



Department of Energy

Washington, DC 20585

January 5, 2012

The Honorable Claire McCaskill
Chairman, Subcommittee on Contracting Oversight
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman McCaskill:

On December 6, 2011, you chaired a hearing on "Whistleblower Protections for Government Contractors." In an agency such as the Department of Energy, which is heavily contractor-dependent, protecting whistleblowers is critically important. We share your interest in this subject, especially since whistleblowers are a vital source of information supporting the mission of the Office of Inspector General.

Dr. Walter Tamosaitis, an employee of a Department of Energy subcontractor, provided testimony regarding his personal situation as related to the topic of your hearing. After reviewing the written testimony, I wanted to clarify certain issues raised regarding my Office.

On July 28, 2010, Senator Ron Wyden informed the Office of Inspector General of Dr. Tamosaitis' allegations, specifically including his allegation of whistleblower retaliation. Because of the priority we place on such allegations, we immediately sent a team to Richland, Washington, to interview Dr. Tamosaitis. On August 2, 2010, at the conclusion of an extensive interview, Dr. Tamosaitis' attorney informed us that he and his client had chosen an alternative option and that they had decided to exercise Dr. Tamosaitis' right to file reprisal complaints with the U.S. Department of Labor (DOL) pursuant to the Energy Reorganization Act, 42 U.S.C. 5851, and the Toxic Substances Control Act, 15 U.S.C. 2622.

In the interest of avoiding duplicative investigations and a potentially confusing situation, we decided to defer further action on Dr. Tamosaitis' reprisal allegations. We informed Senator Wyden and the DOL of our decision. We also offered our case file to DOL for use in its examination of this matter. Our offer was accepted by DOL (please see the enclosure).

As Dr. Tamosaitis acknowledged in his testimony, other reviews were also being conducted by the Department of Energy's Health, Safety, and Security office on the culture of safety at Hanford and by the Defense Nuclear Facilities Safety Board on the substance of Dr. Tamosaitis'



safety issues. We were aware of these efforts at the time. Under the circumstances, we continue to believe that our action was appropriate.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,



Gregory H. Friedman
Inspector General

Enclosure



Department of Energy
Washington, DC 20585

October 12, 2010

Mr. Tobias J. Kammer
Investigator – OSHA
Federal State Operations
U.S. Department of Labor
1111 Third Avenue
Suite 715
Seattle, WA 98101

Re: Transmittal of Department of Energy Office of Inspector General Case
Documentation ((DOE OIG File No. S10IS013)

Dear Mr. Kammer:

This letter serves as a follow-up to our September 22, 2010, correspondence to Mr. Robert Fairfax, Director, Directorate of Enforcement Programs, Occupational Safety and Health Administration (OSHA). The September 22nd letter referenced this office's review of allegations raised by Dr. Walter Tamosaitis, former Deputy Chief Process Engineer and Research and Technology Manager, URS Corporation. Dr. Tamosaitis alleged that he was retaliated against and removed from his position for raising questions about outstanding safety and design issues involving the Waste Treatment Plant project at the Department of Energy's Hanford Reservation.

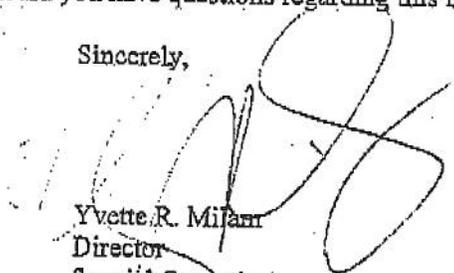
During the course of our review, we were told, and we later confirmed, that Dr. Tamosaitis filed two separate complaints relating to his July 2, 2010, removal with OSHA pursuant to the Toxic Substances Control Act and the Energy Reorganization Act. Pursuant to our ongoing discussions, enclosed are the following documents from our case file relating to Dr. Tamosaitis' retaliation concerns:

1. Memorandum of Inquiry Activity relating to the August 2, 2010, interview of Dr. Tamosaitis
2. Memorandum of Inquiry Activity concerning the August 19, 2010, interview of Mr. Dale Knutson
3. Memorandum of Inquiry Activity pertaining to the August 27, 2010, interview of Mr. Frank Russo.

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Please contact me on (202) 586-6031 should you have questions regarding this matter.

Sincerely,



Yvette R. Milam
Director
Special Operation
Office of Inspections and Special Inquiries
Office of Inspector General

Enclosures