



75. NUCLEAR REGULATORY COMMISSION

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST**

NRC FOIA REQUEST NUMBER(S)  
**FOIA — 96-351**

RESPONSE TYPE

FINAL

☒ PARTIAL

9th

DATE

**FEB 07 1997**

DOCKET NUMBER(S) (if applicable)

REQUESTER

Mr. J. H. O'Neill, Jr. ATTN: W. R. Holloway

**PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED** (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) U are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) \_\_\_\_\_ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.

You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_.

In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_, No. \_\_\_\_\_.

**PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE**

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

The review of additional records subject to your request is continuing.

FOIA  
0/1

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

9702120371 970207  
PDR FOIA  
O'NEILL 96-351 PDR

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST  
(CONTINUATION)

FOIA NUMBER(S)

FOIA — 96-351

DATE

FEB 07 1997

PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) V & W are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).

X 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

X Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

X 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II.C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL

TITLE/OFFICE

RECORDS DENIED

APPELLATE OFFICIAL

EDO SECRETARY IG

J. Lieberman

Director, OE

V/9

X

H. Miller

Administrator, RI

V/1 - V/8, V/10  
W/1 - W/3

X

PART II.D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX U  
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	Undated	AIT notes: Last Day Briefing w/PSE&G (3 pages)
2.	Undated	Background material for meeting: SALEM, General Activity and Licensee Response History and General Occurrence and Event History (5 pages)
3.	Undated	Draft letter to L. Eliason from T. Martin, Subject: Systematic Assessment of Licensee Performance (SALP) Report No. 50-272; 50-311/93-99 (16 pages)
4.	Undated	SALP information: Salem Executive Summary (2 pages)
5.	Undated	SALP information: Salem & Hope Creek ISEG Input (2 pages)
6.	Undated	Briefing notes on recent Salem performance (1 page)
7.	Undated	Salem Generating Station, Senior Management Meeting Historical Perspective (10 pages)
8.	04/19/93	PSE&GCo Meeting (4 pages)
9.	03/04/94	Ltr from Glenn W. Meyer to Mr. Steven E. Miltenberger - Inspection 94-03 (2 pgs)
10.	03/16/94	Ltr from Edward C. Wenzinger to Mr. Steven E. Miltenberger - Inspection 94-01 (4 pgs)
11.	03/22/94	Plant Status Report Salem Units, 1 & 2 (21 pages)
12.	03/28/94	Ltr from William Ruland to Mr. Steven E. Miltenberger - Inspection 94/02 (2 pgs)
13.	04/06/94	Ltr from William Ruland to Mr. Steven E. Miltenberger - Inspection 94-04 & 94/02 (2 pgs)
14.	05/25/94	PSE&G, NRC Visit, Salem Generation Station (146 pages)

APPENDIX U  
(continued)  
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/ (PAGE COUNT)</u>
15.	07/28/94	Open Enforcement Conference Survey Region I (EA 94-112) (9 pages)
16.	11/21/94	Note to T. Martin, et al., from D. Holody, Subject: OI Report No. 1-93-021R (Salem) with attached 11/4/94 memo from J. Fitzgerald to T. Martin, Subject: OI Report No. 1-93-021R with attached report (81 pages)
17.	12/01/94	Note to T. Martin, et al., from D. Holody, Subject: OI Report No. 1-93-021S (Salem) with attached 11/22/94 memo from B. Letts to T. Martin, Subject: OI Report No. 1-93-021S with attached report (15 pages)
18.	02/17/95	Ltr from Leon R. Eliason to James M. Taylor, Subject: Performance Improvement Avtions (39 pgs)
19.	03/02/95	E-mail from J. White to J. Linville, et al, Subject: Meeting, PSE&G, Eliason, et al (1 page)
20.	03/06/95	E-mail from J. White to ?, Subject: Salem, Organ, Effectiveness Review (2 pages)
21.	03/22/95	Region I Plant Status Report (28 pages)
22.	03/28/95	E-mail from J. White to S.Shankman, et al., Subject: Salem, Submittal of OER Materials (1 page)
23.	05/23/95	Topic for Chairman Jackson's courtesy visit with Senator Joseph Biden (1 page)
24.	10/11/95	Plant Status Report, Salem Units 1 and 2 (25 pages)
25.	02/21/96	E-Mail from Kristin Monroe (1 page)

APPENDIX V  
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Martin's notes (1 page) <b>EX. 6</b>
2.	04/22/93	E-mail from John White to T. Martin, Subject: Mtg: PSE&G Investigation-SRG Issue w/handwritten notes and 4/22/93 telephone discussion with S. Miltenberger, J. White and Ed Wenzinger (5 pages) <b>EX. 6</b>
3.	02/24/94	PSE&G Salem Generation Station Senior Management Meeting (82 pages) <b>EX. 5</b>
4.	11/21/94	Note to various from D. Holody Subject: OI Report 1-93-021R (Salem) Alleged Harassment, Intimidation, and Discrimination (HI&D) (1 page) <b>EX. 6</b>
5.	12/01/94	Note to various from D. Holody, Subject: OI Report 1-93-021S (Salem) Alleged Harassment, Intimidation, and Discrimination (HI&D) (2 pages) <b>EX. 6</b>
6.	03/21/95	Draft of Salem Board Meeting 3/21/95 (16 pages) <b>EX. 6</b>
7.	03/21/95	Draft of Salem Board Meeting 3/21/95 (14 pages) <b>EX. 6</b>
8.	08/16/95	Letter to R. Cooper from L. Eliason with attachments subject to 2.790 request (4 pages) <b>EX. 6</b>
9.	08/17/95	Memorandum from Thomas Martin to James Lieberman on Proposed Enforcement Action - Public Service Electric and Gas Company (Salem) with 8 attachments (126 pages) <b>EX. 5-cover memo &amp; attachment 1; Released-attachments 2 - 8</b>
10.	02/09/96	Memo to J. Goldberg from K. Smith Subject: Interpretation of 10 CFR 50.5 for PSE&G (Salem/Hope Creek) issue with attached allegation panel sheet (3 pages) <b>EX. 5 &amp; 6</b>

APPENDIX W  
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	01/04/94	Enforcement panel briefing form Region I (EA 94-003) (1 page) <b>EX. 5</b>
2.	06/20/94	Enforcement panel briefing form Region I (EA 94-112) (5 pages) <b>EX. 5</b>
3.	07/24/95	E-mail from J. White to various, Subject: Briefing p <del>er</del> - Salem Pred. Ec.7/28/95, with brief g package attached and with handwritten notes on e-mail (8 pages) <b>EX. 5</b>



# SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N STREET, N.W.  
WASHINGTON, D.C. 20037-1128  
(202) 663-8000  
FACSIMILE  
(202) 663-8007

JOHN H. O'NEILL, JR. P.C.  
(202) 663-8148

August 30, 1996

## FOIA/PA REQUEST

Case No: 96-351  
Date Rec'd: 9-3-96  
Action Off: \_\_\_\_\_  
Related Case: \_\_\_\_\_

Director, Division of Freedom of  
Information & Publications Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Two White Flint North Building  
11545 Rockville Pike  
Rockville, MD 20852

**Re: Freedom of Information Act Request Regarding the Salem Generating  
Station, Docket Nos. 50-272 and 50-311**

Dear Sir or Madam:

This is a Freedom of Information Act request pursuant to 5 U.S.C. § 552(a)(3) and 10 C.F.R. § 9.23. We request that you make available to Shaw, Pittman, Potts & Trowbridge the documents responsive to the attached Request for Production of Documents. These documents need to be made available as soon as possible to support depositions in an accelerated legal action. In order to expedite production of the documents, we have deliberately tailored this request to be narrow in scope and straightforward in the type of documents requested. We have already obtained copies of relevant documents presently available at the N.R.C. Public Documents Room and they need not be produced again in response to this request. Of course, we agree to bear the cost of this request as per 10 C.F.R. §§ 9.23(b)(4), 9.33, 9.39, and 9.40, and we authorize you to respond to this request piecemeal as documents become available. Please contact me at (202)663-8148, or William Hollaway at (202)663-8294, at your convenience if you have any questions regarding this request.

Please direct your response, pursuant to 10 C.F.R. § 9.27, to:

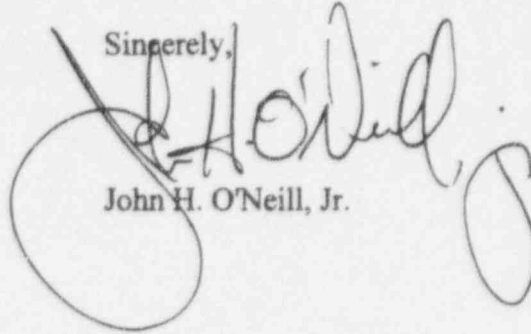
William R. Hollaway, Ph.D.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W.  
Washington, D.C. 20037-1128  
(202)663-8294  
Fax: (202)663-8007

9612030313 mpp

Director, Division of Freedom of Information and Publications Services  
August 30, 1996  
Page 2

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John H. O'Neill, Jr.", with a large, stylized flourish at the end.

John H. O'Neill, Jr.

Attachment



## REQUEST FOR PRODUCTION OF DOCUMENTS

### **I. DIRECTIONS AND INSTRUCTIONS**

1. The term "NRC" means the United States Nuclear Regulatory Commission, all offices and/or branches thereof specifically including, but not limited to, headquarters in Rockville, Maryland and the Region I office in King of Prussia, Pennsylvania, and also includes all employees, consultants, agents, and representatives to the maximum extent permitted by 10 C.F.R. § 9.3, unless otherwise indicated by the request.
2. The term "Salem" means one or both units of the Salem Generating Station located in Hancocks Bridge, New Jersey and operated by the Public Service Electric and Gas Company.
3. The term "SAP" means the Salem Assessment Panel that was developed in 1995 specifically to review Salem Generating Station on an ongoing basis, including all members and supervisors thereof.
4. The term "PSE&G" refers the operator of Salem, Public Service Electric and Gas Company.
5. The term "PECO Energy" refers to PECO Energy Company, formerly known as Philadelphia Electric Company.
6. The term "Delmarva" refers to Delmarva Power & Light Company.
7. The term "Atlantic Electric" refers to Atlantic City Electric Company.
8. The term "SALP" means the Strategic Assessment of Licensee Performance, a comprehensive review of plant performance, performed for each plant on an 18-month cycle. The most recent SALP review for Salem was issued on January 3, 1995.
9. The term "Enforcement Action" means a civil penalty levied by the NRC against the licensees of Salem pursuant to single or multiple violations at Salem. The most recent Enforcement Action regarding Salem was issued on October 16, 1995.
10. The term "AIT" means the Augmented Inspection Teams that performed investigations of Salem in 1992, 1993, and 1994, including all members and supervisors thereof.
11. The term "SIT" means the Special Inspection Team that performed an investigation of Salem in 1995, including all members and supervisors thereof.

12. The term "PA" means the comprehensive Performance Assessment evaluation of Salem performed in July-August, 1995 to aid in focusing future NRC inspection resources at Salem.
13. The term "Confirmatory Action Letter" means the letter from the NRC to PSE&G on June 9, 1995 confirming PSE&G commitments to take specific actions prior to the restart of Salem and confirming that failure to take these actions may result in enforcement action.

## **II. DOCUMENTS REQUESTED**

1. All documents concerning the NRC's Salem Assessment Panel ("SAP") established on August 2, 1995, especially including but not limited to:
  - a. All internal NRC discussions concerning the formation and purpose of the SAP;
  - b. Transcripts, meeting minutes, summaries, and handouts of all meetings of the SAP;
  - c. Lists of attendees at all meetings of the SAP;
  - d. All materials presented to the SAP;
  - e. All notes taken during presentations and meetings of the SAP;
  - f. All reports or memoranda of the SAP;
  - g. All reports or memoranda written by any members of the SAP concerning Salem.
2. All documents concerning the NRC's Systematic Assessment of Licensee Performance ("SALP") reviews of Salem from 1990 through the present, especially including but not limited to:
  - a. Transcripts, meeting minutes, summaries, and handouts of all NRC meetings on the Salem SALP reports;
  - b. Lists of attendees at all meetings on the Salem SALP reports;
  - c. Variances, differences or changes between consecutive Salem SALP reports;
  - d. Internal NRC discussions about interim drafts of the Salem SALP reports;
  - e. Internal NRC discussions about final drafts of the Salem SALP reports;

- f. Internal NRC discussions about variances, differences or changes between interim reports and the final Salem SALP reports;
  - g. The basis for each of the findings in the Salem SALP reports;
  - h. Region I's knowledge of issues raised in the Salem SALP reports;
  - i. Region I's knowledge of PSE&G's plans to address issues raised in the various Salem SALP reports;
  - j. Internal Region I discussions concerning the findings and conclusions expressed in the Salem SALP reports;
  - k. Whether NRC or Region I ever expressed any concerns about poor or declining performance or the like to PSE&G related to the Salem SALP reports;
  - l. Communications between NRC and Region I personnel concerning consistencies or inconsistencies between the various Salem SALP reports;
  - m. All documents setting forth or discussing the deliberations and considerations of the SALP boards reviewing Salem performance from 1990 to the present;
  - n. To the extent not covered by previous requests, all other documents regarding the Salem SALP reports.
3. All documents concerning potential and actual NRC enforcement actions regarding Salem from 1990 to the present, including but not limited to:
- a. Transcripts, meeting minutes, summaries, and handouts from all Enforcement Conferences concerning Salem between NRC and PSE&G, including but not limited to meetings on February 2, 1992; April 9, 1992; April 6, 1993; February 1, 1994; July 28, 1994; February 10, 1995; June 1, 1995; June 23, 1995; July 13, 1995; and July 28, 1995;
  - b. Lists of attendees at all Enforcement Conferences concerning Salem between NRC and PSE&G;
  - c. Transcripts, meeting minutes, summaries, and handouts from all internal NRC meetings concerning enforcement actions regarding Salem;
  - d. Lists of attendees at all internal NRC meetings concerning enforcement actions regarding Salem;
  - e. Communications with PSE&G concerning potential and actual NRC enforcement actions regarding Salem;

- f. Communications with others concerning potential and actual NRC enforcement actions regarding Salem, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - g. Internal NRC discussions concerning potential NRC enforcement actions regarding Salem;
  - h. Internal NRC discussions concerning actual NRC enforcement actions regarding Salem, including but not limited to the \$50,000 civil penalty issued March 9, 1994; the \$500,000 civil penalty issued October 5, 1994; \$80,000 civil penalty issued April 11, 1995; and the \$600,000 civil penalty issued October 16, 1995;
  - i. The basis and rationale for taking each of the enforcement actions regarding Salem;
  - j. Internal NRC discussions about drafts of the enforcement actions regarding Salem;
  - k. Internal NRC discussions concerning the findings and conclusions expressed in the enforcement actions regarding Salem;
  - l. Internal NRC discussions concerning PSE&G's responses to each of the enforcement actions regarding Salem;
4. All documents concerning meetings between the NRC and PSE&G management or Board of Directors concerning the performance of Salem from 1990 to the present, including but not limited to:
- a. Transcripts, meeting minutes, summaries, and handouts from all meetings, including but not limited to meetings on June 25, 1992; July 1, 1992; October 10, 1992; July 16, 1993; July 18, 1993; August 6, 1993; May 7, 1994; March 20, 1995; March 21, 1995; April 3, 1995; June 5, 1995; and May 24, 1996;
  - b. Lists of attendees at all such meetings;
  - c. Communications with PSE&G concerning such meetings;
  - d. Communications with others concerning such meetings, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - e. Internal NRC discussions concerning such meetings.
5. All documents concerning the NRC Augmented Inspection Team ("AIT") investigations of incidents at Salem from November 11-December 3, 1991; December 14-23, 1992; June 5-28, 1993; and around April 1994, including but not limited to:

- a. Transcripts, meeting minutes, summaries, and handouts from all AIT meetings regarding Salem;
  - b. Lists of attendees at all AIT meetings regarding Salem;
  - c. Communications with PSE&G concerning the AIT investigations at Salem and AIT meetings regarding Salem;
  - d. Communications with others concerning the AIT investigations at Salem and AIT meetings regarding Salem, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - e. Internal NRC discussions concerning the AIT meetings regarding Salem;
  - f. The reasons why the NRC decided to do the AIT investigations at Salem.
  - g. The basis for each of the findings in the AIT reports of investigations at Salem;
  - h. Notes taken by inspectors during and after the AIT investigations at Salem;
  - i. Internal NRC discussions about interim drafts of the AIT reports of investigations at Salem;
  - j. Internal NRC discussions about final drafts of the AIT reports of investigations at Salem;
  - k. Internal NRC discussions concerning the findings and conclusions expressed in the AIT reports of investigations at Salem.
6. All documents concerning the NRC Special Inspection Team ("SIT") review of Salem performance from March 26-May 12, 1995, including but not limited to:
- a. Transcripts, meeting minutes, summaries, and handouts from all SIT meetings regarding Salem;
  - b. Lists of attendees at all SIT meetings regarding Salem;
  - c. Communications with PSE&G concerning the SIT investigation at Salem and SIT meetings regarding Salem;
  - d. Communications with others concerning the SIT investigation at Salem and SIT meetings regarding Salem, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - e. Internal NRC discussions concerning the SIT meetings regarding Salem;

- f. The reasons why the NRC decided to perform the SIT investigation at Salem;
  - g. The basis for each of the findings in the SIT report regarding Salem;
  - h. Notes taken by inspectors during the SIT investigation at Salem;
  - i. Internal NRC discussions about interim drafts of the SIT report regarding Salem;
  - j. Internal NRC discussions about final drafts of the SIT report regarding Salem;
  - k. Internal NRC discussions concerning the findings and conclusions expressed in the SIT report regarding Salem.
7. All documents concerning the NRC's Performance Assessment ("PA") review of Salem from July 11-August 25, 1994, including but not limited to:
- a. Transcripts, meeting minutes, summaries, and handouts from all meetings concerning the PA review regarding Salem;
  - b. Lists of attendees at all meetings concerning the PA review regarding Salem;
  - c. Communications with PSE&G concerning the PA review and PA review meetings regarding Salem;
  - d. Communications with others concerning the PA review and PA review meetings regarding Salem, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - e. Internal NRC discussions concerning the PA review meeting regarding Salem;
  - f. The reasons why the NRC decided to do a PA review regarding Salem;
  - g. The basis for each of the findings in the report regarding the PA review regarding Salem;
  - h. Notes taken during the PA review regarding Salem;
  - i. Internal NRC discussions about interim drafts of the PA review report regarding Salem;
  - j. Internal NRC discussions about final drafts of the PA review report regarding Salem;
  - k. Internal NRC discussions concerning the findings and conclusions expressed in the PA review report regarding Salem.



8. All documents concerning the Confirmatory Action Letter of June 9, 1995 (CAL No. 1-95-009), including but not limited to:
  - a. Communications with PSE&G concerning the Confirmatory Action Letter;
  - b. Communications with others concerning the Confirmatory Action Letter, especially including but not limited to PECO Energy, Delmarva, and Atlantic Electric;
  - c. Internal NRC discussions concerning the Confirmatory Action Letter;
  - d. Discussions with Region I concerning non-final drafts of the Confirmatory Action Letter;
  - e. Discussions with Region I concerning final drafts of the Confirmatory Action Letter;
  - f. Region I's knowledge of the issues raised in the Confirmatory Action Letter;
  - g. Region I's knowledge of PSE&G's plans to address issues raised in the Confirmatory Action Letter.

348574-01 / DOCSDC1

MAR 4 1994

Docket Nos. 50-272  
50-311

Mr. Steven E. Miltenberger  
Vice President and Chief Nuclear Officer  
Public Service Electric and Gas Company  
P.O. Box 236  
Hancocks Bridge, NJ 08038

Dear Mr. Miltenberger:

SUBJECT: SALEM INSPECTION NUMBERS 50-272/94-03 AND 50-311/94-03

This letter refers to the announced safety inspection at Salem Units 1 and 2 conducted by J. S. Stewart from January 31 to February 4, 1994. The results of this inspection were discussed with Mr. L. Catalfumo and others of your staff at the conclusion of the inspection.

The inspector reviewed the conduct of operations and concluded that your operational activities were effective in ensuring safety and were conducted in compliance with regulatory requirements and Public Service Electric and Gas procedural expectations. However, repetitive equipment malfunctions hampered plant operations at both units and unnecessarily challenged the operators. Main condenser circulating water heat exchangers repeatedly clogged, requiring a number of power reductions. Also, a simultaneous failure of the two operating station air compressors caused a temporary loss of all control air for the station. The operators responded to these challenges effectively.

A station Significant Events Response Team had been established to review the loss of control air event. We encourage your efforts in reviewing this event to establish a root cause and to prevent repetitive occurrences.

We appreciate your cooperation.

Sincerely,

Original Signed By:  
Glenn W. Meyer

Glenn W. Meyer, Chief  
PWR Section, Operations Branch  
Division of Reactor Safety

OFFICIAL RECORD COPY G:SA940303.INS

1E01

2/19

94-0315-0012-2pp

MAR 4 1994

Enclosure:

NRC Inspection Report Nos. 50-272/94-03 and 50-311/94-03;

cc w/encl:

J. J. Hagan, Vice President-Operations/General Manager-Salem Operations  
S. LaBruna, Vice President - Engineering and Plant Betterment  
C. Schaefer, External Operations - Nuclear, Delmarva Power & Light Co.  
R. Hovey, General Manager - Hope Creek Operations  
F. Thomson, Manager, Licensing and Regulation  
R. Swanson, General Manager - QA and Nuclear Safety Review  
J. Robb, Director, Joint Owner Affairs  
A. Tapert, Program Administrator  
R. Fryling, Jr., Esquire  
M. Wetterhahn, Esquire  
P. J. Curham, Manager, Joint Generation Department,  
Atlantic Electric Company  
Consumer Advocate, Office of Consumer Advocate  
William Conklin, Public Safety Consultant, Lower Alloways Creek Township  
K. Abraham, PAO (2)  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New Jersey

bcc w/encl:

Region I Docket Room (with concurrences)

bcc w/encl: (Via E-Mail)

J. Stone, NRR  
S. Dembek, NRR  
V. McCree, OEDO  
C. Miller, PDI-2, NRR  
M. Shannon, ILPB



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

MAR 16 1994

Docket Nos. 50-272  
50-311  
50-354

Mr. Steven E. Miltenberger  
Vice President and Chief Nuclear Officer  
Public Service Electric and Gas Company  
P.O. Box 236  
Hancocks Bridge, NJ 08038

Dear Mr. Miltenberger:

SUBJECT: SALEM AND HOPE CREEK RESIDENT INSPECTION NOS. 50-272/94-01;  
50-311/94-01; 50-354/94-01

The enclosed report documents an inspection to assure public health and safety, conducted by Mr. C. Marshall, Senior Resident Inspector and other members of the NRC resident and regional staff at the Salem and Hope Creek Nuclear Generating Stations for the period between January 16, 1994 and February 19, 1994. The inspectors discussed the findings of this inspection with Mr. R. Hovey and Mr. L. Catalfomo of your staff.

Within the scope of this inspection, the inspectors noted two non-cited violations. The first violation involved non-compliance with operating procedures while handling new fuel. The second violation involved a non-compliance relative to a work authorization. Your staff's appropriate corrective actions allowed us to exercise discretionary enforcement for these violations. The details of these issues are within the report.

We also identified that another one of your activities was not in compliance with regulatory requirements. Specifically, we determined that during a startup on May 21, 1993 you changed modes at Salem Unit 2 knowing that the steam driven auxiliary feedwater pump was disassembled and inoperable. During this inspection period we also determined that you took corrective actions to correct the problem and prevent recurrence. Since no further action is necessary, you are not required to respond to the enclosed Notice of Violation.

During this period, we also reviewed your efforts to evaluate and resolve the discovery of Salem Unit 2 operation in excess of the licensed thermal power limit. This item remains unresolved pending further testing and NRC review.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," its enclosures will be placed in the NRC Public Document Room.

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*Handwritten signature/initials*

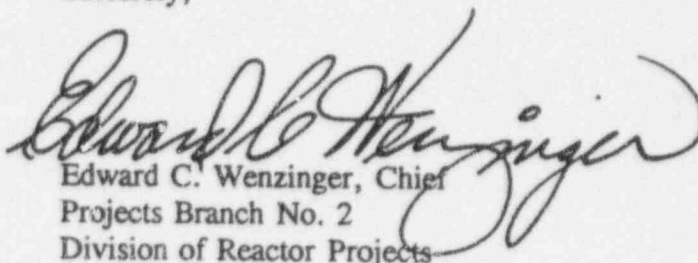
MAR 16 1994

Mr. Steven E. Miltenberger

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Your cooperation with us is appreciated.

Sincerely,

  
Edward C. Wenzinger, Chief  
Projects Branch No. 2  
Division of Reactor Projects

Enclosures: NRC Inspection Report Nos. 50-272/94-01; 50-311/94-01; 50-354/94-01  
Notice of Violation

cc w/encl:

S. LaBruna, Vice President - Engineering and Plant Betterment  
J. Hagan, Vice President - Operations/General Manager - Salem Operations  
R. Hovey, General Manager - Hope Creek Operations  
C. Schaefer, External Operations - Nuclear, Delmarva Power & Light Co.  
F. Thomson, Manager, Licensing and Regulation  
J. Robb, Director, Joint Owner Affairs  
A. Tapert, Program Administrator  
R. Swanson, General Manager - QA and Nuclear Safety Review  
M. Wetterhahn, Esquire  
R. Fryling, Jr., Esquire  
P. J. Curham, Manager, Joint Generation Department, Atlantic Electric Company  
Consumer Advocate, Office of Consumer Advocate  
William Conklin, Public Safety Consultant, Lower Alloways Creek Township  
K. Abraham, PAO (2)  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New Jersey

MAR 16 1994

Mr. Steven E. Miltenberger

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bcc w/encls:  
Region I Docket Room (with concurrences)

bcc via E-Mail:  
J. Stone, NRR  
S. Dembek, NRR  
V. McCree, OEDO  
C. Miller, PDI-2, NRR  
M. Shannon, ILPB

DRP:RI  
C. S. Marschall

2/25/94

DRP:RI  
J. R. White

3/1/94

DRP:RI  
E. C. Wenzinger

3 16/94

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APPENDIX A

NOTICE OF VIOLATION

Public Service Electric and Gas Company  
Salem Nuclear Generating Station  
Units 1 and 2

Docket Nos: 50-272  
50-311

License Nos: DPR-70  
DPR-75

During an NRC inspection conducted on January 16 - February 19, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1992), the violation is listed below:

Salem Unit 2 Technical Specification 3.0.4 requires, in part, that entry into an Operational Mode not be made when: (1) the conditions of a Limiting Condition for Operation are not met, and (2) the associated Action Statement requires a unit shutdown if those conditions are not met within a specified time interval. Salem Unit 2 Technical Specification 3.7.1.2 requires that three steam generator auxiliary feedwater pumps be operable when the unit is in Modes 1, 2 and 3. Technical Specification 3.7.1.2, Action a., requires that with one auxiliary feedwater pump inoperable, the licensee shall restore the required pump to operable status within 72 hours or place the plant in at least hot shutdown within the following 6 hours.

Contrary to the above, during start-up operations on May 21, 1993, Salem operators placed Unit 2 into Operational Mode 3, which requires operability of three auxiliary feedwater pumps, though one of the auxiliary feedwater pumps was inoperable and subject to the constraints of the Technical specification 3.7.1.2.

This is a Severity Level IV violation (Supplement I).

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