

HP

December 29, 1999

EA No. 99-274

Mr. Harold W. Keiser  
President and Chief Nuclear Officer  
PSEG Nuclear LLC  
Post Office Box 236  
Hancocks Bridge, NJ 08038

SUBJECT: NRC INSPECTION REPORT 50-311/99-07; EXERCISE OF ENFORCEMENT  
DISCRETION

Dear Mr. Keiser:

This letter addresses your October 28, 1999, letter in response to the non-cited violation (NCV) in our September 28, 1999, letter forwarding Inspection Report 50-311/99-07. The inspection report concluded that a violation had occurred at Salem Unit 2 regarding Technical Specification (TS) 3.6.3 when the adjacent containment isolation valve had been opened in a containment penetration with an inoperable valve on August 17, 1999. Your letter stated that you do not believe that a violation existed and provided an explanation regarding how the applicable action had complied with TS 3.6.3 and its asterisked footnote.

The NRC staff has evaluated your response. While our original inspection finding was based on not complying with the verbatim wording of the TS 3.6.3, two other TS also applied to the plant conditions. This inconsistency between TS was a known problem in prior versions of standard TS, and was subsequently resolved in the improved standard TS. Based on this inconsistency, your commitment to submit a TS change to correct this inconsistency within your plant specific TS, and the low safety significance of this condition, the staff has decided to exercise Enforcement Discretion in accordance with Enforcement Policy section VII.B.6 and refrain from classifying this issue as a Severity Level IV non-cited violation (NCV). Therefore, this NCV is withdrawn.

Sincerely,

Original Signed by:

A. Randolph Blough, Director  
Division of Reactor Projects

Docket Nos. 50-272; 50-311

cc w/o Licensee Response:

L. Storz, Senior Vice President - Nuclear Operations  
E. Simpson, Senior Vice President and Chief Administrative Officer  
M. Bezilla, Vice President - Nuclear Operations  
D. Garchow, Vice President - Technical Support  
M. Trum, Vice President - Maintenance  
T. O'Connor, Vice President - Plant Support  
E. Salowitz, Director - Nuclear Business Support  
G. Salamon, Manager - Licensing

cc w/Licensee Response:

A. F. Kirby, III, External Operations - Nuclear, Connective Energy  
J. McMahon, Director - QA/Nuclear Training/Emergency Preparedness  
R. Kankus, Joint Owner Affairs  
A. Tapert, Program Administrator  
J. J. Keenan, Esquire  
Consumer Advocate, Office of Consumer Advocate  
W. Conklin, Public Safety Consultant, Lower Alloways Creek Township  
M. Wetterhahn, Esquire  
State of New Jersey  
State of Delaware

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