



Department of Energy
Washington, DC 20585

May 20, 2009

Mr. John Fulton
President and Chief Executive Officer
CH2M-Washington Group Idaho, LLC
2525 Fremont Street
Idaho Falls, Idaho 83415-5104

Dear Mr. Fulton:

In July 2008, the U.S. Department of Energy (DOE) Office of Health, Safety and Security's, Office of Enforcement was made aware of numerous, longstanding electrical safety deficiencies associated with electrical equipment located on the east side of the Idaho Nuclear Technology and Engineering Center (INTEC). The Office of Enforcement is also aware that shortly after electrical safety issues with this equipment were identified by a CH2M-Washington Group Idaho, LLC (CWI) worker in May 2007, CWI completed an Engineering Design File (EDF-8253, dated August 9, 2007). The Engineering Design File identified widespread noncompliances with National Fire Protection Association (NFPA) 70, *National Electrical Code*, requirements relating to both the reliability and safety of this equipment. Significant deficiencies included a lack of up-to-date electrical drawings, improperly grounded or ungrounded equipment, improperly installed equipment, and inadequate labeling and maintenance. Title 10 C.F.R. Part 851, *Worker Safety and Health Program*, requires DOE contractors to implement a comprehensive electrical safety program appropriate for their site activities that meets applicable electrical safety codes and standards, including NFPA 70.

The CWI Engineering Design File also recommended corrective actions for the identified noncompliances. However, the majority of these deficiencies were not addressed until November 2008, almost 18 months after identification. Moreover, it appears that there was no urgency to correct these problems until they were brought to the attention of our office by a former CWI employee. The Office of Enforcement is further concerned that the noncompliances associated with this equipment were not identified and corrected by CWI before May 2007. In addition to timely self-identification and reporting, DOE expects prompt correction of noncompliance conditions. CWI failed to not only identify and abate the noncompliances in a timely manner, but also fully evaluate their safety significance upon completion of the Engineering Design File. Contrary to the information provided in EDF-8253, the initial noncompliance determination screening form did not identify any regulatory noncompliances. An update to the screening form identified a hazard identification and assessment noncompliance,

but failed to identify any NFPA 70 noncompliances. More importantly, neither screening recognized, addressed, or evaluated the safety significance of the deficiencies that were identified. In fact, the only discussion of the safety hazards related to this equipment is a CWI position paper developed in March 2009 in response to an Office of Enforcement document request. This position paper was developed after the equipment in question had been replaced.

The Office of Enforcement is also concerned that this matter came to our attention by way of an employee's request for investigation. This is particularly troubling because the previous enforcement action issued against CWI in June 2007 originated from a DOE Idaho Operations Office (NE-ID) assessment that was conducted in response to an employee's concerns regarding CWI's radiation protection practices and the employee's allegation of retaliation for raising those safety concerns. CWI self-assessments conducted in the 2 years preceding that enforcement action failed to identify significant deficiencies in development and implementation of CWI's radiation protection program. These weaknesses were identified only after the employee exercised the right to report safety concerns to DOE.

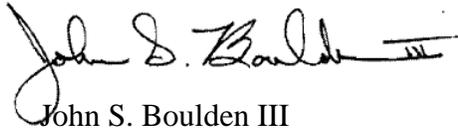
DOE provided substantial mitigation of the proposed civil penalty in that enforcement action in consideration of CWI's comprehensive corrective actions to address safety culture problems and employee concerns. Nonetheless, an April 2008 CWI management assessment of the employee concerns program identified that many employees continued to lack trust in the CWI management team and some would not report concerns for fear of possible consequences. DOE is aware that additional corrective actions were implemented in response to that assessment. However, the Office of Enforcement is concerned that the electrical safety concerns identified by a worker in May 2007 were not addressed promptly and effectively, and corrective actions implemented in response to the June 2007 enforcement action were not fully effective in allaying workers' fears of reprisal for reporting safety concerns.

Despite these concerns, DOE finds that the noncompliances associated with the electrical equipment located on the east side of INTEC were corrected in November 2008. In light of your corrective measures and the fee action taken by NE-ID relating to this issue, DOE concludes that no further enforcement action is necessary in this case.

DOE will continue to monitor CWI's safety performance and compliance status. In particular, two recent events that had the potential to cause serious worker injuries - a propane flash fire and a worker struck by a backhoe bucket - are being evaluated to ensure that these incidents were properly addressed and that timely and effective corrective actions are implemented to prevent recurrence.

No response to this letter is required. Should you have any questions regarding this letter, please contact me at (301) 903-2178 or have your staff contact Kathy McCarty, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Boulden III". The signature is written in a cursive style with a horizontal line at the end.

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

cc: Lee Fife, CWI