

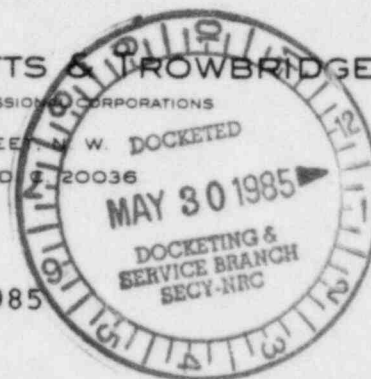
223

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May 29, 1985

JAY E. SILBERG, P.C.

Nunzio J. Palladino, Chairman
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Commissioner Thomas M. Roberts
U. S. Nuclear Regulatory
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Commissioner James K. Asselstine
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Commissioner Frederick M. Bernthal
U. S. Nuclear Regulatory
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Commissioner Lando W. Zech, Jr.
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Re: Kansas Gas & Electric Company, et al.
(Wolf Creek Generating Station, Unit 1)
Docket No. STN 50-482 *2,206*

Gentlemen:

By letter dated May 15, 1985, the Government Accountability Project ("GAP") on behalf of the Nuclear Awareness Network ("NAN") petitioned pursuant to 10 C.F.R. §2.206 that the Commission take the following actions relating to the Quality First Program established by Kansas Gas and Electric Company ("KG&E"):

1. Require the NRC Staff to "take possession" of Quality First files and provide an analysis of why "safety significant deficiencies identified for the past year by members of the workforce do not pose a danger to the public health and safety."
2. Investigate the "ramification of the collective safety significance and/or adequacy on the quality assurance program in the light of the information contained in the Quality First files."
3. Require the Office of Nuclear Reactor Regulation and Region IV to explain "why they allowed the allegations to be exempt from the regulatory analysis for determination of safety significance."

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May 29, 1985

Page 2

4. Require that the Office of Investigation conduct an investigation into the alleged "compromising of the Quality First Program by William Rudolph, site QA Manager."

Kansas Gas and Electric Company, Kansas City Power & Light Company, and Kansas Electric Power Cooperative, Inc., the licensees of the Wolf Creek Generating Station, submit the following response to the GAP/NAN Petition. The response includes the attached Affidavits by Kent R. Brown, KG&E's Group Vice President-Technical Services, and Charles A. Snyder, KG&E's Manager - Quality First. Licensees' response demonstrates that the Petition lacks any merit. Based on the information supplied herein, we respectfully request that the Petition be denied.

I. QUALITY FIRST PROGRAM

The Quality First Program is a voluntary effort established by KG&E more than a year ago. The Program provides a mechanism for people working at the Wolf Creek site (and at KG&E's home offices in Wichita) to confidentially report to an independent organization any concerns they might have with the Wolf Creek project. The Program, which has been widely publicized on the site and at KG&E's offices, includes a 24 hour a day telephone "hot-line" and interviews with all workers as they leave the site. Each concern reported to Quality First is investigated to determine whether the concern can be substantiated and whether it is of safety significance. All substantiated concerns are tracked to assure that they are appropriately resolved. All those expressing concerns are asked whether they want feedback on the results of Quality First's investigation. These individuals are then contacted by Quality First and informed as to how their concerns have been resolved. A more detailed description of how the Quality First Program operates is set forth in the Affidavit of Charles A. Snyder, ¶¶3, 8-21.

Since its inception, the Quality First Program has interviewed more than 5600 site workers and invited them to identify any concerns that they might have with the quality of the Wolf Creek project. About five percent of those interviewed have expressed concerns. These concerns have been investigated, resolved, and evaluated for reportability under 10 C.F.R. §50.55(e). About 750 separate concerns have been brought to Quality First, of which about 200 were found to be substantiated. All of those which were substantiated, including 18 which Quality First determined to be significant to safety, have been resolved and the resolution concurred in by Quality First. Snyder Affidavit, ¶¶22-23.

May 29, 1985
Page 3

II SHOW CAUSE STANDARDS

As set forth in 10 C.F.R. §2.206, a request for an order to show cause must, in addition to specifying the action requested, "set forth the facts that constitute the basis for the request." To justify issuing an order to show cause in response to a §2.206 petition, the petition must raise "substantial health or safety issues." See Florida Power & Light Co. v. Lorion, 105 S.Ct. 1598, 1601 (1985). The GAP/NAN Petition fails to meet these standards.

III. GAP/NAN PETITION

As has been their modus operandi in previous cases, GAP has waited until the eleventh hour before filing the Petition with the Commission. This delay cannot be attributed to GAP's or NAN's unfamiliarity with Wolf Creek or Quality First. GAP stated at their May 15, 1985 press release announcing the Petition that they had been "monitoring the Wolf Creek project for a year." And the Petition itself states that "GAP and NAN have recontacted the workers in order to take affidavits relative to their concerns." Yet GAP delayed submitting its Petition until the Commission was about to consider a full power license for Wolf Creek. The only conceivable rationale for these kind of last minute filings is to disrupt the licensing process.

The thrust of the Petition is GAP/NAN's call for the NRC to "take possession" of all Quality First files. The basis for this claim is the Petition's unsupported generalization that "the Licensee ignored or buried the serious concerns of the workforce." GAP/NAN presumably want access to all the information that the Quality First Program has developed, notwithstanding the underlying promise of confidentiality on which the Quality First Program is based. (GAP/NAN do not seem to recognize the inconsistency between insisting that their affidavits be immune from disclosure while KG&E's promises of confidentiality should be ignored).

GAP/NAN have simply failed to make a case for the relief that they seek. As shown in the Affidavits of Messrs. Brown and Snyder, the Quality First Program at Wolf Creek is an effective, independent mechanism to give the Wolf Creek workforce an added communications channel for any safety-related concerns. Although GAP/NAN may claim that Quality First is a "trap door for worker allegations at Wolf Creek" (letter from GAP to Ben Hayes, Director OI, dated May 15, 1985), they have provided no support for this claim. Indeed, the Quality First Program, by providing feedback to those bringing concerns to the Program (Snyder Affidavit, ¶¶14,16), allows each individual to determine for himself whether his concern has been adequately addressed. If the

May 29, 1985

Page 4

individual is not satisfied, he may still bring his concern to the NRC or to project management.

Nor can GAP/NAN support its claim that the NRC Staff has failed to review the Quality First Program. As outlined in Mr. Snyder's Affidavit, no less than five NRC Inspection Reports have been issued which involve reviews of the Quality First Program. (For the convenience of the Commissioners, copies of these Inspection Reports are attached hereto). Inspectors from three different Regional offices have reviewed more than half of the completed Quality First case files. The broad scope of this review should be obvious. NRC inspections typically audit a small fraction of the quality assurance documentation. Here, more than half of all the files have already been reviewed. The inspections disclosed no violations or deviations. Although the initial NRC inspection resulted in some suggestions (subsequently incorporated in the Program) for procedural improvements, Snyder Affidavit, ¶28, the NRC inspection oversight reveals an effective program, not one afflicted with the deficiencies alleged by GAP/NAN.

The Petition also includes an unsupported allegation that Mr. William Rudolph, Manager of Quality Assurance for Wolf Creek, has somehow "compromised" the Quality First Program. As set forth in the Snyder and Brown Affidavits, the Quality First Program from its inception has been structured so that no one could compromise its independence. While the initial management structure had the Quality First Team reporting to the site QA Manager, the Team had the ability to report directly to higher management levels when it deemed such action to be appropriate. Furthermore, in August 1984, after the first five months of the Program, the reporting responsibilities for Quality First were changed so that the site QA Manager was no longer in the reporting chain. Furthermore, the Manager-Quality First, on assuming leadership of the Program in August 1984, reviewed all concerns which had been closed out to assure that they had been properly addressed. The Petition thus sets forth no basis to justify the relief sought by GAP/NAN.

CONCLUSION

It is unfortunate that GAP has again sought to inject unfounded allegations into a licensing proceeding at the last moment. Unlike other proceedings where the late allegations claimed that there were deficiencies with the plant itself, the present Petition can only seek to raise procedural questions about a voluntary reporting program undertaken at KG&E's own initiative.^{1/} The absence of any identified allegations

^{1/} The Petition attached an undated document prepared by NAN entitled "Analysis and Comments on the Nuclear Regulatory

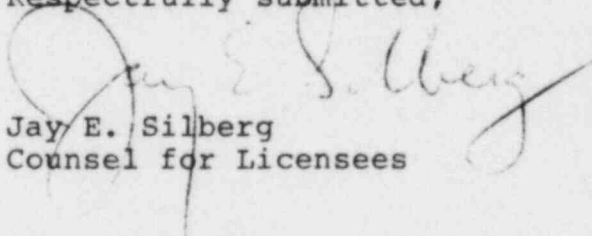
May 29, 1985

Page 5

concerning the plant would seem to confirm GAP/NAN's inability to bring forward any justification for delaying the issuance of a full power license for the Wolf Creek facility.

One final point needs to be made. KG&E created the Quality First Program not because of any regulatory requirement to do so, but because it felt that it was a worthwhile thing to do. The Commission has often urged licensees to take initiatives and not to limit their programs to minimum NRC requirements. KG&E has done just that. KG&E has taken an extra step. It would be ironic if the result of KG&E's extra efforts would be to penalize Wolf Creek by subjecting it to additional licensing complications and possible licensing delay. Should that happen, the message to licensees would be clear: take no initiatives, do only what is required. We suggest that this ought not to be the message that the Commission should be giving. We hope that the Commission's action on the GAP/NAN Petition will send the right signals to licensees and encourage licensee initiatives, not penalize them.

Respectfully submitted,


Jay E. Silberg
Counsel for Licensees

JES:L
Attachments

cc: Harold R. Denton
James Lieberman, Esquire

(Continued)

Commission's March 11, 1985 Response on the Isolation and Resolution of the Structural Steel Weld Deficiencies at Wolf Creek." The relevance of this document to the GAP/NAN Petition is remote at best, since little in it relates to Quality First. The structural steel welding issue which provides the document with its title was exhaustively reviewed by the NRC Staff earlier this year. Other enforcement issues mentioned in the document were reviewed and closed out by the NRC Staff in prior years. The document does little more than string together unrelated enforcement issues which have previously been resolved.