



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 28, 2011

Mr. Bill Linton  
39A Fox Lane  
Palmers Green  
London N13 4AJ  
United Kingdom

Dear Mr. Linton:

In your e-mail to the U.S. Nuclear Regulatory Commission (NRC, or the Commission), dated March 16, 2011, you requested that the NRC immediately shut down "U.S. nuclear energy facilities that remain operational after having exceeded their engineered operable life...for inspection in an orderly manner as is occurring in Europe." You also requested that the NRC grant no additional license extensions, and immediately shut down for inspection those plants that have been granted extensions. Your request was based on the recent events at the Fukushima site in Japan. The NRC staff evaluated your requests pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart."

On March 31, 2011, you declined the opportunity to address the petition review board (PRB) from the Office of Nuclear Reactor Regulation (NRR) regarding your petition before we met internally to make an initial recommendation. On April 4, 2011, the PRB met and determined that your request for immediate action is a general assertion without supporting facts that U.S. nuclear power plants operating with extended licenses should be shut down. In a request made pursuant to 10 CFR 2.206, the petitioner must specify the facts that constitute the bases for taking the requested action. The facts must provide some element of support beyond the bare assertion, and must be credible and sufficient to warrant further enquiry by the staff. The PRB did not identify any new information provided by you, beyond your reference to the events in Japan, that would warrant the NRC to order an immediate shutdown of nuclear power reactors in the United States. As described below, the NRC is carefully monitoring the events in Japan and is performing a deliberate review to determine an appropriate response.

You did not specify particular nuclear power plants in your request. However, to date, the NRC staff has granted operating license extensions to 63 nuclear power plants and has 19 applications for license extensions under review. As of this year, nine of the 63 plants will have exceeded their original 40-year license and are operating in the extended license period, including Dresden Nuclear Power Station, Units 2 and 3; H.B. Robinson Steam Electric Plant, Unit 2; Monticello Nuclear Generating Plant; Nine Mile Point Nuclear Station, Unit 1; Oyster Creek Nuclear Generating Station; Point Beach Nuclear Plant, Unit 1; Palisades Nuclear Plant; and R.E. Ginna Nuclear Power Plant.

The PRB considered your petition requests on April 19, 2011. The PRB's initial recommendation was that your petition requests not be accepted for review pursuant to 10 CFR 2.206. The NRC staff informed you of this determination on April 20, 2011. On April 25, 2011, you declined the opportunity to discuss this matter with the PRB. The PRB's final recommendation is that your requests not be accepted for review pursuant to 10 CFR 2.206, as explained below.

Your requests are not accepted for review pursuant to 10 CFR 2.206 because the petition fails to provide sufficient facts to support the requests and simply states a safety concern.

Let me begin by ensuring you that the NRC's ongoing monitoring of events in Japan and our review of all available information leads us to conclude that U.S. plants continue to operate safely. Regarding your specific concern, based on the Atomic Energy Act of 1954, as amended, the NRC issues licenses for commercial power reactors to operate for up to 40 years and allows these licenses to be renewed for up to another 20 years. A 40-year license term was selected on the basis of economic and antitrust considerations, not technical limitations. Studies and experience to date have shown that commercial nuclear power facilities can be safely operated for more than 40 years. As a result, the NRC provided an option in 10 CFR which allows owners of nuclear power reactors to seek license renewal for up to an additional 20 years, with no limitations on the number of times the license may be renewed. The decision of whether or not to seek license renewal rests entirely with nuclear power reactor owners, and typically is based on the plant's economic viability and whether it can continue to meet NRC safety and environmental requirements. The NRC regulations for license renewal are provided in 10 CFR Part 54, "Requirements for renewal of operating licenses for nuclear power plants," and 10 CFR Part 51, "Environmental protection regulations for domestic licensing and related regulatory functions."

The license renewal process proceeds along two tracks - one for review of safety issues (Part 54) and another for environmental issues (Part 51). An applicant must provide the NRC an evaluation that addresses the technical aspects of plant aging and describes the ways those effects will be managed. It must also prepare an evaluation of the potential impact on the environment if the plant operates for another 20 years. The NRC reviews the application and verifies evaluations through inspections. These license renewal inspections are in addition to those conducted under the NRC's reactor oversight program, which includes both planned and reactive inspections from inspectors based in the NRC regional offices and from NRC resident inspectors, who are permanently stationed onsite at all operating reactors in the United States. The NRC bases its decision on whether or not to renew a license on whether the facility will continue to meet the requirements for safe operation and whether the protection of the environment can be assured.

Following completion of the NRC staff's review, a renewed operating license is issued when the NRC concludes, in part, that there is reasonable assurance that the activities authorized by the renewed operating license can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the regulations of the Commission. For your information, a description of the NRC's license renewal process and the status of license renewal applications and industry activities can be found on the NRC's public Web page at the following link: <http://www.nrc.gov/reactors/operating/licensing/renewal.html>.

With regard to the events in Japan, the Commission established a senior-level task force to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to our regulatory system. This activity will have both near-term and long-term components. The Task Force is beginning a 90-day review to evaluate all of the currently available information from the Japanese events to

identify immediate or near-term operational or regulatory issues potentially affecting the 104 operating reactors in the United States, including their spent fuel pools.

Areas of the Task Force's review will include the ability to protect against natural disasters; response to station blackouts, emergency preparedness, and spent fuel cooling capability; radiological protection; and severe accident management issues. Over this 90-day period, the NRC staff will develop recommendations, as appropriate, for changes to inspection procedures and licensing review guidance, and it will recommend whether generic communications, orders, or other regulatory requirements are necessary. This 90-day effort will include a 30-day public briefing to the Commission to provide a snapshot of the regulatory response and the condition of the U.S. reactor fleet based on information available at that time.

The Task Force's long-term review will begin when the NRC staff has sufficient technical information on the events in Japan; our goal is to start this review no later than the completion of the 90-day near-term report. The Task Force will evaluate all technical and policy issues related to the events to identify any additional potential research, generic issues, changes to the Reactor Oversight Process, rulemakings, and modifications to the regulatory framework that the NRC should pursue. The Task Force will submit a report with appropriate recommendations to the Commission within 6 months after the start of this evaluation. Both the 90-day quick look briefing and final report will be made publicly available in accordance with normal Commission processes.

With those plans in place and underway, the NRC is also currently pursuing verification and inspection activities that appear to be prudent even though we do not yet have all the details necessary to fully assess the implications of the Japanese events on the U.S. reactor fleet. Specifically, the agency has started to enhance inspection activities through temporary instructions to our inspection staff, including the resident inspectors and the region-based inspectors in the NRC's four regional offices, to look at licensees' readiness to deal with both design-basis accidents and beyond-design-basis accidents. The NRC also issued Information Notice 2011-05, "Tohoku-Taiheiyou-Oki Earthquake Effects on Japanese Nuclear Power Plants," dated March 18, 2011, to licensees to make them aware of the events in Japan and the kinds of activities in which the NRC believes they should engage to confirm their readiness, such as verifying that their capabilities to mitigate conditions that result from severe accidents, including the loss of significant operational and safety systems, are in effect and operational. When needed, the NRC will take additional prompt appropriate actions as our understanding of the events in Japan becomes clearer.

Additional information on NRC actions in response to the events in Japan, including the information notice cited above, may be found on the NRC's public Web page given above, <http://www.nrc.gov/japan/japan-info.html>.

B. Linton

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If you believe that NRC regulations regarding your issue are deficient, a different process that may satisfy you is the rulemaking process, which is described on the NRC public website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking/public-involvement.html>.

Thank you for your interest in these matters.

Sincerely,

A handwritten signature in black ink that reads "Thomas B. Blount". The signature is written in a cursive style with a large, prominent initial "T".

Thomas B. Blount, Deputy Director  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Docket Nos. 50-237, 50-244, 50-220,  
50-219, 50-261, 50-266, 50-249,  
50-255, and 50-263

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/RA/

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TMensah, NRR

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