

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE NUCLEAR REGULATORY COMMISSION**

In the Matter of EA-12-051

All Operating Nuclear Power Plant Licensees

With Spent Fuel Pools

April 3, 2012

**BEYOND NUCLEAR PLEADING
TO CO-PETITION IN THE MATTER OF PILGRIM WATCH REQUEST FOR HEARING
REGARDING INSUFFICIENCY OF ORDER MODIFYING LICENSES WITH REGARD
TO SPENT FUEL POOL MODIFICATIONS**

On April 2, 2012, Pilgrim Watch filed a request for hearing under 10 C.F.R § 2.309, challenging the adequacy of United States Nuclear Regulatory Commission's (NRC) Issuance of the Order to Modify Licenses With regard To Spent Fuel Pools (EA-12-051) issued March 12, 2012.

Now comes, Beyond Nuclear with its pleading to the NRC to become a co-petitioner with the filing as submitted by Pilgrim Watch on April 2, 2012, verbatim and with all submitted supportive exhibits.

Beyond Nuclear is a not-for-profit organization located at 6930 Carroll Avenue, Suite 400, Takoma Park, MD 20912. Beyond Nuclear has members who live, work and recreate within the 50-mile Emergency Planning Zone for nuclear power plants with spent fuel pools subject to EA-12-051 who feel that their health and safety is adversely

impacted by EA-12-050 as currently written and that their interests in public health and safety are not adequately represented without the participation of Beyond Nuclear.

Beyond Nuclear submits that while the Order stipulates that a twenty (20) comment period from issuance of the Final Order will be afforded to the public including submitting a request for leave to intervene and request a public hearing as provided by 10 C.F.R § 2.309, the Final Order and package did not become a public document until March 14, 2012, thereby providing the public with less than twenty (20) days to provide the agency with comment including the request for a public hearing and leave to intervene.

At 4:02 PM EST, March 14, 2012, Paul Gunter with Beyond Nuclear received an email from Mr. Lance Rankovan, Senior Communications Specialist, US NRC, which states:

“I’m guessing you are the gentleman that talked with the PDR staff, but just in case - apparently the packages for the documents were not made public for some reason. you should be able to access the Orders at this point, although I believe they are still working on the complete package for the request for information.

Hardened Vents - [ML12054A694](#)

Mitigating Strategies for beyond design basis events - [ML12054A735](#)

Spent Fuel Pools - [ML12054A679](#)

50.54(f) Letter - [ML12053A340](#)”¹

¹ Email from Lance Rankovan, NRC, to Paul Gunter, Beyond Nuclear, March 14, 2012, “Orders and 50.54f Letters”

In fact, the Final Order was not made a public document in ADAMS until March 14, 2012.

Beyond Nuclear therefore submits that in all fairness that the NRC should accept a pleading provided within the twenty (20) days as stipulated in the Final Order became from thea public document available through the NRC Agency-wide Document And Management System (ADAMS).

Paul Gunter on the behalf of co-petitioner Beyond Nuclear has communicated with Ms. Mary Lampert on the behalf of petitioner Pilgrim Watch and both parties agree to this co-petition request.

Sincerely,

-----/s/-----

Paul Gunter, Director
Reactor Oversight Project
Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Tel. 301 270 2209 x3
paul@beyondnuclear.org
www.beyondnuclear.org

April 3, 2012