

April 5, 2016

EA-10-054

Mr. Kelly Trice
Nuclear Safety Officer
Chicago Bridge & Iron
2103 Research Forest Drive
The Woodlands, TX 77380

SUBJECT: VERIFICATION OF ACTIONS TAKEN IN RESPONSE TO CONFIRMATORY ORDER ISSUED TO STONE & WEBSTER CONSTRUCTION, INC., DATED SEPTEMBER 10, 2010 (EA-10-054)

Dear Mr. Trice:

On August 24, 2010, the U.S. Nuclear Regulatory Commission (NRC) and Stone & Webster Construction, Inc. (SWCI), a Shaw Group company, held an alternative dispute resolution (ADR) mediation session as part of the NRC's Post-investigation ADR program to resolve an apparent violation of Title 10 of the *Code of Federal Regulations* (CFRs) 50.7, "Employee Protection." At the adjournment of the mediation, the NRC and SWCI entered into a settlement agreement which resulted in the issuance of a confirmatory order on September 10, 2010 (ML102530451). Pursuant to the confirmatory order, SWCI committed to take several actions, the last of which was to be completed by no later than September 2013. The Shaw Group was acquired by Chicago Bridge and Iron Company on February 13, 2013.

Those actions were taken at over thirty nuclear power plants at which SWCI provided maintenance services and focused on enhancing its policies, practices and programs already in place that support Safety Conscious Work Environment (SCWE) and Safety Culture. Those actions included: (1) Issuing a written communication from a senior executive to reiterate, among others, the company's policy on SCWE at all SWCI nuclear construction and maintenance sites; (2) Ensuring that an executive review board reviews certain proposed adverse actions for compliance with applicable employee protection requirements and to assess and mitigate the potential chilling effect at all its maintenance sites; (3) Revising the company's SpeakUp program brochure to explicitly identify safety concerns as within the scope of the program; (4) Conducting SCWE surveys of its employees at all its nuclear maintenance sites; (5) Providing SCWE training to its nuclear maintenance supervisors and above; and (6) Collecting, reviewing and assessing data collected through the company's various programs for SCWE trends.

SWCI provided the NRC staff documentation that confirmed the completion of actions 1-3. To verify the completion of actions 4-6, the NRC staff reviewed a random sampling of the survey, training material and supporting documentation because of the extensiveness of the actions.

Based on our review of these documents, the NRC staff verified that these actions were completed pursuant to the confirmatory order. Details of the review are contained in the enclosed report.

In accordance with Title 10 of the CFRs 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," the NRC will make available electronically for public inspection a copy of this letter, its enclosure, and your response (if any) through the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response (if you choose to provide one) should not include any personal privacy, proprietary, or Safeguards Information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material be withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information would create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21, "Protection of Safeguards Information: Performance Requirements."

Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

Enclosure: As stated

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Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

Enclosure: As stated

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**Review of Conditions Specified in Confirmatory Order to
Stone & Webster Construction, Inc. (SWCI)**

The purpose of the NRC review was to verify implementation of the conditions specified in a confirmatory order (CO) issued SWCI on September 10, 2010. The details of the review, organized by the 6 requirements in the Order, are provided below.

CO Condition Number	Commitment, Review and Assessment
#1	<p><u>Commitment:</u> Within two months of issuance of this Confirmatory Order, issue a written communication from a Shaw Power Group senior executive to Shaw employees in its Nuclear Services (i.e., construction) and Nuclear Maintenance Divisions working at nuclear facilities addressing a recent DOL ARB decision, Shaw's commitment to maintain a SCWE, and reiterate the multiple avenues in which to raise a concern.</p> <p><u>Review Summary:</u> Reviewed the November 2, 2010, memorandum issued from Shaw Power Group Chief Executive Officer to its employees, memorandum entitled "Enhancing a Safety Conscious Work Environment in Nuclear Business Lines." Also reviewed other documents developed to support this order condition.</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>
#2	<p><u>Commitment:</u> Where not already required by the applicable nuclear facility licensee, Shaw will establish an Executive Review Board (ERB) that will include management personnel at or above the level of the site project manager, including legal and/or human resources participation, to review all proposed significant adverse actions at any NRC regulated maintenance site to ensure these actions comport with applicable employee-protection requirements and to assess and mitigate the potential for any chilling effect. Within three months of issuance of this confirmatory order, Shaw will establish requirements for the ERB in a new or existing Nuclear Maintenance Procedure to become effective during this three-month period.</p> <p><u>Review Summary:</u> Reviewed the November 30, 2010, initial nuclear maintenance procedure developed to document the establishment of an Executive Review Board and associated process.</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>

ENCLOSURE

<p>#3</p>	<p><u>Commitment:</u> Within three months of issuance of this confirmatory order, Shaw will revise the SpeakUp program brochure issued at its nuclear facilities to include use of the program to raise safety concerns.</p> <p><u>Review Summary:</u> Reviewed several materials to address this condition, including the October 5, 2010, brochure, amended to inform employees that the hotline can be used to raise safety concerns. Also, reviewed the December 6, 2010, newly created Safety Conscious Work Environment (SCWE) brochure.</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>
<p>#4</p>	<p><u>Commitment:</u> Consistent with the requirements of the nuclear facility licensees, Shaw will perform SCWE surveys including craft workers, at its Nuclear Maintenance sites and review the survey results for actions as appropriate. Within twenty-four months of issuance of this confirmatory order, Shaw will complete a substantial number of these surveys and will have scheduled surveys for the remaining sites, if any, to be completed within the following twelve months. Shaw will provide semi-annual status reports to the NRC Office of Enforcement regarding status toward completion of this action.</p> <p><u>Review Summary:</u> Reviewed SCWE survey questions, a sampling of survey results and a proposed SCWE site improvement plan.</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>
<p>#5</p>	<p><u>Commitment:</u> At Nuclear Maintenance sites, where not already provided by the nuclear facility licensees, Shaw will provide SCWE training to all Shaw Nuclear Maintenance supervisors and above to include an overview of regulatory requirements and case studies. Shaw will complete this action within twenty-four months of issuance of this confirmatory order.</p> <p><u>Review Summary:</u> Reviewed SCWE supervisor training, entitled, "NRC Confirmatory Order – Background, Summary of Actions, Next Steps and Case Studies", dated June 28, 2011</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>

#6	<p><u>Commitment:</u> For twenty-four months following issuance of this confirmatory order, Shaw will collect, review and assess for each of its Nuclear Maintenance sites, data regarding labor grievances, significant human resources actions, and ECP and SpeakUp concerns. Shaw's Compliance Council, chaired by the Chief Compliance Officer, will review this compilation of data quarterly for SCWE trends and recommend actions to line management as appropriate.</p> <p><u>Review Summary:</u> Reviewed a sampling of quarterly Compliance Council Quarterly Reports and Compliance Council Meeting Minutes.</p> <p><u>Assessment:</u> Requirements of the Order have been met.</p>