

## ADJUDICATORY ISSUE INFORMATION

December 31, 2002

SECY-02-0227

FOR: The Commission

FROM: John F. Cordes, Jr. */RA/*  
Solicitor

SUBJECT: LITIGATION REPORT - 2002 - 04

Parents Concerned About Indian Point v. NRC, No. 02-4243 (2d Cir., decided Nov. 27, 2002)

This petition for review challenged a Commission refusal to reopen emergency planning hearings, terminated nearly twenty years ago, concerning emergency planning at the Indian Point nuclear power reactors. The petitioner was a citizens group who had participated in the original emergency planning hearings. The citizens group filed its lawsuit pro se. We moved to dismiss the court case on multiple grounds. The court of appeals (Leval, Calabresi & Trager, JJ.) dismissed the case summarily, pointing to our argument that a citizens group could not proceed in court "without the representation of an attorney."

Petitioner has ninety days to seek Supreme Court review.

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Ohngo Gaudadeh Devia v. NRC, No. 02-9583 (10<sup>th</sup> Cir., filed Nov. 29, 2002)

This lawsuit challenges a Commission decision, CLI-02-20, rejecting an "environmental justice" claim in the Private Fuel Storage licensing proceeding. Petitioner, Ohngo Gaudaheh Devia ("OGD"), is a group of Goshute Indians who oppose the proposed Private Fuel Storage facility. Because the Licensing Board and the Commission have not yet reached a final licensing decision in the Private Fuel Storage case, we have filed a motion in the court of appeals to hold OGD's lawsuit in abeyance, pending a final licensing decision. The court has not yet acted on our motion.

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Khoury v. Meserve, No. 02 CV 3511 (D. Md., filed Oct. 25, 2002)

This is a Title VII lawsuit claiming gender and national origin discrimination in employment. Plaintiff is a former employee of the Office of the Inspector General. The NRC is working with the United States Attorney's office in defending the case.

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