

November 1, 1985

Anneth Vretha

MEMORANDUM FOR: Vincent S. Noonan, Director
Comanche Peak Project
Division of Licensing

FROM: James M. Taylor, Director
Office of Inspection and Enforcement

SUBJECT: FUTURE REVIEW OF SAFETEAM FOR COMANCHE PEAK

As requested in your memorandum dated October 10, 1985, enclosed is our recommended position for future reviews of the SAFETEAM program and its implementation for the Comanche Peak facility.

Original Signed By
James M. Taylor

James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure: Proposed Position

CC:
R. Martin, RIV
B. Hayes, OI

Distribution:

W Haass
RH Vollmer 85-473
JM Taylor

*SEE PREVIOUS COPY FOR CONCURRENCE

VPB:DQAVT
*WHaass:sam
10/29/85

10/29
DAD:OIE
RH Vollmer
C 10/31/85

DIR:ONE
JMTaylor
10/31/85

851106052LpXA 18pp

B-4



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

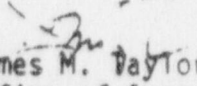
November 1, 1985

MEMORANDUM FOR: Vincent S. Noonan, Director
Comanche Peak Project
Division of Licensing

FROM: James M. Taylor, Director
Office of Inspection and Enforcement

SUBJECT: FUTURE REVIEW OF SAFETEAM FOR COMANCHE PEAK

As requested in your memorandum dated October 10, 1985, enclosed is our recommended position for future reviews of the SAFETEAM program and its implementation for the Comanche Peak facility.


James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure: Proposed Position

cc:
R. Martin, RIV
B. Hayes, OI

PROPOSED POSITION FOR FUTURE REVIEW
OF SAFETEAM AT COMANCHE PEAK

Review Performed:

Region IV with assistance from IE and NRR conducted an inspection of the SAFETEAM program and its implementation at Comanche Peak on August 26-29, 1985. Also inspected was the predecessor Ombudsman program. The results of that inspection will be reported in NRC Inspection Report 50-445/85-12 and 50-466/85-08.

The general conclusions of that inspection can be summarized as follows:

1. Under the Ombudsman program, 53 allegation files were established and 51 had been closed. The NRC inspectors reviewed 22 of the closed files.
2. Observations from review of the Ombudsman program included:
 - a. Information from the allegor was somewhat sketchy and incomplete.
 - b. The program was administered by QA and therefore lacked proper independence.
 - c. Some allegations were not fully addressed.
 - d. Contacts with the allegor to verify the resolution of the concern was limited.
3. Under the successor SAFETEAM program, 641 allegations (from 506 individuals) were received and 295 technical allegations were investigated. Of the latter group, the NRC inspectors reviewed 62.
4. Major observations from review of the SAFETEAM program included:
 - a. The SAFETEAM program is organizationally independent and is being implemented as planned.
 - b. Classification of concerns was performed in a conservative manner and confidentiality was appropriately protected.
 - c. Weaknesses in the program were:
 - (1) Interviewers lacked technical expertise and as a result the concerns often lacked specifics. Some recontacting was performed.

- (2) Some files indicated a lack of aggressiveness by the investigator in establishing specificity of the allegation.
- (3) Resolution of the allegation was not performed by SAFETEAM; rather, this task was assigned to other organizational elements and no feedback of the results was provided to SAFETEAM or to the alleged.
- (4) Resolution provided corrective action for the present and future, but impact on the past was not clearly addressed.
- (5) Investigators made no recommendation regarding potential reportability under 10 CFR 50.55(e). Reportability identification and evaluation was left completely to other organizational elements.

Recommendation for Future:

Future review of the SAFETEAM program and its implementation should focus on the following:

1. Since no exit meeting was held following the above described inspection, it is important that the results nevertheless be conveyed to TUEC to provide an opportunity for programmatic modifications to eliminate the weaknesses identified. It is understood that Region IV is planning this exit meeting.
2. Review of additional completed files should be performed, preferably on at least 2 or 3 occasions over the next 10 to 12 months, to verify the adequacy of allegation resolution and to determine the extent to which programmatic weaknesses have been corrected. These reviews should focus on files of high interest to safety. Our goal should be to review at least 60 to 70 percent of all high interest files with goal modifications dependent upon conclusions drawn by our inspectors.

Preliminary plans for accomplishing the above consist of the following:

- a. The next inspection activity should be performed in approximately early December 1985 to review additional files. It can also include a followup exit meeting to formally close-out the earlier inspection.

- b. Another inspection, depending on the results of a. above, should be performed in the May-June period to verify programmatic corrective action and review additional files.
- c. A final inspection should be performed toward the end of 1986 (prior to a licensing decision) to review additional files and draw final conclusions.
- d. Region IV should be assigned lead responsibility for the above action with assistance from IE, OI, and NRR as necessary.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
Washington, D.C. 20555

INSPECTION AND ENFORCEMENT MANUAL

01

TEMPORARY INSTRUCTION 2512/15

INSPECTION OF WATTS BAR NUCLEAR PLANT EMPLOYEE CONCERNS PROGRAM

2512/15-01 PURPOSE

The purpose of this Temporary Instruction (TI) is to provide guidance for performing inspections of the Employee Response Team (ERT) program presently being conducted at TVA's Watts Bar Nuclear Plant (WBNP).

2512/15-02 OBJECTIVE

The objective of this inspection program is to gather sufficient information to make a determination as to whether or not TVA's ERT program has satisfactorily addressed employee concerns for nuclear safety that were identified during the employee interviews and that these concerns have been satisfactorily resolved.

2512/15-03 RESPONSIBILITIES

The inspection will utilize personnel from Region II, NRR, IE, and OI. Office responsibilities in terms of team leadership, inspection scheduling, report preparation, etc., will be determined through discussions with Region II, IE and NRR management.

2512/15-04 BACKGROUND

- 04.01 TVA has implemented the ERT program at WBNP to systematically collect and investigate employee concerns relating to the design and construction of WBNP specifically and the TVA nuclear power program in general. TVA's independent Nuclear Safety Review Staff (NSRS) has been assigned the responsibility for the ERT program. An independent contractor, Quality Technology Corporation (QTC), has been hired by TVA to perform employee interviews and investigate concerns in accordance with procedures approved by NSRS.

The ERT program provides for QTC to interview approximately 5,000 employees, including those at the Watts Bar site and TVA Office of Engineering employees assigned to the Watts Bar

Project. Concerns raised by the employees during interviews or via a special telephone hotline are documented by QTC. Documents transmitted by QTC to NSRS are only those from which all items identifying the employee(s) raising the concern have been deleted. Potentially safety related concerns are generally investigated by either QTC or NSRS. Concerns involving intimidation and harassment of employees are referred to TVA's Office of the General Council (OGC). ERT Investigation Reports are forwarded to the TVA line organizations for evaluation and corrective action.

QTC maintains a confidential file, for each concern, which contains information that could be used to identify the person expressing the concern. TVA, including NSRS, has no access to these files. ERT Investigation Reports prepared by QTC are summaries of the investigation which have been purged of all information which QTC believes could be used to identify the person expressing the concern. It is possible that the summarization or purging could result in an ERT Investigation Report which does not adequately represent the specific concern or reflect its relationship to the entire design and construction process.

Extreme care is being taken by QTC to protect the anonymity of the employees raising concerns. NRC personnel should handle this information as required by NRC procedures defining methods to be used to protect confidential sources during investigations.

- 04.02 The completed ERT Investigation Reports are forwarded by NSRS to the appropriate TVA line organization. The line organization evaluates the deficiency(ies) for specific corrective action, generic implications, applicability to other TVA nuclear plants, and required action(s) to prevent recurrence, etc. The line organization reports the results of their evaluation, and any necessary corrective actions, back to NSRS, and through NSRS to QTC. Either NSRS or QTC can request further review or changes to the proposed corrective action. After NSRS and QTC are satisfied with the TVA line organization response, QTC notifies the employee who raised the concern of the corrective action.
- 04.03 An initial inspection of the ERT program was performed July 15-18, 1985 by Region II, IE and NRR personnel. ERT procedures were reviewed, QTC and NSRS personnel were interviewed, and a limited number of reports for completed investigations were reviewed (see IR 50-390/85-49). The inspection concluded that the implementing procedures, documentation of results, qualifications of personnel, and program independence were generally adequate.

2512/15-05 INSPECTION REQUIREMENTS

- 05.01 An inspection plan should be developed which includes both monitoring of the ERT program and periodic inspections of ERT program activities and results. (An initial inspection of the ERT program and adequacy of its initial procedures and implementation has been performed. See Section 04.03 above.)
- 05.02 At least two additional inspections should be made, one when acceptable TVA line organization responses have been received by NSRS for about 40 percent of the concerns, and one when acceptable TVA line organization responses have been received by NSRS for the majority of the concerns. The first inspection will provide the bases for any necessary recommendations for changes in the program, and the second inspection will provide a basis for final evaluation of the ERT program. Other inspections involving an increased sample size may be necessary as indicated by the results of the monitoring program.
- 05.03 The following actions should be accomplished, as necessary, during inspection of the ERT program:
- a. Review ERT procedures.
 - b. Review statements of concerns (Employee Concern Assignment Requests).
 - c. Review ERT Investigation Reports.
 - d. Review potentially reportable concerns (Requests for Reportable Evaluation).
 - e. Interview QTC and NSRS supervisors and managers.
 - f. Interview QTC interviewers.
 - g. Interview QTC and NSRS investigators.
 - h. Review QTC files.
 - i. Review QTC trending of concerns.
 - j. Perform independent confirmatory inspections to verify ERT Investigation Reports.
 - k. Review proposed TVA corrective actions.
 - l. Interview TVA line organization supervisors and managers.
 - m. Perform independent inspections to verify implementation of corrective actions.

- 05.04 Personnel participating in development and implementation of the inspection plan should be familiar with the ERT program and procedures. (A previous inspection has found these procedures to be generally adequate. See Section 04.03 above.)
- 05.05 Through execution of the two (or more) inspections described in Section 05.02, above, a substantial sample of the final ERT Investigation Reports should be reviewed--approximately 20 percent for potentially safety-related concerns and approximately 5 percent for nonsafety-related concerns. The reports for nonsafety-related concerns should be evaluated for whether their classification as nonsafety-related appears appropriate. The reports for potentially safety-related concerns should be evaluated for such items as:
- a. ✓ Was the investigation adequate to establish the facts?
 - b. ✓ Had the deficiency identified by the concerns been previously identified and corrected if required (i.e. unsatisfactory inspection reports, nonconformance reports, design change requests, corrective action plans, etc.)?
 - c. ✓ Was potential reportability per 10 CFR 50.55(e) and 10 CFR 21 correctly determined?
 - d. ✓ Is the concern sufficiently specific for NRC inspectors to verify through inspection that the description of the discrepancy(ies) is correct?

A subset (about half) of this sample of final ERT Investigation Reports, selected as most significant to safety, shall be identified for in-depth review. The QTC files for this subset should be requested and reviewed. Where appropriate, interviews should be held with QTC interviewers and investigators and NSRS investigators.

- 05.06 A sample (about 20 percent) of reports completed by the TVA line organization should be reviewed for such items as:
- a. Was the evaluation by the line organization adequate?
 - b. Is the planned corrective action appropriate?

A subset (approximately half) of this sample, selected as most significant to safety, shall be reviewed in detail to verify that the corrective action has been implemented. The review shall include interviews with the TVA line personnel who evaluated the concern(s) and performed inspection of the corrective actions, and independent NRC inspection of the completed work.

- 05.07 In general, the samples selected in Sections 05.05 and 05.06, above, should include concerns which cover the spectrum of disciplines, i.e., design, procurement, construction (electrical, instrumentation, mechanical, civil, structural, welding and NDE), quality assurance and quality control.

The selection of subsets of concerns for in-depth review should be based on evaluation of individual technical significance, possible generic implications, trends of discrepancies and apparently inadequate corrective action programs.

- 05.08 Review TVA Quality Assurance Audit Reports (and associated records) pertaining to the ERT program.

2512/15-06 EXPIRATION

This TI will remain in effect until the close of FY 86 or the above described inspection is completed, whichever occurs earlier.

2512/15-07 IE CONTACT

Questions regarding this TI should be addressed to K. Hooks, IE/DI/RCPB, phone number 301-492-4143.

2512/15-08 MODULE TRACKING SYSTEM INPUT

The hours expended in performing the above inspection should be reported under module 2512/15 on NRC Form 766.

END

January 30, 1986

NRC AUDIT OF SAFETEAM
PROPOSED CORRECTIVE ACTION

- I. INVESTIGATOR FUNCTION: Reorganize to provide closer supervision of day-to-day activities of investigators.
- A. Establish a second investigator coordinator to reduce the number of investigators per coordinator so that the training program can be better implemented.
 - B. Retain one lead investigator reporting to each coordinator whose primary responsibility will be to monitor and assure the adequacy of each investigative report with respect to:
 - 1. Correct statement of concern.
 - 2. Completeness of response to concerns.
 - 3. Completeness of file.
 - 4. Completeness of the notes in the file as an accurate record of the investigation.
- II. JOB DESCRIPTION
- A. Prepare management approved job description in the IPC format.
 - B. Familiarize investigators with content of job description.
- III. INVESTIGATOR TRAINING
- A. Provide specific supervisory training for Investigator Coordinators to assist them in properly directing the activities of the investigators.
 - B. Provide training in the proper performance of an investigation for all investigators and Investigator Coordinators.
 - 1. Use of interview tapes.
 - 2. Determining root causes of concerns.
 - 3. Identifying wrongdoing concerns.
 - 4. Proper conduct of investigation.
 - 5. Completeness of files.
 - C. Fully document all training activities.

RTH-86-A-0060

B-6
RECEIVED FROM
SERIALS
1-10-86

IV. WRONGDOING CONCERNS

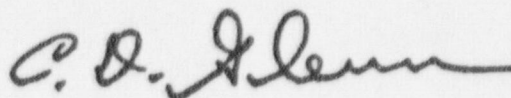
- A. Identify all concerns classified as wrongdoing.
- B. Have IPC legal counsel review all wrongdoing concern files to determine the need for further investigation.
- C. After the scope of required additional investigation is determined, get management direction on the conduct of the additional investigation.

V. CONCERNS WHICH ARE NO LONGER CONCERNS

- A. Identify all concerns which are no longer considered to be concerns.
- B. Classify these concerns:
 - 1. Hardware
 - 2. Wrongdoing
 - 3. Other
- C. Evaluate and determine if further investigation is required.
 - 1. IPC legal counsel to evaluate wrongdoing concerns.
 - 2. SAFETEAM to evaluate remained of concerns.
- D. Investigate concerns as required.
 - 1. IV-C above to apply on wrongdoing concerns.
 - 2. SAFETEAM to do any required additional investigation on the remainder of the concerns.

VI. CONCERN FILES

- A. Review files that the NRC say do not address all of the concerns and evaluate.
- B. Do further review of files from July 1, 1985 to present to determine deficiencies.
- C. Correct deficiencies.



: C. D. Glenn

ILLINOIS POWER COMPANY

500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62521-1805

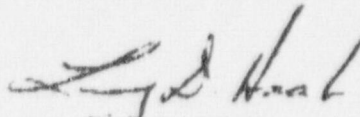
March 13, 1986

T. P. Gwynn
V-690

SAFETEAM
Processing Potential Wrongdoing Issues

In a recent telephone conversation you asked for, and I agreed to submit, an action plan for handling concerns received by SAFETEAM that represent a potential for wrongdoing. Attached to this letter is a procedure to be implemented immediately by SAFETEAM in the handling of these type concerns.

We trust this corrective action procedure responds adequately to the issue you raised during your review of the SAFETEAM operation.


Larry D. Haab

Attachment

(w/o Attach.)

cc: W. C. Gerstner
D. P. Hall
W. Connell
S. F. Bakunas
C. D. Glenn
S. Zabel

RIT-86-R-0060

COPY TO R. BRIDY
4/2/86

COPIES TO: T. M. TAMBLINE
C. T. PRUECK

B-7

11/2/1986

CR

ILLINOIS POWER COMPANY

HANDLING POTENTIAL
WRONGDOING CONCERNS RECEIVED BY SAFETEAM

1. Purpose - The purpose of this instruction is to assure that those concerns received by SafeTeam which represent a potential for wrongdoing are processed in a manner which will receive appropriate managerial and legal actions.
2. Scope - This instruction has been developed to assist in the resolution of those concerns which have been determined to involve potential wrongdoing. This instruction is in no way intended to impede, interfere or subvert the independence of SafeTeam at Clinton Power Station. This instruction is to be used by SafeTeam during any activities where the potential for wrongdoing exists.

3. Definitions

Wrongdoing - Those willful actions which may cause damage to the nuclear facility or action that may result in a decrease in the Quality Assurance Program at CPS.

Examples:

- a) Intimidation/Harassment
- b) Adverse Personnel Actions
- c) Willful and intentional damage
- d) Willful and intentional actions which could result in damage or destruction

In many cases the determination of wrongdoing can only be made after review by legal counsel and/or initial investigation.

Intimidation/Harassment - An action that discourages, inhibits or prevents an employee from performing a quality-related function. These actions subvert, limit or modify the work such that quality can be reduced to an unacceptable level. These actions can include, but are not limited to, verbal abuse, physical abuse, threats and adverse personnel action.

Adverse Personnel Actions - Actions taken against an employee with respect to compensation, terms, conditions or privileges of employment either to adversely affect the proper performance of the employee's duties or as a result of his proper performance of those duties.

Appropriate Illinois Power Management - Management within the Illinois Power organization. In this regard, appropriate Illinois Power organizational elements are responsible for contract personnel performing work on or for the Clinton Nuclear Station.

4. Instructions

- 4.1 In accordance with the Illinois Power Quality Assurance/SafeTeam agreement dated October 30, 1984, an initial evaluation is made to determine the potential existence of wrongdoing.

NOTE: This does not inhibit SafeTeam from initiation of this process at any time prior to or during any SafeTeam investigation.

- 4.2 Once established that a potential for wrongdoing exists, the following steps will be taken concurrently:

- 4.2.a. Legal counsel will be notified of the issue. All information related to the incident will be transmitted to legal counsel for their review.
- 4.2.b. SafeTeam will initiate an initial investigation of the issue. The intent of this initial investigation will be to determine the potential of the issue being substantiated.

- 4.3 Legal counsel will make an initial assessment with respect to the potential for wrongdoing, this will be done in close cooperation with appropriate Illinois Power Management and SafeTeam.

- 4.4 If legal counsel has determined that the issue is not wrongdoing, then SafeTeam will continue their investigation utilizing the normal SafeTeam investigation process.

- 4.4.a. If SafeTeam has established that the concern is not substantiated and concurrence has been received from legal counsel, SafeTeam will continue the investigation utilizing the normal SafeTeam process.

- 4.4.b. If it has been determined that the potential for wrongdoing exists by legal counsel and SafeTeam has determined that the concern is likely to be substantiated, the investigation is referred to appropriate Illinois Power Management.

- 4.5 When a concern of potential wrongdoing has been received from SafeTeam by the appropriate Illinois Power Management, management will evaluate the concern with respect to the following:
- 4.5.a. The extent to which personnel involved will be prevented from performing activities that may jeopardize the investigation or prevent the continuation of adverse conditions.
 - 4.5.b. Consideration for the extent of external assistance will be made on a case-by-case basis. The need for external assistance may be made at any point prior to or during the investigation. This decision will be based on the following considerations:
 - 4.5.b.1 Criminal acts which have been committed.
 - 4.5.b.2 Hostility of the personnel involved.
 - 4.5.b.3 Involvement of the concern with respect to off-site personnel.
 - 4.5.b.4 Technical expertise that may be involved or needed.
 - 4.5.b.5 A required degree of independence.
 - 4.5.c. If a contract for external assistance is required, it will be accomplished under the purview of Illinois Power Management. The results of any such investigation shall become the exclusive property of Illinois Power Company.
- 4.6 All completed investigations will be reviewed by legal counsel.
- 4.7 Appropriate Federal authorities, including the NRC, will be notified of investigation results by Illinois Power Management, when necessary to fulfill applicable legal and regulatory requirements. The investigation results will be maintained on site for review by NRC.

- 4.8 The actions taken as a result of substantiated concerns will be as determined by Illinois Power Management with concurrence from legal counsel and approval of the Vice President or more senior Illinois Power Management.

March 13, 1986

ILLINOIS POWER COMPANY
Handling of Potential Wrong Doing SafeTeam Concerns

