

March 6, 2001

Mr. Ronald DeGregorio  
Vice President Oyster Creek  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - COMPLETION OF LICENSING ACTIVITY FOR GENERIC LETTER (GL) 99-02, "LABORATORY TESTING OF NUCLEAR-GRADE ACTIVATED CHARCOAL" (TAC NO. MA5822)

Dear Mr. DeGregorio:

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 (TSs) 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, the licensee provided a letter dated December 1, 1999, for the Oyster Creek Nuclear Generating Station. Associated with the response was a request for a license amendment to change the Oyster Creek 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 had 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 Oyster Creek. The TS change was reviewed and approved as a separate, plant-specific action under TAC No. MA7804 and the amendment was issued on January 24, 2001. We thank you for your prompt and complete response.

On the date of the December 1, 1999, letter, GPU Nuclear, Inc. (GPUN) was the licensed operator for Oyster Creek. On August 8, 2000, GPUN's ownership interest in Oyster Creek was transferred to AmerGen Energy Company, LLC (AmerGen). By letter dated August 10, 2000, AmerGen requested that the U.S. Nuclear Regulatory Commission continue to review and act upon all requests before the Commission which had been submitted by GPUN.

If you have any questions regarding this matter, please contact me at (301) 415-1261.

Sincerely,

**/RA/**

Helen N. Pastis, Senior Project Manager, Section 1  
Project Directorate 1  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

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AmerGen Energy Company, LLC  
Oyster Creek Nuclear Generating Station

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