

February 14, 2000

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of
New York
123 Main Street
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT: COMPLETION OF
LICENSING ACTION FOR GENERIC LETTER 99-02, "LABORATORY TESTING
OF NUCLEAR-GRADE ACTIVATED CHARCOAL" (TAC NO. MA5794)

Dear Mr. Knubel:

On June 3, 1999, the U.S. Nuclear Regulatory Commission (NRC) issued Generic Letter (GL) 99-02, "Laboratory Testing of Nuclear-Grade Activated Charcoal," to all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

The purpose of the GL was to:

- (1) Alert addressees that the NRC has determined that testing nuclear-grade activated charcoal to standards other than American Society for Testing and Materials (ASTM) D3803-1989, "Standard Test Method for Nuclear-Grade Activated Carbon," does not provide assurance for complying with the current licensing basis as it relates to the dose limits of General Design Criterion (GDC) 19 of Appendix A to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) and Subpart A of 10 CFR Part 100.
- (2) Request that all addressees determine whether their Technical Specifications (TS) reference ASTM D3803-1989 for charcoal filter laboratory testing. Addressees whose TS do not reference ASTM D3803-1989 should either amend their TS to reference ASTM D3803-1989 or propose an alternative test protocol and provide the information discussed in the requested actions.
- (3) Alert addressees to the staff's intent to exercise enforcement discretion under certain conditions.
- (4) Request that all addressees send the NRC written responses on the implementation of the actions requested in this GL.

In GL 99-02, the NRC staff established the following four groups of plants:

- (1) plants in compliance with their TS that test in accordance with ASTM D3803-1989
- (2) plants in compliance with their TS that test in accordance with a test protocol other than ASTM D3803-1989
- (3) plants not in compliance with their TS that test in accordance with ASTM D3803-1989
- (4) plants not in compliance with their TS that test in accordance with a test protocol other than ASTM D3803-1989

In response to GL 99-02, you provided a letter dated November 19, 1999 for the James A. FitzPatrick Nuclear Power Plant. Associated with your response was a request for a license amendment to change your TS to provide for testing as described in the GL. The NRC staff has reviewed your response and has concluded that you have provided requested information and a TS change request in accordance with the GL. In addition you have committed to test in accordance with ASTM D3803-1989 until your TS amendment is issued. Therefore, we consider GL 99-02 to be closed for your facility. The TS change will be reviewed as a separate, plant-specific action under TAC NO. MA7252. We thank you for your prompt and complete response.

If you have any questions regarding this matter, please contact me at 301-415-1441.

Sincerely,

/RA/

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

Docket No. 50-244

cc: See next page

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James A. FitzPatrick Nuclear Power Plant

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