



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

July 8, 2016

IA-16-042

Ms. Jeanine Lees

[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2015-010

Dear Ms. Lees:

On January 14, 2016, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed an investigation involving Exelon Generation Company, LLC's (Exelon's) Three Mile Island Nuclear Station (TMI) to determine whether you, while working as an Exelon security officer (SO) at TMI, deliberately failed to comply with Exelon requirements to report the use of certain prescriptions and medications. As described below, the NRC determined that your actions did not involve a violation of the NRC's Deliberate Misconduct Rule (Title 10 of the Code of Federal Regulations (CFR) Part 50.5) because the NRC did not identify that your actions caused TMI to be in violation of NRC requirements.

Exelon procedure SY-AA-102-206, "Reporting Use of Medication," outlined a requirement for individuals with unescorted access authorization to Exelon nuclear facilities to report upon receipt the use of prescriptions or medications that may impair alertness, judgement, or cause any other symptom that may affect their ability to perform their job duties. This procedure contained an additional requirement for security personnel to report all prescriptions and medications regardless of the potential impact on job duties. The procedure specified that any reported prescriptions or medications would be evaluated by the site medical department to determine whether their use required the imposition of job restrictions on the individual. On November 14, 2014, you informed TMI security supervision of prescriptions that you had filled and medications that you had used between September 2014 and November 2014 and had either forgotten to report or didn't realize at the time that they had to be reported. TMI staff immediately placed your site access on hold and investigated the matter. You subsequently resigned from your position at TMI.

After learning of the issue, the NRC initiated the OI investigation, through which the NRC concluded that, although you did not initially report the use of prescriptions and medications as required by licensee procedure, your actions did not result in a failure by Exelon to meet the general performance objectives and applicable requirements of the NRC's fitness for duty regulations or the site Physical Security Plan. Therefore, the NRC determined that you did not violate the Deliberate Misconduct Rule because your actions did not cause the licensee to violate any NRC requirements. A copy of the NRC letter to Exelon regarding this matter is enclosed for your information.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

This letter, and your response, if you choose to submit one, will not be made available for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agency-wide Documents Access and Management System (ADAMS). However, 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 our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Requests for Records." Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

Should you have any questions regarding this letter, please contact Mr. Silas Kennedy at 610-337-5046.

Sincerely,

/RA/

Michael L. Scott, Director
Division of Reactor Projects

Enclosure: As stated

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Enclosure: As stated

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