

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

March 23, 1989

Docket No. 50-482

Kansas Chapter of the Sierra Club  
P.O. Box 272  
Wichita, KS 67201-0272

Dear Sirs:

This is to acknowledge receipt of a "Petition for Immediate Action to Protect Public Health and Safety from Undue Risks Posed by Lack of Quality Assurance Compliance at Wolf Creek Generating Station, Burlington, Kansas," dated January 30, 1989, which you filed with the Nuclear Regulatory Commission (NRC). The Petition has been referred to the Office of Nuclear Reactor Regulation for consideration pursuant to 10 CFR § 2.206.

The Petition asked the NRC to immediately suspend the Wolf Creek Nuclear Operating Corporation's (WCNOC's) operating license for the Wolf Creek Generating Station. In addition, before lifting the requested suspension, the Petition asked the NRC to (1) reopen the Office of Investigations' (OI) Case No. 4-86-004 to provide sound technical reasons why Wolf Creek should be allowed to operate; (2) review all information on quality assurance and operation at Wolf Creek developed subsequent to issuance of Case No. 4-86-004 through 1989 to provide sound technical reasons why Wolf Creek should be allowed to operate; (3) modify the existing license to require all appropriate corrective actions necessary to meet federal regulations and, if necessary, revoke the operating license if such requirements are not satisfied; and (4) bar certain named individuals and any other persons found to have violated the integrity of the quality assurance program from employment or any other activity requiring an NRC license at the Wolf Creek Generating Station.

You seek relief based on allegations that (1) from the inception of the quality assurance program to date, WCNOC management has ignored real safety issues; (2) from the inception of operations to date, WCNOC management has failed to safeguard the integrity of its quality assurance program and has failed to demonstrate management competence to address and resolve real safety concerns; and (3) NRC's actions to date do not ensure that safety problems at Wolf Creek have been resolved or will be resolved within a reasonable period of time. To substantiate your beliefs, you rely on NRC's investigation into the WCNOC Quality First Program (Q1) at Wolf Creek in OI Case No. 4-86-004 and on Notices of Violation issued by the NRC. Specifically, you rely on the OI investigation into allegations of Q1 personnel involved in document shredding and blackballing, improper reorganization of Q1 management, pressure on Q1 investigators to close out cases, confiscation of Q1 tape recorders, Q1 supervisors imposing improper limits on Q1 investigations, Q1 mishandling allegations concerning falsified documents, muzzling of Q1 investigators, Q1 ignoring wrongdoing, Q1 supervisors improperly changing Q1 investigators' conclusions, WCNOC improperly firing Q1 investigators, conflicts of interest within Q1, and Q1's failure to deal with drug allegations.

With respect to the request that the Commission issue an immediate Order suspending operation of the Wolf Creek Generating Station, I decline to take such action for the following reasons.

Q1 is a voluntary program operated by the licensee and it should not be considered synonymous with the quality assurance program required by Appendix B of 10 CFR Part 50. The staff has not relied on Q1 as a primary source of information in making any of the licensing decisions associated with granting the operating license and will not rely on Q1 as a primary source of information to make future licensing decisions. Nevertheless, I note that WCNOG has committed to keep Q1 in place and retain all Q1 records available for NRC inspection. The NRC staff will continue to review Q1 as part of the regular inspection program.

In response to similar allegations regarding WCNOG's Quality First Program (letter from Thomas Murley, Director, Office of Nuclear Reactor Regulation, NRC to Billie Garde, Government Accountability Project forwarding DD-88-14, Director's Decision Under 10 CFR § 2.206, dated August 22, 1988, copy enclosed), the staff reviewed OI Case No. 4-86-004 and agreed with the conclusions made by OI that Q1 was not used to prevent the NRC staff from becoming aware of Q1 allegations. In DD-88-14 I explained that during May 1985, the staff reviewed 100 percent of the Q1 files and found no substantial safety concerns that would be a restraint to full power operation of the Wolf Creek Generating Station. In addition, in its review, the staff concluded that the OI report did not raise any issues requiring further staff actions. Your petition does not raise any new issues regarding the OI report or the substantive staff review of Q1 nor does your petition raise any public health and safety issues warranting immediate action.

Regarding your other allegations concerning management competence and findings subsequent to the OI report, our preliminary review indicates that there is no basis for the staff to take immediate action. Accordingly, your request for immediate action is denied.

The NRC will continue to review the Petition in accordance with 10 CFR § 2.206 and I will issue a formal decision with regard to it within a reasonable time. A copy of the notice that is being filed for publication with the Office of the Federal Register is also enclosed for your information.

Sincerely, signed by

Thomas E. Murley

Thomas E. Murley, Director

Office of Nuclear Reactor Regulation

Enclosures:

As stated

cc w/enclosures:

See next page

DISTRIBUTION

Docket File w/incoming ltr only

EDO# 0004245

T. Murley, NRR

S. Varga

J. Calvo

PD4 Reading

L. Chandler, OGC-WF1\*

ACRS (10)

NRC PDR

EDO Reading

J. Sniezek, NRR

G. Holahan

P. Noonan

C. Cater, SECY\*

ASLAB

V. Yanez, ARM (w/cys of Director's Decision and NRCI Transmittal Form)

Local PDR

V. Stello, EDO

D. Mossburg, NRR (EDO# 0004245)

L. Rubenstein

D. Pickett

M. Malsch, OGC\*

ASLBP

\*To be handcarried by Branch Secretary on day of issuance. \*See previous concurrences:

PD4/LA\*

PD4/PM\*

Tech. Ed.\*

OGC\*

PD4/D

OI\*

ADR4\*

PNoonan

DPickett:sr

RSanders

JCalvo

RFortuna

LRubenstein

03/14/89

03/02/89

03/02/89

03/16/89

03/ /89

03/17/89

03/16/89

(A)D:DRSP\*

(A)ADP\*

DDONRR\*

GHolahan

SVarga

JSniezek

TMurley

03/17/89

03/20/89

03/21/89

03/23/89



With respect to the request that the Commission issue an immediate Order suspending operation of the Wolf Creek Generating Station, I decline to take such action for the following reasons.

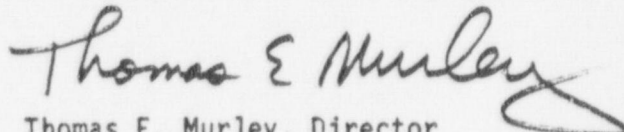
Q1 is a voluntary program operated by the licensee and it should not be considered synonymous with the quality assurance program required by Appendix B of 10 CFR Part 50. The staff has not relied on Q1 as a primary source of information in making any of the licensing decisions associated with granting the operating license and will not rely on Q1 as a primary source of information to make future licensing decisions. Nevertheless, I note that WCNOG has committed to keep Q1 in place and retain all Q1 records available for NRC inspection. The NRC staff will continue to review Q1 as part of the regular inspection program.

In response to similar allegations regarding WCNOG's Quality First Program (letter from Thomas Murley, Director, Office of Nuclear Reactor Regulation, NRC to Billie Garde, Government Accountability Project forwarding DD-88-14, Director's Decision Under 10 CFR § 2.206, dated August 22, 1988, copy enclosed), the staff reviewed OI Case No. 4-86-004 and agreed with the conclusions made by OI that Q1 was not used to prevent the NRC staff from becoming aware of Q1 allegations. In DD-88-14 I explained that during May 1985, the staff reviewed 100 percent of the Q1 files and found no substantial safety concerns that would be a restraint to full power operation of the Wolf Creek Generating Station. In addition, in its review, the staff concluded that the OI report did not raise any issues requiring further staff actions. Your petition does not raise any new issues regarding the OI report or the substantive staff review of Q1 nor does your petition raise any public health and safety issues warranting immediate action.

Regarding your other allegations concerning management competence and findings subsequent to the OI report, our preliminary review indicates that there is no basis for the staff to take immediate action. Accordingly, your request for immediate action is denied.

The NRC will continue to review the Petition in accordance with 10 CFR § 2.206 and I will issue a formal decision with regard to it within a reasonable time. A copy of the notice that is being filed for publication with the Office of the Federal Register is also enclosed for your information.

Sincerely,

  
Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc w/enclosures:  
See next page

Wolf Creek Generating Station  
Unit No. 1

cc:

Mr. Bart D. Withers  
President and Chief Executive Officer  
Wolf Creek Nuclear Operating Corporation  
Post Office Box 411  
Burlington, Kansas 66839

Jay Silberg, Esq.  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street, NW  
Washington, D.C. 20036

Chris R. Rogers, P.E.  
Manager, Electric Department  
Public Service Commission  
P. O. Box 360  
Jefferson City, Missouri 65102

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois 60137

Senior Resident Inspector/Wolf Creek  
c/o U. S. Nuclear Regulatory Commission  
P. O. Box 311  
Burlington, Kansas 66839

Mr. Robert Elliot, Chief Engineer  
Utilities Division  
Kansas Corporation Commission  
4th Floor - State Office Building  
Topeka, Kansas 66612-1571

Mr. Gerald Allen  
Public Health Physicist  
Bureau of Air Quality & Radiation  
Control  
Division of Environment  
Kansas Department of Health  
and Environment  
Forbes Field Building 321  
Topeka, Kansas 66620

Mr. Gary Boyer, Plant Manager  
Wolf Creek Nuclear Operating Corp.  
P. O. Box 411  
Burlington, Kansas 66839

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
Office of Executive Director  
for Operations  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Mr. Otto Maynard, Manager Licensing  
Wolf Creek Nuclear Operating Corp.  
P. O. Box 411  
Burlington, Kansas 66839