August 11, 2009
EN-09-040 (Update)

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Individual: Mr. Kurt I. Tetzlaff (IA-09-031)

Subject: ISSUANCE OF NOTICE OF VIOLATION INVOLVING AN INDIVIDUAL (UPDATE)

On August 5, 2009, the Office of Enforcement issued EN-09-040 to inform the Commission that the staff was preparing to issue a Severity Level III Notice of Violation (NOV) to an individual. An update to EN-09-040 is being issued to inform the recipients of a concern associated with control of sensitive information that was identified during staff review of the NOV.

The NRC Office of Investigations completed an investigation on March 31, 2009, to determine if the individual, a senior operator licensee at Southern California Edison Company's San Onofre Nuclear Generating Station, had willfully failed to adhere to a condition of his senior operator license. While the staff did not conclude that the individual's actions were willful, a violation of NRC requirements was identified. Specifically, 10 CFR 55.3 requires that a person must be authorized by a license issued by the Commission to perform the function of a senior operator as defined in 10 CFR Part 55. 10 CFR 55.53(l) requires a senior operator licensee to comply with any conditions that the Commission may impose to protect health or to minimize danger to life or property. Contrary to these requirements, on three occasions between January 27 and February 11, 2008, the senior operator licensee performed the functions of a senior operator, as defined in 10 CFR Part 55, without meeting one of the conditions on his license.

Subsequent to issuance of EN-09-040, but before the NOV was issued, the staff identified that the NOV and EN contained information protected by the Privacy Act which should be withheld from public disclosure. The staff has taken action to remove the sensitive information from the cover letter of the NOV, which will be issued to the individual and made publicly available on or around August 12. The NOV, which includes the sensitive information and will be issued to the individual with the cover letter, will not be released to the public.

EN-09-040, as issued on August 5, 2009, will remain non-publicly available and should not be released outside the NRC.

It should be noted that the individual has not been specifically informed of this enforcement action.

The schedule of issuance and notification is:

Mailing of Notice August 12, 2009

The State of California will be notified.

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Distribution: EN-09-040 (Update), August 11, 2009

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