



**Memorandum from the Office of the Inspector General**

February 24, 2016

Gregory A. Boerschig, LP 3R-C

**REQUEST FOR MANAGEMENT DECISION – EVALUATION 2015-15270 – NUCLEAR  
EMPLOYEE CONCERNS**

Attached is the subject final report for your review and management decision. You are responsible for determining the necessary actions to take in response to our findings. Please advise us of your management decision within 60 days from the date of this report.

Information contained in this report may be subject to public disclosure. Please advise us of any sensitive information in this report that you recommend be withheld.

If you have any questions or wish to discuss our findings, please contact Deana Scoggins, Senior Auditor, at (423) 785-4822 or E. David Willis, Director, Evaluations, at (865) 633-7376. We appreciate the courtesy and cooperation received from your staff during the evaluation.

David P. Wheeler  
Assistant Inspector General  
(Audits and Evaluations)  
ET 3C-K

DDS:FAJ  
Attachment  
cc (Attachmer

TVA Board of Directors  
Joseph P. Grimes, Jr., LP 3R-C  
William D. Johnson, WT 7B-K  
Dwain K. Lanier, MR 3K-C  
Justin C. Maierhofer, WT 7B-K  
Richard W. Moore, ET 4C-K  
R. Windle Morgan, WT 4D-K  
Charles G. Pardee, WT 7B-K  
OIG File No. 2015-15270



Office of the Inspector General

# *Evaluation Report*

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To the Vice President,  
Nuclear Oversight

## **NUCLEAR EMPLOYEE CONCERNS**

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Audit Team  
Deana D. Scoggins  
Alina A. Karpich  
Kristin S. Leach

Evaluation 2015-15270  
February 24, 2016

## **ABBREVIATIONS**

BFN	Browns Ferry Nuclear
ECP	Employee Concerns Program
NPG	Nuclear Power Group
SQN	Sequoyah Nuclear
TVA	Tennessee Valley Authority
WBN	Watts Bar Nuclear

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E-MAIL RESPONSE DATED FEBRUARY 16, 2016, FROM GREGORY A.  
BOERSCHIG TO DAVID P. WHEELER



# Evaluation 2015-15270 – Nuclear Employee Concerns

## EXECUTIVE SUMMARY

### Why the OIG Did This Evaluation

The purpose of the Tennessee Valley Authority's Nuclear Employee Concerns Program (ECP) is to assist and support management in ensuring (1) that all employees supporting the Nuclear Power Group are free to express safety issues, concerns, or differing views to Nuclear Power Group management without fear of reprisal and (2) all such concerns and issues are investigated and resolved in a timely manner. Additionally, Nuclear ECP's mission is to support the Safety Conscious Work Environment by providing employees and supplemental workers with an alternate means for identifying and resolving concerns. This review was initiated to determine whether the program is addressing employee concerns in a timely and effective manner.

### What the OIG Found

We determined Nuclear ECP generally addressed employee concerns in an effective manner. However, we identified areas for improvement related to documentation, the resolution follow-up process, and reporting to site management. We could not form an overall conclusion related to timeliness in addressing Nuclear ECP cases because there is no defined timeliness goal for some types of cases. However, Nuclear ECP did not meet its timeliness goals for a high percentage of sample cases we reviewed that were classified as Concerns.<sup>i</sup>

### What the OIG Recommends

We recommend the Vice President, Nuclear Oversight:

- Reinforce the expectations for sufficient documentation and follow-up.
- Require a review of information included in monthly informal reports for accuracy prior to providing to site management.
- Reinforce the expectations for closing Concern cases in a timely manner.
- Develop clear timeliness goals for Referral and Rapid Resolution cases.

TVA management agreed with our findings and recommendations. See the Appendix for TVA management's complete response.

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<sup>i</sup> Concerns are issues that require ECP to open an investigation case.

## **BACKGROUND**

Nuclear Power Group (NPG) Standard Programs and Processes NPG-SPP-01.7.1, Employee Concerns Program, states the purpose of the Employee Concerns Program (ECP) is to assist and support management in ensuring (1) that all employees supporting the NPG are free to express safety issues, concerns, or differing views to NPG management without fear of reprisal and (2) all such concerns and issues are investigated and resolved in a timely manner. Additionally, Nuclear ECP's mission is to support the Safety Conscious Work Environment by providing employees and supplemental workers with an alternate means for identifying and resolving concerns. The policy goes on to state that Nuclear ECP has a defined scope that is to include/address Nuclear Safety, technical and compliance issues and concerns related to harassment, intimidation, retaliation, and discrimination for engaging in protected activities.

According to ECP-1, *Conduct of Employee Concerns Program Implementation* (ECP-1), any communication with the Nuclear ECP organization regarding inquiries, requests for assistance, assertion of impropriety, nonconformance, inadequacy, or reports of conditions that warrant further evaluation, will be evaluated and be classified as one of the following:

- Concern - An issue that alleges a nuclear safety or quality issue, harassment, intimidation, retaliation, and discrimination associated with a protected activity, a differing opinion or view on a matter affecting nuclear safety or quality, a Safety Conscious Work Environment issue, or a referral to Nuclear ECP from the Nuclear Regulatory Commission, Office of the General Counsel, Office of the Inspector General, or Department of Labor. These are issues that require ECP to open an investigation.
- Rapid Resolution - An issue that can be resolved by ECP with minimal effort and promptly addressed in a few days. If it is determined an issue will take greater than 15 calendar days to resolve, then the Nuclear ECP Specialist should discuss the issue with the Senior Program Manager, Employee Concerns, for potential escalation, including consideration of upgrading the issue to a Concern.
- Referral - An issue that is raised to Nuclear ECP that is referred for investigation to another organization, such as Human Resources/Employee Relations, the Tennessee Valley Authority's (TVA) ECP, management, etc.
- Contact - An interaction with Nuclear ECP in which the concerned individual wishes no ECP actions and is treated as an informal-only situation.

This review was initiated to determine whether Nuclear ECP is addressing employee concerns in a timely and effective manner.

## **OBJECTIVE, SCOPE, AND METHODOLOGY**

Our objective was to determine whether the Nuclear ECP is addressing employee concerns in a timely and effective manner. To achieve our objective, we:

- Interviewed TVA personnel to develop an understanding of the Nuclear ECP.
- Selected a random sample of 50 out of 371 Nuclear ECP case files<sup>1</sup> to evaluate whether they were adequately addressed. We stratified the sample to select case files that were closed in 45 days or less and case files that were closed in over 45 days. The files were selected from an overall population of Corporate, Browns Ferry Nuclear (BFN), Sequoyah Nuclear (SQN), and Watts Bar Nuclear (WBN) ECP files.
- Reviewed monthly reports in an effort to verify the number of case files in the population.
- Attempted to evaluate timeliness for the 371 case files.
- Evaluated the timeliness of the 10 Concern files selected in the sample.

The scope of our review included the program's functions during fiscal years 2013 and 2014.<sup>2</sup>

This review was performed in accordance with the Council of the Inspectors General for Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

## **FINDINGS**

We determined Nuclear ECP generally addressed employee concerns in an effective manner. However, we identified areas for improvement related to documentation, the resolution follow-up process, and reporting to site management. We could not form an overall conclusion related to timeliness in addressing Nuclear ECP cases because there is no defined timeliness goal for some types of cases. However, Nuclear ECP did not meet its timeliness goals for a high percentage of sample cases we reviewed that were classified as Concerns. The following provides a detailed discussion of each of our findings.

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<sup>1</sup> Contact files were excluded from the population prior to choosing sample items. Additionally, any file created to track a file opened by a contractor's ECP program was removed from the sample and replaced with a TVA file. There was no electronic way to identify files created to track a contractor's ECP file in the population.

<sup>2</sup> The scope of the review excluded Nuclear Construction.

## **NUCLEAR ECP WAS GENERALLY EFFECTIVE, HOWEVER, DOCUMENTATION AND REPORTING COULD BE IMPROVED**

Generally, Nuclear ECP addressed employee concerns in an effective manner. We selected a sample of 50 case files and determined the investigative process appeared to be reasonable for 46 of the cases. There was insufficient documentation in the other 4 files to determine if the process was reasonable. We also identified other areas for improvement related to documentation, the resolution follow-up process, and reporting to site management.

### **Nuclear ECP Was Generally Effective in Addressing Employee Concerns**

Generally, we found Nuclear ECP was effective in addressing employee concerns based on our review of a sample of case files. We reviewed a sample of 50 of the 371<sup>3</sup> Nuclear ECP Concern, Rapid Resolution, and Referral cases closed in fiscal years 2013 and 2014. The sample included cases from BFN, SQN, WBN, and Corporate. The effectiveness was measured based on whether the investigation process was reasonable. We determined the investigation process appeared to be reasonable for 46 of the cases; however, as discussed below, there was insufficient documentation in 4 of the files to determine if the process was reasonable.

### **Documentation Could Be Improved**

While our testing did not identify any cases that were handled in an unreasonable manner, our review of files identified several areas where documentation could be improved. Some of the areas included insufficient documentation in case files, inadequate follow-up or documentation of resolution/corrective actions, and inaccurate reports provided to site management.

#### Insufficient Documentation in Case Files

Of the 50 cases tested, we identified 8 case files that needed improved documentation. Four of the 8 case files made it impossible to determine if the cases were handled reasonably.

- Two Referral files did not include a summary of the issues or the referrals.
- One Rapid Resolution file had additional issues that were investigated with no documentation of the origin of the issues.
- One Referral file did not include all interviews conducted for the case.

The other 4 case files had insufficient documentation or documentation that could be improved.

- One Rapid Resolution file noted additional documentation was included, but it was not in the file.
- One Referral file did not include the referral date or to whom it was referred.

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<sup>3</sup> The population also contained case files opened to track contractor's ECP files.

- One Concern file had minimal documentation and did not meet requirements.
- One Referral file did not contain documentation of the referral.

In addition, we identified 6 case files where documentation did not support the open or close dates.

- Four case files were closed at a date that was earlier than supporting documentation suggested was accurate.
- One case file was closed at a later date than supporting documentation suggested was accurate.
- One case file was opened almost a month later than it should have been.

Additionally, we noted that for the 10 Concerns in the sample, 6 did not have the required post-closure file review completed. The post-closure file review is used to guide and track the concerns investigation process. The post-closure file review consists of a checklist of attributes to be completed for Concern cases and checks to see if the attributes were included in the case file.

#### Inadequate Follow-Up and Documentation of Resolution/Corrective Actions

We identified 13 cases where documentation of actions taken could have been better or actions taken were not followed up on or documented.

- Two cases stated actions were taken but no documentation of those actions was included in the case files.
- Eleven cases where follow-up was noted as needed, but the files did not document responses to referrals or actions to address Nuclear ECP recommendations.

Nuclear ECP identified this issue during a self-assessment that stated the “procedure guidance related to obtaining corrective action/recommendations for substantiated issues where the process lacks rigor in methods for requesting corrective action/recommendation, responsibilities and due dates, and escalation methods to be used should corrective actions be inadequate.” Discussions with Nuclear ECP personnel indicated they implemented a new case file system that will allow for better tracking of corrective actions and follow-up.

#### Inaccurate Monthly Reports to Site Management

Based on Nuclear ECP Staff Instruction ECP-2, *Trending, Reporting, Follow-up [sic] and Corrective Action Monitoring* (ECP-2), Nuclear ECP should be producing monthly informal reports to site management at each plant that can be done in person, by phone, or by written report. For the 24-month period reviewed, BFN prepared 9 monthly written reports, SQN prepared 23, and WBN prepared 24. We found the number of case files opened was incorrectly reported in 4 of the 9 reports for BFN and 9 of the 23 reports for SQN.

## NUCLEAR ECP TIMELINESS AND GOALS COULD BE IMPROVED

We could not form an overall conclusion related to timeliness in addressing Nuclear ECP cases because there are no defined goals for Rapid Resolution and Referral cases. While we did not form a conclusion on the overall population, we determined that timeliness to address Concern files could be improved. Concern cases have a defined completion goal of 45 days. Our sample included 10 Concern files, 8 of which exceeded the timeliness goal of 45 days. The number of days to close the 8 cases ranged from 48 to 155 days.

## RECOMMENDATIONS

We recommend the Vice President, Nuclear Oversight:

- Reinforce the expectations for sufficient documentation and follow-up.
- Require a review of information included in monthly informal reports for accuracy prior to providing to site management.
- Reinforce the expectations for closing Concern cases in a timely manner.
- Develop clear timeliness goals for Referral and Rapid Resolution cases.

**TVA Management's Comments** – TVA management stated they concur with the findings and recommendations in the report and will implement actions that will address the four identified recommendations. TVA management also stated they have taken some steps that serve as a start to addressing some of the recommendations:

- A new case management system has been implemented to allow central review and better tracking of follow-up and timeliness.
- Updated ECP guidelines and the addition of one additional corporate staff member to help ensure quality and consistency in case files, performance metrics, and documentation.
- Streamlined reporting based on feedback from line management.
- ECP participation in quarterly Nuclear Safety Culture Monitoring Panel meetings to aid in communication of identified workforce environmental trends.

See the Appendix for TVA management's complete response.

**Auditor's Response** – The Office of the Inspector General concurs with TVA management's response.

**From:** Boerschig, Gregory A  
**Sent:** Tuesday, February 16, 2016 6:34 PM  
**To:** Wheeler, David P.  
**Subject:** RE: Request for Comments - Draft Evaluation Report 2015-15270 - Nuclear Employee Concerns  
**Sensitivity:** Private

Mr. Wheeler,

ECP has reviewed the draft report and concurs with the findings and recommendations. Not having a specific cross-reference to the documents reviewed by the evaluation team that made up the basis for the findings somewhat hindered our ability to fully assess agreement or disagreement with the facts, conclusions, and recommendations; however, our overall assessment is that the report offers helpful insight that in responding to can only make our program stronger. As such we appreciate and accept this report as written and, in response to the issuance of the final version, will implement actions that will address the four identified recommendations. Please note that we have taken some steps that serve as a start to addressing some of the recommendations:

- A new case management system has been implemented to allow central review and better tracking of follow-up and timeliness.
- Updated ECP guidelines and the addition of one additional corporate staff member to help ensure quality and consistency in case files, performance metrics, and documentation
- Streamlined reporting based on feedback from line management.
- ECP participation in quarterly NSCMP meetings is a valuable forum to aide in communication of identified workforce environmental trends.

We will address each of the four recommendation and ensure a complete and thorough response is implemented to assure sustainable actions are in place, not limited to what has been done to date. Again, we appreciate the thorough review, helpful insights, and clear recommendations.

*Greg Boerschig*  
VP, Nuclear Oversight  
Tennessee Valley Authority