

DOCKET NUMBER

PETITION RULE PRM 50-70  
(65 FR 30550)

Before the

**NUCLEAR REGULATORY COMMISSION**

100 05 24 P 136

Petition for Rulemaking filed by :  
Eric Joseph Epstein on May 12, 2000 : 10 CFR Part 50  
Federal Register, Volume 65, Number 93, : Docket No: PRM-50-70  
30550-30553 :  
ACB

**MOTION TO SEPARATE PRO SE REPRESENTATION  
OF THE FOLLOWING EMPLOYEES FROM  
THEIR AFFILIATED ORGANIZATIONS:**

**MS. S.L. BERNHOFT and FLORIDA POWER CORPORATION;  
MR. ROBERT G BYRAM and PPL CORPORATION;  
MR. JOHN R. CAVES and CAROLINA POWER LIGHT COOPERATION;  
MR. JOHN W. HOLT and the NATIONAL RURAL ELECTRIC  
COOPERATIVE ASSOCIATION;  
MR. THOMAS LAGUARDIA and TLG INDUSTRIES;  
and,  
MR. RICHARD J.MEYERS and the NUCLEAR ENERGY INSTITUTE**

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**ERIC JOSEPH EPSTEIN, *Petitioner***  
4100 Hillsdale Road  
Harrisburg, PA 17112

Secretary and  
David L. Meyer, Chief  
United States Nuclear Regulatory Commission  
Rules and Directives Branch  
Division of Administrative services  
Office of Administration  
Washington, D.C. 20555-0001

Dear Mr. Secretary and Mr. Meyer:

1) On December 30, 1999, the Petitioner, Eric Joseph Epstein, (hereafter, "Petitioner" or "Epstein"), filed a **PETITION for RULEMAKING 10 CFR. CH 1. (1-1-99), EDITION)** (Hereafter the "Petition") SUBPART-H §2802:PETITION to AMEND THE FINANCIAL ASSURANCE REQUIREMENTS for DECOMMISSIONING NUCLEAR POWER REACTORS SECTION 50.75 REPORTING and RECORD KEEPING for DECOMMISSIONING PLANNING, Parts: (a), (b), (c), (d), (e), and (f) to INCLUDE UNIFORM REPORTING for PROPORTIONAL OWNERS of NUCLEAR GENERATING STATIONS and A REQUEST to PETITIONER'S RECOMMENDATIONS for NUCLEAR DECOMMISSIONING IDENTIFIED IN : II) STATEMENT of ISSUES: 9 (A), (B), (C), (D), (E) AND (F);

2) The Nuclear Regulatory Commission (NRC) docketed the Petition on January 3, 2000;

3) David L. Meyer acknowledged receipt of the Petition in a letter delivered by the United States Postal Service (USPS) to Mr. Epstein dated January 24, 2000;

4) The NRC notified the Petitioner, via the United States Postal Service (USPS) on May 8, 2000, that the Petition was docket pursuant to 10 CFR 2.802 and assigned the number: PRM-5070;

4) Mr. Meyer notified the Petitioner through the USPS on August 7, 2000, and provided comments from eight interested parties;

5) Several parties utilized the representation of certified legal counsel: Gary Newell, Esquire for Publicly Owned Systems Group and Daniel F. Stenger, et al, Counsel for the New England Power Company and Ogelthorpe Power Corporation (1);

6) The Petitioner's experience in the Commonwealth of Pennsylvania has clearly demonstrated that:

The filing of rulemaking petitions by non-lawyers attempting to represent the interests of companies constitutes the unauthorized practice of law by the signatories on those rulemaking petitions. Pennsylvania law is crystal clear on the issue of unauthorized practice of law: those who engage in this practice may be subjected to criminal penalties. (See 42 Pa. C.S.A. section 2524).

6) And at least one administrative forum in Pennsylvania has altered its regulations to reflect the importance of the prevention of this practice. (See 29 Pa. Bull 4683-84, Comments to the Proposed Revisions to the Board's Rules);

7) The signing of petitions submitted by corporate entities by legal counsel suggests that a fairly standard practice, which avoids the unauthorized practice of law, already informally and formally exists. To allow rulemaking petitions to be verified by non-attorneys also raises other substantial questions of law, such as whether the signatory is authorized to bind the submitting corporation to the allegations made within the submission, and whether other constraints bind the signatory, such as Rule 11 sanctions under the Federal Rules of Civil Procedure, due to the nature of their action;

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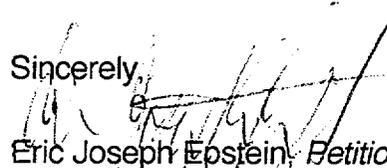
1 Comments from New England Power Company and Ogelthorpe Power Corporation were entered through electronic submission and the USPS. Both formats lack a signature (s) or any other visible means of attestation.

8) All of these reasons militate against the allowance of non-attorneys to practice law on behalf of corporations. These petitions should either be dismissed, or rejected until proper legal counsel verifies the petitions by his or her signature in a representative capacity on behalf of the corporation;

9) Mr. Epstein proposes that the following corporate or organizational representatives file comments as interested parties, at their own personal expense, separate from their affiliated entities:

MS. S.L. BERNHOFT and FLORIDA POWER CORPORATION;  
MR. ROBERT G BYRAM and PPL CORPORATION;  
MR. JOHN R. CAVES and CAROLINA POWER LIGHT COOPERATION;  
MR. JOHN W. HOLT and the NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION;  
MR. THOMAS LAGUARDIA and TLG INDUSTRIES; and,  
MR. RICHARD J. MEYERS and the NUCLEAR ENERGY INSTITUTE;

Sincerely,

  
Eric Joseph Epstein, *Petitioner*  
4100 Hillside Road  
Harrisburg, PA 17112

**DATED: AUGUST 15, 2000**

Enclosures:  
Certification of Service  
Motion to Dismiss Filings for Delinquency  
Motion to Separate *Pro Se* Representation