

Chemical Products Corporation

102 Old Mill Road SE
P.O. Box 2470
Cartersville, Georgia
30120-1692

Phone: 770-382-2144
Fax: 770-386-6053
e-mail: jcook@cpc-us.com

March 1, 2007

Associate Director for Communications
Office of the Director
National Institutes of Health
Building 1, Room 344
9000 Rockville Pike
Bethesda, MD 20892

Subject: **Addendum to Request for Reconsideration dated January 5, 2007** - Further documentation of factual errors in NTP Technical Report 494 Appeal of Dr. Allen Dearry response letter dated December 22, 2006.

Dear Madam or Sir;

Chemical Products Corporation (CPC) hereby submits further documentation of a critical factual error in NTP Technical Report 494 (TR494). Records received by CPC on February 28, 2007 as a result of a Freedom of Information Act appeal, and enclosed herewith, demonstrate that there is no factual basis for the statement in TR494 that sample A07496, for which a negative mutagenicity assay is presented, is an aliquot of the TR494 test article, Anthraquinone Lot 5893.

A highly significant restriction on the conclusions presented in TR494 ("The term anthraquinone used in this report refers to anthracene-derived anthraquinone.") inserted by the February 18, 2004 NTP Board of Scientific

Counselors Technical Reports Review Subcommittee was removed from the final TR494 when the December 9, 2004 Technical Reports Review Subcommittee was provided incorrect information to demonstrate that the negative mutagenicity assay performed in June 2004 on sample A07496 demonstrated conclusively that the TR494 test article, Anthraquinone Lot 5893 had not been sufficiently contaminated with mutagenic impurities to yield a positive mutagenicity assay when it was administered in animal studies in the mid-1990's.

The enclosed BioReliance Test Article Receipt and Transfer Reports (8 pages including a cover sheet stating "Documents Responsive to NIH FOI No. 33011 – 7 pages for Release"). Show that 4 samples were received by BioReliance on June 2, 2004 labeled A07496, A40147, A54984, and A65343.

The Battelle Bulk Chemical Shipment Report, obtained by CPC under an earlier Freedom of Information Act request and submitted as an enclosure with an addendum to CPC's Request for Correction of TR494, is also enclosed herewith; it states that 4 samples of Anthraquinone labeled Lot No. GSTU 2517770, Lot No. 64005, Lot No. 2Y011, and Lot No. 5893 were shipped from Battelle to BioReliance on June 1, 2004. This document was finally provided to CPC on July 11, 2006 as an "inadvertent omission" from the May 19, 2006 final response to a Freedom of Information Act request. It was provided only after CPC had filed a Request for Correction of TR494 based on the complete lack of any records documenting that the TR494 test article, Anthraquinone Lot

5893, had been submitted for mutagenicity assay in June 2004.

The physical descriptions of the samples in the BioReliance Test Article Receipt and Transfer Reports demonstrate that the TR494 test article was not among the Anthraquinone samples received by BioReliance on June 2, 2004; two of the received samples were described as "light yellow powder" and the other two received samples were described as "tan powder". None of the samples received by BioReliance on June 2, 2004 fit the description of the TR494 test article, a "golden yellow powder" or "yellow powder". The TR494 test article definitely is not "light yellow"; it is described in TR494 as a "golden yellow powder" and in the 1999 preincubation mutagenicity assay performed by BioReliance (Enclosure 1 in CPC's January 5, 2007 Request for Reconsideration) as a "golden yellow powder".

Enclosure 3 with CPC's January 5, 2007 Request for Reconsideration consists of emails exchanged by Kristine Witt at NTP and BioReliance's Richard San. Witt asks San to confirm the assignment of sample numbers to the Anthraquinone lot numbers from the Battelle Bulk Chemical Shipment Report as shown in her September 10, 2004 email to him. San responds that a BioReliance employee "who has custody of the test article related documents" confirmed to him that the sample numbers were assigned to the lot numbered samples as shown in Witt's earlier email.

The enclosed BioReliance Test Article Receipt and Transfer Reports demonstrate that the samples subjected to

mutagenicity assay by BioReliance in June 2004 were received by BioReliance labeled with sample numbers. Therefore, it is not possible for San to have accurately confirmed to Witt that any particular sample number corresponded to a particular lot number shipped from Battelle.

Since the samples received by BioReliance on June 2, 2004 contained only sample numbers for identification, the source of the sample number assignment to lot numbers shown in Witt's September 10, 2004 email should be investigated.

The origin and identity of the 4 samples received by BioReliance for mutagenicity assay on June 2, 2004 cannot be determined. We can only speculate that fraud must have been involved in the apparent disappearance of the 4 samples identified with lot numbers reportedly shipped from Battelle to BioReliance on June 1, 2004 and the appearance of 4 samples identified by sample numbers which were received by BioReliance on June 2, 2004. The physical descriptions of the samples received by BioReliance demonstrate that the TR494 test article was not one of these samples.

Richard San's willingness to confirm that the lot number of the TR494 test article was associated with a particular sample number must be investigated in light of the enclosed documentation showing that BioReliance's test article receipt records do not contain the lot numbers recorded by Battelle.

CPC reiterates its request that TR494 be withdrawn because it is based upon incorrect and incomplete information provided to the December 9, 2004 NTP Board of Scientific Counselors Technical Reports Review Subcommittee. If I can answer any questions concerning this request, please telephone me at 770-382-2144 Ext. 272 or 770-714-3806 (cell), or email me at jcook@cpc-us.com.

Sincerely,

/s/

Jerry A. Cook, Technical Director
Chemical Products Corporation

Enclosures – 12 pages

Documents Responsive to
NIH FOI No. 33011

7 pages for Release

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WK.0001

Lot.Sample: AA93WK.0001
 Test Article Name: A07496
 Label ID: A07496 store at RT No Exp Date given Sieved 8 mesh
 Lot/Batch No: NP
 Expiration: N/A
 Purity: NP
 Storage Condition: Room Temperature
 Stock Locator: 15-30*RM5275B*CAB1/3C*BTL
 Supplement Storage: protect from light/desiccate
 Description: light yellow powder (per MSDS: light tan liquid)
 Gross Weight: 32.32 g
 Net Weight: NP
 Unit of Measure: G
 Handling: Non-regulated
 Condition on Rcpt: GOOD
 Receipt Date: 02-JUN-2004
 Login By: *[Non-Keep Contract Emp]*
 Login Date: 04-JUN-2004
 Comments: received TA ambient with papers. Logged in TA late on 6/4/04 (received on 6/2/04) due to the fact that the Sponsor Site in the Oracle Module was inactive. Changed location number because of change of RM#

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
		32.32	G	04-JUN-2004	04-JUN-2004	BTL-CHMREP	3*RT*MCDDRM261*3C	
BTL-CHMREP	3*RT*MCDDRM261*3C	600.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		
BTL-CHMREP	3*RT*MCDDRM261*3C	100.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		

*[Non-7
 Keep
 Contract
 Employee]*

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WK.0001

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
BTL-CHMREP	3*RT*MCDDRM261*3C	480.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		[Non- Keep Contract Employee]
BTL-CHMREP	3*RT*MCDDRM261*3C	200.00	MG	15-JUL-2004	15-JUL-2004	BTL-GAMES		
BTL-CHMREP	3*RT*MCDDRM261*3C	30.94	G	20-OCT-2005	20-OCT-2005	BTL-CHMREP	15-30*RMS275B*CAB1/3C	

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WL.0001

Lot.Sample: AA93WL.0001
 Test Article Name: A40147
 Label ID: A40147 store at RT No Exp Date Given >60 mesh sieved
 Lot/Batch No: NP
 Expiration: N/A
 Purity: NP
 Storage Condition: Room Temperature
 Stock Locator: 15-30*RM5275B*CAB1/3C*BTL
 Supplement Storage: protect from light/desiccate
 Description: tan powder (per MSDS: light tan liquid)
 Gross Weight: 32.45 g
 Net Weight: NP
 Unit of Measure: G
 Handling: Non-regulated
 Condition on Rcpt: GOOD
 Receipt Date: 02-JUN-2004
 Login By: [Non-Key Contract Emp]
 Login Date: 04-JUN-2004
 Comments: Received TA ambient with papers. logged in TA late on 6/4/04 (received on 6/2/04) due to the fact the Sponsor Site in the Oracle Module was inactive. Changed location number because of change of RM#

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
		32.45	G	04-JUN-2004	04-JUN-2004	BTL-CHMREP	3*RT*MCDDRM261*3C	
BTL-CHMREP	3*RT*MCDDRM261*3C	280.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		
BTL-CHMREP	3*RT*MCDDRM261*3C	50.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		

[Non-
 Key
 Contract
 Employee]

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WL.0001

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
BTL-CHMREP	3*RT*MCDDRM261*3C	32.12	G	20-OCT-2005	20-OCT-2005	BTL-CHMREP	15-30*RM5275B*CAB1/3C	[Am-] Rep

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WM.0001

Lot.Sample: AA93WM.0001
 Test Article Name: A54984
 Label ID: A54984 store at RT sieved 100 mesh No Exp Date given
 Lot/Batch No: NP
 Expiration: N/A
 Purity: NP
 Storage Condition: Room Temperature
 Stock Locator: 15-30*RM5275B*CAB1/3C*BTL
 Supplement Storage: protect from light/desiccate
 Description: light yellow powder (per MSDS: light tan liquid)
 Gross Weight: 32.62 g
 Net Weight: NP
 Unit of Measure: G
 Handling: Non-regulated
 Condition on Rcpt: GOOD
 Receipt Date: 02-JUN-2004
 Login By: [Non-Key Contract Emp.]
 Login Date: 04-JUN-2004
 Comments: Received TA ambient with papers. Logged in TA late on 6/4/04 (received on 6/2/04) due to the fact that the Sponsor Site in the Oracle Module was inactive. Changed location number because of change of RM#

From Subinv	From Locator	# Units	UON	Trx Date	System Date	To Subinv	To Locator	User
		32.62	G	04-JUN-2004	04-JUN-2004	BTL-CHMREP	3*RT*MCDDRM261*3C	
BTL-CHMREP	3*RT*MCDDRM261*3C	50.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		
BTL-CHMREP	3*RT*MCDDRM261*3C	280.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		

[Non-
 Key
 Contract
 Emp.]

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WM.0001

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
BTL-CHMREP	3*RT*MCDDRM261*3C	32.29	G	20-OCT-2005	20-OCT-2005	BTL-CHMREP	15-30*RM5275B*CAB1/3C	[Non-Key]

Compiled date 15-DEC-2006 01:30 PM

Lot.Sample: AA93WN.0001

Lot.Sample: AA93WN.0001
 Test Article Name: A65343
 Label ID: A65343 store at RT No Exp Date given sieved 100 mesh
 Lot/Batch No: NP
 Expiration: N/A
 Purity: NP
 Storage Condition: Room Temperature
 Stock Locator: 3*RT*MCDDRM261*3C*BTL
 Supplement Storage: protect from light/desiccate
 Description: tan powder (per MSDS: light tan liquid)
 Gross Weight: 32.20 g
 Net Weight: NP
 Unit of Measure: G
 Handling: Non-regulated
 Condition on Rcpt: GOOD
 Receipt Date: 02-JUN-2004
 Login By: [Flan - Key Contract Emp.]
 Login Date: 04-JUN-2004
 Comments: received TA ambient with papers. Logged in TA late on 6/04/04 (received on 6/2/04) due to the fact the Sponsor Site in the Oracle Module was inactive.

From Subinv	From Locator	# Units	UOM	Trx Date	System Date	To Subinv	To Locator	User
		32.20	G	04-JUN-2004	04-JUN-2004	BTL-CHMREP	3*RT*MCDDRM261*3C	[Flan - Key Contract Emp.]
BTL-CHMREP	3*RT*MCDDRM261*3C	50.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		
BTL-CHMREP	3*RT*MCDDRM261*3C	280.00	MG	16-JUN-2004	16-JUN-2004	BTL-GAMES		

BATTELLE-SHIP

Chemistry Support Services for the NTP
NIH Contract No.: N01-ES-05456
Battelle Project No.: G004110-CCR
NTP ChemTask No.: CHEM08048
CAS No.: 84-65-1

BULK CHEMICAL SHIPMENT REPORT

ANTHRAQUINONE

9-064-SHIP-379

June 22, 2004

CAS No.: 84-65-1	Amount Shipped: ~2 g of each lot into one 15-mL amber glass bottle each, shipped at ambient temperature
Battelle Task No.: 9-064-SHIP-379	Shipping Date: 6/1/04
NTP ChemTask No.: CHEM08048	Chemical Lot No's.: GSTU 2517770, 64005, 2Y011, & 5893
Program Supported: GTX	Last Analyzed Purity: Lot No. GSTU 2517770 (BCLA, 2/25-5/22/03): ~99.9% Lot No. 64005 (BCLA, 2/25-5/22/03): ~99.8% Lot No. 2Y011 (BCLA, 2/24-5/22/03): ~99.4% Lot No. 5893 (BCR, 11/19-11/20/98): 99.4% relative purity
Shipped To: [REDACTED] BioReliance Coordinator, Chemical Repository 9630 Medical Center Drive Rockville, MD 20850	Recommended Storage Conditions: Room temperature (~25°C)

This report was prepared by [REDACTED] and reviewed for accuracy by Melissa Cloud.

Approved By:

/s/

For Donna B. Browning, B.S.
Task Leader

Approved By:

[REDACTED]
Discipline Leader, Data Management

Submitted to:

Dr. Cynthia S. Smith
National Institute of Environmental Health Sciences
Mail Drop: EC-06
4401 Commons Building, Suite 100
Research Triangle Park, NC 27709

Subject: RE: question about aliquot number assignment

Date: Thursday, September 16, 2004 2:26 PM

From: San, Richard <RSan@bioreliance.com>

To: "Witt, Kristine (NIH/NIEHS)" <witt@niehs.nih.gov>

Conversation: question about aliquot number assignment

Hello, Kritine,

[Non-Key Employee] has confirmed that the test article aliquot number assignments are accurate as presented. Also, from a review of the study files, it is noted that we have a Material Safety Data Sheet only for A40147 from Kawasaki Kasei Chemical LTD.

Regards,

Richard

-----Original Message-----

From: Witt, Kristine (NIH/NIEHS) [mailto:witt@niehs.nih.gov]

Sent: Wednesday, September 15, 2004 3:18 PM

To: San, Richard

Subject: RE: question about aliquot number assignment

Hi, Richard.

Have you received word from [Non-Key Employee] about the test article aliquot number assignments? We are having a meeting here Friday morning to review all the new data we've acquired on anthraquinone and try to understand what it means in terms of biological activity for some important commercial compounds. These data are key to that discussion, but without confirmation of the test article identities I'm uncertain as to what the results are telling us. Can you please let [W-Key] know that the need for the information you requested is urgent?

Thanks,
Kristine.

> -----
> From: San, Richard
> Sent: Friday, September 10, 2004 4:44 PM
> To: Witt, Kristine (NIH/NIEHS)
> Subject: RE: question about aliquot number assignment
>
> Hello, Kristine,

>
> Thanks for your e-mail. I have asked [*Non-Rep Employee*]
> [J; who has custody of the test article related documents, to
> confirm the aliquot assignments. As soon as I hear from him, I will
> let you know.
>
> Best regards,
>
> Richard
>
> -----Original Message-----
> From: Witt, Kristine (NIH/NIEHS) [mailto:witt@niehs.nih.gov]
> Sent: Friday, September 10, 2004 9:43 AM
> To: San, Richard
> Subject: FW: question about aliquot number assignment
>
>
> Hello, Richard.
>
> Thank you for sending the preliminary results for the 4 Salmonella
> tests that were recently conducted at BioReliance. The results were
> surprising to me, and therefore, I need to make sure that your aliquot

> assignment matches ours. Can you please confirm that the aliquot
> numbers match the chemical samples described below? If there is a
> discrepancy, please send me your list, matching aliquot with test
> sample.
>
> Regarding the issue of money for the no-cost extension, our contract
> officer is aware of the problem and he is considering an approach to
> resolving the problem.
>
> Thanks for your help in understanding these test results.
>
> Best regards,
> Kristine.
>
> > 4 aliquot numbers were assigned to 4 different samples of
> > anthraquinone. They were:
> >
> > A07496 1. Anthraquinone, Lot #5893. This is from Zeneca Fine
> > Chemicals. The Nitric Acid Oxidation manufacturing process (78.82
> > kg).
> >

> > A40147 2. 9,10-Anthraquinone, Lot #2Y011. This is from
> Kawasaki
> > Kasei Chemical LTD. The Diels-Alder manufacturing process (13.40
> > kg).

> >
> > A65343 3. 9,10-Anthraquinone, Lot #64005. This is from
> > Environmental Biocontrol Intl. The Diels-Alder manufacturing
> > process.
> > (23.20 g).

> >
> > A54984 4. 9,10-Anthraquinone, Lot # GSTU 2517770. This is
> from
> > Environmental Biocontrol Intl. The Friedel-Crafts manufacturing
> > process. (26.70 g).

> >
> > Kristine L. Witt
> > Toxicology Operations Branch
> > Environmental Toxicology Program
> > National Institute of Environmental Health Sciences
> > PO Box 12233, MD EC-32
> > Research Triangle Park, NC 27709
> > phone: 919-541-2761
> > fax: 919-316-4511
> > e-mail: witt@niehs.nih.gov

> >
> >
>
>