

Response to Apparent Violation, NRC Investigation Report 4-2018-019; IA-19-032

Director of Division of Reactor Safety
U.S. Nuclear Regulatory Commission Region IV
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

ADDITIONAL INFORMATION: Per John Kramer this is NOT being sent to US NRC Commission in Washington, DC phone conversation 10.29.2019 @~1430 and an electronic copy sent by email: john.kramer@nrc.gov

Enclosed is the electronic Choice Letter, as a certified copy did not reach Me, Wesley B. McGill.

Response to Apparent Violation, NRC Investigation Report 4-2018-019; IA-19-032Apparent Violation Summary:

"...NRC License Number OP-43142-1, issued to Mr. Wesley B. McGill on August 27, 2015, included, in part, the condition that that Mr. McGill shall take medication as prescribed to maintain medical qualifications.

Contrary to the above, from August 27, 2015 to March 14, 2018, you, while licensed as a Reactor Operator, did not comply with a condition imposed by the Commission on your license. Specifically, from January 1 to 10, 2018, you did not take your medication as prescribed to maintain medical qualifications. During the remaining time you only took half of the medication, as prescribed by a physician, to maintain your medical qualifications."

RESPONSE:

- (1) The Reason for the Apparent Violation or, if contested, the basis for disputing the apparent violation:

On January 1st, 2018, I ran out of my prescribed [REDACTED] medication and was not able to resume taking my medication until refilled by a different physician on January 10, 2018.

As pertaining to the half-dosage condition, I took the prescribed dosage until I followed the verbal guidance of my medical examiner to reduce my medication intake to half the prescribed dosage to alleviate adverse side effects as documented in my medical chart. My medical examiner was the medical examiner for ANO.

The half dosage verbal guidance was never verified to be included in my medical documentation or included in my medical records at ANO. This was a valuable lesson learned. I felt that I was following my doctor's orders as prescribed, but I did not obtain written documentation that my medical chart adequately incorporated the half dosage guidance, or that the change was reflected in my records at ANO.

- (2) The corrective steps that have been taken and the results achieved

During this investigation, I have changed personal medical examiners, and with my doctor's concurrence/documentation changed medication to a better medication that works more effectively at full dose. This change in medication was reported to FFD and is now reflected in my records at ANO. Also, I more closely monitor my medication amounts and refill availability to avoid running out. Additionally, I have changed my lifestyle to a healthier lifestyle, and I have not experienced adverse [REDACTED] issues in some time.

(3) The corrective steps that will be taken

I will continue to take my medication, as prescribed by a physician, to maintain my medical qualifications. And I will verify all dosage and prescription documentation is appropriately documented by FFD and any changes made are promptly reported.

I continue to work on becoming healthier with hopes of eliminating my [REDACTED] issues. Upon physician's orders, I hope to eliminate the need for [REDACTED] medication, and when appropriate and documented by my medical examiner, I hope to have my medication restriction removed from my license.

(4) The date when full compliance will be achieved

Full compliance has been achieved and documented in various previously docketed correspondences. Specifically, I resumed my medication on January 10, 2018, and resumed my full prescription strength/change of medication on March 14, 2018 and verified documentation was up to date.

This response along with previously docketed correspondence, should adequately address the required response. If you have any questions, please contact me by phone at [REDACTED] or through my Attorney, Doug Levanway at [REDACTED]

Thank you for your time, and I look forward to concluding this investigation.

Sincerely,



Wesley B. McGill
[REDACTED]
[REDACTED]
[REDACTED]

Enclosure: Copy of Choice Letter IA-19-032



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

September 25, 2019

IA-19-032

Mr. Wesley McGill
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NRC INVESTIGATION REPORT 4-2018-019

Dear Mr. McGill:

This letter refers to the investigation completed on July 2, 2019, by the NRC Office of Investigations at Arkansas Nuclear One. The investigation was conducted, in part, to determine whether you, a licensed reactor operator assigned to Arkansas Nuclear One Unit 2, willfully failed to follow a condition of your license. A factual summary of the investigation, as it pertains to your actions, is provided as Enclosure 1.

Based on the information acquired during the investigation, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation, as documented in Enclosure 2, is against Title 10 of the *Code of Federal Regulations* (10 CFR) Section 55.53(l), which requires that you shall comply with any condition that the Commission may impose to protect health or minimize danger to life or property.

In addition, based upon your position within the licensee's organization, the lack of actual safety consequences, and your cooperation during the investigation, an Order banning you, in part or in whole, from NRC licensed activities, or other requirements imposed by an Order, does not appear warranted.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond in writing to the apparent violation in Enclosure 2 of this letter within 30 days of the date of this letter; or (2) request a predecisional enforcement conference (PEC). If a PEC is held, the PEC will be closed to public observation since information related to an Office of Investigations report will be discussed and the report has not been made public. If you decide to participate in a PEC, please contact Mr. John Kramer at 817-200-1121 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation, NRC Investigation Report 4-2018-019; IA-19-032" and should include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response.

Additionally, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Director, Division of Reactor Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511.

If you choose not to respond, or an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

Because this letter references and encloses information addressing NRC's review of an apparent enforcement action against an individual, 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 our web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

If the NRC concludes that enforcement action should be issued to you, this letter, and your response, if you choose to submit one, will be made publicly available either electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. However, you should be aware that all final NRC documents, including the final Office of Investigations report, are official agency records and may be made available to the public under the Freedom of Information Act, subject to redaction of certain information in accordance with the Freedom of Information Act. To the extent possible, any response which you provide should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any questions regarding this matter, you may contact John Kramer, Senior Enforcement Specialist, at 817-200-1121.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lantz", followed by the word "for" in a smaller, cursive script.

Ryan Lantz, Director
Division of Reactor Safety

Enclosures:

1. Factual Summary
2. Apparent Violation

FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2018-019

On May 4, 2018, the U.S. Nuclear Regulatory Commission Office of Investigations (OI), Region IV, initiated an investigation to determine if you, an employee of Entergy Operations, Inc. at Arkansas Nuclear One Unit 2, willfully failed to follow a condition of your license. The investigation was completed on July 2, 2019.

The investigation determined that you failed to report both a lapse in your medication and the lower dosage you were taking. The witness testimony and documentary evidence gathered did not suggest that this reporting failure was willful. In addition, no evidence was developed in the investigation which would cause OI to suspect a pattern of misbehavior or deception on your part.

You appear to have caused yourself to be in violation of 10 CFR 55.53(l), by violating a condition of your license that required you to take medication as prescribed to maintain medical qualifications. Based on your testimony and documentary evidence, it appears that you did not willfully violate this requirement.

APPARENT VIOLATION

Based on the results of an NRC investigation completed on July 2, 2019, an apparent violation of NRC requirements was identified. The apparent violation is listed below:

10 CFR 55.3, requires, in part, that a person must be authorized by a license issued by the Commission to perform the function of an operator as defined in 10 CFR Part 55.

10 CFR 55.53(l), requires, in part, that the licensee shall comply with any other condition that the Commission may impose to protect health or to minimize danger to life or property.

NRC License Number OP-43142-1, issued to Mr. Wesley B. McGill on August 27, 2015, included, in part, the condition that that Mr. McGill shall take medication as prescribed to maintain medical qualifications.

Contrary to the above, from August 27, 2015, to March 14, 2018, you, while licensed as a Reactor Operator, did not comply with a condition imposed by the Commission on your license. Specifically, from January 1 to 10, 2018, you did not take your medication as prescribed to maintain medical qualifications. During the remaining time you only took half of the medication, as prescribed by a physician, to maintain your medical qualifications.