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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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October 20, 2014

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20520

Dear Secretary Moniz:

As you are aware, I have been following the Department of Energy's response to allegations of whistleblower retaliation at the Hanford nuclear site, including the termination of Donna Busche by her employer, URS, a subcontractor to Bechtel National Inc.¹ At the Subcommittee's March 11, 2014 hearing on contractor whistleblower retaliation at the Department of Energy (DOE), the Department testified that it was committed to improving safety culture at Hanford. The Department also stated that you requested that DOE's Office of Inspector General review the circumstances of the termination and that the Department would take appropriate actions based on the Inspector General's findings.²

Today I learned that the Inspector General has concluded that it is unable to reach an opinion on the termination of Ms. Busche.³ According to the Inspector General, Bechtel and URS, the contractors involved in the matter, have refused to provide more than 4,500 documents to the Inspector General, claiming attorney-client privilege. I understand that the contractors have refused to provide these documents despite a clause in both the prime contract and subcontract which expressly consents to the provision of attorney-client privileged material to the Inspector General.

I request that the Department provide a briefing to the Subcommittee about DOE's plans to address the contractors' lack of cooperation with the Inspector General's request. The briefing should also include the mechanisms that are available to the Department to hold the contractors accountable for their noncompliance, including withholding of fees and recovery of costs incurred by the Office of Inspector General. I request that this briefing be provided as soon as possible, but no later than **October 31, 2014**.

¹ Subcommittee on Financial and Contracting Oversight, *Hearing: Whistleblower Retaliation at the Hanford Nuclear Site*, 113th Cong. (March 11, 2014) (S. Hrg. 113-370).

² Testimony of Matt Moury, Deputy Assistant Secretary for Safety, Security and Quality Programs, Environmental Management, U.S. Department of Energy, Subcommittee on Financial and Contracting Oversight, *Hearing: Whistleblower Retaliation at the Hanford Nuclear Site*, 113th Cong. (March 11, 2014) (S. Hrg. 113-370).

³ U.S. Department of Energy, Office of Inspector General, *Special Review: Issues Pertaining to the Termination of Ms. Donna Busche, A Contractor Employee at the Waste Treatment Plant Project* (Oct. 2014) (DOE/IG-0923).

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The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

I appreciate your assistance. Please contact Sarah Garcia with the Subcommittee at (202) 224-5602 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight

cc: Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight