

To: Susan Shankman, NMSS  
Thomas Martin, RI  
Richard Cooper, RI  
Wayne Lanning, RI

From: John R. White (JRW1), R/  
To: SFS, TTM, RWC, WDL  
Date: Tuesday, March 28, 1995 5:05 pm  
Subject: SALEM, SUBMITTAL OF OER MATERIALS

ACCORDING TO A TELECON WITH DAVE SMITH, PSE&G LICENSING, THE LICENSEE (L. ELIASON, PRESIDENT-NUCLEAR BUSINESS UNIT) HAS EXPRESSED CONCERNS ABOUT HOW WE WILL TREAT THE ORGANIZATIONAL EFFECTIVENESS REVIEW (OER) REPORT THAT THEY VOLUNTARILY PROVIDED TO S. SHANKMAN, DRSS. THE CONCERN IS RELATIVE TO POSSIBLE DISTRIBUTION TO THE PDR. ELIASON IS UNCOMFORTABLE WITH THE POSSIBILITY OF RELEASE TO THE PDR, SINCE THE LICENSEE IS STILL EVALUATING THE REPORT RELATIVE TO THE CRITICISM OF MANAGEMENT EFFECTIVENESS AND VARIOUS PERSONNEL, AND HAVE NOT FULLY FORMULATED A RESOLUTION PLAN. HE IS CONCERNED THAT PREMATURE DISCLOSURE TO THE PUBLIC MAY ADVERSELY IMPACT HIS ABILITY TO EFFECTIVELY HANDLE AND RESOLVE THE CONCERNS, INTERNALLY.

I HAVE ADVISED SMITH THAT THE LICENSEE SHOULD SUBMIT THE DOCUMENT ON THE DOCKET AND REQUEST EXEMPTION IN ACCORDANCE WITH 10 CFR 2.790, IF THEY BELIEVE THAT THE DOCUMENT, WHOLE OR IN PART, SHOULD BE EXCLUDED FROM THE PUBLIC DISCLOSURE. I HAVE DISCUSSED THIS MATTER WITH MARY PAT SIEMIEN, OGC. BASED ON MY ASSESSMENT, THE LICENSEE, POTENTIALLY, COULD MAKE A SOUND CASE UNDER EXEMPTION 4 AND 6 WHICH PROTECTS INFORMATION WHICH IS COMMERCIAL AND FINANCIAL, AND PREVIOUSLY AND CONFIDENTIAL; AND PERSONAL IN NATURE. SUCH CASE WOULD BE STRENGTHENED BY THE FACT THAT THE INFORMATION WAS SUBMITTED VOLUNTARILY, AND THAT THE LICENSEE WOULD CUSTOMARILY TREAT THE INFORMATION AS CONFIDENTIAL AND NOT SHARE IT WITH THE PUBLIC. I ALSO INFORMED SMITH THAT THE LICENSEE MAY REQUEST EXEMPTION WHOLE OR IN PART; AND THAT THE ENTIRE DOCUMENT MAY BE CONSIDERED FOR EXEMPTION, IF IT CAN BE DEMONSTRATED THAT THE EXEMPTABLE INFORMATION IS SO INTERLACED THROUGH OUT, THAT REDACTION, TO SUPPORT PUBLIC DISCLOSURE, WOULD RENDER THE REMAINING MATERIAL INCOMPREHENSIBLE AND VALUELESS AS A PUBLIC DOCUMENT.

I INFORMED SMITH THAT IF SUBMITTED IN ACCORDANCE WITH 2.790, THE MATERIALS WOULD BE WITHHELD FROM PUBLIC DISCLOSURE UNTIL THE NRC EVALUATES THE MATTER ON THE MERITS OF THE CASE PRESENTED IN THEIR AFFIDAVIT. IF SO SUBMITTED, WE WOULD ADVISE THEM OF OUR FINAL DECISION ON THEIR REQUEST BEFORE TAKING ANY ACTION THAT WOULD RESULT IN THE DOCUMENT BEING PLACE IN THE PDR. I ALSO ADVISED SMITH THAT SINCE THE DOCUMENT WAS ALREADY IN NRC'S POSSESSION, THE REQUEST FOR EXEMPTION AND THE AFFIDAVIT SHOULD BE PROMPTLY SUBMITTED.

CC: KDS1, MPS

*Jim, not withstanding  
this matter, L. Elason is  
planning on initiating a call  
to you at 2:30 pm tomorrow  
to confirm. John L. White  
M/2*

Courtesy Visit with  
Senator Joseph Biden (D-DE)  
May 23, 1995; ~~2:30 pm~~ 4:00 p.m.  
SR-221 Russell Bldg. (202) 224-5042

- According to the Senator's staff, there are no new NRC-related issues on his mind right now -- just "the usual." Over the years, "the usual" has been two general topics:

1. The Salem nuclear plants, located in New Jersey but only 18 miles south of Wilmington. His concerns have been the licensee's performance and what he perceives as the NRC's lack of aggressive oversight at Salem.
2. Senator Biden's Nuclear Safety Board Proposal

- SALEM

Salem's overall performance has declined (see attached briefing paper Tab A)

*... with Senate  
- Salem at NRC  
Board.*

Senator Biden has criticized the NRC as being too lenient on Salem and unable to effect changes in their operations or performance. He was particularly harsh when the NRC did not impose a civil penalty for the destructive failure of Salem's turbine generator on November 9, 1991. His criticism resumed at the time of the April 1994 reactor trip and safety system actuations resulting from intake system clogging -- through the Senior Management process when Salem was not placed on our list of plants requiring extra regulatory attention. (For your information, correspondence with Sen. Biden on the April 1994 event is in Tab B)

- INDEPENDENT NUCLEAR SAFETY BOARD

Senator Biden's Safety Board proposal was introduced last year for the third time; no action was taken prior to the end of the 103rd Congress and he has not re-introduced it in this Congress. Last year, he solicited support for his bill from the White House, which referred his letter to the NRC for a draft response. We are not aware of any written response from the President to Senator Biden. The Commission has consistently opposed his proposal, chiefly on the basis that it would duplicate NRC's efforts. (Tab C)

- One final issue has caught the Senator's staff's attention; recently the Wilmington News-Journal has run a number of articles regarding the nation's high level waste problems and Artificial Island's diminishing capacity to store spent fuel. The Sunday, May 14 article is enclosed. The Senator's staff is tracking high-level waste legislative activities, but we are not aware of any comments from the Senator at this time.

*5/23*