

# PICA

The Pennsylvania Institute for Clean Air

Office of the Senior Researcher, 2211 Washington Avenue  
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50-289

Dr Ivan Selin  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001


August 1, 1994

Dear Dr. Selin,

It turns out that the Director's Decision in DD-94-03 was based on incorrect assumptions and incorrect positions of fact taken by the NRC and corrected in a timely manner by PICA and Mayor Reed, see enclosed correspondence.

I trust that you will agree that information that is new to the NRC has been provided. Your objection in the past to giving PICA a Commissioner's Level Reconsideration has always been that we failed to come up with new facts or arguments that the Directors didn't consider. Well, now we have. So let's have a re-examination of this case by the Commissioners. PICA formally requests that its 2.206 Petition and the record connected therewith be reviewed formally by the NRC Commissioners and that an Order be entered providing for such belated re-consideration based on the emergence of facts that are new to the NRC due to a misapprehension of the facts on the NRC's part prior to and included in the Director's Decision. DD-94-03 should be regarded as invalid and nugatory due to the unilateral mistakes of fact by the NRC on which it is based. Due process requires a reconsideration of this decision and we will take whatever lawful steps are required to be sure that our issue is considered fairly, fully, and based on correct information.

Sincerely,

  
Robert Gary  
Senior Researcher  
for PICA

Encl: Mayor Reed's letter of July 27, 1994 (w/enclosure)  
PICA's Letter to Dir. Russell August 1, 1994

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