

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

AMERGEN ENERGY COMPANY, LLC,)
BY AND THROUGH)
EXELON GENERATION COMPANY,)
LLC, TAX MATTERS PARTNER,)
Complainant,) No. 09-108T
v.) The Honorable Lynn J. Bush
THE UNITED STATES,)
Defendant.)

NOTICE OF RULE 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Rules of the Court of Federal Claims ("RCFC"), the Complainant, AmerGen Energy Company LLC ("AmerGen") by and through Exelon Generation Company LLC ("ExGen"), shall take the deposition upon oral examination of the United States Nuclear Regulatory Commission ("NRC") through one or more officers, directors, agents or other representatives who shall be designated to testify on the NRC's behalf regarding all information known or reasonably available to the NRC with respect to the subject matters identified in Exhibit A. ExGen requests that the NRC provide written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on the NRC's behalf.

DOCKETS

05000461

05000219

05000289

This deposition shall commence on March 23, 2011 at 9:00 am at the offices of Jenner & Block LLP, 1099 New York Avenue NW, Suite 900, Washington, DC 20001-4412, or at such other time and location as agreed upon by the parties, and shall be taken before a duly certified court reporter and notary public or other person authorized by law to administer oaths. The deposition will be recorded by stenographic means and by videotape.

Dated: February 23, 2011

Respectfully submitted,

Terri L. Mascherin
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Facsimile: (312) 840-7799
Attorney for Complainant

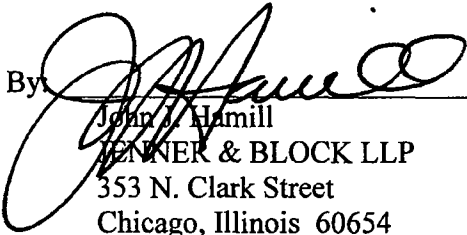
By 
John J. Hamill
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EXHIBIT A

In accordance with RCFC 30(b)(6), ExGen designates the matters identified below for examination. In construing these topics, the following instructions and definitions shall apply:

1. All terms shall be construed to encompass as broad a range of information as permitted under the Rules of the Court of Federal Claims.

2. "Plants" includes the Clinton Power Station, Oyster Creek Nuclear Generating Facility, and Three Mile Island Unit 1 Generating Facility.

3. "TLG" includes Thomas S. LaGuardia, TLG Services, Inc., and LaGuardia & Associates, LLC.

The deponent(s) shall be prepared to address the following topics:

- I. The NRC's regulation of the decommissioning of nuclear power reactors, including:
 - A. The obligations, requirements, or regulations of owners and/or licensees of nuclear power reactors to decommission those reactors, including requirements for the termination of nuclear power reactor licenses;
 - B. The obligation or requirement that owners and/or licensees of nuclear power reactors provide assurance that adequate funds will be available for decommissioning, including without limitation, (i) the requirements of 10 C.F.R. 50.33, 10 C.F.R. 50.75, and 10 CFR 50.82, (ii) the calculation or determination of the minimum amount owners and/or licensees of nuclear power reactors must set aside for decommissioning in 10 C.F.R. 50.75(c), (iii) the mechanisms for providing adequate funding assurance in 10 C.F.R. 50.75(e), and (iv) the submission and review of certifications and reports required by 10 C.F.R. 50.75(b) and 10 C.F.R. 50.75(f);
 - C. The NRC's review, use, and acceptance of site-specific studies that estimate decommissioning costs for nuclear power plants performed by TLG or other third parties, including without limitation the site specific estimate required by 10 C.F.R. 50.75(f)(3); and
 - D. The NRC's review, use, and acceptance of applications for the transfer of a license for a nuclear power reactor pursuant to 10 C.F.R. 50.80, including without limitation the review of the adequacy of decommissioning funding.

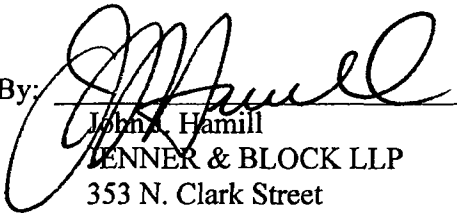
- II. The NRC's regulation of the decommissioning of the Plants, including:
- A. Decommissioning obligations, requirements, or regulations to which the owners and/or licensees of the Plants are subject;
 - B. The NRC's application of its regulations or requirements to provide assurance of the availability of funds for decommissioning to owners and/or licensees of the Plants;
 - C. The NRC's review, use, and acceptance of site-specific studies that estimate decommissioning costs for the Plants, including those performed by TLG or other third parties; and
 - D. The NRC's review and approval of the transfer of the licenses to operate the Plants to AmerGen, including without limitation the obligation of AmerGen to decommission the Plants and requirements imposed on AmerGen to provide assurance of the availability of funds for decommissioning.

CERTIFICATE OF SERVICE

I, John J. Hamill, certify that on this 23rd day of February, 2011 I caused the foregoing **Notice of Rule 30(b)(6) Deposition** to be served by electronic mail and UPS overnight delivery to the following:

Cory A. Johnson
U.S. Department of Justice,
Tax Division
Court of Federal Claims Section
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Washington, D.C. 20001
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