

July 23, 2012

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On behalf of the Commission, I am responding to your letter dated May 4, 2012, in which you urged the Commission not to issue a decision on the pending application for a 20-year extension of the operating license for the Pilgrim Nuclear Power Station ("Pilgrim") until all related legal challenges are finally resolved.

The U.S. Nuclear Regulatory Commission's (NRC's) rules provide that a renewed power reactor operating license may be issued while some adjudicatory filings remain pending, so long as the NRC staff has made all necessary safety and environmental findings. Therefore, after several years of evidentiary hearings, decisions by the Atomic Safety and Licensing Board (ASLB), and Commission appellate decisions addressing the Board's rulings, the Commission on May 24, 2012, approved the NRC staff's recommendation to authorize the Director of the Office of Nuclear Reactor Regulation to renew Pilgrim's operating license once he makes the appropriate safety and environmental findings. The Director made those findings and issued the license on May 29, 2012.

In view of the motions to reopen and petitions to intervene now pending before the ASLB, the Commission recognizes that if the renewed license is subsequently set aside on appeal, Pilgrim's previous operating license may be reinstated in accordance with NRC regulations. However, delaying the NRC's license renewal determination until all pending adjudicatory matters are resolved would not affect Pilgrim's ability to continue operating in the interim. Moreover, issuance of the renewed license has the advantage of formally binding Pilgrim to follow the aging-management programs that are incorporated into the renewed license, empowering the NRC to enforce compliance with those new requirements.

The Commission recognizes the significant public interest in the agency's licensing process, particularly with respect to pending applications for new and renewed operating licenses. Likewise, the Commission takes seriously its commitment to transparency, participation, and collaboration in its regulatory activities. We appreciate your input.

Sincerely,

/RA/

Allison M. Macfarlane

Identical letter sent to:

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

The Honorable William R. Keating
United States House of Representatives
Washington, D.C. 20515