

United States Senate

WASHINGTON, DC 20510

March 12, 2014

Mr. Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C 20548

Dear Mr. Dodaro:

We are writing to request that the Government Accountability Office (GAO) initiate a review of recent actions taken by U.S. Department of Energy (DOE) contractors at DOE's Hanford Reservation to terminate whistleblowers and to further restrict the ability of employees to raise safety concerns. These actions appear to be directly contrary to findings and recommendations made by the Defense Nuclear Facility Safety Board (DNFSB)¹ and the Office of Health, Safety, and Security (HSS).² Rather than implementing corrective actions aimed at establishing a stronger safety culture at the Hanford site, these recent actions perpetuate the problem.

One of the issues highlighted in GAO's December 2012 report on problems confronting the Hanford Waste Treatment Plant (WTP)³ was the DOE's failure to ensure that there was focus on safety at the plant and an ability for employees to raise safety concerns without fear of retaliation.⁴ Since then, one of the major WTP contractors – URS – has fired not one, but two senior project personnel after they raised safety issues. The most recent of those terminations occurred on Tuesday, February 18, 2014 when Donna Busche, the URS Manager of Environmental and Nuclear Safety was fired. Ms. Busche was identified in its contract as one of the contractor's key personnel managing the WTP project. (Attachment 1). Last October, URS terminated Dr. Walt Tamosaitis, also a senior URS project manager.) This newest action comes at a time when the WTP continues to experience unresolved technical issues and when DOE lacks a coherent plan for addressing either the technical problem with the WTP or the deteriorating condition of the 177 tanks holding high-level waste at the site.

¹ DNFSB Recommendation letter to the Honorable Steven Chu transmitting Recommendation 2011-1, *Safety Culture at the Waste Treatment and Immobilization Plant*, June 9, 2011.

² *Independent Oversight Assessment of the Nuclear Safety Culture and Management of Safety Concerns at the Hanford Waste Treatment and Immobilization Plant*, Office of Enforcement and Oversight, Office of Health, Safety, and Security, U.S. Department of Energy, January, 2012.

³ "HANFORD WASTE TREATMENT PLANT; DOE Needs to Take Action to Resolve Technical and Management Challenges," GAO-13-38, December 19, 2012.

⁴ *Ibid*, pp. 17-19

Although the Department claims to support a strong safety culture, the action against Ms. Busche continues a pattern of stifling dissent and retaliation at Hanford against whistleblowers that has been previously identified by both the DNFSB and by HSS. It is obvious that the decision to fire these highly visible whistleblowers will have a chilling effect on others who may wish to come forward. (Both Dr. Tamosaitis and Ms. Busche met with Secretary Moniz himself during this trip to Hanford last year and Dr. Tamosaitis testified about contracting problems before the Senate Committee on Homeland Security and Governmental Affairs.) If there was any doubt about intent of the contractors' decisions to restrict open expression of safety concerns, it is our understanding that both URS and Bechtel, the prime contractor, required all project personnel to sign non-disclosure agreements (Attachment 2) coincident with Ms. Busche's termination.

Given the importance of fully addressing the safety and technical problems at Hanford and the need to establish and maintain a culture that allows both contractor and DOE employees to express their professional concerns about the design and construction of the facility without fear of reprisal, we are requesting that GAO investigate the following:

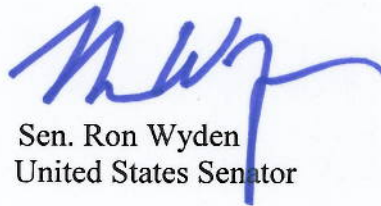
1. The basis for the URS decisions to terminate Dr. Tamosaitis and Ms. Busche.
2. The role that the prime contractor – Bechtel – played in these decisions.
3. The recent decision by Bechtel and URS to require employees to sign non-disclosure agreements.
4. The extent to which the Department of Energy, both at the site and at headquarters, was aware of these decisions and the role that it played in these decisions, especially given the fact that Ms. Busche had been identified as one of the contractor's key personnel under the URS contract (and the Department thus may have been contractually required to approve her termination).
5. The extent to which the contractors and DOE itself have addressed and implemented the findings and recommendations of the safety culture reviews by the Defense Nuclear Facility Safety Board and the Office of Health, Safety, and Security and whether the recent requirement to sign non-disclosure agreements is consistent with these prior findings and recommendations.
6. The extent to which the safety issues raised by both contractor and DOE employees at the site, including but not limited to Dr. Tamosaitis and Ms. Busche, have been addressed and solutions integrated into project design, project management, and project execution.
7. An assessment of the legal fees incurred by the contractors and/or subcontractors in the various whistleblower cases related to the WTP project, and the degree to which the Department has reimbursed or plans to reimburse the contractors and/or subcontractors for these costs.

Please contact us if you have any questions concerning this request.

Sincerely,

A handwritten signature in blue ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a more stylized, looped manner.

Sen. Claire McCaskill
Chairman, Subcommittee on
Financial & Contracting Oversight
Committee on Homeland Security &
Governmental Affairs

A handwritten signature in blue ink, reading "Ron Wyden". The signature is cursive and somewhat compact, with the first name "Ron" being more prominent.

Sen. Ron Wyden
United States Senator

A handwritten signature in blue ink, reading "Edward J. Markey". The signature is cursive and flows from left to right, with the last name "Markey" being the most distinct part.

Sen. Ed Markey
United States Senator