

January 25, 2002

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

SUBJECT: REQUEST FOR INFORMATION CONCERNING THE OYSTER CREEK
FITNESS-FOR-DUTY REPORT (ENS NO. 38514)

Dear Mr. DeGregorio:

The U.S. Nuclear Regulatory Commission (NRC) has received your letter dated December 28, 2001, in response to our letter dated November 29, 2001. In our letter, we requested that you provide the NRC information regarding the circumstance associated with a reactor operator who exceeded the cutoff level for alcohol during a Fitness-for-Duty test on November 23, 2001. Your response adequately addressed the questions set forth in our letter. Because the operator had not performed licensed duties prior to the test, we concluded that the individual did not violate 10 CFR 55.53(j) which requires in part that "the licensee shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol."

We reviewed the information you provided and concluded that your Fitness-for-Duty program functioned appropriately in identifying this condition. We also have reviewed your request to withhold Attachment 1 of your December 28, 2001, letter in accordance with the requirements of 10 CFR 2.790. On the basis of your statements we have determined that the submitted information sought to be withheld contains personal information, the disclosure of which would be a clearly unwarranted invasion of privacy. Therefore, Attachment 1 of your letter will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. However, your letter and Attachment 2 (which is the redacted version of Attachment 1) will be placed in the NRC's public document room and in the Publicly Available Records component of the NRC's document system (ADAMS).

Withholding Attachment 1 from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling such information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination

Mr. Ron J. DeGregorio

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adverse to the above, you will be notified in advance of any public disclosure. If you have any questions, regarding the disclosure of the information, please contact Mr. J. Bradley Fewell, Regional Counsel, at 610-337-5301.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room).

Thank you for your cooperation in this matter.

Sincerely,

/RA/

Wayne D. Lanning, Director
Division of Reactor Safety

Docket No: 50-219
License No: DPR-16

cc:

AmerGen Energy Company - Correspondence Control Deck
J. A. Benjamin, Licensing - Vice President, Exelon Corporation
M. Gallagher, Director-Licensing
B. Stewart, Acting Regulatory Affairs Manager
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