

January 15, 2003

Mr. John L. Skolds
Chairman and CEO
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION, UNIT 1; OYSTER CREEK NUCLEAR
GENERATING STATION; THREE MILE ISLAND NUCLEAR STATION, UNIT 1 -
APPLICATION OF 10 CFR 50.30(b) TO LICENSING SUBMITTALS
(TAC NOS. MA7407, MA7450, AND MA7483)

Dear Mr. Skolds:

On November 7, 2002, the Nuclear Regulatory Commission (NRC) staff held a telephone conference with Messrs. M. P. Gallagher, et al., of your staff to discuss the subject matter. By letter dated December 10, 2002, you stated your position that "both NRC regulations and the AmerGen LLC Agreement permit the delegation of signing authority [for the AmerGen-owned and AmerGen-operated nuclear plants] from the AmerGen Chief Executive Officer ("CEO") to certain Exelon Generation employees." Your letter relied upon the wording of NRC Regulatory Issue Summary (RIS) 2001-18 to support your argument.

The NRC staff disagrees with your interpretation. The relevant portion of 10 CFR 50.30(b) requires that a duly authorized officer of the applicant execute an oath or affirmation for an application to amend a license. The RIS language, "[t]he NRC recognizes any representative of a corporation or legal entity," refers solely to officers or managers of the licensee in light of the language of the regulation specifying an officer of the applicant. The RIS would allow the applicant/licensee corporation (or limited liability company, or other entity that is not technically a corporation) to authorize officers or managers of the applicant who may not hold typical senior officer positions to become duly authorized officers for the purposes of 10 CFR 50.30(b). However, the RIS never intended that an applicant/licensee, for 50.30(b) purposes, could comply with the regulation by "grant[ing] authority" to any representative of any other corporation or legal entity.

Furthermore, your letter did not address licensing action applications for AmerGen plants submitted by Exelon-only personnel before December 10, 2002. Some of these applications have already been acted on and completed by the NRC staff. At a minimum, the NRC staff believes that AmerGen should take action, for the record, to retroactively endorse and adopt those applications previously submitted by Exelon-only personnel.

J. Skolds

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If you need clarification of this letter, please contact Mr. Peter Tam (301-415-1451) to arrange a conference call with the NRC legal staff.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-219, 50-461, and 50-289

cc: See next page

J. Skolds

- 2 -

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Sincerely,

/RA/

Stuart A. Richards, Director
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Docket Nos. 50-219, 50-461, and 50-289

cc: See next page

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ACCESSION Number: **ML030160014**

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NAME	PTam	SLittle	DPickett	LRaghavan for AMendiola	SUttal*	SHom*	RLaufer	SRichards
DATE	1/9/03**	12/18/02	12/23/02	12/23/02	12/20/02*	12-19-02	12/23/02	1/15/03

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*No legal objection (NLO); Uttal stated NLO again on 1/10/03 on wording revision.

** See previous concurrence page.

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