

April 2, 2013

Marvin I. Lewis, R.P.E. (Retired)  
3133 Fairfield St.  
Philadelphia, PA 19136

Dear Mr. Lewis:

This letter responds to your March 12, 2013, email requesting that the U.S. Nuclear Regulatory Commission (NRC) reopen the adjudicatory proceeding that addressed whether to permit Unit 1 at the Three Mile Island Nuclear Station in Middletown, Pennsylvania, to restart following the 1979 accident at Three Mile Island Unit 2. Specifically, you “request that the Commissioners reopen the ASLB Hearings on the issue of the Lewis Contention [regarding “Filters”] and update the results to the present Lessons Learned from Fukushima and the staff recommendation for filters to prevent radioactive particles from escaping into the atmosphere after a core meltdown.” You also offered that you are available to intervene in the reopened hearings.

Since NRC has already authorized the restart of Three Mile Island Unit 1, the time window for requesting reopening of the restart proceeding is closed.<sup>1</sup>

Once the NRC has acted, interested persons can still raise safety concerns about the NRC-licensed activity in question. A proper vehicle for doing so would be a petition for NRC action filed under 10 C.F.R. § 2.206.<sup>2</sup> As § 2.206 states, the petition must “specify the action requested and set forth the facts that constitute the basis for the request.”

If you have a safety concern regarding Unit 1 at Three Mile Island that you believe merits NRC action, please consider filing a § 2.206 petition that specifies what NRC action you seek and sets forth the factual basis for your request. The NRC would then be able to assess your request under the established § 2.206 process.

Sincerely,

*/RA/*

Annette L. Vietti-Cook

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<sup>1</sup> See *Texas Utilities Electric Co.* (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-92-12, 36 NRC 62, 67 (1992).

<sup>2</sup> See *Comanche Peak*, CLI-92-12, 36 NRC at 67.