

August 3, 2012

The Honorable Scott P. Brown
United States Senate
Washington, D.C. 20510

Dear Senator Brown:

On behalf of the Commission, I am responding to your letter dated May 16, 2012, in which you urged the Commission to maintain transparency during its evaluation of the application for a renewed operating license at Pilgrim Nuclear Power Station ("Pilgrim"). Thank you for providing us with your views.

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 (Board), 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.

A petition for review of a Board decision is now pending before the Commission. 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