

November 9, 2010

Mr. Eric J. Epstein
4100 Hillsdale Rd.
Harrisburg, PA 17112

Dear Mr. Epstein:

Your petition dated September 30, 2010, and addressed to Stephen Burns, Office of the General Counsel, has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. You request that the Commission take enforcement action in the form of a Demand for Information from FirstEnergy relating to inadequate financial assurance for Three Mile Island Unit-2's (TMI-2) decommissioning. As the basis for your request, you note that the current radiological decommissioning cost estimate is \$831.5 million and the current amount in the decommissioning trust fund is \$484.5 million, as of December 31, 2008. Further, you state that FirstEnergy's decommissioning report is inadequate, and fails to account for the special status of TMI-2, the current level of underfunding, or the fact that decommissioning rate recovery for Metropolitan Edison and Pennsylvania Electric cease per Pennsylvania Public Utility Commission Orders on December 31, 2010.

I would like to express my sincere appreciation for your effort in bringing these matters to the attention of the U.S Nuclear Regulatory Commission. In that regard, you met with our Petition Review Board (PRB), via teleconference, on October 19, 2010, to discuss your petition. The results of that discussion have been considered in the PRB's determination regarding your request for additional information from FirstEnergy. The PRB determined that your request meets the criteria for accepting a petition for enforcement pursuant to 10 CFR 2.206. As provided by Section 2.206, we will take action on your request within a reasonable time. I have assigned John Buckley to be the petition manager for your petition. Mr. Buckley can be reached at 301-415-6607.

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed for your information, a copy of NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA/

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Docket: 50-320

Enclosures:

1. *Federal Register* Notice
2. NUREG/BR-0200

cc: TMI-2 Service List

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OFFICIAL RECORD COPY

Three Mile Island - Unit 2 Service List

cc:

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Public Petition Process
ML050900248