



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

June 21, 2023

Cleave Reasoner Chief Executive Officer
and Chief Nuclear Officer
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

**SUBJECT: WOLF CREEK GENERATING STATION – SECURITY BASELINE INSPECTION
REPORT 05000482/2023401**

Dear Cleave Reasoner:

On May 25, 2023, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at Wolf Creek Generating Station and discussed the results of this inspection with Gabe Fugate, Acting Site Vice President, and other members of your staff. The results of this inspection are documented in the enclosed report.

One finding of very low security significance (Green) is documented in this report. This finding involved a violation of NRC requirements. We are treating this violation as a non-cited violation (NCV) consistent with Section 2.3.2 of the Enforcement Policy.

If you contest the violation or the significance or severity of the violation documented in this inspection report, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region IV; the Director, Office of Enforcement; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Wolf Creek Generating Station.

This letter, its enclosure, and your response (if any) will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with Title 10 of the *Code of Federal Regulations* 2.390, "Public Inspections, Exemptions, Requests for Withholding."

C. Reasoner

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Sincerely,



Signed by Kellar, Ray
on 06/21/23

Ray L. Kellar, P.E., Chief
Physical Security Branch
Division of Radiological Safety & Security

Docket No. 05000482
License No. NPF-42

Enclosure:
As stated

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WOLF CREEK GENERATING STATION – SECURITY BASELINE INSPECTION REPORT
05000482/2023401

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DOCUMENT NAME: WOLF CREEK GENERATING STATION – SECURITY BASELINE INSPECTION REPORT
05000482/2023401

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

Docket Number: 05000482

License Number: NPF-42

Report Number: 05000482/2023401

Enterprise Identifier: I-2023-401-0013

Licensee: Wolf Creek Nuclear Operating Corporation

Facility: Wolf Creek Generating Station

Location: Burlington, KS

Inspection Dates: May 22, 2023, to May 25, 2023

Inspectors: D. Holman, Sr Physical Security Inspector

Approved By: Ray L. Kellar, P.E., Chief
Physical Security Branch
Division of Radiological Safety & Security

Enclosure

SUMMARY

The U.S. Nuclear Regulatory Commission (NRC) continued monitoring the licensee's performance by conducting a security baseline 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.

List of Findings and Violations

Failure to write Fitness For Duty (FFD) Policy with sufficient detail according to 10 CFR 26.27(b)			
Cornerstone	Significance	Cross-Cutting Aspect	Report Section
Security	Green NCV 05000482/2023401-01 Open/Closed	None	71130.08
The inspector identified a Green Non-Cited Violation (NCV) of 10 CFR 26.27(b) for failure to write the FFD Policy statement with sufficient detail to provide affected individuals with information on what is expected of them.			

Additional Tracking Items

None.

INSPECTION SCOPES

Inspections were 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) 2201, "Security Inspection Program for Commercial Nuclear Power Reactors." 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.

SAFEGUARDS

71130.08 - Fitness For Duty Program

The inspectors evaluated the fitness for duty program by completing the following inspection elements:

Fitness For Duty Program (1 Sample)

- (1)
- Tier I: All Requirements
 - Tier II: 25 Requirements [except 02.08]
 - Tier III: 8 Requirements [except 02.13d, 02.14a,b,c]

INSPECTION RESULTS

Failure to write FFD Policy with sufficient detail according to 26.27(b)			
Cornerstone	Significance	Cross-Cutting Aspect	Report Section
Security	Green NCV 05000482/2023401-01 Open/Closed	None	71130.08
The inspector identified a Green NCV of 10 CFR 26.27(b) for failure to write the FFD Policy statement with sufficient detail to provide affected individuals with information on what is expected of them.			

Description: While reviewing the licensee's FFD Policy, the inspector noted the requirement that individuals who are notified that they have been selected for random testing must report to the collection site within the time period specified by the licensee (1 hour at Wolf Creek Generating Station) was incomplete. It was incomplete because it did not also include the requirement for individuals who are selected for random testing to report to the collection site as soon as reasonably practicable after notification, within the time period specified in the FFD program policy. In other words, the FFD Policy did not convey to the plant population that the regulatory expectation is to start traveling to the collection facility as soon as notified, but in no case to arrive later than the 1 hour established at Wolf Creek Generating Station.

The reason the specified time period is established by the licensee is because the licensee understands the local plant distances and obstacles, and also that sometimes employees must complete or finish up necessary safety related tasks before they can start traveling to the collection facility. Minus a reasonable delay such as signing out of a radiation work permit or placing tools or equipment in a safe configuration, the employee is intended to depart for the collection facility as soon as they are told by their FFD Supervisor. If the FFD department notifies an FFD Supervisor of an employee's random selection and the employee is not reasonably available, such as being engaged in difficult to schedule, or difficult to negotiate work, such as being inside containment conducting maintenance, or in a confined space, notification can be delayed through coordination. The FFD department can agree to FFD Supervisors not telling the selected person they have been selected until they are safely out of difficult work evolutions and available to go to the collection facility (reasonably practicable). The inspector discussed additional illuminating language, insight, and NRC intent related to reporting to the collection facility as soon as reasonably practicable after being notified of random selection found in the Statements of Consideration, Part 26, Sections 26.27 and 26.31, Federal Register / Volume 73, No. 62 / Monday, March 32, 2008 / Rules and Regulations.

Additionally, the inspector reviewed four condition reports (CRs) in which employees failed to respond to the testing facility within one hour of being notified. The inspector noted similar language in all of the CRs, indicating the employees thought they had an appointed time that was an hour from the notification time, and they just needed to get there by the scheduled appointed time. By regulatory design, minus reasonable delays, the employee is to start traveling to the collection facility as soon as they are told they have been selected, not at an appointed time. After reviewing these CRs, the inspector identified a nexus between the FFD Policy language concerning how employees selected for random testing are required to respond at Wolf Creek, and how these employee's actual responses resulted in them arriving at the collection facility outside of the Wolf Creek established minimum time.

CR 00146543 - "Employee became distracted with work and forgot about the appointment"

CR 10002986 - "I did not understand that I could go as soon as I was notified ... I thought I needed to go at the appointment time."

CR 10003105 - "Individual did not allow sufficient time to travel to the testing facility to meet scheduled time."

CR 10006114 - "Employee was notified to appear for a FFD appointment at 12:15 ... The employee basically forgot about the FFD appointment."

The inspector determined the FFD Policy language was not clear and concise and contributed to users of the Policy not understanding a sense of urgency, to report to the

collection facility as soon as notified, more quickly than 1 hour, if reasonably practicable, when selected for random drug testing.

Corrective Actions: When informed of the violation the licensee entered this issue into the corrective action program.

Corrective Action References: CR 10024690

Performance Assessment:

Performance Deficiency: The failure to ensure the FFD Policy statement was written in sufficient detail to provide affected individuals with information on what is expected of them and what consequences may result from a lack of adherence to the policy is a performance deficiency. It is a performance deficiency because the licensee failed to satisfy a regulatory requirement and the failure was reasonably foreseeable and preventable. Specifically, the licensee failed to provide sufficient detail to affected individuals, as required by 26.27(b), related to when to report to the FFD collection facility after being notified of being selected for a random drug test.

Screening: The inspectors determined the performance deficiency was more than minor because if left uncorrected, it would have the potential to lead to a more significant safety concern. Specifically, it could lead to an individual, who could have been drug or alcohol detectable had they gone to the collection facility when notified, being returned to the plant undetected and negatively affecting plant safety on a future date.

Significance: The inspectors assessed the significance of the finding using IMC 0609 Appendix E, Part I, "Baseline Security SDP for Power Reactors." The inspector determined the cumulative total for the finding is one (1) point. This was calculated by factoring the impact area (Vital Area) against Tier II, Inspection Procedure 71130.08-02.05(d) and Tier III, 02.12(a). Because the calculated point total did not exceed the range for a Green determination (0 to 6 points), the inspector determined the finding to be of very low security significance.

Cross-Cutting Aspect: Not Present Performance. No cross-cutting aspect was assigned to this finding because the inspector determined the finding did not reflect present licensee performance.

Enforcement:

Violation: Title 10 CFR 26.31(d)(2)(iii) states, "Require individuals who are selected for random testing to report to the collection site as soon as reasonably practicable after notification, within the time period specified in the FFD program policy."

Title 10 CFR 26.27(b), states, in part, "The policy statement must be clear, concise, and readily available ...The policy statement must be written in sufficient detail to provide affected individuals with information on what is expected of them and what consequences may result from a lack of adherence to the policy."

Contrary to the above, on May 25, 2023, Wolf Creek Fitness For Duty & Fatigue Management Policy, dated April 24, 2023, was determined not to be written with sufficient detail to provide affected individuals with information on what is expected of them. Specifically, Section 6, Second bullet, "Random Testing," states, "The individual making contact will instruct the selected individual to report to the FFD testing area within one-hour of notification," but does not tell them to report as soon as reasonably practicable, which is not enough information on what is expected of the individual.

Enforcement Action: This violation is being treated as an NCV, consistent with Section 2.3.2 of the Enforcement Policy.

EXIT MEETINGS AND DEBRIEFS

The inspectors verified no proprietary information was retained or documented in this report.

- On May 25, 2023, the inspectors presented the security baseline inspection results to Gabe Fugate, Acting Site Vice President, and other members of the licensee staff.

DOCUMENTS REVIEWED

Inspection Procedure	Type	Designation	Description or Title	Revision or Date
71130.08	Corrective Action Documents	10022986, 1006150, 00146543, 10000691, 10003195, 10006114, 10020334, 10003105, 10015498, 10016161, 10016163, 10016226, 10015499, 10022602, 10023489	Condition Report	
71130.08	Corrective Action Documents Resulting from Inspection	10024960, 10024726, 10024725, 10024746, 10024749, 10024693	Condition Report	
71130.08	Miscellaneous	22-09-FFD/FM	Quality Assurance Audit Report - Fitness For Duty/fatigue Management	11/17/2022
71130.08	Miscellaneous	745682/5	Purchas Order Revision - Coffey County Hospital, Medical Review Officer Services	12/14/2017
71130.08	Miscellaneous	LCR Hallcrest	Safety Data Sheet - Liquid Crystal Temperature Indicating Strip	06/18/2015
71130.08	Miscellaneous	Manufacturers Instructions	Britevent - Urine Specimen Temperature Verification Thermometer	05
71130.08	Miscellaneous	Policy	Fitness For Duty & Fatigue Management Policy	10/15/2020, 04/21/2021,

				4/24/2023
71130.08	Miscellaneous	Training Guide	WCNOC Fitness for Duty Collector Training	12/07/22
71130.08	Procedures	AI 01A-002	Fitness For Duty Screening	21 and 22
71130.08	Procedures	AI 01A-003	Medical Review Officer (MRO) and Substance Abuse Expert (SAE)	03
71130.08	Procedures	AP 01-003	Access Authorization and Fitness For Duty Audits and Records	02
71130.08	Procedures	AP 01A-001	Fitness For Duty Program	32
71130.08	Procedures	AP 01A-002	Behavioral Observation Program	03