

March 30, 2000

EA 99-306

Mr. Harold W. Keiser
President and Chief Nuclear Officer
PSEG Nuclear LLC
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR THE SALEM EMERGENCY
PREPAREDNESS FINDING

Dear Mr. Keiser:

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary White finding (i.e., an issue with low to moderate safety significance which may merit additional NRC inspection) on a potential uncorrected problem with emergency classifications at the site. We have concluded that the aspects related to ineffective corrective actions have been changed from a White finding to a non-finding, and that the failure to make an accurate, timely declaration of a September 8, 1999, Unusual Event, on which the corrective action concern was based, has been categorized as a Green finding.

In Inspection Report 50-272 & 311/99-09, our preliminary determination that the safety significance associated with the ineffective corrective actions with timely and accurate emergency classification represented a White finding. We had asserted that ineffective corrective actions following the untimely declaration of a December 8, 1998, event at Salem Unit 2 had allowed an untimely declaration to recur during an Unusual Event at Salem Unit 1 on September 8, 1999. In addition, our inspections following the second event determined that corrective actions were poorly coordinated and root cause evaluations were not comprehensive.

At your request, a regulatory conference was held on February 4, 2000, to further discuss your views on this issue. (A copy of the handout you provided at this meeting is enclosed.) During the meeting your staff described the detailed corrective actions, including the root cause evaluations for the event classification issues. Specifically, you indicated that PSEG had taken appropriate corrective action for each of the emergency preparedness performance problems. Furthermore, you also noted that, although the recently completed comprehensive analyses of these events should have been more thorough initially and better coordinated (when the analyses were completed) there were no common root causes noted between these events. This conclusion also applied to the inaccurate classification of a General Emergency during an exercise at Hope Creek on June 16, 1999. As such, you contended that there were no corrective actions which could have reasonably been performed to prevent the subsequent failure to properly declare an Unusual Event on September 8, 1999.

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We considered the additional information presented in the February 4 meeting, primarily the results of your common cause and root cause analyses which were not available when the White finding was preliminarily determined. We reevaluated our significance determination on the ineffectiveness of corrective actions, and concluded that corrective actions were not ineffective and that the preliminary White finding should be changed to a non-finding.

As a result of the above conclusions, we have determined that the failure to declare an Unusual Event in a timely and accurate manner during the September 8, 1999, event at Salem Unit 1 was a violation of 10 CFR 50.47(b)(4), which establishes requirements for emergency classification, and Technical Specification 6.8.1.e, which requires that emergency plan procedures be properly implemented. This violation is of low safety significance and, therefore, constitutes a Green finding in accordance with the Significance Determination Process (SDP). (This finding supercedes the preliminary White finding.) The failure to declare an Unusual Event has been entered into your corrective action system and evaluated, and additional corrective actions and performance enhancements are ongoing in this matter. Therefore, the violation is being treated as a non-cited violation in accordance with the NRC Interim Enforcement Policy for pilot plants (NCV 05000272/99009-01). If you contest the violation or significance of this NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, Region I, the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001, and the resident inspector at Salem.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

/RA/

Wayne Lanning, Director
Division of Reactor Safety

Docket Nos. 05000272, 05000311

License Nos. DPR-70, DPR-75

Enclosure: Licensee Presentation at Regulatory Conference

Mr. Harold W. Keiser

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cc w/encl:

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State of New Jersey
State of Delaware
J. Guinan, NJ PIRG
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