

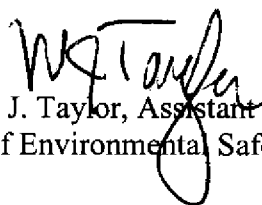
United States Government

Department of Energy
Office of River Protection

memorandum

DATE: **FEB 14 2008**
REPLY TO
ATTN OF: ESQ:BLW 08-ESQ-027
SUBJECT: MEMORANDUM TO FILE – U.S. DEPARTMENT OF ENERGY (DOE) EMPLOYEE
CONCERNS PROGRAM (ECP) ASSESSMENT REPORT A-07-ESQ-ORP-005
TO: Office of Environmental Safety and Quality Office File

Please find attached the DOE ECP Assessment Report A-07-ESQ-ORP-005.


William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

Attachment

U.S. DEPARTMENT OF ENERGY
Office of River Protection
Environmental Safety and Quality

ASSESSMENT: Office of River Protection, Employee Concerns Program

REPORT: A-07-ESQ-ATL-004

FACILITY: Office of River Protection, 2440 Stevens

LOCATION: Richland, Washington

DATES: December 20 and 21, 2007

ASSESSORS: Patrick Carier, ORP, Lead Assessor
Bobby Williams, Office of River Protection Employee Concerns Program
Manager

APPROVED BY: William Taylor, Assistant Manager, Environmental Safety & Quality

Executive Summary

The U.S. Department of Energy (DOE), Office of River Protection (ORP) conducted an assessment of the ORP Employee Concerns Program (ECP) December 20 and 21, 2007.

The scope of the assessment was determined by a requirement in the ORP Performance Objectives, Measures, and Commitments (POMC). The performance measure/commitment was: Perform an annual assessment of the ORP ECP by December 31, 2007, and evaluate timeliness of disposition of Employee Concern's and Differing Professional Opinions'.

Differing Professional Opinions (DPO) are governed by DOE P 442.1, Differing Professional Opinions on Technical Issues Related to Environment, Safety, and Health and DOE M 442.1-1, Differing Professional Opinions on Technical Issues Related to Environment, Safety, and Health. No DPO's were received for assessment, so no further review was needed or performed to satisfy the POMCs requirement.

The assessment evaluated the timeliness of disposition of Employee Concerns in accordance with DOE O 442.1A, "Department of Energy Employee Concerns Program" and DOE G 442.1-1, "Department of Energy Employee Concerns Program Guide."

The assessment found that ORP complies with the requirements of the above DOE Order and Guide.

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List of Acronyms

| | |
|------|---------------------------------------------------|
| DOE | U.S. Department of Energy |
| DPO | Differing Professional Opinion |
| ECP | Employee Concerns Program |
| ES&H | Office of Environmental Safety and Health |
| ORP | Office of River Protection |
| POMC | Performance Objectives, Measures, and Commitments |

U.S. Department of Energy (DOE), Office of River Protection (ORP) Assessment of ORP Employee Concerns Program (ECP)

1.0 Details

This assessment verified that ORP's ECP is performing in accordance with DOE O 442.1A, "Department of Energy Employee Concerns Program" and DOE G 442.1-1 "Department of Energy Employee Concerns Program Guide." This was accomplished by reviewing completed ECP case files for Calendar Year 2007.

The assessment could not verify the timeliness of the Differing Professional Opinion (DPO) cases, since no cases were investigated.

1.1 ECP Requirements

The following order and guides contains the requirements for ECP.

- DOE O 442.1A, "Department of Energy Employee Concerns Program" dated June 6, 2001, contains no time frames for investigation or completion of employee concerns.
- DOE G 442.1-1, "Department of Energy Employee Concerns Program Guide" dated February 1, 1999 contains the following time frames:
 - Section 5.1.2 REFERRAL OF CONCERNS
 - The ECP office should request a response within 30 days of the referral. Requests to extend the 30-day period should be sent to the ECP office and documented.
 - Section 8 PRIORITY DESIGNATION OF OCCUPATIONAL HEALTH AND SAFETY CONCERNS

Concerns are designated for processing in accordance with the criteria established by the Office of Environment, Safety, and Health (ES&H). An employee concern involving an imminent danger condition/concern or serious condition/concern will be immediately brought to the attention of the appropriate line manager and/or the ES&H program office for evaluation and action. The ECP must ensure that an initial determination of the health and safety significance of the concern is performed. Priorities for resolution must be established based on determination of the risk of the concern. Generic guidance for safety significance is provided below; however, for occupational safety and health concerns, additional classifications follow.

 - Imminent danger condition/concern. Any condition or practice in any workplace that creates a danger that could reasonably be expected to cause death or serious physical harm immediately or before the onset of the danger could be eliminated through the normal procedural mechanism. ES&H requires that such concerns be investigated within 24 hours.
 - Serious condition/concern. A hazard, violation, or condition that causes a substantial probability that death or serious physical harm, property loss, and/or environmental impact could result. ES&H requires that such concerns be investigated within three working days.

- Other-than-serious condition/concern. Hazards, violations, or conditions that may not result in death or serious physical harm, property loss, and/or environmental impact but may have a direct and immediate relationship to worker safety and health or the environment. ES&H requires that such concerns be investigated within 20 working days.
- DOE G 442.1-1, "Department of Energy Employee Concerns Program Guide" dated February 1, 1999, contains the following definition of investigation:
 - **Investigations.** An inquiry conducted by or on behalf of an ECP office, for the purpose of evaluating and resolving a concern, usually involving interviews, inspection of relevant documents, sites, or equipment, and an evaluation of practices being followed.

1.2 Employee Concerns Program Investigation and Closure Data

A review of 20 closed case files was performed and closure data was generated. The results were:

- All ECP cases were initially responded to within one to six calendar days depending on if the concern was an imminent danger concern, ES&H concern, or a routine administrative concern. The initial inquiry was done to determine the extent of the issue or concern and to determine if immediate action was warranted.
- The one imminent danger concern was immediately responded to and brought to the attention of the Office of Environmental Safety and Quality management and contractor personnel having authority over the issue.
- 13 employee concern cases were closed within 30 days; 2 case files were closed between 30 & 60 days, 3 case files were closed between 60 & 90 days, and 2 case files were closed after 90 days (118 & 122 days).

2.0 Findings and Observations

There were no findings or observations.

3.0 Conclusion

This assessment found that ORP's ECP investigation times and case closure complied with the order and guide. DOE O 442.1A contains no time requirements for investigation or closure of concerns. DOE G 442.1-1 contains time requirements for investigation of occupational safety and health concerns but no closure time requirements.

The assessment could not verify the timeliness of the DPO cases, since no cases were investigated.

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| Task# ORP-ESQ-2008-0027 |
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E-STARS^R Report
 Task Detail Report
 02/14/2008 1251

TASK INFORMATION

| | | | |
|-------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|-------------------|
| Task# | ORP-ESQ-2008-0027 | | |
| Subject | CONCUR:08-ESQ-027; MEMORANDUM TO FILE - DOE EMPLOYEE CONCERNS PROGRAM ASSESSMENT REPORT A-07-ESQ-ORP-005 | | |
| Parent Task# | | Status | CLOSED 02/14/2008 |
| Reference | 08-ESQ-027 | Due | |
| Originator | Gano, Becky (Gano, Becky) | Priority | High |
| Originator Phone | (509) 376-6004 | Category | None |
| Origination Date | 02/13/2008 1317 | Generic1 | |
| Remote Task# | | Generic2 | |
| Deliverable | None | Generic3 | |
| Class | Long Term | View Permissions | Normal |

Instructions
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 ESQ OFF FILE
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 P.P.CARIER, ESQ
 W.J.TAYLOR, ESQ
 B.L.WILLIAMS, ESQ

RECORD NOTE:

ROUTING LISTS

| | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | Route List | Inactive |
| | <ul style="list-style-type: none"> ● Williams, Bobby L - Review - Concur - 02/14/2008 1051 <i>Instructions:</i> ● Carier, Patrick P - Review - Concur - 02/14/2008 1246 <i>Instructions:</i> ● Taylor, William - Approve - Approved - 02/14/2008 1242 <i>Instructions:</i> | |

ATTACHMENTS

Attachments

1. 08-ESQ-027 att ORP ECP Assessment Report December 2007.doc
2. 08-ESQ-027 MEMO TO FILE - ORP ECP Assessment Report A-07-ESQ-ORP-005.doc

COLLABORATION**COMMENTS**

No Comments

RECEIVED

TASK DUE DATE HISTORY

FEB 14 2008

No Due Date History

DOE-ORP/ORPCC

SUB TASK HISTORY

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|--------------------------------|
| Task# ORP-ESQ-2008-0027 |
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E-STARS^R Report
Task Detail Report
02/13/2008 0122

TASK INFORMATION

| | | | |
|-------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|--------|
| Task# | ORP-ESQ-2008-0027 | | |
| Subject | CONCUR:08-ESQ-027; MEMORANDUM TO FILE - DOE EMPLOYEE CONCERNS PROGRAM ASSESSMENT REPORT A-07-ESQ-ORP-005 | | |
| Parent Task# | | Status | Open |
| Reference | 08-ESQ-027 | Due | |
| Originator | Gano, Becky (Gano, Becky) | Priority | High |
| Originator Phone | (509) 376-6004 | Category | None |
| Origination Date | 02/13/2008 1317 | Generic1 | |
| Remote Task# | | Generic2 | |
| Deliverable | None | Generic3 | |
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| 1 | Route List | Active |
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● Williams, Bobby L - Review - Awaiting Response - Due Date
Instructions:

● Carier, Patrick P - Review - Awaiting Response - Due Date
Instructions:

● Taylor, William - Approve - Awaiting Response - Due Date
Instructions:

R 2/14/08
PC 2/14/08
WJT 2/14/08

ATTACHMENTS

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|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attachments | <ol style="list-style-type: none"> 1. 08-ESQ-027 att ORP ECP Assessment Report December 2007.doc 2. 08-ESQ-027 MEMO TO FILE - ORP ECP Assessment Report A-07-ESQ-ORP-005.doc |
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COLLABORATION**COMMENTS**

No Comments

TASK DUE DATE HISTORY

No Due Date History

SUB TASK HISTORY