

resolving arbitration disputes under the Act.

The panel also determined that the SLA's delay in seeking arbitration greatly prejudiced the Navy and the facility and its current contractor and that there was no reasonable cause for the delay. Therefore, the panel concluded that the SLA had waived its right to Federal arbitration and dismissed the complaint without ruling on the merits of the case.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202-2738. Telephone: (202) 205-8536. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205-8298.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large 1 print, audiotope, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Dated: July 15, 2003.

**Loretta Petty Chittum,**

*Acting, Assistant Secretary for Special Education and, Rehabilitative Services.*

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## DEPARTMENT OF ENERGY

### Energy Employees Occupational Illness Compensation Program Act of 2000; Revision to List of Covered Facilities

**AGENCY:** Department of Energy.

**ACTION:** Notice of revision of listing of covered facilities.

**SUMMARY:** Periodically, the Department of Energy ("Department" or "DOE") publishes a list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000 ("Act"), Title 36 of Public Law 106-398. (66 FR 4003; 66 FR 31218). The Act establishes a program to provide compensation to individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities and at certain federally owned facilities in which radioactive materials were used. This notice revises the previous lists and provides additional information about the covered facilities, atomic weapons employers, and beryllium vendors. The original notice provides detailed background information about this matter. Previous lists were published on January 17, 2001, June 11, 2001 and December 27, 2002.

**FOR FURTHER INFORMATION CONTACT:** Office of Worker Advocacy, 1-877-447-9756.

**ADDRESSES:** The Department welcomes comments on this list. Individuals who wish to suggest additional facilities for inclusion on the list or indicate why one or more facilities should be removed from the list should provide information to the Department. Comments should be addressed to:

Office of Worker Advocacy (EH-8), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, e-mail: [worker\\_advocacy@eh.doe.gov](mailto:worker_advocacy@eh.doe.gov), toll free: 1-877-447-9756, URL: <http://tis.eh.doe.gov/advocacy/>.

#### SUPPLEMENTARY INFORMATION:

##### Purpose

The Energy Employees Occupational Illness Compensation Program Act of 2000 ("Act"), Title 36 of Public Law 106-398, establishes a program to provide compensation to individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities and at certain federally owned facilities in which radioactive materials were used. On December 7, 2000, the President issued Executive Order 13179 ("Order") directing the Department of Energy ("Department" or "DOE") to list covered

facilities in the **Federal Register**. This notice revises the previous lists and provides additional information about the covered facilities, atomic weapons employers, and beryllium vendors.

Section 2. c. iv of the Order instructs the Department to designate, pursuant to sections 3621(4)(B) and 3622 of the Act, atomic weapons. In addition, section 2. c. vii of the Order instructs the Department to list three types of facilities defined in the Act:

- (1) Atomic weapons employer facilities, as defined in section 3621 (4);
- (2) Department of Energy facilities, as defined by section 3621 (12); and
- (3) Beryllium vendors, as defined by section 3621 (6).

Compensation options and mechanisms are defined differently for each of these facility categories. The atomic weapons employer category includes atomic weapons employer facilities in which the primary work was not related to atomic weapons, and consequently these facilities are not commonly known as atomic weapons facilities. Their inclusion in this list is consistent with the Act, and is not intended as a classification for any other purpose.

The list at the end of this notice represents the Department's best efforts to date to compile a list of facilities under these three categories. This listing includes 362 facilities in 46 jurisdictions. Today's publication of the list includes the designation of 14 additional DOE facilities, including ten Ore Buying Stations. It clarifies one listing, narrows one listing, and changes one AWE to a DOE. Also, for ten facilities previously listed with AWE/DOE dual designations, the DOE designation has been dropped because it was learned that no work occurred at those locations as part of site remediation. Two AWE facilities were dropped entirely, one because it was learned that no radioactivity was used at that location and the other because the type of work, which took place there, was determined not to be covered Atomic Weapons Employer activity.

To assist the public in understanding changes made in this list, the Department has prepared a description of these changes and made it available at the Web site noted. A copy may also be obtained by request to the Office of Worker Advocacy. The Department is continuing its research efforts, and continued revisions to this list should be expected. The public is invited to comment on the list and to provide additional information.

In addition to continuing its research efforts, the Department has developed information dissemination mechanisms