



**FPL Energy.**

**Duane Arnold Energy Center**

FPL Energy Duane Arnold, LLC  
3277 DAEC Road  
Palo, Iowa 52324

April 28, 2006

NG-06-0338  
10 CFR 50.90

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

Duane Arnold Energy Center  
Docket 50-331  
License No. DPR-49

Technical Specification Change Request (TSCR-079): Adoption of TSTF-372, Rev. 4, "Application for Technical Specification Change to Add LCO 3.0.8 on the Inoperability of Snubbers Using the Consolidated Line Item Improvement Process"  
Affected Technical Specifications: Section 3.0

Pursuant to 10 CFR 50.90, FPL Energy Duane Arnold, LLC ("FPL Energy Duane Arnold") hereby requests revision to the Technical Specifications (TS) for the Duane Arnold Energy Center (DAEC).

The proposed amendment will add TS Limiting Condition for Operation (LCO) 3.0.8 regarding the inoperability of snubbers.

The changes are consistent with Revision 4 of NRC-approved Industry Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-372, "Addition of LCO 3.0.8, Inoperability of Snubbers." The availability of this TS improvement was announced in the Federal Register on May 4, 2005 (70 FR 23252) as part of the Consolidated Line Item Improvement Process (CLIP).

The proposed Amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c). Associated TS Bases changes will be completed per the TS Bases Control Program (TS 5.5.10).

FPL Energy Duane Arnold requests an implementation period of 180 days after issuance of the license amendment.

This application has been reviewed by the DAEC Plant Operations Review Committee. A copy of this submittal, along with the 10CFR50.92 evaluation of "No Significant Hazards Consideration," is being forwarded to our appointed state official pursuant to 10 CFR Section 50.91.

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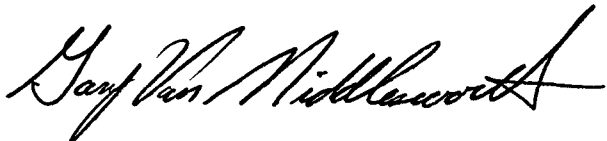
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This letter makes no new commitments or changes to any existing commitments.

If you have any questions or require additional information, please contact Mr. Tony Browning at (319) 851-7750.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2006.



Gary Van Middlesworth  
Vice President, Duane Arnold Energy Center  
FPL Energy Duane Arnold, LLC

Exhibits: A) EVALUATION OF PROPOSED CHANGE  
B) PROPOSED TECHNICAL SPECIFICATION AND BASES CHANGES  
(MARK-UP)  
C) PROPOSED TECHNICAL SPECIFICATION PAGES (RE-TYPED)  
D) REGULATORY COMMITMENTS

cc: Administrator, Region III, USNRC  
Project Manager, DAEC, USNRC  
Resident Inspector, DAEC, USNRC  
D. McGhee (State of Iowa)

## EXHIBIT A

### EVALUATION OF PROPOSED CHANGE

Subject: Technical Specification Change Request (TSCR-079): Adoption of TSTF-372, Rev. 4, "Application for Technical Specification Change to Add LCO 3.0.8 on the Inoperability of Snubbers Using the Consolidated Line Item Improvement Process"

#### 1.0 DESCRIPTION

#### 2.0 ASSESSMENT

2.1 Applicability of Published Safety Evaluation

2.2 Optional Changes and Variations

#### 3.0 REGULATORY ANALYSIS

3.1 No Significant Hazards Consideration Determination

3.2 Verification and Commitments

#### 4.0 ENVIRONMENTAL EVALUATION

## **1.0 DESCRIPTION**

The proposed amendment would modify technical specifications (TS) requirements for inoperable snubbers by adding LCO 3.0.8.

The changes are consistent with Nuclear Regulatory Commission (NRC) approved Industry/Technical Specification Task Force (TSTF) STS change TSTF-372 Revision 4. The availability of this TS improvement was published in the *Federal Register* on May 4, 2005 as part of the consolidated line item improvement process (CLIP).

## **2.0 ASSESSMENT**

### **2.1 Applicability of Published Safety Evaluation**

FPL Energy Duane Arnold has reviewed the safety evaluation dated May 4, 2005 as part of the CLIP. This review included a review of the NRC staff's evaluation, as well as the supporting information provided to support TSTF-372. FPL Energy Duane Arnold has concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to the Duane Arnold Energy Center (DAEC) and justify this amendment for the incorporation of the changes to the DAEC TS.

### **2.2 Optional Changes and Variations**

FPL Energy Duane Arnold is not proposing any variations or deviations from the TS changes described in the TSTF-372 Revision 4 or the NRC staff's model safety evaluation dated May 4, 2005.

## **3.0 REGULATORY ANALYSIS**

### **3.1 No Significant Hazards Consideration Determination**

FPL Energy Duane Arnold has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the *Federal Register* as part of the CLIP. FPL Energy Duane Arnold has concluded that the proposed NSHCD presented in the *Federal Register* notice is applicable to DAEC and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

### **3.2 Verification and Commitments**

As discussed in the notice of availability published in the *Federal Register* on May 4, 2005 for this TS improvement, plant-specific verifications were performed as follows:

FPL Energy Duane Arnold has established TS Bases for LCO 3.0.8 which provide guidance and details on how to implement the new requirements. LCO 3.0.8 requires that risk be managed and assessed. The Bases also state that while the Industry and NRC guidance on implementation of 10 CFR 50.65(a)(4), the Maintenance Rule, does not address seismic risk, LCO 3.0.8 should be considered with respect to other plant maintenance activities, and integrated into the existing Maintenance Rule process to the extent possible so that maintenance on any unaffected train or subsystem is properly controlled, and emergent issues are properly addressed. The risk assessment need not

be quantified, but may be a qualitative assessment of the vulnerability of systems and components when one or more snubbers are not able to perform their associated support function. Finally, the licensee is expected to have a Bases Control Program consistent with Section 5.5 of the STS.

#### **4.0 ENVIRONMENTAL EVALUATION**

FPL Energy Duane Arnold has reviewed the environmental evaluation included in the model safety evaluation dated May 4, 2005 as part of the CLIP. FPL Energy Duane Arnold has concluded that the staff's findings presented in that evaluation are applicable to DAEC and the evaluation is hereby incorporated by reference for this application.

EXHIBIT B  
PROPOSED TECHNICAL SPECIFICATION  
AND  
BASES CHANGES  
(MARK-UP)

6 Pages to Follow

3.0 LIMITING CONDITION FOR OPERATION (LCO) APPLICABILITY

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LCO 3.0.1 LCOs shall be met during the MODES or other specified conditions in the Applicability, except as provided in LCO 3.0.2 and LCO 3.0.7.

LCO 3.0.7,

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LCO 3.0.2 Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5 and LCO 3.0.6.

If the LCO is met or is no longer applicable prior to expiration of the specified Completion Time(s), completion of the Required Action(s) is not required, unless otherwise stated.

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LCO 3.0.3 When an LCO is not met and the associated ACTIONS are not met, an associated ACTION is not provided, or if directed by the associated ACTIONS, the unit shall be placed in a MODE or other specified condition in which the LCO is not applicable. Action shall be initiated within 1 hour to place the unit, as applicable, in:

- a. MODE 2 within 9 hours;
- b. MODE 3 within 13 hours; and
- c. MODE 4 within 37 hours.

Exceptions to this Specification are stated in the individual Specifications.

Where corrective measures are completed that permit operation in accordance with the LCO or ACTIONS, completion of the actions required by LCO 3.0.3 is not required.

LCO 3.0.3 is only applicable in MODES 1, 2, and 3.

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LCO 3.0.4 When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall only be made:

- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;

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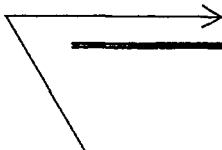
3.0 LCO APPLICABILITY (continued)

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LCO 3.0.7

Special Operations LCOs in Section 3.10 allow specified Technical Specifications (TS) requirements to be changed to permit performance of special tests and operations. Unless otherwise specified, all other TS requirements remain unchanged. Compliance with Special Operations LCOs is optional. When a Special Operations LCO is desired to be met but is not met, the ACTIONS of the Special Operations LCO shall be met. When a Special Operations LCO is not desired to be met, entry into a MODE or other specified condition in the Applicability shall only be made in accordance with the other applicable Specifications.

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Insert new LCO 3.0.8



LCO 3.0.8 When one or more required snubbers are unable to perform their associated support function(s), any affected supported LCO(s) are not required to be declared not met solely for this reason if risk is assessed and managed, and:

- a. the snubbers not able to perform their associated support function(s) are associated with only one train or subsystem of a multiple train or subsystem supported system or are associated with a single train or subsystem supported system and are able to perform their associated support function within 72 hours; or
- b. the snubbers not able to perform their associated support function(s) are associated with more than one train or subsystem of a multiple train or subsystem supported system and are able to perform their associated support function within 12 hours.

At the end of the specified period the required snubbers must be able to perform their associated support function(s), or the affected supported system LCO(s) shall be declared not met.

B 3.0 LIMITING CONDITION FOR OPERATION (LCO) APPLICABILITY

BASES

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LCOs LCO 3.0.1 through LCO 3.0.7<sup>8</sup> establish the general requirements applicable to all Specifications in Sections 3.1 through 3.10 and apply at all times, unless otherwise stated.

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LCO 3.0.1 LCO 3.0.1 establishes the Applicability statement within each individual Specification as the requirement for when the LCO is required to be met (i.e., when the unit is in the MODES or other specified conditions of the Applicability statement of each Specification).

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LCO 3.0.2 LCO 3.0.2 establishes that upon discovery of a failure to meet an LCO, the associated ACTIONS shall be met. The Completion Time of each Required Action for an ACTIONS Condition is applicable from the point in time that an ACTIONS Condition is entered. The Required Actions establish those remedial measures that must be taken within specified Completion Times when the requirements of an LCO are not met. This Specification establishes that:

- a. Completion of the Required Actions within the specified Completion Times constitutes compliance with a Specification; and
- b. Completion of the Required Actions is not required when an LCO is met within the specified Completion Time, unless otherwise specified.

There are two basic types of Required Actions. The first type of Required Action specifies a time limit in which the LCO must be met. This time limit is the Completion Time to restore an inoperable system or component to OPERABLE status or to restore variables to within specified limits. If this type of Required Action is not completed within the specified Completion Time, a shutdown may be required to place the unit in a MODE or condition in which the Specification is not applicable. (Whether stated as a Required Action or not, correction of the entered Condition is an action that may always be considered upon entering

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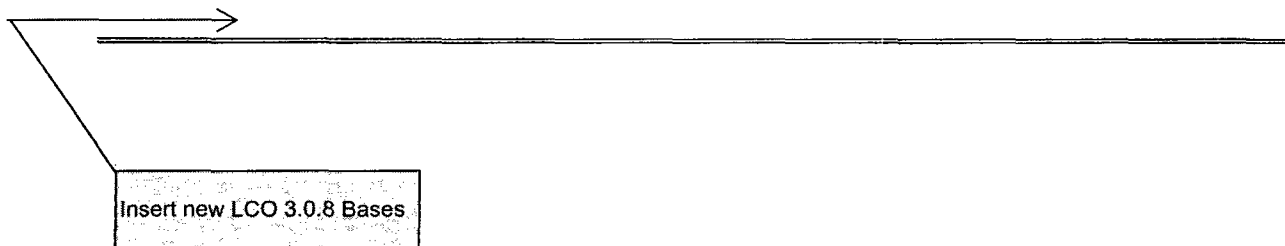
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BASES (continued)

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LCO 3.0.7  
(continued)

The Applicability of a Special Operations LCO represents a condition not necessarily in compliance with the normal requirements of the TS. Compliance with Special Operations LCOs is optional. A special operation may be performed either under the provisions of the appropriate Special Operations LCO or under the other applicable TS requirements. If it is desired to perform the special operation under the provisions of the Special Operations LCO, the requirements of the Special Operations LCO shall be followed. When a Special Operations LCO requires another LCO to be met, only the requirements of the LCO statement are required to be met regardless of that LCO's Applicability (i.e., should the requirements of this other LCO not be met, the ACTIONS of the Special Operations LCO apply, not the ACTIONS of the other LCO). However, there are instances where the Special Operations LCO's ACTIONS may direct the other LCO's ACTIONS be met. The Surveillances of the other LCO are not required to be met, unless specified in the Special Operations LCO. If conditions exist such that the Applicability of any other LCO is met, all the other LCO's requirements (ACTIONS and SRs) are required to be met concurrent with the requirements of the Special Operations LCO.



### LCO 3.0.8

LCO 3.0.8 establishes conditions under which systems are considered to remain capable of performing their intended safety function when associated snubbers are not capable of providing their associated support function(s). This LCO states that the supported system is not considered to be inoperable solely due to one or more snubbers not capable of performing their associated support function(s). This is appropriate because a limited length of time is allowed for maintenance, testing, or repair of one or more snubbers not capable of performing their associated support function(s) and appropriate compensatory measures are specified in the snubber requirements, which are located outside of the Technical Specifications (TS) under licensee control. The snubber requirements do not meet the criteria in 10 CFR 50.36(c)(2)(ii), and, as such, are appropriate for control by the licensee.

If the allowed time expires and the snubber(s) are unable to perform their associated support function(s), the affected supported system's LCO(s) must be declared not met and the Conditions and Required Actions entered in accordance with LCO 3.0.2.

LCO 3.0.8.a applies when one or more snubbers are not capable of providing their associated support function(s) to a single train or subsystem of a multiple train or subsystem supported system or to a single train or subsystem supported system. LCO 3.0.8.a allows 72 hours to restore the snubber(s) before declaring the supported system inoperable. The 72 hour Completion Time is reasonable based on the low probability of a seismic event concurrent with an event that would require operation of the supported system occurring while the snubber(s) are not capable of performing their associated support function and due to the availability of the redundant train of the supported system.

LCO 3.0.8.b applies when one or more snubbers are not capable of providing their associated support function(s) to more than one train or subsystem of a multiple train or subsystem supported system. LCO 3.0.8.b allows 12 hours to restore the snubber(s) before declaring the supported system inoperable. The 12 hour Completion Time is reasonable based on the low probability of a seismic event concurrent with an event that would require operation of the supported system occurring while the snubber(s) are not capable of performing their associated support function.

LCO 3.0.8 requires that risk be assessed and managed. Industry and NRC guidance on the implementation of 10 CFR 50.65(a)(4) (the Maintenance Rule) does not address seismic risk. However, use of LCO 3.0.8 should be considered with respect to other plant maintenance activities, and integrated into the existing Maintenance Rule process to the extent possible so that maintenance on any unaffected train or subsystem is properly controlled, and emergent issues are properly addressed. The risk assessment need not be quantified, but may be a qualitative awareness of the vulnerability of systems and components when one or more snubbers are not able to perform their associated support function.

EXHIBIT C

PROPOSED TECHNICAL SPECIFICATION PAGES

(RE-TYPED)

2 Pages to Follow

3.0 LIMITING CONDITION FOR OPERATION (LCO) APPLICABILITY

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LCO 3.0.1 LCOs shall be met during the MODES or other specified conditions in the Applicability, except as provided in LCO 3.0.2, LCO 3.0.7, and LCO 3.0.8.

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LCO 3.0.2 Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5 and LCO 3.0.6.

If the LCO is met or is no longer applicable prior to expiration of the specified Completion Time(s), completion of the Required Action(s) is not required, unless otherwise stated.

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LCO 3.0.3 When an LCO is not met and the associated ACTIONS are not met, an associated ACTION is not provided, or if directed by the associated ACTIONS, the unit shall be placed in a MODE or other specified condition in which the LCO is not applicable. Action shall be initiated within 1 hour to place the unit, as applicable, in:

- a. MODE 2 within 9 hours;
- b. MODE 3 within 13 hours; and
- c. MODE 4 within 37 hours.

Exceptions to this Specification are stated in the individual Specifications.

Where corrective measures are completed that permit operation in accordance with the LCO or ACTIONS, completion of the actions required by LCO 3.0.3 is not required.

LCO 3.0.3 is only applicable in MODES 1, 2, and 3.

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LCO 3.0.4 When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall only be made:

- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;

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3.0 LCO APPLICABILITY (continued)

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LCO 3.0.7 Special Operations LCOs in Section 3.10 allow specified Technical Specifications (TS) requirements to be changed to permit performance of special tests and operations. Unless otherwise specified, all other TS requirements remain unchanged. Compliance with Special Operations LCOs is optional. When a Special Operations LCO is desired to be met but is not met, the ACTIONS of the Special Operations LCO shall be met. When a Special Operations LCO is not desired to be met, entry into a MODE or other specified condition in the Applicability shall only be made in accordance with the other applicable Specifications.

LCO 3.0.8 When one or more required snubbers are unable to perform their associated support function(s), any affected supported LCO(s) are not required to be declared not met solely for this reason if risk is assessed and managed, and:

- a. the snubbers not able to perform their associated support function(s) are associated with only one train or subsystem of a multiple train or subsystem supported system or are associated with a single train or subsystem supported system and are able to perform their associated support function within 72 hours; or
- b. the snubbers not able to perform their associated support function(s) are associated with more than one train or subsystem of a multiple train or subsystem supported system and are able to perform their associated support function within 12 hours.

At the end of the specified period the required snubbers must be able to perform their associated support function(s), or the affected supported system LCO(s) shall be declared not met.

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**EXHIBIT D**

**REGULATORY COMMITMENTS**



The following table identifies those actions committed to by FPL Energy Duane Arnold in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments.

<b>REGULATORY COMMITMENTS</b>	<b>DUE DATE/EVENT</b>
FPL Energy Duane Arnold will establish the Technical Specification Bases for LCO 3.0.8 as adopted with the applicable license amendment.	Implemented with amendment