

- (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source, or special nuclear materials as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source, or special nuclear materials without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate such byproduct, source, or special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter 1 and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

AmerGen Energy Company, LLC is authorized to operate the facility at steady-state power levels not in excess of 1930 megawatts (thermal) (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 265, are hereby incorporated in the license. AmerGen Energy Company, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

AmerGen Energy Company, LLC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluation Report dated March 3, 1978, and supplements thereto, subject to the following provision:

- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy
 - 7. Spent fuel pool mitigation measures

- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

- (9) The licensee shall implement and maintain all Actions required by Attachment 2 to NRC Order EA-06-137, issued June 20, 2006, except the last action that requires incorporation of the strategies into the site security plan, contingency plan, emergency plan and/or guard training and qualification plan, as appropriate.

- (10) Upon implementation of Amendment No. 265 adopting TSTF-448, Revision 3, the assessment of CRE habitability as required by Specification 6.22.c.(ii), and the measurement of CRE pressure as required by Specification 6.22.d, shall be considered met. Following implementation:
 - (a) The first performance of the periodic assessment of CRE habitability, Specification 6.22.c.(ii), shall be within 3 years, plus the 9-month allowance of Specification 1.24.

 - (b) The first performance of the periodic measurement of CRE pressure, Specification 6.22.d, shall be within 24 months, plus the 180 days allowed by Specification 1.24, as measured from the date of the most recent successful pressure measurement test, or within 180 days if not performed previously.

- D. The facility has been granted certain exemptions from the requirements of Section III.G 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 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. Deleted
- F. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

3. Sale and License Transfer Conditions:

- A. Deleted.
- B. Deleted.
- C. Deleted.
- D. Deleted
- E. AmerGen shall provide decommissioning funding assurance of no less than \$400 million, after payment of any taxes, deposited in the decommissioning trust fund for Oyster Creek when Oyster Creek is transferred to AmerGen.
- F. The decommissioning trust agreement for Oyster Creek must be in a form acceptable to the NRC.

- G. With respect to the decommissioning trust fund, investments in the securities or other obligations of Exelon Corporation, AmerGen, or their affiliates, successors, or assigns shall be prohibited. Except for investments tied to market indexes or other nonnuclear sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.
 - H. The decommissioning trust agreement for Oyster Creek must provide that no disbursements or payments from the trust shall be made by the trustee unless the trustee has first given the NRC 30-days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.
 - I. The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30-days prior written notification to the Director, Office of Nuclear Reactor Regulation.
 - J. The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.
 - K. AmerGen shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of the Oyster Creek license and the requirements of the Order approving the transfer, and consistent with the safety evaluation supporting such Order.
 - L. AmerGen shall take no action to cause Exelon Generation Company, LLC or its affiliates, successors, or assigns, to void, cancel, or diminish its \$200 million contingency commitment to AmerGen, dated December 22, 2003, or cause it to fail to perform or impair its performance under the commitment, or remove or interfere with AmerGen's ability to draw upon the commitment. Also, AmerGen shall inform the NRC in writing whenever it draws upon the \$200 million commitment.
4. This license is effective as of the date of issuance and shall expire at midnight on April 9, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed
By

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Attachment:
Appendices A and B -
Technical Specifications

Date of Issuance: July 2, 1991

Amendment No. ~~213, 243~~, 265

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*Issued by NRC Order dated 10-24-80

3.17 Control Room Heating, Ventilating, and Air-Conditioning System

Applicability: Applies to the operability of the control room heating, ventilating, and air conditioning (HVAC) system and Control Room Envelope (CRE) boundary.

-----NOTE-----
The CRE boundary may be opened intermittently under administrative control.

Objective: To assure the capability of the control room HVAC system and CRE boundary to minimize the amount of radioactivity, hazardous chemicals, or smoke from entering the control room in the event of an accident.

Specifications:

- A. The control room HVAC system shall be operable during all modes of plant operation.
- B. With one control room HVAC system determined inoperable for reasons other than specification D:
 - 1. Verify once per 24 hours the partial recirculation mode of operation for the operable system, or place the operable system in the partial recirculation mode; and
 - 2. Restore the inoperable system within 7 days, or prepare and submit a special report to the Commission in lieu of any other report required by Section 6.9, within the next 14 days, outlining the action taken, the cause of the inoperability and the plans/schedule for restoring the HVAC system to operable status.
- C. With both control room HVAC systems determined inoperable for reasons other than specification D:
 - 1. During Power Operation: place the reactor in the cold shutdown condition within 30 hours
 - 2. During Refueling:
 - (a) Cease irradiated fuel handling operations; and
 - (b) Cease all work on the reactor or its connected systems in the reactor building which could result in inadvertent releases of radioactive materials.
- D. When one or both control room HVAC systems are determined inoperable due to an inoperable CRE boundary:
 - 1. During Power Operation: actions to implement mitigating actions shall be performed immediately, verification that the mitigating actions are in place shall be performed within 24 hours, and the CRE boundary shall be restored to operable status within 90 days.
 - 2. During movement of irradiated fuel assemblies in the containment or during operations with a potential for draining the reactor vessel:
 - (a) Immediately suspend movement of irradiated fuel assemblies in the containment; and
 - (b) Immediately initiate action to suspend operations with the potential to drain the reactor vessel.

6.20 MAJOR CHANGES TO RADIOACTIVE WASTE TREATMENT SYSTEMS

DELETED.

6.21 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
 1. A change in the TS incorporated in the license or
 2. A change to the updated FSAR (UFSAR) or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 6.21.b.1 or 6.21.b.2 above shall be reviewed and approved by the NRC prior to implementation. Changes to the bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

6.22 Control Room Envelope Habitability Program

A Control Room Envelope (CRE) Habitability Program shall be established and implemented to ensure that CRE habitability is maintained such that, with an OPERABLE Control Room HVAC System, CRE occupants can control the reactor safely under normal conditions and maintain it in a safe condition following a radiological event, hazardous chemical release, or a smoke challenge. The program shall ensure that adequate radiation protection is provided to permit access and occupancy of the CRE under design basis accident (DBA) conditions without personnel receiving radiation exposures in excess of a 30-day integrated dose of 5 rem TEDE. The program shall include the following elements:

- a. The definition of the CRE and the CRE boundary.
- b. Requirements for maintaining the CRE boundary in its design condition including configuration control and preventive maintenance.
- c. Requirements for (i) determining the unfiltered air inleakage past the CRE boundary into the CRE in accordance with the testing methods and at the Frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, "Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors," Revision 0, May 2003, and (ii) assessing CRE habitability at the frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0.

The following are exceptions to Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0:

1. The Oyster Creek CRE boundary operability is not dependent on a measured unfiltered air leakage value (Reference Oyster Creek letter to NRC dated November 17, 2005, Letter No. 2130-05-20218). No leakage testing for determining the unfiltered air leakage past the CRE boundary into the CRE is required at the Oyster Creek site.
- d. Measurement, at designated locations, of the CRE pressure relative to areas adjacent to the CRE boundary during the pressurization mode of operation by one subsystem (train) of the Control Room Ventilation System operating at the design flow rate, at a Frequency of 24 months. The results shall be trended and used as part of the 24 month assessment of the CRE boundary.
- e. The unfiltered air leakage limit for radiological challenges is the leakage flow rate assumed in the licensing basis analyses of DBA consequences. Unfiltered air leakage limits for hazardous chemicals must ensure that exposure of CRE occupants to these hazards will be within the assumptions in the licensing basis.
- f. The provisions of Section 1.24 are applicable to the frequencies for assessing CRE habitability measuring CRE pressure and assessing the CRE boundary as required by paragraphs d and c, respectively.