

October 31, 2003

Mr. John L. Skolds, President
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2001-044

Dear Mr. Skolds:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if a Shift Manager was discriminated against, in the form of relocation, for raising safety issues. Based on the evidence developed during the investigation, we did not substantiate the issue. The synopsis from the OI report of investigation is enclosed.

If you have any questions or comments regarding this matter, please contact James Heller or Andrea Kock of the NRC Region III staff at telephone number (630) 829-9500.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records.

Sincerely,

/RA/ Roy J. Caniano for

Cynthia Pederson, Director
Division of Reactor Safety

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2001-A-0141

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SYNOPSIS

This investigation was initiated on October 9, 2001, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), to determine if a shift manager was discriminated against in violation of 10 CFR 50.7 and 50.5, at the Byron Nuclear Station (BNS) for raising operations concerns.

Based upon the evidence developed during this investigation, OI:RIII did not substantiate the allegation that a shift manager was discriminated against in violation of 10 CFR 50.7 and 50.5 at BNS.