

October 26, 1994

Mr. C. K. McCoy  
Vice President - Nuclear  
Vogtle Project  
Georgia Power Company  
P. O. Box 1295  
Birmingham, Alabama 35201

Dear Mr. McCoy:

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2  
(TAC NOS. M90193 AND M90194)

The Commission has granted the enclosed exemption regarding your request of July 21, 1994, requesting a one-time schedular exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2 to perform an annual emergency exercise. The 1994 exercise is being delayed until January 11, 1995.

The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:  
Jacob I. Zimmerman, Project Manager  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

Enclosure: Exemption

cc w/encl: See next page

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NAME	CNorsworthy		JZimmerman		HBerkow	JZwolinski	SVarga
DATE	10/27/94		10/28/94	10/27/94	10/27/94	10/27/94	10/27/94

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 26, 1994

Mr. C. K. McCoy  
Vice President - Nuclear  
Vogtle Project  
Georgia Power Company  
P. O. Box 1295  
Birmingham, Alabama 35201

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Sincerely,

A handwritten signature in cursive script, appearing to read "Jacob I. Zimmerman".

Jacob I. Zimmerman, Project Manager  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

Enclosure: Exemption

cc w/encl: See next page

Mr. C. K. McCoy  
Georgia Power Company

Vogtle Electric Generating Plant

cc:

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U. S. Nuclear Regulatory Commission  
P. O. Box 572  
Waynesboro, Georgia 30830

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of )  
GEORGIA POWER COMPANY )  
(Vogtle Electric Generating )  
Plant, Units 1 and 2) )

Docket Nos. 50-424  
50-425

EXEMPTION

I.

Georgia Power Company (GPC or the licensee) is the holder of Facility Operating License Nos. NPF-68 and NPF-81, which authorize operation of the Vogtle Electric Generating Plant, Units 1 and 2 (the facilities) at steady-state reactor power level not in excess of 3411 megawatts thermal, each. The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. Each unit at the facility consists of a pressurized water reactor located at the licensee's site in Burke County, Georgia.

II.

Section 50.54(q) of Title 10 of the Code of Federal Regulations requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR 50. Section IV.F.2 of Appendix E requires that each licensee annually exercise its emergency plan. Section IV.F.3 of Appendix E requires that each licensee shall exercise with offsite authorities such that the State and local government emergency plans are exercised biennially.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Special circumstances exist when application of the regulation in the particular circumstance would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule [10 CFR 50.12(a)(2)(ii)]. Special circumstances also exist when the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation [10 CFR 50.12(a)(2)(v)]. The underlying purpose of 10 CFR 50, Appendix E, Sections IV.F.2 and IV.F.3, is to demonstrate that the emergency plans are adequate and capable of being implemented, and that the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

### III.

By letter dated July 21, 1994, the licensee requested an exemption from the requirements of 10 CFR 50.47 and Appendix E to conduct an annual exercise of the Vogtle Emergency Plan in 1994. The licensee had planned to conduct a full-participation exercise involving both the states of Georgia and South Carolina and local response organizations on July 27, 1994. The licensee requested that an exemption be granted because the state of Georgia requested to delay the 1994 annual exercise from July 27, 1994, to January 11, 1995. The request to move the exercise date was originated by the Georgia Emergency Management Agency (GEMA) because they would be unable to participate on July 27, 1994, as GEMA personnel were required to respond to a

federally-declared flood disaster in South Georgia. This proposed delay will prevent Vogtle from meeting the annual requirement to exercise the Vogtle emergency plan as specified in Appendix E to 10 CFR 50, and therefore, GPC requested a schedular exemption.

The previous emergency preparedness exercise at Vogtle was successfully conducted on August 4, 1993, and no violations, deviations or exercise weaknesses were identified. Offsite participation was limited to receiving Emergency Notification Messages. A joint plume and ingestion exposure pathway exercise involving the States of Georgia and South Carolina and the four local governmental agencies was conducted on May 19, 1992.

The licensee had scheduled, planned and coordinated the 1994 exercise with participating Federal, State, and local agencies for mid-July. The scope and objectives, and the final scenario documentation for the July 1994 exercise were submitted to the NRC on April 14, 1994, and May 17, 1994, respectively, which is within the time frames established for their submittal in support of a July 1994 exercise. Thereby, the licensee demonstrated good faith effort in attempting to comply with the regulation.

The schedule for future exercises will not be affected by this exemption. GPC has stated it will conduct the previously scheduled 1995 exercise the week of July 19, 1995, as planned. The licensee states that concurrence for the proposed date of January 11, 1995, has been received from FEMA, NRC Region II, and the affected State and local agencies. FEMA confirmed its support for the revised exercise date on September 1, 1994.

The most recent NRC Systematic Assessment of Licensee Performance (SALP) report for Vogtle, issued on August 12, 1994, for the period January 3, 1993, through July 2, 1994, indicates that the performance of the emergency

preparedness program was strong; weaknesses observed during the previous assessment period (relating to state and local staff notification and protective action recommendations) were effectively addressed and observed to be corrected during the 1993 annual exercise; performance during the conversion to new emergency action levels was effective and well controlled; training of shift supervisors and off-site personnel was excellent; attention to emergency response facility and equipment material condition continued to be effective; and overall, excellent emergency preparedness program performance was demonstrated by proper classification and reporting of three events.

#### IV.

Based upon a review of the licensee's request for an exemption from the requirement to conduct an exercise of the Vogtle emergency plan in 1994, the NRC staff finds that the underlying purpose of the regulation will not be adversely affected by the rescheduling of the July 27, 1994 exercise to January 11, 1995. The effective response capability demonstrated by the licensee during the 1993 emergency preparedness exercise, the activities in preparation for the 1994 exercise, including a table top exercise with the states and counties and the readiness of the licensee's emergency preparedness program as reflected in its SALP rating and the most recent inspection report, provide assurance that the resources and personnel necessary for proper emergency response are in place to respond to a nuclear emergency at the Vogtle site. Thus, an exercise in 1994 is not necessary to achieve the underlying purpose of the rule and the requested exemption from the requirement in 10 CFR Part 50, Appendix E, Section IV.F, to defer the performance of an exercise of the Vogtle emergency plan until January 11,

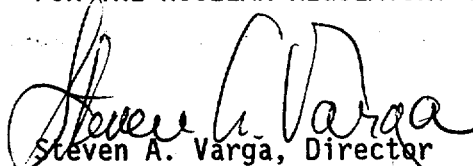
1995, will not adversely affect the overall state of emergency preparedness at the Vogtle site.

For these reasons, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter of July 21, 1994, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and that special circumstances are present as set forth in 10 CFR 50.12(a)(2)(ii) and (v).

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no significant impact on the environment (59 FR 52841 dated October 20, 1994).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Steven A. Varga, Director  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 26th day of October, 1994 .