

8/2/02
67FR 50475
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From: "Luellen B Jones" <lbjones@duke-energy.com>
To: <CLIP@nrc.gov>
Date: 9/3/02 12:54PM
Subject: Comments on Model Safety Evaluation on Technical Specification Improvement to Modify Requirements Regarding Mode Change Limitations Using the Consolidated Line Item Improvement Process, 67FR50475, dated August 2, 2002

Duke Energy Corporation offers the attached comments relative to above Federal Register notice of August 2, 2002.

1. Typographical error on Section 3.1.2 Cumulative Risk Increase, second sentence ? delta DCDF should be delta CDF.
2. Section 2.1 Proposed Change to LCO 3.0.4 and SR 3.0.4 where it talks about SR 3.0.4 wording changes (about halfway through ? 5th paragraph on page 50478): The revised new wording, "The revised SR 3.0.4 will conform to the changes to LCO 3.0.4 and read: "Entry into a MODE or other specified condition in the Applicability of an LCO shall not be made unless the LCO's Surveillances have been met within their specified frequency."" is incompatible with TSTF 358 regarding the new SR 3.0.3 on missed surveillances that the NRC recently approved.

New SR 3.0.4 requires Surveillances to be met within their specified Frequency prior to entry into a MODE or other specified condition in the Applicability. If SR 3.0.3 is applied to a missed Surveillance and a risk evaluation supports a delay beyond 24 hours, new SR 3.0.4 would only allow this delay to be applied in the MODE or other specified condition in the Applicability in which the plant is operating at the time of discovery that the Surveillance has been missed. While this provision does not prevent a shutdown, it would prevent entry into a higher MODE of operation with a Surveillance that had not been performed within its specified Frequency.

To address this situation, SR 3.0.4 needs to be modified to state that SR 3.0.4 prohibits entry into a MODE or other specified condition in the Applicability of an LCO unless the associated Surveillances have been met within their specified Frequency, except as provided by SR 3.0.3. The Bases for SR 3.0.4 need to be modified also to provide the flexibility for entry into higher MODES with a missed Surveillance since the equipment is still OPERABLE and the risk evaluation is still valid for this situation.

SR 3.0.3 evaluation considers missed surveillance equipment to be still OPERABLE, and new SR 3.0.4 would allow going up in MODEs except that it specifically says no mode entry "unless the LCO's Surveillances have been met within their specified frequency." and doesn't talk about OPERABLE equipment.

To fix this, reword new SR 3.0.3 to say, "Entry into a MODE or other specified condition in the Applicability of an LCO shall not be made unless the LCO's Surveillances have been met within their specified frequency, except as provided by SR 3.0.3." (And add the Bases wording indicated above.)

Rev. 7 of TSTF 359 had addressed this issue but it does not appear to be addressed by the NRC in the FR notice.

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3. If the NRC requires a Revision 8 be prepared before the Notice of Availability is published, then the Notice of Availability should use that revision (#8) as the basis for licensee applications.