

Peña Stuns Brookhaven Lab by Firing AUI Managers and Directing a 'Mayday' Message to All DOE Labs

We learn geology the morning after the earthquake.

—Ralph Waldo Emerson

Celebration of Brookhaven National Laboratory's 50th anniversary was severely dampened by the revelation that radioactive tritium has been leaking into groundwater from the spent-fuel holding pool of its High Flux Beam Reactor (HFBR) for the past 12 years (PHYSICS TODAY, May, page 45). Angered and frustrated by the situation, Federico Peña, the newly confirmed Energy Secretary, canceled the contract of Associated Universities Inc (AUI), the academic consortium that was responsible for oversight management of Brookhaven's operation since the lab's founding in 1947 at an old Army base on Long Island, New York.

In taking this action, Peña accused the lab's management of trading off the conduct of high quality research against the maintenance of high environmental and safety standards. "Doing excellent science does not excuse lapses in environment, safety and health management," he declared during a news briefing at the lab on 1 May. His remarks sent shockwaves through the entire Department of Energy (DOE) laboratory system. His message was quickly interpreted as a "mayday" warning to department officials at the Washington headquarters and the field offices as well as the labs. "The combination of confusion and mismanagement that has been going on here for years is going to end. It is unacceptable, inexcusable and flat-out wrong," said Peña.

His pledge to get tough was borne out the same day by making a clean break with Brookhaven's entrenched managers at AUI, organized in 1946 by I. I. Rabi and Norman Ramsey with representatives of nine leading universities and now consisting of a governing board of scientists from 24 universities. AUI's only other activity is the management of the National Radio Astronomy Observatory for the National Science Foundation. That Nicholas

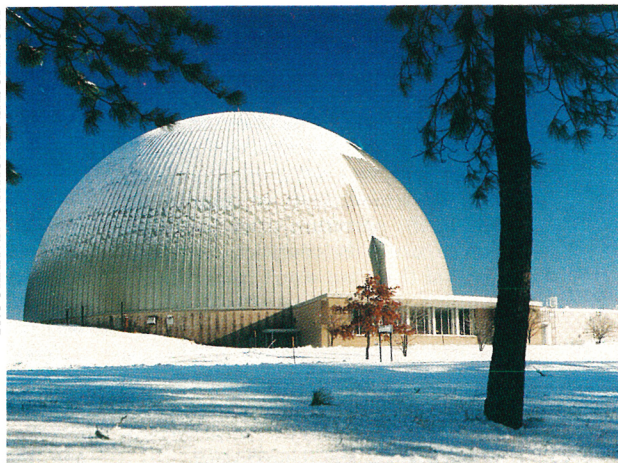
Samios, Brookhaven's top official for the past 15 years, stepped down the previous day was considered by many to be more than coincidental. Though Samios had informed AUI officials last year that he wanted to give up the director's job and return to high-energy and nuclear physics, he was asked to hang on until a new president was chosen for AUI, which was undergoing a change in leadership.

In March, Lyle H. Schwartz, direc-

As Peña's remarks sunk in, some laboratory directors expressed concern that his message is, in fact, a "mayday" alert directed at all DOE labs. That is just the opposite of what a 1995 panel headed by Robert Galvin, Motorola's former chairman and CEO, told DOE it ought to do to reform its research labs. "The worry is that Brookhaven's problem will lead to another round of 'tiger teams' and auditors poking around," says the director of a major DOE lab, "at great expense of time, money and effort." The Galvin report specifically faulted DOE for micro-managing the labs.

A DOE examination of Brookhaven's environment and safety practices, headed by Glenn Podonsky, the department's deputy assistant secretary for oversight, was released in the wake of Peña's talk. The report accused AUI and the lab's managers of failing to deal with a plethora of environmental, health and safety problems and insisting that money spent on such problems was money diverted from scientific research. Within that culture, it said, safety procedures lost out. While commending Brookhaven for a "university atmosphere" that encouraged creativity and innovation, the report faulted the lab's "relatively informal" approach to environmental, safety and health issues, characteristic of "a university atmosphere," and "not conducive to providing the level of discipline and control to ensure protection of the public, the workers and the environment." The report also admonished department headquarters, the Chicago field office, which dealt with the lab's finances and contractors, and DOE officials at Brookhaven for their failure to sort out who exactly was responsible for enforcing regulations. Part of that confusion stemmed from a decision taken by the Secretary of Energy more than seven years ago to shift responsibility for laboratory reactors from the energy research office to the nuclear energy office, which is an engineering operation with little concern about research programs. Accordingly, Brook-

BROOKHAVEN NATIONAL LABORATORY



BROOKHAVEN'S HIGH FLUX BEAM REACTOR: Source of tritium.

tor of the materials science and engineering lab at the National Institute of Standards and Technology in Gaithersburg, Maryland, since 1984, was named AUI's president, just in time to learn about the tritium leak. On Samios's last day as director approached, AUI designated Schwartz as Brookhaven's interim director, while it continued a search for the permanent director. Ironically, AUI may be out of the picture when the lab's new director comes on the scene. "Dismissing AUI isn't likely to help Peña achieve his goal," says a DOE official. "It will just complicate matters, because it will leave a leadership vacuum." Paul Martin, chairman of AUI's governing board and dean of engineering and applied science at Harvard University, characterized Peña's action as "unprecedented, precipitous and ill-conceived," given AUI's recent efforts to find a new director and to impose a stricter system of dealing with problems such as the tritium leak.

haven's status as a multiprogram lab led to many DOE offices accountable for its oversight.

The report called for better department coordination of environmental and safety issues "and more effective and efficient allocation of funding and resources" in those areas. It also said Brookhaven managers needed to develop a strong commitment to environmental, safety and health priorities. The strongest criticism was directed at AUI, where the commitment should have started and then should have "permeated downward through the entire organization." AUI was responsible in part for the "disintegration of public trust" in the lab, the report contended.



LYLE SCHWARTZ

Samios has acknowledged that "upper management should have done more" to respond to public concerns that the leak has poisoning drinking water on Long Island.

"We could have moved more aggressively" in informing the public. "Instead, we were considered unresponsive," said Samios.

After attending more than a dozen meetings with local activists and state and county politicians and officials, Tara O'Toole, DOE's assistant secretary for environment, safety and health, admitted that the community was "frightened, if not enraged, and extremely distrustful" of the lab in their midst. A decade ago, activists had succeeded in scuttling the Shoreham nuclear power plant, built seven miles from the lab, and a series of chemical and radionuclide spills at the lab, along with a fire at one of the HFBR's beam lines in 1994, heightened safety and health fears and soured

relations between the lab and its neighbors. "The problematic attitudes" of Brookhaven officials, said O'Toole, "destroyed the public's trust. To regain that trust, the secretary believes dramatic moves are essential."

The HFBR will not reopen until DOE and the local community are convinced it can run safely. Meanwhile, its 700 users will need to find other facilities for their research.

Although Peña's action has been described as unprecedented, DOE has a worse case in its records. In 1989, following an FBI raid on the Rocky Flats Plant near Denver, in connection with alleged violations of environmental laws, then Energy Secretary James D. Watkins terminated Rockwell International's contract at the nuclear weapons facility and brought in a new operator, EG&G Inc, practically overnight. Rockwell later pleaded guilty to several criminal charges and paid a penalty of \$18.5 million.

AUI's Schwartz told us he was "very disappointed that the secretary had chosen this route to achieve what we both believe are desirable end points." AUI, he said, was not given the opportunity to defend itself or respond directly to the secretary prior to his decision to cancel the contract. Schwartz lamented that "we won't have the opportunity to demonstrate how we would have achieved the goals" for improved environment, safety and health standards at Brookhaven. AUI had little recourse, he said, because its contract with DOE allows for unilateral termination by the department.

Peña has given Martha Krebs, DOE's energy research director, whose office is the largest overseer of Brookhaven, a month to come up with a plan to correct the problems and to address the department's failure to respond adequately to the Long Island community. Peña also has appointed John Wagoner, manager of DOE's operations office in Richland, Washington, to oversee the cleanup operations at Brookhaven, while the Envi-

ronmental Protection Agency and local authorities conduct an independent inspection of the facility's environmental and health problems. "I'm sending a message to Long Island—and to our facilities nationwide—that I will take appropriate action to rebuild trust and to make environment, safety and

health a priority," said Peña.



JOHN WAGONER

Because of the perceived necessity to get on with things, DOE plans to conduct a limited competition to select a new contractor to manage Brookhaven, which it figures may take about six

months. Though the procurement plans are sketchy, DOE sources say the department may restrict the competition to nonprofit organizations such as universities or associations of schools, which is what AUI is. The possible bidders include Battelle Memorial Institute, which operates Pacific Northwest National Laboratory and was an unsuccessful bidder for Sandia National Laboratories in 1993; the University of Chicago, which runs Argonne National Lab; and AUI itself.

As for Brookhaven's anniversary, a series of reminiscences was delivered over three days last month by 34 scientists and engineers connected with the place, including former director (1961–73) Maurice Goldhaber, retired theorist Ernest Courant, reactor designer Lyle Borst and Gerald Tape, who served twice as AUI president (1962–63 and 1969–80) and was a member of the Atomic Energy Commission in the years in between. The talks were powerful and well attended, but the glitter and good feeling befitting Brookhaven's birthday party was missing.

IRWIN GOODWIN

Federal Court Rules National Academy of Sciences Must Open Advisory Panels, Threatening Its Independence

While much of the Federal government operates under the so-called sunshine law, especially in receiving advice from committees of outside experts, the National Academy of Sciences (NAS), chartered by Congress in 1863 to advise the government on scientific matters, has always worked in closed rooms. Now its way of operating has been ruled illegal by the US Court of Appeals for the District of

Columbia, and this is causing academy officials to rethink how it can function if its studies are accessible to the public.

The court's ruling was made as part of a legal battle over animal rights, in which the academy was dragged into the proceedings because it was advising a government agency, the Department of Health and Human Services (HHS). The lawsuit against HHS was originally filed in 1994 by the Animal

Legal Defense Fund and two other advocacy groups to prevent HHS from using proposed revisions to the government's *Guide for the Care and Use of Laboratory Animals*. The plaintiffs argued that the committee of the academy's National Research Council that was revising the guide should have been subject to the 1972 Federal Advisory Committee Act (FACA), which requires bodies that advise the govern-