



U.S. Department of Energy

~~OFFICE OF RIVER PROTECTION~~

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

OCT 10 2006

06-ESQ-137

Mr. C. M. Albert, Project Manager
Bechtel National, Inc.
2435 Stevens Center Place
Richland, Washington 99354

Dear Mr. Albert:

CONTRACT NO. DE-AC27-01RV14136 – U.S. DEPARTMENT OF ENERGY (DOE),
OFFICE OF RIVER PROTECTION (ORP) ASSESSMENT OF THE BECHTEL NATIONAL,
INC. (BNI) EMPLOYEE CONCERNS PROGRAM (ECP), AUGUST 21 AND 22, 2006

Representatives from the DOE ORP Employee Concerns Office conducted an assessment of BNI's ECP on August 21 and 22, 2006. This was a performance-based assessment which focused on reviewing recently completed BNI ECP case files which were categorized as safety concerns.

The assessors concluded the BNI ECP was a mature program, maintained detailed metrics that measured program performance, and was staffed by talented and professional individuals committed to the success of the program.

The evaluators identified one Finding and five Observations. The Finding identified two cases where the documented evidence did not fully address the issues raised by the Concerned Individual, which is contrary to contract requirements and DOE O 442.1A, "Department of Energy Employee Concerns Program," Attachment 1, Contractor Requirements Document. The Observations are presented as opportunities for improvement. The one Finding and five Observations are documented in detail in the Attachment.

BNI should respond to this Finding within 30 days of receipt of this letter. Your response should address the corrective steps that have been taken or will be taken and projected completion dates.

This letter is not considered to constitute a change to the Contract. In the event the Contractor disagrees with this interpretation, it must immediately notify the Contracting Officer orally, and otherwise comply with the requirements of the Contract clause entitled 52.243-7, "Notification of Changes."

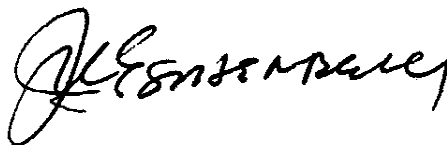
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Mr. C. M. Albert
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If you have any questions, please contact me, or your staff may call Robert C. Barr, Director,
Office of Environmental Safety and Quality, (509) 376-7851.

Sincerely,



John R. Eschenberg, Project Manager
Waste Treatment and Immobilization Plant

ESQ:PPC

Attachment

cc w/attach:

D. E. Gergely, BNI

D. E. Kammenzind, BNI

G. T. Shell, BNI

BNI Correspondence

U.S. Department of Energy
Office of River Protection
Environmental Safety and Quality

Title: Assessment of Bechtel National, Inc., Employee Concerns Program

Report Number: A-06-ESQ-RPPWTP-006

Facility: Waste Treatment and Immobilization Plant

Location: Hanford Site

Dates: August 21 and 22, 2006

Assessors: Patrick P. Carrier and Robert W. Griffith

Approved by: Patrick P. Carrier, Manager, Employee Concerns Program

Contractor: Bechtel National Inc.

Guide: DOE CRD O 442.1A, Revision 1

Executive Summary

The U.S. Department of Energy (DOE), Office of River Protection evaluated the Bechtel National, Inc. (BNI) Employee Concerns Program (ECP). This performance-based assessment focused on reviewing recently completed BNI ECP case files which were categorized as safety concerns. The assessors evaluated 11 case files and interviewed BNI ECP management and investigators. The assessors reviewed a draft copy of a recently completed BNI ECP management assessment and reviewed the ECP implementing procedure. BNI performed its last assessment of its ECP in August 2005.

The assessors concluded the BNI ECP was a mature program, maintained detailed metrics that measured program performance, and was staffed by talented and professional individuals committed to the success of the program. In general, the ECP files reviewed reflected a sound process for investigating and closing employee concerns and contained the information recommended by DOE G 442.1-1.

The assessors identified one Finding and five Observations. The assessors concluded that BNI was managing and implementing the ECP in accordance with the expectations embodied in the Contractor Requirements Document (CRD) for DOE O 442.1A, “Department of Energy Employee Concerns Program” and the guidance provided in DOE G 442.1-1, “Department of Energy Employee Concerns Program Guide,” with the exception of the Finding. The Finding identified cases where BNI’s resolution of a concern was in conflict with the CRD requirement for contractor ECP to “assist DOE in the resolution of employee concerns in a manner that protects the health and safety of ... employees...” Specifically, the BNI ECP had closed two concerns on the basis that a related Corrective Action Report (CAR) had been closed. However, the assessors found that the corrective action documented in the closed CAR did not address the construction site work deficiencies adequately which were the basis for the employee concerns. As a result, the assessors identified the following Finding:

A-06-ESQ-RPPWTP-006-F01 – The closure of BNI ECP concerns WTP-BNI-2006-0007 and -0008 did not reflect the completion of corrective actions that adequately addressed the deficient site work practices identified by the Concerned Individual. This represents a failure to resolve an employee concern in a manner that protects the health and safety of employees.

A response to the above Finding is required.

Assessment of the Bechtel National, Inc. (BNI) Employee Concerns Program (ECP)

Purpose and Scope

On August 21 and 22, 2006, the U.S. Department of Energy (DOE), Office of River Protection (ORP) conducted an assessment of BNI's Employee Concerns Program (ECP). The assessment evaluated the BNI's performance against ECP contract requirements. The BNI contract stipulates that the BNI ECP will meet the requirements of DOE O 442.1A, "Department of Energy Employee Concerns Program," Attachment 1, Contractor Requirements Document.

This performance-based assessment focused on reviewing recently completed BNI ECP case files which were categorized as safety concerns. The assessors evaluated 11 case files and interviewed BNI ECP management and investigators. The assessors also reviewed a draft copy of a recently completed BNI ECP management assessment and reviewed the ECP implementing procedure. The last assessment of the BNI ECP was performed in August 2005. Specific BNI ECP case files reviewed were as follows:

- WTP-BNI-2006-0007.01;
- WTP-BNI-2006-0008.01;
- WTP-BNI-2006-0010.01;
- WTP-BNI-2006-0010.02;
- WTP-BNI-2006-0013.01;
- WTP-BNI-2006-0030.01;
- WTP-BNI-2006-0026.01;
- WTP-BNI-2006-0013.06;
- WTP-BNI-2005-0083.01;
- WTP-BNI-2006-0083.02; and
- WTP-BNI-2006-0013.05.

Results

Case File review

The ORP assessors reviewed the case files and identified one Finding and had five Observations. The most significant issue involved BNI ECP case files WTP-BNI-2006-0007.01 and WTP-BNI-2006-0008.01. These concerns dealt with deficiencies identified by a Concerned Individual (CI) during a concrete pour/placement in the Waste Treatment and Immobilization Plant (WTP) Analytical Laboratory facility. The CI was a construction craft foreman responsible for the erection and modification of scaffolding at the WTP site. During the Analytical Laboratory concrete pour/placement in question, the CI observed repeated unauthorized modifications of erected scaffolding by mud crew personnel. In addition, the mud crew made no attempt to reclassify the modified scaffolding as “yellow,” requiring the use of full fall protection for all personnel using the scaffolding, in accordance with project procedures. The CI indicated during his/her intake that he/she had seen similar scaffolding misuse by mud crews working on concrete pours/placements during backshifts at the WTP. In addition to his/her concern about the scaffold misuse, the CI identified that another worker present during the concrete pour/placement observed a mud crew member exit the scaffold by climbing up, over, and into a 16-foot high rebar wall without using any fall protection. This also was a violation of WTP site work rules. When the other worker tried to invoke his/her Stop Work authority for this lack of use of fall protection, he/she was ignored by the people present.

Because of the safety significance of this concern, the BNI ECP investigator initiated a Corrective Action Report (CAR) after completing the intake. This was considered a good practice by the assessors, since it represented a proper attitude towards safety and quality. The disposition of the CAR involved a morning safety stand-down meeting where BNI construction management reminded craft of the appropriate use of fall protection and scaffold controls. The specifics of the procedure violations during the Analytical Laboratory concrete pour/placement were not discussed. As documented during the concern intake, the CI did not feel that these safety issues were discussed adequately during the stand-down and felt that BNI management had “covered-up” the problems. The BNI ECP subsequently closed these concerns solely on the basis of the closed CAR. The ORP assessors concluded that the CAR corrective actions were inadequate to ensure subsequent WTP site safe work practices for scaffold and fall protection use. During interviews of the BNI ECP Manager and the investigator of the concerns, it was identified to the assessors that BNI ECP personnel also were not convinced that the concerns had been fully addressed. The case file demonstrated the BNI ECP staff made an attempt to brief construction management on their uneasiness with the CAR disposition. The assessors were told the meeting took place and only lasted a few minutes. As a result, the ECP staff was unable to clearly communicate the significance of this concern. Subsequent to the meeting the ECP staff chose not to escalate their concerns and closed out the concern based on the CAR closure. Based on this information, the assessors concluded the following Contractor Requirements Document (CRD) requirement was not followed: “... contractors are required to -

- assist DOE in the resolution of employee concerns in a manner that protects the health and safety of ... employees...”

This non-compliance with the CRD is documented in the following Finding:

A-06-ESQ-RPPWTP-006-F01 – The closure of BNI ECP concerns WTP-BNI-2006-0007 and -0008 did not reflect the completion of corrective actions that adequately addressed the deficient site work practices identified by the Concerned Individual. This represents a failure to resolve an employee concern in a manner that protects the health and safety of employees.

BNI should provide a response to the above Finding describing the corrective actions that have or will be taken to ensure safe work practices for scaffold and fall protection use at the WTP site. The response should describe corrective actions that have or will be taken to ensure that future BNI ECP concerns are not closed until all concerns/issues identified by the CIs have been properly resolved to the satisfaction of BNI ECP staff.

During the review of the BNI ECP case file WTP-BNI-2006-0030.01, the assessors identified that closure of the concern was based on the BNI Engineering group agreeing to perform a review of the potential design deficiency identified by the CI. The case file indicated the CI agreed the path forward was adequate and, as such, the BNI ECP considered the issue to not be a “formal” concern. The case file contained no information on the results of the Engineering review, nor did it contain any tracking information to allow for follow-up review on the adequacy of the actions taken by BNI Engineering. The assessors made the following two Observations relative to this BNI ECP concern:

A-06-ESQ-RPPWTP-006-O01 – The BNI ECP implementing procedure defines the term “Employee Concern.” The definition does not include the term “formal.” The use of the term implies that there are “informal concerns” and that a lesser disposition is allowed for “informal concerns.” Since there is no procedural basis to disposition such classification, the assessors recommend that the BNI ECP discontinue the above practice.

A-06-ESQ-RPPWTP-006-O02 – The BNI ECP case files should contain sufficient information to allow an independent reviewer to understand the bases used by BNI to conclude that all issues associated with a concern were fully and properly addressed. As a minimum, the BNI ECP case files should contain sufficient tracking information to allow a reviewer to access the necessary information to independently conclude that closure of the concern was appropriate.

Every concern should be investigated, tracked, and closed in a manner that ensures all issues raised by a CI are appropriately addressed. In addition, sufficient traceable documentation should be retained in the BNI ECP records to allow an independent reviewer to follow the bases why the BNI ECP staff concluded the concern was fully and properly addressed.

The BNI ECP Procedure, 24590-WTP-GPP-MGT-005, Revision 3, required closure letters be sent to CIs “to the extent practical.” Review of the 11 BNI ECP case files found no evidence that closure letters were sent to the CIs. Discussions with the ECP staff confirmed that the common practice was not to send closure letters. Instead the BNI ECP staff communicated with the CI via telephone or in some cases face-to-face. This closure approach is appropriate and meets DOE guidance. However, the words in the BNI procedure were not implemented by BNI ECP staff. As a result the assessors made the following Observation.

A-06-ESQ-RPPWTP-006-O03 – BNI should either comply with the requirements of the current revision of BNI procedure 24590-WTP-GPP-MGT-005 and issue concern closure letters to Concerned Individuals (CIs) or revise the procedure to reflect the actual practices being used by the BNI ECP to achieve close-out with CIs following the closure of concerns.

Some instances of BNI ECP case file documentation (e.g., WTP-BNI-2006-0013.01) showed that for investigations performed by BNI organizations other than the BNI ECP, the case files contained only summary information or conclusions from the investigation performed. As such, the assessors could not understand the breath and depth of the investigation performed. As a result, the basis for closure of the concern could not be fully understood. The BNI ECP case files should be complete and contain the full content of the investigation performed. The assessors made the following Observation:

A-06-ESQ-RPPWTP-006-O04 – BNI ECP case files should contain complete investigation reports for all investigations performed in support of concern closure. These reports are considered essential to satisfy the BNI procedure 24590-WTP-GPP-MGT-005 requirement that closure information include “evidence to support results.”

Review of case files WTP-BNI-2006-0010.01 and WTP-BNI-2006-0010.02, showed that the CI filed a concern and requested confidentiality. Case file documentation indicated that confidentiality may not have been appropriately maintained. There was no information in the case file indicating the CI had waived the confidentiality request during the course of the investigation. As such, the assessors made the following Observation:

A-06-ESQ-RPPWTP-006-O05 – For concerns where the CI requests confidentiality during the intake, the BNI ECP case files should identify when confidentiality was not maintained during the course of the concern investigation, and why. If possible, the BNI ECP case files should include evidence that the CI agreed to the waiver of confidentiality or, at least, was informed of the loss of confidentiality.

The assessors also identified several instances where ECP documentation contained incomplete information, erroneous classifications (e.g., Reprisal, when the file contains no other information about reprisal actions taken or alleged to have been taken against the CI), and other inconsistencies, including instances where the concern was classified differently (e.g., Routine, Other than Serious, Safety, Human Relations/Labor Relations) on different ECP documents in the same concern case file. While none of these errors were serious, the assessors recommend that BNI ECP personnel increase their diligence in ensuring the accuracy and completeness of ECP documentation.

Review of ECP procedure and ECP desk instructions

The assessors reviewed the BNI ECP implementing Procedure 24590-WTP-GPP-MGT-005, Revision 3, dated August 14, 2006, and the BNI ECP desk instructions. The review concluded that the implementing procedure met contract and DOE O 442.1A requirements. The information contained in the implementing procedure also was consistent with the guidance provided in DOE G 442.1-1. Two noteworthy practices were observed. The first good practice involved Section 5.1, Training. This section provided clear training requirements for ECP personnel, including Investigation training, Subject Matter Expert training and continuing training. The second good practice involved ECP records. Records were appropriately stored in fire rated cabinets and access to those records was well-controlled. In addition, BNI took the extra effort to back up all records electronically (compact disks). This practice was above and beyond DOE requirements.

Review of Draft Management Assessment

The assessors were provided a copy of a recently completed ECP Management Assessment Report (24590-WTP-MAR-ECP-06-0002, Revision 0). The management assessment report had not been approved by BNI management. The report documented the review of 27 case files. Some of the case files reviewed overlapped the case files reviewed by the ORP assessors. The assessors concluded the management assessment was thorough and made several good recommendations that should improve the BNI ECP. Review of the management assessment did not identify any additional issues.

Exit Meeting with BNI Management

ORP management and ECP personnel conducted an Exit Meeting with BNI management and ECP personnel on August 22, 2006. ORP personnel present included R. C. Barr, P. P. Carrier, and R. W. Griffith; BNI representatives included W. S. Elkins, T. C. Stewart, G. L. Simmelink, and M. D. Robertson.

Conclusions

The assessors concluded that the BNI ECP was effectively implemented as compared to the requirements of the CRD for DOE O 442.1A and met or exceeded guidance provide in DOE G 442.1-1 with the minor exceptions identified in the report. BNI management commitment to the BNI ECP was evidenced by the resources committed to the program and the attendance of the WTP Project Director at the assessment exit meeting. The BNI ECP is a mature program, maintains metrics by which to evaluate and ensure program improvement, and is staffed by talented individuals committed to the success of the program. While specific instances of ECP document deficiencies were noted by the assessors, the ECP files reflect a thorough process for dispositioning employee concerns and the pride and professionalism of the individuals performing ECP activities and investigations. The files contained the information recommended by DOE G 442.1 and were maintained in locked, fire-rated cabinets in a controlled-access area. With the completion of corrective actions for the Finding and implementation of the recommended actions for the Observations in this report, the BNI ECP will be robust and fully consistent with DOE expectations.

Items Opened

Finding A-06-ESQ-RPPWTP-006-F01: The closure of BNI ECP concerns WTP-BNI-2006-0007 and -0008 did not reflect the completion of corrective actions that adequately addressed the deficient site work practices identified by the CI. This represents a failure to resolve an employee concern in a manner that protects the health and safety of employees.

Observation A-06-ESQ-RPPWTP-006-O01: The BNI ECP implementing procedure defines the term “Employee Concern.” The definition does not include the term “formal.” The use of the term implies that there are “informal concerns” and that a lesser disposition is allowed for “informal concerns.” Since there is no procedural basis to disposition such classification, it is recommended that the BNI ECP discontinue the above practice.

Observation A-06-ESQ-RPPWTP-006-O02: The BNI ECP case files should contain sufficient information to allow an independent reviewer to understand the bases used by BNI to conclude that all issues associated with a concern were fully and properly addressed. As a minimum, the BNI ECP case files should contain sufficient tracking information to allow a reviewer to access the necessary information to independently conclude that closure of the concern was appropriate.

Observation A-06-ESQ-RPPWTP-006-O03: BNI should either comply with the requirements of the current revision of BNI Procedure 24590-WTP-GPP-MGT-005 and issue concern closure letters to CIs or revise the procedure to reflect the actual practices being used by the BNI ECP to achieve close-out with CIs following the closure of concerns.

Observation A-06-ESQ-RPPWTP-006-O04: BNI ECP case files should contain complete investigation reports for all investigations performed in support of concern closure. These reports are considered essential to satisfy the BNI Procedure 24590-WTP-GPP-MGT-005 requirement that closure information include “evidence to support results.”

Observation A-06-ESQ-RPPWTP-006-O05: For concerns where the CI requests confidentiality during the intake, the BNI ECP case files should identify when confidentiality was not maintained during the course of the concern investigation, and why. If possible, the BNI ECP case files should include evidence that the CI agreed to the waiver of confidentiality or, at least, was informed of the loss of confidentiality.

Items Closed

None

Items Reviewed

None