

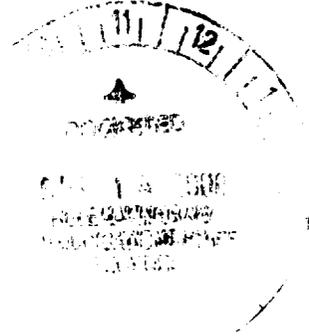
DOCKET NUMBER

PETITION RULE PRM 50-70  
(65 FR 30550)

Before the

NUCLEAR REGULATORY COMMISSION

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 :



MOTION TO DISMISS DELINQUENT FILING

FROM THE

NORTH ATLANTIC SERVICE ENERGY CORPORATION

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;

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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;

3) The NRC notified the Petitioner, via the United States Postal Service 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 form eight interested parties (1);

5) The Commission solicited public comment and explicitly instructed interested parties to:

Submit comments by July 26, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website at <http://ruleforum.llnl.gov>. This site allows you to upload comments as files in any format, if your web browser supports the function.

6) Despite advance notice, and 75 days in which to file timely comments, several parties failed to adhere the submission standards established by the Commission (1);

7) North Atlantic Energy Service Corporation's (NAESC) delinquent letter embraced and supported the content of the filing submitted by the Nuclear Energy Institute (NEI). The NEI insisted on a strict adherence to NRC regulations, and a limited and narrow interpretation of Commission parlance. A sense of fair play and accountability dictate that the NAESC is held to a similar standard;

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1 Part 2, -- RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS, Subpart H -- Rulemaking; Section 2.805 participation by interrupted persons; and, Section 2.808 Authority of Secretary to rule on procedural matters.

8) The Nuclear Energy Institute, headquartered in the same quadrant as the Nuclear Regulatory Commission, dated its correspondence on July 26, 2000, but its comments were not received by the Commission until a full day after the filing deadline;

9) North Atlantic Energy Service Corporation's filing challenges the laws of physics, and asks the Commission to believe that the NAESC possesses clairvoyant attributes. North Atlantic Energy Service Corporation's letter in support of the NEI position was dated July 24, 2000; or, **two full days before the NEI purported to send their comments to the Commission.** The Company obviously backdated the letter, and attested to submit the document two days prior to the Nuclear Energy Institute's filing;

10) Moreover, the NAESC's letter is dated **July 24, 2000**, but it was not received, processed and docketed by the Nuclear Regulatory Commission **until August 15, 2000**;

11) As of August 22, 2000, nearly one month after the filing deadline, the Petitioner has not received a hard copy of the filing, and retrieved the NAESC document via the internet which noted it's posting date as August 18, 2000;

12) The North Atlantic Energy Service Corporation's filing is delinquent, disingenuous; and and its nothing new to previous postings;

13) The Petitioner believes that all parties should abide by the standards and rules of practice promulgated by the Nuclear Regulatory Commission;

14) The Petitioner respectfully requests that that Commission dismiss the delinquent filing of the NORTH ATLANTIC SERVICE ENERGY CORPORATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Joseph Epstein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

**DATED: AUGUST 23, 2000**

Enclosures:

Certification of Service

Motion to Dismiss Filing for Delinquency

Motion to Separate *Pro Se* Representation

**Before the**  
**NUCLEAR REGULATORY COMMISSION**

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

**CERTIFICATION OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the active participants named below by US mail or hand delivery in .

Secretary  
United States Nuclear Regulatory Commission  
Washington, D. C. 20055-0001  
Attention: Rulemakings and Adjudication Staff

Mr. David L. Meyer, Chief  
U.S. NR.C.  
Rules and Directives Branch  
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Office of Administration  
Washington, D.C. 20555-0001

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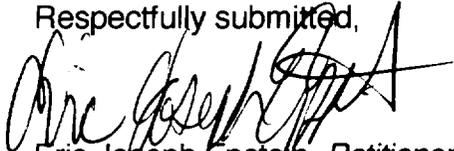
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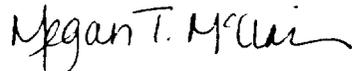
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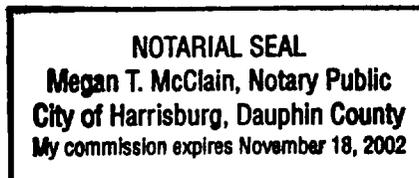
Ted C. Feigenbaum  
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Chief Nuclear Officer  
North Atlantic Energy Service  
Corporation  
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Seabrook, N.H. 03874

Respectfully submitted,

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

**DATE: August 22, 2000**

**NOTARY:** 



State of Pennsylvania  
County of Dauphin  
Sworn and subscribed before me this  
23<sup>rd</sup> day of August, 2000.  
