



February 5, 2004

Director of Enforcement
US Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Stop P1-37
Washington DC 20555

REFERENCE: Docket No. 50-186
 License No. R-103
 EA-02-0256
 University of Missouri Research Reactor

SUBJECT: Reply To Confirmatory Order Modifying License

This is a written statement required by 10 CFR 2.202 in response to the December 19, 2003 US NRC Confirmatory Order. The Confirmatory Order requires that the Licensee provide the NRC with a letter summarizing its actions when all of Section V commitments have been completed.

Section V

- 1. The licensee shall modify its chain-of-command for MURR to better ensure oversight of its activities by university senior management.*

A request to change Technical Specifications to reflect MURR reporting to the Office of the Provost, who in-turn reports to the office of the President, University of Missouri was submitted to the NRC on December 19, 2003. The NRC has approved this request.

- 2. The Licensee shall develop a long-term plan to ensure a SCWE.*

A Plan for continuing improvement of the Safety Conscious Work Environment at MURR is complete and dated January 28, 2004. This Plan covers two years and includes a commitment to perform employee safety culture surveys and annual training on how to ensure a SCWE. MURR has initiated implementation of the Plan. A copy of this Plan is enclosed. The Associate Director, Regulatory Assurance is the senior manager that has been designated the responsibility for ensuring that annual SCWE training is performed.

3. *Within forty-five days after the date of this Order the licensee will modify MURR's access authorization procedure to better ensure transparency and clarity in its processes.*

Access control procedures AP-RR-010, Facility Access Criteria; AP-RR-011, Access Process and form FM-2, MURR Access Request Form have been revised effective January 23, 2004. These revisions incorporate the requirements of Section V 1 of the Order. In addition, procedure AP-RR-024, Ombudsmen Program, has been revised effective January 23, 2004 to provide an applicant an avenue of appeal.

4. *The licensee shall post this Confirmatory Order at the MURR facility and inform MURR employees of its content.*

On December 19, 2003 a copy of the confirmatory order was posted with other regulatory information on the bulletin board at the entrance to the facility and on the MURR intranet web site. MURR staff were informed of the order and where it could be accessed by an ALL Staff e-mail sent on December 19, 2003. In addition, all MURR employees received training on important aspects of the required changes to the access procedures during the week of January 19, 2003.

5. *The President of the University of Missouri shall within thirty days of the date of this Order issue a letter to all individuals with access to the MURR facility which affirms the licensee's commitment to a SCWE and which provides a summary of the licensee's policy to promote a SCWE.*

Elson S. Floyd, President University of Missouri, issued a letter dated January 13, 2004 to all individuals with access to MURR affirming the Universities strong commitment to maintaining a strong SCWE.

All of the above referenced documents are available for your inspection upon request.

Sincerely,



Ralph A. Butler, P.E.
Director

RAB:dcp

Enclosure

cc: Frank Congel
Director, Office of Enforcement

Alexander Adams
Project Manager



DIANE PURCELL
Notary Public - State of Missouri
County of Boone
My Commission Expires Jan. 31, 2006

**Plan
for
Continuing Improvement of the
Safety Conscious Work Environment
at the
University of Missouri-Columbia
Research Reactor
(MURR)**

2004-2005

January 2004

**Plan for Continuing Improvement of the
Safety Conscious Work Environment at the
University of Missouri-Columbia Research Reactor, MURR
(2004-2005)**

A. Introduction/Purpose

This plan documents continuing efforts at MURR to enhance its Safety Conscious Work Environment (SCWE). In addition to the efforts previously outlined in the September 2001 SCWE Action Plan, further improvements, some related to activities addressed in a December 19, 2003, Confirmatory Order (CO) are addressed. Also, in 2001, MURR implemented a comprehensive Corrective Action Program (CAP) as part of the Performance Enhancement Program. The efforts addressed by the 2001 SCWE Action Plan along with CAP activities have been consolidated and are addressed herein. Independent of activities raised in the CO, MURR has an ongoing SCWE program, which is subject to NRC inspection and assessment.

This plan focuses on activities for the years 2004 and 2005. At the end of that period, these and other activities initiated during that time will be reassessed to determine their effectiveness and whether there is a need for modification. Of course, minor plan changes may occur within this timeframe, but it is not anticipated that such changes will be significant.

B. Elements of the MURR SCWE Program

The MURR SCWE Plan ("the Plan") is composed of procedures, training, processes and associated interactive parts, which work together to result in an environment where personnel can feel comfortable raising safety concerns without fear of retaliation. Although the plan has been in place for several years, this document takes the Plan to a new level by providing a roadmap of how each element is supposed to work in conjunction with the other Plan elements to yield the desired result. The discussions below are summary in nature and do not replace or modify procedural requirements and management policies, which may from time to time be issued to persons with access to MURR.

1. Procedures

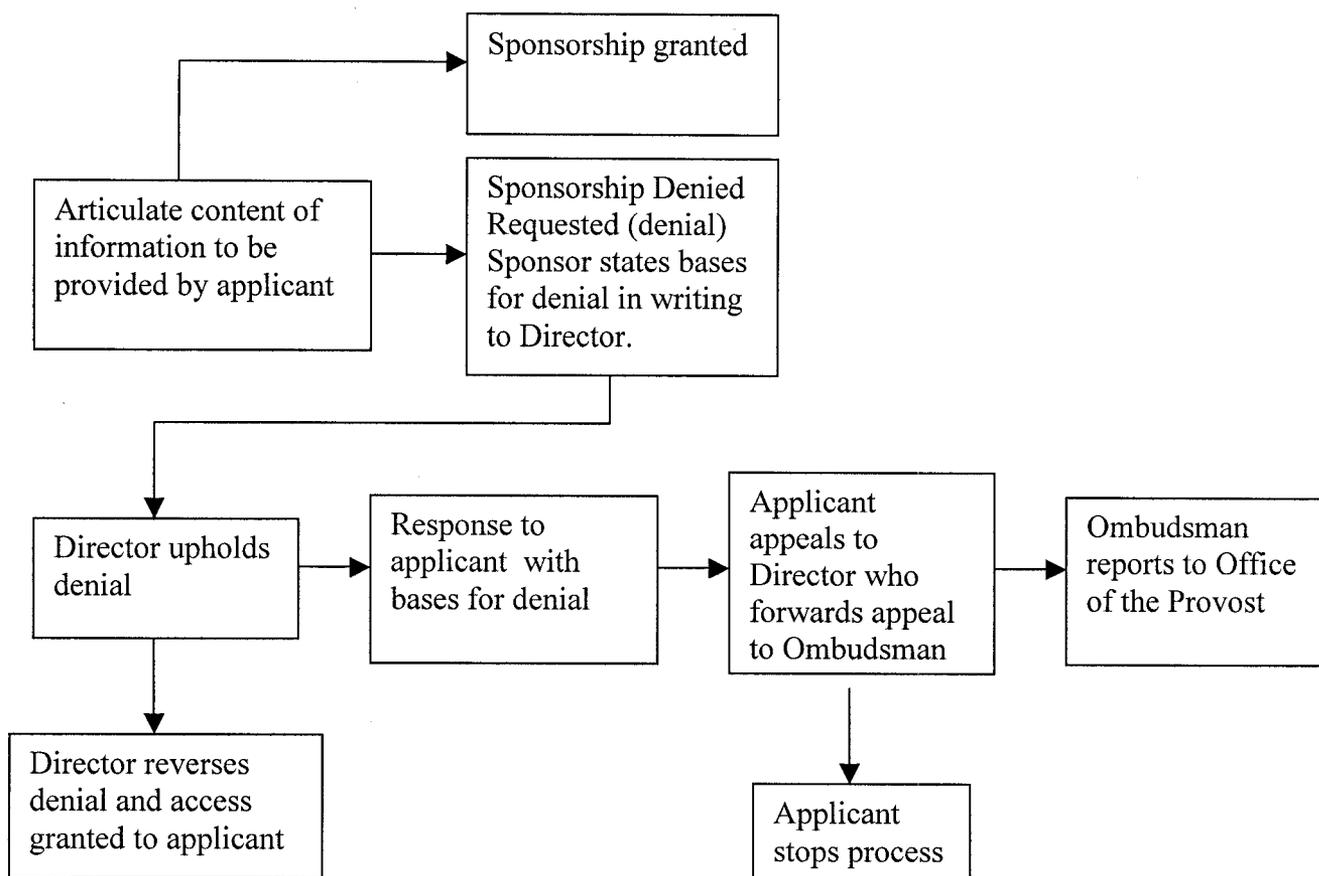
Since 2001, MURR has utilized a proceduralized process for addressing concerns raised at the facility whether involving nuclear safety or otherwise. This process provides clear and definitive information regarding multiple pathways for employees and other individuals (with access to MURR) for raising concerns. In addition, MURR has created an Ombudsman Program to review concerns that the MURR Director and the MURR Safety Oversight Committee are unable to resolve.

In regards to the above, the key MURR procedures utilized to ensure a safety conscious work environment are:

- AP-RR-020, Safety Concern – Nuclear Significant
- AP-RR-021, Safety Concern - Occupational
- AP-RR-022, Administrative Concern and Conflict Resolution
- AP-RR-023, MURR Safety Oversight Committee
- AP-RR-024, Ombudsman Program
- AP-RR-025, Concern Investigation

MURR also has a procedural process for gaining access to the facility. These procedures have been revised to include an appeal process for individuals who have been denied access to MURR, Figure 1. Appeals will be heard through the Ombudsman Program.

Figure 1: General Flow Chart of Access Authorization/Appeal Process



2. Policy Documents

MURR may use from time to time, letters or memoranda of policy to reinforce that the University insists that anyone with access to the facility ensure the preservation of a safety conscious work environment. Most recently, the President of the University of Missouri system issued a letter to all individuals with access to MURR affirming the University's commitment to a SCWE at MURR. To highlight the importance of the role of the President, Figure 2 outlines the current MURR chain of command within the University.

Each year, personnel with access to MURR must renew their access authorization credentials by, at a minimum, completing a refresher course for MURR. This course and the associated examination address MURR policies on SCWE and ensures that each person with access has a basic understanding of MURR and NRC requirements.

In 2004, the MURR Director will re-issue MURR policy (POL-1), "Policy Prohibiting Discrimination for Raising Safety Concerns," to better ensure staff awareness of the issuance.

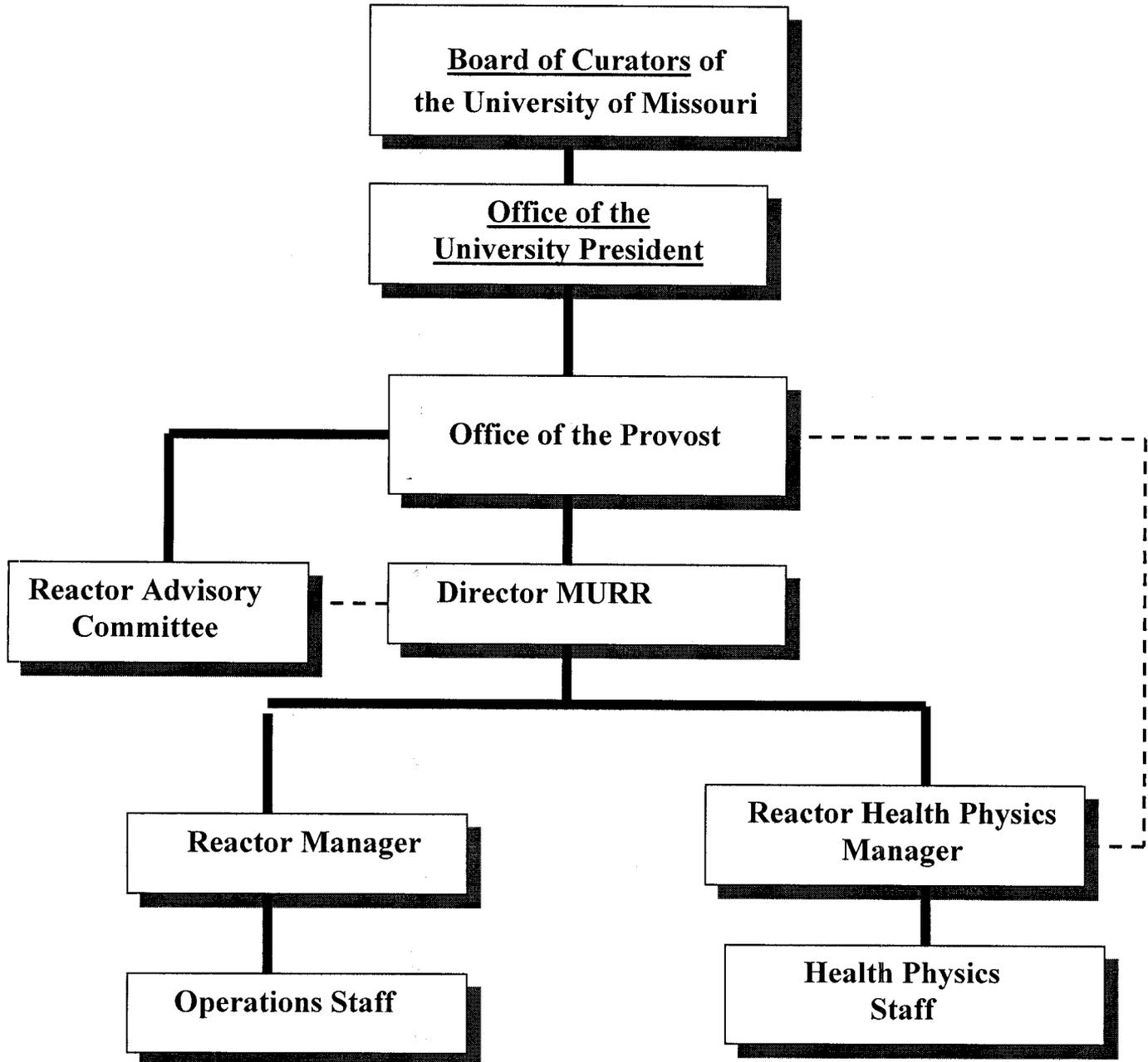
3. Channels of Communications Re MURR SCWE Policies

Due to the small size of the MURR staff, the MURR Director relies heavily on interpersonal communication between the Director and staff to ensure that personnel appropriately understand MURR's SCWE policy. Having multiple communications channels and an open door policy is critical to the success of this feedback mechanism. In that light, the MURR Director will continue to hold weekly "open office hours." "Open office hours" means that anyone at MURR may stop by without appointment to discuss any areas of concern or to discuss any ideas pertaining to the MURR facility. Since the "open office hours" sessions actually are held away from the Director's office, staff are provided a means of access to the Director without the routine interruptions of day to day activities. The "open office hours" alternate weekly between group sessions and individual private sessions by appointment.

Another communication channel that continues to be made available for anyone at MURR involves having a "Director's Mailbox," which will be available for staff to submit concerns directly to the Director either by name or anonymously. This anonymous method should better ensure that someone who has a concern but for whatever reason, does not want to use the more traditional procedure process, still can be heard and the issue addressed. Another "mailbox" is provided by the MURR Safety Oversight Committee.

As part of the interpersonal aspects of the SCWE process, the MURR Director periodically schedules lunch with randomly selected staff, usually on a monthly basis. These lunches also provide MURR personnel with an opportunity to discuss issues in depth outside the environment of the facility.

Figure 2: MURR Chain of Command



4. Training

The Associate Director, Regulatory Assurance, will be responsible for ensuring annual SCWE training for MURR management and staff. MURR will have training performed annually, for at least 2004 and 2005 by an independent consultant with expertise in SCWE training. This training shall include, at a minimum, the following aspects:

- a. Policies and programs designed to encourage employees to raise concerns, including a description of the multiple pathways for raising concerns.
- b. Discussion of NRC regulations and any applicable federal and state laws pertaining to whistleblower protection, including a discussion of protected activities and adverse actions stated in 10 CFR 50.7. Reinforcement of the understanding that management and workforce employees will support the right of a person to make a claim under 10 CFR 50.7 regardless of their personal assessment of the merits of the claim.
- c. Re-emphasis on the University of Missouri's expectation that management must promote a SCWE. This will include understanding the importance of:
 - 1) Availability to receive concerns
 - 2) Receptiveness; listening to concerns, asking "what if" and "why" questions, demonstrating understanding of the concern
 - 3) Sensitivity to the extent appropriate, protecting identity of concerned individual and expressing appreciation
 - 4) Communications by various means to periodically communicate SCWE principles
 - 5) Timeliness commensurate with safety significance of concern with appropriate feedback
 - 6) Responsiveness, that is, actions addressing the concern effectively
 - 7) Safety-first focus: minimize potential perception that operating/maintenance costs may cause reduced reception to a safety concern that may involve significant cost or schedule delays. Reinforce the expectation that an employee stop the task and collaborate with others when unfamiliar or unanticipated conditions arise.
- d. Expectations for employees to report concerns, especially safety concerns. Reinforce the concept of self-identification and prompt, effective corrective action as mitigating circumstances for consideration when addressing personnel errors.
- e. Other applicable procedures and processes related to implementing and maintaining a SCWE.

- f. Additional expectations for managers and supervisors describing their specific responsibilities and obligations. The following are examples of some training/coaching aspects beyond those specified in c. above:
- 1) Managers and supervisors are responsible for creating and maintaining an environment where each person is motivated to reveal and correct adverse conditions rather than conceal or ignore them.
 - 2) Managers and supervisors should reflect upon their management style to assess if their work relationships, especially with subordinates, are built on trust and respect.
 - 3) Managers and supervisors should understand an employee's obstacles, both personal and professional, and strive to help remove them.
 - 4) Managers and supervisors should understand the importance of detecting deteriorating work relationships and how to help resolve and improve them. Consider use of University Mediation Services.
 - 5) Effective managing and supervising is a delicate balance of representing and meeting the needs of both the individual employee and the organization.

5. Focus Groups:

MURR will continue to use periodic small group settings to help persons understand the need for SCWE and the protection they have in reporting safety concerns provided by NRC regulations. The aim of these small group meetings should be to help personalize the understanding of NRC protection afforded by regulation and to develop confidence in this protection. The effectiveness of this approach may be improved by having persons from Reactor Operations and Health Physics, who have depended on this protection, to relate their experiences.

6. Independent SCWE Assessment

MURR is committed to having an employee cultural survey/assessment conducted annually by an independent contractor for the next two years, at a minimum. The purpose of the surveys/assessments is two-fold. First, MURR management wants to be able to benchmark the state of the safety culture work environment at MURR. Second, benchmarking will better enable MURR to determine when and if adjustments to its SCWE plan are necessary. The empirical results of this effort may not be as significant as the trend that the assessment indicates, both at the benchmarking stage (based on employee interviews) and the trend established when comparing the two assessment results. As such, a specific performance indicator is not appropriate nor useful in this type of effort.

C. Reports

MURR will provide the results of the annual independent cultural surveys/assessments in an annual report to the NRC. This report will summarize the survey results, including the methodology and questions asked, and will capture any MURR follow-up actions planned.

D. Schedule

The SCWE Plan schedule for 2004-2005 is summarized below.

2004

- Director issues MURR Policy
- University of Missouri President issues policy statement
- Conduct SCWE survey/assessment
- Director Office Hours Implemented
- Director's Lunches
- Director's Mailbox
- Conduct of Focus Groups

2005

- Conduct SCWE survey/assessment
- Conduct assessment of SCWE survey/assessment trends
- Modify, as necessary, SCWE related procedures as a result of the SCWE surveys/assessments
- Assess continuation/modification of Director's Office Hours, Director's Lunches, Director's Mailbox Initiatives, Focus Groups