Department of Energy
Washington, DC 20585

MAR 15 2002

Mr. Ronald E. Timm
President
RETA Security
P.O. Box 369
Lemont, IL 60439

Re: OHA Case No. VBB-0077

Dear Mr. Timm:

This letter concerns the complaint of retaliation that you submitted to the Department of Energy (DOE) under 10 C.F.R. Part 708. Your complaint involves alleged retaliation against your firm by the DOE for your disclosures involving safety concerns. On September 10, 2001, the Employee Concerns Manager at the DOE Albuquerque Operations Office dismissed the complaint for lack of jurisdiction. In an October 25, 2001 appeal decision, the Office of Hearings and Appeals (OHA) sustained that determination. The basis for that determination was that the Part 708 regulations apply to retaliation by DOE contractors, but they do not cover contractor-employee allegations of retaliation only by the DOE.

On November 23, 2001, you filed a Petition for Review by the Secretary of Energy of the October 25 appeal decision. The Part 708 regulations applicable to the petition provide that the Secretary will reverse or revise the OHA appeal decision only under extraordinary circumstances. 10 C.F.R. § 708.19(d). After fully evaluating all the issues raised in the filings in this case, I have determined that no extraordinary circumstances warranting Secretarial review exist in this case. No modification to the OHA appeal decision is therefore warranted. Accordingly, the petition for Secretarial review is hereby dismissed, and the appeal decision issued to you on October 25, 2001, constitutes the final agency decision on your complaint.

If you have any questions regarding this letter, please call Thomas Wieker at telephone number (202) 287-1543.

Sincerely,

George B. Breznay
Director
Office of Hearings and Appeals

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