AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

www.exeloncorp.com

AmerGen SM
An Exelon Company

10 CFR 50.90

RS-07-133

September 27, 2007

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Subject: Application for Technical Specification Change TSTF-374, Revision to TS 5.5.9 for Diesel Fuel Oil Using Consolidated Line Item Improvement Process

Reference: Letter from U. S. NRC to Richard F. Phares (Illinois Power Company), "Issuance of Amendment (TAC No. M84131)," dated July 15, 1993

In accordance with the provisions of 10 CFR 50.90, "Application for amendment of license or construction permit," AmerGen Energy Company, LLC (AmerGen) is submitting a request for an amendment to the technical specifications (TS) for Clinton Power Station (CPS), Unit 1.

The proposed amendment would modify TS by relocating references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents. In the referenced letter, AmerGen previously received approval for a change to the CPS TS that added the water and sediment content test as alternative criteria to the "clear and bright" acceptance test for new fuel oil. Therefore, this amendment request does not incorporate these changes as part of the implementation of TSTF-374.

Attachment 1 provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Attachment 2 provides the existing TS pages marked up to show the proposed change. There are no required changes to the existing TS Bases to support the proposed change.

AmerGen requests approval of the proposed license amendment by September 30, 2008, with the amendment being implemented within 60 days.

The proposed TS changes have been reviewed by the CPS Plant Operations Review Committee and approved by the Nuclear Safety Review Board in accordance with the AmerGen Quality Assurance Program and associated procedures. No new regulatory commitments are established by this submittal.

In accordance with 10 CFR 50.91, "Notice for public comment; State consultation," a copy of this application, with enclosures, is being provided to the designated Illinois State Official.

If you should have any questions regarding this submittal, please contact Mr. Timothy A. Byam at 630-657-2804.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 27th day of September 2007.

Sincerely,

Darin M Benyak

Darin M. Benyak
Director – Licensing and Regulatory Affairs
AmerGen Energy Company, LLC

Attachments:
1. Description and Assessment
2. Mark-up of Proposed Technical Specification Changes

ATTACHMENT 1
Description and Assessment

Subject: Application for Technical Specification Change TSTF-374, Revision to TS 5.5.9 for Diesel Fuel Oil Using Consolidated Line Item Improvement Process

1.0 DESCRIPTION

The proposed amendment would modify Clinton Power Station (CPS) Technical Specifications (TS) by relocating references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents. AmerGen Energy Company, LLC (AmerGen) previously received approval for a change to the TS to add the water and sediment content test as alternative criteria to the "clear and bright" acceptance test for new fuel oil (Reference 1). Therefore, this amendment request does not incorporate these changes as part of the implementation of Industry/Technical Specification Task Force (TSTF) traveler TSTF-374.

The changes are consistent with NRC approved TSTF-374 Revision 0. The availability of this TS improvement was published in the *Federal Register* on April 21, 2006 (Reference 2) as part of the consolidated line item improvement process (CLIIP).

2.0 ASSESSMENT

2.1 Applicability of TSTF-374, and Published Safety Evaluation

AmerGen has reviewed TSTF-374 (Reference 3), and the NRC model safety evaluation (SE) (Reference 4) as part of the CLIIP. AmerGen has concluded that the information in TSTF-374, as well as the SE prepared by the NRC staff are applicable to CPS, Unit 1 and justify this amendment for the incorporation of the changes to the CPS TS.

2.2 Optional Changes and Variations

AmerGen is not proposing any significant variations or deviations from the TS changes described in the TSTF-374 or the applicable parts of the NRC staff's model safety evaluation dated February 22, 2006 (Reference 4). As noted above, AmerGen previously requested and the NRC approved a change to the CPS TS to add the water and sediment content test as alternative criteria to the "clear and bright" acceptance test for new fuel oil (Reference 1). AmerGen also did not change the ASTM standards that CPS is committed to as a part of implementing this TSTF. The referenced ASTM standards in the CPS TS Bases, while they differ from those referred to in TSTF-374, are consistent with the standards that CPS has committed to implementing. Therefore, there are no required changes to the existing TS Bases to support the proposed change.

3.0 REGULATORY ANALYSIS

3.1 No Significant Hazards Consideration Determination

AmerGen has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the *Federal Register* as part of the CLIIP. AmerGen has concluded that the proposed NSHCD presented in the *Federal Register* notice is applicable to CPS and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (a).

3.2 Verification and Commitments

As discussed in the notice of availability published in the *Federal Register* on April 21, 2006 (Reference 2) for this TS improvement, plant-specific verifications were performed as follows:

AmerGen has not proposed any TS Bases changes consistent with TSTF-374 since the Bases changes associated with the water and sediment content test have already been implemented. AmerGen also did not change the ASTM standards that CPS is committed to as a part of implementing this TSTF. The referenced ASTM standards in the CPS TS Bases, while they differ from those referred to in TSTF-374, are consistent with the standards that CPS has committed to implementing. Therefore, there are no required changes to the existing TS Bases to support the proposed change.

4.0 ENVIRONMENTAL EVALUATION

The amendment changes requirements with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20, "Standards for Protection Against Radiation." The NRC staff has determined that the amendment adopting TSTF-374, Rev 0, involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The NRC has previously issued a proposed finding that TSTF-374, Revision 0, involves no significant hazards considerations, and there has been no public comment on the finding in Federal Register Notice 71 FRN 9179, February 22, 2006. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," paragraph (c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

5.0 REFERENCES

1. Letter from U. S. NRC to Mr. Richard F. Phares (Illinois Power Company), "Issuance of Amendment (TAC No. M84131)," dated July 15, 1993

2. Volume 71, Federal Register, Page 20735 (71FRN20735), "Technical Specification Improvement to Revise Diesel Fuel Oil Testing Program Using the Consolidated Line Item Improvement Process," dated April 21, 2006

3. TSTF-374, Revision 0, "Revision to TS 5.5.13 and Associated TS Bases for Diesel Fuel Oil"

4. Volume 71, Federal Register, Page 9179 (71FRN9179), "Notice for Opportunity to Comment on Model Safety Evaluation on Technical Specification Improvement to Revise Diesel Fuel Oil Testing Program Using the Consolidated Line Item Improvement Process," dated February 22, 2006

ATTACHMENT 2
Mark-up of Proposed Technical Specification Changes

Revised Technical Specification Page

5.0-14

5.5 Programs and Manuals

5.5.8 Explosive Gas and Storage Tank Radioactivity Monitoring Program (continued)

b. A surveillance program to ensure that the quantity of radioactive material contained in each outdoor tank that is not surrounded by a liner, dike, or walls capable of holding the tank's contents and that does not have a tank overflow and surrounding area drains connected to the liquid radwaste treatment system is ≤ 10 curies, excluding tritium and dissolved or entrained noble gases.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Explosive Gas and Storage Tank Radioactivity Monitoring Program surveillance frequencies.

5.5.9 Diesel Fuel Oil Testing Program

A diesel fuel oil testing program to implement required testing of both new fuel oil and stored fuel oil shall be established. The program shall include sampling and testing requirements, and acceptance criteria, all in accordance with applicable ASTM Standards. The purpose of the program is to establish the following:

a. Acceptability of new fuel oil for use prior to addition to storage tanks by determining that the fuel oil has:

1. an API gravity or an absolute specific gravity within limits,

2. a kinematic viscosity within limits for ASTM 2D fuel oil, and

3. a water and sediment content within limits or a clear and bright appearance with proper color;

b. Other properties of the new fuel oil are within limits for ASTM 2D fuel oil within 31 days of addition to the storage tanks; and

c. Total particulate concentration of the fuel oil in the storage tanks is ≤ 10 mg/l when tested every 31 days. ~~in accordance with ASTM D-2276-88.~~

(continue)