

Epidemiological Studies and EEOICPA Program Records. HHS/CDC/NIOSH." This modification is being done to facilitate the general public's search for the system of records containing EEOICPA program cancer claimant records associated with dose reconstruction.

DATES: CDC invites interested parties to submit comments on the proposed routine uses and system of records name change on or before October 29, 2003. The CDC will adopt the new routine uses and name change without further notice 30 days after the date of publication, unless CDC receives comments which would result in a contrary determination.

ADDRESSES: Comments should be addressed to the Centers for Disease Control and Prevention (CDC) Privacy Act Officer at the address listed below. Comments received will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday in the CDC Executive Park Facility, Building 37 Executive Park Drive, Room 3756C, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Betsey S. Dunaway, Privacy Act Officer, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Executive Park Facility, Building 37, Room 3756C, Mailstop E-11, Atlanta, Georgia 30333, (404) 498-1506. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: CDC proposes to add three new routine uses and amend one routine use of an existing system of records within its National Institute for Occupational Safety and Health (NIOSH): 09-20-0147, "Occupational Health Epidemiological Studies. HHS/CDC/NIOSH." These new routine uses will be used by NIOSH's Office of Compensation Analysis and Support (OCAS) to fulfill its responsibilities under EEOICPA by releasing information to the indicated entities listed below:

1. Disclosure of personal identifying information associated with cancer-related claims under EEOICPA to the Department of Energy (DOE), other federal agencies, other government or private entities, and to private-sector employers to permit these entities to retrieve records required by NIOSH to reconstruct radiation doses;

2. Disclosure of completed dose reconstruction reports of cancer-related claimants under EEOICPA to the Department of Labor (DOL) and the Department of Energy (DOE) to fulfill HHS dose reconstruction regulations that require disclosure to the claimant, DOL, and DOE, and to fulfill DOE's

notification obligations as required by EEOICPA (42 U.S.C. 7384n(e)(1)); and

3. Disclosure of personal identifying information associated with cancer-related claims under EEOICPA to identified witnesses as designated by the NIOSH Office of Compensation Analysis and Support (OCAS) so that these individuals can provide more detailed information on employment exposures to enable NIOSH to more accurately determine claimant radiation exposure levels and to determine the eligibility of claimant classes for membership in the Special Exposure Cohort.

The previous routine uses of the existing system notice are hereby incorporated and maintained by reference with one modification: A record from this system of records may be disclosed to a Member of Congress or a Congressional staff member submitting a verified request involving an individual who is entitled to the information when the individual has requested assistance from the Member or staff member. The Member of Congress or staff member must provide a copy of the individual's written request for assistance. The purpose of this modification is to clarify that records from this system of records will be released to a Member of Congress or a Congressional staff member only as a result of a documented request from an individual who is entitled to the information.

The new routine uses are compatible with the NIOSH system's purpose to evaluate the mortality, morbidity, and prevention of occupationally related diseases. The routine uses are compatible in that they will permit NIOSH, OCAS to better fulfill its responsibilities to complete dose reconstructions for cancer-related claims which will in turn enable DOL to determine award of benefits under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C.S. 7384-7385) and they will also allow OCAS to evaluate petitions for inclusion in the Special Exposure Cohort.

In EEOICPA, Congress recognized the fact that since World War II, Federal nuclear activities have been explicitly recognized under Federal law as activities that are ultra-hazardous. Nuclear weapons production and testing have involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers have not covered. It is further recognized that recurring exposures to radioactive substances and beryllium, even in small amounts, can cause medical harm. Since the inception of

the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the DOE and at sites of vendors who supplied the Cold War effort were put at risk.

Because of this, Congress established the "Energy Employees Occupational Illness Compensation Program." The purpose of the program is to provide for timely, equitable, and adequate compensation of covered employees and, where applicable, survivors of such employees, who incurred illnesses during the performance of their duties for the DOE and certain of its contractors and subcontractors. The Department of Labor is the federal agency with lead responsibility and is to administer the program. Within HHS, NIOSH's Office of Compensation Analysis and Support (OCAS) has responsibility under the Act to prepare individual dose reconstructions for specified cancer-related claims and to evaluate petitions for inclusion in the Special Exposure Cohort. The Special Exposure Cohort is a cohort of claimants for whom there is inadequate documentation to complete a dose reconstruction and a reasonable likelihood that their health was endangered by exposure to radiation. The Cohort members can only receive compensation if they develop one of 22 specified cancers.

Pertinent information and records used to develop individual dose reconstruction reports and to evaluate petitions for membership in the Special Exposure Cohort from the NIOSH system of records are acquired from two NIOSH program efforts. NIOSH's Health-Related Energy Research Branch (HERB) has been given access to the DOE's Privacy Act system of records to collect information, records, and data for the purpose(s) of evaluating the mortality and morbidity of occupationally related diseases to determine the cause and prevention of occupationally related diseases (Memorandum of Understanding with Department of Energy (DOE), 56 FR 9701, March 7, 1991 renewed 1995 and 2000 as part of DOE's Radiation Research Program; routine use formalizing data exchange between DOE and HHS added to Privacy Act System of Records DOE-10, "Worker Advocacy Records"). This information is sufficient for NIOSH to fulfill research purposes to evaluate morbidity and mortality of occupationally related diseases, but is not in sufficient detail to complete dose reconstruction of EEOICPA claimants. Additionally, through its research program, NIOSH acquires vital status information, death certificates, and