

Docket: STN 50-482
EA 84-87

SEP 27 1984

Kansas Gas and Electric Company
ATTN: Glenn L. Koester
Vice President - Nuclear
P.O. Box 208
Wichita, Kansas 67201

Gentlemen:

This refers to the results of an investigation and hearing conducted by the Department of Labor (DOL) into a complaint filed by Mr. James E. Wells, Jr. on August 29, 1983. (DOL Docket No. 83-ERA-12) In his complaint, Mr. Wells alleged that he was disciplined, discharged, and refused reemployment because he had brought to the attention of Kansas Gas and Electric Company's (KG&E) Quality Assurance Manager various safety problems relating to electric hardware and electrical installations at the Wolf Creek Generating Station, NRC Construction Permit No. CPPR-147. Following DOL proceedings, the Secretary of Labor on June 14, 1984 affirmed the decision of an Administrative Law Judge of February 27, 1984 that a violation of the employee protection provision of the Energy Reorganization Act of 1974, as amended, had occurred.

Consequently, as was discussed with you during the Enforcement Conference held on August 7, 1984 and after reviewing the record before the DOL, we find that a violation of the Commission's regulations has occurred. Specifically, under 10 CFR 50.7, discrimination by a Commission licensee against an employee for engaging in certain protected activities is prohibited. The activities protected include reporting of quality discrepancies and safety problems by an employee to his employer.

To emphasize that acts of discrimination against an employee engaged in a protected activity will not be tolerated, I have been authorized, after consultation with the Director, Office of Inspection and Enforcement, to issue the attached Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Sixty-Four Thousand Dollars (\$64,000). Consistent with the NRC Enforcement Policy in effect when this violation occurred (see 10 CFR Part 2 Appendix C, 47 FR 9989), the violation, which involved discrimination by management at a level above first-line supervision, is being categorized as a Severity Level II violation and the base civil penalty amount for a Severity Level II violation is being proposed.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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You should note that under the revised NRC Enforcement Policy (49 FR 8583 (March 8, 1984)), a civil penalty of at least \$80,000 would be proposed for a violation involving discrimination of this type. Such acts of discrimination cannot be condoned by the NRC and we will take further escalated enforcement action if additional violations of this type occur.

You are required to respond to the enclosed Notice and, in preparing your response, you should follow the instructions specified in the Notice. Your response should address the corrective actions taken or planned, including those actions necessary to assure there has not been a chilling effect on the identification of quality problems by other KG&E and contractor personnel.

Your written reply to this letter and Notice will be the basis for determining whether additional enforcement action is warranted.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,

"Original Signed by:
J. T. COLLINS"

John T. Collins Regional Administrator

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty