

Docket No. 50-461

August 16, 1994

Clinton Power Station
ATTN: Mr. Richard F. Phares
Director - Licensing
Post Office Box 678
Mail Code V920
Clinton, Illinois 61727

Dear Mr. Phares:

SUBJECT: FEDERAL REGISTER NOTICE FOR EXIGENT TECHNICAL SPECIFICATION CHANGE -
CLINTON POWER STATION, UNIT NO. 1 (TAC NO. M90037)

Enclosed is copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Determination, and Opportunity for Hearing" for your information. This notice relates to your application dated August 5, 1994 (U-602316), for an amendment to the Clinton Power Station Technical Specifications to modify Technical Specification Table 4.8.1.1.2-1, "Diesel Generator Test Schedule," to exclude selected valid failures of the Division 1 diesel generator from contributing to an accelerated testing frequency.

The original of the notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Douglas V. Pickett, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosure:

Notice

cc: See next page

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

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A handwritten signature in cursive script that reads "Douglas V. Pickett".

Douglas V. Pickett, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc: See next page

Mr. Richard F. Phares
Illinois Power Company

Clinton Power Station
Unit No. 1

cc:

Mr. John Cook
Vice President
Clinton Power Station
Post Office Box 678
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Illinois Department
of Nuclear Safety
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Mr. J. A. Miller
Manager Nuclear Station
Engineering Department
Clinton Power Station
Post Office Box 678
Clinton, Illinois 61727

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

Mr. R. T. Hill
Licensing Services Manager
General Electric Company
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San Jose, California 95125

Regional Administrator, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

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

Mr. Robert Neumann
Office of Public Counsel
State of Illinois Center
100 W. Randolph, Suite 11-300
Chicago, Illinois 60601

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONILLINOIS POWER COMPANYDOCKET NO. 50-461NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to the Illinois Power Company (the licensee), for operation of the Clinton Power Station, Unit 1, located in Dewitt County, Illinois.

The proposed amendment would modify Technical Specification (TS) Table 4.8.1.1.2-1, "Diesel Generator Test Schedule," to exclude three valid failures of the Division 1 emergency diesel generator (EDG) from contributing towards accelerated diesel generator testing.

The last three valid failures (occurring on August 3, 1993, June 7 and July 12, 1994) were determined not as the result of an actual surveillance test, but the confirmation of the failure of one of two CV-2 relays associated with the Division 1 EDG output breaker. The relays are checked each shift for visible indication of failure. Failure of the relay could cause premature closure of the breaker upon receipt of an automatic start signal due to or coincident with a loss of offsite power. The cause of these failures was subsequently attributed to undersized current-limiting resistors that were installed in the relays by the vendor. These resistors were replaced with appropriately sized resistors and testing has been performed to ensure operability. The relay is normally tested only during the 18-month shutdown

test that assures proper functioning of the EDG and associated equipment upon receipt of a loss-of-offsite power test signal. Weekly testing, as required by TS Table 4.8.1.1.2-1, allows for manual loading which bypasses the CV-2 relay.

The valid failure of the Division 1 EDG on June 7, 1994, brought the number of failures in the last 100 valid tests up to seven. In addition, the valid failure of July 12, 1994, was the second failure in the last 20 tests. In accordance with TS Table 4.8.1.1.2-1, the frequency of testing increases from monthly to weekly until at least seven consecutive successful tests are performed and there is a maximum of only one failure in the last 20 tests. Weekly testing, which began following the failure of June 7, 1994, must now continue until at least the first week of October 1994.

In a letter dated August 5, 1994, the licensee requested an exigent technical specification change to modify TS Table 4.8.1.1.2-1 to exclude these three valid failures from contributing to accelerated testing of the Division 1 diesel generator. The licensee's basis for this request included the following:

- Additional weekly testing is inappropriate because the increased surveillance testing does not test the relay that failed;
- The undersized current-limiting resistors found in the CV-2 relays have been replaced which should eliminate similar failures in the future;
- Plant operators, who identified the previous three failures, will continue to tour the equipment once per shift and check for targets that may have dropped;
- Testing of the EDG at the Clinton Power Station involve paralleling the diesel generators to the grid. NRC Information Notice 84-69 warns

against operating diesel generators connected to offsite power unnecessarily as disturbances in the offsite power system can adversely affect availability of the EDG; and

- Excessive or unnecessary testing of diesel generators can cause unnecessary wear or degradation and thus contribute to their reduced reliability.

Approval of the proposed TS change will eliminate unnecessary testing of the diesel generator and will permit the licensee to resume a monthly test frequency. Prompt action by the staff is necessary to eliminate unnecessary testing and precludes the time available to permit the customary public notices in advance of this action.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

- (1) The proposed change itself does not involve any changes to the plant design or operation and therefore does not affect any initiators of any previously evaluated accidents. Consequently the proposed change does not involve any significant increase in the probability of occurrence of any accident previously evaluated.

The proposed change only allows certain identified test failures of the Division 1 diesel generator to not be included in the total number of failures used to determine whether testing of the diesel generator should be increased. Because appropriate corrective action has been taken in response to those particular test failures, acceptable reliability of the Division 1 diesel generator is assured without increased testing in response to those failures. Further, the Clinton Power Station design includes redundancy and consideration of single-failure criteria such that alternate sources, both onsite and offsite, are provided to ensure safe shutdown of the facility in the event of an accident, including mitigation of the consequences of an accident. Based on the above, Illinois Power concludes that the proposed change will not increase the consequences of any accident previously evaluated.

- (2) The proposed change does not involve any modification to plant design or operation which could introduce a new failure mode. The proposed change only impacts the frequency of testing of the Division 1 diesel generator as it does not directly affect operation or the design of the Division 1 diesel generator or any other plant structure, system or component. As a result, no new failure modes are introduced and the proposed change will therefore not create the possibility of a new or different kind of accident from any accident previously evaluated.
- (3) As noted above, other than the impact on the frequency of testing performed on the Division 1 diesel generator, the proposed change involves no changes to the plant design or operation. Therefore, as they are typically defined or established by the plant's accident analyses, no margins of safety are impacted by the proposed change. Notwithstanding, if diesel generator reliability is viewed as a margin of safety, Division 1 diesel generator reliability is the only margin of safety potentially impacted by the proposed change. However, as noted previously, reliability of the Division 1 diesel generator is not adversely affected by the proposed change since the corrective actions taken in response to the noted failures provide assurance of acceptable diesel generator reliability without increased testing in response to these failures. Further, the proposed change will reduce the potential for excessive or unnecessary increased testing of the diesel generators which may adversely affect diesel generator reliability through wear and degradation. Precluding unnecessary testing of the diesel generators will also limit the potential reduction in plant safety resulting from disturbances in the offsite power system or in non-vital loads. In total, the proposed change does not therefore involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analyses and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received

may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 15, 1994 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why

intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall

be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above

date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John Hannon, Director, Project Directorate III-3: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606, attorney for the licensee.

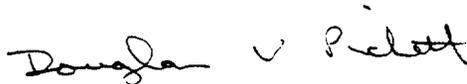
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 5, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at

the Vespasian Warner Public Library, 120 West Johnson Street, Clinton,
Illinois 61727.

Dated at Rockville, Maryland, this 10th day of August 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Douglas V. Pickett".

Douglas V. Pickett, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation