

EXHIBIT A

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS
CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
and *ex rel.* JAMES W. GLASGOW,)
State's Attorney for Will County, Illinois,)

Plaintiff,)

v.)

EXELON CORPORATION, a)
Pennsylvania corporation,)
COMMONWEALTH EDISON)
COMPANY, an Illinois corporation and)
EXELON GENERATION COMPANY,)
LLC, a Pennsylvania limited liability)
company,)

Defendants.)

No. 06 MR 248
06 MAR 16 AM 8:01
FILED
CLERK, CIRCUIT COURT
WILL COUNTY, ILLINOIS

COMPLAINT

NOW COMES the PLAINTIFF, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, and *ex rel.* JAMES W. GLASGOW, State's Attorney for Will County, and complains of the Defendants EXELON CORPORATION, COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC, and in support thereof states and alleges as follows:

I. VIOLATIONS BY DEFENDANTS EXELON CORPORATION, COMMONWEALTH EDISON COMPANY AND EXELON GENERATION COMPANY, LLC RELATED TO RELEASES OF TRITIUM TO THE ENVIRONMENT

Initial case management set for
Tue/06 at: 8:30 am
At River Valley Justice Center

COUNT I

WATER POLLUTION

1. This Count is brought on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. Defendant EXELON CORPORATION, is a Pennsylvania corporation authorized to do business in Illinois with its principal place of business in Chicago, Illinois. Since 2000, EXELON CORPORATION has been the parent company of both COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC, and conducts its nuclear power generation business and electrical distribution business through these entities.

4. Defendant COMMONWEALTH EDISON COMPANY ("ComEd") is an Illinois corporation with its principle place of business in Chicago, Illinois. ComEd was the owner and operator of the facility that is the subject matter of this Complaint until a precise time, better known to the Defendants, in 2000, when it became a subsidiary of EXELON CORPORATION.

5. Defendant EXELON GENERATION COMPANY, LLC ("Exelon Generation") is a Pennsylvania limited liability company with its principle place of business in Kennett Square, Pennsylvania. Exelon Generation was formed in 2000 to conduct the power generation portion of EXELON CORPORATION's business.

6. Defendants owned and operated as further described in this Complaint the Braidwood Nuclear Generating Station a nuclear power generating facility located in Braceville, Will County, Illinois. (Hereinafter, all property owned by the Defendants in and around Braceville shall be referred to as the "Facility" and that portion of the Facility encompassing the power generation plant, including the nuclear reactors, shall be referred to as the "Station".) The Station includes, among other things, two pressurized water nuclear reactors. The Facility includes a cooling pond, as well as property for pipeline access extending to the Kankakee River. The Village of Godley, population approximately 687, is located just to the west and south of the Station. The Village of Braidwood, population approximately 5,965, is located approximately two miles to the north of the Station.

7. Operations at the Station generate tritium, a radioactive isotope of hydrogen.

8. Tritium atoms can replace the non-radioactive hydrogen atoms in ordinary water (H_2O) to form tritiated water (HTO). Human exposure to tritium occurs primarily through ingestion of tritiated water. Tritiated water, when ingested, is distributed through the human body in the same manner as ordinary water.

9. Human exposure to tritium increases the risk of developing cancer.

10. At the Facility, Defendants own and operate an underground pipe that runs approximately four and one half miles from the Station to the Kankakee River, and is known to the Defendants as the blowdown line. The blowdown line is located on property owned by the Defendants, but runs adjacent to private and public property including a forest preserve and nature area.

11. The blowdown line operates as a conduit, at various times, for discharges of tritiated water directly to the Kankakee River as authorized by the Nuclear Regulatory Commission ("NRC"). Defendant ComEd possesses a National Pollutant Discharge Elimination System ("NPDES") permit applicable to the blowdown line (Permit No. IL0048321) originally issued on August 24, 1995 by Illinois EPA ("NPDES Permit"). See Exhibit 1, attached to and hereby incorporated by reference into this Complaint. The NPDES Permit authorizes and regulates the discharge from the blowdown line of wastewater treatment plant effluent, sewage treatment plant effluent, radwaste treatment system effluent, and demineralizer regenerant wastes to an outfall in the Kankakee River. As of the filing of this Complaint, NPDES Permit No. IL0048321 remains in full force and effect.

12. At various times since at least 1996, tritiated water and other wastewaters have leaked and discharged from the Facility including the blowdown line, into the groundwater beneath the Facility as well as groundwater outside the property boundary of the Facility. The release and discharge of tritiated water and other wastewaters to the groundwater beneath the Facility and groundwater outside the property boundaries is not authorized by Defendants' NPDES Permit or by any regulatory agency.

13. The blowdown line incorporates eleven vacuum breakers, which, in the ordinary course of operation, function to admit air into the blowdown line to prevent the formation of a vacuum within the pipe. These vacuum breakers are numbered from one to eleven, in ascending order from the Station to the Kankakee River. See vacuum breaker map, Exhibit 2, attached to and hereby incorporated by reference into this Complaint.

14. Due to the Defendants' inadequate maintenance and operational procedures in both maintaining the vacuum breakers and operating the blowdown line, the vacuum breakers have, at various times, failed, causing the release of liquids flowing through the blowdown pipe, including tritiated water and other contaminants. These releases have entered the vacuum breaker housing and flowed through the unlined bottom of the housing into groundwater and have also flowed up through the manhole onto the surrounding land surface, which allowed it to percolate into the groundwater.

15. Tritiated releases from vacuum breakers occurred at least in 1996, 1998 and 2000, and at other times better known to the Defendants.

16. In 1996, a release estimated by Defendants to be at least 40,000 gallons of tritiated waste water and other contaminants occurred from vacuum breaker number 1 ("VB1"). VB1 is located nearest to the nuclear reactor and is adjacent to a ditch which runs along the east, north and west perimeters of the Station. This ditch flows to the north, around the reactor facility and then south toward the town of Godley. Tritiated wastewaters and other contaminants from this release flowed around VB1 on the surface, migrated to groundwater and also entered the ditch. Tritiated water remains in the groundwater around VB1.

17. Defendant ComEd was aware of the release described in paragraph 16 on or about the time of its occurrence, but did not notify Illinois EPA or local officials or agencies of the release at that time. Nor did ComEd undertake any measures to contain or remediate this release.

18. In 1998 a release of water, including tritiated water and other contaminants, estimated by Defendants to be at least 3 million gallons occurred at vacuum breaker 3 ("VB3"). This release resulted in ponded tritiated water and other contaminants on the ground near VB3, and on lands adjacent thereto. Tritiated water remains in the groundwater near this release.

19. Defendant ComEd was aware of the release described in paragraph 18 on or about the time of its occurrence, but did not notify Illinois EPA or local officials or agencies of the release at that time. Nor did ComEd undertake any measures to contain or remediate this release.

20. In 2000, a release estimated by Defendants to be 3 million gallons, including tritiated water and other contaminants, occurred from vacuum breaker 2 ("VB2"). Defendants recovered some of the released water, but an unknown amount soaked into the groundwater. Tritiated water remains in the groundwater near this release.

21. Defendants did not notify Illinois EPA or local officials or agencies of the release at that time. A citizen advised the Illinois EPA of ponded water near VB2 and the Illinois EPA notified Defendants of the release. At no time did Defendants tell Illinois EPA that the release contained tritiated water.

22. As a result of releases from VB2 and VB3, a plume of tritiated water is present near those vacuum breakers. This plume has extended through the groundwater to the north through a surface water pond, resulting in the presence of tritiated waters in the pond, and from there into groundwater to the north and west off of the Facility. This tritium groundwater contaminant plume extends under property owned by private citizens.

23. At times better known to Defendants, four additional areas have been impacted by releases of tritium near vacuum breakers 4, 6 and 7, as well as near and to the west of the Station. The release from vacuum breaker 4 ("VB4") has resulted in tritium contamination of the groundwater in excess of 20,000 pCi/L (picocuries per liter) within property owned by the Will County Forest Preserve District.

24. The Defendants did not investigate potential groundwater impacts resulting from the any of the releases alleged above until 2005, when requested to do so by the Illinois EPA. Illinois EPA learned of the potential groundwater impacts during the Defendants' renewal process for the NPDES permit.

25. Sampling conducted by Defendants on or about December 12, 2005 at a location outside the property boundary of the Facility indicated elevated levels of tritium contained in the groundwater, at the following locations that are indicated on the map attached to and hereby incorporated by reference into this Complaint as Exhibit 3:

RW-2	10.5 ft. depth	58,621 pCi/L
RW-2	20.5 ft. depth	170,024 pCi/L
RW-2	25 ft. depth	223,888 pCi/L

Detection limits = 200 pCi/L

26. Sampling conducted by Defendants on or about December 6, 2005 at five locations outside the property boundary of the Facility and one (P-4) within property boundaries, indicated elevated levels of tritium in the groundwater. Samples, showing the following results, were taken at the locations as indicated on Exhibit 3, as follows:

VB-3-4	58,489 pCi/L
VB-3-3	43,894 pCi/L
VB-3-2	32,830 pCi/L
VB-3-6	53,572 pCi/L
P-4	33,736 pCi/L
RW-2	33,736 pCi/L

Detection limits = 200 pCi/L

27. As of the filing of this Complaint, at least one private well on a horse farm located to the north of the Facility boundary has been impacted by these releases. Sampling conducted by Defendants on December 6, 2005 at that well indicated an elevated level of tritium contained in the well water, measuring 1,550 pCi/L. The contamination in the private well located off site is a result of the plume of tritium extending from the 1998 release from VB3.

28. Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), provides as follows:

No person shall:

- a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

- d) Deposit contaminants upon the land in such place or manner so as to create a water pollution hazard.

29. Section 3.165 of the Act, 415 ILCS 5/3.165 (2004), defines "contaminant"

as follows:

"CONTAMINANT" is any solid, liquid or gaseous matter, any odor or any form of energy, from whatever source.

Tritium is a "contaminant" as that term is defined in section 3.165 of the Act, 415 ILCS 5/3.165 (2004).

30. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), defines "person" as

follows:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

31. Defendants are each a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).

32. Section 3.550 of the Act, 415 ILCS 5/3.550 (2004), defines "waters" as

follows:

"WATERS" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

33. The groundwater beneath the Facility, the pond, the water in the private well, and the groundwater outside the property boundary of the Facility are accumulations of waters, surface and underground, and constitute a water of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2004).

34. Section 3.545 of the Act, 415 ILCS 5/3.545 (2004), defines "water pollution" as follows:

"WATER POLLUTION" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any water of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

35. The tritium released from the Facility percolated to and entered groundwater in aquifers at and around the Facility. The tritium has moved through and will continue to move through the groundwater.

36. Tritium entering the groundwater as alleged herein altered the radioactive and other properties of the groundwater, created a nuisance, is harmful, detrimental or injurious to public health, safety or welfare and to the environment and thus constitutes water pollution within the meaning of Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

37. From on or before 1996, on dates better known to the Defendants and continuing to the date of the filing of this Complaint, the Defendants violated Section 12(a) of the Act, by causing and allowing tritium from their operations to enter the groundwater from the time the tritium was released to the environment to the present. Furthermore, the violation of Section 12(a) will continue until such time as the tritium is removed from the groundwater.

38. From on or before 1996, on dates better known to the Defendants and continuing to the date of the filing of this Complaint, the Defendants violated Section 12(d) of the Act by depositing contaminants upon the land in such place and manner so as to create a water pollution hazard. Furthermore, the violation of Section 12(d) will continue until such time as the contaminants are removed from the groundwater.

39. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count I:

1. Finding that Defendants have violated Section 12(a) and (d) of the Act;
2. Enjoining Defendants from any future violations of Section 12(a) and (d) of the Act;
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;

e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,

f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT II

EXCEEDING GROUNDWATER STANDARDS

1-36. The Plaintiff realleges and incorporates herein by reference paragraphs 1 through 36 of Count I and paragraphs 1 through 36 of this Count II.

37. Section 620.115 of the Illinois Pollution Control Board ("Board") Groundwater Regulations, 35 Ill. Adm. Code 620.115, provides as follows:

No person shall cause, threaten or allow a violation of the Act, the IGPA or regulations adopted by the Board thereunder, including but not limited to this Part.

38. Section 620.401 of the Board Groundwater Regulations, 35 Ill. Adm. Code 620.401, provides as follows:

Groundwaters must meet the standards appropriate to the groundwater's class as specified in this Subpart and the nondegradation provisions of Subpart C.

39. Section 620.405 of the Board Groundwater Regulations, 35 Ill. Adm.

Code 620.405, provides as follows:

No person shall cause, threaten or allow the release of any contaminant to groundwater so as to cause a groundwater quality standard set forth in this Subpart to be exceeded.

40. The groundwater underneath and surrounding the Facility is a Class I

Potable Resource Groundwater, subject to the standards at 35 Ill. Adm. Code 620.410.

41. Section 620.410 of the Board Groundwater Regulations, 35 Ill. Adm.

Code 620.410, which contains the Groundwater Quality Standards for Class I (Potable Resource Groundwater) provides, in pertinent part, as follows:

e) Beta Particle and Photon Radioactivity

- 1) Except due to natural causes, the average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not exceed a dose equivalent to the total body organ greater than 4 mrem/year in Class I groundwater. If two or more radionuclides are present, the sum of their dose equivalent to the total body, or to any internal organ shall not exceed 4 mrem/year in Class I groundwater except due to natural causes.
- 2) Except for the radionuclides listed in subsection (e)(3), the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent must be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data in accordance with the procedure set forth in NCRP Report Number 22, incorporated by reference at Section 620.125(a).
- 3) Except due to natural causes, the average annual concentration assumed to produce a total body or organ dose of 4 mrem/year of the following chemical constituents shall not be exceeded in Class I groundwater:

Constituent	Critical Organ	Standard (pCi/L)
Tritium	Total body	20,000.0

42. The groundwater concentrations of tritium, as alleged in paragraph 25 and paragraph 26, above, each exceeded the standard of 20,000 pCi/L for tritium as promulgated in 35 Ill. Adm. Code 620.410(e)(3).

43. By causing or allowing the exceedance of the groundwater standard promulgated in 35 Ill. Adm. Code 620.410(e)(3), the Defendant violated 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3) and, thereby, violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

44. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count II:

1. Finding that Defendants have violated Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3);
2. Enjoining Defendants from any future violations of Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3);
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;
 - e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,
 - f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
 5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and
 6. Granting such other relief as this Court deems appropriate and just.

COUNT III

VIOLATION OF NONDEGRADATION PROVISIONS

1 - 41. The Plaintiff realleges and incorporates by reference herein paragraphs 1 through 38, 40 through 42 of Count II as paragraphs 1 through 41 of this Count III.

42. Section 620.301 of Board Groundwater Regulations, 35 Ill. Adm. Code 620.301, provides, in pertinent part, as follows:

- a) No person shall cause, threaten or allow the release of any contaminant to a resource groundwater such that:
 - 1) Treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater; or
 - 2) An existing or potential use of such groundwater is precluded.

43. Because of the entry of the tritium into groundwater and the resulting potential threat to human health and the environment, treatment is necessary to continue the existing use of the groundwater and to assure potential use of the groundwater.

44. Because of the entry of the tritium into the groundwater and the resulting potential threat to human health, existing uses of the groundwater and potential uses of the groundwater have been precluded.

45. By causing or allowing the tritium to enter the groundwater so as to require treatment and impair existing and potential uses of the groundwater, the Defendants have violated 35 Ill. Adm. Code 620.115 and 620.301(a)(1) and (2) and, thereby, also violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

46. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Court III:

1. Finding that Defendants have violated Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a)(1) and (2);
2. Enjoining Defendants from any future violations of Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a)(1) and (2);
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;

e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,

f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this court deems appropriate and just.

**II. VIOLATIONS BY DEFENDANTS EXELON CORPORATION,
COMMONWEALTH EDISON COMPANY AND EXELON
GENERATION COMPANY, LLC RELATED TO RELEASES OF
NONRADIOACTIVE WASTES INTO THE ENVIRONMENT**

COUNT IV

**DISCHARGING WASTEWATERS
WITHOUT AN NPDES PERMIT**

1. This Count is brought against Defendants on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 - 36. The Plaintiff realleges and incorporates by reference herein paragraphs 2 through 36 of Count I as paragraphs 2 through 36 of this Count IV.

37. Section 12(f) of the Act, 415 ILCS 5/12(f)(2004), provides, in pertinent part, as follows:

No person shall:

Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

38. Section 309.102(a) of the Board Water Pollution Control Regulations, 35

Ill. Adm. Code 309.102(a), provides, in pertinent part, as follows:

a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

39. In addition to the tritiated waters, the discharges from the vacuum breakers and other discharges, as alleged herein, contained wastewaters regulated by the Facility's NPDES Permit.

40. Each discharge of wastewater from the vacuum breakers was a discharge of contaminants into waters of the State.

41. At no time did the Illinois EPA issue any permit to any of the Defendants for any of the discharges from the vacuum breakers as alleged herein.

42. The discharge of wastewaters at points other than the permitted outfall in the Kankakee River was a discharge without an NPDES permit that constituted a

violation of 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004), by Defendant ComEd for discharges prior to 2000 and by all Defendants in 2000.

43. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count IV:

1. Finding that Defendants violated Section 12(f) of the Act and 35 Ill. Adm. Code 309.102;
2. Enjoining Defendants from any future violations of Section 12(f) of the Act and 35 Ill. Adm. Code 309.102;
3. Entering an injunction ordering Defendants to cease discharges without an NPDES permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

III. VIOLATIONS BY DEFENDANT COMMONWEALTH EDISON COMPANY RELATED TO RELEASES OF NONRADIOACTIVE WASTES INTO THE ENVIRONMENT

COUNT V

FAILURE TO COMPLY WITH NPDES PERMIT REPORTING REQUIREMENTS

1. This Count is brought against Defendant COMMONWEALTH EDISON COMPANY on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 - 38. The Plaintiff realleges and incorporates by reference herein paragraphs 2 through 38 of Count IV and paragraphs 2 through 38 of this Count V.

39. The NPDES Permit applicable to the discharge from the blowdown pipe, as referenced in paragraph 11, contains Standard Conditions that provide, in pertinent part, as follows:

12. Reporting requirements.

- (e) Twenty-four hour reporting. The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time that the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause, the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The

following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours[.]
- (f) Other noncompliance. The permittee shall report all instances of non-compliance not reported under paragraphs 12(c),(d) or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 12(a).

40. The NPDES permit was in full force and effect at the time of the discharges from the vacuum breakers on the blowdown line in 1996, 1998 and 2000.

41. In addition to the tritiated waters, the discharges from the vacuum breakers, as alleged herein, contained wastewaters regulated by the Facility's NPDES Permit.

42. The discharge of wastewaters at points other than the permitted outfall in the Kankakee River constituted non-compliance with the NPDES Permit.

43. The NPDES Permittee, Defendant ComEd, did not make any notification to the Illinois EPA as required under Standard Condition 12 of the NPDES Permit.

44. By failing to report discharges of wastewaters regulated by the NPDES Permit, Defendant ComEd violated Standard Condition 12 of the NPDES Permit and, thereby, violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

45. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favour of Plaintiff and against Defendant ComEd on this Court V:

1. Finding that Defendant ComEd violated Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, and Standard Condition 12 of the NPDES Permit;
2. Enjoining Defendant ComEd from any future violations of Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, and Standard Condition 12 of the NPDES Permit;
3. Entering an injunction ordering Defendant ComEd to comply with the terms of its NPDES Permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendant ComEd for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendant ComEd including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT VI

FAILURE TO ENSURE PROPER OPERATION AND MAINTENANCE AND FAILURE TO MITIGATE

1 - 42. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 42 of Count V as paragraphs 1 through 42 of this Count VI.

43. Section 306.102 (Systems Reliability) of the Board Water Pollution Control Regulations, 35 Ill. Adm. Code 306.102, provides as follows:

- a) **Malfunctions:** All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.
- b) **Spills:** All reasonable measures, including where appropriate the provision of catchment areas, relief vessels or entrapment dikes, shall be taken to prevent any spillage of contaminants from causing water pollution.

44. Section 306.304 (Overflows) of the Board Water Pollution Control Regulations, 35 Ill. Adm. Code 306.304, provides as follows:

Overflows from sanitary sewers are expressly prohibited.

45. Standard condition 4 of the NPDES Permit provides as follows:

Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

46. Standard condition 5 of the NPDES Permit provides as follows:

Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate

ancillary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

47. Defendant ComEd's failure to construct and operate the blowdown line in a manner so as to minimize violations during equipment malfunctions, as alleged herein, was a violation of 35 Ill. Adm. Code 306.102(a).

48. Defendant ComEd's failure to take all reasonable measures to prevent the spillage as alleged herein, was a violation of 35 Ill. Adm. Code 306.102(b).

49. The release of wastewaters, including sewage treatment plant effluent, from the vacuum breakers as alleged herein was a sanitary sewer overflow in violation of 35 Ill. Adm. Code 306.304.

50. The Defendant ComEd's failure in 1996 and 1998 to contain and remove any of the discharged wastewaters, as alleged in paragraphs 16 and 18, above, and the failure to prevent future discharges constituted a failure to mitigate in violation of Standard Condition 4 of the NPDES Permit and, thereby, violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

51. Defendant ComEd's failure to perform adequate operation and maintenance on the blowdown line resulted in the discharges as alleged in this Count.

52. Defendant ComEd's failure to perform adequate operation and maintenance on the blowdown line was a violation of Standard Condition 5 of the NPDES Permit, and thereby violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

53. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favour of Plaintiff and against Defendant ComEd on this Court VI:

1. Finding that Defendant ComEd violated Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, 35 Ill. Adm. Code 306.102(a) and (b), 35 Ill. Adm. Code 306.304 and Standard Conditions 4 and 5 of the NPDES Permit;
2. Enjoining Defendant ComEd from any future violations of Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, 35 Ill. Adm. Code 306.102(a) and (b), 35 Ill. Adm. Code 306.304 and Standard Conditions 4 and 5 of the NPDES Permit;
3. Entering an injunction ordering Defendant ComEd to comply with the terms of its NPDES Permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendant ComEd for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendant ComEd including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

**IV. VIOLATIONS BY DEFENDANTS EXELON CORPORATION,
AND EXELON GENERATION COMPANY, LLC RELATED TO
RELEASES OF TRITIUM TO THE ENVIRONMENT**

COUNT VII

WATER POLLUTION HAZARD

1. This Count is brought against Defendants, Exelon Corporation and Exelon Generation Company, LLC, on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 – 34. Plaintiff realleges and incorporates by reference herein paragraphs 2 through 34 of Count I as paragraphs 2 through 34 of this Count VII.

35. Since a specific date in November 2005 better known to the Defendants, Defendants have ceased discharging tritium through the blowdown pipe to the Kankakee River, and have instead stored tritiated water in tanks located in an area of the Station. As of March 14, 2006, Defendants are using approximately 13 tanks which are approximately 20,000 gallons each in capacity. The tanks are connected to one another, and to the nuclear reactors, by piping and valves. The tanks are located within a lined bermed area.

36. The tritiated water stored within the tanks and transferred between the tanks is as high as 100,000,000 pCi/L.

37. At various times better known to the Defendants, amounts of tritiated water have been released from the valves and pipes connecting the tanks and have discharged amounts of tritiated water into the bermed area.

38. On or about March 13, 2006, during a rainfall event, a portion of the berm collapsed, allowing tritiated water mixed with rainwater to be released from the bermed area and discharged onto surrounding land.

39. As of March 14, 2006, sampling of water inside the bermed area indicated tritiated water of 255,000 pCi/L. As of March 14, 2006, sampling of water puddles outside of the bermed area indicated tritiated water of 183,000 pCi/L.

40. The Defendants removed some of the ponded tritiated water outside the bermed area, but not all of the tritiated water was recovered from the ground and pavement adjacent to the berms.

41. The tritiated water outside the bermed area posed and continues to pose a significant risk to impact groundwater through infiltration.

42. The continued presence of the tritiated water outside the bermed area poses a threat to groundwater in the area in violation of Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

43. The continued presence of the tritiated water outside the bermed area constitutes a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d)(2004).

44. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count VII:

1. Finding that Defendants have violated Section 12(a) and (d) of the Act;
2. Enjoining Defendants from any future violations of Section 12(a) and (d) of the Act;
3. Entering an injunction ordering the Defendants to:
 - In accordance with a plan acceptable to the Plaintiff and this Honorable Court:
 - a. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - b. Implement measures to prevent the release of any contaminant from the Facility;
 - c. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;
 - d. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,
 - e. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this Court deems appropriate and just.

**V. ALLEGATIONS AGAINST EXELON CORPORATION,
COMMONWEALTH EDISON COMPANY AND EXELON
GENERATION COMPANY, LLC FOR CREATING A COMMON
LAW PUBLIC NUISANCE**

COUNT VIII

COMMON LAW PUBLIC NUISANCE

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS by LISA MADIGAN, Attorney General of the State of Illinois and JAMES W. GLASGOW, State's Attorney for Will County. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by the law, ILL. CONST. Article V, Section 15 (1970). The Will County State's Attorney is an elected county officer having the powers and duties prescribed by the law, ILL. CONST. Article VI, Section 19 and Article VII, Section 4 (1970). This Count is brought pursuant to the power of the Attorney General and State's Attorney to institute an action on behalf of the People of the State of Illinois to abate a public nuisance and to protect the health, safety and welfare of the People of the State of Illinois.

2 - 38. Plaintiff realleges and incorporates by reference herein paragraphs 2 through 38 of Count I as paragraphs 2 through 38 of this Count VIII.

39 - 45. Plaintiff realleges and incorporates by reference herein paragraphs 37 through 43 of Count II as paragraphs 39 through 45 of this Count VIII.

46 - 49. Plaintiff realleges and incorporates by reference herein paragraphs 42 through 45 of Count III as paragraphs 46 through 49 of this Count VIII.

50 - 55. Plaintiff realleges and incorporates by reference herein paragraphs 37 through 42 of Count IV as paragraphs 50 through 55 of this Count VIII.

56 - 61. Plaintiff realleges and incorporates by reference herein paragraphs 39 through 44 of Count V as paragraphs 56 through 61 of this Count VIII.

62 - 71. Plaintiff realleges and incorporates by reference herein paragraphs 43 through 52 of Count VI as paragraphs 62 through 71 of this Count VIII.

72 - 80. Plaintiff realleges and incorporates by reference herein paragraphs 35 through 43 of Count VII as paragraphs 72 through 80 of this Count VIII.

81. From at least 1996 and continuing to the filing of this Complaint, as alleged herein, the Defendants engaged in a course of conduct that included causing, threatening and allowing groundwater pollution from the blowdown line and the tritiated water tanks, failing to ensure adequate maintenance and operating procedures in the operation of the blowdown line and the tritiated water tanks, failing to report noncompliance pursuant to the conditions of the NPDES Permit, failing to follow operational requirements of the NPDES Permit, and discharging of wastewater without an NPDES Permit.

82. The acts and omissions of the Defendants as alleged herein threatened adverse health effects and inconvenience to persons in the vicinity of the Facility, and caused damage to real and personal property.

83. The Defendants, by their actions and omissions, prejudiced the public health and welfare and the environment.

84. As a consequence of the foregoing, the Defendants created and maintained a public nuisance at common law.

85. Said nuisance will continue unabated unless abated by order of this court.

WHEREFORE, plaintiff, PEOPLE OF THE STATE OF ILLINOIS, requests that this court grant a preliminary injunction, and after a trial, a permanent injunction in favor of plaintiff and against defendants EXELON CORPORATION, COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC:

1. Finding that Defendants' actions alleged herein constitute a common law public nuisance;

2. Enjoining Defendants from further acts constituting a common law public nuisance;

3. Entering an injunction ordering the Defendants to:

a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

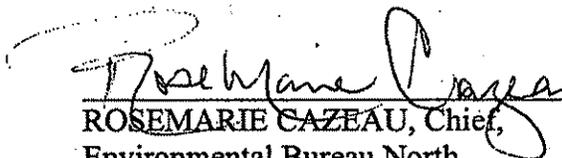
b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;

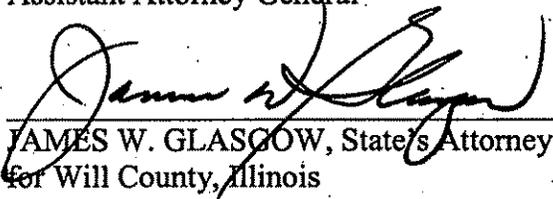
- c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;
 - e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,
 - f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.
4. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

5. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General of
the State of Illinois, and *ex rel.* JAMES W.
GLASGOW, State's Attorney for
Will County, Illinois

MATTHEW J. DUNN, Chief, Environmental
Enforcement/Asbestos Litigation Division


ROSEMARIE CAZEAU, Chief,
Environmental Bureau North
Assistant Attorney General


JAMES W. GLASGOW, State's Attorney
for Will County, Illinois

OF COUNSEL

CHRISTOPHER P. PERZAN
ANN ALEXANDER
Assistant Attorneys General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, IL 60601
312 814-3532

EXHIBIT 1

NPDES Permit No. IL0048321

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: September 1, 2000

Issue Date: August 24, 1995

Effective Date: September 1, 1995

Modification Date: August 28, 1997

Name and Address of Permittee:

Commonwealth Edison Company
Post Office Box 767, 35 FNW
Chicago, Illinois 60690-0767

Facility Name and Address:

Commonwealth Edison Company
Braidwood Nuclear Power Station
Rural Route #1, Box 84
Braceville, Illinois 60407
(Will County)

Discharge Number and Name:

- No. 001 Cooling Pond Blowdown Line
- No. 001(a) Wastewater Treatment Plant Effluent
- No. 001(b) Sewage Treatment Plant Effluent
- No. 001(c) Radwaste Treatment System Effluent
- No. 001(d) Demineralizer Regenerant Wastes
- No. 001(e) Intake Screen Backwash

Receiving Waters:

Kankakee River

- No. 002 North Site Stormwater Runoff Basin
- No. 003 South Site Stormwater Runoff Basin
- No. 004 Switchyard Area Runoff

Mazon River

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C, Rules and Regulations of the Illinois Pollution Control Board, and the FWPCA the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:DEL97041003.DLK

EXHIBIT 1

NPDES Permit No. IL0048321
Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001 Cooling Pond Blowdown Line*

This discharge consists of:

1. Condenser cooling water
2. House service water
3. Essential service water
4. Demineralizer regenerant waste
5. Wastewater treatment plant effluent
6. Radwaste treatment system effluent
7. House service water strainer backwash
8. Essential service water strainer backwash
9. Sewage treatment plant effluent
10. Water treatment system filter backwashes
11. River intake screen backwash
12. Cooling pond intake screen backwash

Approximate Flow

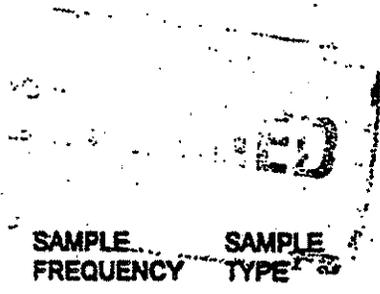
- 11.31 MGD
- 1.3 MGD
- 1.3 MGD
- 0.028 MGD
- 0.079 MGD
- 0.032 MGD
- 0.03 MGD
- 0.017 MGD
- 0.017 MGD
- 0.03 MGD
- 0.112 MGD
- 0.4 MGD

Flow		Daily	Continuous
pH	See Special Condition No. 1	1/Week	Grab
Temperature	See Special Condition No. 3	Daily	Continuous
Total Residual Chlorine**		0.2	1/Month
Total Residual Oxidant**		0.05	1/Month
			Grab**
			Grab**

*See Special Condition No. 12

**See Special Condition No. 4

**NPDES Permit No. IL0048321
Effluent Limitations and Monitoring**



PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001(a) Wastewater Treatment Plant Effluent

This discharge consists of: Approximate Flow

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Turbine building fire and oil sump* <ul style="list-style-type: none"> a. Turbine building floor drain tank* <ul style="list-style-type: none"> i. Turbine building floor drain sumps ii. Essential service water drain sumps iii. Condensate pit sumps b. Turbine building equipment drain tank* c. Units 1 and 2 tendon tunnel sumps d. Auxiliary boiler blowdown e. Units 1 and 2 diesel fuel storage tank sumps f. Oil-water separator No. 1 effluent g. Secondary-Side Drain Water 2. Water treatment area floor and equipment drain sumps 3. Water treatment lime-softening clarator blowdown 4. Wastewater treatment system sand filter backwash 5. Condensate polisher regenerant wastes (Alternate Route) 6. Demineralizer Regenerant Waste Drains (Alternate Route) | <ul style="list-style-type: none"> 0.079 MGD Intermittent Intermittent 0.002 MGD Intermittent Intermittent |
|---|--|

Flow			Daily	24 Hour Total
Total Suspended Solids	15.0	30.0	1/Week	24 Hour Composite
Oil and Grease	15.0	20.0	1/Month	Grab

These wastestreams may be directed to the Radwaste Treatment System depending on the results of the process radiation monitors.

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfall(s): 001(b) Sewage Treatment Plant Effluent**						
					Approximate Flow 0.017 MGD (DMF 0.078 MGD)	
Flow					Daily	Continuous
pH	See Special Condition No. 1				1/Week	Grab
Total Suspended Solids	19.5	39.0	30.0	60.0	1/Week	24 Hour Composite
BOD ₅	19.5	39.0	30.0	60.0	1/Week	24 Hour Composite

Outfall(s): 001(c) Radwaste Treatment System Effluent

This discharge consists of:

Approximate Flow: 0.032 MGD

- | | |
|---|--------------|
| 1. Steam generator condensate blowdown | Intermittent |
| 2. Cooling jacket blowdown | Intermittent |
| 3. Auxiliary building and turbine building floor drains | Intermittent |
| 4. Laundry waste treatment system drains | 0.001 MGD |
| 5. Chemical and volume control system drains | Intermittent |
| 6. Boron recycle system blowdown | Intermittent |
| 7. Radwaste demineralizer regenerant wastes and filter backwash | 0.002 MGD |
| 8. Reactor building floor and equipment drains | Intermittent |
| 9. Turbine building floor drain tank (Alternate Route) | Intermittent |
| 10. Turbine building fire and oil sump (Alternate Route) | Intermittent |
| 11. Turbine building equipment drain tank (Alternate Route) | Intermittent |
| 12. Evaporator wastewater | Intermittent |

Flow					Daily	Continuous
Total Suspended Solids			15.0	30.0	1/Week	Discharge Tank Composite
Oil and Grease			15.0	20.0	1/Month	Grab

**Outfall No. 001(b) Sewage Treatment Plant Effluent will normally be discharged to the Kankakee River via the cooling pond blowdown line. The existing outfall to the Mazon River will be maintained as an emergency backup. The permittee shall give notice to the Agency of any emergency discharge to the Mazon River. Applicable effluent limitations shall apply.

Modification Date: August 28, 1997

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001(d) Demineralizer Regenerant Wastes

This discharge consists of

Approximate Flow
0.028 MGD

- 1. Make-up demineralizer regenerant waste***
- 2. Condensate polisher regenerate waste***
- 3. Regenerant chemical area drains
- 4. Portable Demineralizer Regenerant Wastes

Flow	Daily	Continuous
Total Suspended Solids	15.0 30.0	1/Week 8 Hour Composite

**This wastestream may be alternately routed to the wastewater treatment system.

Outfall(s): 001(e) River Intake Screen Backwash

there shall be no discharge of collected debris.

Modification Date: August 28, 1997

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 002 North Site Stormwater Runoff Basin

This discharge consists of:

Approximate Flow:

1. Parking lot runoff
2. Transformer area runoff
3. North station area runoff
4. Turbine building, auxiliary building and waste treatment building roof drains

Intermittent
Intermittent
Intermittent
Intermittent

See Special Condition No. 8

Outfall(s): 003 South Site Stormwater Runoff Basin

Approximate Flow

Intermittent

See Special Condition No. 8

Outfall(s): 004 Switchyard Area Runoff

Approximate Flow

Intermittent

See Special Condition No. 8

NPOES Permit No. IL0048321

Special Conditions

SPECIAL CONDITION 1. The pH shall be in the range 6.0 to 9.0.

SPECIAL CONDITION 2. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 3. Discharge of wastewater from this facility must not alone or in combination with other sources cause the receiving stream to violate the following thermal limitations at the edge of the mixing zone which is defined by Section 302.211, Illinois Administration Code, Title 35, Chapter 1, Subtitle C, as amended:

- A. Maximum temperature rise above natural temperature must not exceed 5°F (2.8°C).
- B. Water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one (1) percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 3°F (1.7°C). (Main river temperatures are temperatures of those portions of the river essentially similar to and following the same thermal regime as the temperatures of the main flow of the river.)

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
°F	60	60	60	90	90	90	90	90	90	90	90	60
°C	16	16	16	32	32	32	32	32	32	32	32	16

SPECIAL CONDITION 4. Chlorine or bromine may not be discharged from each unit's main cooling condensers for more than two hours per day. The reported mean concentration and maximum concentration of Total Residual Chlorine/Total Residual Oxidant (TRC/TRO) shall be based on a minimum of three grab samples taken at approximately five minute intervals at Outfall 001. The time samples were collected, the time and duration of oxidant dosing period plus the monthly average and daily maximum amount of oxidant applied shall be reported on the Discharge Monitoring Reports. The reported average concentration of TRC/TRO is the average of all values measured for a sampling event and the reported maximum concentration is the highest value measured for a single grab sample. Discharge Monitoring Reports shall indicate whether bromine and/or chlorine compounds were used during the month. A discharge limit, as measured at the blowdown to the Kankakee River, of 0.05 mg/l (instantaneous maximum) shall be achieved for total residual oxidant (total residual chlorine/total residual halogen) when bromine dioxide is used for condenser

EXHIBIT B



Community Relations - Fact Sheets

Exelon Braidwood Nuclear Facility Tritium Releases and Groundwater Impacts

Fact Sheet 1 February 2006

Braceville, Illinois

While working with the Exelon Dresden nuclear power plant in the fall of 2004, where tritium was detected in some on-site wells, Illinois EPA became aware of the potential for tritium contamination in groundwater at this type of facility. At the same time, the Agency was involved in the pending renewal of the industrial discharge permit for the Braidwood facility. Comments received from the Godley Park District alerted Illinois EPA to tritium detected in a shallow sand point well at the Park District.

In the spring of 2005, Illinois EPA contacted Exelon to investigate the storm water ditch that carries water to the west side of the site as a possible tritium source to groundwater. The shallow sand point well at the Godley Park District was sampled again in April of 2005. The result was below the detection limit for tritium (200 picocuries per liter (pCi/L)). At the time, tritium in the surface water in the ditch measured about 600 pCi/L. A picocurie is one trillionth of a curie. By comparison, 20,000 pCi/L is the maximum contaminant level that is allowed in public drinking water by federal regulations. During the summer of 2005, Illinois EPA tested four private wells in Godley west of the ditch. All those results were below the detection limit for tritium.

In discussions with Exelon, Illinois EPA was made aware of a November 2000 release from Vacuum Breaker #2 (VB2) on the pipeline that carries process water east to the Kankakee River. In 2005, three monitoring wells in the area of that vacuum breaker tested clean and one other tested at 400 pCi/liter. The Agency wanted to know whether this might be the source of the tritium found in the storm water ditch. We requested and received, in the fall of 2005, a work plan from Exelon for a complete investigation to define the source of tritium in the ditch.

On November 30, 2005, Exelon informed Illinois EPA that they would be sampling private wells in the area of Vacuum Breaker #3 (VB3) on the north side of the plant, where it was disclosed that another large release occurred in 1998.

On December 16, 2005, Illinois EPA issued a violation notice to Exelon for the release at VB3 where observed contamination levels that either exceeded groundwater standards in some site monitoring wells, or threatened the use of area private wells. The Agency met with representatives from Exelon on December 20th. Exelon made a presentation of the information they had developed at that time and future investigation plans to define the extent of contamination from pipeline releases. Exelon indicated that tritium has not been introduced to the pipeline since November 23, 2005 and will not be introduced to the line until the line has been tested for leaks.

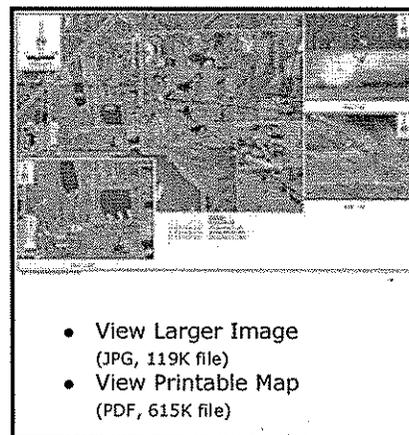
A second meeting was held between Illinois EPA and Exelon on January 23, 2006. Illinois EPA asked for information to assess the potential future threat to nearby wells through computer modeling.

On February 2, 2006, Illinois EPA received a report from Exelon as part of the compliance commitment agreement. There will be an official compliance meeting on February 17 to evaluate the results of the investigation and decide on the appropriate course of action.

Private wells sampled to date:

(In most cases, Exelon split samples with the Illinois Emergency Management Agency and the Nuclear Regulatory Commission, and levels of tritium were independently confirmed by those agencies.)

1. 14 private wells tested in December north of the plant along Smiley Road: All were non-detects for tritium except one well that showed 1524 pCi/liter. This is about eight percent of U.S. EPA's comparison value for a safe level in public drinking water, which is 20,000 pCi/liter.
2. In mid-January, Exelon began contacting private well owners within 1000 feet north and south of the pipeline east to the Kankakee River to obtain access to sample their wells. To date, they have sampled 19 of 29 wells, and all results are non-detects for tritium.



- [View Larger Image](#)
(JPG, 119K file)
- [View Printable Map](#)
(PDF, 615K file)

3. Ditch area on the west side of the plant – Surface water samples in March, April and May 2005 showed levels of 539, 582 and 550 pCi/liter tritium, respectively. This was at the northernmost point of the ditch near a main entrance to the plant. Exelon has sampled standing water in the ditch weekly since early December 2005 – all non-detects. In addition, the Godley Park District shallow well was tested in March 2005 and four private water wells in Godley nearest the ditch were tested in June 2005 – all non-detects.

The Illinois Department of Public Health has been provided with and has reviewed analytical results from private well tests near the Braidwood plant. They have not seen tritium levels in the well tests to date that pose a health hazard. Illinois EPA will continue to work with IDPH to evaluate any potential health impacts and keep area residents informed.

The Illinois EPA is committed to protecting the groundwater of the state as a future drinking water resource. To this end, the Agency will use available enforcement tools, as appropriate, to assure that non-compliance issues are resolved with this site.

For more information:

General questions about the site, Illinois EPA Office of Community Relations:

Kurt Neibergall
Manager, OCR
217/785-3819

Carol Fuller
Community Relations Coordinator
217/524-8807

Technical Questions:

Bill Buscher, Bureau of Water
Hydrogeology and Compliance Mgr.
217/524-7922

Media Inquiries:

Maggie Carson, Communications Manager
217/558-1536

Health-related Questions:

Joe O'Connor
Illinois Department of Public Health
West Chicago Regional Office
245 W. Roosevelt Road
630/293-6800

Illinois EPA plans to work with the Godley Park District to establish an Information Repository for the convenience of area residents.

Exelon has more information on a web site about the tritium issue at www.BraidwoodTritium.info

EXHIBIT C

FOCUS - 2 of 3 DOCUMENTS

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March 17, 2006 Friday

SECTION: STATE AND REGIONAL NEWS

ACC-NO: 20060317-TB-0317-Exelon-Sued-Over-Leaks

LENGTH: 921 words

HEADLINE: Exelon sued over leaks: Will County, state allege 8 tritium spills

BYLINE: Hal Dardick, Chicago Tribune

BODY:

Mar. 17—Radioactive tritium was released from a Will County nuclear power plant at least eight times, three more occasions than Exelon Corp. officials disclosed in recent weeks, according to a lawsuit filed Thursday.

The most recent release, which occurred Monday and was disclosed the next day, pointed to the potential for a "mind-boggling" environmental disaster if a tornado hit Braidwood Generating Station, Will County State's Atty. James Glasgow said.

Glasgow and Illinois Atty. Gen. Lisa Madigan filed suit in Will County Circuit Court against Exelon Corp., Commonwealth Edison and Exelon Generation Co., LLC, which comprises Exelon Nuclear. ComEd built and ran the Braidwood plant until late 2000.

"Exelon has polluted the groundwater under and around the Braidwood facility in Will County," Madigan said. "Faulty maintenance led to this situation and this lawsuit. ... Exelon has not been maintaining and operating this nuclear plant as it should be.

"Like exposure to any radioactive material, exposure to tritium increases the risk of developing cancer and increases the risk of birth defects," she said.

Tritium, a byproduct of nuclear generation, can enter the body through ingestion, absorption or inhalation. Exelon and state and federal regulatory officials have said the groundwater contamination at Braidwood poses no health threat, but critics of federal tritium standards question that blanket assessment.

The suit seeks fines that could reach \$36.5 million for a 1996 spill alone, Glasgow said. If fines are collected, they could be used for the very expensive process of removing water with tritium from the ground, Madigan said.

Exelon Nuclear officials said in a statement that they were reviewing the lawsuit and that the company "takes full responsibility for the low-level tritium contamination" and is working on plans to clean it up.

"We have an aggressive remediation plan that the state is evaluating now," said Thomas O'Neill, the firm's vice president of regulatory and legal affairs. "We expected [the suit], and the positive aspect is that we can now focus on removing the tritiated groundwater and move on."

Madigan and Glasgow tried to negotiate a settlement before the suit was filed, Glasgow said. "What I've encountered, basically, is a culture of greed and deception in my dealings with them," he said.

Glasgow noted the lack of disclosures until late last year for all of the releases, except one in 2000. The recent disclosures came after the detection of groundwater contamination, after the Illinois Environmental Protection Agency told Exelon to look for it, Glasgow said.

Exelon sued over leaks: Will County, state allege 8 tritium spills Chica

He said Exelon thus far has failed to provide bottled water to nearby residents as promised more than two weeks ago.

"It looks like until we put them against a wall in a courtroom, we are not going to get to the truth, and we are not going to get the things done necessary for remediation that are going to protect the people in that area," he said.

Exelon Nuclear spokesman Craig Nesbit disagreed. "We've been very open, very honest, worked very, very hard to over-inform people" since confirming groundwater contamination last year, he said.

The bottled water will be distributed through a local store by early next week, and a machine to recycle water with tritium should be put into operation relatively soon, Nesbit said.

The suit alleges ComEd and Exelon should have reported within 24 hours to the Illinois Environmental Protection Agency the spills in 1996, 1998 and 2000 from valves on an underground pipe that carries tritium 4 1/2 miles to the Kankakee River, where it is legally dumped. The pipe also carries wastewater, putting it under the purview of the state EPA.

"We did not violate the letter of any regulations," Nesbit said. The suit states that elevated levels of tritium exceed state standards in groundwater at eight spots beneath the plant site, under land outside its boundaries and in a nearby pond.

All of the groundwater contamination resulted from spills from valves on the pipe, particularly a 1998 spill of about 3 million gallons that was never cleaned up, Exelon officials have said. They have disclosed five spills in recent months.

Glasgow said the underground pipe was built inadequately and had no alarms or detection devices built into it.

The suit alleges tritium spilled at least eight times, saying three were at "unknown times" and in unknown quantities. The most recent occurred Monday, when a lined berm surrounding 13 tanks being used to temporarily store water with very high concentrations of tritium broke in high winds, releasing rainwater that had been contaminated from an apparent leak in one of the tanks.

The tanks, which each hold 20,000 gallons, began to be used after Exelon last November quit sending tritium into the underground pipe while it researches alternative disposal methods.

"If a tornado hits these things, it will launch them," Glasgow said.

"When these things hit the ground, they will explode and send" tritium at levels 100 times the federal groundwater limit into the environment, he said.

But Nesbit said the tanks weigh 24,000 pounds when empty and about 185,000 pounds when full. "There's no tornado that could pick up a 185,000-pound object," he said. "We think they are very safe."

hhardick@tribune.com

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LOAD-DATE: March 17, 2006

EXHIBIT D

4 of 100 DOCUMENTS

Copyright 2006 Chicago Tribune Company
Chicago TribuneApril 26, 2006 Wednesday
South-Southwest Final Edition**SECTION:** METRO ; ZONE SSW; Pg. 1**LENGTH:** 684 words**HEADLINE:** Leaks costly, Exelon says;
Tritium spills create credibility problem, leader says**BYLINE:** By Hal Dardick, Tribune staff reporter.**BODY:**

Dealing with radioactive tritium spills at nuclear power plants will cost Exelon Corp. a great deal of money, but the larger loss to the firm comes in the form of public trust, a top company official said Tuesday.

"By the time it's done, it's going to be tens of millions of dollars" to pay for testing, cleanups, repairs, new infrastructure, lawyers and other expenses related to the tritium spills, said Christopher Crane, president of Exelon Nuclear. "The more damaging issue here is the credibility loss."

In a meeting with the Tribune editorial board, Crane detailed Exelon's response to the spills, particularly those at Braidwood Generating Station in southwest Will County.

Exelon last year found tritium, a byproduct of nuclear generation, in groundwater outside the Braidwood plant. It then disclosed tritium spilled from an underground pipe more than four times between 1996 and 2003.

Area residents blasted the company for not earlier disclosing the spills, which led to four lawsuits, one filed by Illinois Atty. Gen. Lisa Madigan and Will County State's Atty. James Glasgow.

Exelon launched an internal probe, discovering a new tritium leak at Dresden Generating Station in Grundy County where groundwater was contaminated from an earlier spill. It found smaller amounts of tritium had leaked at Byron Nuclear Generating Station, about 25 miles southwest of Rockford.

None of the spills, according to government oversight agencies, poses a health threat. But by all accounts, they did damage Exelon's credibility.

Crane said Exelon, which took over Commonwealth Edison's nuclear plants in late 2000, had worked hard to regain credibility after years of what was widely considered poor management by ComEd.

"We had a terrible reputation," which Exelon did much to repair, he said. "I was proud of the organization, proud of the work we got done. This has been one big slap, and we are trying to do everything as well as we can do, as open as we can do, to fix this, put it behind us, learn from it."

Part of the problem was the industry's perception of tritium, considered one of the least harmful of radioactive substances, Crane said.

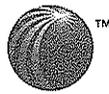
"There was not, in ComEd or early on when we became Exelon, or in the industry, a large sensitivity to tritium," he said. "It's just the nature of tritium. We handle some very hazardous materials, and tritium is very low on that spectrum."

David Lochbaum, director of the Union of Concerned Scientists' Nuclear Safety Project, said the industry's attitude about tritium has changed in recent months, partly because Braidwood groundwater contamination migrated off site.

"That basically forced the industry to deal with that in a different manner because it has not done much good for



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Leaks costly, Exelon says; Tritium spills create credibility problem, le

their image," Lochbaum said. "It's come at a high price, a harder PR [public relations] lesson than Exelon would have wanted."

Industry watchdogs, including Lochbaum, note that tritium leaked or spilled at no less than 10 sites across the nation, four of which are in Illinois, in the last decade. The Nuclear Regulatory Commission has established a task force to probe the issue.

The industry trend is toward zero tolerance of spills, even small ones that are confined to plant grounds, Lochbaum said.

Steve Kerekes, a spokesman for the Nuclear Energy Institute, a trade group, said chief officers from nuclear facilities across the country recently met to start considering a voluntary industry policy that would include groundwater monitoring.

Exelon is sinking wells to monitor groundwater at all 10 of its nuclear stations, which comprise 17 reactors. Crane said he would be surprised if they did not find tritium leakage at another site.

In addition to groundwater monitoring, Exelon plans to install monitoring equipment on underground pipe valves, like the ones that malfunctioned and caused almost all the spills and leaks at Braidwood and Byron.

Exelon has pledged to help the small village of Godley, just west of the Braidwood plant, fund a public water system. Crane said tests thus far have found no tritium in the shallow wells used by Godley residents.

hdardick@tribune.com

GRAPHIC: PHOTO: Christopher Crane, president of Exelon Nuclear, says radioactive spills will cost firm tens of millions of dollars

PHOTO

LOAD-DATE: April 26, 2006

EXHIBIT E

February 28, 2005

EA-04-228

Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: QUAD CITIES NUCLEAR POWER STATION NON-CITED VIOLATION
[NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2004-0111]

Dear Mr. Crane:

This refers to information provided to the U.S. Nuclear Regulatory Commission (NRC), by the staff at Exelon Generation Company's (Exelon) Quad Cities Nuclear Power Station (Quad Cities). The Quad Cities staff indicated that two former instrument maintenance technicians at Quad Cities falsely documented the completion of concurrent or independent verifications while calibrating instrumentation. The matter was investigated by the NRC Office of Investigations (OI). The synopsis from the OI Report is enclosed.

Based on the information developed during investigations by the Quad Cities staff and OI, the NRC has concluded that a violation of NRC requirements occurred. In summary, at various times from January 28 to April 16, 2003, two instrument maintenance technicians at Quad Cities falsified maintenance alteration logs to indicate that required concurrent or independent verifications were performed on torus temperature indicators, residual heat removal (RHR) suction and discharge pressure indicators, RHR service water pump discharge indicators, and secondary containment differential pressure indicators after the alteration and restoration of these instruments. This instrumentation was used to verify the operability of equipment in accordance with technical specifications. The concurrent or independent verifications were required by the Quad Cities Procedure MA-AA-716-100, "Maintenance Alterations Process." The actions of these two instrument maintenance technicians placed Exelon in violation of 10 CFR 50.9, "Completeness and Accuracy of Information," and were categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level IV.

This matter was identified and immediately investigated by Exelon. Corrective actions taken by Exelon included, but were not limited to: (1) reviewing previous work performed by the two individuals; (2) taking disciplinary action against the two individuals; (3) conducting awareness briefings for the maintenance shop staff, departmental stand-downs, and an "All Hands" meeting concerning this event; and (4) performing an extent-of-condition review of pertinent plant documents from other departments such as operations, radiation protection, chemistry,

engineering, and maintenance to ensure that record falsification was limited to the two individuals involved. Therefore, after considering the circumstances of this case and after consulting with the Director, Office of Enforcement, this violation is being treated as a non-cited violation (NCV), consistent with Section VI.A.1.d of the Enforcement Policy.

Please feel free to contact Mr. Julio Lara, Chief, Electrical Engineering Branch, NRC Region III office, if you have any questions. Mr. Lara can be reached at telephone number (630) 829-9731.

You are not required to respond to this letter unless the description herein does not reflect your corrective actions or your position. If you contest the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator and Enforcement Officer, Region III, the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC Resident Inspector at the Quad Cities Nuclear Power Station. The response should be clearly marked as a "Reply to EA-04-228."

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response (should you choose 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 should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Cynthia D. Pederson, Director
Division of Reactor Safet

Docket No. 50-254: 50-265
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Enclosure: OI Report Synopsis

See Attached Distribution

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P. Buckley, RIII

J. Kweiser, RIII

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, on March 8, 2004, to determine if Instrument Maintenance (IM) personnel deliberately falsified inspection documentation while calibrating local instrumentation and if the IM Superintendent concealed the record falsification.

Based upon the evidence developed, this investigation did substantiate the allegation that two technicians deliberately falsified inspection documentation while calibrating local instrumentation.

Based upon the evidence developed, this investigation did not substantiate the allegation that the former IM Superintendent concealed the record falsification.

Case No. 3-2004-011

Enclosure