

SOUTH CAROLINA ELECTRIC & GAS COMPANY

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O. W. DIXON, JR.  
VICE PRESIDENT  
NUCLEAR OPERATIONS

September 23, 1982

Mr. H. R. Denton  
Director, Office of Nuclear  
Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: Virgil C. Summer Nuclear Station  
NRC Docket 50-395 OL, Operating  
License NPF-12, Emergency Exercise  
Drill Requirements

Dear Mr. Denton:

South Carolina Electric & Gas Company, for itself and on behalf of its Co-Licensee, South Carolina Public Service Authority, is documenting the steps it has taken and proposes to take, as recently discussed with the NRC staff, to fulfill the commitments made in Section 8.1.2 of the Virgil C. Summer Nuclear Station Radiation Emergency Plan concerning emergency drills and exercises in furtherance of the requirements of 10 C.F.R. §50.47 and Section IV.F.1 of Appendix E to Part 50.

Our commitments to conduct emergency exercises in connection with initial operation have been fulfilled in large part by exercises and drills conducted to date. On May 1, 1981, Licensees, State, local and federal officials engaged in a full-scale emergency exercise for the Virgil C. Summer Nuclear Station. That exercise met the requirements of 10 C.F.R. §50.47 and Appendix E and resulted in favorable findings by the Federal Emergency Management Agency (FEMA) and the NRC. As a result of that exercise, the State and four county government plans relative to the Virgil C. Summer Nuclear Station were approved by FEMA and the NRC (November 13, 1981).

Subsequent to the full-scale exercise, other drills and exercises have been conducted which involved the Licensees, as well as state, local, and federal emergency response organizations.

- ° On January 30, 1982, a full, systemwide test of the Licensees' Emergency Notification System (sirens) was conducted. All four counties and the State emergency planning organization participated in the test.

- ° On March 10 and 11, 1982, there was a full-scale emergency exercise for Duke Power Company's Oconee Nuclear Station which is also located in South Carolina. The State was, of course, a principal participant in the Oconee exercise. In addition, the emergency preparedness directors of three of the four counties involved in the Virgil C. Summer Nuclear Station emergency planning effort participated in the Oconee exercise as observers (critics) for the county emergency agencies with off-site responsibilities around Oconee.
- ° On April 21, 1982, a medical drill was conducted for the Virgil C. Summer Nuclear Station. This drill involved county emergency medical services and Richland Memorial Hospital, the primary medical support facility for radiation emergencies at the Virgil C. Summer Nuclear Station.
- ° On May 4, 1982, a fire drill for the Virgil C. Summer Nuclear Station was conducted involving the county volunteer fire departments as well as Summer Station fire prevention and control personnel.
- ° On May 5, 1982, the Licensees conducted an annual emergency exercise at the Virgil C. Summer Nuclear Station. Although this was not a full-scale exercise in that it did not involve full State and local participation, it did exercise key portions of the emergency plans fully, including checks of communication links with the State and the four involved counties, and a full test of the Emergency Notification System, including both the siren system and the emergency broadcasting system.

A limited emergency exercise, similar to that conducted on May 5, 1982, but with full local government participation and partial state participation has been scheduled for May, 1983. However, Licensees would be prepared to hold the exercises as early as February, 1983 if that were deemed necessary to provide further confirmation that the offsite response capability demonstrated in May, 1981 remains unchanged.

Licensees believe the prior exercises and drills, as well as the forthcoming exercise which we are prepared to hold earlier than currently scheduled, fulfill our commitment and satisfy the intent of 10 C.F.R. §50.47 and Appendix E. If, in view of the underscored portion of Appendix E quoted below, you

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consider an exemption necessary, then this letter should be treated as a request for an exemption, in accordance with the provisions of 10 C.F.R. §50.12(a) and §50.47(c), from literal compliance with one requirement of Section IV.F.1.b. of Appendix E to Part 50. That section provides that a full scale exercise shall be conducted:

"[f]or each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982, within one year before the issuance of the first operating license for full power, and prior to operation above 5% of rated power of the first reactor [1/] which will enable each State and local government within the plume exposure pathway EPZ and each State with the ingestion pathway EPZ to participate." (Emphasis added)

The purpose of this requirement is to verify off-site response capability -- in the words of the regulation, "to demonstrate that the plans provide reasonable assurance that adequate protective measures can and will be taken in the event of an emergency". 10 C.F.R. Part 50, Appendix E, III. That assurance was provided by the full-scale exercise held on May 1, 1981. This has been confirmed by successful

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1/ The phrase "prior to operation above 5% of rated power of the first reactor" was added by 47 Fed. Reg. 30232, 30236 (July 8, 1982). The purpose of the amendment was to eliminate the requirement that exercises be conducted in time for consideration at public hearings and in initial decisions. The amendment allows exercises to be conducted after a low-power license is issued, but does not require that another exercise be conducted before full power operation when a full-scale exercise preceded low-power operation. We believe that we have satisfied the requirement that one full-scale be conducted "prior to authorization to exceed 5% power" through the May 1, 1981 exercise. Thus, the amendment simply does not address the situation here. Since May 1, 1981 there has been no subsequent adverse development, while other more recent exercises, drills and tests have confirmed that adequate protective measures can and will be taken in the event of an emergency. Should the amendment be interpreted as requiring a full-scale exercise within one year of exceeding 5% of rated power -- which would be an incorrect interpretation in our view -- our exemption request applies equally thereto.

drills and exercises held since May, 1981. The limited exercise which we are prepared to hold as early as February, 1983 would be intended further to confirm that the capability established by the full scale exercise held in May, 1981 remains unchanged. 2/

A literal reading of Section IV.F.1.b. of Appendix E to 10 C.F.R. Part 50 would require the Licensees to conduct another full-scale exercise prior to full power operation. But for the hearing of Board issues on seismic matters, and unforeseen delays in readiness for fuel loading, the license (actually issued on August 6, 1982) would have been issued within a year of the May 1, 1981 exercise. The May, 1981 exercise amply demonstrated adequate protective measures -- no substantial deficiencies were found and FEMA approval was received. Nothing has transpired in the meantime to alter that result. Time limits should not be considered inflexible deadlines, but rather, if the purpose of the rule is or will be accomplished, the regulatory requirement should be considered satisfied. See Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLI-75-9, 2 NRC 180 (1975). In this case, the Licensees should be considered to be in substantial compliance with Appendix E. The May 1, 1981 exercise, the subsequent exercises, drills and tests, and the exercise which we are prepared to hold as early as February, 1983, should be treated as satisfying the intent of the requirement for a full-scale exercise within one year of the issuance of a full-power license.

Had a full-power operating license been issued prior to May 1, 1982, the provisions of Appendix E would not require another full-scale emergency exercise until Summer's turn came up again through the congruence of the five-year site requirement and the three-year state 3/ requirement. Given the ongoing efforts and activities of the Licensees, and of

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2/ To further assure off-site response capability Licensees recently signed a Memorandum of Understanding with the State of South Carolina regarding emergency planning activities and pursuant thereto has contributed \$55,000 to the State, which will assist in maintaining an adequately manned and trained emergency preparedness organization at the State level. The contribution by Licensees for fiscal year 1982-83 is \$28,000.

3/ Assuming three sites with operating commercial power reactors in South Carolina and continuation in force of present regulations, the State has rescheduled Summer for another exercise in 1984.

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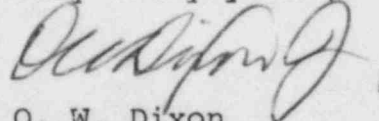
State and local emergency planning agencies, Licensees believe that the conduct of another full-scale exercise is not necessary to carry out the purpose of the preoperational exercise requirement, would be neither warranted nor productive, and would instead be an unnecessary expense for State and local government as well as the Licensees. Licensees believe that past exercises and drills plus the limited exercise involving local governments as well as State participation (which we are prepared to hold as early as February, 1983), will adequately confirm that the emergency response capability established by the May, 1981 exercise remains unchanged. Licensees believe that granting of this exemption will not endanger lives or property or the common defense and security and will be in the public interest.

If the lack of another full-scale exercise within one year of full power operation (or prior to exceeding 5% power --see note 1 above) is considered a deficiency within the meaning of 10 C.F.R. §50.47(c), Licensees believe that they have demonstrated that such deficiency is not significant for all of the reasons set forth above. Moreover, the exercises, drills and tests since May 1, 1981 have demonstrated adequate emergency preparedness capability. There are no compelling reasons, and it would serve no useful purpose, as explained herein, to enforce the time limit. On the other hand, there are compelling reasons to permit operator of a completed plant and to avoid imposition of unnecessary costs on State and local government.

Licensees would point out that there is no adverse environmental impact associated with relief from the requirement of another full-scale exercise. Therefore, the Commission should determine that granting the exemption sought will not result in any significant environmental impact and that, pursuant to 10 C.F.R. Part 51, neither an environmental impact statement nor a negative declaration and accompanying environmental impact appraisal need be prepared in connection with the exemption.

Three signed originals and thirty-seven copies of this letter are provided for your use. Your prompt reply to our request would be appreciated.

Very truly yours,



O. W. Dixon  
Vice President  
Nuclear Operations

cc: V. C. Summer  
G. H. Fischer  
H. N. Cyrus

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