



U.S. Department of Energy  
Office of Inspector General  
Office of Inspections and Special Inquiries

# Inspection Report

## Unauthorized Handguns on National Nuclear Security Administration Aircraft

DOE/IG-0654

July 2004



## Department of Energy

Washington, DC 20585

July 6, 2004

MEMORANDUM FOR THE SECRETARY

FROM:

*Greg Friedman*  
Gregory H. Friedman  
Inspector General

SUBJECT:

INFORMATION: Inspection Report on "Unauthorized Handguns on National Nuclear Security Administration Aircraft"

### BACKGROUND

The Office of Inspector General (OIG) received several allegations related to the transport of handguns by National Nuclear Security Administration (NNSA) affiliated personnel between Albuquerque, New Mexico, and Las Vegas, Nevada, where a training exercise involving NNSA's Office of Secure Transportation (OST) was to be held. One of the allegations was that on October 14, 2003, two employees of Wackenhut Services, Inc., an NNSA contractor, transported handguns on board an NNSA aircraft ferrying Federal and contractor personnel from Albuquerque to Las Vegas for the exercise. NNSA has a fleet of aircraft that support the OST mission, and they are housed on Kirtland Air Force Base in Albuquerque.

Interviews confirmed that the two contractor employees brought privately owned and Government handguns on board the NNSA Albuquerque to Las Vegas flight. Therefore, the objectives of this inspection were to determine if: (1) the two individuals violated Department of Energy (DOE) and/or Federal Aviation Administration (FAA) policy when they transported the handguns onto Federal property and an NNSA aircraft on October 14, 2003, and (2) OST's Aviation Operations Branch had implemented adequate internal controls to prevent the transport of prohibited articles, such as handguns, on its aircraft. Other related allegations will be addressed in a separate report.

### RESULTS OF INSPECTION

We concluded that DOE and FAA policies were violated when the two NNSA contractor employees brought handguns onto Federal property and on board an NNSA aircraft without obtaining proper authorization. We also determined that, contrary to representations made to the OIG by officials in 2002 regarding the intended immediate development of new aircraft security policies and procedures, NNSA had not developed and implemented an effective aircraft security program to ensure that prohibited articles are not brought on board NNSA aircraft. Specifically, we found that:

- Two Wackenhut employees transported handguns, without authorization, through the NNSA aviation facility, which is designated as a Controlled Access Area where prior authorization is required for the admittance of prohibited articles, and then onto an NNSA DC-9 aircraft, in violation of DOE and FAA policies.



- Although the OST Aviation Operations Branch acquired a building for the purpose of establishing a controlled boarding area and procured screening equipment, associated policy was not developed and actual screening of passengers and baggage was not implemented, as required by DOE and the FAA.

Following the terrorist events of September 11, 2001, extraordinary measures have been taken by the Government and the aviation community to prevent the introduction of prohibited articles on board passenger aircraft and the use of aircraft for malicious purposes. The OST Aviation Operations Branch's failure to develop and implement policies and procedures to prevent prohibited articles from being taken on board NNSA aircraft was inconsistent with standing nationwide security measures and direction. In addition, because of the lack of adequate policies and procedures, there is no assurance that other personnel have not taken prohibited articles on board NNSA aircraft without authorization. In fact, to illustrate the potential magnitude of this concern, the Wackenhut employees themselves acknowledged that they had brought weapons on board NNSA aircraft many times in the past.

We recommended that the Director of OST (1) implement policies and procedures for the screening of individuals and baggage being transported on NNSA aircraft; (2) incorporate these policies and procedures into the aviation implementation plan and Site Security Plan for Albuquerque, as appropriate; (3) ensure that all Wackenhut, other contractor, and Federal employees comply with DOE policy on the introduction of prohibited articles in Controlled Access Areas and on board NNSA aircraft; and (4) ensure that Wackenhut takes appropriate action with regard to the two Wackenhut employees who violated DOE and FAA policy when they transported unauthorized handguns into a Controlled Access Area and onto an NNSA aircraft.

### MANAGEMENT REACTION

In comments on our draft report, NNSA generally agreed with the report and corresponding recommendations. NNSA stated that it is in the process of implementing passenger screening procedures and that the individuals referred to in the report have been disciplined. Management's comments are provided in their entirety at Appendix B to the report.

We found management's comments to be responsive to our findings and recommendations.

### Attachment

cc: Deputy Secretary  
Administrator, National Nuclear Security Administration  
Under Secretary for Energy, Science and Environment  
Director, Office of Security and Safety Performance Assurance  
Director, Policy and Internal Controls Management (NA-66)  
Office of Program Liaison and Financial Analysis (ME-100)

# UNAUTHORIZED HANDGUNS ON NATIONAL NUCLEAR SECURITY ADMINISTRATION AIRCRAFT

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# Overview

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## **INTRODUCTION AND OBJECTIVES**

Within the Department of Energy (DOE), the National Nuclear Security Administration's (NNSA's) Office of Secure Transportation (OST) is responsible for providing the safe and secure transport of nuclear weapons, special nuclear materials, and weapons components between DOE production facilities and Department of Defense facilities via surface and air modes of transportation. NNSA has a fleet of aircraft that support the OST mission, and they are housed on Kirtland Air Force Base, Albuquerque, New Mexico. Ross Aviation, Inc., maintains and operates the aircraft under contract with NNSA.

In July 2002, the Office of the Inspector General (OIG) initiated an inspection of security policies and procedures for aircraft operated by NNSA, with specific focus on aircraft operated by the OST Aviation Operations Branch in Albuquerque, New Mexico. That inspection was closed after we learned that NNSA and the DOE Office of Aviation Management were in the process of developing and implementing new aviation security policies and procedures, to include passenger and luggage screening and restrictions on firearms.

On November 20, 2003, the OIG received several allegations from an NNSA official related to the transport of handguns by NNSA affiliated personnel between Albuquerque and Las Vegas, Nevada, where a Joint Training Exercise involving OST was to be held. One of the allegations was that on October 14, 2003, two individuals employed by Wackenhut Services, Inc., an NNSA contractor providing support personnel to handle logistical aspects of the exercise, improperly transported handguns on board an NNSA DC-9 aircraft ferrying Federal and contractor personnel from Albuquerque to Las Vegas for the training exercise.

Interviews confirmed that the two contractor employees brought privately owned and Government handguns on board the NNSA Albuquerque to Las Vegas flight. Therefore, the objectives of this inspection were to determine if: (1) the two individuals violated DOE and/or Federal Aviation Administration (FAA) policy when they transported the handguns onto Federal property and an NNSA aircraft on October 14, 2003, and (2) the OST Aviation Operations Branch had implemented adequate internal controls to prevent the transport of prohibited articles, such as handguns, on its aircraft. The other related allegations the OIG received on November 20, 2003, will be addressed in a separate report.

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**OBSERVATIONS  
AND CONCLUSIONS**

We concluded that DOE and FAA policies were violated when the two NNSA contractor employees brought handguns onto Federal property and on board an NNSA aircraft without obtaining proper authorization. We also determined that, contrary to representations made to us by officials in 2002 regarding the intended immediate development of new aircraft security policies and procedures, NNSA has not developed and implemented an effective aircraft security program to ensure that prohibited articles are not brought on board NNSA aircraft. Specifically, we found that:

- The two contractor employees transported the handguns, without authorization, through the NNSA aviation facility, which is designated as a Controlled Access Area where prior authorization is required for the admittance of prohibited articles, and then onto the NNSA aircraft, in violation of DOE and FAA policies.
- Although the OST Aviation Operations Branch acquired a building for the purpose of establishing a controlled boarding area and procured screening equipment, associated policy was not developed and actual screening of passengers and baggage was not implemented, as required by DOE and the FAA.

Following the terrorist events of September 11, 2001, extraordinary measures were taken by the Government and the aviation community to prevent the introduction of prohibited articles on board passenger aircraft and the use of aircraft for malicious purposes. The OST Aviation Operations Branch's failure to develop and implement policies and procedures to prevent prohibited articles from being taken on board NNSA aircraft is inconsistent with standing nationwide security measures and direction. In addition, because of the lack of adequate policies and procedures, there is no assurance that other personnel have not taken prohibited articles on board NNSA aircraft without authorization.

## Details of Findings

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### **HANDGUNS IN AVIATION FACILITY**

We found that the two contractor employees transported personal and Government handguns through the NNSA aviation facility and then onto the NNSA aircraft without authorization. According to the NNSA Aviation Operations Branch Site Security Plan, the aviation facility is designated as a Property Protection Area. As such, access is controlled by security personnel and the access point is posted as a “Controlled Access Area” with an accompanying list of prohibited articles that require prior authorization for admittance, which includes firearms.



SIGN AT THE ENTRANCE TO THE NNSA AVIATION FACILITY

We determined that the posted policy is predicated on 10 Code of Federal Regulations (CFR) 860, TRESPASSING ON DEPARTMENT OF ENERGY PROPERTY. According to 10 CFR 860.4, “Unauthorized carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon . . . into or upon any facility, installation or real property subject to this part, is prohibited.” Willful violations of the posted policy, upon

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conviction, shall result in a Class A misdemeanor punishable by a fine not to exceed \$100,000 or imprisonment for not more than one year, or both.<sup>1</sup>

Contrary to the posted policy, the two contractor employees entered the Controlled Access Area with handguns without having obtained prior authorization. The employees then carried the handguns aboard the aircraft without approval. One employee carried his privately owned handgun and two Government handguns in his briefcase. The other employee carried his privately owned handgun in his luggage. Both employees were carrying ammunition for their weapons. Neither the individuals nor their baggage were subjected to screening for prohibited articles. Further, both of the contractor employees told us that they had taken their privately owned handguns on board NNSA aircraft many times before the October 14, 2003, flight.

## **INADEQUATE CONTROLS**

Although the OST Aviation Operations Branch acquired a building in order to establish a controlled boarding area and procured screening equipment to support this effort, associated policy was not developed and actual screening of passengers and baggage was not implemented, as required by DOE and the FAA. The absence of these controls apparently allowed the unauthorized handguns to be taken on board the NNSA aircraft.

DOE Order 440.2B, "Aviation Management and Safety," requires aviation program managers to establish procedures for security and to develop an aviation implementation plan. DOE Guide 440.2B-2, "Aviation Management, Operations, Maintenance Security, and Safety," which further defines DOE's expectations, states that DOE Federal aircraft operators "must" use measures to prevent or deter the carriage of any unauthorized weapon on each individual's person or accessible property before boarding an aircraft or entering an aircraft boarding area. The guide also states that DOE Federal aircraft operators "must" inspect individuals and accessible property for unauthorized weapons.

OST procured a building and screening equipment in 2002 in the aftermath of the events of September 11, 2001; however, procedures for screening passengers were never developed and incorporated into the aviation implementation plan or Site Security Plan as required by DOE policy. An NNSA official told the OIG

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<sup>1</sup> The OIG coordinated this matter with the Office of the U.S. Attorney. We were advised that criminal prosecution would not be pursued.



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that DOE Guide 440.2B-2 is merely a recommendation and that OST is not required to comply with recommendations. He also said that OST does not want the task of screening passengers and does not have staff to perform this function. Additionally, he stated that the flight in question was a “public” flight, so OST was not required to screen the passengers.

According to DOE Order 440.2B, a “public” flight is a flight carrying personnel essential to the performance of a Government function, and in general, FAA has no legal jurisdiction. This is in contrast to a “civil” flight, which is a flight carrying personnel not essential to the performance of a Government function, wherein compliance with FAA regulations is required.

We reviewed the flight documentation and determined that the October 14, 2003, Albuquerque to Las Vegas flight was released from Albuquerque as a “civil” flight. Therefore, in addition to being subject to DOE policies and procedures, the flight was subject to FAA regulations, which are found at 49 CFR Chapter XII, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY. In the case of “civil” flights, the FAA requires that aircraft operators must use measures to prevent and deter the carriage of any weapon on board.

With respect to the NNSA official’s comment regarding the applicability of DOE Guide 440.2B-2, we determined that the guide identifies acceptable methods of implementing requirements of the order and identifies relevant principles and practices by referencing Government and non-Government standards. Although there is latitude on how the program is specifically implemented by management, the policies in the order and the intent of the guide must be met. Regardless, the notion that unauthorized weapons are being transported on board Government aircraft is alarming.

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**RECOMMENDATIONS**

We recommend that the Director, OST:

1. Develop and implement policies and procedures for the screening of individuals and baggage being transported on NNSA aircraft;
2. Incorporate these policies and procedures into the aviation implementation plan and Site Security Plan for Albuquerque, as appropriate;
3. Ensure that all Wackenhut, other contractor, and Federal employees comply with DOE policy on the introduction of prohibited articles in Controlled Access Areas and on board NNSA aircraft; and
4. Ensure that Wackenhut takes appropriate action with regard to the two Wackenhut employees who violated DOE and FAA policy when they transported unauthorized handguns into a Controlled Access Area and onto an NNSA aircraft.

**MANAGEMENT  
COMMENTS**

NNSA generally agreed with the report and corresponding recommendations. NNSA stated that it is in the process of implementing passenger screening procedures and that the individuals referred to in the report have been disciplined. Management's comments are provided in their entirety at Appendix B to this report

**INSPECTOR  
COMMENTS**

We found management's comments to be responsive to our findings and recommendations.

# Appendix A

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## SCOPE AND METHODOLOGY

We performed the fieldwork for this inspection between December 2003 and February 2004. We reviewed pertinent DOE orders, guides, and manuals pertaining to safety of flight and aviation programs to determine what criteria applied to flight operations, passenger screening, transport of weapons aboard aircraft, and procedures for gaining approval to transport privately owned weapons on board DOE owned or operated aircraft.

We interviewed the individuals alleged to have transported privately owned handguns on board the NNSA aircraft, NNSA Aviation Operations Branch officials, and other DOE and contractor officials regarding the transport of weapons on NNSA aircraft. We also reviewed the following documentation:

- DOE Manual 473.1-1, “Physical Protection Program Manual.”
- DOE Order 473.1, “Physical Protection Program.”
- 10 CFR Chapter III, Part 860, Department of Energy.
- 49 CFR Chapter XII, Part 1544, Section 1544.201, Acceptance and Screening of Individuals and Accessible Baggage.
- DOE Order 440.2B, “Aviation Management and Safety.”
- DOE Guide 440.2B-2, “Aviation Management, Operations, Maintenance, Security, and Safety.”
- FAA AC 00-1.1, Government Aircraft Operations.
- FAA Regulation Part 135, Operating Requirements: Commuter and On-demand Operations and Rules Governing Persons On Board Such Aircraft.
- FAA Regulation Part 121, Operating Requirements: Domestic, Flag, and Supplemental Operations.
- NNSA/OST Joint Training Exercise Operational, Execution, and Safety Plans.

This inspection was conducted in accordance with the “Quality Standards for Inspections” issued by the President’s Council on Integrity and Efficiency.

## Appendix B

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Department of Energy  
National Nuclear Security Administration  
Washington, DC 20585



JUN 30 2004

MEMORANDUM FOR Alfred K. Walter  
Acting Assistant Inspector General  
for Inspections and Special Inquiries

FROM: Michael C. Kane   
Associate Administrator  
for Management and Administration

SUBJECT: Commits to Draft Inspection Report on Handguns  
on NNSA Aircraft

The National Nuclear Security Administration (NNSA) appreciates the opportunity to have reviewed the draft report, "Unauthorized Handguns on National Nuclear Security Administration Aircraft." We understand that this inspection was based on several allegations that were presented to the IG and that the IG wanted to determine if individuals violated policy and if adequate internal controls had been implemented.

NNSA generally agrees with the report and corresponding recommendations. However, recommendations 3 and 4 should be directed to the Director, Office of Secure Transportation. These recommendations have been completed. The individuals referred to in the report have been disciplined.

NNSA is in the process of implementing procedures for screening passengers to meet the requirements as we have interpreted them. The procedures to be put in place will meet the intent of the draft report.

Should you have any questions related to this response, please contact Richard Speidel, Director, Policy and Internal Controls Management, at 586-5009.

cc: Director, Office of Secure Transportation

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