



**Department of Energy**  
**National Nuclear Security Administration**  
Washington, DC 20585

February 16, 2007

OFFICE OF THE ADMINISTRATOR

Michael Anastasio, Ph.D.  
Laboratory Director  
Los Alamos National Security, L.L.C.  
P. O. Box 1663  
Los Alamos, NM 87545

Subject: Transmittal of Enforcement Action EA-2006-05

Dear Dr. Anastasio:

Today I issued the enclosed Preliminary Notice of Violation (PNOV) to the University of California related to operational performance deficiencies at the Los Alamos National Laboratory (LANL). Although civil penalties associated with the prior contract were waived by statute, the proposed penalty would have equaled \$1.1 million dollars.

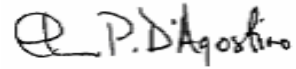
The PNOV addresses deficiencies identified during the investigation of the worker uptake of radioactive material in Building TA-50-66 in March 2005, the investigation of the americium contamination event at the Sigma Facility, in July 2005, and the inspection performed by the Office of Security and Safety Performance Assurance (SSA) in November 2005. As these violations occurred prior to the transition to the Los Alamos National Security (LANS) contract in June 2006, the PNOV was addressed directly to the University of California as the appropriate responsible authority.

I know you are already aware of the escalation in enforcement activities at LANL in recent years and the specific violations and concerns communicated in the PNOV. However I am personally forwarding you this copy of the PNOV to ensure it receives your full attention, and to make the following points:

- The National Nuclear Security Administration will be working closely with the Office of Enforcement to monitor performance at the laboratory under the new contract.
- Due both to the recent contract change and changes in the civil penalty provisions of the Atomic Energy Act, future monetary civil penalties imposed against LANS as part of a Notice of Violation will no longer be waived.
- My expectations is the prompt and aggressive completion of corrective actions focused at resolving underlying causes will be one of your highest priorities. This expectation will serve as the standard to which I will hold you during future enforcement deliberations, should they become necessary.

No response to this letter is required. I look forward to and strongly encourage you in your efforts to bring about long-term and sustainable performance improvements at the laboratory.

Sincerely,

Handwritten signature of Thomas P. D'Agostino in black ink.

Thomas P. D'Agostino  
Acting Administrator  
National Nuclear Security Administration

Enclosure: Preliminary Notice of Violation

cc: Dan Glenn, LASO  
Alverton Elliott, LANL PAAA Coordinator  
Richard Azzaro, DNFSB