

October 20, 2006

Michael M. Cline, State Coordinator
Commonwealth of Virginia
Department of Emergency Management
10501 Trade Court
Richmond, VA 23236-3713

Dear Mr. Cline:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to your letter dated September 20, 2006, concerning recent action by the NRC with regard to default protective action recommendations (PARs) at Dominion's Surry Power Station and North Anna Power Station. In a teleconference on September 28, 2006, we discussed your concerns and the NRC's technical basis for PARs. I want to assure you that the NRC's potential enforcement action does not in any way preclude the Commonwealth of Virginia from implementing the protective actions it deems appropriate in the event of a radiological emergency at one of the plants. Although our licensees are required by regulation to provide State and local governments with PARs during a radiological emergency, the Commonwealth retains the sovereign authority and responsibility to decide upon and implement the protective actions for the public.

The NRC action in question is related to an inspector-identified finding that Dominion may have decreased the effectiveness of its emergency plans by revising their default PAR. Our licensees are allowed by regulation to make changes to their approved emergency plans without prior approval only if the changes do not reduce the effectiveness of the plans. Our Region II office is currently evaluating this finding for potential enforcement action.

The NRC expects its licensees to base their PARs on a deliberate evaluation of the actual or projected situations encountered during an actual emergency. Although prudent preplanning and proceduralizing of the PAR decision logic is encouraged, the decision logic should allow for consideration of actual situational information in developing a PAR that results in the least risk to the affected public. During an actual emergency, knowledge of potential wind direction shifts, based on forecast data or on predictable localized diurnal weather patterns, would be an appropriate consideration in expanding the predesignated default 2-mile 360 degree, 5-mile downwind wedge "keyhole" PAR.

The NRC believes, however, that predesignating this 5-mile 360 degrees band to be the default PAR improperly denies decision makers the ability to consider actual situational information, and could result in unnecessary upwind evacuations. A fundamental principle of protective actions is that the risk to health from a protective action should not itself exceed the risk to health from the radiation dose that would be avoided. Although conservative decision making is always encouraged, evacuating people who are not likely to be within the path of a plume places them at increased risk without the beneficial reduction in dose—a non-conservative situation.

Mr. Michael M. Cline

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I appreciate having had the opportunity to discuss your concerns in the teleconference on September 28, 2006, and I look forward to meeting with you in Richmond for further discussions on this and other topics of mutual interest in the near future. Mr. Robert Trojanowski of our Region II office will be contacting you to set up a mutually convenient date.

Should you have any additional questions, or if we can be of further assistance in this matter, please call Steve LaVie at 301-415-1081 or Robert Kahler at 301-415-2992.

Sincerely,

Eric J. Leeds, Director ***IRA***
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

Mr. Michael M. Cline

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Sincerely,

Eric J. Leeds, Director **/RA/**
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

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R. Trojanowski, RII concurred via e-mail 10/19/06