

October 1, 1997
EN 97-093

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Public Service Electric & Gas Co. (EA 97-182 & 97-257)
Salem Units 1 & 2
License No. DPR-70, DPR-75
Docket No. 50-272; 50-311

Subject: NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to issue on or about October 8, 1997 a Notice of Violation for four violations and exercise enforcement discretion for five other violations stemming from inspections at the licensee's Salem facilities in March and April of this year concerning operation of the emergency core cooling systems (ECCS) and the fire protection program. No civil penalties are proposed for those violations that are cited for the reasons specified below.

Until Unit 2 resumed commercial power operations on August 30, 1997 the Salem units had been shutdown for performance issues since May and June 1995. In SECY-95-246 the staff informed the Commission that it did not intend to issue additional violations identified during the shutdown if the criteria of Section VII.B.2 of the Enforcement Policy were met.

Four of the nine violations in this package meet the criteria of Section VII.B.2 and therefore are not cited pursuant to SECY-95-246. These violations concern inadequate actions taken on the part of the licensee when it became aware in 1992 that its residual heat removal pumps were vulnerable to a runout condition.

Two violations related to the ECCS inspection are cited that involve the licensee's failure to obtain NRC approval for modifications to the facility's emergency operating procedures that involved an unreviewed safety question and the licensee's failure to report an identified condition that was outside the design basis of the plant. These conditions were discovered with the unit shutdown and were reflective of performance during the shutdown, and therefore the violations are cited. The staff does not intend, however, to propose a civil penalty in this case because of the substantial civil penalty that was imposed in October 1995 and the staff was satisfied that the corrective actions taken prior to restart of the facility were prompt and comprehensive. This would constitute an exercise of discretion pursuant to Section VII.B.6 of the Enforcement Manual.

In the fire protection area, two violations reflective of performance during the shutdown are cited at Severity Level IV and are not subject to a civil penalty. They involve failure to ensure that fire barriers were installed consistent with tested configurations and failure to maintain compensatory measures for degraded fire barriers.

The final violation, also in the fire protection discipline, involves a violation of license conditions and Appendix R in that the licensee failed to

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meet electrical independence requirements for post fire alternative shutdown system design. The staff proposes to exercise discretion in accordance with Section VII.B.6 of the Enforcement Manual and not issue a Notice of Violation or propose a civil penalty in that the violations stem from activities prior to the shutdown period and was addressed promptly when brought to the attention of current licensee management.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

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|------------------------------------|-----------------|
| Mailing of Notice | October 8, 1997 |
| Telephone Notification of Licensee | October 8, 1997 |

The State of New Jersey will be informed.

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION