



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 E LAMAR BLVD
ARLINGTON, TX 76011-4511

July 1, 2014

EA-14-024

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 - FINAL SIGNIFICANCE
DETERMINATION OF WHITE FINDING AND NOTICE OF VIOLATION;
NRC INSPECTION REPORT 05000482/2014503

Dear Mr. Heflin:

This letter provides you the final significance determination for the preliminary White finding identified in U.S. Nuclear Regulatory Commission (NRC) Inspection Report 05000482/2014502 (ML14092A618), dated April 2, 2014. The finding involves a failure to maintain adequate methods for assessing the potential consequences of a radiological emergency condition in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.47(b)(9), "Emergency Plans."

At your request, a regulatory conference was held on April 30, 2014, to further discuss your views on this issue. A copy of your staff's presentation at this meeting is attached to the summary of the Regulatory Conference (ML14134A184), dated May 14, 2014. During the meeting, your staff described their assessment of the finding, and the corrective actions taken to resolve it, including the root cause evaluation of the finding. Specifically, your staff asserted that the inaccurate dose assessments would not have been relied upon during design basis accidents, because plant conditions would have been used in establishing emergency classifications and making protective action decisions.

Your staff identified the root cause of the inaccurate dose assessment software as information systems procedures not requiring a comprehensive verification and validation when changes are made to the dose assessment program, with a contributing cause of less than adequate oversight of risk-significant issues by the Emergency Preparedness department. Your staff also discussed a newly-identified calculational error and identified that both errors had existed for a longer period than previously known.

After considering the information developed during the inspection and the information you provided at the Regulatory Conference, the NRC has concluded that the finding is appropriately characterized as White, having low-to-moderate safety significance.

The classification of emergencies, assessment of radiological releases, and development of protective action recommendations are all important in providing for the adequate protection of public health and safety. NUMARC/NESP-007, "Methodology for Development of Emergency Action Levels," which is endorsed in Regulatory Guide 1.101, "Emergency Response Planning and Preparedness for Nuclear Power Reactors," emphasizes the need for accurate assessment and classification of events. While primary emphasis is intended to be placed on plant conditions in classifying emergency events, the NRC requires that each emergency action level (EAL) be individually adequate. Therefore, the plant condition EALs are not a substitute for the radiological effluent EALs, because the plant condition EALs do not directly assess the radioactivity release. As such, credit for using a plant condition EAL, in the absence of a radiological effluent EAL, is not appropriate when making a significance determination for the violation associated with the finding. In addition, it is important to recognize that each element of the Emergency Plan must be maintained in order to adequately protect the public from both design basis and severe accidents.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in the Inspection Manual Chapter 0609, "Significance Determination Process," Attachment 2. An appeal must be sent in writing to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511.

The NRC has determined that the failure to maintain adequate methods for assessing the potential consequences of a radiological emergency condition is a violation of 10 CFR 50.47(b)(9) as cited in the attached Notice of Violation. The circumstances surrounding the violation were described in detail in the April 2, 2014, inspection report. In accordance with the NRC's Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. This action closes Unresolved Item 05000482/2013005-03, "Apparent inaccuracy in licensee dose assessment software."

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC's review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because plant performance at the Wolf Creek Generating Station has been determined to be beyond the "Licensee Response Column" of the NRC's Reactor Oversight Process Action Matrix, as a result of the White finding, the NRC will use the Action Matrix to determine the most appropriate NRC response to the finding's significance. We will notify you, by separate correspondence, of that determination.

A. Heflin

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc L. Dapas". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Marc L. Dapas
Regional Administrator

Docket: 50-482
License: NPF-42

Enclosures:

1. Notice of Violation
2. Supplemental Information

NOTICE OF VIOLATION

Wolf Creek Nuclear Operating Corporation
Wolf Creek Generating Station

Docket: 50-482
License: NPF-42
EA-14-024

During an NRC inspection conducted September 3, 2013, through March 4, 2014, a violation of NRC requirements was identified. In accordance with the NRC's Enforcement Policy, the violation is listed below:

10 CFR 50.54(q)(2) requires, in part, that the holder of a nuclear power reactor operating license shall follow and maintain the effectiveness of an emergency plan which meets the standards of 50.47(b).

10 CFR 50.47(b)(9) requires, in part, that licensees have adequate methods for assessing and monitoring the actual or potential offsite consequences of a radiological emergency condition.

Contrary to the above, between February 2003 and November 8, 2013, Wolf Creek Generating Station failed to ensure the effectiveness of its emergency plan in that adequate methods for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition were not maintained. Specifically, two errors in the Electronic Dose Calculation Program would have resulted in calculating inaccurate offsite doses for the main vent stack effluent radiation monitor pathway when the effluent radiation monitor was in the accident mode, and for application of containment sprays following a loss of coolant accident.

This violation is associated with a White significance determination process finding.

Pursuant to the provisions of 10 CFR 2.201, Wolf Creek Nuclear Operating Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, and a copy to the NRC resident inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-14-024" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (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 previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Enclosure 1

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information.

If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 1st day of July 2014

SUPPLEMENTAL INFORMATION

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Closed

05000482/2013005-03 URI Apparent Inaccuracy in Licensee Dose Assessment Software

A. Heflin

- 3 -

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Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

Docket: 50-482
License: NPF-42

- Enclosures:
1. Notice of Violation
2. Supplemental Information

DISTRIBUTION w/encls:
See next page

DOCUMENT NAME: S:\RAS\ACES\ENFORCEMENT_EA CASES - OPEN\WC_EA-14-024_EP proposed White\Final Action\EA-14-024_Wolf Creek_EP White Final SDP Letter_Rev 3.docx

ADAMS ACCESSION NUMBER:

<input checked="" type="checkbox"/> SUNSI Review By: MSH		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
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OFFICIAL RECORD COPY

Letter to Adam C. Heflin from Mark L. Dapas dated July 1, 2014

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING AND NOTICE OF VIOLATION, NRC INSPECTION REPORT NO. 05000482/2014503, WOLF CREEK GENERATING STATION

Distribution w/encls.

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