

March 13, 2006

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

SUBJECT: BYRON STATION, UNIT NOS. 1 AND 2, AND BRAIDWOOD STATION, UNIT  
NOS. 1 AND 2 - ISSUANCE OF AMENDMENTS RE: DELETION OF  
REPORTING REQUIREMENT IN FACILITY OPERATING LICENSES  
(TAC NOS. MC6245, MC6246, MC6247, AND MC6248 )

Dear Mr. Crane:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 146 to Facility Operating License No. NPF-37 and Amendment No. 146 to Facility Operating License No. NPF-66 for the Byron Station, Unit Nos. 1 and 2, respectively, and Amendment No. 139 to Facility Operating License No. NPF-72 and Amendment No. 139 to Facility Operating License No. NPF-77 for the Braidwood Station, Unit Nos. 1 and 2, respectively. The amendments are in response to your application dated February 25, 2005.

The amendments delete the reporting requirement in the Facility Operating Licenses related to reporting violations of other requirements in the operating license.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Mahesh L. Chawla, Project Manager  
Licensing Plant Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,  
STN 50-456 and STN 50-457

Enclosures:

1. Amendment No. 146 to NPF-37
2. Amendment No. 146 to NPF-66
3. Amendment No. 139 to NPF-72
4. Amendment No. 139 to NPF-77
5. Safety Evaluation

cc w/encls: See next page

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Sincerely,

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Mahesh L. Chawla, Project Manager  
Licensing Plant Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,  
STN 50-456 and STN 50-457

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5. Safety Evaluation

cc w/encls: See next page

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Amendment: ML060320547

OFFICE	CLiIP LPM	PM:LPLIII-2	LA:LPLIII-2	OGC	BC:LPDIII-2 (A)
NAME	WReckley	MChawla	THarris	MWoods	MLandau
DATE	1/23/06	3/1/06	3/1/06	3/6/06	3/9/06

OFFICIAL RECORD COPY

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-454

BYRON STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No.146  
License No. NPF-37

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated February 25, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Operating License is amended by deletion of paragraph 2.F as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Mindy S. Landau, Acting Chief  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the  
Facility Operating License

Date of Issuance: March 9, 2006

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-455

BYRON STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 146  
License No. NPF-66

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated February 25, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Operating License is amended by deletion of paragraph 2.G as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Mindy S. Landau, Acting Chief  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the  
Facility Operating License

Date of Issuance: March 9, 2006

ATTACHMENT TO LICENSE AMENDMENT NOS. 146 AND 146

FACILITY OPERATING LICENSE NOS. NPF-37 AND NPF-66

DOCKET NOS. STN 50-454 AND STN 50-455

Replace the following pages of the Operating Licenses with the attached pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

	<u>Remove Pages</u>	<u>Insert Pages</u>
Unit 1	5	5
Unit 2	4b 5	4b 5

F. Deleted

G. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

H. This license is effective as of the date of issuance and shall expire at midnight October 31, 2024.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Appendices:

1. Appendix A - Technical Specifications (NUREG-1113)
2. Appendix B - Environmental Protection Plan
3. Appendix C - Additional Conditions

Date of Issuance: February 14, 1985



- D. The facility requires no exemptions from the requirements of 10 CFR Part 50.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1916, issued March 4, 1985, and relieved the licensee from the requirement of having a criticality alarm system. Therefore, the licensee is exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this licensee.

- E. The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report and the licensee's letters dated September 23, 1986, October 23, 1986, November 3, 1986, December 12 and 15, 1986, and January 21, 1987, and as approved in the SER dated February 1982 through Supplement No. 8, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- F. Exelon Generation Company shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualifications, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Byron Nuclear Power Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 21, 2004.

- G. Deleted

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<sup>1</sup>The training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan

- H. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- I. This license is effective as of the date of issuance and shall expire at midnight on November 6, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Attachments:

- 1. Revision to Appendix A -  
Technical Specifications (NUREG-1113)
- 2. Appendix C - Additional Conditions

Date of Issuance: January 30, 1987

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-456

BRAIDWOOD STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 139  
License No. NPF-72

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated February 25, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Operating License is amended by deletion of paragraph 2.G as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Mindy S. Landau, Acting Chief  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the  
Facility Operating License

Date of Issuance: March 9, 2006

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-457

BRAIDWOOD STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 139  
License No. NPF-77

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated February 25, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Operating License is amended by deletion of paragraph 2.G as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

Mindy S. Landau, Acting Chief  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the  
Facility Operating License

Date of Issuance: March 9, 2006

ATTACHMENT TO LICENSE AMENDMENT NOS. 139 AND 139

FACILITY OPERATING LICENSE NOS. NPF-72 AND NPF-77

DOCKET NOS. STN 50-456 AND STN 50-457

Replace the following pages of the Operating Licenses with the attached pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

	<u>Remove Pages</u>	<u>Insert Pages</u>
Unit 1	5	5
Unit 2	6	6

- F. Exelon Generation Company shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualifications, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Braidwood Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 21, 2004.
- G. Deleted
- H. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- I. This license is effective as of the date of issuance and shall expire at midnight on October 17, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Attachments:

1. Work Items to be completed
2. Appendix A - Technical Specifications (NUREG-1276)
3. Appendix B - Environmental Protection Plan
4. Appendix C - Additional Conditions

Date of Issuance: July 2, 1987

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<sup>1</sup> The training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan



- F. Exelon Generation Company shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Braidwood Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 21, 2004.
- G. Deleted
- H. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- I. This license is effective as of the date of issuance and shall expire at midnight on December 18, 2027.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

James H. Sniezek, Deputy Director  
Office of Nuclear Reactor Regulation

Attachments:

1. Work Items to be completed
2. Appendix A - Technical Specifications
3. Appendix B - Environmental Protection Plan
4. Appendix C - Additional Conditions

Date of issuance: May 20, 1988

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<sup>1</sup>The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 146 TO FACILITY OPERATING LICENSE NO. NPF-37,  
AMENDMENT NO. 146 TO FACILITY OPERATING LICENSE NO. NPF-66,  
AMENDMENT NO. 139 TO FACILITY OPERATING LICENSE NO. NPF-72,  
AND AMENDMENT NO. 139 TO FACILITY OPERATING LICENSE NO. NPF-77  
EXELON GENERATION COMPANY, LLC  
BYRON STATION, UNIT NOS. 1 AND 2  
BRAIDWOOD STATION, UNIT NOS. 1 AND 2  
DOCKET NOS. STN 50-454, STN 50-455, STN 50-456 AND STN 50-457

## 1.0 INTRODUCTION

By letter to the Nuclear Regulatory Commission (NRC, Commission) dated February 25, 2005, Exelon Generation Company, LLC (the licensee) requested changes to the Facility Operating Licenses for the Byron Station, Unit Nos. 1 and 2, and the Braidwood Station, Unit Nos. 1 and 2 (ADAMS Accession No. ML050600047). The proposed amendment would delete the sections of the Facility Operating Licenses that require reporting of violations of the requirements in Section 2.C of the Facility Operating License. A notice announcing the availability of this proposed change using the consolidated line item improvement process (CLIP) was published in the *Federal Register* on November 4, 2005 (70 FR 67202). The licensee's application was used during the development of the CLIP notices and is being evaluated using that process even though the application predates the notice of availability.

## 2.0 REGULATORY EVALUATION

A section or condition was included in the facility operating licenses issued to some nuclear power plants requiring the licensee to make reports to the NRC regarding violations of other sections of the operating license (typically Section 2.C). A typical license condition reads as follows:<sup>1</sup>

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<sup>1</sup> The conditions in the Facility Operating Licenses for Byron and Braidwood are similar to the standard language.

Except as otherwise provided in this license and its appendices, the Licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73 (Licensee event report system).

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769)) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

### 3.0 TECHNICAL EVALUATION

The specific sections in the Facility Operating Licenses of Byron and Braidwood require the licensee to report any violations of the requirements of Section 2.C of the Facility Operating Licenses and define the method and allowable time periods for such reports. The reporting threshold (i.e., a violation) for some of the conditions included in Section 2.C of the Facility Operating Licenses duplicates those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the Facility Operating Licenses may have different deadlines than those defined in the regulations (following a rule change in 2001). This difference in reporting requirements has led to variations in reporting since many facility operating licenses do not contain the subject condition. For those licensees with a 30-day reporting requirement in the Facility Operating License, the condition has decreased the benefits of the rulemaking. For those cases where the current Facility Operating License requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the Facility Operating License is acceptable.

Some of the conditions addressed in Section 2.C of the Facility Operating License may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirement would not result in a report to the NRC in accordance with 10 CFR 50.72 or 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases, there are reports to other agencies or news releases that would prompt a report to the NRC (in accordance with 10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the

LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism.

The NRC staff finds that the elimination of specific sections in the Facility Operating Licenses of Byron and Braidwood will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities.

#### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Illinois State official was notified of the proposed issuance of the amendment. The State official had no comments.

#### 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

#### 6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: W. Reckley

Date: March 9, 2006

Byron/Braidwood Stations

cc:

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## Byron/Braidwood Stations

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