

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of:	)	Docket Nos.:
)	
EXELON GENERATION COMPANY, LLC; EXELON CORPORATION; EXELON FITZPATRICK, LLC;	)	STN 50-456, STN 50-457,
NINE MILE POINT NUCLEAR STATION, LLC;	)	72-73, STN 50-454,
R. E. GINNA NUCLEAR POWER PLANT, LLC; and	)	STN 50-455, 72-68, 50-317,
CALVERT CLIFFS NUCLEAR POWER PLANT, LLC	)	50-318, 72-8, 50-461,
	)	72-1046, 50-10, 50-237,
	)	50-249, 72-37, 50-333,
(Braidwood Station, Units 1 and 2; Byron Station, Unit	)	72-12, 50-373, 50-374,
Nos. 1 and 2; Calvert Cliffs Nuclear Power Plant, Units 1	)	72-70, 50-352, 50-353,
and 2; Clinton Power Station, Unit No. 1; Dresden	)	72-65, 50-220, 50-410,
Nuclear Power Station, Units 1, 2, and 3; James A.	)	72-1036, 50-171, 50-277,
FitzPatrick Nuclear Power Plant; LaSalle County Station,	)	50-278, 72-29, 50-254,
Units 1 and 2; Limerick Generating Station, Units 1 and 2;	)	50-265, 72-53, 50-244,
Nine Mile Point Nuclear Station, Units 1 and 2; Peach	)	72-67, 50-272, 50-311,
Bottom Atomic Power Station, Units 1, 2, and 3; Quad	)	72-48, 50-289, 72-77,
Cities Nuclear Power Station, Units 1 and 2; R. E. Ginna	)	50-295, 50-304, and
Nuclear Power Plant; Salem Nuclear Generating Station,	)	72-1037 -LT
Unit Nos. 1 and 2; Three Mile Island Nuclear Station,)	
Unit 1; Zion Nuclear Power Station, Units 1 and 2; and	)	November 24, 2021
Associated Independent Spent Fuel Storage Installations))	
)	

**NOTICE OF WITHDRAWAL OF THE PEOPLE OF THE STATE OF ILLINOIS'S
HEARING REQUEST AND PETITION FOR LEAVE TO INTERVENE**

The People of the State of Illinois, by Attorney General Kwame Raoul (“People of Illinois”), hereby withdraw their hearing request and petition for leave to intervene in the above-captioned proceeding filed on July 12, 2021 (“Petition”),¹ which is currently pending before the U.S. Nuclear Regulatory Commission (“NRC”).

¹ People of the State of Illinois’s Non-Confidential Request for Leave to Intervene and for a Hearing Regarding Exelon Generation Company, LLC’s Facility Operating License Transfer Application (July 12, 2021) (ML21193A326); People of the State of Illinois’s Confidential Request for Leave to Intervene and for a Hearing Regarding Exelon Generation Company, LLC’s Facility Operating License Transfer Application (July 12, 2021) (ML21193A335) (non-public).

This proceeding relates to the indirect license transfer application filed by Exelon Generation Company, LLC (“Exelon Generation”) on behalf of itself and other Applicants on February 25, 2021 (“Application”).² The Application, as initially filed, presented financial projections and decommissioning information based on specified assumptions that certain plants in Illinois would cease to operate prior to the end of their licensed lives. The People of Illinois filed their Petition challenging the uncertainty regarding these assumed early retirements and the possibility of corresponding shortfalls in the decommissioning funds for certain plants.

However, on September 15, 2021, after initial briefing on the Petition was completed, the State of Illinois enacted energy legislation that would support the continued operation of Braidwood Station, Units 1 and 2, Byron Station, Units 1 and 2, and Dresden Nuclear Power Station, Units 2 and 3.³ As a result of that legislation, and on the same day, Exelon Generation informed the NRC of its decision to reverse its previously-announced decisions to retire the units at Byron and Dresden Stations before the end of their licensed operating lives.⁴ Two weeks later, on September 29, 2021, Exelon Generation submitted to the NRC an update (“Update”) to its pending Application including, among other things, Exelon Generation’s updated assumption

² See Letter from J. Bradley Fewell, Exelon Generation Company, LLC, to NRC Document Control Desk, “Application for Order Approving License Transfers and Proposed Conforming License Amendments,” Encl. 1 (Feb. 25, 2021) (ML21057A272, Proprietary; ML21057A273, Non-Proprietary), as supplemented by letter dated March 25, 2021 (ML21084A165) (“Application”). The Application was filed by Exelon Generation on behalf of itself and Exelon Corporation, Exelon FitzPatrick, LLC, Nine Mile Point Nuclear Station, LLC, R.E. Ginna Nuclear Power Plant, LLC, and Calvert Cliffs Nuclear Power Plant, LLC (collectively, “Applicants”).

³ Illinois Public Act 102-0662 enacted September 15, 2021, Section 90-30, amending the Illinois Power Agency Act, 20 ILCS § 3855/1-75(d-10).

⁴ Letter from J. B. Fewell, Exelon Generation, to NRC Document Control Desk, RS-21-096, “Withdrawal of Certification of Permanent Cessation of Power Operations for Byron Station, Units 1 and 2, and Previously Submitted Licensing Actions in Support of Decommissioning” (Sept. 15, 2021) (ML21258A276); Letter from J. B. Fewell, Exelon Generation, to NRC Document Control Desk, RS-21-097, “Withdrawal of Certification of Permanent Cessation of Power Operations for Dresden Nuclear Power Station, Units 2 and 3, and Previously Submitted Licensing Actions in Support of Decommissioning” (Sept. 15, 2021) (ML21258A281).

that its Byron, Dresden, Braidwood, and LaSalle Stations will continue to operate, as well as updated *pro forma* financial projections and decommissioning funding information.⁵

The People of Illinois have reviewed the updated information and discussed it with Exelon, and Exelon's intention to continue to operate the Bryon, Dresden, Braidwood, and LaSalle units. Based on this updated information, the People of Illinois withdraw their hearing request in the above-captioned proceeding.

Respectfully submitted,

Susan L. Satter, Esq.
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Counsel for the People of the State of Illinois

Dated at Chicago, Illinois
this 24th day of November, 2021

⁵ Letter from G. T. Kaegi, Exelon Generation, to NRC Document Control Desk, "Update to Application for Order Approving License Transfers and Proposed Conforming License Amendments" (Sept. 29, 2021) (non-proprietary version enclosed herewith); *see also* Letter from P. R. Simpson, Exelon Generation, to NRC Document Control Desk, RS-21-103, "Updated Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations for Byron Station and Dresden Nuclear Power Station," (Sept. 28, 2021) (ML21271A113).

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, a copy of the foregoing “Notice of Withdrawal of the People of the State of Illinois’s Hearing Request and Petition for Leave to Intervene” and its Enclosure were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned docket.

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