



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

June 30, 2016

EA-16-012

Mr. Bryan C. Hanson
President and Chief Nuclear Officer, Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

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

Dear Mr. Hanson:

This letter refers to the subject investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) involving Exelon Generation Company, LLC's (Exelon's) Three Mile Island Nuclear Station (TMI). The investigation, which was completed on January 14, 2016, was conducted to determine whether 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 the SO's actions did not constitute a violation of the NRC's Deliberate Misconduct Rule (Title 10 of the Code of Federal Regulations (CFR) Part 50.5) because the SO's actions did not cause 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, the SO informed TMI security supervision of prescriptions that she had filled and medications that she 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 the SO's site access on hold and investigated the matter and also documented the issue in the site corrective action program. The SO subsequently resigned from her position at TMI.

After learning of the issue, the NRC initiated the OI investigation. Based on the evidence gathered during the OI investigation, the NRC concluded that, although the SO did not report upon receipt the use of prescriptions and medications as described in the licensee's procedure, the issue did not involve a violation of NRC requirements. This is because the issue did not result in a failure to meet the general performance objectives and applicable requirements of the fitness for duty (FFD) regulations specified in 10 CFR 26 or the site Physical Security Plan (PSP). Specifically, Part 26 requires that the site establish, implement, and maintain an FFD program that, in part: (1) provides reasonable assurance that individuals are

not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties; and, (2) provides reasonable measures for the early detection of individuals who are not fit to perform their duties. Similarly, the site PSP states that the Access Authorization, Behavioral Observation, Insider Mitigation, and FFD processes provide high assurance that individuals with access to the facility are trustworthy and reliable and do not constitute an unreasonable risk to the health and safety of the public. Based on the NRC OI investigation, the staff determined that the SO had remained under the licensee's behavioral observation program, under which there was no evidence that the use of various prescription and over-the-counter medications impacted the SO's ability to safely and competently perform her duties or constituted a risk to the health and safety of the public. The NRC also concluded that Exelon adequately evaluated the SO's trustworthiness and reliability upon learning of the issue. Consequently, this event did not cause the NRC staff to lose assurance of the efficacy of the licensee's program. Because the issue did not involve a violation of NRC requirements, the NRC did not conclude that the SO violated the Deliberate Misconduct Rule which, in part, pertains to individuals that cause licensee violations.

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 TMI. 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>.

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>.

B. Hanson

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Scott", with a long horizontal flourish extending to the right.

Michael L. Scott, Director
Division of Reactor Projects

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