April 27, 2004

Mr. Christopher M. Crane President and Chief Executive Office AmerGen Energy Company, LLC 4300 Winfield Road Warrenville, IL 60555

## SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION (OCNGS) - ISSUANCE OF AMENDMENT RE: USE OF INTEGRATED SURVEILLANCE PROGRAM FOR REACTOR VESSEL SPECIMEN SURVEILLANCE (TAC NO. MB7005)

Dear Mr. Crane:

The Commission has issued the enclosed Amendment No. 242 to Facility Operating License No. DPR-16 for the OCNGS, in response to your application dated December 20, 2002, as supplemented on May 30, September 10, and November 3, 2003.

The amendment authorizes the revision of the OCNGS Updated Final Safety Analysis Report to reflect implementation of the Boiling Water Reactor Vessel and Internals Project reactor pressure vessel integrated surveillance program as the basis for demonstrating compliance with the requirements of Appendix H, "Reactor Vessel Material Surveillance Program Requirements," to Title 10 of the *Code of Federal Regulations*, Part 50.

A copy of the related Safety Evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly <u>Federal Register</u> notice.

Sincerely,

### /RA/

Peter S. Tam, Senior Project Manager, Section 1 Project Directorate I Division of Licensing Project Management Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 242 to DPR-16 2. Safety Evaluation

cc w/encls: See next page

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## AMERGEN ENERGY COMPANY, LLC

# DOCKET NO. 50-219

# OYSTER CREEK NUCLEAR GENERATING STATION

## AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 242 License No. DPR-16

- 1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by AmerGen Energy Company, LLC, et al., (the licensee), dated December 20, 2002, as supplemented on May 30, September 10, and November 3, 2003, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

- 2. Accordingly, the license is amended to include a new License Condition 2.C.(7), which reads:
  - (7) <u>Reactor Vessel Integrated Surveillance Program</u>

AmerGen Energy Company, LLC, is authorized to revise the Updated Final Safety Analysis Report (UFSAR) to allow implementation of the Boiling Water Reactor Vessel and Internals Project reactor pressure vessel Integrated Surveillance Program as the basis for demonstrating compliance with the requirements of Appendix H to Title 10 of the *Code of Federal Regulations,* Part 50, "Reactor Vessel Material Surveillance Program Requirements," as set forth in the licensee's application dated December 20, 2002, and as supplemented on May 30, September 10, and November 3, 2003.

3. This amendment is effective as of the date of its issuance, and the Integrated Surveillance Program shall be implemented prior to the next scheduled reactor vessel surveillance capsule removal. Implementation of the amendment includes the incorporation into the UFSAR of the program description set out in the licensee's application dated December 20, 2002, as supplemented by letters dated May 30, September 10, and November 3, 2003, and evaluated in the safety evaluation enclosed with this amendment. The licensee shall submit the UFSAR changes authorized by this amendment in accordance with 10 CFR 50.71(e).

### FOR THE NUCLEAR REGULATORY COMMISSION

#### /RA/

Richard J. Laufer, Chief, Section 1 Project Directorate I Division of Licensing Project Management Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: April 27, 2004

# ATTACHMENT TO LICENSE AMENDMENT NO. 242

## FACILITY OPERATING LICENSE NO. DPR-16

# DOCKET NO. 50-219

Replace the following pages of Operating License DPR-16 with the attached revised pages as indicated. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove	Insert
4	4
5	5

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- (4) The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Oyster Creek Nuclear Generating Station Physical Security Plan," with revisions submitted through July 6, 1988; "Oyster Creek Nuclear Generating Station Training and Qualification Plan," with revisions submitted through June 24, 1986; and "Oyster Creek Nuclear Generating Station Safeguards Contingency Plan," with revisions submitted through June 24, 1986. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- (5) Inspections of core spray spargers, piping and associated components will be performed in accordance with BWRVIP-18, "BWR Core Spray Internals Inspection and Flaw Evaluation Guidelines," as approved by NRC staff's Final Safety Evaluation Report date December 2, 1999.
- (6) Long Range Planning Program

The revised "Plan for Long-Range Planning Program for the Oyster Creek Nuclear Generating Station" (the Plan) submitted by GPUN letter C321-94-2140 dated September 26, 1994, is approved.

- a. The Plan shall be followed by the licensee from and after November 28, 1994.
- b. The Category A schedule shall not be changed without prior approval from the NRC. The schedules for Categories B and C may be changed without prior approval by the NRC.

### (7) <u>Reactor Vessel Integrated Surveillance Program</u>

AmerGen Energy Company, LLC, is authorized to revise the Updated Final Safety Analysis Report (UFSAR) to allow implementation of the Boiling Water Reactor Vessel and Internals Project reactor pressure vessel Integrated Surveillance Program as the basis for demonstrating compliance with the requirements of Appendix H to Title 10 of the *Code of Federal Regulations* Part 50, "Reactor Vessel Material Surveillance Program Requirements," as set forth in the licensee's application dated December 20, 2002, and as supplemented on May 30, September 10, and November 3, 2003. D. The facility has been granted certain exemptions from the requirements of Section III.G of Appendix R of 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979."

This section relates to fire protection features for ensuring the systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. These exemptions were granted and sent to the licensee in letters dated March 24, 1986 and June 25, 1990.

The facility has also been granted certain exemptions from the requirements of Section III.J of Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979." This section relates to emergency lighting that shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto. This exemption was granted and sent to the licensee in a letter dated February 12, 1990.

In addition, the facility has been granted certain exemptions from Section 55.45(b)(2)(iii) and (iv) of 10 CFR Part 55, "Operators' Licenses." These sections contain requirements related to site-specific simulator certification and require that operating tests will not be administered on other than a certified or an approved simulation facility after May 26, 1991. These exemptions were granted and sent to the licensee in a letter dated March 25, 1991.

These exemptions granted pursuant to 10 CFR 50.12 are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

E. Except as otherwise provided in the Technical Specifications, the licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

# SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

# RELATED TO AMENDMENT NO. 242

# TO FACILITY OPERATING LICENSE NO. DPR-16

# AMERGEN ENERGY COMPANY, LCC

# OYSTER CREEK NUCLEAR GENERATING STATION

# DOCKET NO. 50-219

# 1.0 INTRODUCTION

By letter dated December 20, 2002 (Reference 1), as supplemented on May 30, September 10, and November 3, 2003 (References 2, 3 and 4, respectively), AmerGen Energy Company, LLC, (AmeGen or the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station (OCNGS) licensing basis as is documented in the Update Final Safety Analysis Report (UFSAR). AmerGen proposed to revise the licensing basis by allowing implementation of the Boiling Water Reactor Vessel and Internals Project (BWRVIP) reactor pressure vessel (RPV) integrated surveillance program (ISP) as the basis for demonstrating compliance with the requirements of Appendix H, "Reactor Vessel Material Surveillance Program Requirements," to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50. The supplements dated May 30, September 10, and November 3, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (NRC) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on February 4, 2003 (68 FR 5669).

The BWRVIP RPV ISP was submitted for NRC staff review and approval in topical reports BWRVIP-78, "BWR Vessel and Internals Project, BWR Integrated Surveillance Program Plan," and BWRVIP-86, "BWR Vessel and Internals Project, BWR Integrated Surveillance Program Implementation Plan" (References 5 and 6). Additional information necessary to establish the technical basis for, and proposed implementation of, the BWRVIP ISP was provided in letters from the BWRVIP to the NRC dated December 15, 2000, and May 30, 2001 (References 7 and 8). The NRC staff approved the proposed BWRVIP ISP in a safety evaluation (SE) which was provided to the BWRVIP by letter dated February 1, 2002 (Reference 9). However, the NRC staff's SE required that plant-specific information be provided by BWR licensees who wish to implement the BWRVIP ISP for their facilities. AmerGen's December 20, 2002, May 30, 2003, September 10, 2003 and November 3, 2003, submittals addressed the plant-specific information required in the NRC staff's February 1, 2002, BWRVIP ISP SE.

## 2.0 REGULATORY REQUIREMENTS

In its December 20, 2002, application, the licensee identified the applicable regulatory requirements. The regulatory requirements for which the NRC staff based its acceptance are described below.

Appendix H to 10 CFR Part 50 requires nuclear power plant licensees to implement RPV surveillance programs to "monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region...which result from exposure of these materials to neutron irradiation and the thermal environment." Two specific alternatives are provided with regard to the design of a facility's RPV surveillance program which may be used to address the requirements of Appendix H to 10 CFR Part 50.

The first alternative is the implementation of a plant-specific RPV surveillance program consistent with the requirements of American Society for Testing and Materials (ASTM) Standard Practice E 185, "Standard Practice for Conduction Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels." In the design of a plant-specific RPV surveillance program, a licensee may use the edition of ASTM Standard Practice E 185 which was current on the issue date of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code to which the reactor vessel was purchased, or later editions through the 1982 Edition.

The second alternative provided in Appendix H to 10 CFR Part 50 is the implementation of an ISP. An ISP is defined in Appendix H to 10 CFR Part 50 as occurring when, "the representative materials chosen for surveillance for a reactor are irradiated in one or more other reactors that have similar design and operating features." Five specific criteria are stated in Appendix H to 10 CFR Part 50 which must be met to support approval of an ISP:

- a. The reactor in which the materials will be irradiated and the reactor for which the materials are being irradiated must have sufficiently similar design and operating features to permit accurate comparisons of the predicted amount of radiation damage.
- b. Each reactor must have an adequate dosimetry program.
- c. There must be adequate arrangement for data sharing between plants.
- d. There must be a contingency plan to assure that the surveillance program for each reactor will not be jeopardized by operation at reduced power level or by an extended outage of another reactor from which data are expected.
- e. There must be substantial advantages to be gained, such as reduced power outages or reduced personnel exposure to radiation, as a direct result of not requiring surveillance capsules in all reactors in the set.

As noted above in Section 1.0, the NRC staff approved the proposed BWRVIP ISP in an SE issued to the BWRVIP by letter dated February 1, 2002 (Reference 9). In Reference 9, all of the criteria cited above for approval of an ISP were addressed either completely or partially. For those criteria which could not be fully addressed in Reference 9, plant-specific information would be needed from licensees who wish to implement the BWRVIP for their facilities. As stated in Reference 9:

[L]icensees who wish to participate in the BWR ISP must provide, for NRC staff review and approval, information which defines how they will determine RPV and/or surveillance capsule fluences based on the dosimetry data which will be available for their facilities. This information must be submitted concurrently with

each licensee's submittal to replace their existing plant-specific surveillance program with the BWR ISP as part of their facility's licensing basis. The information submitted must be sufficient for the staff to determine that:

- RPV and surveillance capsule fluences will be established as based on the use of an NRC-approved fluence methodology that will provide acceptable results based on the available dosimetry data; and
- (2) If one methodology is used to determine the neutron fluence values for a licensee's RPV and one or more different methodologies are used to establish the neutron fluence values for the ISP surveillance capsules which "represent" that RPV in the ISP, the results of these differing methodologies are compatible (i.e., within acceptable levels of uncertainty for each calculation)."

Regulatory Guide (RG) 1.190, "Calculational and Dosimetry Methods For Determining Pressure Vessel Neutron Fluence," describes methods and assumptions acceptable to the NRC staff for determining the pressure vessel neutron fluence. The guide is intended to ensure the accuracy and reliability of the fluence determination required by General Design Criteria 14, 30, and 31 of Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50.

This plant-specific information was needed by the NRC staff to ensure that Criterion III.C.1.b of Appendix H to 10 CFR Part 50 for an ISP could be met by each facility and to confirm that data which would be shared as part of the BWRVIP ISP could be effectively utilized by each licensee for the monitoring of RPV embrittlement for their facility.

### 3.0 TECHNICAL EVALUATION

In its application dated December 20, 2002, as supplemented, the licensee submitted information for OCNGS which addressed the plant-specific information requested in the NRC staff's SE approving the BWRVIP ISP (Reference 9). In Reference 4, the licensee proposed to revise Section 4.3.2.8 of the OCNGS UFSAR as follows:

In Reference 22 [letter, M. P. Gallagher (AmerGen Energy Company, LLC) to U. S. NRC, "Additional Information Supporting the Request for License Amendment Regarding Reactor Vessel Specimen Removal Schedule," dated September 10, 2003], as part of the transition to the BWR Vessel and Internals Project Integrated Surveillance Program, Oyster Creek committed to perform a reactor vessel fluence evaluation using a method in accordance with Regulatory Guide (RG) 1.190, "Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence," dated March 1, 2001. All future evaluations of reactor vessel fluence will be performed using a method in accordance with RG 1.190.

The NRC staff finds that the inclusion of this statement in the OCNGS UFSAR is sufficient to address both items (1) and (2) from Reference 9. Regarding item (1), the licensee's use of a methodology for determining the OCNGS RPV neutron fluence values which is consistent with the attributes of RG 1.190 will provide acceptable results based upon the available dosimetry data. Regarding item (2), RPV surveillance capsules tested under the BWRVIP ISP will have

their fluences determined by the use of a methodology which is consistent with the attributes of RG 1.190. The NRC staff has concluded that any two (or more) different fluence methodologies will provide "compatible" (as defined in Reference 9) results provided that the best estimate fluence values are within each other's uncertainty bounds. In addition, AmerGen provided an additional commitment in the summary of commitments page in its September 10, 2003, submittal, related to when AmerGen will perform and update the RPV fluence analysis for the OCNGS RPV:

AmerGen has evaluated the benefits of performing a reactor pressure vessel fluence evaluation in accordance with RG 1.190. Our current plan is to complete this evaluation prior to December 1, 2005.

It should be noted that in its September 10, 2003, submittal, AmerGen specified that it intends to update its fluence calculations using the RAMA Code, which is currently under review at the NRC. However, as stated in its summary of commitments page submitted with the September 10, 2003, letter, and as discussed in a conference call between AmerGen and the NRC staff on March 16, 2004, AmerGen will update the fluence for OCNGS by December 1, 2005, regardless of the approval of the RAMA Code, using a methodology in accordance with RG 1.190.

The NRC staff found this commitment by AmerGen to be acceptable since the current RPV fluence calculations for the OCNGS RPV are expected to remain conservative with respect to the actual, accumulated RPV neutron fluence through the expected date of fluence recalculation consistent with the commitment above.

By Reference 2, AmerGen proposed to revise Section 5.3.1.3 of the OCNGS UFSAR to reflect incorporation of the BWRVIP ISP into the OCNGS licensing basis:

In 2003, the NRC approved Oyster Creek's participation in the BWR Vessel and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) as described in BWRVIP-78 and BWRVIP-86 in Reference 9 [BWRVIP-86-A: "BWR Vessel and Internals Project, Updated BWR Integrated Surveillance Program (ISP)," Final Report, October 2002]. The NRC approved the ISP for the industry in Reference 9 and approved Oyster Creek participation in Reference 10 [refers to the amendment which this SE supports]. The ISP meets the requirements of 10 CFR 50 Appendix H and provides several advantages over the original program. The surveillance materials in many plant-specific programs do not represent the best match with the limiting vessel beltline materials since some were established prior to 10 CFR 50 Appendix H requirements. Also, the ISP allows for better comparison to unirradiated material data to determine actual shifts in toughness. Finally, for many plants, ISP data will be available sooner to factor into plant operations since there are more sources of data.

The current withdrawal schedule is based on the latest NRC-approved revision of BWRVIP-86 (Reference 9). Based on this schedule, Oyster Creek is not scheduled to withdraw an additional material specimen.

The NRC staff reviewed the proposed wording above to revise the OCNGS UFSAR and concluded that it is adequate to document the licensee's intent to appropriately implement the

BWRVIP ISP as the method for demonstrating compliance of OCNGS with the requirements of Appendix H to 10 CFR Part 50.

The NRC staff concludes that, based on the information provided by AmerGen, the BWRVIP ISP, as approved in Reference 9, can be implemented for OCNGS as the basis for demonstrating the facility's continued compliance with the requirements of Appendix H to 10 CFR Part 50. As part of the implementation and documentation of the licensee's intent to utilize the BWRVIP ISP for this purpose, the licensee is approved to revise the OCNGS UFSAR as set forth above and as stated in AmerGen's submittals dated December 20, 2002, May 30, September 10, and November 3, 2003. The UFSAR is controlled in accordance with the requirements of 10 CFR 50.59, "Changes, tests, and experiments."

# 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Jersey State official was notified of the proposed issuance of the amendment. The State official had no comments.

## 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes surveillance requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (68 FR 5669). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

## 6.0 <u>CONCLUSION</u>

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

## 7.0 <u>REFERENCES</u>

- M. P. Gallagher to U.S. NRC Document Control Desk, "Request for License Amendment Regarding Reactor Vessel Specimen Removal Schedule," December 20, 2002 (Accession No. ML030080043).
- (2) K. R. Jury to U.S. NRC Document Control Desk, "Additional Information Supporting the Request for License Amendment Regarding Reactor Vessel Specimen Removal Schedule," May 30, 2003 (Accession No. ML031611108).

- (3) M. P. Gallagher to U.S. NRC Document Control Desk, "Additional Information Supporting the Request for License Amendment Regarding Reactor Vessel Specimen Removal Schedule," September 10, 2003 (Accession No. ML032671169).
- (4) M. P. Gallagher to U.S. NRC Document Control Desk, "Additional Information Supporting the Request for License Amendment Regarding Reactor Vessel Specimen Removal Schedule," November 3, 2003 (Accession No. ML033180520).
- (5) C. Terry (BWRVIP) to U.S. NRC Document Control Desk, "Project No. 704 BWR Vessel and Internals Project, BWR Integrated Surveillance Program Plan (BWRVIP-78)," April 14, 2000 (Accession No. ML003704011).
- (6) C. Terry (BWRVIP) to U.S. NRC Document Control Desk, "Project No. 704 -BWRVIP-86: BWR Vessel and Internals Project, BWR Integrated Surveillance Program Implementation Plan," EPRI Technical Report 1000888, December 22, 2000 (Accession No. 003780862).
- C. Terry (BWRVIP) to U.S. NRC Document Control Desk, "Project No. 704 BWRVIP Response to NRC Request for Additional Information Regarding BWRVIP-78," December 15, 2000 (Accession No. ML003778471).
- (8) C. Terry (BWRVIP) to U.S. NRC Document Control Desk, "Project No. 704 BWRVIP Response to Second NRC Request for Additional Information on the BWR Integrated Surveillance Program," May 30, 2001 (Accession No. ML011560296).
- (9) W. H. Bateman (USNRC) to C. Terry, "Safety Evaluation Regarding EPRI Proprietary Reports "BWR Vessel and Internals Project, BWR Integrated Surveillance Program Plan (BWRVIP-78)" and "BWRVIP-86: BWR Vessel and Internals Project, BWR Integrated Surveillance Program Implementation Plan," February 1, 2002 (Accession No. ML020380691)

Principal Contributors: J. Honcharik L. Lois

Date: April 27, 2004

**Oyster Creek Nuclear Generating Station** 

CC:

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