



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 1, 1990

Docket Nos. 50-445
and 50-446

Mrs. Juanita Ellis, President
Citizens Association for Sound Energy
1426 South Polk
Dallas, Texas 75224

Mr. William G. Council, Vice Chairman
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mrs. Ellis and Mr. Council:

This is in response to the dispute between the Citizens Association for Sound Energy (CASE) and TU Electric regarding the documentation of dimensional deficiencies identified during the receipt inspections of materials supplied by Thermal Science, Incorporated. In the related letter dated November 29, 1989, CASE requested that the NRC independently conduct an inspection or investigation into issues associated with an incident which occurred on November 2 and 3, 1989 related to deficiencies identified during the receipt inspections for "Therm-A-Lag" materials and the procedural controls for documenting these non-conforming conditions.

The results of the NRC's review of these issues is documented in inspection report 50-445/90-05; 50-446/90-05, dated January 31, 1990. Our inspection identified two apparent violations, which were the subject of a subsequent escalated enforcement action. During an enforcement conference on February 7, 1990, TU Electric described the corrective actions that had been taken in response to the apparent violations. The NRC staff concluded that those corrective actions were sufficient for the purpose of the issuance of the low-power operating license.

Subsequently, the staff completed its deliberations on the enforcement action and, on May 17, 1990, issued EA 90-020 which proposed a \$25,000 Civil Penalty for a Severity Level III violation associated with the atmosphere of intimidation created during the November 1989 incident. The staff also concluded that the ambiguity in the procedure for documenting receipt inspection non-conformance is a Severity Level IV violation, and likely was a contributing factor in the foregoing violation.

Although TU Electric has not yet responded to the proposed Civil Penalty, the staff concludes that action requested by CASE has been satisfied. The staff will follow up in accordance with our routine practices for escalated enforcement actions.

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Mrs. J. Ellis and Mr. W. Council

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June 1, 1990

If you have any questions regarding the decision on this matter, I would be pleased to discuss them with you.

Sincerely,

Original signed by:

Christopher I. Grimes, Director
Comanche Peak Project Division
Office of Nuclear Reactor Regulation

cc: See next page

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