

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Kansas Gas and Electric Company  
Wolf Creek Generating Station

Docket: STN 50-482  
Permit: CPPR-147  
EA 84-87

Based on the results of an investigation and hearing conducted by the Department of Labor (DOL Case 83-ERA-12) and the resulting Decision and Final Order of the Secretary of Labor, dated June 14, 1984, in the case of complainant James E. Wells, the NRC has determined that a violation of its regulations has occurred. To emphasize that acts of discrimination against an employee engaged in a protected activity will not be tolerated, the Nuclear Regulatory Commission proposes to impose a civil penalty in the amount of Sixty-four Thousand Dollars (\$64,000) for the violation set forth in this Notice. In accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C, in effect at the time of the violation, and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violation, and the associated civil penalty, is set forth below:

Violation

10 CFR 50.7 prohibits discrimination by a licensee against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The activities protected include reporting of quality discrepancies and safety problems by an employee to his employer.

Contrary to the above, the licensee discriminated against James E. Wells, a contract employee who was engaging in a protected activity as a quality assurance inspector. Mr. Wells was placed on probation on June 20, 1983, terminated on August 4, 1983, and subsequently refused re-employment for reporting quality discrepancies and safety problems to the licensee's Quality Assurance Manager. The discrimination involved a management level above the first line of supervision. These acts of discrimination were substantiated by U.S. Department of Labor findings issued on September 26, 1983, in accordance with Section 210(b) of the Energy Reorganization Act of 1974, as amended. A U.S. Department of Labor Administrative Law Judge subsequently ruled on February 27, 1984 (83-ERA-12) that an act of discrimination had occurred and this finding was affirmed by the Decision and Final Order of the Secretary of Labor issued on June 14, 1984.

This is a Severity Level II Violation (Supplement VII). (Civil Penalty - \$64,000)

Pursuant to the provisions of 10 CFR 2.201, Kansas Gas and Electric Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, Parkway Central Plaza Building, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, within 30 days of the date of this Notice a written statement or explanation, including for the alleged violation: (1) admission or denial of the alleged

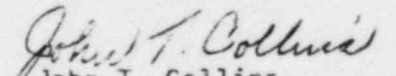
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violation; (2) the reasons for the violation, if admitted; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Kansas Gas and Electric Company may pay the civil penalty in the amount of \$64,000 or may protest imposition of the civil penalty, in whole or in part, by a written answer. Should Kansas Gas and Electric Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty as proposed above. Should Kansas Gas and Electric Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalty. In requesting mitigation of the proposed penalty, the five factors contained in Section V(B) of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate statements or explanations by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Kansas Gas and Electric Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the civil penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

  
John T. Collins  
Regional Administrator

Dated at Arlington, Texas  
this 27 day of September 1984

Kansas Gas and Electric Company

Distribution

PDR  
NSIC  
LPDR  
ACRS  
SECY  
CA  
RCDeYoung, IE  
JTaylor, IE  
JCollins, RIV  
JAxelrad, IE  
JLieberman, ELD  
RHoefling, ELD  
EHoller, IE  
Enforcement Coordinators  
RI, RII, RIII, RIV, RV  
FIngram, PA  
GMessenger, OIA  
BHayes, OI  
HDenton, NRR  
MWilliams, NRR  
JCrooks, AEOD  
EJordan, IE  
NGrace, IE  
RIV Distribution  
EA File  
ES File  
EDO Rdg File  
DCS  
Attorney General, Kansas

IE:ES	ELD	RIV	ES:D	IE:DD	IE:D
EHoller	JLieberman	JCollins	JAxelrad	JTaylor	RDeYoung
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DRS&P	EO:RIV	RC:RIV	DE:RIV
RDenise	TFWesterman	WDown	PScheck
9/18/84	9/19/84	9/19/84	9/20/84

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IE:ES <i>SH</i>	ELD <i>R. HOEFLING</i> <i>VIA PHONG</i>	RIV <i>T. WESTERMAN</i> <i>VIA PHONG</i>	IE:DP	IE:DP	
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9/18/84	9/19/84	9/20/84	9/21/84	9/21/84	9/22/84

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IE:ES EHoller 9/18/84	<i>ELD R. HOEFLING VIA PHONE</i> JLieberman 9/19/84	<i>RIV T. WESTERMAAS VIA PHONE</i> JCollins 9/20/84	<i>ES</i> JAxelrad 9/21/84	IE:DD JTaylor 9/21/84	IE: RDeYoung 9/22/84
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