



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 22, 1991

Docket No. 50-272

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

Dear Mr. Miltenberger:

SUBJECT: REQUEST FOR EXEMPTION FROM SCHEDULAR REQUIREMENTS OF 10 CFR 50.48(d),  
SALEM NUCLEAR GENERATING STATION, UNIT 1 (TAC NO. 79502)

By letter dated January 17, 1991, Public Service Electric and Gas Company (PSE&G) requested an exemption from the schedular requirements of 10 CFR 50.48(d) for both outage and non-outage related work at Salem, Unit 1. The requested schedular exemption would have extended the completion date for the installation of the 1-hour fire barriers from April 11, 1991, to August 1, 1992, for both outage and non-outage related work. The use of 1-hour fire barriers was approved in a Safety Evaluation dated July 20, 1989.

For work requiring a plant shutdown, the staff has reviewed your request and has determined to deny the request for the following reasons:

1. An extension pursuant to the provisions of 10 CFR 50.48(d) is not allowed in that the requested schedule extension would exceed the dates determined by paragraphs 10 CFR 50.48(c)(1) through (4).
2. Generic Letter 86-10 (GL) allows schedular exemptions to be considered under 10 CFR 50.12, but, as stated in the GL, such requests would be granted sparingly, based on the following criteria:
  - a. The utility has, since the promulgation of Appendix R in 1980, proceeded expeditiously to meet the Commission's requirements.
  - b. The delay is caused by circumstances beyond the utility's control.
  - c. The proposed schedule for completion represents a best effort under the circumstances.
  - d. Adequate interim compensatory measures will be taken until compliance is achieved.

Your request did not follow the GL guidance in that it did not provide the information necessary to apply the standards of the GL.

If compliance with the above cannot be acceptably demonstrated, your justification for continued operation must be provided for staff review and approval. The promptness and completeness of your efforts to achieve compliance will be considered in determining whether enforcement action will be taken, and if so, whether daily civil penalties will be assessed.

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*2001*

March 22, 1991

The date for completion of the modifications requiring a plant shutdown, as given in 10 CFR 50.48(d)(3), is the end of the current Salem 1 refueling outage.

Regarding non-outage related work, 10 CFR 50.48(d)(2) requires that modifications not requiring plant shutdown shall be implemented within 12 months of NRC staff approval. The staff approved the modifications, which included the use of 1-hour fire barriers, on July 20, 1989. Therefore, based on your letter of January 17, 1991, PSE&G has been in apparent non-compliance with 10 CFR 50.48(d)(2) since July 20, 1990. In order to determine whether enforcement action is appropriate, PSE&G is requested to explain why those modifications that could be completed without a plant shutdown have not been completed.

This issue was discussed, via telephone, with your staff on February 21, 1991, February 25, 1991, and March 22, 1991. If you have any questions concerning this matter please contact Mr. James Stone (301 492-1422), the staff's Project Manager for Salem.

Sincerely,

/S/

Steven A. Varga, Director  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

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Mr. Steven E. Miltenberger

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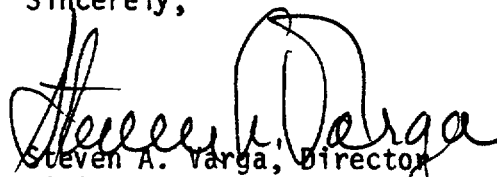
March 22, 1991

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Sincerely,

A handwritten signature in dark ink, appearing to read "Steven A. Varga". The signature is fluid and cursive, with a large, prominent "V" at the end.

Steven A. Varga, Director  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

Mr. Steven E. Miltenberger  
Public Service Electric & Gas Company      Salem Nuclear Generating Station

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