

**SUBJECT: DIFFERING PROFESSIONAL OPINIONS ON TECHNICAL ISSUES RELATED
TO ENVIRONMENT, SAFETY, AND HEALTH**

PURPOSE AND SCOPE

The purpose of this Policy is to—

- establish a differing professional opinion (DPO) policy to facilitate dialogue and resolution on DPOs related to environment, safety, and health (ES&H) of DOE facilities and activities;
- ensure that managers encourage employees to freely communicate ES&H concerns and DPOs;
- ensure that employees feel free to raise issues related to ES&H associated with DOE facilities and activities without fear of retaliation or reprisals;
- ensure that issues related to ES&H are raised and addressed in a timely manner and that activities that might result in an undue risk are curtailed or suspended as appropriate under the proper authority; and
- supplement the Department of Energy (DOE) Employee Concerns Program mandated by DOE O 442.1A, *Department of Energy Employee Concerns Program*, dated 6-6-01, by providing a specific process for assessing and addressing technical issues related to ES&H.

This Policy covers resolution of DPOs from employees¹ on technical issues relating to ES&H. It does not address administrative, contract, or personnel issues except to the extent that they relate directly to technical ES&H issues. It also does not address concerns submitted anonymously or with requests for confidentiality. This policy applies to all DOE elements with the exception of—

- Naval Reactors (Naval Nuclear Propulsion Program) in accordance with Executive Order 12344, as set forth in Public Laws 98-525 and 106-65 and
- the Bonneville Power Administration (BPA) in accordance with Secretarial delegation Order Number 00-033.00A to the BPA Administrator and Chief Executive Officer, dated 9-27-02.

¹ Employee for the purposes of this policy is as defined in DOE O 442.1A as any person working for DOE, including the National Nuclear Security Administration or a DOE contractor or subcontractor on a DOE project.

POLICY

It is DOE policy to maintain a working environment that encourages employees to make known their best professional judgments even though they may differ with prevailing staff views, disagree with management or policy decisions, or take issue with proposed or established practices.

The Department is committed to ensuring that ES&H issues can be raised without fear of retaliation and that such issues are resolved. Unless the disclosure is specifically prohibited by law, employees are encouraged to engage in open, frank, and unrestricted professional discussions across organizational boundaries on technical issues, particularly those related to ES&H. DOE is committed to the protection of employees from retaliation in any form for filing DPOs. Furthermore, employee whistleblower rights are established in 5 U.S.C. § 2302, *Prohibited Personnel Practices*, for Federal employees, in 10 CFR 708, *DOE Contractor Employee Protection Program*, for contractor employees, and in Section 211 of the Energy Reorganization Act, as amended, codified at 42 U.S.C. Sec. 5821 which provides DOE and DOE contractor whistleblower protection.

Employees who believe they have knowledge of a significant technical issue related to ES&H at DOE facilities or activities that is not being properly addressed are encouraged to first seek resolution with their first line supervisors or through existing comment resolution or local DPO processes², but they have the right to report through the DOE Employee Concerns Program and, in the case of technical issues related to ES&H, through the DOE DPO Process. Management will encourage employees to raise concerns related to ES&H.

The DOE DPO Process is documented in DOE M 442.1-1, *Differing Professional Opinions Manual for Technical Issues Related to Environment, Safety, or Health*. The DOE DPO Process will assess and address issues expeditiously and be open and transparent to the maximum degree possible. DOE will designate two DPO managers (one for the National Nuclear Security Administration and one for the balance of DOE) to coordinate and expedite resolution of DPOs.

BY ORDER OF THE SECRETARY OF ENERGY:



CLAY SELL
Deputy Secretary

² For example, discussions with first-level supervisors or other managers, review and comment processes, and local DPO processes.