

## 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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