



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

May 21, 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 – REQUEST FOR EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR 50.54(m) (TAC NO. MF2743)

Dear Mr. Heacock:

By letter dated August 30, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13254A153), Dominion Energy Kewaunee (DEK, the licensee) requested an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR or §), Section 50.54(m). These requirements establish the minimum staffing for reactor operators and senior reactor operators at licensed nuclear power reactors. The purpose of this letter is to provide you the results of the U.S. Nuclear Regulatory Commission (NRC) staff's evaluation.

Pursuant to 10 CFR 50.12, "Specific Exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: 1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and 2) when special circumstances are present.

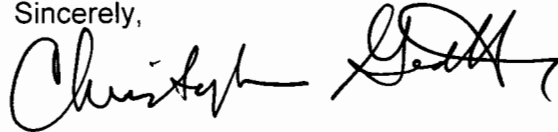
The NRC staff reviewed the proposed exemption from § 50.54(m) to determine the applicability of the license conditions established by § 50.54(m) to Kewaunee Power Station (KPS). The staff determined that § 50.54(m) prescribes the conditions of applicability in terms of operational modes (consistent with the definition of modes in technical specifications) for each section in § 50.54(m). The operational mode statements within § 50.54(m) indicate that this regulation is not intended to be applicable to reactors that are permanently shutdown and defueled. Specifically, a facility that has submitted certifications under § 50.82(a)(1)(i) and (ii), is no longer authorized to operate the reactor or load fuel into the reactor vessel. Therefore, facilities in this configuration are no longer in a condition under which the operational modes described in § 50.54(m) apply. For example, § 50.54(m)(1) discusses startup, shutdown, and refueling modes; Footnote 2 of the chart in § 50.54(m)(2)(i) describes a nuclear power unit as operating when it is in a mode other than cold shutdown or refueling; § 50.54(m)(2)(ii) refers to fueled units; § 50.54(m)(2)(iii) applies to units in a mode other than cold shutdown or refueling; § 50.54(m)(2)(iv) concerns core alterations. Since all the sections in § 50.54(m) refer to modes that require fuel to be in the core and anticipate a return to an operating mode, the regulation is not applicable to a permanently shutdown and defueled reactor, such as KPS.

Therefore, the NRC staff concludes that the requirements in § 50.54(m) do not apply and an exemption would not be needed for facilities that have submitted certifications under § 50.82(a)(1)(i) and (ii).

In a letter dated February 25, 2013 (ADAMS Accession No. ML13058A065), DEK certified that it would permanently cease operation of KPS on May 7, 2013. On May 7, 2013, KPS permanently shut down. On May 14, 2013, DEK certified that the KPS reactor vessel had been permanently defueled (ADAMS Accession No. ML13135A209). By submitting these certifications, § 50.54(m) is no longer applicable and an exemption from § 50.54(m) for KPS is unnecessary. Therefore, the NRC staff will not process the exemption request and is terminating its review.

Since no further action is required on this licensing request, the NRC staff will close task activity code MF2743. If you have any questions, please contact Bill Huffman, at 301-415-2046, or by email at William.Huffman@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Gratton", followed by a stylized flourish.

Christopher Gratton, Senior Project Manager
Plant Licensing IV-2 and
Decommissioning Transition Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-305

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/RA/

Christopher Gratton, Senior Project Manager
Plant Licensing IV-2 and
Decommissioning Transition Branch
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Office of Nuclear Reactor Regulation

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