



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

January 4, 2022

IA-21-050

Mr. Michael J. Giles
[Note: Home Address Deleted
Under 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 2-2020-014

Dear Mr. Giles:

This letter refers to the investigation completed on March 1, 2021, by the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant (Vogtle), Units 1 and 2. The investigation evaluated whether you deliberately failed to report a specific medication change while you held a Senior Reactor Operator (SRO) license at Vogtle from approximately 2015 - 2020. The results of the OI investigation, including one apparent violation and a factual summary of the investigation, were included in the NRC's letter issued to you on September 14, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21257A229).

In the letter transmitting the apparent violation and factual summary of the investigation, we provided you the opportunity to address one apparent violation identified in the letter by either attending a predecisional enforcement conference, by providing a written response, or by requesting resolution of the enforcement aspects via Alternative Dispute Resolution (ADR), before we made our final enforcement decision. You advised the NRC by telephone that you did not contest the violation and would not be providing any additional information via a predecisional enforcement conference, written response, or ADR.

Based on the information developed during the investigation, the NRC determined that a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(1) occurred when you deliberately failed to provide complete and accurate information to SNC regarding medications you were prescribed and taking while performing duties as an SRO at Vogtle from 2015 – 2020. This violation is cited in the enclosed Notice of Violation (Notice).

The NRC considers violations involving the submittal of incomplete and inaccurate information to a licensee or the NRC that could impede or otherwise impact the NRC's review of the medical status of an SRO to be significant. Additionally, because you deliberately provided incomplete and inaccurate information to the licensee while serving as an SRO, in accordance with the Enforcement Policy, this violation is characterized at Severity Level III. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The NRC has concluded that you are not required to respond to this letter since: (1) you accepted responsibility for your actions and the resultant violation of NRC requirements, (2) you no longer possess an NRC SRO license, and (3) you were provided an opportunity but chose not to provide any additional information via a predecisional enforcement conference, a written response, or ADR. However, should you choose to respond to this letter, please follow the instructions specified in the enclosed Notice.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities. However, because you accepted responsibility for your actions and the resultant violation of NRC requirements, and no longer possess an SRO license, I have decided to issue the enclosed Notice of Violation in lieu of an Order.


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 penalties.

In accordance with 10 CFR 2.390 of the NRC's "Agency 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 from the NRC's ADAMS, accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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. The NRC will also make the letter describing the apparent violation dated September 14, 2021, publicly available.

In addition, 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 Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. Finally, a copy of this letter will be placed in your 10 CFR Part 55 docket file.

If you have any questions regarding this matter, you may contact Eugene Guthrie, Branch Chief, Division of Reactor Safety, NRC Region II, at 404-997-4662, or via email at Eugene.Guthrie@nrc.gov.

Sincerely,
Laura A.
Dudes

 Digitally signed by
Laura A. Dudes
Date: 2022.01.04
12:39:10 -05'00'

Laura A. Dudes
Regional Administrator

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

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RETURN RECEIPT REQUESTED**

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 2-2020-014

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NOTICE OF VIOLATION

Mr. Michael J. Giles
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-21-050

During an NRC investigation completed on March 1, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR § 50.5(a)(1), "Deliberate Misconduct" states, in part, that any employee of a licensee may not engage in deliberate misconduct that causes (or would have caused, if not detected) a licensee to be in violation of any regulation issued by the Commission.

Contrary to the above, during the period from June 19, 2015 through May 5, 2020, Mr. Michael J. Giles, at the time a licensed senior reactor operator at Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant (Vogtle), Units 1 and 2 (an NRC facility licensee), caused the facility licensee to be in violation of 10 CFR § 50.9(a) "Completeness and accuracy of information", which states, in part, that information provided to the Commission by a facility licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the facility licensee shall be complete and accurate in all material respects.

Specifically, during this time you deliberately failed to report the prescribed medications you were actually taking, including the doses, in accordance with NMP-OS-026, License Administration, which caused the facility licensee to maintain incomplete and inaccurate medical records as required by NRC regulations. The information is material to the NRC because it directly influences the NRC's licensing decisions concerning medical qualification conditions imposed on the senior operator's license.

This is a Severity Level III violation (NRC Enforcement Policy, Section 6.9).

The NRC has concluded that you are not required to respond to this violation since: (1) you accepted responsibility for your actions and the resultant violation of NRC requirements, (2) you no longer possess an NRC SRO license, and (3) you chose not to provide any additional information via a predecisional enforcement conference, a written response, or ADR. However, should you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-21-050" and send it to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, 245 Peachtree Center Avenue N. E., Suite 1200, Atlanta GA, 30303-1200, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Should 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 Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be

Enclosure

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).

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 Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 4th day of January 2022

Enclosure