



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

September 19, 1995

IA 95-036

Mr. Lawrence M. Wagner  
HOME ADDRESS DELETED  
UNDER 2.790

SUBJECT: NOTICE OF VIOLATION  
(NRC OI INVESTIGATION 1-94-048)

Dear Mr. Wagner:

On June 3, 1992, you were the Senior Nuclear Shift Supervisor (SNSS) on-duty when an incident occurred at the Hope Creek Generating Station involving the failure to have a Senior Reactor Operator (SRO) in the control room for almost three minutes while the reactor was in Operational Condition 1. This failure constituted a violation of the technical specifications of the license granted to your employer, the Public Service Electric & Gas (PSE&G) Company. Although you were notified of the event shortly after it occurred, you did not prepare an incident report or report the occurrence. As a result, PSE&G management was not apprised of the event. When management became aware in 1994 of the incident, it was reported to the NRC in a Licensee Event Report issued on October 14, 1994.

You were contacted by Mr. G. Meyer, of the NRC Region I office on September 19, 1995, and offered an opportunity to meet with the NRC staff at an enforcement conference to discuss this violation and its causes. During that telephone conversation, you indicated that you had provided all the information to OI as part of the investigation, and you did not believe that participation in an enforcement conference was needed.

On June 3, 1992, you left the control room to attend a staff meeting in the office of the Operations Manager and turned the "command and control" function over to the on-duty Nuclear Shift Supervisor (also an SRO). Afterwards, while you were still absent from the control room, the on-duty NSS desired to check the status of maintenance being performed outside of the control room, and requested another NSS to relieve him since you were still absent from the control room at the time. However, while the on-duty NSS also was out of the control room, the NSS who relieved him also left the control room for approximately three minutes, thereby leaving no SRO in the control room during that period, due to a breakdown in communications among the individuals.

While the NRC recognizes that the condition existed for only a short period, the NRC is concerned that when you were notified of the incident upon your return to the control room, you did not develop an incident report relative to this matter, and you did not record or report the occurrence as required by applicable station procedures. During your interview with an OI investigator on November 18, 1994, you indicated that you did not want the other NSSs involved to get in trouble, although you stated that this was not the primary reason for not writing the report. Further, you indicated that as the SNSS, you were responsible for taking action regarding the event. In addition, in your Remediation Plan, developed

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subsequent to the incident, you stated that you incorrectly had rationalized the nuclear safety significance and that you saw two good employees who did not intentionally abandon their duties.

Your deliberate failure to follow procedures relative to reporting violations of the technical specifications constitutes a violation of your license. Your failure to follow procedures in this matter contributed to PSE&G's failure to submit a Licensee Event Report to the NRC within 30 days of the incident, as required. In view of the fact that your failure to complete the report was deliberate, the violation, which is set forth in the enclosed Notice, is classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (NUREG-1600; 60 FR 34381, June 30, 1995).

As a NRC-licensed SRO, and in particular, the SNSS on-duty at the Hope Creek facility, the NRC conferred upon you its trust and confidence that you would assure that the nuclear power plant would be operated safely and in accordance with all regulatory requirements. The prompt documentation and reporting to facility management and to the NRC of off-normal conditions are important regulatory requirements that assure that significant safety issues are identified and corrected. Your actions, in deliberately not completing the incident report, did not adhere to these standards, and did not provide an appropriate example for those individuals under your supervision.

Given the significance of your actions, I have decided, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue to you the enclosed Notice of Violation. I gave serious consideration to the issuance of even more significant action. However, I have decided that this Notice of Violation (NOV) is sufficient in this case since you were disciplined and placed in a remediation program by the licensee shortly after this issue was identified. In addition, an NOV is being issued to PSE&G for this incident. A copy of that NOV is enclosed for your information.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, you also should describe why the NRC should have confidence that you will comply with all NRC requirements in the future, both as an SNSS, as well as in your current position in the Maintenance Department. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Mr. Lawrence M. Wagner

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter (with your address removed), its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Notice of Violation to PSE&G
3. OI Synopsis

cc w/encls:

L. Eliason, CEO and President  
State of New Jersey

Mr. Lawrence M. Wagner

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