STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION
STATEWIDE MATERIALS SECTION

STATEWIDE MATERIALS
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(907) 269-6200 (FAX 907-269-6201)

May 20, 2004

Mr. Frank Congel, Director
Office of Enforcement
United States Nuclear Regulatory Commission
Washington, DC 20555

Re: EA-03-126—Confirmatory Order
Plan for Review of Policies and Procedures and Training

Dear Mr. Congel:

Attached to this memo is the plan for our review of our current policies and procedures, as well as the plan for training our employees in the attributes of a Safety Conscious Work Environment. We have retained the services of ECPF, Inc. They has assembled a team who will be coming to Alaska to assist us in addressing the requirements of the March 15, 2004 Confirmatory Order. I have e-mailed an electronic copy of these documents for your review.

It is our intent to begin the training on June 7th. To that end your timely attention to the attached plan would be greatly appreciated.

Thank you for your prompt review of this document and for all your assistance as we continue to work for the improvement of our Radiation Protection Program for the State of Alaska Department of Transportation & Public Facilities.

Should you have any questions, please contact me at (907) 269-6248.

Respectfully submitted this date,

Gregory S. Christensen
Statewide Radiation Safety Officer

Attachments: As stated herein.

PLAN FOR IMPLEMENTING A SAFETY CONSCIOUS WORK ENVIRONMENT (SCWE)

1) ON-SITE REVIEW

2) TRAINING PLAN

Alaska Department of Transportation & Public Facilities' (DOT&PF) RFP No. 36842072

May 19, 2004

CONTRACT MANAGER
Mr. Peter Rail, President, ECPF Inc
5852 W. Abraham Lane, Glendale, AZ 85308
623.561.1493/ 919.367.0600 (fax)
Email: prail@ecpf.org

PROJECT MANAGER
Ms. Cindy Wick, On-Site Consultant, ECPF Inc
8591 Ridgeway Avenue, Anchorage, AK 99504
907-333-2943/ 919.367.0600 (fax)
Email: wickck@gci.net

Introduction

This proposal is provided to the DOT&PF by a collaborative effort of consultants from the ECP FORUM, INC., an Alaska corporation, in response to needs outlined in the Confirmatory Order EA-03-126 published by the Nuclear Regulatory Commission on March 15, 2004. The ECPF, Inc. provides employee concerns and Safety Conscious Work Environment (SCWE) support to the nuclear industry and other highly-regulated organizations. This plan outlines our project goals to help the DOT&PF align its current policies, procedures, and workplace culture to comply with the NRC's Employee Protection requirements by:

- Conduct a review of the DOT&PF current work environment, policies, and procedures to assist in developing a SCWE program;
- Provide tools and resources needed to conduct manager and employee training on SCWE; and
- Assist the DOT&PF in developing a short and a long-term plan to establish and effectively maintain a SCWE.

The key objective of the project is to assist the DOT&PF in evaluating its current culture and suggesting change where needed to align more closely with benchmarks of an effective safety conscious work environment. Culture transformation involves organizational change, which requires commitment and focus. Unfortunately, not all change efforts are successful for a number of reasons. The predominant reason is typically a lack of understanding about the need for change or unwillingness on the part of managers and employees alike to embrace expectations for their roles in effecting change.

Our experience shows proper alignment of the key safety messages with policies and procedures, and management's reinforcement of them, will significantly promote a safety culture and ultimately positively impact an organization's reputation throughout the community. Careful and deliberate attention to these issues will support DOT&PF effectively managing safety – and a safety culture – throughout its diverse entities while it provides and maintains Alaska's transportation network.

Review Plan Overview – Statement of Services Deliverable Item B1.2.1

The review of the DOT&PF policies, procedures and practices will occur in two parts. The initial review will occur on site prior to the SCWE training. DOT&PF's senior management team will be included in discussions to provide background and foundation data regarding the safety culture change efforts, expectations, and the training program content. A significant part of interaction with senior management will occur through a Safety Culture Workshop and one-on-one interviews during the three-day, on-site visit. The consultants who will conduct the review are identified in this document. Any additional resources required will be identified during the initial review and noted in the finalized plan.

Following the on-site assessment and initial document review, the formal plan will be finalized and submitted within 30 days of publishing the Notice to Proceed for DOT&PF review and subsequently NRC review and approval. Upon completion of the full review, a detailed report with recommendations will be provided to the DOT&PF. The recommendations will affirmatively identify areas for improvement and areas that already meet best practices.

- Initial DOT/PF Assessment: This is planned for late May. ECPF, Inc. will place four consultants and one safety culture survey expert on-site for three days to review current operations, policies, procedures, and practices and conduct a Safety Culture Workshop for senior management and their direct reports. Approximately 1.5 days will be dedicated to the workshop and independent interviews. The other 1.5 days will be used to conduct the document research and review.

- Safety Culture Assessment and Workshop: A four-hour safety culture workshop with senior management will be conducted. DOT&PF will identify the participants, but it is recommended that at a minimum the first three levels of management participate (i.e., the , Chief Engineer, State Materials Engineer, Regional Construction Chiefs, and one of their Crew Chiefs) plus the Radiation Safety Officer. The safety workshop will help develop the current beliefs of the management team, areas of interest and focus for the management team, establish where the current culture is compared to best practices regarding a SCWE – DOT&PF's attention to safety, coordination of work, job satisfaction, communication, work group cohesion, organizational commitment, hazardous nature of work and other environment, safety and health issues.

  In addition to the workshop, individual interviews will be conducted with approximately 8-12 managers for more in-depth data. Managers targeted for the personal interviews will be those with specific responsibilities for safety and the environment and those in the chain of command of the employees impacted by the NRC order.

- Alternate Route/Employee Concerns Program: Based on request, information regarding an interim alternate route (structured as an employee concerns program) will be included in the training. Finalization of the program (procedures, processes, corrective action process, roles and responsibilities of implementation personnel and management personnel, marketing plan, etc.) and training of implementing personnel on how to conduct investigations will be addressed as part of the train-the-trainer certification and discussed fully in the long-term plan.

- Develop a Long-Term Plan: Within 45 days of reporting on the findings and recommendations of the program review, and any information developed during the training, a detailed long-term plan for establishing and effectively maintaining a SCWE will be provided to DOT&PF.

Training – Statement of Services Deliverable Item B1.3.1

A. Training Overview:

The goal of the training facilitated during the remainder of 2004 is to provide an overview of what a sound safety conscious work environment looks like and what the roles and responsibilities managers and employees of DOT&PF each have in maintaining a SCWE. This includes helping all managers and employees understand and apply expectations for their performance as outlined by federal and state regulations as well as the policies and procedures of DOT&PF. The training will be interactive and include customized case study scenarios that mirror key issues and situations at DOT&PF.

B. Managers Training Content

1. Learning Objectives: By the conclusion of the Management SCWE training program, DOT&PF Managers and Supervisors will be able to:

   a. Explain NRC Employee Protection Regulations, as well as state and local regulations for creating and maintaining a Safety Conscious Work Environment, and what the impact is when these regulations are not followed.

   b. Explain and model how to appropriately receive, address, and follow up on safety concerns raised by employees, contractors, and the general public.

   c. Explain and model DOT&PF's vision for maintaining its safety conscious work environment

   d. Explain the new DOT&PF SCWE Policy and Interim Employee Concerns Procedure.

2. **Managers Training Agenda:** The Manager's training program will be approximately 4 hours in duration and cover the following:

   Part 1: Safety Culture Survey (provided by Dr. Haber). Managers will complete the anonymous and confidential survey, place it in a sealed envelope and returned directly to Dr. Haber for compilation, analysis and reporting. The survey data will be reviewed and evaluated and benchmarked against a database of approximately 25,000 respondents who have completed by same survey and who represent various industries nationally to provide context.

   Part 2: Background on Safety Conscious Work Environment Benchmarks Pertinent to DOT&PF:

   - NRC Employee Protection Regulations for creating and maintaining a SCWE including overview of 10CFR30.7, 40.7, 50.7 and the Commission's May 1996 Policy Statement on the "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation".
   - NRC requirements for statewide and regional radiation safety officers.
   - Critical definitions regarding safety conscious work environment, HIRD (harassment, intimidation, retaliation and discrimination), hostile work environment, what constitutes protected activity, and chilling effect.
   - Relevant state and federal regulations pertaining to whistleblower protection.
   - Current situation at DOT&PF and Confirmatory Order EA-03-126, including business case for why it needs to be addressed.

   Part 3: Roles and Responsibilities for Managers at DOT& PF for Managing a SCWE

   - DOT&PF vision and goals for its Safety Culture (some of which will come out of the Safety Culture Workshop conducted as part of the Initial Assessment activities).
   - A manager's role in accepting, addressing, resolving safety concerns and the impact his/her action has on the work environment.
   - Managing change.
   - Balancing safety needs with other priorities.
   - Managing conflict involving an employee who has engaged in protected activity.
   - DOT&PF Policies and Procedures for maintaining a SCWE.
   - Pantex (DOE) - Case Study and Application.

C. Employees Training Content

1. **Training Objectives:** By the conclusion of the Employee SCWE training program, DOT&PF Employees will be able to:

   a. Explain federal, state, and local regulations related to creating and maintaining a Safety Conscious Work Environment, and what the impact is when these regulations are not followed and a sound SCWE is not maintained.

   b. Explain and model how to effectively communicate safety concerns ensuring they are received and understood

   c. Explain and model DOT&PF's vision for maintaining its safety conscious work environment

   d. Explain the new DOT&PF SCWE Policy and Interim Employee Concerns Procedure.

2. Employees Training Agenda (Non-Supervisory): The Employee Training Program will be approximately 3 hours in duration (including 30 minutes for the Safety Culture Survey) and cover the following:

Part 1: Safety Culture Survey (provided by Dr. Haber). Employees will complete the anonymous and confidential survey, place it in a sealed envelope and returned directly to Dr. Haber for compilation, analysis and reporting. The survey data will be reviewed and evaluated and benchmarked against a database of approximately 25,000 respondents who have completed by same survey and who represent various industries nationally to provide context.

Part 2: Background on Safety Conscious Work Environment Benchmarks Pertinent to DOT&PF

- NRC Employee Protection Regulations for creating and maintaining a Safety Conscious Work Environment, including 10CFR30.7, 40.7, 50.7 and the Commission's May 1996 Policy Statement on the "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation"..
- NRC requirements for statewide and regional radiation safety officers.
- Critical definitions such as 'hostile work environment' and 'chilling effect'.
- Relevant state and federal regulations pertaining to whistleblower protection.
- Current situation at DOT&PF and Confirmatory Order EA-03-126, including business case for why it needs to be addressed.

Part 3: Roles and Responsibilities for employees at DOT& PF for supporting a SCWE

- DOT&PF vision and goals for its Safety Culture.
- An employee's role and responsibility in raising safety concerns.
- DOT&PF Policies and Procedures for maintaining a SCWE.
- Pantex (DOE) - Case Study and Application.

D. Training Schedule:

In order ensure maximum effectiveness of the facilitator and effective management of classroom discussion, the number of participants for both manager and employee sessions will be a maximum of 20-25 managers or employees per session.

The training schedule, including make-up sessions, is to be determined. It will be discussed and finalized, using the format below, during the initial 3-day Safety Culture workshop and initial assessment. Regulatory legal review of the training program will be conducted prior to program deployment.

Anchorage:

Facilitator: Peter Rail	Manager Training	Employee Training
Number Sessions Needed	2	4
Date/Time	tba	tba
Date/Time	tba	tba
Date/Time	n/a	tba
Make-up Session	*To be determined*	*To be determined*

Fairbanks:

Facilitator: Cynthia Wick	Manager Training	Employee Training
Number Sessions Needed	2	3
Date/Time	tba	tba
Date/Time	tba	tba
Date/Time	n/a	tba
Make-up Session	*To be determined*	*To be determined*

Juneau:

Facilitator: Cynthia Wick	Manager Training	Employee Training
Number Sessions Needed	1	1
Date/Time	tba	tba
Date/Time	n/a	tba
Make-up Session	*To be determined*	*To be determined*

Nome (under consideration):

Facilitator: Rick Habegger	Manager Training	Employee Training
Number Sessions Needed	1	1
Make-up Session	*To be determined*	*To be determined*

E. Training and Development Team Credentials:

The consultants who will provide the training are identified in this plan.

3) PLAN – Estimated Time Line *(based upon NRC time for approval)*

The following is the initial time line based upon NRC approval (major tasks):

Description	Resources	Time Estimates
Team meets with DOT&PF Sr Mgmt and Mr. Gregory Christensen, Radiation Safety Officer, to conduct safety culture workshop, safety culture and document review to gather information for training	P. Rail, R. Habegger, C. Wick, P. Garlen, Dr.Haber, DOT&PF Safety Culture Workshop	May 24-26, 2004
Develop SCWE training, incorporate in DOT/ECP policies and procedures, develop hand-outs for participants and facilitator notes per plan	P. Rail, R. Habegger, C. Wick, P. Garlen	Contract award –June 4
As soon as possible after NRC review and approval of training plan, conduct training sessions and safety culture survey. The training time will be 4 hours for management and 3 hours for employees. The survey takes approximately 35 minutes to complete	P. Rail, R. Habegger, C. Wick	Estimated between June 7-11
Complete the review of DOT&PF policies and procedures; submit a draft written report identifying inadequacies/deficiencies, recommendations for improvements, including drafts of suggested new policies or other tools	P. Rail, R. Habegger, C. Wick	Estimated between Jun 14-25
Provide finished training materials for DOT&PF to train individuals who missed the training – Train the Trainer	P. Rail, R. Habegger, C. Wick, P. Garlen	Estimated between Junly 1-Jul 31
Submit draft long-term plan to maintain a SCWE, include discussion of the recommendations in final report, plan & schedule to address policies and procedure to evaluate & approve future changes to the plan; to be to be forwarded to the NRC for review and comment	P. Rail, R. Habegger, C. Wick, P. Garlen	Estimated between July 1 Jul 31 (no later than 45 days after program review report finalized)
Provide finished work products to correct identified deficiencies/inadequacies based on the Policy and Procedure Review final report.	P. Rail, R. Habegger, C. Wick, P. Garlen	Estimated between Aug 1-Sept 30
Conduct annual refresher training for both managers and employees	P. Rail, R. Habegger, C. Wick, P. Garlen	Estimated between May 24-Jun 15, 2005
Conduct employee survey and compile a report summarizing the methods, findings, and recommendations	P. Rail, R. Habegger, C. Wick, P. Garlen,	Estimated between May 24-Jun 15, 2005

CONSULTANT EXPERIENCE – SAFETY CULTURE BIO

MR. PETER RAIL – CONTRACT MANAGER/SR CONSULTANT

Education: Masters Degree, Organizational Change Management; B.A. Human Resources

Relevant Experience (20 years consulting/management experience in safety culture)
Mr. Rail's experience is in employee concerns, human resources, training, and organizational change. He is President, Co-Chairman and a founding member of the national Employee Concerns Program Forum. He is often asked to be a speaker, panel member or instructor by the Nuclear Regulatory Commission (NRC), Nuclear Energy Institute (NEI) and Institute Nuclear Power Operations (INPO) in the area of Safety Conscious Work Environment (SCWE). He is considered by many industry experts to be a pioneer of the Safety Conscious Work Environment. Peter was asked by the NRC to review and comment on the 1996 NRC policy statement on the "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns without Fear of Retaliation". Peter coordinated team efforts to commence a national training academy to pursue the ideals of sharing best practices and networking Alternative Dispute Resolution (ADR) professionals. The academy includes representatives of the US Nuclear Regulatory Commission (NRC) and Department of Energy Employee Concerns (ECP) Managers and Directors. Peter regularly lectures on employee concerns at the Institute of Nuclear Power Operations (INPO) Senior Plant Managers Academy with the NRC Allegations Advisor.

References:

Mr. James Levine, President/COO	Arizona Public Svc Co	(602) 250-2095
Ms. Lisa Jarriel, Allegations Advisor	US Nuclear Regulatory Commission	(301) 415-1293
Mr. Russell Wise, U.S. NRC Region IV Allegation Advisor	US Nuclear Regulatory Commission	(817) 860-8245
Mr. Robert McKendrick, Mgr, Sr Mgmt Training Academy	Institute of Nuclear Power Operations (INPO)	(770) 644-8996
Ms. Phyllis Hanfling Director, Office of Resolution	U.S. Department of Energy	(202) 586-6972

MS. CINDY WICK – PROJECT MANAGER

Education: B.S. Business Administration, Alaska Pacific University

Relevant Experience: Business Practices Officer/Manager Employee Concerns Program trains and coaches' management and employees for Alyeska Pipeline Service Company (APSC), operator of the TransAlaska Pipeline System (TAPS). APSC is a high-reliability organization, and the Joint Pipeline Office, a consortium of federal and state government agencies, provides regulatory oversight.

Ms. Wick trains and coaches TAPS management on handling employee concerns and maintaining productive, responsive relationships with employees and TAPS employees on how to raise concerns within the organization and resolve conflict. Other training includes ethics and discrimination training for all TAPS employees (direct and contractor employees in the security, operations, maintenance, administrative and support workgroups). Ms. Wick has had this role for seven years and has worked on TAPS for 12 years, during which she has continually promoted safety conscious work environment processes and behaviors. She currently serves on the Board of Directors of the ECPF Forum and is a certified mediator.

References:

Ms. Lisa Jarriel, Allegations Advisor	US Nuclear Regulatory Commission	(301) 415-1293
Mr. Russell Wise, U.S. NRC Region IV Allegation Advisor	US Nuclear Regulatory Commission	(817) 860-8245
Mr. Carl Mohrwinkel, U.S. NRC Asst Allegation Advisor	US Nuclear Regulatory Commission	(301)-415-1293

MR. RICHARD E. HABEGGER – SR CONSULTANT

Education: Masters and Bachelor Degrees in Human Resource Management

Relevant Experience: 22 years consulting and management experience in highly regulated safety culture, Human Resources, Change Management consultant who managed the plant staffing, shop floor facilitation, and HR investigations at Millstone Nuclear Station during the recovery and post-startup transition; Executive Director, Nuclear Human Resources Group (NHRG) a Community of Practice under the Nuclear Energy Institute (NEI). Consulted on nuclear plant sites at Millstone (6 years during performance improvement and recovery), Susquehanna, Salem&Hope Creek, Turkey Point (HR Manager during recovery), Robinson, Harris, and Brunswick and numerous other sites.

Professional Development and Achievements: Training, Instructor & Course Development: Kepner Tregoe-Problem Solving; Managerial Grid-Conflict Resolution; Managing Protected Employees; Methods to Detect and Prevent Retaliation; Quality Improvement Facilitator/ Instructor; Competency-Based Interviewing Instructor.

References:

Mr. Keith Fogleman, Sr. Manager, HR Operations for COO	Tennessee Valley Authority	(423) 751-7370
Mr. Robert Escoto, Vice President Human Resources	FPL Group-Nuclear	(561) 691-2360
Mr. Peter Schneider, Vice President-Human Resources	Entergy Nuclear	(601) 368.5760

MS. PAULA GARLEN – TRAINING DEVELOPMENT CONSULTANT

Education: Masters and Bachelors Degrees from West Chester University

Relevant Experience: Ms. Garlen provides consulting services to the ECP FORUM, INC. to deliver needs analysis, training and development, organizational development, and business planning support services.

Employment Learning Innovations, Inc. (ELI): as Vice President of Product Development for Employment Learning Innovations, Inc. (ELI) a firm specializing in developing and delivering training and communication solutions on workplace legal issues. Ms. Garlen was responsible for developing the firm's product development process, overseeing the development of all of ELI's training programs, and bringing to market a comprehensive award-winning line of management and employee training programs on compliance-related issues including training on managing and maintaining a safety conscious work environment. In particular, Paula worked closely with organizations such as Arizona Public Service, Alyeska Pipeline Services Company, Carolina Power and Light, and Northeast Utilities to customize ELI's manager and employee safety training offerings and develop refresher training to meet their specific needs. She also created certification processes and prepared trainers from the nuclear power industry to facilitate ELI's safety programs.

She acted as project manager and designer for The Legal Record™ a program dealing with conducting investigations, which won a Top Ten Training Product designation from Human Resource Executive magazine. She was also responsible for managing a product development alliance with The McGraw-Hill Companies to bring two innovative online training programs to market for managers and employees.

Paula is a member of the national chapter of the Society for Human Resource Management (SHRM) and a former member of the American Society for Training and Development (ASTD) Community Education and Training Committee. Reference provided on request.

References:

Aldo Capristo, Employee Concerns Program Manager	Nuclear Management Company, LLC	(920) 755-7633
Willis Frick, Manager, Nuclear Safety Concerns Program	Southern California Edison	(949) 368-6914
Andrew Vomastek, Employee Concerns Program	Dominion Nuclear	(860) 447-1791

Dr. SONJA B. HABER – SR CONSULTANT – ASSESSMENTS

Education: M.A., Ph.D. Psychology, Miami University

Relevant Experience: President and Senior Consultant of Human Performance Analysis, Corp. a company that specializes in the assessment and evaluation of safety culture including the behaviors important for a safety conscious work environment. Dr. Haber has 30 years of experience in the area of human performance analysis including extensive domestic and international field work.

Most recently Dr. Haber led the team conducting an independent assessment of safety culture at the Davis-Besse Nuclear Power Plant, shut down for the last two years by the U.S. Nuclear Regulatory Commission for a degraded reactor vessel head. Root cause analysis indicated significant problems in the area of safety culture specifically in management and human performance issues. The U.S. NRC recognized the credibility and usefulness of Dr. Haber's assessment in a Special Inspection Report No. 50-346/2003012. New conditions imposed by the NRC for restart of the plant include an Order modifying the plant's license to include independent assessments in several areas. Dr. Haber is currently being considered to conduct the required assessment of safety culture, including safety conscious work environment, to meet the requirements of the Order.

References:

Dr. Julius Persensky, USNRC, Senior Tech Advisor-Human Factors	US Nuclear Regulatory Commission	301-415-6759
Mr. Garry Schwarz, CNSC, Director – Organization Mgmt Systems	Canadian Nuclear Safety Commission	613-995-2784
Mr. Terrence Taylor, IAEA, Safety Culture Specialist	International Atomic Energy Agency	43-1-2600-26179

MR. ROY P. LESSY, Jr. – REGULATORY ATTORNEY

Education: B.A. with honors in 1966 from Franklin and Marshall College and J.D. with honors from the George Washington University

Relevant Experience: Mr. Lessy is a regulatory attorney and will assist ECP FORUM, INC. in review of regulatory issues that might surface as the result of our Safety Culture assessment and training and other related NRC regulatory issues. Mr. Lessy concentrates on litigating on behalf of nuclear licensees and electric utilities involving NRC issues. He has been involved, in both private practice and previously as deputy Assistant chief hearing counsel of the U.S. Nuclear Regulatory Commission, in matters involving approximately half of the licensed nuclear reactors in the United States. He has been substantially involved in the purchase and/or sale of a number of nuclear plants, including due diligence reviews, license transfers and corporate restructuring. He has been involved in both the defense of many NRC enforcement and discrimination cases on behalf of nuclear licensees and has also represented the nuclear industry in the development of NRC's emerging enforcement policy regarding the use of "Alternative Dispute Resolution" in NRC employment discrimination cases. On behalf of nuclear licensees, he has also appeared before the U.S. Department of Justice's Antitrust, Civil and Criminal Divisions. Between 1981 and 1983 he was chief counsel and then director of a special interagency task force on radioactive waste litigation in which four U.S. government agencies participated.