



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 19, 2018

MEMORANDUM TO: Anne T. Boland, Director
Office of Enforcement

Miriam L. Cohen
Chief Human Capital Officer

Pamela R. Baker, Director
Office of Small Business and Civil Rights

Margaret M. Doane
General Counsel

FROM: Victor M. McCree */RA/*
Executive Director for Operations

SUBJECT: TASKING IN RESPONSE TO THE ASSESSMENT OF THE
CONSIDERATIONS IDENTIFIED IN A "STUDY OF REPRISAL AND
CHILLING EFFECT FOR RAISING MISSION-RELATED CONCERNS
AND DIFFERING VIEWS AT THE NUCLEAR REGULATORY
COMMISSION"

The U.S. Nuclear Regulatory Commission (NRC) mission is to regulate the nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. In order to achieve this mission in an effective, balanced, and inclusive manner, we apply certain principles, values, and behaviors to guide our agency in the execution of our regulatory activities. These tenets include, among other things, the maintenance of an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. When fully achieved, this environment is realized in a workplace where diverse views, alternative approaches, critical thinking, collaborative problem solving, unbiased evaluations, and honest feedback are encouraged, recognized, and valued.

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As the Executive Director for Operations, I fully appreciate the role that trust, respect, and open communication play in our ability to cultivate an open collaborative work environment and to function as a high-performing organization. A positive work environment that maximizes the potential of all individuals improves our ability to make well-informed decisions, be innovative, and fully embrace the organization's vision, mission, and values. Based on insights from the Federal Employee Viewpoint Survey, NRC Office of the Inspector General Safety Culture and Climate Survey, and the behavior matters campaign, the NRC identified a set of goals to help us foster a climate of trust within the agency – not necessarily because trust was lacking, but because it is imperative to continually look for opportunities to achieve a heightened awareness of employees' perception of their work environment and to seek out opportunities to optimize organizational trust. The goals set forth to achieve this result include: (1) strengthening the positive environment for raising concerns; (2) promoting a culture of fairness, empowerment, and respect across the agency; and (3) establishing clear expectations and accountability for NRC leaders.

One of the actions initiated to help us advance the climate of trust within the agency was to develop and enhance activities that address concerns of retaliation and chilling effect for raising safety concerns. In accomplishing this action, the Office of Enforcement (OE) engaged with other NRC offices to conduct a study to identify strategies for senior management consideration in this area. The results of the study were submitted to the Director of OE in January 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17352A430). The study was not a consensus product and did not represent final agency views, analysis, or conclusions regarding the environment for raising concerns at the NRC. Rather, the study was a first step in an effort to identify possible mechanisms by which the NRC could further promote a positive safety culture environment.

Upon receipt of the study, OE formed a working group with management representation from OE, Office of Small Business and Civil Rights (SBCR), the Office of the Chief Human Capital Officer (OCHCO), and Office of the General Counsel (OGC), hereafter referred to as "the working group," to assess the observations and considerations made in the study. By memorandum dated June 11, 2018 (ADAMS Accession No. ML18143B710), the Director of OE transmitted the results of the working group's assessment to me. The working group recommended that of the nine considerations provided in the study, the NRC staff should take action on seven considerations. The basis for these recommendations is included in the working group's report.

This memorandum provides my response to the recommendations made by the working group in its June 11, 2018, memorandum, and directs related actions. I would like to express my appreciation to both the individuals who participated in the development of the study as well as those who performed the review of the report and made recommendations to me. The ability of our staff members to conduct an open, collaborative, creative, and engaging assessment of opportunities to cultivate an environment of trust in support of better achieving our mission is truly a facet of the NRC's culture that is critical to our success. In addition, the efforts of the working group members in reviewing the considerations and recommended actions is a vital step in the process of further developing an environment where people feel free to share their perspective and know that they will be heard and respected. I recognize that in performing its assessment, the working group did not seek to review or validate further the contents of the study, but rather focused on the viability of the considerations which were offered.

After reviewing the study and the June 11, 2018, working group memorandum, I have made the determination that action should be taken in response to several of the considerations raised in

the study. Specifically, I support the working group's recommendations to accept seven of the nine considerations identified in the study. As a result, in the Enclosure to this memorandum, I have assigned actions pertaining to these seven considerations to the appropriate offices. I request that the offices identified as the lead office for each tasking coordinate with my staff by July 15, 2018, to establish appropriate due dates for the actions identified in this memorandum. I also ask that the working group that was formed with membership from OE, SBCR, OCHCO, and OGC to assess the considerations made in the study remain in effect to facilitate the completion of these actions, as appropriate.

Regarding the recommendation to develop and implement a neutral fact-finding process as an avenue to raise allegations of retaliation for raising safety concerns, I recognize that such a process could take several forms, dependent on the program's depth and scope. Because of the importance of this activity, I request that the working group meet with me to align on the strategy for developing this process, and obtain EDO approval prior to implementation of the process. Through early and continued collaboration, we will be able to ensure that the process's fundamental attributes achieve the desired outcome.

As this study was not a final Agency position and remained under management review, it has been withheld from public disclosure. Although Agency actions remain in process in relation to the considerations presented in the study, I ask that the study, the June 11, 2018, working group memorandum, and this tasking memorandum (including its enclosure) be made publicly available, subject to appropriate redaction of sensitive information.

In closing, I commend the staff for its efforts to advance the climate of trust within the agency, and I am confident that through the above-mentioned actions, we will continue to make progress in this area.

Enclosure:
EDO Response to Working Group Recommendations

SUBJECT: TASKING IN RESPONSE TO THE ASSESSMENT OF THE CONSIDERATIONS IDENTIFIED IN A "STUDY OF REPRISAL AND CHILLING EFFECT FOR RAISING MISSIO-RELATED CONCERNS AND DIFFERING VIEWS AT THE NUCLEAR REGULATORY COMMISSION" DATED: JUNE 19, 2018

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