



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

February 23, 2021

IA-20-033

Mr. Pieter Odendaal
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2017-034

Dear Mr. Odendaal:

This letter refers to the investigation completed on March 4, 2020, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the South Texas Project Electric Generating Station (STP). The investigation was conducted, in part, to determine whether you, a contract refueling supervisor assigned to STP Nuclear Operating Company (licensee), at STP Unit 1 willfully provided incomplete or inaccurate information in a required record regarding a fuel handling incident that occurred on March 30, 2017. A factual summary of the investigation, as it pertains to your actions, was issued as an enclosure to our letter dated July 6, 2020, Agencywide Documents Access and Management System (ADAMS) Accession No. ML20188A191.

On August 6, 2020, a predecisional enforcement conference (PEC) was conducted by teleconference with you to discuss the apparent violation, its significance, the root cause, and your corrective actions. During the PEC, you provided additional information concerning your involvement in the fuel handling incident. Subsequently, OI initiated a supplemental investigation to address the additional information.

At the PEC, and then to OI during a subsequent interview, you claimed that you asked a contract technical advisor to obtain the paperwork authorizing an unqualified trainee to operate the refueling machine. When OI interviewed the advisor, the advisor did not corroborate your claim. The advisor testified that at no time was the advisor involved in getting approval for the trainee to operate the refueling machine.

You also stated at the PEC that a licensed senior reactor operator (SRO) accompanied you when you asked the contract technical advisor to obtain the documentation required for the trainee to operate the refueling machine, and that the SRO also accompanied you when you explained to a contract project manager that this documentation was approved. In testimony to OI, the SRO contradicted your statements. The SRO testified that he/she was not with you when you asked the technical advisor to obtain the necessary approval for the trainee to operate the refueling machine. In addition, the contract project manager contradicted your statements by testifying that he/she would have been the person responsible for coordinating the approval for the trainee to operate the refueling machine, but you never made that request.

Based on the information developed during the investigations and the information that you provided during the PEC, the NRC concluded that a deliberate violation of NRC requirements occurred. The violation is cited in Enclosure 1, Notice of Violation (Notice). The violation involves you deliberately providing information to the licensee that you knew to be incomplete and inaccurate in some respect material to the NRC. Specifically, although you told the contractor project manager assigned to STP that a trainee would only observe the fuel movement you were supervising, you then allowed the trainee to operate the refueling machine without obtaining the required approval from the licensee. You also told your refueling crew, including an SRO, that the trainee had the proper approval to operate the refueling machine, and you deliberately omitted the trainee's role as the refueling machine operator in a written statement you provided to the licensee following the fuel handling incident that resulted in two damaged fuel assemblies.

Your deliberate actions placed the licensee in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.9, "Completeness and accuracy of information," and you in violation of 10 CFR 50.5, "Deliberate misconduct." Enclosure 2 includes a copy of the letter and Notice issued to the licensee. Given the significance of the underlying issue and the deliberate nature of your actions, your violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. You should be aware that if you are involved in NRC licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

The NRC has concluded that you are not required to respond to this letter since you are no longer a contract employee with the licensee, and the licensee entered information in the Personnel Access Data System concerning your actions. However, if you are involved in NRC licensed activities in the future, you are required, pursuant to the provisions of 10 CFR 2.201, to submit a written response to the violation. In that case, or if you otherwise choose to respond, you should follow the instructions for sending a response specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. The NRC will also make our letter describing the apparent violation, dated July 6, 2020, publicly available.

The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>. In addition, this letter and its enclosures will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions concerning this matter, please contact Mr. John Kramer of my staff at 817-200-1121.

Sincerely,

**Scott A.
Morris**

Digitally signed by
Scott A. Morris
Date: 2021.02.23
15:27:12 -06'00'

Scott A. Morris
Regional Administrator

Enclosures:

1. Notice of Violation
2. Notice of Violation to STP
Nuclear Operating Company

NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2017-034 – DATED
 FEBRUARY 23, 2021

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ADAMS ACCESSION NUMBER: MLxxxxxxxx

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JGK Yes No Publicly Available Sensitive

OFFICE	SES:ACES	C:DRP/A	TL:ACES	RC	NRR	OE
NAME	JKramer	JJosey	JGroom	DCylkowski	THipschman	DJones
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	01/27/21	01/28/21	01/27/21	01/27/21	02/04/21	02/17/21
OFFICE	OGC	D:DRP	RA			
NAME	TSteinfeldt	AVegel	SMorris			
SIGNATURE	/NLO/ E	/RA/ E	/RA/			
DATE	02/17/21	02/18/21	02/23/21			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Pieter Odendaal
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-20-033

Based on the results of an NRC investigation completed on March 4, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5(a)(2) requires, in part, that any employee of a contractor may not deliberately submit to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, you, an employee of a contractor, deliberately submitted to the licensee information that you knew to be incomplete or inaccurate in some respect material to the NRC, as evidenced by the following two examples:

1. On March 29, 2017, you represented to your contractor project manager that a trainee would only be observing fuel handling operations on the bridge (actions which would not require special review and approvals). Subsequently, you represented to a licensed senior reactor operator/core load supervisor that authorization had been obtained such that the trainee would observe a few movements, and then would take control of the refueling machine under the direct supervision of the qualified refueling machine operator. In fact, the trainee was not qualified nor authorized in accordance with licensee procedures to take control of the refueling machine (neither under-instruction nor independently). Information regarding operation of the refueling machine and the qualifications of the machine operator is material to the NRC because it ensures that the licensee is performing quality, safety-related activities in accordance with licensee procedures required by NRC regulations.
2. On March 31, 2017, after the fuel handling incident that resulted in damage to two fuel assemblies, you deliberately provided incomplete and inaccurate information in a written statement to the licensee that omitted the material fact that an unqualified trainee operated the refueling machine at the time that the fuel handling incident occurred. Information regarding operation of the refueling machine by a qualified operator is material to the NRC because it ensures that the licensee is performing quality, safety-related activities in accordance with licensee procedures required by NRC regulations.

This is a Severity Level III violation (NRC Enforcement Policy, Section 2.2.1.d).

The NRC has concluded that since you are no longer a contract employee with the licensee, and the licensee entered information in the Personnel Access Data System concerning your actions, you are not required to respond to the Notice of Violation (Notice) at this time. However, if you are involved in NRC licensed activities in the future, you are required, pursuant to the provisions of 10 CFR 2.201, to submit a written response to the Notice within 30 days of commencing NRC licensed activities. This response should be clearly marked as a "Reply to a Notice of Violation; IA-20-033" and should include: (1) the reason for the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will

be taken to avoid further violations, and (4) the date when full compliance was/will be achieved. Send the response to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 760114511 and email it to R4Enforcement@nrc.gov.

If you contest this enforcement action, provide your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511 and email it to R4Enforcement@nrc.gov. A response contesting this enforcement action must be submitted to the NRC within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS, accessible at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information.

If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 23rd day of February 2021

SOUTH TEXAS PROJECT ELECTRIC GENERATING STATION, UNITS 1 AND 2,
NOTICE OF VIOLATION, NRC INSPECTION REPORT 05000498/2020091;
05000499/2020091 AND NRC INVESTIGATION REPORT 4-2017-034



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

February 23, 2021

EA-19-054

Mr. G. T. Powell, President and CEO
STP Nuclear Operating Company
P.O. Box 289
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT ELECTRIC GENERATING STATION, UNITS 1 AND 2,
NOTICE OF VIOLATION, NRC INSPECTION REPORT 05000498/2020091;
05000499/2020091 AND NRC INVESTIGATION REPORT 4-2017-034

Dear Mr. Powell:

This letter refers to the investigation completed on March 4, 2020, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at the South Texas Project (STP) Electric Generating Station. The investigation was conducted, in part, to determine if contractor employees and an STP Nuclear Operating Company (licensee) employee willfully provided information to the licensee in a required record known to be incomplete or inaccurate. A final exit briefing was conducted telephonically with you and staff representatives on May 28, 2020, and the results of the investigation and details regarding the apparent violation were provided to you in NRC Inspection Report 05000498/2020090; 05000499/2020090, dated July 6, 2020, Agencywide Documents Access and Management System (ADAMS) Accession No. ML20188A214.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by attending a predecisional enforcement conference, participating in an alternative dispute resolution mediation session, or providing a written response before we made our final enforcement decision. In a letter dated August 5, 2020 (ADAMS Accession No. ML20218A448), you provided a written response to the apparent violation.

Based on the information developed during the investigation and the information that you provided in your response to the inspection report dated July 6, 2020, the NRC has determined that a violation of NRC requirements occurred. The violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.9, "Completeness and accuracy of information," is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding it are discussed in detail in the July 6, 2020, inspection report. The NRC has determined that this violation involved willfulness in the form of a deliberate failure to ensure that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee is complete and accurate in all material aspects.

Information obtained in a supplemental OI investigation that concluded on October 20, 2020, which focused on actions by the refueling crew's contract supervisor, also informed the NRC's

determination regarding the contract employee's deliberate misconduct violation. That deliberate misconduct, as described below, is an escalating factor for the severity level of the licensee's violation.

In determining the significance of a violation involving willfulness, the NRC considers such factors as: the position, training, experience level, and responsibilities of the person involved in the violation; and the significance of any underlying violation. The individual who engaged in deliberate misconduct was a contract supervisor (first-line supervisor) of the crew involved in the fuel handling incident, and the NRC holds supervisors to a high standard of integrity. A first-line supervisor is considered a licensee official, according to Section 7.0 of the NRC Enforcement Policy, and violations involving a licensee official deliberately providing incomplete or inaccurate information are considered significant and may be assigned a higher severity level. Because the contract supervisor deliberately provided inaccurate information in a required record material to the NRC, the NRC has determined that this violation is appropriately categorized at Severity Level III in accordance with the NRC Enforcement Policy.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$150,000 is considered for a Severity Level III violation.

Because your facility is the subject of a willful escalated enforcement action, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Identification* credit is warranted because your staff identified the condition and entered it into the corrective action program. The NRC has also determined that *Corrective Action* credit is warranted for your prompt and comprehensive corrective actions that included: (1) taking disciplinary action against the individual; (2) updating the core load supervisor initial and continuing training to include this event as a case study; (3) conducting an organizational effectiveness investigation; and (4) conducting site-wide communications concerning the violation.

Therefore, to encourage identification and prompt and comprehensive correction of the violation, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.


The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the July 6, 2020, inspection report and in your letter dated August 5, 2020. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Mr. Jeffrey Josey of my staff at 817-200-1148.

Sincerely,

**Scott A.
Morris**

 Digitally signed by
Scott A. Morris
Date: 2021.02.23
17:00:43 -06'00'

Scott A. Morris
Regional Administrator

Docket Nos. 50-498; 50-499
License Nos. NPF-76; NPF-80

Enclosure: Notice of Violation

SOUTH TEXAS PROJECT ELECTRIC GENERATING STATION, UNITS 1 AND 2, NOTICE OF VIOLATION, NRC INSPECTION REPORT 05000498/2020091; 05000499/2020091 AND NRC INVESTIGATION REPORT 4-2017-034 – DATED FEBRUARY 23, 2021

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ADAMS ACCESSION NUMBER: ML

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JEJ Yes No Publicly Available Sensitive NRC-002

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NAME	JKramer	JGroom	JJosey	DCylkowski	THipschman	DJones
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
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NAME	TSteinfeldt	AVegel	SMorris			
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NOTICE OF VIOLATION

STP Nuclear Operating Company
South Texas Project Electric Generating Station Unit 1

Dockets: 05000498
License No.: NFP76
EA-19-054

During an NRC investigation completed on March 4, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.9(a) requires, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR Part 50, Appendix B, Criterion XVII, requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality. The licensee established quality related procedure OPGP03-ZX-0002B, "Station Cause Analysis Program," Revision 7, in part, to implement the station's problem identification and resolution process, which includes the evaluation, identification and resolution of significant conditions adverse to quality through root cause analyses. Procedure OPGP03-ZX-0002B, Step 11.2.1, requires, in part, the collection of personal statements as part of the data collection to support the evaluation process.

Contrary to the above, on March 31, 2017, the licensee failed to maintain information required by the Commission's regulations that was complete and accurate in all material respects. Specifically, following core offload activities that involved a fuel handling incident resulting in damage to two fuel assemblies, the licensee failed to maintain complete and accurate information in the form of a written statement collected for the root cause evaluation documented in condition report CR 17-13662 relative to the cause of the damage to the fuel assemblies. The contract supervisor of the crew involved in the fuel handling incident deliberately provided incomplete and inaccurate information in the written statement to the licensee that omitted the material fact that an unqualified trainee was operating the refueling machine when the fuel assemblies were damaged. As part of the corrective action program, the information supporting the root cause evaluation in the condition report CR 17-13662 was material to the NRC because it is subject to NRC inspection and informs the NRC's review of and response to incidents such as the underlying procedure violation.

This is a Severity Level III violation (NRC Enforcement Policy, Section 2.2.1.d).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the July 6, 2020, inspection report and in your letter dated August 5, 2020. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein 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-19-054" 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, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511, and to the NRC Resident Inspector at the South Texas Project Electric Generating Station, and email it to R4Enforcement@nrc.gov within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Enclosure

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, Director, Office of Enforcement, Washington, DC 20555-0001. A response contesting this enforcement action must be submitted to the NRC within 30 days of the date of the letter transmitting this 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 or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 23rd day of February 2021