



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

July 18, 2003

The President
The White House
Washington, D.C. 20500

Re: OSC File Nos. DI-01-0572, et al.

Dear Mr. President:

In accordance with 5 U.S.C. § 1213(e)(3), I am transmitting a report provided to this office pursuant to 5 U.S.C. § 1213(c) and (d) by the Honorable Reginald J. Brown, Assistant Secretary of the Army. The report sets forth the findings and conclusions of the Assistant Secretary upon investigation of disclosures of information allegedly evidencing violations of law, rule or regulation and a substantial and specific danger to public health and safety arising out of actions by employees at the Department of the Army, Directorate of Public Works (DPW), Public Works Division (PWD), Utility Monitoring Control System (UMCS), Fort Gordon, Georgia.

The whistleblowers, former UMCS Electronic Industrial Controls Operators Reuben Fullbright, Brenda Reed, Gordon Griffin, William Ellis, Charles Poston, Dorsey Combs, and Neal Skvarca, consented to the release of their names. Mr. Fullbright provided comments on the agency report to this office pursuant to 5 U.S.C. § 1213(e)(1), which I am also transmitting.

The whistleblowers' allegations were transmitted to the Honorable Thomas E. White, former Secretary of the Army, for investigation on November 29, 2001. The former Secretary delegated authority to the Honorable Reginald J. Brown, Assistant Secretary for Manpower and Reserve Affairs, to review and sign the agency report. An investigation was conducted by the Internal Review and Audit Compliance Office, Fort Gordon, Georgia. The Assistant Secretary sent a report to this office on August 27, 2002. OSC reviewed the report and found it to be deficient on the grounds that Mr. Fullbright was the only whistleblower -- out of the seven mentioned in OSC's transmittal letter to the former Secretary -- to be interviewed by the investigators. Accordingly, we asked the agency to interview the other six whistleblowers as well. The investigators interviewed the remaining whistleblowers, and the agency submitted a supplemental report to this office on December 20, 2002.

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We have carefully examined the original disclosures and reviewed the agency report and supplemental report and Mr. Fullbright's comments. Pursuant to 5 U.S.C. § 1213(e)(2), I have determined that the agency report and supplemental report contain all of the information required by statute and the findings appear to be reasonable.

The Whistleblowers' Disclosures

The whistleblowers, Reuben Fullbright, Brenda Reed, Gordon Griffin, William Ellis, Charles Poston, Dorsey Combs, and Neal Skvarca, were previously employed as UMCS Electronic Industrial Controls Operators, WG-2606-11.¹ The approximate duration of each operator's period of government employment at UMCS is as follows: Mr. Fullbright, 12 years; Ms. Reed, 6 years; Mr. Griffin, 16 years; Mr. Ellis, 6 years; Mr. Combs, 14 years; Mr. Poston, 6 years; and Mr. Skvarca, 4 years.

The whistleblowers alleged that, throughout their period of federal employment at UMCS, management continually disregarded safety guidelines and operator training requirements. The whistleblowers asserted that management's failure to enforce these safety guidelines and training requirements posed a serious threat to the safety of UMCS employees. The whistleblowers also alleged that, when UMCS operations transitioned from government to contractor control, poor government oversight initially hindered the contractor's ability to provide proper safety equipment, guidance and training to its employees.

The whistleblowers advised that UMCS provides a secondary source of power to Fort Gordon, supplementing the power provided by the Fort's primary power source, Georgia Power Company. UMCS consists of three 4500kw power plants, each comprised of three 1500kw electric generators that are powered by several 16-cylinder diesel engines. The power plants produce a 4160-volt electrical current. Prior to May 1, 2001, UMCS operations were performed in-house by the seven whistleblowers. On May 1, 2001, Fort Gordon contracted this function to Noresco, formerly known as ERI Services, Inc. According to the whistleblowers, when UMCS operations were performed in-house, the plant operators were responsible for manually operating the electrical generators, managing and distributing power demands among the different generators, regulating the flow of electricity from the power plants, monitoring the diesel engine instrument control panels, monitoring the heating and air conditioning systems, and keeping maintenance records and energy consumption logs. The whistleblowers contended

¹ Currently, the whistleblowers are employed in the following positions at Fort Gordon: Mr. Fullbright is a utilities sales clerk in the Facilities Branch, PWD, DPW; Mr. Ellis and Mr. Skvarca are construction representatives in Engineering Planning and Services, PWD, DPW; Mr. Poston works as a target devices repairer at Range Control, Directorate of Plans, Training, and Mobilization; and Mr. Griffin, Mr. Combs, and Ms. Reed have retired from Federal Service and now work for contractor Noresco at UMCS, PWD, DPW.

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that, in the course of carrying out these duties, they often had to perform minor maintenance and repairs on the generators and engines.

The whistleblowers alleged that, throughout their period of federal employment at UMCS, they repeatedly made requests to management that (1) they be provided additional training for operating the high-voltage equipment, (2) that they be issued adequate protective clothing and safety equipment, and (3) that UMCS institute and follow clear, written Standard Operating Procedures (SOPs), including a procedure for lockout/tagout functions. They directed these requests primarily to their team leader, Mr. Pavliscsak, Engineer Technician; their second-line supervisor Curtis Oglesby, Chief of the Facilities Branch; and to the Post Safety Office.

The whistleblowers maintained that they first asked management for further training in 1995, when UMCS acquired new 4500kw power plants. They alleged that, at that time, they were merely given a short 30-minute demonstration before they were expected to operate and maintain this dangerous high-voltage machinery. They explained that, among the seven operators, only Mr. Poston had prior training and experience working with electrical power generating equipment. In 2000, after the operators had repeatedly requested training for five years, management provided them with a two-day training class, conducted by a contractor. However, the whistleblowers reported that the instructor of the class informed them that the two-day class only offered a brief introduction and overview, and taking it would not qualify them to operate and maintain the generators.

The whistleblowers alleged that they were required to be licensed and certified pursuant to Army Regulation (AR) 600-55 and AR 420-49. AR 600-55 paragraph 7-1 provides that all military personnel and Army civilians who operate machinery requiring over 500 watts of power must be licensed and certified in accordance with Federal, state, and local requirements. They alleged that they were subject to these licensing requirements because they worked with nine 1500kw generators. The whistleblowers alleged, however, that their supervisors and the Post Safety Office advised them that the qualification requirements in AR 600-55 are not mandatory, but instead they merely serve as a guideline. The whistleblowers nevertheless contended that, even if management's stated position is correct, and compliance with this regulation is not mandatory, the operation of this high-voltage machinery without proper training posed a serious threat to the operators' safety, as it exposed them to the risk of possible electrocution.

The operators also alleged that they repeatedly requested adequate safety equipment and heavy-duty personal protective clothing, such as rubber aprons, electrical safety gloves, protective glasses, and safety shoes; however, management was slow to honor these requests, and only supplied some of the requested equipment. According to the whistleblowers, this safety equipment and protective clothing was necessary because, in the course of monitoring the diesel engines and power generators, they were regularly exposed to high-voltage electricity and

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often handled corrosive battery acid, oil products, diesel fuel, and antifreeze. OSHA guidelines at 29 CFR § 1910.132(a) provide that protective equipment must be used when potentially hazardous conditions are present. Furthermore, adequate electrical protective equipment and clothing should meet OSHA standards set forth at 29 CFR § 1919.137 and comply with American National Standards Institute (ANSI) guidelines. The whistleblowers stated that management generally refused to order safety equipment due to a lack of funds. They contended that, when management did order safety equipment, it ordered less expensive, noncompliant equipment that failed to provide adequate protection.

The whistleblowers alleged that, in August 2000, Mr. Pavliscsak issued them locks and keys for performing lockout/tagout functions, and he insisted on retaining copies of each operator's key. Ms. Reed explained that "lockout/tagout" procedures are designed to protect operators from electrocution while they perform maintenance on high-voltage electrical equipment. Each operator is given a unique lock to the control panel to prevent coworkers from accidentally switching on the 4160-volt electrical current while the operator is working on a generator. The whistleblowers contended that OSHA regulation 29 CFR § 1910.147 and industry practice dictate that each lock should have only one key, and the key should remain in the sole possession of the operator to whom it belongs. Ms. Reed asserted that Mr. Pavliscsak's decision to keep copies of the operators' lockout keys caused the operators to fear for their safety while working on the generators.

According to the whistleblowers, when UMCS management and the Post Safety Office failed to make the changes they requested, they contacted OSHA. In September 2000, OSHA conducted an on-site inspection and cited UMCS for numerous safety violations. On October 13, 2000, OSHA issued a "Notice of Unsafe or Unhealthful Working Conditions." Among other violations, OSHA cited UMCS management for (1) failure to provide adequate protective equipment, (2) failure to conduct a workplace hazard assessment, (3) failure to provide adequate training required by 29 CFR § 1910.132(f)(1), and (4) failure to establish adequate lockout/tagout training and procedures pursuant to 29 CFR § 1910.147. The whistleblowers also reported that OSHA instructed management to destroy the extra copies of the operators' lockout keys.

The whistleblowers stated that, in response to OSHA's inspection, management attempted to correct some, but not all, of the cited violations. They stated that on September 17, 2000, two days before OSHA was scheduled to conduct its inspection, management provided them with safety aprons and gloves. In April 2001, management finally issued them safety shoes. However, the whistleblowers alleged that many of the other violations cited by OSHA were never corrected. For example, they stated that OSHA informed management that the on-site emergency showers and eyewashes did not meet OSHA's water pressure standard of producing 20 gallons of water per minute, see 29 CFR 1910.151(c) and ANSI standard Z358.1-1998, yet management never corrected this problem. The

whistleblowers also contended that management never issued them protective eyeglasses, nor did management ever destroy the extra copies of their lockout keys.

On January 1, 2001, the Fort Gordon DPW entered into a contract with Noresco (at the time, ERI Services, Inc.) to perform UMCS operations. Noresco assumed responsibility for UMCS operations on May 1, 2001. Glenn Stubblefield, Energy Engineer, served as the Contracting Officer's Representative (COR) for the contract from May 2001 until July 2001. In July 2001, Mr. Pavliscsak was appointed to be the COR.

The whistleblowers alleged that government officials failed to facilitate a smooth transition when UMCS passed from government to contractor control. They stated that, as a result, many of the problems that existed when UMCS was under government control initially continued under the contractor as well.² They alleged that the government officials who were responsible for overseeing the contract, including Mr. Pavliscsak and Mr. Stubblefield, were not sufficiently involved in ensuring that the contractor was aware of, and was enforcing, all relevant operating guidelines and safety requirements.

For example, the whistleblowers explained that, under the contract, the government was obligated to provide Noresco with detailed SOPs for running UMCS. The government failed to provide these SOPs, however, and, as a result, Noresco spent time constructing its own SOPs based upon past experience on similar job sites. In the interim, however, UMCS operated without adequate guidelines. For example, the whistleblowers reported that, initially, Noresco did not have a lockout/tagout procedure in place, in violation of 29 CFR §1910.147(a)(3). They also reported that, at first, the contractor failed to issue the operators adequate safety equipment and protective gear, including safety shoes, glasses, and gloves, and they alleged that the emergency showers and eyewashes on site did not comply with OSHA standards. Lastly, they contended that the operators still were not licensed and certified in accordance with operator qualification requirements set forth at AR 600-55 and AR 420-49.

**The Department of the Army Investigation and Report
and Mr. Fullbright's Comments**

The whistleblowers' allegations were investigated by the Fort Gordon Internal Review and Audit Compliance Office. The investigators interviewed Mr. Fullbright, Mr. Pavliscsak, Mr. Oglesby, Mr. Stubblefield, Ms. Sargent, Contracting Officer, Huntsville, Alabama, and Mr. Pete Batayias, Site Manager for Noresco. The investigators also visited the UMCS generator site. The report of the investigation substantiates the whistleblowers' allegation that, during the period of time when they worked as UMCS operators, they were not provided proper

² The whistleblowers now unanimously contend that any problems that may have initially existed when UMCS operations first transitioned to the contractor have since been rectified.

credentials in accordance with AR 600-55 and AR 420-49. However, the investigators were unable to substantiate their other allegations that government managers allowed safety violations to persist when UMCS was run in-house. The report concluded that the investigation into the current situation at UMCS, presently under the operation of contractor Noresco, uncovered "no current safety issues, unsatisfied training requirements, or violations of law or regulation."

At OSC's request, the agency also submitted a supplemental report, comprised of statements from Ms. Reed, Mr. Griffin, Mr. Ellis, Mr. Poston, Mr. Combs, and Mr. Skvarca. These six whistleblowers reaffirmed their original allegations regarding safety violations that had occurred when UMCS was under government control, but asserted that these problems have since been corrected by the contractor. Mr. Fullbright provided comments on the agency report and the supplemental report. The agency report, supplemental report and Mr. Fullbright's comments are discussed in greater detail below.

1. Safety Equipment

Mr. Pavliscsak denied the whistleblowers' allegation that they did not receive adequate safety clothing and equipment, explaining that the operators were authorized to purchase personal protective equipment using government purchase cards. He maintained that he signed and approved their requests for this clothing and equipment. Mr. Pavliscsak provided documentation for purchases of personal protective equipment that were approved in the years 1999 through 2002; however, he did not provide documentation for any purchases prior to 1999. The agency report states that the investigators obtained documentation showing that, in November 2000, following the OSHA inspection, all seven whistleblowers received personal protective equipment and were trained in using such equipment.

In the supplemental report, all six whistleblowers who were questioned reiterated their position that they did not receive all necessary personal protective equipment, or training for using such equipment, until OSHA conducted an on-site inspection in September 2000. In his comments, Mr. Fullbright asserted that the only safety equipment the operators had received prior to OSHA's visit were safety shoes, safety glasses, and ear protection, but he asserted that they did not receive other necessary equipment -- such as respirators, rubber aprons and safety gloves -- nor did they ever receive training on the proper use of this equipment.

In regard to the present situation, the report states that Noresco has successfully instituted a Site Safety Plan, in accordance with its UMCS contract. The report also states that Noresco currently provides all necessary personal protective equipment to its employees. During their visit to the generator site, the investigators visually observed face shields, long vinyl gloves, aprons, and headgear readily available for use by the operators. The whistleblowers corroborated this information in the statements they provided for the supplemental report and in Mr. Fullbright's comments, agreeing that Noresco has provided the current UMCS operators with all necessary safety equipment.

2. Standard Operating Procedures

Contrary to what the whistleblowers alleged, Mr. Pavliscsak claimed that SOPs had existed for UMCS operations both when it was run in-house by government employees and during the initial transition of operations to Noresco. In support of his contention, Mr. Pavliscsak provided the investigators with an earlier version of the UMCS SOPs, which have since been superseded by the SOPs currently in use by Noresco. However, the report states that the SOPs provided by Mr. Pavliscsak were undated, and the investigators were unable to confirm the dates these SOPs were actually in effect. Consequently, the investigation's findings were inconclusive regarding whether SOPs had been developed when UMCS was under government control. The investigators reviewed Noresco's current SOPs and concluded that they adequately address the critical safety issues raised by the whistleblowers, including the use of personal protective equipment and lockout/tagout procedures.

In his comments, Mr. Fullbright refuted Mr. Pavliscsak's claim that the power plant had SOPs prior to OSHA's visit. He stated that the failure to maintain proper SOPs was one of the deficiencies addressed by OSHA during its September 2000 inspection. He maintained that, during the OSHA inspection, Mr. Pavliscsak handed the OSHA inspector the power plant SOPs, and the inspector responded that they were inadequate. The inspector told Mr. Pavliscsak that the plant needed site-specific, equipment-specific SOPs, instead of general SOPs. Furthermore, in the supplemental report, Ms. Reed stated that the government failed to provide equipment-specific SOPs to Noresco, when it assumed operation of the plant. She stated that, instead, the contractor drafted the SOPs itself and then submitted them to the government for approval. Ms. Reed and Mr. Fullbright contend that the government, rather than the contractor, should maintain equipment-specific SOPs because multiple contractors may work on the same equipment and may need access to the same SOPs.

3. Lockout/Tagout Procedures

The investigators concluded that management's policy of maintaining a copy of each operator's lockout key did not violate OSHA standards. The report notes that 29 CFR 1910.147 allows an employer to remove an employee's key under certain circumstances. It also cites the OSHA Standards Interpretation and Compliance Letters website, dated February 28, 2000, which provides that an employer may use a master key if certain requirements set forth in the regulation are met. In addition, the report states that the copied keys were not maintained by Mr. Pavliscsak, but were instead kept in his supervisor's office.

Mr. Fullbright commented that the OSHA regulation, 29 CFR 1910.147(e)(3), allows management to remove an employee's key only under certain circumstances, when "specific procedures and training for such removal have been developed, documented and incorporated into the employer's energy control program." He stated that the OSHA inspector who visited

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the site in September 2000 had instructed Mr. Pavliscsak to return the copied keys to employees because the required training had not been conducted and proper procedures had not been implemented.

The investigators found that Noresco currently has proper lockout/tagout procedures, and they observed that lockout/tagout reminder signs are posted in the generator vans. The whistleblowers expressed satisfaction with the lockout/tagout procedures that are currently in place at UMCS.

4. OSHA Inspection and Cited Violations

In response to the whistleblowers' allegation that Fort Gordon failed to correct all of the violations cited by OSHA in the October 13, 2000, Notice of Unsafe or Unhealthful Working Conditions, UMCS management informed the investigators that they had, in fact, taken corrective action on all five violations. According to the report, shortly after OSHA's visit, the Fort Garrison Commander sent a letter to OSHA describing the corrective actions taken. Because there was no subsequent communication from OSHA, the investigators concluded that OSHA deemed Fort Gordon's corrective actions to be sufficient.

Mr. Fullbright maintains that, after OSHA's visit, the UMCS operators contacted OSHA on at least three occasions to notify them that several of the violations cited in the Notice remained uncorrected. Nevertheless, in spite of the operators' repeated requests for a follow-up inspection, OSHA never returned to ensure UMCS had complied with the Notice. The whistleblowers maintain that these deficiencies were not corrected until Noresco took over UMCS operations.

5. Emergency Showers and Eyewashes

The investigators looked into the whistleblowers' contention that the emergency showers and eyewashes do not comply with 29 CFR 1910.151(c) and ANSI standard Z358.1-1998 because they do not produce 20 gallons of water per minute. According to the report, the investigators observed the operation of the showers and eyewashes and found them to be "fully functional." The report also notes that OSHA did not cite the showers and eyewashes as noncompliant following its on-site visit. Nevertheless, the report states that the agency will specifically instruct the Director of Public Works to ensure that all operational standards governing the showers and eyewashes are met.

Mr. Fullbright commented that Noresco repaired the plumbing on the eyewashes when it took over UMCS operations, thereby eliminating the water pressure problem that had previously existed. Nevertheless, Mr. Fullbright still contends that the eyewashes do not satisfy all recommendations set forth in the ANSI standard, due to their location in relation to the generator batteries (which contain corrosive battery acid).

6. Training and Certification

In response to the whistleblowers' allegation that they were not adequately trained, the report cites the plant's annual inspection reports from the years 1996 and 1997. These reports indicated, in general terms, that the generator plant was in good condition and the plant operators were performing their jobs well. The 1997 inspection report stated more specifically that Staff Sergeant Smith, a fully trained generator repairman, worked at the plant three days a week as the plant maintenance worker and that he was "doing an excellent job in ensuring that the required maintenance is done and that the [UMCS] personnel have been properly trained." The investigators also reviewed documentation showing that the operators had received training in various aspects of their jobs in 1997, November 1999, March 2000, and November 2000.

In reference to the amount of training provided by Noresco, the report states that, in December 2001, Noresco provided its employees with an extensive ten-hour annual safety course. In addition, the report states that, since June 2001, Noresco has held weekly safety meetings where employees are able to raise safety concerns. Whereas originally these meetings were often informal or were conducted on a one-on-one basis, beginning in January 2002, Noresco began holding group safety meetings every week. In the supplemental report, Mr. Combs, Mr. Griffin, and Ms. Reed -- the whistleblowers who are currently working for Noresco -- all expressed satisfaction with the training they have received from the contractor.

7. Operator Credentials

The report substantiates the whistleblowers' allegation that they did not have all necessary credentials when they worked as UMCS operators. Chapter 7-1(a) and paragraph 7-2b of AR 600-55 require all military personnel and Army civilians operating electrical power generating equipment to have an Optional Form (OF) 346 (U.S. Government Motor Vehicle Operator's Identification Form) and to demonstrate their proficiency to operate such equipment. The investigators found that the whistleblowers had not been issued OF 346s, as required by AR 600-55. They nevertheless determined that the training provided to the operators complied with operator training requirements set forth at TB 600-1, Chapter 11, change 3-27. The report concludes, however, that "issuance of OF 346 to whistleblowers at this time would not be a remedy" because the plant is currently being operated by contractor personnel, rather than military or Army civilian personnel.

The report notes that the requirements set forth at AR 600-55 do not apply to the current UMCS operators, employed by Noresco, because they are not government personnel. The report states that the investigators conducted research to identify any Federal, state, and local certification requirements that may apply to their positions, to ensure compliance with AR 420-49, paragraph 2-4 (requiring utility plant operators to meet all Federal, state, and local certification requirements). According to the report, thus far, they have not identified any

certification requirements, they believe apply to the UMCS operators, yet the installation will continue to research this issue and will ensure contractor compliance. Therefore, the report concluded that Noresco is providing appropriate training to its operators and is following applicable procedures in operating the generators.

8. Maintenance and Repair Duties

The agency investigated the whistleblowers' allegation that they were instructed to perform maintenance and repair work on the generators. First, the investigator noted that the job description for a UMCS operator, both under in-house government operation and under contractor operation, does not require an operator to maintain the generators or perform any maintenance on the high-voltage equipment. The report also found that the UMCS operators had not been trained to perform maintenance on the generators.

The investigators asked Mr. Fullbright to point out the specific equipment on which he was required to perform maintenance. The equipment he showed them included the power plant engine and ancillary equipment, such as switches and fuses. According to the report, the voltage of most of this equipment was "normal household current," i.e. 110 or 220 volts. The report states that the highest voltage encountered by the whistleblowers was 4160 volts, at the generator breaker panel where they had replaced fuses. The report maintains that 4160 volts is not considered "high voltage," but is "medium voltage," and all necessary safety precautions were in place when the operators worked on the equipment – the most important being that the power was disconnected beforehand. The investigators found that, under both government and Noresco control, only qualified electrical workers have been authorized or allowed to work on high-voltage or energized equipment.

Mr. Fullbright disputed the report's conclusion that 110/220 volts is not a dangerous level of power. He maintained that "more people are electrocuted by 110 volts in the United States each year than any other voltage." He also pointed out that OSHA, in its regulations, refers to 50 volts as the threshold amount of electricity that it considers to be dangerous. Mr. Fullbright similarly disagreed with the report's contention that 4160 volts is not generally considered "high-voltage."

The report states that Noresco's contract specifically excludes generator maintenance work from the scope of the UMCS contract. In addition, Mr. Batayias, site manager for Noresco, maintained that Noresco operators do not perform maintenance and repair work on the generators. Rather, he stated that maintenance work is performed by maintenance personnel and repair work is performed by subcontractors who are qualified to conduct repairs on high-voltage equipment.

9. Oversight of the Noresco Contract

The investigators reviewed and evaluated Fort Gordon's oversight of the Noresco contract. According to the report, Mr. Stubblefield served as the COR for the contract from May 2001 until July 2001. In July 2001, Mr. Pavliscsak was appointed to be the COR. According to the report, the COR's responsibilities for this contract included "monitoring and inspecting contractor performance, verifying that the contractor performed the technical requirements of the contract, notifying the contractor of deficiencies, and directing action to effect corrections."

The report states that, since July 9, 2001, as part of the contract oversight process, government employees have been meeting on a weekly basis with Noresco management and contract base operations employees to discuss all elements of the contract, including the safety program. In addition, Fort Gordon has drafted a Government Quality Assurance Plan, which is currently awaiting further comment and approval. This Quality Assurance Plan includes a detailed checklist of services performed by the contractor that requires government surveillance, in order to assure thorough government oversight. In addition, for each service listed, the Plan specifies the method which the COR should use to evaluate the contractor's performance. Mr. Fullbright and the other whistleblowers reiterated their contention that Mr. Pavliscsak has not performed his duties as the COR in a satisfactory manner.

10. Corrective Actions

The agency report includes a description of actions taken or planned in response to the investigation initiated by OSC. These actions are outlined below:

- (1) The agency drafted a Government Quality Assurance Plan;
- (2) Fort Gordon investigators researched applicable Federal, state, and local standards and certification requirements to ensure that Fort Gordon UMCS is in compliance.
- (3) The installation Director of Public Works has been directed to ensure that all standards are met for the operation of emergency showers and eyewashes;
- (4) The installation Director of Public Works has been directed to ensure that all operational standards are met, in coordination with the Signal Branch Safety Office and the Industrial Hygiene Office.

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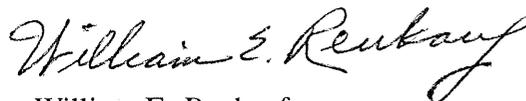
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Conclusion

Based on the representations made in the report and as stated above, I have determined that the agency report and supplemental report contain all of the information required by statute and the findings appear to be reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of the agency report and Mr. Fullbright's comments to the Chairmen of the Senate and House Committees on Armed Services. We have also filed a copy of the report and Mr. Fullbright's comments in our public file and closed the matter.

Respectfully,



William E. Reukauf
Acting Special Counsel

Enclosures