



Cleveland Reasoner
Senior Vice President and Chief Nuclear Officer

December 19, 2018

WM 18-0070

U. S. Nuclear Regulatory Commission
ATTN: Nicole G. Coleman
Enforcement Specialist
Office of Enforcement
Mail Stop: 14B46
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Reference: Letter WM 18-0045, dated September 17, 2018, from C. O.
Reasoner, WCNOG, to N. G. Coleman, USNRC

Subject Public Version of Supplemental Information to Predecisional
Enforcement Conference

Dear Ms. Coleman,

The Reference submitted supplemental information to the U.S. Nuclear Regulatory Commission (NRC) regarding the predecisional enforcement conference that was held on September 10, 2018. The Reference was withheld under 10 CFR 2.390. A phone call on December 12, 2018, between WCNOG and N. G. Coleman, USNRC, and B. K. Singal, USNRC, resulted in an NRC request for a redacted version of the Reference. This letter submits the redacted version in the Attachment.

This letter contains no regulatory commitments. If you have any questions concerning this matter, please call me at (620) 364-4000, or Mr. Ron Benham at (620) 364-4204.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cleveland Reasoner", is written over a horizontal line.

Cleveland Reasoner

COR/rlt

Attachment

cc: Anne Boland (NRC), w/o Attachment

Cleveland Reasoner
Senior Vice President and Chief Nuclear Officer

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Public Version Under 10 CFR 2.390(a)(7)

September 17, 2018

WM 18-0045

U. S. Nuclear Regulatory Commission
ATTN: Nicole G. Coleman
Enforcement Specialist
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Mail Stop: 14B46
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

RE: Supplemental Information to Predecisional Enforcement Conference

On September 10, 2018, Wolf Creek Nuclear Operating Corporation (WCNOC) participated in a pre-decisional enforcement conference (PEC) with the U.S. Nuclear Regulatory Commission (NRC) to discuss Notice of Apparent Violation (EA-18-037, Jul. 12, 2018). During the PEC, WCNOC agreed to provide additional information to the NRC. Attached is that information.

WCNOC notes that this information is being provided to the NRC to assist in its ongoing investigation, and requests that it be maintained in confidence. Should the NRC decide any of this information should be made public, either on ADAMS or through the Freedom of Information Act, we respectfully request an opportunity to review the material and redact any such information that should be withheld under 10 CFR 2.390 and 10 CFR 9.17.

The slides used during the PEC are also being transmitted to the NRC this same day in Exhibit G. They are identical to the slides used during the presentation, but with information about a specific personnel action removed from Slide 36. Therefore, should the NRC need to make the slides available on ADAMS, the slides may be posted in their entirety.

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Page 2 of 2

This letter contains no regulatory commitments. If the NRC needs additional information, please call me at (620) 364-4171.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleveland Reasoner". The signature is fluid and cursive, with the first name "Cleveland" written in a larger, more prominent script than the last name "Reasoner".

Cleveland Reasoner
Chief Nuclear Officer

COR/rlt

Attachment (1), Supplemental Information to Predecisional Enforcement Conference

cc: Anne Boland (NRC), w/o Attachment

ATTACHMENT (1)

Supplemental Information to Predecisional Enforcement Conference

On September 10, 2018, Wolf Creek Nuclear Operating Corporation (WCNOC) participated in a pre-decisional enforcement conference (PEC) with the U.S. Nuclear Regulatory Commission (NRC) to discuss Notice of Apparent Violation (EA-18-037; July 12, 2018) for the Wolf Creek Nuclear Power Plant (Wolf Creek). During the PEC, WCNOC agreed to provide additional information to the NRC. Below is that information.

(1) Safety Conscious Work Environment Corrective Actions

The NRC asked WCNOC to memorialize its SCWE corrective actions in writing to the NRC. We explain those actions below.

a. Chief Nuclear Officer (CNO) Led “SCWE Strategy” Initiative.

In the recent past, WCNOC has undertaken a number of SCWE initiatives. It continues to take these actions, but it recognizes that these actions are not bound together in a comprehensive strategy. In recognition that safety culture is established from “the top down” within an organization, and based on an assessment of the historical actions taken to date and the circumstances of this present issue, the WCNOC Chief Nuclear Officer (CNO) will undertake an initiative to formulate an overarching “SCWE Strategy” for Wolf Creek.

WCNOC has logged an action in its Corrective Action Program to develop this comprehensive “SCWE Strategy.” Elements of the “SCWE Strategy” (Tracked in Condition Report 125270-3-6) will draw upon previous and existing WCNOC SCWE-related initiatives. Additional actions and programmatic structure will be incorporated into the strategy to fully establish thoroughness, sustainability, and effectiveness.

A communication plan will further be implemented to align Wolf Creek to the new strategy. To further highlight these actions to the WCNOC staff, the CNO will undertake an initiative to engage in “face-to-face” meetings with WCNOC staff that will highlight safety culture and SCWE, and pointedly address the necessity and benefit of identifying issues and the expectations that no harassment or retaliation will be tolerated, such as berating or demeaning co-workers or contractors. In addition, any behavior counter to a healthy SCWE will not be tolerated.

The due date for development of the strategy is December 15, 2018. The dates of implementation will be established by the associated change management plan. Moreover, the CNO “face-to-face” meetings will begin immediately.

b. SCWE Training for Executive Leadership.

During the PEC, the NRC asked whether the executive leadership training memorialized in WCNOC’s 2015 response to a chilling effects letter was a “one time” training or ongoing. While that response is to promote both ongoing learning on the topic of SCWE and to keep the level of organizational knowledge

provided below in Section (4), WCNOC has further logged an action in the Corrective Action Program to: (1) to plan, track, and measure the effectiveness of WCNOC's ongoing SCWE training, in an effort to on SCWE and related topics high; and (2) to complete executive-tailored SCWE training for the WCNOC executives by December 31, 2018. This action is being tracked in Condition Report 125270-3-3. Upon further review, it was determined that the training was provided not only in 2013 and 2014, but also in 2018.

c. Expanding and Clarifying the Use of the Personnel Action Review Board (PARB).

WCNOC created the PARB to review any proposed adverse administrative personnel actions to ensure that discrimination for engaging in protected activities did not occur. The PARB was created as a Corrective Action in response to the NRC's Chilling Effect Letter (CEL) dated August 19, 2013 (ML13233A208). The WCNOC PARB procedure is reflected in Procedure AI 13C-003, "Personal Action Review Board."

Previously, the scope of the PARB was established to provide a review prior to adverse employment actions. However, as a Corrective Action, WCNOC has expanded the scope of the PARB. This includes the following:

- (i) As of September 17, 2018, the PARB procedure has been revised to include review of any situation where an individual is placed on administrative leave or any activity that involves placing a badge in any form of suspended status.
- (ii) As of September 17, 2018, an omnibus clause, where additional matters may be reviewed by the PARB outside the scope of traditional PARB reviews, any form of SCWE related issue it believes it should review, so that issue can be actioned for their review in a timely manner.
- (iii) An action has also been logged in the Corrective Action Program to benchmark industry practices and incorporate additional improvements regarding the scoping of applicability of the PARB process. This action is being tracked in Condition Reports 125270-3-4. The intention of this benchmarking and review is to consider the utility of the PARB holistically as a tool to help prevent management actions from generating potential chilling effects.
- (iv) As described in Section (1)(e) below, during the PEC, WCNOC explained that now all Human Resources (HR) investigations are reported to the WCNOC General Counsel, who conducts an assessment of whether to involve a SCWE subject matter expert in an investigation. Further to that change, WCNOC will further revise the PARB process to direct that SCWE investigations will be performed in conjunction with any HR investigations as the PARB sees applicable. This expectation has already been established. Formalizing the action in the process documents will be performed by December 31, 2018.

d. Evaluation of 2015 WCNOC CEL SCWE Actions for Effectiveness.

During the PEC, the NRC asked if WCNOC had evaluated the effectiveness of the CEL SCWE actions. WNCOC explained that its Employee Concerns Program (ECP) coordinator had commenced that assessment in 2017. The ECP coordinator completed that assessment earlier this month. It is attached as Exhibit A.

The WCNO Chief Nuclear Officer (CNO) will review these provisions to determine if additional action is warranted. For example, while not captured in the ECP assessment, the CNO has directed the Corrective Actions described herein to further strengthen the effectiveness of the original CEL actions to the NRC to improve and maintain a healthy SCWE at Wolf Creek.

e. Action that WCNO Chief Nuclear Officer (CNO) will be Looped in with HR Investigations Involving SCWE.

WCNO explained during the PEC that now all HR investigations are reported to the WCNO General Counsel, who conducts an assessment of whether to involve a SCWE subject matter expert in an investigation. Pursuant to the further revisions described in Section (1)(c) above, WCNO will further revise the PARB process to direct that SCWE investigations will be performed in conjunction with any HR investigations as the PARB sees applicable. This expectation has already been established. Formalizing the action in the process documents will be performed by December 31, 2018. Tracked in Condition Report 125270-3-5.

(2) Clarification on [REDACTED] Statement Regarding Administrative Leave for Alleger

During the PEC, the NRC asked for clarification about a specific statement made by [REDACTED] during his interview with the NRC Office of Investigations (OI). As explained by the NRC, during [REDACTED] interview, he made a statement that the NRC may have interpreted as asserting that WCNO's intent was to keep the Alleger on administrative leave, which started on November 3, 2016, until his scheduled Reduction of Force in early November 2016.

After the PEC, the CNO discussed this statement with [REDACTED], who stated that the comment was entirely related to the realization that the HR investigation timeline, action decision timeline, and PARB review timelines were in conjunction projected to end after the Alleger's expected Reduction of Force. Therefore, [REDACTED] statement to the NRC OI investigator was merely an acknowledgement that the time for conducting the HR investigation would have likely overlapped with the Alleger's scheduled Reduction in Force. See Exhibit B, an affidavit from [REDACTED], which provides supporting documentation.

(3) Treatment of Alleger Leading Up to November 2, 2018 Stand Down Meeting.

During the PEC, the NRC asked WCNO what information it has about how the Alleger was treated leading up to November 2, 2016 stand down meeting.

WCNO checked its records of allegations submitted to either the WCNO HR department or its ECP during this time, as well as HR's records of conversations with people who interacted with the Alleger during the outage (these latter conversations were conducted as part of the HR investigation into the Alleger's allegations made during the November 2, 2016 stand down meeting).

WCNO HR did not receive any complaints from the Alleger or others about the treatment of the Alleger prior to the November 2, 2018 stand down meeting. Therefore it does not appear that people, including the Alleger, went to HR at this time.

It also does not appear that the ECP had any information about inappropriate behavior towards the Alleger at the time—either from the Alleger or others¹. Subsequent to the PEC, we asked the new ECP coordinator to pull all materials referencing the Alleger. [REDACTED]

[REDACTED] Notably, all these interactions occurred AFTER the November 2 stand down meeting. This is included as Exhibit C (note the redacted information pertains to another matter). The second document was a submission alleging that the Alleger had “harassed, intimidated, retaliated, or discriminated” against another Kan-Seal employee. In that case, the allegation stemmed from how the Alleger treated another Kan-Seal employee, not how the Alleger was treated by others. WCNOG would note that it was unable to confirm the veracity of the complaint due to the lack of cooperation by the Kan-Seal employee who raised the concern. See Exhibit D.

From WCNOG’s further review of the information developed during the HR investigation at the time, there were no comments related to the inappropriate behavior of others—i.e., WCNOG employees and on-site contractors—towards the Alleger at the time of the outage that could be substantiated. In reviewing the HR investigation’s documentary evidence, [REDACTED]

[REDACTED] As WCNOG has no ability to control the off-site behavior of individuals without access, the Alleger was told to contact the police regarding this matter. The HR investigation also concluded that [REDACTED] comment was not made about the Alleger raising concerns, but rather his overall attitude and inappropriate workplace behaviors.

Moreover, immediately following the PEC, WCNOG had further discussions with [REDACTED], who had held discussions with the Alleger immediately following the November 2 stand down meeting, and as Mr. Hall explained, in a subsequent interview on November 3 to discuss the Alleger’s behavior. The Alleger indicated that his concerns were due to the different treatment for Kan-Seal crane operators and WCNOG crane operators. Importantly, the Alleger did not indicate that his concerns were generated by how the Alleger had been treated.

A timeline of events is set forth in Exhibit E.

(4) SCWE Leadership Training.

During the PEC, the NRC asked whether the executive leadership training memorialized in WCNOG’s 2015 response to a chilling effects letter was a “one time” training or ongoing. The action at the time was a “one time” to perform “reset” training for station leaders up through Executive Management. However, since that time, the leadership has been trained on SCWE, including earlier this year. See Exhibit F (transmitting the slides from that training). Moreover, the leadership training program has been reworked to make a number of improvements, which incorporate training on SCWE traits—e.g., respectful work environment, questioning attitude, environment for raising concerns, effective safety communications, etc.—into other training materials for leaders.

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As explained above, one facet of the CNO's new SCWE strategy will be to define on-going SCWE training requirements and associated tracking to promote both ongoing learning on the topic of SCWE and to keep the level of organizational knowledge on SCWE and related topics high.

(5) Evaluation of Alleger's Claims of Retaliation

During the PEC, the NRC asked WCNOG to explain how it investigated the Alleger's claims of retaliation. The HR investigation report dated November 9, 2016 (HR Report) explains both in its summary of "issues investigated" and its "findings of fact" that it was looking into the Alleger's concern about a so-called "double standard" for the October 31, 2016 lift, and his claims that he was being "picked on for firing people" and "writing CRs." HR Report at 1 and 2. The Alleger broadly used the claims of "retaliation" and poor-SCWE to refer to his feeling of "being picked on for writing CRs and firing people" and the "double-standard" for the lifts.

While each of these issues was investigated by HR, as reflected in the underlying HR investigation documents that accompany the HR Report, the HR Report "assessment" section is limited to an analysis pertaining to the allegation about a "double standard" for lifts.

As we looked into the matter, it became clear that the HR Report primarily focuses on the "double standard" claim because that was the Alleger's primary concern—as both expressed in the November 2 stand down meeting, in discussions with management after the meeting (see Section (3) above), and in discussions with HR—. The investigation itself also included the Alleger's claims of retaliation, but the HR report itself does not memorialize HR's findings with respect to Alleger's claims of retaliation and SCWE. The only concrete matters raised were that [REDACTED]

As a further note on this point, in discussing the HR investigation report with members of the WCNOG PARB subsequent to the PEC, it became clear that the PARB had identified that the text of the HR Report was deficient because it did not memorialize HR's findings with respect to other claims raised by the Alleger, such as his claims of "retaliation" and poor-SCWE for "being picked on for writing CRs and firing people." The PARB only reviewed the report. It did not have access to HR's underlying investigation material.

As explained in the attached affidavit of [REDACTED] who participated in the preliminary PARB meetings held to discuss the HR investigation, the individuals comprising the PARB usually review personnel actions to ensure fairness and [REDACTED] are not retaliated or discriminated against for raising concerns.

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The preliminary PARB was convened in the morning of November 3, 2016, after the November 2 stand down meeting in which the Alleger behaved inappropriately while also raising concerns. The preliminary PARB was convened as HR and other personnel were responding to events and fact gathering. No formal PARB was held, as administrative leave is not considered by Wolf Creek to be a personnel action, and the PARB procedure in place at that time did not require a PARB to be conducted. In this case, the Alleger was not facing a personnel action, but WCNO management wanted to ensure it was well-equipped to monitor the situation with respect to the Alleger and provide input and some layer of oversight. This was an extraordinary measure, [REDACTED] explains, not done before or since at WCNO to date.

Members of the preliminary PARB included [REDACTED]

[REDACTED] further explains that members of the preliminary PARB were informally updated on the HR investigation as it was ongoing. On or about November 9, 2016, HR provided the preliminary PARB with a draft report regarding their investigation into the Alleger's allegations. The preliminary PARB, primarily through [REDACTED], found the HR Report unsatisfactory, in that it did not address all relevant facts and an assessment of concerns, and requested that HR continue working on it to address all the concerns raised by the Alleger. However, on November 10, the next day, the Alleger requested a reduction of force. In response, HR closed the investigation and did not update the HR Report as requested, as HR considered the issued now moot.

This understanding of events has been confirmed by [REDACTED]

However, in a review of the HR investigation documents, HR did collect the factual materials necessary for the investigation, which shows the claims of retaliation and harassment—by WCNO personnel on contractor working at the plant—were unsubstantiated.

In response to an NRC Request for Information, set forth in Allegation RIV-2016-A-0108, WCNO engaged an outside third party law firm to investigate the SCWE concerns raised in that allegation, and which had to do with the same facts at issue in this present NRC investigation. That report was prepared by the law firm of Winston & Strawn (W&S). The report was dated February 3, 2017, and was transmitted to the NRC on February 9, 2017. Specifically, that report addressed an investigation into SCWE. Evidence of retaliation against an employee or contractor for raising safety concerns would have been a factor in the W&S report, especially as the W&S investigator was a former NRC OI investigator, and the attorney involved in the report a seasoned nuclear regulatory attorney.

Notably, the W&S investigators interviewed all the same people relevant to the present NRC investigation about the same facts. This includes the Alleger, [REDACTED] other Kan-Seal employees, the Alleger's Kan-Seal supervisor, [REDACTED] and WCNO management. *See, e.g.,* W&S Report at 25-26. The investigation was on SCWE broadly, but retaliation for engaging in protected activity is a per se SCWE issue. The W&S investigators knew this. Had they found evidence of retaliation, it would have been incorporated into their report as it would have fallen squarely within the scope of the investigation. In fact, WCNO contacted one of the investigators after the PEC and confirmed that the standard questions they asked for interviews included: "Have you ever been retaliated against for raising a safety concern?,"

and “Do you know others that have been retaliated against for raising a safety concern.” Considering they directly asked these questions to the Alleger, and all other key people involved in the investigations, and did not note in their report that they had found retaliation, this means that the claim was not supported by the facts and evidence.

Specifically, the W&S investigation looked at whether there was a chilled working environment within the Kan-Seal rigging group. It notes: “[the investigator] interviewed WCNOG management and personnel, Kan-Seal management and personnel, and a crane operator working for another contractor. The Kan-Seal outage workers included an individual who previously raised similar issues internally and was placed on administrative leave (with pay pending an investigation.)” W&S Report at 2.

The investigation did not find a chilled work environment within Kan-Seal to raise safety concerns, as WCNOG has discussed with the NRC. It does note that with respect to the Alleger being placed on “administrative leave (with pay) pending investigation of his issues and because of his agitated behavior” that it “gave an appearance of retaliation” to some interviewed. W&S Report at 3. It further notes that the “stronger theme” for concerns raised by the Kan-Seal employees during the outage were about their morale and human performance errors. *Id.* Moreover, on page 10 of the W&S report, it discusses its investigation into the Alleger’s CR and log reporting “cover up” claim. The Alleger’s claim of “retaliation” stems from being “picked on for writing CRs and firing people.” Writing CRs is a protected activity, but “firing people” is not—per his own admission as reflected in the OI Report (at 12). Thus, the claim of retaliation appears limited to “writing CRs.”

The W&S report addresses its findings on that matter, primarily on page 12, where it directly investigates the Alleger’s claims about raising CRs, writing CRs, the contents of CRs, and interactions between the Alleger and others about the CRs. *Id.* at 12. The investigator also addressed the “log report” issue on page 13. Walking through all these facts, and hearing the Alleger’s positions, including his claims of retaliation, as countered by others interviewed, and applying SCWE to the facts, the investigator found the allegation about poor SCWE unsubstantiated. *Id.* at 13. Given that retaliation—or even belief that retaliation may have occurred—would have impacted the W&S investigators’ conclusions regarding SCWE, this demonstrates that the Alleger’s claims of retaliation were also unsubstantiated.

More to that point, while the W&S investigators did identify areas where they saw missed SCWE opportunities (*see, e.g.*, W&S Report at 12-13), W&S did not identify the Alleger’s claims of retaliation as even a missed SCWE opportunity. This further underscores that these claims were not substantiated.²

(6) Internal SCWE Evaluation after Alleger’s Outburst during November 2 Stand Down Meeting.

During the NRC PEC, the NRC asked whether the fact that the issues involving the Alleger played out in a public way, had any impact on others regarding SCWE, willingness to raise concerns, or did others raise concerns about the actions taken by WCNOG with respect to the Alleger. The NRC also asked whether anyone else went to the ECP, HR, or management regarding the Alleger’s treatment or concerns about SCWE.

Specifically, during the PEC, the NRC asked WCNOG if anyone went to HR, the ECP, or management to express concern with how the Alleger was treated. The CNO responded, "No," and upon confirming with HR, the ECP, and key management involved at the time, the answer remains the same. However, WCNOG can confirm that a number of actions were taken at this time to re-enforce SCWE, including the following:

- On November 3, 2016, after the Alleger was placed on administrative leave, the ECP Coordinator did speak with about 8 – 10 of the Kan-Seal crane operators and rigging workers and discussed the following issues (from the ECP log notes, see Exhibit C). Notably, the report explains with respect to SCWE (with emphasis added) (at 2):

We talked about how free they felt with regard to raising a concern. Some of the reasons given for not raising a concern due to backlash from Wolf Creek were 1) the difficulty in getting the ability to use the remote for the Polar Crane resolved, 2) the fact that [REDACTED] seems to be in some kind of trouble to them for raising issues, 3) the uneasiness of working without spotters due to a lack of resource. I encouraged all to step forward anytime they have a concern or issue. If they have difficulty, to come see me and I will look into it for them. As described in the W&S Report, the Kan-Seal supervisor addressed SCWE and why the Alleger was placed on administrative leave on November 2. See W&S Report at 21. Specifically, he explained that the Alleger was placed on leave because it was standard Wolf Creek procedure to place an employee on paid leave while an allegation was being conducted. He further asked if anyone was discouraged from bringing up any issues or writing a CR. He noted that no one stated that they were. He explained the process for bringing up issues and stated that anyone can write a CR without fear of retaliation. He further explained that they should bring up issues to their immediate supervisors and if they didn't feel comfortable doing so, they could go to Kan-Seal management or go to the Kan-Seal ECP, the Wolf Creek ECP, or directly to the NRC. *Id.* at 21.

- Moreover, immediately following the PEC, WCNOG asked management what prompted the Kan-Seal meeting and if WCNOG held similar meetings. In discussions with [REDACTED] he explained that WCNOG asked for someone to talk to the Kan-Seal group. [REDACTED] further explained that WCNOG management had a similar conversation with WCNOG employees as well. See Exhibit B at [4]. These conversations covered nearly everyone at the November 2, 2018 meeting.

(7) Additional Clarification Regarding Statement of Kan-Seal Supervisor

During the PEC, the NRC asked WCNOG to explain a statement during an OI interview by a Kan-Seal supervisor along the lines of the following: "the only reason [the Alleger's] badge got pulled was because he brought up charges that he was being retaliated against."

During the PEC, WCNOG explained that the statement likely meant that because of the nature of the issues that the Alleger raised, he was placed on administrative leave. After the PEC, we talked with [REDACTED] about this statement, who offered the same explanation. Specifically, [REDACTED] was the person

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who talked to the Kan-Seal supervisor on this matter, and he explained that WCNOG would place the individual on paid administrative leave pending the investigation. Moreover, WCNOG would further note that this interpretation aligns with the W&S Report explanation of the Kan-Seal supervisor's description of his talk with employees about why the Alleger was put on administrative leave. *See* W&S Report at 21.

¹ ECP records do show that the Alleger conferred with ECP regarding his concerns about his turnstile records being pulled by WCNOG management personnel. These records were pulled in response to a concern that the Alleger was supervising work via a radio while not clocked-in at WCGS, which could lead to a work-hour violation, as the Alleger was a covered worker. The concern was unsubstantiated, and WCNOG considers this matter irrelevant to the Alleger's concerns for the purposes of the present PEC.

² The HR Investigation did not address whether or not the Alleger being placed on administrative leave was retaliatory, as WCNOG did not view it as such at the time, and no one had made such allegation at the time.

Exhibits

- (A) ECP Chilling Effects Letter Follow Up Assessment
- (B) Affidavit of [REDACTED]
- (C) ECP Coordinator Log regarding Interactions with Alleger
- (D) ECP Allegation Intake Form (Sep. 11, 2016)
- (E) Timeline of Wolf Creek SCWE Engagement with Lifting and Rigging
- (F) WCNOG SCWE Training for Leadership Slides (Feb. 2018)
- (G) PEC Slides

Exhibit A

Redacted

Redacted



Exhibit B

Redacted



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Exhibit C

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Exhibit D

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Exhibit E

Timeline

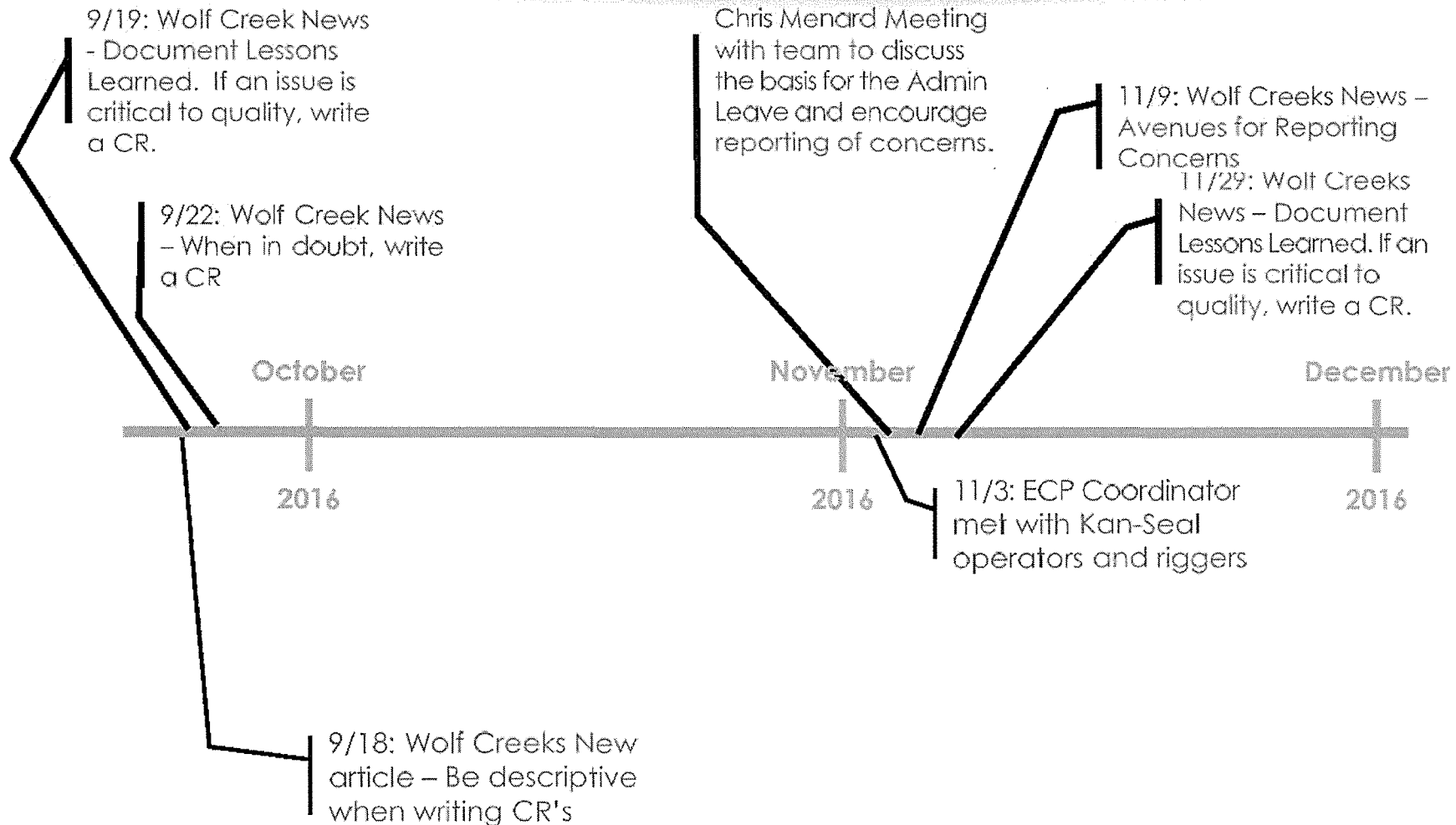
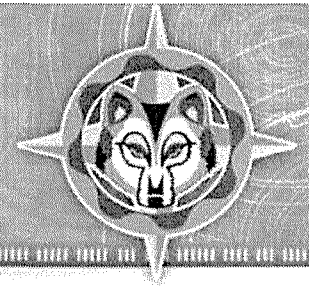


Exhibit F

Safety Culture/Safety Conscious Work Environment Training

***For Supervisors Working in a
Regulatory Environment***

**Vendor: Russell Wise Consulting
*PS5331201 000***

Course Objectives

- What is a Nuclear Safety Culture/ Safety Conscious Work Environment (SCWE)?
- Why are Safety Culture and SCWE important?
- Describe options for raising concerns
- Laws and regulations that govern SCWE
- Identify potential acts of retaliation
- Take appropriate actions when retaliation is a possibility

Safety Culture



What Is Culture?

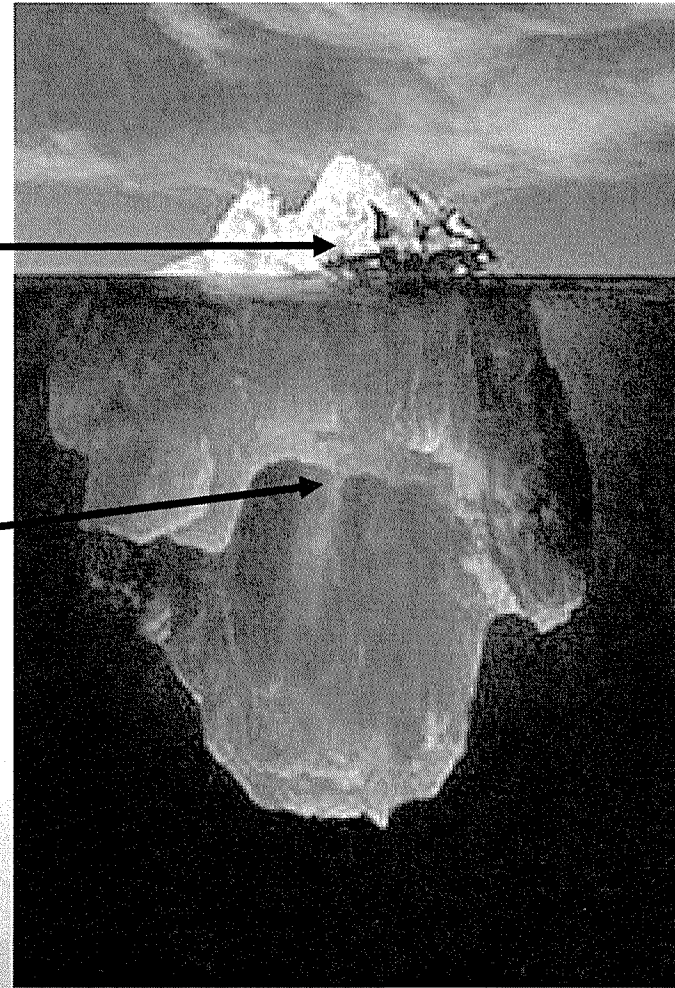
Culture is a set of commonly shared beliefs, expectations, and values that influence and guide the thinking and behavior of its members.

Culture is for the group what character and personality are for the individual

Most of what makes up Culture is unseen

*What We
Can See*

*What We
Can't See*



What is Nuclear Safety Culture?

- Defined as:

The core values and behaviors resulting from a collective commitment by leaders and individuals to emphasize safety over competing goals to ensure protection of people and the environment.

“Management must provide the leadership that nurtures and perpetuates the safety culture.”

*~ NRC Final Safety Culture Policy Statement
June, 14 2011*

Nuclear Safety Culture

We all know that nuclear power is special and unique.



What Makes Nuclear Power Special and Unique?

Good Aspects of “Special and Unique”

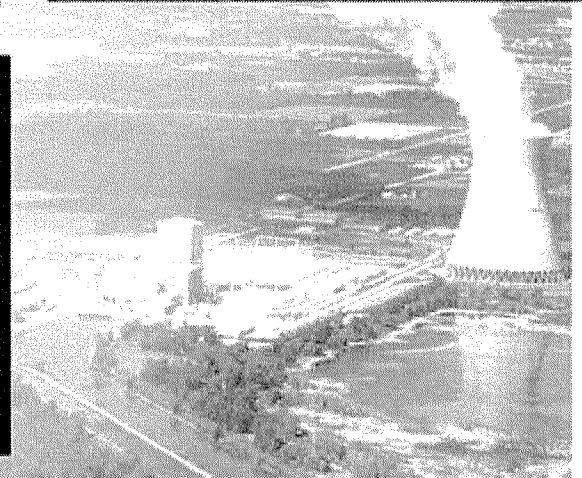
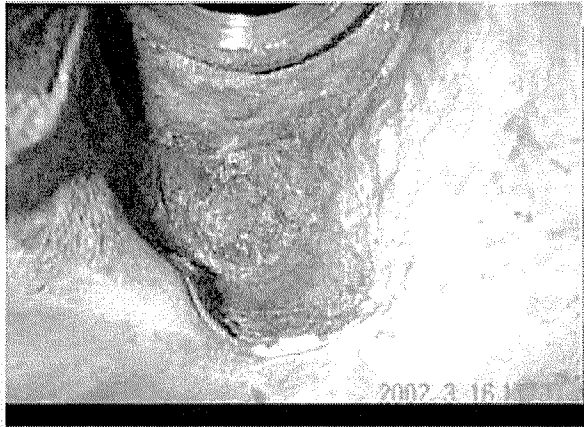
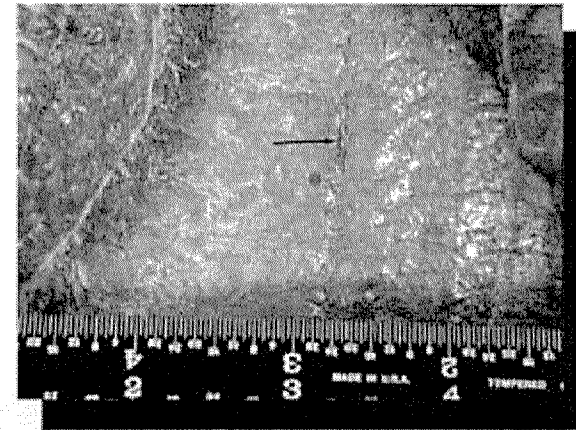
- Nuclear plants are cost efficient
- Nuclear fuel costs are not subject to oil price instability
- Nuclear power is emission free
- Nuclear reactors are capable of producing tremendous amounts of power in support of a strong local economy.

Challenging Aspects of “Special and Unique”

- Production of radioactive byproducts which must be managed
- Immense amount of energy stored in the reactor core
- The core cannot be just “turned-off;” decay heat must be removed

The Consequences of a Poor Safety Culture

Davis
Besse



What Happened?

- 1990 – Crack was initiated in Control Rod Drive Mechanism Alloy 600 nozzle
- 1996 – Crack extended through-wall, observable leakage on reactor vessel head
- 2002 – Head degradation discovered; Plant shut down



Some Davis Besse Event Precursors

- There was less than adequate focus on safety culture
- Important equipment problems lingered
- Repairs were postponed while the plant stayed on line
- Employees were not involved and not listened to
- Problem identification and resolution was not valued
- NCR's were not followed up on
- Ongoing problems were not escalated for corrective action
- The Employee Concerns Program (ECP) was ineffective and/or not used (lack of management support and lack of confidence in program)

Consequences of a Poor Safety Culture

- Major safety problems can go unrecognized & fester
- Loss of regulator confidence
- Increased regulatory involvement
- Loss of public confidence
- Loss of worker trust and confidence
- Major schedule and cost impacts

Maintaining a Healthy Safety Culture requires constant management attention!!!

Traits of A Healthy Nuclear Safety Culture

- NRC sponsored a group of stakeholders to develop a set of traits to better describe a healthy nuclear safety culture
- Published with the safety culture policy statement
- Ten traits organized into three areas
 - Individual commitment to safety
 - Management commitment to safety
 - Management Systems

INPO/NRC Traits of a Healthy Nuclear Safety Culture

INDIVIDUAL COMMITMENT TO SAFETY

- **Personal Accountability:** All individuals take personal responsibility for safety.
- **Questioning Attitude:** Individuals avoid complacency and continuously challenge existing conditions, assumptions, anomalies, and activities in order to identify discrepancies that might result in error or inappropriate action.
- **Safety Communication:** Communications maintain a focus on safety.

INPO/NRC Traits of a Healthy Nuclear Safety Culture

MANAGEMENT COMMITMENT TO SAFETY

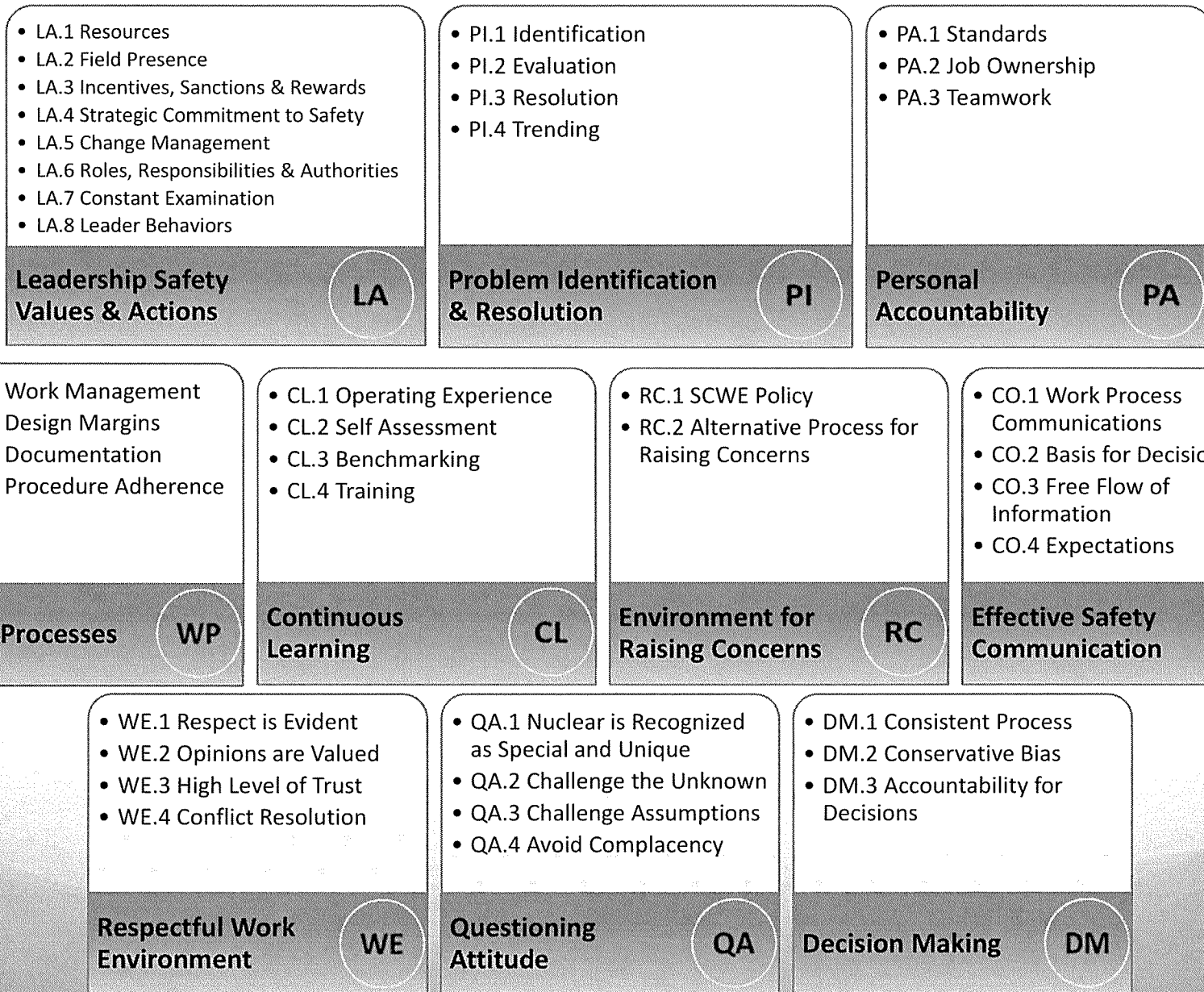
- **Leadership Accountability:** Leaders demonstrate a commitment to safety in their decisions and behaviors.
- **Decision-Making:** Decisions that support or affect nuclear safety are systematic, rigorous, and thorough.
- **Respectful Work Environment:** Trust and respect permeate the organization, creating a respectful work environment.

INPO/NRC Traits of a Healthy Nuclear Safety Culture

MANAGEMENT SYSTEMS

- **Continuous Learning:** Opportunities to continuously learn are valued, sought out, and implemented.
- **Problem Identification and Resolution:** Issues potentially impacting safety are promptly identified, fully evaluated, and promptly addressed and corrected commensurate with their significance.
- **Environment for Raising Concerns:** A safety-conscious work environment (SCWE) is maintained where personnel feel free to raise safety concerns without fear of retaliation, intimidation, harassment, or discrimination.
- **Work Processes:** The process of planning and controlling work activities is implemented so that safety is maintained.

New Nuclear Safety Culture Language



Personal Accountability (PA)

All individuals take personal responsibility for safety.

- PA.1 Standards
- PA.2 Job Ownership
- PA.3 Teamwork

**Personal
Accountability**

PA

PA.1 Standards: Individuals understand the importance of adherence to nuclear standards. All levels of the organization exercise accountability for shortfalls in meeting standards.

1. Individuals encourage each other to adhere to high standards.
2. Individuals demonstrate a proper focus on nuclear safety and reinforce this focus through peer coaching and discussions.
3. Individuals hold themselves personally accountable for modeling nuclear safety behaviors.
4. Individuals across the organization apply nuclear safety standards consistently.
5. Individuals actively solicit and are open to feedback.
6. Individuals help supplemental personnel understand and practice expected behaviors and actions.

PA.2 Job Ownership: Individuals understand and demonstrate personal responsibility for the behaviors and work practices that support nuclear safety.

1. Individuals understand their personal responsibility to foster a professional environment, encourage teamwork, and identify challenges to nuclear safety.
2. Individuals understand their personal responsibility to raise nuclear safety issues, including those identified by others.
3. Individuals take ownership for the preparation and execution of assigned work activities.
4. Individuals actively participate in pre-job briefings, understanding their responsibility to raise nuclear safety concerns before work begins.
5. Individuals ensure they are trained and qualified to perform assigned work.
6. Individuals understand the objective of the work activity, their role in the activity, and their personal responsibility for safely accomplishing the overall objective.

PA.3 Teamwork: Individuals and work groups communicate and coordinate their activities within and across organizational boundaries to ensure nuclear safety is maintained.

1. Individuals demonstrate of strong sense of collaboration and cooperation in connection with projects and operational activities.
2. Individuals work as a team to provide peer-checks, verify certifications and training, ensure detailed safety practices, actively peer coach new personnel, and share tools and publications.
3. Individuals strive to meet commitments.

Safety Conscious Work Environment (SCWE)



SCWE

FOUR PILLARS OF A SAFETY CONSCIOUS WORK ENVIRONMENT

**Management
Support and
Engagement**



**Worker
Confidence
Trust**



**Raise Concerns
w/o Fear of
Retaliation**

**Effective
Normal
Problem
Resolution**

CAP

DPO

**Effective
Alternate
Problem
Resolution**

ECP

HR

NRC

**EFFECTIVE
METHODS TO
DETECT AND
PREVENT
RETALIATION**

BASIC PRINCIPLES

TREAT EVERYONE WITH RESPECT

SEEK FIRST TO UNDERSTAND

FOCUS ON THE SITUATION NOT THE PERSON

TAKE INITIATIVE TO MAKE THINGS BETTER

LEAD BY EXAMPLE

What is a SCWE?

- A SCWE is defined as an environment in which employees are encouraged to:
 - Raise concerns both to their management and the NRC without fear of retaliation;
 - Where concerns are promptly reviewed, given the proper priority, and appropriately resolved, and;
 - Timely feedback is provided to those concerns.”

The Importance of SCWE

SCWE is important because...

- It is necessary to establish and maintain an NRC license
- It makes good business sense
- It keeps us safe because safety problems are reported and corrected before they have adverse consequences to the plant, the environment, site personnel or the public



“All NRC licensees and contractors are expected, although not required by regulation, to establish and maintain a SCWE. Such a work environment contributes to safe operations of NRC-regulated facilities.”

*~ NRC Regulatory Information Summary (RIS) 2005-18
Guidance for Establishing and Maintaining a SCWE*

Occupational Safety

- At nuclear facilities, safety is one of the key values
- In commercial plants, industrial safety procedures are valued and complied with (PPE, pre-job brief, two minute drill, good housekeeping practices, report injuries and near misses)
- Front line employees and first/second line supervisors often don't fully understand the difference between Industrial Safety, Nuclear Safety Culture and SCWE

What is Organizational Culture?



- The sum total of everything that a group has experienced and how they learn from it

“Organizational culture is the shared basic assumptions that are developed in an organization as it learns and copes with problems. The basic assumptions that have worked well enough to be considered valid are taught to new members of the organization as the correct way to perceive, think, act, and feel. Culture is the sum total of a group’s learning. **Culture is for the group what character and personality are for the individual.”**

~ INPO Traits of a Healthy Nuclear Safety Culture



So How Does It All Fit Together?



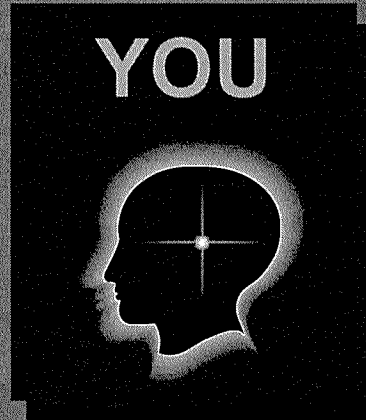
Organizational Culture

Nuclear Safety Culture

Safety Conscious Work Environment

Leader / Chain of
Command

Human
Resources



ECP

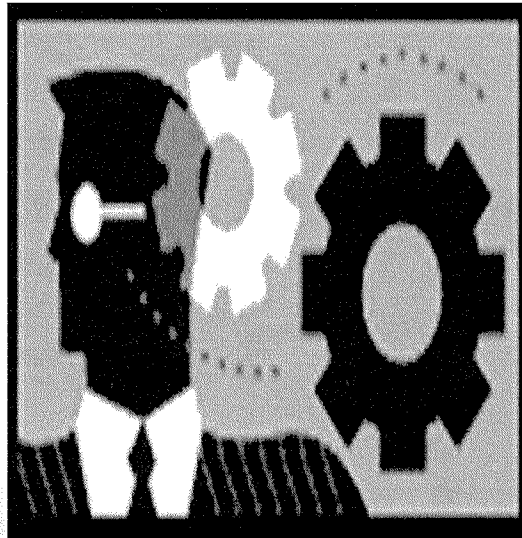
NRC



Questions



Legal Framework for Safety Culture/SCWE



Energy Reorganization Act (ERA) of 1974, Section 211

- Provided “whistleblower” protection
- DOL responsible to investigate and provide remedy to employee
- ERA was amended in 1992,
Section 211, broadened the definition
of an employer



The Law (cont.)

- ERA, Section 211 as amended by Energy Policy Act of 1992
 - Broadens definition of employer to include:
 - NRC licensees
 - Applicants for NRC licenses
 - Contractor or subcontractor of licensees or license applicants
 - Contractor or subcontractor at a NRC regulated nuclear facility
 - Explicitly provides protection for workers who:
 - Notify their employer of alleged violations
 - Oppose a practice that would be a violation of the Atomic Energy Act (AEA)
 - Request NRC action against employer for alleged violations

Legal Framework

- Various employee protection statutes
- Code of Federal Regulations Employee Protection
 - 10CFR Part 30.7
 - 10CFR Part 40.7
 - 10CFR Part 50.7
 - 10CFR Part 63.9
 - 10CFR Part 70.7
 - 10CFR Part 71.9
 - 10CFR Part 72.10



10 CFR 50.7

Employee Protection

- “Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee, for engaging in certain protected activities, is prohibited.
- Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment.”

Regulation (cont.)

- ***Protected Activity***

“As defined by NRC regulation, activities related to the administration or enforcement of a requirement imposed under the AEA or the ERA, which include, but are not limited to:

- Providing the commission or employer with information about alleged violations of either statute or any requirement imposed under the statute;
- Refusing to engage in any practice made unlawful under either statute if the employee identifies the alleged illegality to the employer;
- Requesting the commission to institute action against the employer for administration or enforcement of these requirements;
- Testifying before the Commission, Congress, or in any Federal or State proceeding regarding any provision of the statutes; and
- Assisting or participating in, or is about to assist or participate in, these activities.”

~ NRC RIS 2005-18

TRUE OR FALSE

**An employee
MUST be a
recognized
whistleblower
to be a
protected
employee**

FALSE

“HIRD”

- **HARASSMENT** – Any action or behavior having the effect or perceived effect of making a person uncomfortable, or afraid of their work environment.
- **INTIMIDATION** – Any action or behavior that has the effect or perceived effect of preventing or discouraging a person from taking actions they would otherwise take.
- **RETALIATION** – The act of taking an adverse action against an individual, at least in part, because they engaged in a protected activity. (~ NRC 2005-18)
- **DISCRIMINATION** – Treating a person or class of people differently than others or applying a privately held bias in the workplace.

Chilling Effect & Chilled Environment

- Chilling Effect - The impact on an individual's willingness to raise a safety concern for fear of retaliation.
- Chilled Environment – The impact on a group of individuals, department or organization which employees are discouraged to raise concerns to their management or the NRC because they fear retaliation.

Chilled Work Environment (CWE)

Most employees believe a CWE is caused by management.

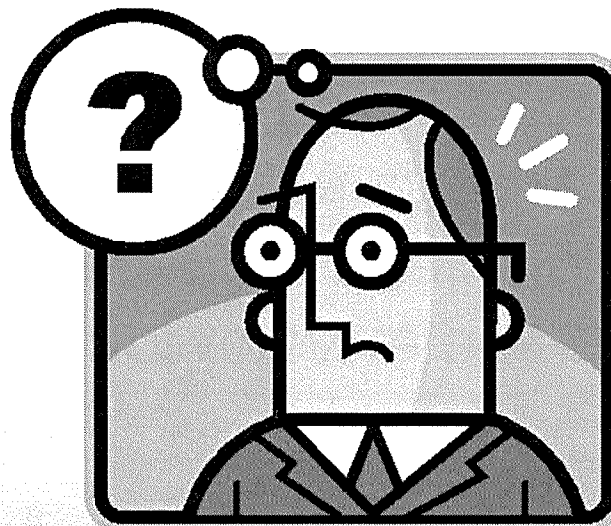
Approximately 50% of CWE issues comes from peer to peer retaliation.



SCWE Policy Objectives

- Management will not tolerate any acts of harassment, intimidation, retaliation, or discrimination (HIRD), against any employee for identifying a concern to management, or to the NRC
- The senior leadership team has a zero tolerance policy for retaliation against employees
- Every employee and contractor has the right to raise concerns with external organizations, including the NRC at any time

Questions



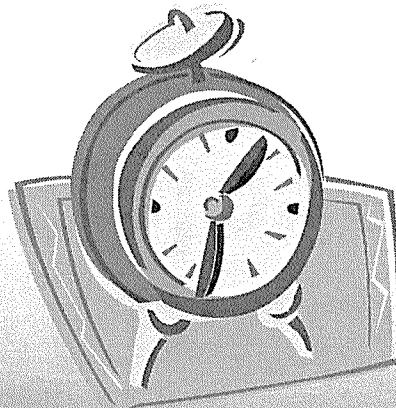
Anatomy of an Employee Concern

- Key Decision Points:



Why do employees go “public” with their concerns?

**Employees will go where they get timely
and effective responses to their concerns**



Employee Choice

ACTION or SILENCE



Employees who decide to take action will not change their mind about doing so

Senior Management expectations for employee behavior

- Taking individual responsibility for reporting concerns
- Clearly communicating the concern and confirming that the person who received the concern understands it
- Being willing to suggest resolutions to concerns, write a CR and if asked participate in their resolution
- Following up to ensure the concern is adequately addressed if not escalate resolution if necessary
- Showing respect for other employees who identify concerns

Employee Choice

WHAT ACTION TO TAKE:

- Chain of Command
- Management “Open Door” policy
- Human Resources (HR) Manager
- Employee Concerns Program (ECP) Manager
- NRC
- Sometimes the media

Senior Management Expectations Resolving Concerns

Correct Responses:

- Listen to the problem
- Praise the initiative
- Help solve the problem
- Provide timely feedback to employee
- Recognize good SCWE behavior

Senior Management Expectations Resolving Concerns

- **Incorrect Responses:**

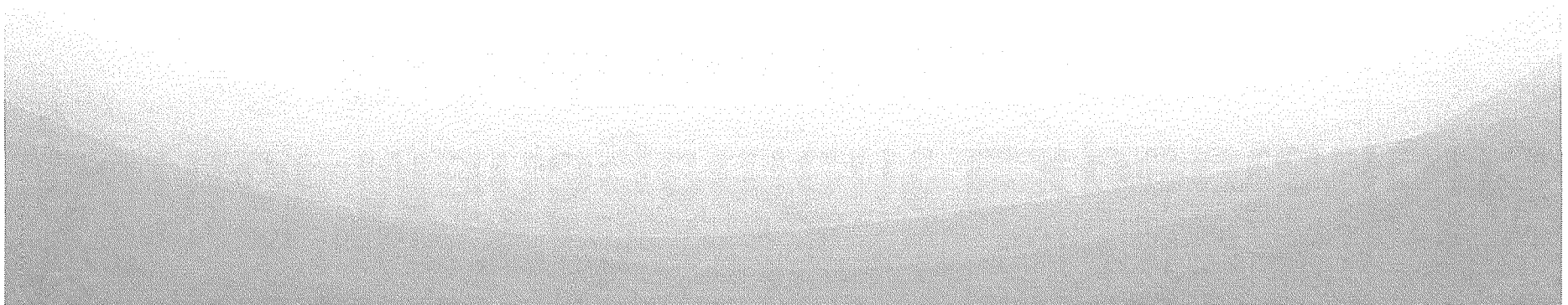
- “Shoot the Messenger”
- Ignore the Problem
- Pass the Problem to Someone Else



Objectives

How to Raise a Concern

- Methods for raising concerns
 - Management Support & Engagement
 - Normal Problem Resolution
 - Alternative Problem Resolution
 - Methods to Detect and Prevent Retaliation



Management Support and Engagement

- Supervisor or Manager
 - Provides open communication and clarification on issue/concern
 - Supervisor/Manager is often the individual who can easily resolve the issue/concern
 - Supervisors/Managers are expected to be open to listening, receptive to issues/concerns and assist in resolving issues/concerns
- Chain of command - “Open Door” policy

Senior Management expects supervisors and managers to address all concerns, including potential retaliation situations

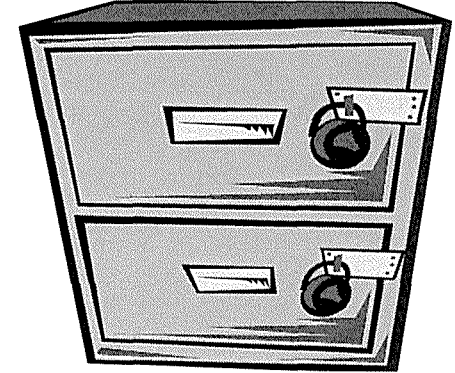


Effective Normal Problem Resolution

- Corrective Action Program
 - Write and submit a NCR
 - Often required for nuclear safety, industrial safety and quality issues
 - Allows for escalation of issue/concern



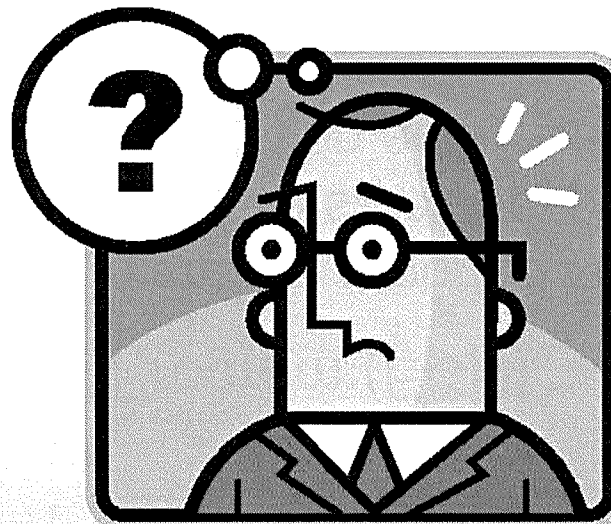
Effective Alternate Problem Resolution Path



- Employee Concerns Program (ECP)
 - Assists employees to ensure reported concerns are assessed for any immediate safety response and assigned for prompt resolution and feedback
 - Provides for identity protection
 - Brochures are available to all requesting employees
- Human Resources, (name & phone number

Employees have the right to raise safety concerns at any time to the Management, ECP and NRC.

Questions



Four Elements of Retaliation

Elements of a HIRD Allegation

✓ **Element 1 – Protected Activity**

The employee engaged in protected activity

✓ **Element 2 - Adverse Action**

The employee is subjected to an adverse action that negatively affected his/her terms and conditions of employment

✓ **Element 3 - Knowledge**

The adverse action decision maker was aware, or should have reasonably been aware, of the employee's protected activity

✓ **Element 4 – Nexus (Connection)**

Evidence must demonstrate the decision maker was motivated in part by the Concerned Individual's protected activity



Elements 1 to 3 – The employee demonstrates the “burden of proof” by providing concern information (Reasonable Person Standard)

Element 4 – When Elements 1 to 3 have been met, the burden of proof shifts to the employer to demonstrate the adverse action would have occurred despite the employees engagement in protected activity

Discrimination (includes HIRD)

- Any employee who believes that he/she has been discharged or otherwise discriminated against by any person for engaging in protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor (DOL).
- The DOL may order reinstatement, back pay, and compensatory damages.

Prima Facie

Once the employee is able to establish a prima facie (at first look, on the face of it) case of retaliatory discrimination, the burden of proof shifts to the employer to prove that there was a legitimate business reason for the action.

The Four Ultimate Questions

Ultimate Question

Would the evidence and explanation for the adverse action withstand the scrutiny of a “reasonably skeptical” person, that there was no connection between the protected activity and the employment action?



The Ultimate Question

(Continued)

- Employer must be able to prove by “clear and convincing evidence” that:
 - The person was not treated any differently than other employees in similar job situations
 - The actions taken against the individual were consistent with all policies and practices
 - There were legitimate business reasons for taking the action complained of
 - Management would have taken the same actions even if the employee had not raised safety issues

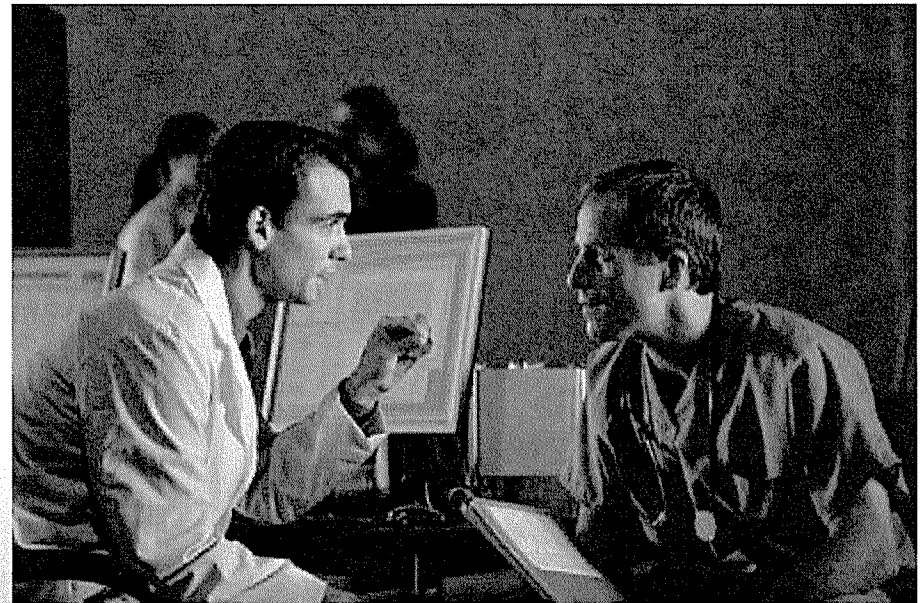
The “clear and convincing” evidence test is a “tough standard” for employers!

Ultimate Questions

(continued)

Different Treatment:

Was the individual treated differently than other personnel in a similar job situation, now or in the past, after concerns were raised?



Ultimate Questions

(continued)

Policies, Procedures and Practices:

Were the adverse actions against the individual consistent with all applicable company employment policies, procedures and practices?

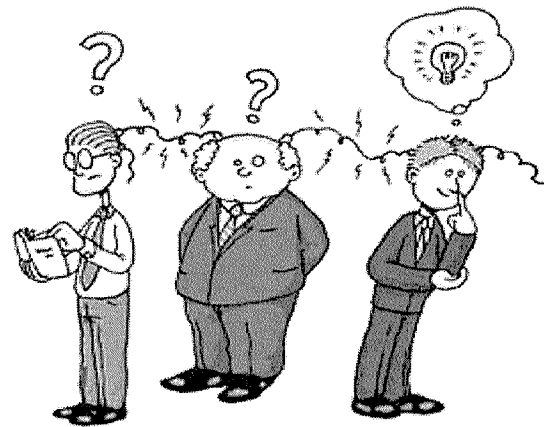


Ultimate Questions

(continued)

Business Reasons:

Were there legitimate business reasons independent from the protected activity for the adverse actions against the individual?



Ultimate Questions

(continued)

Same Action:

Would management have taken the same action even if the concerns had not been raised?



Documentation

Date: _____

Employee's Name: _____

Concern / Issue: _____

Suggested Resolution:

Actions Taken:

Final Resolution:

Clarification on Protected Activity

- “An employee is protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation in protected activity.”
- “Does not apply to any employee alleging discrimination who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the law.
- “An employee's engagement in protected activities does not automatically render him/her immune from discharge or discipline for legitimate reasons or from adverse action (dictated by non-prohibited considerations).”

~ 10 CFR 50.7

Questions



How supervisors address potential retaliation situations



Four-step Process

- **Stabilize the situation and determine if there is an immediate safety threat**
- **Get expert assistance**
- **Conduct a preliminary evaluation**
- **Minimize : “chilling effect”**

Stabilize the Situation and Determine If There Is an Immediate Safety Threat

- Deal with the Safety Issue FIRST
 - Determine whether there is an immediate safety threat
 - Are there emotions to be calmed?
 - Listen to the employee's issues and seek concurrence with your understanding (three way communications)

Triggers for your involvement:

- Any hint of suppression of findings/reporting
- Complex issues/concern:
- Key words :

Retaliation

Harassment

Discrimination

Hostile / chilled work environment

Intimidation

Get Expert Assistance

- Don't be a hero, get help
- Ask for assistance from Management, Human Resources, Legal or ECP
- Guard your Words and Actions

Conduct a Preliminary Evaluation

- Ensure appropriate independence / objectivity
- Plan the Evaluation
- Gather relevant facts from all parties
- Conduct a good faith, unbiased evaluation
- Understand the importance of employee identity protection if necessary
- Tell the employee what action you will take, and keep them informed

Minimize Chilling Effect

- Identify the initiating ‘Chilling Effect’ event
- Identify the size of the audience to the event
- Determine the existence and extent of any “chilling effect” or assume it may have occurred
- Design an “equal intensity” response to the original event
- Implement the response
- Measure the effectiveness of the response

Documentation

<p>Date: _____</p> <p>Employee's Name: _____</p> <p>Concern / Issue: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Suggested Resolution:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Actions Taken:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Final Resolution:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

Questions



Senior Management Involvement



Senior Management Involvement

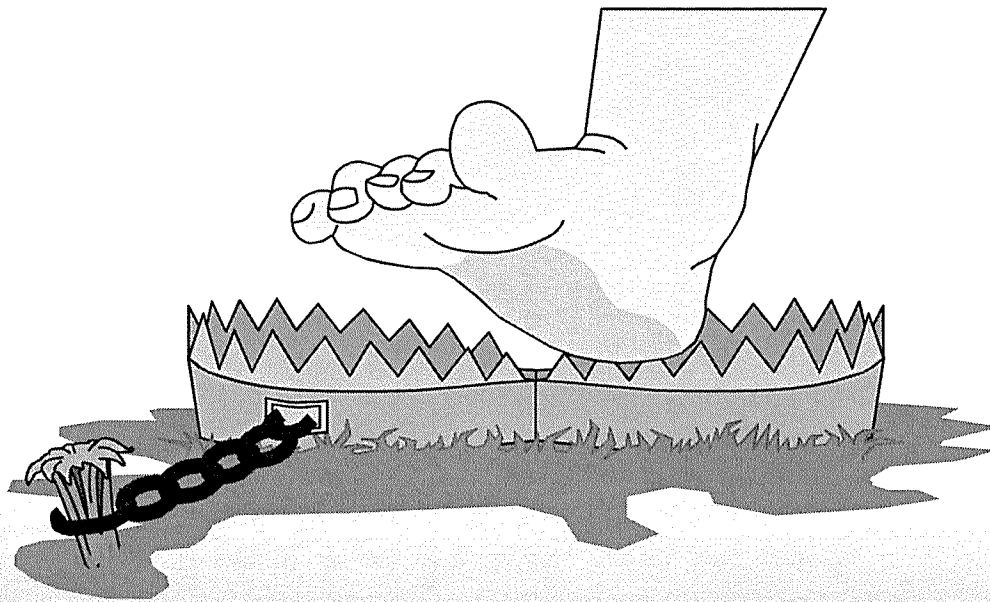
90% Theory

- 90% of whistleblower issues/concerns are a result of poor interactions between the employee and the First Line Leader



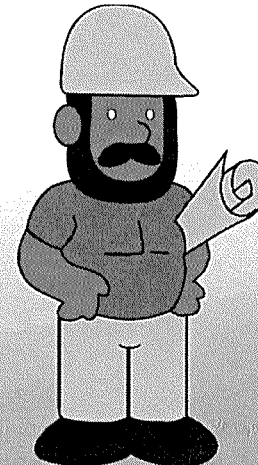
Senior Management Involvement

- Muddle and learn



Senior Management Involvement

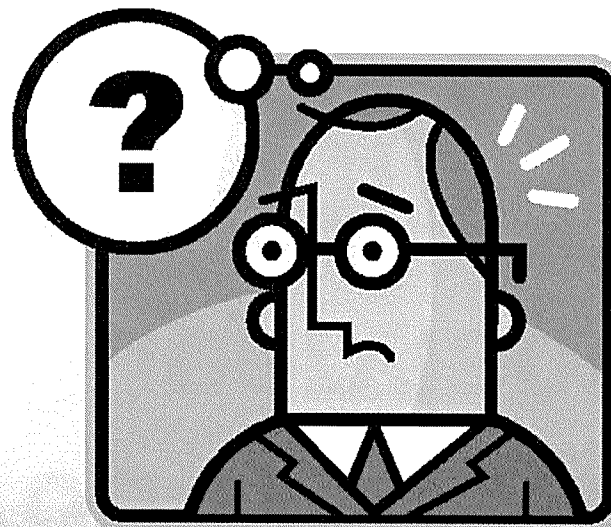
- First Line Leaders must feel comfortable to ask for assistance from their Senior Managers, Human Resources, Legal, or Employee Concerns Program
- Don't be a hero, get help



Senior Management Involvement

- Supervisors / Managers need to reinforce their open door policy to their first line leaders
- Encourage their peers to be receptive to employees concerns / issues

Questions



So You Want To Be A Supervisor ? So You Wa



Quiet Concerns

An employee walks into your office and had some concerns, but wanted to keep the concerns just between the two of you.

Can you keep the concerns just between the two of you?



Questionable Material



You walk into the cubicle of one of your female employees and on her computer screen is a nude pornographic picture.

What Would You Do?

Challenging Management



A manager is told an I&C contractor on the contractor outage hire list is always challenging management's authority and raising concerns.

Does he have to hire him?

A nuclear facility received a \$110,000 fine from the NRC for not hiring a contractor that raised concerns at another nuclear plant

Challenging Management



One of Your employees wrote a NCR on a technical issue similar to a NCR already in the system.

- Should you allow the employee to submit the NCR
- Could you tell the employee its not necessary to submit the NCR
- Can the employee insist on submitting the NCR

Is It Retaliation?

Is It Retaliation?

An employee says to a supervisor: “You cannot discipline me -- I filed a concern with the NRC and ECP which makes me a protected employee.”



Is It Retaliation?

(continued)

A supervisor John becomes frustrated with one of his employees, Oscar, who is always writing NCR's. The supervisor John calls Oscar into his office and starts yelling and belittling Oscar for writing the NCR.

John then tells Oscar that "You cannot write any NCR's in the future unless you tell me first".



Discussion Questions?

- If Oscar writes a NCR is this a protected activity?
- Can John tell Oscar “You cannot write a NCR unless you tell me first”?
- Could John’s action be HIRD?
- Should a supervisor/manager be able to challenge an employee in order to understand the content of the NCR?
- 55–38–7 – Mehrabian communication theory

Is it Retaliation?

- A group of employees try to convince their supervisor to transfer another employee who writes NCR's on safety issues and has raised safety concerns to NRC. They say he causes stress and conflict in the workgroup.

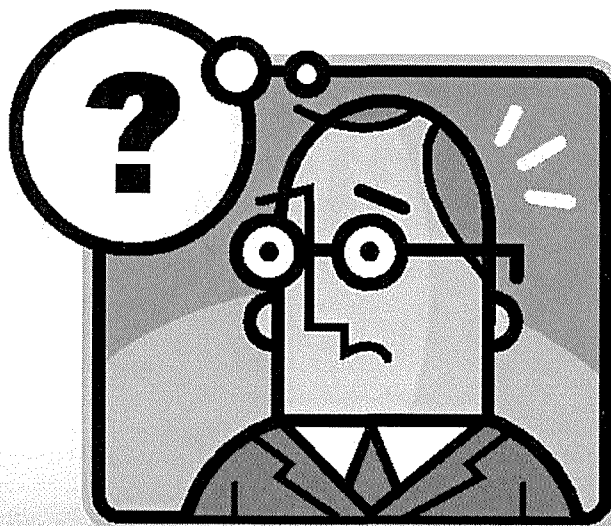


Is It Retaliation?

(continued)

- Could this be retaliation by his co-workers because the employee raised safety concerns to the NRC?
- Is it against the law to retaliate against an employee who has raised safety concerns?
- If you are the supervisor would you transfer the employee?

Questions



Case Studies

Case Study 1

The Constant Complainer

Calvin, a carpenter journeyman, consistently complained to management and the NRC that some scaffolding on the site was not built with scaffold-grade lumber and that the Company had not properly disposed of scaffold grade lumber.



Case Study 1 (cont.)

During the subsequent two months, co-workers drew cartoons of Calvin on a large bulletin board in a common area which was also used as the carpenter foreman office. Some cartoons depicted Calvin as a judge with “NRC Medals” on his chest, criticizing management. Others had Calvin chastising management and co-workers for safety woes and warned that “The eyes of Calvin are upon you.” Each cartoon stayed on the board for days and management was aware.



Case Study 1

Discussion Questions

- Has Calvin engaged in protected activity?
- Has Calvin been exposed to a hostile work environment (HWE)?
- How could management handle this situation differently?
- What if each cartoon only stayed up for a few minutes before management removed it?
- How could management prevent or minimize the chilling effect caused by the cartoons?

Case Study 2

Peter's Project

In light of the emphasis on completing the outage milestones, the schedule for completing tasks has been reduced in Peter's group. Peter, an experienced engineer, has been increasingly vocal about this. During last week's staff meeting, Peter argued forcibly that the schedule was negatively impacting the quality of work. Brad (Peter's supervisor) told Peter to "calm down and take a seat." Peter reacted stating, "it is clear to everyone that management cares more about production and bonuses rather than safety and quality." Peter then uttered a number of expletives and stormed out of the meeting.

Case Study 2



The next day, Brad met with Peter and issued him a warning that his behavior during the prior day's staff meeting would not be tolerated. In response Peter stated, "I am not going to compromise safety or quality. You might as well just take me to the parking lot!"

Case Study 2

Discussion Questions

- Should Peter be disciplined for his behavior?
- How should Peter's outburst been addressed? Should Peter be "taken to the parking lot" as he requested?
- How will Peter's discipline effect the workgroup's willingness to raise concerns?
- Will Brad's conduct during the staff meeting impact the workgroup's willingness to raise concerns?
- Should any level of unprofessional conduct be tolerated in raising concerns?
- What if Peter had previously raised meritorious claims that management failed to adequately address?

Case Study 3

- Bart worked as a quality assurance inspector during various inspections, he wrote corrective action documents and filed internal deficiency reports with his supervisor detailing potential quality assurance and safety problems.



Case Study 3

(Continued)

- Shortly after writing a corrective action document, which documented his safety concerns, Bart's acting supervisor told him that a routine background investigation had been conducted and several of his qualifications had proved difficult to verify. Bart was given 48 hours (as determined by the acting supervisor) to produce documentation verifying his qualifications.

Case Study 3

(Continued)

- Bart was unable to do so in the time period allotted. Without independent documentation, Bart's qualifications for the job cannot be verified.



Case Study 3

Discussion Questions

- The acting supervisor wanted to move to terminate Bart, and you are the actual supervisor returning from vacation: Do you act on his recommendation?
- What if Bart were the only employee whose background was recently “routinely investigated”?
- What if the internal deficiency reports and safety concerns raised problems that turned out to be technically invalid?
- What if the internal reports and safety concerns had focused on the propriety of the acting supervisor’s actions?
- What safety issues would you have to address if Bart’s qualifications could not be verified?

Case Study 4

The Employee Concerns manager comes to your office and states he/she received a concern from Joan, a former craft laborer/tool room attendant who was laid off during the first two weeks of the outage, because she raised safety concerns:

- Her first concern was stay times within containment due to high temperatures.
- Her second concern was refusing to use a wet/dry vacuum with a sign, “Contact Radiation Protection, before using, potential hot particles”, as directed by her General Foreman.

Case Study 4 – Discussion Questions

- Because Joan's concerns are stay times in containment and refusing to use a vacuum, is this a protected activity?
- Should Joan be laid off because of insubordination when she refused to use the vacuum?
- Has Joan been the subject of retaliation for engaging in a protected activity?
- Should you initiate an investigation?
- Should you request the ECP manager to investigate her concerns?

Case Study 5

Mary was a receipt inspector inspecting fire-proofing panels. It was company policy to write non-conformance reports (NCR) for identified deficiencies, and inspection reports for deficiencies in material prior to installation. Contrary to this policy, Mary repeatedly wrote NCRs for deficiencies in panels she inspected in the warehouse. During a group meeting Mary's supervisor shouted at her, "Stop writing NCRs on deficiencies she was identifying".

Case Study 5

- Mary complained to you, a manager higher in her chain of command, that, although she realizes she was using the wrong form, she feels she was subjected to a “ Chilled Work Environment”.
- Unknown to both Mary and her supervisor, you know Mary was selected one week before in a blind forced-ranking (last-in, first-out) for a reduction-in-force and will be notified of her RIF on Friday.

Case Study 5 – Discussion Questions

- What should you do about the shouting incident?
- Should you change your plans about the RIF?
- What organizational impacts should you consider?
- How should you consider this incident in determining whether or not to rehire Mary sometime in the future?

Case Study 6

“Favoritism”

Harry, a disabled veteran, responds to an employment vacancy posting at an operating nuclear power plant. The utility wanted to do the right thing and help a veteran and one with a disability would be a real advantage in hiring quotas.

During the interview , Harry was asked whether he was related to anyone at the plant. They confirmed a relationship, a supervisor in I&C. The supervisor advised others that Harry would be a good employee and perform well and they have been trying to fill the position for some time.

Case Study 6

Favoritism

Harry was told by HR that he would not be under their relative's supervision or conducting any work activities where the relationship might be a problem.

Fast forward a few years, the HR representative involved in the hiring has left the plant. Harry has received several competitive promotions because he is an excellent worker and continues to improve himself. Harry has recently been assigned to a new position where his relative will direct and supervise his work.

Case Study 6

Favoritism

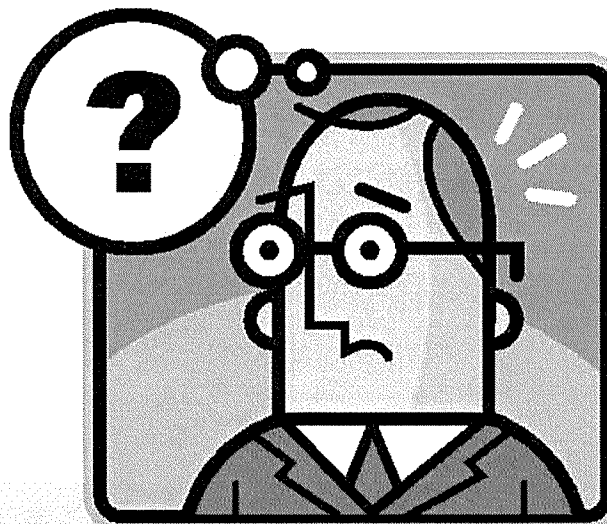
Harry was asked to perform a specific task, review some equipment that is being considered as an upgrade. The I&C supervisor asked Harry to promptly complete the task because of the impact on scheduling and responding to a vendor.

Harry independently identified issues that were similar to concerns that have been expressed in other reviews. Harry advised his supervisor of the finding and he was immediately questioned and reminded that he had been hired because his supervisor/relative had helped him and continued helping him throughout his employment. The supervisor then demanded that Harry approve the equipment.

Case Study 6 – Discussion Questions

- What should Harry do about the review?
- Should Harry discuss the matter further with his supervisor/relative?
- What should management do if Harry informs them?
- Are there any long-term consequences of this incident, when it becomes known?
- Should there be a prohibition on employing relatives?

Questions



Organizational Culture

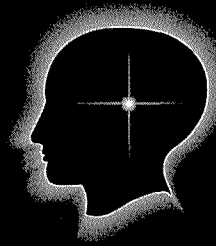
Nuclear Safety Culture

Safety Conscious Work Environment

Leader / Chain of
Command

Human
Resources

YOU



NRC
ECP

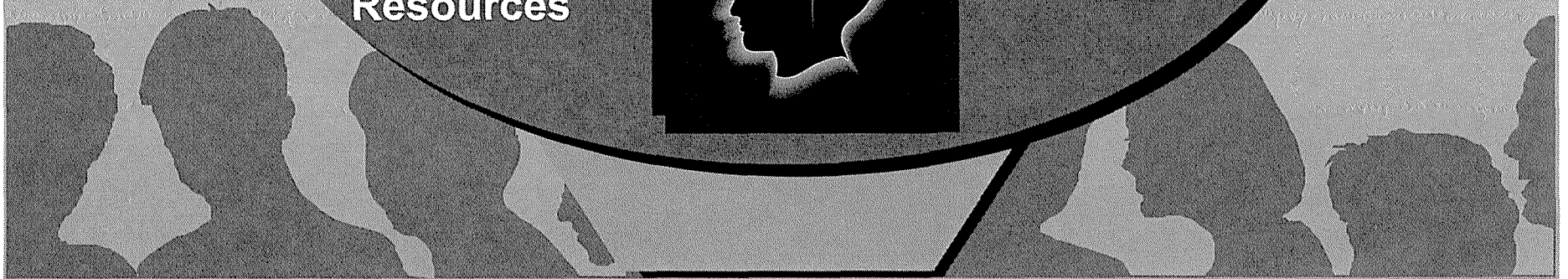


Exhibit G

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Wolf Creek

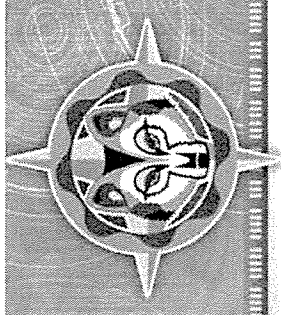


Wolf Creek Nuclear Operating Corporation Pre-decisional Enforcement Conference

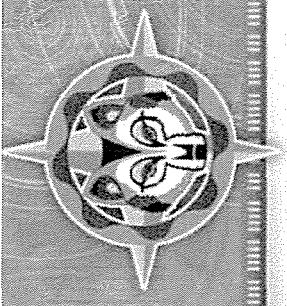
September 10, 2018

Agenda

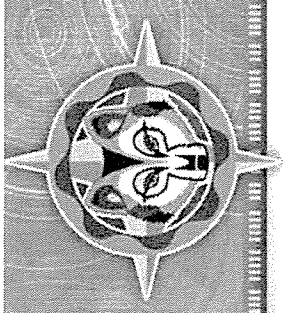
- Opening Remarks
- Overview
 - Summary of NAV
 - Summary of Wolf Creek’s Position
- Key facts and Events
- Position on Violation
- Lessons Learned
- Closing Remarks
- Appendix A, “OPM Administrative Leave Policy”



Wolf Creek Team

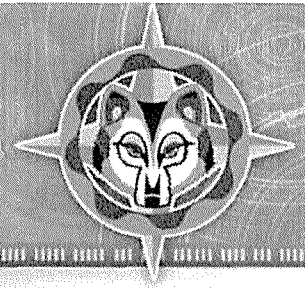


- Cleve Reasoner
 - Chief Nuclear Officer and Lead Presenter
- Joe Fritton
 - Wolf Creek Oversight Director – Evergy (Majority Owner)
- Cindy Hafenstine
 - Manager Nuclear and Regulatory Affairs
- Kevin Meyers
 - Acting General Counsel
- Amy Roma
 - Outside Counsel

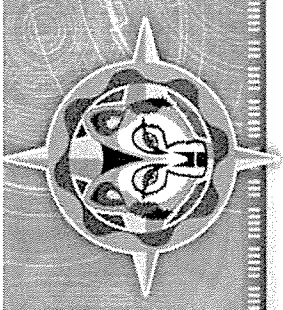


OPENING REMARKS

Opening Remarks

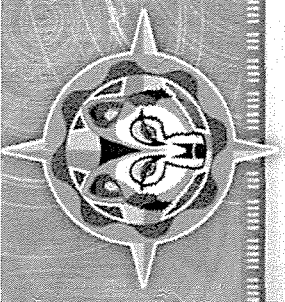


- Wolf Creek does not tolerate harassment, intimidation, retaliation or discrimination
 - We take allegations on these matters very seriously
 - We treat safety culture very seriously
 - People are our most valuable resource
- Today, we want to walk through the facts and explain why there was no retaliation against the Alleger
 - He did not face an unfavorable employment action
 - He was not retaliated against by Wolf Creek for engaging in protected activity
- We do recognize lessons learned from past, including Fall 2016 outage, and we have taken action to improve
 - How we do our work
 - How we work together (SCWE)
- Overall, our objective is to show you not only that Wolf Creek acted appropriately, but that we
 - Promote a healthy SCWE; and
 - Protect the health and safety of the workers and the public



OVERVIEW

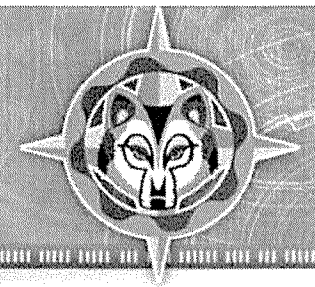
Overview—Summary of NAV



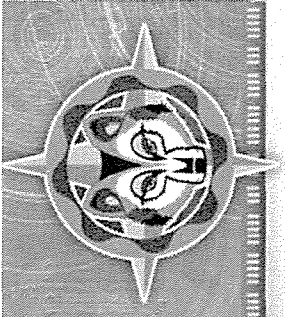
- The NRC issued Notice of Apparent Violation (NAV) (EA-18-037, Jul. 12, 2018) for an apparent violation of 10 CFR 50.7, “Employee protection”
 - NRC states Wolf Creek contractor was subjected to “adverse employment actions for engaging in protected activity”
 - NRC states adverse actions occurred because contractor initiated a condition report (CR) for an incident during Fall 2016 outage and communicated related concerns directly to management

Overview —

Summary of Wolf Creek's Position



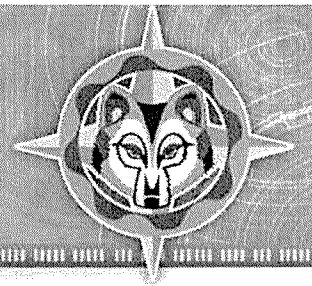
- Alleger, a Wolf Creek contractor, was put on paid administrative leave during the Fall 2016 outage because of pending investigation into allegations raised during an onsite meeting AND agitated behavior
 - Alleger engaged in consistent unprofessional behavior disruptive to the organization, chilling safety culture, and impeding safety
 - Alleger was told multiple times to correct behavior or be escorted offsite
 - Agitated and combative during meetings with management
 - During Nov. 2 group meeting, Alleger swore, yelled, and engaged in personal attacks on others. Continued during subsequent management meeting. Escorted offsite and offered ride home
 - Decision made by contractor in consultation with Wolf Creek to place Alleger on paid administrative leave to prevent further deterioration and permit Wolf Creek and contractor to conduct investigation
 - This is a non-disciplinary action, but management action to control circumstances
 - Wolf Creek also put one of its own employees on leave because of parallel investigation into facts described in a CR prepared by Alleger
- Alleger NOT subject to adverse employment action for engaging in protected activity, including writing CRs or raising safety concerns with management



KEY FACTS AND EVENTS

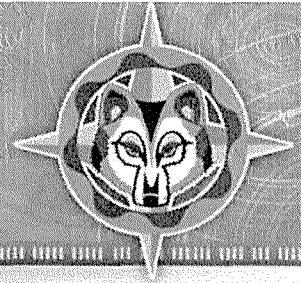
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Key Facts and Events

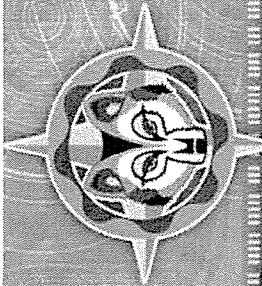


- Alleger—Kan-Seal Employee
 - Dayshift maintenance superintendent
 - Oversaw lifting and rigging in containment for Kan-Seal on days
- Contractor—Kan-Seal
 - About 7 miles from Wolf Creek
 - Provides gaskets, valve parts and labor services to Wolf Creek
- 2016 Refueling Outage
 - Began three weeks early
 - Increased activities in containment
 - Reactor water jet peening
 - Reactor head canopy seal weld repair/boric acid cleanup

Key Facts and Events



- 2016 Refueling outage, cont.
 - Increased number of cranes in containment
 - 4 different teams involved in lifting and rigging
 - Required increased coordination to prevent contact
 - If lift cannot be made without making contact, operator required to stop and contact supervisor
 - Operator may be allowed to proceed only after risk has been assessed and only under supervision of Wolf Creek supervision
 - This applied to all operators—Wolf Creek employees and contractors
 - Therefore, two different types of crane contacts:
 - “Unassessed”—E.g., crane or “suspended load” hits another crane
 - Magnification of physical impact
 - Unexpected nature compromises safety of employees and equipment
 - “Assessed”—E.g., load brushes stationary item
 - Not desirable but allowed after management review
 - No impact to safety of employees or equipment



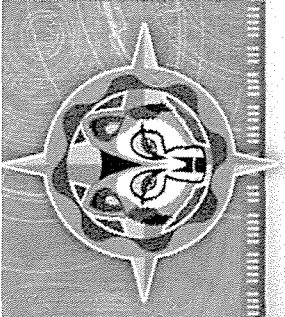
Key Facts and Events

Picture from Polar Crane

Knuckle Boom
Crane

Manipulator Crane

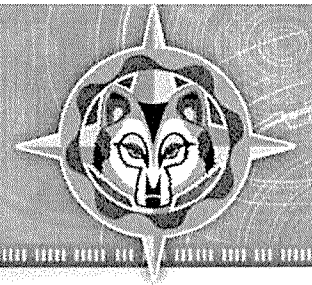
Representative
JIB Crane



Video

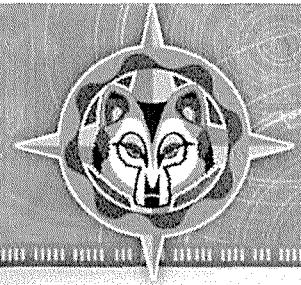
2016 Refueling Outage

Key Facts and Events



- “Unassessed” Crane/Equipment contact lifts
 - Absolutely unacceptable for any operator—Wolf Creek employee or contractor
 - 4 of these contacts during outage, all by Kan-Seal operators
 - Sept. 27, Polar crane load contacted containment JIB crane
 - Oct. 19, Polar crane load contacted refueling manipulator crane
 - Oct. 19, Polar crane cab contacted knuckle-boom crane - reactor head work
 - Industrial safety near miss
 - Prompted first safety stand down meeting
 - Kan-Seal ROFed crane operator Oct. 27
 - Nov. 1, Polar crane load contacted the containment JIB crane
 - Oct. 19 and Nov. 2 Stand Down Meetings for all crane operators and riggers at Wolf Creek
 - Had face-to-face meeting with management to discuss safety issues
 - Ensure Wolf Creek standards and expectations are adhered to
 - Work would be performed safely

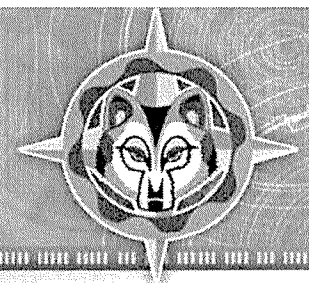
Key Facts and Events



- “Assessed” crane contact—Oct. 30 by Wolf Creek operator
 - Wolf Creek operator made a lift in containment after a Kan-Seal crane operator did not feel comfortable making the lift in tight quarters
 - Perfectly acceptable for Kan-Seal operator not to make lift
 - Blind lift of Sea Land container lid with ~ 4 inches of clearance
 - Contact with a scaffold was *possible* due to location of container
 - Therefore, Wolf Creek operator contacted management because of possibility of contact with scaffolding—per Wolf Creek procedure
 - Wolf Creek management was involved and the lift was risk-assessed, including potential for non-damaging contact with the reactor vessel head scaffold
 - Wolf Creek personnel performed the lift safely in a controlled fashion
 - Lift potentially contacted scaffold as considered
 - Lift occurred and observed by a number of people
 - No physical evidence of contact with scaffolding, but a few visual confirmations of possible brush—which was anticipated and evaluated beforehand
 - NRC OI Report notes “During the lift, there were conflicting reports regarding if any inadvertent contact was made.” (p. 16)—but only with scaffolding, which was anticipated
 - No physical evidence of contact with JIB crane
 - No witness confirmed JIB crane was hit
 - Independently assessed and confirmed by HR investigation report dated Nov. 9

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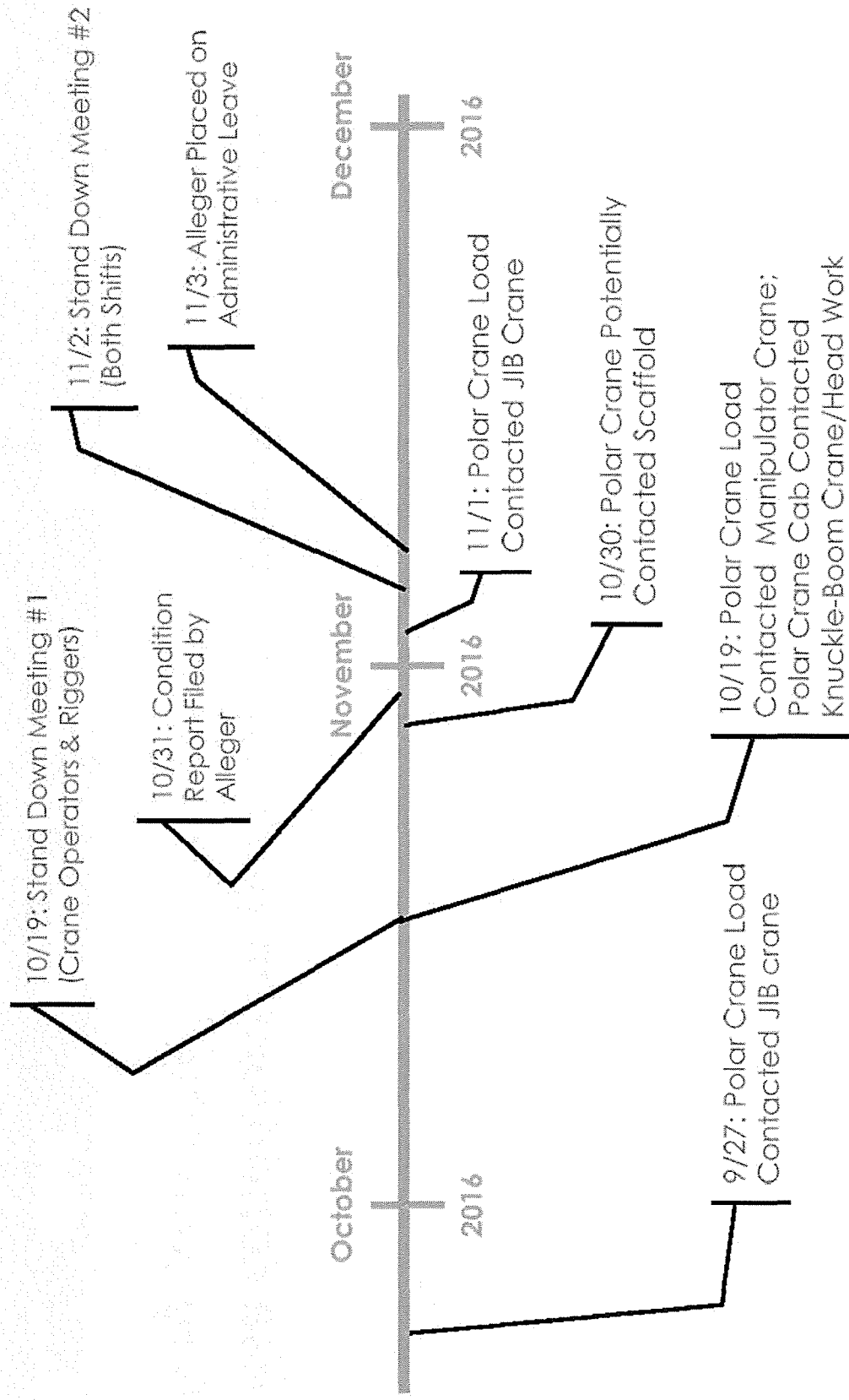
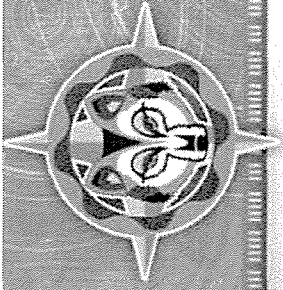
Key Facts and Events



- Alleger prepared a CR for Oct. 31, claiming brush with scaffolding, and also that operator hit the JIB crane
 - Alleger was not onsite when lift occurred; it was based on his understanding of what occurred based on others
 - Number of CRs prepared involving lifting and rigging hits during outage
 - As OI Report notes (16), “[a]ll [Wolf Creek management] provided that [Alleger] was correct to document the issues...in a CR and that it is WCNOC’s expectation that a CR would be written regarding the situation” and that “[Alleger] was ‘absolutely’ correct in writing a CR concerning the events”

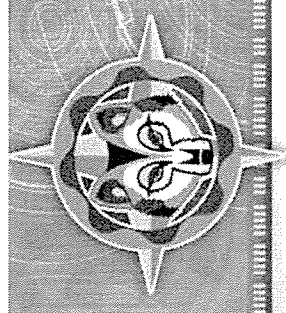
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Key Facts and Events - Timeline

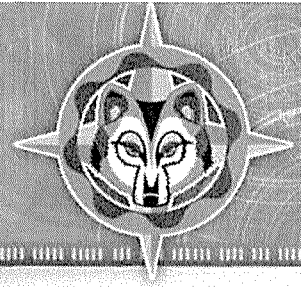


Key Facts and Events

- Between Oct. 31 and Nov. 2 stand down:
 - Rising tensions among all parties (contractors and Wolf Creek employees)
 - And then ANOTHER unassessed crane impact by Kan-Seal (Nov. 1)
- These conditions impact Wolf Creek control, plant safety, and SCWE



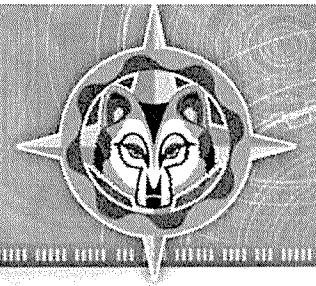
Key Facts and Events



- Nov. 2 Stand Down – Day Shift
 - Wolf Creek management conducted a formal stand down to curb tensions between multiple contractors and Wolf Creek personnel
 - Wolf Creek management led a group safety discussion to address the negative trend identified in lifting and rigging activities
 - Wolf Creek re-states that it expects work to be stopped and management to be contacted if a lift cannot be made without contacting other equipment
 - Emphasis on safety and teamwork
 - Similar message to Oct. 19 stand down
 - Place to air and discuss safety concerns in group setting with whole team
 - A member of Wolf Creek Senior Management related his personal experience of being present when a temporary lifting device failed resulting in a fatality, multiple injuries and equipment damage at a nuclear plant in Arkansas
 - The meeting included conversations relating to all individuals as nuclear professionals and implored all individuals to feel free to say something if they observed something that “didn’t feel right”
 - The Alleger was present but did not speak

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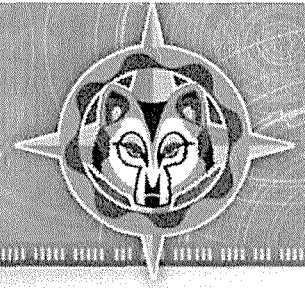
Key Facts and Events



- Nov. 2 Stand Down – Night Shift
 - Management asked Alleger, as the leader of the crew, to speak at the night shift stand down to support safety and teamwork
 - He responded aggressively to management
 - During night shift stand down meeting Alleger, the Kan-Seal Site Superintendent, addressed the group and made a number of assertions about the event
 - Alleged a “double standard” with respect to expectations of contractors v. employees
 - Stated personnel were “afraid for their jobs”
 - Displayed an agitated demeanor before, during, and after the meeting
 - Targeted individuals in room for personal attacks
 - The Alleger:
 - Lacked professional behavior
 - Failed to meet expectation of a crew leader
 - Dominated discussion and would not allow others to talk
 - Potentially creating a culture where others would be in fear of raising an issue
 - Acted inconsistent with expected behavior
 - Asked to stop and continue conversation with management after stand down meeting
 - Told multiple times by multiple people before meeting to fix attitude or he would be removed from site due to inappropriate behavior
 - Escorted off site after meeting and offered a ride home because of his behavior

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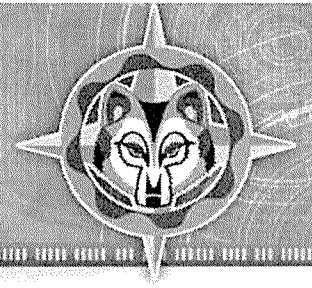
Key Facts and Events



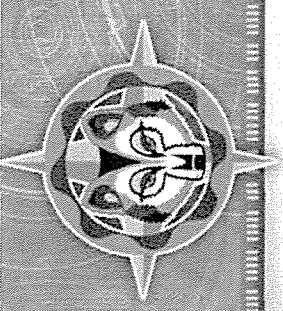
- Nov. 2 Stand Down – Night shift, cont.
 - Statements about the Alleger's Behavior from personnel in the room
 - "He disrupted the whole crew, caused conflict"
 - "Had to tell him several times to stop when he was going at [Wolf Creek employee]"
 - "[Alleger] launched a public attack on [Wolf Creek employee]. Agitated, concerned. Talked about destroying evidence"
 - "[Alleger] freaked out, he flies off. That's why the CR was written"
 - "Started experiencing problems with [Alleger] in Aug. He's hard to deal with, twists things around, throw you under the bus vs talking to you. Misrepresents facts"
 - "Very emotional" and "emotional and accusatory"

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Key Facts and Events

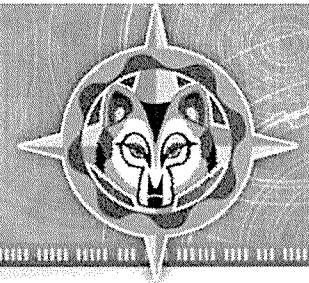


- Nov. 3 meeting:
 - Because of (1) allegations raised during Nov. 2 stand down meeting and resulting investigation by both Wolf Creek and Kan-Seal, AND (2) agitated behavior, Kan-Seal made decision to place Alleger on paid administrative leave—NOT because of his engagement in protected activity.
 - Alleger was told onsite Nov. 3 by Kan-Seal
 - Wolf Creek not present
 - We understand that Alleger was told that Wolf Creek and Kan-Seal were conducting investigation into matter Alleger raised Nov. 2, and paid leave was so we could conduct investigation
 - Stormed out of meeting
 - Went to NRC directly from meeting
 - Escorted offsite again on Nov. 3 after meeting with NRC
 - Scheduled for reduction in early-Nov., but asked for early reduction on Nov. 10.



POSITION ON VIOLATION

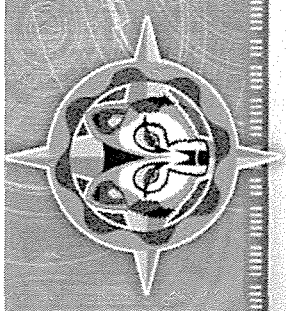
Position on Violation



- **NRC Legal Standard for Violations of Employee Protection Provisions**

- A violation of 10 CFR 50.7 must involve an unfavorable personnel action
- The legal standard by which the NRC determines whether a violation of the 10 CFR 50.7 has occurred was decided by the Commission in a TVA enforcement proceeding (*TVA*, CLI-04-24, 60 NRC at 160, 194 (2004))
- Two questions must be answered:
 1. Did the NRC Staff show, by a preponderance of the evidence, that protected activity was a “contributing factor” in an unfavorable personnel action?
 2. Did the employer show, by “clear and convincing evidence,” that it would have taken the same personnel action regardless of the protected activity?
- Under 10 CFR 50.7(d):
 - Adverse action must be because the employee has engaged in protected activities.
 - An employee's engagement in protected activities does not make him immune from adverse action dictated by nonprohibited considerations.

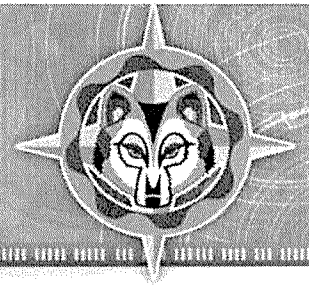
Position on Violation



- Wolf Creek agrees Alleger engaged in protected activities during the 2016 Fall outage
 - Held discussions with management
 - Initiated CRs
 - Contacted the Employee Concerns Programs Manager
 - Held discussions with the NRC
(which occurred after placement on leave)
- Wolf Creek encourages all of these behaviors from employees and contractors

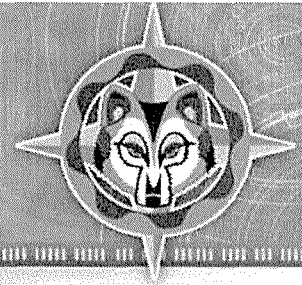
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Position on Violation



- There has been no violation of 10 CFR 50.7
 - Alleger was never subject to “unfavorable personnel action”
 - The decision to put alleger on administrative leave was made by Kan-Seal
 - Wolf Creek could not and did not make decision for contractor
 - But, we entirely agree with the decision
 - Wolf Creek often places employees that are part of an investigation on administrative leave
 - It is non-disciplinary (not noted in file; full pay), and intended to allow licensee to regain control of a situation, prevent it from escalating, and ensure an unbiased investigation
 - In fact, we also placed our own employee that was the subject of the Alleger’s Oct. 31 CR on leave while we looked into matter
 - 6 Wolf Creek employees were placed on administrative leave during Fall 2016 outage (all still employed)
- Frequently used tool in corporations and federal government—see Appendix A

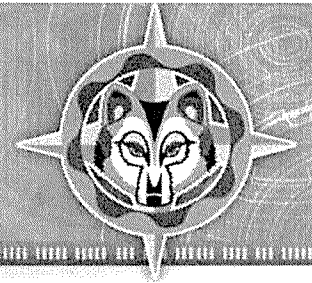
Position on Violation



- Even if the NRC views paid administrative leave as an adverse personnel matter, the Alleger's protected activity was not a "contributing factor" to this decision
 - The Alleger was placed on administrative leave due to resolution of the pending investigation and his inappropriate behavior — NOT his engagement in protected activities, such as initiating CRs or discussing safety concerns with management
- In any event, Wolf Creek has shown by "clear and convincing evidence," that the same personnel action would have occurred regardless of the protected activity
 - As explained, Wolf Creek often places employees that are part of an investigation on administrative leave when appropriate to allow licensee to regain control of a situation, prevent it from escalating, and ensure an unbiased investigation
 - E.g., Wolf Creek employee the subject of Alleger's CR was also put on leave
 - Nothing done to Alleger when he wrote previous CRs
 - Timing of administrative leave was immediately after Nov. 2 meeting
 - Administrative leave could not have been for raising safety issues during Nov. 2 meeting because it was a meeting designed to discuss the very concerns he was raising
 - Numerous observations that his behavior was unprofessional and out of bounds (see, e.g., slide 21)

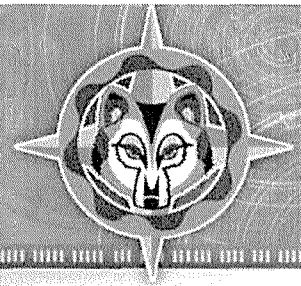
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Position on Violation

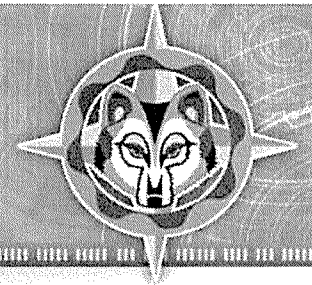


- Findings of Wolf Creek Investigations
 - Investigation conducted by Wolf Creek HR department based on Alleger's claims raised during Nov. 2 stand down meeting
 - In response to NRC RFI, we voluntarily engaged an outside counsel to assess SCWE impacts of 2016 fall outage lifting and rigging incidents (Winston & Strawn investigation, early 2017)

Position on Violation



- Summary of key findings:
 - Investigation: Alleger's assertion of a “double-standard” and “cover up”
 - Finding re: “double standard”: Oct. 30 lift by Wolf Creek operator followed protocol and was approved in advance and observed by management with understanding that scaffold brush was possible. Kan-Seal lift was different because impacts were entirely accidental—which has a large safety significance. Because of significant differences between events, there is no double-standard. Process for handling lifts with potential impacts was also explained to all lift operators during two stand down meetings.
 - Finding re: “cover up”: Alleger claims that Kan-Seal employees were instructed to cover up Oct. 30 incident with crane making contact with plant equipment. Claim was unsubstantiated by HR investigation and W&S investigation. Discussion about putting crane contact into shift turnover log report appears to be a concern with accuracy of log report, not trying to hide anything. Moreover, lift operator has no motivation to “cover up” event as it was at the direct supervision of management, with multiple people who witnessed the lift
 - Finding re: Going to NRC. Conversation was between Alleger and his Kan-Seal supervisor, with discrepancies between the two about what was said
 - » Wolf Creek supervisor appears to have been told that Alleger was told by Kan-Seal supervisor not to go to NRC with concerns, and failed to raise this immediately to internal management per Wolf Creek procedure. Individual was subject to disciplinary action and is no longer in his position. Wolf Creek reinforced with team after Alleger placed on leave the important of raising safety issues

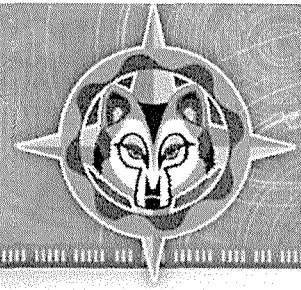


- **Summary of key findings (cont.):**

- **Investigation: Alleger's assertion of retaliation**

- Finding re: Administrative Leave: As explained above, administrative leave was per normal Wolf Creek business practice. Per OI Report, Alleger claims he was told he would be removed from site if he continues to raise concerns during meetings and write CRs. Meetings where Alleger says he was told not to raise safety concerns were meetings literally called to discuss safety concerns. In any event, no one confirmed that Alleger was told that he would be removed for raising concerns, but at least two Wolf Creek supervisors noted instead that Alleger was told he would be removed from site if he did not start acting in a professional manner
 - Finding re: CRs: No evidence of adverse consequence for writing CRs. In fact, Wolf Creek management repeatedly said this was the correct thing to do. Concerns with CR content appeared to be among peers and only concerned with accuracy and, in any event, management supported CR writing.
 - Finding re: Harassment. Vague references in OI report to Alleger being harassed appear to be tied to his decisions regarding reduction in force, and alleged harassment appears caused by non-Wolf Creek personnel and contractors. No evidence of Wolf Creek contractors harassing individuals. Alleger conflates feedback on staffing and performance as "retaliation"
 - Finding re: fear of losing job by Kan-Seal employees: While stress was high during outage due to ROF and errors, there are no regulatory implications for fear of accountability for human performance errors

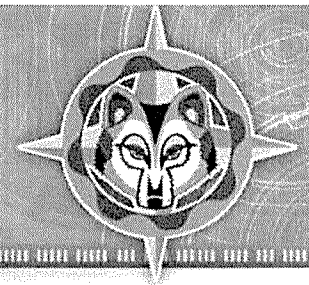
Position on Violation



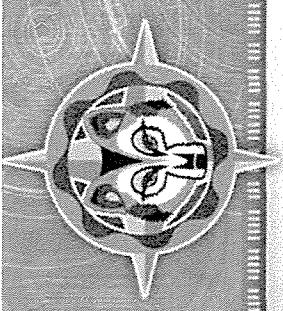
- Comments on Alleger's Behavior Described in OI Report:
 - NRC OI Report (at 20):
 - “The evidence shows that [Alleger] was clearly upset, but there is no evidence that [Alleger] was a threat to the plant or that his behavior met the requirements for BOP action. [Alleger's] demeanor and his ability to perform work at Wolf Creek was open to individual interpretation”
 - Wolf Creek Response:
 - There is quite a bit of range in behavior between “normal” and BOP, but record is clear that supervisors raised concerns directly with Alleger about his behavior multiple times immediately before he was placed on leave
 - Wolf Creek management has the ability to determine when they are uncomfortable with someone's behavior onsite, and when it could impact safety. Therefore, the fact that some others may not have the same concerns about Alleger should not be weighed equally against what management believed
 - Individuals—especially leaders—cannot berate colleagues, raise their voice, swear during meetings, and ignore direction from management to improve behavior, or state that they do not care about our standards and procedures during meetings
 - As noted by one Wolf Creek manager (OI Report at 20)—based on Alleger's agitated behavior during the meeting and comments on not caring about Wolf Creek standards, he was not able to return to supervising work, explaining: “in my opinion, his patterns were not predictable. And so in my opinion he was not suitable to go to work”
 - Importantly, encouraging divisiveness—instead of cohesion and safety—will always create a safety issue, especially in light of deteriorated condition in lifting and rigging
 - Alleger's behavior run contrary to not only safety, but a healthy SCWE

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Position on Violation



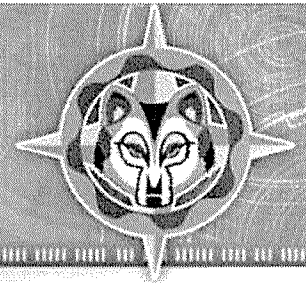
- Comments on Alleger's Behavior Described in OI Report:
 - NRC OI Report (at 20):
 - “The fact [Alleger] was not immediately escorted off-site shows OI that he was not considered to be a threat to the plant or other employees.”
 - Wolf Creek Response:
 - Alleger was told he was being put on leave on Nov. 3. He immediately left room and went to NRC. After he left, Kan-Seal supervisor asked Wolf Creek if he was supposed to wait outside the door while Alleger talked to the NRC. Wolf Creek instructed him not to do that, and just check in later to make sure Alleger was off site. A few hours later, it was discovered Alleger was still onsite and he was escorted offsite.



LESSONS LEARNED

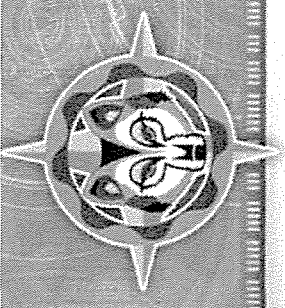
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Lessons Learned



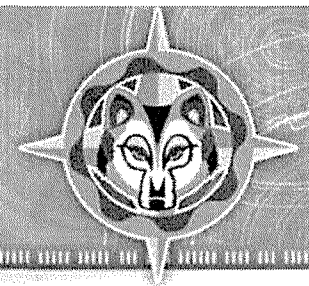
- We do recognize lessons-learned from past, including Fall 2016 outage, and we have taken action to improve
 - How we do our work
 - How we work together (SCWE)
- Examples of Lessons Learned
 - From CARB response to CR 109024, the roll-up CR on lifting and rigging for fall outage 2016:
 - A Lifting and Rigging Program Owner was established for RF22, to serve as point-of-contact for all lifting and rigging related concerns. Contact information for this person to be maintained in OCC.
 - New Contractor of Choice (BHI) implemented, providing: 2 foremen (one inside containment and one outside) to provide oversight at all times, and 24 hour coverage for a “spotter” position in containment when polar or knuckle boom cranes are in service
 - Oral boards for contractor personnel BEFORE attending any internal lifting and rigging training
 - Lesson plans for lifting and rigging qual training updated to provide a clearer understanding of responsibilities and expectations
 - Conduct an effectiveness review of lifting and rigging after Fall 2016 outage (occurred; changes deemed effective during next refueling outage)

Lessons Learned



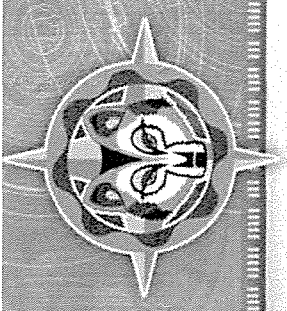
- From 2018-2020 Business Plan
 - Lifting and rigging named an “Initiative” under “Strategic Areas,” focusing on establishment of program owner, oral boards, and effectiveness review
 - Broaden challenges to outage preparation (challenge meetings specific to outage windows and timing)
 - Window-based scheduling for outages to ensure the right work performed at the right time

Lessons Learned

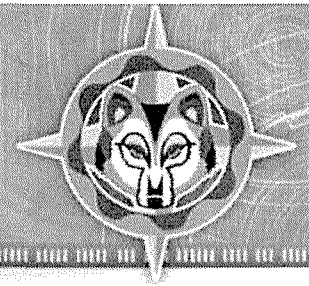


- SCWE

- Wolf Creek continually evaluating ways to improve SCWE
- W&S investigation report identified some missed opportunities for SCWE, including with maintenance superintendent
 - The new maintenance support superintendent was briefed regarding the general work environment and potential SCWE issues in the department and has been working directly with maintenance support personnel to hear their issues and concerns and provide positive feedback
- Recently implemented work environment improvement plan
- The issues presented by Alleger related to both HR and SCWE issues, and warranted an investigation by both HR and an authority on SCWE issues, including but not limited to the ECP Coordinator, Legal, or an external entity
 - Now, all HR investigations are reported to the General Counsel, who conducts an assessment of whether to involve a SCWE subject matter expert

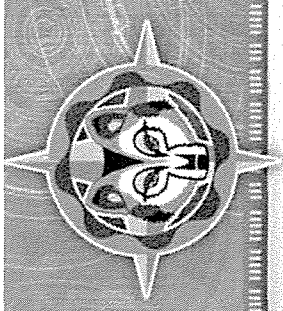


CLOSING REMARKS

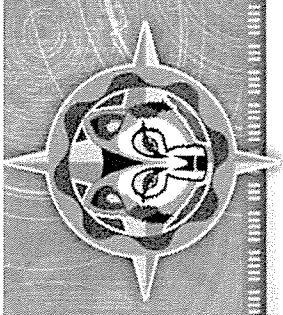


Closing Remarks

- Allegations and OI Report do not show violation of 10 CFR 50.7
 - Alleger was never subject to “unfavorable personnel action”
 - The decision to put Alleger on administrative leave was made by contractor’s employee
 - Wolf Creek often places employees part of an investigation on administrative leave
 - Even if the NRC views paid administrative leave as an adverse personnel matter, the Alleger’s protected activity was not a “contributing factor” to this decision
 - The Alleger was placed on administrative leave due to his inappropriate behavior and resolution of pending investigation —NOT his engagement in protected activities
 - In any event, Wolf Creek has shown by “clear and convincing evidence” that the same personnel action would have occurred regardless of the protected activity
 - As explained, Wolf Creek often places employees that are part of an investigation on administrative leave when appropriate to allow licensee to regain control of a situation, prevent it from escalating, and ensure an unbiased investigation
 - E.g., Wolf Creek employee who was the subject of Alleger’s CR was also put on leave
- We do recognize lessons learned from past, including Fall 2016 outage, and we have taken action to improve
 - How we do our work
 - How we work together (SCWE), which is an area where we seek to continuously improve

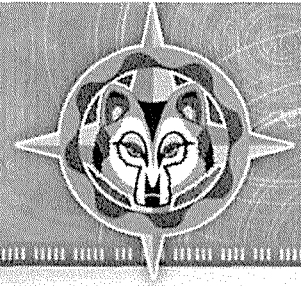


QUESTIONS



APPENDIX A

Appendix A



Federal Government – Office of Personnel Management

- **Administrative Leave Prior to Proposing Performance-Based or Adverse Actions**
 - Placing an employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. For example, an agency may place an employee in a paid, non-duty status during an investigation and when the agency believes the employee poses a threat to his own safety or the safety of others, the agency mission, or Government systems or property while the investigation is pending. An agency should monitor the situation and move towards longer-term actions when it is possible, appropriate, and prudent to do so. A longer-term solution could include assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or Government property, if feasible.
 - OPM advises limiting the approval of administrative leave for this purpose. Where absences are for longer than brief periods, administrative leave is generally inappropriate. Approving officials should also ensure that the granting of administrative leave is not specifically prohibited by law.

