

June 26, 1998

Mr. Joseph V. Sipek  
Director - Licensing  
Clinton Power Station  
P.O. Box 678  
Mail Code V275  
Clinton, IL 61727

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE FOR THE CLINTON POWER  
STATION, UNIT 1 (TAC NO. M85535)

Dear Mr. Sipek:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for the Illinois Power Clinton Power Station. This Order confirms Illinois Power's commitment, as stated in your letters dated March 28, 1995, June 19, 1997, and March 30, 1998, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions. The commitment to complete the actions by December 31, 1998, was set out in your letter of consent dated May 22, 1998.

You should proceed with implementation of these corrective actions in accordance with your proposed schedule.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Jon B. Hopkins, Senior Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure: Order

cc w/encl: See next page

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Docket File	PUBLIC	PD33 Reading	VDricks	ACRS
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OFFICE	LA/PD33 E	PM/PD33 E	D/PD33 E	SPLB E
NAME	EBarnhill <i>EB</i>	JHopkins <i>JH</i>	RBellamy <i>for</i>	LMarsh <i>LM</i>
DATE	6/11/98	6/12/98	6/12/98	6/14/98
OFFICE	OGC <i>OGC</i>	AD/DRPW <i>AD</i>	ADP <i>ADP</i>	D/NRR <i>D</i>
NAME	<i>RH</i>	EAmsam <i>EA</i>	BBoger <i>BB</i>	SCollins <i>SC</i>
DATE	6/12/98	6/27/98	6/23/98	6/25/98

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OFFICE	OGC <i>OGC</i>	AD/DRPW <i>AD</i>	ADP <i>ADP</i>	D/NRR <i>D</i>
NAME	<i>R. Hootch</i>	E. Mensam <i>EM</i>	BBoger <i>BB</i>	SCollins <i>SC</i>
DATE	6/12/98	6/22/98	6/23/98	6/25/98

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 26, 1998

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You should proceed with implementation of these corrective actions in accordance with your proposed schedule.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, reading "Jon B. Hopkins", is written over the typed name.

Jon B. Hopkins, Senior Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure: Order

cc w/encl: See next page

Joseph V. Sipek  
Illinois Power Company

Clinton Power Station, Unit 1

cc:

Walter G. MacFarland IV  
Senior 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 Nizidlek  
1035 Outer Park Drive  
Springfield, IL 62704

Wayne Romberg  
Manager Nuclear Station  
Engineering Department  
Clinton Power Station  
P.O. Box 678  
Clinton, IL 61727

Leah Manning Stetzner  
VP, General Counsel & Corp. Secretary  
500 South 27th Street  
Decatur, IL 62525

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

Illinois Power

Clinton Power Station

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Docket No. 50-461

CONFIRMATORY ORDER MODIFYING LICENSE

EFFECTIVE IMMEDIATELY

I.

Illinois Power (IP or the Licensee) is the holder of Facility Operating License No. NPF-62, which authorizes operation of Clinton Power Station located in DeWitt County, Illinois.

II.

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330-1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers," and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have

completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

IP was one of the licensees with which the NRC staff held meetings. At these meetings, the NRC staff reviewed with IP the schedule of Thermo-Lag corrective actions described in the IP submittals to the NRC. Based on the information submitted by IP, and provided during the meetings, the NRC staff has concluded that the schedules presented by IP are reasonable. This conclusion is based on the (1) amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that IP is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by IP must be completed in accordance with current IP schedules. By letter dated May 3, 1998, the NRC staff notified IP of its plan to incorporate IP's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 22, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

### III.

The Licensee's commitment as set forth in its letter of May 22, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 22, 1998, letter be confirmed by this

Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

#### IV.

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, effective immediately, that:

Illinois Power (IP) complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Clinton Power Station as described in the June 19, 1997, and March 30, 1998, submittals to the NRC, in addition to the repair of the butt joint described in the March 28, 1995, submittal to the NRC, by December 31, 1998.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

#### V.

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Docketing and Services Section, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy

Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 26th day of June 1998



Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

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DOCUMENT NAME G:\CLINTON\ORDER.TLG

\*See previous concurrence

OFFICE	LA/PD33 E	PM/PD33	D/PD33 mary	SPLB
NAME	EBarnhill E	JHopkins H	RBellamy	LMarsh*
DATE	6/18/98	6/18/98	6/18/98	6/16/98
OFFICE	OGC / RTH	AD/DRPW	ADP#1 6/23/98	D/MRR
NAME	RHoddy	EAdensam	BBoger B	SCollins
DATE	6/18/98	6/18/98	6/23/98	6/25/98

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OFFICE	OGC / R/H	AD/DRR W	ADP/H 6/20/98	D/MRR
NAME	R/H	EAdensam	BBoger B	SCollins
DATE	6/18/98	6/18/98	6/23/98	6/25/98

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