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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 17, 2013

E. James Ferland
Chief Executive Officer
The Babcock & Wilcox Company
13024 Ballantyne Corporate Place
Suite 700
Charlotte, NC 28277

Dear Mr. Ferland:

The Subcommittee on Financial and Contracting Oversight has scheduled a hearing on Thursday, June 20, 2013, on contract management by the Department of Energy's Office of Environmental Management (EM). To assist the Subcommittee in preparing for this hearing, I request that you provide information about Babcock & Wilcox contracts for EM projects between fiscal years 2002 and 2012:

- (1) The name of the offices, affiliates, subsidiaries or joint ventures holding the contract;
- (2) If the contract is held by a joint venture, the names of all members of the joint venture;
- (3) The DUNS number of the entity holding the contract;
- (4) The contract number;
- (5) The date of contract award;
- (6) The contract type;
- (7) The original contract ceiling;
- (8) The amount that has been invoiced, disbursed or received to date;
- (9) The original dates of performance;
- (10) The dates of the exercise of any options;
- (11) The dates of any contract extensions without competition;
- (12) The amount of award fees or incentive payments received to date;

- (13) The amount of award fees or incentive payments received by fiscal year;
- (14) A summary of the contract requirements, including the site where work is to be performed (if the contract requires design or construction, specify what was to be designed or built);
- (15) The satisfaction rating received on each contract by evaluation period;

Please submit your response using the spreadsheet provided. I also request that you provide the following information and documents:

- (16) Information sufficient to show any awards or incentive payments that have been denied in part or in full, the basis for denial, whether Babcock & Wilcox appealed the denial, and the final outcome;
- (17) Information sufficient to show any whistleblower, False Claims Act, other civil or criminal fraud, or contract impropriety claim Babcock & Wilcox has had to defend on its EM contracts, and the current status of each claim;
- (18) Information sufficient to show any safety violations that have been associated with the performance of each contract, and outcomes, to include entries into the Energy Department's Noncompliance Tracking System, notices of violation, enforcement letters and program reviews;
- (19) Documents, charts, or graphs sufficient to identify Babcock & Wilcox's current corporate structure, naming all subsidiaries and affiliates and all partially or fully held companies and parent companies and all joint ventures.

I request that you provide this information to the Subcommittee as soon as possible, but in no case later than **Friday, May 31, 2013**. If you determine that you will be unable to make a complete production by this date, please contact Subcommittee staff to discuss possible modifications to this schedule.

I also ask that you provide a briefing for Subcommittee staff on or before **Wednesday, June 5, 2013**.

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). An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

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

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Sincerely,

A handwritten signature in blue ink, appearing to read "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a large, looped script, followed by "McCaskill" in a similar but slightly more compact style.

Claire McCaskill
Chairman
Subcommittee on Financial and Contracting
Oversight

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

Enclosures