

RAS 14836

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF THE SECRETARY

DOCKETED
USNRC

BEFORE THE COMMISSION

December 19, 2007 (4:11pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
)
AMERGEN ENERGY COMPANY, LLC)
)
(License Renewal for the Oyster Creek)
Nuclear Generating Station))
_____)

Docket No. 50-0219-LR

December 19, 2007

**CITIZENS' EMERGENCY MOTION FOR AN EXTENSION
OF TIME TO APPEAL THE BOARD'S FINAL DECISION**

This motion is filed on behalf of Nuclear Information and Resource Service, 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 (collectively "Citizens"). On December 18, 2007, the clerk to the Atomic Safety and Licensing Board (the "Board") e-mailed the decision of the Board rejecting Citizens' contention. LBP-07-17. Citizens believe that they have a number of points that warrant appeal. However, without an extension, Citizens would face great difficulties preparing the appeal within the permitted time-frame. Citizens' lead counsel, Mr. Richard Webster, is going out of the country early on December 22, 2007 to spend the holiday period with relatives in the United Kingdom and will not return until late on December 30, 2007. Citizens therefore request that the Commission grant them an extension of time to file any appeal by not counting the days when Mr. Webster is away towards the 15 to 20 days allotted by 10 C.F.R. § 2.341(b).¹

¹ Citizens have consulted with opposing counsel on this issue. The NRC Staff Oppose any extension, while AmerGen is prepared to consent to an extension to January 11, 2007 on the theory that the Part 2 rules contemplate a

TEMPLATE = Aug 04/

July 02

The Part 2 rules allow extensions of time limits for "good cause." 10 C.F.R. § 2.307(a). The unavailability of Mr. Webster for the 9 days from December 22, 2007 to December 30, 2007 would effectively deprive Citizens of 9 out of the 15 to 20 days allowed to file an appeal. The appeal period is very short given the length and complexity of this hearing. The Board has already decided a similar motion to this and found that Mr. Webster's absence constitutes good cause for an extension pursuant to 10 C.F.R. § 2.307(a). LBP-07-17 at 56. However, the Board decided that only the Commission could grant such an extension. *Id.* Citizens are therefore directing this Motion to the Commission.

CONCLUSION

For the foregoing reasons, the Commission should grant a 9 day extension to the time allowed for appeal of the Board's decision. Assuming the Board mails the decision to Citizens, the Appeal would then be due on January 17, 2007.

Respectfully submitted,



Richard Webster, Esq
RUTGERS ENVIRONMENTAL LAW
CLINIC
Attorneys for Citizens

Dated: December 19, 2007

minimum of 15 days for appeal, so that Citizens' should not be permitted an extension that goes beyond the required minimum.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	Docket No. 50-0219-LR
AMERGEN ENERGY COMPANY, LLC)	
)	ASLB No. 06-844-01-LR
(License Renewal for the Oyster Creek)	
Nuclear Generating Station))	December 19, 2007
)	

CERTIFICATE OF SERVICE

I, Richard Webster, of full age, certify as follows:

I hereby certify that on December 19, 2007, I caused Citizens' Emergency Motion For An Extension of Time to be served via email and U.S. Postal Service (as indicated) on the following:

Secretary of the Commission (Email and original and 2 copies via U.S Postal Service)
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications Staff
E-mail: HEARINGDOCKET@NRC.GOV

Office of Commission Appellate Adjudication
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications Staff
Email: OCAAMail@nrc.gov

Administrative Judge
E. Roy Hawkens, Chair (Email and U.S. Postal Service)
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: erh@nrc.gov

Administrative Judge
Dr. Paul B. Abramson (Email and U.S. Postal Service)
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
United States Nuclear Regulatory Commission

Washington, DC 20555-0001

E-mail: pba@nrc.gov

Administrative Judge

Dr. Anthony J. Baratta (Email and U.S. Postal Service)

Atomic Safety and Licensing Board Panel

Mail Stop – T-3 F23

United States Nuclear Regulatory Commission

Washington, DC 20555-0001

E-mail: ajb5@nrc.gov

Law Clerk

Emily Krause (Email and U.S. Postal Service)

Atomic Safety & Licensing Board Panel

Mail Stop – T-3 F23

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

E-mail: DAW1@nrc.gov

Office of General Counsel (Email and U.S. Postal Service)

United States Nuclear Regulatory Commission

Washington, DC 20555-0001

E-mail: OGCMAILCENTER@NRC.GOV

James E. Adler (Email and U.S. Postal Service)

U.S. Nuclear Regulatory Commission

Office of the General Counsel

Mail Stop: O-15 D21

Washington, DC 20555-0001

E-mail: jeal@nrc.gov

Mary C. Baty (Email and U.S. Postal Service)

U.S. Nuclear Regulatory Commission

Office of the General Counsel

Mail Stop: O-15 D21

Washington, DC 20555-0001

E-mail: mcb1@nrc.gov

Alex S. Polonsky, Esq. (Email and U.S. Postal Service)

Morgan, Lewis, & Bockius LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

E-mail: apolonsky@morganlewis.com

Kathryn M. Sutton, Esq. (Email and U.S. Postal Service)

Morgan, Lewis, & Bockius LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

E-mail: ksutton@morganlewis.com

Donald Silverman, Esq. (Email and U.S. Postal Service)
Morgan, Lewis, & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
E-mail: dsilverman@morganlewis.com

J. Bradley Fewell (Email and U.S. Postal Service)
Exelon Corporation
200 Exelon Way, Suite 200
Kennett Square, PA 19348
E-mail: bradley.fewell@exceloncorp.com

John Covino, DAG (Email and U.S. Postal Service)
State of New Jersey
Department of Law and Public Safety
Office of the Attorney General
Hughes Justice Complex
25 West Market Street
P.O. Box 093
Trenton, NJ 08625
E-mail: john.corvino@dol.lps.state.nj.us

Valerie Gray (Email)
State of New Jersey
Department of Law and Public Safety
Office of the Attorney General
Hughes Justice Complex
25 West Market Street
P.O. Box 093
Trenton, NJ 08625
E-mail: valerie.gray@dol.lps.state.nj.us

Paul Gunter (Email and U.S. Postal Service)
c/o Nuclear Information and Resource Service
6930 Carroll Ave., Suite 340
Takoma Park, MD 20912-4446
E-mail: paul@beyondnuclear.org

Edith Gbur (Email)
Jersey Shore Nuclear Watch, Inc.
364 Costa Mesa Drive. Toms River, New Jersey 08757
E-mail: gburl@comcast.net

Paula Gotsch (Email)
GRAMMIES
205 6th Avenue


Normandy Beach, New Jersey 08723
E-mail: paulagotsch@verizon.net

Jeff Tittel (Email)
New Jersey Sierra Club
139 West Hanover Street
Trenton New Jersey 08618
E-mail: Jeff.Tittel@sierraclub.org

Peggy Sturfels (Email)
New Jersey Environmental Federation
1002 Ocean Avenue
Belmar, New Jersey 07319
E-mail: psturfels@cleanwater.org

Michele Donato, Esq. (Email)
PO Box 145
Lavalette, NJ 08735
E-mail: mtonato@micheledonatoesq.com

Signed:



Richard Webster

Dated: December 19, 2007