



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No.
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 June 20, 2008, as supplemented by letter dated July 17, 2008, 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 as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Attachments: Changes to the License,
Operating License Technical Specifications
and Environmental Technical Specifications

Date of Issuance:

ATTACHMENT TO LICENSE AMENDMENT NO. _____

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Remove the following pages of the Facility Operating License and replace with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Cover page

-2-

-3-

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Insert

Cover page

-2-

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Replace the following pages of the Appendix A, Operating License Technical Specifications, 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

1.0-6

1.0-7

Insert

1.0-6

1.0-7

Replace the following pages of the Appendix B, Environmental Technical Specifications, 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

Cover page

3-1

3-2

Insert

Cover page

3-1

3-2

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION
FACILITY OPERATING LICENSE

License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for a license filed by the applicant 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 1, and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Oyster Creek Nuclear Generating Station (the facility) has been completed in conformity with Provisional Construction Permit No. CPPR-15; the application, as amended; the provisions of the Act; and the rules and regulations of the Commission, and has been operating under a provisional license since April 9, 1969;
 - C. The facility will operate in conformity with the application, as amended; the provisions of the Act; and the rules and regulations of the Commission (except as exempted from compliance in Section 2.D. below);
 - D. There is reasonable assurance (i) that the activities authorized by this operating license 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 rules and regulations set forth in 10 CFR Chapter 1 (except as exempted from compliance in Section 2.D. below);

- E. Exelon Generation Company, LLC (Exelon Generation Company) is technically qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;
 - F. Exelon Generation Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. The receipt, possession and use of source, byproduct, and special nuclear materials as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70; and
 - I. The issuance of this license is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Provisional Operating License No. DPR-16, dated April 9, 1969, as amended, is superseded in its entirety by Facility Operating License No. DPR-16, hereby issued to Exelon Generation Company, to read as follows:
- A. This license applies to the Oyster Creek Nuclear Generating Station, a boiling-water reactor and associated equipment (the facility). The facility is located in Ocean County, New Jersey, and is described in the licensee's Updated Final Safety Analysis Report, as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Exelon Generation Company:
 - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, to possess, use, and operate Oyster Creek Nuclear Generation Station at the designated location on the Oyster Creek site in Ocean County, New Jersey, in accordance with the procedures and limitations set forth in this license;
 - (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended;

- (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 I 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

Exelon Generation Company 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. , are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

Exelon Generation Company 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:

AMENDMENT NO.

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) Exelon Generation Company shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹, submitted by letter dated May 17, 2006, is entitled: "Oyster Creek Nuclear Generating Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 5." The set contains Safeguards Information protected under 10 CFR 73.21.
- (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 dated December 2, 1999.
- (6) Long Range Planning Program - Deleted
- (7) Reactor Vessel Integrated Surveillance Program

Exelon Generation Company 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.

(8) Mitigation Strategy License Condition

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid fire fighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel

¹The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

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. Deleted

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, Exelon Generation Company, 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. Exelon Generation Company 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. DELETED
 - M. At the time of the closing of the transfer of Oyster Creek and the respective license from AmerGen Energy Company, LLC (AmerGen) to Exelon Generation Company, AmerGen shall transfer to Exelon Generation Company ownership and control of AmerGen Oyster Creek NQF, LLC; and AmerGen Consolidation, LLC shall be merged into Exelon Generation Consolidation, LLC. Also at the time of the closing, decommissioning funding assurance provided by Exelon Generation Company, using an additional method allowed under 10 CFR 50.75 if necessary, must be equal to or greater than the minimum amount calculated on that date pursuant to, and required by 10 CFR 50.75 for Oyster Creek. Furthermore, funds dedicated for Oyster Creek prior to closing shall remain dedicated to Oyster Creek following the closing. The name of AmerGen Oyster Creek NQF, LLC shall be changed to Exelon Generation Oyster Creek NQF, LLC at the time of the closing.
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,

1.28 FRACTION OF RATED POWER (FRP)

The FRACTION OF RATED POWER is the ratio of core THERMAL POWER to RATED THERMAL POWER.

1.29 TOP OF ACTIVE FUEL (TAF) - 353.3 inches above vessel zero.

1.30 REPORTABLE EVENT

A REPORTABLE EVENT shall be any of those conditions specified in Section 50.73 to 10 CFR Part 50.

1.31 IDENTIFIED LEAKAGE

IDENTIFIED LEAKAGE is that leakage which is collected in the primary containment equipment drain tank and eventually transferred to radwaste for processing.

1.32 UNIDENTIFIED LEAKAGE

UNIDENTIFIED LEAKAGE is all measured leakage that is other than identified leakage.

1.33 PROCESS CONTROL PLAN

The PROCESS CONTROL PLAN shall contain the current formulas, sampling, analyses, test, and determinations to be made to ensure that processing and packaging of solid radioactive wastes based on demonstrated processing of actual or simulated wet solid wastes will be accomplished in such a way as to assure compliance with 10 CFR Parts 20, 61 and 71, State regulations, burial ground requirements, and other requirements governing the disposal of solid radioactive waste.

1.34 AUGMENTED OFFGAS SYSTEM (AOG)

The AUGMENTED OFFGAS SYSTEM is a system designed and installed to holdup and/or process radioactive gases from the main condenser offgas system for the purpose of reducing the radioactive material content of the gases before release to the environs.

1.35 MEMBER OF THE PUBLIC

A MEMBER OF THE PUBLIC is a person who is not occupationally associated with Exelon Generation Company, LLC and who does not normally frequent the Oyster Creek Nuclear Generating Station site. The category does not include contractors, contractor employees, vendors, or persons who enter the site to make deliveries, to service equipment, work on the site, or for other purposes associated with plant functions.

1.36 OFFSITE DOSE CALCULATION MANUAL (ODCM)

The OFFSITE DOSE CALCULATION MANUAL shall contain the methodology and

parameters used in the calculation of offsite doses resulting from radioactive gaseous and liquid effluent, in the calculation of gaseous and liquid effluent monitoring Alarm/trip Setpoints, and in the conduct of the Environmental Radiological Monitoring Program. The ODCM shall also contain (1) the Radioactive Effluent Controls and Radiological Environmental Monitoring Programs required by Section 6.8.4; and (2) descriptions of the information that should be included in the Annual Radioactive Effluent Release Report AND Annual Radiological Environmental Operating Report required by Specifications 6.9.1.d and 6.9.1.e, respectively.

1.37 PURGE

PURGE OR PURGING is the controlled process of discharging air or gas from a confinement and replacing it with air or gas.

1.38 SITE BOUNDARY

The SITE BOUNDARY is the perimeter line around the OCNGS beyond which the land is neither owned, leased nor otherwise subject to control by Exelon Generation Company, LLC (ref. ODCM). The area outside the SITE BOUNDARY is termed OFFSITE or UNRESTRICTED AREA.

1.39 REACTOR VESSEL PRESSURE TESTING

System pressure testing required by ASME Code Section XI, Article IWA-5000, including system leakage and hydrostatic test, with reactor vessel completely water solid, core not critical and section 3.2.A satisfied.

1.40 SUBSTANTIVE CHANGES

SUBSTANTIVE CHANGES are those which affect the activities associated with a document or the document's meaning or intent. Example of non-substantive changes are: (1) correcting spelling, (2) adding (but not deleting) sign-off spaces, (3) blocking in notes, cautions, etc, (4) changes in corporate and personnel titles which do not reassign responsibilities and which are not referenced in the Appendix A Technical Specifications, and (5) changes in nomenclature or editorial changes which clearly do not change function, meaning or intent.

1.41 DOSE EQUIVALENT I-131

DOSE EQUIVALENT I-131 shall be that concentration of I-131 microcuries per gram which alone would produce the same thyroid dose as the quantity and isotopic mixture of I131, I-132, I-133, I-134, and I-135 actually present. The thyroid dose conversion factors used for this calculation shall be those listed in Table E-7 or Regulatory Guide 1.109, "Calculation of Annual Doses to Man from Routine Releases of Reactor Effluences for the Purpose of Evaluating Compliance with 10 CFR Par 40 Appendix I."

APPENDIX B
TO OPERATING LICENSE NO. DPR- 16
ENVIRONMENTAL TECHNICAL SPECIFICATIONS

FOR

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

OCEAN COUNTY, NEW JERSEY

EXELON GENERATION COMPANY, LLC

NOVEMBER 1978*

*Issued to the ASLB on this date; issued by License Amendment No. 37, June 6, 1979.

Amendment No. ~~59, 66, 107, 194, 207, 210, 213,~~

3.0 ADMINISTRATIVE CONTROL

This section describes administrative and management controls established by the Applicant to provide continuing protection to the environment and to implement the environmental technical specifications.

3.1 Responsibility

Corporate responsibility for implementation of the Oyster Creek Environmental Technical Specifications and for assuring that plant operations are controlled in such a manner as to provide continuing protection of the environment has been assigned by the Chief Nuclear Officer to the Vice President - Oyster Creek.

The responsibility for conducting the studies as set forth in Section 1.1 (Non-Radiological Monitoring) and all of Section 2.0 (Special Monitoring and Study Activities) rests with the management position responsible for environmental affairs, who reports to the Vice President - Oyster Creek.

Administrative measures are defined in Section 3.3 which provide that the individual or group responsible for auditing or otherwise verifying that an activity has been correctly performed is independent of the individual or group responsible for performing the activity.

3.2 Organization

Lines of authority, responsibility and communication shall be established and defined from the highest management levels through intermediate levels to and including operating organization positions. Organizational charts will be documented in the Updated FSAR and updated in accordance with 10 CFR 50.71e.

3.3 Review and Audit

Independent audit and review functions for environmental matters are the responsibility of the management position responsible for environmental affairs. This department is independent of line responsibility for the operation of the plant. The independent reviews and audits of the OCETS will be carried out by personnel from environmental affairs or by other Exelon Generation Company, LLC personnel, outside contractors or consultants at the request of the environmental affairs Personnel.

When individuals in the environmental affairs department of Exelon Generation Company, LLC perform any function relating to the OCETS other than independent audit and review, the Vice President - Oyster Creek will ensure that an independent review and audit of that work is performed by another individual in the environmental affairs department or some other who is not directly responsible for the specific activity being, reviewed and audited.

The audits and reviews will be performed as required by the Quality Assurance Topical Report (QATR).

Independent audits and reviews will encompass:

- A. Coordination of the OCETS with the safety technical specifications to avoid conflicts and maintain consistency.
- B. Compliance of station activities and operations with the OCETS.
- C. Adequacy of the programs and station procedures which are involved in ensuring the plant is operated in accordance with the OCETS.
- D. The proper functioning in accordance with the responsibilities listed in Section 3.1 of the OCETS.
- E. Proposed changes to the OCETS and the evaluation of the impacts resulting from the changes.
- F. Proposed written procedures, as described in Section 3.4.1 and proposed changes thereto which affect the environmental impact of the plant.
- G. Proposed changes or modifications to plant systems or equipment and a determination of the environmental impact resulting from the changes.
- H. Adequacy of investigations of violations of the OCETS and adequacy of and implementation of the recommendations to prevent recurrence of the violations.

3.4 Procedures

- 3.4.1 Detailed written procedures, including applicable check lists and instructions, will be prepared and adhered to for all activities involved in carrying out OCETS.