

Approved: 7-29-2011  
Chg 1 (PgChg): 10-4-2016

**SUBJECT: PAGE CHANGE TO DOE O 442.2, *DIFFERING PROFESSIONAL OPINIONS FOR TECHNICAL ISSUES INVOLVING ENVIRONMENTAL, SAFETY, AND HEALTH TECHNICAL CONCERNS***

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1. **EXPLANATION OF CHANGES.** This change reduces the reporting period from quarterly to annually, and updates references and the Office of Primary Interest's name, contact information, and website.
2. **LOCATIONS OF CHANGES.**

<b>Page</b>	<b>Paragraph</b>	<b>Changed</b>	<b>To</b>
2	4.a.	Employees must be notified quarterly that they have the right to report ES&H technical concerns that have not been resolved through routine work processes through the DPO process in Attachment 2. The notification (e.g., DOECAST and NNSACAST) must provide points of contact (name, phone number and email address of DPO Managers), the web page address for the DPO process, and instructions on where to submit DOE DPOs.	Employees must be notified annually that they have the right to report ES&H technical concerns that have not been resolved through routine work processes through the DPO process in Attachment 2. The notification (e.g., DOECAST and NNSACAST) must provide points of contact (name, phone number and email address of DPO Managers (DPOM)), the Web page address for the DPO process, and instructions on where to submit DOE DPOs.
3	5.a.(1)	Provide quarterly notice to all employees of the availability of the DPO process and encourage its use where appropriate.	Provide annual notice to all employees of the availability of the DPO process and encourage its use where appropriate.
3	5.b.(1)	Assign DPO Managers and identify an alternate in the event that the designated DPO Manager is unavailable to address the DPO.	Assign DPOMs and identify an alternate in the event that the designated DPOM is unavailable to address the DPO.
3	5.d.	Chief, Health, Safety and Security Officer	Associate Under Secretary for Environment, Health, Safety and Security

Page	Paragraph	Changed	To
3	5.d.(1)	Maintain a web page for the DPO process including information on the designated DPO Managers and how to submit a DPO.	Maintain a Web page for the DPO process including information on the designated DPOMs and how to submit a DPO.
5	8.	<u>CONTACT</u> . Questions concerning this Order should be addressed to the Office of Health, Safety and Security at 301-903-2867.	<u>CONTACT</u> . Questions concerning this Order should be addressed to the Office of Environment, Health, Safety and Security at 301-903-2867.
Attach ment 1  Page 1	1.	Ensure that all employees and subcontractor employees are notified quarterly that they have the right to report environment, safety, and health technical concerns that have not been resolved through routine work processes through the Department of Energy Differing Professional Opinion (DPO) process (the DOE DPO process can be found in Attachment 2 to DOE O 442.2 and at <a href="http://www.hss.doe.gov/nuclearsafety/qa/dpo.html">http://www.hss.doe.gov/nuclearsafety/qa/dpo.html</a> ).	Ensure that all employees and subcontractor employees are notified annually that they have the right to report environment, safety, and health technical concerns that have not been resolved through routine work processes through the Department of Energy Differing Professional Opinion (DPO) process [the DOE DPO process can be found in Attachment 2 to DOE O 442.2 (found at <a href="https://www.directives.doe.gov/directives-documents/400-series/0442.2-BOrderW">https://www.directives.doe.gov/directives-documents/400-series/0442.2-BOrderW</a> ) and at <a href="http://energy.gov/ehss/doe-differing-professional-opinions">http://energy.gov/ehss/doe-differing-professional-opinions</a> ].
Attach ment 2  Page 1	2 <sup>nd</sup> Intro Paragraph	The DPO process supplements the DOE Employee Concerns Program established in <u>DOE O 442.1A, <i>Department of Energy Employee Concerns Program</i></u> , as well as site and program specific programs for reporting employee concerns.	The DPO process supplements the DOE Employee Concerns Program established in <u>DOE Order (O) 442.1A, <i>Department of Energy Employee Concerns Program</i></u> , as well as site and program specific programs for reporting employee concerns.

Page	Paragraph	Changed	To
Attach ment 2  Page 9	7.b.	Sec. 211 of the Energy Reorganization Act, as amended, codified at 42 U.S.C. Sec. 5851, provides DOE and DOE contractor or employees specific whistleblower protection. This statutory provision regarding Federal employees is implemented by the Department of Labor at 29 C.F.R. Part 24, <i>Procedures for the Handling of Retaliation Complaints under Federal Employee Protection Statutes</i> .	Sec. 211 of the Energy Reorganization Act, as amended, codified at 42 U.S.C. Sec. 5851, provides DOE and DOE contractor or employees specific whistleblower protection. This statutory provision regarding Federal employees is implemented by the Department of Labor at 29 Code of Federal Regulations part 24, <i>Procedures for the Handling of Retaliation Complaints under Federal Employee Protection Statutes</i> (10 CFR 24).
Attach ment 2  Page 9- 10	7.f.	50 U.S.C. § 2702, <i>Whistleblower Protection Program</i> , which states that the Secretary of Energy shall establish a program to ensure that covered individuals (i.e., employees of the Department of Energy, or of a contractor of the Department, who are engaged in the defense activities of the Department) may not be discharged, demoted, or otherwise discriminated against as a reprisal for making protected disclosures.	50 U.S.C. § 2702, <i>Whistleblower Protection Program</i> , which states that the Secretary of Energy shall establish a program to ensure that covered individuals (i.e., employees of DOE, or of a contractor of the Department, who are engaged in the defense activities of the Department) may not be discharged, demoted, or otherwise discriminated against as a reprisal for making protected disclosures.