

# TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401

5N 157B Lookout Place

**AUG 19 1986**

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Denton:

In response to a verbal request from members of your staff, enclosed is a copy of the following TVA Office of Inspector General (OIG) Policy Statements.

1. Administrative Guidelines and Procedures for Employee Concerns Program Matters.
2. Intimidation and Harassment, Wrongdoing, and Misconduct Matters - Guideline and Procedures.

These policy statements provide the guidelines and procedures followed by the OIG in the investigation and review of Employee Concerns Program matters in general, and intimidation and harassment, wrongdoing, and misconduct matters in particular. Please note that the enclosed statements require the OIG to refer all potential safety concerns to TVA's Manager of Nuclear Power for review, evaluation, and/or investigation.

If you have any questions, please telephone Dennis McCloud at 615/751-4876 (FTS 858-4876).

Very truly yours,

TENNESSEE VALLEY AUTHORITY

  
R. L. Gridley, Director  
Nuclear Safety and Licensing

Enclosures

cc (Enclosures):

U.S. Nuclear Regulatory Commission  
Region II  
Attn: Dr. J. Nelson Grace, Regional Administrator  
101 Marietta Street, NW, Suite 2900  
Atlanta, Georgia 30323

Mr. B. B. Hayes, Director  
Office of Investigations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

8608230468 860819  
PDR ADOCK 05000259  
P PDR

*Do 25*  
*1/1*

**INFORMATION  
ONLY**

**INTIMIDATION AND HARASSMENT, WRONGDOING,  
AND MISCONDUCT MATTERS**

**OFFICE OF THE INSPECTOR GENERAL GUIDELINES AND PROCEDURES**

- I. **PURPOSE:** To promulgate the Office of the Inspector General (OIG) guidelines and procedures for conducting investigations of intimidation and harassment (I&H), wrongdoing, and misconduct matters.
  
- II. **SCOPE:**
  - A. **OIG will investigate allegations of I&H, wrongdoing, or misconduct in an effort to eliminate these abuses at the Tennessee Valley Authority (TVA). It is the intent of the OIG to assist in establishing and maintaining a high degree of trust between TVA line managers and employees. OIG will conduct investigations of these matters as appropriate and according to the following standards.**
    1. **Investigations of I&H matters will be conducted in accordance with the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.**
    2. **Investigations of wrongdoing and misconduct matters will be conducted in accordance with the TVA Code of Conduct Standards and/or Federal or State legislation.**
  - B. **OIG investigations will determine whether I&H, wrongdoing, or misconduct acts have occurred and identify the individual(s) responsible for directing or condoning these acts.**
  - C. **OIG will make recommendations for corrective action to the TVA line organization and/or TVA management where determined to be necessary.**

INFORMATION  
ONLY

- D. OIG will review the corrective action taken by the TVA line organization and/or TVA management to ensure that the aforementioned matter(s) are adequately resolved in a timely manner.

III. DEFINITIONS:

- A. Intimidation: A discriminatory act taken by a TVA supervisor against a TVA employee.
- B. Reverse Intimidation: A perception by TVA supervisors that managers are unable to direct and/or discipline the activities of subordinate employees without being accused of intimidation.
- C. Harassment: A pattern of discriminatory acts taken by a TVA supervisor against a TVA employee.
- D. Wrongdoing: A violation of Federal or State legislation.
- E. Misconduct: A violation of the TVA Code of Conduct Standards.
- F. Discriminatory Act: Differential treatment of a TVA employee by a TVA supervisor on a basis other than merit and which adversely affects the employee's compensation, terms, conditions, or privileges of employment. The act may be in the form of an actual or implied verbal threat.

IV. ELEMENTS:

- A. Intimidation and harassment may be identified by the following elements:
1. A Protected Activity performed by a TVA employee which consists of the presentation of a verbal or written concern to TVA supervision (or other regulatory agency) which is perceived by

# INFORMATION ONLY

the employee as potentially affecting the safety of the TVA nuclear facility.<sup>1</sup> The activity may consist of, but is not limited to:

- a. Providing TVA supervision (or other regulatory agency) with information concerning potential violations of law as defined by the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.
  - b. Requesting TVA supervision (or other regulatory agency) to initiate action to correct the potential safety concern or to enforce the aforementioned violations of law.
  - c. Testifying, participating, or assisting in any proceeding, or about to testify, participate, or assist, in any proceeding commenced under the aforementioned Acts.
2. A Discriminatory Act, as defined herein, taken by a TVA supervisor against a TVA employee.
- B. Wrongdoing may be identified as an action taken by any TVA employee which is in violation of Federal or State legislation.<sup>2</sup>
  - C. Misconduct may be identified as an action taken by any TVA employee which is in violation of the TVA Code of Conduct Standards.<sup>3</sup>

## V. INVESTIGATION PROCEDURES:

- A. The initial focus of an OIG investigation of an I&H, wrongdoing, or misconduct matter is to determine whether the allegation(s) have a factual basis. The investigation will identify the individual(s) alleged to be responsible for the prohibited acts and other individuals knowledgeable of the situation. OIG will conduct the appropriate interviews of the concerned employee, the subject(s) of the allegation, and other knowledgeable individuals, the focus of

# INFORMATION ONLY

which will be to reach a conclusion as to the veracity of the allegation(s). OIG will then make appropriate recommendations for corrective action(s) to the TVA line organization and/or TVA management as deemed to be necessary to eliminate the prohibited acts as substantiated by the OIG investigation. OIG will conduct a review of the corrective action(s) taken to ensure that the employee's concerns are adequately addressed and resolved in a timely manner.

- B. The following procedures should be adhered to in conducting an investigation of an I&H, wrongdoing, or misconduct matters. These procedures are not all inclusive, but should be used to provide direction to the Special Agent assigned to investigate and resolve concerns of this nature.
1. Confidentiality should be granted only when requested and in accordance with the OIG Policy on Confidentiality.
  2. Acknowledge receipt of the employee concern within seven (7) working days of case assignment. A copy of this acknowledgement should be directed to the "Office of Nuclear Power, Attention: Employee Concerns Program Manager," if the employee concern is initially received through the Employee Concerns Program.
  3. Enter into OIG indices the names of the concerned employee and the individual(s) alleged to be responsible for the I&H, wrongdoing, or misconduct act(s).
  4. Disseminate all potential safety concerns to the Office of Nuclear Power for review, evaluation, and investigation.
  5. Conduct a preliminary investigation to include the employment history of the concerned employee and the individual(s) alleged to be responsible for the I&H, wrongdoing, or misconduct.

**L44 860819 801**

5N 157B Lookout Place

**AUG 19 1986**

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Denton:

In response to a verbal request from members of your staff, enclosed is a copy of the following TVA Office of Inspector General (OIG) Policy Statements.

1. Administrative Guidelines and Procedures for Employee Concerns Program Matters.
2. Intimidation and Harassment, Wrongdoing, and Misconduct Matters - Guideline and Procedures.

These policy statements provide the guidelines and procedures followed by the OIG in the investigation and review of Employee Concerns Program matters in general, and intimidation and harassment, wrongdoing, and misconduct matters in particular. Please note that the enclosed statements require the OIG to refer all potential safety concerns to TVA's Manager of Nuclear Power for review, evaluation, and/or investigation.

If you have any questions, please telephone Dennis McCloud at 615/751-4876 (FTS 858-4876).

Very truly yours,

TENNESSEE VALLEY AUTHORITY

R. L. Gridley, Director  
Nuclear Safety and Licensing

Enclosures

cc (Enclosures):

U.S. Nuclear Regulatory Commission  
Region II  
Attn: Dr. J. Nelson Grace, Regional Administrator  
101 Marietta Street, NW, Suite 2900  
Atlanta, Georgia 30323

Mr. B. B. Hayes, Director  
Office of Investigations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DEM:KEH

Enclosure

cc (Enclosure):

RIMS, MR 4N 72A-C  
G. D. Hickman, E4 D101 C-K  
E. K. Shipp, E4 D101 C-K

bc (Enclosure):

M. R. Harding, ONP, Sequoyah  
J. A. McDonald, ONP, Watts Bar

# INFORMATION ONLY

## OFFICE OF THE INSPECTOR GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES FOR EMPLOYEE CONCERNS PROGRAM MATTERS

- I. PURPOSE: To promulgate the Office of the Inspector General (OIG) administrative guidelines and procedures for handling Office of Nuclear Power (ONP) Employee Concerns Program (ECP) matters.
- II. SCOPE: The ECP was established by the Office of Nuclear Power to ensure high standards of quality and safety in TVA nuclear activities. OIG investigation and administrative review of ECP matters will ensure that a high degree of trust is established and maintained between TVA line managers and employees.
- III. OIG ADMINISTRATIVE GUIDELINES:
  - A. The Inspector General or his designated representative will review all ECP matters submitted to the OIG to determine whether the matter is submitted for investigation or for administrative review.
    1. If the matter is referred to the OIG for investigation, the OIG will ensure that the matter is appropriately classified and assigned to a Special Agent for investigation.
    2. If the ECP matter is referred to the OIG for review, the Inspector General or his designated representative will conduct an administrative review of the case.
  - B. The Inspector General or his designated representative will ensure that all potential safety concerns are referred to the Manager, Office of Nuclear Power (ONP), for review, evaluation, and/or investigation as the ONP deems appropriate. A copy of this referral will be disseminated to the Employee Concerns Program Manager.

IV. OIG REVIEW PROCEDURES:

- A. Corrective actions taken by the Manager, ONP, regarding an ECP matter will be subject to review by the OIG.
  - 1. OIG will determine whether the scope of the investigation conducted correlates to the nature of the employee concern.
  - 2. OIG will verify that the corrective action taken is appropriate and substantiated by the facts of the investigation.
- B. The Inspector General or his designated representative will notify the Manager, ONP, if the scope of the investigation and/or the corrective action taken are determined to be inadequate to resolve the employee concern. The OIG will make recommendations to the Manager, ONP, regarding the investigation and/or corrective action necessary for adequate resolution.

V. OIG AUDIT PROCEDURES:

- A. The OIG audit of the ECP will commence during fiscal year 1986. The OIG audit initially conducted will assess the efficiency and effectiveness of the ECP with respect to its goals, objectives, and policies. The OIG audit commenced during 1986 will additionally assess compliance of the ECP with ONP/TVA policies and procedures.
- B. The OIG will subsequently audit the ECP at least once annually. Each annual audit will assess the program's compliance with ONP/TVA policies and procedures. Biannually, the OIG audit will also include an assessment of the efficiency and effectiveness of the ECP with respect to the program's goals, objectives, and policies.
- C. OIG audit(s) of the ECP will be consistent with the Standards for Audit of Governmental Programs, Activities, and Functions, as



promulgated by the Comptroller General of the United States.

Additionally, the OIG Audit Policies and Procedures Manual will be published in September 1986. OIG audits of the ECP conducted after publication of this manual will be in accordance with the policies and procedures set forth therein.

INFORMATION  
ONLY

7/28/86

12530

**INFORMATION  
ONLY**

**INTIMIDATION AND HARASSMENT, WRONGDOING,  
AND MISCONDUCT MATTERS**

**OFFICE OF THE INSPECTOR GENERAL GUIDELINES AND PROCEDURES**

- I. **PURPOSE:** To promulgate the Office of the Inspector General (OIG) guidelines and procedures for conducting investigations of intimidation and harassment (I&H), wrongdoing, and misconduct matters.
  
- II. **SCOPE:**
  - A. **OIG will investigate allegations of I&H, wrongdoing, or misconduct in an effort to eliminate these abuses at the Tennessee Valley Authority (TVA). It is the intent of the OIG to assist in establishing and maintaining a high degree of trust between TVA line managers and employees. OIG will conduct investigations of these matters as appropriate and according to the following standards.**
    1. **Investigations of I&H matters will be conducted in accordance with the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.**
    2. **Investigations of wrongdoing and misconduct matters will be conducted in accordance with the TVA Code of Conduct Standards and/or Federal or State legislation.**
  - B. **OIG investigations will determine whether I&H, wrongdoing, or misconduct acts have occurred and identify the individual(s) responsible for directing or condoning these acts.**
  - C. **OIG will make recommendations for corrective action to the TVA line organization and/or TVA management where determined to be necessary.**

INFORMATION  
ONLY

- D. OIG will review the corrective action taken by the TVA line organization and/or TVA management to ensure that the aforementioned matter(s) are adequately resolved in a timely manner.

III. DEFINITIONS:

- A. Intimidation: A discriminatory act taken by a TVA supervisor against a TVA employee.
- B. Reverse Intimidation: A perception by TVA supervisors that managers are unable to direct and/or discipline the activities of subordinate employees without being accused of intimidation.
- C. Harassment: A pattern of discriminatory acts taken by a TVA supervisor against a TVA employee.
- D. Wrongdoing: A violation of Federal or State legislation.
- E. Misconduct: A violation of the TVA Code of Conduct Standards.
- F. Discriminatory Act: Differential treatment of a TVA employee by a TVA supervisor on a basis other than merit and which adversely affects the employee's compensation, terms, conditions, or privileges of employment. The act may be in the form of an actual or implied verbal threat.

IV. ELEMENTS:

- A. Intimidation and harassment may be identified by the following elements:
1. A Protected Activity performed by a TVA employee which consists of the presentation of a verbal or written concern to TVA supervision (or other regulatory agency) which is perceived by

# INFORMATION ONLY

the employee as potentially affecting the safety of the TVA nuclear facility.<sup>1</sup> The activity may consist of, but is not limited to:

- a. Providing TVA supervision (or other regulatory agency) with information concerning potential violations of law as defined by the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.
- b. Requesting TVA supervision (or other regulatory agency) to initiate action to correct the potential safety concern or to enforce the aforementioned violations of law.
- c. Testifying, participating, or assisting in any proceeding, or about to testify, participate, or assist, in any proceeding commenced under the aforementioned Acts.

2. A Discriminatory Act, as defined herein, taken by a TVA supervisor against a TVA employee.

- B. Wrongdoing may be identified as an action taken by any TVA employee which is in violation of Federal or State legislation.<sup>2</sup>
- C. Misconduct may be identified as an action taken by any TVA employee which is in violation of the TVA Code of Conduct Standards.<sup>3</sup>

## V. INVESTIGATION PROCEDURES:

- A. The initial focus of an OIG investigation of an I&H, wrongdoing, or misconduct matter is to determine whether the allegation(s) have a factual basis. The investigation will identify the individual(s) alleged to be responsible for the prohibited acts and other individuals knowledgeable of the situation. OIG will conduct the appropriate interviews of the concerned employee, the subject(s) of the allegation, and other knowledgeable individuals, the focus of

# INFORMATION ONLY

which will be to reach a conclusion as to the veracity of the allegation(s). OIG will then make appropriate recommendations for corrective action(s) to the TVA line organization and/or TVA management as deemed to be necessary to eliminate the prohibited acts as substantiated by the OIG investigation. OIG will conduct a review of the corrective action(s) taken to ensure that the employee's concerns are adequately addressed and resolved in a timely manner.

- B. The following procedures should be adhered to in conducting an investigation of an I&H, wrongdoing, or misconduct matters. These procedures are not all inclusive, but should be used to provide direction to the Special Agent assigned to investigate and resolve concerns of this nature.
1. Confidentiality should be granted only when requested and in accordance with the OIG Policy on Confidentiality.
  2. Acknowledge receipt of the employee concern within seven (7) working days of case assignment. A copy of this acknowledgement should be directed to the "Office of Nuclear Power, Attention: Employee Concerns Program Manager," if the employee concern is initially received through the Employee Concerns Program.
  3. Enter into OIG indices the names of the concerned employee and the individual(s) alleged to be responsible for the I&H, wrongdoing, or misconduct act(s).
  4. Disseminate all potential safety concerns to the Office of Nuclear Power for review, evaluation, and investigation.
  5. Conduct a preliminary investigation to include the employment history of the concerned employee and the individual(s) alleged to be responsible for the I&H, wrongdoing, or misconduct.

**INFORMATION  
ONLY**

Attempt to assess the veracity of the employee concern during this preliminary investigation.

6. Interview the concerned employee to obtain additional information regarding the prohibited acts. Consideration should be given to obtaining a signed statement from the concerned employee documenting the concern(s).
7. Identify relevant Federal or State legislation, TVA Codes, policies, and regulations pertinent to the I&H, wrongdoing, or misconduct. The OIG Legal Advisor can be a resource for this information.
8. Interview the individual(s) alleged to be responsible for the I&H, wrongdoing, or misconduct.
9. Interview other individuals knowledgeable of the situation pertaining to the employee concern.
10. Evaluate information obtained and formulate conclusions as to the existence of I&H, wrongdoing, or misconduct.
11. Prepare and submit a final report for the Inspector General's approval. The report should include recommendations for corrective action(s) to be taken by the TVA line organization and/or TVA management as necessary to adequately resolve the employee concern within a specific time period.

# INFORMATION ONLY

## FOOTNOTE REFERENCES

1. The concern may consist of, but is not limited to:
  - (a) Information regarding the security of a TVA nuclear facility.
  - (b) Information regarding the emergency planning of a TVA nuclear facility.
  - (c) Information regarding the plant operation of a TVA nuclear facility, to include a necessity to change the technical specifications of the facility.
  - (d) Information regarding the individual responsible for conducting or condoning the I&H, to include situations where the individual is directly responsible for safety-related services or hardware and/or has previously been the subject of employee concern investigations conducted by the OIG, the Employee Concern Program (ECP), or other office in TVA.
  - (e) Information regarding a failure to review a safety issue as required by 10 CFR 50.59 or which involves a deviation from the Final Safety Analysis Report (FSAR).
2. Wrongdoing includes, but is not limited to, forgery, falsification of records/documents, theft, and Federal legislation regarding Equal Employment Opportunity, to include discrimination on the basis of age, sex, race, national origin, and/or religion.
3. Misconduct includes, but is not limited to, alcohol and/or drug abuse, favoritism, sexual harassment, and unauthorized access to TVA records and/or documents, to include personnel or medical records.

7/29/86

11220