

April 20, 2005

EA-04-200

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. 3-2004-019

Dear Mr. Crane:

On June 25, 2004, Exelon staff located at the Byron Station notified the U.S. Nuclear Regulatory Commission (NRC) that a Senior Reactor Operator (SRO) may have deliberately provided false information to the licensee regarding his medical condition, as documented in the licensee's corrective action system, Action Request Number (No.) AR-00230565. The NRC Office of Investigations (OI) investigated the matter and concluded that the SRO deliberately provided inaccurate information to Exelon concerning his use of a prescription medication. Specifically, on May 27, 2004, the SRO informed the Byron Station nurse that his medical condition had changed, and that on May 19, 2004, his personal physician had resumed treatment with a prescription medication. On June 21, 2004, the SRO informed the Byron Station nurse that he had previously provided inaccurate information, in that he had in fact resumed taking the prescription medication on April 8<sup>th</sup>, not May 19<sup>th</sup>.

The NRC has determined that between May 27 and June 21, 2004, Exelon maintained materially inaccurate information regarding the SRO's use of a prescription medication. The inaccurate information was material to the NRC because the SRO's NRC license required that a status report be submitted to the NRC by July 8, 2004, concerning the SRO's medical condition, prognosis, treatment, and ability to perform licensed duties. Since the inaccurate information was limited to when the SRO resumed taking the prescription medication, the NRC determined that the violation is of minor significance and is not subject to enforcement action in accordance with Section IV of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Nonetheless, the SRO's actions were in violation of 10 CFR 50.5(a)(1) and (a)(2), "Deliberate Misconduct."

While minor violations of NRC requirements are not usually included in NRC correspondence, this issue was documented in order to provide Exelon with the OI investigation results. You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region III, 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532-4352, with a copy to the Enforcement Officer at the same address, and marked "Response to EA-04-200, Open by Addressee Only," within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, should you chose to respond, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to respond, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov): select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

If you have any questions, please contact Mr. Roger Lanksbury of my staff at (630) 829-9631.

Sincerely,

*/RA/*

Cynthia D. Pederson, Director  
Division of Reactor Safety

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

Enclosure: Synopsis of OI Report No. 3-2004-019

cc w/encl: Site Vice President - Byron Station  
Plant Manager - Byron Station  
Regulatory Assurance Manager - Byron Station  
Chief Operating Officer  
Senior Vice President - Nuclear Services  
Vice President - Mid-West Operations Support  
Vice President - Licensing and Regulatory Affairs  
Director Licensing  
Manager Licensing - Braidwood and Byron  
Senior Counsel, Nuclear  
Document Control Desk - Licensing  
Assistant Attorney General  
Illinois Department of Nuclear Safety  
State Liaison Officer, State of Illinois  
State Liaison Officer, State of Wisconsin  
Chairman, Illinois Commerce Commission  
B. Quigley, Byron Station

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Vice President - Mid-West Operations Support  
Vice President - Licensing and Regulatory Affairs  
Director Licensing  
Manager Licensing - Braidwood and Byron  
Senior Counsel, Nuclear  
Document Control Desk - Licensing  
Assistant Attorney General  
Illinois Department of Nuclear Safety  
State Liaison Officer, State of Illinois  
State Liaison Officer, State of Wisconsin  
Chairman, Illinois Commerce Commission  
B. Quigley, Byron Station

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OFFICE	RIII											
NAME	Pederson											
DATE	04/20/05											

**OFFICIAL RECORD COPY**

<sup>1</sup> Concurrence limited to approving the release of the OI report synopsis.

<sup>2</sup> April 6, 2005, Giovanna Longo, OGC, provided no legal objection.

<sup>3</sup> April 6, 2005, Doug Starkey, OE, provided concurrence for other HQ offices.

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## SYNOPSIS

This investigation was initiated on July 19, 2004, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine if a Senior Reactor Operator at the Byron Station deliberately failed to provide complete and accurate information to the licensee regarding use of prescription medication.

Based upon the evidence developed, this investigation did substantiate the allegation that a Senior Reactor Operator at the Byron Station deliberately failed to provide complete and accurate material information to the licensee regarding use of prescription medication.