



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

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October 13, 2009

EA-09-217

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: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED
GREATER THAN GREEN FINDING AND NOTICE OF VIOLATION; NRC
INSPECTION REPORT NO. 05000305/2009407; KEWAUNEE POWER
STATION

Dear Mr. Heacock:

This letter provides you the final results of our significance determination of the preliminary Greater than Green finding identified in our previous communication dated September 8, 2009, which included Inspection Report 05000305/2009406. This Greater than Green finding was discussed in detail in the subject inspection report.

In a telephone conversation with Mr. Michael Kunowski of the U.S. Nuclear Regulatory Commission (NRC) Region III office on September 15, 2009, Mr. Thomas Breene, the site licensing manager, indicated that Dominion Energy Kewaunee, Inc., did not contest the characterization of the risk significance of this finding and that Dominion Energy Kewaunee, Inc., declined the opportunity to discuss this issue in a regulatory conference or to provide a written response.

After considering the information developed during the inspection, the NRC has concluded that the inspection finding is appropriately characterized as Greater than Green.

The NRC has also determined that the finding is a violation, as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a Greater than Green finding.

The Enclosures Contain Sensitive
Unclassified Non-Safeguards Information.
Upon separation, this cover letter is
decontrolled.

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D. Heacock

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The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken, and the date when full compliance was achieved is already adequately addressed on the docket in the subject inspection report. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of our review of Kewaunee's security performance, we have determined your performance to be beyond the licensee response band in the NRC's Security Action Matrix. Therefore, we plan to conduct a supplemental inspection when your staff has notified us of your readiness for this inspection. The inspection is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the security-related information contained in the enclosures, and in accordance with 10 CFR 2.390, copies of this letter's enclosures will not be available for public inspection. Additionally, your response, should you choose to respond in writing, will also not be made available electronically for public inspection. Mark the entire response "Proprietary Information in accordance with 10 CFR 2.390(d)(1)" and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

/RA/

Mark A. Satorius
Regional Administrator

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

Enclosures:

1. Final Significance Determination
2. Notice of Violation

cc w/encls: S. Coker, NSIR/DSO/DDSO/STSB

cc w/o encls: Distribution via Listserv

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Letter to David A. Heacock from Mark A. Satorius dated October 13, 2009

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