

December 18, 1998

Mr. Harold W. Keiser
Executive Vice President
Nuclear Business Unit
Public Service Electric & Gas
Company
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2 (TAC NOS. M99361 AND M99362)

Dear Mr. Keiser:

The Commission has issued the enclosed Amendment Nos. 216 and 196 to Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2. These amendments consist of changes to the Technical Specifications (TSs) in response to your application dated August 1, 1997, as supplemented on October 6, 1997, February 18 and July 7, 1998.

These amendments revise Technical Specification Section 4.2.1 of Appendix B to require that Public Service Electric & Gas Company (PSE&G) adhere to the Incidental Take Statement, issued by the National Marine Fisheries Service (NMFS), but removes the specific language in the Incidental Take Statement. Removing the specific language from Section 4.2.1 enables PSE&G to utilize relief granted by the NMFS on a case-by-case basis without further action by the NRC staff.

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,
original signed by:
Patrick D. Milano, Senior Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-272/50-311

- Enclosures: 1. Amendment No.216 to License No. DPR-70
- 2. Amendment No. 196 to License No. DPR-75
- 3. Safety Evaluation

cc w/encls: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 18, 1998

Mr. Harold W. Keiser
Executive Vice President-
Nuclear Business Unit
Public Service Electric & Gas
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Post Office Box 236
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Dear Mr. Keiser:

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These amendments revise Technical Specification Section 4.2.1 of Appendix B to require that Public Service Electric & Gas Company (PSE&G) adhere to the Incidental Take Statement, issued by the National Marine Fisheries Service (NMFS), but removes the specific language in the Incidental Take Statement. Removing the specific language from Section 4.2.1 enables PSE&G to utilize relief granted by the NMFS on a case-by-case basis without further action by the NRC staff.

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick D. Milano".

Patrick D. Milano, Senior Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-272/50-311

Enclosures: 1. Amendment No. 216 to
License No. DPR-70
2. Amendment No. 196 to
License No. DPR-75
3. Safety Evaluation

cc w/encls: See next page

Mr. Harold W. Keiser
Public Service Electric & Gas
Company

Salem Nuclear Generating Station,
Units 1 and 2

cc:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PUBLIC SERVICE ELECTRIC & GAS COMPANY

PHILADELPHIA ELECTRIC COMPANY

DELMARVA POWER AND LIGHT COMPANY

ATLANTIC CITY ELECTRIC COMPANY

DOCKET NO. 50-272

SALEM NUCLEAR GENERATING STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 216
License No. DPR-70

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by the Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) dated August 1, 1997, as supplemented October 6, 1997, February 18 and July 7, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-70 is hereby amended to read as follows:

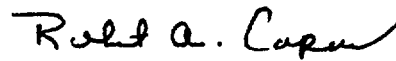
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(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 216, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance, to be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: December 18, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 216

FACILITY OPERATING LICENSE NO. DPR-70

DOCKET NO. 50-272

Revise Appendix B as follows:

Remove Pages

4-1

4-2

Insert Pages

4-1

4-2

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973; fish kills or impingement events on the intake screens; increase in nuisance organisms or conditions; unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The Nuclear Regulatory Commission (NRC) will rely on the decisions made by the State of New Jersey under the authority of the Clean Water Act and, in the case of sea turtles and shortnose sturgeon, decisions made by the National Marine Fisheries Service (NMFS) under the authority of the Endangered Species Act, for any requirements pertaining to aquatic monitoring.

In accordance with Section 7(a) of the Endangered Species Act, on May 14, 1993, the National Marine Fisheries Service issued a Section 7 Consultation Biological Opinion related to the operation of Salem Unit 1 and 2 Generating Stations. The Section 7 Consultation entitled, "Reinitiation of a consultation in accordance with Section 7(a) of the Endangered Species Act regarding continued operation of the Salem and Hope Creek Nuclear Generating Stations on the eastern shore of the Delaware River in New Jersey," concluded that "...continued operation is not likely to jeopardize the continued existence of listed species."

PSE&G shall adhere to the specific requirements within the Incidental Take Statement, to the Biological Opinion. Changes to the incidental take statement must be proceeded by consultation between the NRC, as the authorizing agency, and NMFS.

The Conservation Recommendations, to the Biological Opinion suggests conservation recommendations for implementation by Salem Generating Station. The Station shall implement these recommendations to the satisfaction of the NRC and National Marine Fisheries Service.

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PUBLIC SERVICE ELECTRIC & GAS COMPANY

PHILADELPHIA ELECTRIC COMPANY

DELMARVA POWER AND LIGHT COMPANY

ATLANTIC CITY ELECTRIC COMPANY

DOCKET NO. 50-311

SALEM NUCLEAR GENERATING STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 196
License No. DPR-75


1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by the Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) dated August 1, 1997, as supplemented October 6, 1997, February 18 and July 7, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-75 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 196, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance, to be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: December 18, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 196

FACILITY OPERATING LICENSE NO. DPR-75

DOCKET NO. 50-311

Revise Appendix B as follows:

Remove Pages

4-1
4-2

Insert Pages

4-1
4-2

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973; fish kills or impingement events on the intake screens; increase in nuisance organisms or conditions; unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The Nuclear Regulatory Commission (NRC) will rely on the decisions made by the State of New Jersey under the authority of the Clean Water Act and, in the case of sea turtles and shortnose sturgeon, decisions made by the National Marine Fisheries Service (NMFS) under the authority of the Endangered Species Act, for any requirements pertaining to aquatic monitoring.

In accordance with Section 7(a) of the Endangered Species Act, on May 14, 1993, the National Marine Fisheries Service issued a Section 7 Consultation Biological Opinion related to the operation of Salem Unit 1 and 2 Generating Stations. The Section 7 Consultation entitled, "Reinitiation of a consultation in accordance with Section 7(a) of the Endangered Species Act regarding continued operation of the Salem and Hope Creek Nuclear Generating Stations on the eastern shore of the Delaware River in New Jersey," concluded that "...continued operation is not likely to jeopardize the continued existence of listed species."

PSE&G shall adhere to the specific requirements within the Incidental Take Statement, to the Biological Opinion. Changes to the incidental take statement must be preceded by consultation between the NRC, as the authorizing agency, and NMFS.

The Conservation Recommendations, to the Biological Opinion suggests conservation recommendations for implementation by Salem Generating Station. The Station shall implement these recommendations to the satisfaction of the NRC and National Marine Fisheries Service.

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 216 AND 196 TO FACILITY OPERATING

LICENSE NOS. DPR-70 AND DPR-75

PUBLIC SERVICE ELECTRIC & GAS COMPANY

PHILADELPHIA ELECTRIC COMPANY

DELMARVA POWER AND LIGHT COMPANY

ATLANTIC CITY ELECTRIC COMPANY

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-272 AND 50-311

1.0 INTRODUCTION

By letter dated August 1, 1997, as supplemented on October 6, 1997, February 18 and July 7, 1998, the Public Service Electric & Gas Company (the licensee) submitted a request for changes to the Salem Nuclear Generating Station, Unit Nos. 1 and 2, Environmental Protection Plan (EPP), Appendix B to the operating license. The requested changes would revise Section 4.2.1 of Appendix B to require that the licensee adhere to the Incidental Take Statement, approved by the National Marine Fisheries Service (NMFS), but removes the specific requirements. Removing the specific requirements of Section 4.2.1 enables the licensee to utilize relief granted by the NMFS on a case-by-case basis without further action by the NRC staff. The October 6, 1997, February 18 and July 7, 1998, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination nor the Federal Register notice.

2.0 EVALUATION

The current wording of Section 4.2.1 would require, in the event of changes to the Biological Opinion or the Incidental Take Statement, that the licensee continue to maintain, for example, daily cleaning of the trash racks, from June 1 through October 15, 1998, even though granted relief by the NMFS, until an amendment request could be submitted and approved by the NRC. The revision would enable the licensee to have the ability to use approvals from the NRC and NMFS without requiring amendments to the TS.

The proposed changes do not change the intent or the requirements of Section 4.2.1 which requires that the licensee must adhere to the requirements of the Incidental Take Statement and any changes that have been approved by the NMFS. Relief granted or changes to the Incidental Take Statement must be proceeded by consultation between the NRC, as the authorizing agency, and the NMFS. By removing the specific requirements from Section 4.2.1, the licensee may utilize relief granted by the NMFS without submitting an amendment request to the NRC (i.e., without conflicting with the TS).

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The amendments do not affect the operation of the plant and do not involve any changes to the plant. Therefore, the NRC concludes that the amendments are acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Jersey State official was notified of the proposed issuance of the amendments. By letter of October 6, 1997, the State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the Federal Register on December 16, 1998 (63 FR 69330). Accordingly, based upon the environmental assessment, the staff has determined that the issuance of this amendment will not have a significant effect on the quality of the human environment.

5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: B. Buckley

Date: December 18, 1998