



U.S. OFFICE OF SPECIAL COUNSEL

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November 3, 2008

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

Re: OSC File Nos. DI-07-1993 and DI-07-2225

Dear Mr. President:

The Office of Special Counsel received disclosures from Angela Rex, a whistleblower at the Department of the Interior, United States Geological Survey, Western Ecological Resource Center, San Francisco Bay Estuary Field Station, Vallejo, California, and from an anonymous whistleblower. Ms. Rex and the anonymous whistleblower alleged that employees, who have limited visibility of oncoming trains, must cross an active railroad bridge to perform water quality tests. Ms. Rex also alleged that employees must handle explosives without sufficient safety training, and the explosives are transported and stored in unsafe conditions.

The whistleblowers' allegations were referred to the Honorable Dirk Kempthorne, Secretary of the Interior, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary tasked the Office of the Inspector General with conducting the investigation.

As discussed in the attached Analysis of Disclosures, the agency investigation did not substantiate the allegation that crossing the railroad bridge was a substantial and specific danger to public safety. However, the report did confirm that explosives have been stored inappropriately and acknowledged the need for a formal explosives training program. The agency has begun taking steps to remedy these deficiencies.

Ms. Rex and the anonymous whistleblower provided comments on the report. After receiving their comments, we learned about an additional safety incident involving the railroad bridge that was not addressed in the report. My office requested and received a supplemental report on this incident. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting to you the reports and the whistleblowers' comments.

I have reviewed the original disclosures, the reports, and the whistleblowers' comments. Based on that review, I have determined that the agency's reports contain all of the information required by statute. Notwithstanding my findings, I remain concerned about the agency's findings that crossing an active railroad bridge is not a substantial and specific danger to public safety. My specific comments are set forth in the attached analysis.

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the reports and the whistleblowers' comments to the Chairman and Ranking Member of the House Committee on Natural Resources and the Chairman and Ranking Member of the Senate Committee on Energy

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and Natural Resources. I have also filed copies of the agency reports and the whistleblowers' comments in our public file and closed the matter.

Respectfully,

A handwritten signature in cursive script that reads "William E. Reukauf". The signature is written in black ink and is positioned above the printed name and title.

William E. Reukauf  
Acting Special Counsel

Enclosures