

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Company (EA-01-005)
 Docket No. 50-483

Subject: IMPOSITION OF CIVIL PENALTY - \$55,000

By EN 01-014, dated May 9, 2001, the Commission was notified of the intent to issue a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$55,000. This action was based on a Severity Level III violation of the NRC employee protection regulations (10CFR 50.7). This Notice of Violation was issued on May 14, 2001, and Union Electric responded on January 22, 2002, requesting the withdrawal of the violation and remission of the proposed civil penalty.

The violation involved discrimination by The Wackenhut Corporation (TWC), a contractor to Union Electric, against a security officer and a training instructor for having engaged in protected activity. The security officer and training instructor identified to TWC a violation of NRC requirements at the Callaway Nuclear Plant. Specifically the violation involved the fact that TWC had hired and assigned an individual to the security organization when that individual did not have a high school diploma or equivalent, in violation of 10 CFR Part 73, Appendix B, Section I.A.1.a, which provides that prior to employment or assignment to a security organization, an individual must possess a high school diploma or pass an equivalent performance examination. Based at least in part on this protected activity, TWC unfavorably terminated the security officer's employment for lack of trustworthiness and gave a written reprimand to the training instructor on November 19, 1999. Based on the TWC investigation, Union Electric revoked the security officer's unescorted access authorization for lack of trustworthiness.

After careful consideration of the licensee's response, the staff has concluded that the violation did occur as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty. Accordingly, an Order Imposing Civil Monetary Penalty in the amount of \$55,000 has been issued today. Under the terms of the Order, the licensee may, within 30 days of the date of the Order, pay the civil penalty or request a hearing.

Contacts: Barry Westreich, OE, 415-3456; James Luehman, OE, 415-2741

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