



## Department of Energy

Washington, DC 20585

May 23, 2012

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Robert Kingsbury  
President and Chief Operating Officer  
LATA Environmental Services of Kentucky, LLC  
761 Veterans Avenue  
P.O. Box 280  
Kevil, Kentucky 42053

WEA-2012-01

Dear Mr. Kingsbury:

This letter refers to the Office of Health, Safety and Security's Office of Enforcement and Oversight investigation into the facts and circumstances surrounding two events that occurred on March 9 and May 22, 2011, at the Paducah Gaseous Diffusion Plant in the work areas of LATA Environmental Services of Kentucky (LATA KY). The first event involved worker exposures to heat stress conditions in excess of the American Conference of Governmental Industrial Hygienists Threshold Limit Values during trough maintenance work in building C-310. The second event involved the release of uranium hexafluoride (UF<sub>6</sub>) and its reaction products from a process line during deactivation in building C-410. LATA KY did not report the heat stress event into the Department of Energy's (DOE) Noncompliance Tracking System (NTS). The UF<sub>6</sub> event was reported into NTS on June 30, 2011, via NTS--PPPO-LATA KY-PAD-2011-0001, *Work Control Implementation During Process Line Deactivation*.

The Office of Enforcement and Oversight provided the results of the investigation to LATA KY in a report dated November 21, 2011. An enforcement conference was held on January 18, 2012, with LATA KY representatives to discuss the report findings and associated corrective actions. A summary of the conference is enclosed.

DOE considers both incidents to be near misses to serious worker injury or death, and the associated violations to be collectively of high safety significance. The events revealed multiple breakdowns in implementation of worker safety and health and nuclear safety requirements. DOE identified regulatory deficiencies in the areas of: (1) hazard identification and assessment; (2) hazard abatement; (3) safety and health standards; (4) occupational medicine; (5) management responsibilities; (6) quality improvement; (7) work processes; and (8) recordkeeping.



DOE believes that the heat stress and UF<sub>6</sub> events could have been averted if LATA KY had adhered to its existing programs and procedures including: PAD-PLA-HS-001, *Worker Safety and Health Plan*; PAD-IH-5134, *Temperature Extremes*; PAD-SH-8003, *Occupational Medicine*; PAD-WC-0020, *Work Planning*; WC-F-0046, *UF<sub>6</sub> Process System Purging and Removal*, and other related documents. DOE also believes that LATA KY had further opportunities to prevent the UF<sub>6</sub> event by better implementing the lessons learned from prior releases and addressing the pre-job briefing concern raised by one worker related to the planned building C-410 process line deactivation work method.

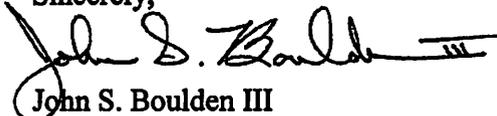
DOE reviewed the LATA KY heat stress and UF<sub>6</sub> event investigation reports and found that both missed significant causal factors and corrective actions. Additionally, LATA KY did not complete an extent-of-condition review for the heat stress event to ensure that similar conditions did not exist for workers in other areas of the site.

Based on an evaluation of the evidence in this matter, DOE has concluded that LATA KY is in violation of 10 C.F.R. Part 851, *Worker Safety and Health Program*, and 10 C.F.R. Part 830, *Nuclear Safety Management*, requirements. Accordingly, DOE is issuing the enclosed Preliminary Notice of Violation (PNOV) to LATA KY with four Severity Level I violations of DOE worker safety and health requirements as well as two Severity Level II violations and one Severity Level III violation of DOE nuclear safety requirements. Pursuant to the Fiscal Year 2011 Award Fee Plan under contract number DE-AC30-10CC40020 between DOE and LATA KY, the Portsmouth Paducah Project Office assessed a \$250,000 contract fee reduction for the worker safety and nuclear safety potential violations associated with the events described above. As a result and in accordance with 10 C.F.R. § 851.5(c), no civil penalty is proposed for the worker safety and health violations identified in this PNOV. DOE has determined that the contract fee reduction incorporated the nuclear safety violations, and therefore is exercising discretion in not proposing a civil penalty for the identified nuclear safety violations. DOE acknowledges LATA KY's post-incident measures to improve its worker safety and health and nuclear safety programs and develop corrective action plans to further address the issues identified.

Consistent with 10 C.F.R. § 851.42, *Preliminary notice of violation*, and 10 C.F.R. § 820.24, *Preliminary notice of violation*, you are required to submit a written reply to the enclosed PNOV within 30 calendar days of receipt, and to follow the instructions specified in the PNOV when preparing your response. After reviewing your response to the PNOV, including any additional corrective actions entered into NTS, DOE will

determine whether further action is necessary to ensure compliance with worker safety and health and nuclear safety requirements. DOE will continue to monitor the completion of corrective actions until these matters are fully resolved.

Sincerely,



John S. Boulden III

Director

Office of Enforcement and Oversight  
Office of Health, Safety, and Security

Enclosures: (1) Preliminary Notice of Violation WEA-2012-01  
(2) Enforcement Conference Summary and List of Attendees

cc: William Murphie, PPPO  
Jennifer Freels, LATA KY  
Richard Azzaro, DNFSB

### **Preliminary Notice of Violation**

LATA Environmental Services of Kentucky, LLC  
Paducah Gaseous Diffusion Plant

WEA-2012-01

A U.S. Department of Energy (DOE) investigation into the facts and circumstances surrounding two events that occurred at the Paducah Gaseous Diffusion Plant identified violations of DOE worker safety and health and nuclear safety requirements by LATA Environmental Services of Kentucky, LLC (LATA KY). The first event, on March 9, 2011, involved worker exposures to heat stress conditions in excess of the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLV) during trough maintenance work in building C-310. The second event, on May 22, 2011, involved the release of uranium hexafluoride (UF<sub>6</sub>) and its reaction products from a process line during deactivation activities in building C-410. The onsite portion of DOE's investigation was conducted July 26 - 28, 2011.

DOE has grouped and categorized the deficiencies as four Severity Level I violations of DOE worker safety and health requirements as well as two Severity Level II violations and one Severity Level III violation of DOE nuclear safety requirements. In recognition of the \$250,000 contract fee reduction levied on LATA KY by the Portsmouth Paducah Project Office for the worker safety and health and nuclear safety potential violations associated with these events and in accordance with 10 C.F.R. § 851.5, *Enforcement*, paragraph (c), DOE proposes no civil penalty for the violations of 10 C.F.R. Part 851, *Worker Safety and Health Program*, requirements. For the violations of 10 C.F.R. Part 830, *Nuclear Safety Management*, requirements, DOE has determined that the contract fee reduction incorporated these violations and therefore is exercising discretion in not proposing a civil penalty for the identified nuclear safety violations.

As required by 10 C.F.R. § 851.42, *Preliminary notice of violation*, paragraph (b), and 10 C.F.R. § 820.24, *Preliminary notice of violation*, paragraph (a), and consistent with the enforcement policy statement established at Part 851, appendix B, and Part 820, appendix A, respectively, the violations are listed below. The nuclear safety citations that reference the quality assurance (QA) criteria of 10 C.F.R. § 830.122, *Quality assurance criteria*, also constitute a violation of § 830.121, *Quality Assurance Program (QAP)*, paragraph (a), which requires compliance with those QA criteria. To the extent that this Preliminary Notice of Violation (PNOV) cites worker safety and health violations, LATA KY may be required to post a copy of this PNOV in accordance with 10 C.F.R. § 851.42(e) if it becomes a final order.

## VIOLATIONS

### I. Hazard Identification and Assessment

Title 10 C.F.R. § 851.10, *General requirements*, at paragraph (a), states that “[w]ith respect to a covered workplace for which a contractor is responsible, the contractor must: . . . (2) [e]nsure that work is performed in accordance with: (i) [a]ll applicable requirements of [10 C.F.R. Part 851]; and (ii) [w]ith the worker safety and health program for that workplace.” Work environments with potential temperature extremes are covered under LATA KY safety procedure PAD-IH-5134, *Temperature Extremes*, dated September 24, 2010, which is incorporated by reference in PAD-PLA-HS-001, *Worker Safety and Health Plan*, dated July 9, 2010.

Title 10 C.F.R. § 851.21, *Hazard identification and assessment*, at paragraph (a), states that “[c]ontractors must establish procedures to identify existing and potential workplace hazards and assess the risk of associated worker injury and illness. Procedures must include methods to: (1) [a]ssess worker exposure to chemical, physical, biological, or safety workplace hazards through appropriate workplace monitoring; (2) [d]ocument assessment for chemical, physical, biological, and safety workplace hazards using recognized exposure assessment and testing methodologies and using of accredited and certified laboratories; . . . (5) [e]valuate operations, procedures, and facilities to identify workplace hazards; (6) [p]erform routine job activity-level hazard analyses; (7) [r]eview site safety and health experience information; and (8) [c]onsider interactions between workplace hazards and other hazards such as radiological hazards.” In accordance with paragraph (c) of the same section, “[c]ontractors must perform [these activities] initially to obtain baseline information and as often thereafter as necessary to ensure compliance with the requirements [of 10 C.F.R. Part 851, Subpart C].”

Title 10 C.F.R. § 851.23, *Safety and health standards*, states that “[c]ontractors must comply with the following safety and health standards that are applicable to the hazards at their covered workplace: . . . (9) American Conference of Governmental Industrial Hygienists (ACGIH) “Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices” (2005) (incorporated by reference, see § 851.27) when the ACGIH Threshold Limit Values (TLV) are lower (more protective) than permissible exposure limits in 29 C.F.R. 1910.”

Title 10 C.F.R. § 851.24 requires compliance with the applicable standards contained in Part 851, appendix A, *Worker Safety and Health Functional Areas*. Appendix A, section 6, *Industrial Hygiene*, states that “[c]ontractors must implement a comprehensive industrial hygiene program that includes at least the following elements: (a) [i]nitial or baseline surveys and periodic resurveys and/or exposure monitoring as appropriate of all work areas or operations to identify and evaluate potential worker health risks;” and “(c) [c]oordination with cognizant occupational medical, environmental, health physics, and work planning professionals.”

Specific examples of LATA KY's failure to comply with the foregoing requirements include the following:

- A. LATA KY did not conduct initial wet-bulb globe temperature (WBGT) measurements in accordance with the ACGIH TLVs to assess environmental conditions for the Surveillance and Maintenance (S&M) workers performing polychlorinated biphenyl (PCB) trough maintenance in building C-310 on March 9, 2011, or at any time since the task began on/about December 2010.
- B. LATA KY did not consider the interactions among hazards associated with the PCB trough maintenance when evaluating the potential for heat stress and other hazard conditions. These interactions included use of Saranex® coveralls that impeded evaporative cooling, as well as elevated work exposing personnel to increased heat from thermal stratification.
- C. LATA KY did not ensure that work planning and design personnel, occupational medical personnel, and safety and health personnel coordinated to anticipate, assess, and control the health hazards for the S&M workers performing activities in building C-310.
- D. LATA KY did not assess S&M operations and evaluate compliance with safety and health requirements including WBGT pre-job evaluations, physiological monitoring, and implementation of controls as appropriate.
- E. LATA KY did not conduct initial and periodic monitoring of the hot tap and process pipe removal operations for worker breathing zone exposure to UF<sub>6</sub> and off-gas materials to determine compliance with the ACGIH TLVs, and did not evaluate appropriateness of the supplied protective equipment such as respirators.

Collectively, these noncompliances constitute a Severity Level I violation as defined in Part 851, appendix B, section VI(b)(1), which provides that “[a] Severity Level I violation is a serious violation. A serious violation shall be deemed to exist in a place of employment if there is a potential that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment.”

## II. Hazard Prevention and Abatement

Title 10 C.F.R. § 851.22, *Hazard prevention and abatement*, at paragraph (a), states that “[c]ontractors must establish and implement a hazard prevention and abatement process to ensure that all identified and potential hazards are prevented or abated in a timely manner.” Paragraph (b) of the same section states that: “[c]ontractors must select hazard controls based on the following hierarchy: (1) [e]limination or substitution of the hazard where feasible and appropriate; (2) [e]ngineering controls where feasible and appropriate; (3) [w]ork practices and administrative controls that limit worker exposures; and (4) [p]ersonal protective equipment [(PPE)].”

Specific examples of LATA KY's failure to comply with the foregoing requirements include the following:

- A. LATA KY did not identify, evaluate, or provide appropriate engineering controls for S&M personnel who, as a result, were exposed to heat stress conditions in excess of ACGIH TLV table 2 levels in building C-310 on March 9, 2011.
- B. LATA KY did not quantify a work-rest regimen (with consideration for the use of encapsulating coveralls such as Saranex®) for S&M personnel who were exposed to heat stress conditions in excess of ACGIH TLV table 2 values in building C-310 on March 9, 2011, or monitor implementation of the work-rest regimen during the work evolution.
- C. LATA KY did not ensure that S&M personnel were gradually acclimatized to hot environments per activity hazard assessment AHA LATA-SM-10-003, *Surveillance & Maintenance*, dated December 9, 2010, or the LATA KY safety procedure PAD-IH-5134, *Temperature Extremes*, section 6.4, dated September 24, 2010.
- D. LATA KY did not conduct physiological monitoring for S&M personnel who were exposed to heat stress conditions in excess of ACGIH TLV table 2 values in building C-310 on March 9, 2011. Physiological monitoring as a work practice control is specified in both the 2005 ACGIH TLVs and the LATA KY safety procedure PAD-IH-5134, *Temperature Extremes*, Attachment C, *Physiological Monitoring for Heat Stress*, dated September 24, 2010.
- E. LATA KY did not evaluate and control the additional heat stress hazards introduced by PPE (e.g., Saranex® coveralls), which is required by LATA KY safety procedure PAD-SH-2010, *Hazard Assessment*, section 6.2.12, dated December 9, 2010.

Collectively, these noncompliances constitute a Severity Level I violation as defined in Part 851, appendix B, section VI(b)(1).

### III. Safety and Health Standards

Title 10 C.F.R. § 851.23, *Safety and health standards*, states that “[c]ontractors must comply with the following safety and health standards that are applicable to the hazards at their covered workplace: . . . (9) American Conference of Governmental Industrial Hygienists (ACGIH) “Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices” (2005) (incorporated by reference, see § 851.27) when the ACGIH Threshold Limit Values (TLV) are lower (more protective) than permissible exposure limits in 29 CFR 1910.”

Contrary to the foregoing requirement, LATA KY failed to ensure that S&M workers performing PCB trough maintenance in building C-310 on March 9, 2011, were not exposed to a combination of ambient temperatures, metabolic work levels, and PPE use which, as an aggregate, were in excess of 2005 ACGIH TLVs, table 2, *Screening Criteria for Heat Stress Exposure*. Ambient temperature readings obtained in the work area immediately after the heat stress event recorded a WBGT index of 75.5° F (24.2° C). This value, combined with adjustment for wearing impermeable Saranex® coveralls, resulted in an aggregate WBGT index of 95.3° F (35.2° C). The exposure exceeded the ACGIH TLV table 2 value of 87.8° F (31° C)

for personnel performing work at a moderate rate with a 25 percent Work/75 percent Rest (per hour) regimen as determined by LATA KY.

This noncompliance constitutes a Severity Level I violation as defined in Part 851, appendix B, section VI(b)(1).

#### IV. Occupational Medicine

Title 10 C.F.R. Part 851, appendix A, section 8, *Occupational Medicine*, at paragraph (d), states that “[c]ontractors must provide the occupational medicine providers access to hazard information by promoting its communication, coordination, and sharing among operating and environment, safety, and health protection organizations.” In accordance with paragraph (k)(5) of the same section, “[t]he occupational medicine services provider must develop and periodically review medical emergency response procedures included in site emergency and disaster preparedness plans.”

Title 10 C.F.R. Part 851, appendix A, section 8, also states at paragraph (g), that “[t]he occupational medicine services provider must determine the content of the worker health evaluations . . .” and that “health evaluations must be conducted when determined necessary by the occupational medicine provider for the purpose of providing initial and continuing assessment of employee fitness for duty.”

Specific examples of LATA KY's failure to comply with the foregoing requirements include the following:

- A. LATA KY did not ensure its occupational medical services provider received employee job hazard assessment information, facility hazard assessments, and workplace exposure data on heat stress conditions as required by LATA KY *Worker Safety and Health Plan*, PAD-PLA-HS-001, section 3.9.2, and LATA KY safety procedure PAD-SH-8003, *Occupational Medicine*, section 4.1.1. The failure to provide the information prevented the provider from determining the need to evaluate employees for pre-existing conditions that could exacerbate heat stress exposures.
- B. LATA KY did not supply post-event heat stress exposure history or data to its occupational medicine provider for the worker who received medical treatment for the March 9, 2011, heat stress incident.
- C. LATA KY did not ensure that its occupational medicine services provider periodically reviewed medical emergency response procedures, as stated in LATA KY safety procedure PAD-SH-8003, section 4.1.3. Additionally, the LATA KY site emergency and disaster preparedness plan, *USEC PGDP for C310*, dated February 19, 2010, did not contain information that specifically covered medical emergency response.

Collectively, these noncompliances constitute a Severity Level I violation as defined in Part 851, appendix B, section VI(b)(1).

## V. Work Processes

Title 10 C.F.R. § 830.122(e), *Performance, Work Processes*, at subsection 1, requires DOE contractors to “[p]erform work consistent with technical standards, administrative controls, and other hazard controls adopted to meet regulatory or contract requirements, using approved instructions, procedures, or other appropriate means.”

Contrary to this requirement, LATA KY failed to perform work consistent with established administrative or hazard controls, as discussed below.

The LATA KY work package WP-08-FD-P053, *Removal of UF<sub>6</sub> System in C-410*, was the primary work control document used by the work crew on May 22, 2011, to perform UF<sub>6</sub> pipe remediation activities in C-410. This work package was developed in accordance with PAD-WC-0020, *Work Planning*, and includes work instruction WC-F-0046, *UF<sub>6</sub> Process System Purging and Removal*, revision 2, dated March 16, 2011. However, LATA KY did not work within the work instruction, the work instruction lack clarity and detail, and the work package was not prepared in accordance with established procedure. For example:

- A. LATA KY did not ensure that workers performing deactivation and removal of five UF<sub>6</sub> process pipe lines in building C-410 on May 22, 2011, operated in accordance with work instruction WC-F-0046, *UF<sub>6</sub> Process System Purging and Removal*, section 7.3.8, which required that hot taps be installed at marked locations in accordance with PAD-DD-0087, *Installation and Removal of Hot Taps*. Furthermore, this document was not in the immediate vicinity of the work being performed on the day of the event.
- B. LATA KY did not ensure that spill control materials, including negative air machines, chemical tape, wooden plugs, and pig putty, were readily available or properly positioned on the work platform to aid work crew members in controlling UF<sub>6</sub> releases as required by work instruction WC-F-0046, section 6.6, and activity hazard assessment AHA LATA-FD-08-054, revision 3, dated April 6, 2011.
- C. LATA KY did not specifically cite the applicable sections and work steps from the work control document on the daily pre-job briefing form, WC-F-0053, according to PAD-WC-0021, *Work Execution*, section 6.2.5, revision 1, dated November 29, 2010. Specific details regarding the work were either not fully communicated or were not clearly understood. These details included whether the UF<sub>6</sub> pipe would be only “nicked” or completely cut, and whether the installation of a hot tap and purging was required before cutting the pipe.
- D. LATA KY did not include a clear and unambiguous warning statement in work instruction WC-F-0046 regarding actions to take if there is an uncontrolled hydrogen fluoride (HF) or UF<sub>6</sub> release. The warning statement that was provided in the work instruction did not adequately define key terms so that LATA KY personnel could appropriately respond following the UF<sub>6</sub> release event.

- E. LATA KY did not ensure that workers performed work within their defined roles and responsibilities according to DOE/OR/07-2016/R6, *Health and Safety Plan for the C-410 Infrastructure D&D Project at the Paducah Gaseous Diffusion Plant*.
- F. LATA KY did not demonstrate completion of one of the three hold points in work package WP-08-FD-P053, *Removal of UF<sub>6</sub> System in C-410*, at the beginning of section 7.0, *Major Tasks and Work Steps*. Additionally, of the nine tasks related to sections in the work instruction, only six received the required approval prior to proceeding.
- G. LATA KY did not ensure that workers were made aware of two previous UF<sub>6</sub> release events in July and August 2010. Contrary to the requirements of PAD-WC-0020, *Work Planning*, these events were not included in the lessons learned summary of work package WP-08-FD-P053.
- H. LATA KY did not identify the initial breaching of potential UF<sub>6</sub> bearing lines as a "high risk" activity. Consequently, a pre-evolution briefing was not required and the enhanced briefing topics in PAD-WC-0021, *Work Execution*, section 6.5.3, were not addressed.

Collectively, these noncompliances constitute a Severity Level II violation under Part 820, appendix A, section VI(b), which provides that "[s]everity level II violations represent a significant lack of attention or carelessness toward responsibilities of DOE contractors for the protection of public or worker safety which could, if uncorrected, potentially lead to an adverse impact on public or worker safety at DOE facilities."

## VI. Quality Improvement

Title 10 C.F.R. § 830.122(c), *Management/Quality Improvement*, at subsection 2, requires DOE contractors to "[i]dentify, control, and correct items, services and processes that do not meet established requirements."

Contrary to this requirement, LATA KY failed to correct known problems in its work control processes to ensure that workers were sufficiently protected from hazards associated the breaching of UF<sub>6</sub> lines, as discussed below.

On September 20, 2010, LATA KY issued a report entitled *Results of Special Investigation Board for the UF<sub>6</sub> Instrument Line Breach at C-340 Facility*. The report was a common cause review of three prior events during July and August 2010 in which workers were exposed to uranyl fluoride (UO<sub>2</sub>F<sub>2</sub>) and/or HF. LATA KY identified one primary, four secondary, and two contributing causal factors resulting in 23 corrective actions. However, these corrective actions were ineffective in preventing the May 22, 2011, UF<sub>6</sub> release event in building C-410. For example:

- A. LATA KY did not adhere to established work control documents when the work crew was in the process of cutting and capping several UF<sub>6</sub> lines during the May 22, 2011, event. The special investigation report previously determined that "conduct of operations and adherence

to work control documents was not properly followed . . .” The special investigation report noted that this has been a continuing problem since an instrument line breach in March 2006.

- B. LATA KY did not correct ongoing issues with inattention to detail and lack of formality in operations. The special investigation report stated that “some AHAs had not been signed by some of the workers and supervisors as required by procedure.” The Office of Enforcement and Oversight investigation confirmed there are continuing issues with documents not being signed and/or dated as required.
- C. LATA KY did not recognize that pipe cutting and capping without installation of hot taps on May 22, 2011, was a changed condition from the authorized work plan. In the special investigation report, LATA KY determined that “[t]he work being performed was not recognized and/or addressed as a changed condition from the work that had been authorized.” One building C-410 work crew member initially questioned the proposed approach to cut and cap the UF<sub>6</sub> pipes without hot taps. However, the crew decided to proceed.
- D. LATA KY did not develop adequate awareness of the UF<sub>6</sub> hazards present before the building C-410 UF<sub>6</sub> pipes were breached, and consequently did not control the resulting HF and UO<sub>2</sub>F<sub>2</sub> release. In the special investigation report LATA KY determined that “[p]ersonnel planning and executing the work did not have an adequate understanding of system interaction/system hazard (process knowledge). As a result, workers proceeded despite inadequate awareness of potential hazards for intrusion into systems, work exposure, control of breached systems, and the necessity for emergency response.”
- E. LATA KY did not establish clear expectations for worker action in the event of a UF<sub>6</sub> release. In the special investigation report it was determined that “[t]he protocol for “See and Flee” response were not well understood and not properly executed.” Further, the report states that the employees in two of the events expressed confusion about the emergency actions to be taken. LATA KY took no subsequent action to resolve this deficiency.

Collectively, these noncompliances constitute a Severity Level II violation as defined under Part 820, appendix A, section VI(b).

## VII. Recordkeeping

Title 10 C.F.R. § 830.6, *Recordkeeping*, states “[a] contractor must maintain complete and accurate records as necessary to substantiate compliance with the requirements of this part.”

Contrary to this requirement, LATA KY failed to maintain complete and accurate records of some of its quality related activities to substantiate compliance with quality assurance criteria found in 10 C.F.R. 830 subpart A, *Quality Assurance Requirements*, as discussed below.

Work package WP-08-FD-P053, *Removal of UF<sub>6</sub> System in C-410*, contains several records documenting the completion of certain activities to include: (1) release of the work package; (2) work package briefings; (3) pre-job briefings; (4) pre-work walkdowns; (5) hold point

completion; and (6) work planning support screening of the work package. In some instances these records were found to be inaccurate or incomplete. For example:

- A. LATA KY form WC-F-0043, *Work Package Pre-Work Briefing & Training Verification*, which documented worker briefings conducted on March 28 and 29, 2011, concerning revisions to work package WP-08-FD-P053, was inadequate in that none of the boxes on this form was checked to document the completion of required topics. Furthermore, one worker performing the UF<sub>6</sub> pipe breach on May 22, 2011, signed a form that originated from a prior briefing. The form lacked the work package title, number, work location, and supervisor training verification signature for the team member. Finally, there were three other signatures on this form without the required supervisor training verification signature.
- B. A review of WC-F-0048, *Pre-Work Walkdown Comment/Resolution*, documented that a walkdown of the work instruction portion of the work package was conducted on March 17, 2011, to verify the clarity and operability of the instruction. However, the personnel involved with this walkdown originally signed and dated the form on February 24, 2011, three weeks prior to the conduct of the walkdown. Subsequent discussion with LATA KY personnel revealed that the original walkdown date was in error, the actual walkdown date should have been documented to have occurred on February 24, 2011, and the error had already been identified by LATA KY after the May 22, 2011, UF<sub>6</sub> release event.
- C. WC-F-0051, *Holdpoint Signature Form*, documents the completion of the hold point prior to removing specific sections of the C-410 UF<sub>6</sub> system. This hold point was signed but the completion date was not documented.
- D. WC-F-0053, *Pre-Shift Briefing & Worker Feedback* initially indicated an incorrect PPE level (level "D" instead of "C"). In addition, the subject matter expert who attended the May 22, 2011, pre-job brief did not sign the form.

Collectively, these noncompliances constitute a Severity Level III violation under Part 820, appendix A, section VI(b), which provides that "Severity Level III violations are less serious but are of more than minor concern: i.e., if left uncorrected, they could lead to a more serious concern."

#### **REPLY**

Consistent with 10 C.F.R. §§ 851.42 and 820.24, LATA KY is hereby required to file a written reply within 30 calendar days of receipt of the PNOV. The reply should be clearly marked as a "Reply to the Preliminary Notice of Violation."

If LATA KY concurs with the violations set forth in this PNOV, the reply should state that LATA KY waives the right to contest any aspect of the PNOV, in which case this PNOV will constitute a final order upon the filing of the reply.

If LATA KY disagrees with any aspect of this PNOV, then as applicable and in accordance with 10 C.F.R. §§ 851.42(c)(1) and 820.24(c), the reply must: (1) state any facts, explanations, and

arguments that support a denial of an alleged violation; and (2) discuss the relevant authorities that support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE. In addition, 10 C.F.R. §§ 851.42(c)(2) and 820.24(c) require that the reply include copies of all relevant documents.

Corrective actions that have been or will be taken to avoid further violations should be delineated with target and completion dates in DOE's Noncompliance Tracking System.

Please send the appropriate reply by overnight carrier to the following address:

Director, Office of Enforcement and Oversight  
Attention: Office of the Docketing Clerk  
U.S. Department of Energy  
19901 Germantown Road  
Germantown, MD 20874-1290

A copy of the reply should also be sent to the Manager for the Portsmouth Paducah Project Office.

If LATA KY fails to submit a written reply within 30 calendar days of receipt of the PNOV then: (1) LATA KY relinquishes any right to appeal the Part 851 violations identified in this PNOV and such violations will constitute a final order; and (2) the Director will request the issuance of a Default Order against LATA KY with respect to the Part 830 violations.

If this PNOV becomes a final order, 10 C.F.R. § 851.42(e) requires that a copy of the PNOV be prominently posted at or near the locations where the Part 851 violations occurred until the violations are corrected.



John S. Boulden III  
Director  
Office of Enforcement and Oversight  
Office of Health, Safety and Security

Washington, DC  
This 23<sup>rd</sup> day of May 2012