

**Testimony of Madelyn Creedon
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National Nuclear Security Administration
U.S. Department of Energy
Before the
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
Waste Isolation Pilot Plant Public Hearing**

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Chairman Murphy, Ranking Member DeGette and members of the subcommittee, thank you for the opportunity to discuss the radiological release at the Waste Isolation Pilot Plant (WIPP).

On February 14, 2014 a radiological release occurred at the Waste Isolation Pilot Plant (WIPP) when a drum experienced an exothermic reaction that led to over-pressurization and breach, causing a release of a portion of the drum's contents. The specifics of the radiological release at WIPP and subsequent restart activities have been addressed by the acting Assistant Secretary of Energy for Environmental Management. While the Department of Energy's National Nuclear Security Administration holds the overall Management and Operating (M&O) contract with Los Alamos National Laboratory (LANL), the Department of Energy's Environmental Management is the program lead for legacy cleanup activities performed at LANL and for the operation of WIPP.

Although there is no expected health impact to workers, the public, or the environment, the Department takes any radiological release event very seriously. The release, which was

subsequently determined to have been avoidable, will be costly to fix, and has left us without a transuranic (TRU) waste repository for an indeterminate period of time.

I will address the actions the National Nuclear Security Administration (NNSA) has taken as a result of these events and highlight a few ongoing initiatives we are pursuing to improve the governance and oversight at NNSA sites generally.

I want to be clear that all of us at DOE take these events very seriously. I also realize that the February 14, 2014 release, and the events leading up to the release, when taken together erode our credibility with the public and reflect poorly on the Department.

Although federal and contractor staff at Los Alamos National Laboratory had noted negative trends in this specific area for some time these trends were not addressed. For several years NNSA leadership both at Headquarters and the site has been concerned about an overall negative trend in operational discipline across the laboratory, which we pointed out through our various contract oversight and performance evaluation activities.

Our M&O contractor at LANL has been held responsible and accountable for its part in allowing conditions to develop that led to the release at WIPP. NNSA took action in accordance with our contract performance evaluation process. The M&O's fee for operating the laboratory was reduced drastically, an available one-year contract term extension was not granted, and an additional one-year contract extension that had been previously granted was rescinded. Although the work of the laboratory was very good in other areas, particularly in the sciences and the work in support of the stockpile stewardship program, the ramifications of this event outweighed the areas of excellence.

At the time of the event, Los Alamos National Security, LLC (LANS), our M&O contractor, took immediate steps to isolate and safely secure all drums at LANL deemed similar to the breached drum. These drums are now overpacked in standard waste boxes and stored in a temperature-controlled environment equipped with filtered ventilation and continuous air monitoring. These actions were closely coordinated with the New Mexico Environment Department, EM and NNSA.

Since the event, LANS has performed extensive internal procedural reviews; conducted more than a thousand scientific experiments; strengthened the leadership teams; and has continued to develop specific corrective actions to address the findings from the internal and independent reviews.

In addition to its conclusions with respect to operations at LANL, the accident investigation also found that DOE had not exercised sufficient oversight. As a result, NNSA and EM, working with the other components of DOE, have realigned the federal program and oversight responsibility for legacy waste materials at Los Alamos National Laboratory. This responsibility has been transferred from the local NNSA Field Office to a newly established Environmental Management Field Office. We are also in the process of modifying the M&O contract to allow EM to have more direct control over their work scope at Los Alamos in the near term and to modify their contracting strategy in the long term.

Moving away from the WIPP events, I would like to discuss NNSA and our Los Alamos Field Office. Although we have historically had difficulty filling vacancies in key leadership positions and subject matter expert positions at the NNSA Los Alamos Field Office we have made progress recently. A long-standing vacancy for a senior scientific and technical advisor has been filled, and other key technical positions are in the process of being posted and filled.

We have also surged support from other field and headquarters organizations to cover vacant positions while we execute the hiring process. For example, by June 2015, seven new Federal employees will report for duties as assigned by the Field Office Manager, increasing the Federal staff from 71 to 78, up from May 2015. Most importantly, as of March 14, 2014, our office has been managed by one of our more experienced Field Office Managers who has worked at three of our laboratories and two of our production sites. Her top priorities are working to fill the critical positions and working with the laboratory management to improve operations.

At NNSA Headquarters we will continue the Administrator's drive to ensure that our staffing levels are sufficient to perform our mission, while keeping within our statutory caps. Since 2010, our federal staffing levels have been reduced from a high of 1935 FTEs to our current cap of 1690 FTEs. At the same time, the amount of work has increased substantially as we keep the stockpile safe, secure, and reliable without explosive nuclear testing.

More fundamentally, NNSA is working on several fronts to improve our approach to site governance. We have kicked off two specific initiatives. The first is an examination of our contracting strategy to ensure that we incentivize the right behaviors while also holding the Labs and Plants accountable. The second initiative is to better define the NNSA site governance model with specific attention to identifying clear expectations regarding contract management and oversight; and clarifying the roles and responsibilities between the NNSA field and HQ elements, and in the case of Los Alamos, EM as well. Both initiatives will strengthen the mission alignment between the parties on our M&O contracts and will improve the effectiveness of our interactions. These efforts are being led out of our newly formed Office of Policy.

Across the NNSA complex we are privileged to have world class scientists, engineers and technicians, both contractors and federal employees who work to support the security of our nation under technically demanding circumstances. Our people ensure our success and we need to support them.

In conclusion, I want to assure you that the Department understands the seriousness of this event. We have taken numerous, concrete and aggressive actions to address the specific events but are also pursuing several initiatives to examine the entire system. These actions will help ensure that we do not repeat the mistakes that gave rise to this event, and will help improve operations across the entire enterprise.

Thank you for your time.