



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

May 11, 2017

EA-17-067

Mr. Bryan C. Hanson  
Senior Vice President, Exelon Generation Company, LLC  
President and Chief Nuclear Officer, Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2016-014

Dear Mr. Hanson:

This letter refers to the subject investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) prior to the transfer of ownership of the plant from Entergy Nuclear Northeast (Entergy) to Exelon Generation Company, LLC. The investigation, which was completed on December 21, 2016, was conducted to evaluate whether a former senior reactor operator (SRO) deliberately failed to adhere to a condition of his SRO license to operate the FitzPatrick plant. Specifically, the SRO's license included a condition requiring the use of a therapeutic device (a continuous positive airway pressure (CPAP) machine), as prescribed. However, the NRC received notification from Entergy that the SRO had admitted to not using the CPAP machine during the time he was licensed at FitzPatrick. Entergy identified this issue after requesting the SRO provide data from the CPAP machine following his involvement in an automobile accident on March 4, 2016. The SRO informed Entergy that he could not provide the data because the CPAP machine had been broken for years. Entergy denied the SRO unescorted access to the site for the next five years, and the SRO subsequently resigned.

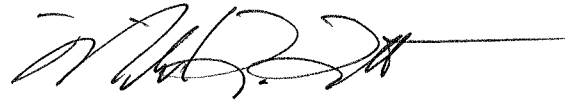
The NRC did not identify any violations of regulatory requirements by Entergy associated with this event. The NRC did, however, determine that the SRO failed to use the CPAP machine as required by his license, in violation of Title 10 of the Code of Federal Regulations (CFR) 55.53(l), which requires licensed operators to comply with conditions that the Commission may impose to protect health or to minimize danger to life or property. The NRC also determined that the SRO deliberately submitted to Entergy information regarding his use of the CPAP machine that he knew to be incomplete or inaccurate in some respect material to the NRC, in violation of 10 CFR 50.5(a)(2). Consequently, on this date, the NRC is issuing the SRO a Notice of Violation that documents these violations as a Severity Level III problem.

Please note that final NRC investigation documents, such as the OI report described in this letter, 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," a copy of which is enclosed for your information.

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 I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, and marked "Open by Addressee Only," within 30 days of the date of this letter, with a copy to the NRC Senior Resident Inspector at FitzPatrick. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter, please contact Ms. Marjorie McLaughlin at 610-337-5240.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Scott", followed by a horizontal line extending to the right.

Michael L. Scott, Director  
Division of Reactor Projects

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