



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

June 10, 2014

Mr. David A. Heacock  
President and Chief Nuclear Officer  
Dominion Energy Kewaunee, Inc.  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

SUBJECT: KEWAUNEE POWER STATION - RESCISSION OF ORDER EA-12-051, "ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE SPENT FUEL POOL INSTRUMENTATION" (TAC NO. MF2776)

Dear Mr. Heacock:

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A682), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-051 to Dominion Energy Kewaunee, Inc. (DEK or the licensee), requiring certain actions at Kewaunee Power Station (KPS) associated with the Fukushima Near-Term Task Force Recommendations. Order EA-12-051 requires that reliable spent fuel pool (SFP) instrumentation be installed and maintained.

Section IV of Order EA-12-051 requires that DEK submit an overall integrated plan by February 28, 2013, describing how KPS planned to achieve compliance with the requirements of the Order. DEK responded to the Order by letters dated March 26, 2012, October 25, 2012, and February 28, 2013 (ADAMS Accession Nos: ML12089A035, ML12307A038, and ML13063A032, respectively).

Section IV of the Order provides the NRC's Director of the Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of the Order upon demonstration by the licensee of good cause.

By letter dated February 25, 2013 (ADAMS Accession No. ML13058A065), DEK submitted a certification to the NRC indicating it would permanently cease power operations at KPS on May 7, 2013. On May 7, 2013, DEK permanently ceased power operation at KPS. On May 14, 2013 (ADAMS Accession No. ML13135A209), DEK certified that it had permanently defueled the KPS reactor vessel.

On August 23, 2013 (ADAMS Accession No. ML13242A018), DEK requested rescission of Order EA-12-051 for KPS based on the permanently shutdown and defueled status of the reactor.

Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. This statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and SFP. With reliable indication of the SFP

D. Heacock

- 2 -

coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

Since DEK has certified the permanent removal of the fuel from the KPS reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, the basis for the Order no longer applies to the configuration of KPS.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind Order EA-12-051 for KPS. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for KPS.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds", written in a cursive style.

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-305

cc: Listserv

D. Heacock

- 2 -

coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

Since DEK has certified the permanent removal of the fuel from the KPS reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, the basis for the Order no longer applies to the configuration of KPS.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind Order EA-12-051 for KPS. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for KPS.

Sincerely,

/RA/

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-305

cc: Listserv

Distribution:

PUBLIC	RidsOeMailCtr	RidsAcrsAcnw_MailCTR	RidsNrrDorLp2-2
RidsNrrOd	RidsNrrDorI	RidsNrrLAMHenderson	RidsNrrPMKewaunee
RidsRgn3MailCenter	RidsNrrDprPgcb	RORlikowski, R3	MMitchell, JLD
RHall, NRR	DSkeen, JLD	JEvans, JLD	JKratchman, JLD
RTaylor, JLD	RFretz, OE	NHilton, OE	MLemoncelli, OGC

**ADAMS Accession No. ML14066A204**

OFFICE	DORL/LP4-2/PM	DORL/LP4-2/PM	DORL/LPL4-2/LA	DSS/SBPB/BC	MSD/MSPB/BC	DORL/LPLII-2/BC
NAME	WHuffman	CGratton	MHenderson	GCasto	JBowen	DBroadus
DATE	03/04/14	03/04/14	03/07/14	03/11/14	03/20/14	05/13/14
OFFICE	DORL/D	JLD/JPMB/BC	JLD/D	OE	OGC - NLO	NRR/D
NAME	MEvans	MMitchell	DSkeen	RFretz	DCylkowski	ELeeds
DATE	05/30/14	05/14/14	05/14/14	05/14/14	05/28/14	06/10/14

OFFICIAL RECORD COPY