

designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employer employees who worked in any building at the Wah Chang facility in Albany, Oregon, for the operational period from January 1, 1971 through December 31, 1972, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation became effective on May 29, 2011, as provided for under 42 U.S.C. 7384/(14)(C). Hence, beginning on May 29, 2011, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

**FOR FURTHER INFORMATION CONTACT:** Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 877-222-7570. Information requests can also be submitted by e-mail to [dcas@cdc.gov](mailto:dcas@cdc.gov).

**John Howard,**

*Director, National Institute for Occupational Safety and Health.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

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

**ACTION:** Notice.

**SUMMARY:** HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Norton Company, Worcester, Massachusetts, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On April 29, 2011, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All atomic weapons employees who worked in any building or area at the facility owned by the Norton Co. (or a subsequent owner) in Worcester, Massachusetts, during the period from January 1, 1958 through October 10, 1962, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in

combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation became effective on May 29, 2011, as provided for under 42 U.S.C. 7384/(14)(C). Hence, beginning on May 29, 2011, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

**FOR FURTHER INFORMATION CONTACT:**

Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C-46, Cincinnati, OH 45226, Telephone 877-222-7570. Information requests can also be submitted by e-mail to [DCAS@CDC.GOV](mailto:DCAS@CDC.GOV).

**John Howard,**

*Director, National Institute for Occupational Safety and Health.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Findings of Misconduct in Science/ Research Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on May 16, 2011, the Department of Health and Human Services (HHS) Debarring Official, on behalf of the Secretary of HHS, issued a final notice of debarment based on the misconduct in science and research misconduct findings of the Office of Research Integrity (ORI) in the following case:

*Philippe Bois, Ph.D., St. Jude Children's Research Hospital:* Based on the findings of an investigation report by St. Jude Children's Research Hospital (St. Jude) and additional analysis conducted by ORI during its oversight review, ORI found that Philippe Bois, Ph.D., former postdoctoral fellow, Department of Biochemistry, St. Jude, engaged in misconduct in science and research misconduct in research funded by National Institute of General Medical Sciences (NIGMS), National Institutes of Health (NIH), grant R01 GM071596, and National Cancer Institute (NCI), NIH, grants P30 CA021765, P01 CA071907, R01 CA072996, and R01 CA100603.

ORI found that the Respondent knowingly and intentionally falsified data reported in two (2) papers:

1. Bois, P.R., Izeradjene, K., Houghton, P.J., Cleveland, J.L., Houghton, J.A., & Grosveld, C.G. "FOXO1a acts as a selective tumor suppressor in alveolar rhabdomyosarcoma." *J. Cell. Biol.* 170:903-912, September 2005 (hereafter referred to as "*JCB* 2005"); and
2. Bois, P.R., Borgon, R.A., Vornheim, C., & Izard, T. "Structural dynamics of  $\alpha$ -actinin-vinculin interactions." *Mol. Cell. Biol.* 25:6112-6122, July 2005 (hereafter referred to as "*MCB* 2005").

Specifically, ORI found:

- Respondent committed misconduct in science and research misconduct by knowingly and intentionally falsely reporting in Figure 1A of *JCB* 2005 that FOXO1a was not expressed in cell lysates from alveolar rhabdomyosarcoma (ARMS) tumor biopsies, by selecting a specific FOXO1a immunoblot to show the desired result.
- Respondent engaged in misconduct in science and research misconduct by falsifying data presented in Figure 4B of *MCB* 2005 showing SDS-PAGE for papain digestion of VBS3 and  $\alpha$ VBS, by falsely labeling lane 1 to represent papain only digestion, by falsely labeling lane 5 to represent papain digestion of the  $\alpha$ VBS peptide, and by falsely inserting a band in lane 3 to represent the  $\alpha$ VBS peptide.

ORI issued a charge letter enumerating the above findings of misconduct in science and proposing HHS administrative actions. Dr. Bois subsequently requested a hearing before an Administrative Law Judge (ALJ) of the Departmental Appeals Board (DAB) to dispute these findings. ORI moved to dismiss Dr. Bois' hearing request. On May 16, 2011, the ALJ of the DAB ruled in ORI's favor and dismissed Dr. Bois' hearing request. The ALJ found that Dr. Bois had not raised a genuine dispute over facts or law material to the findings of research misconduct and dismissed the hearing request pursuant to 42 CFR 93.504(a)(2), (3).

Thus, the misconduct in science and research misconduct findings set forth above became effective, and the following administrative actions have been implemented for a period of three (3) years, beginning on May 26, 2011:

(1) Dr. Bois is debarred from eligibility for any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement programs of the United States Government, referred to as "covered transactions," pursuant to HHS' Implementation of OMB Guidelines to Agencies on