

June 25, 1993

Note to: Record

From: Mel Leach *ML*

**SUBJECT: VISIT BY FLORIDA POWER AND LIGHT (FP&L) TO DISCUSS WHISTLEBLOWERS**

On June 24 at 3:40 pm Mr. Jerry Goldberg of FP&L met with the Chairman and me to discuss whistleblowers. Mr. Goldberg wanted to share with the Chairman what they do to encourage employees to bring forth concerns. He sees them as an asset, literally thousands of QC inspectors, and wants to tap into their intelligence.

The FP&L employee concerns program is called "Speak Out" and consists of three full time employees at each nuclear station, Turkey Point and St. Lucie, and two at corporate. A brief description of the program and a NRC briefing paper are attached.

Mr. Goldberg stated that when investigating an item in a limited area, the scope of the investigation is broadened, sometimes outside the scope of the concern, to maintain anonymity.

The Chairman asked what steps should the NRC take to assist whistleblowers. Mr. Goldberg replied that there should be strong penalties for harassment and intimidation, but there also should be penalties for abusing the system.

cc w/a J. Lieberman  
L. Gerke

**J. H. GOLDBERG**  
President, Nuclear Division  
Florida Power & Light Company

J. H. Goldberg serves as President of the Nuclear Division and member of the Board of Directors at Florida Power & Light Company. In this capacity Goldberg oversees the operation of FPL's four nuclear units, two at Turkey Point in south Dade County and two at St. Lucie on Hutchinson Island in St. Lucie County as well as the associated technical support activities at corporate headquarters in Juno Beach, Florida.

Goldberg, a 37-year veteran of the nuclear power industry, began working for FPL in September 1989. Prior to that he worked for Houston Lighting & Power Company (HL&P) as group vice president, nuclear. During his nine years with HL&P, Goldberg was responsible for a number of milestones, including construction and licensing of the South Texas Nuclear Project, one of the most advanced state of the art nuclear power stations in the U.S.

Before joining HL&P, he spent nine years with Stone and Webster Engineering Corp., overseeing the design, construction, and modification of numerous nuclear power plants.

Earlier in his career, he worked for Bethlehem Steel Co. and General Dynamics Corp. in a variety of engineering and management functions associated with the design and construction of nuclear powered surface vessels and submarines for the U.S. Navy.

Goldberg is a graduate of the U.S. Merchant Marine Academy and holds a master's degree in nuclear engineering from the Massachusetts Institute of Technology.

He is a registered professional engineer in Texas, California, Virginia, Massachusetts, Rhode Island, Pennsylvania and New York. Goldberg has been affiliated with many nuclear industry organizations, including the American Nuclear Society (ANS), Institute of Nuclear Power Operations (INPO), Nuclear Utility Management and Resources Council (NUMARC), U.S. Council for Energy Awareness (USCEA), Electric Power Research Institute (EPRI), and the Edison Electric Institute (EEI).

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6/22/93

COMMISSIONER BRIEFING PAPER  
FOR  
VISIT BY MR. J. GOLDBERG

The Turkey Point units have been subjected to several allegations and 10CFR2.206 Petitions. During the restart process after Hurricane Andrew, J. Riccio on behalf of Public Citizen, Greenpeace, Nuclear Information & Resource Service and Safer Energy Communication Council petitioned to not allow restart of the units until concerns relating to emergency planning were addressed. Also Mr. Robainas petitioned against restart of the units on the basis of a number of deficiencies after Hurricane Andrew. By the Director's Decision dated March 3, 1993 and June 7, 1993, the Riccio and Robainas Petitions, respectively, were denied.

Earlier, Mr. Saporito petitioned to the NRC to initiate enforcement actions against the licensee for alleged violations of 10CFR50.7 and the Atomic Energy Act. The staff reviewed the Petition and issued a Director's Decision on February 20, 1992 denying the Petitioner's request.

Ms. Joette Lorion is also an active intervenor who is currently employed with the Green Peace as a paid consultant.

FPL has a program for resolving employee safety concerns for the two Nuclear Plants: St. Lucie and Turkey Point. The program, called Speak Out, is administered by the Corporate Office and features an independent organization and confidentiality.

The Speak Out Program has been inspected on two occasions (1990 to assess the new program and 1991 in response to allegations about Speak Out). The program was evaluated as being effective for resolving employee concerns. The results of NRC inspections are documented in NRC Inspection Report Nos. 50-250,251/91-45 and 50-250,251/90-20.

FPL has terminated several employees since 1987 who subsequently filed discrimination complaints (for reporting safety concerns) to the Department of Labor (DOL). The following is a summary of the complaints filed with DOL that involved FP&L facilities: 15 complaints were filed, six have been resolved and are closed. The nine pending cases are at various stages of the DOL process. One Complainant filed five of the pending complaints at Turkey Point. None of the closed cases has resulted in escalated enforcement involving violation of 10 CFR 50.7.

Provided below is a summary of the numbers of allegation cases received by the NRC and by the licensee Speak Out Program for the years 1991 and 1992 and by the NRC as of 6/21/93.

YEAR	1991		1992		1993
SITE	FPL	NRC	FPL	NRC	NRC
St Lucie	25	5	23	4	1
Turkey Point	52	17	33	7	10

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## TALKING POINTS FOR CHAIRMAN SELIN

### PRIME MINISTER CHERNOMYRDIN'S VISIT TO ST. LUCIE AUGUST 31, 1993

#### Introductory Remarks

- Welcome to the St. Lucie nuclear power plant. The Vice President has asked me to serve as your official host.
- A background booklet has been prepared for you with information related to your visit, both in English and in Russian.
- The St. Lucie plant is one of the best performing, both in terms of safety and electrical production, nuclear power plants in the U.S., in addition to being located on a very attractive site.
- Your visit was arranged to highlight the importance of nuclear safety-related aspects of the U.S.-Russia Joint Commission on Technological Cooperation in Energy and Space.
- The U.S. members of the Joint Commission look forward to productive nuclear safety discussions in Washington, including such important topics as near-term risk reduction and liability.
- I will be traveling to Russia in early October and can be available for further discussions, if necessary.

#### Géneral Remarks

- U.S. Government and private entities work together to assure the highest levels of safety; however, the electric utility operating the nuclear power plant is ultimately responsible for its safe operation.
  - Plants that maintain the highest levels of safety can also be excellent performers (in terms of electrical generation and availability).
  - NRC and its Russian counterpart Gosatomnadzor (GAN) have enjoyed very fruitful safety cooperation in recent years, and NRC looks forward to continuing and enhancing this cooperation.
  - A strong, independent regulatory authority with a sound legal basis and sufficient resources to implement its responsibilities is a crucial element of nuclear safety.
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