

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARDS

Before Administrative Judges:

Alan S. Rosenthal, Chairman
E. Roy Hawkens
Dr. Anthony J. Baratta

In the Matters of

All Operating Boiling Water Reactor Licensees with Mark I and Mark II Containments: Order Modifying Licenses with Regard to Reliable Hardened Containment Vents (Effective Immediately)

Docket No. EA-12-050
ASLBP No. 12-918-01-EA-BD01

All Power Reactor Licensees and Holders of Construction Permits in Active or Deferred Status: Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (Effective Immediately)

Docket No. EA-12-051
ASLBP No. 12-918-01-EA-BD01

May 17, 2012

MEMORANDUM AND ORDER

(Requesting Filing on Petitions under 10 C.F.R. § 2.206)

In a 1982 Pilgrim decision, upon which Entergy and the NRC Staff rely in opposing the Pilgrim Watch hearing petition in this proceeding, the Commission called specific attention to the availability to Attorney General Bellotti of the provisions of 10 C.F.R. § 2.206.¹ In view thereof, the NRC Staff is hereby directed to provide the Board, in a filing no later than May 31, 2012, with a list of those occasions since January 1975 on which the NRC official to

¹ Boston Edison Co. (Pilgrim Nuclear Power Station), CLI-82-16, 16 NRC 44, 47 (1982), aff'd, Bellotti v. NRC, 725 F.2d 1380 (D.C. Cir. 1983).

whom a Section 2.206 petition was submitted granted the substantive relief sought in the petition. In each instance, the substance of that relief is to be summarized.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Alan S. Rosenthal, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 17, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ALL OPERATING BOILING WATER)
REACTOR LICENSEES WITH MARK I)
AND MARK II CONTAINMENTS)
)
AND) Docket Nos. EA-12-050 and EA-12-051
)
ALL POWER REACTOR LICENSEES)
AND HOLDERS OF CONSTRUCTION)
PERMITS IN ACTIVE OR DEFERRED)
STATUS)
)
(Fukushima-Related Orders Modifying)
Licenses))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Requesting Filing on Petitions under 10 C.F.R. § 2.206)** have been served upon the following persons by Electronic Information Exchange (EIE).

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
Washington, DC 20555-0001

Administrative Judge
Alan S. Rosenthal, Chair
E-mail: alan.rosenthal@nrc.gov

Administrative Judge
E. Roy Hawkens
E-mail: roy.hawkens@nrc.gov

Administrative Judge
Dr. Anthony J. Baratta
E-mail: Anthony.baratta@nrc.gov

Jonathan Eser, Law Clerk
E-mail: jonathan.eser@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15 D21
Washington, DC 20555-0001

Carrie Safford, Esq.
E-mail: carrie.safford@nrc.gov
Christopher Hair, Esq.
E-mail: Christopher.hair@nrc.gov
Mauri Lemoncelli, Esq.
E-mail: Mauri.lemoncelli@nrc.gov
Catherine Scott, Esq.
E-mail: clm@nrc.gov

E-mail: OGCMailCenter.Resource@nrc.gov

Docket Nos. EA-12-050 and EA-12-051

MEMORANDUM AND ORDER (Requesting Filing on Petitions under 10 C.F.R. § 2.206)

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001

E-mail: OCAAMail.Resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001

E-mail: hearingdocket@nrc.gov

Pilgrim Watch
148 Washington Street
Duxbury, MA 02332

Mary E. Lampert, Director
E-mail: mary.lampert@comcast.net

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania, Ave. N.W.
Washington, D.C. 20004

Paul M. Bessette, Esq.
E-mail: pbessette@morganlewis.com
Stephen J. Burdick, Esq.
E-mail: sburdick@morganlewis.com

Pillsbury Winthrop Shaw Pittman
2300 N Street, NW
Washington, DC 20037

David Lewis, Esq.
Counsel for Dominion
E-mail: David.lewis@pillsburylaw.com
Jay Silberg, Esq.
E-mail: jay.silberg@pillsburylaw.com
Stephen L. Markus, Esq.
E-mail: Stephen.markus@pillsburylaw.com

Hogan Lovells, US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, D.C. 20004

Jennifer Mansh, Esq.
E-mail: Jennifer.mansh@hoganlovells.com
Amy C. Roma, Esq.
E-mail: amy.roma@hoganlovells.com
Ruth M. Porter, Esq.
E-mail: ruth.porter@hoganlovells.com

Docket Nos. EA-12-050 and EA-12-051

MEMORANDUM AND ORDER (Requesting Filing on Petitions under 10 C.F.R. § 2.206)

Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, AL 35203-2015

M. Stanford Blanton, Esq.
E-mail: SBlanton@balch.com
Derek J. Brice, Esq.
E-mail: dbrice@balch.com
April Leemon, Paralegal
E-mail: aleemon@balch.com

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

Donald P. Irwin, Esq.
Counsel for Detroit Edison
E-mail: dirwin@hunton.com
Stephanie Meharg, Esq.
E-mail: smeharg@hunton.com

Detroit Edison Company
One Energy Plaza
Detroit, MI 48226-1279

Jon P. Christinidis, Esq.
Office of the General Counsel
E-mail: christinidisj@dteenergy.com

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111

Tyson Smith, Esq.
E-mail: trsmith@winston.com

Winston & Strawn LLP
1700 K Street
Washington, DC 20006

David A. Repka, Esq.
Counsel for Pacific Gas & Electric Co.
E-mail: drepka@winston.com
Carlos L. Sisco, Paralegal
E-mail: csisco@winston.com

Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

William A. Horin, Esq.
Counsel for Energy Northwest
E-mail: whorin@winston.com
Rachael Miras-Wilson, Esq.
E-mail: rwilson@winston.com

Docket Nos. EA-12-050 and EA-12-051

MEMORANDUM AND ORDER (Requesting Filing on Petitions under 10 C.F.R. § 2.206)

Dominion Resources Services, Inc.
120 Tredegar Street, RS-2
Richmond, VA 23219

Lillian M. Cuoco, Esq.
Senior Counsel
E-mail: Lillian.cuoco@dom.com

Florida Power & Light Company
801 Pennsylvania Avenue, NW
Suite 220
Washington, DC 20004

Mitchell Ross, Esq.
E-mail: mitch.ross@fpl.com
Steven Hamrick, Esq.
steven.hamrick@fpl.com

Dated at Washington, DC
this 17th day of May 2012

Original signed by Nancy Greathead
Office of the Secretary of the Commission