



JON S. CORZINE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 093
TRENTON, NJ 08625-0093

STUART RABNER
Attorney General

April 25, 2007

Marcia M. Waldron, Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: IMO Amergen Energy Co., LLC
(License Renewal for Oyster Creek Nuclear
Generating Station)

New Jersey Department of Environmental Protection,
Petitioner, v.
United States Nuclear Regulatory Commission,
Respondent.

Docket No.

Dear Ms. Waldron:

Enclosed for filing please find the original and two copies of the petition on behalf of the New Jersey Department of Environmental Protection ("NJDEP") for review of the order of the United States Nuclear Regulatory Commission ("Commission"), dated February 26, 2007, in the above-captioned matter. The Commission's order, based on its memorandum decision issued with the order, affirmed the decision of the Atomic Safety and Licensing Board, dated February 27, 2006, which had denied NJDEP's request for



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hearing and petition to intervene in the Commission's proceedings on the application by AmerGen Energy Company, LLC ("AmerGen") for relicensure of AmerGen's Oyster Creek Nuclear Generating Station, which is located in Lacey Township, New Jersey. The contention which is the subject of this appeal is that the Commission must consider the environmental consequences of an attack by air on the Oyster Creek facility as part of its license renewal proceedings.

Pursuant to 28 U.S.C. 2344, a copy of the Commission's Memorandum Decision and Order is attached to the petition as Exhibit 1. We will submit the docketing fee within 14 days, as allowed by Rule 3.3 of the Local Appellate Rules.

A Certificate of Service indicating service on all parties of the petition for review by both U.S. Mail and electronic mail is also enclosed.

Sincerely yours,

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY
Attorney for NJDEP

By: _____
John A. Covino
Deputy Attorney General

cc: Service List (enclosed)