UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OFFICE OF THE
GENERAL COUNSEL

June 23, 2000

The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

RE: National Whistleblower Center v. NRC, Nos. 99-1002 & 99-1043 (D.C. Cir., orders issued June 15, 2000)

Dear Chairman:

In late 1998, the Commission ruled that the National Whistleblower Center's failure to submit timely or adequate contentions justified dismissal of the Center's petition to intervene in the Calvert Cliffs license renewal proceeding. In April a 3-judge panel of the United States Court of Appeals for the District of Columbia Circuit (Edwards, C.J., Williams & Sentelle, JJ.) upheld the Commission's decision as lawful and rejected the Center's challenge to it. See National Whistleblower Center v. NRC, 208 F.3d 256 (D.C. Cir. 2000). The Court expressly approved the Commission's decision to toughen its usual approach to extension-of-time requests in the Calvert Cliffs proceeding.

The Center subsequently sought rehearing before the panel or, in the alternative, rehearing en banc before the full 10-judge court of appeals. On June 15, in separate one-page orders, the court of appeals denied the Center's petitions. The Center now has until September 13 to file a petition for certiorari seeking Supreme Court review. The Center's attorneys have stated that they plan to file such a petition.

Sincerely,

John F. Cordes, Jr.
Solicitor

cc: Representative Peter J. Visclosky

Template OGC04

Public

OGC01