



Department of Energy

Washington, DC 20585

October 15, 2018

Mr. Morgan Smith
President and Chief Executive Officer
Consolidated Nuclear Security, LLC
301 Bear Creek Road
P.O. Box 2009
Oak Ridge, Tennessee 37831-8001

WEL-2018-01

Dear Mr. Smith:

The Office of Enterprise Assessments' Office of Enforcement has completed an evaluation of the facts and circumstances associated with an April 2, 2018, incident at the National Nuclear Security Administration's Pantex Plant when an employee was overexposed to toluene while performing touch-up operations in a paint shop, as reported in the Department of Energy's (DOE) Noncompliance Tracking System (NTS) under NTS-NA-NPO-CNS-PANTEX-2018-0006588, *Toluene Exposure*, dated May 21, 2018. Based on this evaluation, the Office of Enforcement identified concerns that warrant management attention by Consolidated Nuclear Security, LLC (CNS) related to the hazard identification, assessment, prevention, and abatement requirements of 10 C.F.R. Part 851, *Worker Safety and Health Program*.

The event occurred while CNS employees were performing touch-up paint operations, with no respiratory protection. The ventilation system in the paint booth had been inoperable for several years. CNS had no immediate plans to repair the system, but implemented administrative control measures (developed by the previous contractor) for the paint shop that limited touch-up paint operations to four times per day. CNS performed worker exposure sampling in April 2018 to determine whether the current restrictions could be modified to allow additional touch-up operations each work day without the use of respiratory protection, and discovered the toluene exceedance at this time. Chronic exposure to elevated levels of toluene can harm the central nervous system and may lead to liver and kidney damage.

The Office of Enforcement has concluded, based on the sampling results, that the control measures were not adequate to prevent overexposure to toluene. The Office of Enforcement recognizes that CNS has performed touch-up paint operations for several years, and that the control measures were developed by the previous contractor. However, the control measures did not consider exposure to toluene, despite the presence of toluene on the product's safety data sheet.



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Further, CNS did not conduct exposure monitoring, as required by the exposure control plan, to reassess the hazard when the paint product was changed. In summary, the Office of Enforcement has concerns about CNS's industrial hygiene program implementation as related to this toluene overexposure:

1. CNS did not monitor for toluene as an exposure hazard until April 2018.
2. CNS did not re-sample the work area when the product was changed, as specified in the hazard assessment.
3. CNS did not implement controls for toluene exposure in accordance with DOE requirements related to hierarchy of controls. Engineering controls (i.e., repairing the ventilation system) would have been the preferred method.

The Office of Enforcement has elected to issue this Enforcement Letter to provide this feedback on CNS's process for ensuring adequate hazard identification, assessment, prevention, and abatement. Issuance of this Enforcement Letter reflects DOE's decision not to pursue further enforcement activity against CNS at this time. In coordination with the National Nuclear Security Administration, the Office of Enforcement will continue to monitor CNS's efforts to implement an effective exposure monitoring program and maintain a safe workplace.

This letter imposes no requirements on CNS, and no response is required. If you have any questions, please contact me at (301) 903-7707, or your staff may contact Dr. Anthony Pierpoint, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,



Kevin L. Dressman
Acting Director
Office of Enforcement
Office of Enterprise Assessments

cc: Geoffrey Beausoleil, NA-NPO-01
Kathy Brack, CNS