

DOE Cites Argonne Lab Subcontractor for Nuclear Safety Violations

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WASHINGTON, DC The Department of Energy this week cited the MOTA Corp. of Columbia, S.C., for violating nuclear safety requirements at the department's Argonne National Laboratory East near Chicago, Ill. MOTA Corp. is a subcontractor of the University of Chicago, which operates the Argonne laboratory for the department. The violation involved a failure to adhere to procedures for the handling and management of materials in a controlled area of the site.

"All subcontractors on Department of Energy sites are required to follow the safety requirements established for that site, and we hold them just as accountable for nuclear safety as we do our operating contractors," said Assistant Secretary for Environment, Safety and Health, Dr. David Michaels. "The safety requirements are designed to protect workers and the public, and it is essential that they are followed."

The Preliminary Notice of Violation citing MOTA Corp. for violating nuclear safety requirements describes a March 12, 2000 incident in which a MOTA project manager took more than 1,300 pounds of aluminum home in his personal vehicle without permission and without monitoring for potential contamination. The half-inch wide, 3-inch thick aluminum strips ranging from 2 to 8 feet in length were originally part of the exterior shell of an accelerator that was being dismantled. They were stored in a controlled area at the lab, where the accelerator formerly operated.

An Argonne National Laboratory building manager quickly notified security when he noticed a pile of aluminum strips that had been placed near a dock area; it is alleged that an employee subsequently put the aluminum in his vehicle and drove home. The building manager's response allowed for a quick recovery and survey of the material.

Energy Department procedures require radiation protection personnel to test material that may be contaminated before it can be moved off the premises. This requirement is designed to prevent unplanned or unauthorized removal of contaminated material to places where it could pose a threat to the public. In this instance, the material was determined not to be contaminated only after radiation protection personnel tested it while it was still in the project manager's vehicle at his home.

The Department of Energy has categorized this a "Level II" safety violation on a three-step scale on which Level I violations pose the greatest potential impact to worker or public safety. Although there were no consequences to worker or public safety in this instance, the project manager ignored Energy Department and Argonne National Laboratory safety requirements when he took the material from the lab to his residence without permission and without first having radiation protection personnel confirm it was not contaminated.

The Preliminary Notice of Violation is issued under the Price-Anderson Act, which allows the Department of Energy to fine contractors for nuclear safety violations but exempts nuclear

accelerator activities and not-for-profit institutions and their subcontractors. Argonne National Laboratory and its nuclear accelerators are operated by the University of Chicago, a not-for-profit institution. In the absence of the legal exemption, the Department of Energy would have assessed a civil penalty of \$55,000 for this nuclear safety violation.

The Preliminary Notice of Violation requires MOTA Corp. to take appropriate and effective corrective actions. The employee no longer has access to the Department of Energy site, and he has been suspended from his job pending further investigation of the incident. The department will validate MOTA Corp.'s response to the notice and determine whether further enforcement action is required.

The notice will become final in 30 days unless MOTA Corp. provides sufficient justification and information to rebut the findings of the enforcement action.

A copy of the violation is available on the Internet at: <http://www.eh.doe.gov/enforce>.

News Media Contact:

April Kaufman, 202/586-5806

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