

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON THE FEDERAL WORKFORCE AND AGENCY ORGANIZATION
CONGRESSMAN JON PORTER, CHAIRMAN



Press Release

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***Chairman Jon Porter's Initial Probe into Allegations that Federal
Scientists Falsified Data Used to Establish the Safety of the
Yucca Mountain Nuclear Waste Repository
Reveals Disturbing Results***

Chairman Porter Releases Damning E-Mails

Chairman Jon Porter (R-NV) announced today that he has received and reviewed documents from the Department of Energy and the Department of Interior pursuant to his request last week that the Departments produce all documents relating to, identifying, or discussing the falsification of documents and records used in relation to the proposed Yucca Mountain nuclear waste repository. "After reviewing this first set of documents, I am appalled at the blatant misconduct by Federal employees. The information that I reviewed is damning. The legitimacy of the science surrounding the storage of nuclear waste at this facility is indeed in question. I look forward to the hearing that my subcommittee will hold on this issue to get to the bottom of this misconduct, as well as obtaining additional documents from both Departments as they continue to respond to my earlier request. Nevadans, and all Americans, deserve to know the truth when it comes to safety issues of this magnitude," said Porter.

Congressman Porter is the Chairman of the U.S. House Government Reform Subcommittee on the Federal Workforce and Agency Organization. Chairman Porter's subcommittee will be holding a hearing on April 5, 2005 in Washington, D.C. at 10:00 a.m. in Room 2247 at the Rayburn House Office Building. Representatives Shelley Berkley (D-NV) and Jim Gibbons (R-NV) are invited to sit with Chairman Porter on the panel. Due to the fact that both Departments are not cooperating with the Subcommittee in redacting documents for public release, only a portion of the documents delivered by the both Departments are being released today. Additional documents will be disseminated once they become available. "I am deeply agitated and insulted that both Departments are acting as though this is not a matter of public concern. The public has a right to this information and for the Departments to refuse to assist the Subcommittee in redacting the documents for public release is an outrage. This begs the question: What don't they want the public to know?" said Porter.

The following witnesses will testify before the Subcommittee:

Panel 1:

The Honorable Kenny C. Guinn, Governor of Nevada;
The Honorable Harry Reid, United States Senator (NV);
The Honorable John Ensign, United States Senator (NV);
The Honorable Brian Sandoval, Attorney General of Nevada.

Panel 2:

The Honorable Charles G. Groat, Director, U.S. Geological Survey, U.S. Department of the Interior;
The Honorable Ted Garrish, Deputy Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy;
The Honorable Earl E. Devaney, Inspector General, U.S. Department of the Interior;
The Honorable Gregory H. Friedman, Inspector General, U.S. Department of Energy.

Panel 3:

Judy Treichel, Executive Director, Nevada Nuclear Waste Task Force;
The Honorable B. John Garrick, Chairman, Nuclear Waste Technical Review Board;
Joe Egan, Esquire, on behalf of Attorney General Brian Sandoval of Nevada;
Bob Loux, Executive Director, Nevada Agency for Nuclear Projects.

Summary of the E-Mails (Key Highlights)

Undeleted internal DOE Memo states: “These e-mails describe deliberate failures to follow quality assurance procedures and irreproducible results related to the infiltration of water into the repository... Depending on the current status of the work to which he contributed, these e-mails may create a substantial vulnerability for the program.” (NOTE: This document was not included in this release due to the lack of cooperation by the DOE)

QA = quality assurance or quality assured.

E-mails Dating 1998:

- E-mail from presumed USGS employee 2 to USGS employee 1 dated 2/22/98: “You are just starting to wake to what the hell is going on in the Yucca Mountain project. I can’t teach it to you. I’ve learned, and that’s why I’m in _____. I would have liked to bring more people with me but nobody ever figured it out as much as I tried to tell you. I couldn’t do it directly because you have to learn by experience. Once you learn, you learn. There is more to it than you think, that’s why I’m still on the project. They won’t get rid of me. You are on the verge of figuring this shit out. Good luck.”
- E-mail from presumed Federal employee (PFE) to 6 PFE’s dated 04/03/1998: “I have some maybe bad and maybe good news that you should be aware of... There are some implications that I did not realize until I talked them over with PFE yesterday: basically, *either our infiltration model is wrong or our ___flow model is wrong or both.*”
“(I don’t want to be too critical here--I could probably tear apart any of our models. Did somebody say seepage? And PFE did do us a great favor in helping us out for __.)__-flow model wrong? Looking at the same analog sites, we see that flow is not ubiquitous. It is in isolated paths, typically associated with locally saturated conditions.”
“*The bad news is that it might hurt our credibility.* The point we probably need to make in __ is that our modeling is conservative...”
“The unfortunate thing here is that the way we have the natural system modeled, we are probably not giving it enough credit.” (Emphasis added)
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 05/11/1998: “Still don’t know quite how to handle the air temp glitch. I’m continuing to keep mum about this, but, from a scientific integrity standpoint, it is tempting to let the end users know exactly what was provided to them in terms of effectively cooler future climate simulations. Problem is, I don’t know how to do this without looking bad.”
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 06/18/1998: “As far as the _____ stuff and the regional stuff goes;.... We are doing the same amount of work on the regional scale wether (SIC) we get the money for _____ or not, so why not try to get the money? *All we have to do is a few*

extra simulations in _____. *Its like we'll get paid twice for the same work (and I don't feel bad about this considering how little we're getting paid for the work this year...in my mind it will all even out in the end).*" (Emphasis added)

- E-mail from presumed USGS employee 2 to USGS employee 1 dated 10/20/1998: "This is a gamble but I'll take the OK and make them eat shit is the long run. The WILL NOT go into a license scenario with the model we have now, and particularly with PA demanding changes. Don't sell out."
- Email from USGS employee 1 to PFE dated 10/29/1998: "Leveling the top of the mountain seemed humorous but it gave me the chance to make some more cool figures. This little task is history now. *Wait till they figure out that nothing I've provided them is QA. If they really want the stuff they'll have to pay to do it right.*" (Emphasis added)
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 12/17/1998 06:57PM: "The work plan ___ has put together as a result of the meeting this week includes model hand-offs.... We're not sure how smoothly this is going to go but this is the approach. *Like you've said all along, YMP has now reached a point where they need to have certain items work no matter what, and the infiltration maps are on that list.* If USGS can't find a way to make it work, _____ will (but for now they are definitely counting on us to do the job)." (Emphasis added)
"I can no longer wait for USGS to figure this out; I'm moving ahead according to the ___/_____ work plan we put together this week."
- E-mail from presumed USGS employee 2 to USGS employee 1 dated 12/17/1998 11:47:08 PM: "I agree with your analysis. We only win if we get the final product out." "*The bottom line is forget about the money, we need a product or we're screwed and will take the blame. EVERYBODY will say they told us to go ahead without a plan or budget in place (even though PFE said no hires). This is now ___ and we had better be good at it. I seem to have let this one slip a little to much in an attempt to cover all our work (and get us the hell out of the long term problem of Yucca Mountain) but now it's clear that we have a little to no choice. In all honestly (SIC) I've never felt well managed or helped by the USGS YMP folks, in fact, as you know, I've often felt abandoned. This time it's no different, or worse, and we have to work together to get out of this one. I'm still overwhelmed trying to protect the rest of the program from the ravages of what's happening in _____ (funding, which we seem to be blamed for because we got funding) and the current ___ fiascoes in the ____....These are very dangerous time, (SIC) both funding wise and professionally. Mark my words on this one, it will not be long before our technical credibility with (SIC) be challenged in an attempt to discredit us and redirect funding!" (Emphasis added)*
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 12/18/1998: "YMP is looking for the fall guys, and we are high on the list. I got a strong feeling at the ___ meeting that high level folks are starting to pay very close attention to who they will come after when things hit the fan. Who got how much funding at what time will all be long made clear *that this will be like the OJ trial*, where results are completely thrown out because of minor procedural flaws or personal attacks on credibility. (Emphasis added)

E-mails Dating 1999:

- E-mail from USGS employee 1 to PFE and presumed USGS employee 2 dated 03/15/1999: "Now I'm going to give you the inside scoop: *I'm going to continue the regional modeling, even if it means ignoring direct orders from YMP management.* I'm also going to be working on reports, *even if it means ignoring direct orders from YMP management.* USGS employee 2 and I have a pretty clear vision of the type of work that needs to be done to stay alive for the long-haul, and it very definitely involves getting product out there for the users and the public to see. The _____ regional modeling work fits that bill."
"At this point, I am still working to the plan that we've all spent a significant amount of time on to make things happen for FY99. That's the insider scoop. The position we will take for the _____ planners may be much different. *So delete this memo after you've read it.*" (Emphasis added)

- E-mail from USGS employee 1 to presumed USGS employee 2 dated 03/26/1999: “I’ll admit that I have not devoted a full-time effort towards _____....*Yes the _____ work is now behind schedule but so is everything else* because I’m the only one doing this work, *and I’ll be damned if I drop everything else and work on nothing but _____*....I do not need to be developing _____ hoop jumping skills. The skills I am interested in developing are ones that will benefit the _____ district and our careers....*I guess this is another one of those memos that need to be destroyed.*” (Emphasis added)
- E-mail from presumed USGS employee 2 to USGS employee 1 dated 4/2/1999: “Science by peer pressure is dangerous but sometime [SIC] it is necessary.”
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 04/22/1999 03:27 PM: “The QA bullshit grows deeper. *I may need to say that I did everything by hand* for the data package I am submitting that you and presumed PFE reviewed. *The program I wrote is not in the system and QA will be all over it like flies on &%#\$.* All references to PFE are being deleted.
Here’s my question: When we go to start QA’ing the site-scale modeling work, will I get taken to the cleaners because I am not referencing either a tech procedure or a scientific notebook?” (Emphasis added)
- E-mail from USGS employee 2 to USGS employee 1 dated 04/22/1999 03:43 PM: What if you just download the raw files from _____ and say you used those? *Do they need to know any more than that? You don’t really need to do an analysis just say this is the data I used.* Maybe that would work.” (Emphasis added)
- E-mail from USGS employee 1 to USGS employee 2 dated 04/22/1999 07:05:15 PM: “*Not a bad idea.* I am now considering it. Ideally, one would assume that the more information you proved QA, the better the QA. In reality, it seems that the opposite is true. *At any rate, it’s a damn shame to be wasting time with this sort of thing.*”
- E-mail from USGS employee 1 to PFE dated 04/22/1999 9:52:39 PM: “Model simulations have been in progress but about 3 weeks ago I found a small error in the model input that was generated using the _____ data. The error was minor but would have created a QA nightmare so this was fixed and the simulations are being re-done (I’ll send you a summary of the results when I get to this point).”
“The input files are basically re-formatted _____ export files with a minor amount of parameter estimation occurring to fill small gaps in the record (even for the high ranking sites, there are gaps all over the place). *Here’s the weird news; to get this milestone through QA, I must state that I have arbitrarily selected the analog sites.*
“So for the record, seven analog sites have been arbitrarily (randomly) selected. Hopefully these sites will by coincidence match the sites you have identified.”
“P.S. *please destroy this memo*” (Emphasis added)
- E-mail from USGS employee 1 to presumed USGS employee 2 dated 4/23/99: “Dealing with this QA bullshit is really starting to make me sick.”
- E-mail from PFE to USGS employee 1 dated 08/05/1999: “Piss on QA, how’s your recharge report (due Aug 31, 1999) coming.”
- E-mail from PFE to USGS employee 1 dated 11/5/99: “Then is wouldn’t have been shit on time (almost) because his people in the trenches would’ve understood the scope and schedule in enough time to focus resources properly. How can we deal with a problem when we don’t know what it is? All we can do now is clean up the mess as well as we can and save his butt.”

- E-mail from USGS employee 1 to presumed USGS employee 2 and PFE dated 11/15/1999. “Don’t look at the last 4 lines. Those lines are a mystery that I believe somehow relate to the work PFE was doing in entering the 1994 data. These lines are not used by _____ (we stop at 9/30/94). *I’ve deleted the lines from the “official” QA version of the files (which do have headers). In the end I keep track of 2 sets of files, the ones that will keep QA happy and the ones that were actually used.*” (Emphasis added)

E-mails Dated 2000:

- E-mail from USGS employee 1 to presumed USGS employee 2 dated 01/06/2000: “There is of course, no scientific notebook for this work. All work is in the form of electronic files....They may be expecting to see something that at least looks like a scientific notebook documenting work in progress. I can start making something up but then the __ projects will need to go on hold.”
I am far more concerned about the __ projects than I am about the _____. But __ will be rather unhappy, and I will need help trying to figure out a good excuse why 100% of my time did not go into the audit without revealing the __ projects.”
- E-mail from USGS employee 1 to two PFE’s dated 02/17/2000: “I finally took the time to process your request. --- *Please do not tell anyone how this was done because then we will need to get this whole thing through software QA!*” (Emphasis added)
- E-mail from USGS employee 1 to presumed USGS employee 2 and two PFE’s dated 03/06/2000:
“_____ : the topographic ID (I must assume that this was produced in _____ by PFE using the _____. Because it is only a place holder and not actually used by the model it doesn’t matter but the parameter has been carried through the pre-processing and is in all the _____ files used as input for _____)”
“I can fudge the attachment for _____ for now but eventually someone may want to run _____ to see what numbers come out and at that point there will be problems, although it is my belief for now that an impact analysis would reveal that the differences are not critical to the end result.”
- E-mail from USGS employee 1 to PFE dated 03/07/2000: “Believe it or not, *this file is now 3.5 years old, but it is what was used.* This developed record stops on day 274, 1995. The only real good thing about this file is we seem to be very close to getting it into the _____.*Someday I hope to have the time to update this to include an improved pre-1987 interpolation and all the new data after 1995, which includes some interesting events.....back to QA.*
P.S. Hope this email doesn’t trigger a _____ input request. *I’ll probably get fired.* (Emphasis added)
- E-mail from USGS employee 1 to three PFE’s dated 03/09/2000: “The main stupid thing is that as a 1st step I ran _____ with the user 2 to create _____ from _____, the output from the _____. This setting causes a veg cover estimate to be made based on _____, which are the vegtypes defined for the regional model (data from PFE and PFE). I was desperately trying to bring vegetation into the picture (still wasn’t getting what I needed from the bugs and bunny crowd) but it didn’t match up as well as I had hoped, I ran out of time, and it fizzled.” (Emphasis added)

“Now here is the majorly(SIC) stupid part. To create _____, which is used as input to _____, I re-ran _____ using _____ as input and set the option to __. So the regional vegtypes made it into all the watershed files that were used in the _____. Now I can’t just re-write the routine to leave out _____ because the output will never match what ended up becoming the watershed files. Had I re-run _____ using _____, *I could now rewrite the code in 5 minutes, get rid of _____ all together, and all would be cool.* (Emphasis added)

“There is a bug in the top layer of the cascading bucket model, the soil ks conversion is off by a factor of 10, and even if I can re-produce the blocking ridges they’re still wrong.”

- E-mail from USGS employee 1 to presumed Federal employee (PFE) dated 3/30/2000: “The programs, of course, are all already installed otherwise the ___ would not exist. *I don’t have a clue when these programs were installed. So I’ve made up the dates and names* (see red edits below). This is as good as its going to get. If they need more proof, *I will be happy to make up more stuff*, as long as its not a video recording of the software being installed.” (Emphasis added)

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