

Opening Statement of the Honorable Tim Murphy
Subcommittee on Oversight and Investigations
Hearing on “DOE Management and Oversight of Its Nuclear Weapons Complex: Lessons
of the Y-12 Security Failure”
March 13 2013

(As Prepared for Delivery)

We convene this hearing to continue the committee’s examination of the Department of Energy’s management and oversight of its nuclear weapons complex -- three national weapons laboratories and five production and testing facilities. These eight sites are responsible for the stewardship of our nation’s nuclear weapons stockpile.

DOE, through its National Nuclear Security Administration (or NNSA), spends billions of dollars each year performing hazardous operations to maintain and secure nuclear weapons and weapons materials. This work is performed by contractors at the department’s nuclear weapons sites under the supervision of federal officials and requires strict adherence to strong safety standards. The supremely sensitive nature of the materials and technologies also requires the department to ensure an extraordinary level of security to safeguard these nuclear sites and operations.

Our attention today will focus mainly on the lessons for the department from the security and oversight failures that occurred last summer at the Y-12 National Security Complex, in Oak Ridge, Tennessee – and what DOE is doing to address these lessons.

At its hearing this past September, this subcommittee began to examine preliminary information about the failures at Y-12. We learned how these failures allowed three protestors at around 4:20 a.m. one morning last July to penetrate security fences and detection systems and deface the walls of the facility storing highly enriched uranium.

We learned about inexcusable maintenance problems and “compensatory” security measures to work around broken equipment and chronic false alarms. We learned about the inadequate response by the protective guard force.

And most to the point of our hearing today, we learned about the failure of contractor governance and Federal oversight to identify and correct the multiple early indicators of Y-12’s security, maintenance, and communications systems breakdowns.

The DOE Inspector General’s testimony at that hearing revealed that federal site officials did not do anything to address security maintenance backlogs because NNSA’s contractor governance system meant “they could no longer intervene.” This perhaps is the most incomprehensible aspect of this troubling situation. It appears that, due to a “hands off” federal contracting policy, we had ineffective federal security oversight at Y-12 – and potentially at other sites around the complex.

Information produced since September confirms that a strong oversight approach to security has not been paramount at DOE, particularly since the department instituted certain reforms to its oversight in 2009 and 2010. The stated purpose of these reforms was to give contractors flexibility to tailor and implement safety and security programs “without excessive federal oversight or overly prescriptive departmental requirements.” Whatever the intent, the reforms in practice were interpreted by federal site officials to mean they couldn’t intervene when security problems arose.

We will discuss today the findings of a revealing Task Force assessment, which was commissioned in response to Y-12 and released to the administrator in November. Led by Air Force Brigadier General Sandra Finan, who will testify on the first panel this morning, the Task Force found that issues at Y-12 were part of a larger pattern of deficiencies in NNSA’s security-related functions and activities across board.

Notably, the Task Force found no clear lines of accountability at NNSA, a broken security policy process, an “eyes on, hands off” governance approach that weakened Federal oversight, and a federal organization “incapable of performing effective security performance assessment” of the contractors operating the sites.

We will hear testimony from GAO on our second panel that many of these deficiencies are identical to those identified at NNSA ten years ago. It appears the department instituted reforms that actually may have exacerbated the deficiencies -- turning “eyes on, hands off” into eyes closed, hands off.

Deputy Secretary Poneman and acting NNSA Administrator Miller I trust will explain to us today how and when the agency will implement the Task Force’s recommendations and exactly how they will communicate clear and appropriate priorities for safety and security in their governance of the sites. Let me welcome you both, and General Finan.

Our second panel provides broader perspective on security culture at the Department. Along with GAO, we will hear from General Donald Alston and former NRC Chairman Richard Meserve, two of three contributors to an analysis requested by the Secretary of Energy about the physical security structure at the DOE.

The experience and perspective of these witnesses should help us to put the security deficiencies in the broader context of the oversight and management challenges confronting DOE. In the end we should identify a path forward for the Department to ensure strong oversight and zero tolerance for failures. The risks to millions of people, and indeed geopolitics are too important for anything less.

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