



# UPTE-CWA Fact Sheet

## Failure to Comply with Nuclear Safety Laws at DOE Nuclear Facilities Threatens Health and Safety of Workers and Public

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### Background:

- DOE's Nuclear and Radiological Facilities are aging and as time passes the risk of a serious nuclear accident will increase due to corrosion and other aging effects.
- DOE Office of Inspector General is currently conducting an audit of Nuclear Safety based on an Employee Concern over non-compliance of Nuclear Safety Laws at LANL and DOE.
- Several Government Accountability Office (GAO) and other federal reports have recommended that Congress mandate that DOE be externally regulated to adequately protect the environment, the health and safety of the workers and the public. Ref.-Supporting Binder.
- 1988 Congress Mandates DOE develop and enforce DOE Nuclear Safety Laws to protect the environment, the health and safety of the workers and the public. Price-Anderson Amendment Act (PAAA).
- 1989 Significant workplace safety and health problems found in DOE facilities (Tiger Team reviews).
- 1993 Energy Secretary announces intention to end DOE self-regulation of worker safety and health.
- 1994 Legislation proposed requiring NRC licensing of all new DOE nuclear facilities.
- 1995 DOE blue ribbon panel recommends, "Essentially all aspects of safety at DOE nuclear facilities should be externally regulated" and states "Widespread environmental contamination at DOE facilities and immense costs associated with their cleanup provide clear evidence that self-regulation has failed."
- 1996 A subsequent DOE working group concluded that external regulation could improve safety, eliminate the inherent conflict of interest from self-regulation, gain consistency with current domestic and international safety management practices, and improve credibility and public trust. DOE sets a 10-year timetable for ending self-regulation.
- 1998 Appropriations conference report directs DOE to build new non-defense nuclear facilities (2000 and beyond) to NRC standards.
- 1999 Energy Secretary decides to continue self-regulation, citing cost and regulatory uncertainties.
- 2001 GAO recommends DOE end self-regulation to improve its accountability.
- Oct 2007, The GAO stated "weakness in federal oversight raise concerns about NNSA's decision to rely more heavily on contractors' management controls.-Ref. GAO-08-73.
- June 2008, GAO recommends the risks posed by the aging Hanford tank waste to workers, the public, and the environment and the risks posed by DOE's tank management strategy in light of the tank's questionable viability.-Ref. GAO-08-793.
- Oct 2008, The GAO stated "If the Secretary of Energy does not take appropriate actions on our recommendations, the Congress should consider permanently establishing in law the responsibilities of HSS as noted above with respect to nuclear safety or shifting DOE to external regulation"-Ref. GAO-09-61 in binder.
- June 2008, The Los Alamos Site Office identifies that the LANL Plutonium Processing Facility (TA-55) does **not** have an approved or implemented Quality Assurance Program while conducting a procurement assessment. The 1996 Facility Safety Analysis Report which is the current safety basis document requires that the Plutonium Processing Facility have an approved or implemented Quality Assurance Program. This finding was **not** identified as a Technical Safety Requirement (TSR) or PAAA violation by LANL or DOE personnel.

**Actions Requested:**

- We request that Congress legislate laws requiring external regulation by NRC of all DOE nuclear and radiological facilities.
- We request that Congress legislate laws providing better protection of conscientious employees protections and take the word “whistleblower” which has a negative connotation out of current protection laws.
- We request that Congress legislate new effective laws requiring compliance to current Nuclear Safety Laws and provide increased funding to retain and recruit experienced and compliance minded managers and employees at all DOE nuclear and radiological facilities. This funding must be tracked to prevent use on non compliance activities. Ex TA-55 As Built program.
- We request that an UPTE representative be on the LANL external regulation council to help ensure that the council has a technical subject matter expert to help with complex technical and employee issues.

**Audit Requested:**

- We request that NRC conduct an external assessment of PAAA nuclear safety laws at all DOE nuclear and if possible radiological facilities, prior to starting external regulation, to establish a baseline for comparison at a later date.