

September 20, 2000

Mr. Mike Reandeau
Director - Licensing
Clinton Power Station
P.O. Box 678
Mail Code #V920
Clinton, IL 61727

SUBJECT: CLINTON POWER STATION - NOTICE OF ENFORCEMENT DISCRETION,
NOED NO. 00-6-011 (TAC NO. MA9974)

Dear Mr. Reandeau:

By letter dated September 18, 2000, AmerGen Energy Company, LLC (AmerGen, the licensee) requested that the Nuclear Regulatory Commission (NRC) staff exercise discretion not to enforce compliance with the prohibition contained in Clinton Power Station (CPS) Technical Specification (TS) Limiting Condition for Operation (LCO) 3.0.4, as it applied to TS 3.8.11, "Static VAR Compensator (SVC) Protection Systems," Required Action A.1. AmerGen's letter documented information previously discussed with the NRC in a telephone conference on September 15, 2000, at 3:30 p.m. EDT. The principal NRC staff members who participated in that telephone conference included S. Singh Bajwa, Director, Project Directorate III, NRR; Tony Mendiola, Chief, Section 2, Project Directorate III, NRR; Stewart Bailey, Project Manager, Project Directorate III, NRR; Tony Vogel, Branch Chief, Division of Reactor Projects, Region III; Cornelius Holden, Acting Chief, Electrical and Instrumentation and Controls Branch, NRR; Jim Lazevnick, Electrical and Instrumentation and Controls Branch, NRR; Carl Schulten, Technical Specifications Branch, NRR; and Pat Loudon, Clinton Senior Resident Inspector, Region III.

During our phone call, AmerGen stated that on September 13, 2000, at 3:00 a.m. CDT, a planned outage of the emergency reserve auxiliary transformer (ERAT) was commenced. In accordance with the TS, the ERAT needed to be restored from the outage to operable status within 72 hours, otherwise a plant shutdown would be required. With the ERAT removed from service, planned testing of the ERAT SVC was begun with the SVC removed from service.

The ERAT SVC has two protective subsystems. Difficulties were encountered during testing of the "A" protective subsystem such that the subsystem was declared inoperable. TS 3.8.11 Required Action A.1 allows SVC operation for 30 days with only one protective subsystem operable after which time Action C must be entered and the actions specified by Required Action C.1 taken. According to Required Action C.1, the SVC output breaker(s) must be opened within one hour to remove the SVC (and the SVC protection system) from service. However, TS 3.0.4 does not allow entry into a specified condition stated in the TS Applicability except when the associated Actions permit continued operation for an unlimited amount of time. TS 3.8.11 Applicability contains a specified condition of "During SVC operation." Since Actions A.1 and C.1 of TS 3.8.11 do not permit an unlimited amount of time, the specified Applicability

condition of "During SVC operation" could not be entered (e.g., the ERAT SVC could not be returned to service with one inoperable protective subsystem). Therefore, the ERAT could not be made operable and the plant would have to shutdown commencing at 3:00 a.m. CDT on September 16, 2000.

As a result, AmerGen requested that a Notice of Enforcement Discretion (NOED) allowing the ERAT SVC to be placed in service with one inoperable protective subsystem be issued pursuant to the NRC's policy regarding exercise of Section VII.c of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy) in NUREG-1600, and be effective from September 15, 2000, until October 15, 2000. The 30 days for discretion is consistent with TS 3.8.11 Action Statement A.1, which allows SVC operation for 30 days with one inoperable protective subsystem. Additionally, AmerGen committed to submit an application for a license amendment to revise TS 3.8.11. This letter documents our telephone conversation on September 15, 2000, starting at approximately 5:35 p.m. EDT when we verbally issued this NOED.

The risk associated with placing the ERAT SVC in service and operating with one inoperable protective subsystem for 30 days is the same as that envisioned by the TS if the protective subsystem inoperability had been found during SVC operation. Therefore, there is no increase in risk from that assumed when TS 3.8.11 was approved by license Amendment No. 117 dated October 9, 1998.

CPS is currently operating at full power. In order to avoid the transient associated with plant shutdown, the NRC staff concludes that the requested NOED should be authorized. Based on considerations discussed in the previous paragraphs, the staff concludes that Criterion 1 of Section B.2 and the applicable criteria in Section C.4 of NRC Manual Chapter 9900, "Technical Guidance, Operation - Notice of Enforcement Discretion," are satisfied. Criterion 1 of Section B.2 states that for an operating plant, the NOED is intended to avoid an undesirable transient as a result of forcing compliance with the license and, thus, minimizes the potential safety consequences and operational risks.

AmerGen stated that the request has been reviewed and approved by the CPS Facility Review Group.

On the basis of the staff's evaluation of AmerGen's request, we have concluded that an NOED is warranted because we are satisfied that this action involves minimal safety impact, is consistent with the enforcement policy and staff guidance, and has no adverse impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 3.0.4 as applied to TS 3.8.11 Action Statement A.1 for the period from 5:35 p.m. EDT, September 15, 2000, until 11:59 p.m. on October 15, 2000, or until a license amendment is issued, whichever is earlier. The licensee agreed to submit the amendment request no later than September 20, 2000, and did submit on this date. The staff plans to complete its review and issue the license amendment within 4 weeks of the date of this letter.

M. Reandeau

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As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

/RA/

Claudia M. Craig, Acting Project Director
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-461

cc: See next page

Mike Reandeau

Clinton Power Station, Unit 1
Illinois Power Company

cc:

Michael Coyle
Vice President
Clinton Power Station
P.O. Box 678
Clinton, IL 61727

Illinois Department of Nuclear Safety
Office of Nuclear Facility Safety
ATTN: Mr. Frank Niziolek
1035 Outer Park Drive
Springfield, IL 62704

Patrick Walsh
Manager Nuclear Station
Engineering Department
Clinton Power Station
P.O. Box 678
Clinton, IL 61727

Kevin P. Gallen
Morgan, Lewis & Bockius LLP
1800 M Street, NW
Washington, DC 20036

Resident Inspector
U.S. Nuclear Regulatory Commission
RR#3, Box 229 A
Clinton, IL 61727

R. T. Hill
Licensing Services Manager
General Electric Company
175 Curtner Avenue, M/C 481
San Jose, CA 95125

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Chairman of DeWitt County
c/o County Clerk's Office
DeWitt County Courthouse
Clinton, IL 61727

J. W. Blattner
Project Manager
Sargent & Lundy Engineers
55 East Monroe Street
Chicago, IL 60603

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

/RA/

Claudia M. Craig, Acting Project Director
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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cc: See next page

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