

November 14, 1989

The Honorable Robert J. Dole
United States Senate
Washington, DC 20510

Dear Senator Dole:

I am responding to your note of October 18, 1989, forwarding a letter from Ms. Arlys Schwabauer citing her concern with regard to 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. Ms. Schwabauer enclosed 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.

The NRC staff has thoroughly evaluated 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). I believe the record demonstrates we have not ignored allegations of safety deficiencies at Wolf Creek.

I have enclosed a previous response to Ms. Schwabauer on this subject along with a copy of the information sent to her. I hope this information is responsive to your request.

Sincerely, ^{Original Signed By:}
James M. Taylor
Acting Executive Director
for Operations

Enclosures:
As stated

DISTRIBUTION w/o enclosures:

Docket File	NRC PDR w/incoming	Local PDR w/incoming
J. Partlow	G. Holahan	OGC-Rockville
J. Taylor	F. Hebdon	D. Mossburg, PMAS(EDO#4834) w/incom.
P. Noonan	G. Holler, RIV	D. Pickett w/incoming
EDO Reading #4834		PD4 Green Ticket File
D. Crutchfield	F. Gillespie	R. Martin, RIV
J. Scinto	B. Hayes	TMurley/JSniezek
F. Miraglia	GPA/CA	SECY #891136

DFo1
1/1

*SEE PREVIOUS PAGE FOR CONCURRENCES

OFC : PD4/LA*	: PD4/PM*	: PD4/D*	: OGC*	: Tech Ed*	: (A)ADR4*	: (A)DRSP/D*
NAME : PNoonan	: GDick	: FHebdon	: SHLewis	: Dee Gable	: GHolahan	: GHolahan
DATE : 10/23/89	: 10/23/89	: 10/23/89	: 10/25/89	: 10/26/89	: 10/26/89	: 10/26/89

OFC : ADP*	: DDONRR*	: DONRR*	: GPA/CA	: (A)EDO	: OCA
NAME : JPartlow	: JSniezek	: TMurley	: [Signature]	: JTAYLOR	: [Signature]
DATE : 10/27/89	: 10/30/89	: 10/31/89	: 11/13/89	: 11/8/89	: 11-14/89



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.

~~8910314162~~ 3pp.

- 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

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

The Honorable Robert J. Dole
 United States Senate
 Washington, DC 20510

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I have enclosed a previous response to Ms. Schwabauer on this subject along with a copy of the information sent to her. I trust we have helped to alleviate Ms. Schwabauer's concern.

Sincerely,

James M. Taylor
 Acting Executive Director
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Enclosures:
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OFC : ADP	: DDONRR	: DONRR	: GPA/CA	: (A)EDO	:	:
NAME : JPartlow*	: JSniezek	: TMurley	:	: JTaylor	:	:
DATE : 10/27/89	: 10/27/89	: 10/31/89	: / /89	: / /89	:	:

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OFC	:ADP #3 [initials]	:DDONRR	:DONRR	:	:	:	:
NAME	:JPartlow	:JSniezek	:TMurley	:	:	:	:
DATE	:10/27/89	:10/ /89	:10/ /89	:	:	:	:

The Honorable Robert J. Dole
 United States Senate
 Washington, DC 20510
 Attn: Mr. Don Lee

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OFC	: ADP	: DDONRR	: DONRR	:	:	:	:
NAME	: JPartlow	: JSniezek	: TMurley	:	:	:	:
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Sincerely,

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
 J. Partlow G. Holahan OGC-Rockville
 J. Taylor F. Hebdon D. Mossburg, PMAS(EDO#4834) w/ ncom.
 P. Noonan G. Holler, RIV D. Pickett w/incoming
 EDO Reading #4834 PD4 Green Ticket File
 D. Crutchfield F. Gillespie

with comments

OFC : PD4/LA	PD4/PM	PD4/D	OGC H Lewis	Tech Ed	(A)ADR4	(A)DRSP/D
NAME : PNoonan	Gack:bm	FHebdon	Rweisman	Dec 26/89	GHolahan	GHolahan
DATE : 10/23/89	10/23/89	10/23/89	10/25/89	10/26/89	10/ /89	10/ /89

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



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

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 11/01/89

EDO CONTROL: 0004834
DOC DT: 10/18/89
FINAL REPLY:

Sen. Bob Dole

TO:

John Bradburne

FOR SIGNATURE OF:

** GRN **

CRC NO: 89-1136

Executive Director

DESC:

ROUTING:

ENCLOSES LETTER FROM ARLYS L. SCHWABAUER
CONCERNING NRC'S DENIAL OF PETITION FILED BY
KANSAS CHAPTER OF THE SIERRA CLUB REQUESTING THE
SUSPENSION OF THE WOLF CREEK OPERATING LICENSE

RMartin, RIV
Scinto, OGC
Hayes, OI

DATE: 10/20/89

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. EDO 4245.

RETURN INCOMING WITH REPLY.

MARK ENVELOPE ATTN: DON LEE.

*Hebdorn/
Pickett*

*Expanded to 11/13 - PM
not available if reversal
needed to be done
km 1/21/89
10/23*

NRR RECEIVED: OCTOBER 20, 1989

ACTION: DRSP:HOLAHAN

NRR ROUTING: MURLEY/SNIEZEK

PARTLOW
MIRAGLIA
CRUTCHFIELD
GILLESPIE
MOSSBURG

ACTION
DUE TO NRR DIRECTOR'S OFFICE
BY *October 27, 1989*

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-89-1136 LOGGING DATE: Oct 19 89
ACTION OFFICE: EDO
AUTHOR: Bob Dole--Const Ref
AFFILIATION: UNITED STATES SENATE
LETTER DATE: Oct 18 89 FILE CODE: ID&R-5 Wolf Creek
SUBJECT: MRC's denial of petition filed by Kansas Chapter of
the Sierra Club requesting the suspension of the
Wolf Creek oper license
ACTION: Direct Reply
DISTRIBUTION: OCA to Ack, DSB
SPECIAL HANDLING: None
NOTES: Arlys L. Schwabauer
DATE DUE: Nov 3 89
SIGNATURE: . DATE SIGNED:
AFFILIATION:

Rec'd Off. EDO
Date 10-20-89
Time 9:30 A

EDO---004834