

January 18, 2001

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

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR AMERGEN ENERGY
COMPANY, LLC, REGARDING CLINTON POWER STATION,
TAC NO. MB0960, NOED NO. 01-6-001

Dear Mr. Reandeau:

By letter dated January 14, 2001, 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) 3.8.1, "AC Sources - Operating," Action B.4. AmerGen's letter documented information previously discussed with the NRC in a telephone conference on January 13, 2001, at 3:00 p.m. EST. The principal NRC staff members who participated in that telephone conference included S. Singh Bajwa, Director, Project Directorate III, NRR; Jon Hopkins, Senior Project Manager, Project Directorate III, NRR; Geoff Grant, Director, Division of Reactor Projects, Region III; Laura Collins, Project Engineer, Division of Reactor Projects, Region III; Jose Calvo, Chief, Electrical and Instrumentation and Controls Branch, NRR; Saba Saba, Electrical and Instrumentation and Controls Branch, NRR; Mark Caruso, Probabilistic Safety Assessment Branch, NRR; Jack Strosnider, Director, Division of Engineering, NRR; and Pat Loudon, Clinton Senior Resident Inspector, Region III.

During our phone call, AmerGen stated that on January 12, 2001, a 24-hour surveillance test per TS Surveillance Requirement 3.8.1.14 was commenced for the Division 2 diesel generator (DG). During the test, pre-established criteria were met that confirmed bearing degradation leading to the shutdown of the DG and declaring it inoperable at 3:28 a.m. EST on January 13, 2001. LCO 3.8.1 Action B.4 requires that an inoperable DG be restored to operable status within 72 hours or plant shutdown shall be commenced. Due to the amount of work to replace the bearing, AmerGen estimated that it would take approximately 7 days to restore the DG to operable status.

As a result, AmerGen requested that a Notice of Enforcement Discretion (NOED) allowing an outage time of 14 days for the Division 2 DG 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 January 13, 2001, until the Division 2 DG is returned to service or until January 27, 2001, whichever occurs first. AmerGen had previously submitted by letter dated December 29, 2000, an application for license amendment to extend the allowed outage time (AOT) from 72 hours to 14 days for the Division 1 and 2 DGs. This letter documents the telephone conversation on January 13, 2001, when NRC verbally issued this NOED.

The licensee performed a risk evaluation for extending the AOT for an inoperable DG to 14 days and concluded that extending the AOT has a minimal effect on plant risk; therefore, the licensee proposed to extend the AOT to 14 days. The licensee has also proposed compensatory measures to not perform work that would challenge offsite power availability or impact opposite train emergency core cooling system equipment during the Division 2 DG bearing replacement. Additionally, the licensee will not perform the 24-hour surveillance test of the Division 1 DG until the Division 2 DG is returned to operable status. The Division 1 DG is scheduled to be tested no later than January 25, 2001. AmerGen stated that the request has been reviewed and approved by the CPS Facility Review Group.

CPS is currently operating at full power. The NRC staff finds that the compensatory measures are acceptable to ensure safety for the limited additional DG outage time. In order to avoid the transient associated with plant shutdown, the NRC staff has concluded 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.

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 3.8.1 Action Statement B.4 for the period from 3:28 a.m. EST, January 13, 2001, until the Division 2 DG is returned to service or until January 27, 2001, whichever occurs first. The staff plans to complete its review and issue the license amendment as promptly as possible.

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 by Anthony Mendiola for/

S. Singh Bajwa, 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
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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 by Anthony Mendiola for/

S. Singh Bajwa, Director
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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