



## Department of Energy

Washington, DC 20585

October 6, 2011

Mr. Thomas J. Dieter, President  
CH2M-WG Idaho, LLC  
MS 9101  
1580 Sawtelle Street  
Idaho Falls, Idaho 83403

WCO-2011-01

Dear Mr. Dieter:

The Office of Health Safety and Security's Office of Enforcement and Oversight has completed its investigation into the facts and circumstances associated with the October 4, 2010, hoisting incident that occurred when a telescopic hydraulic gantry system tipped while lifting a 7,800-pound shield plug at the Sodium Bearing Waste Treatment Project (SBWTP) located at the U.S. Department of Energy's Idaho National Laboratory. The results of the investigation were provided to CH2M-WG Idaho, LLC (CWI) in an Investigation Report, dated April 20, 2011, and identified potential violations of DOE requirements established at 10 C.F.R. Part 851, *Worker Safety and Health Program*.

The investigation identified significant deficiencies that related to CWI's oversight of its subcontractor, URS-Washington Division (URS-WD), specifically in the areas of hazard identification and abatement, and worker training. After the event, CWI assisted URS-WD in performing a causal analysis and refining the URS-WD corrective action plan. DOE considers the causal analysis to be thorough and credible, and the corrective action plan addresses each of the root and contributing causes associated with the incident.

In accordance with 10 C.F.R. § 851.41, the Office of Enforcement and Oversight is exercising its enforcement discretion and resolving these potential violations through a Consent Order. The decision to enter into a Consent Order is based upon CWI's role in the regulatory aspects of the event and post-incident actions, which DOE found to be aggressive and comprehensive. CWI substantially increased management resources to ensure an adequate level of subcontractor oversight and appears committed to continuously monitoring corrective actions to prevent recurrence.

DOE reserves the right to initiate enforcement proceedings against CWI if it later becomes known that any of the facts or information provided to DOE regarding the described deficiencies was false or inaccurate in any material way. Further, if there is a

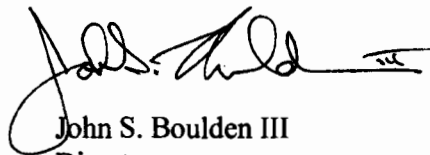


recurrence of worker safety and health deficiencies similar to those identified above, the Office of Enforcement and Oversight may decide to pursue additional enforcement activity. The Office of Enforcement and Oversight, the DOE Office of Environmental Management, and the DOE Idaho Operations Office will continue to closely monitor CWI's performance relative to subcontractor oversight at the SBWTP.

Enclosed are two signed copies of the Consent Order. Please sign both, keep one for your records, and return the other copy to this office within one week from the date of receipt of this Order. By signing this Consent Order, CWI agrees to remit a \$50,000 monetary remedy, payable to the Treasurer of the United States, in accordance with the directions in the enclosed Consent Order and to provide DOE with the information specified in section IV of the Consent Order.

Should you have any questions, please contact me at (301) 903-2178, or your staff may contact Mr. Kevin Dressman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-5144.

Sincerely,



John S. Boulden III  
Director  
Office of Enforcement and Oversight  
Office of Health, Safety and Security

Enclosure: Consent Order (WCO-2011-01)

cc: Lee Fife, CWI  
Richard Provencher, DOE-ID

In the matter of ) Report No. NTS-ID--CWI-IWTU-2010-0007  
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 CH2M-WG Idaho, LLC )  
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 ) Consent Order WCO-2011-01

CONSENT ORDER INCORPORATING AGREEMENT BETWEEN U.S. DEPARTMENT OF ENERGY AND CH2M-WG IDAHO, LLC

I

CH2M-WG Idaho, LLC (CWI) is responsible for environmental cleanup project activities at selected sites and facilities at the U.S. Department of Energy’s (DOE) Idaho National Laboratory under Contract No. DE-AC07-05ID14516 (Contract) for the DOE Idaho Operations Office (DOE-ID). CWI awarded a subcontract to URS-Washington Division (URS-WD) to construct the Sodium Bearing Waste Treatment Project (SBWTP).

II

On October 4, 2010, three URS-WD ironworkers were in the process of raising a 7,800-pound shield plug using a telescopic hydraulic gantry system (THGS) at the SBWTP. During the lifting sequence, when the shield plug was near its vertical position, the load shifted causing the shield plug and the gantry system to tip. Both the gantry system and shield plug came to rest against overhead structural steel I-beams and pipe supports. Although no injuries were reported, the event represented a near miss to a potential THGS collapse that could have resulted in serious injuries or death to the ironworkers. Following the incident, CWI directed the immediate suspension of all hoisting and rigging work and the review of all similar equipment and processes.

CWI assisted URS-WD in conducting a causal analysis and developing corrective actions and the associated report and recommendations were completed in November 2010. CWI’s involvement ensured that the investigation was done expeditiously and with sufficient rigor and thoroughness to properly identify the direct and contributing causes associated with the event. CWI reported the noncompliances related to the THGS hoisting incident into DOE’s Noncompliance Tracking System (NTS) via report number NTS-ID--CWI-IWTU-2010-0007, *Hydraulic Telescopic Gantry System Tipped Against Building Structure When Lifting Shield Door*.

In December 2010, the DOE Office of Enforcement and Oversight initiated an investigation pursuant to 10 C.F.R. § 851.40. The investigation identified several deficiencies associated with

CWI's contractual oversight and supervisory responsibilities over URS-WD's job execution and implementation of construction work control processes. Specifically, CWI did not ensure that URS-WD: (1) properly identified and abated existing and potential hazards involving the THGS hoisting activity; and (2) effectively communicated these hazards to subcontractor workers.

An examination of the original URS-WD corrective action plan identified items that were prematurely closed or required further closure action as a result of documentation inaccuracies. A CWI Project Evaluation Board (PEB) effectiveness review determined that the subsequent steps taken to close these corrective actions were sufficiently comprehensive to prevent recurrence of the identified hazards.

Subsequent to the THGS event, CWI recognized inadequacies in providing effective management and oversight of the SBWTP subcontract. CWI responded by increasing the number of Management Workplace Visits and augmenting project staff and resources through a CWI and URS-WD "corporate reach-back" initiative. Additionally, the PEB is scheduled to perform annual assessments of oversight activities that incorporate worker safety program elements. Because construction of the SBWTP by UDS-WRD is complete, all SBWTP activities will be performed using CWI work and self-assessment processes.

### III

Pursuant to 10 C.F.R. § 851.41, at any time during enforcement proceedings, DOE may resolve any or all issues with a Consent Order if the settlement is consistent with the objectives of the Atomic Energy Act of 1954, as amended, and 10 C.F.R. Part 851 requirements.

To resolve potential violations of 10 C.F.R. Part 851 requirements and in consideration of CWI's role in the regulatory aspects of the event as well as its investigation, causal analyses, and associated corrective actions taken since the issuance of the NTS report referenced above, which DOE found to be comprehensive and appropriate, DOE has elected to enter into settlement. DOE and CWI have reached agreement to resolve this matter through execution of this Consent Order.

### IV

Accordingly, the terms of this Consent Order are as follows:

In consideration of the mutual agreements set forth in this section, the sufficiency and adequacy of which are acknowledged by DOE and CWI (hereinafter the "Parties"), the following terms represent agreement by the authorized representatives of the Parties to resolve by settlement the potential noncompliances at the SBWTP, in lieu of an enforcement action that DOE may issue pursuant to 10 C.F.R. § 851.42.

1. CWI shall develop an internal lessons learned to document good practices and identified weaknesses associated with oversight of subcontractor support for the SBWTP project and provide a copy of the lessons learned to DOE-ID. CWI shall integrate the lessons

learned into the CWI work planning processes and ensure its effectiveness through the CWI self-assessment program.

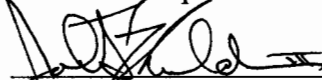
2. CWI shall establish a formal process for performing annual assessments of subcontractor work performance. The assessments shall include applicable elements of the CWI Worker Safety and Health Program and invoked procedures, validate that CWI subcontractors are implementing these procedures, and confirm that subcontractor corrective actions ensure continuous performance improvement.
3. CWI shall pay the amount of \$50,000 reflecting an agreed upon monetary remedy in lieu of the issuance of an enforcement action with the proposed imposition of a civil penalty pursuant to 10 C.F.R. § 851.42.
4. CWI agrees to return a signed copy of this Consent Order, within one week from the date of receipt, to the address provided in item 6 below.
5. The Effective Date of this Consent Order shall be the date on which CWI signs this Consent Order.
6. CWI shall remit the monetary remedy of \$50,000 by check, draft, or money order payable to the treasury of the United States (Account Number 891099) within 30 calendar days after the Effective Date of this Consent Order. Payment shall be sent by overnight carrier to:  
  
Director, Office of Enforcement and Oversight  
Attention: Office of the Docketing Clerk, HS-40  
U.S. Department of Energy  
19901 Germantown Road  
Germantown, MD 20874-1290
7. This Consent Order shall constitute a full and final settlement of the potential noncompliances identified in the referenced NTS reports, subject to: (a) CWI's payment of the monetary remedy in accordance with item 5 above; and (b) CWI's completion of all actions set forth in items 1 and 2 above to the satisfaction of the Office of Enforcement and Oversight.
8. Pursuant to the Major Fraud Act, as amended, 41 U.S.C. § 4310, and the implementing provisions of the Federal Acquisition Regulation, 48 C.F.R. § 31.205-47, neither the monetary remedy nor any costs, as defined in the Federal Acquisition Regulation, 48 C.F.R. § 31.205-47, incurred by, for, or on behalf of CWI relating to coordination and cooperation with DOE concerning the investigation of matters covered by this Consent Order, shall be considered allowable costs under the Contract.
9. This Consent Order does not preclude DOE from re-opening the investigation or issuing an enforcement action under 10 C.F.R. § 851.42 with respect to a potential

noncompliance if: (a) after the Effective Date (as defined in item 5 above), DOE becomes aware of any false or materially inaccurate facts or information provided by CWI; (b) there is a recurrence of worker safety and health deficiencies similar to those identified above; or (c) CWI fails to complete all actions identified in items 1 and 2 above in a timely and effective manner to prevent recurrence of the identified issues.

- 10. Any modification to the Consent Order requires the written consent of both Parties.
- 11. CWI waives any and all rights to appeal or otherwise seek judicial or administrative review of the terms of this Consent Order. DOE retains the right to judicially enforce the provisions of this Consent Order by all legal means.
- 12. This Consent Order is issued pursuant to DOE's authority under Section 234C of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2282c), and the implementing provisions of 10 C.F.R. Part 851 governing enforcement of worker safety and health requirements at DOE sites.
- 13. This Consent Order shall become a Final Order after the signed copy, referenced in item 4 above, is filed by the Office of Enforcement and Oversight's Office of the Docketing Clerk.

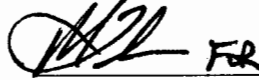
On behalf of my respective organization, I hereby agree to and accept the terms of the foregoing Consent Order.

FOR U.S. Department of Energy

 Date 10/6/11

John S. Boulden III  
Director  
Office of Enforcement and Oversight  
Office of Health, Safety and Security  
U.S. Department of Energy

FOR CH2M-WG Idaho, LLC

 Date 10/12/11

Mr. Thomas J. Dieter  
President  
CH2M-WG Idaho, LLC