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12/23/96

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## **ADJUDICATORY ISSUE**

(Information)

December 17, 1996

SECY-96-253

For: The Commission

From: John F. Cordes, Jr.  
Solicitor

Subject: LITIGATION REPORT - 1996 - 9

Toledo Coalition for Safe Energy v. NRC, No. 95-1590 (D.C. Cir., decided Nov. 26, 1996)

This lawsuit challenged use of the NUHOMS dry storage cask at the Davis-Besse nuclear power reactor in Ohio and at the Calvert Cliffs reactor in Maryland. The NRC approved use of that cask in an earlier rulemaking. The lawsuit alleged, among other things, that the users of the cask had made alterations without seeking amendment of their certificate of compliance.

We moved to dismiss the lawsuit as premature. Petitioners had not brought their claims first to the NRC, as required by the NRC's judicial review provisions. The court of appeals (Silberman, Randolph & Rogers, JJ.) has issued a short order dismissing the case in its entirety. The court ruled that the Ohio petitioners' claim was not ripe because their grievance still was before the NRC (via a petition under 10 C.F.R. § 2.206). The court dismissed the Maryland petitioners' claim for lack of standing because the only agency action identified in the petition related to the Davis-Besse petition.

NRC action on the pending § 2.206 petition could lead to renewed litigation on the NUHOMS cask.

CONTACT: Peter G. Crane  
415-1622

Thermal Science Inc. v. NRC, No. 4:96CV02282-CAS (E.D. Mo., filed November 20, 1996)

This lawsuit seeks to halt further NRC consideration of a proposed \$900,000 civil penalty against Thermal Science, Incorporated (TSI), a company that produces and sells to the nuclear industry a fire barrier product known as Thermo-Lag. The proposed penalty rests on alleged misrepresentations about the testing of Thermo-Lag. The complaint points to TSI's acquittal last year on related criminal charges and argues that NRC pursuit of a civil penalty violates the Double Jeopardy Clause of the Fifth Amendment to the U.S. Constitution. The

NOTE: TO BE MADE PUBLICLY AVAILABLE IN 5  
WORKING DAYS FROM THE DATE OF THIS PAPER

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complaint also argues that the NRC lacks statutory jurisdiction to assess civil penalties against non-licensees like TSI. Finally, the complaint contends that the basis for the proposed penalty here, the "wrongdoer rule" (10 C.F.R. § 50.5), also lies outside the NRC's statutory authority.

TSI seeks a stay of the deadline (currently January 31) to respond to the proposed civil penalty and a preliminary injunction halting further NRC penalty proceedings. We are drafting an opposition to the stay and injunction motions and will work with the United States Attorney's office in St. Louis in defending this case.

CONTACTS: Charles E. Mullins  
415-1618

Peter G. Crane  
415-1622

Morris v. NRC, No. 97-3067 (Fed. Cir., filed Nov. 12, 1996)

This lawsuit was brought by the widow of a deceased former NRC employee and challenges an agency personnel decision. The suit apparently will argue that the NRC violated whistleblowing protection laws in terminating the former employee. The lawsuit challenges a decision by the Merit Systems Protection Board, which upheld the NRC in full.

We will work with the Department of Justice in defending this suit.

CONTACT: J. Bradley Fewell  
415-1569

Nejfelt v. Jackson, No. 96C-629 (N.D. Ill., filed Sept. 22, 1996)

This is the second lawsuit filed against the NRC by an NRC employee claiming violations of the Americans with Disabilities Act. A copy of both complaints is available from OGC.

CONTACT: J. Bradley Fewell  
415-1569

Fuhrmeister v. NRC, No. CV-0000481-96 (State District Court, Montgomery County, Pa., filed Nov. 26, 1996)

An NRC employee brought this lawsuit to claim about \$300 lost when his work assignments prevented him from taking annual leave. The lawsuit was filed in state court. We currently are consulting with the United States Attorney in Philadelphia on how best to defend the case.

CONTACT: Grace H. Kim  
415-3605

  
John F. Cordes  
Solicitor

DISTRIBUTION:

Commissioners

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OCA

ASLBP

EDO

SECY

ATTACHMENT 1

Toledo Coalition for Safe Energy v. NRC, No. 95-1590 (D.C. Cir., decided Nov. 26, 1996)

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 95-1590**

**September Term, 1996**

Toledo Coalition for Safe Energy, et al.,  
Petitioners

v.

Nuclear Regulatory Commission and United States of  
America,  
Respondents

---

Centerior Energy Corporation, et al.,  
Intervenors

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED

NOV 26 1996

CLERK

**BEFORE:** Silberman, Randolph, and Rogers, Circuit Judges

**ORDER**

Upon consideration of the motions to dismiss, the lodged opposition thereto, the lodged replies, the motion for leave to exceed page limits, and the opposition thereto, it is

**ORDERED** that the motion to exceed page limits be granted. The Clerk is directed to file the lodged documents. It is

**FURTHER ORDERED** that the motions to dismiss be granted. With respect to the Ohio petitioners, this matter is not ripe for judicial review because of the pendency of the agency proceedings. See Abbott Laboratories v. Gardner, 387 U.S. 136, 149 (1967). Accordingly, we dismiss this petition for review as to those petitioners without prejudice, see Mississippi Valley Gas Co. v. FERC, 68 F.3d 503, 507 (D.C. Cir. 1995), and without ruling on the standing issue. We dismiss with prejudice as to the remaining petitioner, Maryland Safe Energy Coalition because the Coalition does not have standing to challenge the Nuclear Regulatory Commission's letter dated October 12, 1995, which concerns storage casks to be shipped to the Davis-Besse site in Ohio under a general license.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 95-1590

September Term, 1996

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See D.C. Cir. Rule 41.

Per Curiam

LWS  
AMR  
LWR

ATTACHMENT 2

Thermal Science Inc. v. NRC, No. 4:96CV02282-CAS (E.D. Mo., filed November 20, 1996)



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

THERMAL SCIENCE, INC.,

Plaintiff,

v.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION,

Defendant.

SERVE:

Edward L. Dowd, Jr., Esq.  
United States Attorney for the  
Eastern District of Missouri  
401 U.S. Court & Custom House  
1114 Market Street  
St. Louis, MO 63101

Janet Reno, Esq.  
Attorney General of the United States  
10th Street, N.W. & Constitution Avenue  
Washington, D.C. 20530

James Lieberman, Director  
Office of Enforcement  
United States Nuclear Regulatory  
Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD

Case No. 4:96CV02282-CAS

COMPLAINT

For its Complaint against Defendant, the United States Nuclear Regulatory  
Commission ("NRC"), Plaintiff Thermal Science, Inc. ("TSI"), states as follows:



### Description Of Action

1. This is an action for preliminary and permanent injunctive relief prohibiting the NRC from unlawfully pursuing monetary penalty proceedings against TSI.
2. The NRC's recently-commenced penalty proceeding violates TSI's constitutional right against the threat of successive government prosecutions, as guaranteed by the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution. TSI was already prosecuted for the same allegedly wrongful conduct in a lengthy criminal trial which concluded in August 1995. The jury in that prior criminal action unanimously acquitted TSI of all charges of wrongdoing.
3. In addition, the NRC's current penalty proceeding exceeds the agency's statutory authority to impose such penalties under the Atomic Energy Act of 1954, 42 U.S.C. §§ 2011, ~~et seq.~~, and also improperly seeks to extend the NRC's jurisdiction to non-licensee suppliers like TSI who are not within the scope of the NRC's lawful jurisdiction.

### Jurisdiction And Venue

4. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. § 1331 because TSI's claims arise under the Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1337 because this is a civil action arising under an Act of Congress regulating commerce, specifically, the Atomic Energy Act of 1954.
5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because the Defendant is an agency of the United States and the Plaintiff resides in this District.

### The Parties

6. TSI is a corporation organized under the laws of the State of Missouri with its principal and only place of business in St. Louis, Missouri.

7. The NRC is a federal agency with offices in various locations nationwide. The NRC's principal offices are located in Rockville, Maryland.

#### Factual Background

8. The Atomic Energy Act of 1954, as amended (the "Act"), permits the private development of nuclear energy under a Congressionally defined licensing regime and creates an administrative agency, the NRC, to make and enforce rules governing licensees and their activities.

9. The Act requires nuclear power plants and others engaged in specified activities to obtain licenses from the NRC in order to operate, and permits the NRC to issue regulations that govern persons engaged in activities for which a license is required. The Act does not generally permit the NRC to issue regulations governing persons who, like TSI, are neither licensed nor engaged in activity for which a license is required.

10. TSI is engaged in the manufacture and sale of a group of fire resistive products known collectively as Thermo-Lag. Thermo-Lag has been safely used for more than two decades in varied applications, including (a) the protection from fire of offshore and on-shore chemical and petrochemical installations, railroad tank cars, and liquefied natural gas storage containers, (b) the protection of missiles and rockets from the heat generated upon reentry into the Earth's atmosphere, and (c) the protection of electrical cables in nuclear power plants.

11. In November, 1980, the NRC issued a regulation, codified at 10 C.F.R. § 50.48 and Appendix R ("Appendix R"), entitled "Fire Protection of Safe Shutdown Capability." Appendix R required that each licensed nuclear power plant establish certain

fire protection features, including the protection from fire of certain electrical cables used in the plants

12. Beginning in 1979, TSI, along with various testing laboratories, conducted fire tests of Thermo-Lag to determine whether it provided sufficient fire protection to qualify it for use in nuclear power plants to protect electrical cables, and thereby satisfy the criteria of Appendix R. Following these successful tests, the NRC approved the use of Thermo-Lag by nuclear power plants to protect electrical cables as required by Appendix R. Beginning in 1982 and continuing through the present, TSI has sold Thermo-Lag to nuclear power plants for use in protecting electrical cables from fire.

13. In 1991, the NRC began parallel administrative and criminal investigations pertaining to TSI and Thermo-Lag. The investigations concerned, among other things, allegations that TSI had misrepresented to utilities, their agents, and the NRC the nature and extent of the involvement of independent testing laboratories in fire tests of Thermo-Lag. On numerous occasions beginning in 1991, the NRC requested and subpoenaed documents and information from TSI, and TSI provided the documents and information requested.

#### The Criminal Proceedings

14. As a result of the NRC's investigation, in September, 1994, TSI and its President, Rubin Feldman, were charged in a seven count Indictment returned in the United States District Court for the District of Maryland, Southern Division. The Indictment charged TSI and Mr. Feldman with one count of conspiracy to make false statements and to defraud the United States, in violation of 18 U.S.C. § 371; three counts of making false statements within the jurisdiction of the NRC, in violation of 18 U.S.C. § 1001; and three

counts of making incomplete and inaccurate statements to the NRC, in violation of 42 U.S.C. §§ 2273(a) and 2201(b) and 10 C.F.R. § 50.5(a). A copy of the Indictment is attached as Exhibit A. On or about May 4, 1995, a Superseding Indictment was issued in the same case. The Superseding Indictment is attached as Exhibit B.

15. The Indictment and Superseding Indictment focused on charges that TSI, in statements to the NRC and to utilities that operated nuclear power plants and their agents, misrepresented the nature and extent of the involvement of independent testing laboratories in tests of Thermo-Lag. The Indictment and Superseding Indictment also charged that TSI made false statements to the NRC during its investigation concerning the role of independent testing laboratories in the testing of Thermo-Lag.

16. On August 1, 1995, following a trial lasting nearly three months, the jury unanimously acquitted TSI and Mr. Feldman of all charges. The judgment of acquittal is attached as Exhibit C.

#### The NRC's Second Attempt To Punish TSI

17. Following TSI's acquittal, the NRC ordered a trial transcript and instructed certain NRC staff members to review the testimony in contemplation of pursuing further punitive action against TSI.

18. On October 1, 1996, the NRC issued its "Notice of Violation and Proposed Imposition of Civil Penalties" (the "Notice of Violation") against TSI, seeking to impose a \$900,000 penalty for alleged violations of 10 C.F.R. § 50.5. A copy of the NRC's letter to TSI advising of the Notice of Violation is attached as Exhibit D; a copy of the Notice of Violation is attached as Exhibit E.

19. As in the prior criminal proceeding, the NRC's Notice of Violation claims, as the basis for levying the demanded \$900,000 penalty, that TSI made alleged false representations to the NRC concerning the nature and extent of the involvement of independent testing laboratories in the testing of Thermo-Lag

20. The facts on which Charges A, B, C, and D in the Notice of Violation are based are the same as the facts on which Counts I, II, III, and IV of the Superseding Indictment were based. Similarly, all other charges in the Notice of Violation are part of, or closely related to, the government's failed allegations in the Superseding Indictment and the broad array of evidence the government unsuccessfully presented in the criminal trial.

21. The Notice of Violation unlawfully attempts to punish TSI for the same alleged conduct, acts, and wrongdoing that were at issue in the prior criminal proceedings, and to prosecute TSI successively for the same offenses of which it was already acquitted.

The NRC's Attempt To Impose Penalties In Excess Of Its Statutory Authority

22. Section 234 of the Atomic Energy Act, 42 U.S.C. § 2282(a) ("Section 2282"), the statute pursuant to which the NRC purports to levy its demanded \$900,000 penalty against TSI, provides in pertinent part as follows:

Any person who (1) violates any licensing provision of section 2073, 2077, 2092, 2093, 2111, 2112, 2131, 2133, 2134, 2137, or 2139 of this title or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 2236 of this title, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$100,000 for each such violation. \*\*\* (emphasis added)

23. Thus, by its express terms, Section 2282 only authorizes the NRC to impose penalties for violation of the licensing provisions of certain specified statutes (and regulations

issued thereunder), for violations of licenses, and for violations for which licenses may be revoked.

24. The Notice of Violation seeks to impose a \$900,000 penalty against TSI pursuant to § 2282 on the ground that TSI violated 10 C.F.R. § 50.5 ("Section 50.5"), a regulation that provides in pertinent part:

Any licensee or any employee of a licensee; and any contractor (including a supplier or consultant), subcontractor, or any employee of a contractor or subcontractor, of any licensee, who knowingly provides to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part, may not:

\* \* \*

Deliberately submit to the NRC, a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

25. Section 50.5 purports to apply to suppliers, like TSI, who are not engaged in activity for which an NRC license is required. Since Section 50.5 was not issued pursuant to the licensing provisions of any of the statutes specified in § 2282, the NRC lacks statutory authority to impose a penalty for alleged violations of § 50.5. Accordingly, the NRC's attempt to impose a penalty on TSI for allegedly violating § 50.5 is unlawful and invalid.

26. Likewise, insofar as § 50.5 purports to regulate the activities of non-licensee suppliers like TSI, the regulation exceeds the NRC's statutory authority and is invalid. Under the Atomic Energy Act, the NRC's regulatory jurisdiction is limited to the conduct and activities of licensees, or those engaged in activity for which a license is required. TSI is not a licensee and has never engaged in activity for which a license is required. Consequently, the NRC has no statutory authority to regulate TSI's conduct, or to levy penalties against TSI.



COUNT 1  
(FOR A PRELIMINARY AND PERMANENT INJUNCTION)  
(Violation Of Double Jeopardy Clause)

27. TSI realleges and incorporates herein by reference as if set forth in full the allegations set forth in paragraphs 1 through 26.

28. The proceeding initiated by the Notice of Violation is a successive prosecution for the same offense, within the meaning of and in violation of the Double Jeopardy Clause of the Fifth Amendment, because, among other reasons:

- A. The allegations in the Notice of Violation were the subject of a prior criminal proceeding.
- B. The alleged conduct on which the penalty is based--the deliberate submission of allegedly false statements to the NRC--would, if proven, already be a crime.
- C. The penalty the NRC seeks to impose requires a finding of scienter.
- D. The purpose of the proposed penalty is to promote the traditional aims of punishment: retribution and deterrence.
- E. There is no alternative non-punitive purpose that may rationally be attributed to the proposed penalty.
- F. The proposed penalty is excessive in light of any conceivable non-punitive purpose.

29. The issuance of the Notice of Violation is a second attempt to punish TSI for the same offense, in violation of the Double Jeopardy Clause.

30. By reason of the foregoing, TSI is suffering immediate and irreparable injury as a result of the violation of its constitutional rights caused by the second criminal proceeding. It is also suffering immediate and irreparable injury to its business as a result of the Notice of Violation and resulting proceedings. These losses include damage to its reputation and harm to its goodwill, permanent loss of customers, orders, revenues, profits,



and employees, and the losses associated with having to expend additional substantial company resources to defend the NRC's latest meritless punitive proceedings. Unless the requested injunctive relief is granted, TSI will continue to suffer immediate and irreparable injury. TSI has no adequate remedy at law.

31. TSI has alleged specific and definite facts showing a definite right to the relief which it ultimately seeks, and has alleged specific and definite facts that show a definite probability of prevailing on the merits.

COUNT II  
(FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF)  
(Violation Of Atomic Energy Act)

32. TSI realleges and incorporates herein by reference as if set forth in full the allegations set forth in paragraphs 1 through 31.

33. The proceeding initiated by the Notice of Violation exceeds the statutory authority of the NRC because, among other reasons:

- A. The NRC lacks the statutory authority to impose monetary penalties on suppliers such as TSI for violation of § 50.5, because that regulation was not issued pursuant to the licensing provisions of the statutes enumerated in § 2282;
- B. The NRC has exceeded its statutory authority by attempting to apply § 50.5 to TSI, which is not engaged in activities for which a license is required and is not otherwise subject to the NRC's regulatory authority pursuant to the Atomic Energy Act.

34. By reason of the foregoing, TSI is suffering immediate and irreparable injury as a result of the NRC's initiation of an enforcement proceeding beyond its statutory authority. This immediate and irreparable injury includes damage to its reputation and harm to its goodwill, permanent loss of customers, orders, revenues, profits, and employees, and the losses associated with having to expend additional substantial company resources to

defend the NRC's latest meritless punitive proceedings. Unless the requested preliminary injunctive relief is granted, TSI will continue to suffer immediate and irreparable injury. TSI has no adequate remedy at law.

35. TSI has alleged specific and definite facts showing a definite right to the relief which it ultimately seeks, and has alleged specific and definite facts that show a definite probability of prevailing on the merits.

WHEREFORE, Plaintiff Thermal Science, Inc. requests that this Court grant the following relief:

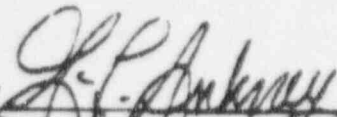
- A. A preliminary and permanent injunction directing the NRC to dismiss its "Notice of Violation and Proposed Imposition of Civil Penalties" and to end all further similar proceedings against TSI; and
- B. Such other relief as the Court may deem just and proper

Respectfully submitted,

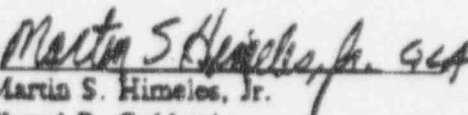
THOMPSON COBURN

ZUCKERMAN, SPAEDER, GOLDSTEIN,  
TAYLOR & BETTER, L.L.P.,

By

  
Gordon L. Ankeny, #2625  
Michael J. Morris #3900  
One Mercantile Center  
St. Louis, Missouri 63101  
Telephone: (314) 552-6000  
Facsimile: (314) 552-7000

By

  
Martin S. Himeles, Jr.  
Sheryl B. Goldstein  
100 E. Pratt Street, Suite 2240  
Baltimore, Maryland 21202  
Telephone: (410) 332-0444  
Facsimile: (410) 659-0436

Attorneys for Defendant Thermal Science, Inc.

ATTACHMENT 3

Morris v. NRC, No. 97-3067 (Fed. Cir., filed Nov. 12, 1996)

UNITED STATES COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT

FILED  
U.S. COURT OF APPEALS FC  
THE FEDERAL CIRCUIT

NOV 12 1996

CAROL MORRIS, Widow of  
CHARLES E. MORRIS,  
Petitioner,

v.

NUCLEAR REGULATORY COMMISSION,  
Respondent.

CLERK

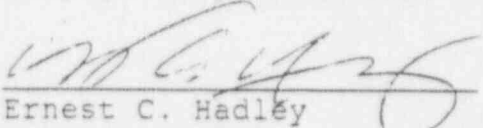
DOCKET NUMBER  
DC-0752-0774-I-1

**97-3067**

PETITION FOR REVIEW OF ORDER OF THE  
MERIT SYSTEMS PROTECTION BOARD

Carol Morris, widow of Charles E. Morris, hereby petitions the Court for review of the Order of the Merit Systems Protection Board, entered on October 9, 1996, denying Petitioner's petition for review, and upholding Respondent's removal of Petitioner for unacceptable performance and misconduct.

Respectfully Submitted,

  
Ernest C. Hadley  
Attorney for Petitioner  
1040 B Main Street  
P.O. Box 549  
West Wareham, MA 02576  
(508) 291-1354  
# 20054

Dated: November 8, 1996

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF DOCKETING

97-3067 - MORRIS V NRC

11/18/96  
(Date of Docketing)

Petition for review of:

MERIT SYSTEMS PROTECTION BOARD

DC0752940774-I-1

Name of petitioner: CHARLES E. MORRIS

Critical dates for counsel, pro se parties, agencies, the board, and arbitrators include:

Date of docketing, as above (Rules 12 & 15)  
Certified list due (Rule 17)  
Entry of appearance due (Rule 47.3)  
Certificate of interest due (Rule 47.4)  
Statement concerning discrimination due (Fed. Cir. R. 15(c))  
Briefs due (Rule 31). Pro se parties must not file the informal brief until after the certified list has been filed and served.  
Calendar for oral argument or submission on briefs (Rule 34)

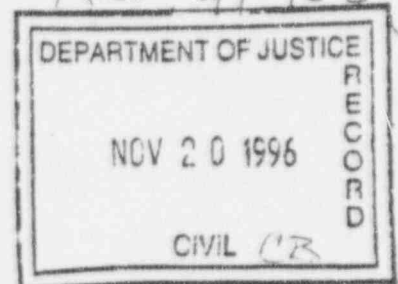
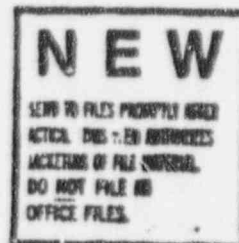
Pro se parties should refer to the GUIDE FOR PRO SE PETITIONERS AND APPELLANTS.

Attachments (with recipients noted) to this notice include:

Official caption (All)  
Rules of Practice (includes GUIDE FOR PRO SE PETITIONERS AND APPELLANTS)  
(Private parties or counsel)  
Entry of appearance form (All counsel and pro se parties)  
Statement concerning discrimination (MSPB petitioners)  
Informal brief form (Pro se parties)  
Copy of Rule 15 petition for review (board and counsel for respondents)  
Motion and Affidavit for Leave to Proceed in Forma Pauperis form (Parties owing the docketing fee)

MELVIN L. HALPERN, Acting Clerk

cc: David M. Cohen, Department of Justice, 1100 L Street, N.W. Room 12124  
Washington, D.C. 20530  
Clerk, Merit Systems Protection Board, Washington, D.C. 20419  
Ernest C. Hadley



15 NOV 20 1996

United States Court of Appeals for the Federal Circuit

Official Caption<sup>1</sup>

97-3067

CHARLES E. MORRIS,

Petitioner,

v.

NUCLEAR REGULATORY COMMISSION,

Respondent.

On a petition for review of an order of the Merit Systems Protection Board issued in DC0752940774-I-1 on October 9, 1996, denying review of the initial decision dated December 14, 1995.

Authorized Abbreviated Caption<sup>2</sup>

MORRIS V NRC, 97-3067

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<sup>1</sup>Required for use on petitions, formal briefs and appendices, court opinions, and dispositive court orders. FRAP 12(a); 32(a).

<sup>2</sup>Authorized for use only on items not requiring the Official Caption as listed in note 1.

ATTACHMENT 4

Fuhrmeister v. NRC, No. CV-0000481-96 (State District Court, Montgomery County, Pa.,  
filed Nov. 26, 1996)



COUNTY OF: MONTGOMERY

Mag Dis No.	38-1-25
D.I. Name - Hon.	JOHN L. KOWAL
Address	128 WEST 4TH STREET BRIDGEPORT, PA
Telephone	(610) 277-3377 19405-0000

**CIVIL ACTION  
HEARING NOTICE**

PLAINTIFF

NAME and ADDRESS  
FUERMEISTER, ROY L.  
19 E. RAMBO STREET  
BRIDGEPORT, PA 19405

DEFENDANT:

VS.

NAME and ADDRESS  
U.S. NUCLEAR REGULATORY COMMISSION  
475 ALLENDALE ROAD  
KING OF RPUSSIA, PA 19406

U.S. NUCLEAR REGULATORY COMMISSION  
475 ALLENDALE ROAD  
KING OF RPUSSIA, PA 19406

Docket No.: CV-0000481-96  
Date Filed: 11/26/96



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date: 1/07/97	Place: DISTRICT COURT 38-1-25 128 WEST 4TH STREET BRIDGEPORT, PA 19405-0000
Time: 10:45 AM	

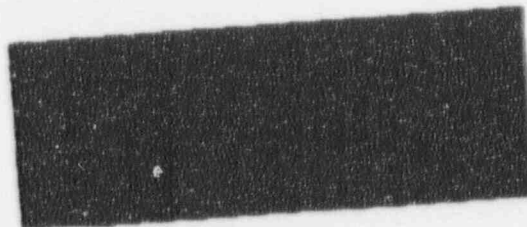
**NOTICE TO DEFENDANT**

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above phone number.

You must appear at the hearing and present your defense. **UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.**

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow.

If you are disabled and require assistance, please contact the Magisterial District office at the address above.



DATE PRINTED: 11/26/96

Magisterial District Number **38 - 1 - 25**  
DJ Name: Hon. **JOHN L. KOMAL**  
Address: **128 WEST FOURTH STREET**  
**BRIDGEPORT, PA. 1491405**  
Telephone No. (610) 277-3377

COMPLAINT NUMBER CV 481-96  
DATE FILED: 11/26/96

	AMOUNT	DATE PAID
FILING COSTS \$		
SERVICE COSTS \$		
J.C.P. \$	1.50	
<b>TOTAL \$</b>	<b>41.70</b>	<b>11/26/96</b>

## PLAINTIFF:

Name  
Address

**ROY L. FUHRMEISTER**  
**19 E. RABCO STREET**  
**BRIDGEPORT, PA. 19405**

## DEFENDANT(S):

VS.

D-1 Name  
Address

**UNITED STATES NUCLEAR REGULATORY COMMISSION**  
**475 ALLENTOWN ROAD**  
**KING OF PRUSSIA, PA. 19406**

D-2 Name  
Address

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for \$ **316.96** together with costs upon the following claim (Civil Fines must include citation of the statute or ordinance violated):

**MONEY OWED FOR LOST DEPOSIT.**

I, **ROY L. FUHRMEISTER** verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. §4904) related to unsworn falsification to authorities.

*[Signature]*  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

HEARING IS SCHEDULED BY DISTRICT JUSTICE AS FOLLOWS:

**128 WEST 4TH STREET BRIDGEPORT, PA. 19405**  
Location

**1/7/97**

Date

**10:45 A.M.**  
Time

**IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.**

**IF YOU HAVE A CLAIM** against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance to attend court, please contact the Magisterial District office at the address above.