

period (the starting point for the current increase in flexibility). As part of the discussion, that letter stated:

For an LCO that has Action Requirements permitting continued operation for an unlimited period of time, entry into an operational mode or other specified condition of operation should be permitted in accordance with those action requirements * * *. However, nothing in this staff position should be interpreted as endorsing or encouraging a plant startup with inoperable equipment. The staff believes that good practice should dictate that plant startup should normally be initiated only when all required equipment is operable and that startup with inoperable equipment must be the exception rather than the rule.

Any risk, whether large or small, should be incurred only when necessary. With appropriate planning, it should not be necessary to "routinely" start up with inoperable equipment.

2. *Comment:* Section 2.0, first paragraph, second to last sentence: Change "provide" to "provides."

Staff Response: The staff agrees.

3. *Comment:* Section 3.0, second paragraph, third sentence: Change "plants" to "plant's."

Staff Response: The staff agrees.

4. *Comment:* Section 3.0, second paragraph, fourth sentence: Change "allowances" to "allowance."

Staff Response: The staff agrees.

5. *Comment:* Section 3.1.1, fifth paragraph, third sentence: Change "the systems/components not to be granted the LCO 3.0.4 or SR 3.0.4 allowances for the various modes listed" to "the systems/components not to be granted the LCO 3.0.4 or SR 3.0.4 allowances for the various modes are listed."

Staff Response: The staff agrees.

6. *Comment:* Section 3.1.2, first paragraph, second sentence: change "delta DCDF" to "delta CDF."

Staff Response: The staff agrees.

7. *Comment:* 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 359 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. *Staff Response:* The staff agrees. SR 3.0.4 will be modified to included the phrase, "* * *", except as provided by SR 3.0.3." The bases wording will be modified accordingly.

In reviewing LCO 3.0.4 and SR 3.0.4, the redundancy in stating the criteria (items a, b and c) for allowing entry into a Mode or other specified condition in the Applicability is unnecessary. The listing of the criteria (items a, b and c) are more appropriately stated in LCO 3.0.4, since it controls the Mode transition; the LCO is not met due to a SR not being met. Therefore, to eliminate the redundancy and make the statements more accurate, SR 3.0.4 is changed to read, in its' entirety:

"Entry into a MODE or other specified condition in the Applicability of an LCO

shall only be made when the LCO's Surveillances have been met within their specified frequency, except as provided by SR 3.0.3. When an LCO is not met due to Surveillances not having been met, entry into a MODE or other specified condition in the Applicability shall only be made in accordance with LCO 3.0.4.

This provision shall not prevent entry into MODES or other specified conditions in the Applicability that are required to comply with ACTIONS or that are part of a shutdown of the unit."

Related consistency changes are made throughout the SE.

8. *Comment:* 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.

Staff Response: The staff agrees; the staff will reference the latest approved TSTF-359 revision; TSTF-359, Revision 8, as modified by the response to Comment 20 below and the following modification to the TSTF-359 Revision 8 LCO 3.0.4 bases Insert. The 11th paragraph shall be re-written to read:

"Upon entry into a MODE or other specified condition in the Applicability with the LCO not met, LCO 3.0.1 and LCO 3.0.2 require entry into the applicable Conditions and Required Actions for no more than the duration of the applicable ACTIONS Completion Time or until the LCO is met or the unit is not within the Applicability of the TS."

9. *Comment:* For Boiling Water Reactors (BWRs) with Mark 1 containments, the Table lists the Hardened Wetwell Vent as such a SSC that should be excluded. However, the Hardened Wetwell Vent is not a SSC included within Technical Specifications (TS). Thus, the proposed TSTF implies that TS Actions should be applied to a non-TS SSC. This is inappropriate and not necessary to properly manage overall risk. The existing plant programs that implement paragraph (a)(4) of the Maintenance Rule (10 CFR 50.65) are the appropriate mechanism for this specific SSC. Consequently, we request that TSTF-359 be clarified to not include the Hardened Wetwell Vent.

Staff Response: The tables included in TSTF-359 and the draft safety evaluation were provided by the BWR Owners Group as a result of generic analysis, which the staff has reviewed and accepted. The analysis and tables are comprehensive and do cover systems that are not in TS. The staff does not believe that the presence in the analysis and tables implies that TS actions are required for those systems such as the Hardened Wetwell Vent system.