



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

ILLINOIS POWER COMPANY

DOCKET NO. 50-461

CLINTON POWER STATION, UNIT 1

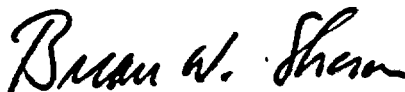
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 123
License No. NPF-62

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Illinois Power Company (the licensee) and AmerGen Energy Company, LLC, dated July 23, 1999, as supplemented July 30, August 9, August 20, October 7, and October 11, 1999, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Operating License is amended as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance, to be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Brian W. Sheron, Acting Director
Office of Nuclear Reactor Regulation

Attachment: Operating License Pages

Date of Issuance: December 15, 1999



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

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-461

CLINTON POWER STATION, UNIT NO. 1

FACILITY OPERATING LICENSE

License No. NPF-62

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by the applicant complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Clinton Power Station, Unit No. 1 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-137 and the application, as amended, the provisions of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D. below);
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public; and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I (except as exempted from compliance in Section 2.D below);
 - E. AmerGen Energy Company, LLC is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
 - F. AmerGen Energy Company, LLC has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;

- G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. NPF-62, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
 - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70.
2. Based on the foregoing findings regarding this facility, and pursuant to approval by the Nuclear Regulatory Commission at a meeting on April 10, 1987, Facility Operating License No. NPF-62, which supersedes the license for fuel loading and low power testing, License No. NPF-55, issued on September 29, 1986, is hereby issued to AmerGen Energy Company, LLC to read as follows:
- A. This license applies to the Clinton Power Station, Unit No. 1, a boiling water nuclear reactor and associated equipment (the facility), owned by AmerGen Energy Company, LLC. The facility is located in Harp Township, DeWitt County, approximately six miles east of the city of Clinton in east-central Illinois and is described in the licensee's Final Safety Analysis Report, as supplemented and amended, and in the licensee's Environmental Report-Operating License Stage, as supplemented and amended.
 - B. Subject to the condition and requirements incorporated herein, the Commission hereby licenses:
 - (1) AmerGen Energy Company, LLC, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use and operate the facility at the designated location in Harp Township, DeWitt County, Illinois, in accordance with the procedures and limitations set forth in this license;
 - (2) Deleted
 - (3) AmerGen Energy Company, LLC, pursuant to the Act and 10 CFR Part 70, to receive, possess and to use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;

- (4) AmerGen Energy Company, LLC, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) AmerGen Energy Company, LLC, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) AmerGen Energy Company, LLC, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

AmerGen Energy Company, LLC is authorized to operate the facility at reactor core power levels not in excess of 2894 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein. The items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 123 , are hereby incorporated into this license. AmerGen Energy Company, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

The Surveillance Requirements (SRs) contained in the Appendix A Technical Specifications and listed below are not required to be performed immediately upon implementation of Amendment No. 95. The SRs listed below shall be successfully demonstrated prior to the time and condition specified below for each:

- a) SRs 3.5.3.4, 3.8.1.9, 3.8.1.10, 3.8.1.13 and 3.8.1.14 shall be successfully demonstrated prior to entering MODE 2 on the first plant start-up following the fifth refueling outage;
- b) SR 3.8.1.20 shall be successfully demonstrated at its next regularly scheduled performance;
- c) SRs 3.4.1.1, 3.4.1.2, 3.5.1.3, 3.6.1.3.1, 3.6.1.3.2, 3.6.5.3.2, 3.7.4.1, 3.8.3.2 and 3.8.7.1 shall be successfully demonstrated no later than 15 days following implementation of Amendment No. 95.

(3) Antitrust Conditions

Deleted

(4) Control System Failures (Section 7.7.3.1, SER and SSER 6)*

The licensee shall submit, in accordance with commitments contained in letters dated May 15, 1986 and July 16, 1986, the results of the additional evaluations of control system failures and the proposed implementation of any corrective actions that may be found necessary, for staff review four months prior to plant startup after the first refueling outage. Implementation of any corrective actions found acceptable by the staff shall be completed prior to plant startup after the first refueling outage.

(5) New Fuel Storage (Section 9.1.1, SER, SSER 6 and SSER 7)

AmerGen Energy Company, LLC shall store new fuel assemblies in accordance with the requirements specified in Attachment 2. Attachment 2 is hereby incorporated into this license.

(6) Plant Operation Experience (Section 13.1.2.1, SSER 5)

Deleted

*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

(7) Emergency Planning (Section 13.3, SSER 6)

In the event the NRC staff finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR Section 50.54(s)(2) will apply.

(8) Post-Fuel Loading Initial Test Program (Section 14, SER, SSER 5 and SSER 6)

Any changes to the initial test program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(9) Emergency Response Capabilities (Generic Letter 82-33, Supplement 1 to NUREG-0737, Section 7.5.3.1, SSER 5 and SSER 8, and Section 18, SER, SSER 5 and Safety Evaluation Dated April 17, 1987)

- a. The licensee, in accordance with the commitment contained in a letter dated December 11, 1986, shall install and have operational separate power sources for each of the fuel zone level channels as provided for in Regulatory Guide 1.97 prior to startup following the first refueling outage.
- b. The licensee shall submit a detailed control room design final supplemental summary report within 90 days of issuance of the full power license that completes all the remaining items identified in Section 18.3 of the Safety Evaluation dated April 17, 1987.

License Transfer Conditions

- (10) The AmerGen Limited Liability Company Agreement dated August 18, 1997, and any subsequent amendments as of the date of the Order approving the transfer of this license to AmerGen, may not be modified in any material respect concerning decision-making authority over "safety issues" as defined therein without the prior written consent of the Director, Office of Nuclear Reactor Regulation.
- (11) At least half of the members of AmerGen's Management Committee shall be appointed by a nonforeign member group, all of which appointees shall be U.S. citizens.

- (12) The Chief Executive Officer, Chief Nuclear Officer (if someone other than the Chief Executive Officer), and Chairman of the Management Committee of AmerGen Energy Company, LLC shall be U.S. citizens. These individuals shall have the responsibility and exclusive authority to ensure, and shall ensure, that the business and activities of AmerGen Energy Company, LLC with respect to the CPS license are at all times conducted in a manner consistent with the protection of the public health and safety and common defense and security of the United States.**
- (13) AmerGen Energy Company, LLC shall cause to be transmitted to the Director, Office of Nuclear Reactor Regulation, within 30 days of filing with the U.S. Securities and Exchange Commission, any Schedules 13D or 13G filed pursuant to the Securities Exchange Act of 1934 that disclose beneficial ownership of any registered class of PECO Energy Company stock.**
- (14) AmerGen is required to provide decommissioning funding assurance of no less than \$210 million, after payment of any taxes, that will be deposited in the decommissioning trust fund for CPS at the time of CPS's transfer to AmerGen.**
- (15) The decommissioning trust agreement for CPS must be in a form acceptable to the NRC.**
- (16) With respect to the decommissioning trust fund, investments in the securities or other obligations of PECO Energy Company, British Energy, Inc., AmerGen Energy Company, LLC or affiliates thereof, or their successors or assigns shall be prohibited. Except for investments tied to market indexes or other nonnuclear sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.**
- (17) The decommissioning trust agreement for CPS must provide that no disbursements or payments from the trust shall be made by the trustee until the trustee has first given the NRC 30 days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.**
- (18) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without the prior written consent of the Director, Office of Nuclear Reactor Regulation.**

- (19) The appropriate section of the decommissioning trust agreement shall reflect that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.
- (20) AmerGen Energy Company, LLC shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of the Clinton license to it and the requirements of the Order approving the transfer, and consistent with the safety evaluation supporting the Order.
- (21) AmerGen Energy Company, LLC shall take no action to cause PECO Energy Company or British Energy, Inc., to void, cancel, or diminish the \$110 million contingency commitment from PECO Energy Company and British Energy, plc, the existence of which is represented in the application for the transfer of the Clinton license to AmerGen Energy Company, LLC, or cause them to fail to perform or impair their performance under the commitment, or remove or interfere with AmerGen's ability to draw upon the commitment. Also, AmerGen Energy Company, LLC shall inform the NRC in writing at any time that it draws upon the \$110 million commitment.

D. The facility requires exemptions from certain requirements of 10 CFR Part 50 and 10 CFR Part 70. These include: (a) an exemption from the requirements of 10 CFR 70.24 for the criticality alarm monitors around the fuel storage area; (b) an exemption from the requirement of 10 CFR Part 50, Appendix J - Option B, paragraph III.B, exempting the measured leakage rates from the main steam isolation valves from inclusion in the combined leak rate for local leak rate tests (Section 6.2.6 of SSER 6); and (c) an exemption from the requirements of paragraph III.B of Option B of 10 CFR Part 50, Appendix J, exempting leakage from the valve packing and the body-to-bonnet seal of valve 1E51-F374 associated with containment penetration 1MC-44 from inclusion in the combined leakage rate for penetrations and valves subject to Type B and C tests (SER supporting Amendment 62 to Facility Operating License No. NPF-62). The special circumstances regarding each exemption, except for Item (a) above, are identified in the referenced section of the safety evaluation report and the supplements thereto.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC Material License No. SNM-1886, issued November 27, 1985, and relieved the licensee from the requirement of having a criticality alarm system. AmerGen Energy Company, LLC is hereby exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions in items (b) and (c) above are granted pursuant to 10 CFR 50.12. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. AmerGen Energy Company, LLC shall fully implement and maintain in effect all provisions of the Commission-approved physical security plan, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Clinton Power Station Physical Security Plan," with revisions submitted through May 27, 1993; "Clinton Power Station Training and Qualification Plan," with revisions submitted through May 27, 1993; and "Clinton Power Station Safeguards Contingency Plan," with revisions submitted through May 27, 1993. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein;
- F. AmerGen Energy Company, LLC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report as amended, for the Clinton power Station, Unit No. 1, and as approved in the Safety Evaluation Report (NUREG-0853) dated February 1982 and Supplement Nos. 1 thru 8 thereto subject to the following provision:
- AmerGen Energy Company, LLC may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- G. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, AmerGen Energy Company, LLC shall report any violations of the requirements contained in Section 2.C of this license in the following manner: Initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

- H. AmerGen Energy Company, LLC shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- I. This license is effective as of the date of issuance and shall expire at midnight on September 29, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

**Thomas E. Murley, Director
Office of Nuclear Reactor Regulation**

Enclosures:

- 1. Attachments 1 and 2
- 2. Appendix A - Technical Specifications (NUREG-1235)
- 3. Appendix B - Environmental Protection Plan
- 4. Appendix C - Deleted

Date of Issuance: April 17, 1987

ATTACHMENT 1
TO NPF-62

Prior to achieving the milestone indicated, the following items shall be completed to the satisfaction of Region III.

1. Preoperational test PTP-FH, Fuel Handling System, shall be completed prior to off-loading irradiated fuel.

2. The licensee shall resolve audibility problems encountered on evacuation of personnel in high noise areas in accordance with Illinois Power Company letter dated July 8, 1986. A survey of high noise areas shall be completed within 30 days after achieving maximum anticipated noise level. All corrective actions required by the survey shall be completed prior to the completion of the first refueling outage. In the interim for those areas which are identified as having deficient siren audibility, temporary administrative measures will be taken to ensure that these areas are evacuated as required.

ATTACHMENT 2
TO NPF-62
NEW FUEL STORAGE

AmerGen Energy Company, LLC shall store new fuel assemblies in accordance with the following requirements.

- a. No more than three fuel assemblies shall be outside their shipping containers, storage racks, or the reactor vessel at any one time.
- b. The minimum edge-to-edge distance between the group of three fuel assemblies and all other fuel assemblies shall be 12 inches.
- c. Fuel assemblies, when stored in the New Fuel Storage Vault, shall be stored such that: no more than 12 rows of fuel assemblies shall remain uncovered during the loading or unloading of fuel assemblies; metal covers shall cover all other rows containing fuel assemblies during loading and unloading of fuel assemblies; and when loading or unloading of fuel assemblies is not in progress, metal covers shall cover all rows of fuel assemblies.
- d. Fuel assemblies shall be stored in such a manner that water would drain freely from the assemblies in the event of flooding and subsequent draining of the fuel storage area.
- e. Fuel assemblies shall be stored in the containment fuel storage pool only under water.
- f. No fuel assemblies shall be stored in the control rod racks.
- g. All fire hoses servicing the New Fuel Storage Vault shall be equipped with solid stream nozzles.