



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406

March 21, 1988

Docket No. 50-272  
License No. DPR-70  
EA 84-36

Public Service Electric & Gas Company  
ATTN: Steven E. Miltenberger  
Vice President, Nuclear Operations  
P.O. Box 236  
Hancocks Bridge, NJ 08038

Gentlemen:

Subject: Notice of Violation (Inspection No. 50-272/83-37)

This refers to your letter dated July 15, 1987, in response to the Notice of Violation sent to you with our letter dated June 15, 1987. Our letter and Notice described three violations of fire protection program requirements at Salem. The violations were classified in the aggregate as a Severity Level III problem, but a civil penalty was not proposed.

In your response, you do not agree that these items should be classified as violations, and you request that the aggregate Severity Level of the violations be reduced from Level III to Level IV, claiming that the violations appear to be based more upon alleged deficiencies in interpretation of 10 CFR 50, Appendix R implementation guidance rather than the regulation itself. Further you state that configurations described in the Notice involve items which, subsequent to the NRC reviews, have become the subject of exemption requests, and are also similar to those approved at other plants as exemptions to the rule or as engineering evaluations without NRC approval.

After careful consideration of your response, we have concluded, for the reasons provided in the enclosed Appendix, that the violations occurred as stated in the Notice, and were appropriately classified in the aggregate at Severity Level III.

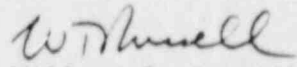
Thank you for informing us of the corrective and preventive actions documented in your letter. These actions will be examined during a future inspection of your licensed program.

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In accordance with Section 2.790, of the NRC's "Rules of Procedure", Part 2, Title 10, Code of Federal Regulations, a copy of this letter will be placed in the NRC's Public Document Room.

Sincerely,

  
William T. Russell  
Regional Administrator

cc w/encl:

Thomas S. Shaw, Jr., Vice President - Production  
J. M. Zupko, Jr., General Manager - Salem Operations  
B. A. Preston, Manager, Licensing and Regulation  
S. E. Miltenberger, Vice President - Nuclear Operations  
General Manager - Nuclear Safety Review  
M. J. Wetterhahn, Esquire  
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Public Document Room (PDR)  
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Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New Jersey

Public Service Electric  
and Gas Company

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bcc w/encl:

Region I Docket Room (with concurrences)

Management Assistant, DRMA (w/o encl)

DRP Section Chief

Robert J. Bores, DRSS

D. Holody, R1

J. Lieberman, OE

J. Goldberg, OGC

F. Miraglia, NRR

## Appendix

### Evaluation and Conclusion

In a letter dated July 15, 1987, the licensee responded to a Notice of Violation issued on June 15, 1987 concerning the failure to adhere to certain fire protection requirements set forth in 10 CFR Part 50, Appendix R. In the licensee's response, they (1) deny the violations, and (2) request that if the violations remain as stated, the aggregate Severity Level should be reduced from Level III to Level IV.

Provided below is (1) a summary of the licensee's reasons for denying each of the violations and the NRC response regarding these denials; (2) a summary of licensee's reasons for seeking a reduction in the Severity Level and the NRC response to that request; and (3) the overall NRC conclusion regarding the licensee's response.

#### I. SUMMARY OF LICENSEE RESPONSE CONCERNING VIOLATION A, AND NRC EVALUATION OF THAT RESPONSE

With respect to Example 1 of Violation A, involving a lack of separation and suppression capability for charging pumps, the licensee indicated that it had identified to the NRC, in letters dated December 28, 1983, and January 13, 1984, that the separation of charging pumps did not conform to the NRC interpretation of Appendix R contained in Generic Letter No. 83-33, and requested an exemption request prior to the 1984 inspection. However, the exemption request was not submitted until after the inspection began on December 5, 1983. Further, the licensee also indicated that, in accordance with Generic Letter No. 86-10, complete area-wide suppression is not required to ensure compliance with Appendix R. Although the NRC agrees with the licensee regarding this contention, the NRC notes that this Generic Letter also stipulates that when suppression (and detection) features are not installed over the entire area, licensees must perform an evaluation to assess the adequacy of partial suppression (and detection) to protect against the hazards in the area. Such an evaluation was not performed by the licensee until after the start of the inspection on December 5, 1983, and that subsequent evaluation formed the basis for the exemption request. Since the licensee was unable to demonstrate an ability to achieve safe shutdown at the time of the inspection, an adequate basis was not provided for withdrawal of Example 1 of Violation A.

With respect to Example 2 of Violation A, involving inadequate fire protection features for the 460 VAC/230 VAC switchgear, including only a partial height one hour barrier at Unit 1, the licensee indicated that a similar partial height one hour barrier was approved for Salem Unit 2 by the NRC during the licensing review. Since Appendix R, which became effective on February 17, 1981, is applicable to plants licensed to operate prior to January 1, 1979, and Salem Unit 1 was licensed on August 13, 1976, whereas Salem, Unit 2 was licensed on April 18, 1980, the compliance

requirements for the two units are different. The approval of the partial height on a one hour barrier for Unit 2 is not sufficient justification for not complying with the requirements of Appendix R at Unit 1, unless a specific exemption was requested and approved. Since the exemption for the incomplete one hour fire barrier at Unit 1 was not requested until after the start of inspection on December 5, 1983, specifically, by letters dated December 28, 1983, January 31, 1985, and January 17, 1986, which also proposed upgrading of the CO<sub>2</sub> system with an automatic total flooding fire suppression system as a long term corrective action, the licensee has not provided an adequate basis for withdrawal of Example 2 of Violation A.

With regard to Example 3 of Violation A, involving a door on a fire wall not being rated to 3 hours, the licensee indicated that Generic Letter No. 86-10 states that the fire area boundaries need not be completely wall to wall and floor-to-ceiling. Although the NRC agrees with the licensee, the NRC notes that Generic Letter No. 86-10 also requires a licensee evaluation in such cases where the boundaries are not completely rated to determine if the boundaries will withstand the hazards associated with the area. Such an evaluation did not exist prior to the start of the inspection on December 5, 1983. Therefore, the licensee did not provide an adequate basis for withdrawal of Example 3 of Violation A. After the start of the inspection, the licensee requested an exemption, by letter dated January 31, 1984, which was withdrawn by letter dated January 17, 1986, due to the licensee's commitment to provide a rated fire barrier between redundant equipment.

## II. SUMMARY OF LICENSEE'S RESPONSE REGARDING VIOLATION B, AND NRC EVALUATION OF THAT RESPONSE.

With regard to Violation B, involving the lack of planning, procedures and materials to implement fire damage repairs of RHR pumps, the licensee indicated that the Salem shutdown model does not utilize repairs to the RHR system for safe shutdown. If such repairs are not utilized, the redundant pumps should be provided with the fire protection separation features in accordance with 10 CFR 50, Appendix R. Such features were not provided. Further, the licensee references Generic Letter No. 86-10 concerning not needing a complete fire barrier between redundant pumps. In such cases, the Generic Letter requires performance of an adequate evaluation of the barrier. At the time of the inspection, such an evaluation had not been performed. Therefore, the licensee did not provide an adequate basis for withdrawal of the violation. The NRC recognizes that subsequent to the inspection, the licensee requested an exemption, by letters dated January 31, 1984, April 5, 1984, and January 17, 1986. The January 17, 1986 letter also proposed a modification consisting of enhanced penetration seals and fire detection in the area. Although the corrective actions were initiated after the inspection, the RHR pump area was not in compliance at the time of the inspection.

### III. SUMMARY OF LICENSEE'S RESPONSE REGARDING VIOLATION C, AND NRC EVALUATION OF THAT RESPONSE

With regard to violation C, involving the failure to provide adequate fire protection features for Pressurizer Heater Cabinet And Pressurizer Pressure and Level Instrumentation Cabinet 355 inside non-inerted containment, the licensee states that the 10 USSG steel plates in Panel 335 and the steel conduit inside containment were adequate "non-combustible radiant energy shields" (alternative III.G.2.t). However, neither of these shields qualify as an acceptable radiant energy shield, nor were they similar to the licensee's design used in containment NW quadrant for the electrical cable penetrations (see Inspection Report No. 50-272/83-37, Section 7.1.4). An exemption request, on January 31, 1985, and January 17, 1986, and your proposal to have sprinkler coverage of the Panel 335 in your January 17, 1986 letter, were not submitted until after the inspection. Therefore, the licensee did not provide an adequate basis for withdrawal of the violation.

### IV. SUMMARY OF LICENSEE'S REQUEST FOR A REDUCTION IN SEVERITY LEVEL OF THE VIOLATION, AND NRC EVALUATION OF THAT RESPONSE.

The licensee requests a reduction in the Severity Level of the violation, if the violations stand. The licensee did not provide a basis for this request. Although the safety significance of the individual violations was considered low, the violations were nonetheless classified in the aggregate as a Severity Level III problem because they demonstrated, at the time of the inspection, a lack of adequate analysis of, and attention to, assuring adherence to the separation, suppression, and detection requirements set forth in 10 CFR 50, Appendix R. In light of these programmatic deficiencies, the violations were appropriately classified in the aggregate as Severity Level III.

### V. NRC CONCLUSION

The violations occurred as stated in the Notice of Violation and were appropriately categorized in the aggregate at Severity Level III.