



Nuclear Energy Information Service

Illinois' Nuclear Power Watchdog since 1981

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16 June, 2016

Ms. Cynthia Pederson
Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
2443 Warrenville Road
Suite 210
Lisle, Illinois 60532-4352

RE: reactor license questions

Greetings Ms. Pederson:

We hope this letter finds you well.

We write to you for clarification on some reactor license issues per the 10CFR, specifically as they pertain to Exelon's announced intention to close the Clinton and Quad Cities reactors.

As we all know Exelon has been threatening for two years now to close these reactors, alleging that they are not economically viable. They have made this threat four times in the past two years for these reactors, and previously at Byron as well. Each time they have announced a threatened shutdown, they have simultaneously announced a time window for possible preventative action, followed by a vague shutdown date.

We have examined the materials on the NRC website and in the 10CFR regarding shutdown and decommissioning, and understand them. Yet, some ambiguity remains which we hope you and/or your staff will be able to resolve. We understand that once a utility removes all fuel from its reactor, and gives NRC written notice of intent to close the reactor, NRC then has a period of time to respond and authorize the closure (pending the satisfactory resolution of any grid reliability concerns that may result from the intended closure). However, it is during this window of time that our questions and uncertainty are raised:

Q.1: Are we correct in understanding that it requires BOTH the utility's announced written letter of intent AND the removal of fuel from the reactor that constitute the conditions required for permanent closure? And, to follow up for clarity, that either alone would not constitute an act sufficient enough to result in permanent, irreversible termination of the operating license by NRC and resulting closure?

Q.2: Many reactors currently operating have been in inoperable conditions for years at a time for various reasons, yet retained their operating licenses and restarted at a later date. Is there anything in the 10CFRs or NRC regulations that would prohibit Exelon from placing a reactor in a state of voluntary "extended

outage" without terminating the operating license, provided that during that period, Exelon continued to meet all safety and security conditions and regulations of an operating reactor? If yes, please cite the 10CFR section(s) referenced.

Q.3: NRC is well known for its vast generosity in granting license waivers and variances for a myriad of conditions and reasons, if petitioned by a utility to do so. In fact NRC is currently permitting the Indian Point reactor to continue operating WITHOUT a valid license, via these highly discretionary methods. Is there anything in the 10CFRs or NRC regulations that would explicitly prohibit Exelon from PETITIONING NRC for a license variance or waiver that would reverse an initial termination of license, provided the reactor was still able to meet all operational criteria for restart at a later date? If yes, please cite the 10CFR section(s) referenced.

Q. 4: Is there anything in the 10CFRs or NRC regulations that would explicitly prohibit NRC from granting a reversal of license termination (or, put another way, a "reinstatement" of a terminated license) at a later date, provided a reactor was still able to meet all operational criteria for restart and operation at a later date? If yes, please cite the 10CFR section(s) referenced.

Q. 5: Please list the conditions under which NRC might REFUSE to accept Exelon's request for terminating these licenses.

Your prompt reply to these inquiries would be most appreciated, ideally within the next two weeks.

Thank you for your assistance. Stay well,



David A. Kraft
Director

Cc: Susan Satter, IL Attorney General's Office
James Gignac, IL Attorney General's Office
David Lochbaum, Union of Concerned Scientists
Jessica Collingsworth, Union of Concerned Scientists
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