

DEC 13 1993

Docket Nos. 50-250, 50-251
License Nos. DPR-31, DPR-41
EA 93-199 and EA 93-200

Florida Power and Light Company
ATTN: Mr. J. H. Goldberg
President - Nuclear Division
P. O. Box 14000
Juno Beach, FL 33408-0420

Bechtel Construction Company
ATTN: Mr. B. L. Meyers
Senior Vice President
9801 Washingtonian Boulevard
Gaithersburg, Maryland 20878-5356

Gentlemen:

SUBJECT: ENFORCEMENT CONFERENCE SUMMARY - TURKEY POINT
DOCKET NOS. 50-250 AND 50-251

This letter refers to the enforcement conference conducted at our request at the NRC Region II offices in Atlanta on October 5, 1993. The purpose of the meeting was to allow Florida Power and Light (FPL) and Bechtel Construction Company to discuss a case of employee discrimination that was filed with the Department of Labor (DOL), on which a decision was recently issued by the Secretary of Labor.

This meeting was beneficial and provided a better understanding of the issues and status of current programs. A list of the attendees and a summary of the presentation are enclosed.

In accordance with Section 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Should you have any questions concerning this letter, please let us know.

Sincerely,

030165

original signed by

Ellis W. Merschoff, Director
Division of Reactor Projects

Enclosures:

1. List of Attendees
2. Presentation Summary

cc w/encls: (See page 2)

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PDR ADOCK 05000250
Q PDR

IE46

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cc w/encls:

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cc w/encls cont'd: (See page 3)

Florida Power & Light Company

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DEC 13 1993

cc w/encls cont'd:
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Attorney General
Department of Legal Affairs
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Administrator
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Office of the Public Counsel
111 West Madison Avenue, Room 812
Tallahassee, FL 32399-1400

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Thomas R. L. Kindred
County Administrator
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Charles B. Brinkman
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bcc w/encls:
K. Landis, RII
J. Norris, NRR
L. Raghavan, NRR
St. Lucie Resident Inspector
Turkey Point Resident Inspector
Document Control Room

RII:DRP	RII:DRP	RII:DRP
<i>MSchiff</i>	<i>KLandis</i>	<i>MSinkule</i>
12/10/93	12/10/93	12/10/93

JB

ENCLOSURE 1

LIST OF ATTENDEES

NRC

S. D. Ebnetter, Regional Administrator, Region II (RII)
L. A. Reyes, Deputy Regional Administrator, Region II
E. W. Merschoff, Director, Division of Reactor Projects (DRP), RII
H. N. Berkow, Director, Project Directorate II-2, DRP-I/II, Office of Nuclear
Reactor Regulation (NRR)
J. Gray, Division Director, Office of Enforcement (OE)
M. V. Sinkule, Chief, Reactor Projects Branch 2, DRP, RII
K. D. Landis, Chief, Reactor Projects Section 2B, DRP, RII
R. P. Schin, Project Engineer, DRP, RII
T. P. Johnson, Senior Resident Inspector - Turkey Point, RII
L. Raghavan, Project Manager, NRR
B. Uryc, Senior Enforcement Specialist, Enforcement and Investigation
Coordination Staff, RII
R. P. Rosano, Senior Enforcement Specialist, OE
C. Mohrwinkel, Enforcement Specialist, Office of General Counsel (OGC)
C. F. Evans, Regional Counsel, RII
O. D. DeMiranda, Senior Allegation Coordinator, RII.

FPL

J. H. Goldberg, President, Nuclear Division, Florida Power and Light (FPL)
J. E. Geiger, Vice President, Nuclear Assurance, FPL
H. N. Paduano Jr., Manager, Nuclear Licensing and Special Programs, FPL
M. Axelrad, Attorney, Newman & Holtzinger (FPL)

BECHTEL

B. L. Meyers, Senior Vice President, Bechtel Construction Company (Bechtel)
J. A. Ivany, Project Manager, Bechtel
M. Fletcher, Counsel, Bechtel

AGENDA

OCTOBER 5, 1993

10:00 a.m.

- | | | |
|------|---|--|
| I. | Introduction and Opening Remarks | Stewart D. Ebnetter
Regional Administrator |
| II. | NRC Enforcement Policy and Procedure | Bruno Uryc
Enforcement Specialist |
| III. | Discussion of Apparent Violations | Bruno Uryc |
| IV. | Discussion of Apparent Violations:

Corrective Actions Taken
and/or Planned, and discussion
of programs in place to prevent
recurrence of discrimination | FLORIDA POWER AND
LIGHT COMPANY /
BECHTEL
Representatives |
| V. | NRC Followup Questions | NRC Staff |
| VI. | Closing Remarks | Stewart D. Ebnetter |

**ENFORCEMENT CONFERENCE
AGENDA
OCTOBER 5, 1993
10:00 A.M.**

Opening Remarks

NRC

Opening Remarks

**J. H. Goldberg,
President Nuclear Division
Florida Power & Light Co.**

Bechtel Presentation

**Bernie Meyers, Sr. Vice President,
Nuclear Operations
Jim Ivany, Project Manager,
Bechtel**

FPL Presentation

**J. E. Geiger, Vice President,
Nuclear Assurance
Florida Power & Light Co.**

Closing Remarks

J. H. Goldberg/NRC

**FPL PRESENTATION
OCTOBER 5, 1993**

INTRODUCTION

NUCLEAR SAFETY SPEAKOUT PROGRAM

FPL ACTIONS RELATED TO CONTRACTOR PERFORMANCE

FPL ACTIONS RELATED TO THESE TWO CASES

CONCLUSIONS

FPL EMPLOYEE CONCERN PROGRAM INTRODUCTION

- **EVENTS TOOK PLACE IN 1987**
 - **MORE THAN 5 YEARS AGO**
 - **UNDER FPL PROGRAMS THAT WERE SIGNIFICANTLY DIFFERENT THAN THOSE CURRENTLY IN PLACE**

- **SINCE THAT TIME**
 - **FPL ADOPTED SPEAKOUT PROGRAM IN 1990**
 - **FPL HAS TAKEN NUMEROUS STEPS IN 1990-93 TO ASSURE THAT CONTRACTORS UNDERSTAND AND EXECUTE THEIR RESPONSIBILITIES**
 - * **COMMUNICATED FPL EXPECTATIONS TO CONTRACTOR MANAGEMENT**
 - * **INSERTED SEVERAL CONTRACTOR CLAUSES RELATING TO CONTRACTOR'S SECTION 211 OBLIGATIONS**
 - * **INITIATED CONTRACTOR AUDITS**
 - * **HAVE TRAINED CERTAIN CONTRACTOR MANAGER/SUPERVISOR PERSONNEL ON THEIR OBLIGATIONS UNDER SECTION 211**

**FPL EMPLOYEE CONCERN PROGRAM
NUCLEAR SAFETY SPEAKOUT**

STARTED IN JANUARY 1990

NUCLEAR DIVISION POLICY STATEMENT ISSUED BY PRESIDENT, NUCLEAR DIVISION.

"THE OBJECTIVE OF THE NUCLEAR SAFETY SPEAKOUT PROGRAM IS TO IMPROVE THE QUALITY OF THE NUCLEAR SITES BY PROVIDING EVERY EMPLOYEE WITH AN OPPORTUNITY TO EXPRESS CONCERNS RELATED TO NUCLEAR SAFETY OR QUALITY OF ANY NUCLEAR ACTIVITY OR INSTALLATION WITHOUT FEAR OF HARASSMENT, INTIMIDATION OR RETALIATION. THESE CONCERNS WILL BE PROMPTLY INVESTIGATED AND FEEDBACK WILL BE PROVIDED TO THE ORIGINATOR."

CURRENTLY 2 PEOPLE EACH AT ST. LUCIE AND JUNO BEACH, AND 3 AT TURKEY POINT. MANAGER IS AT JUNO BEACH. A TOTAL OF 7 PEOPLE.

FPL EMPLOYEE CONCERN PROGRAM NUCLEAR SAFETY SPEAKOUT

KEY FEATURES:

- APPLIES TO ALL NUCLEAR DIVISION EMPLOYEES AND CONTRACTORS.
- CONFIDENTIALITY IS A CORNERSTONE PRINCIPLE.
- EMPLOYEES ARE ENCOURAGED TO SHARE SAFETY CONCERNS WITH THEIR SUPERVISOR; EMPLOYEES NOT WISHING TO DO SO SHOULD GO TO SPEAKOUT AND/OR NRC.
- ALL CONCERNS ARE INVESTIGATED AND CONCERNEES RECEIVE A RESPONSE.

AWARENESS & PROMOTION:

- GENERAL EMPLOYEE TRAINING (GET FOR UNESCORTED ACCESS)
- NUCLEAR POLICY STATEMENT
- MEETINGS WITH EMPLOYEES
- TO THE POINT & POWER LINE
- FPL TV NEWS
- SPEAKOUT VIDEO TAPES
- POSTERS, PAMPHLETS, BROCHURES
- DURING OUTAGES, SPEAKOUT HOURS ARE CHANGED TO ACCOMMODATE PLANT SCHEDULES

FPL EMPLOYEE CONCERN PROGRAM NUCLEAR SAFETY SPEAKOUT

PROCESS:

- CONCERNS CAN BE RECEIVED THROUGH EXIT INTERVIEWS, WALK-INS, TELEPHONE, OR MAIL
- PHONE VIA 800 LINE
- MAIL VIA PROVIDED STAMPED ENVELOPE
- ALL EMPLOYEES EXITING THE NUCLEAR DIVISION ARE DIRECTED THROUGH SPEAKOUT
- EMPLOYEE SEES VIDEO TAPE
- PRIVATE INTERVIEW
- CLASSIFICATION & ASSIGNMENT OF CONCERN
- INVESTIGATION
 - CLASS 1 → INVESTIGATED BY SPEAKOUT PERSONNEL → REVIEWED BY SPEAKOUT REVIEW COMMITTEE
 - OTHER → ASSIGNED TO APPROPRIATE DEPARTMENTS FOR INVESTIGATION
- RESPONSE LETTER TO CONCERNEE (WHEN KNOWN) FROM SPEAKOUT
- ALL CONCERNS PROCESSED BY IDENTIFICATION NUMBER; CONFIDENTIALITY ENFORCED ON RIGOROUS "NEED-TO-KNOW" BASIS

FPL EMPLOYEE CONCERN PROGRAM NUCLEAR SAFETY SPEAKOUT

STATISTICS AS OF 9/30/93

SPEAKOUT HAS RECEIVED A TOTAL OF 1804 CONCERNS OF WHICH 285 HAVE BEEN CATEGORIZED AS NUCLEAR SAFETY SIGNIFICANT. OF THE 1804 RECEIVED, 1755 ARE COMPLETED AND 49 ARE STILL OPEN. THE DATA TABLE BELOW INCLUDES ONLY THOSE CONCERNS THAT ARE CLOSED.

			NUCLEAR SAFETY/ QUALITY	MANAGEMENT	INDUSTRIAL SAFETY	SECURITY	MISCELLANEOUS
	SITE	TOTAL	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5
CONCERNS RECEIVED	TOTAL	1755	274	183	405	89	804
	PTN	1183	163	92	296	48	584
	PSL	504	100	67	108	25	204
	JB	68	11	24	1	16	16
SUBSTANTIATED	TOTAL	669 (38%)	134 (49%)	49 (27%)	156 (39%)	24 (27%)	306 (38%)
	PTN	425	76	23	101	13	212
	PSL	227	56	21	55	4	91
	JB	17	2	5	0	7	3

FPL EMPLOYEE CONCERN PROGRAM NUCLEAR SAFETY SPEAKOUT

SITE	FPL	TOTAL CONTRACTORS	ANONYMOUS	NRC	OTHER	TOTAL
JB	31	20	14	2	2	69
PSL	124	270	66	24	48	532
PTN	352	721	72	9	49	1203
TOTAL	507	1011	152	35	99	1804

- **TOTAL CONCERNS (1804) ARE DISTRIBUTED AS FOLLOWS:**
 - **28% - FPL**
 - **56% - CONTRACTOR**
 - **16% - ALL OTHERS**
- **BECHTEL CONCERNS:**
 - **25% OF ALL CONCERNS RECEIVED BY SPEAKOUT**
 - **37% OF ALL CONCERNS RECEIVED AT PTN**
 - **61% OF CONTRACTOR CONCERNS RECEIVED AT PTN**

FPL EMPLOYEE CONCERN PROGRAM INDEPENDENT ASSESSMENTS

CONSULTANT EVALUATION (MAY 1992)

- **DESIGNED TO ASSESS FPL EMPLOYEES' AWARENESS OF SPEAKOUT AND THEIR PERCEPTIONS OF HOW IT WORKS.**
- **A SAMPLE OF EMPLOYEES WERE INTERVIEWED (APPROXIMATELY 1/3 FROM EACH LOCATION).**
- **100% OF RESPONDENTS INDICATED AWARENESS OF PROGRAM.**
- **95% OF RESPONDENTS INDICATED THAT THEY WOULD GO TO THEIR SUPERVISOR IF THEY HAD A CONCERN.**
- **82% OF RESPONDENTS INDICATED THEY WOULD USE SPEAKOUT IF THEY HAD A NUCLEAR SAFETY CONCERN (AN ADDITIONAL 10% SAID THEY MIGHT).**

NRC INSPECTION OF SPEAKOUT AT TURKEY POINT (JUNE 1990)

- **SIX FAVORABLE NRC CONCLUSIONS REGARDING SPEAKOUT**
 - **AN EFFECTIVE PROGRAM FOR IDENTIFYING AND RESOLVING EMPLOYEE CONCERNS**
 - **STRONG FPL MANAGEMENT SUPPORT AND DEDICATED, TRAINED PERSONNEL**
 - **IDENTITY OF CONCERNED INDIVIDUALS IS APPROPRIATELY PROTECTED**
 - **CONCERNS ARE EFFECTIVELY RECEIVED, PROCESSED AND TRACKED**
 - **EXCELLENT COORDINATION WITH NRC**
 - **ALLEGATIONS REGARDING SPEAKOUT NOT SUBSTANTIATED**
- **NRC OBSERVATIONS REGARDING PREVIOUS EMPLOYEE CONCERNS REPORTING SYSTEM (ECRS) (PRE-1990) ARE ADEQUATELY ADDRESSED IN SPEAKOUT PROGRAM**

FPL EMPLOYEE CONCERN PROGRAM INDEPENDENT ASSESSMENTS (CONTINUED)

NRC INSPECTION AT TURKEY POINT AND JUNO BEACH (OCTOBER 1991)

- **OBJECTIVE OF NRC TEAM INSPECTION WAS TO DETERMINE IF THERE EXISTED ANY UNSAFE ENGINEERING PRACTICES OR OPERATING CONDITIONS ASSOCIATED WITH 13 ALLEGATIONS BY A FORMER FPL EMPLOYEE OR IF PERSONNEL PRACTICES RESULTED IN A CHILLING EFFECT WITH REGARD TO PURSUING A SAFETY ISSUE.**
- **NRC CONCLUSIONS:**
 - **NO EVIDENCE FOUND TO SUBSTANTIATE THE ALLEGATIONS OF AN OVERALL ATMOSPHERE OF INTIMIDATION, THREATS, COERCION, HARASSMENT OR NEGATIVE EVALUATIONS TO LIMIT THE PURSUIT OF SAFETY ISSUES.**
 - **NO UNRESOLVED SAFETY ISSUES WERE IDENTIFIED BY THE NRC TEAM.**

NRC TEMPORARY INSTRUCTION (TI) ON EMPLOYEE CONCERN PROGRAMS

- **FPL EVALUATION USING THE TI CONFIRMS OUR JUDGMENT THAT NSS IS AN EFFECTIVE PROGRAM**

**FPL EMPLOYEE CONCERN PROGRAM
FPL ACTIONS RELATING TO CONTRACTOR PERFORMANCE**

- **COMMUNICATION OF FPL EXPECTATIONS TO CONTRACTOR MANAGEMENT**
 - **DISCUSSIONS AT SENIOR MANAGEMENT LEVEL**
 - **MEETINGS AT SITE MANAGEMENT LEVEL**
- **ADDITION OF CLAUSES IN CONTRACTS AND PURCHASE ORDERS**
 - **SPEAKOUT CLAUSE (APRIL 1990)**
 - **SECTION 211 SETTLEMENT CLAUSE (FEBRUARY 1991)**
 - **NOTIFICATION AND AUDIT CLAUSE (MARCH 1993)**
- **TRAINING AND COMMUNICATION WITH CONTRACTOR EMPLOYEES**
 - **GET MODIFIED TO INCLUDE SPEAKOUT (APRIL 1990)**
 - **PERIODIC MEETINGS OR REMINDERS**
- **AUDITS OF MAJOR CONTRACTORS**
 - **CATALYTIC, EPM & W COMPLETED**
 - **OTHERS (INCLUDING BECHTEL) ARE SCHEDULED**
- **TRAINING OF CONTRACTOR MANAGER/SUPERVISOR PERSONNEL**
 - **WILL ASSURE THAT TRAINING OF ON-SITE MANAGER/SUPERVISOR PERSONNEL ON THEIR OBLIGATIONS UNDER SECTION 211 IS CONDUCTED**

**FPL EMPLOYEE CONCERN PROGRAM
FPL'S ACTIONS REGARDING TWO BECHTEL CASES**

- **FPL WAS AWARE OF THE 2 CASES AND THE ALJ DECISIONS**
- **BASED ON FPL REVIEW OF THE SITUATION, PLUS THE RESULTS OF THE 1987 NRC INSPECTION, IT WAS DETERMINED THAT NO ADDITIONAL ACTIONS WERE NECESSARY**
- **IN OCTOBER 1992, SECRETARY OF LABOR REVERSED FAVORABLE ALJ DECISION IN NICHOLS CASE**
 - **FPL FOUND NO REASON TO TAKE ANY ACTION ON NICHOLS' ALLEGATIONS OF SAFETY CONCERNS OR DISCRIMINATORY ACTIONS**
 - **REVIEWED CASE WITH BECHTEL AND DETERMINED THAT BECHTEL HAD HELD MEETINGS WITH ITS SUPERVISORS AND MANAGERS; AND HAD ISSUED MEMORANDUM TO MANAGERS, SUPERVISORS, AND EMPLOYEES REGARDING EMPLOYEE CONCERNS**
 - **NO CURRENT FPL SUPERVISORY/MANAGERIAL EMPLOYEE HAD BEEN INVOLVED**
 - **INSTRUCTED BECHTEL TO INFORM FPL OF ANY OTHER SECTION 211 CLAIMS FILED WITH DOL**
 - **WROTE TO ALL CONTRACTORS REMINDING THEM OF THEIR OBLIGATIONS UNDER SECTION 211 AND INSTRUCTING THEM TO INFORM FPL OF ANY SECTION 211 CLAIMS**
 - **REQUIRED LARGE CONTRACTORS TO PROVIDE TO FPL A DESCRIPTION OF THEIR PROGRAMS FOR COMPLIANCE WITH SECTION 211, AND INITIATED PERIODIC AUDITS TO VERIFY CONTRACTOR COMPLIANCE WITH SUCH PROGRAMS**

**FPL EMPLOYEE CONCERN PROGRAM
FPL'S ACTIONS REGARDING TWO BECHTEL CASES (CONTINUED)**

- IMPROVED ITS CONTRACTOR-RELATED PROGRAM BY INSERTING NOTIFICATION-AUDIT CLAUSE IN CONTRACTS
- IN VIEW OF PREVIOUS ADOPTION OF SPEAKOUT PROGRAM, FOUND NO REASON TO TAKE ANY OTHER PROGRAMMATIC ACTION
- IN JULY 1993, SECRETARY OF LABOR REVERSED FAVORABLE ALJ DECISION IN PILLOW CASE
 - FPL REVIEWED CASE AGAIN TO ASSURE NO ACTIONS WERE NEEDED ON PILLOW'S ALLEGATIONS
 - DETERMINED THAT PILLOW AND NICHOLS CASES APPEARED TO BE ISOLATED EVENTS
 - NO CURRENT FPL SUPERVISORY/MANAGERIAL EMPLOYEE HAD BEEN INVOLVED
 - ASCERTAINED THAT BECHTEL HAD ASSURED THAT ALL SUPERVISORY/MANAGERIAL PERSONNEL WERE AWARE OF THEIR SECTION 211 RESPONSIBILITIES, ENCOURAGED EMPLOYEES TO RAISE SAFETY CONCERNS, AND WERE PROPERLY EXECUTING THEIR RESPONSIBILITIES
 - INDEPENDENTLY REVIEWED THE PERFORMANCE OF BECHTEL SUPERVISORY/MANAGERIAL PERSONNEL INVOLVED IN THE 2 CASES STILL EMPLOYED AT TURKEY POINT TO DETERMINE THAT NO PROBLEMS OF DISCRIMINATION HAD OCCURRED
 - ASCERTAINED SUCH PERSONNEL HAD RECEIVED FPL TRAINING ON SECTION 211 IN 1991
 - FOUND NO REASON TO TAKE ANY ADDITIONAL PROGRAMMATIC ACTION

**FPL EMPLOYEE CONCERN PROGRAM
FPL'S ACTIONS REGARDING TWO BECHTEL CASES (CONTINUED)**

- **REGARDLESS OF EVENTUAL OUTCOME OF APPEAL OF THESE TWO CASES; FPL IS CONVINCED THAT**
 - **FPL ACTED REASONABLY UNDER THE CIRCUMSTANCES OF EACH CASE**
 - **NO FPL ACTION IS NEEDED REGARDING INDIVIDUALS INVOLVED IN THOSE CASES**
 - **NO ADDITIONAL FPL ACTION IS NEEDED REGARDING THE CONTRACTOR**
 - **FPL HAS SIGNIFICANTLY IMPROVED ITS PROGRAMS**
 - ★ **TO PREVENT DISCRIMINATORY ACTIONS BY CONTRACTORS (WHETHER OR NOT ANY TOOK PLACE IN THESE CASES)**
 - ★ **TO ASSURE THAT CONTRACTOR EMPLOYEES ARE AWARE THEY ARE FREE TO RAISE CONCERNS WITHOUT FEAR OF RETALIATION**
 - ★ **TO ASSURE THAT CONTRACTOR SUPERVISORS AND MANAGERS UNDERSTAND AND EXECUTE THEIR RESPONSIBILITIES**
 - ★ **TO PROVIDE TIMELY NOTIFICATION BY CONTRACTORS TO FPL OF ANY CLAIM SO THAT FPL CAN ACT, IF NECESSARY**

CONCLUSIONS

- **FPL HAS A STRONG, EFFECTIVE EMPLOYEE CONCERN PROGRAM IN PLACE**
- **FPL HAS TAKEN A NUMBER OF ACTIONS TO ASSURE THAT ITS CONTRACTORS FULFILL THEIR OBLIGATIONS UNDER SECTION 211**
- **THE SPECIFIC ISSUES IN THE PILLOW AND NICHOLS CASES HAVE BEEN CAREFULLY EVALUATED, AND NO ADDITIONAL ACTIONS ARE NECESSARY**

**ENFORCEMENT CONFERENCE
AGENDA
OCTOBER 5, 1993
10:00 A.M.**

Opening Remarks

NRC

Opening Remarks

**J. H. Goldberg,
President Nuclear Division
Florida Power & Light Co.**

Bechtel Presentation

**Bernie Meyers, Sr. Vice President,
Nuclear Operations
Jim Ivany, Project Manager,
Bechtel**

FPL Presentation

**J. E. Geiger, Vice President,
Nuclear Assurance
Florida Power & Light Co.**

Closing Remarks

J. H. Goldberg/NRC

**BECHTEL PRESENTATION
OCTOBER 5, 1993**

INTRODUCTION

**PURPOSE - TO DISCUSS TWO ERA SECTION 210/211 CASES FILED IN 1987 AT FPL'S
TURKEY POINT JOBSITE (NICHOLS, PILLOW)**

**PARTICIPANTS - BERNIE MEYERS (SR VP NUCLEAR OPERATIONS), JIM IVANY
(PROJECT MANAGER), MIKE FLETCHER (LEGAL)**

BECHTEL'S CORPORATE CULTURE RELATING TO OPEN COMMUNICATIONS

BECHTEL'S POLICIES AND PROGRAMS RELATING TO OPEN COMMUNICATIONS

BECHTEL'S ROLE AT TURKEY POINT

CASE PARTICULARS

ACTIONS TAKEN BY BECHTEL - 1987 TO 1993

EMPLOYMENT STATUS OF RESPONSIBLE BECHTEL SUPERVISORS

CONCLUSIONS/QUESTIONS

BECHTEL CORPORATE CULTURE

EXAMPLES OF PROGRAMS - EMPLOYEE RIGHTS AND SUPERVISOR RESPONSIBILITIES

BECHTEL 2001: ENHANCING LEADERSHIP EFFECTIVENESS

A CORE PRINCIPLE OF THE BECHTEL GROUP IS THE CREATION OF A WORK ENVIRONMENT, SUPPORTED BY LEADERSHIP, THAT FOSTERS OPENNESS, TRUST, COMMUNICATION, TEAMWORK, EMPOWERMENT, INNOVATION, AND SATISFACTION.

BECHTEL POLICY 303: FREEDOM OF EXPRESSION AND APPEAL

ALL EMPLOYEES HAVE THE OPPORTUNITY TO SEEK INFORMATION, ADVICE, OR ASSISTANCE FROM MANAGEMENT OR THEIR PERSONNEL REPRESENTATIVE AND TO COMMUNICATE FREELY REGARDING ALL MATTERS RELATING TO WORK WITHOUT FEAR OF CENSURE OR REPRISAL.

BECHTEL POLICY 304: ANTI-HARASSMENT POLICY

BECHTEL IS COMMITTED TO MAINTAINING A WORK ENVIRONMENT FREE OF UNLAWFUL DISCRIMINATION AND HARASSMENT BECAUSE OF ANY PROTECTED STATUS. BECHTEL WILL NOT TOLERATE UNLAWFUL DISCRIMINATION OR HARASSMENT BY ANYONE, NOR WILL IT ALLOW THE CREATION OF AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT. VIOLATION OF THIS POLICY IS GROUNDS FOR DISCHARGE.

BECHTEL SAFETY AND HEALTH PROGRAMS:

BECHTEL IS DEDICATED TO SAFETY EXCELLENCE. ALL EMPLOYEES ARE TOLD THAT BECHTEL EXPECTS THEM TO REPORT ALL UNSAFE ACTS OR CONDITIONS. SUPERVISORS DOWN TO THE LEVEL OF FOREMAN AND GENERAL FOREMAN MUST ENSURE THAT THEIR EMPLOYEES HAVE THE OPPORTUNITY TO FREELY ASK QUESTIONS REGARDING SAFETY ISSUES.

NUCLEAR OPERATIONS SITE MANAGER SEMINAR:

SPECIFICALLY ADDRESSES EMPLOYEE RIGHTS UNDER ERA § 211

BASIC SUPERVISORY TRAINING (BSTP):

SPECIFICALLY ADDRESSES RESPONSES TO EMPLOYEE CONCERNS AND PROTECTED EMPLOYEE RIGHTS

BECHTEL'S ROLE AT TURKEY POINT

ORIGINAL CONTRACTOR AT TURKEY POINT RESPONSIBLE FOR DESIGN, CONSTRUCTION, AND STARTUP.

ONSITE SINCE THE 1960'S - MANAGING UNION CRAFT LABOR ON A CONTINUOUS BASIS

SINCE ORIGINAL CONSTRUCTION

- **MAJOR TASK IMPLEMENTATION (SGR AND DUAL UNIT OUTAGE)**
- **CONTINUOUS SUPPLEMENTAL PLANT MAINTENANCE AND NEW PLANT MODIFICATIONS**

WORKER AND OPERATIONAL SAFETY

- **EXEMPLARY OVERALL RECORD THROUGHOUT THE YEARS AT TURKEY POINT**
- **15 MILLION MANHOURS WORKED SINCE COMMERCIAL OPERATION AT TURKEY POINT**
- **3.7 MILLION MANHOURS (1988-1990) WITHOUT LOST-TIME INJURY OR ILLNESS**

SINCE THE ERA WAS ENACTED IN 1974 ONLY 2 ERA § 210 CHARGES FILED AGAINST BECHTEL AT TURKEY POINT.

NICHOLS

NICHOLS WAS A CARPENTER EMPLOYED BY BECHTEL AT TURKEY POINT DURING THE SPRING 1987 REFUELING OUTAGE.

NICHOLS RAISED A QUESTION ABOUT TOOL INSPECTION LOCATIONS WHILE EMPLOYED. HE WAS LAID OFF, ELIGIBLE FOR REHIRE, ONE MONTH LATER (APRIL 30, 1987).

NICHOLS FILED A COMPLAINT WITH THE DEPARTMENT OF LABOR AFTER HIS LAYOFF ALLEGING HE WAS CHOSEN BECAUSE OF HIS QUESTION ABOUT TOOL INSPECTION.

ADMINISTRATIVE LAW JUDGE ISSUED A RECOMMENDED DECISION AND ORDER IN OCTOBER 1988 DISMISSING NICHOLS' COMPLAINT.

FROM OCTOBER 1988 TO OCTOBER 1992 ALJ'S FINDING OF NO DISCRIMINATION REMAINED IN EFFECT.

THE ALJ'S RECOMMENDED DECISION AND ORDER WAS REVERSED IN OCTOBER 1992 AND REMANDED FOR FURTHER ACTION.

ON REMAND THE ADMINISTRATIVE LAW JUDGE AWARDED NICHOLS \$3,227 IN BACKPAY HOLDING HE WOULD HAVE BEEN LAID OFF ONE MONTH LATER REGARDLESS OF THE MERITS OF HIS CASE. THE ALJ'S DECISION ON REMAND IS CURRENTLY PENDING BEFORE THE SECRETARY OF LABOR.

BECHTEL PLANS TO APPEAL THE SECRETARY'S RULING TO THE 11TH CIRCUIT AS SOON AS IT IS FINAL.

PILLOW

PILLOW WAS A LABORER EMPLOYED BY BECHTEL AT TURKEY POINT DURING THE SPRING 1987 REFUELING OUTAGE.

PILLOW RAISED A QUESTION ABOUT ELECTRICAL CONDUIT DECONTAMINATION LEVELS AND RWP REQUIREMENTS. ABOUT ONE MONTH LATER HE WAS LAID OFF, ELIGIBLE FOR REHIRE (MAY 15, 1987)

AFTER PILLOW'S LAYOFF, BECHTEL WAS NOTIFIED HE HAD FILED A COMPLAINT WITH THE DEPARTMENT OF LABOR ALLEGING HE WAS LAID OFF BECAUSE OF HIS QUESTION ABOUT CONDUIT DECONTAMINATION.

NRC CONDUCTED AN UNANNOUNCED INSPECTION RELATED TO SAFETY ALLEGATIONS AND CONCLUDED THAT ALLEGATIONS WERE UNSUBSTANTIATED IN MAY, 1987.

ADMINISTRATIVE LAW JUDGE ISSUED A RECOMMENDED DECISION AND ORDER IN OCTOBER 1988 DISMISSING PILLOW'S COMPLAINT.

FROM OCTOBER 1988 TO JULY 1993 THE ALJ'S FINDING OF NO DISCRIMINATION REMAINED IN EFFECT.

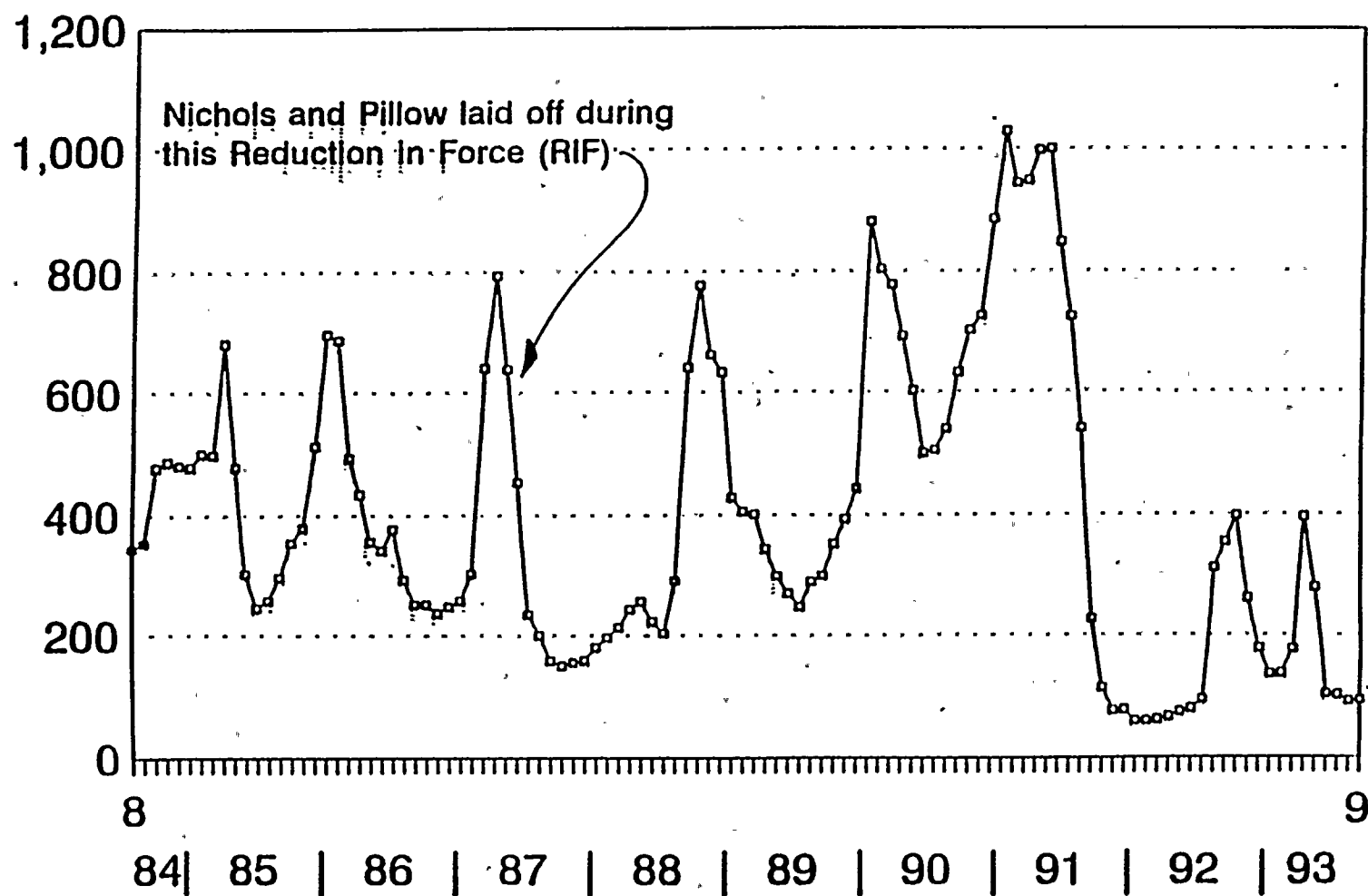
THE ALJ'S RECOMMENDED DECISION AND ORDER WAS REVERSED IN JULY 1993 AND REMANDED FOR FURTHER ACTION.

THE HEARING ON REMAND IS SCHEDULED FOR NOVEMBER 9, 1993.

BECHTEL PLANS TO APPEAL THE SECRETARY'S RULING TO THE 11TH CIRCUIT AS SOON AS IT IS FINAL.

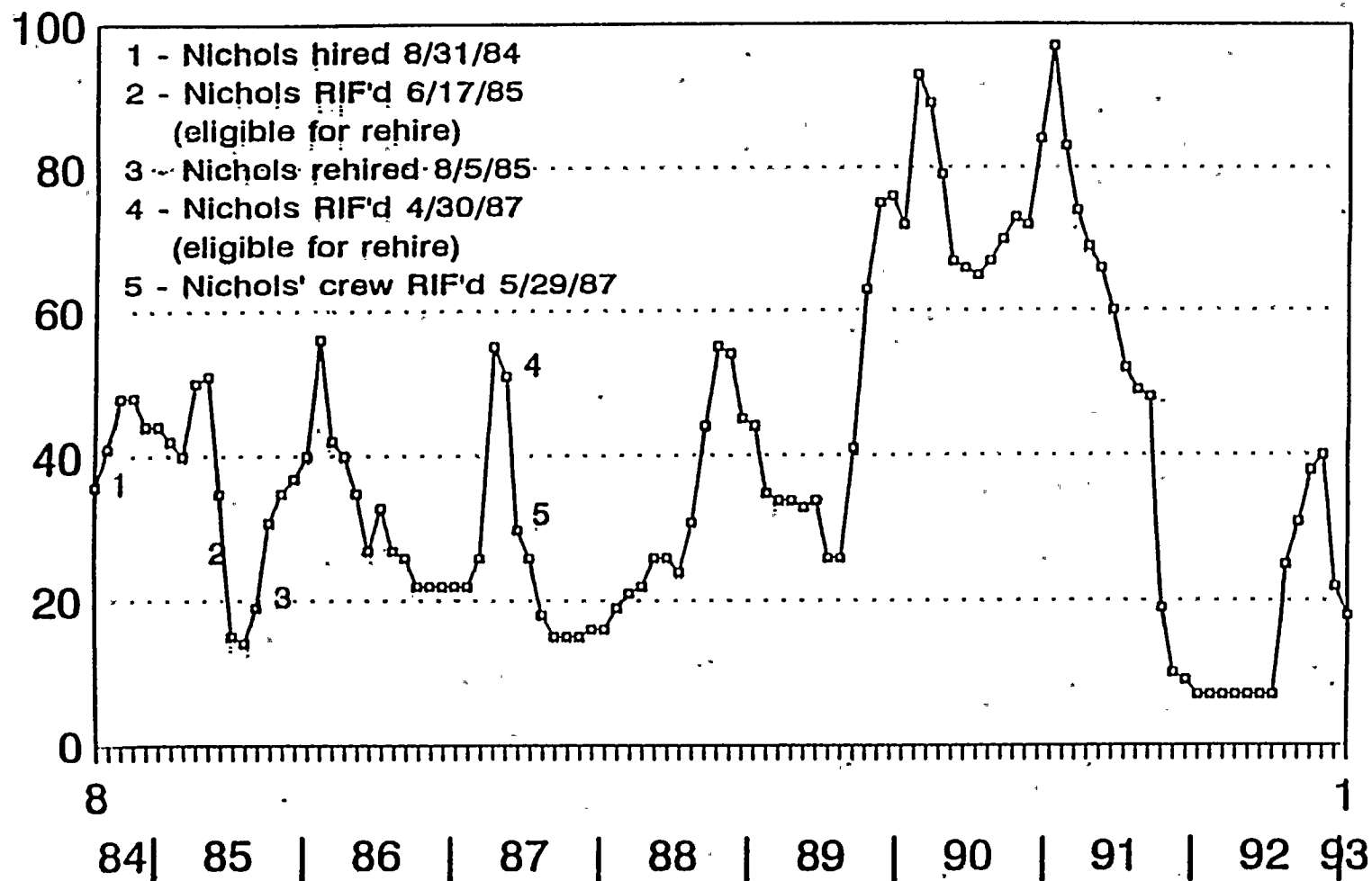
Bechtel Construction Company

Craft Manpower Levels at Turkey Point



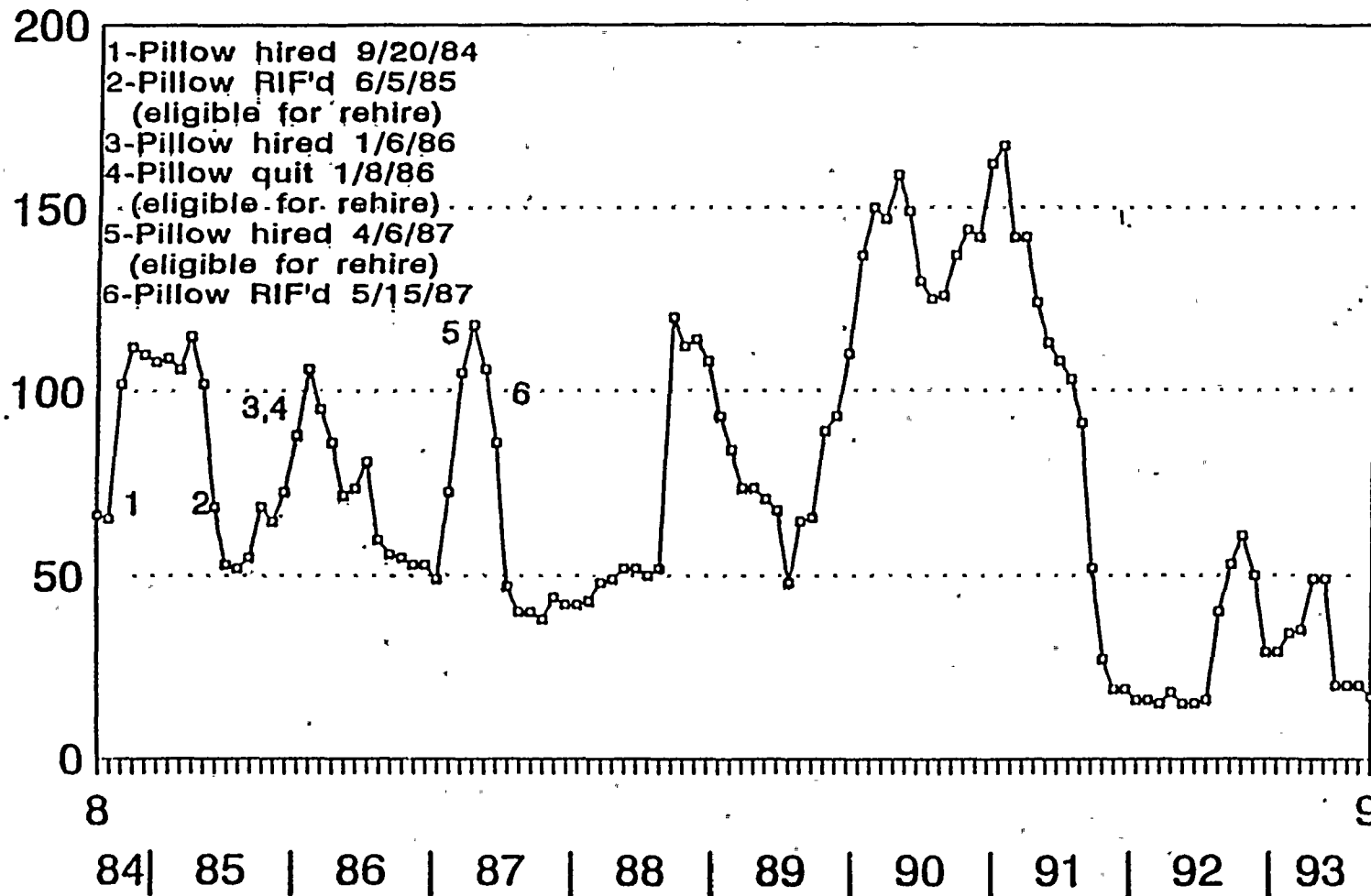
Bechtel Construction Company

Carpenter Levels at Turkey Point



Bechtel Construction Company

Laborer Levels at Turkey Point



**BECHTEL ACTIONS SUBSEQUENT TO NICHOLS AND PILLOW COMPLAINTS
1987/1988 TIMEFRAME**

BECHTEL CONDUCTED AN INTERNAL INVESTIGATION OF EACH CASE TO DETERMINE IF ITS SUPERVISORS ACTED APPROPRIATELY IN CHOOSING NICHOLS AND PILLOW FOR LAYOFF

BECHTEL RETAINED OUTSIDE COUNSEL TO PERFORM AN INDEPENDENT INVESTIGATION INCLUDING AN ASSESSMENT OF SUPERVISOR CONDUCT AND AWARENESS OF EMPLOYEE RIGHTS

BASED ON TWO INVESTIGATIONS AND THE ALJ RULINGS BECHTEL WAS CONVINCED ITS SUPERVISORS HAD ACTED PROPERLY IN THE PERFORMANCE OF THEIR DUTIES; AND

- **THERE WAS NO EVIDENCE THEIR EMPLOYEES WERE RELUCTANT TO RAISE SAFETY CONCERNS**
- **THERE WAS NO REASON TO TAKE SPECIFIC ACTION AGAINST ITS SUPERVISORS BECAUSE OF THE COMPLAINTS**

TO ENSURE THERE WAS NO ADVERSE IMPACT FROM THE COMPLAINTS AND SUBSEQUENT INVESTIGATIONS BECHTEL HELD MEETINGS WITH ALL SUPERVISORS (MANUAL AND NON-MANUAL) TO REMIND THEM OF THEIR OBLIGATION TO EMPLOYEES AND SPECIFICALLY TO ENSURE THAT:

- **SUPERVISORS WERE AWARE OF BECHTEL POLICIES PROHIBITING DISCRIMINATION AGAINST EMPLOYEES**
- **SUPERVISORS WERE AWARE OF THEIR RESPONSIBILITY TO ENSURE THAT EMPLOYEES UNDER THEIR SUPERVISION WERE ENCOURAGED TO RAISE SAFETY CONCERNS WITHOUT FEAR OF RETALIATION**
- **SUPERVISORS WERE IN FULL COMPLIANCE WITH THESE REQUIREMENTS**

BECHTEL PROJECT SUPERINTENDENT, BOB SLOVER, ISSUED A MEMORANDUM TO ALL EMPLOYEES (MANUAL AND NON-MANUAL) REMINDING THEM OF THEIR RIGHTS TO RAISE SAFETY CONCERNS WITHOUT FEAR OF RETALIATION OR DISCRIMINATION.

ADDITIONAL BECHTEL ACTIONS 1988 TO PRESENT

JANUARY 20, 1989 - PROJECT SUPERINTENDENT ISSUED MEMO TO ALL EMPLOYEES WHICH:

- DESCRIBED THE EMPLOYEE CONCERNS REPORTING SYSTEM
- IDENTIFIED THE APPROPRIATE PLANT PROCEDURE (ADM-002) WHICH PROVIDE DIRECTION AND GUIDANCE ON HOW EMPLOYEES CAN GET CONCERNS, INCLUDING SAFETY CONCERNS, ADDRESSED WITHOUT FEAR OF RETRIBUTION
- URGED EMPLOYEES TO AIR CONCERNS

NOVEMBER 28, 1990 - PROJECT SUPERINTENDENT ISSUED A MEMO TO ALL EMPLOYEES WHICH:

- ENSURES THAT EVERY EMPLOYEE UNDERSTANDS BECHTEL'S POLICY OF ENCOURAGING SAFETY CONCERNS TO BE EXPRESSED WITHOUT FEAR OR REPRISAL
- DESCRIBES THE MECHANISMS TO BE USED TO EXPRESS SAFETY CONCERNS WITHOUT FEAR OF REPRISAL

NOVEMBER 28, 1990 - PROJECT SUPERINTENDENT ISSUED A MEMO TO ALL SUPERVISORS WHICH:

- REINFORCED BECHTEL'S POLICY REGARDING EMPLOYEE RIGHTS TO EXPRESS CONCERNS WITHOUT FEAR OF REPRISAL
- IDENTIFIES THE SUPERVISORY RESPONSIBILITIES FOR RESOLVING EMPLOYEE CONCERNS
- ADVISES THAT HARASSMENT, INTIMIDATION, OR ANY TYPE OF RETALIATION AGAINST EMPLOYEES WHO RAISE CONCERNS WILL NOT BE TOLERATED

THE 11/28/90 MEMOS WERE THEREAFTER INCLUDED IN HIRE-IN PACKAGES FOR EMPLOYEES AND SUPERVISORS

IN NOVEMBER, 1991, BECHTEL MANAGERS, SUPERVISORS, GENERAL FOREMAN, FOREMAN, AND KEY CRAFTSMEN PARTICIPATED IN FPL TRAINING IN "HANDLING EMPLOYEE CONCERNS/COMPLAINTS"

- INCLUDED WERE THE INDIVIDUALS WHO WERE INVOLVED IN THE NICHOLS AND PILLOW CASES

ADDITIONAL BECHTEL PROGRAMS CURRENTLY IN PLACE AT TURKEY POINT

CONTRACTUAL AGREEMENTS

- GENERAL PROVISIONS REGARDING NON-DISCRIMINATION/COMPLIANCE WITH LAW
- REQUIRES COMPLIANCE WITH FPL NUCLEAR SPEAKOUT PROGRAM
- REQUIRES REPORTING OF ALL § 211 CLAIMS
- NO SETTLEMENT AGREEMENTS WHICH IMPEDE EMPLOYEE ACCESS TO THE NRC
- BI-WEEKLY LABOR RELATIONS REPORTS TO FPL
- REAFFIRMATION OF BECHTEL SECTION 211 COMMITMENTS IN LETTER TO FPL (3/26/93)

PROJECT MANAGER MANUAL/SITE MANAGERS MANUAL

- PROVIDES GUIDANCE AND INFORMATION REGARDING NON-DISCRIMINATION, FREEDOM OF EXPRESSION AND APPEAL, SAFETY, AND HOW TO HANDLE GRIEVANCES

LABOR RELATIONS ACTION PLAN

- PROVIDES DIRECTION ON HOW TO INVESTIGATE CRAFT GRIEVANCES
- ALSO ADDRESSES JOBSITE WORKRULES; EEO/AA REQUIREMENTS & HANDLING OF COMPLAINTS; JOB SAFETY & HEALTH PROTECTION; OSHA REQUIREMENTS, COMPLAINTS & POSTINGS; HOW TO HANDLE NLRB CHARGES; AND TERMINATION PROCEDURES

BECHTEL PERSONNEL POLICIES MANUAL

- CONTAINS POLICY 303 - FREEDOM OF EXPRESSION AND APPEAL
- CONTAINS EEO/AA POLICIES WHICH RELATE TO BECHTEL'S OVERALL POLICY OF NON-DISCRIMINATION

ADDITIONAL BECHTEL/FPL PROGRAMS CURRENTLY IN PLACE AT TURKEY POINT

FPL NUCLEAR SAFETY SPEAKOUT (IMPLEMENTED IN 1990 AT TURKEY POINT)

- **COVERS ALL BECHTEL EMPLOYEES**

NRC FORM 3 INFORMATION AND POSTINGS

- **AVAILABLE TO ALL BECHTEL EMPLOYEES SITE-WIDE**

10CFR21 INSTRUCTIONS AND POSTINGS

- **COVERS REPORTING OF DEFICIENCIES BY NON-MANUAL PERSONNEL**

GENERAL EMPLOYEE TRAINING (GET)

- **COVERS NUCLEAR SAFETY SPEAKOUT; MANDATORY ANNUAL REQUALIFICATION**

RAD WORKER TRAINING (RWT)

- **COVERS HOW TO RAISE SAFETY CONCERNS; MANDATORY ANNUAL REQUALIFICATION**

NEW HIRE ORIENTATION

- **COVERS PROCEDURES FOR RAISING SAFETY CONCERNS; FILING GRIEVANCES**

TOOL BOX SAFETY MEETINGS HELD WEEKLY TO DISCUSS JOBSITE SAFETY ISSUES

FREEDOM OF EXPRESSION AND APPEAL

- **COVERS RIGHT OF NON-MANUAL EMPLOYEES TO RAISE ISSUES WITH MANAGEMENT WITHOUT FEAR OF REPRISAL**

GENERAL PRESIDENTS' PROJECT MAINTENANCE AGREEMENT (GPPMA)

- **TWO SPECIFIC NON DISCRIMINATION CLAUSES AND GRIEVANCE PROCEDURE**

BECHTEL'S CURRENT STATUS OF SUPERVISORY INDIVIDUALS.

<u>INDIVIDUAL</u>	<u>1987 POSITION @ TURKEY POINT</u>	<u>CURRENT POSITION</u>
BOB SLOVER	PROJECT SUPERINTENDENT - HAD OVERALL BECHTEL RESPONSIBILITY AND MOVED PILLOW FROM NIGHT SHIFT TO DAY SHIFT	SITE MANAGER @ VC SUMMER
LARRY WILLIAMS	CARPENTER GENERAL FOREMAN - RESPONSIBLE FOR CARPENTER RIF	CARPENTER GENERAL FOREMAN @ TURKEY POINT
JOHN WRIGHT	CARPENTER FOREMAN - RESPONSIBLE FOR SELECTING NICHOLS FOR RIF	CARPENTER @ TURKEY POINT (OUTAGE FOREMAN)
WILLIE MURPHY	LABORER GENERAL FOREMAN - RESPONSIBLE FOR LABORER RIF AND SELECTING PILLOW FOR RIF	LABORER GENERAL FOREMAN @ TURKEY POINT

