



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

April 7, 2015

EA-13-152

Mr. Adam C. Heflin, President
and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

**SUBJECT: CLOSURE OF WOLF CREEK GENERATING STATION – CHILLING EFFECT
LETTER**

Dear Mr. Heflin:

On August 19, 2013, the Nuclear Regulatory Commission (NRC) issued a Chilling Effect Letter (CEL) (ML13233A208) regarding work environment issues at the Wolf Creek Generating Station (WCGS). This letter was issued in response to a finding of discrimination by the Occupational Safety and Health Administration (OSHA) following the termination of a contract employee, and an NRC determination that there was a chilled work environment in the Quality Assurance organization.

In a letter dated September 18, 2013 (ML15076A473), you provided the 30-day response requested in the CEL describing the immediate actions you had taken to address the Safety Conscious Work Environment (SCWE) concerns at WCGS. The NRC conducted a public meeting in the Region IV office on January 24, 2014, to discuss your progress and future plans for addressing the SCWE at WCGS. Additionally, in a letter dated January 24, 2014 (ML15076A470), you provided the 6-month response requested in the CEL describing the status of actions and any new actions created since the 30-day response letter. In a letter dated November 13, 2014 (ML15076A526), you notified the NRC that you were ready for an inspection to assess the actions taken to address the issues raised in the CEL.

The NRC performed onsite inspection and in-office review from January 26 through February 27, 2015, to evaluate your cause analyses, completed and planned corrective actions, metrics and measures you implemented to monitor your progress, and the results of independent safety culture surveys and assessments performed in 2013 and 2014. In addition, NRC inspectors interviewed 54 plant employees in focus group discussions to assess your current work environment issues.

The results of our inspections and our assessment of your progress in addressing the SCWE at WCGS are documented in NRC Inspection Report Number 05000482/2015008 (ML15086A560). We determined that Wolf Creek Nuclear Operating Corporation has taken appropriate actions to foster a workplace environment that encourages employees to raise

safety concerns and to feel free to do so without fear of retaliation, and that no chilling effect exists at WCGS.

Based on the results of NRC inspection activities, we have determined that you have made reasonable progress in addressing your work environment issues at WCGS. Specifically, in evaluating your scope of efforts and progress in addressing these issues, we concluded that you recognized the issues and implemented a range of appropriate corrective actions. The NRC has determined that your actions, which included implementation of new site-wide programs to continue improving the work environment at WCGS, have been effective in addressing the underlying issues that led to the issuance of the CEL. Therefore, the NRC has concluded that the SCWE theme, as discussed in Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program," and Enforcement Manual Section 6.5.4, "Chilling Effect of Actual or Potential Discrimination," no longer exists at WCGS, and the CEL will no longer be considered for plant assessment purposes. Notwithstanding this conclusion, the NRC will continue to monitor your activities to address work environment issues at WCGS through the baseline inspection program to verify the effectiveness and sustainability of your efforts in this area.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

Docket Nos. 50-482
License Nos. NPF-42

safety concerns and to feel free to do so without fear of retaliation, and that no chilling effect exists at WCGS.

Based on the results of the inspections listed above, the NRC has determined that you have made reasonable progress in addressing your work environment issues at WCGS. Specifically, in evaluating your scope of efforts and progress in addressing these issues, the NRC determined that you recognized the issues and implemented a range of appropriate corrective actions. The NRC has determined that your actions, which included implementation of new site-wide programs to continue improving the work environment issues at WCGS, have been effective in addressing the underlying issues that led to the issuance of the CEL. Therefore, the NRC considers that the SCWE theme, as discussed in Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program," and Enforcement Manual Section 6.5.4, "Chilling Effect of Actual or Potential Discrimination," no longer exists at WCGS, and the CEL will no longer be considered for plant assessment purposes. Notwithstanding this conclusion, the NRC will continue to monitor your activities to address work environment issues at WCGS through the baseline inspection program to verify the effectiveness and sustainability of your efforts in this area.

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Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

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Letter to Adam C. Heflin from Marc L. Dapas, dated April 7, 2015

SUBJECT: CLOSURE OF WOLF CREEK GENERATING STATION – CHILLING EFFECT
LETTER

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