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

Serial No. 09-195
LIC/RR/RO
Docket No.: 50-305
License No.: DPR-43

DOMINION ENERGY KEWAUNEE, INC.
KEWAUNEE POWER STATION
LICENSEE EVENT REPORT LER 2009-001-00

Pursuant to 10 CFR 50.73, Dominion Energy Kewaunee, Inc., hereby submits the following Licensee Event Report applicable to Kewaunee Power Station.

Report No. 50-305/2009-001-00

This report has been reviewed by the Facility Safety Review Committee and will be forwarded to the Management Safety Review Committee for its review.

If you have any further questions, please contact Mr. Richard Repshas at (920) 388-8217.

Very truly yours,

Stephen E. Scace
Site Vice President, Kewaunee Power Station

Attachment(s)

Commitments made by this letter: NONE

JE22
NRR

NRC FORM 366 (9-2007)		U.S. NUCLEAR REGULATORY COMMISSION			APPROVED BY OMB: NO. 3150-0104		EXPIRES: 08/31/2010			
LICENSEE EVENT REPORT (LER)										
(See reverse for required number of digits/characters for each block)										
1. FACILITY NAME Kewaunee Power Station					2. DOCKET NUMBER 05000305		3. PAGE 1 OF 4			
4. TITLE Emergency Diesel Generators Inoperable Requiring Notice of Enforcement Discretion										
5. EVENT DATE			6. LER NUMBER			7. REPORT DATE			8. OTHER FACILITIES INVOLVED	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
01	23	2009	2009	-- 001 --	00	03	24	2009	FACILITY NAME	
9. OPERATING MODE N		11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check all that apply)								
10. POWER LEVEL 100		<input type="checkbox"/> 20.2201(b)	<input type="checkbox"/> 20.2203(a)(3)(i)	<input type="checkbox"/> 50.73(a)(2)(i)(C)	<input type="checkbox"/> 50.73(a)(2)(vii)	<input type="checkbox"/> 20.2201(d)	<input type="checkbox"/> 20.2203(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(viii)(A)	
		<input type="checkbox"/> 20.2203(a)(1)	<input type="checkbox"/> 20.2203(a)(4)	<input type="checkbox"/> 50.73(a)(2)(ii)(B)	<input type="checkbox"/> 50.73(a)(2)(viii)(B)	<input type="checkbox"/> 20.2203(a)(2)(i)	<input type="checkbox"/> 50.36(c)(1)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)(A)	
		<input type="checkbox"/> 20.2203(a)(2)(ii)	<input type="checkbox"/> 50.36(c)(1)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(iv)(A)	<input type="checkbox"/> 50.73(a)(2)(x)	<input type="checkbox"/> 20.2203(a)(2)(iii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(v)(A)	<input type="checkbox"/> 73.71(a)(4)	
		<input type="checkbox"/> 20.2203(a)(2)(iv)	<input type="checkbox"/> 50.46(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(v)(B)	<input type="checkbox"/> 73.71(a)(5)	<input type="checkbox"/> 20.2203(a)(2)(v)	<input type="checkbox"/> 50.73(a)(2)(v)(C)	<input type="checkbox"/> OTHER	Specify in Abstract below or in NRC Form 366A	
		<input type="checkbox"/> 20.2203(a)(2)(v)	<input type="checkbox"/> 50.73(a)(2)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(v)(D)		<input type="checkbox"/> 20.2203(a)(2)(vi)	<input checked="" type="checkbox"/> 50.73(a)(2)(i)(B)			
12. LICENSEE CONTACT FOR THIS LER										
NAME Richard Repshas							TELEPHONE NUMBER (include Area Code) 920-388-8217			
13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT										
CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX	
14. SUPPLEMENTAL REPORT EXPECTED <input type="checkbox"/> YES (If yes, complete 15. EXPECTED SUBMISSION DATE) <input checked="" type="checkbox"/> NO						15. EXPECTED SUBMISSION DATE		MONTH	DAY	YEAR
ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)										
<p>On January 23, 2009 at 13:58 CST with the station at 100 percent power, Dominion Energy Kewaunee, Inc. was informed by the Nuclear Regulatory Commission that the station was not complying with Technical Specification 3.7.a.7. The Technical Specification requires the availability of 35,000 gallons of fuel oil for either diesel generator from two underground storage tanks. A siphon line connecting the two tanks was non-functional and the station was relying on a temporary transfer pump to move fuel oil between the underground tanks. The function of the siphon line had been removed from the licensing basis in 1993. This required the station to declare both emergency diesel generators inoperable and enter Technical Specification 3.0.c, "Standard Shutdown Sequence."</p> <p>The station made a request for a Notice of Enforcement Discretion for Technical Specification 3.7.a.7 while an exigent Technical Specification License Amendment was being processed. At 15:42 CST on January 23, 2009, the NRC granted the station a 14-day Notice of Enforcement Discretion. Although preparations were made to shutdown, no reactivity manipulations were performed.</p> <p>This condition is being reported pursuant to 10 CFR 50.73(a)(2)(i)(B), "Any operation or condition which was prohibited by the plant's Technical Specifications."</p>										

**LICENSEE EVENT REPORT (LER)
CONTINUATION SHEET**

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Event Description:

At 13:58 CST on January 23, 2009 with the station at 100 percent power, Dominion Energy Kewaunee, Inc. (DEK) was informed by the Nuclear Regulatory Commission that the station was not complying with Technical Specification (TS) 3.7.a.7.

At the time TS 3.7.a.7 stated for the emergency diesel generators (EDGs),[DG]:

TS 3.7.a.7 "Both diesel generators are OPERABLE. The two underground storage tanks combine to supply at least 35,000 gallons of fuel oil for either diesel generator and the day tanks for each diesel generator contain at least 1,000 gallons of fuel oil."

NRC staff determined that, without a siphon arrangement to equalize underground storage tank [TK] levels, Kewaunee Power Station (KPS) was not in compliance with the requirements of TS 3.7.a.7 that the EDG fuel oil storage tanks combine to supply at least 35,000 gallons for either EDG. In 1993, an evaluation determined the function of the siphon line was not required and other means could be used to transfer fuel oil between the underground storage tanks. Thus, DEK relied on a spare pump [P] to provide the combined fuel oil volume of at least 35,000 gallons. The use of a portable transfer pump was evaluated in 2008. The NRC determined that using a portable transfer pump was not consistent with the KPS licensing basis. Therefore, compliance with TS 3.7.a.7 was not possible for the existing storage tanks without a siphon arrangement. Consequently, this condition rendered both EDGs inoperable.

With both EDGs inoperable, TS 3.0.c, "Standard Shutdown Sequence," was entered and preparations were being made to begin a plant shutdown.

In accordance with the guidance provided by NRC Inspection Manual, Part 9900: Technical Guidance, "Operations – Notices of Enforcement Discretion," dated February 7, 2005, DEK requested Enforcement Discretion from TS 3.7.a.7. At 15:42 CST on January 23, 2009, NRC verbally granted Enforcement Discretion to February 6, 2009. This period of 14 days was to allow time for NRC approval of proposed License Amendment Request 247 to reduce the required fuel oil volume for the seven day supply to the EDGs.

TS 3.0.c, "Standard Shutdown Sequence," was exited with there having been no reactivity manipulations. Reactor power remained at 100 percent.

On February 6, 2009, NRC issued Amendment No. 203 that revised TS 3.7.a.7. The TS was revised from requiring "The two underground storage tanks combine to supply at least 35,000 gallons of fuel oil for either diesel generator and the day tanks for each diesel generator contain at least 1,000 gallons of fuel oil." to require each diesel generator's underground storage tank and corresponding day tanks to contain a minimum usable volume of 32,888 gallons.

The current TS 3.7.a.7 states:

TS 3.7.a.7 "Both diesel generators are OPERABLE and each diesel generator shall have:

- A. Day tanks containing a minimum volume of 1000 gallons;
- B. An underground storage tank and corresponding day tanks containing a minimum volume of 32,888 gallons of usable fuel;
- C. An OPERABLE diesel fuel oil transfer pump."

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Event and Safety Consequence Analysis:

The requirement to maintain a single failure design EDG system with sufficient fuel to operate for seven days is identified in ANSI N195-1976, "Fuel Oil Systems for Standby Diesel-Generators," section 5.2. DEK committed to meeting section 5.2 as part of its licensing basis when TS 3.7.a.7 was amended in 1989. ANSI N195-1976, section 5.2 states:

"The fuel oil system of single-unit nuclear stations shall be so designed that a single failure will not result in the loss of minimum diesel generator capacity. The on-site storage shall be sufficient to operate the minimum number of diesel-generators following the limiting design basis accident for either seven (7) days, or the time required to replenish the oil from sources outside the plant site following any limiting design-basis event without interrupting the operation of the diesel, whichever is longer."

In the ANSI Standard, "minimum diesel-generator capacity" is defined as: "The minimum electrical output from the diesel-generator to assure the operation of the minimum plant equipment required to prevent unacceptable consequences for any plant design basis event or accident condition."

DEK's position was that it could provide a seven day supply of fuel oil to either EDG, thus meeting TS 3.7.a.7.

With both EDGs inoperable based on the inability to meet TS 3.7.a.7, this condition is being reported pursuant to 10 CFR 50.73(a)(2)(i)(B), "Any operation or condition which was prohibited by the plant's Technical Specifications."

The overall safety significance is very small as discussed below.

The required minimum volume of fuel oil for the EDGs is sufficient to provide for seven days of continuous operation. Consistent with industry PRA models, the mission time for EDGs in the DEK Probabilistic Risk Assessment (PRA) model is 24 hours. Within this time window, it is postulated that, for all accidents and transients modeled in the PRA, a safe stable condition is reached. The administratively controlled amount of available fuel oil allows EDGs to be operated for a significantly longer time than the 24 hour PRA mission time. Additionally, the offsite power non-recovery probability at seven days is negligible. Therefore, the above noncompliance with the 35,000 gallon requirement in TS 3.7.a.7 does not invalidate the PRA assumptions or assertions and there is no increased risk due to this noncompliance. The incremental conditional core damage probability (ICCDP) and the conditional large early release probability (ICLERP) are negligible.

Although unable to meet the requirement to automatically provide a seven day supply of fuel oil to one EDG given a single failure, ample time would be available to transfer onsite stored fuel oil manually to provide the seven day supply to one EDG.

Cause:

The licensing basis for the EDG fuel oil system was altered in 1993 by removing the function of the siphon line to provide an equal level in both underground storage tanks thus causing inability to comply with TS 3.7.a.7.

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In, 2008, a temporary modification was developed that may have inappropriately approved the use of a portable transfer pump to maintain compliance with TS 3.7.a.7. A root cause is evaluating the condition, and if it is determined to be a cause of this event, a supplement to this LER will be made.

Corrective Actions:

License Amendment No. 203 was approved by the NRC on February 6, 2009 to identify fuel oil storage requirements that would provide for a seven day supply of fuel to either EDG without credit for connection between the two underground storage tanks.

Similar Events:

None

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