



OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790  
Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE  
215-597-2995

May 22, 2009

Chairman  
Nuclear Regulatory Commission  
One White Flint North 11545 Rockville Pike  
Rockville, MD 20852-2476

RE: NJ Dept Env Prot v. NRC  
Case Number: 07-2271  
Agency Case Number: 50-0219-LR

Dear Chairman,

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

(X ) We release herewith the certified list in lieu of the record in the case(s).

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,

A handwritten signature in cursive script that reads "Marcia M. Waldron".

Marcia M. Waldron, Clerk

By: /s/ Shannon Craven, Case Manager  
267-299-4959

cc: Ellen B. Balint, Esq.  
Michael A. Bauser, Esq.  
R. Scott Clayton, Esq.  
John F. Cordes Jr., Esq.  
John A. Covino, Esq.

Brad Fagg, Esq.  
Eileen P. Kelly, Esq.  
Charles E. Mullins, Esq.  
Tamara N. Rountree, Esq.

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 07-2271

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Petitioner

v.

UNITED STATES NUCLEAR REGULATORY COMMISSION;  
AMERGEN ENERGY COMPANY, LLC

Respondent

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Petition for Review of an Order  
by the United States Nuclear Regulatory Commission  
(NRC-1 : 50-0219-LR)

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Argued on December 10, 2008

Before: McKEE, SMITH and ROTH, Circuit Judges

**JUDGMENT**

This case came on to be heard on the record before the United States Nuclear  
Regulatory Commission and was argued on December 10, 2008.

On consideration whereof,

**IT IS ORDERED AND ADJUDGED** by this Court that the petition for review of the decision and Order of the Regulatory Commission entered on February 26, 2007, be and the same is hereby denied. Costs taxed against Petitioner.

All of the above in accordance with the Opinion of this Court.

**ATTEST:**

**/s/ Marcia M. Waldron**  
**Clerk**

Dated: March 31, 2009



Certified ~~as a true copy~~ and issued in lieu  
of a formal mandate on 05/22/09

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit