

September 16, 2005

EA-05-157

Mr. David A. Christian  
Senior Vice President and  
Chief Nuclear Officer  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

SUBJECT: KEWAUNEE POWER STATION - FINAL SIGNIFICANCE DETERMINATION  
FOR A WHITE FINDING AND NOTICE OF VIOLATION (NRC INSPECTION  
REPORT 05000305/2005014)

Dear Mr. Christian:

The purpose of this letter is to provide you with the final results of our significance determination of a finding which was described in Inspection Report 05000305/20050010, issued August 16, 2005, that involved the auxiliary feedwater (AFW) system design. Specifically, the AFW system design relied upon pump discharge pressure trip switches that would not have protected the pumps from air ingestion during natural events such as tornado and seismic events. In addition, the AFW system design would not have protected the pumps from "runout" conditions that may be encountered during other design and license basis scenarios. This finding was assessed using the Significance Determination Process (SDP) and was preliminarily characterized as White (i.e., a finding with low to moderate increased importance to safety, which may require additional NRC inspections).

In our letter dated August 16, 2005, the Nuclear Regulatory Commission (NRC) provided Dominion Energy Kewaunee Incorporated an opportunity to either request a Regulatory Conference to discuss this finding, or to explain your position in a written response. In a telephone conversation with Mr. T. Kozak of NRC, Region III, on August 26, 2005, Mr. M. Gaffney of your staff indicated that Dominion Energy Kewaunee Incorporated did not contest the characterization of the risk significance of this finding and declined the opportunity to discuss the issue in a Regulatory Conference or to provide a written response.

After considering the information developed during the inspection, the NRC has concluded the inspection finding is appropriately characterized as White (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that the failure to provide adequate design control to ensure that the AFW pumps would be protected from failure due to air ingestion during tornado or seismic

events, as well as from failure during potential "runout" conditions, is a violation of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in Inspection Report 05000305/2005010. In accordance with the NRC Enforcement Policy, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARs) component of the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (The Public Electronic Reading Room).

Sincerely,  
**/RA by Geoffrey E. Grant for/**  
James L. Caldwell  
Regional Administrator

Docket No. 50-305  
License No. DPR-43

Enclosure: Notice of Violation

cc w/encl: M. Gaffney, Site Vice President  
C. Funderburk, Director, Nuclear Licensing  
and Operations Support  
T. Breene, Manager, Nuclear Licensing  
L. Cuoco, Esq., Senior Counsel  
D. Zellner, Chairman, Town of Carlton  
J. Kitsembel, Public Service Commission of Wisconsin

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DATE	9/13/05		9/13/05		9/13/05		9/13/05		9/13/05		09/15/05		09/15/05

**OFFICIAL RECORD COPY**

<sup>1</sup>Concurrence from HQ in 9/13/05 e-mail from D. Starkey, OE, to Ken O'Brien, RIII

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## NOTICE OF VIOLATION

Dominion Energy Kewaunee Inc.  
Kewaunee Power Station

Docket No. 50-305  
License No. DPR-43  
EA-05-157

During an NRC inspection conducted from April 15 through July 29, 2005, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR Part 50, Appendix B, Criterion III, "Design Control," requires, in part, that measures be established to assure that the design basis for safety-related functions of structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions. Further, Criterion III requires that the design control measures shall provide for verifying or checking the adequacy of designs.

Contrary to the above, prior to February 11, 2005, the licensee failed to implement design control measures to verify and check the adequacy of the auxiliary feedwater (AFW) system design to mitigate all postulated accidents. Specifically, the AFW system design relied upon pump discharge pressure trip switches that would not have protected the pumps from air ingestion during natural events such as tornado and seismic events. In addition, the AFW system design would not have protected the pumps from "runout" conditions that may be encountered during other design and license basis scenarios, including steam line breaks and station blackouts.

This violation is associated with a White Significance Determination Process finding.

Pursuant to the provisions of 10 CFR 2.201, Dominion Energy Kewaunee Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the Kewaunee Power Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-05-157" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the

NRC Web site at <http://www.nrc.gov/reading-rm/adams/html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 16<sup>th</sup> day of September 2005