Department of Energy
Washington, DC 20585

July 12, 2007

MEMORANDUM FOR THE DEPUTY SECRETARY

FROM: Gregory H. Friedman
Inspector General

SUBJECT: SUMMARY: Investigation of Alleged False Certifications Relating to Testing of the Contingency Protective Force at the Pantex Plant (OIG Case No. I07AL011)

INTRODUCTION

In a letter dated April 27, 2007, the United States Office of Special Counsel informed the Department of Energy of allegations regarding potential security weaknesses at the National Nuclear Security Administration's (NNSA) Pantex Plant. Specifically, it was alleged that Department of Energy and NNSA officials failed to provide properly trained and experienced contingency security forces to guard the Pantex Plant during a strike by security personnel of BWX Technologies, Inc. (BWXT). BWXT manages and operates the Pantex Plant under contract to the Department. Responsibility for reviewing the general safety and security issues raised in the Special Counsel letter was assigned to the Department's Office of Independent Oversight.

The Office of Inspector General initiated a separate criminal investigation to examine the facts and circumstances surrounding a specific allegation regarding the administration of written tests for training of the contingency protective force. Specifically, it was alleged that BWXT officials knowingly passed individuals who failed a written exam or failed to change their incorrect answers. Additionally, during the course of the criminal investigation, the Office of Inspector General received an additional allegation raising the possibility that BWXT instructors tolerated student cheating during written examinations.

OVERVIEW

The Office of Inspector General interviewed numerous Federal and contractor officials, including contingency protective force members and BWXT instructors. We also examined related documentation. The factual record developed during the investigation with respect to possible criminal violations was discussed with the United States Attorney's Office for the Northern District of Texas. That Office indicated that the matter lacked prosecutive merit.

Our investigation focused on alleged criminal misconduct relating to specific events and activities. We were informed that general concerns regarding the adequacy of contingency force

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readiness—an issue of significance at a facility as sensitive as Pantex—are being addressed as part of the Office of Independent Oversight review.

INVESTIGATION DETAILS

The Office of Inspector General sought to determine if BWXT instructors passed individuals who failed to achieve required passing scores on written exams and, in turn, improperly certified to the Department that all students had passed. Instructors allegedly provided correct answers to individuals or allowed them to change their answers after they had failed an exam. In addition to interviewing both instructors and contingency force members, we interviewed Federal officials familiar with contractor training requirements and BWXT's involvement in preparing the contingency protective force.

The contingency force population consisted mainly of security police officers and Office of Secure Transportation couriers detailed from other Departmental sites who, we were told, had completed basic training as part of their regular assignments. Thus, the training consisted of nine days of refresher and site-specific training. As part of the training, BWXT administered both performance-based (practical exercises) and written examinations to contingent protective force members. Performance-based training involved both the instructor and the student in a direct dialogue or interaction, so that the instructor could assess the performance of the student on the material covered. One example of performance-based training involved the handling of weapons. Following the instructor's assessment of the student's performance, the instructor certified as to the student's competence by placing a check mark in a box(s) on a form indicating the student had passed or failed. Written examinations were also used to gauge competency. Relevant topics ranged from deadly force and general employee radiological training to facility ingress/egress. The questions were multiple choice and the students were asked to identify only one best or correct answer. Each examination had an established passing rate that had been set by BWXT to assist in determining the competency of protective force members. For instance, the deadly force component required a passing score of 100 percent.

The Office of Inspector General was informed by a BWXT safeguards and security official that a determination of "competency" could be established and judged through various means including, but not limited to, class instruction, self instruction, performance-based and written examinations, and remediation. Instructors had the latitude to administer class instruction and remediation based upon their training and experience to ensure that students were competent. We were told that remediation pursuant to the failure of a written examination could take various forms, including a discussion of material covered at the immediate conclusion of an examination. A Pantex Plant Federal safeguards and security manager confirmed the information provided by BWXT.

Two students advised the Office of Inspector General that BWXT instructors provided correct answers to students who failed to achieve 100 percent on the deadly force examination. Other students interviewed stated that instructors provided clarification and guidance but did not offer the actual correct answers.

The Office of Inspector General confirmed that initially a number of students did not achieve the required 100 percent passing score on the deadly force exam. Certain students provided incorrect answers to questions, while other students circled more than one multiple-choice option for questions. According to BWXT officials, individuals who did not achieve a 100 percent score received remediation, which consisted of immediate follow-up discussion and tutoring. Once the students demonstrated an acceptable level of subject knowledge and competence, they were considered to have passed the examination.

BWXT instructors denied providing answers to students who failed the deadly force exam. They denied that any student who received less than 100 percent was arbitrarily passed without further instruction and a positive determination of competence. We were unable to reconcile the conflicting statements between the two witnesses who reported that instructors provided answers to students and the instructors and students who stated that answers had not been shared.

The NNSA's Amarillo Site Office requested that BWXT officials provide written confirmation as to the capability of the contingency protective force following the training. On April 13, 2007, the Safeguards and Security Division of BWXT certified via internal memorandum that the Phase 1 Contingency Protective Force was trained to achieve acceptable protection levels and that the force was qualified to protect the national security assets at the Pantex Plant. Relevant to our criminal investigation, we found that this certification did not assert a position with regard to specific test scores.

Alleged Cheating Allowed by BWXT

During the course of our investigation, we separately received information that BWXT instructors allowed cheating during certain self-taught courses. Such courses involved students reviewing printed materials at their own pace and completing the course with a written examination in the same room. We were told that instructors were in and out of the classroom as the students proceeded through the course.

The facts developed during the investigation did not support that BWXT allowed cheating. However, selected students interviewed by the Office of Inspector General reported that during certain exams, self-initiated group discussions occurred among the test-takers. They characterized their actions not as cheating but as a group effort to ensure everyone understood the materials. One BWXT instructor confirmed that open discussion among the students had occurred. The Instructor stated that this activity was unacceptable under the circumstances and had counseled the students not to do so. The instructors interviewed denied being aware of cheating through classmate discussions.

Additional Information

The Office of Inspector General learned about two individuals who separately acknowledged that they had cheated on a particular exam. They reported that, contrary to instructions, they used written training materials while completing a test. The individuals stated that they did this on their own, without the knowledge of BWXT. We have provided this information to appropriate Department officials.

OBSERVATIONS

The Pantex Plant is a critical part of the NNSA and, as such, one of the Department's most secure and sensitive facilities. Its missions—assembly and disassembly of weapons, surveillance of nuclear weapons in the weapons stockpile and storage of nuclear weapons parts—require significant attention to protective force readiness and all of its ramifications. The allegations about Pantex security readiness were directly associated with the transition from the regular contractor protective force to the contingency force. In this context, heightened awareness and concern about the ability of the contingency force to protect the Pantex facility were understandable. Should a similar situation arise in the future, the Department should ensure that testing and certification procedures are executed in an environment where the highest security performance standards are in effect and one which precludes even the appearance of irregularity or wrongdoing. We noted as questionable, for instance, the practice of allowing test-takers and students who are reviewing course materials to be in the same room during self-paced courses.

I would be pleased to discuss this report in detail at your convenience.

cc: Chief of Staff
Acting Administrator, National Nuclear
Security Administration