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Docket No. 50-461

10CFR50.12  
10CFR50.90

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Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Clinton Power Station Withdrawal of Previous Request for  
Certain Exemptions from 10CFR50 Appendix J and Proposed  
Changes to Facility Operating License No. NPF-62

Dear Sir:

By letter dated February 17, 1993 (reference U-602097), Illinois Power (IP) requested several exemptions from certain requirements of 10CFR50 Appendix J. The submittal included an application for an amendment of Facility Operating License No. NPF-62 and Appendix A - Technical Specifications (TS) for Clinton Power Station (CPS) to support the proposed exemptions.

Specifically, IP's submittal included requests for the following partial exemptions from 10CFR50 Appendix J:

- (1) An exemption from the 10CFR50, Appendix J, Section III.A.1.(a) requirement to stop a Type A test [containment integrated leakage rate test (CILRT)] if excessive leakage is detected during performance of the test;
- (2) An exemption from the 10CFR50, Appendix J, Section III.D.1.(a) requirement to perform the third Type A test of each 10-year service period when the plant is shut down for the 10-year plant inservice inspections; and
- (3) An exemption from the 10CFR50, Appendix J, Section III.A.5.(b) acceptance criteria for Type A tests with respect to determining the frequency of subsequent Type A tests based on the determined "as-found" containment leakage.

IP's submittal also included proposed changes to the CPS Operating License/ Technical Specifications. Except for one proposed editorial change, the proposed changes would reflect approval and the effect of the requested Appendix J exemptions. Specifically, IP requested changes to paragraph 2.D of the operating license for CPS

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(NPF-62) to reflect approval of the requested exemptions. Additionally, IP proposed changes to CPS TS 3/4.6.1.2, "Primary Containment Leakage." These changes are listed below:

- (1) An editorial change to TS 3.6.1.2 Limiting Condition for Operation (LCO) item "a" to correct its format;
- (2) A change to Surveillance Requirement 4.6.1.2.a to delete the requirement to perform the third Type A test of each 10-year service period during the shutdown for the 10-year plant inservice inspections. This was to be consistent with proposed partial exemption (2) above; and
- (3) A change to Surveillance Requirement 4.6.1.2.b to require the "as-found" Type A test results to be less than or equal to the maximum allowable leakage rate ( $L_a$ ). This proposed change would also require the "as-left" overall integrated containment leakage rate to be less than 75 percent of  $L_a$  prior to plant startup. These proposed changes were to be consistent with proposed partial exemption (3) above.

IP further requested changes to the CPS TS Bases to provide clarification regarding the containment "as-found" and "as-left" leakage rates and to reflect NRC approval of the proposed partial exemptions to 10CFR50 Appendix J.

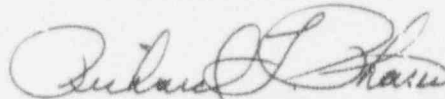
At the time IP prepared and submitted the above requested changes, IP was aware of the NRC staff's ongoing effort to revise 10CFR50 Appendix J. However, that effort had been ongoing for an extended period of time, and IP was uncertain of what changes would specifically be made to Appendix J and when the rulemaking process for revising Appendix J would be completed. Further, IP was encouraged to submit its request based on the fact that the same proposed changes had been recently approved for another utility. However, subsequent to IP's submittal, rule-making activities associated with revising 10CFR50 Appendix J were revitalized and expedited by the NRC. As the NRC staff intended to devote considerable resources to the effort, NRC staff policy was established such that "contingency" requests for 10CFR50 Appendix J exemptions would not receive review priority by the NRC staff (reference SECY-94-036, "Staff Plans for Revising 10CFR50, Appendix J, 'Containment Leakage Testing,' and for Handling Exemption Requests").

On September 8, 1993, the NRC issued Amendment No. 83 to Facility Operating License No. NPF-62 for the Clinton Power Station. The amendment made several changes to the CPS Operating License, and TS 3/4.6.1.2, "Primary Containment Leakage," and its associated Bases. The amendment was issued in response to IP's February 17, 1993 request as well as another IP request involving an unrelated Appendix J exemption and changes to the containment leakage Technical Specifications. Of the changes proposed in IP's February 17, 1993 request, only the requested exemption (and

Technical Specification change) related to the Appendix J requirement [Section III.D.1.(a)] for performing the third Type A test of each 10-year service period during the 10-year plant inservice inspection was approved. The other two exemption requests included in IP's February 17, 1993 submittal, i.e., the requests for partial exemptions from the requirements of 10 CFR Part 50, Appendix J, Sections III.A.1.(a) and III.A.5.(b), were deferred by the staff. As stated in the NRC's cover letter for Amendment 83, the staff deferred actions on these items pending resolution of current rule-making activities associated with Appendix J.

It now appears that a revision of 10CFR50 Appendix J is forthcoming (1995), and IP anticipates the revision will obviate the need for IP's requested exemptions from the applicable current requirements of 10CFR50 Appendix J. Further, IP has no near-term need for the outstanding exemption requests from its February 17, 1993 submittal. Therefore, IP respectfully withdraws its request for partial exemptions from the requirements of 10CFR50, Appendix J, sections III.A.1.(a) and III.A.5.(b) which were requested in the February 17, 1993 submittal and subsequently deferred for review by the NRC staff. This request for withdrawal also applies to the proposed Technical Specification changes associated with those exemption requests.

Sincerely yours,



Richard F. Phares  
Director, Licensing

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cc: NRC Clinton Licensing Project Manager  
NRC Resident Office, V-690  
Regional Administrator, Region III, USNRC  
Illinois Department of Nuclear Safety