



Department of Energy

Washington, DC 20585

February 2, 2024

Mr. Garrett Harencak
President
Mission Support and Test Services, LLC
Nevada National Security Sites
232 Energy Way
North Las Vegas, Nevada 89030

Dear Mr. Harencak:

This letter serves as notification of the Office of Enterprise Assessments, Office of Enforcement's decision to conduct an investigation into the facts and circumstances associated with two ground fall events that occurred on June 29, 2023, and August 22, 2023, when loose and unsecured soil and rocks fell onto and significantly injured multiple miners at the National Nuclear Security Administration, Nevada National Security Sites, Principal Underground Laboratory for Subcritical Experimentation (PULSE) facility (formerly the U1a Complex). Mission Support and Test Services, LLC (MSTS) reported potential noncompliances associated with the two events into the Department of Energy's (DOE) Noncompliance Tracking System (NTS) under NTS-NA-NFO-MSTS-U1A-2023-0010790.

The Office of Enforcement will conduct this investigation pursuant to the authority set forth in 10 C.F.R. § 851.40(a), *Investigations and inspections*. Although investigating the ground fall events will be the general purpose of this investigation, additional issues relating to the scope, nature, and extent of compliance by MSTS with DOE's worker safety and health requirements specified in 10 C.F.R. Part 851, *Worker Safety and Health Program*, may be pursued as issues arise during the course of the investigation. The investigation will include an onsite visit and interviews with contractor personnel.

Any requests for documents to support this investigation will be provided separately via one or more e-mails. Your cooperation to ensure timely submission of all documents by the requested date is appreciated.

For covered contracts according to 41 U.S.C. § 4301 and under the Major Fraud Act (MFA), as amended, 41 U.S.C. § 4310, this investigation may be a proceeding commenced by the United States that relates to a violation of, or the failure to comply with, a federal regulation. Costs incurred in connection with such a proceeding are subject to the reimbursement restrictions of the MFA implemented at 48 C.F.R. § 31.205-47. As a result, any costs incurred that are directly attributable to supporting DOE's investigation should be tracked,



subsequent to receipt of this letter, and segregate them from other potentially allowable costs.

If you have any questions concerning this letter, please contact me at (301) 903-7707, or your staff may contact Ms. Shannon Holman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony C. Pierpoint', with a stylized flourish at the end.

Anthony C. Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

cc: Barry Thom, Mission Support and Test Services, LLC
David Bowman, NA-NV