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EX. 1

[REDACTED]

you  
view  
please

what courts act  
take to action  
not type -  
(Need p 11) -

Need p 28

February 9, 1996

[REDACTED]

45

MEMORANDUM FOR: Jack Goldberg, Deputy Assistant General Counsel for Enforcement  
FROM: Karla Smith, Regional Counsel, Region I  
SUBJECT: Interpretation of 10 CFR 50.5 for PSE&G (Salem/Hope Creek) Issue

This memorandum requests an OGC interpretation of 10 CFR 50.5 relative to a situation that occurred at a Public Service Electric and Gas (PSE&G) plant.

[REDACTED]

46

Applicability of 50.5 and Other Regulations

[REDACTED] 10 CFR 26.24, a)(2) in part provides that the licensee shall implement unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested. [REDACTED]

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Information in this document was deleted  
in accordance with the provisions of the  
Atomic Energy Act of 1954

2/10

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EX. 6

[REDACTED]

you  
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(Need p11) -

Need p28

February 9, 1996

[REDACTED]

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MEMORANDUM FOR: Jack Goldberg, Deputy Assistant General Counsel for Enforcement  
FROM: Karla Smith, Regional Counsel, Region I  
SUBJECT: Interpretation of 10 CFR 50.5 for PSE&G (Salem/Hope Creek) Issue

This memorandum requests an OGC interpretation of 10 CFR 50.5 relative to a situation that occurred at a Public Service Electric and Gas (PSE&G) plant.

[REDACTED]

46

Applicability of 50.5 and Other Regulations

[REDACTED] 10 CFR 26.24(a)(2) in part provides that the licensee shall implement unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested. [REDACTED]

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Information in this document was reviewed  
in accordance with the provisions of the regulation

2/1/10

The question that we seek to resolve is whether the manager violated 10 CFR 50.5 (a)(1). It is on this question that we seek an OGC view.

10 CFR 50.5(a)(1) provides in part that any employee of a contractor may not engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule or regulation issued by the Commission.

[REDACTED]

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[REDACTED] we seek your office's view on whether there is a potential 50.5 violation.

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I will send you a copy of the licensee's internal investigation by address only mail, because it contains 2.790 information. So that we may keep track of this 2.790 information, please limit or try not to copy the investigation report. We intend to discuss this case at an allegation/enforcement panel that probably will be scheduled for Tuesday, February 20, 1996. At that panel, we will discuss whether there is a potential 50.5 violation.

[REDACTED]

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Thank you for your assistance. If you need further information, please contact me at 610-337-5301 or by e-mail at KDS1.



Allegation No.: RI-95-A-0042Section Chief (AOC): Johnson

Acknowledged: \_\_\_\_\_

Date Received: 3-6-95

CONFIDENTIALITY GRANTED: Yes No

Receipt Report to SAC: \_\_\_\_\_

OI Informed: Yes

Yes No

Yes No

Yes No

Yes No

IS THERE A HARASSMENT/DISCRIMINATION ISSUE:  
 (If yes, complete H&ID section on reverse)  
 DOES THE ALLEGATION INVOLVE POTENTIAL WRONGDOING:  
 DOES THE ALLEGATION HAVE POLITICAL IMPLICATIONS:  
 DOES THE ALLEGATION REQUIRE RESOURCES TO RESOLVE  
 WHICH CAN NOT BE OBTAINED BY THE AOC:

If yes to any of the above, the allegation needs to go to an Allegation Panel.  
 Otherwise, document disposition actions below.

## ALLEGATION PANEL (AP) DECISIONS

Date: 10-5-95Chair - LanningtonPrevious APs on issue: Yes / NoSection Chief (AOC) - Barker (Act)

Branch Chief - \_\_\_\_\_

(Others) - PresseSAC - Vitay JohnsonOI Rep. - Letts

## DISPOSITION ACTIONS:

(State specific action required for closure (including  
 special concurrences), responsible person, ECD and  
 expected closure documentation)

1) Need interpretation from legal under  
10 CFR 56.5 (licensed response) (Provided to Carla)  
 Responsible Person: Carla Smith ECD: 10/12/95

2) [Redacted] Completed: EX-5  
 Responsible Person: \_\_\_\_\_  
 Closure Documentation: \_\_\_\_\_

3) \_\_\_\_\_ Completed: \_\_\_\_\_

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

4) \_\_\_\_\_ Completed: \_\_\_\_\_

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

Safety Significance Assessment: Minimal - low - FPD Test  
Was not done - however, needs to  
be assessed for potential 50.5 issue

## Distribution:

SAC

OI

Responsible Persons

Panel Attendees

Regional Counsel

To: CowdAnn Reed