



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

July 29, 2024

IA-24-009

James Bradshaw
[NOTE: HOME ADDRESS DELETED]
UNDER 10 CFR 2.390]

SUBJECT: NRC INVESTIGATION REPORT 4-2023-016

Dear James Bradshaw:

This letter refers to the investigation completed on February 28, 2024, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at the South Texas Project (STP) with a supplemental update completed on May 6, 2024. The investigation was conducted to determine if you, a licensed senior reactor operator at STP, willfully provided incomplete and inaccurate information to STP Nuclear Operating Company (facility licensee) concerning the time frame during which you stopped taking the medications prescribed to maintain medical qualifications and if you failed to comply with a condition imposed on your license to take medication as prescribed to maintain medical qualifications. 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, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violations, as documented in Enclosure 2, include a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(2), which requires, in part, that you may not deliberately submit to a facility licensee information that you know to be incomplete or inaccurate in some respect material to the NRC; and a violation of 10 CFR 55.53(l) which requires, in part, that you shall comply with any condition that the Commission may impose on your license.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond in writing to the apparent violations 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, it will be closed to public observation because personal privacy information and information related to an Office of Investigations report will be discussed and the report has not been made public. Please contact John Kramer at 817-200-1121 or at John.Kramer@nrc.gov within 10 days of the date of this letter to notify the NRC of your intent to either provide a written response or participate in a PEC. 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 Violations, NRC Investigation Report 4-2023-016; IA-24-009" and should include for each 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; and (3) the corrective steps that will be taken. You may also provide any information that you feel might clarify the characterization of the apparent violation. To the extent possible, your response should not include any personal privacy information so that it can be made available to the public without redaction. Your response should be sent to the Director, Division of Operating Reactor Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511 and emailed to R4Enforcement@nrc.gov. If an adequate response is not received within 30 days of the date of this letter or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

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. In addition, you may have an attorney or personal representative attend the conference, but it should be understood that the NRC will address its questions to you.

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. Detailed information about the NRC's Privacy Act System of Records, including NRC-3, can be accessed from our website 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 Enclosure 2 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.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," if the NRC concludes that enforcement action should be issued to you, a copy of this letter, its enclosures, and your response, if you choose to provide 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 and subject to redaction of certain information in accordance with the Freedom of Information Act.

J. Bradshaw

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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 cursive script, appearing to read "Geoffrey B. Miller".

Signed by Miller, Geoffrey
on 07/29/24

Geoffrey B. Miller, Director
Division of Operating Reactor Safety

Enclosures:

1. Factual Summary
2. Apparent Violations

NRC INVESTIGATION REPORT 4-2023-016 – DATED JULY 29, 2024

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FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2023-016

On July 7, 2023, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region IV, initiated an investigation to determine if you, a licensed senior reactor operator employed by STP Nuclear Operating Company (facility licensee) at South Texas Project willfully provided incomplete and inaccurate information to the facility licensee concerning the time frame during which you stopped taking the medications prescribed to maintain medical qualifications and if you failed to comply with a condition imposed on your license to take medication as prescribed to maintain medical qualifications. The investigation was completed on February 28, 2024, with a supplemental update completed on May 6, 2024.

On March 2, 2023, you attended licensed operator requalification training that emphasized the importance of operators adhering to the restrictions and requirements of their licenses. It also included the requirement to notify medical (the site nurse) when medication changes occur.

On May 17, 2023, the facility licensee reported to the NRC that a licensed operator failed to comply with the facility's fitness-for-duty policy (Event Report 56521). This report was associated with your license, SOP-44688-1, which was conditioned to require you to take medications as prescribed to maintain medical qualifications.

Apparent Violation of 10 CFR 50.5(a)(2):

On April 17, 2023, you reported to a site nurse that you had stopped taking your prescribed medications about 2 weeks prior. On April 20, 2023, you revised your statement and told the site nurse that you stopped taking the medications in January 2023. On May 2, 2023, you reported to your supervisor that you had actually stopped taking the medications in January 2022 without consultation or direction from a physician.

During your OI testimony, you indicated that you stopped taking prescribed medications without the direction from a licensed physician and that you told no one that you had discontinued taking the medications. You indicated that you were aware that you needed to advise the medical department as soon as you stopped taking the medications. You indicated that you knew the dates that you were giving the medical department, and your supervisor were not correct; and you gave multiple dates in the beginning because you knew you had violated facility licensee policy.

Based on the evidence developed during the investigation, it appears that you deliberately provided incomplete and inaccurate information multiple times to the facility licensee concerning the time frame during which you stopped taking the medications prescribed to maintain medical qualifications between April 17 to May 2, 2023. This appears to have caused you to be in violation of 10 CFR 50.5(a)(2).

Apparent Violation of 10 CFR 55.53(l):

On August 14, 2019, you signed NRC Form 396, "Certification of Medical Examination by Facility Licensee," that documented the medications you would be taking to address a disqualifying condition. On August 19, 2019, a senior management representative provided the facility certification for the form.

During the OI investigation, you indicated that from January 2022 through January 2023 you stopped taking all the medication as prescribed to maintain medical qualifications. In January 2023, you resumed taking the prescribed medications with the exception of one medication and that was under the direction of your physician. In addition, during your OI testimony, you indicated that at the time you stopped taking your medications you were not performing licensed activities and therefore you were not knowingly or deliberately violating your NRC license.

Based on the evidence developed during the investigation, it appears that from January 2022 to January 2023, you failed to comply with a condition imposed by the Commission on your license to take medication as prescribed to maintain medical qualifications. This appears to have caused you to be in violation of 10 CFR 55.53(l).

APPARENT VIOLATIONS

Based on the results of an NRC investigation completed on February 28, 2024, with a supplemental update completed on May 6, 2024, two apparent violations of NRC requirements were identified. The apparent violations are listed below:

- A. 10 CFR 50.5(a)(2) requires, in part, that any employee of a facility licensee may not deliberately submit to a facility 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, from April 17 to May 2, 2023, you, a licensed senior reactor operator employed by STP Nuclear Operating Company (facility licensee), deliberately submitted to the facility licensee information you knew to be incomplete and inaccurate. Specifically, you deliberately submitted incomplete and inaccurate information multiple times to the facility licensee concerning the time frame during which you stopped taking the medications prescribed to maintain medical qualifications. This information is material to the NRC because it influences the NRC's licensing decisions concerning medical qualification conditions imposed on the senior reactor operator's license.

- B. 10 CFR 55.53(l) requires, in part, that the licensee shall comply with any other condition that the Commission may impose.

NRC License Number SOP-44688-1, issued to you on November 12, 2019, requires, in part, that you shall comply with the condition to take medication as prescribed to maintain medical qualifications.

Contrary to the above, from January 2022 to January 2023, you failed to comply with the condition imposed by the Commission on your license. Specifically, you failed to take medication as prescribed to maintain medical qualifications as documented in your NRC Form 396, "Certification of Medical Examination by Facility Licensee," dated August 19, 2019.