

**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 request<sup>1</sup> 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 Statement<sup>2</sup> (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.

---

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

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

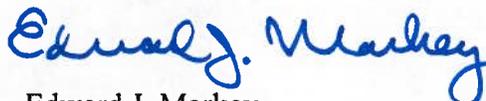
In the case of PNPS re-licensing, the NRC prepared a GEIS as part of the NEPA process, in which they asserted that it is EPA's responsibility to examine whether changes in plant operations are necessary to meet the requirements of the Clean Water Act. The EPA commented on the GEIS in a letter dated August 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