

NRR-PMDAPEm Resource

From: Huffman, William
Sent: Tuesday, April 01, 2014 12:02 PM
To: Jack Gadzala (Generation - 4)
Cc: Broaddus, Doug; Gratton, Christopher
Subject: Draft RAI related to Kewaunee proposed deletion of License Condition on Mitigation Strategy

DRAFT REQUEST FOR ADDITIONAL INFORMATION

REGARDING

KEWAUNEE POWER STATION LICENSE AMENDMENT REQUEST PERMANENTLY DEFUELED LICENSE AND TECHNICAL SPECIFICATIONS

(TAC NO. MF1952)

By letter dated May 29, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13156A037), Dominion Energy Kewaunee, Inc. (DEK) submitted a license amendment request (LAR) to revise its Operating License and associated Technical Specifications (TS) for Kewaunee Power Station (KPS) to be consistent with the KPS permanently shutdown and defueled status. During the U.S. Nuclear Regulatory Commission (NRC) staff's ongoing review of the LAR, the staff has determined that further information is needed to complete the review in a timely manner.

These items are identified as draft at this time to confirm your understanding of the items of information needed to complete our evaluation. If the items are understood, please respond to this request for additional information within 30 days of the date of this request.

Basis for Requested Additional Information

The licensee is requesting to remove License Condition 2.C.(10) "Mitigation Strategy License Condition" from the license. This License Condition requires the licensee to develop and maintain strategies for addressing large fires and explosions. As stated in the amendment request, in accordance with 10 CFR 50.54 (hh)(3), the requirements in 10 CFR 50.54(hh)(2) will not apply after both certifications have been filed under 10 CFR 50.82.

The Commission added 10 CFR 50.54(hh)(3) in the Power Reactor Security Requirements final rule in response to a comment that the requirements of 10 CFR 50.54(hh) should not apply to "reactor facilities currently in decommissioning and for which the certifications required under 10 CFR 50.82(a)(1) have been submitted" because "it is inappropriate that 10 CFR 50.54(hh) should apply to a permanently shut-down and defueled reactor where the fuel was removed from the site or moved to an [ISFSI]." 74 Fed. Reg. 13933 (Mar. 27, 2009) (emphasis added). The NRC stated in the Statement of Considerations for the final rule that it "agree[d] with this comment and revised the final requirements in 10 CFR 50.54(hh) so they do not apply to facilities for which certifications have been filed under 10 CFR 50.82(a)(1) or 10 CFR 52.110(a)(1)."Id. The NRC staff position expressed in this Statement of Considerations does not express a conclusion that continued storage of fuel in the spent fuel pool of a reactor facility without the mitigating strategies would provide reasonable assurance that the health and safety of the public would not be endangered and would not be inimical to the common defense and security, which is necessary to conclude that amendment of License DPR-43 to remove License Condition 2.C.(10) would be appropriate.

While the plain language of 10 CFR 50.54(hh)(3) exempts all facilities that have submitted cessation of operation certifications without regard to whether there is still fuel onsite that is not in an ISFSI – i.e. fuel in the pool, NRR has recognized that this may not be an proper resolution of the comment to the Power Reactor Security Rulemaking and currently is considering rulemaking to affect changes to apply the 10 CFR 50.54(hh)(2) requirements to decommissioning facilities with fuel still in the spent fuel pool.

Request for Additional Information

Given that the licensee must continue to provide adequate emergency response under 10 CFR 50.47, and that the spent fuel must be protected against the design basis threat of radiological sabotage under 10 CFR 73.55, for each element of the License Condition 2.C.(10), provide justification that elimination of that element will not result in operations that would endanger the health and safety of the public or be inimical to the common defense and security, or otherwise, indicate that the element will be maintained in effect:

2.C.(10) Mitigation Strategy License Condition

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid fire fighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel
- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy
 - 7. Spent fuel pool mitigation measures
- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

I have scheduled a conference call for Wednesday, April 2, 2014, from 10:00 am to 11:00 am EDT to provide clarification on this RAI as needed.

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