

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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-12-051  
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-12-050  
ASLBP No. 12-918-01-EA-BD01

NRC STAFF AND PILGRIM WATCH JOINT MOTION FOR AN EXTENSION TO FILE A  
RESPONSE TO THE BOARD ORDER REGARDING PETITIONS UNDER 10 C.F.R. § 2.206  
AND RESCHEDULE ORAL ARGUMENT

Pursuant to 10 C.F.R. § 2.323, the NRC staff ("Staff"), and Pilgrim Watch ("PW"), hereby jointly request an extension to June 15, 2012, for the Staff to file its response to the Board's May 17, 2012, Memorandum and Order (Requesting Filing on Petitions under 10 C.F.R. § 2.206) ("Order"). If this extension is granted, in order to allow the parties an opportunity to review the staff response, Staff and PW also move to reschedule oral argument to a date no earlier than the week of June 25, 2012. PW joins this motion contingent upon the Board changing both dates; PW does not support simply changing the date for the Staff to respond without changing the date of the hearing. In support of this request, the Staff and PW respectfully state as follows:

1. The Board's Order directs the Staff to provide it with a list of occasions since January 1975 "on which the NRC official to whom a Section 2.206 petition was submitted granted the substantive relief sought in the petition."<sup>1</sup> The Board also directs the Staff to summarize the substance of the relief in each instance.<sup>2</sup> Based on its preliminary assessment, the Staff has identified hundreds of petitions that require an in-depth review in order to determine whether, and to what extent, substantive relief was granted. Thus, in order to provide a meaningful summary to the Board of each instance substantive relief was granted, the Staff seeks an extension of time until June 15, 2012.

2. If the request for an extension of time to file the Staff's response is granted, Staff and PW recognize that the Staff's response would follow oral argument set for June 7, 2012.<sup>3</sup> In the event that the Board may wish to pursue this subject as a topic for discussion at oral argument, and in order to allow an opportunity for the parties to review the Staff's response thereon, Staff and PW request that the Board reschedule the oral argument no earlier than the week of June 25, 2012.

3. In accordance with 10 C.F.R. § 2.323(b), Staff counsel contacted counsel for Entergy regarding this motion. According to its counsel, Entergy takes no position.

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<sup>1</sup> Board Order at 1-2 (unpublished).

<sup>2</sup> *Id.*

<sup>3</sup> See Board Memorandum and Order (Scheduling Oral Argument), dated May 9, 2012 (unpublished).

Therefore, the Staff and PW respectfully request that this motion to extend the time for Staff's response until June 15, 2012, and to reschedule the oral argument no earlier than the week of June 25, 2012, be granted.

Respectfully submitted,

/Signed (electronically) by/  
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Dated at Rockville, Maryland  
this 23<sup>rd</sup> day of May, 2012

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “NRC STAFF AND PILGRIM WATCH JOINT MOTION FOR AN EXTENSION TO FILE A RESPONSE TO THE BOARD ORDER REGARDING PETITIONS UNDER 10 C.F.R. § 2.206 AND RESCHEDULE ORAL ARGUMENT” has been served in the above-captioned proceeding upon the following persons by Electronic Information Exchange (EIE) on this 23<sup>rd</sup> day of May, 2012.

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/Signed (electronically) by/  
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Dated at Rockville, MD  
this 23<sup>rd</sup> day of May, 2012