

June 5, 1997

W. A. Weinreich  
[ ]  
Mason and Hanger Corporation  
Pantex Plant  
P. O. Box 30020  
Amarillo, Texas 79120-0020

EA 97-02

Subject: Preliminary Notice of Violation (NTS-ALO-AO-MHSM-PANTEX-1996-0008)

Dear Mr. Weinreich:

This letter refers to the Department of Energy's (DOE) evaluation of alleged irregularities associated with training requirements for Production Technicians who performed work in the W55 nuclear weapons dismantlement program in [building]. The DOE Office of Enforcement and Investigation initiated its inquiry on December 4, 1996, after several workers communicated concerns to the DOE Amarillo Area Office regarding the accuracy of weapon work proficiency records. The DOE's Investigation Summary Report is enclosed.

After the concerns were raised to DOE, Mason and Hanger Corporation began an internal review of the issues and subsequently submitted a noncompliance report to DOE on December 23, 1996, describing deficiencies in a program designed to ensure that only qualified and certified individuals perform nuclear weapons work. According to the noncompliance report, these deficiencies resulted in work being performed in weapons programs by personnel who had not received the appropriate certification. Additionally, records documenting work proficiency required for certification of Production Technicians to perform weapons work were found to contain incorrect and misleading information.

As described in the enclosed Preliminary Notice of Violation (PNOV), DOE has concluded that violations associated with DOE's Information Requirements as articulated in 10 CFR 820.11 occurred. The investigation established that in at least one case, the records maintained by you to document that a Production Technician was certified to perform nuclear weapon dismantlement work on the W55 Program were false. Specifically, these records reflected that the Production Technician performed a total of 20 hours of "on-the-job" work proficiency activities during the October 1, 8, 10, and 16, 1996, time period. Performance of work proficiency hours is a prerequisite to retaining the appropriate certification to permit the individual to continue dismantlement work unsupervised after his initial qualification and certification requirements are met.

During the investigation, the Production Technician maintained that he had never performed such work on the days indicated in the records. The investigation supported the technician's statement by establishing that he never entered into the bay areas to perform the proficiency work as documented in the records.

DOE is concerned because there is substantial evidence to indicate that in this case, and in several other cases, the work proficiency records were purposely manipulated at the direction of an Operations Manager to inflate the number of proficiency hours worked by Production Technicians in order to make it appear that the Production Technicians were earning work proficiency hours when in fact they were not. These findings raise serious questions with respect to DOE's ability to rely on the certification process and associated documentation to assure itself that dismantlement work is performed by authorized personnel in accordance with established procedures. Indeed, had this apparent alteration of work proficiency records at the direction of a supervisor not been an element of this case, DOE would not have issued a PNOV.

DOE recognizes that the safety significance associated with the technicians performing this dismantlement work is low because they were originally qualified through training to perform the work but eventually lost the ability to be currently certified because they were not assigned the duties necessary to allow retention of work proficiency certifications. Additionally, DOE recognizes that once informed of the problem, your Internal Audit and Assurance Division conducted a thorough review of the issue and then expanded the review to evaluate the broader site-wide implications of the matter. However, the misrepresentation of material information regarding nuclear activities upon which DOE relies is a serious regulatory concern. Therefore, in accordance with the "General Statement of Enforcement Policy," 10 CFR 820 Appendix A, the violation associated with this incident has been classified as a Severity Level III Violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed PNOV when preparing your response. In your response you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective action plan, DOE will determine whether further actions are necessary to ensure compliance with the applicable nuclear safety requirements.

Sincerely,

Tara O'Toole, M.D., M.P.H.  
Assistant Secretary  
Environment, Safety and Health

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Enclosure: Preliminary Notice of Violation  
Investigation Summary Report

## PRELIMINARY NOTICE OF VIOLATION

Mason and Hanger Corporation  
Pantex Plant  
[Building]  
EA 97-02

As a result of a Department of Energy (DOE) evaluation of certification requirements for Production Technicians working on the W55 program at the Pantex Plant during October and November 1996 an apparent violation of a DOE nuclear safety requirement was identified. In accordance with the "General Statement of Enforcement Policy," 10 CFR Part 820, Appendix A, DOE is issuing this Preliminary Notice of Violation. The particular violation is described below.

10 CFR Part 820.11, Section (a) requires that any information pertaining to a nuclear activity provided to DOE by any person or maintained by any person for inspection by DOE shall be complete and accurate in all material respects.

Contrary to the above, the contractor maintained information for inspection by DOE that was not accurate and complete in all material respects in that:

Work proficiency information recorded on Payroll/Labor Distribution Time Sheets for a Production Technician assigned to work on W55 weapons' dismantlement activities contained false information regarding the number of hours that the Production Technician worked in a particular job category. Specifically, three Payroll/Labor Distribution Time Sheets that recorded four dates of work performed by the Production Technician on October 1, 8, 10, and 16, 1996, reflected that 20 work proficiency hours were earned by the Production Technician in the mechanical production aspect of weapons work when the Production Technician did not perform any of the 20 hours work as documented. These records were material in that DOE relies upon the accuracy and completeness of these records to verify that workers performing weapons related work in the W55 program meet position certification requirements.

This violation constitutes a Severity Level III problem. Pursuant to 10 CFR 820.24, the Mason and Hanger Corporation is hereby required within 30 days of the date of this Notice, to submit a written statement or explanation to the Director, Office of Enforcement and Investigation, Office of the Assistant Secretary for Environment, Safety and Health, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874-1290, Attention: Office of the Docketing Clerk, CXXI/3, Suite 305, with copies to the Area Office Manager, DOE Amarillo Area Office, and to the cognizant DOE Secretarial Office for the facility that is the subject of this Notice. This

reply should be clearly marked as a "Reply to a Preliminary Notice of Violation" and should include the following: (1) admission or denial of the alleged violation, (2) the corrective steps that have been taken and the results achieved, and (3) the date when full compliance will be achieved.

This Preliminary Notice of Violation will become a Final Notice of Violation if the violation is not denied within 30 days and sufficiently justified.

---

Tara O'Toole, M.D., M.P.H.  
Assistant Secretary  
Environment, Safety and Health

Dated at Washington, D.C.  
this      day of      1997