



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

April 2, 2019

EA-18-165

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

SUBJECT: WOLF CREEK GENERATING STATION – NRC INSPECTION
REPORT 05000482/2019010 AND NRC INVESTIGATION REPORT 4-2018-008

Dear Mr. Heflin:

This letter refers to the investigation completed on November 13, 2018, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the Wolf Creek Generating Station (Wolf Creek). The investigation was conducted, in part, to determine whether a maintenance worker and a supervisor at Wolf Creek willfully documented inaccurate information in a required record regarding the cleaning and inspection of control rod drive mechanisms on October 31, 2016. Enclosure 1 provides a factual summary of the basis for the NRC's concern that willfulness was associated with the apparent violation in this case. This issue was discussed with Mr. Jaime McCoy, Site Vice President, and other members of your staff, during a telephonic exit on March 26, 2019.

Based on the information acquired during the investigation, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation is against Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.9, which requires, in part, information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects. Further details regarding this apparent violation are documented in Enclosure 2 to this letter. The circumstances surrounding the apparent willful violation, the potential significance of the issue, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting on March 26, 2019.

Before the NRC makes its enforcement decision, we are providing you an opportunity to:

- (1) respond in writing to the apparent violation addressed in this inspection report within 30 days of the date of this letter;
- (2) request a predecisional enforcement conference (PEC); or
- (3) request alternative dispute resolution (ADR). If a PEC is held, the PEC will be closed to public observation since information related to an OI report will be discussed and the report has not been made public. If you decide to participate in a PEC or pursue ADR, please contact Mr. Nicholas Taylor, Chief, Division of Reactor Projects, Branch B, at 817-200-1141,

within 10 days of the date of this letter. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation in NRC Inspection Report 05000482/2019010; EA-18-165" and should include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence if the correspondence adequately addresses the required response.

Additionally, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy mailed to the Director, Division of Reactor Projects, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this issue. Alternative dispute resolution is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues.

Additional information concerning the NRC's ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>, as well as NRC brochure NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program," Revision 2 (Agencywide Documents Access and Management System (ADAMS) Accession ML18122A101). The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of the apparent violation described in the Enclosure 2 may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

For administrative purposes, this letter and enclosures are issued as NRC Inspection Report 05000482/2019010. The apparent violation will be issued as AV 05000482/2019010-01, as described in Enclosure 2.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and your responses, if you choose to provide them, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site 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. You should also be aware that all final NRC documents, including the final Office of Investigations report, are official agency records and may be made available to the public under the Freedom of Information Act, subject to redaction of certain information in accordance with the Freedom of Information Act.

If you have any questions concerning this matter, please contact Mr. Nicholas Taylor of my staff at 817-200-1141.

Sincerely,

/RA Michael C. Hay Acting for/

Anton Vogel, Director
Division of Reactor Projects

Docket No. 50-482
License No. NPF-42

Enclosures:

1. Factual Summary
2. Inspection Report 05000482/2019010

FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2018-008

On November 22, 2017, the U.S. Nuclear Regulatory Commission Office of Investigations initiated an investigation to determine whether a maintenance worker and a supervisor at Wolf Creek Generating Station willfully documented inaccurate information in a required record regarding the cleaning and inspection of control rod drive mechanisms (CRDMs) on October 31, 2016. The investigation was completed on November 13, 2018.

In September 2016, several CRDM components were coated with a layer of boric acid residue as a result of a leak identified at the canopy seal weld on penetration 77 on the reactor vessel head. The licensee initiated work orders to clean the boric acid off the affected structures, systems, and components, including 15 of the most-affected CRDMs. Due to problems with removal, three of the CRDMs (4, 35, and 53), that were planned to be cleaned, were not removed from the head, inspected, and cleaned as planned.

The Office of Investigations interviewed the maintenance worker involved in the documentation of the cleaning and inspection of the CRDMs. During the interview, the maintenance worker admitted to falsifying the “as found” conditions for CRDMs 4, 35, and 53 in Work Order 16-417262-015, Revision 1, Attachment B. Specifically, the maintenance worker testified that he completed documentation of Step B.2 of the work order, which described the “as found” condition of CRDMs 4, 35, and 53. The maintenance worker admitted that the CRDMs had not been removed and that his “as found” descriptions were based on assumptions rather than observations. The maintenance worker also testified that he understood his actions were wrong and did not comply with the work procedure.

The Office of Investigations interviewed the supervisor involved in the documentation of the cleaning and inspection of the CRDMs. During the interview, the supervisor testified he completed the “as left” condition in Step B.3 of the Work Order 16-417262-015, Revision 1, Attachment B and acknowledged that CRDMs 4, 35, and 53 were not removed for inspection and cleaning. The supervisor testified that he assumed the CRDMs had been cleaned. The supervisor stated that he should not have completed any paperwork unless he knew and could verify the CRDMs were cleaned. The supervisor stated that he knew his conduct was wrong and against the work procedure.

Based on the evidence, it appears that the maintenance worker and the supervisor deliberately falsified information in the work order. This appears to have caused Wolf Creek Nuclear Operating Corporation to be in violation of 10 CFR 50.9, “Completeness and accuracy of information.”

**U.S. NUCLEAR REGULATORY COMMISSION
Inspection Report**

Docket Numbers: 05000482

License Numbers: NPF-42

Report Numbers: 05000482/2019010

Enterprise Identifier: I-2019-010-0054

Licensee: Wolf Creek Nuclear Operating Corporation

Facility: Wolf Creek Generating Station

Location: Burlington, Kansas

Inspection Dates: November 13, 2018, to February 28, 2019

Inspectors: D. Dodson, Senior Resident Inspector
F. Thomas, Resident Inspector
B. Tharakan, Senior Project Engineer

Approved By: Nicholas H. Taylor
Chief, Project Branch B
Division of Reactor Projects

SUMMARY

The U.S. Nuclear Regulatory Commission (NRC) continued monitoring the licensee's performance by conducting an inspection at Wolf Creek Generating Station in accordance with the Reactor Oversight Process. The Reactor Oversight Process is the NRC's program for overseeing the safe operation of commercial nuclear power reactors. Refer to <https://www.nrc.gov/reactors/operating/oversight.html> for more information. NRC-identified and self-revealed findings, violations, and additional items are summarized in the table below.

List of Findings and Violations

Failure to Maintain Quality Records Complete and Accurate in All Material Respects			
Cornerstone	Significance	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Apparent Violation AV 05000482/2019010-01 Open EA-18-165	Not Applicable	71152– Problem Identification and Resolution
The inspectors identified an apparent violation of 10 CFR 50.9, associated with the licensee's failure to ensure information required by the Commission's regulations is complete and accurate in all material respects. Specifically, the licensee failed to maintain complete information when documenting the as found condition of control rod drive mechanisms in accordance with Work Order 16-417262-015; and following the cleaning of control rod drive mechanisms the licensee failed to maintain accurate information when documenting that cleaning of control rod drive mechanisms 4, 35, and 53 was performed and that the post-cleaning inspection met the acceptance criteria.			

INSPECTION SCOPE

The inspection was conducted using the appropriate portions of the inspection procedures (IPs) in effect at the beginning of the inspection unless otherwise noted. Currently approved IPs with their attached revision histories are located on the public website at <http://www.nrc.gov/reading-rm/doc-collections/insp-manual/inspection-procedure/index.html>. Samples were declared complete when the IP requirements most appropriate to the inspection activity were met consistent with Inspection Manual Chapter (IMC) 2515, "Light-Water Reactor Inspection Program - Operations Phase." The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel to assess licensee performance and compliance with Commission rules and regulations, license conditions, site procedures, and standards.

REACTOR SAFETY

71152-Problem Identification and Resolution

INSPECTION RESULTS

Failure to Maintain Quality Records Complete and Accurate in All Material Respects			
Cornerstone	Significance	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Apparent Violation AV 05000482/2019010-01 Open EA-18-165	Not Applicable	71152– Problem Identification and Resolution
<p>The inspectors identified an apparent violation of 10 CFR 50.9, associated with the licensee's failure to ensure information required by the Commission's regulations is complete and accurate in all material respects. Specifically, the licensee failed to maintain complete information when documenting the as found condition of control rod drive mechanisms (CRDMs) in accordance with Work Order 16-417262-015; and following the cleaning of CRDMs the licensee failed to maintain accurate information when documenting that cleaning of CRDMs 4, 35, and 53 was performed and that the post-cleaning inspection met the acceptance criteria.</p>			
<p><u>Description:</u> On September 2, 2016, reactor coolant system unidentified leakage was calculated to be greater than allowed, and the licensee completed a plant shutdown as required by plant Technical Specifications. Following shutdown and containment entry, the source of the leak was identified as the canopy seal weld on penetration 77 on the reactor vessel head (not pressure boundary leakage), which serves one of the core exit thermocouples. The licensee maintained the plant in Mode 3 rather than continue to Mode 5, resulting in highly borated reactor coolant spraying onto the reactor vessel head for six days until September 7, 2016, at which time the plant was cooled down to Mode 5 and depressurized.</p> <p>With the CRDM fans running for these six days, the CRDM components were coated with a heavy layer of boric acid residue. The licensee issued work orders to clean the boric acid off of affected structures, systems, and components, including 15 of the most-affected CRDMs. Due to problems with removal, three of the CRDMs (4, 35, and 53), planned to be cleaned, were not removed from the head and were neither inspected nor cleaned as planned.</p>			

In response to questions from the NRC staff, the licensee wrote Condition Report 115392, which documented that work order data sheets for three of the CRDMs were incorrect, in that the work orders recorded that the CRDMs had been removed, inspected, cleaned, reinspected and reinstalled when the CRDMs had not been removed from the head. The licensee affirmed that the work order data sheets incorrectly recorded the inspection and cleaning of CRDMs 4, 35, and 53 and the licensee subsequently filed a "Record Supplemental/Correction Sheet" with the original vaulted Work Order 16-417262-015 on December 5, 2017.

Work Order 16-417262-015, a safety-related work order, was required to be maintained by Title 10 CFR Part 50, Appendix B, Criterion XVII, which requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality.

Corrective Actions: The licensee filed a correction sheet with the original vaulted work order and conducted an internal review of the matter. The licensee's review did not identify the individuals responsible and found no evidence of ill intent. The licensee described the inaccurate records as a clerical error. No actions were taken or planned to address the manner in which the work order records had been completed without actually performing the work.

Corrective Action References: Condition Report 115392

Performance Assessment: The Reactor Oversight Process significance determination process does not specifically consider willfulness in its assessment of licensee performance. Therefore, it is necessary to address this violation, which involves willfulness, using traditional enforcement to adequately deter non-compliance. The severity of this apparent violation will be determined in accordance with the Enforcement Policy pending a final enforcement determination.

Enforcement:

Apparent Violation: 10 CFR 50.9 requires, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR Part 50, Appendix B, Criterion XVII, requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality.

Procedure AP 15A-003, "Records," Revision 13, a quality related procedure, Step 4.12.1 defined, in part, that quality records include those which furnish documentary evidence of the quality of items and of activities affecting quality. Such activities are described in 10 CFR Part 50, Appendix B. A document shall be considered a QA record when it has been completed, authenticated and has had the review required by the procedure governing that document.

Contrary to the above, from October 31, 2016, to December 5, 2017, the licensee failed to maintain information required by the Commission's regulations that was complete and accurate in all material respects. Specifically, following the cleaning of CRDMs in Work Order 16-417262-015, the licensee failed to maintain complete and accurate information when documenting the cleaning of CRDMs 4, 35, and 53 was performed, and that the post-cleaning inspection met the acceptance criteria. The information in the work order was material to the NRC because it is subject to NRC inspection and informs the NRC's review of and response to boric acid leaks affecting the reliability of equipment affecting safety.

Enforcement Action: This violation is being treated as an apparent violation pending a final enforcement determination.

EXIT MEETINGS AND DEBRIEFS

On March 26, 2019, the NRC staff presented the inspection results to Mr. Jaime McCoy, Site Vice President, and other licensee staff in a telephonic exit meeting. The NRC staff verified no proprietary information was retained or documented in this report.

WOLF CREEK GENERATING STATION – NRC INSPECTION REPORT 05000482/2019010 AND NRC INVESTIGATION REPORT 4-2018-008 – April 2, 2019

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ADAMS ACCESSION NUMBER: ML19092A335

SUNSI Review ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JGK Yes No Publicly Available Sensitive

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