



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

April 7, 2015

EA-13-153

John D. Richardson, President
Enercon Services, Inc.
Kennesaw Office-Corporate Headquarters
500 Townspark Lane
Suite 275
Kennesaw, GA 30144-5509

**SUBJECT: CLOSURE OF NRC CONCERN REGARDING POTENTIAL CHILLING EFFECT
WITHIN ENERCON SERVICES, INC.**

Dear Mr. Richardson:

On August 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) issued a letter requesting information from Enercon Services, Inc. (Enercon), in response to the U.S. Department of Labor's Occupational Safety and Health Administration's preliminary substantiation of your former employee's retaliation complaint. Our letter (found in NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML13233A212) was issued to address the potential for a chilled environment for raising and addressing safety concerns. After reviewing the final Department of Labor's decision associated with this issue, the NRC does not intend to take further action with respect to this alleged incident of discrimination.

On September 18, 2013, you provided the information requested in our August 19th letter, including immediate actions you had taken to address the potential for a chilled work environment (ADAMS Accession No. ML13276A029).

On October 4, 2013, the NRC sent an acknowledgement letter for your September 18, 2013, response, and stated that we would review your response and determine future inspection activities to review the progress of your planned actions.

On August 28, 2014, the NRC completed a problem identification and resolution biennial inspection at Wolf Creek Generating Station (ADAMS Accession No. ML14283A612). On September 11, 2014, the NRC completed a problem identification and resolution biennial inspection at Diablo Canyon Power Plant, Units 1 and 2 (ADAMS Accession No. ML14295A742). Both inspections assessed the safety-conscious work environment, including both licensee and Enercon employee perceptions of their ability to raise safety and compliance concerns without fear of retaliation at the respective sites, awareness of the Employee Concerns Program, and the impact of efforts to prevent or mitigate perceptions of retaliation.

Additionally, the NRC completed inspections at Enercon's Overland Park, Kansas, field office on December 8, 2014, and Enercon's Germantown, Maryland, field office on December 4, 2014. These inspections involved an assessment of the safety-conscious work environment, the corrective action program, accessibility of the Employee Concerns Program, and the employees' perception of their ability to raise concerns.

The NRC has determined that your actions, which included training and communications with employees about safety culture and a safety conscious work environment, enhancements to your Employee Concerns Program, and an employee survey addressing safety culture are appropriate and sufficient to address the possibility of a chilled work environment that led to the issuance of the NRC's August 2013 letter. The results of the NRC's follow-up inspections at various locations indicate that you have established a safety conscious work environment for Enercon employees and, as such, we plan no further action on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response if you choose to provide one will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any additional questions regarding these matters, please contact Mr. Neil O'Keefe, Chief, Reactor Projects Branch B, at 817-200-1141.

Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

cc:

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

Regional Administrator
Region 7
U.S. Department of Labor/OSHA
Two Pershing Square Building
2300 Main Street, Suite 1010
Kansas City, MO 64108-2416

Additionally, the NRC completed inspections at Enercon's Overland Park, Kansas, field office on December 8, 2014, and Enercon's Germantown, Maryland, field office on December 4, 2014. These inspections involved an assessment of the safety-conscious work environment, the corrective action program, accessibility of the Employee Concerns Program, and the employees' perception of their ability to raise concerns.

The NRC has determined that your actions, which included training and communications with employees about safety culture and a safety conscious work environment, enhancements to your Employee Concerns Program, and an employee survey addressing safety culture are appropriate and sufficient to address the possibility of a chilled work environment that led to the issuance of the NRC's August 2013 letter. The results of the NRC's follow-up inspections at various locations indicate that you have established a safety conscious work environment for Enercon employees and, as such, we plan no further action on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response if you choose to provide one will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any additional questions regarding these matters, please contact Mr. Neil O'Keefe, Chief, Reactor Projects Branch B, at 817-200-1141.

Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

cc:

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

Regional Administrator
Region 7
U.S. Department of Labor/OSHA
Two Pershing Square Building
2300 Main Street, Suite 1010
Kansas City, MO 64108-24166

DISTRIBUTION: See next page

DOCUMENT NAME: S:\RAS\ACES\ENFORCEMENT\EA CASES - OPEN!_CEL\Enercon_EA-13-153_CEL\EA-13-153 Closure
Letter to Enercon Response_rev1.docx ADAMS ACCESSION NUMBER: **ML15096A565**

<input checked="" type="checkbox"/> SUNSI Review By: LMB		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		Keyword:
OFFICE	SAC	C:ACES	C:PBB	OE	RC	D:DRP	RA	
NAME	PAJayroe	VHCampbell	NFO'Keefe	LMJarriel	KSFuller	TWPruett	MLDapas	
SIGNATURE	/RA/	/RA/	/RA/	/RA/	/RA/	/RA/	/RA/	
DATE	01/17/15	01/23/15	2/25/15	2/3/15	2/26/15	4/2/15	4/7/15	

OFFICIAL RECORD COPY

Letter to John D. Richardson from Marc L. Dapas dated April 7, 2015.

**SUBJECT: CLOSURE OF NRC CONCERN REGARDING POTENTIAL CHILLING EFFECT
WITHIN ENERCON SERVICES, INC.**

DISTRIBUTION:

RidsOeMailCenter Resource;
RidsSecyMailCenter Resource;
RidsEdoMailCenter Resource;
RidsOiMailCenter Resource;
RidsRgn2MailCenter Resource;
RidsNrrDirsEnforcement Resource;
Marc.Dapas@nrc.gov;
Kriss.Kennedy@nrc.gov;
Anton.Vegel@nrc.gov;
Troy.Pruett@nrc.gov;
Nick.Taylor@nrc.gov;
Christi.Maier@nrc.gov;
Peter.Jayro@nrc.gov;
R4Enforcement;
Jenny.Weil@nrc.gov;
Lisamaire.Jarriel@nrc.gov;
Dori.Willis@nrc.gov;

OEWEB Resource;

RidsOcaMailCenter Resource;
EDO_Managers;
RidsRgn1MailCenter Resource;
RidsRgn3MailCenter Resource;
RidsOpaMail Resource;
Karla.Fuller@nrc.gov;
Bill.Maier@nrc.gov;
Jeff.Clark@nrc.gov ;
Neil.Keefe@nrc.gov;
Rachel.Browder@nrc.gov;
Victor.Dricks@nrc.gov;
Lara.Uselding@nrc.gov;
Kyle.Hanley@nrc.gov;
Cayetano.Santos@nrc.gov;
Wayne.Walker@nrc.gov;
Edward.Roach@nrc.gov;

RidsOgcMailCenter Resource;
RidsOigMailCenter Resource;
RidsOcoMailCenter Resource;
NRREnforcement Resource;

Patricia.Holahan@nrc.gov;
Nick.Hilton@nrc.gov;
John.Wray@nrc.gov;
David.Furst@nrc.gov;
Gerald.Gulla@nrc.gov;
Robert.Carpenter@nrc.gov;
Robert.Fretz@nrc.gov;
Lauren.Casey@nrc.gov;
Shahram.Ghasemian@nrc.gov;
Laura.Micewski@nrc.gov;