

DOCKET NUMBER

PETITION FILE PRM-4CS

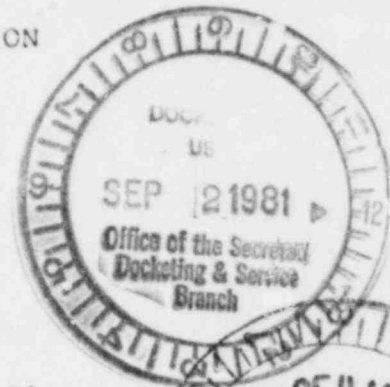
UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of )  
PETITION FOR EMERGENCY )  
and REMEDIAL ACTION )

In the Matter of )  
CLI-80-21 )  
COMMISSION MEMORANDUM )  
and ORDER )

UNION OF CONCERNED SCIENTISTS'  
MOTION FOR OPPORTUNITY TO  
RESPOND AND FOR FURTHER RELIEF



The Union of Concerned Scientists has just learned that on July 31, 1981, the NRC Staff filed a document with the Commission entitled "NRC Staff Response to Petition for Extension of Deadline for Compliance with CLI-80-21." This document responds to a June 22, 1981 petition by 18 utilities seeking a thirteen (13) month extension of the June 30, 1982 deadline established by the Commission in CLI-80-21 for completion of the review of the environmental qualification of safety-related electrical equipment in operating plants.

As the Commission is well aware, CLI-80-21 is the number of the final Commission decision in the proceeding entitled "Petition for Emergency and Remedial Action" initiated by the Union of Concerned Scientists in November, 1977. The utilities' petition and the NRC Staff response seek a major modification to that decision. Incredibly, neither the utilities' petition nor the Staff response either mention or are titled or docketed in the docket for the UCS Petition for Emergency and Remedial Action and

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UCS has been served with none of these papers.

On July 10, 1981, I sent letters to counsel for the utilities, the Secretary of the Commission and the General Counsel for the Commission, asking that the utilities' petition be appropriately docketed and that all papers be served on UCS. Copies are attached. There can be no serious question but that this is the proper course of action. I have to date received no response from any of those persons and learned just yesterday that more documents have been filed in this matter without even the common courtesy of service on UCS, the party which initiated the proceeding culminating in CLI-80-21.

UCS therefore requests the following relief from the Commission:

1. That the Commission direct the June 22, 1981 "Petition for Extension of Deadline for Compliance with CLI-80-21" and all subsequent related filings to be docketed in the official docket for "Petition for Emergency and Remedial Action" and direct that all of these filings be served immediately on the Union of Concerned Scientists.

2. That UCS be given until September 18, 1981, to respond to the June 22 Utilities' Petition and the Staff's July 31 response thereto.

Respectfully submitted.



Ellyn R. Weiss  
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(202) 833-9070

Counsel for Union of Concerned Scientists

DATED: August 31, 1981

HARMON & WEISS

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GAIL M. HARMON  
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(202) 833-9070  
OF COUNSEL  
L. THOMAS GALLOWAY

July 9, 1981

Mr. Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036

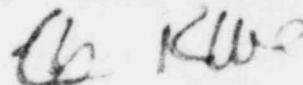
Dear Mr. Reynolds:

I have just learned that on June 22, 1981, you filed on behalf of the utilities a "Petition for Extension of Deadline for Compliance with CL1-80-21." The title of the proceeding that culminated in CL1-80-21 was "Petition for Emergency and Remedial Action", initiated by the Union of Concerned Scientists. The Union of Concerned Scientists, which I represent, therefore has a clear interest in your efforts to modify that decision and should receive service from you of all pleadings toward that end.

I also believe that your papers are mistitled and should be filed in the NRC's docket for the "Petition for Emergency and Remedial Action" for the obvious reason that they seek to modify the final decision in that action.

This is more than a formality since any person now consulting the docket for the Petition for Emergency and Remedial Action would be misled into concluding that CL1-80-21 has not been challenged. Normal practice would unquestionably dictate that your petition appear in that docket and I therefore request that you refile it with the appropriate title.

Very truly yours,



Ellyn R. Weiss

ERW:smq

cc: Service List

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July 10, 1981

Mr. Lenard Bickwit, Esq.  
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Washington, D.C. 20555

Mr. Samuel J. Chilk  
Secretary to the Commissioners  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
11th Floor  
Washington, D.C. 20555

Gentlemen:

On June 22, 1981, Mr. Nicholas Reynolds on behalf of eighteen licensees filed a "Petition for Extension of Deadline for Compliance with CL1-80-21." As you are no doubt aware, the title of the proceeding which culminated in CL1-80-21 was "Petition for Emergency and Remedial Action", filed by the Union of Concerned Scientists in 1977. However, this recent petition seeking to modify the final order in that proceeding does not carry the title of that proceeding and has presumably not been properly docketed in the NRC's file for "Petition for Emergency and Remedial Action." Nor, remarkably, was the Union of Concerned Scientists served with a copy of the pleading.

I do not believe it can be seriously disputed that a petition which seeks to modify a final order must carry the title of the proceeding which resulted in that final order and must be served on the parties to that proceeding.

I therefore request that you notify Mr. Reynolds that the petition filed June 22, 1981, has been retitled to carry the caption "Petition for Emergency and Remedial

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HARMON & WEISS

Mr. Lenard Bickwit  
Mr. Samuel J. Chilk  
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Action" and that service should be made of all subsequent papers on the parties to that proceedings, including the Union of Concerned Scientists. Thank you very much.

Very truly yours,

*ERW*

Ellyn R. Weiss

ERW:smg

cc. Service List

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CERTIFICATE OF SERVICE

I hereby certify that a copy of "Union of Concerned Scientists' Motion for Opportunity to Respond and for Further Relief" was mailed first-class postage pre-paid to the following:

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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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