

September 7, 1989

Docket Nos. 50-272
and 50-311

Mr. Steven E. Miltenberger
Vice President and Chief Nuclear
Officer
Public Service Electric and Gas
Company
Post Office Box 236
Hancocks Bridge, New Jersey 08038

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Dear Mr. Miltenberger:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
DETERMINATION AND OPPORTUNITY FOR HEARING
(TACS 74535 AND 74536)

RE: SALEM GENERATING STATION, UNIT NOS. 1 AND 2

The Commission has requested the Office of Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your applications for amendments dated August 29 and 31, 1989 that requested temporary relief from the requirements of Technical Specifications 6.2.2.g and 6.3.1 to permit an otherwise qualified individual to assume the duties of Operations Manager for up to eighteen months without having a current, valid Senior Reactor Operator license.

Sincerely,

/s/

James C. Stone, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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for PDI-2/D
WButler
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cc



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
September 7, 1989

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and 50-311

Mr. Steven E. Miltenberger
Vice President and Chief Nuclear
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Public Service Electric and Gas
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Post Office Box 236
Hancocks Bridge, New Jersey 08038

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Sincerely,

A handwritten signature in cursive script, reading "James C. Stone".

James C. Stone, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. Steven E. Miltenberger
Public Service Electric & Gas Company

Salem Nuclear Generating Station

cc:

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Public Service Commission of Maryland
Engineering Division
ATTN: Chief Engineer
231 E. Baltimore Street
Baltimore, MD 21202-3486

UNITED STATES NUCLEAR REGULATORY COMMISSIONPUBLIC SERVICE ELECTRIC & GAS COMPANYPHILADELPHIA ELECTRIC COMPANYDELMARVA POWER AND LIGHT COMPANYATLANTIC CITY ELECTRIC COMPANYDOCKET NOS. 50-272 AND 50-311

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DRP-70 and DPR-75 issued to Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) for operation of the Salem Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendments would suspend for a period of eighteen months the requirements of Technical Specifications sections 6.2.2.g and 6.3.1 that require the Salem 1 and 2 Operations Manager to hold a current, valid Senior Reactor Operator license as requested in the licensee's applications for amendment dated August 29 and 31, 1989. In the management structure at Salem, the licensed reactor operators report the nuclear shift supervisor who has a senior reactor operators (SRO) license. The nuclear shift supervisors report to the senior nuclear shift supervisors who also have SRO licenses. The senior

nuclear shift supervisors report to one of the two Operations Engineers, one for Salem 1 and one for Salem 2, who have SRO licenses. The Operations Engineers report to the Operations Manager. Relief from the requirement that the individual assuming the position of Operations Manager hold an SRO is being sought for a period of up to eighteen months.

On September 1, 1989, the staff issued a Temporary Waiver of Compliance (TWC) that allowed the licensee to replace the incumbent Operations Manager with an individual that did not fully meet the technical specification requirements. In the TWC, the staff stated "In consideration of the need to minimize current potential uncertainty about licensee personnel and organizational assignments that could have a distracting effect on safe operation of Salem 1 and 2, and the value of timely implementation of personnel changes that will strengthen the management oversight at the Salem Generating Station, the staff concludes that the change should be implemented at the earliest practical date". Based on the above, this notice is being issued under exigent circumstances. The licensee requested emergency treatment of the application but the staff found that while the situation required prompt attention, the emergency treatment could not be justified.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant

increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff evaluated the above three factors as part of the proposed determination:

- 1) Do not involve a significant increase in the probability or consequence of an accident previously evaluated.

The individual who is intended to succeed the current Operations Manager has held an SRO license at the Salem Generating Station Units 1 and 2. Both Operations Engineers maintain SRO licenses, thus meeting ANSI N-18.1-1971 requirements for managing operations. The designated Operations Manager, in conjunction with the two licensed Operations Engineers provides adequate management of operation through shift supervision until the designated Operations Manager obtains his SRO license. This temporary relief from qualification requirements does not involve a significant increase in the probability or consequences of an accident previously evaluated.

- 2) Do not create the possibility of a new or different kind of accident from any previously evaluated.

The lack of an SRO license on the part of the Operations Manager, unlike a procedure or design change, is not a potential new accident precursor.

- 3) Do not involve a significant reduction in a margin of safety.

The candidate's education, previous training and experience more than compensate for the present lack of an SRO license for the interim while obtaining his license. Adequate compensation is provided through the function

of the Operations Engineers, who maintain SRO licenses as required by the Technical Specifications. Therefore, this temporary relief will not significantly reduce the margin of safety.

The staff has reviewed the licensee's submittal and significant hazards analysis and concurs with the licensee's determination that the proposed amendments do not involve a significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendments involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice.

Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By OCT 2 1989 , the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without

requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of 15-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendments requests involve no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments requests involve significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.


A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue N.W., Washington, D.C. 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendments dated August 29 and August 31, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D. C. 20555, and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 7th day of September 1989.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert E. Martin, Acting Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation