



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

May 7, 1980

MEMORANDUM FOR: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

FROM: James P. Murray
Office of Executive Legal Director

SUBJECT: DIRECTOR'S 2.206 DECISION (DD-80-19) ON PETITION
OF SAMUEL DONELSON CONCERNING SALEM UNITS 1 & 2

The version of the decision you signed in this matter is not the version in which we had concurred. The slip up apparently occurred as a result of our acceptance of telephonic understanding that some last minute changes which we had hand-carried to the Phillips Building would be (and, later, had been) incorporated in the final version.

In all events, I believe that at least two changes to correct the decision should be made by issuance of an "errata" sheet to the Commission and the petitioner:

- (1) On page 3, the decision states that the Commission issued the generic EIS on spent fuel storage. The staff issued the generic EIS, which is apparently still subject to the Commission's review.
- (2) On page 5, the decision states that

"[T]he Commission Staff prepared a safety evaluation on the modifications proposed for the spent fuel pools at Salem Units 1 & 2. 7"

The footnote reference is to the SER for Unit 1. In fact the SER was only prepared for Unit 1, and, therefore the statement in the text is misleading. The Unit 1 analysis was adopted by reference in the SER for Unit 2.

The following changes were also suggested before the decision was issued and you may wish to include them in the errata sheet:

- (1) On page 1, line 1, insert "as Mayor of Lower Alloways Creek Township, New Jersey," after the name "Donelson";

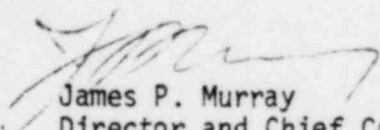
May 7, 1980

- (2) On page 4, insert roman numeral "II." between lines 2 and 3.
- (3) On page 5, omit the sentence on lines 1 and 2.
- (4) On page 6, strike the first sentence on the page, and substitute the following sentence:

"Based on the Staff's review of modifications to the Unit 1 spent fuel pool and on the fact that the Unit 1 and Unit 2 pools are identical, the Staff concluded in section 9.4 of the Safety Evaluation Report for Unit 2 that the modifications to the Salem Unit 2 spent fuel pool are acceptable from a health and safety and an environmental standpoint."

I have enclosed two versions of a draft errata sheet. One version includes only the two required changes; the other includes the required changes and the additional corrections noted above. A cover letter transmitting the corrections to the petitioner is also enclosed. I would suggest that revised versions of the incorrect pages be typed and transmitted to the petitioner and the Commission. The documentation for corrections made to DD-80-1 is enclosed for additional guidance.

Because this decision is presently before the Commission for its discretionary review, these corrections should be issued by May 12th and bluebagged upon issuance to OGC and the Secretary.


James P. Murray
Director and Chief Counsel
Rulemaking and Enforcement Division

Enclosures:
As Stated
DD-80-19 as issued
Errata Transmittal for
DD-80-1

CONTACT: Stephen Burns
x28064

D R A F T

Mayor Samuel E. Donelson
Lower Alloways Creek Township
Municipal Building
Hancock's Bridge, New Jersey 08038

Dear Mayor Donelson:

On April 29, 1980, I issued a decision (DD-80-19) under 10 CFR 2.206 which denied your petition requesting certain actions with respect to the storage of spent fuel at the Salem Nuclear Generating Station, Units 1 and 2. It has come to my attention that several corrections were inadvertently omitted from the decision. Therefore, I am enclosing revised pages with the corrections and an "Errata Sheet" which indicates the corrections.

A copy of this letter and the corrections will be filed with the Secretary of the Commission.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

Replacement pages for Director's Decision
Errata Sheet for DD-80-19

cc: w/enclosures:

Carl Valore, Jr., Esq.
535 Tilton Road
Northfield, New Jersey 08215

Mark J. Wetterhahn, Esq.
Conner, Moore & Corber
1747 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION
HAROLD R. DENTON, DIRECTOR

In the Matter of

PUBLIC SERVICE ELECTRIC & GAS
COMPANY, et al.
(Salem Nuclear Generating
Station, Units 1&2)

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Docket Nos. 50-272
50-311

(10 CFR 2.206)

ERRATA

The following corrections to the text of DD-80-19, issued on April 29, 1980, will be made in the printed version appearing in "Nuclear Regulatory Commission Issuances":

Page 3 - Insert the word "Staff" after the word
"Commission" on lines 12, 13, and 15.

Page 4 - Insert roman numeral "II." between lines
2 and 3.

Page 5 - On line 11, change the word "pools" to "pool",
change the word "Units" to "Unit", and strike
the notation "& 2".

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this ____ day of May, 1980.

UNITED STATES OF AMERICA
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OFFICE OF NUCLEAR REACTOR REGULATION
HAROLD R. DENTON, DIRECTOR

In the Matter of

PUBLIC SERVICE ELECTRIC & GAS
COMPANY, et al.
(Salem Nuclear Generating Station,
Units 1&2)

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Docket Nos. 50-272
50-311

(10 CFR 2.206)

ERRATA

The following corrections to the text of DD-80-19, issued on April 29, 1980, will be made in the printed version appearing in "Nuclear Regulatory Commission Issuances":

Page 1 - Insert the phrase "as Mayor of Lower Alloways Creek Township, New Jersey," after the name "Donelson" on line 1.

Page 3 - Insert the word "Staff" after the word "Commission" on lines 12, 13, and 15.

Page 4 - Insert roman numeral "II." between lines 2 and 3.

Page 5 - Strike the sentence on lines 1 and 2. On line 11, change the word "pools" to "pool", change the word "Units" to "Unit" and strike the notation "& 2".

Page 6 - Substitute the following sentence for the first sentence on the page:

"Based on the Staff's review of modifications to the Unit 1 spent

fuel pool and on the fact that the Unit 1 and Unit 2 pools are identical, the Staff has concluded in section 9.4 of the Safety Evaluation Report for Unit 2 that the modifications to the Salem Unit 2 spent fuel pool are acceptable from a health and safety and an environmental standpoint."

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this ____ day of May, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PUBLIC SERVICE ELECTRIC
& GAS COMPANY, et al.
(Salem Nuclear Generating Station,
Units 1 & 2)

Docket No. 50-311
50-272
(2.206)

DIRECTOR'S DECISION UNDER 10 CFR 2.206

By petition dated March 25, 1980, Samuel E. Donelson, requested the Director of Nuclear Reactor Regulation to: 1) stay issuance of the operating license for Salem, Unit 2 until conclusion of a hearing currently being conducted on a license amendment for Salem, Unit 1 to permit expansion of the spent fuel pool storage capacity; 2) stay issuance of the operating license for Unit 2 and the license amendment for Unit 1 until an environmental impact statement on storage of spent fuel at Salem Units 1 & 2 is completed or until a generic environmental impact statement on the national policy of the temporary or permanent storage of spent fuel at nuclear facilities is completed. Mr. Donelson's petition has been treated as a request for action under 10 CFR 2.206 of the Commission's regulations. For the reasons set forth below, I have determined Mr. Donelson's petition should be denied.

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As the basis for his request that environmental impact statements be prepared, Mr. Donelson asserts that the enlargement of the spent fuel pool at Salem 1 and the potential long term de facto storage of spent fuel at Salem 1 & 2 have not received the environmental impact statement, which he fe

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Policy

DUPLICATE DOCUMENT

Entire document previously
entered into system under:

ANO

8005140346

No. of pages: 6

MAR 06 1980

Ellyn R. Weiss, Esq.
Sheldon, Harmon, Roisman & Weiss
1025 15th Street, N.W.
Suite 500
Washington, D.C. 20005

Dear Ms. Weiss:

Attached to your March 28, 1979 letter to the Commissioners was a petition to the Commission filed by the Union of Concerned Scientists (UCS). Their petition was referred to me by the Commission for response in accordance with 10 CFR 2.206. The petition proposed that the NRC require all plants with an operating license to perform a seismic reanalysis within a 120-day time period.

My January 10, 1980 letter to you had attached to it a copy of the Director's Denial Under 10 CFR 2.206. It has come to my attention that several lines were inadvertently missing on page 20 of that attachment under Section B entitled "Task Action Plan A-40 (TAP A-40)." Therefore, attached are revised pages 20 and 20a which replace the existing page 20 and correct this oversight.

Sincerely,

Original Signed by
H. R. Denton

Enclosures:

1. Replacement pages for Director's Denial
2. Errata Sheet for DD-80-1

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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BGrimes	CStephens, SECY	DRoss	
LShao	LBickwit	JPKnight	

OFFICE	EB:DOR <i>KSH</i>	EB:DOR <i>[Signature]</i>	EB:DOR <i>[Signature]</i>	AD:EP:DOR <i>[Signature]</i>	D:DOR <i>[Signature]</i>	D:NRR
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IP 5/2/80

fiable seismic resistance capabilities of these facilities.

It is anticipated that topics may be identified within SEP which potentially could impact other operating reactors or new plant licensing. A feedback mechanism has been established to relay the information in an expeditious manner to others on the NRC staff, licensees and applicants to assure that appropriate actions are taken in a timely manner.

B. Task Action Plan A-40 (TAP A-40)

Task Action Plan A-40 is a short range program which was instituted in 1977. This program is geared toward providing the NRC with information within a much shorter time frame than is dictated by the scheduled completion of the more involved activities under the SSMRP. Its goal is to provide generic, quantitative estimates of the conservatisms in selected individual pieces of and the overall seismic design change when following current criteria. Phase I consists of an evaluation of the conservatisms in the calculated responses of structures, systems and components, including the consideration of elasto-plastic seismic analyses, site spectra (as opposed to site independent spectra such as that described in Reg. Guide 1.6U), nonlinear structural dynamic analyses, and soil/structure interaction. Phase II consists of an evaluation of the conservatisms in the seismic input definition, including the study of earthquake source modeling and the analysis of nearfield ground motion. Results of the various tasks in this program to date have substantiated the existence of conservatisms in the current seismic design methodology.

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C. Seismic Safety Margins Research Program (SSMRP)

The SSMRP is a long range research program (approximately 6 1/2 years) which is aimed at improving the seismic design methodologies. The objectives of this program are to:

- a) estimate the conservatisms in the Standard Review Plan seismic design requirements,
- b) develop improved requirements, and

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OFFICE OF NUCLEAR REACTOR REGULATION
HAROLD R. DENTON, DIRECTOR

In the Matter of)
PETITION REQUESTING SEISMIC REANALYSIS) (10 CFR 2.206)

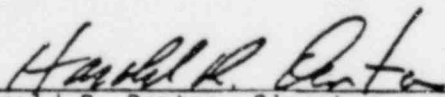
ERRATA

February 21, 1980

The following correction to the text of DD-80-1 will be made in the printed version appearing in 11 NRC:

Page 20 - Insert the following after line 8:

"1977. This program is geared toward providing the NRC with information within a much shorter time frame than is dictated by the scheduled completion of the more involved activities under the SSMRP. Its goal is to provide generic, quantitative estimates of the conservatisms in selected individual pieces of and the overall seismic design change when following current criteria. Phase I consists of an evaluation of the"



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated Bethesda, Maryland
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