

DCS

NOV 17 1983

IE FILE COPY

Docket Nos. 50-445
40-446
EA 93-64

Texas Utilities Generating Company
ATTN: R.J. Gary
Executive Vice President & General Manager
2001 Bryan Tower
Dallas, Texas 75201

Dear Mr. Gary:

This is to acknowledge receipt of your September 28, 1983 written response to the Nuclear Regulatory Commission's (NRC) Notice of Violation and Proposed Imposition of Civil Penalty dated August 29, 1983.

The NRC would normally evaluate your written response to the Notice of Violation and Proposed Imposition of Civil Penalty at this time and make a determination as to whether or not an Order imposing the civil penalty was appropriate. In this particular instance, however, your response notes that the Secretary of Labor's decision (DOL Case 82 ERA-9) in the Atchison matter has been appealed to the U.S. Court of Appeals for the 5th Circuit. The decision of the Secretary of Labor was a factor in the NRC's decision to propose a civil penalty. We also note that you have initiated a number of substantial actions which are described in your formal response to the Notice of Violation and which are intended to confirm TUGCO's stated commitment to an effective quality assurance program with the necessary organizational freedom. Consequently, the NRC will at this time defer a final determination as to whether or not an Order imposing a civil penalty is appropriate pending resolution of the appeal. Should the appeal process be lengthy, we reserve the right to reconsider this deferral decision.

Sincerely,

*Original Signed By
E. G. DeYoung*

Richard DeYoung, Director
Office of Inspection and Enforcement

Region IV
T Westerman
10/ /83

Region IV
J Collins
10/ /83

ES:IE
R Rosano
10/ /83

ELD
R Hoefling
10/ /83

ES:D
J Axelrad
10/ /83

Taylor
10/17/83

IE:
R DeYoung
10/17/83

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Sincerely,

Richard DeYoung, Director
Office of Inspection and Enforcement

^{file}
Region IV ^R
TWesternman
10/12/83

^{file}
Region IV ^R
JCollins
10/13/83

ES:IE ^R
RRosano
10/13/83

ELD ^{file}
RHoeffling ^R
10/13/83

ES:D ^{file}
JAxelrad
10/13/83

IE:DD
JTaylor
10/13/83

IE:D
RDeYoung
10/13/83

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Sincerely,

**Original Signed By
R. C. DeYoung**

SEE PREVIOUS CONCURRENCES

Richard DeYoung, Director
Office of Inspection and Enforcement

Region IV
TWesterman *
10/ /83

Region IV
JCollins *
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ES:IE *R*
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10/14/83

ELD *R*
RHoeffling
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ES:D
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10/ /83

J Taylor
10/13/83

IE: *R*
RDeYoung
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