

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF THE SECRETARY

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
E. Roy Hawkens, Chair  
Dr. Paul B. Abramson  
Dr. Anthony J. Baratta

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In the Matter of	)	
	)	Docket No. 50-0219-LR
AMERGEN ENERGY COMPANY, LLC	)	
	)	
(License Renewal for the Oyster Creek	)	December 10, 2007
Nuclear Generating Station)	)	
	)	

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**CITIZENS' MOTION FOR AN EXTENSION  
OF TIME TO FILE ANY APPEAL**

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 November 19, 2007, the clerk to the Atomic Safety and Licensing Board (the "Board") advised the parties that the Board anticipated a decision by December 20, 2007. Without an extension, Citizens would face great difficulties preparing any appeal if the Board makes its decision within the anticipated 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 Board grant them an extension of time to file any appeal by not counting the days when Mr. Webster is away towards the minimum of 15 days allotted by

10. C.F.R. § 2.341(b).<sup>1</sup> For example, if the Board decides this matter on December 20, 2007 and serves Citizens the next day, Citizens request until January 14, 2008 to file any appeal.

The Part 2 rules grant the Board discretion to grant 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 could effectively deprive Citizens of 9 out of the minimum 15 days allowed to file an appeal if the Board decided the proceeding between today and December 24th. The minimum appeal period of 15 days is already very short given the length and complexity of this hearing. Even if Citizens have the minimum of 15 days that the rules allow, the time period will be challenging because the bulk of the work on this case has been done by Mr. Webster and the law clinic has limited capacity to provide other attorneys to work on this matter. Furthermore, the Board could reasonably anticipate that a decision so close to the holiday week would raise such issues and the Board has correctly taken account of the personal constraints of the attorneys working on this matter in scheduling the response to the motion for summary disposition<sup>2</sup> and in scheduling the hearing.<sup>3</sup> As before, Mr. Webster’s absence provides good cause for the Board to grant Citizens an extension of time.

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<sup>1</sup> Citizens contacted both AmerGen and NRC Staff about this motion on the morning of December 10, 2007. Citizens received enquiries about this from both AmerGen and NRC Staff and responded promptly, but neither took a definitive position by close of business. NRC Staff stated that they will “respond in writing” to this Motion, while AmerGen did not provide any further response.

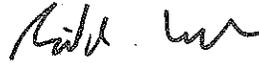
<sup>2</sup> Board Memorandum and Order, dated April 5, 2007

<sup>3</sup> Board Memorandum and Order, dated April 17, 2007 at 8-9.

CONCLUSION

For the foregoing reasons, the Board should extend Citizens' time to file an appeal from its final decision so that Citizens have at least 15 days during which Mr. Webster is in the country to file any appeal. In the alternative, the Board could delay its decision until after December 30, 2007.

Respectfully submitted,



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Richard Webster, Esq  
RUTGERS ENVIRONMENTAL LAW  
CLINIC  
Attorneys for Citizens

Dated: December 10, 2007

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NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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E. Roy Hawkens

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Dr. Anthony J. Baratta

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 10, 2007
	)	

CERTIFICATE OF SERVICE

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

I hereby certify that on December 10, 2007, I caused Citizens' Motion To For an Extension of Time to Appeal to be served via email and U.S. Postal Service (as indicated) on the following:

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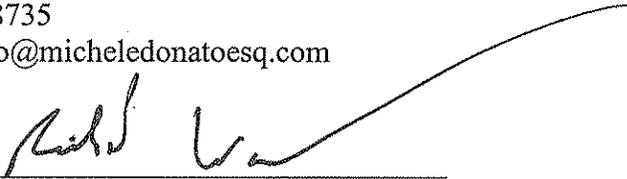
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Signed:

  
Richard Webster

Dated: December 10, 2007