

EDO Principal Correspondence Control

FROM: DUE: 06/12/12

EDO CONTROL: G20120371
DOC DT: 05/24/12
FINAL REPLY:

Representative Edward J. Markey

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 12-0238

Chairman Jaczko

DESC:

Request that the Nuclear Regulatory Commission
Deny Staff's Request to Re-License the Pilgrim
Nuclear Power Plant (EDATS: SECY-2012-0270)

ROUTING:

Borchardt
Weber
Johnson
Ash
Mamish
OGC/GC
Leeds, NRR
Dean, RI
Zobler, OGC
Schmidt, OCA

DATE: 05/30/12

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

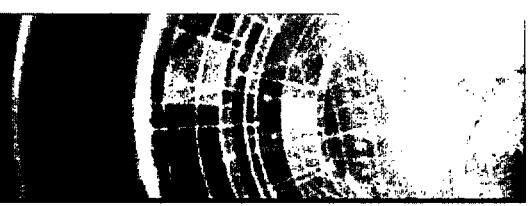
Please prepare response in accordance with OEDO
Notice 2009-0441-02 (ML093290179). NRR and
Region I to provide input to Roger Rihm, OEDO, if
required. Roger Rihm will coordinate response with
OGC and OCA.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2012-0270

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 6/12/2012 11:00 PM

Other Assignees:

SECY Due Date: 6/14/2012 11:00 PM

Subject: Request that the Nuclear Regulatory Commission Deny Staff's Request to Re-License the Pilgrim Nuclear Power Plant

Description:

CC Routing: NRR; RegionI; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20120371, LTR-12-0238

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Jaczko

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR and Region I to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Representative Edward J. Markey

Date of Incoming: 5/24/2012

Originating Organization: Congress

Document Received by SECY Date: 5/30/2012

Addressee: Chariman Jaczko

Date Response Requested by Originator: 6/25/2012

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: May 30, 2012 16:57

PAPER NUMBER: LTR-12-0238 **LOGGING DATE:** 05/24/2012
ACTION OFFICE: EDO
AUTHOR: REP Edward Markey
AFFILIATION: CONG
ADDRESSEE: CHRM Gregory Jaczko
SUBJECT: Request that the NRC deny staff's request to re-license the Pilgrim nuclear power station
ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack
LETTER DATE: 05/24/2012
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence.
A response is requested by NLT Monday, June 25.
NOTES:
FILE LOCATION: ADAMS
DATE DUE: 06/14/2012 **DATE SIGNED:**

EDO --G20120371

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 24, 2012

The Honorable Gregory B. Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Jaczko:

I am writing again to request that the Nuclear Regulatory Commission (NRC) deny its staff's request¹ to re-license the Pilgrim Nuclear Power Station (PNPS) in Plymouth, Massachusetts. In addition to the outstanding administrative proceedings and judicial appeals related to the license extension that require resolution, I am also concerned that the Generic Environmental Impact Statement² (GEIS, which is legally required under the National Environmental Policy Act, or NEPA) prepared by NRC in 2007 was inadequate, particularly with regard to the potential effects of PNPS's once-through cooling system on wildlife and their habitat.

Multiple agencies play a role in nuclear plant re-licensing, but it is primarily the responsibility of the NRC to ensure that nuclear power plants are not relicensed until they comply with all applicable regulations, including regulations aimed at protecting wildlife. A primary way that power plants harm wildlife is through the impingement and entrainment of aquatic organisms in cooling systems. Impingement occurs when fish and other aquatic life forms are trapped against cooling water intake screens. Entrainment occurs when aquatic organisms are drawn through a cooling structure and then pumped back out. Aside from these physical impacts, power plants also discharge heated effluent that contains chemical compounds; this thermal and chemical pollution may directly harm organisms, or indirectly harm them by degrading the quality of their habitat. The Environmental Protection Agency (EPA) regulates these adverse effects on wildlife through the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permit.

¹ <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2012/2012-0062scy.pdf>

² Generic Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 29 Regarding the Pilgrim Nuclear Power Station, Final Report (CEQ #20070325).

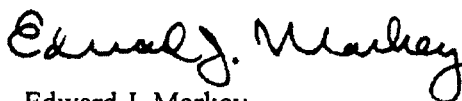
In the case of PNPS re-licensing, the NRC prepared a GEIS as part of the NEPA process, in which they asserted that it is EPA's responsibility to examine whether changes in plant operations are necessary to meet the requirements of the Clean Water Act. The EPA commented on the GEIS in a letter dated August 30, 2007. In this letter, the EPA admonished the NRC about the GEIS, saying that it should contain more detailed descriptions of the environmental impacts of re-licensing, explicitly consider options to mitigate impacts, and clarify some statements that the EPA did not agree with. For example, EPA requested a detailed explanation of why the NRC concluded that retro-fitting PNPS with a closed-cycle cooling system was not feasible. The EPA conceded that it is not the NRC's responsibility to decide whether PNPS operation complies with the Clean Water Act – that is EPA's responsibility through the NPDES permit process. But notably, the EPA issued PNPS's current NPDES permit in 1991; it expired in 1996 and has been renewed without review in the nearly twenty years since then.

I am concerned that the NRC and the EPA have been derelict in their duties to protect wildlife from effects of nuclear power plant operation. In the case of PNPS, it has become obvious that these agencies are engaged in a game of regulatory "hot potato," each pointing to the others to take responsibility for examining effects of nuclear power plant cooling systems. I am also concerned that the issues at PNPS are not an isolated incident, but may be indicative of an ongoing practice that leaves species entrained in a bureaucratic black hole and without adequate protection.

So that I can better understand the steps that the NRC is taking to address the potential effects of PNPS re-licensing on wildlife, I would like to know what steps the NRC has taken to address concerns raised in the August 30, 2007 letter from the EPA. Please provide copies of all documentation of each step, and please respond to this request by June 25, 2012.

Thank you for your assistance and cooperation in responding to this request. Should you have any questions about this request, please contact Jill Cohen or Michal Freedhoff of the House Committee on Natural Resources Democratic Staff at 202-225-6065.

Sincerely,



Edward J. Markey
Ranking Member
House Committee on Natural Resources