



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W., SUITE 2900
 ATLANTA, GEORGIA 30323-0199

Report Nos.: 50-250/96-05, 50-251/96-05, 50-335/96-07, and 50-389/96-07

Licensee: Florida Power and Light Company
 P. O. Box 14000
 Juno Beach, Florida 33408-0420

Docket Nos.: 50-250, 50-251, 50-335 and 50-389 License Nos.: DPR-31, DPR-41
 DPR-67 and NPF-16

Facility Name: Turkey Point Plant Units 3 and 4; St. Lucie Plant Units 1 and 2

Inspection Conducted: April 22 - May 3, 1996

Lead Inspector: *Morris Branch* 5/31/96
 Morris Branch, Surry Senior Resident Inspector Date Signed

Accompanying Personnel: W. Bearden, Reactor Inspector
 G. Walton, Reactor Inspector

Approved by: *Paul Fredrickson* 5/31/96
 Paul Fredrickson, Chief Date Signed
 Special Inspection Branch
 Division of Reactor Safety

SUMMARY

Scope:

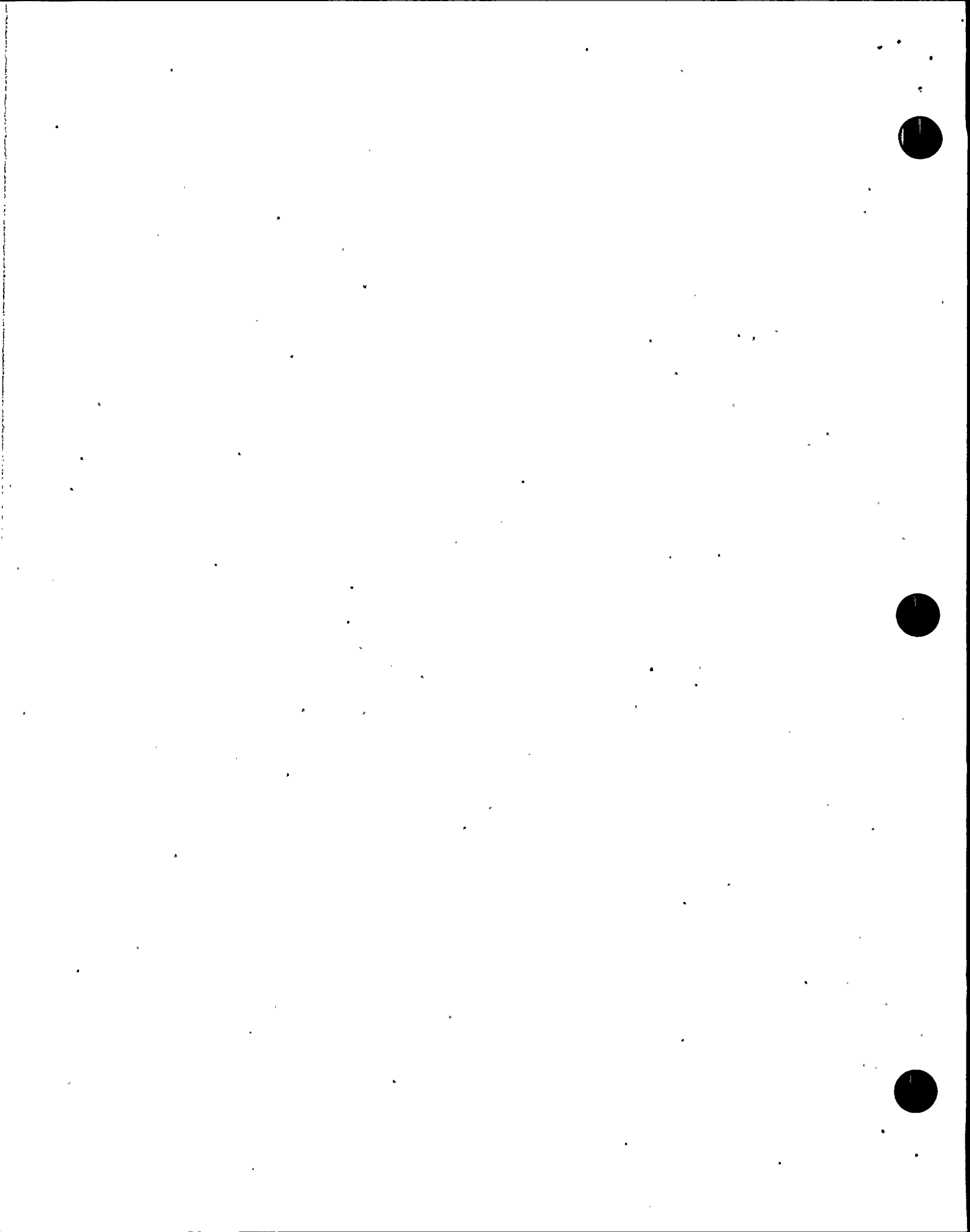
This special announced inspection was conducted at the Turkey Point and St. Lucie nuclear plants and at the FP&L corporate office in Juno Beach, Florida. The purpose of the inspection was to evaluate the effectiveness of the licensee's Speakout Programs in addressing safety concerns.

Results:

The inspectors concluded that the licensee's Speakout Programs were effective in handling and resolving employee safety concerns. Violations or deviations were not identified.

Several weaknesses associated with implementation of the FP&L Nuclear Policy NP-800, Nuclear Safety Speakout Program were identified. Specifically; 1) investigative techniques and methods used to make corrective action recommendations have the potential to reveal inadvertently the identity of the concerned employee which the Nuclear Policy intends to protect; 2) Many of the Response Letters to the concerned employees did not provide adequate feedback as required by NP-800; 3) Corrective action recommendations are not tracked through implementation as required.

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Recent staffing reductions and a perceived lack of employee confidence associated with identity protection might have negative effects on the Speakout Program effectiveness in the future.

The review did not identify any technical issues that had been inadequately resolved.



REPORT DETAILS

Acronyms used in this report are defined in paragraph 7.0.

1.0 Persons Contacted

1.1 Licensee Employees

- *R. J. Acosta, Director Nuclear Assurance
- *W. H. Bohke, Vice President, St. Lucie
- *J. C. Gallagher, Senior Investigator, Speakout
- *J. K. Luchka, Speakout Site Representative, St. Lucie
- *H. N. Paduano, Manager, Licensing and Special Projects
- *T. F. Plunkett, President, Nuclear Division
- *E. J. Weinkam, Licensing Manager, St. Lucie
- *M. G. Wiles, Speakout Representative, Turkey Point

Other licensee employees contacted included construction craftsmen, engineers, technicians, operators, mechanics, and electricians.

1.2 NRC Resident Inspectors

- *B. B. Desai, Resident Inspector, Turkey Point
- *T. P. Johnson, Senior Resident Inspector, Turkey Point
- *M. S. Miller, Senior Resident Inspector, St. Lucie
- *P. E. Fredrickson, Branch Chief, DRS, Region II

*Attended exit interview (Refer to paragraph 6 for additional information.)

2.0 Introduction

The NRC has performed several reviews of the FP&L Employee Concerns Program (Speakout). The most recent review prior to this inspection was documented in IR 50-250, 251/93-23 and 50-335, 389/93-21 and similar to this review, all three of FP&L's Speakout locations (Juno Beach, Turkey Point, and St. Lucie) were inspected.

During this inspection, the inspectors used a change analysis approach to perform their review. The inspectors evaluated program changes and staffing changes since the October 1993 inspection which concluded that the Speakout Program was working well with the exception of perceived issue resolution timeliness.

3.0 Speakout Program Policy and Procedures (40500)

The inspectors reviewed FP&L Nuclear Policy NP-800, Nuclear Safety Speakout, Revision 3; FP&L Nuclear Division Instruction NSS-1, Nuclear Safety Speakout Program, Revision 4; FP&L Juno Beach Interdepartmental Procedure IP-802, Nuclear Safety Speakout Program, Revision 2; Turkey Point Administrative

Procedure O-ADM-002, Nuclear Safety Speakout Program, dated February 25, 1993; and St. Lucie Administrative Procedure 0010519, Nuclear Safety Speakout Program. Revision 10.

The policy described in NP-800 is disseminated to all employees in several ways. First, it is presented as part of the general employee training when an employee starts working at one of the stations or the Corporate Office. Second, the policy is described to employees by the Nuclear President in a taped video that is presented during employee initial entrance and final exits from each station or Corporate Office. The presented information encourages FP&L employees and contractors to participate in the program and to share any concerns they have with their supervisors. Additionally, employees are made aware that if they do not wish to discuss their concerns with supervision they can bring their concerns directly to Speakout or to the NRC. Employee identity protection and anonymity is implied by the policy as well. The policy indicates that concern resolution will be prompt, unbiased, fact based, with appropriate feedback provided to the concerned employee. The policy further states that any required corrective action will be recommended to the appropriate departments and followed through to implementation.

The inspectors reviewed data associated with Speakout Program implementation. Concern receipt rate, average age of open concerns, percentage of concerns substantiated, dates of outages, and timeframe of Speakout staffing reductions were included. The numbers of concerns for the years 1993 and 1994 from all three locations were approximately 300 per year. Then in 1995 the number of concerns dropped to approximately 150. Although the total number of concerns received by Speakout had gone down over the past two years the numbers received during outages continued to be high. Additionally, during 1994 there were four outages, which may partially explain the higher number of concerns received. The number of concerns substantiated by Speakout has dropped from approximately 45 percent at the time of the October 1993 inspection to a present average of 33 percent. Speakout staffing has been reduced from three people per location to 1 person per location and many functions currently described in the licensee's procedures are not being performed.

The inspector's review of NP-800 implementation along with Speakout package evaluation and employee interviews discussed later in this report identified the following strengths in the Speakout Program:

- Employees are generally satisfied with their supervisors' receptiveness to resolving safety concerns without the intervention of the Speakout Program. They know about the Speakout Program and would use it if needed.
- Speakout program procedures are comprehensive and detailed.
- Speakout staff is dedicated to the program.
- Facilities are accessible with adequate protection of files.



- Files were organized and contained sufficient information that documented that the employee's concern had been adequately reviewed.

The inspection also identified several items that need further evaluation by licensee management, in that implementing procedure or actual practices do not fully meet the stated intent of NP-800. The following weaknesses were noted:

- Controlling Procedure NSS-1 did not reflect current practices.
 - Speakout investigation plans were not being developed or used.
 - Several Speakout positions described were no longer staffed.
 - Periodic Speakout interviews, which could be used to gage the effectiveness of the system were not being conducted.
 - Corrective action tracking through to implementation as stated in NP-800 is not clearly specified and is not routinely performed.
- Concerns are not always entered into the data base in a timely manner and concerned employees are routinely informed that resolution of their concerns may be delayed.
- Data reviewed indicates an increasing trend in open concern backlog and time to closure following the Speakout staffing reduction in November 1995.
- Many of the letters to concerned employees were not detailed and provide little feedback information to the individuals.
- Confidentiality protection as described in St. Lucie Procedure 0010519 conflicted with the policy specified in NP-800 and FP&L Nuclear Division Procedure NSS-1.
- Investigative techniques and methods used to make corrective action recommendations have the potential to reveal inadvertently the employees's identity. There did not appear to be a planned process to expurgate information or develop inspection plans that would better assure preservation of the concerned employees identity.

4.0 Employee Interviews (40500)

The inspectors interviewed various levels of managers, Speakout Program Coordinators, and 56 employees from various levels (i.e. managers and technicians) and various disciplines, including: engineering, operations, maintenance, chemistry, health physics, and craft personnel. The 56 employees included 10 from Juno Beach, 21 from Turkey Point, and 25 from St. Lucie. The selection was random except the selection was made by departments in order to obtain a representative sample from the various work disciplines. It is important to note that the interview sample size used is consistent with other inspections of this nature but may not allow statistical extrapolation of results to the entire population of workers.



The interviews with senior managers indicated that they supported the Speakout Programs and were aware of Speakout Program activities.

Interviews with the Speakout Coordinators revealed that these individuals at all three locations had investigative experience, but lacked sufficient nuclear experience to perform technical reviews for some nuclear safety significance items. However, the program was established such that the Speakout investigators normally do not perform the technical reviews. The investigator who actually performs the technical review is generally an engineer or maintenance person who is technically qualified in the areas of concern.

Of the 56 persons interviewed, 98 percent said they would report safety concerns to their supervisor or management first. Most said that all safety concerns in the past had been adequately resolved by their supervisor or management. Of the 56, 93 percent said they would go to Speakout with a safety concern, if the issue could not be resolved with their management. When asked about what they would do if Speakout did not adequately resolve the safety concern, all persons stated they would then take their safety concern to the NRC.

Of the 56 persons interviewed, 19 percent at Turkey Point and 20 percent at St. Lucie believed or perceived that their identity would be revealed to their management if they went to Speakout. The basis given by the interviewees for this perception was not that they thought Speakout would actually give their names to management, but the methods used by Speakout to transfer the concern to other organizations for technical review contained enough data about the circumstances to reveal the concerned employees's identity. One person who was interviewed and had previously been assigned to investigate technical issues said he could always identify the concerned employee based on the data he received from Speakout and with his knowledge about the issue before the concerned employee went to Speakout. This issue is discussed in more detail in Paragraph 5.

Eleven percent of the 56 interviewed stated they felt somewhat badgered or knew someone that had been badgered for going to Speakout. However, almost all of these same individuals said they would go to Speakout if they had a valid nuclear safety issue.

All persons interviewed indicated the Speakout facilities were adequately accessible and 54 percent stated they had used or had knowledge of someone who had used the Speakout Program. Most of the responses to the questions on timeliness and adequacy of concern resolution was based on either hearsay or second hand information. Thirty-three percent thought the concerns submitted by them or submitted by someone they knew were not adequately resolved. Also, 20 percent of the employees interviewed who had knowledge of a concern believed that the resolution of the concern was too slow. This perception, whether factual or not, has a tendency to suppress the effectiveness of an employee concerns program and should be addressed by the licensee.



In summary, the inspectors concluded that employees were generally satisfied with their supervisors' receptiveness to resolving safety concerns without the intervention of the Speakout Program. They knew about the Speakout Program and would use it if they needed to, but several had reservations about the outcome in that their identity might be disclosed. Accessibility to the Speakout was thought to be acceptable to the people interviewed. The responses received from the interviews were consistent at Juno Beach, Turkey Point and St. Lucie.

5.0 Employee Concerns Program Files (92720)

The inspectors selected various Speakout Program files that had been closed by the licensee since the last NRC review of the program. Files were reviewed to determine adequacy of the licensee's investigation and corrective actions. Specifically the inspectors reviewed the files to determine if overviews and summaries of activities related to the concerns (i.e., classifications, investigations, and communications) were adequate to address the employees' safety concerns. Additionally the inspector evaluated each file to determine if concerns were clearly identified and if closeout letters to the concerned employee adequately described the concern, the extent of the licensee's review, whether the employee's concern was substantiated or not substantiated, and any planned corrective actions.

The inspectors reviewed 45 Speakout Program files, including some at Turkey Point, St. Lucie, and the FP&L corporate office. Files selected included both substantiated and unsubstantiated concerns. Speakout personnel provided adequate physical protection of the files and all records related to investigations were kept in locked storage with very limited access to protect the individuals' identities. Personnel with a valid need were allowed access to file information only after signing a confidentiality agreement. The inspectors' review of the files indicated that the quality and timeliness of the Speakout Program reviews of concerns, investigations, and followup with concerned employees did not vary significantly between locations. The Speakout files were well organized and documented. Specific comments included:

- Technical reviews of the concerns at all locations were effectively performed such that concerns were fully investigated. Files contained sufficient information to demonstrate that the employee's concern had been adequately addressed.
- In most cases reviewed, the closeout letter to the concerned employee was not completed within the 45 day target period but was normally completed in less than four months from receipt of the concern. Most files included an earlier letter to the concerned employees to advise them of the investigation status or that the concern was being addressed. Files which took longer often included an additional letter advising the concerned employee of the delay. For files reviewed at Turkey Point and Juno Beach, letters to concerned employees did not provide sufficient detail to describe the licensee's review and corrective actions associated with the employees' concerns. A few files reviewed did not include a copy of a closure letter.



- For one file reviewed at Juno Beach, the closeout letter sent to the concerned employee incorrectly stated the concern. However the inspector noted that the documented review contained in the file was correct and that the concern had been adequately addressed.
- Procedure NSS-1 was not always adhered to. For example most files at Turkey Point and Juno Beach did not contain an investigation plan.
- Although all locations tracked recommendations resulting from investigations, the Speakout Program did not include a closure process that assures corrective actions are implemented. Speakout recommendations were sent to line management, and acknowledgement memos were maintained in the files by Speakout. Some files did contain actual completion information. No instances were identified where any Class 1 concern (Class 1 is defined as a nuclear safety issue) was not actually resolved.
- Several administrative errors and lack of attention to detail were noted. For example, several files reviewed at Juno Beach included incorrect indexing information and dates.
- Two Class 1 files reviewed at Juno Beach did not contain a record of the concern investigation results having been reviewed by the oversight group (SRC).
- In some instances the independence of the investigations was questionable. The investigative techniques and methods used to make corrective action recommendations have the potential to reveal inadvertently the identity of the concerned employee.
- Inconsistencies exist in the method used to document acknowledgement to the concerned employee that continued review of the employee's concern might reveal the employee's identity. Concerns classified as Class 1 are investigated by the Speakout staff regardless of whether or not the concerned employee agrees. In some cases the inspectors noted that employees had been asked to sign the confidentiality disclosure acknowledgement even though different methods of reviewing the concern, without potentially revealing the employee's identity existed. In a few cases no signed form was present even though the investigation method could have possibly revealed the identity of the employee.

The inspectors found the St. Lucie Speakout Program files to be notably well organized in a clear and consistent order. Information related to the concerns was thoroughly documented. Closeout letters to concerned employees contained a greater level of detail than those reviewed at the other locations. Utilization of an investigation plan was more common at St. Lucie than at the other locations.

6.0 Exit Meeting Summary

The inspection scope and findings were summarized during management interviews held throughout the inspection period with both the company president, site vice presidents and plant general managers and selected members of their staff. An exit meeting was conducted on May 3, 1996. (Refer to paragraph 1.0 for exit meeting attendees.) The areas requiring management attention were reviewed. The inspector described the areas inspected and discussed in detail the inspection results. The licensee did not identify as proprietary any of the materials provided to or reviewed by the inspectors during this inspection. Dissenting comments were not received from the licensee. Employee confidentiality information is not contained in this report.

7.0 List of Acronyms and Abbreviation

FP&L Florida Power and Light
IR Inspection Report
NP Nuclear Procedure
NRC Nuclear Regulatory Commission
SRC Speakout Review Committee

