



**Department of Energy**  
Office of Civilian Radioactive Waste Management  
Office of Repository Development  
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Distribution

**INDEPENDENT REVIEW OF QUALITY ASSURANCE CONCERNS EXECUTIVE SUMMARY**

When Thomas R. Staker provided an out-briefing on the Independent Oversight Independent Review of Quality Assurance Concerns on Friday, June 17, 2005, we committed to provide you a written summary of issues addressed and conclusions drawn by the review team. Enclosed is that summary. Rest assured we are working on an action plan and you will hear from us in the near future.

A handwritten signature in black ink, appearing to read "W. John Arthur, III".

W. John Arthur, III  
Deputy Director

ODD:WJA-1428

Enclosure:  
Executive Summary

cc w/encl:  
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**INDEPENDENT OVERSIGHT  
INDEPENDENT REVIEW  
OF  
QUALITY ASSURANCE CONCERNS  
AT THE  
OFFICE OF CIVILIAN RADIOACTIVE WASTE  
MANAGEMENT**

**Executive Summary**

At the request of the Acting Director of the Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM), the Office of Independent Oversight and Performance Assurance, within the Office of Security and Safety Performance Assurance, conducted an independent review of quality assurance concerns within the OCRWM project. The independent review focused on concerns conveyed in two anonymous letters and nineteen related concerns received by the OCRWM employee concerns program.

The Independent Review Team evaluated the specific concerns in the letters and employee concerns and grouped them into four areas: (1) the work environment, including harassment, intimidation, retaliation, and discrimination; (2) the effectiveness of the OCRWM Office of Quality Assurance (OQA); (3) the OCRWM employee concerns program and its previous investigation of quality assurance (QA) concerns; and (4) interactions with the onsite representative of the Nuclear Regulatory Commission (NRC). Because concerns focused primarily on actions of the current OCRWM OQA Director, the independent review focused on actions taken by the current Director and related actions in the timeframe of the current Director's tenure.

In addition to evaluating the specific concerns, the Independent Review Team selectively evaluated elements of relevant management systems and other concerns expressed during interviews. The purpose of this broader review was to gain insights on the underlying conditions that have resulted in a relatively high number of expressed employee concerns, many of which had been previously expressed or were similar to previous expressed concerns.

As discussed below, the Independent Review Team concluded that, with few exceptions, the concerns were not substantiated. However, several areas for improvement were identified in each of the four areas of review.

**Work Environment.** Most of the concerns in the area of work environment involved claims of harassment, intimidation, retaliation, or discrimination (HIRD). As used in this report, the elements of the term "HIRD" are used consistent with DOE and OCRWM policy and directives. Ten OQA or Navarro Quality Services (NQS) – a support contractor to OCRWM that supports QA functions – staff members claimed that they were subjected to HIRD, and nineteen staff members stated that they were aware of someone who had been subjected to HIRD. The Team also identified seven individuals who were concerned about HIRD directed toward individuals who pointed out problems.

In addition to HIRD, some individuals had other concerns about the work environment. A few individuals indicated that they were constrained in follow-up in some areas (e.g., following up on potential concerns about procedures, and viewing resolution of comments on Quality Assurance

Requirements and Description revisions). Several individuals expressed concerns about the recent "safety conscious work environment" survey. There were also concerns about inadequate communication and the lack of structured task assignment for NQS, and some individuals indicated apprehension about the future status of the NQS contract.

The Independent Review Team concluded that the claims of HIRD were not supported. Further, individuals did not provide a reasonable factual basis for their concerns about other individuals being subjected to HIRD. Most of the non-HIRD concerns were not substantiated or did not have a detrimental impact on the project.

However, there are a number of instances where communications have been insufficient. For example, while the OQA Director stated that his review/approval of condition reports is not a requirement, there is a perception by a number of staff members that such review/approval is required. In addition, the Independent Review Team confirmed that the results of the safety conscious work environment survey (administered by OCRWM) could have been skewed by some confusion in the questions and multiple inputs. The safety conscious work environment coordinator was aware of the concerns with the surveys and was in the process of developing solutions.

Many OQA staff indicated disillusionment and a loss of trust in management because of personnel actions taken against the previous OQA Director and the NQS Program Manager in 2001. After starting in the position, the current OQA Director took a number of initial actions, such as changing personnel assignments, hiring team leaders from outside the organization, and shifting responsibilities. Some staff indicated that they were adversely impacted by these actions or that the current Director's initial actions caused a further degradation in their trust of management. The Independent Review Team concluded that the initial actions of the current OQA Director are consistent with normal business practices or were part of the overall OCRWM strategy but may not have been well communicated to the staff.

OQA/NQS staff members who were interviewed indicated that they would raise safety concerns if circumstances warranted. No concerns were identified during interviews that had not been raised previously. However, some staff members indicated that they would be reluctant to utilize some methods for raising concerns, and interviews revealed that a number of staff members believed that a chilled work environment exists within OQA. For example, a number of staff indicated that they would not raise concerns to the OQA Director or use the employee concerns program. Conversely, a few individuals believed that some staff members were hindering OQA management effectiveness by filing complaints whenever the managers did anything that they disagreed with.

Overall, improvements are needed in communications, in efforts to build trust, and in efforts to instill a safety conscious work environment in the OQA/NQS organization. The current situation is such that normal management actions, such as review and comment on reports prepared by the staff, are considered by some to be harassment and intimidation. Further, there is a lack of trust between OQA management and a number of staff, and actions to date to restore trust have not been successful, nor is there a clear strategy in place to address issues of communications and trust. Although the claims of HIRD were not substantiated, the number of individuals who believed that HIRD had occurred or feared HIRD, in combination with the lack of trust in the OCRWM employee concerns program and some management, indicates that OQA and NQS have not fully established the type of work environment needed for a nuclear facility. Significant management attention is needed to instill a safety conscious work environment, in which safety issues are freely raised and cooperatively evaluated.

Restoring trust and improving communications are likely to pose a significant challenge, as evidenced by events that occurred during this review (e.g., some dissenters provided information to the Independent Review Team that was exaggerated or without merit, and signs mocking a specific manager were posted

in OQA workspace). Apprehension over the future of the NQS contract also presents a challenge to efforts to restore trust. Notwithstanding the challenges, if the situation is not improved, it is likely that the concerns will be increasingly expressed publicly through the media and licensing hearings.

**Reductions in OQA Responsibilities and Effectiveness.** A significant majority of OQA staff who were interviewed believed that the current QA program is effective. No new QA or safety issues were identified during interviews; that is, all such issues had been raised previously.

Several individuals, however, indicated concern about the implementation of the QA requirements by the line organization. Other concerns identified in interviews included reductions in audits, downgrading of requirements, pushback from the site contractor, management editing of audit reports, friction between OQA factions, reduction in the number of team members for some audits, and the competence of new hires.

For the most part, these concerns were not substantiated, and the substantiated concerns generally do not have a substantive impact on the effectiveness of the OQA organization. However, the number and nature of the concerns further indicate the need for improved communication, as well indicate a need for better planning and coordination of audits. As discussed below, concerns about OQA effectiveness fell into four categories.

First, many OQA staff members expressed concerns about changes in responsibilities for the corrective action program, changes in responsibilities for procedure development, and establishment of a QA organization by the site contractor. The Independent Review Team determined that these changes were generally appropriate and consistent with the OCRWM efforts to strengthen the independence of the OQA oversight and promote line management ownership of quality.

A second area of concern was that some OQA staff members were being stripped of their oversight functions. This concern appeared to be related to changes in assignments that the OQA Director made soon after his appointment, as well as actions to temporarily remove the audit responsibility of some NQS auditors while an allegation was investigated. The Independent Review Team determined that these changes and actions were reasonable business decisions and that OQA staff members who were relieved of certain audit responsibilities were still involved in oversight activities. Nevertheless, the persisting perception among many OQA staff members that these actions were intended to strip individuals of their oversight function, indicates a need for better communication.

A third area of concern was a dilution of oversight by changes in the audits, including a claim that the current OQA Director was responsible for a reduction in performance-based audits. This concern was determined to be factually inaccurate because the facts show that this reduction took place before the tenure of the current OQA Director. However, the basis for application of performance-based audits was not clearly defined and communicated. There was also concern about canceling and postponing scheduled audits and changing scheduled audits from performance-based to compliance-based. While it is true that some scheduled audits have been changed, the schedule changes reviewed by the Independent Review Team appeared to be attributable to DOE management decisions, products not being ready as scheduled, and other such factors. The changes did not indicate a scheme to dilute the effectiveness of OQA oversight, but improvement is in fact needed in the planning and coordination of audits.

Fourth, a concern was expressed about the OQA Director making decisions that were detrimental to the QA program. For example, there were claims that the OQA Director made decisions to reduce budgets and staffing, reduced the numbers of auditors for some teams, and did not take appropriate actions for identified concerns. The Independent Review Team's evaluation indicates that the OQA Director had not directed reductions in budgets or staffing. In the one substantiated example where the OQA Director

reduced audit team staffing, the lead auditor stated that the audit was completed in an acceptable manner and the reasons given for reducing the staffing were credible; however, communication about this decision was insufficient, and the decision to reduce staffing was made without evaluating all relevant information. The Independent Review Team examined several of the specific decisions and identified no overall detrimental effect to the QA program. However, downgrading of condition reports is an area that warrants additional management attention to ensure that the evaluation of the significance of condition reports is based on a sound and well documented analysis.

**OCRWM Employee Concerns Program and Recent Investigation.** The OCRWM employee concerns program has received good management support and is generally effective. Investigations are generally thorough and timely, and information in the concerns files supports conclusions. However, corrective actions are not always effective, and a significant portion of the OQA/NQS staff lacks confidence in the program and fears retaliation if they use it. The OCRWM employee concerns program has performed an investigation addressing previous allegations about the lack of confidence in the employee concerns program; this investigation did not have sufficient independence because the program was evaluating its own performance. In addition, the investigation report also did not fully investigate some technical aspects of the allegations and did not clearly address the elements of proof normally required for substantiation for retaliation. Further, the corrective actions were not fully effective, and the results of the investigation and resultant actions were not well communicated to staff.

**Interface with the NRC Onsite Representative.** The concerns expressed in this area indicate that the OQA Director attempted to inhibit the ability of the NRC onsite representative to perform oversight activities. No information developed during this review demonstrates that the OQA Director acted inappropriately in attempting to control the information flow to the NRC onsite representative. OCRWM and the NRC have an agreement describing the relevant responsibilities and interfaces, and the Independent Review Team determined that the current OQA Director is generally stricter in interpreting and enforcing the terms of the OCRWM/NRC agreement than his predecessor. The OCRWM/NRC agreement anticipated the potential for conflicting interpretations of the requirements and described a process for resolving disagreements; this process has been used to address and resolve disagreements. The concern forwarded to DOE for review clearly states that the NRC onsite representative is not intimidated by the actions of the OQA Director. The NRC onsite representative indicated that the OQA Director's actions to limit his access to information have, to some extent, made it more difficult to get information, but that he is able to meet his regulatory responsibilities.

**Conclusions.** The Independent Review Team concluded that, with few exceptions, the specific concerns identified in the letters and employee concerns were not substantiated or do not have a detrimental impact on the project. Further, no safety or quality concerns were identified that had not been brought up.

However, the Independent Review Team's analysis of the broader management systems and underlying conditions indicates that improvements are needed. The number of employees who expressed a concern about harassment and intimidation and the lack of trust between OQA management and a number of staff indicate that OQA and NQS have not fully established the type of work environment needed for a nuclear facility. Without effective management action, it is likely that concerns will be raised increasingly through the media and licensing hearings.

Significant management attention is needed to strengthen the trust between management and OQA staff and instill a safety conscious work environment, in which safety issues are freely raised and cooperatively evaluated. Major areas of management focus should include:

- Evaluating and addressing the weaknesses in communication between OQA staff and management
- Improving planning for audits including integration with important project milestones, increasing the use of performance based audits, and coordination with organizations outside of OQA.
- Enhancing confidence in the employee concerns program and ensuring that retaliation and technical aspects of concerns are appropriately addressed.