

May 27, 2004

Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO.3-2003-019

Dear Mr. Crane:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Region III (RIII), Office of Investigations (OI) to determine if a Reactor Operator Training Instructor at the Byron Nuclear Station was discriminated against by impeding his contact with the NRC. 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 Kenneth Lambert 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. The instructions for making a request for information under the FOIA are accessible at <http://www.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

Cynthia D. 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-2003-A-0095

*SEE PREVIOUS CONCURRENCE

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**For permission to release OI synopsis.

SYNOPSIS

This investigation was initiated on July 14, 2003, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine if a Reactor Operator Training Instructor at the Byron Nuclear Station was discriminated against by impeding his contact with the NRC.

Based upon the evidence developed, this investigation did not substantiate that a Reactor Operator Training Instructor was discriminated against by impeding his contact with the NRC.