiological conditions immediately after cessation of activities.” (See Attachment 3.) Also, “A radiological survey was performed for the DOE in 1977.” This was a survey made November 18, 1977 (approximately 25 years later), documented March 1980, and conducted by _____ of the Oak Ridge National Laboratory and

_____ of the Department of Energy, Oak Ridge Operations Office. This survey was made at the direction of Mathieson Chemical Company officials and information given was only information which Company officials wanted known. This consisted of information regarding one room (12 x 14 ft) in a one story building. This room was located in the west end of the old administration building. Company officials alleged that activities in this one room comprised the entire contract work done under Government contract for the period of 1951–1953 to extract uranium oxides out of phosphoric acid compounds in a pilot study for the Atomic Energy Commission. For more information on this room and a copy of this survey made in 1977, please see Exhibits G, H, I, and J. Please be aware that employees were not aware of the presence of uranium in their workplace. For decades, this was kept secret by Company officials and Government officials. Please consider the following:

FEDERAL REGISTER / VOL. 72, NO. 16 / THURSDAY, JANUARY 25, 2007 / NOTICES – BEGINNING ON PAGE 3396 – DEPARTMENT OF HEALTH AND HUMAN SERVICES – NIOSH; REPORT ON RESIDUAL RADIOACTIVE AND BERYLLIUM CONTAMINATION AT ATOMIC WEAPONS EMPLOYER FACILITIES AND BERYLLIUM VENDOR FACILITIES. Referring to 1. Summary of Results, Page 3396, this update is the second revision of the original study reported in November 2002 and revised in June 2004. The National Institute for Occupational Safety and Health (NIOSH) is required to submit this report by the National Defense Authorization Act for Fiscal Year 2005 (NDAA) (Pub. L. 108-375), which amended the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 et seq.. Also “NIOSH evaluated new information that had been identified since 2004. NIOSH also based findings on information posted on the Department of Energy (DOE) Office of Environment, Safety, and Health (ES&H) website as of July 31, 2006 (changes made to the DOE ES&H website after July 31, 2006 are not reflected in this report).” The following actions have been taken in this report: “1. A determination on the presence of significant residual radioactive or beryllium contamination has been made for all of the facilities for which the previous report found that insufficient information was available to determine whether significant residual contamination was present. 2. A determination on the date when significant residual contamination was no longer present has been made for many facilities for which the previous report found that significant residual contamination remained present as of the date of the report. However, many sites were determined to have significant residual contamination remaining as of the date of this report. This is described on a facility-by-facility basis. 3. For all facilities for which the previous report was unable to determine that significant residual contamination was attributable to atomic weapons-related activities, specific dates of coverage attributable to such activities have been determined and, when the source of such contamination was not clear, the contamination was presumed to be associated with atomic weapons-related activities. 4. All facilities for which significant residual contamination was determined to be present after the period of weapons related production are considered to have the potential of causing an employee who was employed at such facility only during the residual contamination period to contract a cancer or beryllium illness compensable under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000.” (See Attachment 2.)

Regarding the above, no records were kept for activities on the Mathieson Chemical Company site either for the alleged contract period of 1951 – 1953 or for the period of residual contamination. In a letter dated March 13, 1979 to Mr. M. S. Davenport, Plant Manager from Mr. William E. Mott, Acting Director Environmental Control Technology Division, (DOE) one enclosure shows the following when describing the Site Function: “Olin Mathieson Chemical Company had at least one contract for research and development on uranium recovery from phosphoric acid produced at Pasadena. A pilot plant was operated during the early 1950s.” Under Radiological History and Status: “This site was visited by Oak Ridge Operations (OR) and Oak Ridge National Laboratory (ORNL) personnel on November 18, 1977. ORNL is preparing a letter report covering the findings of the site visit. Preliminary review of the field notes indicate the presence

of some contamination; however, levels seem minor.” Also, when describing Category and Status: “ No survey is anticipated. ORNL is preparing a survey report.” This “survey report” was eventually made in March 1980. This complete “survey” is of one (12 x 14 ft) room in a one story building with no air conditioning. The diagram in the “survey report” does not show any windows in this room. This is clearly an attempt to prepare paperwork, approximately 27 years after the fact, to minimize the consideration of any harmful working conditions. This indicates that no investigation or actual “survey” was made. A second enclosure in this letter from Mr. Mott “lists the specific information that should ideally be included in the attached site summaries.” Mr. Mott continues, “As you can see, a portion of the information has not yet been identified. I would appreciate receiving any supplemental information you can supply that might fill in some of the incomplete areas. I would also like to solicit any additional information regarding other facilities involved in the feed materials program of MED/AEC.” Mr. Mott is asking for information approximately 27 years later and also informing Mathieson officials what information they should include in the report. Information that has been considered regarding this Mathieson Chemical Company site was given by Mathieson officials. For more information on this, please see Exhibit G, Exhibit H, and Exhibit I. Mathieson officials had kept the presence of this uranium secret for decades. Why should my claim be determined by deception such as this? The few surviving Mathieson employees and spouses continue to be victimized. I have been told by others that they would like to file a claim, but they feel it would be an exercise in futility. Some are not able to file claims, due to age and other reasons. My claim was filed August 19, 2002, over eight years ago. It seems as if some officials are just waiting for the rest of us to die.

Please see Exhibit J for comments from Mr. Edmund A. Vierzba, Environmental Control and Analysis , Directorate, The Aerospace Corporation, for other questions regarding this report made in March 1980. In his letter dated 16 July, 1980 to Mr. William E. Mott, Mr. Vierzba adds an attachment with the following comments: (1) Is there any explanation for the high Ac-227 concentration in the sink? The value of 185 pCi/g appears high for a phosphate operation. And (2) It is not clear from the report that only the bench, drain-line and sink were found to have surface contamination above background. It should be stated that the floor and walls were found within typical background levels, if such is the case.”. These issues have apparently never been addressed.

Also in Exhibit J, regarding the Remedial Action Program, in a letter dated June 29, 1981 from Mr. Edgar D. Bailey, P.E., Director, Division of Licensing, Registration and Standards, of the Texas Department of Health, to Mr. William E. Mott, Director, Office of Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, Mr. Bailey states in part, “We are disturbed that you feel that this site is not eligible for Department of Energy (DOE) remedial activities. It is our opinion that the contamination present at the site is a direct result of the Federal government’s nuclear energy program conducted under the auspices of the Manhattan Engineer District (MED) and the Atomic Energy Commission (AEC). The Preliminary Survey attached to your letter clearly reflect the presence of radionuclides that one would expect to be associated with an uranium recovery facility of that time period. Historical documents and

interviews indicate that the pilot uranium recovery unit and associated support facilities were phased out around 1955.” Mr. Bailey also states that “Based upon our investigation of this site, we cannot help but conclude, even in the absence of copies of contracts between MED or AEC and Mathieson Chemical Company, that the radioactive contamination measured at the facility exists as a result of the contract work performed by Mathieson Chemical Company for MED/AEC.” Now we have mention of “at least one contract” and “the absence of copies of contracts”. It appears obvious that more work on this project was done than anyone wants us to know about. All parties seem to agree that radioactive material exists. No one wants to take responsibility. It appears that this argument as to responsibility for remedial action is ongoing. The 240 acres of waste material continues to exist and be a threat. Please see Exhibit G.

The Summary continues by showing actions that have been taken in this report. I would like to know what information was used in evaluating the Mathieson Chemical Facility. I wish to remind you that no records are available for the Mathieson Chemical plant site for the period of 1951 – 1953. This work could possibly have continued until 1955, (see above) when the company had a government contract(s) for extracting uranium oxides out of phosphoric acid compounds or for the residual radiation period of 1954 – October 2009. (As of October 31, 2008, Revised Evaluation Findings were that Potential Exists and the period of potential residual contamination was revised to be 1954 – present.) No records exist because the presence of uranium in the plant was kept secret by officials of Mathieson Chemical Company and officials of the government. The first documentation that can be found is a survey made by ORNL November 18, 1977, and documented in 1980. The record of this survey consists only of a description of one 12 x 14 ft room in the old administration building, which was a one-story building. As mentioned earlier, this room, with no air-conditioning, is said to be the entire location of operations of uranium activities in the plant. This is the information that was given by Mathieson officials and is the information accepted and used by NIOSH in their evaluation of this plant site. Mathieson employees did not know of the presence of uranium in the plant. Bear in mind that this was still secret in 1977.

To return to the Federal Register / Vol. 72, No. 16 / Thursday, January 25, 2007 / Notices, also on Page 3396, in II. Background and Purpose, the DOE ES&H Web site “provides a synopsis of the work performed at each facility, including a listing of periods during which DOE believes, based on current information, that weapons-related processing was conducted. In determining these periods, DOE has applied the definitions in EEOICPA to the known facts about the time and conditions of weapons-related processing at each facility. DOE changes the entries on its database as additional information is obtained. These periods are referred to in this report as “Periods in which weapons-related production occurred.” It must be noted that the Department of Labor (DOL) is responsible for determining actual periods of covered employment based upon DOE’s findings as well as information from claimants and other sources.” Also, “If there was no documentation or limited documentation on radiation levels at specified facilities, NIOSH made a professional judgment regarding the residual contamination. If NIOSH determined there was “the potential for significant contamination” at a designated facility, then NIOSH determined, pursuant to NDAA, that such contamination “could

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have caused or substantially contributed to the cancer of a covered employee with cancer”.”.

The summary continues, “Appendices A-1 and B-1 provide synopses of the findings for the 159 facilities that were evaluated as required by NDAA: Appendix A-1 applies to 94 facilities evaluated for residual radioactive contamination while Appendix B-1 applies to 65 facilities evaluated for residual beryllium contamination.”. Mathieson Chemical Company is listed under Appendix A-1 Residual Radioactive Contamination –Summary of All Sites. Please note that the above-mentioned “synopsis” of work was performed during periods which DOE “believes, based on current information” concerns “known facts about the time and conditions of weapons-related processing at each facility”. I am of the opinion that, based on the significance of this information, this should be more than a “synopsis”. A comprehensive review or a condensed statement of unconfirmed beliefs is, I believe, not sufficient. I repeat, the “current information” concerning “known facts” which is used in this determination is only information given by officials of Mathieson Chemical Company, which was a company known to have kept significant information secret for decades and thereby intentionally perpetuated the deception which began when uranium was placed in the worksite and employees were put in harms way. These “known facts” are only pieces of information which Mathieson officials wanted known and provided in order to protect their deceptive purposes. These are not “known facts”. No records were kept. Too many employees have died of cancer and too much harmful radioactive waste material still exists in that 240 acre pile of waste products for this deception to not be taken seriously.

To continue, Section III. Residual Radioactive Contamination Evaluation (Page 3397) states in part: “In all cases, the individual site finding is based on the available information. The finding on any single site was based on the quantity and completeness of the information available regarding that site and professional judgment as necessary. In this evaluation of residual contamination, as in the previous report, the following factors were considered: (1) The radionuclides involved; (2) The quantity of radioactive material processed; (3) The physical form of the radioactive material processed (i.e., solid, liquid, or gas); (4) The operations performed and their potential for radiation/radioactivity exposure; (5) Documented radiological control and monitoring programs that were in place during operations; and (6) Documented decontamination of facilities.” Sadly, none of this information is available, and could not possibly have been considered. Documentation (in letters, reports and surveys, including correspondence to and from Mathieson Chemical Company officials) confirms this. Please see Exhibits with attachments which I am herein submitting for confirmation of this. Also, regarding “Findings of evaluation of Facilities for Residual Radioactive Contamination” states in part, “The results of this study indicate that there are atomic weapons employer facilities for which the potential for significant residual radiological contamination exists outside of the periods in which weapons-related production occurred as listed on the DOE ES&H website. Appendix A-1 lists the findings for the potential for significant residual radioactive contamination at the 94 facilities required for evaluation by NDAA.”. (See Appendix A-1, page 8 of 13, attached.)

Continuing, Section V. Conclusions (Page 3399) states in part: "The findings of this study are: (1) Some atomic weapons employer facilities and beryllium vendor facilities have the potential for significant residual radiological and beryllium contamination outside of the periods in which weapons-related production occurred. (2) For the purposes of this report, NIOSH believes that facilities having "significant contamination" had quantities of radioactive material that "could have caused or substantially contributed to the cancer of a covered employee with cancer." was one of those employees. (For quoted sections, see Federal Register / Vol. 72, No. 16 attached.)

Mathieson Chemical Company is a huge blank, due to efforts of Mathieson officials over the years to keep their secret. I believe we now understand why Mathieson officials and Government officials visited the widow of [redacted] at her home after the sudden death of [redacted]. I believe someone should be held accountable. Mathieson Chemical is the "forgotten" worksite. No credible determinations can be made about this worksite because no information can be found. This is a unique situation. No other worksite is comparable to this. How could anyone possibly complete a credible Dose Reconstruction Report on this? The last action taken on my claim was in 2005. Please reconsider my claim. Mathieson Chemical Company claimants should be designated as an addition to the Special Exposure Cohort.

Attachments:

- (1) Appendix A-1 Residual Radioactive Contamination – Summary of All Sites (As of October 31, 2008), Page 8 of 13
- (2) Federal Register / Vol. 72, No. 16 / Thursday, January 25, 2007 / Notices (Pages 3395 – 3399)
- (3) EEOICPA Facility List, Mathieson Chemical Co., Page 126 of 236

Facility	City	State	Period Previously Listed on DOE ES&H Website	Period Currently Listed on DOE ES&H Website	Previous Evaluation Findings	Previous Period of Potential Residual Contamination	Revised Evaluation Findings	Revised Period of Potential Residual Contamination
Magnus Brass Co.	Cincinnati	OH	1954-1957	1954-1957; Residual Radiation 1958	Potential Exists	1958	N/A	N/A
Massachusetts Institute of Technology	Cambridge	MA	1942-1963	AWE 1942-1946	Little Potential	N/A	N/A	N/A
Mathieson Chemical Co.	Pasadena	TX	1951-1953	Same	Little Potential	N/A	Potential Exists	1954-present
Maywood Chemical Works	Maywood	NJ	1947-1950	1947-1950; Residual Radiation 1951-July 2006	Potential Exists	1951-present	N/A	N/A
McKinney Tool and Manufacturing Co.	Cleveland,	OH	1944	1944; Residual Radiation 1945-1981	Potential Exists	1945-1981	N/A	N/A
Medart Co.	St. Louis	MO	1951-1952	1951-1952; Residual Radiation 1953-July 2006	Potential Exists	1953-present	N/A	1953-present
Metalurgical Lab (Name changed from University of Chicago)	Chicago	IL	1942-1952; Residual Radiation 1953-1983; DOE 1982-1983; 1987 (remediation)	1942-1946; Res. Rad. 1953-1981; 1984-1986	Potential Exists	1953-1981; 1984-1986	N/A	1947-1987
Metals and Controls Corp.	Attleboro	MA	1952-1967	1952-1967; Residual Radiation 1968-July 2006	Potential Exists	1968-present	N/A	1968-1997
Middlesex Municipal Landfill	Middlesex	NJ	1948-1960; Residual Radiation 1961-1986; DOE 1984; 1986	1948-1960; Residual Radiation 1961-1983; 1985; DOE 1984; 1986	Potential Exists	1961 - 1983; 1985	N/A	N/A
Midwest Manufacturing Co.	Galesburg	IL	1944	Same	Little Potential	N/A	N/A	N/A
Mitchell Steel Co.	Cincinnati	OH	1954	Same	Little Potential	N/A	N/A	N/A
Milts & Merrel Co.	Saginaw	MI	1956	1956; Residual Radiation 1957-1960	Potential Exists	1957-1960	Little Potential	N/A
Monsanto Chemical Co.	Dayton	OH	1943-1949	1943-1949; Residual Radiation 1950	Potential Exists	1950	N/A	N/A
Museum of Science and Industry	Chicago	IL	1946-1953	Same	Little Potential	N/A	N/A	N/A
National Guard Armory	Chicago	IL	1942-1951; Residual Radiation 1952-1987; DOE 1987 (remediation)	AWE 1942-1951; Residual Radiation 1952-1986; DOE 1987 (remediation)	Potential Exists	1952-1986	N/A	N/A
National Research Corp.	Cambridge	MA	1944-1952	1944-1952; Residual Radiation 1953-1987	Potential Exists	1953-1987	N/A	N/A

preempts state law, or otherwise has Federalism implications.

This rule announces the provisions of section 6053(b) of the Deficit Reduction Act of 2005. We do not estimate this regulation will have any significant effect on the economy. Nevertheless, we estimate the impact of the provision, once implemented, to be minimal. Our analysis suggests that the modification to the FMAs will only affect Texas. The effect will likely be a minimal decrease in State Medicaid and SCHIP spending and a corresponding minimal increase in federal Medicaid and SCHIP spending.

In addition, the provisions only directly affect states. Therefore, there is no need to perform a regulatory flexibility analysis in accordance with section 603 of the Regulatory Flexibility Act.

H. Summary

We propose to adjust the fiscal year 2008 FMAP rate only for the State of Texas, by reducing the income estimates used in the FMAP calculation through the application of adjustments to reflect interstate population dispersal income and FEMA disaster assistance income for evacuees. Because this is the only income that can be attributed to Katrina evacuees based on BEA data, this income will be subtracted from the 2005 state personal income as published by BEA in October 2006 to obtain a new state personal income for Texas. This state personal income will be divided by the state population as of July 2005 to get a revised per capita personal income for each state. This revised 2005 per capita personal income will replace the 2005 per capita personal income in calculating the 2008 FMAs.

Effective Dates: The percentages listed will be effective for each of the four (4) quarter-year periods in the period beginning October 1, 2007 and ending September 30, 2008.

FOR FURTHER INFORMATION CONTACT: Thomas Musco or Robert Stewart, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 447D—Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690-6870.

(Catalog of Federal Domestic Assistance Program Nos. 93.778: Medical Assistance Program; 93.767: State Children's Health Insurance Program)

Dated: January 19, 2007.

Michael O. Leavitt,
Secretary of Health and Human Services.
(FR Doc. E7-1174 Filed 1-24-07; 8:45 am)
BILLING CODE 4210-31-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA) will hold a meeting. This meeting is open to the public. A description of the Council's functions is included with this notice.

DATES: February 27, 2007, 8 a.m. to 5 p.m., and February 28, 2007, 8 a.m. to 4 p.m.

ADDRESSES: Hubert H. Humphrey Building, 200 Independence Ave., SW., Room 705A, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Dana Ceasar, Program Assistant, Presidential Advisory Council on HIV/AIDS, Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Room 733E, Washington, DC 20201; (202) 690-2470 or visit the Council's Web site at <http://www.pacha.gov>.

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to (a) promote effective prevention of HIV disease, (b) advance research on HIV and AIDS, and (c) promote quality services to persons living with HIV disease and AIDS. PACHA was established to serve solely as an advisory body to the Secretary of Health and Human Services. The Council is composed of not more than 21 members. Council membership is determined by the Secretary from individuals who are considered authorities with particular expertise in, or knowledge of, matters concerning HIV/AIDS.

The agenda for this Council meeting includes the following topics: HIV/AIDS prevention, treatment and care issues, both domestically and internationally. Members of the public will have the opportunity to provide comments at the meeting. Public comment will be limited to three (3) minutes per speaker.

Public attendance is limited to space available and pre-registration is required

for both attendance and public comment. Any individual who wishes to participate should register at <http://www.pacho.gov>. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate in the comment section when registering.

Dated: January 16, 2007.

Anand K. Parekh,
Acting Executive Director, Presidential Advisory Council on HIV/AIDS.
(FR Doc. E7-1125 Filed 1-24-07; 8:45 am)
BILLING CODE 4150-43-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice as required by the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375) of the release of a report on residual contamination of facilities under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* The report is below. The report and appendices are also available at: <http://www.cdc.gov/niosh/ocos>.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 513-533-6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to OCAS@CDC.GOV.

John Howard,
Director, National Institute for Occupational Safety and Health.

Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities

Prepared by: National Institute for Occupational Safety and Health
John Howard, M.D., Director, December 2006

I. Summary of Results

This update to the Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities is the second revision of the original study reported in November 2002 and revised in June 2004. The National Institute for Occupational Safety and Health (NIOSH) is required to submit this report by the National Defense Authorization Act for Fiscal Year 2005 (NDAA) (Pub. L. 108-375), which amended the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.*, as follows:

1. For each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present;
2. For each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;
3. For each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities;
4. For each facility for which such report found significant residual contamination, determine whether it is at least as likely as not that such contamination could have caused an employee who was employed at such facility only during the residual contamination period to contract a cancer or beryllium illness compensable under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000; and
5. If new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

NIOSH found that there were 94 Atomic Weapons Employer (AWE) facilities and 65 Beryllium Vendors that required evaluation as described above. The documents reviewed did not indicate the existence of a current, unrecognized occupational or public health threat. NIOSH evaluated new information that

had been identified since 2004. NIOSH also based findings on information posted on the Department of Energy (DOE) Office of Environment, Safety, and Health (ES&H) website as of July 31, 2006 (changes made to the DOE ES&H website after July 31, 2006 are not reflected in this report).

The following actions have been taken in this report:

1. A determination on the presence of significant residual radioactive or beryllium contamination has been made for all of the facilities for which the previous report found that insufficient information was available to determine whether significant residual contamination was present.
2. A determination on the date when significant residual contamination was no longer present has been made for many facilities for which the previous report found that significant residual contamination remained present as of the date of the report. However, many sites were determined to have significant residual contamination remaining as of the date of this report. This is described on a facility-by-facility basis.
3. For all facilities for which the previous report was unable to determine that significant residual contamination was attributable to atomic weapons-related activities, specific dates of coverage attributable to such activities have been determined and, when the source of such contamination was not clear, the contamination was presumed to be associated with atomic weapons-related activities.
4. All facilities for which significant residual contamination was determined to be present after the period of weapons related production are considered to have the potential of causing an employee who was employed at such facility only during the residual contamination period to contract a cancer or beryllium illness compensable under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000.
5. All information used in making the determinations in this report are referenced in the individual facility evaluations found in Appendices A-3 and B-3.

Individual results for the 94 AWEs evaluated as required by the NDAA are as follows:

- 18 of the 94 atomic weapons employer facilities have little potential for significant residual contamination outside of the periods in which weapons-related production occurred.
- 72 of the 94 atomic weapons employer facilities have the potential for significant residual contamination

outside of the periods in which weapons-related production occurred.

- 4 of the 94 previously listed Atomic Weapons Employer facilities are no longer listed as Atomic Weapons Employers on the DOE ES&H Web site.

Individual results for the 65 Beryllium Vendor Facilities evaluated are required by the NDAA are as follows:

- 7 of the 65 beryllium vendor facilities have little potential for significant residual contamination outside of the periods in which weapons-related production occurred.
- 58 of the 65 beryllium vendor facilities evaluated have the potential for significant residual contamination outside of the periods in which weapons-related production occurred.

II. Background and Purpose

The Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.*, established a program to compensate individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities at certain facilities in which radioactive materials or beryllium was processed. DOE was directed by Executive Order 13179 to publish in the Federal Register a list of facilities covered by the Act. On January 17, 2001, DOE published a list of AWEs, DOE facilities, and beryllium vendors, in the Federal Register; the list was revised on December 27, 2002, 67 FR 32690. Updates to the list (corrections, additions, and deletions) have been made periodically by DOE. This update to the Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities is the second revision to the original study reported in November of 2002 and revised in June of 2004.

The DOE ES&H Web site (<http://www.eh.doe.gov/advocacy>) provides a synopsis of the work performed at each facility, including a listing of periods during which DOE believes, based on current information, that weapons-related processing was conducted. In determining these periods, DOE has applied the definitions in EEOICPA to the known facts about the time and conditions of weapons-related processing at each facility. DOE changes the entries on its database as additional information is obtained. These periods are referred to in this report as "Periods in which weapons-related production occurred." It must be noted that the Department of Labor (DOL) is responsible for determining actual periods of covered employment based

upon DOE's findings as well as information from claimants and other sources.

This study consisted primarily of an evaluation of documents pertaining to AWEs. These include documents compiled by DOE ES&H, documents obtained through NIOSH data capture efforts, and documents located on the Formerly Utilized Sites Remediation Action Program (FUSRAP) and U.S. Army Corps of Engineers Web sites. The quantity and quality of the information available for each site varied significantly. Examples of documentation reviewed include radiological surveys, descriptions of production operations, contractual agreements, and interoffice correspondence. In addition, interviews with current and past employees of these facilities were conducted to obtain information not contained in available documentation. When such interviews were used in the facility evaluation, they are listed in the individual site descriptions in Appendix B-3.

NIOSH believes that contamination levels at designated facilities in excess of those indicated in 10 CFR part 835, Appendix D (Occupational Radiation Protection, Surface Contamination Values) indicate that there is "significant contamination" remaining in those facilities. Documentation for each facility was reviewed, as available, to determine if there was an indication that residual radioactive contamination was present outside of the periods in which weapons-related production occurred. Those levels then were compared to current radiation protection limits as listed in 10 CFR part 835, to determine if there was "significant contamination." If there was no documentation or limited documentation on radiation levels at specified facilities, NIOSH made a professional judgment regarding the residual contamination. If NIOSH determined there was "a potential for significant contamination" at a designated facility, then NIOSH determined, pursuant to NDAA, that such contamination "could have caused or substantially contributed to the cancer of a covered employee with cancer."

In the case of beryllium contamination, if there was no evidence that the beryllium areas had been decontaminated, it was determined that this material could have caused or substantially contributed to the beryllium illness of an employee. Because beryllium sensitization can occur at very low levels of exposure, the level of residual beryllium

contamination remaining was not included in the determination.

Because the investigation involved evaluating potential radioactive contamination and beryllium contamination, the study was divided so that the required expertise could be devoted to the radiological facilities and the beryllium facilities. Appendices A-1 and B-1 provide synopses of the findings for the 159 facilities that were evaluated as required by NDAA: Appendix A-1 applies to 94 facilities evaluated for residual radioactive contamination while Appendix B-1 applies to 65 facilities evaluated for residual beryllium contamination.

Some of the periods in which weapons-related production occurred have been changed on the DOE ES&H Web site since the June 2004 report. Appendices A-2 and B-2 provide the current descriptions and evaluations for all AWE and Beryllium Vendor facilities, respectively. Appendices A-3 and B-3 provide descriptions of each facility, the data reviewed as a part of this evaluation, and the final findings.

Periods of Residual Contamination

The evaluations focused on determining whether the potential for significant residual contamination existed outside of the periods in which weapons-related production occurred. In many cases, no records of decontamination were found or surveys performed outside of the period in which weapons-related production occurred indicated the existence of significant residual contamination. However, some of the documentation provided dates of decontamination, dates of demolition of the facility, or descriptions of the radiological controls in place during operations. For sites that exhibited a potential for significant residual radioactive contamination outside of the periods in which weapons-related production occurred, and for which an indication of a more accurate period was available, this time period was provided. For sites that exhibited a potential for significant residual radioactive contamination outside of the periods in which weapons-related production occurred, and for which an indication of a more accurate period was not available, it was assumed that significant residual contamination existed until the time which the facility was demolished or until the present, defined as July 2006, when this report was written.

Some sites performed work with radioactive material and/or beryllium for commercial purposes, in addition to work for the Atomic Energy Commission (AEC)/DOE. When it was

impossible to distinguish residual contamination resulting from AEC/DOE activities from those resulting from commercial purposes, it was assumed that the contamination was attributable to weapons-related activities.

III. Residual Radioactive Contamination Evaluation

This study consisted primarily of an evaluation of documents pertaining to AWEs. These include documents compiled by DOE ES&H, documents obtained through data capture efforts of NIOSH, and documents located on the FUSRAP and U.S. Army Corps of Engineers Web sites. In all cases, the individual site finding is based on the available information. The finding on any single site was based on the quantity and completeness of the information available regarding that site and professional judgment as necessary.

In this evaluation of residual radioactive contamination, as in the previous report, the following factors were considered:

- (1) The radionuclides involved;
- (2) The quantity of radioactive material processed;
- (3) The physical form of the radioactive material processed (*i.e.*, solid, liquid, or gas);
- (4) The operations performed and their potential for radiation/radioactivity exposure;
- (5) Documented radiological control and monitoring programs that were in place during operations; and
- (6) Documented decontamination of facilities

These factors were used to estimate the potential for radiation exposure both during operations and after production/processing had ceased. For example, a facility for which a decontamination survey was documented was classified as having little potential for residual radioactive contamination after the decontamination date, while a facility with a high potential for residual radioactive contamination during operations and no documented decontamination data was classified as having a potential for residual contamination after operations had ceased.

Each site was assigned to one of two categories:

1. *Documentation reviewed indicates there is little potential for significant residual contamination outside the period in which weapons-related production occurred.*

A site was assigned to this category if the documentation available for the facility indicated one or more of the following characteristics:

(a) The facility was decontaminated within the periods in which weapons-related production occurred,

(b) The facility had very little potential for residual contamination during actual operations, or

(c) The facility is still in operation and the end date is listed as "present."

2. Documentation reviewed indicates there is a potential for significant residual contamination outside the period in which weapons-related production occurred.

A site was assigned to this category if there was documentation indicating the following:

(a) Radioactive material was present in quantities or forms which could have caused or substantially contributed to the cancer of a covered employee, and

(b) Radioactive material was processed or present outside of the dates as listed on the DOE ES&H website.

This type of documentation often included FUSRAP surveys conducted after Manhattan Engineering District (MED)/AEC/DOE operations were complete, which indicated the presence of residual radioactive contamination that could be attributed to those activities.

In some cases, the facilities processed radioactive material for not only nuclear weapons production, but also commercial, non-DOE contracts. Sometimes the material processed for nuclear weapons production was indistinguishable from material processed for commercial purposes. Wherever residual radioactive contamination due to DOE operations was not clearly distinguishable from that resulting from commercial operations, it was assumed that the contamination was the result of weapons production activities. As a result, in these cases, the findings were that the potential for significant residual contamination existed outside of the periods in which weapons-related production occurred. For sites that exhibited a potential for significant residual radioactive contamination outside of the periods in which weapons-related production occurred, and for which an end date could not be determined, it was assumed that significant residual contamination existed until the time the facility was demolished or until the present, defined as the date this report was written.

Findings of Evaluation of Facilities for Residual Radioactive Contamination

The results of this study indicate that there are atomic weapons employer facilities for which the potential for significant residual radiological contamination exists outside of the

periods in which weapons-related production occurred as listed on the DOE ES&H website.

Appendix A-1 lists the findings for the potential for significant residual radioactive contamination at the 94 facilities required for evaluation by NDAA. Appendix A-2 lists all of the AWE facilities and the findings for potential residual radioactive contamination. Appendix A-3 describes each facility evaluated for residual radioactive contamination, the data reviewed as a part of this evaluation, and the final findings.

IV. Residual Beryllium Contamination Evaluation

The primary sources of information used to evaluate each site were the individual facility files compiled by DOE ES&H. In addition, interviews with current and past employees of these facilities were conducted to obtain information not contained in available documentation.

The finding on any single site was based on the quantity and completeness of the information available regarding that site and professional judgment as necessary.

In this evaluation of residual radioactive contamination, as in the previous report, the following factors were considered:

(1) If beryllium was actually handled at the site.

(2) If there was evidence of decontamination of the facility.

These factors were used to estimate the potential for beryllium exposure both during operations and after production/processing had ceased. For example, a facility for which a decontamination survey was documented or for which personal interviews indicated that decontamination was performed, was classified as having little potential for residual beryllium contamination after the decontamination date; a facility without such evidence of decontamination was classified as having a potential for residual beryllium contamination after operations had ceased.

Each site was assigned to one of two categories:

1. Documentation reviewed indicates there is little potential for significant residual contamination outside the period in which weapons-related production occurred.

A site was assigned to this category if the documentation available for the facility indicated one or more of the following characteristics:

(a) Evidence of decontamination and/or beryllium contamination survey data,

(b) The facility had very little potential for residual contamination during actual operations, or

(c) The facility is still in operation and the end date is listed as "present."

2. Documentation reviewed indicates there is a potential for significant residual contamination outside the period in which weapons-related production occurred.

A site was assigned to this category if either of the following conditions existed:

(a) Documentation was available indicating that beryllium was processed or present outside of the dates listed on the DOE ES&H website that could have caused or substantially contributed to the beryllium illness of a covered employee.

(b) There was no evidence of a decontamination of the facility or area where beryllium was processed.

In some cases, the facilities processed beryllium material for not only nuclear weapons production, but also commercial, non-DOE contracts. Sometimes the material processed for nuclear weapons production was indistinguishable from material processed for commercial purposes. Wherever residual beryllium contamination due to DOE operations was not clearly distinguishable from that resulting from commercial operations, it was assumed that the contamination was the result of weapons production activities. As a result, in these cases, the findings were that the potential for significant residual contamination existed outside of the periods in which weapons-related production occurred. For sites that exhibited a potential for significant residual beryllium contamination outside of the periods in which weapons-related production occurred, and for which an end date could not be determined, it was assumed that significant residual contamination existed until the time the facility was demolished or until the present, defined as the date this report was written.

Findings of Evaluation of Facilities for Residual Beryllium Contamination

The results of this study indicate that there are Beryllium Vendor facilities for which the potential for significant residual beryllium contamination exists outside of the periods in which weapons-related production occurred as listed on the DOE ES&H website.

Appendix B-1 lists the findings for the potential for significant residual beryllium contamination at the 65 facilities required for evaluation by NDAA. Appendix B-2 lists all Beryllium Vendor facilities and the

findings for potential residual beryllium contamination. Appendix B-3 describes each facility evaluated for residual beryllium contamination, the data reviewed as a part of this evaluation, and the final findings.

V. Conclusions

The findings of this study are: (1) Some atomic weapons employer facilities and beryllium vendor facilities have the potential for significant residual radiological and beryllium contamination outside of the periods in which weapons-related production occurred. (2) For the purposes of this report, NIOSH believes that facilities having "significant contamination" had quantities of radioactive material that "could have caused or substantially contributed to the cancer of a covered employee with cancer." (3) The documents reviewed did not indicate the existence of a current, unrecognized occupational or public health threat.

[FR Doc. E7-1157 Filed 1-24-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Information (RFI): Guidance for Prioritization of Pre-pandemic and Pandemic Influenza Vaccine—Extension of Comment Period

AGENCY: Office of the Secretary, Department of Health and Human Service.

ACTION: Notice.

SUMMARY: On December 14, 2006, the Department of Health and Human Services (HHS) issued a notice in the Federal Register (FR Doc. Vol. 71, No. 240, Pages 75252-75253) to request input from the public on considerations in developing guidance for prioritization of the distribution and administration of both pre-pandemic and pandemic influenza vaccines based on various pandemic severity and vaccine supply scenarios. Specifically, HHS is seeking input on pandemic influenza vaccine prioritization considerations from all interested and affected parties, including but not limited to public health and health care individuals and organizations, as well as those from other sectors of the economy including, for example, travel and transportation, commerce and trade, law enforcement, emergency management and responders, other critical infrastructure sectors and the general public.

Previous reports relating to pandemic influenza vaccine prioritization issues are available at <http://www.pandemicflu.gov>.

The purpose of this notice is to inform all interested parties that the comment period originally identified in the December 14, 2006 Federal Register is now being extended to February 5, 2007.

DATES: Responses should be submitted to the Department of Health and Human Services on or before 5 p.m., EDT, February 5, 2007.

Instructions for Submitting Comments: Electronic responses are preferred and may be addressed to PandemicFlu.RFI@hhs.gov. Written responses should be addressed to the Department of Health and Human Services, Room 434E, 200 Independence Avenue, SW., Washington, DC 20201, Attention: Pandemic Influenza Vaccine Prioritization RFI. A copy of this RFI is also available on the PandemicFlu.Gov Web site and at <http://www.aspe.hhs.gov/PIV/rfi>. Please follow instructions for submitting responses.

FOR FURTHER INFORMATION CONTACT: Ben Schwartz, Office of Public Health and Science, (404) 639-8953.

SUPPLEMENTARY INFORMATION: Extensive information on Federal government strategic and implementation plans for pandemic flu is available at <http://www.pandemicflu.gov>.

Dated: January 19, 2007.

John O. Agwunobi,
Assistant Secretary of Health, Office of Public Health and Science, Department of Health and Human Services.

[FR Doc. 07-323 Filed 1-24-07; 8:45 am]

BILLING CODE 4151-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health (NIOSH), Safety and Occupational Health Study Section (SOHSS); Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned committee meeting.

Times and Dates: 8 a.m.-5 p.m., February 20, 2007. 8 a.m.-5 p.m., February 21, 2007.

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia, 22314, telephone 703.684.5900, fax 703.684.1403.

Status: Open 8 a.m.-8:30 a.m., February 20, 2007. Closed 8:30 a.m.-5 p.m., February

20, 2007. Closed 8 a.m.-5 p.m., February 21, 2007.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant applications received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals. This will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects, which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that the research funded will promote these program goals.

Matters to be Discussed: The meeting will convene an open session from 8-8:30 a.m. on February 20, 2007, to address matters related to the conduct of SOHSS business. The remainder of the meeting will proceed in closed session. The purpose of the closed session is for the study section to consider safety and occupational health-related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, Centers for Disease Control and Prevention, pursuant to Section 10(d) Pub. L. 92-463. Agenda items are subject to change as priorities dictate.

For Further Information Contact: Price Connor, Ph.D., NIOSH Health Scientist, 1600 Clifton Road, NE., Mailstop E-20, Atlanta, Georgia 30333, telephone 404.498.2511, fax 404.498.2571.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7-1083 Filed 1-24-07; 8:45 am]
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the

FACILITY NAME: Mathieson Chemical Co.
Pasadena, Texas

ALSO KNOWN AS: Pasadena Chemical Corp.
Olin Mathieson Chemical Co.
Mobil Mining and Minerals Co.

TIME PERIOD: 1951-1953

FACILITY DESCRIPTION:

DOE ES&H Website:

Mathieson Chemical extracted uranium oxides out of phosphoric acid compounds in a pilot study for the Atomic Energy Commission.

DISCUSSION:

Documentation describes the activities as bench-top type experiments for extracting uranium oxides from phosphoric acid compounds, which would most likely have been conducted under laboratory controls. There is no description of the quantities of uranium extracted or radiological conditions immediately after cessation of activities. But, it is reasonable to believe that laboratory work would not have resulted in widespread distribution or residual contamination post-operations. A radiological survey was performed for the DOE in 1977, with the only finding of residual contamination on inside surfaces of one sink and possibly the drain line, which poses no significant exposure to personnel based on the low activity levels discovered.

INFORMATIONAL SOURCES:

Sources of information reviewed during this evaluation included the DOE ES&H Website along with documentation provided by the DOE ES&H Group consisting of written communications by or for the DOE and FUSRAP documentation.

EVALUATION FINDINGS:

Documentation reviewed indicates that there is little potential for significant residual contamination outside of the period in which weapons-related production occurred.