

December 4, 2003

Mr. Michael R. Kansler, President
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: CLOSEOUT OF RESPONSE TO GENERIC LETTER 99-02, INDIAN POINT
NUCLEAR GENERATING UNIT NO. 3 (TAC NO. MA5803)

Dear Mr. Kansler:

On June 3, 1999, the Nuclear Regulatory Commission (NRC) issued Generic Letter (GL) 99-02, "Laboratory Testing of Nuclear- Grade Activated Charcoal," to alert licensees that the NRC had determined that testing 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 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. The NRC staff requested, in part, that licensees whose Technical Specifications (TSs) did not reference ASTM D3803-1989 for charcoal filter laboratory testing, to either amend their TSs to reference ASTM D3803-1989 or propose an alternative test protocol and provide the information discussed in the requested actions.

By letter dated August 2, 1999, the Power Authority of the State of New York (PASNY, the former licensee) submitted its 60-day response to the actions requested in GL 99-02 for IP3. By letter dated November 29, 1999, as supplemented October 27, 2000, PASNY applied for an amendment to the IP3 TSs to adopt ASTM D3808-1989 for charcoal filter laboratory testing with certain exceptions. On November 21, 2000, PASNY's ownership interest in IP3 was transferred to Entergy Nuclear Operations, Inc. (ENO) to possess, use, and operate IP3. By letter dated January 26, 2001, ENO requested that the NRC continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer. Accordingly, the NRC staff continued its review of PASNY's license amendment application. Subsequently, by letter dated May 12, 2001, ENO withdrew the amendment request.

By letter dated October 23, 2001, as supplemented on March 29 and December 17, 2002, and June 12, 2003, ENO submitted a revised application to amend the IP3 TSs to adopt ASTM D3808-1989. In response to this application, the NRC issued Amendment No. 219 to Facility Operating License No. DPR-64 for IP3 on October 30, 2003. Thus, the staff concludes that the ENO has adequately addressed the issues in GL 99-02 for IP3.

M. Kansler

- 2 -

If you have any questions, please contact me. This completes the NRC staff's actions regarding GL 99-02 for IP3, under TAC No. MA5803.

Sincerely,

/RA/

Patrick D. Milano, Sr. Project Manager, Section I
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-286

cc: See next page

M. Kansler

- 2 -

If you have any questions, please contact me. This completes the NRC staff's actions regarding GL 99-02 for IP3, under TAC No. MA5803.

Sincerely,

/RA/

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