

AmerGen Energy Company, LLC
Clinton Power Station
RR 3 Box 228
Clinton, IL 61727-9351
Phone 217-935-8881

RS-03-034

5928-03-20021
2130-03-20039

February 6, 2003

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555-0001

Three Mile Island Unit 1 (TMI-1)
Facility Operating License No. DPR-50
Docket No. 50-289

Oyster Creek Generating Station
Facility Operating License No. DPR-16
Docket No. 50-219

Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Subject: Delegation of Authority of AmerGen Energy Company, LLC (AmerGen)
Nuclear Power Plants

Reference: USNRC Letter, "Application of 10 CFR 50.30(b) to Licensing Submittals" (TAC
Nos. MA7407, MA7450, and MA7483), dated January 15, 2003.

This letter responds to the referenced letter, which outlines the Nuclear Regulatory Commission ("NRC") Staff's disagreement with AmerGen Energy Company, LLC's ("AmerGen") interpretation of the scope of delegation of signature authority pursuant to 10 CFR § 50.30(b). In the referenced letter, the NRC Staff details its position that only officers or managers of the licensee, here AmerGen, may be delegated signature authority under the regulation and, therefore, the regulation does not allow the delegation of signature authority to "any representative of any other corporation or legal entity." The NRC Staff also requests that, at a minimum, AmerGen take action to retroactively endorse and adopt applications previously "submitted by Exelon-only personnel." While AmerGen believes that its prior delegations were both appropriate and lawful, I write to advise you that AmerGen has already acted to address both concerns stated in the referenced letter.

First, on December 10, 2002, the AmerGen Management Committee (AMC) appointed certain individuals to the positions listed below and authorized those individuals to sign licensing applications and amendments on behalf of AmerGen in its dealing with the NRC. In particular, the AMC appointed individuals to the following positions:

- Vice President, Licensing and Regulatory Affairs, AmerGen Energy Company, LLC

A 001

- Vice President, MidAtlantic Regional Operating Group Support, AmerGen Energy Company, LLC
- Vice President, MidWest Regional Operating Group Support, AmerGen Energy Company, LLC
- Director, Licensing and Regulatory Affairs, AmerGen Energy Company, LLC
- Director, Licensing and Regulatory Affairs, AmerGen Energy Company, LLC

Those individuals are named in the attached certificate providing a true and correct copy of the resolution adopted by the AMC at its December 10, 2002 meeting.¹ The individuals in those positions have been fully authorized to act as AmerGen's duly authorized representatives in executing licensing applications and amendments relating to Three Mile Island Unit 1, Clinton Power Station or Oyster Creek Generating Station as applicable. As those individuals are officers or managers of the licensee, they properly may be delegated signature authority under the NRC Staff's interpretation of the regulation.

The referenced letter also requests that AmerGen "take action, for the record, to retroactively endorse and adopt those applications previously submitted by Exelon-only personnel." On December 10, 2002, the AMC confirmed and ratified all actions taken prior to December 10, 2002 by those individuals who had been delegated signature authority by me as the Chief Executive Officer of AmerGen. In other words, the AMC has already retroactively endorsed and adopted those applications previously submitted by Exelon personnel to whom AmerGen had previously delegated signature authority.

We believe that these actions address all the NRC Staff's concerns regarding AmerGen's licensing submissions. Should any issues remain, please call Mr. Michael Gallagher at (610) 765-5664.

Sincerely,



John L. Skolds
Chairman and CEO
AmerGen Energy Company, LLC

Attachment

¹ The individuals listed in the certificate held those positions on December 10, 2002. Since then, Mr. Ronald DeGregorio has replaced Mr. Vanderheyden as Vice President, MidAtlantic Regional Operating Group Support for AmerGen. In addition, Mr. Robert J. Fisher has replaced Mr. Wozniak as Vice President MidWest Regional Operating Group Support for AmerGen. Future personnel replacements will be managed as described in the certificate.

U.S. Nuclear Regulatory Commission

February 6, 2003

Page 3

cc: Project Directorate, Region I, NRC/NRR/DLPM
Project Directorate, Region III, NRC/NRR/DLPM
P. S. Tam, Senior Project Manager, Oyster Creek Generating Station
T. G. Colburn, Senior Project Manager, Three Mile Island Unit 1
D. V. Pickett, Senior Project Manager, Clinton Power Station
S. R. Hom, NRC/OGC
Regional Administrator – Region I
Regional Administrator – Region II
NRC Senior Resident Inspector – Oyster Creek Generating Station
NRC Senior Resident Inspector – Three Mile Island Unit 1
NRC Senior Resident Inspector – Clinton Power Station

AMERGEN ENERGY COMPANY, LLC

CERTIFICATE

I **Edward J. Cullen, Jr.**, Secretary of AmerGen Energy Company, LLC, a Limited Liability Company, organized and existing under the laws of the State of Delaware, certify that the following is a true copy of resolutions of the Management Committee adopted at a meeting held on December 10, 2002, and is in full force and affect.

On motion duly made and seconded, the following resolutions were unanimously approved by the Management Committee:

RESOLVED, that the following individuals are hereby authorized by the Management Committee to act on behalf of AmerGen Energy Company in its dealings with the US Nuclear Regulatory Commission on behalf of AmerGen and with the full authority to act as duly authorized representatives of AmerGen Energy Company, including the authority to sign correspondence with the NRC, to execute documents including applications and amendments thereto on behalf of AmerGen relating to Three Mile Island Unit 1, Clinton Power Station or Oyster Creek Generating Station as applicable and in furtherance of such authority are appointed to the following positions:

Jeffrey A. Benjamin, Vice President, Licensing and Regulatory Affairs,
AmerGen Energy Company, LLC

George Vanderheyden, Vice President, MidAtlantic Regional Operating
Group Support, AmerGen Energy Company, LLC

David Wozniak, Vice President, MidWest Regional Operating Group Support,
AmerGen Energy Company, LLC

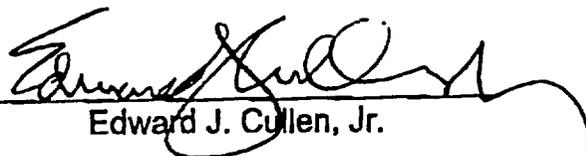
Keith Jury, Director, Licensing and Regulatory Affairs, AmerGen Energy
Company, LLC

Michael P. Gallagher, Director, Licensing and Regulatory Affairs, AmerGen
Energy Company, LLC.

RESOLVED, that the Chief Executive Officer of AmerGen Energy Company is hereby authorized to appoint other individuals to act on behalf of AmerGen Energy Company in its relations with the NRC and to replace existing individuals with such authorization, until such appointments are confirmed by the Management Committee

RESOLVED, that the full authority of the Chief Executive Officer of AmerGen Energy Company to delegate authority to act in this manner on behalf of AmerGen Company, is hereby confirmed and ratified and all prior actions of the Chief Executive Officer in this regard are hereby confirmed and ratified, and all actions taken by individuals to whom such authority has been delegated are hereby confirmed and ratified.

Date: January 21, 2003


Edward J. Cullen, Jr.