

Log # TXX-90168
File # 10130(IR 89-23)
10118(EA 88-310)
Ref. # 10CFR2.201
10CFR50.9(a)

May 2, 1990

W. J. Canill
Executive Vice President

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RESPONSE TO NOTICE OF VIOLATION 445/8923-V-01
(NRC INSPECTION REPORT NOS. 50-445/89-23; 50-446/89-23)

Gentlemen:

TU Electric has reviewed your letter dated April 2, 1990, concerning the inspection conducted during the period April 5 through May 2, 1989, which covered the follow-up to TU Electric's response to violations associated with the Unit 1 Service Water Coating Removal Project and other Code V service procurements. Attached to your letter was a Notice of Violation. This letter constitutes TU Electric's response to the Notice of Violation.

The subject of the Notice of Violation, failure to ensure that the NRC was provided complete information on an enforcement issue, is a serious matter to TU Electric. It is our policy and practice to be candid and open with the NRC. When this issue was first raised by the NRC in April 1989, TU Electric initiated a review of the information provided to the NRC prior to and during the Enforcement Conference on Service Water Coating Removal on November 9, 1988, and in our response to Enforcement Action EA 88-310 (TXX-89070 dated February 8, 1989). Based on this review TU Electric concluded that it had provided complete information to the NRC.

The results of this review were most recently discussed with the NRC during an Enforcement Conference conducted on January 30, 1990. While TU Electric acknowledged that its presentation at the November 9, 1988, Enforcement Conference and its written response to EA 88-310 could have been enhanced by explaining the lack of significance in the other Code V services procurement shortcomings rather than just presenting its conclusions, it was and continues to be TU Electric's position that the information provided to the NRC regarding other Code V services procurements was complete in all material respects. Therefore, TU Electric does not believe that the circumstances described in your April 2, 1990, letter constitute a violation of 10CFR50.9(a).

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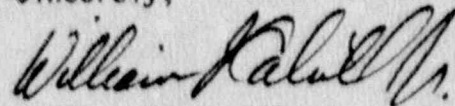
The bases for this position are as follows:

1. TU Electric committed internally to complete a review of the Code V services procurements other than Service Water Coating Removal as part of its evaluation of that task. This commitment was shared with the NRC during the September 13, 1988, Management Meeting on Service Water Coating Removal where it was agreed that the review would be completed prior to October 1, 1988. The review was completed and documented in memorandum NE-22156 on September 30, 1988. That memorandum and supporting documentation was available to the NRC at that time, and was provided to CASE upon request prior to the November 9, 1988, Enforcement Conference.
2. The results of the review documented in NE-22156 demonstrated that Code V service procurements were successfully implemented with the level of detail contained in the procurement documents reviewed and in spite of the identified shortcomings. Therefore, the results of the review, although similar to the results identified in the review of Service Water Coating Removal procurement documents, did not compromise the conduct of the procured activities and do not represent additional examples of the types of problems encountered during Service Water Coating Removal.
3. The conclusions of the review of the other Code V services procurements performed in September 1988, and presented during the November 9, 1988, Enforcement Conference and in the written response to EA 88-310 were confirmed by a second independent review conducted by TU Electric Quality Assurance in April and May 1989. The results of this second review were provided to the NRC as an attachment to TXX-89847 dated December 11, 1989.
4. TU Electric formally responded to the violations contained in EA 88-310 via TXX-89070 on February 8, 1989. As part of the corrective action portion of the response, the review of the other Code V services was discussed, and the conclusions were appropriately summarized. As has been TU Electric's practice, a package of documentation was assembled to substantiate and expand upon the summary information provided in the formal response. This documentation package was delivered to the NRC Resident Inspectors without request to facilitate a more complete understanding of the formal response. NE-22156 was included in this package. Thus, complete information was provided to the NRC as part of the overall response to the violations.

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TU Electric recognizes the importance of providing complete information to the NRC. This is reflected in the TU Electric "Principles for Enhancing Nuclear Professionalism" issued on August 30, 1988, which is contained in the Nuclear Engineering Policies and Procedures Manual. In order to assure that the expectations of the NRC are understood, the issues identified in the Notice of Violation have been discussed by the Vice President of Nuclear Engineering with those personnel contributing to the response to the violation on the Service Water Coating Removal procurement.

Sincerely,



William J. Cahill, Jr.

WGG/daj

c - Mr. R. D. Martin, Region IV
Resident Inspectors, CPSES (3)