

May 3, 2007

EA-06-132

Mr. Jeffrey Gasser
Executive Vice President
and Chief Nuclear Officer
Southern Nuclear Operating Company, Inc.
Post Office Box 1295
Birmingham, AL 35201

Dear Mr. Gasser:

In response to your January 12, 2007, letter, I am providing my determination of Southern Nuclear Operating Company's (SNC) appeal of the Vogtle Electric Generating Plant Emergency Preparedness (EP) Cornerstone White finding that is described in NRC Inspection Report Nos. 05000424/2006009 and 05000425/2006009. After careful consideration of all the available information, I have determined that the NRC staff's White finding regarding the post-exercise critique is appropriate. As reflected in my letter dated March 1, 2007, I considered the following factors in reviewing SNC's appeal:

- (1) Whether the NRC failed to consider, or incorrectly considered, docketed information that is relevant to the appealed significance determination;
- (2) Whether the significance determination was inconsistent with the applicable Significance Determination Process (SDP) guidance or lacked justification; and
- (3) Whether the SDP provides an inappropriate outcome (e.g., adverse to safety).

SNC's appeal states that given the reactor conditions and procedural guidance available the Site Area Emergency (SAE) declaration made by the Emergency Director (ED) reflected the best information available at the time. It is never the NRC's intention to limit an Emergency Manager's ability to assess all available information in an exercise scenario and proceed with the timely completion of appropriate actions. However, in reviewing this issue, I determined that the emphasis placed on the validity of the ED's classification of the event diverted attention from the important issue regarding the adequacy of the critique required by 10 CFR 50.47(b)(14) and Section IV.F.2.g of Appendix E to 10 CFR Part 50.

The NRC's primary concern, as discussed by Region II in its initial finding and subsequent response to the finding appeal, remains the adequacy of the critique following the exercise. The NRC considers a licensee's ability to evaluate knowledge gaps and other deficiencies occurring during an exercise and to take effective corrective actions based on those evaluations to be a crucial component in the safe operation of the plant. This is critical both to ensure that identified problems do not recur during actual events or emergencies and to ensure that the Performance Indicators (PIs) reported by the licensee in the EP Cornerstone are reliable.

In evaluating SNC's appeal, I reviewed SNC's biennial exercise scenario, all docketed correspondence between NRC and SNC and information presented in the March 26, 2007, public meeting on this issue. Based on my review, I have determined that the NRC staff appropriately and correctly considered all relevant information related to the significance determination.

Based on my review, I have determined that the SDP provided an appropriate outcome. The exercise involved some fuel failure and the loss of forced circulation, followed by a drop in pressurizer level due to natural circulation formation. Although these symptoms, early in the exercise, were similar to those that could be expected during a non-isolable reactor coolant system (RCS) leak greater than the capacity of one charging pump, there was additional plant information available that indicated natural circulation formation was occurring. SNC's final critique report dated April 26, 2006, documented that, "The SAE was evaluated for PI data [ability to identify and correctly classify the emergency throughout the exercise as a successful opportunity] because all plant indications at the time were valid and the crew was in compliance with applicable procedures and management expectations." For that reason, SNC stated that it did not consider contrary information available during the critique. Since the necessary information was available to determine that the exercise did not involve a non-isolable RCS leak, the SAE declaration did not reflect all valid and appropriate plant conditions. Had this been an actual event, the SAE declaration could have resulted in unnecessary and inappropriate public protective actions. The NRC expects licensees to fully critique their exercises to identify and reconcile any deficiencies. A proper critique may have identified corrective actions that, in the future, would allow operators to better distinguish between plant conditions indicative of natural circulation formation and a non-isolable RCS leak greater than the capacity of one charging pump.

Regarding whether the significance determination was inconsistent with the applicable SDP guidance, some clarification of the guidance and examples provided in Manual Chapter (MC) 0609, Appendix B, "Emergency Preparedness Significance Determination Process," may be appropriate. My staff is currently assessing whether Section 4.14.1 of this MC provides a clear example that a failure to critique an emergency response organization's inappropriate classification of an event is a White finding. As part of the assessment process, we intend to seek input from the industry and other external stakeholders.

As I previously stated, the purpose of this finding is to emphasize the importance of an emergency exercise critique that is capable of identifying and correcting any deficiencies. My decision on this matter is not a reflection on the performance of the operators during the exercise and should not discourage licensees and plant operators from taking the appropriate time to properly diagnose and characterize an emergency.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: See next page

In evaluating SNC's appeal, I reviewed SNC's biennial exercise scenario, all docketed correspondence between NRC and SNC and information presented in the March 26, 2007, public meeting on this issue. Based on my review, I have determined that the NRC staff appropriately and correctly considered all relevant information related to the significance determination.

Based on my review, I have determined that the SDP provided an appropriate outcome. The exercise involved some fuel failure and the loss of forced circulation, followed by a drop in pressurizer level due to natural circulation formation. Although these symptoms, early in the exercise, were similar to those that could be expected during a non-isolable reactor coolant system (RCS) leak greater than the capacity of one charging pump, there was additional plant information available that indicated natural circulation formation was occurring. SNC's final critique report dated April 26, 2006, documented that, "The SAE was evaluated for PI data [ability to identify and correctly classify the emergency throughout the exercise as a successful opportunity] because all plant indications at the time were valid and the crew was in compliance with applicable procedures and management expectations." For that reason, SNC stated that it did not consider contrary information available during the critique. Since the necessary information was available to determine that the exercise did not involve a non-isolable RCS leak, the SAE declaration did not reflect all valid and appropriate plant conditions. Had this been an actual event, the SAE declaration could have resulted in unnecessary and inappropriate public protective actions. The NRC expects licensees to fully critique their exercises to identify and reconcile any deficiencies. A proper critique may have identified corrective actions that, in the future, would allow operators to better distinguish between plant conditions indicative of natural circulation formation and a non-isolable RCS leak greater than the capacity of one charging pump.

Regarding whether the significance determination was inconsistent with the applicable SDP guidance, some clarification of the guidance and examples provided in Manual Chapter (MC) 0609, Appendix B, "Emergency Preparedness Significance Determination Process," may be appropriate. My staff is currently assessing whether Section 4.14.1 of this MC provides a clear example that a failure to critique an emergency response organization's inappropriate classification of an event is a White finding. As part of the assessment process, we intend to seek input from the industry and other external stakeholders.

As I previously stated, the purpose of this finding is to emphasize the importance of an emergency exercise critique that is capable of identifying and correcting any deficiencies. My decision on this matter is not a reflection on the performance of the operators during the exercise and should not discourage licensees and plant operators from taking the appropriate time to properly diagnose and characterize an emergency.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: See next page

DISTRIBUTION: (G20070040)

Public	LPL 2-1 R/F	RidsNrrDorl (Chaney)	RidsNrrPMBSingal	RidsNrrDorlp12 (EMarinos)
RidsNrrLAMO'Brien	Serita Sanders, NRR	RidsOpaMail	PMNS	RidsOgcMailCenter
RidsAcraAcnwMailCenter	S Campbell, EDO	Kclark, OPA, RgnII	DEDR R/f	EDO r/f
OGC	C Carpenter	S Bozin, EDO	RidsRgn2MailCenter(S. Schaeffer)	

ML071060284

OFFICE	TRPS	TRPS/BC	AO/EDO	OE	OGC	DEDR	EDO
NAME	SCampbell:ssb	CMiller	MJohnson	CCarpenter	LChandler	WKane	LReyes
DATE	04/17/07	04/19/07	4/19/07	04/19/07	04/19/07	04/20/07	05/03/07

Vogtle Electric Generating Plant, Units 1 & 2

cc:

Mr. Tom E. Tynan
Vice President - Vogtle
Vogtle Electric Generating Plant
7821 River Road
Waynesboro, GA 30830

Resident Inspector
Vogtle Plant
8805 River Road
Waynesboro, GA 30830

Mr. N.J. Stringfellow
Manager, Licensing
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Office of the County Commissioner
Burke County Commission
Waynesboro, GA 30830

Mr. Steven M. Jackson
Senior Engineer - Power Supply
Municipal Electric Authority of Georgia
1470 Riveredge Parkway, NW
Atlanta, GA 30328-4684

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington St., SW
Atlanta, GA 30334

Mr. Harold Reheis, Director
Department of Natural Resources
205 Butler Street, SE, Suite 1252
Atlanta, GA 30334

Attorney General
Law Department
132 Judicial Building
Atlanta, GA 30334

Mr. Laurence Bergen
Oglethorpe Power Corporation
2100 East Exchange Place
P.O. Box 1349
Tucker, GA 30085-1349

Arthur H. Dombey, Esquire
Troutman Sanders
Nations Bank Plaza
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308-2216