

APPENDIX

From: [Weatherwax, Sharlene](#)
To: [Carruthers, Julie](#)
Cc: [Huerta, Marcos](#); [Dehmer, Patricia](#)
Subject: Re: Low Dose Research Program
Date: Saturday, October 04, 2014 4:47:42 PM

Ok that's why even though he is out of town he will work hard to participate in a telecom.

From: Carruthers, Julie
Sent: Saturday, October 04, 2014 04:45 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

If the goal is to squash the prospects of Senate support for the HSST, Todd may be better at staying on message.

From: Weatherwax, Sharlene
Sent: Saturday, October 04, 2014 04:44 PM Eastern Standard Time
To: Carruthers, Julie
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

Should we let Todd do the talking rather than Noelle?

From: Carruthers, Julie
Sent: Saturday, October 04, 2014 04:36 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

I think this is an opportunity to subtly yet firmly let the Senate know that they don't need to pursue a companion bill to the HSST bill...

From: Weatherwax, Sharlene
Sent: Friday, October 03, 2014 03:25 PM Eastern Standard Time
To: Huerta, Marcos; Anderson, Todd
Cc: Klausing, Kathleen; Dehmer, Patricia; Carruthers, Julie; Riches, Mike
Subject: RE: Low Dose Research Program

Marcos,

This is the program that Pete Lyons has always been keeping track of and asking about, because he started the program many years ago and believes its continuation is essential for the future of NE. So whenever there's a public meeting, etc, the NE community is reminded of it, and asks about it. Right now there is proposed legislation referring to this that is asking for engagement of the national academy, and development of a plan, etc.

But in terms of our program priorities, we feel we have accumulated sufficient research results to inform EPA's regulatory process. EPA has indicated that they do not require additional research information that would cause them to overturn their current regulatory limits, which are based on the extremely conservative Linear No Threshold (LNT) theory.

So we don't exactly know who in Congress is specifically advocating for this program, but the community is certainly ramping up the pressure by constantly asking about its fate.

In terms of budget, it's less than 10% of the BER budget, and it is not directly related to administration priorities of climate or clean energy. Only two DOE national labs are engaged in any research related to Low Dose.

I'm happy to discuss this with you further. When Julie gets back, she can certainly fill you in as well.

Sharlene

Thanks,

Sharlene C. Weatherwax, Ph.D.
Associate Director of Science for
Biological and Environmental Research (BER)
Office of Science
U.S. Department of Energy

-----Original Message-----

From: Huerta, Marcos
Sent: Friday, October 03, 2014 03:05 PM Eastern Standard Time
To: Weatherwax, Sharlene
Subject: RE: Low Dose Research Program

Am I remembering right that this is a program that's not a big priority for SC/BER? But (parts of) Congress loves?

From: Weatherwax, Sharlene
Sent: Friday, October 03, 2014 2:44 PM
To: Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausning, Kathleen
Subject: RE: Low Dose Research Program

Marcos,
Do you know if they are willing to do this by teleconference? Since Todd is the Division Director and knows more about the program in terms of a broader context in the division, I'd like for him to participate as well. He will be out of the office next week (Monday-Wednesday) on travel for a review, but might be able to call in.

Please advise.
Thanks,
Sharlene

Thanks,

Sharlene C. Weatherwax, Ph.D.
Associate Director of Science for
Biological and Environmental Research (BER)
Office of Science
U.S. Department of Energy

-----Original Message-----

From: Huerta, Marcos
Sent: Friday, October 03, 2014 02:05 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausing, Kathleen
Subject: RE: Low Dose Research Program

Noelle, Sharlene,

CI has made contact with Aaron. This is what they want to discuss:

Overview of the program,
What is has accomplished
Expectations moving forward.

What are some times next week might this work for Noelle?

Marcos

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 4:54 PM
To: Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausing, Kathleen
Subject: RE: Low Dose Research Program

Marcos,
Should Noelle tell the staffer to contact CI? Or should she reach out to CI to identify someone to help her with this inquiry?
Please advise.
Thanks,
Sharlene

From: Huerta, Marcos
Sent: Thursday, October 02, 2014 2:57 PM
To: Dehmer, Patricia; Weatherwax, Sharlene; Klausning, Kathleen
Cc: Riches, Mike; Anderson, Todd
Subject: RE: Low Dose Research Program

Yes these request really should go through CI, I'll let them know. Someone from CI should go along.

Marcos

From: Dehmer, Patricia
Sent: Thursday, October 02, 2014 2:28 PM
To: Weatherwax, Sharlene; Klausning, Kathleen; Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd
Subject: RE: Low Dose Research Program

Kathleen,

Looping in Marcos who will help with this. You are correct that CI needs to be informed. They may also send someone along.

Pat.

Patricia Dehmer
Acting Director, Office of Science
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-1290
Phone: (202) 586-5430 in Forrestal
Phone: (301) 903-5316 in Germantown
Fax: (202) 586-4120 in Forrestal
E-mail: patricia.dehmer@science.doe.gov

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 2:25 PM
To: Dehmer, Patricia; Klausning, Kathleen
Cc: Riches, Mike; Anderson, Todd
Subject: FW: Low Dose Research Program

Dear Pat and Kathleen,
Congressional staffers are requesting to meet with Noelle next week. Both Todd and I will be out at the GLBRC review during their suggested time. I assume we need to contact someone in Congressional affairs to set up anything anyways.

Please advise.

Thanks,
Sharlene

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 2:23 PM
To: Anderson, Todd
Cc: Riches, Mike; Thomassen, David; Metting, Noelle
Subject: RE: Low Dose Research Program

I believe any arrangement for a meeting needs to go through CI. I'll check who our rep is.

From: Anderson, Todd
Sent: Thursday, October 02, 2014 2:22 PM
To: Weatherwax, Sharlene
Cc: Riches, Mike; Thomassen, David; Metting, Noelle
Subject: FW: Low Dose Research Program

Sharlene,
Noelle received an email below from Congressional staffers (House and Senate) regarding a meeting.
How should we handle this?

Todd

From: Metting, Noelle
Sent: Thursday, October 02, 2014 2:17 PM
To: Anderson, Todd
Subject: FW: Low Dose Research Program

Todd,

How would you like me to handle this? My calendar is free Monday afternoon and all day Wednesday.

Noelle

NF Metting, Sc.D.
Voice: 301-903-8309
Fax: 301-903-0567
[*noelle.metting@science.doe.gov*](mailto:noelle.metting@science.doe.gov)

From: Weston, Aaron [<mailto:Aaron.Weston@mail.house.gov>]
Sent: Wednesday, October 01, 2014 5:36 PM
To: Metting, Noelle
Cc: Ron Faibish (Ron_Faibish@energy.senate.gov)
Subject: Low Dose Research Program

Good afternoon, Dr. Metting:

Ron Faibish (Senate Energy & Natural Resources Republican staff) and I would like to ask you a few

questions and get an overview of the Low Dose Radiation Research Program. Are you available next week (Monday – Wednesday) for a meeting or call?

Regards,

-Aaron

Aaron T. Weston

Counsel

Subcommittee on Energy

Committee on Science, Space, and Technology

U.S. House of Representatives


(202) 225-0222



Department of Energy
Office of Science
Germantown, MD 20874-1290

December 4, 2014

To: Dr. Noelle Metting
Senior Radiation Biologist
Biological Systems Science Division
Office of Science

From: Dr. Todd Anderson 
Director
Biological Systems Science Division
Office of Science

Subject: Notice of Proposed Removal

You are hereby notified that I am proposing you be removed from your position of Senior Radiation Biologist, EJ-0401-04, within the Department of Energy (DOE) Office of Science (SC), and from Federal Service. This action is being taken in accordance with DOE Order 3750.1, Workforce Discipline and Title 5, Code of Federal Regulations, Section 752, and it is being taken to promote the efficiency of DOE and the Federal Service.

This proposal is based on the following charges:

Charge 1: Insubordinate Defiance of Authority

SC plans to discontinue funding for research in the Low Dose Radiation Research Program (LDRRP) due to a prioritization of programs within the DOE Biological and Environmental Research Program (BER), which has led to large reductions in the LDRRP budget over the last several years. On October 16, 2014, several members of SC's senior staff met with Hill staffers to discuss H.R. 5544, a House bill which currently conflicts with SC's management prioritization plan. On October 15, in a meeting attended by you, me, Dr. Marcos Huerta, Special Advisor to SC-1, and Dr. Julie Carruthers, Senior Science and Technical Advisor, you were assigned to present a brief overview of the history of LDRRP at the upcoming October 16 meeting. This assignment fell within the scope of your duties as the LDRRP Program Manager, you were present at the meeting as an official representative of DOE, and you were tasked with communicating SC management's position on these topics as part of your official duties. You were cautioned to avoid interjecting contradictory opinions regarding this project.

When you gave the presentation, you did not follow instructions or the prepared briefing. Rather than discussing the scientific and historical aspects of the program, you

deviated into budget and policy advocacy. You actively advocated for funding, suggested funding levels, and recommended additional studies in direct opposition to SC's official position on this issue. In addition, you interrupted and contradicted statements made by other SC staff members as they attempted to address issues raised at the briefing. Your failure to adhere to SC's talking points while speaking in your professional capacity on behalf of SC as a DOE official was confusing and undermined the purpose of your presentation. Your actions were insubordinate, misleading, and contrary to the instructions that you were given and agreed to follow concerning SC's official position about the LDRRP. By defying my instructions, you directly undermined SC management priorities.

When you were confronted afterwards with the fact that you did not follow your presentation or management's instructions, you admitted that you had deviated from initial instructions, stating that you would not subordinate yourself to the SC management position and that you would take every opportunity to undermine SC management decisions that you oppose.

Charge 2: Inappropriate Workplace Communication

After the meeting with the Hill staffers, when you were told that you had not followed your presentation or management's direction, you insulted a number of people. In a raised voice, you personally insulted Dr. Carruthers, Dr. Huerta and me, calling us "idiots" and "tools" of an "idiotic" management team with SC. These inappropriate workplace communications demonstrate your failure to conduct yourself in a professional and respectful manner.

You also disparaged BER management of the LDRRP and insulted BER Associate Director Dr. Sharlene Weatherwax, who was not present at the meeting, claiming that she is incommunicative and incompetent. You accused Dr. Weatherwax of actively misleading then SC Director Dr. William Brinkman and you implied that Dr. Weatherwax openly lied to Dr. Brinkman regarding the funding of the "million man" project. These statements against Dr. Weatherwax's professional integrity were completely inappropriate in a professional setting.

In making this proposal I have considered a number of factors. I gave you clear instructions during the October 15 pre-meeting and you explicitly agreed not to discuss funding or policy in your presentation. You deviated from those instructions and later stated that you would continue to defy management. I find that your conduct was clearly intentional, not inadvertent, and that you had clear notice of what was expected of you. Your defiant statements that you would do this again have eroded my confidence in your future ability to represent the organization. I have considered the impact of your actions on the mission of the organization. In defiance of management direction, you delivered a message to Hill staffers in your official capacity as a SC representative that not only conflicted with SC's stated position on this issue, but which may impact DOE interests for a long period of time. This was an egregious breach

of the trust placed in you. I also have considered your senior position in the program. As a Senior Radiation Biologist, you are expected to adhere to a high standard of conduct. Your defiant refusal to follow direction and your inappropriate statements about your colleagues are unacceptable and unbecoming a Federal employee in your position.

Please be advised that this is only a proposal, and not a decision. No action will be taken based on the decision before 30 days from the date of this proposal notice. You have the right to reply to this proposal orally and/or in writing, and to offer any information, or affidavits in support of your reply. You have 10 work days in which to make your reply to the Deciding Official, Dr. Steven Binkley, Associate Director for Advanced Scientific Computing Research. You may contact Dr. Binkley at (301) 903-7486 to make arrangements for presenting your reply. No decision will be made until your reply has been received, or after the reply period has passed. Any reply you offer will receive full consideration before a decision is made. Consideration will be given to extending the 10 work day period if you submit a written request before the 10 work days expire to Dr. Binkley, stating your reason for desiring more time.

You have the right to be represented by an attorney, or other representative of your choice. Your representative may be disallowed if there is a conflict of interest or position. If you should desire a representative, you will bear all costs associated with such representation. If you select a representative, the individual's name and affiliation must be designated in writing to Dr. Binkley. As a bargaining unit employee, you may contact Barry Clark, Chapter President, National Treasury Employees Union (NTEU) Chapter 228 at 301-903-6262.

As soon as possible after receipt of your answer, or if you do not respond within the time allowed, you will receive a written decision on this proposal. You also have the right to review the materials relied upon in making this proposal. Witness statements are attached.

Attachments:

Witness Statements

I acknowledge receipt of this document. My signature does not signify agreement, merely acknowledgment of receipt of this letter.

Employee Signature: Noelle Math Date: 4 Dec 2014

From: [Weatherwax, Sharlene](#)
To: [Anderson, Todd](#)
Cc: [Riches, Mike](#); [Thomassen, David](#); [Metting, Noelle](#)
Subject: RE: Low Dose Research Program
Date: Thursday, October 02, 2014 2:23:30 PM

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From: Anderson, Todd
Sent: Thursday, October 02, 2014 2:22 PM
To: Weatherwax, Sharlene
Cc: Riches, Mike; Thomassen, David; Metting, Noelle
Subject: FW: Low Dose Research Program

Sharlene,

Noelle received an email below from Congressional staffers (House and Senate) regarding a meeting. How should we handle this?

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NF Metting, Sc.D.
Voice: 301-903-8309
Fax: 301-903-0567
noelle.metting@science.doe.gov

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To: Metting, Noelle
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Regards,

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Aaron T. Weston

Counsel

Subcommittee on Energy

Committee on Science, Space, and Technology

U.S. House of Representatives

(202) 225-0222

Sharlene C. Weatherwax, Ph.D.
Associate Director of Science for
Biological and Environmental Research (BER)
Office of Science
U.S. Department of Energy

-----Original Message-----

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Should Noelle tell the staffer to contact CI? Or should she reach out to CI to identify someone to help her with this inquiry?
Please advise.
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Sharlene

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Sent: Thursday, October 02, 2014 2:57 PM
To: Dehmer, Patricia; Weatherwax, Sharlene; Klausing, Kathleen
Cc: Riches, Mike; Anderson, Todd
Subject: RE: Low Dose Research Program

Yes these request really should go through CI, I'll let them know. Someone from CI should go along.

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

February 3, 2016

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Moniz:

The Committee on Science, Space, and Technology is conducting oversight of allegations that Department of Energy (DOE) officials retaliated against an agency scientist for providing information to Congress regarding the Low Dose Radiation Research Program (LDRRP). On October 16, 2014, the Department's Office of Congressional Affairs along with a Senior Radiation Biologist serving as Program Manager of LDRRP and others briefed my staff. Shortly after this briefing and we believe as a result of this briefing, the LDRRP Program Manager's employment was terminated. Interference with an employee's right to provide information to Congress is unlawful and will not be tolerated.¹ To assist in the Committee's oversight of these matters, I am writing to request related documents and information.

On October 16, 2014, during the briefing to Committee staff the Program Manager of the LDRRP was apparently asked by the Department to provide an overview and answer scientific questions related to low dose radiation research. During the briefing, the Program Manager provided information on a variety of issues in medical and health physics. According to information provided to the Committee, after the briefing the Program Manager's supervisor, Dr. Todd Anderson, the Director of the Department's Biological Systems Science Division, accused the Program Manager of advocating for LDRRP and providing Congress with too much information. Another DOE official who attended the briefing, Dr. Julie Carruthers, similarly accused the Program Manager of failing to follow the agency's instructions about the briefing. The actions by Dr. Anderson and Dr. Carruthers create the appearance that the Department expected the Program Manager to misrepresent or withhold information from Congress.

More troubling, Dr. Anderson, we are informed, removed the Program Manager from her position on October 22, 2014 – a mere six days after the briefing to Congress. On December 4,

¹ 5 U.S.C. §7211 provides in pertinent part: "The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."

2014, Dr. Anderson issued a Notice of Proposed Removal to the Program Manager that included one charge of "Inappropriate Workplace Communication." Denying or interfering with employees' rights to furnish information to Congress is against the law.² Additionally, federal law prohibits managers from initiating a personnel action against an employee in response to protected whistleblowing by that employee.³

As the Secretary of a cabinet-level agency, you know communicating with Congress is a protected form of whistleblowing. Federal officials who retaliate against or otherwise interfere with employees who exercise their right to furnish information to Congress are not entitled to have their salaries paid by taxpayers.⁴ Congress relies on truthful information to identify waste, fraud, abuse, and mismanagement in the Federal Government. In this case, it appears that a Department scientist was terminated for providing her technical assessment of a government program to Congress and providing scientific answers to direct questions from Congressional staff. Further, according to a whistleblower officials with the Department may be attempting to destroy documents and information related to the dismissal of the Project Manager. This is unacceptable.

In light of the serious nature of these allegations, and in consideration of the fact that a whistleblower has alleged that the Department is purging documents related to the Committee's oversight, I request that all types of documents and essential communications between and among employees of the Department, including but not limited to LDRRP and the Biological and Environmental Research Program within the Office of Science, be preserved. So that a full and complete record of those documents may be produced to the Committee in response to future document requests that the Committee may deem appropriate, please:

² *Id.*

³ 5 U.S.C. §2302(b)(8).

⁴ P.L. 111-117 §714 states:

No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who-

- (1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communications or contact is at the initiative of such other officer or employee or in response or inquiry of such Member, committee, or subcommittee; or
- (2) removes, suspends, from duty without pay, demotes, reduces in rank, seniority, stats, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

1. Preserve all e-mail, electronic documents, handwritten documents, and data created since October 1, 2014 by Dr. Julie Carruthers, Dr. Todd Anderson, Dr. Marcos Huerta, Dr. Sharlene Weatherwax, and Janine Benner; and any employee serving in the capacity of a Senior Radiation Biologist or Program Manager.

For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible.

2. Exercise reasonable efforts to identify and notify former government employees, and any other relevant third party who may have access to such electronic records, that they are to be preserved; and,
3. If it is routine practice of any agency employee, contractor, or related third party to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

In order for the Committee to better understand the extent to which retaliation or intimidation has occurred in relation to the Program Manager, please provide the following documents and information:

1. All documents and communications between and among Office of Science employees, including but not limited to Dr. Todd Anderson, Dr. Julie Carruthers, Dr. Marcos Huerta, Sharlene Weatherwax, Janine Benner, referring or relating to any employee serving in the capacity of a Senior Radiation Biologist or Program Manager.
2. All documents and communications by Department employees referring or relating to the Department's Low Dose Radiation Research Program from October 1, 2014, to December 31, 2014.
3. All documents and communications by Department employees referring or relating to the briefing provided to Science Committee staff on October 16, 2014.
4. All documents and communications referring or relating to disciplinary actions against Department employees in the Office of Science.

Please provide the requested documents and information on or before February 15, 2016. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Honorable Ernest Moniz

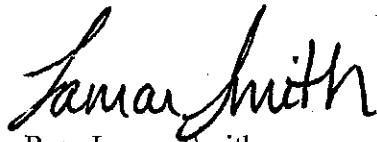
February 3, 2016

Page 4

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis, laws, programs, and government activities" as set forth in House Rule X.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith
Chairman



Rep. Barry Loudermilk
Chairman
Subcommittee on Oversight



Rep. Randy Weber
Chairman
Subcommittee on Energy

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

February 26, 2016

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Moniz,

As part of the Committee on Science, Space, and Technology's ongoing oversight of allegations that Department of Energy (DOE or the Department) officials retaliated against an agency scientist for providing information to Congress regarding the Low Dose Radiation Research Program (LDRRP), we are writing to reiterate our prior request dated February 3, 2016.¹ In the prior letter, we asked that the Department provide the requested documents no later than February 15, 2016.² Despite enjoying an additional week to respond to the Committee's request, the Department has not provided any documents or communications responsive to the request, nor has the Department provided any information on when the Committee can expect to receive a response.

Committee staff reached out to the Department on multiple occasions to obtain information on steps the Department has taken to respond to the Committee's letter. Department staff failed to provide even as much as a time frame for a response to Committee staff. In order to gain a basic understanding of what steps the Department is taking to respond to the Committee's request, my staff requested a telephone call with Department staff on February 18, 2016. The Department was unable to even schedule a telephone call until February 23, 2016. When asked directly for a time frame on when the Committee can expect to receive a response, the Department was unable to provide even specific information on what measures the Department was taking to provide the Committee with a full and complete response. Further, the Department failed to provide any assurances to Committee staff that it will provide a timely response to the Committee's request. The Department's continued silence regarding the Committee's request raises concerns that the Department is not taking allegations of retaliation and intimidation of an agency scientist seriously.

¹ Letter from Hon. Lamar Smith, Hon. Barry Loudermilk, & Hon. Randy Weber, H. Comm. on Science, Space, & Tech., to Hon. Ernest Moniz, Sec'y, U.S. Dept. of Energy (Feb. 3, 2016).

² *Id.*

In our February 3, 2016, letter to you, we explained that during an October 16, 2014, briefing to Committee staff on the LDRRP, the Program Manager was asked by congressional staff to answer a variety of questions on issues in medical and health physics. Following the briefing, the Program Manager was accused by superiors of failing to follow the Department's instructions about the briefing. Further, just six days following the briefing, the Program Manager was issued a Notice of Proposed Removal, which included one charge of "Inappropriate Workplace Communication." As we explained in our initial letter to you, it is against the law to deny or interfere with employees' rights to provide information to Congress.

These allegations raise serious concerns for the Committee about the Department's commitment to openness and transparency, especially with respect to misrepresenting or withholding information from Congress. These claims also raise significant concerns about the Department's approach toward employees who provide information to Congress that may not be thoroughly vetted or approved beforehand by Department superiors. As you know, Congress requires full and uninhibited access to information to ensure that it can effectively carryout its duty to identify shortcomings and areas for improvement within the federal government.

Given the gravity of these concerns, the Committee's inquiry into this matter should not be met with dilatory tactics by the Department. The Committee expects a full and complete response from the Department, including production of the requested documents and communications so that the Committee can fulfill its oversight responsibilities. We reiterate all of the requests contained in our February 3, 2016, letter. Please provide all of the requested materials to the Committee as soon as possible, but no later than March 4, 2016, at 12:00 p.m. If the Department does not provide all of the requested materials, the Committee will consider use of the compulsory process and all the tools at its disposal under the House Rules to obtain the information.

The Committee on Science, Space, and Technology has jurisdiction over energy, environmental, and scientific programs and "shall review and study on a continuing basis laws, programs, and government activities" as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment provides information regarding producing documents to the Committee.

If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

The Honorable Ernest Moniz

February 26, 2016

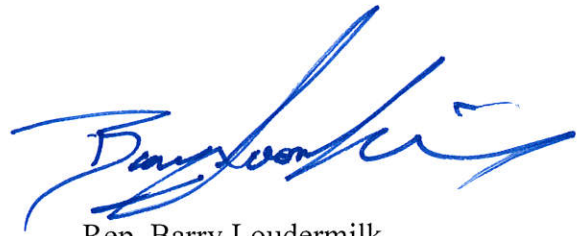
Page 3



Rep. Lamar Smith

Chairman

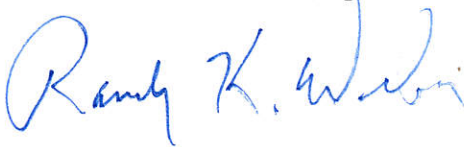
Committee on Science, Space, and Technology



Rep. Barry Loudermilk

Chairman

Subcommittee on Oversight



Rep. Randy Weber

Chairman

Subcommittee on Energy

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space,
and Technology

The Honorable Don Beyer, Ranking Member, Subcommittee on Oversight

The Honorable Alan Grayson, Ranking Member, Subcommittee on Energy

Enclosure

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), or PDF files.
 - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. Unless otherwise specified, the time period covered by this request is from October 1, 2014 to the present.
17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive

documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

From: [Anderson, Todd](#)
To: [Metting, Noelle](#)
Cc: [Carruthers, Julie](#); [Huerta, Marcos](#); [Weatherwax, Sharlene](#)
Subject: RE: Update slides
Date: Thursday, October 16, 2014 9:04:00 AM
Attachments: [Update Oct 2014.pdf](#)

Noelle,

For brevity, I think we could drop slides 14-15 and 20-22 and still have a good snapshot of the program history and current status. Also, I think everything past slide 25 we could delete bring as a separate backup, if needed.

Also, (slide 4) while I know that many DOE entities would certainly be impacted by a change in radiation protection standards if EPA moved in that direction, NE is the only entity that I know of that has engaged in any substantive dialog with SC about the Low Dose Program.

Also, has the US citizenry been asking for a relaxation of EPA rad protection standards? I suspect not.

I'm copying everyone on this since we will be making modifications to this presentation quickly this morning.

Thanks

Todd

From: Metting, Noelle
Sent: Wednesday, October 15, 2014 6:15 PM
To: Anderson, Todd
Subject: Update slides

Todd,

Here is the update. I still think it is overburdened with science, and unneeded slides, but please take a look. I assume we can change things tomorrow.

Thanks,

Noelle

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Sr. Radiation Biologist

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