

EMPLOYEE CONCERNS PROGRAM

1. PURPOSE

- 1.1. This procedure describes the Employee Concerns Program (ECP), which provides alternate confidential avenues that are available for individuals (contractors and employees) to report concerns when conditions warrant or when traditional methods have been ineffective.
- 1.2. Specific to this Program are Nuclear Safety and Quality (NS/Q) concerns, or concerns associated with Harassment, Intimidation, Retaliation, or Discrimination (HIRD) against individuals involved in identifying or reporting nuclear safety / quality issues or other protected activities.

2. TERMS AND DEFINITIONS

- 2.1. **Concerned Individual (CI)** - Any individual who raises an issue or concern through the Employee Concerns Program.
- 2.2. **Concern Disclosure Statement (CDS)** - Employee Concerns Program form that documents the description of an issue or concern.
- 2.3. **Differing Professional Opinion (DPO)** - A conscientious expression of a professional judgment that differs from the prevailing view, disagrees with a management decision or policy position, or takes issue with a proposed or an established practice involving technical, legal, or policy issues.
- 2.4. **Duty-to-Act** - ECP Duty-to-Act is a judgment decision made by ECP when information is received that indicates a potential Nuclear, Industrial, Environmental, Security, or Transportation concern exists and requires understanding and resolution. ECP Duty-to-Act is also applied when information suggests a violation, or potential violation, of Energy Reorganization Act (ERA) established Employee Protection laws and/or violation of a Protected Class (Title VII) Statute.
- 2.5. **HIRD Concern** - Any acts of Harassment, Intimidation, Retaliation, or Discrimination (HIRD) against an individual as a result of the individual engaging in activities associated with the identification and/or reporting of nuclear safety or quality-related concerns, or other protected activities.
- 2.6. **Nuclear Safety / Quality (NS/Q) Concern** - A concern relating to the safe operation of a licensed facility or compliance with regulations governing the operation of a licensed facility.
- 2.7. **Protected Activity** - Activities workers engage in when identifying and raising potential radiological, nuclear safety and security concerns to their management or regulator (e.g., NRC, OSHA, EPA). These activities may include writing Notifications; refusing to violate an NRC requirement; testifying in an NRC proceeding or requesting the NRC take action against an employer for violation of NRC requirements.
- 2.8. **Safety Conscious Work Environment (SCWE)** - An environment in which individuals are encouraged to raise safety concerns, are free to raise concerns both to their own management and to the NRC without fear of retaliation, where concerns

are promptly reviewed, given the proper priority, are appropriately resolved, and timely feedback is provided to those raising concerns.

- 2.9. **Safety Conscious Work Environment (SCWE) Concern** - Any issue or condition associated with a work environment in which individuals may not believe that they can raise concerns, such as a chilled work environment.

3. **RESPONSIBILITIES**

- 3.1. **President and Chief Nuclear Officer** is responsible to:

- Provide executive oversight of the Employee Concerns Program.

- 3.2. **Nuclear Oversight (NOS) Director** is responsible to:

- Provide management oversight of the Employee Concerns Program.

- 3.3. **ECP Manager** is responsible to:

- Perform reviews and conduct investigations of employee concerns.
- Implement and administer ECP activities.
- Ensure concerns are appropriately and promptly addressed, and results communicated to the CIs and appropriate levels of management.
- Perform mentoring and monitoring of the ECP Staff and ECP Representatives in Nuclear Oversight.
- Review all site investigation reports for closure.
- Perform periodic reviews of ECP concerns to identify trends.
- Participate in self-assessment activities of the ECP to assure effective implementation.
- Provide input to support ECP and Executive Protocol Group (EPG) reports.
- Maintain a visible presence at the site, including conducting periodic “Pulsings” of organizations to identify any emergent issues.
- Ensure the applicable Site Senior Management are cognizant of site ECP issues.
- Assist supervisory training on ECP/SCWE, as appropriate.
- Maintain and execute ECP initial and continuing training of ECP personnel.
- Provide feedback to NOS Director on ECP Investigator and ECR performance and developmental needs.
- Determine the “Duty to Act” when ECP is made aware of information that requires an investigation to be conducted.
- In conjunction with the EPG, perform periodic reviews of all site ECP data, NRC allegations and CAP data to identify trends.

- 3.4. **ECP Investigator** is responsible to:

- Perform reviews and conduct investigations of employee concerns.

NOTE: Subject Matter Experts (SMEs) may be utilized, as needed, to assist with the investigation.

- Assist with periodic reviews of ECP data to identify trends, and perform self-assessment activities of the site ECP to assure effective implementation.
- Assist ECP Manager in development of ECP and EPG reports.
- Conduct periodic “Pulsings” of organizations to identify any emergent issues.
- Maintain a visible presence at the site.
- Determine the “Duty to Act” when ECP is made aware of information that requires an investigation to be conducted.

3.5. **ECP Representatives** (ECRs) are responsible to:

- Conduct investigations of employee issues as requested by the ECP Manager.

NOTE: Subject Matter Experts (SMEs) may be utilized, as needed, to assist with the investigation.

- Assist with periodic reviews of ECP data to identify trends, and perform self-assessment activities of the site ECP to assure effective implementation.
- Assist with periodic “Pulsings” of organizations to identify any emergent issues.
- Ensure NOS Managers are cognizant of ECP issues being investigated by ECRs.
- Determine the “Duty to Act” when ECP is made aware of information that requires an investigation to be conducted.

3.6. **Nuclear Management** is responsible to:

- Address and resolve employee’s concerns under their supervision in accordance with this procedure such that:
 - The health and safety of (Enter Station Here) personnel and the public is protected.
 - (Enter Station Here) policies and procedures are followed, without Harassment, Intimidation, Retaliation or Discrimination of the Concerned Individual.
- Establish a professional environment where employees feel free and act freely to bring issues forward within their established work groups.
- Evaluate and resolve employee concerns reported in accordance with the Corrective Action Program (CAP), including anonymous Notifications.
- Ensure employees under their supervision are aware of the various methods available for raising concerns.
- Immediately notify appropriate personnel of any allegations relating to Nuclear Safety, Nuclear Quality, or HIRD related to protected activities.

3.7. **Legal Counsel** is responsible to:

- Be available to investigate concerns associated with Employee Concerns Program personnel or when the independence of the Employee Concerns Program is called into question.
- Provide support to ECP Manager as appropriate.

3.8. **Employees and Contractors** are responsible to:

- Report any regulatory non-compliance or issues that may affect nuclear safety/quality or concerns associated with HIRD for the identification and/or reporting of a nuclear safety/quality issue.
- Employees are free to use any of the following methods to report issues:
 - Immediate supervisor or management chain, up to and including the President and Chief Nuclear Officer (CNO)
 - Corrective Action Program (CAP), as appropriate
 - Nuclear Oversight (NOS) Department personnel
 - Employee Concerns Program (ECP)
 - NRC or other appropriate state or federal entity

4. **MAIN BODY**

4.1. **Submittal of Issue(s)**

4.1.1. **USE** ECP when:

1. It is not clear to the individual what process is appropriate.
2. The individual desires confidentiality or anonymity.
3. The individual has a concern where HIRD related to protected activities is involved.
4. The individual, for whatever reason, is uncomfortable using normal avenues through management to raise the concern.

4.1.2. **SUBMIT** Concerns, or Differing Professional Opinions, via one or more of the following methods:

1. Telephone calls including calls to the ECP Hot Line (1-800-XXX-XXX ext. XXX), or calls to ECP site personnel.
2. Walk-ins to the ECP Office or personal contact with a member of the ECP organization.
3. Written information, such as letters, via electronic means (e-mail to ECP personnel at ECP@XXXX.com), by Fax (XXX-XXX-XXX), by ECP Drop Box, or by ECP Brochure via company or U.S. mail to an ECP office or a member of the ECP organization.
4. ECP On-Line Concern Form located on the ECP web page on the (Enter Station

Here) Intranet Website.

4.1.3. **WHEN** a contact is received by ECP personnel, **THEN** the concern will be processed in accordance with (ECP Process document ID).

4.1.4. ECP honors confidentiality and anonymity to the fullest extent possible. While confidentiality is important, nuclear safety is paramount. In some cases, complete confidentiality may not be possible due to the requirements for conducting an investigation. ECP personnel should inform the initiator on confidentiality limits.

5. **DOCUMENTATION**

5.1. Concerns or Differing Professional Opinions may be documented in writing using the Concern Disclosure Statement (Attachment 12), or by electronic means (email), or by letter or ECP Brochure via company / US Mail to an ECP office.

6. **REFERENCES**

6.1. Title 10, Code of Federal Regulations, Parts 19.20 and 50.7

6.2. Energy Reorganization Act of 1974, as amended, Section 211, Employee Protection

6.3. Nuclear Energy Institute, NEI 97-05, Employee Concerns Program - Process Tools in a Safety-Conscious Work Environment

6.4. Institute of Nuclear Power Operations, INPO 12-012, Traits of a Healthy Nuclear Safety Culture

6.5. NUREG-BR-0240, Reporting Safety Concerns to the NRC

6.6. (Enter Station Here) LLC, Employee Concerns Program Brochure

6.7. (Procedure Number) Safety Conscious Work Environment

6.8. (Procedure Number) Employee Concerns Program Process

7. **ATTACHMENTS** - NONE