

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

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STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION

May 28, 2004

Re: Plan Review and
Training Addendum

Frank Congel
Director, Office of Enforcement
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Congel:

On May 27, 2004, a conference call was held involving Department of Transportation and Public Facilities (DOT&PF), ECP Forum and Nuclear Regulatory Commission (NRC). The purpose of the call was to discuss the plans submitted to meet the criteria of the March 15, 2004 Confirmatory Order issued by the NRC and agreed to by DOT&PF. The submitted plans were discussed and the NRC requested further clarifications on a number of items. The clarifications are submitted herein as an addendum to the original plan.

Review Plan Overview – Addendum

To determine compliance with NRC employee protection requirements and establish a baseline regarding the DOT&PF's safety culture and safety conscious work environment, the following activities to develop analysis data will occur:

- review policies and procedures,
- conduct a safety workshop and limited one-on-one interviews with available members of senior management,
- conduct one-on-one interviews with selected employees,
- conduct an employee survey.

The timeframe for this work is:

Four days on site at DOT&PF to scope documents for review, conduct the workshop and interviews, and begin document review (May 24-27, 2004)

Two to three weeks off site to complete document review

Voluntary, confidential employee survey conducted during multiple training sessions (week of June 14, 2004)

The data collected from these efforts will be evaluated against:

1. The 1996 NRC policy statement for Nuclear Employees Raising Safety Concerns Without Fear of Retaliation;
2. NRC draft Best Practices to Establish and Maintain a Safety Conscious Work Environment;
3. NEI Employee Concerns Toolbox, Document 97-03;
4. Industry standards and best practices developed through the Employee Concerns Program Forum; and,
5. Benchmark comparison of survey data against 25,000 person database and key national and international indicators.

Upon completion of the evaluation period, anticipated to be sometime between late July and mid-August, a final report with recommendations for policy and procedure changes, safety culture and SCWE improvements will be provided to DOT&PF. (NOTE: The completion date is driven directly by the employee survey – it takes approximately six weeks following completion of the survey to compile and analyze the data.)

Reference was made to an alternate route/Employee Concerns Program in the Review Plan based on DOT&PF's request that an employee concerns program be established to support its effort to provide employees a resource for raising concerns. It was decided informing employees about a program during the training would be the most efficient format and would allow for answering any questions. Therefore, initial development of a concerns program and information about the program (i.e., scope, contact point(s), and anticipated implementation date) will be included in the training program.

Training Plan – Addendum

Two areas of training specifically identified in the Confirmatory Order – what constitutes an adverse action and other types of enforcement actions that may occur following a violation of a regulation – are addressed in the training as follows:

1. Adverse Actions – an exercise completed by both supervisors and employees to identify types of events that constitute adverse actions is included in the first part of the training while covering regulatory issues. The supervisor's training will further include providing a list of questions for them to ask prior to taking a proposed adverse action.
2. Enforcement Actions – case studies will be used to identify events involving protected activities covered by regulations both in and outside NRC purview that could generate an enforcement action.

The employees who will be required to attend the training included those classified as State Chief Engineer, State Materials Engineer, Statewide Quality Assurance Engineer, Statewide Radiation Safety Officer, Regional Chief Construction Engineer, Project Manager, Project Engineer, Regional Radiation Safety Officer, Laboratory Foreman, Rover, Material Technician, Laboratory Coordinator, Regional RSO, Inspector, and Office Engineer.

The training experience of the four individuals identified in the Plan is outlined below:

MR. PETER RAIL – CONTRACT MANAGER/SR CONSULTANT

- Institute of Nuclear Power Operations (INPO) Senior Plant Managers Academy with the NRC Allegations Advisor. 'Managing Employee Concerns' Safety Conscious Work Environment (SCWE and protected activity) training to nuclear industry senior managers. Ongoing four times annually since 1998
- Palo Verde Nuclear Station, developed and delivered management/ front line training in the area of Safety Conscious Work Environment
- Training courses given at the Employee Concerns Program Forum. Training employee concern professionals with investigations in the area of harassment, intimidation retaliation, discrimination (HIRD) issues, conflict resolution, co-employment issues, self-assessments, industry best practices and lessons learned within various nuclear utilities and regulatory agencies (NRC, DOE)

MS. CINDY WICK – PROJECT MANAGER

Training conducted at Alyeska Pipeline Service Company with direct employees and/or contractor employees (companies include, Houston/NANA, Ahtna Construction, Doyon, Ltd., Computer Task Group, Tatitlek Chenega Corporation, Crowley Maritime, Chugach Technical Services)

- How to Avoid and Prevent Retaliation: manager and employee sessions – focus on SCWE and protected activity – train on what constitutes retaliation, behaviors that create a hostile work environment and chilling effect, expectations for managers in the workplace to treat employees consistently and address issues and concerns, expectations for employees regarding raising concerns
- Creating a Culture of Trust: manager and employee sessions – focus on supervisor/employee interactions – training on how to interact positively in the workplace when raising concerns; expectations of managers to address employees

workplace issues, maintain a SCWE and positively interact with employees who raise concerns or engage in protected activity; expectations of employees to positively engage with management when raising concerns

- **Harassment and Discrimination:** employee sessions regarding Title VII discrimination issues (i.e., sexual harassment, racial discrimination, employee protections, etc.) and raising concerns in the workplace
- **Ethical Decision Making:** expectations for ethical behavior in the work place, treating others with respect, a decision-making model – also conducted with the Alaska Society of Women in Accounting
- **Informal training on the Code of Conduct for Alyeska Pipeline Service Company employees and contractors**

MR. RICHARD E. HABEGGER – SR CONSULTANT

- **Supervisor and Manager Training:** which included handling conflict, investigating and resolving employee issues, sensitive whistle blower cases, documentation and records, and interviewing and note-taking (Northeast Utilities, Millstone Nuclear Station, Connecticut Yankee, FPL Turkey Point and St. Lucie Nuclear Plants)
- **Performance Management:** which included meeting and discussing/resolving employee performance problems and improvement (FPL-Turkey Point and St. Lucie Nuclear Plants and Progress Energy-Robinson, Brunswick and Harris Nuclear Plants.
- **INPO Sr. Managers Training Academy:** taught with Peter Rail, ECPF President on the area of nuclear human resources projects and issues.
- **Kepner Tregoe-Telos: Handling Conflict and Management Style:** which included the actions of management that positively and negatively impact employee performance
- **Kepner Tregoe-Problem Solving and Decision Making:** which included employee concerns and resolution of employee problems
- **Managerial Grid (Blake & Mouton):** management styles used to motivate employees and resolve issues

Training Certification-SCWE & Nuclear Employee Concerns

- **Managing Protected Employees**
- **Methods to Detect and Prevent Retaliation**

MS. PAULA GARLEN – TRAINING DEVELOPMENT CONSULTANT

Managing for Nuclear Safety (Manager's program)

Maintaining Nuclear Safety (Employee's program)

Concepts Covered: Federal employee protection provisions, the 1996 NRC Policy Statement for Nuclear Employees Raising Safety Concerns Without Fear of Retaliation; roles and responsibilities of the organization, managers, and employees in maintaining a safety conscious work environment; guidelines for managers in receiving and resolving employee concerns, whether they be safety related or not; guidelines for employees on how to effectively raise concerns and where to go to do so.

Program Delivery Experience:

Northeast Utilities

Pennsylvania Power and Light

Carolina Power and Light

Note: Paula was also responsible for updating the programs listed above to include concepts from the 1996 NRC policy statement and to customize the programs to include facility-specific policies and procedure. Customizations completed for: Northeast Utilities, Carolina Power and Light, Florida Power and Light, Pennsylvania Power and Light, and Southern California Edison

Train the Trainer Program for Managing for Nuclear Safety and Maintaining Nuclear Safety

Concepts Covered: Regulatory requirements driving the concepts covered in the program; Program demonstrations for Train the trainer (TTT) participants; Observation and evaluation of TTT participant practice in delivering program material

Program Delivery Experience:

Northeast Utilities

Carolina Power and Light

Open sessions that included representatives from Florida Power and Light and The Southern Companies

Let's Keep Talking

Concepts Covered: Refresher training for the managers at Arizona Public Service reviewing the 1996 NRC policy statement, roles and responsibilities of management in effectively receiving and resolving employee concerns, case studies highlighting the managing of specific SCWE-related situations, the APS Employee Concerns Program including procedures for raising concerns.

Program Delivery Experience:

Arizona Public Service – Pilot Session of Let's Keep Talking and Train the Trainer program for APS facilitators

Note: Paula managed the team that developed this program and developed the certification process used to prepare APS facilitators to deliver it.

Managing a Culture of Trust (manager's program)

Maintaining a Culture of Trust (employee's program)

Concepts Covered: Federal employee protection provisions, Title VII and other labor law concepts, roles and responsibilities of the organization, managers, and employees in maintaining a safety conscious work environment; guidelines for managers in receiving and resolving employee concerns including specific coverage of other human resource legal issues that may arise from non-safety-related concerns; guidelines for employees on how to effectively raise concerns and where to go to do so.

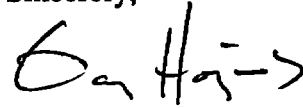
Program Delivery Experience:

Alyeska Pipeline Service Company, including the development and delivery of Train the Trainer programs for Alyeska instructors to prepare them to facilitate the programs.

Note: Paula was also responsible for the development of these programs for Alyeska, which included merging concepts from a nuclear safety program, and a program covering human resource legal issues and customizing it to meet the needs of the Alyeska environment.

If I can be of further assistance in this matter, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Hogins". The signature is stylized with a large "G" and "H".

Gary Hogins, P.E.
Chief Engineer

Emailed: Douglas Starkey, NRC
Lisa Marie Jarriel, NRC
Michael Vasquez, NRC