

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE COMMISSION

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

**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).<sup>1</sup>

<sup>1</sup> 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

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

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

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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)  
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Washington, DC 20555-0001  
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Signed:

  
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Dated: December 19, 2007