



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE RD, SUITE 102
KING OF PRUSSIA, PA 19406-1415

December 15, 2023

EA-23-073

Charles McFeaters
President and Chief Officer
PSEG Nuclear, LLC – N09
P.O. Box 236
Hancocks Bridge, NJ 08038

**SUBJECT: HOPE CREEK GENERATING STATION - NRC INVESTIGATION REPORT NO.
1-2023-001 AND NOTICE OF VIOLATION**

Dear Charles McFeaters:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at PSEG Nuclear, LLC (PSEG) Hope Creek Generating Station (Hope Creek). The investigation, which was completed on May 30, 2023, was conducted to determine whether a licensed operator was deliberately inattentive while at the controls console. Based on the evidence developed during the OI investigation, the NRC concluded that a Nuclear Control Room Operator (NCO) engaged in deliberate misconduct that caused PSEG to be in violation of Technical Specification 6.8.1. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding the violation are described in this letter and in the enclosed Notice.

On September 12, 2022, the Senior Resident Inspector at Hope Creek entered the main control room (MCR) and observed an NCO at the controls playing a game on their touchscreen phone, contrary to PSEG procedure OP-AA-103-102, "Watchstanding Practices," Revision 13, step 4.2.2, which requires that personnel are to conduct only necessary control room/plant-related technical/administrative business in the MCR. The NCO's actions caused PSEG to be in violation of Technical Specification 6.8.1. In response to the violation, PSEG incorporated guidance into the watchstanding procedure to address appropriate cell phone usage and clarified prohibitions on the use of cell phones in the MCR. At the request of PSEG, the NCO's license was terminated on December 14, 2022, and the NCO voluntarily resigned from PSEG on March 2, 2023.

Because the violation involved deliberate misconduct by a licensee employee, its significance was characterized using the NRC Traditional Enforcement Process. The NRC Reactor Oversight Process Significance Determination Process (SDP) does not specifically consider willfulness in its assessment of licensee performance. However, in evaluating the significance of this violation, the NRC considered the examples in both the NRC Enforcement Policy and the SDP. The NRC compared this issue to the examples in Inspection Manual Chapter (IMC) 0612, Appendix E, "Examples of Minor Issues." This violation is similar to a minor example where a licensee procedural requirement was not met. In that example, the issue is minor because it represents a failure to implement a procedural requirement that had no safety impact under the

given situation. The NRC considered that the NCO was observed playing the game for only a short period of time (4-5 seconds from the time observed to putting the phone away) and likely would have been able to respond to a plant event. Additionally, there was no actual impact on plant operations.

Willful violations are of particular concern to the NRC because the NRC relies on licensees and their employees to act with integrity and these types of violations cannot be tolerated. A violation involving willfulness is considered more significant than the underlying technical issue. Therefore, the NRC determined that a Severity Level IV (SL IV) violation of NRC requirements occurred.

You are not required to respond to this letter. However, if you contest the violation or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Requests for Records." Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

This enforcement action will be administratively tracked under NRC Inspection Report No. 05000354/2023090. Should you have any questions regarding this letter, please contact Brice Bickett of the NRC staff at Brice.Bickett@nrc.gov.

Sincerely,

Blake D. Welling, Director
Division of Operating Reactor Safety

Docket No. 50-354
License No. NPF-57

Enclosure: As stated

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SUBJECT: HOPE CREEK GENERATING STATION - NRC INVESTIGATION REPORT
NO. 1-2023-001 DATED DECEMBER 15, 2023

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*See previous concurrence

ENCLOSURE

NOTICE OF VIOLATION

PSEG Nuclear, LLC
Hope Creek Generating Station

Docket No. 50-354
License No. NPF-57
EA-23-073

During an NRC investigation conducted between October 3, 2022, and May 30, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below.

Technical Specification 6.8.1 states that written procedures shall be established, implemented, and maintained for the applicable procedures recommended in Appendix A of Regulatory Guide (RG) 1.33, Revision 2, "Typical Procedures for Pressurized Water Reactors and Boiling Water Reactors." Section 1.b of RG 1.33 Appendix A references administrative procedures governing "Authorities and Responsibilities for Safe Operation and Shutdown."

PSEG procedure OP-AA-103-102, "Watchstanding Practices," Revision 13, step 4.2.2, states that personnel are to "CONDUCT only necessary control room/plant-related technical/administrative business in the MCR [main control room]."

Contrary to the above, on September 12, 2022, a Nuclear Control Room Operator (NCO) failed to conduct only necessary control room/plant-related technical/administrative business in the main control room. Specifically, the NCO was observed by an NRC inspector to be playing a video game on a touchscreen phone while the NCO was serving as the "at-the-controls" operator in the main control room.

This is a Severity Level IV violation (Enforcement Policy Section 2.2.4).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. However, you are required to submit a written statement or explanation, pursuant to 10 CFR 2.201, if the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-23-073" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 15th day of December 2023