



**Department of Energy**  
Washington, DC 20585

June 16, 2008

Dr. Michael R. Anastasio  
President  
Los Alamos National Security, LLC  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop A-100  
Los Alamos, New Mexico 87545

Dear Dr. Anastasio:

As we mentioned in our recent discussion, the Department of Energy (DOE) is concerned with Los Alamos National Security's (LANS) capability to adequately protect workers from occupational hazards and to address existing noncompliances with the Worker Safety and Health Program Rule (the Rule) 10 C.F.R. Part 851. Several recent incidents associated with the Los Alamos National Laboratory (LANL) exposure assessment program illustrate the need to immediately resolve these noncompliances and reduce ongoing employee exposures to workplace hazards (reference Noncompliance Tracking System (NTS) report LASO-LANS-LANL-2007-0008 for additional information).

According to this NTS report, LANS has failed to complete a review of laboratory work activities to identify locations where exposure assessments are appropriate to characterize and control occupational hazards. As a result, employees may be working in environments where insufficient information and controls exist to adequately protect them from airborne contaminants and avoid adverse health effects. The seven occupational exposure incidents that have occurred at LANL since June 2007, as reflected in the DOE Occurrence Reporting and Processing System, demonstrate the continual impacts of this programmatic deficiency. In addition, the Office of Independent Oversight's 2007 Environment, Safety and Health Inspection of LANL reported continuing inadequacies in identifying and controlling occupational exposures to chemical, biological, and physical hazards.

In addition to the NTS report cited above, there are five other programmatic NTS reports, listed below, that have remained open for an extended period of time. The noncompliances identified in these reports have now existed for more than one year since the Rule went into effect, and progress in implementing corrective actions related to the noncompliances has been slow as evidenced by the fact that some corrective actions are overdue as much as 285 days.



1. NTS--LASO-LANS-LANL-2007-0016 - Integrated Work Management
2. NTS--LASO-LANS-LANL-2007-0010 - Explosive Safety
3. NTS--LASO-LANS-LANL-2007-0009 - Pressure Safety
4. NTS--LASO-LANS-LANL-2006-0006 - Programmatic Breakdown in the Implementation of Electrical Safe Work Practices
5. NTS--LASO-LANS-LANL-2006-0008 - Programmatic Breakdown of Crane Maintenance and Operation

We recognize that LANS has modified some of the corrective actions associated with these NTS reports to address additional deficiencies identified by external organizations. Notwithstanding LANS' efforts to develop comprehensive corrective action plans, the Office of Enforcement draws attention to these NTS reports because they represent fundamental, laboratory-wide noncompliances in the LANL worker safety and health program.

Immediate management attention is necessary in order for LANS to establish a framework for sustained safety and health performance as well as reduce opportunities for serious occupational injuries and illnesses at the laboratory. Establishing this framework requires overcoming the longstanding, systemic safety problems at LANL and achieving full compliance with 10 C.F.R. Part 851 requirements as soon as possible. The Rule is largely identical to the requirements that were contained in DOE Order 440.1A, *Worker Protection Management for DOE Federal and Contractor Employees*, which was in effect when LANS became the managing and operating contractor for LANL and remained so until the effective date of the Rule.

Typically, an enforcement letter does not require a response. However, due to the safety significance of these deficiencies, DOE requests a response within 30 days of the date of this letter in order to understand when you will have fully implemented a worker safety and health program that meets the requirements of 10 C.F.R. Part 851. The response should specify your strategy for ensuring that these programmatic NTS reports are completed according to the timeframes established therein as well as the measures that are being taken to focus management attention and resources on this strategy. The Office of Enforcement, within the Office of Health, Safety and Security, will continue to monitor the status of these NTS reports in close collaboration with the Los Alamos Site Office and National Nuclear Security Administration.

Should you have any questions, please contact me at (301) 903-2178 or feel free to contact Ms. Kathy McCarty, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Guevara", written in a cursive style.

Arnold E. Guevara  
Director  
Office of Enforcement  
Office of Health, Safety and Security

cc: Joe Richardson, LANS  
Marji Gavett, LANS