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ON
“WHISTLEBLOWER PROTECTION AT THE HANFORD NUCLEAR SITE”

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Introduction -

Good morning. Thank you for giving me the opportunity to provide this information. My name is Walter L. Tamosaitis and I live in Richland, WA. I am here representing myself.

I have a BS, MS, and Ph.D. in engineering and a certificate in Entrepreneurial Business Management. I also have a professional engineering license. I have over 44 year’s industrial experience, which is comprised of about 20 years with DuPont and 24 in Department of Energy (DOE) associated work. Between April 2003 and July 2010, I was the Research & Technology (R&T) Manager for the Waste Treatment Plant (WTP) being built in Hanford WA. In this capacity I had direct responsibility for programs totaling over $500M of in that seven year period. I was fired from the WTP by Bechtel on July 2, 2010, for raising nuclear safety issues and was “laid off” by URS on October 2nd, 2013. I will cover that story today.

I will focus on how Bechtel and URS treat employees who speak out and raise nuclear safety concerns. The issues I raised relate to hydrogen gas explosions, uncontrolled nuclear reactions (a criticality), environmental releases, and plant pluggages that could render the plant non-operable. I will not be discussing in any detail the many technical problems that exist. Please refer to my written testimony submitted to this Committee on December 6, 2011, for information on the physical and technical aspects of the WTP.

First, the concerns I will express are much bigger than with me. They pertain to every employee and especially those directly involved with the design and operation of the nuclear chemical process and plant operation. The chilling work environment that was created in the WTP negatively impacts nuclear safety. Second, it is important to point out that all companies in the DOE environmental management (EM) business are watching to see what happens at Hanford relative to those employees who have spoken out as well as the resolution of the technical problems. The punitive and retaliatory measures taken against employees telegraphs the message to all employees to “not do what these employees did”. These actions cannot be tolerated in today’s industrial world, let alone in the nuclear industry.
In the DOE EM world, the word spreads far and wide and is long remembered by contractors and employees due to the incessant buying, selling, and creation of subsidiaries and partnerships. This results in a term called *competimates*. In essence, whom you work with one day or are competing against the next day, could be your co-employee on the third day. Thus, one day you are a competitor and the next day you may be a teammate. The contractors are watching very closely to see what happens, or, stated another way, what they can get away with. I sincerely believe Hanford and the WTP are at a tipping point. Now is the time for Congress to take action and affect change.

The validity of the issues I raised should not be judged by my input. It is important to note that the GAO has found that safety and technical problems at the WTP are directly a result of mismanagement by Bechtel and URS. The Defense Nuclear Facilities Safety Board (DNFSB or Board) conducted an extensive investigation and issued two recommendations. DOE conducted surveys and verified the culture issues. Outside consulting groups such as the Consortium for the Risk Evaluation with Stakeholder Participation (CRESP) and the Pacific Northwest National Laboratory (PNNL) have submitted extensive reports identifying many problems. Finally former Secretary Chu conducted a review and stopped all design and construction on major parts of the WTP. But despite these findings, to date no action has been taken against Bechtel and URS. What more is needed?

The lack of design knowledge by Bechtel and URS is no excuse. Bechtel built the Savannah River Defense Waste Processing Plant (DWPF – the vitrification plant) and now is a co-operator of it with URS. URS operates the DWPF and operated the waste vitrification plant at West Valley, NY. Both companies are very familiar with what it takes to design and operate vitrification plants. There are no technologies being used that are first-of-a-kind. Precipitation, filtration, evaporation, ion exchange, melters, etc., were all used at DWPF and West Valley. Pulse jet mixing has long been used at the Sellafield, England plant that URS operates.

I started supporting the WTP directly in the mid ‘90’s. I transferred to the WTP in 2003 with the intention of seeing the project through to startup and full operation no matter how long it took. When I first arrived in April 2003 I was asked the bus ticket question by several employees: “Do you have your bus ticket?” I said “no” and asked “why?” Their response was: “Bechtel Engineering is building the plant so poorly that everyone in Engineering has a bus ticket to get out of town before they push the start button. You don’t want to be left behind.” I took it as shop-talk humor but it was some of the first input I received from my peers. Please don’t get me wrong. There are many, many dedicated employees in both Bechtel and URS. It is the upper management that is at fault due to their self-serving focus on near-term profits. But there is nothing wrong with corporations making money until the focus on money trumps safety, quality, and ethics. Then you have a problem. And I submit you have a MAJOR problem when a project costing almost $700M/yr goes from $4.6B to most likely over $20B and starts up over a decade later than it was suppose to. In fact, today, no one in Bechtel, URS, or DOE can even
give you a valid estimate and startup date. This is a disaster. Our Country’s finances cannot afford this type of mis-management.

**Retaliation Begins**

During the period 2003 and 2006 period I identified several technical issues that needed to be addressed. Many times I made suggestions but was stiff-armed by Bechtel Engineering management with the responses of “no way, we will not change it, too costly, etc.” Bechtel and URS upper managers were not at all receptive to making any changes that needed to be made regardless of whether they had nuclear safety or efficiency impacts. These contractors’ only focus was money and whether a design problem could be connected to them or impacted award fees.

In 2006 I experienced my first major personal example of the intimidation and punitive actions by Bechtel management. From 2005-2006 I led a major five-month technical review effort involving over 50 worldwide consultants. This study was chartered by then Secretary of Energy Samuel Bodman. He wanted to know that the technical issues in the WTP had been corralled and that there would be no more surprises. The review was titled the External Flowsheet Review Team (EFRT). In the beginning I established firm ground rules for this review. One ground rule was that the consultants would write the report and management could only offer comments. Management would not be allowed to edit the report. The EFRT identified 28 issues that had to be addressed and corrected for the WTP to operate safely and efficiently.

Upon completion of the written report and recognizing the impact of the review findings and recommendations, Craig Albert, then Deputy Bechtel Project Manager, called me and said he wanted to edit the report. I told him “no” as this was not in keeping with the ground rules. He became very upset. An intense discussion followed with Mr. Albert putting much pressure on me to allow editing. Finally, Mr. Albert asked me “who do you work for?” Then he stated, "I talked with Mr. Jim Owendoff (top level DOE manager) and Jim said it would be OK." I did not believe him so I said “OK, then you won’t mind if I call Mr. Owendoff and confirm what you said. I’ll call him right now." Mr. Albert quickly changed his words and recanted his story. I did not call Mr. Owendoff and no Bechtel or URS manager edited the report.

Shortly after this discussion a promotional opportunity became available directly above me. Despite URS rewarding me for the study and recommending me for the higher position, at that time the position required Bechtel concurrence. Bechtel (Mr. Albert) would not give it and I did not get the promotion. The top WTP URS manager at that time, George Clare, told me: “Mr. Albert had said that he would not approve you for the position because he could not trust you because you would not do what he said.” This event clearly displayed to me how Bechtel management operated and the pressure they would put on an employee to affect the outcome.

**The Mixing Issue Increases Retaliation** -
In October 2009, at the request of DOE site management, I was assigned the responsibility to lead the mixing program (EFRT #M3) to closure. Recognizing that this program had been underway for years without a solution, I first proposed a 15 month program which was reduced by Bechtel management to nine months, setting a June 30, 2010 target date for closure. Testing had to be completed by this date to meet the milestone. As part of the program I required agreement from Bechtel management that they would improve the support systems to allow a new mixing system to work. Bechtel management, Mr. Feigenbaum and Mr. Ashley, agreed. I was told by Mr. Feigenbaum and Mr. Gay (URS) “to throw the kitchen sink at it,” i.e., do whatever it takes to develop a robust mixing system. DOE established a $5M milestone target for Bechtel/URS if the M3 mixing issue was closed by June 30, 2010. Work commenced with the $5M goal well in our minds. Little did we all know that there was another $50M on the line that Bechtel management was pushing for.

On January 1, 2010, Mr. Frank Russo arrived as the new WTP Project manager. Within weeks he reorganized and put all technical programs including the mixing program totally under Bechtel management. The commitment made by Bechtel management to change the support systems was discarded. The “kitchen sink” went out the window. This meant that any improved mixing system recommendation would be minimized due to lack of capability in the physical support systems in the plant. Messrs. Ashley and Russo knew that the Bechtel designed support systems would not support a robust mixing system. Mr. Russo also started to make definitive public statements that Bechtel would indeed close the mixing program by June 30, 2010, and earn the $5M. Nothing was said about the extra $50M that was in play. Despite being at the WTP only several weeks and despite having only a BS in Political Science, Mr. Russo had made this technical judgment and pronouncement.

As the work proceeded everyone was well aware of the June 30th date and the $5M goal. To show the pressure Russo was displaying, he sent an email to Dr. Ines Triay, former EM-1 that stated: “I personally will send anyone home who does not follow my direction.” It was clear to everyone that the quality and workability of the answer did not matter; what mattered was being able to claim this technical issue was closed by June 30th. Mr. Russo later sent an email to Mr. Ashley that said: “We need to meet on this…..We will have to present our position next week. Fee is in play in a big way”. The focus on the award fee was obvious. Bechtel and URS personnel became afraid to raise any concerns. Open, verbal discussions of problems ceased. No one wanted to lose his or her job.

In mid-March 2010, a DOE Senior Scientist, Dr. Donald Alexander, raised a technical concern about the mixing of radioactive waste in tanks that could result in a criticality or the trapping of hydrogen gas. It was clear to everyone that if Dr. Alexander was correct, much more testing would be needed, the June 30th date would not be met, and the $5M lost. I offered to review Dr. Alexander’s recommendation to see if I considered it valid. Bechtel and URS management gave me the guidance that they wanted me to “oppose and kill” Dr. Alexander’s concern. Upon review I determined that Dr. Alexander’s concern was valid and stated so in a meeting on or
about April 10th, 2010. For one hour, I was harshly reviewed, criticized, and chastised by Bechtel and URS management (Messrs. Russo, Gay, Ashley, French) for my finding. In a follow-up meeting in my office to discuss my analysis, I pointed out that a consultant, Dr. XX (name omitted), had made an assumption error in his analysis that supported my conclusion. Russo stated that “he would see that Dr. XX’s career was killed and that he would not be able to work anywhere in the world.” Several people were in my office and heard this. From this point on, retaliation towards me increased significantly. I became ostracized and treated like the plague. I was not invited to meetings, left off report distributions, and omitted from key email and technical communications. Most personnel minimized any discussion time with me.

Testing stopped in April of 2010 and Bechtel and URS drove forward with a story that they had completed the mixing program and would meet the June 30th date. But I continued to raise technical issues as I knew that if Bechtel and URS declared this issued closed there would be no further examination of this serious nuclear safety issue. A consultant for DOE, Dr. Richard Calabrese, University of Maryland, was quoted in an email as saying that “the way Bechtel engineering is planning to scale up the test results is just so they look good and is not a realistic method (paraphrased).” Another external consultant, Dr. David Dickey, went further and stated in an email that “he would consider the Bechtel approach to design the mixing systems would be criminally negligent in the design of a nuclear waste processing plant (paraphrased).”

Additional technical concerns were expressed but also were ignored. An external consulting group supporting DOE, the Consortium for the Risk Evaluation with Stakeholder Participation (CRESP) wrote a multiple page report listing many problems with the Bechtel mixing design resolution. Mr. French, URS Manager stated on June 25th: “We just received the Draft CRES report…..my quick check does not show they consider anything fatally flawed. It has quite of few recommendations that could be manipulated by someone who wanted to I’m sure”. This was a report issued by a select DOE consulting group, not a group offering fodder for others. Their recommendations were many and serious. Despite the concerns of outside consultants and CRESP, Mr. French, issued an email to Bechtel and URS management stating: “Now is the time to push for closure. By the time any issues or concerns are identified, the review group will have been disbanded and there will no way to reopen it”.

**Bechtel Intimidates the National Laboratories** -

As the end of June approached, some upper DOE management were questioning Mr. Russo as to whether the June 30th date would be met, almost as if questioning his judgment. DOE management asked if the national laboratories (Pacific Northwest National Laboratory {PNNL} and the Savannah River National Laboratory {SRNL}) were on-board with Bechtel’s path forward. Regarding SRNL support, Mr. Russo sent an email to Ms. Shirley Olinger, the DOE Hanford Office of River Protection manager, stating: “This will happen. (I) Just hung up from a call with Paul Deason the Lab Director. He was on my team at LLNL (Lawrence Livermore National Laboratory). He and his scientist seem comfortable with our position." To ensure
SRNL gave the response Mr. Russo wanted, he sent an email to Mr. Ashley stating: “(I) spoke with Paul Deason. They are keen on supporting our position. If need be, put Rich (Edwards) and Russ (Daniel) on a plane to SRNL to help get them in alignment.” The SRNL scientist was Dr. William Wilmarth. When the SRNL study report was issued and did not did not recommend any further testing, I questioned Dr. Wilmarth about the team’s recommendation. Dr. Wilmarth stated in an email to me that everyone knew testing was needed but “he did not want to lose his fingers and toes” by recommending any additional testing. SRNL management and scientists had succumbed to the intimidation and pressure from Bechtel.

Mr. Dae Chung, then Deputy EM-1 Manager continued to question Mr. Russo about PNNL’s support of Bechtel’s mixing plan. On June 16, 2010, Mr. Russo attempted to intimidate PNNL management to give him a similar recommendation of support. In an email Mr. Russo told Mr. Dae Chung, then Deputy EM-1 manager, that “they (PNNL) damn well be on board with the money we have spent there." However, PNNL management (Dr. Michael Kluse and Mr. Terry Walton) would not give Mr. Russo the concurrence he wanted. Dr. Kluse’s and Mr. Walton's employees had informed them about the many WTP problems, especially those relating to the pretreatment building and mixing. Mr. Russo then attempted to put pressure on the CEO of Battelle (the operator of PNNL), Dr. Wadsworth, through Mr. Ogilvie, Bechtel senior vice president, to get PNNL to give a written statement of support. In one email Mr. Ogilvie stated, “I talked with Wadsworth on Monday. (I) Gave him the background and told him we needed PNNL support, not backtracking.” In a follow-up email Mr. Ogilvie told Mr. Russo: “Wadsworth appreciated the feedback….and definitely got it”. Despite all the personal pressure, financial pressure, and intimidation Bechtel management put on Battelle and PNNL management, they did not cave-in and they stood their ground. They would not give their approval to the Bechtel path forward. They knew what Bechtel wanted to do was clearly wrong. PNNL management followed up their meeting with Mr. Russo by sending him a seven page list of technical concerns that had to be addressed. Much credit should be given to Battelle/PNNL management for maintaining their position as it reflects positively on their high ethics and values.

My Final Days on the WTP are Drawing Near-

In June I tasked Dr. Perry Meyer, PNNL, to do a detailed analysis of the Bechtel mixing approach and provide a quantitative analysis. Bechtel and URS management knew of the study and tried to get it squashed. Even my direct supervisor, Mr. Richard Edwards, sent several emails to me stating that it should not get issued. On June 25th, I reviewed the final draft with Dr. Meyer and knowing that I would be blamed for it, I told him to issue it as the report was well done and it was the right thing to do. It contained and expressed many concerns with the Bechtel/URS mixing approach. Bechtel and URS management never considered it in their final evaluations.
On or about June 22, 2010, at the request of Bechtel management, I submitted a list of what I considered to be open issues. These issues were comprised from input from the personnel in my group and personnel in PNNL. While most managers typically administrative type issues, e.g., drawings need review, procedures need rewriting, reports need to be issued, etc., my list contained nearly 50 technical issues. Many of the issues I listed had direct nuclear safety implications and included mixing problems. I also resubmitted my list of 100 issues from the year before since few had been finished. In a meeting on June 30, 2010, when I asked if I could eat some fresh cherries that had been brought to the meeting before I discussed my list, the Bechtel Engineering Manager, Ms. Barbara Rusinko, stated: “Yes, go ahead, maybe you will choke on them.” At first I took it as humor, but through the legal discovery in my civil whistleblower case emails were found indicating Ms. Rusinko was telegraphing the thoughts of Bechtel management; they knew about my list and did not want to hear anything about it or about the items on the list. Money was more important to Bechtel management than safety and quality. The meeting later became known as the “Choke on the Cherries Meeting”.

At the end of June I sent an email to three consultants (Dr. Dickey, Dr. Meyer, and Dr. Etchells) informing them that Bechtel was driving towards closure and any further testing would probably never occur. Again, I knew that if Bechtel closed the M3 issue, any inadequacies in the design would be forgotten. I hoped that the consultants would “raise the flag” and request a last minute review. They did not. Mr. Russo learned of my email on July 1 and sent an email at about 2:45 pm to Mr. Bill Gay stating: “Walt is killing us. Get him (out) to your corporate office today”. With no questions asked of me, in less than an hour, Mr. Gay sent an email back to Mr. Russo stating; “I talked with Mr. Dennis (Hayes). He will be gone tomorrow”.

My First Termination -

On July 2nd, just two (2) days after the "choke on the cherries meeting," I went into work to discuss the movement (relocation) of my group. I knew nothing about the prior days communications between Messrs. Russo, Ashley, Gay, and Hayes. A plan had been established and an organizational announcement approved by Bechtel (Mr. Ashley) to move my group into the operations group and rename it. The meeting was intended to refine the last details of my group’s move. Several relocation options had been considered, but Bechtel elected to move my group to operations and rename it. With the renaming, Bechtel and URS could then market that “all R&T was complete and over”. In fact, my group continued to work on R&T just as before. We were just to be moved and renamed. When I entered the building for the July 2nd meeting I was told that the topic had changed and Russo had fired me from the WTP the night before. When I asked why, even after multiple requests, I was given no reason. I was told by Mr. Hayes “Russo wants you out.” I was told to hand over my phone, keys, badge, and blackberry and I would be escorted to the front door. I then had to leave the premises immediately. I could not talk to anyone and I told not to return. I had been fired from the WTP by Bechtel. The drive home was highly emotional.
At the instructions of URS management on July 5th I went to URS headquarters to discuss what had happened. Recognize that Bechtel is the lead on the WTP contact and is a much larger corporation than URS with income estimated at three times that of URS (about $33B vs $11B). As a result, Bechtel carries much more contracting weight to affect the desired outcome of events. In that meeting, Mr. Leo Sain, a Senior Vice President, for URS stated to me directly: “URS does anything Bechtel says.”

I knew what had happened to me was not right. On about July 7th, 2010 I went to the DOE Employee Concerns Program (ECP). Upon listening and reviewing what happened to me, I was told by the then DOE ECP Manager, Mr. Bill Taylor, “this situation is far above his group’s ability and you (Walt) should go to someone on the outside for help.” He stated that from what he saw and heard it was clearly retaliation. He recommended I contact Mr. Tom Carpenter of Hanford Challenge, which I did. On about July 30th I filed a whistleblower complaint with OSHA under the Energy Reorganization Act and filed suits against Bechtel, URS, and DOE.

On about July 10, 2010, I was told I would be assigned to a group working on a proposed process for the Hanford tank farms. This lasted for only about four weeks. During this period I was put in a cubicle and assigned to work under a non-URS external contractor. I was given menial tasks to do and not included in key meetings. I could sense my career was over.

The First Validation Of My Concerns Occurs -

By mid-July, I determined that what had happened to me was definitely wrong and I did not want it to happen to anybody else. I then wrote a letter on to the Defense Nuclear Facilities Safety Board (DNFSB or the Board) on July 16, 2010. Little did I know that they suspected there were concerns at the WTP and my letter was the catalyst to ignite full scale investigations. Between October 2010 and mid-2011, the DNFSB held two public hearings pertaining directly to Hanford. The DNFSB issued two recommendations, one relative to mixing issues (#2010-2) and one relative to cultural problems (#2011-1), both directly supporting and furthering my concerns. The DNFSB also pushed DOE to do cultural surveys across their entire EM division. Through this process, the DOE Health, Safety, and Security group identified problems at many sites including DOE headquarters. Had the Board not taken these actions I sincerely believe nothing would have happened. The Board’s in-depth review and recommendations gave DOE support to push the contractors to do the right things. The DNFSB recommendations validated my technical and cultural concerns.

In an attempt to counter the negative DOE and DNFSB surveys, Bechtel conducted several surveys on the WTP technical and cultural issues between 2011 and 2013. The Bechtel surveys were either paid for by Bechtel or Bechtel recommended the participants or the survey group had ties to Bechtel. On one technical committee, the Environmental Management Advisory Board (EMAB) which reported to Dr. Ines Triay, then EM-1, Bechtel recommended and staffed it with
two senior retired Bechtel vice presidents (Dr. Papay and Mr. Meyer). On another review team, Bechtel recommended the participants to DOE and paid for the survey. Bechtel also conducted internal surveys. These are unverified and non-validated surveys comprised of a list of questions. There is no statistical foundation to them. No factorial analysis, no pretesting with comparison, and no Beta testing had been done prior to their use. Often with on-line surveys sent out electronically, Bechtel will send reminders to anyone who had not filled it out. Clearly if they know who has filled it out and who has not, they know their responses. The people know this. What responses do you think they give? In addition, data results can be manipulated to mask key outcomes. For example, if 99% of the people on the project not working on nuclear safety related items do not have concerns raising safety issues but the 1% who work directly on the nuclear safety do, the concerns of the 1% should not be minimized by the overall results. Stated another way, the concerns of the few very knowledgeable people in specific process areas must stand on their own and not be masked by statistics.

**Bechtel’s Far Reach**

Bechtel’s efforts to manipulate and intimidate personnel do not stop with project personnel. As an example, on July 27 after I wrote my July 16 letter of to the Defense Nuclear Facilities Safety Board, a person directly connected with Congressional communications contacted Bechtel management and was quoted as saying: “she reiterated that she needs a response (from Bechtel) so that she can assist with disseminating our (Bechtel) message (on the Hill)”. Note that at this time no one in Bechtel, URS, DOE, or the DNFSB had looked into any of my concerns or talked with me. But, the Bechtel’s support was ready to jump to their defense and spread the Bechtel message across the Hill. If Bechtel will mislead and manipulate Congress and those on the Hill, what value to you think they place on fair dealings with employees who raise serious concerns? Or worse yet, the employees of their subcontractors?

Bechtel’s manipulation does not stop with personnel on the Hill, the project, or their subcontractors. Words and their message are twisted. For example, what does the word “closed” mean? Between 2006 and 2009, Bechtel and URS claimed 27 of the 28 EFRT issues were closed. While most people would think the word “closed” means finished, completed, or done, Bechtel uses it to mean that it could be taken off the open list. The word “closed” has no relationship to the amount of work left or even if the path forward to solving the problem has been defined. For example, they will use the word closed for an issue with no definitive action taken. Their basis for the closure is that they plan to work on it in the future. This is called “providing the plan for the plan” and does not constitute any resolution of the task. In many of the issues, the criteria presented for closure approval had nothing to do with actual facts or existing problems. But using this approach allowed the contractors to continue to earn their award fees and to continue to get funding. In 2010, Bechtel claimed the 28th EFRT issue, the M3 mixing issue, was closed. Today there is no agreement on the path forward and the pretreatment building is still shutdown. By a conservative assessment and giving as much credit as I can to the work that has been done, I would only declare 13 of the 28 issues closed. And that
is a very conservative analysis. But Bechtel and URS kept the $5M award fee DOE paid and the additional $50M in funding (which lasted at least 2 years).

From personal experience, I know that an employee who speaks out about issues that could jeopardize Bechtel's funding stream quickly becomes a persona non-grata. The real financial incentive for the contractors is to ensure the funding stream continues. This is because Bechtel and URS both make money via award fees, but they make the most money on the overhead attached to labor dollars. The amount made on overhead in the WTP can be between $50M and $100M/year while award fees may total only $10M per year. The goal of the companies is to do the minimum needed to keep the project funds flowing while not getting fired for incompetence. They make this money whether they are moving forward, backward, or not at all. If a major problem develops, they blame it on DOE. This is the only business where you get paid to correct the problems you create.

**A Basement Office with the Copiers, No Meaningful Work and My Final Termination**

In mid-August 2010 the program I was assigned to was moved to the Hanford tank farms. Because it would now interface with Bechtel, I could no longer work on it. URS then assigned me (about August 24th) to a basement office in their Richland corporate office. I sat in the basement office with two copying machines and no management or little peer contact for 16 months. I was given no work. The room was also used as a storage room. The janitor’s closet was off this room. I wore earmuffs when the copying machines operated. I improvised a desk by taking a shelving board, putting nails in it, and using it as a side bar table. I used cardboard boxes as supplemental tables. My career was over.

One particularly demonstrative event of my isolation during my 16 months in the basement office occurred in February 2011. My wife called me and asked what I was doing still at work. I said I was trying to stay busy. She said “Do you know it’s snowing like crazy outside and they have sent everyone home?” I said “no.” I then went upstairs. She was correct. The lights were off, everyone was gone and the doors were locked. No one had come to notify me. During my 16 months in the basement office I was not invited to any safety or informational meetings or given any significant work matching my experience and capabilities. In January 2012, after testifying at the previous hearing this Subcommittee held, URS moved me to a main floor office but nothing changed. At best I had minimal work and certainly no amount of work to match my experience and capabilities. Clearly URS was doing two things: 1, They were trying to wear me down so I would quit and leave, and 2, more importantly, they were sending a clear a visible signal to every other employee: “Don’t do what Walt did.”

Through 2012 things remained the same for me. I was given no meaningful work, no invitations to meetings, and was not invited to meetings on topics relating to the work I was given.

**The Second Validation –**
The second validation of my safety issues came in 2012. As a result of the continued technical concerns in mid-2012 Secretary Chu initiated an in-depth investigation into the technical issues surrounding the WTP. Upon his team’s conclusion, Secretary Chu declared that due to the many issues, parts of the WTP plant (pretreatment in particular) should be shut down until a definitive technical resolution path was defined. The work on these facilities was suspended and remains suspended today. My technical concerns had been validated again. Despite this, again, Bechtel and URS kept their $5M award fee for “closing” the mixing issue (M3) in 2010 and used the several years of the extra $50M to pull in their overhead fees.

In early 2013 one URS manager, Mr. Duane Schmoker, asked if I would help his son-in-law with one of his college course projects “since I had the time”. I did so I helped him. I also applied for six different URS positions during the 2012-13 period at Hanford and did not receive even a phone interview and was not selected for any of them. After 44 years of service my career was indeed dead.

The Second Termination Approaches-

My final termination was approaching. Around May, 2013, the URS manager, Mr. Duane Schmoker, asked me to do an analysis of the DOE laboratory business and compile a five-year marketing/business plan. I completed it and in late August/early September 2013 after presenting it to corporate management, Mr. Schmoker received many accolades for the recommendation. In fact he stated that such a thorough and complete analysis had never been done before. When I asked him if he had brought my name up for formulating the plan he said, “No, there was no need to cloud the issue.” Following these presentations, in mid-September 2013, URS Manager Mr. Bob McQuinn told me he would be coming to see me on October 2nd “to discuss how things were going”. He knew I had performed the laboratory business study and told me “it was very well received by management.” I assumed his visit had to do with the marketing study and possibly other work. Despite all that had been done to me and my career, I remained naively optimistic.

I looked up when he appeared in my office doorway on October 2nd, 2013, and before I could say anything, Mr. McQuinn said: “Today is your last day. Pack your personal things up, give us your phone, your badge, and your keys and we will escort you do the door. You cannot talk with anyone. We also have some papers for you to sign.” It sounded so-so familiar to July 2, 2010. When I asked why I was selected for layoff, he said that I was one of five people selected out of a group of about 135. This was just another action by URS to send a message to all others: “Don’t do what Walt did”.

I was given about 60 minutes to empty my office and box up any personnel belongings. I was told I could not talk to anyone and must never return. I was then escorted to the door which was pulled closed with a click behind me. It was another very emotional ride home. Much personal information such as supplemental technical information was lost and never given to me. I had now been escorted to the exit door twice.
A Human Relations person, Ms. Pat Pinkard, accompanied Mr. Quinn and acted as a witness. She gave me two forms to sign. The one I signed dealt with the release of patents and such information of which I did not have any. The other dealt with my severance pay. URS said I could have my 26 weeks severance pay (greater than $100K) if I signed a termination statement that released them from all legal liabilities. I said I would not sign it then and wanted to review it. They gave me six weeks to sign it. It then became clear. I had a Federal Appeals Court hearing before the Ninth Circuit on Nov 4 and they hoped I would sign the termination agreement by then and release them from the lawsuit in order to receive my severance. My severance pay was being held hostage. I did not and will not sign the agreement. I then offered URS a signed, amended version of the termination agreement but they told me that the termination policy was fixed and could not be altered. They also sent me a copy of the URS termination policy. After reviewing the termination policy, I could not find any such words relating to or requiring inclusion of release for from legal liabilities. In fact it states: “All aspects of the Severance Pay Policy are subject to the interpretation and discretion of the HR Committee or is designee.”

I then wrote a letter to Mr. Koffel, CEO Chairman explaining what had occurred and requesting his review. I asked him if ethics trumped extortion since URS was holding my severance pay hostage for legal immunity. I have not heard from him. He did not have the courtesy to respond to any employee with 44 years of service. I believe I have the answer to my question.

The Fight of a Whistleblower -

As an example of the fight a whistleblower encounters, URS lawyers have claimed that I never did and never will work for URS - that instead I worked for a wholly-owned branch called “URS Energy and Construction, Inc.” I found this shocking as all profits of the division I was assigned to pass directly to the corporation. All communications referred to us as URS employees. This is part of the name-game switch companies will use to delay the legal actions of concerned employees. Bechtel and URS will use all and every delay tactic to wear down the concerned employee with the hope he will become tired and financially exhausted and drop a law suit. Meanwhile all of Bechtel’s and URS’s legal expenses are reimbursed by the DOE from taxpayer funds. It does not cost them a cent to fight an employee. Even as I attend this hearing today, I had to personally pay my own way while everyone attending for Bechtel, URS, and DOE will have their expenses reimbursed.

How does a culture such as described above develop within DOE? There are several reasons including:

- The most important cause of problems in the WTP is that Bechtel is the design authority and design agent. This means they are responsible to define what work needs to be done and how it will be done while being rewarded for both cost and schedule performance. The design authority and design agency should never be the
same group, especially in a project like the WTP. This is like putting the fox in charge of the hen house. This authority must be separated if the WTP is to be built and operate safely and efficiently.

- DOE contracts do not put an onus on the contractors to do the right things. For example, when it comes to whistleblowers and employee concerns, contractors are periodically reimbursed for all their legal expenses. If the contractors are found guilty, they may be requested to reimburse the government. So what does a contractor do? They drag out the legal action as long as possible and then settle if they think they will lose. A settlement is not a finding of guilt so they do not have to pay back expenses. The outside lawyers they hire are paid by the hour so they have no incentive to seek a resolution. And where do the funds come from to reimburse the contractors? From taxpayer funds of course. My personal estimate for the reimbursements made to Bechtel and URS to fight my legal suits including their outside lawyers, internal lawyers, travel, surveys, consultants, research, legal submittals, depositions, human relations support and all such associated costs is well over $2M. Meanwhile concerned employees are paying for their defense out of their pocket in addition to the emotional and financial stress of losing his or her job. This needs to change.

- DOE is out-manned and out-gunned when it comes to managing the contractors. What I mean is that they do not have enough people, they do not have enough people with technical degrees, and if they have technical degrees they are not engineers. DOE management must rely on the input and honesty of the contractors when addressing technical projects and programs. The contractors manipulate and mislead DOE. As an example, for several years while I was the R&T manager there was not one person with an engineering degree in the DOE organizational chain from my counterpart within DOE to the Secretary of Energy. Dr. Chu was Ph.D. physicist, Mr. Poneman a lawyer, and there were several chemists. Certainly all very good degrees but no one with an engineering degree. And to make matters worse, in the WTP, the Bechtel/URS personnel to DOE oversight personnel ratio exceeds 100:1.

- The contractors have gotten away with manipulating DOE and misrepresenting the facts for so long that it is now standard operating procedure. The contractors seem to believe they are above the law and can do what they, because they can work their way out of any situation. Now is the time for change.

- Finally, DOE operated under a cloak of secrecy for many years touting national security when questioned. Today, they tout clean up needs and emergencies. Within DOE, as a result of the input from their contractors they operate in a mode of seclusion or crisis, keeping the public in the dark. DOE needs to operate the cleanup operations like a business, not like a cold war program. They need to broaden their
contractor base and make changes in contract wording or contractors where needed. If the WTP is going to take at least 19 more years to start producing glass logs, as Washington State has said, versus Bechtel’s initial predication of 7 years, how bad can it get if the contractor is changed? A change in contractors would signal a cultural change in attitude and management.

In summary, the approach used by the contractors in the DOE EM business is to treat people however they want to and do just enough work so they are not replaced on the contract. The longer they stay with the contract, the more money they make. If a problem develops, their first course of action is to declare a scope change, claim it is DOE’s responsibility, and request more money from DOE. Via this approach they get additional funding to solve the problems that should have been solved correctly the first time. Originally Bechtel said the WTP would cost $4.6B and be running in 2008. Today, neither Bechtel, URS, nor DOE can give an accurate estimate to what the final cost will be and when the WTP will start up. Some current external estimates are that it will cost over $30B and start up in the early 2030’s.

Contractors squelch, retaliate and take punitive measures against employees that speak up. My personal experience is a prime example. After meeting with Secretary Moniz, and then on the heels his September written commitment to an open and non-punitive culture, URS laid me off and later fired Ms. Donna Busche. DOE contractors are watching these events. Action must be taken now to send a clear message to all DOE contractors that this type of management will not be tolerated. If no action is taken now, it will be “Katie, bar the door” as the contractors will think they can operate however they want. While there are several actions that can be taken, I recommend Congress and/or the DOE:

- Remove Bechtel as the WTP Design authority and establish a new and independent Design Authority.

- Change DOE contracts to state: Contractors will incur all costs related to employee concerns and legal actions and may be reimbursed if found not guilty. A settlement will not result in reimbursement.

- Restrict Bechtel and URS from bidding on any new DOE projects for at least 5 years.

- Require Bechtel and URS to return any fees earned for closure of programs that still need major work, such as mixing, should be returned to DOE.

- Examine all programs and redefine what issues are still open where open means work needs to be done, not path forward is identified, etc. to establish one list of issues.

- Establish an independent oversight group for DOE and its contractors until
DOE demonstrates a cultural shift that prioritizes safety and contractor accountability. This could potentially be the DNFSB if they were given enforcement authority.

We need the WTP, but we need it to be built safety with quality and run efficiently. I do not want to see any employees, especially younger ones, treated as I have been. No employee should ever have to fear being fired for raising tough factual questions and challenging the status quo, especially if those questions involve nuclear safety.

In light of how Bechtel and URS have misled key stakeholders, pressured people to give the answer they wanted, fired people who speak out, and treated personnel, especially on the heels of Secretary Moniz’s written statement, there will be no controlling contractors in the future if nothing is done now. Now is the time to affect change and make improvements.

In closing, any and all information obtained in my legal suits against Bechtel and URS is available to Congress for their added review. Documentation can be provided for all the above referenced items.

Thank you for your time and attention and giving me this opportunity. Please contact me if you need any more information.

Sincerely,

Walter L. Tamosaitis Ph.D., P.E.