

**RAS 11131**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 02/02/06**

**SERVED 02/02/06**

Before Administrative Judges:

E. Roy Hawken, Chairman  
Dr. Paul B. Abramson  
Dr. Anthony J. Baratta

In the Matter of

AMERGEN ENERGY COMPANY, LLC

(License Renewal for Oyster Creek Nuclear  
Generating Station)

Docket No. 50-0219-LR

ASLBP No. 06-844-01-LR

February 2, 2006

MEMORANDUM

(Notice of Expected Date for Decision)

Pending before the Board are two Requests for Hearing and Petitions for Leave to Intervene ("Petitions") dated November 14, 2005, challenging the Oyster Creek Nuclear Generating Station ("Oyster Creek") License Renewal Application submitted by AmerGen Energy Company, LLC ("AmerGen") to the Nuclear Regulatory Commission ("NRC") on July 22, 2005. One Petition was filed by the New Jersey Department of Environmental Protection [hereinafter referred to as New Jersey], and the other Petition was filed by the Nuclear Information and Resource Service ("NIRS"), Jersey Shore Nuclear Watch, Inc., Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and New Jersey Environmental Federation [hereinafter referred to collectively as NIRS]. On December 12 and 14, 2005, AmerGen and the NRC filed oppositions to the Petitions. Based on the December 19, 2005 filing of NIRS's reply pleading,<sup>1</sup> the Licensing Board's decision granting or denying Petitioners' hearing requests would have been due on or before

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<sup>1</sup> New Jersey did not file a reply pleading.

Thursday, February 2, 2006. See 10 C.F.R. § 2.309(i); see also 70 Fed. Reg. 20,457, 20,462 (Model Milestones for Subpart L proceedings).

However, subsequent to December 19, 2005, the Board required supplemental briefings from the parties on several material matters. See Licensing Board Order (Directing Supplemental Briefing on Hearing Request) (Jan. 10, 2006) (unpublished); Licensing Board Order (Directing Supplemental Briefing on Hearing Request) (Jan. 23, 2006) (unpublished). Responses to the Board's second request for supplemental briefing were submitted on January 30, 2006.<sup>2</sup> As a result, and pursuant to 10 C.F.R. § 2.309(i), the Board hereby provides notice that it currently anticipates issuing a decision regarding the Petitioners' hearing requests no later than February 28, 2006.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

**/RA/**

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E. Roy Hawken, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 2, 2006

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<sup>2</sup> See Supplemental Brief of Petitioner New Jersey Department of Environmental Protection on Issue of Regulations Governing Cumulative Usage Factor (Jan. 30, 2006); AmerGen's Brief in Response to Order Directing Supplemental Briefing on Metal Fatigue (Jan. 30, 2006); NRC Staff's Response to Licensing Board's Order Directing Supplemental Briefing (Jan. 30, 2006).

<sup>3</sup> Copies of this order were sent this date by Internet e-mail to counsel for: (1) AmerGen; (2) New Jersey; (3) NIRS; and (3) the NRC Staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
AMERGEN ENERGY COMPANY, LLC ) Docket No. 50-219-LR  
 )  
 )  
(Oyster Creek Nuclear Generating Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (NOTICE OF EXPECTED DATE FOR DECISION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-219-LR  
LB MEMORANDUM (NOTICE OF EXPECTED DATE  
FOR DECISION)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 2<sup>nd</sup> day of February 2006