



**U.S. Department of Energy**  
**Office of River Protection**

P.O. Box 450, MSIN H6-60  
Richland, Washington 99352

05-ESQ-060

Mr. J. P. Henschel, Project Director  
Bechtel National, Inc.  
2435 Stevens Center  
Richland, Washington 99352

Dear Mr. Henschel:

CONTRACT NO. DE-AC27-01RV14136 – U.S. DEPARTMENT OF ENERGY (DOE),  
OFFICE OF RIVER PROTECTION (ORP) EMPLOYEE CONCERNS PROGRAM (ECP)  
SURVEILLANCE FOR AUGUST 2005

DOE ORP Employee Concerns Office performed a periodic surveillance of the Bechtel National, Inc. (BNI) ECP during the period of August 2 through 30, 2005. This surveillance was performed to determine if BNI had managed and implemented the BNI ECP within ORP/Hanford Tank Waste Treatment and Immobilization Plant (WTP) Contract DE-AC27-01RV14136 Contracts Requirements Document (CRD) DOE O 442.1A, Revision 1 CRD requirements.

Based on the results of interviews, walkdowns, and document reviews, it was determined that BNI has managed and implemented the ECP in accordance with ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD DOE O 442.1A, Revision 1 CRD requirements.

One Observation of concern is the fear of retribution by employees for identifying safety concerns. Seven, or 27%, of the 26 people interviewed, felt that raising concerns through the BNI supervision or through the BNI or DOE ECP would bring retribution or an unfavorable personnel action. The personnel who indicated that retribution was a problem were non-manual staff. Personnel who indicated that unfavorable actions would be taken could not provide specific instances where retribution had been taken. However, the individuals felt retribution would be taken by the company even after they left the WTP project. Assessments by BNI identified similar concerns among employees. BNI is in the planning stages of developing a management training program to address the Observation.

Based on the Observation, the assessment team concluded that the fear of retribution by employees needs to be addressed by BNI. Therefore, BNI is requested to provide, within 30 days of receipt of this letter, a response to the Observation. Your responses should address the corrective steps that have been taken or will be taken and projected dates.

**U.S. Department of Energy  
Office of River Protection**

**Assessment of  
Bechtel National Incorporated  
Employee Concerns Program**

---

---



**Office of River Protection**

**August 2005**

---

---

**U.S. Department of Energy (DOE),  
Office of River Protection (ORP)  
Assessment Report**

---

**Division: Office of River Protection Employee Concerns Program**

**Assessors: Mary A. Ryan and Michael J. Royack**

**Assessment Number: A-05-ESQ- RPPWTP-008**

**Date Completed: August 31, 2005**

---

**Contractor: Bechtel National Incorporated (BNI)**

**Facility: Waste Treatment and Immobilization Plant (WTP)**

**Title: Assessment of BNI Employee Concerns Program (ECP)**

**Guide: DOE CRD O 442.1A, Revision 1**

---

**Purpose**

To determine if BNI managed and implemented the BNI ECP in accordance with ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD DOE O 442.1A, Revision 1, Contract Requirements Document (CRD) requirements by evaluating:

- Implementation of BNI ECP program compliance with CRD of DOE O 442.1A, Revision 1;
  - Implementation of ECP contractual requirements for BNI and their subcontractors;
  - Awareness of individuals from BNI and their subcontractors of the ECP program;
  - Resolution and closure of issues from the previous DOE Richland Operations Office (RL);
  - Adequacy of files with respect to the record of events, depth of investigation, and corrective actions; and
  - The effectiveness of ECP self-assessments.
-

## **Assessment Scope:**

Evaluation of the effectiveness of the BNI ECP and process included: ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD order requirements for ECP; BNI ECP programs and procedures; sampling of BNI ECP investigated and closed cases; BNI ECP organization; BNI ECP self-assessments; BNI ECP corrective actions from self and outside assessments; and BNI assessments of subcontractor ECP programs.

---

## **Assessment Summary:**

BNI has managed and implemented the ECP in accordance with ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD DOE O 442.1A, Revision 1 CRD requirements.

The conclusion is based on the results of interviews, walkdowns, and document reviews.

## **Interviews:**

Twenty six BNI and subcontract personnel, 15 craft and 11 non-manual employees were interviewed for their understanding and use of the ECP at Hanford and the WTP construction site. Included in the interviews were Field Work Supervisors, Construction leads, engineers, electricians, pipe fitters, Quality Assurance (QA), support personnel, riggers, and managers.

## **Documents Reviewed:**

- DOE O 442.1A, Supplemental Contractor Requirements Document;
- Bechtel ECP procedure, 24590-WTP-GPP-MGT-005, Revisions 0 and 1, effective dates August 22, 2003, and December 31, 2004, respectively;
- BNI and Washington Group International ECP Organization Charts, effective July 21, 2005;
- BNI ECP Management Assessment Report – 2004, 24590-WTP-MAR-ECP-04-0001, Revision 0, signed December 30, 2004.

Corrective Actions:

- 24590-WTP-RITS-QAIS-04-654, ECP Staff Training Requirements (S-04-SCO-BNI-ECP-003);
- 24590-WTP-RITS-QAIS-04-1150, Update ECP Poster;
- 24590-WTP-RITS-QAIS-04-1151, Revise ECP Procedure; and
- 24590-WTP-RITS-QAIS-04-1152, Develop A Confidentiality Process.
- BNI ECP Management Assessment, 24590-WTP-MAR-ECP-03-001, Revision 0, signed November 17, 2003;
- BNI ECP Management Assessment, 24590-WTP-MAR-ECP-0-001, Revision 0, signed June 24, 2002;
- BNI 24590-WTP-ECPA-QA-05-0001, Revision 0, Washington Group ECP Assessment Report, dated April 12, 2005;

Corrective Actions:

- 24590-WTP-RITS-QAIS-05-417, Employee Concerns Revision 1 Procedure Implementation; and
- 24590-WTP-RITS-QAIS-05-419, ECP Coordinator Training.
- BNI 24590-WTP-ECPA-QA-05-0002, Revision 0, Assessment of the INTERMECH, Inc ECP Report, dated June 8, 2005;

Corrective Actions:

- 24590-WTP-RITS-QAIS-05-564, Continuing Education/Training;
- 24590-WTP-RITS-QAIS-05-565, Telephone Numbers for DOE and Inspector General; and
- 24590-WTP-RITS-QAIS-05-566, Reminders to Employees of ECP.
- BNI 24590-WTP-ECPA-QA-05-0003, Revision 0, Assessment of the Chicago Bridge and Iron ECP Report, dated June 13, 2005;

Corrective Actions:

- 24590-WTP-RITS-QAIS-05-598, ECP Training and Qualification;

- 24590-WTP-RITS-QAIS-05-597, Employee Concerns Documentation;
  - 24590-WTP-RITS-QAIS-05-599, Existing Employee Issues;
  - 24590-WTP-RITS-QAIS-05-600, ECP Program Signage Information;
  - 24590-WTP-RITS-QAIS-05-602, ECP pass down to CB&I suppliers; and
  - 24590-WTP-RITS-QAIS-05-603, ECP annual assessments.
- BNI QA, Assessment Plan for the F. D. Thomas Incorporated ECP dated July 12, 2005;
  - RL ECP Surveillance Report S-04-SCO-BNI-ECP-001 completed April 2004;

Corrective Actions:

Findings

- 24590-WTP-RITS-QAIS-04-654, ECP Staff Training Requirements (S-04-SCO-BNI-ECP-003);
- Corrective Action Report 24590-WTP-CAR-QA-04-124, Subcontractor ECP Assessments (S-04-SCO-BNI-ECP-F02); and
- Corrective Action Report 24590-WTP-CAR-QA-04-125, ECP Self-Assessments (S-04-SCO-BNI-ECP-F01).

Observations:

- 24590-WTP-RITS-QAIS-04-630, Tracking of Corrective Action Reports: 24590-WTP-CAR-QA-04-124 and Corrective Action Report 24590-WTP-CAR-QA-04-125;
- 24590-WTP-RITS-QAIS-04-631, Tracking of Recommendation and Issues Tracking System (RITS) closures for S-04-SCO-BNI-ECP-001;
- 24590-WTP-RITS-QAIS-04-648, Tracking of 24590-WTP-GPP-MGT-002;
- 24590-WTP-RITS-QAIS-04-652, Tracking prioritization of ECP concerns in S-04-SCO-BNI-ECP-001;
- 24590-WTP-RITS-QAIS-04-655, Tracking ECP tracking system concern in S-04-SCO-BNI-ECP-001; and

– 24590-WTP-RITS-QAIS-04-656, Tracking ECP performance indicators in S-04-SCO-BNI-ECP-001.

- ECP database (both ORP and BNI);
- Twenty five BNI closed case files;
- Employee Assistance presentation training material that includes ECP; and
- BNI ECP User Survey Results Report.

**Facility Walkdowns that were performed in conducting interviews:**

- High Level Waste facility;
- Low Activity Waste Facility;
- Balance of facilities;
- Pretreatment Facility;
- WTP Laboratory Facility;
- Warehouse and storage areas;
- Lunch rooms and labor congregation areas;
- Engineering and support offices; and
- Administrative Areas.

**Requirement Compliance**

Based on assessment results, BNI ECP program is compliant with the requirements of ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD order requirements for ECP for the period from April 2004, through August 2006.

The basis for this determination was as follows: ORP review of samplings of BNI ECP program reports, corrective actions, BNI QA assessments of sub-contractors, documentation, closure packages; and walk downs and interviews.

BNI ECP is included in sub-contractor contracting in their procedures including sub-contractor ECP assessments and corrective action(s) and closeout. Sub-contractor assessments are performed by BNI QA organization. The BNI QA organization tracks closure of deficiencies for subcontractor corrective actions.

Walkdowns of the WTP facilities, as listed above, were conducted.

During the walkdowns:

- Employees of BNI and sub-contractors were asked about the BNI and DOE ECP access and use. All of the individuals interviewed knew of the BNI ECP, however, five of the 26 interviewees did not know about the DOE ECP and Hotline;
- Ten of the 26 persons interviewed indicated that the Department of Labor was also an avenue for issue resolution;
- Seven of the 26 people interviewed felt that raising concerns through the BNI supervision or BNI or DOE ECP would bring retribution or an unfavorable personnel action. Persons who indicated that unfavorable actions would be taken could not provide specific instances where retribution had been taken. However, the individuals felt retribution would be taken by the company even after they left the WTP project;
- In interviews, BNI ECP management acknowledged that among non-manual staff the fear of reprisal was a deep rooted issue. BNI ECP and upper management were in the process of planning a training course for management in dealing with personnel who bring safety concerns to the attention of management; and
- BNI ECP provides posters, brochures, briefings, and training to inform BNI employees and sub-contractors of the avenues to raise concerns. In the areas visited (lunch rooms office areas) posters and brochures were available, posted in unobstructed areas, and were well-stocked. Updated ECP brochures had not yet replaced an older version. The phone numbers, names, and organizations were correct in both versions of the brochures.

### **Documentation Reviews**

Documents listed above were reviewed.

Assessments:

BNI has addressed and closed Findings and Observations identified in RL ECP Surveillance Report S-04-SCO-BNI-ECP-001 completed April 2004, and BNI self and sub-contractor assessments.

Corrective actions were closed and documented.

Tracking System:

The BNI ECP tracking system was in the process of being updated during the assessment. The new program will be in place for the 2006 assessment.



BNI ECP Records:

The 25 packages reviewed were satisfactory based on the following:

- Case files were standardized, documented, and organized;
- Case files are stored properly, locked, and access controlled;
- Access to case files is controlled by ECP administrative assistant under the direction of the BNI ECP manager. Only ECP staff have are permitted to access the case files;
- Appropriate investigation was performed for the cases reviewed;
- Case corrective actions appeared to be appropriate for recurrence prevention;
- Corrective actions were implemented in a timely manner;
- Case investigations were performed as appropriate to assure timeliness of information gathered;
- Organizations investigating cases appeared to be appropriate for the case issues and appeared to be independent for the case; and
- Confidentiality was maintained when requested by the Concerned Individual.

### **Feedback and Improvement**

Review of the BNI ECP: self-assessments, sub-contractor assessments, DOE Special Concerns Office/ECP Finding closeouts, corrective action closure, ECP case files, ECP postings and brochures, interviews of BNI and sub-contractor employees; indicates that the BNI ECP is in compliance with ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD order requirements. BNI and DOE directed program improvements and corrective actions have corrected deficiencies in the ECP since the April 2004 DOE Survey.

Surveys, self surveys, and the ECP program are being performed in accordance with BNI procedures.

---

### **Conclusion:**

The BNI ECP is being implemented in compliance with DOE ORP/Hanford Tank WTP Contract DE-AC27-01RV14136 CRD order requirements of DOE O 442.1A, Revision 1.

The reviewers identified one Observation during this assessment.

---

## **Assessment Results:**

### **Observation:**

A-05-ESQ-RPPWTP-08-001: Seven of the 26 people interviewed felt that raising concerns through the BNI supervision or BNI or DOE ECP would bring retribution or an unfavorable personnel action. Persons who indicated that unfavorable actions would be taken could not provide specific instances where retribution had been taken. However, the individuals felt retribution would be taken by the company.

### **Requirement:**

DOE Acquisition Regulations 952.203-70 Whistleblower Protection for Contractor Employees (December 2000): a) The contractor shall comply with the requirements of 10 CFR Part 708 “DOE Contractor Employee Protection Program,” for work performed on behalf of DOE directly related to activities at DOE-owned or leased sites; and b) The contractor shall insert or have inserted the substance of this clause, including this Paragraph (b), in sub-contracts at all tiers, for subcontracts involving work performed on behalf directly related to activities at DOE-owned or – leased sites.

DOE CRD O 442.1A, Revision 1, states, that contractor and sub-contractor employee’s shall be informed of the availability of the ECP, their right to raise concerns relating to environment, safety, health, or management of DOE-related activities through the Contractor ECP or Departmental ECP programs and to do so without any fear of harassment or reprisal.

ORP will evaluate and assess the effectiveness of BNI corrective actions associated with employee fear of harassment or reprisal.

---

**Management Debriefed:** A briefing was held on August 29, 2005.

Clyde Stewart, BNI ECP