

March 31, 1997  
EN 97-027

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Wolf Creek Nuclear Operating Corporation (EA 96-470)  
Wolf Creek Generating Station  
Docket No. 50-482

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$100,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 will be issued on or about April 3, 1997, to the Wolf Creek Nuclear Operating Corporation. The action is based on a Severity Level III problem consisting of three violations involving: (1) the failure to correct erroneous Technical Specification clarifications after being alerted of their existence by licensee Quality Assurance findings, (2) the continued existence of an erroneous Technical Specification clarification after being informed by the NRC that it was incorrect, and (3) an unauthorized change to the Technical Specifications.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem occurring prior to November 12, 1996. Because this was not the first escalated enforcement action within 2 years, the staff considered whether credit was warranted for *Identification* and *Corrective Action*. The staff determined that credit was not warranted for *Identification* because the issues became known as a direct result of an NRC inspector's identification of a conflict between a Technical Specification clarification and the actual Technical Specification requirement. The staff also determined that *Corrective Action* credit was not warranted in that corrective actions were not sufficiently prompt nor comprehensive. This included the licensee permitting the continued existence of an incorrect clarification well after the pre-decisional enforcement conference and after the staff had informed the licensee of its position on the inadequacy of the clarification. This assessment resulted in a double base penalty of \$100,000 for the Severity Level III problem.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	April 3, 1997
Telephone Notification of Licensee	April 3, 1997

The State of Kansas will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: D. Nelson, OE, 415-3280 J. Lieberman, OE, 415-2741

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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