



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

July 18, 2019

IA-19-005

Mr. Chad Chaffain
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2018-008

Dear Mr. Chaffain:

This letter refers to the investigation completed on November 13, 2018, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations regarding your activities at the Wolf Creek Generating Station. The investigation was conducted, in part, to determine if you, a fix-it-now (FIN) team supervisor assigned to Wolf Creek Nuclear Operating Corporation (licensee), at the Wolf Creek Generating Station, willfully documented inaccurate information in a required record regarding the cleaning and inspection of control rod drive mechanisms on October 31, 2016. A factual summary of the investigation, as it pertains to your actions, was issued as an enclosure to our letter to you dated April 2, 2019, Agencywide Documents Access and Management System (ADAMS) Accession ML19092A436.

On May 14, 2019, a predecisional enforcement conference (PEC) was conducted in Emporia, Kansas with you to discuss the apparent violation, its significance, the root cause, and your corrective actions. During the PEC, you acknowledged that you documented inaccurate information in a work order pertaining to the as-left condition of three control rod drive mechanisms. However, you indicated that you did not consider this to be the result of deliberate misconduct as there was no willful intent. This was also documented in your presentation at the PEC (ADAMS Accession ML19176A540).

Based on the facts of this case, the information developed during the investigation, and the information that you provided during the PEC, the NRC's position is that the circumstances in this case support a conclusion that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The violation involves the deliberate submittal of information to the licensee that you knew to be incomplete and inaccurate in some respect material to the NRC. Specifically, you documented in a work order the as-left condition for three control rod drive mechanisms as "cleaned satisfactory" when the components were not cleaned.

Your deliberate actions placed the licensee in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.9, "Completeness and accuracy of information," and you in violation of 10 CFR 50.5, "Deliberate misconduct." Enclosure 2 includes a copy of the Confirmatory Order issued to the licensee. Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. You should be aware that if you are involved in

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action.

The NRC has concluded that since: (1) you acknowledged that you documented inaccurate information in a work order, (2) you have spoken to other work groups about your experience and the importance of an employee's signature on a document, and (3) the licensee has agreed to take corrective actions as documented in the Confirmatory Order (Enclosure 2), you are not required to respond to this letter. Should you choose to respond, please follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy information so that it can be made available to the public without redaction. The NRC will also make the letter describing the apparent violation, dated April 2, 2019, and the PEC summary dated May 14, 2019, publicly available.

The NRC includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Please feel free to contact Mr. John Kramer of my staff at 817-200-1121 if you have any questions.

Sincerely,



Scott A. Morris
Regional Administrator

Enclosures:

1. Notice of Violation
2. Confirmatory Order to Wolf Creek
Nuclear Operating Corporation

NOTICE OF VIOLATION

Chad Chaffain
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.390]

IA-19-005

During an NRC investigation conducted from November 22, 2017, through November 13, 2018, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5(a)(2) requires, in part, that any employee of a licensee may not deliberately submit to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on October 31, 2016, you, an employee of a licensee, deliberately submitted to the licensee information that you knew to be incomplete and inaccurate in some respect material to the NRC. Specifically, you deliberately completed documentation in Work Order 16-417262-015, Revision 1, Attachment B, Step B.3 (as-left condition) for the control rod drive mechanisms 4, 35, and 53 when you did not know the as-left condition of each of these three control rod drive mechanisms. As a result, you documented the as-left conditions for these components as "cleaned satisfactory" when the components were not cleaned. The information in the work order was material to the NRC because it is subject to NRC inspection and informs the NRC's review of and response to boric acid leaks affecting the reliability of equipment affecting safety.

This is a Severity Level III violation (NRC Enforcement Policy, Section 2.2.1.d).

The NRC has concluded that since: (1) you acknowledged that you documented inaccurate information in a work order, (2) you have spoken to other work groups about your experience and the importance of an employee's signature on a document, and (3) the licensee has agreed to take corrective actions as documented in the Confirmatory Order (Enclosure 2), you are not required to respond to this violation. However, should you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-19-005" and send it to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy information so that it can be made available to the public without redaction. If personal privacy 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).

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 18th day of July 2019

**CONFIRMATORY ORDER TO
WOLF CREEK NUCLEAR OPERATING
CORPORATION**



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511**

July 18, 2019

EA-18-165

Adam C. Heflin, President and
Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

**SUBJECT: CONFIRMATORY ORDER, NRC INSPECTION REPORT 05000482/2019010 AND
NRC INVESTIGATION REPORT 4-2018-008**

Dear Mr. Heflin,

The enclosed Confirmatory Order is being issued to Wolf Creek Nuclear Operating Corporation (Wolf Creek) as a result of a successful alternative dispute resolution mediation session. The enclosed commitments were made as part of a settlement agreement between Wolf Creek and the U.S. Nuclear Regulatory Commission (NRC). The settlement agreement relates to the apparent violation of NRC requirements as discussed in our letter dated April 2, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession ML19092A335). That letter provided you with the results of an investigation conducted by the NRC's Office of Investigations at the Wolf Creek Generating Station to determine whether a maintenance worker and a supervisor willfully documented inaccurate information in a required record regarding the cleaning and inspection of control rod drive mechanisms on October 31, 2016.

Our letter also informed Wolf Creek that an apparent violation was being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy and provided the options of: (1) responding in writing; (2) attending a predecisional enforcement conference; or (3) requesting alternative dispute resolution with the NRC. In response to our letter, Wolf Creek requested alternative dispute resolution.

An alternative dispute resolution mediation session was held on May 30, 2019, and a preliminary settlement agreement was reached. The elements of that agreement, formulated and agreed to at the mediation session, are incorporated in the enclosed Confirmatory Order (Enclosure 1). The Confirmatory Order confirms the commitments made as part of the preliminary settlement agreement.

Subject to the satisfactory completion of the additional actions Wolf Creek commits to take, as described in the Confirmatory Order, the NRC will not issue a Notice of Violation and will not issue an associated civil penalty for the apparent violation discussed in the NRC's letter dated April 2, 2019. The NRC is satisfied that its concerns will be adequately addressed based on the legally binding commitments that Wolf Creek will implement as documented in the enclosed Confirmatory Order. As evidenced by the signed "Consent and Hearing Waiver Form" (Enclosure 2), dated July 11, 2019, Wolf Creek has agreed to the issuance of this Confirmatory Order.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Confirmatory Order shall be subject to criminal prosecution, as set forth in that section. Violation of this Confirmatory Order may also subject the person to civil monetary penalties.

Apart from the actions required by the enclosed Confirmatory Order, you are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at the following address: U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511. Should you have questions concerning the enclosed Confirmatory Order, contact John Kramer of my staff at 817-200-1121.

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

Sincerely,



Scott A. Morris
Regional Administrator

Docket No. 50-482
License No. NPF-42

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

Wolf Creek Nuclear Operating Corporation

**CONFIRMATORY ORDER
MODIFYING LICENSE**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. 50-482
WOLF CREEK NUCLEAR OPERATING)	License No. NPF-42
CORPORATION)	
)	EA-18-165
)	

CONFIRMATORY ORDER MODIFYING LICENSE
(EFFECTIVE UPON ISSUANCE)

I

Wolf Creek Nuclear Operating Corporation (Wolf Creek or Licensee) is the holder of Facility Operating License No. NPF-42 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 50 of *Title 10 of the Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities." The license authorizes the operation of Wolf Creek Generating Station (facility) in accordance with conditions specified therein. The facility is located on the Licensee's site in Burlington, Kansas.

This Confirmatory Order is the result of a preliminary settlement agreement reached during an alternative dispute resolution (ADR) mediation session conducted on May 30, 2019.

II

On November 22, 2017, the NRC's Office of Investigations (OI), Region IV Field Office, opened an investigation (OI Case 4-2018-008) at the Wolf Creek facility to determine whether craft personnel deliberately falsified records regarding a work order. On November 13, 2018, the investigation was completed. Based on the evidence developed during its investigation, the NRC identified an apparent violation of 10 CFR 50.9, "Completeness and accuracy of information," in that, on October 31, 2016, a maintenance worker and a supervisor documented

inaccurate information regarding the cleaning and inspection of control rod drive mechanisms.

By letter dated April 2, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession ML19092A335), the NRC notified Wolf Creek of the results of the investigation with the opportunity to attend a predecisional enforcement conference or to participate in an ADR mediation session in an effort to resolve the concern.

In response to the NRC's offer, Wolf Creek requested the use of the NRC's ADR process to resolve the concerns. On May 30, 2019, the NRC and Wolf Creek met in an ADR session mediated by a professional mediator arranged through the Cornell University's Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement on resolving any differences regarding the dispute. The terms of this Confirmatory Order are based on the elements of the agreement reached during the ADR session.

III

During the ADR session held on May 30, 2019, Wolf Creek and the NRC reached a preliminary settlement agreement. Corrective actions already taken by Wolf Creek that were discussed included:

- A. The Chief Nuclear Officer issued a communication to the entire plant regarding expectations for accurately performing and documenting work activities, focusing on "Your Signature Is Your Word" and "Look for, Understand, and Mitigate Risk" related to making assumptions.

- B. Wolf Creek performed remediation with the individuals involved to reinforce and institutionalize Wolf Creek standards and expectations with a focus on complete and accurate documentation, which included face-to-face discussion with the plant manager and the site vice president.
- C. Wolf Creek developed a procedure AP18-001, "Emerging Concerns," to improve the quality of investigations, including investigations involving deliberate misconduct.
- D. Wolf Creek conducted an internal investigation into employee deliberate misconduct with external counsel.

Additional commitments made in the preliminary settlement agreement, as signed by both parties, consist of the following:

Communications

- A. Within 1 month of the issuance date of the Confirmatory Order, Wolf Creek will issue a stand-alone communication from the Chief Nuclear Officer to all employees and contractor personnel that willful violations will not be tolerated. The communication will stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations. This message will be balanced with the recognition that people do make mistakes and when that happens, it is Wolf Creek's expectation that its employees and contractors will identify and document issues in accordance with licensee procedures.

- B. Within 4 months of the issuance date of the Confirmatory Order, Wolf Creek will hold meetings with all employees and long-term contractor personnel to address integrity and trustworthiness. The meetings will: (1) stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations; (2) describe the circumstances of this case, the results of the root cause evaluation, and Wolf Creek's corrective actions; (3) include the expectation to immediately raise safety concerns when observed; (4) address how to proceed when work order documentation is incomplete.
- C. Within 4 months of the issuance date of the Confirmatory Order, Wolf Creek will reinforce expectations with regards to 10 CFR 50.9, completeness and accuracy of information, and 10 CFR 50.5, deliberate misconduct, by providing an overview of the last 5 years of pertinent NRC enforcement actions with Operations, Fire Watch, Maintenance, and Radiation Protection staff.
- D. Within 6 months of the issuance date of the Confirmatory Order, Wolf Creek will complete its efforts to reinforce site expectations through posters and the morning brief communications, which will specifically address 10 CFR 50.9 and 10 CFR 50.5, and its applicable "Professional to the Core" behaviors meant to ensure high quality work and high-quality work products.
- E. Within 6 months of the issuance date of this Confirmatory Order, Wolf Creek will develop a presentation to be delivered to an appropriate industry forum (e.g., Regional Utility Group or Strategic Teaming and Resource Sharing) subject to acceptance of the conference organizing committees.

1. This presentation will include the significance of the incident that formed the basis for this violation, the consequences of the actions, the responsibilities of personnel involved, and the completed and planned corrective actions.
 2. Wolf Creek will provide its proposed presentation to the NRC for its review. The NRC will communicate to the licensee any concerns regarding the presentation within 30 days of submittal.
- F. Within 18 months of the issuance date of this Confirmatory Order, Wolf Creek will deliver the presentation developed in Element E to an industry forum.

Evaluation

- G. Within 3 months of the issuance date of the Confirmatory Order, Wolf Creek will complete a root cause analysis of the circumstances that led to the incomplete and inaccurate information violation and develop corrective actions.
- H. Within 6 months of the issuance date of the Confirmatory Order, Wolf Creek will benchmark 2 other licensee sites to determine how other licensees detect and address incomplete and inaccurate information, including falsified records, and then develop actions from the benchmarks as appropriate.

Training

- I. Within 4 months of the issuance date of this Confirmatory Order, Wolf Creek will provide in-person training to station staff (employees and long-term contractors) that emphasizes

expectations for completeness and accuracy in documentation, the expectation to stop when unsure, the expectation to write a condition report if encountering unexpected conditions, and what it means when an individual signs or initials a document. Wolf Creek will add training on these subjects to initial or "onboarding" training. The scope of the initial training may differ between Wolf Creek employees and contractors.

- J. Within 12 months of the issuance date of this Confirmatory Order, Wolf Creek will provide training to all maintenance personnel (craft, supervisors, and managers) that describes work order process timeliness, signature or initial requirements, and the process to follow if documents are incomplete (e.g., missing signatures). Subsequently, a training request will be initiated to analyze training frequency on this topic and Wolf Creek will follow its training process to completion.
- K. Within 12 months of the issuance date of this Confirmatory Order, Wolf Creek will implement annual compliance and ethics training to all employees to address 10 CFR 50.9 and 10 CFR 50.5, compliance therewith, and consequences for non-compliance. In addition, the training will describe what it means when an individual signs or initials a document.

Corrective Actions

- L. Within 6 months of the completion of refueling outage 23, Wolf Creek will perform a self-assessment on work order documentation quality by sampling 40 quality-related sub-work order packages performed during the refueling outage. The work order packages selected shall include substantial in-field work. The sample scope will be approved by the regulatory affairs manager and provided to the Wolf Creek NRC

resident staff. The assessment team composition shall include an external peer in addition to station personnel. The results of the self-assessment will be reviewed by the Corrective Action Review Board and documented in the corrective action program system.

- M. Within 6 months of the completion of refueling outage 24, Wolf Creek will perform a self-assessment on work order documentation quality by sampling 40 quality-related sub-work order packages performed during the refueling outage. The work order packages selected shall include substantial in-field work. The sample scope will be approved by the regulatory affairs manager and provided to the Wolf Creek NRC resident staff. The assessment team composition shall include an external peer in addition to station personnel. The results of the self-assessment will be reviewed by the Corrective Action Review Board and documented in the corrective action program system.
- N. Within 4 months of the issuance date of the Confirmatory Order, Wolf Creek will conduct a nuclear safety culture survey developed by a third-party.
- O. Within 30 months of the completion of the survey in Element N, Wolf Creek will conduct a second nuclear safety culture survey.
- P. By December 31 of 2020, 2021, and 2022, Wolf Creek will perform an annual effectiveness review of its corrective actions associated with the Confirmatory Order. The annual effectiveness review will include the insights from benchmarks, site performance, self-assessments, and safety culture surveys. Wolf Creek will modify its

corrective actions, as needed and consistent with this Confirmatory Order, based on the results of the annual effectiveness review.

Administrative Items

- Q. By December 31 of each year until 2023, Wolf Creek will provide in writing to the Regional Administrator, Region IV, a summary of the actions implemented under this Confirmatory Order, the results achieved, and any additional corrective actions initiated as a result of this Confirmatory Order.
- R. Wolf Creek will retain a copy, for 5 years from document creation, of all documents created as a result of this Confirmatory Order.
- S. In the event of the transfer of the license of Wolf Creek to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license.
- T. In consideration of the elements delineated above, the NRC agrees not to issue a Notice of Violation for the violation discussed in NRC Inspection Report 05000482/2019010 and NRC Investigation Report 4-2018-008 dated April 2, 2019 (EA-18-165) and not to issue an associated civil penalty.
- U. The NRC will consider the Confirmatory Order an escalated enforcement action with respect to any future enforcement actions.

V. The NRC and Wolf Creek agree that the above elements will be incorporated into a Confirmatory Order.

Based on the completed actions described above, and the commitments described in Section V below, the NRC agrees to not pursue any further enforcement action based on the apparent violation identified in the NRC's April 2, 2019, letter.

On July 11, 2019 Wolf Creek consented to issuing this Confirmatory Order with the commitments, as described in Section V below. Wolf Creek further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that it has waived its right to a hearing.

IV

I find that Wolf Creek's actions completed, as described in Section III above, combined with the commitments as set forth in Section V are acceptable and necessary, and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Wolf Creek's commitments be confirmed by this Confirmatory Order. Based on the above and Wolf Creek's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 103, 161b., 161i., 161o., 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and

10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVE UPON ISSUANCE, THAT LICENSE NO. NPF-42 IS MODIFIED AS FOLLOWS:

Communications

- A. Within 1 month of the issuance date of this Confirmatory Order, Wolf Creek will issue a stand-alone communication from the Chief Nuclear Officer to all employees and contractor personnel that willful violations will not be tolerated. The communication will stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations. This message will be balanced with the recognition that people do make mistakes and when that happens, it is Wolf Creek's expectation that its employees and contractors will identify and document issues in accordance with licensee procedures.
- B. Within 4 months of the issuance date of this Confirmatory Order, Wolf Creek will hold meetings with all employees and long-term contractor personnel to address integrity and trustworthiness. The meetings will: (1) stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations; (2) describe the circumstances of this case, the results of the root cause evaluation, and Wolf Creek's corrective actions; (3) include the expectation to immediately raise safety concerns when observed; (4) address how to proceed when work order documentation is incomplete.
- C. Within 4 months of the issuance date of this Confirmatory Order, Wolf Creek will reinforce expectations with Operations, Fire Watch, Maintenance, and Radiation Protection staff with regards to 10 CFR 50.9, completeness and accuracy of information,

and 10 CFR 50.5, deliberate misconduct, by providing an overview of the last 5 years of pertinent NRC-wide enforcement actions.

- D. Within 6 months of the issuance date of this Confirmatory Order, Wolf Creek will complete its efforts to reinforce site expectations through posters and the morning brief communications, which will specifically address 10 CFR 50.9 and 10 CFR 50.5, and its applicable "Professional to the Core" behaviors meant to ensure high quality work and high-quality work products.
- E. Within 6 months of the issuance date of this Confirmatory Order, Wolf Creek will develop a presentation to be delivered to an appropriate industry forum (e.g., Regional Utility Group or Strategic Teaming and Resource Sharing) subject to acceptance of the conference organizing committees.
 - 1. This presentation will include the significance of the incident that formed the basis for this violation, the consequences of the actions, the responsibilities of personnel involved, and the completed and planned corrective actions.
 - 2. Wolf Creek will provide its proposed presentation to the NRC for its review. The NRC will communicate to the licensee any concerns regarding the presentation within 30 days of submittal.
- F. Within 18 months of the issuance date of this Confirmatory Order, Wolf Creek will deliver the presentation developed in Element E to an industry forum.

Evaluation

- G. Within 3 months of the issuance date of this Confirmatory Order, Wolf Creek will complete a root cause analysis of the circumstances that led to the incomplete and inaccurate information violation and develop corrective actions.
- H. Within 6 months of the issuance date of this Confirmatory Order, Wolf Creek will benchmark 2 other licensee sites to determine how other licensees detect and address incomplete and inaccurate information, including falsified records, and then develop actions from the benchmarks as appropriate.

Training

- I. Within 4 months of the issuance date of this Confirmatory Order, Wolf Creek will provide in-person training to station staff (employees and long-term contractors) that emphasizes expectations for completeness and accuracy in documentation, the expectation to stop when unsure, the expectation to write a condition report if encountering unexpected conditions, and what it means when an individual signs or initials a document. Wolf Creek will add training on these subjects to initial or "onboarding" training. The scope of the initial training may differ between Wolf Creek employees and contractors.
- J. Within 12 months of the issuance date of this Confirmatory Order, Wolf Creek will provide training to all maintenance personnel (craft, supervisors, and managers) that describes work order process timeliness, signature or initial requirements, and the process to follow if documents are incomplete (e.g., missing signatures). Subsequently,

a training request will be initiated to analyze training frequency on this topic and Wolf Creek will follow its training process to completion.

- K. Within 12 months of the issuance date of this Confirmatory Order, Wolf Creek will implement annual compliance and ethics training to all employees to address 10 CFR 50.9 and 10 CFR 50.5, compliance therewith, and consequences for non-compliance. In addition, the training will describe what it means when an individual signs or initials a document.

Corrective Actions

- L. Within 6 months of the completion of Refueling Outage 23, Wolf Creek will perform a self-assessment on work order documentation quality by sampling 40 quality-related sub-work order packages performed during the refueling outage. The work order packages selected shall include substantial in-field work. The sample scope will be approved by the regulatory affairs manager and provided to the Wolf Creek NRC resident staff. The assessment team composition shall include an external peer in addition to station personnel. The results of the self-assessment will be reviewed by the Corrective Action Review Board and documented in the corrective action program system.
- M. Within 6 months of the completion of Refueling Outage 24, Wolf Creek will perform a self-assessment on work order documentation quality by sampling 40 quality-related sub-work order packages performed during the refueling outage. The work order packages selected shall include substantial in-field work. The sample scope will be approved by the regulatory affairs manager and provided to the Wolf Creek NRC

resident staff. The assessment team composition shall include an external peer in addition to station personnel. The results of the self-assessment will be reviewed by the Corrective Action Review Board and documented in the corrective action program system.

- N. Within 4 months of the issuance date of this Confirmatory Order, Wolf Creek will conduct a nuclear safety culture survey developed by a third-party.
- O. Within 30 months of the completion of the survey in Element N, Wolf Creek will conduct a second nuclear safety culture survey.
- P. By December 31 of 2020, 2021, and 2022, Wolf Creek will perform an annual effectiveness review of its corrective actions associated with this Confirmatory Order. The annual effectiveness review will include the insights from benchmarks, site performance, self-assessments, and safety culture surveys. Wolf Creek will modify its corrective actions as needed, and consistent with this Confirmatory Order, based on the results of the annual effectiveness review.

Administrative Items

- Q. By December 31 of each year until 2023, Wolf Creek will provide in writing to the Regional Administrator, Region IV, a summary of the actions implemented under this Confirmatory Order, the results achieved, and any additional corrective actions initiated as a result of this Confirmatory Order.

R. Wolf Creek will retain a copy, for 5 years from document creation, of all documents created as a result of this Confirmatory Order.

In the event of the transfer of the license of Wolf Creek to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license. The NRC will consider this Confirmatory Order an escalated enforcement action with respect to any future enforcement actions at Wolf Creek. The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by Wolf Creek of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Confirmatory Order, other than Wolf Creek, may request a hearing within thirty (30) calendar days of the date of issuance of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter "petition"), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic

storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to

participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's Public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to

use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an Order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "Cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.


The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the *Federal Register* and served on the parties to the hearing.

If a person (other than Wolf Creek) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission



Scott A. Morris
Regional Administrator
NRC Region IV

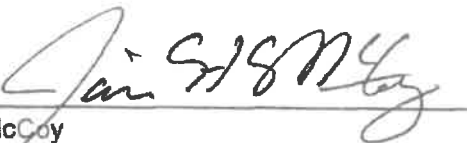
Dated this 18th day of July 2019

CONSENT AND HEARING WAIVER FORM

Enclosure 2

CONSENT AND HEARING WAIVER FORM

Wolf Creek Nuclear Operating Corporation hereby agrees to comply with the terms and conditions of this Confirmatory Order arising out of an alternative dispute resolution mediation session on May 30, 2019, to be issued relating to Enforcement Action EA-18-165. This Confirmatory Order will be effective upon its issuance. By signing below, Wolf Creek Nuclear Operating Corporation consents to the issuance of the referenced Confirmatory Order, and, by doing so, agrees to waive the right to request a hearing on all or any part of this Confirmatory Order.



Jaime McCoy
Site Vice President
Wolf Creek Nuclear Operating Corporation

7/11/19
Date

NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2018-008 - DATED JULY 18, 2019

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