



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

November 30, 2006

The President  
The White House  
Washington, DC 20500

Re: OSC File Nos. DI-06-1221

Dear Mr. President:

I received disclosures from Albert Hurley, a whistleblower at the U.S. Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases, Rocky Mountain Laboratories, Hamilton, Montana. Mr. Hurley, a Licensed Master Electrician, alleged that a door to a high containment laboratory did not close properly due to a chronic airflow problem, leaving employees in the building at risk of exposure to dangerous microorganisms. As discussed in the attached Analysis of Disclosures, an agency investigation substantiated Mr. Hurley's allegation that the door to the laboratory did not function properly for an extended period of time; however, the investigators found that the door had been repaired and now closes properly. The agency concluded that, prior to being repaired, the malfunctioning door did not pose a substantial and specific danger to public health, but may have presented a potential risk to security.

I required the Honorable Michael O. Leavitt, Secretary of Health and Human Services, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary subsequently submitted a report to this office. Mr. Hurley provided comments on the agency report to this office pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

We have reviewed the agency report and have determined that it contains all of the information required by statute and the agency's findings appear to be reasonable. As required by § 1213(e)(3), I have sent a copy of the report to the Chairmen of the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Energy and Commerce. We have also filed a copy of the report and the whistleblower's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosures