STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION

FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
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PHONE: (907) 465-2960
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October 21, 2004

Re: EA-03-126—Confirmatory Order
Long-Term Plan

Mr. Frank Congel, Director
Office of Enforcement
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Congel:

I have attached the long-term plan required under condition 3 of the Confirmatory Order referenced above, and a draft of the Department's SCWE Program. Per Doug Starkey's request, I have also included a copy of the license amendment request that will be sent to NRC Region IV concurrent with this document.

Please contact me at (907) 465-6958 if you have any questions.

Sincerely,

Gary Hogins

Gary R. Hogins, P.E.
Chief Engineer

Attachments

State of Alaska

Department of Transportation & Public Facilities

Long-Term Plan to Maintain a Safety Conscious Work Environment

As required by the Confirmatory Order issued by the Nuclear Regulatory Commission (NRC) and received by DOT&PF on March 15, 2004, this long-term plan is submitted in response to condition 3 of the above referenced Order.

In May 2004, the State of Alaska Department of Transportation and Public Facilities (DOT&PF) contracted with a consultant to assist in meeting the requirements of the Confirmatory Order attached to EA-03-126 published by the Nuclear Regulatory Commission on March 15, 2004. The goal of the consultant was to help the DOT&PF align its current policies, procedures, and workplace culture to comply with the NRC's Employee Protection requirements and the conditions of the Confirmatory Order by:

- Conduct a review of the DOT&PF Policy & Procedures: relating to a Safety Conscious Work Environment (SCWE);
- Develop and conduct Manager and Employee SCWE Training: on NRC employee protection regulations in 2004 and 2005
- Conduct an Employee Safety Culture Survey: in 2004 and 2005.
- Assist the DOT&PF in the development of a Long-term plan: for effectively maintaining a safety conscious work environment.

The key objective of the project was to assist the DOT&PF with a transformation of its safety culture/safety conscious work environment to align more closely with Nuclear Regulatory Commission (NRC) guidelines. The NRC defines a safety conscious work environment as an environment where employees feel free to raise safety concerns without fear of retaliation.

The Confirmatory Order requires in condition 3, a long-term plan for maintaining a Safety Conscious Work Environment be developed and submitted. The information that follows is the response to that requirement.

1. Review of Policies and Procedures

The Confirmatory Order required a discussion of the results of the review required by Condition 1 of the Order, as well as a discussion of the recommendations made by the consultant. The Order further requires DOT&PF to describe the plan and schedule for addressing the recommendations made by the consultant. This plan specifically addresses actions through 2005. The plan further addresses the transition from this long-term plan to a SCWE Program to be used beyond 2005 to maintain a SCWE. The review of the policies and procedures as well as the safety culture assessment was reported as complete in a letter to DOT&PF dated August 23, 2004. The results of the review and the recommendations of the consultant as well as DOT&PF's plan and schedule are listed in the table that follows.

#	Item	Review Results/Recommendations/Plan/Schedule
	HR & LABOR	
1	HR Policies & Procedures; HR Organization Chart	Review Results: Recent organizational changes appears to have created issues for employees "not knowing who to talk to about an employee issue of discrimination, harassment or other issues; Recommendation: Review all policies and communications to employees so that an alternative dispute resolution can be implemented. Employees need to know who to talk to if immediate supervision is an issue. There appears to be an apparent disconnect in the perception that employees know who to go to if they have a problem or issue especially if their boss is the problem (e.g. sexual harassment, ethical issues). Plan: The Department of Administration controls the HR Policies and Procedures for the State of Alaska, and these issues are outside the control of DOT&PF. DOT&PF is developing and implementing an alternative dispute resolution program (ECP) to address safety concerns of DOT&PF personnel, see item 17 below. HR also has available an Employee Call Center. The Employee Call Center is able to immediately provide answers to employment related questions or refer the employee to a person who can provide the information and assistance required. Schedule: The development and implementation of an **Employee Safety Concerns Program will be in place on or before May 31, 2005.**
2	HR Hotline/Employee Call Center:	Review Results: Employee Call Center is open M-F 8am-5pm. Seems accessible; not tested; addresses information on personal, payroll, benefits, getting forms, etc. Not sure where to go to if harassment or discrimination issues. Needs to be tested Recommendation: Review all phone call procedures to ensure service can direct employees to appropriate locations to resolution of other issues Plan: A call to the Employee Call Center indicated that calls regarding harassment or discrimination issues would be referred to Human Resources in the Department of Administration. DOT&PF is also in the process of developing and implementing an Employee Safety Concerns Program. See item 17. Schedule: The development and implementation of an **Employee Safety Concerns Program will be in place on or before May 31, 2005.**
3	Performance Appraisals - Managers - Non-Supervisors	Review Results: LTC form refers to being "safety conscious" but not defined; other forms do not include. Recommendation: To review 1) In the future, consider adding "safety" definition and rating to all appraisals and making it a priority and 2) Reinforce with supervisors to have periodic performance meetings with employees to review performance, issues and concerns. This will reinforce the importance of a SCWE to increase communications between the supervisor and employee. We review this as critical in a SCWE. Plan: It is the current practice to encourage managers/supervisor to

		have ongoing dialog with employees concerning a wide range of topics including safety. These discussions are not necessarily documented. DOT&PF feels that to document all such conversations would mire the department in unnecessary paperwork that would not only require creation, but filing and storing. Schedule: No action necessary, this is a current practice.
4	Bargaining Unit agreements - General Gov Bargaining Unit - Supervisory Unit - Labor/Trades/Crafts Unit	Review Results: No recommendations at this point; need to review in future for SCWE when re-negotiated; appears that references are sufficient
5	Ethics Policy and Disclosure Form	Review Results: Review policy; form not applicable (outside employment) Recommendation: Not clear how well this is published; no direct impact on safety and **no action recommended.**
6	Code of Conduct/ Employee Handbook	Review Results: Clarify in Employee Handbook. Employee Handbook is not employee-friendly. Specifically, it is not easy to find information; this needs improvement. Additionally, SCWE/Contacts (at least departments or referral document/web site) Recommendation: Improve Employee Web Site/Handbook to add SCWE/Contacts (at least departments or referral document/web site) Plan: These handbooks are controlled by a department outside of DOT&PF. SCWE which is very applicable to sections of DOT&PF may not be applicable within other departments. DOT&PF will ensure that the information noted above (SCWE contacts and information) is available through DOT&PF programs and documents. Schedule: DOT&PF will complete the revisions to be included in the **next editions, which vary by publication and will be completed as outlined for each separate document.**
7	HR Communications	Review Results: There was some confusion as to the who and how to contact HR. Recommendation: Add both clear and easy to find phone contact numbers for expressing any type of concerns (e.g. HR, Safety, Supervisor, Labor Grievance, etc.) in related documents/web site; recommend adding a periodic safety/employee concerns periodical or web site updates. Plan: The organization for HR in DOT&PF includes an Employee Call Center that is now widely published and available to all employees. In addition, the ECP program is available as an alternate route for safety concerns. Information and contact numbers will be published through a variety of publications including Posters, the Radiation Protection Program Manual, the Construction Manual and training materials. Schedule: DOT&PF will complete the revisions to be included in the **next editions, which vary by publication and will be completed as outlined in each separate document.** The development and implementation of an **Employee Safety Concerns Program will be**

		in place on or before May 31, 2005.
8	HR/Personnel Rules	Review Results: Review in future for SCWE, HR/Safety contacts and communications; documentation; and discipline (not retaliation) Recommendation: **None**
	DOT&PF TECHNICAL	
9	Alaska Construction Manual	Review Results: The Alaska Construction Manual does not include current SCWE and Radiation Program information. Recommendation: the following noted areas should be updated with current SCWE and Radiation Protection Program information: Definitions (pg 1-5): need to expand safety-industrial for all employees and add SCWE/ ECP 5.1 Field Laboratory (pg 5-1): add current NRC required postings and reference SCWE (See "A"-two locations) 5.2 Materials Testing Equipment (pg 5-1): add SRO, Statewide Safety Officer/ECP (See "B") 6. Managing the Staff: this entire section should be reviewed for addition or reference to SCWE, documentation and ECP. See comments in each section. 7.2 Program Administration: this section would be good to reference the position responsible for SCWE and ECP programs 10.1 Inspection: reference SCWE and safety inspections or investigations if required. Plan: The language for the recommended edits will be developed and included in the next revision of the manual. Schedule: DOT&PF will complete the revisions to be included in the **next edition, which is scheduled for publication on or before May 31, 2005.**
10	Radiation Protection Program Manual	Review Results: Need complete review by DOT&PF of all safety areas. Recommendation: Review all for reference to SCWE and ECP Reference SCWE and definition: need review Program Organization and Training Requirements: add SCWE and ECP; clarify role of safety team, SRSO, RRSO and Nuclear Gauge User in reference to SCWE and ECP ECP Program: should be referenced Plan: The Radiation Protection Program Manual is scheduled for review and revision before the training for summer of 2005. The revisions will include appropriate references to SCWE and ECP. The responsibilities for managing the SCWE will be removed from the SRSO's responsibilities list. Schedule: DOT&PF will develop the revision and include them in the next revision, which is scheduled to be **published on or before May**

		31, 2005.
11	Nuclear Testing Equip & Hazardous Material Training	Review Results: need to review including future technical training (Training Program not obtained) Recommendation: review all for reference to SCWE and ECP Plan: Both the 8 hr Nuclear Gauge Users class and the 4 hour HAZMAT refresher class will be updated to include training on SCWE and information on the ECP. Schedule: Since training in SCWE will be conducted in 2005 as a part of the requirements of the Confirmatory Order, the class materials will **be revised by December 31, 2005** and implemented for the all training for the 2006 construction season and subsequent years.
12	Memo-Implementing SCWE	This memo was sent to all affected employees to implement SCWE. No additional action is required on this item.
	SAFETY	
13	DOT&PF Safety Manual	Review Results: need complete review by DOT&PF of all safety areas for reference to SCWE, SCWE Training and ECP program Recommendation: review all for reference to SCWE and ECP Add SCWE Training Program Add Reference to Nuclear Safety and SCWE Some References Note for Review: (1.1) Clarify RSO; (1.2) update to include RSO/SCWE/Definitions/ECP responsibilities; (1.5) add nuclear and link to ECP program, address resolving safety concerns with Safety Committee; (2.1) review for ECP issues and reporting; and (4.0) needs to be reviewed. Plan: The DOT&PF Safety Manual will be updated with a SCWE Program section and references updated throughout the manual to include the SCWE Program and the current Radiation Protection Program. Schedule: The SCWE Program is currently being developed. The new section and references will be implemented with the next revision which will be **published on or before March 31, 2005.**
14	DOT&PF Mission Statement and Safety Measures (State Web-Site)	Review Results: reviewed both forms and instruction Recommendation: review for measure Plan: The referenced web pages track performance measures of interest to the Governor's Office, Legislature, public, and the Department. It is not appropriate to track employee concerns in this forum. The Employee Concerns Program is in the development process and we have not received any concerns yet. DOT&PF will implement internal concerns measures as needed when the ECP program becomes operational. Schedule: Open until such time as we have concerns to track and trend.
15	Accident Report - Supv Accident Report - Liability Accident Report	Review Results: Both forms and instruction need to be updated. Recommendation: Include information on how to investigate safety concerns and develop a Lessons Learned document.

		Plan: The Accident Report forms are a part of Statewide Safety. A request for review and revision will be forwarded to the Statewide Safety Officer. Schedule: The request for revision will be **forwarded to Statewide Safety on or before December 31, 2004.**
	ADDITIONAL OBSERVATIONS	
16	SCWE/Safety Communication	Review Results: While communication was addressed in the SCWE training, there is need to improve. Recommendation: ECP Manager and Statewide RSO to travel and communicate the new ECP program and duties of the Safety Officer and RSO to DOT&PF employees and contractors. Improve communications within the various safety groups. Plan: The Statewide Safety Officer/ECP Manager and Statewide RSO will attend the Spring Kickoff Meeting in each of the three regions when they are held in the spring of 2005. Additional opportunities will be taken as they arise. Management will continue to make safety a normal part of communications. Posters regarding Safety and SCWE will be developed and distributed to each project or work location for posting. An annual newsletter will be published to remind employees engaged in NRC licensed activities about SCWE at the beginning of the season and a review of lessons learned taken from concerns raised or other sources as appropriate. A copy of the SCWE Program Manual and training materials dealing with SCWE will be made available to contractors who are engaged in NRC licensed activities for their use. Schedule: The schedule of the Spring Kickoff Meetings has not yet been set, but when they will occur and the safety officers will be given time to discuss the new ECP. Posters will be created and **posted on or before May 31, 2005.** The newsletter will commence with a first addition **published on or before May 31, 2005.**
17	Alternative Dispute Resolution Process	Review Results: An alternative dispute resolution process does not exist. Recommendation: Develop an alternative dispute resolution process for safety related issues or issues of discrimination that fits the DOT&PF culture. Plan: An Interim Employee Concerns Program was initiated with the training that was done in June 2004. The interim process included a toll free number for an employ concerns help line. The toll free number was published in the training manuals give to all students. The program will be expanded from the interim program that was initiated in June 2004 and moved to Statewide Safety. The Statewide Safety Officer will be the ECP Manager assisted by the Statewide Safety Committee. Issues of Radiation Safety will be passed on to the Statewide RSO for investigation and review. Schedule: The development and implementation of an **Employee Safety Concerns Program will be in place on or before 5/31/05.**
18	Forms or Statues	Review Results: posting and control of safety posters should be reviewed Note: Request to identify and review all poster boards for a correct

		posting of forms. Consultant went to the lab and all safety posters were on bulletin boards (need to ensure other locations where crews meet). No issues found at lab. Forms or Statutes: should be reviewed for SCWE issues and requirements: NRC Form 3 State of Alaska-OSHA Forms Alaska Whistleblower Statutes Alaska Statutes: Title 18. Health, Safety and Housing, Chap 60. Safety, Article 1. Prevention of Accident and Health Hazards; o Sec. 18.60.087 Employer and employee participation in inspections o Sec. 18.60.088 Employee request for special inspection o Sec. 18.60.089 Prohibition against retribution o Sec. 18.60.091 Citations o Sec. 18.60.093 Enforcement Procedures Plan: Review postings to ensure the items posted are current. Schedule: The review will be **completed on or before December 31, 2004.**

2. 2004 and 2005 Employee Culture Survey

Requirement: The Confirmatory Order requires an independent consultant to develop and administer a cultural survey that is made available to DOT&PF employees. The Order further requires DOT&PF shall specify which employees will be given the survey. The survey instrument, findings, methodology applied and any follow up actions shall be provided in an annual report to the NRC. The survey shall be conducted such that the individual employee responses are kept confidential from management.

Plan: A nationally recognized consultant was employed and the firm's qualifications were supplied to the NRC in our initial plan that was accepted by the NRC in a letter dated June 22, 2004. At the beginning of each training session, the survey instrument was provided to each attendee and time was provided to complete the survey. The training consultant collected the survey instrument and the answer sheets at the conclusion of the survey, packaged them and shipped them to the survey consultant. At no time was management allowed access to the responses.

The employees to whom the culture survey instrument was made available included those classified as State Chief Engineer, State Materials Engineer, Statewide Quality Assurance Engineer, Statewide Radiation Safety Officer, Regional Chief Construction Engineers, Project Managers, Project Engineers, Regional Radiation Safety Officers, Laboratory Foreman, Rovers, Material Technicians, Laboratory Coordinators, Inspectors, and Office Engineers.

Schedule: In a meeting on August 11, 2004, the results of the survey were reported to DOT&PF. The reported results generated questions from DOT&PF as to meaning, what deficiencies were identified by the survey and recommendations to correct the noted deficiencies. The resolution of these questions from DOT&PF will be completed and the required **report for 2004 and the required attachments will be forwarded to the NRC on or before December 31, 2004** completing the 2004 requirement.

The required culture survey for 2005 will be administered at the end of the 2005 refresher training. **The 2005 survey will be conducted on or before June 15, 2005 with the resulting report forwarded to the NRC on or before December 31, 2005.**

3. 2005 Employee SCWE Refresher Training

Requirement: The Confirmatory Order requires DOT&PF to conduct annual refresher training of workers, including seasonal workers. The refresher training shall include a discussion of the NRC Employee Protection regulations, specifically 10 CFR 30.7 and the 1996 Policy statement entitled "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns without Fear of Retaliation;" other federal and state laws pertaining to whistleblower protection, DOT&PF's policies and procedures for maintaining a Safety Conscious Work Environment, the roles and responsibilities of the Statewide RSO and Regional RSO's in assuring compliance with NRC radiation safety requirements. The Order further requires DOT&PF to specify the minimum qualifications for individuals (including DOT&PF personnel: who may provide Safety Conscious Work Environment training in years subsequent to 2005.

Plan: Training for 2005 will be held just prior to and/or at the start up of construction operations. The employees who will be required to attend this training included those classified as State Chief Engineer, State Materials Engineer, Statewide Quality Assurance Engineer, Statewide Radiation Safety Officer, Regional Chief Construction Engineer, Project Manager, Project Engineer, Regional Radiation Safety Officer, Laboratory Foreman, Rover, Material Technician, Laboratory Coordinator, Regional RSO, Inspector, and Office Engineer.

The 2005 training will be developed to include all items required in the Order as well as the information that was missing from the 2004 training. Training will also include the introduction of the SCWE Newsletter and contain a section of lessons learned. The lessons learned will be taken from DOT&PF experience and NRC NMSS Newsletters or the NRC Web-Site. The instructors will be the same instructors used for the 2004 training.

The consultant will provide a train-the-trainer session prior to the Refresher Training. Those trained and certified as trainers will, as part of the training, assist the consultant during the 2005 SCWE Refresher Training. For future trainers, they will be required to demonstrate they have completed:

- 4 hours of relevant SCWE instruction,
- 40-hour safety related course (HAZMAT, RSO, OSHA, etc.)

Schedule: **The 2005 training will be complete on or before June 15, 2005. The training and certifying of DOT&PF Trainers will be complete on or before June 15, 2005.**

4. Procedure for evaluating and approving future changes to the plan

Requirement: The Confirmatory Order requires DOT&PF to have a procedure for the evaluation and approval of future changes to the long-term plan.

Plan: The long-term plan shall be converted to a DOT&PF SCWE Program. The SCWE Program shall be reviewed on an annual basis with senior management. Where deficiencies are found, policies and procedures shall be modified to improve performance and address the noted deficiencies. Proposed modifications to the SCWE Program shall be reviewed and approved by the Commissioner or his designee.

Schedule: The SCWE Program will be **reviewed and revised on or before December 31st of each year beginning in 2005.**

5. Request a license amendment concurrent with the submittal of this plan

Plan: Concurrent with the submittal of this plan, a request for license amendment will be submitted to NRC Region IV. The request for amendment will require DOT&PF to maintain the long-term plan and subsequent SCWE Program and continue with the implementation and program function as outlined in the program.

Schedule: The request for license amendment will be **submitted concurrent with the long-term plan to NRC Region IV on or before October 22, 2004.**

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION
STATEWIDE MATERIALS SECTION

5800 E. TUDOR ROAD
ANCHORAGE, ALASKA 99507-1286
(907) 269-6230 (FAX 907-269-6231)

October 21, 2004

Nuclear Materials Licensing Section
U.S. Nuclear Regulatory Commission Region IV
611 Ryan Plaza, Suite 400
Arlington, TX 76011-8064

Re: License No: 50-14102-01

Dear Sirs:

Attached please find an application for amendment to License Number 50-14102-01. The amendment adds the requirement to impliment and maintain a Safety Conscious Work Environment as required by the Confirmatory Order issued to this licensee on March 15, 2004.

Thank you for your attention to this matter.

Gregory S. Christensen
Radiation Safety Officer

M. S. Angelo

Michael San Angelo, P.E.
State Materials Engineer

NRC FORM 313 (4-2004) 10 CFR 30, 32, 33, 34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPLICATION FOR MATERIAL LICENSE

APPROVED BY OMB: NO. 3150-0120 EXPIRES: 10/31/2005
Estimated burden per response to comply with this mandatory collection request: 7 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MISSISSIPPI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-4005

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S.NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

1. THIS IS AN APPLICATION FOR *(Check appropriate item)*

- [ ] A. NEW LICENSE
- [x] B. AMENDMENT TO LICENSE NUMBER 50-14102-01
- [ ] C. RENEWAL OF LICENSE NUMBER

2. NAME AND MAILING ADDRESS OF APPLICANT *(Include ZIP code)*

State of Alaska
Department of Transportation & Public Facilities
5800 East Tudor Road
Anchorage, Alaska 99507-1225

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

A. 5750 East Tudor Road, Anchorage, Alaska; 2301 Peger Road, Fairbanks, Alaska; 6860 Glacier Highway, Juneau, Alaska; 5373 North Tongass Highway, Ketchikan, Alaska

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Michael San Angelo, P.E.

TELEPHONE NUMBER

(907) 269-6234

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL
a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES *(See 10 CFR 170 and Section 170.31)*

FEE CATEGORY | AMOUNT ENCLOSED $

13. CERTIFICATION. *(Must be completed by applicant)* THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

CERTIFYING OFFICER – TYPED/PRINTED NAME AND TITLE	SIGNATURE	DATE
Michael San Angelo, P.E., State Materials Engineer	M. San Angelo	10/22/2004

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			$		
APPROVED BY				DATE	

PRINTED ON RECYCLED PAPER

NCR FORM 313

APPLICATION FOR MATERIALS LICENSE

Date: August 17, 2004

Amendment to License No. 50-14102-01

10. A plan to create a Safety Conscious Work Environment shall be written and implemented. The Safety Conscious Work Environment shall be evaluated on an annual basis and responded to as appropriate.

Chapter X.X

ADOT&PF SCWE Program

Quick Reference

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1.0 Purpose

The purpose of this section is to describe the intent, function and operational procedures for the Alaska Department of Transportation and Public Facilities (ADOT&PF) Safety Conscious Work Environment (SCWE) Program.

2.0 Scope and Applicability

ADOT&PF's SCWE Program is based on the premise that each ADOT&PF employee is responsible for safety. All employees are encouraged to report any safety and health problem without fear of retaliation. Management has a leading role in ADOT&PF's SCWE Program as established in this Manual.

This document further clarifies the department's SCWE Program. It presents the structure of ADOT&PF's SCWE Program, the various elements under the ADOT&PF's SCWE Program, reporting and record keeping requirements.

This chapter also details responsibilities for Directors and Chiefs, Managers, Superintendents, Foremen and Leads, Safety Officers, and Workers in ADOT&PF.

This SCWE Program applies to ADOT&PF employees in the Construction and Maintenance and Operations Divisions.

Nothing in this SCWE Manual is intended to affect the rights and obligations of ADOT&PF and its employees under the Alaska Workers' Compensation Act.

3.0 Reference

This SCWE Program is established in accordance with employee protection as required under state and federal laws and regulations to include:

- Section 211 Energy Reorganization Act, 42 U.S.C. § 5851—Section of the Energy Reorganization Act of 1974 dealing with Whistleblower Protection;
- 10 CFR 30.7—NRC Employee Protection for engaging in protected activities regulations;
- Title 29 CFR—OSHA regulations
- May 1996 NRC Policy Statement—Requires the establishment of a Safety Conscious Work Environment;
- Alaska Statute Title 18—Health, Safety, and Housing; Chapter 60 – Safety
- Alaska Statute Title 39—Public Officers and Employees; Chapter 90. Miscellaneous Provisions; Article 2/ Protection for Whistleblowers.

4.0 Policy

We are committed to provide an environment where employees and contractors are encouraged to raise concerns without fear of retaliation. It is appropriate for employees to spend work time in reporting concerns. Management at all levels invites safety concerns and are committed to the timely investigation and resolution of all safety related issues. Retaliation for raising concerns will not be tolerated and when found appropriate discipline will be taken.

General Responsibilities

It is the responsibility of Management and Workers to ensure implementation of ADOT&PF's SCWE Program. It is also the responsibility of each ADOT&PF employee to immediately report any safety issue to his or her supervisor or whomever the employee feels comfortable reporting the concern to.

5.0 Procedure

This section provides applicable definitions, establishes general provisions, and identifies specific SCWE Program responsibilities required by ADOT&PF's Safety Programs.

5.1 Definitions

Adverse Action - Initiated by the employer that detrimentally affects the employee's terms, conditions or privileges of employment. These include but are not limited to termination, demotion, denial of a promotion, lower performance appraisal, transfer to a less desirable job, or denial of access.

Alternate Dispute Resolution (ADR) - Refers to a number of processes, such as mediation and facilitated dialogues that can be used to assist parties in resolving disputes.

Chilling Effect - Occurs when retaliation against an employee causes one or more people to be reluctant to raise concerns

Chilled Environment - Occurs when a number of people experience a sustained or long lasting "chilling effect."

Employee Concerns Program (ECP) - An alternative process to line management and employees to seek an impartial review of safety concerns. Many programs handle a variety of concerns and may act as a broker seeking resolution on behalf of the employee with other offices.

Hostile Work Environment - An intentional discriminatory work environment that is pervasive and regular and detrimentally affects the employee because of protected activity.

NRC – Nuclear Regulatory Commission

Performance Indicators (PI) - A series of pre-determined measured items which usually provide managers with insight into what may be occurring within an organization and give an early sign of problems that, if acted upon, could relieve stress within an organization.

Protected Activity - Includes initiating or testifying in a regulatory proceeding regarding issues under a regulatory agencies jurisdiction, documenting safety concerns, and the internal or external expression of safety concerns.

Retaliation - Occurs when an adverse action is taken against someone because they engaged in certain protected activities.

Safety Conscious Work Environment (SCWE) - An environment in which employees feel free to raise safety concerns without fear of retaliation. .

5.2 SCWE Behaviors

There are some behaviors that are critical to maintaining an effective Safety Conscious Work Environment. ADOT&PF employees will be expected to model these:

Managers/Supervisors

- Availability, receptiveness, sensitivity;
- Encouraging communications
- Timeliness
- Responsiveness associated with SCWE.

Employees

- Individuals are responsibility for reporting concerns;
- Clear communication of the concern and confirmation of understanding with the person receiving the concern;
- Willingness to suggest resolutions to concerns and participate in the resolution and follow up to ensure the concern is adequately addressed;
- Need for every employee to demonstrate respect for others who identify concerns.

5.3 General Provisions

This section details the provisions of the SCWE Program policy and procedure with each provision discussed in a separate subsection. These provisions are:

5.3.1 SCWE Training and Communications

5.3.2 SCWE Expectations of Contractors Engaged in NRC Licensed Activity

5.3.3 Management Notification of Concerns

5.3.4 Concerns Prioritized, Reviewed and Resolved

5.3.5 Feedback Provided to Concerned Individual

5.3.6 Appeals Process

5.3.7 SCWE Program Responsibilities

5.3.8 Employee Concerns Program

5.3.9 Self Assessment of SCWE

5.3.10 SCWE Program Review

5.3.1 SCWE Training and Communications

Training and communications are the backbone of a good safety culture. Training will be provided according to the program outlined below. Training and communications will be augmented with posters and an annual newsletter. Training will be provided for those in the Construction and Maintenance/Operations divisions. Training will also be provided for any who are involved with the use of radioactive materials.

Training for those in the Maintenance/Operations division will consist of a SCWE training video. Additional training will be incorporated into the monthly safety meetings.

Training for those in Construction shall include viewing the SCWE training video. The training video will be viewed by new hires as a part of the division's new hire orientation. Additional annual training will be held as a part of the Spring Kickoff Sessions and monthly safety meetings.

Training for those involved in the use of radioactive materials will receive SCWE training as a part of the 8 hour Nuclear Gauge Users

training and HAZMAT refresher training every two (IATA) to three (USDOT) years.

Separate videos will be created to address NRC regulations and OSHA regulations. Instruction shall include training and updates on:

- Laws, regulations, and policies underlying ADOT&PF SCWE expectations;
- Understand what constitutes protected activities, adverse actions and retaliation;
- Recognizing and addressing a "chilled environment" and "hostile work environment;"
- Cause and effect relationship between protected activity and adverse action;
- Consequences for violations of State and Federally required Employee Protection Laws and Regulations as well as ADOT&PF policy;
- Avenues available to the employee to raise concerns, i.e. supervisor/manager, Employee Concerns Program, DOL, NRC, OSHA;
- Expectations for employee and management behavior;
- Employee and supervisor/manager's roles in working to resolve safety concerns;
- Safety-first focus.

Posters shall be placed on all bulletin boards with pertinent SCWE information. Information shall include:

- Definition of SCWE;
- ADOT&PF policy statement;
- Contact information for the Employee Safety Concerns Program, State and Federal Agencies.

A newsletter will be published annually at the beginning of the season for the Nuclear Gauge Users. Information shall include:

- Definition of SCWE;
- Review of Regulatory Agency and ADOT&PF policy statements;
- Lessons learned and/or case studies;
- Updates on any changes to the Radiation Protection Program and/or SCWE Program.
- Contact information for the Employee Concerns Program, State and Federal Agencies.
- Recognition of employees for raising concerns (with permission.)

5.3.2 SCWE Expectations of Contractors Engaged in NRC Licensed Activity

The NRC holds ADOT&PF responsible for ensuring contractors involved in licensed activities maintain an environment in which contractor employees are free to raise concerns without fear of retaliation. ADOT&PF has the expectation that contractors who are involved with NRC licensed activities will foster and ensure a Safety Conscious Work Environment.

To assist the contractor in meeting this expectation, ADOT&PF will make available to all contractors involved in NRC licensed activities, a copy of the SCWE Program Manual and training materials for their use.

5.3.3 Management Notification of Concerns

The goal of ADOT&PF's SCWE Program is to create and maintain an environment where employees feel free to raise concerns without fear of retaliation. Each employee is responsible to see that management is notified promptly of a safety concern. This does not restrict the avenue used to inform management. Employees are free to use alternate channels of communication if desired. It should be recognized that direct line supervisor/manager is often the most efficient avenue to notify and resolve safety concerns.

5.3.4 Concerns Prioritized, Reviewed and Appropriately Resolved

When safety concerns are raised, the individual receiving the concern should prioritize the concern and initiate corrective actions. Priority will be assigned based on the potential danger possible from the concern with threat to life and limb being the highest priority. (Concerns shall be given to the appropriate manager/supervisor for correction.)

Where correction of a potentially dangerous safety hazard is not immediately possible, access to the area shall be restricted until such time as corrective action can be taken.

Concerns shall be addressed and the determined actions taken as soon as practicable.

5.3.5 Feedback Provided to Concerned Individual

The disposition of a safety concern, and appreciation for bringing the issue forward shall be conveyed to the concerned individual within 30 days of the resolution of the concern.

5.3.6 Appeals Process

When notified of the resolution of a safety concern, the concerned individual has the right to appeal the resolution of the concern. Appeals will be taken to the Director of the employee's Division.

5.3.7 Safety Program Responsibilities

5.3.7.1.Directors and Chiefs

Directors and Chiefs are responsible for:

- Implementing ADOT&PF's SCWE Program in their work areas through demonstrated behaviors by;
  - Availability
  - Receptiveness
  - Sensitivity
  - Communications
  - Timeliness
  - Responsiveness
  - Safety-first focus
- Ensuring that employees who in Construction or Maintenance and Operations are trained in the policies and practices of SCWE.
- Ensuring that managers and superintendents are aware of their responsibilities for raising concerns and where to go to do so; Receiving and addressing concerns in a positive, objective, and professional manner; and acting quickly, in the manner described above on allegations of harassment, intimidation, retaliation or discrimination with appropriate help.

5.3.7.2 Managers, Superintendents, Foremen and Leads

Managers, Superintendents, Foremen and Leads are responsible for:

- Encourage employees to bring safety concerns forward by being available and having an open-door policy in the office and in the field;
- Being sensitive to an employee's potential reluctance to raise concerns and, therefore the need to protect their identity or the identity of others involved.
- Received concerns by listening and restating the concern making sure they understand what the concern is;

- Ensuring that employees are trained in SCWE;
- Familiarizing themselves with the SCWE Program;
- Auditing Safety Programs as outlined in the Statewide Safety Manual (Section 1.2 "ADOT Safety Programs";)
- Receiving and addressing concerns in a positive, objective, and professional manner; and acting quickly, in the manner described above on allegations of harassment, intimidation, retaliation or discrimination with appropriate help.

5.3.7.3 Safety Officers

Safety Officers are responsible for:

- Assisting in maintaining and updating the SCWE Manual;
- Assist in coordinating training for Managers, Superintendents, Foremen, Leads and Employees in the SCWE Program.
- Assist in performing reviews of the SCWE Program;
- Providing support and assistance to all employees with safety issues that may arise.

5.3.7.4 Workers

Workers are responsible for:

- Following all safety instructions;
- Wearing personal protective equipment where required or advised to do so by a supervisor;
- Reporting all safety related incidences to their immediate supervisor;
- All other aspects of safety as it relates to their job duties and are encouraged to report any safety and health problems to their Managers, Superintendents, Foremen or Leads.

5.3.7.5 Overall Organizational Responsibility

All divisions have a responsibility to make sure their operations are safe. The organization is responsible for:

- Employee avenues to raise concerns are easy to get to, credible, and effective;
- Have a clear Safety policy with processes and procedures for all employees and contractors to identify and address potential concerns;
- Create an environment where all employees and contractors feel confident that they can raise concerns without fear of retaliation;

- Ensure employees and contractors, understand their roles and responsibilities for maintaining Safety Conscious Work Environment.
- Monitor and assess the work environment to insure that a SCWE is being maintained and that there is no fear of retaliation.

5.3.8 Employee Safety Concerns Program

The most efficient avenue for raising concerns is through the immediate supervisor or manager. If the concerned employee is reluctant to bring the concern to their supervisor or manager, the Employee Safety Concerns Program offers an alternate method for raising concerns independent of the chain of command, and prior to taking them to a regulatory agency.

An Employee Safety Concerns Program shall be established, maintained and made available to employees that will include the following:

- Alternative Method for Raising Safety Concerns: Employees may use the Employee Concerns Program to raise any safety concern including:
  - Industrial, radiological, nuclear, or environmental safety;
  - Quality or modified equipment/activities;
  - Falsification, misrepresentation or omission of required documents;
  - Harassment, Intimidation, Retaliation, Discrimination (HIRD) for raising a safety concern.
  - Concerns will be addressed and follow-up will occur in an agreed-upon time frame.
- Resolution of Concerns: resolution may require formal investigation into the concern. Such investigations will be conducted with support from a senior manager of the Department. Following a formal investigation or informal review, appropriate corrective actions, if necessary, will be determined and implemented by management.

5.3.9 Self Assessment of SCWE

Management shall make or cause to be made, an assessment of the effectiveness of the policies and procedures detailed in this Program. The self-assessment shall consist of one or more of the following methods. These methods are available to all levels of management to use in determining program needs.

- Lessons Learned Evaluation: to determine if lessons learned from internal and external sources are shared in a timely manner
- Benchmarking: to determine best practices in industry
- Performance Indicators: to track how we are doing

- Survey and Interviews: to determine program effectiveness
- Direct Behavior Observations: as part of normal supervisory responsibilities

5.3.10 SCWE Program Review

The SCWE policies and procedures shall be reviewed on an annual basis with senior management. Where deficiencies are found, policies and procedures shall be modified to improve performance and address deficiencies. Proposed modifications to the SCWE Program shall be reviewed and approved by the Commissioner or his designee.