



FPL Energy.

Point Beach Nuclear Plant

FPL Energy Point Beach, LLC, 6610 Nuclear Road, Two Rivers, WI 54241

November 11, 2008

NRC 2008-0078
EA-06-178

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

Status of Action Plans Taken in Response to
Confirmatory Order EA-06-178

- References:
- (1) Confirmatory Order EA-06-178, dated January 3, 2007, (Office of Investigation Report No. 3-2005-010) (ML063630336)
 - (2) Nuclear Management Company, LLC Plan to Address the Safety Culture Issues at Point Beach, dated March 29, 2007 (ML070890434)
 - (3) NRC Integrated Inspection Reports 0500266 and 0500301-2008-003, dated August 11, 2008 (ML082210495)
 - (4) Confirmation of Public Meeting to Discuss Cross-Cutting Issues, Nuclear Safety Culture Assessment, and Confirmatory Order EA-06-178 at the Point Beach Nuclear Plant, dated September 4, 2008 (ML082480639)
 - (5) September 24, 2008, Meeting Slides, FPL Energy Point Beach Public Meeting with NRC Region III (ML082681941)

Confirmatory Order EA-06-178, Reference (1) was issued on January 3, 2007, as a result of a settlement agreement reached between Nuclear Management Company, LLC (NMC), the former license holder for Point Beach Nuclear Plant (PBNP) Units 1 and 2, and the NRC. The agreement was reached using the Alternate Dispute Resolution process in response to an apparent violation of 10 CFR 50.7, "Employee Protection," issued by the NRC, dated August 22, 2006.

Reference (2) provided a summary of the NMC Action Plans developed by the PBNP Nuclear Safety Culture Improvement Team to address.

Reference (3) transmitted the results of inspection activities conducted at PBNP during the second quarter of 2008. During the inspection period, a review of licensee actions in response to References (1) and (2) was conducted. The results identified a green non-cited violation of the Confirmatory Order associated with providing supervisory personnel with training on safety conscious work environment (SCWE) and a green finding on the failure to take timely and effective corrective actions to address four of nine nuclear safety culture action plans and several "Quick Hitter" plans.

Reference (4) was issued by the NRC to confirm that FPL Energy Point Beach would provide NRC the preliminary results of the 2008 PBNP culture survey and to request that PBNP brief the Staff on the status of actions taken in response to Reference (1) at a public meeting held on September 24, 2008. The meeting was held at the Region III offices on that date and the Commission was briefed on the 2008 preliminary culture survey results as well as the status of actions taken in response to Reference 1. The meeting slides were docketed per Reference (5).

Summary of Regulatory Commitments

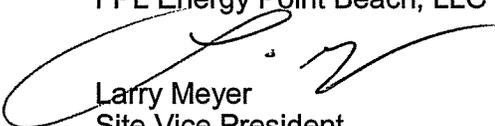
This letter fulfills a verbal commitment made to NRC Region III management during the public meeting held on September 24, 2008, at the Region III offices. FPL Energy Point Beach representatives agreed to provide an updated status on PBNP's response to the green non-cited violation, open action plans, and open "quick hitter" actions by November 15, 2008, as summarized in Reference (3). The enclosure to this letter provides this update.

There are no new commitments contained in this letter.

If there are questions or further information is desired, please contact me at 920/755-7624.

Very truly yours,

FPL Energy Point Beach, LLC



Larry Meyer
Site Vice President

Enclosure

ENCLOSURE

FPL ENERGY POINT BEACH, LLC POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 STATUS OF ACTION PLANS TAKEN IN RESPONSE TO CONFIRMATORY ORDER EA-06-178

Background

Confirmatory Order EA-06-178 (Reference 1) was issued on January 3, 2007, as a result of a settlement agreement reached between Nuclear Management Company, LLC (NMC), the former license holder for Point Beach Nuclear Plant (PBNP) Units 1 and 2, and the NRC. The agreement was reached using the Alternate Dispute Resolution process in response to an apparent violation of 10 CFR 50.7, "Employee Protection," issued by the NRC, dated August 22, 2006.

Reference (2) provided a summary of the NMC Action Plans developed by the PBNP Nuclear Safety Culture Improvement Team to address.

Reference (3) transmitted the results of inspection activities conducted at PBNP during the second quarter of 2008. During the inspection period, a review of licensee actions in response to References 1 and 2 was conducted. The results identified a green non-cited violation of the Confirmatory Order associated with providing supervisory personnel with training on safety conscious work environment (SCWE) and a green finding on the failure to take timely and effective corrective actions to address four of nine nuclear safety culture action plans and the "Quick Hitter" plans. The Site Vice President took immediate ownership of the action plans, with site Licensing providing direct monitoring of each action plan and Quick Hitter, to ensure that the actions were being fully addressed, adequately documented and contained appropriate effectiveness measures and sustainability.

Reference (4) was issued by the NRC to confirm that FPL Energy Point Beach would provide the preliminary results of the 2008 culture survey that was performed at PBNP and would also provide a status of actions taken in response to Reference (1) at a public meeting on September 24, 2008. The meeting was held at the Region III offices on that date and the Reference (5) meeting slides were docketed.

This enclosure fulfills a verbal commitment made to NRC Region III management during the public meeting held on September 24, 2008. The verbal commitment was that FPL Energy Point Beach would provide a status update on open action plans and "quick hitters" summarized in Reference (3) by November 15, 2008.

Confirmatory Order Action Section III.3

Section III.3 required, "The Licensee shall train its employees holding supervisory positions and higher who have not had formal training on SCWE principles within the previous two years of the issuance of the Confirmatory Order.....New employees holding supervisory positions and higher shall be trained on SCWE principles within nine months of their hire dates unless within the previous two years of their hire dates, they have had the same or equivalent SCWE training ..."

As documented in Reference (3), there were four new employees holding supervisory positions for greater than nine months of their hire dates as supervisors who had not received SCWE training, nor the same or equivalent training within the previous two years. Three of the four supervisors were individuals who had been enrolled in the initial licensed operator training program and had subsequently received their NRC Senior Operator Licenses. At the time they received their licenses, they were returned to supervisory status.

As stated during the public meeting held on September 24, 2008, and documented via References (3) and (5), SCWE training was promptly administered to the four affected new supervisors to restore compliance with the requirements of the Confirmatory Order. This action was completed by June 14, 2008. Additionally, SCWE training was performed for all individuals on the PBNP staff who required this training via classes on June 27, 2008, and July 17, 2008, to ensure site compliance with the Order until such time as programmatic corrective actions could be completed.

As noted in Reference (3), an apparent cause evaluation was performed. Additional programmatic actions were identified. These actions included:

- Revision of guidance for a newly hired supervisor that requires scheduling of SCWE training within 90 days of hire date.
- Establishing prompts in the Learning Management System, which is used to schedule and track training and qualifications, to ensure initial and continuing SCWE training is provided at the specified frequency.
- Revision of the initial licensed operator training program description to ensure that all future Operations supervisors receive the training in a timely manner upon completion of the licensing process.

All of the above corrective actions are complete.

Reference (3) identified a green finding associated with the failure to take timely and effective corrective actions to address four of the nuclear safety culture Action Plans and several of the "Quick Hitter" plans. A discussion of each area follows.

Action Plans

Timely and effective actions were not taken to address four of the nine Action Plans. The affected Action Plans were #1, Communications; #2 Succession/Retention Planning; #5, Radiation Protection Resources; and #7, Prioritization and Resolution of Equipment Issues. The remaining Action Plans are complete and have been closed.

- Action Plan #1, Communications: FPL Energy Point Beach concurs that the actions taken to improve site communications were not effective. While the services of an Industrial Psychologist were obtained to interview and provide subsequent feedback to the senior management staff, there has been a significant turnover of the staff within the last year, thus rendering the effort ineffective. As committed to by the Site Vice President on September 24, 2008, via Reference (5), communications training will be provided to the site leadership team. The training is scheduled to begin in December 2008, and will be completed by January 31, 2009.

In addition to the above, it was recognized that there were additional improvements needed to provide feedback to initiators of corrective action program (CAP) action requests. A method has been developed to accomplish this.

- Action Plan #2, Succession/Retention Planning: FPL Energy Point Beach concurs that the actions taken to resolve succession and retention planning concerns were not addressed in a comprehensive manner. While plans were developed, there were few actions taken to implement some of the plans, and the plans did not prevent significant attrition to occur since the plans were developed.

Actions that have been taken to address this concern have included acquiring supplemental human resources staff to recruit staff to fill vacancies, adoption and implementation of the FPL fleet succession planning process and associated methodologies, and implementation of the FPL Nuclear Leadership Academy process for supervisory development. A total of 111 positions at PBNP have been filled as of November 1, 2008, with many of the key senior management positions having been filled during the summer of 2008.

Plans have been developed and implemented in three areas, namely (1) Succession Planning, (2) Staffing, and (3) Knowledge Retention. These plans will be updated on an annual basis.

- Action Plan #5, Radiation Protection Resources: Resource issues in Radiation Protection were identified as being a primary reason for the station's low overall nuclear safety culture rating, as documented in References (2) and (3). One of the strategic initiatives completed was to split the Radiation Protection and Chemistry departments, with a manager assigned to each department. This configuration reflects the FPL fleet organizational model. A second action completed was to benchmark the Radiation Protection departments at several other sites.

The managerial positions in each department have now been filled and two supervisory positions in Radiation Protection plus a Radiation Protection Analyst position have been filled in accordance with a staffing plan developed by the new Radiation Protection Manager and approved by senior management in May 2008. In addition, a comparison of the PBNP Radiation Protection Department against the FPL fleet standard organization was performed, with a five-year staffing plan being developed and approved. Initial actions to resolve Radiation Protection management resources are complete. There are currently two Radiation Protection Technician positions that remain to be filled. The Radiation Protection Manager is monitoring the progress of this action plan on an ongoing basis.

- Action Plan #7, Prioritization and Resolution of Equipment Issues. Reference (3) stated that while corrective actions taken to address prioritization of equipment issues, the actions had not been fully effective because the actions being taken had not been adequately communicated to the organization and the communications methods implemented, such as web pages for equipment reliability and operational decision making had not been maintained. Actions taken included restructuring the plant health committee and adoption of the FPL fleet plant health program, adoption and successful implementation of the FPL operational decision making process including restructuring of communications via the Operations department intranet webpage, and communication of operator burdens.

As discussed on September 24, 2008, with Region III, as documented in Reference (5), additional initiatives are in progress to improve communications of equipment issues under the direct oversight of the Plant General Manager. Initiatives include presentation of critical or long-standing equipment-related corrective action requests at the daily senior management staff meetings to raise awareness of the issue. The initiatives will be fully implemented by the end of 2008 with surveys performed following implementation to verify effectiveness of the actions taken.

“Quick Hitters”

The Nuclear Safety Culture Improvement Team (NSCIT) identified 23 “Quick Hitter” actions that were discussed in Reference (2). The following nine “Quick Hitters” were listed as not being complete in that submittal. Reference (3) documented that “Quick Hitters” were reviewed but did not provide a status. The following status was debriefed by the NRC with plant senior management at the exit meeting for Reference (3) held on June 13, 2008. The status of each “Quick Hitter,” as of the date of this letter, is provided in the right column.

Quick Hitter	Action To Be Taken	Status 06-13-08	Status 11-07-08
3a	Populate equipment identification codes in corrective action program (CAP)	Complete	Complete
5	Provide feedback to Radiation Protection (RP) on CAP process in RP	Complete	Complete
7	Place purchased RP equipment that is in storage into service	Equipment acquired; training needed prior to putting new equipment into service	Eight of ten instruments have been placed into service. The remaining two instruments will be placed into service by 12-15-08.
11	Conduct team building session with RP Manager	Incomplete	Complete
13	Recommend a team building session for I&C	Incomplete	Complete
15a	Address Priority 1 and 2 group interviewee concerns on procedure adherence	Complete	Complete
19a	Issue communication regarding availability of hard copy corrective action program forms	Complete	Complete
21	RP web page	Incomplete	Complete
22	Supply Chain Stock Handler training	Complete	Complete

Conclusions

As stated at the September 24, 2008, meeting with NRC Region III (Reference 5), all actions associated with this Confirmatory Order will be completed by February 15, 2009. An effectiveness and sustainability review will be conducted by May 15, 2009.