

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

Before Administrative Judges:

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

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

Docket No. 50-0219-LR
ASLBP No. 06-844-01-LR
May 21, 2008

ORDER

(Directing Parties to Submit Explanatory Pleadings and Affidavits)

By order dated May 9, 2008, the Commission referred the following pleadings to this Licensing Board for appropriate action: (1) Motion by 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 ("Citizens") to Reopen the Record and for Leave to File a New Contention, and Petition to Add a New Contention (Apr. 18, 2008); (2) AmerGen's Answer Opposing Citizens' Motion to Reopen Record and Petition to Add a New Contention (Apr. 28, 2008); (3) NRC Staff's Response in Opposition to Citizens' Motion to Reopen the Record and for Leave to File and Add a New Contention (Apr. 28, 2008); and (4) Citizens' Reply to AmerGen's Opposition to Their Petition to Add a New Contention (May 5, 2008), and Citizens' Motion for Leave to File a Reply, and Citizens' Reply, to the NRC Staff's Opposition to Citizens' Motion to Reopen (May 6, 2008).

On May 5, 2008, counsel for AmerGen sent a letter to the NRC Chairman enclosing AmerGen's Response to NRC Request for Additional Information on Metal Fatigue Analysis Related to Oyster Creek Nuclear Generating Station License Renewal Application. See Letter

from Alex S. Polonsky, Counsel for AmerGen Energy Company, LLC to the Honorable Dale E. Klein, Chairman, U.S. Nuclear Regulatory Commission (May 5, 2008). Mr. Polonsky also served the letter and its enclosed Response on this Licensing Board and on the parties to this proceeding. He neglected, however, to explain the relevance of the enclosed Response, if any, to this proceeding.

The parties are hereby directed to submit an affidavit authored by an appropriate expert that discusses with particularity the significance of the AmerGen Response attached to Mr. Polonsky's May 5 letter, accompanied by a pleading that explains the impact (if any) of that Response on the proper disposition of Citizens' motion to reopen the record and add a new contention. The pleading submitted by each party shall not exceed ten pages in length. The parties shall file their pleadings and affidavits no later than 5:00 p.m. on Tuesday, May 27, 2008.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 21, 2008

¹ Copies of this Order were sent this date by Internet e-mail to counsel for: (1) Citizens; (2) AmerGen; (3) New Jersey; and (4) the NRC Staff.