



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

APR -6 1992

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

Wolf Creek Nuclear Operating Corporation
ATTN: Bart D. Withers
President and Chief Executive Officer
P.O. Box 411
Burlington, Kansas 66839

Gentlemen:

SUBJECT: ALLEGED DISCRIMINATION IN VIOLATION OF 10 CFR 50.7

On February 18, 1992, the U.S. Department of Labor's Wage and Hour Division in Kansas City, Missouri, received a complaint from an employee of the Wolf Creek Nuclear Operating Corporation (WCNOC). The employee alleged that he had been subjected to discriminatory treatment, including the receipt of a poor performance appraisal, because he had raised safety concerns while performing his duties at the Wolf Creek Nuclear Generating Station and because he filed allegations with the Nuclear Regulatory Commission (NRC). Mr. Otto Maynard of your organization was informed of this complaint in a letter from the Department of Labor dated February 19, 1992.

On March 12, 1992, based on a settlement agreement having been reached between the complainant and WCNOC, the Department of Labor informed WCNOC and NRC that DOL had ceased its investigation of the allegation. A copy of the settlement agreement was provided to NRC.

While NRC recognizes that WCNOC has settled this matter with this individual, NRC must review this matter to determine whether a violation of 10 CFR 50.7 may have occurred. Such a violation, if it occurred, could have a chilling effect on other licensee or contractor personnel in that it might deter them from identifying any nuclear safety related concerns they may have.

Therefore, you are requested to provide this office, within 30 days of the date of this letter, a response which:

1. Provides the basis for the employment action regarding the employee and includes a copy of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

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Wolf Creek Nuclear Operating Corporation -2-

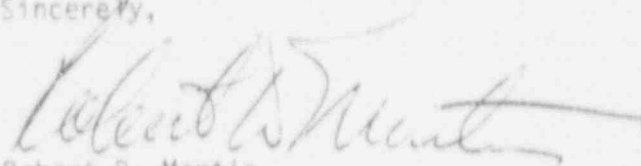
After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

Please indicate in your response whether any of the information that you provide should be withheld from public disclosure based on the provisions of 10 CFR 2.790(a). Please cite the specific provision of this regulation that is applicable or other basis for nondisclosure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



Robert D. Martin
Regional Administrator

cc:

Terry Burger, District Director
U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
911 Walnut Street Room 2900
Kansas City, Missouri 64106

Wolf Creek Nuclear Operating Corp.
ATTN: Otto Maynard, Director
Plant Operations
P.O. Box 411
Burlington, Kansas 66839

Shaw, Pittman, Potts & Trowbridge
ATTN: Jay Silberg, Esq.
1800 M Street, NW
Washington, D.C. 20036

Public Service Commission
ATTN: Chris R. Rogers, P.E.
Manager, Electric Department
P.O. Box 360
Jefferson City, Missouri 65102

Wolf Creek Nuclear Operating Corporation -3-

U.S. Nuclear Regulatory Commission
ATTN: Regional Administrator, Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Wolf Creek Nuclear Operating Corp.
ATTN: Steven G. Wideman
Supervisor Licensing
P.O. Box 411
Burlington, Kansas 66839

Kansas Corporation Commission
ATTN: Robert Elliot, Chief Engineer
Utilities Division
1500 SW Arrowhead Rd.
Topeka, Kansas 66604-4027

Office of the Governor
State of Kansas
Topeka, Kansas 66612

Attorney General
1st Floor - The Statehouse
Topeka, Kansas 66612


Chairman, Coffey County Commission
Coffey County Courthouse
Burlington, Kansas 66839-1798

Kansas Department of Health
and Environment
Bureau of Air Quality & Radiation
Control
ATTN: Gerald Allen, Public
Health Physicist
Division of Environment
Forbes Field Building 321
Topeka, Kansas 66620


Kansas Department of Health and Environment
ATTN: Robert Eye, General Counsel
LSOB, 9th Floor
900 SW Jackson
Topeka, Kansas 66612

Wolf Creek Nuclear Operating Corporation -4-


bcc:
 [Chilling effect letter, Bove vs. Wolf Creek Nuclear Operating Corp.]
 HThompson, DEDS
 JSniezek, DEDR
 JLieberman, OE
 RRosano, OE
 LChandler, OGC
 JPartlow, NRR
 RMartin
 WBrown
 GSanborn (DOL FILES)
 Rrise
 Section Chief, (DRP/D)
 Section Chief (RIII, DRP/3C)
 SRI, Callaway, RIII
 Project Engineer (DRP/D)
 Resident Inspector
 LWilliamson
 DRP
 DRS
 DRSS-RPEPS
 RIV File
 DEM - IE54


 GSanborn
 4/1/92

RC 
 WLBrown
 4/1/92

C:DRP/D 
 AHowell
 4/2/92

D:DRP 
 ABeach
 4/3/92

RA 
 RDMartin
 4/4/92