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August 23, 2021

The Honorable Joseph Biden  
President of the United States  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear President Biden,

In light of the scheduled decommissioning of Byron and Dresden Nuclear Generating Stations, both of which are located in my congressional district in Illinois, I write to you with an urgent request to take extraordinary measures to maintain continuity of operations for these plants.

America's civil nuclear power fleet is being gradually decimated. In the past nine years, seven reactors totaling 5,306 MW of baseload, carbon-free generating capacity were decommissioned. Should Byron and Dresden come offline in the coming weeks as planned, another 4,300 MW of capacity will be lost. Palisades and Diablo Canyon, the remaining plants currently scheduled for decommissioning, represent another 3,067 MW that would be taken offline by 2025. These figures do not include an additional 7,566 MW in capacity for three other specific plants considered to be "at-risk" of decommissioning. Conversely, since 1996, only one new reactor (Watts Bar Unit 2) has come online, adding 1,165 MW.

The downward pressure on our nuclear fleet endangers the reliability of power generation, the economy and thousands of well-paying jobs, the health of our environment, and even the lives of fellow citizens. What many once viewed as solely an economic concern has morphed into a matter of national defense and resilience. This trend is unsustainable and wholly unacceptable.

With respect to nuclear power in Illinois, I have been disappointed time and again by the failures of the state political leadership to forge a bargain and rebalance state energy policies so as to keep our nuclear plants online. After missing opportunities in 2020 to get something done, the General Assembly and Office of the Governor are once again on the verge of failure. The state officials delegated negotiations over a legislative solution to outside groups and, when those negotiations hit an impasse, the officials opted to shirk their responsibility to take control and make tough decisions. Instead, they have joined the outside groups in finger-pointing and posturing.

With respect to the entirety of the nation's civil nuclear fleet, on the other hand, I have been pleased to see a growing bipartisan and bicameral effort in Congress to preserve our existing nuclear generators, and I have increasing confidence in the chances that my colleagues and I will be able to set the trajectory of the fleet onto a better course. The bipartisan infrastructure package passed by the Senate contains language which I have championed through similar legislation in the House to establish a financial credit program at the Department of Energy to avoid closures of plants facing financial woes. However, even if Congress manages to get this infrastructure package over the finish line in the coming weeks with the nuclear programs intact, it will still take months for the administration to stand up the program and get this financing out the door in time to stave off the closure of Byron and Dresden stations.

**Therefore, I write to urgently request that you, or your delegates, cite new or existing emergencies through which to employ statutory authorities to compel the continued operations of Byron and Dresden stations in order to meet these emergencies and serve the national defense and the general interests of the public.** In my view, there are two separate sets of authorities the administration could consider employing toward these ends—the Defense Production Act and the Federal Power Act.

Defense Production Act (DPA): Either you or, through the DPA authorities delegated through Executive Order 13603, Energy Secretary Granholm could compel continuity of operations at these facilities. Of course, a determination must be made that a defense priority exists, such as: climate preservation; energy independence; energy resilience, adaptation, or hazard mitigation; preservation of sufficient non-emitting baseload power capabilities; public health; or some combination thereof. You may choose to employ authorities under Title I of the DPA, to *prioritize* the performance of a contract, or to *allocate* scarce materials, goods, and services. There are various precedents for this option, including the use of prioritization authorities to produce personal protective equipment and vaccines in response to the coronavirus public health emergency, and to support the defense industrial base; or, under the allocations authority, arrangements made for the Department of Transportation's Civil Reserve Air Fleet. Another option are authorities found in Title III, relating to expansion or maintenance of productive capacity. In this case, you would be able to issue financial incentives for ensuring domestic capacity of non-carbon baseload power generation. There is strong precedent for this option, including President Obama's actions relating to securing energy independence through the Advanced Drop-In Biofuels Production project. And while the Department of Defense already has the financial and operational infrastructure to initiate the presidential determination process for Title III funding, precedent suggests the Department is unlikely to do so without direction from the White House.

Federal Power Act: Secretary Granholm could employ her authority under Section 403 of the Department of Energy Organization Act to submit a rulemaking proposal to the Federal Energy Regulatory Commission (FERC). This proposal should request that FERC employ its emergency authorities under Section 202(c) of the Federal Power Act to determine that an emergency exists by reasons stated therein and, further, that the Commission move as expeditiously as statute allows to require that Byron and Dresden continue power generation and delivery to meet the emergency and serve the public interest.

This is not a request I make lightly, but continuity of operations is of paramount importance to energy reliability and resiliency, especially considering the following:

Extreme Weather: While the plants' regional transmission organization, PJM Interconnection, has assessed it likely has the capacity to make up for the loss of Byron and Dresden, many still doubt energy reliability and resiliency, especially in the face of extreme weather events. In recent years, Illinois and other parts of the U.S. have experienced severe winter storms and record low temperatures. In 2014, a so-called polar vortex froze coal piles and diesel generators while prices of natural gas skyrocketed. In January 2019, the Midwest was hit with bone-chilling temperatures. Chicago experienced temperatures of -23°F while Rockford's record low was broken at -25°F (with wind chill, -52°F and -51°F, respectively). Municipal workers were forced to light railroad track switches on fire to keep them from freezing and sticking. But through it all, nuclear generators ran at near-peak output, keeping millions of homes and businesses heated.

Coronavirus Public Health Emergency: As recently as this year, in the face of weather events causing significant spikes in demand, we have seen several states implement strategies to conserve energy. The colder months are just around the corner, and they not only bring strain upon our energy grids—they bring the flu season and other seasonal illnesses. As the COVID-19 pandemic resurges with the spread of the Delta variant, we must avoid finding ourselves in a situation in which our hospitals are filled with patients while energy reliability and resiliency are in question. Even at home, millions of Americans rely on heating

systems and medical devices that are connected to the grid. Without sufficient power, their health and their lives are in danger.

Cyber Attacks: There has been a recent uptick in cyberattacks on U.S. critical infrastructure—particularly the energy sector. In all matters, but especially in kinetic and cyber warfare, energy diversity *is* energy security. As federal and state policies continue to take abundant and reliable baseload sources offline and replaced only with renewable sources, energy generation has become increasingly vulnerable. Reducing energy diversity is a boon to malign actors, especially considering the energy sources the U.S. is taking offline are “black start” and baseload sources.

Climate Change Goals: One of your top policy objectives is to address climate change by cutting carbon emissions in half by 2030 and achieving “net zero” status by 2050. While I may disagree with many of the methods by which the administration intends to achieve these goals, I do support the same overarching objective. But it does not take an advanced mathematics degree to understand these goals become exponentially tougher to obtain as more nuclear reactors are taken offline. Thus, it is abundantly clear that nuclear energy generation does, and must continue to, represent an outsized role in this mission.

I am gravely concerned about both the nationwide trend of a thinning nuclear fleet as well as the parochial interests involved with the decommissioning of Byron and Dresden stations, the result of which will be disastrous for individuals and municipalities in my district. My communities—my friends and neighbors—need me to fight on their behalf. And while your focus may be broader than mine, the impending closure of Byron and Dresden will have significant negative effects on the national interest. Once again, this situation serves as another crossroads—an inflection point at which we should all come together to say “enough is enough,” support nuclear power, and consider every possible action to turn the tide in favor of energy security, climate security, and economic security.

Extraordinary circumstances sometimes require extraordinary response measures. The decisions you and your administration make on these matters in the days ahead will have a substantial impact on the future of America’s energy and climate policy. With that in mind, I reiterate my urgent request that the administration exercise emergency authorities to require Byron and Dresden stations to remain operational, at least until federal or state laws are enacted to ensure their financial viability, which would render such emergency measures unnecessary.

In closing, I will be sharing copies of this letter with other relevant agencies and officials. Therefore, I respectfully request that the White House coordinate closely with these officials as the administration weighs its options.

Thank you for your thoughtful consideration of this request. Should you wish to discuss these matters further, please do not hesitate to contact me directly.

Sincerely,



Adam Kinzinger  
Member of Congress  
Illinois’ Sixteenth District

CC: Hon. Jennifer Granholm, Secretary, U.S. Department of Energy  
Hon. Lloyd Austin, Secretary, U.S. Department of Defense  
Hon. Deanne Criswell, Administrator, Federal Emergency Management Agency  
Hon. Chair and Commissioners, Federal Energy Regulatory Commission  
Mr. Timothy Manning, Supply Coordinator, Executive Office of the President