



Department of Energy

Washington, DC 20585

July 9, 2014

Mr. David Abney
Chief Executive Officer
Wise Services, Inc.
1705 Guenther Road
P.O. Box 159
Dayton, Ohio 45417

WEL-2014-04

Dear Mr. Abney:

This letter refers to the U.S. Department of Energy's (DOE) investigation into the facts and circumstances associated with a track hoe operated by a Wise Services, Inc. (Wise Services) employee that struck a fiber optics line at the DOE Portsmouth Gaseous Diffusion Plant on November 8, 2012. The results of the investigation, conducted April 8-12, 2013, were provided to Wise Services in an investigation report dated October 28, 2013. DOE convened an enforcement conference on January 23, 2014, with you and members of your staff to discuss the report's findings and the Wise Services corrective action plan. A summary of the conference and list of attendees is enclosed.

Wise Services entered into a contract with Fluor-B&W Portsmouth, LLC to supply qualified labor, supervision, safety oversight, material, equipment, and related items required to perform construction and demolition activities. The incident occurred when Wise Services moved a track hoe across a paved road. The boom on the track hoe struck an overhead fiber optics communications cable and broke two adjacent wooden power poles. A steel stringer cable held the poles in a leaning position and prevented them from falling to the ground. The poles also carried a 13.8 kilovolt power line approximately 15 feet above the communications cable.

DOE's evaluation of the circumstances concluded that Wise Services did not assign an adequate number of workers for the project in order to ensure that work could be performed in a safe manner. Wise Services management did not prioritize and implement abatement actions commensurate with the identified safety risks and did not assign responsibilities for work activities during the pre-job briefing. Wise Services management also did not designate crew members to serve as spotters. These work performance deficiencies reveal potential violations of DOE requirements codified at 10 C.F.R. Part 851, *Worker Safety and Health Program*. DOE acknowledges Wise Services initial response to the event and subsequent corrective actions to address these potential regulatory violations and prevent recurrence.



DOE is issuing this letter to share these regulatory concerns and to inform you that DOE will not be pursuing any additional enforcement activity related to Wise Services involvement in this event.

No response to this letter is required. If you have any questions, please contact me at (301) 903-7707, or your staff may contact Mr. Kevin Dressman, Director, Office of Worker Safety and Health Enforcement, Office of Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Simonson". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Steven C. Simonson

Director

Office of Enforcement

Office of Independent Enterprise Assessments

Enclosures: Enforcement Conference Summary
List of Attendees

cc: William Murphie, Portsmouth/Paducah Project Office
Douglas Fogel, Fluor-B&W Portsmouth, LLC
Dennis Carr, Fluor-B&W Portsmouth, LLC

**Wise Services, Inc., LLC
Fiber Optics Line Excavator
Portsmouth Gaseous Diffusion Plant**

Enforcement Conference Summary

On January 23, 2014, the U.S. Department of Energy (DOE) Office of Enforcement and Oversight, which has since changed to the Office of Enforcement, convened an enforcement conference with senior managers from Wise Services, Inc. (Wise Services) at the Portsmouth Gaseous Diffusion Plant. Wise Services is a subcontractor to the prime contractor, Fluor-B&W Portsmouth, LLC (FBP). Personnel from the DOE Office of Environmental Management and the Portsmouth Paducah Project Office were also in attendance. The conference was held to discuss the potential violation identified in an Office of Enforcement and Oversight investigation report issued on October 28, 2013, associated with an excavator hitting overhead fiber optics lines on November 8, 2012. Additionally, Wise Services leadership discussed the causal analysis process used and actions taken in response to the event, and the company's path forward for continual improvement.

Mr. Steve Simonson, Deputy Director for Enforcement, Office of Enforcement and Oversight, Office of Health, Safety and Security, presided over the conference. Following introductions by DOE and Wise Services representatives in attendance, Mr. Simonson provided an overview of the conference purpose and objectives. Mr. Simonson also offered opening remarks.

Mr. Andy Lawrence, Wise Project Director, opened Wise Service's portion of the presentation by acknowledging the seriousness of the event that could have caused significant injuries to the workers. Mr. Lawrence explained that the company has implemented many changes for how they do business since the occurrence of the event. He stated that in the past, the company felt under pressure to fill task orders immediately by hiring crew and renting equipment within 24 working hours to begin fulfill the task order. This practice may have contributed to the event by not having enough time to thoroughly consider the work load and appropriate division of task assignments. Mr. Lawrence stated that they changed supervisory styles and hired more experienced personnel and trained them to Wise Service's worker safety and health expectations. In addition, Wise Services workers are now trained on worker and health expectations and are now aware of their rights and responsibility to stop and/or pause work for imminently dangerous conditions or other serious hazards. The company is also taking a well thought out approach planning work after receiving a task order.

Mr. Lawrence stated that the company has taken many steps to change the company since the event. Some of the proactive steps include:

- scheduling weekly company staff meetings with all workers,
- scheduling weekly coordination meetings with FBP to effectively pre-plan future task orders to avoid future problems,

- creation of a Wise Services safety award program for workers who stop and pause work for safety related reasons,
- taking responsibility for tracking worker safety and health training and scheduling reoccurring training,
- training workers on FBP's Saf-T-Con training program, and working with FBP on a safety improvement plan for demolition and destruction activities.

Mr. Lawrence disagreed with a potential violation stated in the investigation report that states, "Title 29 C.F.R. § 1926.600(a)(6) requires contractors to keep equipment clearance a minimum of four feet from power lines with voltages less than 50kV when in transit with no load and boom...." Mr. Lawrence stated that the power line was not within 4 feet of the equipment involved in the event.

Mr. Lawrence closed by stating that Wise Services agrees with the investigation report conclusion of the seriousness of the event and reiterated a commitment to achieving sustainable improvements.

Mr. Simonson summarized the enforcement deliberation process and then adjourned the conference.

**Wise Services, Inc., LLC
Fiber Optics Line Excavator
Portsmouth Gaseous Diffusion Plant**

**Enforcement Conference List of Attendees
January 23, 2014**

DOE - Office of Enforcement and Oversight (currently the Office of Enforcement)

Steve Simonson, Deputy Director for Enforcement, Office of Enforcement and Oversight

Valerie Steele, Enforcement Compliance Specialist, Office of Worker Safety and Health
Enforcement

Terry Meisinger, Enforcement Officer, Office of Worker Safety and Health Enforcement

DOE - Office of Environmental Management

Todd LaPointe, Director of Safety Management, Office of Environmental Management (via
telephone)

Portsmouth Paducah Project Office

Tom Hines, PPPO Enforcement Coordinator (via telephone)

Matt Vick, DOE Site Project Manager

Anthony Takacs, DOE Facility Representative

Wise Services, Inc., LLC

Andy Lawrence, Senior Site Representative/Project Manager

Dustin Brown, Superintendent

Joe Welz, Safety Officer