



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

February 2, 2006

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

Re: OSC File No. DI-02-0572

Dear Mr. President:

I received disclosures from Mr. Richard Levernier, a Program Specialist with the U.S. Department of Energy (DOE). DOE and its subagency, the National Nuclear Security Administration manage DOE's class "A" facilities. Those facilities are charged with a number of different functions including research, disassembly of nuclear weapons stockpiles, storage of nuclear components and raw materials including Special Nuclear Material used for the production of nuclear weapons, and the replacement and refurbishment of nuclear weapons components presently in use by the U.S. military.

In his disclosure, Mr. Levernier alleged violations of law, rule or regulation and serious deficiencies in DOE's Safeguards and Securities Program. He alleged a substantial and specific danger to public health and safety due to the deficiencies in the security program and concerns that the class "A" nuclear research facilities and laboratories were vulnerable to terrorist attack, theft, and sabotage.

I required the Secretary of Energy to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary tasked Mr. John C. Todd, former Chief, Defense Nuclear Security, with conducting the investigation and writing the report. As discussed further in the attached report, the investigation did not substantiate the allegations. Although the agency acknowledged that some of what Mr. Levernier described was accurate, the report concluded that his information was outdated and that he was not aware of the details of the present security programs and procedures. The agency maintained that it was adequately carrying out its protective functions.

Since the agency completed its report in May 2003, Mr. Levernier has provided comprehensive comments. He has included with those comments additional reports written by the General Accounting Office (GAO), DOE's Office of Inspector General

The President

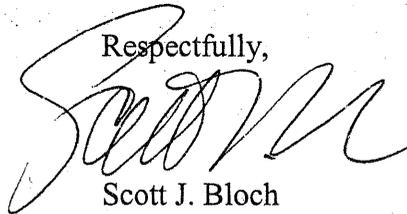
Page 2

(OIG) and a recent independent review conducted by retired Navy Admiral Richard Mies (Mies report). These reports identify serious problems and concerns with DOE's management and how the agency operates its security program. Indeed, the information presented casts doubt upon the agency's confident expression of its readiness to defend the nuclear research facilities and nuclear assets within its custody.

I have carefully reviewed the original disclosure, DOE's report and the supplemental material included with the comments. As discussed more fully in the attached Analysis, based on the information in the agency's report and the whistleblower's comments, including the GAO, OIG, and Mies reports, I have concluded that I am unable to determine whether or not the agency's findings are reasonable. The agency responds to the allegations, but those responses when viewed against the widespread criticism of the agency, do not seem to provide a complete and accurate picture of DOE's efforts. Given the continuing and longstanding concerns with DOE's ability to accomplish its mission, continued oversight of and inquiry into DOE's security program is needed to ensure that these critically important materials and facilities are not subject to theft or sabotage.

As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting DOE's report and Mr. Levernier's comments to you. I have also sent a copy of the report to the Chairman of the Senate Committee on Energy and Natural Resources and to the Chairman of the House Committee on Energy and Commerce and have included a redacted version of the report and of OSC's Analysis for any public distribution. Finally, I have filed a copy of the redacted agency report and the comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott J. Bloch", written in a cursive style.

Scott J. Bloch

Enclosures