



Department of Energy

Washington, DC 20585

July 30, 2025

Mr. Dutch Conrad
President and Project Manager
Mid-America Conversion Services, LLC
1020 Monarch Street
Suite 300
Lexington, Kentucky 40513

WEA-2025-01

Dear Mr. Conrad:

This letter refers to the Department of Energy's (DOE) investigation into the facts and circumstances associated with the March 9, 2023, worker toluene overexposure event at the depleted uranium hexafluoride (DUF6) conversion facility near Paducah, Kentucky. The Office of Enforcement provided the results of the investigation to Mid-America Conversion Services, LLC (MCS) in an investigation summary dated May 24, 2024. An enforcement conference was convened on July 10, 2024, with you and members of your staff to discuss the findings in the summary and MCS's response.

DOE considers the toluene overexposure event to be of high safety significance. The overexposed worker was employed by Omni Services, Inc. (OMNI), a subcontractor to MCS. The incident was a near miss to a fatality. The event occurred when an OMNI worker (the entrant) mistakenly spilled an open container of adhesive (containing approximately 85 percent toluene) inside a permit-required confined space (tank 552) without the required ventilation and respiratory protection. Toluene is a flammable liquid and vapor. High concentrations can also cause loss of consciousness, respiratory depression and death.

The entrant was rescued from the tank after the lower explosive limit monitor alarmed, and another OMNI worker (the attendant) observed that the entrant appeared unsteady and unresponsive. Emergency services personnel were notified approximately 15 minutes later, and upon arrival, they assessed and then transported the entrant to the onsite medical facility for further evaluation. Although the entrant was released and returned to work, a urine analysis later that day confirmed an occupational exposure to toluene. The event revealed deficiencies in: (1) management responsibilities, (2) hazard identification and assessment, (3) hazard prevention and abatement, and (4) permit-required confined space hazards.

Based on an evaluation of the evidence in this matter, including information presented at the enforcement conference, DOE concludes that MCS violated requirements enforceable under 10 Code of Federal Regulations (C.F.R.) Part 851, *Worker Safety and Health Program*.

Accordingly, DOE hereby issues the enclosed Preliminary Notice of Violation (PNOV) which cites two Severity Level I violations. DOE withheld \$402,570 from the available contract award fee for fiscal year 2023 due to MCS's performance failures related to the toluene overexposure event and the associated violations cited in the PNOV.

MCS conducted a causal analysis of the event and issued a report on March 24, 2023. The report listed one root cause and two contributing causes. DOE concurs with the findings in the causal analysis and the corrective actions MCS listed in their corrective action plan. If effectively implemented, the corrective actions should adequately address the conditions that led to the worker toluene overexposure and should prevent recurrence.

Therefore, in accordance with 10 C.F.R. § 851.5, *Enforcement*, paragraph (c) and 48 C.F.R. § 970.5215-3, *Conditional payment of fee* clause, DOE proposes no civil penalty for the Part 851 violations cited in this PNOV.

Pursuant to 10 C.F.R. § 851.42, *Preliminary notice of violation*, you are obligated to submit a written reply within 30 calendar days of receipt of the enclosed PNOV and follow the instructions specified in the PNOV when preparing your response. If you fail to submit a reply within 30 calendar days, then in accordance with 10 C.F.R. § 851.42 paragraph (d), you relinquish any right to appeal any matter in the PNOV, and the PNOV will constitute a final order.

After reviewing your reply to the PNOV, including any proposed additional corrective actions entered into DOE's Noncompliance Tracking System, DOE will determine whether any further activity is necessary to ensure compliance with DOE worker safety and health requirements. DOE will continue to monitor the completion of corrective actions until this matter is fully resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin M. Keeler".

Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

Enclosure: Preliminary Notice of Violation (WEA-2025-01)

cc: Joel Bradburne, PPPO
Carisa Kremin, Mid-America Conversion Services, LLC

Preliminary Notice of Violation

Mid-America Conversion Services, LLC
Paducah DUF6 Conversion Facility

WEA-2025-01

A U.S. Department of Energy (DOE) investigation into the facts and circumstances associated with the March 9, 2023, worker toluene overexposure event at the depleted uranium hexafluoride (DUF6) conversion facility near Paducah, Kentucky, revealed multiple violations of DOE worker safety and health requirements by Mid-America Conversion Services, LLC (MCS). The overexposed worker was employed by Omni Services, Inc. (OMNI), a subcontractor to MCS, which manages and operates the DUF6 conversion facility at DOE's former Paducah Gaseous Diffusion Plant.

The event occurred when an OMNI worker (the entrant) mistakenly spilled an open container of adhesive (containing approximately 85 percent toluene) inside a permit-required confined space (tank 552) without the required ventilation and respiratory protection. Toluene is characterized as a flammable liquid and vapor. High concentrations of toluene, usually from use in a confined space or unventilated area, can cause loss of consciousness, respiratory depression and death. The entrant was subsequently rescued from the tank after the lower explosive limit (LEL) monitor alarmed, and another OMNI worker (the attendant) observed that the entrant appeared unsteady and unresponsive. Emergency services personnel were notified approximately 15 minutes later, and upon arrival, they assessed and then transported the entrant to the onsite medical facility for further evaluation. Although the entrant was released and returned to work, a urine analysis later that day confirmed an occupational exposure to toluene.

Pursuant to Section 234C of the Atomic Energy Act of 1954, as amended, and DOE regulations set forth at 10 Code of Federal Regulations (C.F.R.) Part 851, *Worker Safety and Health Program*, DOE hereby issues this Preliminary Notice of Violation (PNOV) to MCS. The violations relate to deficiencies in: (1) management responsibilities, (2) hazard identification and assessment, (3) hazard prevention and abatement, and (4) permit-required confined space hazards. DOE has grouped and categorized the violations as two Severity Level I violations.

Severity Levels are explained in Part 851, appendix B, *General Statement of Enforcement Policy*. Subparagraph VI(b)(1) states 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.”

The DOE Portsmouth-Paducah Project Office (PPPO) withheld \$402,570 of earned fee from MCS in fiscal year 2023 for safety and health performance deficiencies, which included the

toluene overexposure event. Therefore, in accordance with 42 U.S.C. § 2282c(d)(1) and 10 C.F.R. § 851.5, *Enforcement*, paragraph (c), DOE proposes no civil penalty for the violations cited in this PNOV.

As required by 10 C.F.R. § 851.42(b) and consistent with Part 851, appendix B, the violations are listed below. If this PNOV becomes a final order, then MCS must prominently post a copy of this PNOV at or near the location where the violation occurred until the violation is corrected in accordance with 10 C.F.R. § 851.42(e).

I. VIOLATIONS

A. Management Responsibilities

Title 10 C.F.R. § 851.10, *General requirements*, subsection (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: . . . (ii) [t]he worker safety and health program for that workplace. Subsection (b) states that “[t]he written worker safety and health program must describe how the contractor complies with the: (1) [r]equirements set forth in subpart C of this part that are applicable to the hazards associated with the contractor's scope of work....”

Title 10 C.F.R. § 851.20, *Management responsibilities and worker rights and responsibilities*, subsection (a), states that “[c]ontractors are responsible for the safety and health of their workforce and must ensure that contractor management at a covered workplace:...(3) [a]ssign worker safety and health program responsibilities, evaluate personnel performance, and hold personnel accountable for worker safety and health performance.”

DUF6-PLN-074, *MCS Worker Safety and Health Program*, Revision 6, November 2, 2022, section 5, *Safety and Health Methodology*, states that “[t]he WSHP [Worker Safety and Health Program] and...implementing documents...ensure that...requirements are...in project documents, [and that] hazards are identified and appropriately mitigated....” Section 5.6.1.1, *Place of Employment Free of Recognized Hazards*, states that “[t]he 10 C[.][F[.][R[.] 851, Worker Safety and Health Program, requires MCS and its subcontractors to provide a place of employment that is free from recognized hazards.” Section 5.6.1.2, *Policies, Goals, and Objectives*, states that “MCS strives to...provide a safe and healthful workplace...through...ES&H [Environment, Safety and Health] Policy (DUF6-POL-060).” Section 8.1, *Organization Structure*, Table 1, *Roles and Responsibilities for Implementation of WSHP*, states that senior managers are responsible for “[e]nsuring that activities conform to ES&H related policies...regulations and...requirements.” Section 9.1, *Document Known Chemical Hazards*, states that “[c]onstruction...may...add known chemical hazards of...solvents, paints, etc. Occupational exposures...will be...below the lowest permissible...limit per 10 C[.][F[.][R[.] 851.” Section 11, *Safety and Health Standards*, states that “MCS will follow the applicable OSHA [Occupational Health and Safety Administration] Standards...as required by 10 C[.][F[.][R[.] 851....MCS will identify and control all recognized hazards....Refer to...Attachment B for the applicability of standards referenced in 10 C[.][F[.][R[.] 851.” Attachment B, *DUF6 Conversion Project Crosswalk of 10 C[.][F[.][R[.] 851*

Requirements to MCS Implementing Documents, appendix A, *Worker Safety and Health Functional Areas*, appendix A-1, *Construction Safety*, states that the mandatory requirements for implementing the applicable functional areas required by § 851.24 in “[a]pp A.1(a)[,] (b)[,] (c) [and] (d)” are “[a]pplicable” and list the relevant “MCS [i]mplementing [d]ocuments.”

DUF6-POL-060, *MCS Environment, Safety, and Health Policy*, Revision 3, February 23, 2022, section 1, *Introduction*, states that “[t]his policy was developed to ensure the safety and health of every worker...” Further, section 1.2, *In Support of this Policy, We Pledge*, states that MCS will “comply with all Federal, State, and local environmental laws and regulations...”

DUF6-U-GFP-0108, *Control of Work*, Revision 13, September 28, 2022, section 1, *Purpose*, states that “[t]his procedure defines the process for planning and executing work at DUF6 Conversion Project facilities.” Section 5.9.1, *Planned Work Packages*, requires the Supervisor/Subcontract Technical Representative to “(13) [e]nsure hazard controls have been implemented **AND** [emphasis in original] monitor work in progress to ensure it is performed safely and in accordance with the WO [work order], the hazard analysis, and applicable permits.”

DUF6 Activity Hazard Analysis, *Tank 55n reline, waste collection/disposal*, HCIC-C-21-0133 R3, February 18, 2023, task/step: *Solvents/ Adhesive/ Flammable Rubber Waste*, item: *Work Area Control*, states that “NAMs [negative air machines] will be used to remove solvent vapors whenever personnel are applying the adhesive/paint until it has cured.”

Contrary to the above requirements, MCS failed to comply with applicable requirements of Part 851 and the WSHP in relation to management responsibilities, as follows:

MCS failed to fully implement and monitor work in progress to ensure it was performed safely and in accordance with the work package and confined space entry permit (CSEP). MCS was responsible for the operation of the engineering control [i.e., negative air machine (NAM)]. MCS confirmed it was operational the morning of the event, but the circuit breaker supplying power to the NAM had tripped before OMNI entered the tank. Prior to the day of the event, the electrical circuit supplying power to the HFS tank area had experienced overcurrent, causing the circuit breaker to trip. However, MCS failed to ensure that the circuit would remain stable and free from overcurrent issues during subsequent use of electrical equipment. On the day of the event, the circuit breaker tripped again and MCS failed to verify that the NAM was operational immediately before the OMNI worker entered tank 552. Consequently, the entrant was not provided a safe internal atmosphere prior to entry or while using adhesive in the tank.

This noncompliance constitutes a Severity Level I violation.

B. Hazard Identification and Assessment, Hazard Prevention and Abatement, and Permit-Required Confined Space Hazards

Title 10 C.F.R. § 851.21, *Hazard identification and assessment*, subsection (a), states that “[c]ontractors must establish procedures to identify existing and potential workplace hazards

and assess the risk of associated workers 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.”

Title 10 C.F.R. § 851.22, *Hazard prevention and abatement*, subsection (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 (a)(2) states that “[f]or existing hazards in the workplace, contractors must:… (i) [p]rioritize and implement abatement actions according to the risk to workers;” [and] “(iii) [p]rotect workers from dangerous safety and health conditions.” Subsection (b) states that “[c]ontractors must select hazard controls based on the following hierarchy: (1) [e]limination or substitution of the hazards 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.”

Title 10 C.F.R. § 851.23, *Safety and health standards*, paragraph (a)(3), requires contractors to comply with 29 C.F.R. Part 1910, *Occupational Safety and Health Standards*, excluding 29 C.F.R. § 1910.1096, *Ionizing Radiation*, and 29 C.F.R. § 1910.1000, *Air Contaminants*, Tables Z-1 and Z-2, as they relate to beryllium and beryllium compounds; and 29 C.F.R. § 1910.1024, *Beryllium*. Paragraph (a)(7) requires contractors to comply with 29 C.F.R. Part 1926, *Safety and Health Regulations for Construction* except for 29 C.F.R. § 1926.1124, *Beryllium*. Subsection (b) states that “[n]othing in this part relieves contractors from the responsibility to comply with any additional safety and health requirements that are necessary to protect the safety and health of workers.”

Title 29 C.F.R. Part 1926, Subpart C, *General Safety and Health Provisions*, § 1926.28, *Personal Protective Equipment*, subsection (a), states that “[t]he employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.”

Title 29 C.F.R. Part 1926, Subpart E, *Personal Protective and Life Saving Equipment*, § 1926.103, *Respiratory protection*, states, “Note: [t]he requirements applicable to construction work under this section are identical to those set forth at 29 C.[.]F.[.]R.[.] 1910.134 of this chapter.” Title 29 C.F.R. § 1910.134, *Respiratory protection*, subsection (d), *Selection of respirators*, states that “[t]his paragraph requires the employer to evaluate respiratory hazard(s) in the workplace, identify relevant workplace and user factors, and base respirator selection on these factors. The paragraph also specifies appropriately protective respirators for use in IDLH [immediately dangerous to life and health] atmospheres, and limits the selection and use of air-purifying respirators.” Title 29 C.F.R. § 1910.134, subsection (d)(1) *General requirements*, states at subparagraph (i) that “[t]he employer shall select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed and workplace and user factors that affect respirator performance and reliability.”

Title 29 C.F.R. Part 1926, Subpart E, *Personal Protective and Life Saving Equipment*, section 1926.95, *Criteria for Personal Protective Equipment*, subsection (a), states that “[p]rotective equipment, including…respiratory devices…shall be provided, used, and

maintained...wherever it is necessary by reason of...chemical hazards...encountered in a manner capable of causing injury or impairment in the function of any part of the body through...inhalation....”

Title 29 C.F.R. Part 1926, Subpart AA, *Confined Spaces in Construction*, § 1926.1204, *Permit-required confined space program*, subsection (d), states to “...ensure that each employee uses [specified]...equipment properly: [and] (1) [t]esting and monitoring equipment needed to comply with paragraph (e) of this section....” Paragraph (e)(2) requires employers to “[c]ontinuously monitor atmospheric hazards unless the employer can demonstrate that the equipment for continuously monitoring a hazard is not commercially available or that periodic monitoring is of sufficient frequency to ensure that the atmospheric hazard is being controlled at safe levels. If continuous monitoring is not used, periodic monitoring is required with sufficient frequency to ensure that acceptable entry conditions are being maintained during the course of entry operations.” Paragraph (e)(3) states that “[w]hen testing for atmospheric hazards, [employers are required to] test first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors.”

DUF6-PLN-074, *MCS Worker Safety and Health Program*, Revision 6, November 2, 2022, section 9, *Hazard Identification and Assessment*, states that “[f]or routine and non-routine O&M [operations and maintenance] activities, as well as construction type work, hazard identification and assessment will be performed in accordance with DUF6-U-SHP-0211, *Hazard Analysis*....” Section 12.1, *Construction Safety*, states that “[t]he project performs construction-like activities.... MCS controls construction-like activities...through the established work control/planning and hazards analysis processes.” Section 12.6, *Industrial Hygiene*, states that “MCS has implemented a comprehensive industrial hygiene program that includes...exposure monitoring.... The primary documents...that implement the industrial hygiene program include...DUF6-U-SHP-0601, *Hazard Communications*; DUF6-U-SHP-0512, *Confined Space Program*; and DUF6-U-SHP-0210, *Personal Protective Equipment*.”

DUF6 Hazard Controls Identification Checklist (HCIC), *Tank 55n reline, waste collection/disposal*, HCIC-C-21-0133 R3, February 18, 2023, *Hazard Controls*, item #20, states to “[r]eview the chemical's Safety Data Sheet [SDS] and comply with all chemical handling/PPE [personal protective equipment] sections.”

DUF6 Activity Hazard Analysis, *Tank 55n reline, waste collection/disposal*, HCIC-C-21-0133 R3, February 18, 2023, task/step: *Painting, priming, cleaning, applying rubber liner*, item: *Work Area Control*, states that “[i]f the LEL concentration does not ‘clear’ to < 10% LEL in ~ 1 minute, then the painter will exit the tank.”

DUF6-U-SHP-0210, *Personal Protective Equipment*, August 7, 2019, section 5.3, *Selecting PPE*, states that the “ES&H Manager or designee...(5) [p]erform PPE evaluation and selection as follows: (a) [e]nsure the type of PPE selected for use reflects the potential exposure at the time and location the task will be performed....(f) Consider the following in the PPE Level selection process: [r]espiratory...protection required.”

DUF6-U-SHP-0211, *Hazard Analysis*, Revision 3, May 11, 2022, section 5.2.2, *Formal Walk-down*, states that the “Work Planner/Procedure Owner...(3) [p]rovide the HA [Hazard

Analysis] Team with the following information:...[a]pplicable planning documents to assist in determining potential hazards and/or identifying appropriate controls:...[c]hemical data (e.g., safety data sheets)....”

DUF6-U-SHP-0504, *Respiratory Protection Program*, Revision 2, January 29, 2020, section 5.2, *Equipment Selection*, states that the “RPPA [Respiratory Protection Program Administrator] (1) [s]elect respiratory protective equipment based on the following: [w]orkplace respiratory hazards....” Section 5.1, *General Requirements*, states, “All Personnel: (9) [c]omply with required respiratory equipment identified in the following, as applicable: [w]ork package, [w]ork control document...[d]ocumented hazard control or other identifying document.”

DUF6-U-SHP-0512, *Confined Space Program*, Revision 4, May 18, 2022, section 5.4, *Initiate CSEP*, states that “HSTs [Health and Safety Technicians]...(9) [e]nsure the CSEP documents the following:... (d) [m]ethod used to remove or control hazards (e.g.[.] purging, inerting, ventilating)... (h) [a]uthorized entrant identify non-standard PPE, such as airline respirators, fully encapsulating clothing, special cooling/ventilation systems.... (k) [v]alidate the controls on the identified HCIC and/or other technical work document(s) used to identify the required controls including nonstandard PPE, as necessary.”

DUF6-U-SHP-0601, *Hazard Communication*, Revision 1, July 27, 2022, section 5.1, *General Requirements*, states that the “[s]upervisor...(19) [e]nsures that personnel are provided the appropriate PPE as identified on the hazard analysis, procedure or other applicable work control document(s)....[and] (32) [f]ollows the identified safety controls including wearing of PPE specified in the work control documents (i.e.[.] work package, procedure, or similar work control documents).”

DUF6 *Confined Space Entry Permit*, number HFS 23-3-9-90, starting March 9, 2023, at 7:00 a.m. and ending March 10, 2023, at 7:00 a.m., for C-1305 HFS [hydrofluoric acid storage] Tank Farm Area Tank #552, *Testing*, states that “[t]oluene testing will be via detector tubes and be indicated via the LEL reading on CGI [Combustible Gas Indicator] when necessary. This testing will be necessary when painting, applying adhesive coatings after rubber lining has been removed, and interior sandblasted.” *Special Instructions* state that “[a]ir monitoring is continuous (approximately every 15 minutes) while personnel are in the tank until the new liner/paint is cured....NAM used in proximity to either/or the manway and the bottom seven valve area and is required during all tank entries....”

Ventis® MX4 Product Manual, Part Number: 17152357-1, Edition 17, © 2020 Industrial Scientific Corporation, *Products, Specifications, and Certifications, LEL, and LEL Correlation Factors for Combustible Gases*, page 46, states that “[t]he table...provides the LEL for select combustible gases [toluene]. It also provides correlation factors [toluene = 2.55] that...determine the actual percentage LEL when the sample gas [toluene] differs from the gas [methane] that was used to calibrate the unit....[I]f the unit reads 10% LEL in a *toluene* atmosphere, and was calibrated to *methane*, the actual percentage LEL is determined as follows: (1) [l]ocate the table cell where the sample gas intersects with the calibration gas. (2) [m]ultiply the cell's value by the unit's LEL reading to calculate the actual concentration of % LEL.”

Lord Corporation Material Safety Data Sheet, *Chemlok® 286*, September 14, 2007, section 3, *Hazards Identification*, states, “Effects [o]f Overexposure – Inhalation: [m]ay cause central nervous system depression characterized by the following progressive steps: headache, dizziness, staggering gait, confusion, unconsciousness or coma.” Section 8, *Exposure Controls / Personal Protection*, states, “Respiratory Protection:...for...confined space...use an approved air-supplied respirator.”

Contrary to the above requirements, MCS failed to adequately identify, assess, prevent, and abate confined space atmospheric hazards, including selecting an appropriate respirator. Specific examples include the following:

1. MCS failed to monitor for toxic gas/vapor (toluene) while the entrant used adhesive (containing mostly toluene) inside the tank. The CSEP required MCS to perform monitoring for OMNI; however, MCS failed to conduct any toxic gas/vapor monitoring prior to the entrant being rescued from the tank. Subsequently, MCS’s failure to identify and assess confined space hazards through monitoring put the entrant at risk of overexposure to toluene, creating the potential for serious injury or death.
2. MCS failed to ensure that the LEL sensor on the four-gas detector indicated the actual LEL percentage during tank entry. Specifically, while the work package required MCS to provide OMNI with confined space atmospheric monitoring equipment (i.e., *Ventis® MX4*), MCS failed to ensure the equipment was properly correlated for toluene as per the manufacturer’s instructions. This resulted in an underestimation of the flammable atmosphere within the tank (i.e., the monitor alarmed at 11 percent LEL rather than at 4 percent LEL). Consequently, the confined space atmospheric hazards were not prevented or abated and the entrant was subjected to a more hazardous atmosphere than indicated on the detector and should have exited the tank earlier.
3. MCS failed to ensure OMNI wore an approved air-supplied respirator [i.e., supplied-air respirator (SAR)] while using a toluene-based adhesive inside a confined space as required by MCS DUF6 tank 522 reline HCIC and specified in the *Chemlok® 286* SDS. Instead, MCS required OMNI to follow the MCS respiratory protection program, which included the use of a full-face air purifying respirator (FFAPR). On the day of the event, the entrant was wearing an FFAPR inside tank 552 during the uncontrolled release of toluene. Consequently, this put the entrant at higher risk of overexposure to toluene since the assigned protection factor (APF) for an FFAPR is less protective than the APF for an SAR.

Collectively, these noncompliances constitute a Severity Level I violation.

II. REPLY

Pursuant to 10 C.F.R. § 851.42(b)(4), MCS is hereby obligated to submit a written reply within 30 calendar days of receipt of this PNOV. The reply should be clearly marked as a “Reply to the Preliminary Notice of Violation.”

If MCS chooses not to contest the violations set forth in this PNOV, then the reply should state that MCS waives the right to contest any aspect of this PNOV. In such case, this PNOV will constitute a final order 30 calendar days from the receipt of this PNOV.

If MCS disagrees with any aspect of this PNOV, then as applicable and in accordance with 10 C.F.R. § 851.42(c)(1), 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) requires that the reply include copies of all relevant documents.

If MCS fails to submit a written reply within 30 calendar days of receipt of this PNOV, then pursuant to 10 C.F.R. § 851.42(d), MCS relinquishes any right to appeal any matter in this PNOV and this PNOV will constitute a final order. If the PNOV becomes a final order, pursuant to 10 C.F.R. § 851.42(e), a copy of the PNOV must be prominently posted, at or near the location where the violation occurred until the violation is corrected.

Please submit your reply to the Director, Office of Enforcement by email to enforcementdocketclerk@hq.doe.gov. A copy of the reply should also be sent to the Manager of the DOE PPPO.

III. CORRECTIVE ACTIONS

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.



Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

Washington D.C.
This 30th day of July 2025