

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 06/03/08
SERVED 06/03/08

In the Matter of

AMERGEN ENERGY COMPANY)

Three Mile Island Nuclear Station, Unit 1)

Docket No. 50-289
License Renewal

ORDER

The Commission has received an e-mail, which it is treating as a petition to intervene, that was submitted by Mr. Marvin Lewis, of Philadelphia, Pennsylvania, in this proceeding. On May 23, 2008, Mr. Lewis submitted this e-mail to a member of the NRC Staff, who forwarded it to the Office of the Secretary on the same day. However, the deadline for petitions to intervene to be filed was May 13, 2008, 60 days after the Federal Register Notice announcing the Notice of Opportunity for a Hearing. See 73 Fed. Reg. 13923, 13924 (March 14, 2008). Mr. Lewis' petition, however, does not address the agency's intervention requirements as outlined in 10 CFR 2.309(f). Moreover, since the filing was 10 days late, the filing also needed to address the late-filing criteria specified in 10 CFR 2.309(c) and this petition does not. Finally, the request to intervene did not meet the specific requirements of the Commission's "E-Filing rule," which the NRC promulgated in August, 2007, see 72 Fed. Reg. 49139 (Aug. 28, 2007), and which is specifically incorporated into the Notice of Hearing. See 73 Fed. Reg. at 13924-25. Therefore,

pursuant to 10 C.F.R. § 2.346(c) and (h), I have denied Mr. Lewis' petition to intervene in this proceeding.

It is so ORDERED.

For the Commission

/RA/

Annette Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of June, 2008.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
AMERGEN ENERGY COMPANY, LLC) Docket No. 50-289-LR
(ALSO KNOWN AS AMERGEN))
)
(Three Mile Island Nuclear Station, Unit 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing (COMMISSION ORDER) have been served upon the following persons by Electronic Information Exchange, and to Marvin Lewis by U.S. mail and e-mail.

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(COMMISSION ORDER)

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[Original signed by R. L. Giitter]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of June, 2008