





*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

Chair  
Tourism, Arts & Cultural Development

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To: NRC Commissioners  
Via Email to: [NRCEXECSEC.resource@nrc.gov](mailto:NRCEXECSEC.resource@nrc.gov)

Dear Honorable Commissioners,

I am writing in opposition to the Nuclear Regulatory Commission's Executive Director's request for authorization to renew the Entergy's operating license of the Pilgrim Nuclear Power Plant.

As you are aware, on Tuesday, April 23, 2012 the NRC's Executive Director for Operations (EDO) requested that the NRC Commissioners provide him authorization by May 8, 2012, (one month prior to Pilgrim's June 8, 2012 license expiration), to renew Pilgrim's operating license for another 20 years. (SECY-12-0062) This request to give Entergy a new 20-year license before resolving pending health, safety, and environmental issues is premature and ignores NRC precedent and previously avowed commitments by the agency to an open, public process for resolving concerns before relicensing.

To allow the Pilgrim relicensing despite pending, unresolved legal challenges is contrary to the NRC's own rules. The NRC staff effort to obtain permission from the Commissioners to circumvent legal precedent should be rejected. The U.S. Supreme Court has held that in such a situation, the license cannot be issued. Further, when environmental concerns are raised, as they are here, the seminal case of *Calvert Cliffs Coordinating Comm. v. United States Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1971), holds that in nuclear reactor licensing proceedings, all environmental issues must be given the same procedural rights and processes as safety issues. The NRC

staff, however, seeks to ignore this well-established precedent and inappropriately rush a well established process.

There is no need to issue Pilgrim's license before the outstanding legal contentions are resolved, and hence there is no legitimate reason to circumvent the public process and grant the Executive Director for Operations' request. The NRC's procedural regulations provide that when a relicensing application is timely filed, that license may continue in effect until all contentions are resolved. Entergy's application for Pilgrim relicensing was timely filed thus it can continue to run Pilgrim on its current license, obviating the need to issue a new 20-year license now.

In sum, relicensing while outstanding contentions are pending is unlawful and it completely disregards the rights of my constituents and all Massachusetts's citizens to have their concerns about their own health, safety, welfare, and environment adjudicated in a fair and balanced process. This would establish a dangerous precedent.

Thank you for the opportunity to offer this opposition to the EDO's request.

Respectfully submitted,

  
Sarah K. Peake