



January 26, 2009

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

Serial No. 09-058A  
LIC/JF/R0  
Docket No.: 50-305  
License No.: DPR-43

**DOMINION ENERGY KEWAUNEE, INC.**  
**KEWAUNEE POWER STATION**  
**SUPPLEMENT 1 TO LICENSE AMENDMENT REQUEST 247: EMERGENCY DIESEL  
GENERATOR FUEL OIL TECHNICAL SPECIFICATION CHANGES**

On January 23, 2009, pursuant to 10 CFR 50.90, Dominion Energy Kewaunee, Inc. (DEK) submitted License Amendment Request (LAR) 247 to Facility Operating License Number DPR-43 for Kewaunee Power Station (KPS) (reference 1). This amendment would permit DEK to revise the Operating License by modifying KPS Technical Specification (TS) section 3.7.a.7 to modify the required volume of Emergency Diesel Generator (EDG) fuel oil. The proposed change would decrease the required volume from a total volume of at least 36,000 gallons to a total volume of at least 32,858 gallons. This supplement to LAR 247 constitutes DEK's request that the NRC review and approve LAR 247 under the rules of 10 CFR 50.91(a)(6), which is applicable to amendments where exigent circumstances exist.

On January 23, 2009, the NRC staff notified DEK during a telephone conference that without a siphon arrangement to equalize the EDG underground fuel oil storage tank (UFOST) levels, KPS was not in compliance with the requirements of KPS TS 3.7.a.7. TS 3.7.a.7 requires that the EDG UFOSTs combine to supply at least 35,000 gallons to either EDG. Prior to the telephone conference, DEK had relied on a portable transfer pump to provide an interconnection between the UFOSTs to ensure the combined fuel oil volume of at least 35,000 gallons was available to either EDG. The NRC has determined that using the portable transfer pump is not consistent with the KPS current licensing basis. Therefore, compliance with TS 3.7.a.7 is not physically possible with the existing UFOSTs without a siphon arrangement. Consequently, this condition rendered both EDGs inoperable at 1358 CST.

During the telephone conference, DEK requested and received a verbal notice of enforcement discretion (NOED) from the NRC at 1542 CST. The NRC also stated that the NOED would expire after 14 days. Therefore, the NOED granted on January 23, 2009, will expire on February 6, 2009, at 1542 CDT. Approval of LAR 247 would restore KPS compliance. If the LAR is not approved within the 14-day period of the NOED, the current KPS TS would require that DEK initiate actions within one hour to place the unit in a MODE in which the TS 3.7.a.7 does not apply by placing KPS, in at least HOT STANDBY within the next 6 hours, at least HOT SHUTDOWN within the

following 6 hours. Therefore, review and approval of LAR 247 is requested to be completed by February 6, 2009 as an exigent change under the rules of 10 CFR 50.91(a)(6).

Attachment 1 to this letter contains the basis for the exigent circumstances and the request for approval under the requirements of 10CFR50.91(a)(6). Nothing in this supplement changes the conclusions of the no significant hazards consideration contained in reference 1.

The Facility Safety Review Committee has approved the proposed change and a copy of this submittal has been provided to the State of Wisconsin in accordance with 10 CFR 50.91(b).

If you have questions or require additional information, please contact Mr. Craig Sly at 804-273-2784.

Very truly yours,



Stephen E. Scace  
Site Vice President

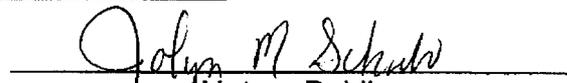
STATE OF WISCONSIN

COUNTY OF KEWAUNEE

The foregoing document was acknowledged before me, in and for the County and State aforesaid, today by Stephen E. Scace, who is Site Vice President of Dominion Energy Kewaunee, Inc. He has affirmed before me that he is duly authorized to execute and file the foregoing document in behalf of that Company, and the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 26 day of January, 2009.

My Commission expires: 4-12-09.



Notary Public

Attachments

1. Justification and Basis for Request under Exigent Circumstances

Commitments made by this letter: None

References

1. Letter from Stephen E. Scace (DEK) to Document Control Desk (NRC), "License Amendment Request 247: Emergency Diesel Generator Fuel Oil Technical Specification Changes," dated January 23, 2009.

cc: Regional Administrator, Region III  
U. S. Nuclear Regulatory Commission  
2443 Warrenville Road  
Suite 210  
Lisle, IL 60532-4352

Mr. P. S. Tam  
Sr. Project Manager  
U.S. Nuclear Regulatory Commission  
One White Flint North, Mail Stop O8-H4A  
11555 Rockville Pike  
Rockville, MD 20852-2738

NRC Senior Resident Inspector  
Kewaunee Power Station

Public Service Commission of Wisconsin  
Electric Division  
P.O. Box 7854  
Madison, WI 53707

**ATTACHMENT 1**

**SUPPLEMENT 1 TO LICENSE AMENDMENT REQUEST 247:  
EMERGENCY DIESEL GENERATOR FUEL OIL  
TECHNICAL SPECIFICATION CHANGES**

**JUSTIFICATION AND BASIS FOR REQUEST UNDER EXIGENT CIRCUMSTANCES**

**KEWAUNEE POWER STATION  
DOMINION ENERGY KEWAUNEE, INC.**

## **Justification and Basis for Request Under Exigent Circumstances**

### The Reason For The Exigent TS Change

On January 23, 2009, the NRC staff notified DEK during a telephone conference that without a siphon arrangement to equalize EDG underground fuel oil storage tank (UFOST) levels, KPS was not in compliance with the requirements of KPS TS 3.7.a.7. TS 3.7.a.7 requires the EDG UFOSTs combine to supply at least 35,000 gallons for either EDG. DEK had relied on a portable transfer pump to provide an interconnection between the tanks to ensure the combined fuel oil volume of at least 35,000 gallons was available from the UFOSTs to either EDG. The NRC has determined that using the portable transfer pump is not consistent with the KPS current licensing bases. Therefore, compliance with TS 3.7.a.7 is not physically possible with the existing storage tanks because the siphon line is not functional and the NRC informed DEK that the portable transfer pump was not an appropriate substitute for the siphon line. Consequently, this condition rendered both EDGs inoperable at 1358 CST.

Although the EDG fuel oil tanks currently contain a seven-day supply of fuel oil for each EDG onsite, the plant is not in strict compliance with the TS. Because there is insufficient capacity in the individual EDG UFOSTs to meet the current TS 3.7.a.7 requirement of at least 35,000 gallons, and the siphon line cannot be readily restored, the TS must be changed to resolve this issue.

During the telephone conference, DEK requested and received a verbal notice of enforcement discretion (NOED) from the NRC at 1542 CST. The NRC also stated that the NOED would expire after 14 days. Therefore, the NOED granted on January 23, 2009, will expire on February 6, 2009, at 1542 CDT. Approval of License Amendment Request (LAR) 247 would restore KPS compliance with TS 3.7.a.7. If the LAR is not approved within the 14-day period of the NOED, the current KPS TS would require that DEK initiate actions within one hour to place the unit in a MODE in which the TS 3.7.a.7 does not apply by placing KPS, in at least HOT STANDBY within the next 6 hours, and at least HOT SHUTDOWN within the following 6 hours. Therefore, in order to prevent an unnecessary plant shutdown, review and approval of LAR 247 is requested to be completed by February 6, 2009 under the rules of 10 CFR 50.91(a)(6).

### Why The Need For The Requested Action Could Not Reasonably Have Been Identified Earlier

DEK had previously recognized the failure of the siphon line between the UFOSTs and had put in place, using the 10 CFR 50.59 process, an alternate means of interconnecting the UFOSTs. The alternate means consisted of using a portable transfer pump to pump fuel oil from either UFOST to the opposite UFOST. The portable transfer pump provided a means to interconnect the UFOSTs and ensure that the TS

required amount of diesel fuel (35,000 gallons) was available from the UFOSTs to either EDG. DEK took actions to stage the equipment necessary to pump fuel oil from one UFOST to another; created procedures for the operator to perform the installation and operation of the UFOST activity; and trained personnel on the installation and use of the portable transfer pump. Based on DEK's understanding of the operability requirements for the UFOSTs and the associated EDGs, no further actions were deemed necessary.

However, on January 23, 2009 during a telephone conference, DEK was informed of the NRC position that the UFOSTs are considered inoperable without the siphon line between the UFOSTs. During the telephone conference, the NRC indicated that in order for the EDGs to be operable, the UFOSTs must be interconnected or contain 35,000 gallons of fuel. Therefore, the need for the exigent TS change request could not have reasonably been identified earlier.