



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

October 30, 1992

Docket Nos. 50-280  
and 50-281

Mr. W. L. Stewart  
Senior Vice President - Nuclear  
Virginia Electric and Power Company  
5000 Dominion Blvd.  
Glen Allen, Virginia 23060

Dear Mr. Stewart:

SUBJECT: EXEMPTION REQUEST FROM 10 CFR PART 50, APPENDIX E REQUIREMENT  
FOR ANNUAL EXERCISE AT SURRY POWER STATION, UNITS 1 AND 2  
(TAC NOS. M84614 AND M84615)

By submittal dated September 30, 1992, you requested a one-time exemption to the 10 CFR Part 50, Appendix E, Section IV.F.2 requirement for an annual exercise at the Surry Power Station, Units 1 and 2. Your exemption request stated that based upon the overall level of performance regarding emergency preparedness at the Surry Power Station and demonstration through your Drill and Exercise Program, the Surry emergency plan has been shown to be adequate and capable of being implemented. Moreover, you also referred to the Surry Power Station's performance rating, as documented in the NRC's latest SALP report for the period March 31, 1991 through April 4, 1992, your self-assessment program, two separate drills that were conducted at the Surry site in 1992, and the performance evaluations at the North Anna Power Station. In addition, you directed us to the provisions of the FEMA regulations in 44 CFR Part 350.9 regarding the testing of (offsite) emergency response capabilities on a biennial frequency as further justification for your exemption request.

10 CFR 50, Appendix E, Section IV.F.2 states that "each licensee at each site shall annually exercise its emergency plan." Exercises are intended to test the adequacy of timing and content of implementing procedures and methods, to test emergency equipment and communications networks, and to ensure that the emergency organization personnel are familiar with their duties.

NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," provides guidance to licensees for development and implementation of their emergency plans and procedures; specifically it defines drills and exercises to meet the intent of emergency planning standard 10 CFR 50.47(b)(14). NUREG-0654 defines an exercise as an event that tests the integrated capability and a major portion of the basic elements existing within emergency preparedness plans and organizations. A drill is defined as a supervised instruction period aimed at testing, developing and maintaining skills in a particular operation. The guidance in NUREG-0654 states that "each organization shall conduct drills, in addition to the annual exercise..."

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The NRC regulations also require that State and local governments be given the opportunity to participate in the licensee's annual exercise (10 CFR 50, Appendix E, Section IV.F.3). Our review of the scenario for the November 18, 1992, exercise indicates that four State agencies, the six local governments, two hospitals, two ambulance companies, and two fire departments were scheduled to participate. Since these State and local organizations did not participate in the September 16, 1992 drill they will not have demonstrated their capability to respond to an emergency in a coordinated manner in 1992. The six local governments in the Surry plume exposure Emergency Planning Zone have only one opportunity to participate in an exercise in any given year. Our review also indicates that other objectives, such as the exercise being an off-hours exercise and the demonstration of back-up communications with the State and local governments, were to be performed in the November 18, 1992, exercise and were not performed in the September 16, 1992, drill. You stated that the Virginia Department of Emergency Services has expressed no objection to the request, however it has the opportunity to participate in another exercise during the year in Virginia, and in fact did participate in an exercise at North Anna in January 1992.

With respect to the provisions of FEMA regulations in 44 CFR Part 350.9 regarding the testing of (offsite) emergency response capabilities on a biennial frequency as further justification for your exemption request, in amending its regulations in 1984 to permit the participation of State and local governments in emergency preparedness exercises every two years, rather than on an annual basis, the Commission specifically retained the annual frequency requirement for licensees (49 FR 27733).

The Commission may grant exemptions from the requirements of its regulations in situations where special circumstances are present (10 CFR 50.12) and the licensee has made good faith efforts to comply with the regulation. We do not believe that the performance of routine program activities, no matter how well or thoroughly they may be carried out, provides a sufficient basis for an exemption to the regulations, especially in the area of emergency preparedness exercises.

Based on our review of your request for an exemption from the requirement to conduct an annual exercise of the Surry Power Station Emergency Plan in 1992, we find that the exercise is necessary to achieve the underlying purpose of the rule and that special circumstances, as outlined in 10 CFR 50.12(a)(2) (ii), are not present and, therefore, your request is denied.

If you have any questions concerning this issue, please contact Bart Buckley at (301) 504-1452.

Sincerely,

Original signed by:

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

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Virginia Electric and Power Company

Surry Power Station

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Memorandum Dated OCTOBER 30, 1992

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