

June 10, 2005

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. 3-2003-034

Dear Mr. Crane:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if the licensee deliberately operated in violation of the Byron Station license conditions for thermal power limits and deliberately provided incomplete and inaccurate information to the NRC in response to an NRC request for information. Based on the evidence developed during the investigation, we did not substantiate these issues. 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 Paul Pelke of the NRC Region III staff at telephone number (630) 829-9500.

In accordance with 10 CFR 2.390 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). The NRC's document system 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.nrc.gov/reading-rm/foia/foia-request.html>.

Sincerely,

***/RA by Roy Caniano Acting for/***

Cynthia D. Pederson, Director  
Division of Reactor Safety

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-03-A-0139

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\*\* For permission to release the OI synopsis.

## SYNOPSIS

This investigation was initiated on December 15, 2003, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, Region III, to determine if the licensee deliberately operated in violation of their license conditions and deliberately provided incomplete and inaccurate information to the NRC in response to an NRC request for information.

Based upon the evidence developed, this investigation did not substantiate the allegations that the licensee deliberately operated in violation of their license conditions or deliberately provided incomplete and inaccurate information to the NRC in response to an NRC request for information.