



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

OCT 23 1989

Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Dear Ms. Schwabauer:

Your letter of August 24, 1989, to Senator Nancy L. Kassebaum citing your concerns regarding the U.S. Nuclear Regulatory Commission's (NRC's) denial of the Kansas Chapter of the Sierra Club's petition pursuant to 10 CFR 2.206 has been forwarded to me for response. Enclosed with your letter was a copy of a recent Sierra Club publication that discusses its petition regarding the Wolf Creek Generating Station along with a brief summary of the NRC's decision to deny the request. Included in your letter was a statement relating your belief that concerns raised in the petition were "'swept under the rug' and ignored."

The NRC staff has expended considerable effort over the years in responding to allegations of safety deficiencies relating to the Quality First Program (Q1) at the Wolf Creek Generating Station. Petitions pursuant to 10 CFR 2.206 relating to Q1 have been received from both the Government Accountability Project (GAP) in May 1985 and the Kansas Chapter of the Sierra Club in January 1989. We responded to these petitions in Director's Decisions DD-88-14, dated August 22, 1988, and DD-89-4, dated June 26, 1989. In addition, the NRC has reviewed Q1 on a number of occasions through the normal inspection process and in a special investigation performed separately by our Office of Investigations (OI).

As previously noted, your letter included a brief discussion of the Sierra Club's petition along with the NRC's decision to deny the request. I believe that it would be beneficial for you to have access to the entire Director's Decision DD-89-4 that was forwarded to the Kansas Chapter of the Sierra Club. Therefore, I am enclosing a copy of this decision, which provides a complete explanation of (1) the role and function of Q1 at the Wolf Creek Generating Station, (2) the regulations relied upon by the NRC staff in making licensing decisions regarding the Wolf Creek Quality Assurance Program, (3) the role of NRC's review of Q1, and (4) the basis used by NRC in denying the petition. The following items highlight the major topics in the enclosed decision.

- NRC's licensing decisions to approve the Wolf Creek Quality Assurance Program were based upon the regulations found in 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." This program was completely independent of and separate from the licensee's Q1 program.
- Q1 was a voluntary program established by the licensee to provide an independent route for Wolf Creek employees to bring quality concerns to the attention of Wolf Creek management. Employees continued to have the opportunity to voice their concerns directly to the NRC Resident Inspectors on site.

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PDR ADOCK 05000482
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- Q1 was not intended to meet the NRC's quality assurance requirements of 10 CFR Part 50, Appendix B, as implied by the Sierra Club.
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- The OI investigation of Q1 (OI Case No. 4-86-004) identified a number of shortcomings that were itemized in the Sierra Club publication (e.g., an incident of document shredding and the blackballing of a former inspector by Q1 management; removal of aggressive Q1 investigators from the Q1 program). However, the OI investigation concluded that despite the shortcomings identified in the Q1 program, the evidence did not establish wrongdoing on the part of Kansas Gas and Electric management. Furthermore, the OI investigation found that some of the most significant technical issues received extensive Q1 attention and multilevel management review and that the NRC was independently involved in closure on many of these important technical issues. The OI report concluded that in those instances, the Q1 program was highly successful in communicating important problems to the affected organizations for corrective action.
- The Sierra Club petition did not provide any new information that had not been available to the staff. Therefore, the staff did not find any basis to take additional action regarding this subject.

In conclusion, I hope that the enclosed material will help alleviate your concerns that safety deficiencies have been ignored at the Wolf Creek Generating Station.

Sincerely,
Original signed

James H. Sniezek

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:

Director's Decision DD-89-4 DISTRIBUTION w/o enclosure:
 Docket File NRC PDR w/incoming Local PDR w/incoming
 cc w/enclosure: J. Partlow G. Holahan OGC-Rockville
 See next page J. Taylor F. Hebdon D. Mossburg, PMAS(EDO#4801) w/incom.
 P. Noonan G. Holler, RIV D. Pickett w/incoming
 EDO Reading #4801 PD4 Green Ticket File
 D. Crutchfield F. Gillespie

*SEE PREVIOUS CONCURRENCES:

OFC	: PD4/LA*	: PD4/PM*	: PD4/D*	: OGC*	: (A)ADR4	: (A)DRSF/D	: Tech Editor
NAME	: PNoonan	: DPickett:bj	: FHebdon	: RWeisman	: Gholahan	: Gholahan	: S. Calure
DATE	: 10/11/89	: 10/11/89	: 10/11/89	: 10/17/89	: 10/19/89	: 10/19/89	: 10/19/89
OFC	: ADP	: DDONRR	: DOWE/h	:	:	:	:
NAME	: JPartlow	: JSniezek	: TMurley	:	:	:	:
DATE	: 10/10/89	: 10/10/89	: 10/20/89	:	:	:	:

10/19

cc: Senator Nancy L. Kassebaum
ATTN: Mr. Mike Horak
Russell Senate Office Building
Room 308
Washington, D.C. 20510

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- The Sierra Club Petition did not provide any new information that has not been available to the staff. Therefore, the staff did not find any basis to take additional action regarding this subject.

In conclusion, it is my hope that the enclosed material will help alleviate your concerns that safety deficiencies have been ignored at the Wolf Creek Generating Station.

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Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:

Director's Decision DD-89-4

DISTRIBUTION w/o enclosure:

	Docket File	NRC PDR w/incoming	Local PDR w/incoming
cc w/enclosure:	J. Partlow	G. Holahan	OGC-Rockville
See next page	J. Taylor	F. Hebdon	D. Mossburg, PHAS(EDO#4801) w/incom.
	P. Noonan	G. Holler, RIV	D. Pickett w/incoming
	EDO Reading #4801		PD4 Green Ticket File
	D. Crutchfield	F. Gillespie	

*SEE PREVIOUS CONCURRENCES:

OFC	: PD4/LA*	: PD4/PM*	: PD4/D*	: OGC*	: (A)ADR4	: (A)DRSP/D	: Tech Editor
NAME	: PNoonan	: DPickett:bj	: FHebdon	: RWeisman	: GHolahan	: GHolahan	:
DATE	: 10/11/89	: 10/11/89	: 10/11/89	: 10/17/89	: 10/ /89	: 10/ /89	: 10/ /89

OFC	: ADP	: DDONRR	: DONRR	:	:	:	:
NAME	: JPartlow	: JSniezek	: TMurley	:	:	:	:
DATE	: 10/ /89	: 10/ /89	: 10/ /89	:	:	:	:

OFFICIAL RECORD COPY

Document Name: GT 0004801

Ms. Arlys L. Schwabauer

- 2 -

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- The Sierra Club Petition did not provide any new information that has not been available to the staff. Therefore, the staff did not find any basis to take additional action regarding this subject.

In conclusion, it is my hope that the enclosed material will help alleviate your concerns that safety deficiencies have been ignored at the Wolf Creek Generating Station.

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Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:
Director's Decision DD-89-4

cc w/enclosure:
See next page

DISTRIBUTION w/o enclosure:

Docket File	NRC PDR w/cy of incoming
Local PDR w/cy of incoming	EDO #0004801
EDO Reading	T. Murley/J. Sniezek
J. Partlow	PD4 Reading (w/cy of incoming)
G. Holahan	F. Hebdon
OGC-Rockville	V. Stello
D. Mossburg, PMAS (EDO#0004801) w/cy of incoming	P. Noonan
D. Pickett w/cy of incoming	G. Holler, RIV
PD4 Green Ticket File	

OFC : PD4/LA	: PD4/PM	: Tech Editor	: FHebdon	: OGC	: (A)ADR4	: (A)DR5P/D
NAME : PNoonan	: DPickett:bj		: FHebdon	: RWesman	: GHolahan	: GHolahan
DATE : 10/ 11/89	: 10/ 11/89	: 10/ /89	: 10/11/89	: 10/17/89	: 10/ /89	: 10/ /89

OFC : ADP	: DDONRR	: DONRR	:	:	:	:
NAME : JPartlow	: JSniezek	: TMurley	:	:	:	:
DATE : 10/ /89	: 10/ /89	: 10/ /89	:	:	:	:

\$po legal objection with comments



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

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 10/19/89

EDO CONTROL: 0004801

DOC DT: 09/25/89

FINAL REPLY:

Sen. Nancy Landon Kassebaum

TO:

John Bradburne, CA

FOR SIGNATURE OF:

** GRN **

CRC NO: 89-1088

Murley

DESC:

ROUTING:

ENCLOSES LETTER FROM ARLYS L. SCHWABAUER
CONCERNING DENIAL OF PETITION SUBMITTED BY THE
KANSAS CHAPTER OF THE SIERRA CLUB REGARDING THE
WOLF CREEK NUCLEAR GENERATING STATION

Scinto, OGC
RMartin, RIV

DATE: 10/04/89

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:

REF. EDO 4245.
REPLY DIRECT TO CONSTITUENT.
SEND CC TO SEN. KASSEBAUM & MARK ENVELOPE
ATTN: MIKE HORAK.

NRR RECEIVED: OCT. 4, 1989

ACTION: DRSP:HOLAHAN

NRR ROUTING: MURLEY/SNIEZEK

PARTLOW
MIRGLIA
CRUTCHFIELD
GILLESPIE
MOSSBURG

ACTION
DUE TO NRR DIRECTOR'S OFFICE
BY: 10/19/89

Date: September 25, 1989

United States Senate

Re: Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Respectfully referred to:

Mr. John C. Bradburne
Director, Congressional Affairs
Office of Government and Public Affairs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Please respond directly to the constituent with a copy to my office. Your findings and views will be appreciated by

Nancy Landon Kassebaum
United States Senator

Attention: Mike Horak

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-89-1088 LOGGING DATE: Oct 4 89
ACTION OFFICE: EDO
AUTHOR: Nancy Kassebaum--Cont Ref
AFFILIATION: UNITED STATES SENATE
LETTER DATE: Sep 25 89 FILE CODE: ID&R-5 Wolf
SUBJECT: Concerned about the Comm's denial of the petition
submitted by the Kansas Chapter of the Sierra Club
re req for suspension of the Wolf Creek operating
license
ACTION: Direct Reply
DISTRIBUTION: OCA to Ack, DSB
SPECIAL HANDLING: None
NOTES:
DATE DUE: Oct 19 89
SIGNATURE: . DATE SIGNED:
AFFILIATION:

EDO---004801

Rec'd Off. EDO

Date 10-4-89

Time 11:50

400490

August 24, 1989
Rt. 2, Box 189
Newton, Kansas 67114

Senator Nancy L. Kassebaum
Room 302
Russel Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Kassebaum,

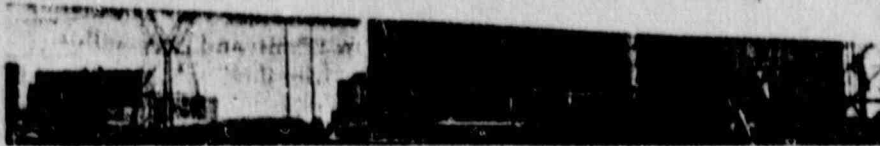
I am greatly concerned by the NRC's denial of the petition submitted by the Kansas Chapter of the Sierra Club regarding the Wolf Creek nuclear generating station at Burlington, Kansas. (Case # 4-86-004). I do not understand how those concerns can be 'swept under the rug' and ignored. The consequences are much to grave to ignore. Thousands of dollars are spent on much less urgent causes than this. I urge you to look into this matter.

Enclosed is a copy of an article that raised my concerns. I know your reading time is limited, but please take time to scan this article and the concerns it raises.

Sincerely,

Arlys L. Schwabauer

Arlys L. Schwabauer



Wolf Creek nuclear generating station at Burlington, Kansas

On January 30th the Kansas Chapter filed a petition with the Nuclear Regulatory Commission (NRC) in their Office of Inspections and Enforcement demanding suspension of the operating license for Wolf Creek Generating Station in Burlington until the Commission explains why it believes the plant is operating safely in spite of NRC's overwhelming evidence to the contrary. Our petition wasn't based on any new information or new problems at the plant, but was based on a series of published reports, mostly from the NRC itself relating to uncorrected problems at the plant.

Through a Freedom of Information Act request, the Chapter received documents from NRC's Office of Investigations that confirmed a large number of allegations made by former employees of Wolf Creek concerning operating safety. There have been so many complaints that in June of 1986 NRC opened its third investigation of operating safety since the plant went on line. Many of the allegations regarding safety problems have come from former employees of Kansas Gas and Electric Company who participated in the Quality First Program (Q1).

The Q1 program encouraged employees to report potential quality assurance problems to KG&E so

that they could be addressed. Employees were encouraged to report their concerns to KG&E rather than to the NRC or to other interested groups. When they concluded that KG&E was not adequately investigating and correcting the problems, employees who had first worked within the Q1 program subsequently reported their concerns directly to the NRC. The Office of Investigations of NRC interviewed those who had filed complaints. It is a report of those interviews that the Chapter has reviewed. That report is now available to the public; it is on file in the Wolf Creek Public Document Room at Emporia State University.

Specifically, NRC's investigator H. Brooks Griffin interviewed witnesses who substantiated allegations of document shredding; blackballing; transfer and termination of aggressive Q1 investigators; file "streamlining"; confiscation of tape recorders formerly used to record employee allegations about possible safety problems; management changing the conclusions of investigators; management restricting the scope of Q1 assurance investigations; management failing to investigate allegations of drug use, harassment, intimidation, falsifi-

• NRC Petition - page 2, col. 3.

...on and discrimination for potentially adverse effects on safety; and conflicts of interest.

In the report Griffin himself concluded that, "verification of corrective action by Q1 was not meaningful" and that "significant numbers" of employee allegations about safety problems were closed with superficial investigative effort and transparently limited documentation, all of which was accepted by Q1 supervisors. Griffin also found that employee concerns were summarized in one or two sentences which lead to "meaningless investigations and premature closures of issues which merited further investigation." Further, he found that issues of wrongdoing were not investigated for potential impacts on safety, and wrongdoers were not disciplined. Finally, Griffin determined that the closure rate for some investigators jumped from an average of four per month to the point where some investigators were closing cases at a rate of one per day as the fuel load date approached and he concluded that nearly 66% of the conclusions used to close Q1 complaints about alleged wrongdoing could not be supported by facts or documentation.

These and numerous other findings are included in Griffin's report, which incidentally, had fully one-third of each of ten pages expurgated (out of the 15-page report) prior to being released for public view. And yet, Griffin stated that despite "substantial shortcomings identified in the Q1 program, it is concluded that the evidence gathered does not substantiate wrongdoing on the part of KG&E management in their conduct of this voluntary program." The Chapter however, believes that the evidence draws the opposite conclusion and that safety concerns have not been adequately addressed. Secondly, the Chapter believes that the NRC's own regulations make quality assurance mandatory and not voluntary.

We are not alone in our criticism of safety at Wolf Creek. On June 26, 1988 the *Kansas City Star* reported that Wolf Creek had received the lowest mark possible for its quality control programs in the annual NRC report. The *Star* article also said, "The report also criticizes the plant's Quality Assurance program for failing to identify safety-related problems on a timely basis. For instance, managers failed to ensure the repair of defective equipment designed to make sure high levels of chlorine don't seep into the control room." And on July 21, 1988, Joe Callan, Director of the division of reactor projects for NRC Region IV, was quoted in the *Kansas City Star/Times* as saying that it appeared that Wolf Creek management had improperly sought "short-term" solutions to safety problems without determining the underlying causes of problems. He told the newspaper that corrective actions "were often superficial and didn't get to the root cause of the problems."

Based on reports...

cited above, the Chapter had asked that:

(1) the operating license for Wolf Creek Generating Station be suspended.

(2) that prior to reinstating the operating license:

a. the NRC should reopen its case (#4-86-004) and provide sound technical reasons for its conclusion that the plant is safe enough to operate in spite of all of its investigative conclusions regarding quality assurance problems;

b. the NRC should review all of its information on quality assurance at Wolf Creek developed subsequent to case #4-86-004 being issued and covering operations through 1989 to provide sound technical reasons for its conclusion that the plant is safe to operate;

c. all corrective actions determined by NRC to be necessary to achieve a level of operating safety that complies with federal regulations should be incorporated as conditions of the operating license and if they are not met, the operating license should be revoked.

The petition also asked that four individuals cited in Mr. Griffin's report be barred from any and all involvement or participation in any activities at the generating station.

Recently the Chapter received a response from Thomas E. Murley, Director of the Office of Nuclear Reactor Regulation of the NRC.

In his letter Murley states that he has declined to issue an order to suspend operation of the generating station for a number of reasons. Among those reasons: NRC does not require licensees to implement programs like Q1 and does not rely on results from such programs in its licensing decisions. With regard to our request to reopen the Office of Investigation's case (4-86-004) and to review all information on quality assurance, Murley's letter lists the conclusions of the OI report and states that a staff review supports the conclusions reached. He went on to say, "The Sierra Club petition, 'does not offer any new information or additional insights into the available data [therefore] the staff sees no basis for reopening' the case. And finally regarding our request that certain individuals cited in Griffin's report be barred from involvement or activity at Wolf Creek, Murley supports the conclusion of the OI case that 'the evidence gathered does not substantiate wrongdoing on the part of KG&E management in their conduct' and considering that Sierra's petition does not provide any new information, 'the staff does not find a basis to prohibit the named individuals from licensed activities' at Wolf Creek."

One of the reasons for our petition was to bring our perception of problems of continuing safety deficiencies at Wolf Creek to the attention of the public. To the extent that you can raise this issue by writing letters to the editor of your hometown newspaper or by other means...

*Local PDR
w/Incoming*



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

OCT 23 1989

Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Dear Ms. Schwabauer:

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Office of Nuclear Reactor Regulation

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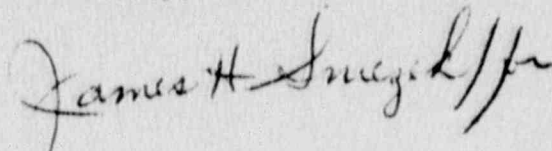
OFC : PD4/LA*	: PD4/PM*	: PD4/D*	: OGC*	: (A)ADR4	: (A)DRSP/D	: Tech Editor
NAME : PNoonan	: DPickett:bj	: FHebdon	: RWeisman	: GHolahan	: GHolahan	: S. Calver
DATE : 10/11/89	: 10/11/89	: 10/11/89	: 10/17/89	: 10/19/89	: 10/19/89	: 10/19/89

OFC : ADP	: DDONRR	: DOWE	:	:	:	:
NAME : JPartlow	: JSniezek	: TMurley	:	:	:	:
DATE : 10/20/89	: 10/19/89	: 10/20/89	:	:	:	:

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Sincerely,



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Office of Nuclear Reactor Regulation

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Director's Decision DD-89-4

cc w/enclosure:
See next page

cc: Senator Nancy L. Kassebaum
ATTN: Mr. Mike Horak
Russell Senate Office Building
Room 308
Washington, D.C. 20510



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

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 10/27/89

EDO CONTROL: 0004801
DOC DT: 09/25/89
FINAL REPLY:

Sen. Nancy Landon Kassebaum

24
~~10/27~~
10/17

TO:

John Bradburne, CA

Abdon Pickett

FOR SIGNATURE OF:

** GRN **

CRC NO: 89-1088

Murley

DESC:

ROUTING:

ENCLOSES LETTER FROM ARLYS L. SCHWABAUER
CONCERNING DENIAL OF PETITION SUBMITTED BY THE
KANSAS CHAPTER OF THE SIERRA CLUB REGARDING THE
WOLF CREEK NUCLEAR GENERATING STATION

Scinto, OGC
RMartin, RIV

DATE: 10/04/89

ASSIGNED TO:

CONTACT:

NRR Murley

SPECIAL INSTRUCTIONS OR REMARKS:
REF. EDO 4245.
REPLY DIRECT TO CONSTITUENT.
SEND CC TO SEN. KASSEBAUM & MARK ENVELOPE
ATTN: MIKE HORAK.

NRR RECEIVED: OCT. 4, 1989
ACTION: DRSP:HOLAHAM

NRR ROUTING: MURLEY/SNIEZEK
PARTLOW
MIRAGLIA
CRUTCHFIELD
GILLESPIE
MOSSBURG

ACTION
DUE TO NRR DIRECTOR'S
BY 10/19/89

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-89-1088 LOGGING DATE: Oct 4 89
ACTION OFFICE: EDO
AUTHOR: Nancy Kassebaum--Cont Ref
AFFILIATION: UNITED STATES SENATE
LETTER DATE: Sep 25 89 FILE CODE: ID&R-5 Wolf
SUBJECT: Concerned about the Comm's denial of the petition
submitted by the Kansas Chapter of the Sierra Club
re req for suspension of the Wolf Creek operating
license
ACTION: Direct Reply
DISTRIBUTION: OCA to Ack, DSB
SPECIAL HANDLING: None
NOTES:
DATE DUE: Oct 19 89
SIGNATURE: . DATE SIGNED:
AFFILIATION:

EDO---004601

Rec'd Off. EDO
Date 10-4-89
Time 11:50

Date: September 25, 1989

United States Senate

Re: Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Respectfully referred to:

Mr. John C. Bradburne
Director, Congressional Affairs
Office of Government and Public Affairs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Please respond directly to the constituent with a copy to my office. Your findings and views will be appreciated by

Nancy Landon Kassebaum
United States Senator

Attention: Mike Horak

406795

August 24, 1989
Rt. 1, Box 189
Newton, Kansas 67114

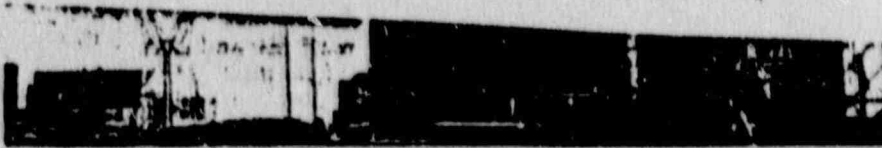
Senator Nancy L. Kassebaum
Room 302
Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Kassebaum,

I am greatly concerned by the NRC's denial of the petition submitted by the Kansas Chapter of the Sierra Club regarding the Wolf Creek nuclear generating station at Burlington, Kansas. (Case # 4-86-004). I do not understand how these concerns can be 'swept under the rug' and ignored. The consequences are much to grave to ignore. Thousands of dollars are spent on much less urgent causes than this. I urge you to look into this matter.

Enclosed is a copy of an article that raised my concerns. I know your reading time is limited, but please take time to scan this article and the concerns it raises.

Sincerely,
Arlys L. Schwabauer
Arlys L. Schwabauer



Wolf Creek nuclear generating station at Burlington, Kansas

On January 30th the Kansas Chapter filed a petition with the Nuclear Regulatory Commission (NRC) in their Office of Inspections and Enforcement demanding suspension of the operating license for Wolf Creek Generating Station in Burlington until the Commission explains why it believes the plant is operating safely in spite of NRC's overwhelming evidence to the contrary. Our petition wasn't based on any new information or new problems at the plant, but was based on a series of published reports, mostly from the NRC itself relating to uncorrected problems at the plant.

Through a Freedom of Information Act request, the Chapter received documents from NRC's Office of Investigations that confirmed a large number of allegations made by former employees of Wolf Creek concerning operating safety. There have been so many complaints that in June of 1986 NRC opened its third investigation of operating safety since the plant went on line. Many of the allegations regarding safety problems have come from former employees of Kansas Gas and Electric Company who participated in the Quality First Program (Q1).

The Q1 program encouraged employees to report potential quality assurance problems to KG&E so

that they could be addressed. Employees were encouraged to report their concerns to KG&E rather than to the NRC or to other interested groups. When they concluded that KG&E was not adequately investigating and correcting the problems, employees who had first worked within the Q1 program subsequently reported their concerns directly to the NRC. The Office of Investigations of NRC interviewed those who had filed complaints. It is a report of those interviews that the Chapter has reviewed. That report is now available to the public; it is on file in the Wolf Creek Public Document Room at Emporia State University.

Specifically, NRC's investigator H. Brooks Griffin interviewed witnesses who substantiated allegations of document shredding; blackballing; transfer and termination of aggressive Q1 investigators; file "streamlining"; confiscation of tape recorders formerly used to record employee allegations about possible safety problems; management changing the conclusions of investigators; management restricting the scope of Q1 assurance investigations; management failing to investigate allegations of drug use, harassment, intimidation, falsifi-

•NRC Petition - page 2, col. 3.

tion and discrimination for potentially adverse effects on safety; and conflicts of interest.

In the report Griffin himself concluded that, "verification of corrective action by Q1 was not meaningful" and that "significant numbers" of employee allegations about safety problems were closed with superficial investigative effort and transparently limited documentation, all of which was accepted by Q1 supervision. Griffin also found that employee concerns were summarized in one or two sentences which lead to "meaningless investigations and premature closures of issues which merited further investigation." Further, he found that issues of wrongdoing were not investigated for potential impacts on safety, and wrongdoers were not disciplined. Finally, Griffin determined that the closure rate for some investigators jumped from an average of four per month to the point where some investigators were closing cases at a rate of one per day as the fuel load date approached and he concluded that nearly 66% of the conclusions used to close Q1 complaints about alleged wrongdoing could not be supported by facts or documentation.

These and numerous other findings are included in Griffin's report, which incidentally, had fully one-third of each of ten pages expurgated (out of the 16-page report) prior to being released for public view. And yet, Griffin stated that despite "substantial shortcomings identified in the Q1 program, it is concluded that the evidence gathered does not substantiate wrongdoing on the part of KG&E management in their conduct of this voluntary program." The Chapter however, believes that the evidence draws the opposite

cited above, the Chapter had asked that:

(1) the operating license for Wolf Creek Generating Station be suspended.

(2) that prior to reinstating the operating license:

a. the NRC should reopen its case (#4-86-004) and provide sound technical reasons for its conclusion that the plant is safe enough to operate in spite of all of its investigative conclusions regarding quality assurance problems;

b. the NRC should review all of its information on quality assurance at Wolf Creek developed subsequent to case #4-86-004 being issued and covering operations through 1989 to provide sound technical reasons for its conclusion that the plant is safe to operate;

c. all corrective actions determined by NRC to be necessary to achieve a level of operating safety that complies with federal regulations should be incorporated as conditions of the operating license and if they are not met, the operating license should be revoked.

The petition also asked that four individuals cited in Mr. Griffin's report be barred from any and all involvement or participation in any activities at the generating station.

Recently the Chapter received a response from Thomas E. Murley, Director of the Office of Nuclear Reactor Regulation of the NRC. In his letter Murley states that he has declined to issue an order to suspend operation of the generating station for a number of reasons. Among those reasons: NRC does not require licensees to implement programs like Q1 and does not rely on results from such programs in its licensing decisions. With regard to our request

Rec PDL
w/incoming



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

OCT 23 1989

Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Dear Ms. Schwabauer:

Your letter of August 24, 1989, to Senator Nancy L. Kassebaum citing your concerns regarding the U.S. Nuclear Regulatory Commission's (NRC's) denial of the Kansas Chapter of the Sierra Club's petition pursuant to 10 CFR 2.206 has been forwarded to me for response. Enclosed with your letter was a copy of a recent Sierra Club publication that discusses its petition regarding the Wolf Creek Generating Station along with a brief summary of the NRC's decision to deny the request. Included in your letter was a statement relating your belief that concerns raised in the petition were "'swept under the rug' and ignored."

The NRC staff has expended considerable effort over the years in responding to allegations of safety deficiencies relating to the Quality First Program (Q1) at the Wolf Creek Generating Station. Petitions pursuant to 10 CFR 2.206 relating to Q1 have been received from both the Government Accountability Project (GAP) in May 1985 and the Kansas Chapter of the Sierra Club in January 1989. We responded to these petitions in Director's Decisions DD-88-14, dated August 22, 1988, and DD-89-4, dated June 26, 1989. In addition, the NRC has reviewed Q1 on a number of occasions through the normal inspection process and in a special investigation performed separately by our Office of Investigations (OI).

As previously noted, your letter included a brief discussion of the Sierra Club's petition along with the NRC's decision to deny the request. I believe that it would be beneficial for you to have access to the entire Director's Decision DD-89-4 that was forwarded to the Kansas Chapter of the Sierra Club. Therefore, I am enclosing a copy of this decision, which provides a complete explanation of (1) the role and function of Q1 at the Wolf Creek Generating Station, (2) the regulations relied upon by the NRC staff in making licensing decisions regarding the Wolf Creek Quality Assurance Program, (3) the role of NRC's review of Q1, and (4) the basis used by NRC in denying the petition. The following items highlight the major topics in the enclosed decision.

- NRC's licensing decisions to approve the Wolf Creek Quality Assurance Program were based upon the regulations found in 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." This program was completely independent of and separate from the licensee's Q1 program.
- Q1 was a voluntary program established by the licensee to provide an independent route for Wolf Creek employees to bring quality concerns to the attention of Wolf Creek management. Employees continued to have the opportunity to voice their concerns directly to the NRC Resident Inspectors on site.

- Q1 was not intended to meet the NRC's quality assurance requirements of 10 CFR Part 50, Appendix B, as implied by the Sierra Club.
- In response to the GAP petition, a special NRC team examined all Q1 files (271 case files containing a total of 752 concerns) and concluded that although a number of programmatic aspects of Q1 were deficient, there were no indications that Q1 failed to properly assess and resolve any significant safety issue. The NRC review team did not identify any violations of or deviations from NRC requirements. Moreover, the NRC team found that the Q1 program adequately resolved all the technical safety issues that were reported by employees through the program.
- The OI investigation of Q1 (OI Case No. 4-86-004) identified a number of shortcomings that were itemized in the Sierra Club publication (e.g., an incident of document shredding and the blackballing of a former inspector by Q1 management; removal of aggressive Q1 investigators from the Q1 program). However, the OI investigation concluded that despite the shortcomings identified in the Q1 program, the evidence did not establish wrongdoing on the part of Kansas Gas and Electric management. Furthermore, the OI investigation found that some of the most significant technical issues received extensive Q1 attention and multilevel management review and that the NRC was independently involved in closure on many of these important technical issues. The OI report concluded that in those instances, the Q1 program was highly successful in communicating important problems to the affected organizations for corrective action.
- The Sierra Club petition did not provide any new information that had not been available to the staff. Therefore, the staff did not find any basis to take additional action regarding this subject.

In conclusion, I hope that the enclosed material will help alleviate your concerns that safety deficiencies have been ignored at the Wolf Creek Generating Station.

Sincerely,
Original signed

James H. Sniezek

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:

Director's Decision DD-89-4 DISTRIBUTION w/o enclosure:

	Docket File	NRC PDR w/incoming	Local PDR w/incoming
cc w/enclosure:	J. Partlow	G. Holahan	OGC-Rockville
See next page	J. Taylor	F. Hebdon	D. Mossburg, PMAS(EDO#4801) w/incom.
	P. Noonan	G. Holler, RIV	D. Pickett w/incoming
	EDC Reading #4801		PD4 Green Ticket File
	D. Crutchfield	F. Gillespie	

*SEE PREVIOUS CONCURRENCES:

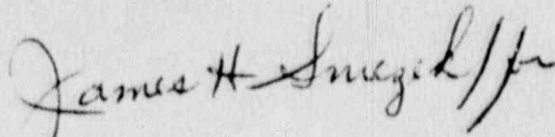
OFC : PD4/LA*	: PD4/PM*	: PD4/D*	: OGC*	: (A)ADR4	: (A)DRSP/D	: Tech Editor
NAME : PNoonan	: DPickett:bj	: FHebdon	: RWeisman	: GHolahan	: GHolahan	: P. Calore
DATE : 10/11/89	: 10/11/89	: 10/11/89	: 10/17/89	: 10/15/89	: 10/4/89	: 10/10/89

OFC : ADP	: DDONRR	: DOWE	:	:	:	:
NAME : JPartlow	: JSniezek	: TMurley	:	:	:	:
DATE : 10/10/89	: 10/10/89	: 10/2/89	:	:	:	:

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Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosure:
Director's Decision DD-89-4

cc w/enclosure:
See next page

cc: Senator Nancy L. Kassebaum
ATTN: Mr. Mike Horak
Russell Senate Office Building
Room 308
Washington, D.C. 20510



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

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 10/24/89

EDO CONTROL: 0004801
DOC DT: 09/25/89
FINAL REPLY:

Sen. Nancy Landon Kassebaum

TO:

John Bradburne, CA

FOR SIGNATURE OF:

** GRN **

CRC NO: 89-1088

Murley

DESC:

ROUTING:

ENCLOSES LETTER FROM ARLYS L. SCHWABAUER
CONCERNING DENIAL OF PETITION SUBMITTED BY THE
KANSAS CHAPTER OF THE SIERRA CLUB REGARDING THE
WOLF CREEK NUCLEAR GENERATING STATION

Scinto, OGC
RMartin, RIV

DATE: 10/04/89

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:

REF. EDO 4245.
REPLY DIRECT TO CONSTITUENT.
SEND CC TO SEN. KASSEBAUM & MARK ENVELOPE
ATTN: MIKE HORAK.

NRR RECEIVED: OCT. 4, 1989
ACTION: DRSP:HOLAHAN

NRR ROUTING: MURLEY/SNIEZEK
PARTLOW
MIRAGLIA
CRUTCHFIELD
GILLESPIE
MOSSBURG

ACTION

DUE TO NRR DIRECTOR'S

BY 10/19/89

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-89-1088 LOGGING DATE: Oct 4 89

ACTION OFFICE: EDO

AUTHOR: Nancy Kassebaum--Cont Ref
AFFILIATION: UNITED STATES SENATE

LETTER DATE: Sep 25 89 FILE CODE: ID&R-5 Wolf

SUBJECT: Concerned about the Comm's denial of the petition
submitted by the Kansas Chapter of the Sierra Club
re req for suspension of the Wolf Creek operating
license

ACTION: Direct Reply

DISTRIBUTION: OCA to Ack, DSB

SPECIAL HANDLING: None

NOTES:

DATE DUE: Oct 19 89

SIGNATURE: DATE SIGNED:
AFFILIATION:

EDO---004801

Rec'd Off. EDO

Date 10-4-89
Time 11:50

Date: September 25, 1989

United States Senate

Re: Ms. Arlys L. Schwabauer
Route 2, Box 189
Newton, Kansas 67114

Respectfully referred to:

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Director, Congressional Affairs
Office of Government and Public Affairs
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Washington, D.C. 20555

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Nancy Landon Kassebaum
United States Senator

Attention: Mike Horak

406495

August 24, 1989
Rt. 2, Box 189
Newton, Kansas 67114

Senator Nancy L. Kassebaum
Room 302
Russell Senate Office Bldg.
Washington, D.C. 20510

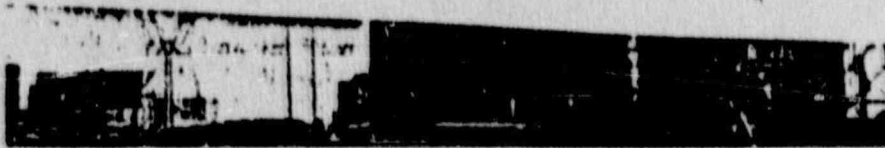
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Arlene L. Schwabauer
Arlene L. Schwabauer



Wolf Creek nuclear generating station at Burlington, Kansas

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•NRC Petition - page 2, col. 3.

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