

05-31-2001



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FORM PTO-1595
1-31-92

5/24/01

RECORDED

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark office

To the Director of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of Conveying Party(ies):
The United States of America as represented by the United States Department of Energy
Additional name(s) of conveying party(ies) attached? YES NO

2. Name and address of receiving party(ies):
Name: The United States of America as

3. Nature of Conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other Transfer of Intellectual Property from Department of Energy to Department of Health and Human Services, Centers for Disease Control and Prevention
Execution Date: September 28, 1998

represented by the Secretary of the Department of Health and Human Services, Centers for Disease Control and Prevention
Street Address: 1600 Clifton Rd, NE (E67)
City Atlanta State GA ZIP 30333
Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):
If this document is being filed together with a new application, the execution date of the application is:


A. Patent Application No.(s)

B. Patent No.(s)
5,939,986 issued Aug. 17, 1999
Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: William D. Noonan M.D.
Klarquist Sparkman Campbell Leigh & Whinston, LLP
Internal Address:
One World Trade Center, Suite 1600
Street Address:
121 S.W. Salmon Street
Portland, Oregon 97204-2988

6. Total number of applications and patents involved: 1
7. Total fee (37 CFR § 3.41): \$40.00 Enclosed.
8. Any deficiency/overpayment is authorized to be charged to deposit account 02-4550. A copy of this sheet is enclosed.

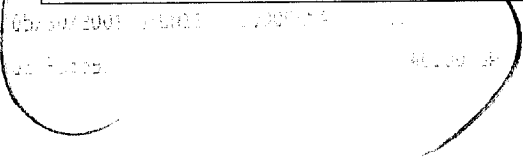
DO NOT USE THIS SPACE

9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.
William D. Noonan M.D.  May 21, 2001

Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments and document: 7

OMB No. 0651-0011 (exp. 4/94)



DETERMINATIONS CONCERNING TRANSFER OF THE HEALTH AND SAFETY FUNCTIONS OF THE U.S. DEPARTMENT OF ENERGY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

Effective upon signature, determinations are made as follows:

As provided in title II of Public Law 104-208 (September 30, 1996) under the subheading of "Disease Control research, and training", under the heading of "Centers for Disease Control and Prevention", the functions described in clause (1) of the first proviso under the subheading "mines and minerals" under the heading "Bureau of Mines" in the text of title I of the Department of Interior and Related Agencies Appropriations Act, 1996, as enacted by section 101 (c) of the Omnibus Consolidated Recissions and Appropriations Act of 1996 (Public Law 104-134), are hereby transferred to, and vested in, the Secretary of Health and Human Services, subject to section 1531 of title 31, United States Code.

TRANSFER OF FUNCTIONS

The following functions are transferred to the U.S. Department of Health and Human Services from the U.S. Department of the Energy/Fossil Energy. The functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law, prior to being transferred to the Department of Energy, in the Secretary of the Interior or the U.S. Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington.

The transfer of the functions includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plurals thereof, as the case may be. Specific details of the transfer will be effected through Memoranda of Understanding (MOUs), where appropriate, between the Departments or Agencies. The general instructions are as follows:

FINANCE:

Accounting and budget responsibility, including reimbursable agreements and charge-back recoveries, for the transferred functions will be transferred to the Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health. Contributed fund balances and authorities in title I of the Department of Interior and Related Agencies appropriations act of 1992, Public Law 102-154, 105 stat. 1002 (43 U.S.C. § 1473a) related to the transferred functions will be appropriated to the Department of Health and Human Services and allocated to the functions which are being transferred. Unexpired appropriations and funds obligated, but unexpended, related to the transferred functions, will be transferred to the Department of Health and Human Services, Centers for Disease Control and Prevention, to fund existing contracts, grants, cooperative agreements, or other legally enforceable obligations of the Department of Energy related to the transferred functions. All obligations of the transferred functions effective 10/01/97 will be the responsibility of the Department of Health and Human Services.

RECORDS:

The transfer of current and historic records related to the transferred functions will be accomplished as soon as practicable. The Department of the Interior, as stated in the Determination Order Signed April 4, 1996, with the Department of Energy, will make available sufficient resources to properly dispose of or transfer all relevant records to a location or locations designated by Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health. Both the Department of the Interior and the Department of Energy shall have continuing access to any records or copies thereof needed for the defense of any contract or personnel claims for which responsibility has been retained by either the Department of Interior or the Department of Energy.

ACQUISITION AND ASSISTANCE:

All contracts, reimbursable agreements, grants, and cooperative agreements related to the transferred functions, including all other procurement /acquisition related matters, except those which are being closed out by the Department of Energy in fiscal year 1997, shall be transferred to the Department of Health and Human Services, Centers for Disease Control and Prevention. Award documents will be shipped as instructed by the Department of Health and Human Services, Centers for Disease Control and Prevention receiving offices.

PERSONNEL:

Department of Energy personnel performing the transferred functions, including administrative support personnel identified to transfer with the functions, for a total of 413 FTE, will be transferred to the Department of Health and Human Services. The cost and responsibility for adjudicating appeals resulting from any reductions in force and/or this transfer of functions as of the effective date of this Determination Order will remain with the Department of the Interior as it appeared in the Determination Order signed April 4, 1996, with the Department of Energy.

ENVIRONMENTAL DISCLOSURE:

On the effective date of this Determination Order, all environmental duties, obligations and responsibilities related to the transferred functions are the responsibility of the Department of Health and Human Services, Centers for Disease Control and Prevention, in accordance with applicable laws. The Department of Health and Human Services has contracted for an environmental assessment of the Spokane and Pittsburgh Research facilities and has identified environmental contamination, including but not limited to the presence of hazardous material, that is, or possibly is, present at these facilities at the time of this transfer. The cost or costs and potential liabilities which may result as the result of environmental investigation, remediation, or other corrective action or claims for personal or property injury which may arise as the result of this existing contamination can not be determined at this time. The Department of Health and Human Services does not, at this time, have appropriated funds for any claim or liability which may arise as the result of the environmental contamination and will have to seek additional

funding should such a claim or liability arise. The Department of Health and Human Services expressly reserves the right to seek contributions from the Department of the Interior, the Department of Energy or other federal agency for the costs of remediation or any other liabilities which may result from the environmental contamination existing at the time of transfer which resulted from the activities of these agencies.

PROPERTY:

All real and personal property of the Pittsburgh Research Center and Spokane Research Center related to the transferred functions will be transferred from the Department of Energy to the Department of Health and Human Services, Centers for Disease Control and Prevention. This property will include facilities, leaseholds, historic and museum property. The locations of the real properties and leaseholds related to the transferred functions are as follows:

- (1) Spokane Research Center (Buildings and Land Owned)
East 315 Montgomery Avenue
Spokane, Washington 99207-2291
 - a. Reardan Auxiliary Facility (Buildings and Land Owned)
Lincoln County, Washington
Reardan, Washington 99202
 - b. Hanson Site (Buildings Owned; Land Leased)
M Crestling and E. Magnesium Rd.
Spokane, Washington 99207

- (2) Pittsburgh Research Center (Buildings and Land Owned)
P.O. Box 18070
Cochrans Mill Rd.
Pittsburgh, Pennsylvania 15236-0070
 - a. Lake Lynn Laboratory (Buildings Owned; Land Leased)
State Route 657
Fairchance, Pennsylvania 15436

The above listed properties and leaseholds will be transferred to the Department of Health and Human Services, Centers for Disease Control and Prevention.

INTELLECTUAL PROPERTY:

The intellectual property rights related to the transferred functions and responsibility for their administration shall be transferred to the Department of Health and Human Services, Centers for Disease Control and Prevention effective on the signing of this transfer order.

CONTINUATION OF DELEGATION OF AUTHORITY:

To the maximum extent possible, the delegated authorities of the Department of Energy will be transferred with the functions identified in this Determination Order. All delegations of authority will fall under the auspices of the Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health.

MEMORANDUM OF UNDERSTANDING:

As soon as practicable and where applicable, the Departments of Energy and Health and Human Services will enter into memorandums of understanding (MOU) to implement this Determination Order and accomplish the transfers of function described herein. Sub-level MOU may be entered into as necessary to develop the details associated with a specific transfer. Any disputed issues that cannot be resolved by the Departments of Energy and Health and Human Services will be resolved by the Office of Management and Budget.

Effective Date: The transfers provided for herein shall be effective upon signing of this Determination Order.

Date: September 28, 1998


Director
Office of Management and Budget

Patents to Transfer to NIOSH

File #	Inventor	SN	Patent #	Status	Title
?	Simpson, Robert	168,815	4,497,578 2/5/85	?Do not know if maint. fees paid	Machine for Mixing and Injecting Water and Grout
?	Scott, Douglas SRL	548,337	5,035,060 7/30/91	?Do not know if maint. fees paid	Method of Mapping Underground Mines "Geolaser"
CDC# I-004-97/0	Volkwein, J.			Pending Filed - 07/03/97	Dust Detector Tube
CDC# I-009-97/0 9601	Mowrey, G.	Not to be pursued on both lists	Not to be pursued on both lists	Unfiled Rejected - 03/18/97	An Infrared-Based Method and Apparatus for Detecting a Coal-Rock Interface in a Coal Mining Operation
CDC# I-015-97/0	Dubaniewicz, Thomas			Unfiled	Methods of Safety Testing Optical Systems for Hazard (Class.) Locations
CDC# I-016-97/0	Hudson			Unfiled	Electrical Insular, Heat Detector and Warning Device
CDC# I-023-97/0	Martin, Lewis			*Pending	Instrumented King Wire for Monitoring Cable Bolts...
CDC# I-024-97/0	Marshall, Thomas, et.al			Unfiled	Automated Roof Monitoring Safety System
CDC# I-030-97/0	Schiffbauer, William, et.al			Unfiled	Wireless Data Communication Method for Drill, Strings, Augers and Pipelines
CDC# I-001-98/0	Orr, Timothy			Unfiled	Borehole Video Inspection Tool... Spokane Office
CDC# I-006-98/0	Ruff, Tod			Unfiled	Orepass Level and Blockage Locator Device Spokane Office
9501 S-86,399	Garcia/ Schatzel	08/694,574		Pending	Portable Tester for Determining Gas Content Within a Core Sample
9602 S-87,175	Schiffbauer/ Ganoe			10/02/96 - draft pat. appl.	Hazardous Area Signaling and Ranging Device (Hasard)
9603 S-87,477	M Beus/ W.G. McCoy			10/04/96 - draft pat. appl.	Flexcable Load Sensor for Hoist and Shaft Coneyane Monitoring System
3440 3440/ 3542	Volkwein	07/540,598 08/245,236	5,424,195	Issued 06/13/95	In Situ Biological Conversion of Coal to Methane

*Work Order Approved by Fitch, Even, Tabin & Flannery on 08/21/97 to file a patent application.