

ND-20-0204  
Enclosure 1  
VEGP Unit 4 – Request for Exemption from 10 CFR Part 50, Appendix E Exercise Requirements

**Southern Nuclear Operating Company**

**ND-20-0204**

**Enclosure 1**

**Vogtle Electric Generating Plant (VEGP) Unit 4**

**Exemption Request**

**10 CFR Part 50, Appendix E Exercise Requirements**

(This Enclosure consists of 15 pages, including this cover page)

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## **1.0 PURPOSE**

In accordance with the provisions of 10 CFR 50.12, Southern Nuclear Operating Company (SNC), requests an exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii as applicable to Vogtle Electric Generating Plant (VEGP) Unit 4 (License Number NPF-92). Specifically, SNC requests an exemption for VEGP Unit 4 from the 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii requirement for an applicant who currently has an operating reactor at the site to perform an exercise, either full or partial participation, for each subsequent reactor constructed on the site.

SNC proposes that either a full or partial participation exercise to evaluate the state of emergency preparedness response capability at VEGP Unit 4 prior to initial fuel load is unnecessary since the VEGP Unit 4 emergency preparedness response capabilities and Emergency Response Organization (ERO) will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle.

The proposed exemption is non-technical in nature and does not involve changes to the SNC Standard Emergency Plan or the VEGP Unit 3 and 4 Standard Emergency Plan Annex.

## **2.0 BACKGROUND**

10 CFR Part 50, Appendix E, Section IV.F.2 requires that:

a. A full participation exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located. Nuclear power reactor licensees shall submit exercise scenarios under § 50.4 at least 60 days before use in a full participation exercise required by this paragraph 2.a.

(i) For an operating license issued under this part, this exercise must be conducted within 2 years before the issuance of the first operating license for full power (one authorizing operation above 5 percent of rated thermal power) of the first reactor and shall include participation by each State and local government within the plume exposure pathway EPZ and each state within the ingestion exposure pathway EPZ. If the full participation exercise is conducted more than 1 year prior to issuance of an operating license for full power, an exercise which tests the licensee's onsite emergency plans must be conducted within one year before issuance of an operating license for full power. This exercise need not have State or local government participation.

(ii) For a combined license issued under part 52 of this chapter, this exercise must be conducted within two years of the scheduled date for initial loading of fuel. If the first full participation exercise is conducted more than one year before the scheduled date for initial loading of fuel, an exercise which tests the licensee's onsite emergency plans must be conducted within one year before the scheduled date for initial loading of fuel. This exercise need not have State or local government participation. If FEMA identifies one or more deficiencies in the state of offsite emergency preparedness as the result of the first full participation exercise, or if the Commission finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, the provisions of § 50.54(gg) apply.

(iii) For a combined license issued under part 52 of this chapter, if the applicant currently has an operating reactor at the site, an exercise, either full or partial participation, shall be conducted for each subsequent reactor constructed on the site. This exercise may be incorporated in the exercise requirements of Sections IV.F.2.b. and c. in this appendix. If FEMA identifies one or more deficiencies in the state of offsite emergency preparedness as the result of this exercise for the new reactor, or if the Commission finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, the provisions of § 50.54(gg) apply.

b. Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years. Nuclear power reactor licensees shall submit exercise scenarios under § 50.4 at least 60 days before use in an exercise required by this paragraph 2.b. The exercise may be included in the full participation biennial exercise required by paragraph 2.c. of this section. In addition, the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation. During these drills, activation of all of the licensee's emergency response facilities (Technical Support Center (TSC), Operations Support Center (OSC), and the Emergency Operations Facility

(EOF)) would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff in all participating facilities would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills may focus on the onsite exercise training objectives.

c. Offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the radiological response plan. Where the offsite authority has a role under a radiological response plan for more than one site, it shall fully participate in one exercise every two years and shall, at least, partially participate in other offsite plan exercises in this period. If two different licensees each have licensed facilities located either on the same site or on adjacent, contiguous sites, and share most of the elements defining co-located licensees, then each licensee shall:

- (1) Conduct an exercise biennially of its onsite emergency plan;
- (2) Participate quadrennially in an offsite biennial full or partial participation exercise;
- (3) Conduct emergency preparedness activities and interactions in the years between its participation in the offsite full or partial participation exercise with offsite authorities, to test and maintain interface among the affected State and local authorities and the licensee. Co-located licensees shall also participate in emergency preparedness activities and interaction with offsite authorities for the period between exercises;
- (4) Conduct a hostile action exercise of its onsite emergency plan in each exercise cycle; and
- (5) Participate in an offsite biennial full or partial participation hostile action exercise in alternating exercise cycles.

j. The exercises conducted under paragraph 2 of this section by nuclear power reactor licensees must provide the opportunity for the ERO to demonstrate proficiency in the key skills necessary to implement the principal functional areas of emergency response identified in paragraph 2.b of this section. Each exercise must provide the opportunity for the ERO to demonstrate key skills specific to emergency response duties in the control room, TSC, OSC, EOF, and joint information center. Additionally, in each 8-calendar-year exercise cycle, nuclear power reactor licensees shall vary the content of scenarios during exercises conducted under paragraph 2 of this section to provide the opportunity for the ERO to demonstrate proficiency in the key skills necessary to respond to the following scenario elements: hostile action directed at the plant site, no radiological release

or an unplanned minimal radiological release that does not require public protective actions, an initial classification of or rapid escalation to a Site Area Emergency or General Emergency, implementation of strategies, procedures, and guidance under § 50.155(b)(2), and integration of offsite resources with onsite response. The licensee shall maintain a record of exercises conducted during each 8-year exercise cycle that documents the content of scenarios used to comply with the requirements of this paragraph. Each licensee shall conduct a hostile action exercise for each of its sites no later than December 31, 2015. The first 8-year exercise cycle for a site will begin in the calendar year in which the first hostile action exercise is conducted. For a site licensed under 10 CFR part 52, the first 8-year exercise cycle begins in the calendar year of the initial exercise required by section IV.F.2.a of this appendix.

The Statement of Considerations (Reference 1) associated with the 2007 revision to 10 CFR Part 50, Appendix E (Reference 2) describe the addition of new paragraph IV.F.2.a.iii to Appendix E to require that if the applicant has an operating reactor at the site, an exercise, either full or partial participation, be conducted for each subsequent reactor constructed on the site. This new provision was added because of the nature of the emergency preparedness Inspections, Tests, Analyses and Acceptance Criteria (ITAAC) for the reactor being constructed. The emergency preparedness ITAAC, specifically ITAAC that will be demonstrated through an exercise, provided the necessary reasonable assurance for programs and facilities associated with the yet-unbuilt reactor. Agreements between the NRC and external stakeholders on emergency preparedness ITAAC were based on the understanding that ITAAC on the emergency preparedness exercise would serve to demonstrate various aspects of emergency preparedness (e.g., programs and facilities) that did not warrant their own specific/detailed ITAAC. For example, there is no ITAAC for determining whether an adequate staffing roster exists for the technical support center or emergency offsite facility, but its existence and adequacy could be demonstrated during an exercise. With regard to subsequent reactors, those aspects of an exercise which address currently untested (i.e., unexercised) aspects of emergency preparedness for the proposed new reactor must be addressed in new emergency preparedness ITAAC for the subsequent reactor. If various generic exercise-related aspects of emergency preparedness for the site have been previously addressed and satisfied, then there would be no ITAAC for those emergency preparedness aspects for subsequent reactors.

The Safety Evaluation Report (SER) [ADAMS Accession Number ML17256A034] associated with VEGP Unit 3 and 4 License Amendments 95 and 94, respectively, recognized that VEGP Units 3 and 4 are located on the same site with operating reactors (VEGP Units 1 and 2) and that the provisions of 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii apply with regard to exercise performance.

The SER [ADAMS Accession Number ML19213A294] associated with VEGP Unit 3 and 4 License Amendments 163 and 161, respectively, recognized that the VEGP Unit 4

ITAAC exercise-related aspects of emergency preparedness were already addressed by the VEGP Unit 3 emergency preparedness ITAAC requirements and that no exercise-related emergency preparedness ITAAC were required for VEGP Unit 4.

VEGP Unit 4 is of the same reactor type and design as VEGP Unit 3. Additionally, VEGP Unit 4 shares the same Emergency Response Organization (ERO) personnel, Offsite Response Agencies, Standard Emergency Plan and Standard Emergency Plan Annex, Emergency Implementation Procedures, Emergency Response Facilities (TSC, OSC, and EOF), and plant simulator with VEGP Unit 3.

Since there are no longer emergency preparedness exercise ITAAC for VEGP Unit 4 SNC proposes that a full or partial participation exercise to evaluate the state of emergency preparedness response capability at VEGP Unit 4 prior to initial fuel load is unnecessary. The VEGP Unit 4 emergency preparedness response capabilities and ERO will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle which will be established in the same calendar year of the VEGP Unit 3 initial partial participation exercise.

### **3.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY**

VEGP Unit 4 shares the same emergency planning resources, capabilities, emergency response facilities (TSC, EOF, OSC), Joint Information Center (JIC), Emergency Implementation Procedures (EIPs), and ERO with VEGP Unit 3 that are used to accomplish the principal functional areas of emergency response including management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation.

Specifically:

VEGP Unit 4 is of the same reactor type and design as VEGP Unit 3 and shares the following emergency planning resources, requirements, capabilities, emergency response facilities, procedures, and ERO with VEGP Unit 3:

- SNC Standard Emergency Plan
- SNC Standard Emergency Plan Annex for VEGP Units 3 and 4
- ERO staffing
- ERO command and control structure and reporting relationships
- ERO position assigned responsibilities
- ERO qualification training
- Local, State and Federal agencies
- Offsite Response Organizations

- EIPs and EIP support procedures
- Emergency response facilities (TSC, OSC, EOF)
- Joint Information Center
- Emergency response equipment and equipment capabilities
- Alternate response facilities
- Plant Reference Simulator
- Owner Controlled Area
- 10-mile Plume Exposure Pathway Emergency Planning Zone
- Emergency Action Level scheme
- Emergency classification criteria
- ERO notification
- Onsite accountability
- Offsite agency notifications
- Onsite and offsite communications capabilities (Local, State, and Federal)
- Alert and Notification System
- Dose assessment program
- Radiological field monitoring capabilities, procedures, and equipment
- Onsite and offsite radiological monitoring and sampling
- Emergency Worker radiation exposure monitoring
- Onsite and offsite Protective Action Recommendation process
- Drill and exercise scenario development and evaluation procedure
- Corrective Action Program
- Meteorological Tower
- Security Force response

There are minor differences between VEGP Unit 3 and Unit 4 with regard to equipment nomenclature (e.g., equipment tag numbers) and plant parameter operating values, proximity of radioactive material release points (approximately 800 feet) within the same Owner Controlled Area, and separate Unit 3 and Unit 4 Main Control Rooms. The minor differences noted will not result in different initiating conditions to emergency action levels or different emergency classification assessments between VEGP Unit 3 and Unit 4 as the emergency action level scheme and emergency classification process are common to both. Additionally, these differences will not change VEGP Unit 3 and Unit 4 emergency response performance in the principal functional areas of management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation.

The shared VEGP Unit 3 and Unit 4 emergency preparedness response capabilities and ERO will be evaluated during the VEGP Unit 3 partial participation exercise conducted per 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii prior to the VEGP Unit 3 initial fuel load.



The shared capabilities and ERO will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle. The 8-year exercise cycle begins in the calendar year of the VEGP Unit 3 partial participation exercise per 10 CFR Part 50, Appendix E, Section IV.F.2.j. and will include both VEGP Unit 3 and VEGP Unit 4 drill and exercise requirements.

The proposed exemption is non-technical in nature and does not involve changes to the SNC Standard Emergency Plan or the VEGP Unit 3 and 4 Standard Emergency Plan Annex. The proposed exemption does not reduce the VEGP Unit 4 emergency planning function capabilities or resources necessary to prepare for and respond to a radiological emergency since the VEGP Unit 4 shares the same emergency planning resources, capabilities, emergency response facilities (TSC, EOF, OSC), Joint Information Center (JIC), Emergency Implementation Procedures (EIPs), and ERO with VEGP Unit 3 that are used to accomplish the principal functional areas of emergency response including management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation. Additionally, the VEGP Unit 4 emergency planning function capabilities and resources will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle. Therefore, the proposed exemption does not result in a reduction in effectiveness of the SNC Standard Emergency Plan or the VEGP Unit 3 and Unit 4 Standard Emergency Plan Annex.

In summary, conducting a VEGP Unit 4 partial participation exercise prior to VEGP Unit 4 initial fuel load will not demonstrate any new aspects of emergency planning resources, capabilities, emergency response facilities, procedures, or ERO used to accomplish the principal functional areas of emergency response including management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation, not already demonstrated by the VEGP Unit 3 partial participation exercise.

#### **4.0 JUSTIFICATION FOR EXEMPTION**

10 CFR 50.12 states that the NRC may grant exemptions from the requirements of the regulations provided four conditions are met: 1) the exemption is authorized by law [§50.12(a)(1)]; 2) the exemption will not present an undue risk to the health and safety of the public [§50.12(a)(1)]; 3) the exemption is consistent with the common defense and security [§50.12(a)(1)]; and 4) special circumstances are present [§50.12(a)(2)].

The requested exemption satisfies the criteria for granting specific exemptions, as described below.

**4.1 This exemption is authorized by law.**

The NRC has authority under 10 CFR 50.12 to grant exemptions from the requirements of NRC regulations. Specifically, 10 CFR 50.12 states that the NRC may grant exemptions from the requirements of 10 CFR Part 50 upon a proper showing. No law exists that would preclude the changes covered by this exemption request. Additionally, granting of the proposed exemption does not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations.

Accordingly, this requested exemption is "authorized by law," as required by 10 CFR 50.12(a)(1).

**4.2 This exemption will not present an undue risk to the health and safety of the public.**

The proposed exemption to 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would remove the requirement to perform an emergency preparedness exercise at VEGP Unit 4 prior to initial fuel load. The proposed exemption does not result in an adverse impact to the ability of SNC to evaluate the VEGP Unit 4 state of emergency preparedness response capability through the conduct of an emergency preparedness exercise since the same emergency preparedness response capabilities and ERO will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle.

Therefore, the requested exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would not present an undue risk to the health and safety of the public.

**4.3 The exemption is consistent with the common defense and security.**

The proposed exemption to 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would remove the requirement to perform an emergency preparedness exercise at VEGP Unit 4 prior to initial fuel load. The proposed exemption does not result in an adverse impact to the ability of SNC to evaluate the VEGP Unit 4 state of emergency preparedness response capability through the conduct of an emergency preparedness exercise since the same emergency preparedness response capabilities and ERO will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle. The proposed exemption does not alter the design, function, or operation of any structure or plant equipment that is necessary to maintain a safe and secure status of the plant. The proposed exemption has no impact on plant security or safeguards procedures.

Therefore, the requested exemption is consistent with the common defense and security.

#### **4.4 Special circumstances are present.**

10 CFR 50.12(a)(2) lists six “special circumstances” for which an exemption may be granted. Pursuant to the regulation, it is necessary for at least one of these special circumstances to be present in order for the NRC to consider granting an exemption request. Special circumstances are present as discussed below:

##### 10 CFR 50.12(a)(2)(ii)

The requested exemption meets the special circumstances of 50.12(a)(2)(ii). That subsection defines special circumstances as when “Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.”

The proposed exemption to 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would remove the requirement to perform an emergency preparedness exercise at VEGP Unit 4 prior to initial fuel load. The underlying purpose of the rule is to establish requirements for the performance of an emergency preparedness exercise for each subsequent reactor constructed on the site, either full or partial participation, for a combined license issued under part 52 of this chapter, if the applicant currently has an operating reactor at the site.

The intent of this requirement is to ensure that VEGP Unit 4 demonstrates an adequate state of emergency preparedness response capability through the conduct of an emergency preparedness exercise prior to VEGP Unit 4 initial fuel load. The 10 CFR Part 50, Appendix E requirements for emergency preparedness exercises were originally included in the VEGP Unit 4 emergency preparedness ITAAC. The emergency preparedness exercise ITAAC for VEGP Unit 4 were subsequently deleted since the exercise-related aspects of emergency preparedness for VEGP Unit 4 are addressed by the VEGP Unit 3 emergency preparedness exercise ITAAC (VEGP Unit 3 and 4 License Amendments 163 and 161, respectively).

VEGP Unit 4 shares the same Emergency Response Organization personnel, Offsite Response Agencies, Standard Emergency Plan and Standard Emergency Plan Annex, Emergency Implementing Procedures, Emergency Response Facilities (TSC, OSC, and EOF), plant simulator, and operating site with VEGP Unit 3. VEGP Unit 3 will have already completed its emergency preparedness partial participation exercise per 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii and established a VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle which incorporates the exercise requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.b and c., prior to VEGP Unit 4 initial fuel load. Performance of a VEGP Unit 4 emergency preparedness exercise prior to VEGP Unit 4 initial fuel load would not demonstrate any new or revised state of emergency preparedness response capabilities from those exercised during the VEGP Unit 3 exercise.

Therefore, special circumstances are present, because application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

## **5.0 RISK ASSESSMENT**

A risk assessment was not determined to be applicable to address the acceptability of this proposal.

## **6.0 PRECEDENT EXEMPTIONS**

None.

## **7.0 SIGNIFICANT HAZARDS DETERMINATION AND ENVIRONMENTAL CONSIDERATION**

The proposed exemption has been evaluated against the criteria of 10 CFR 51.21, “Criteria for and identification of licensing and regulatory actions requiring environmental assessments”, and has been determined to meet the categorical exclusion criteria of 10 CFR 51.22, “Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review”, as described below, which evaluates the change against the criteria of 10 CFR 51.22(c)(25).

The requested exemption, which seeks to change the requirement for an applicant who currently has an operating reactor at the site to perform an exercise, either full or partial participation, for each subsequent reactor constructed on the site required as by 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii, does not make any physical changes to the facility, the approved SNC Standard Emergency Plan, the VEGP Unit 3 and 4 Standard Emergency Plan Annex, or the facility operating procedures and:

Does not involve a significant hazards consideration [10 CFR 51.22(c)(25)(i)]. The standards set forth in 10 CFR 50.92(c) were used to determine whether the requested exemption involved a significant hazards consideration:

### **(1) Does the proposed licensing action involve a significant increase in the probability or consequences of an accident previously evaluated?**

Response: No.

The proposed exemption to 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would remove the requirement to perform an emergency preparedness exercise at VEGP Unit 4 prior to initial fuel load. The requested exemption does not alter the design, function, or operation of any plant equipment and does not involve or interface with any structure, system or component (SSC) accident initiator or initiating sequence of events, so the probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected. The requested exemption will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode or create a new sequence of events that would result in fuel cladding failures. The requested exemption does not involve any safety-related SSCs or functions used to mitigate an accident, thus the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, granting this exemption would not involve a significant increase in the probability or consequences of an accident previously evaluated.

**(2) Does the proposed licensing action create the possibility of a new or different kind of accident from any accident previously evaluated?**

Response: No.

The requested exemption does not alter the design, function, or operation of any plant equipment. The requested exemption does not create any new failure mechanisms, malfunctions, or accident initiators. The requested exemption does not affect the operation of any systems or equipment such that a new or different kind of accident, failure mode, or malfunction is created, or alter any SSC such that a new accident initiator or initiating sequence of events is created.

Therefore, granting this exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

**(3) Does the proposed licensing action involve a significant reduction in a margin of safety?**

Response: No.

The requested exemption does not affect an SSC, SSC design function, or method of performing or controlling a design function. The requested exemption does not affect safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit or criterion is challenged or exceeded by the requested exemption.

Therefore, granting this exemption does not involve a significant reduction in a margin of safety.

Therefore, it is concluded that the requested exemption does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of “no significant hazards consideration” is justified.

Does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite [10 CFR 51.22(c)(25)(ii)].

The requested exemption does not alter the design, function, or operation of any plant equipment. There are no changes to effluent types, plant radiological or non-radiological effluent release quantities, any effluent release path, or the functionality of any design or operational features credited with controlling the release of effluents during plant operation or construction.

Therefore, it is concluded that the proposed exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

Does not involve a significant increase in individual or cumulative public or occupational radiation exposure [10 CFR 51.22(c)(25)(iii)].

The requested exemption does not change plant radiation zones, radiological effluent release pathways and release quantities, or cause any changes to the controls required under 10 CFR Part 20 that preclude a significant increase in public dose or occupational radiation exposure.

Therefore, it is concluded that the proposed exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

Does not involve a significant construction impact [10 CFR 51.22(c)(25)(iv)].

The requested exemption does not alter the design, function, or operation of any plant equipment. No change to the facility is being made as a result of this exemption.

Therefore, it is concluded that the proposed exemption does not involve a significant construction impact.

Does not involve a significant increase in the potential for or consequences from radiological accidents [10 CFR 51.22(c)(25)(v)].

The requested exemption does not alter the design, function, or operation of any plant equipment, and does not involve any safety-related SSCs or functions used to mitigate an accident. No change to the facility is being made as a result of this exemption.

Therefore, it is concluded that the proposed exemption does not involve a significant increase in the potential for or consequences from radiological accidents.

Involves scheduling requirements related to the performance of an emergency preparedness exercise [10 CFR 51.22(c)(25)(vi)(G)].

Accordingly, the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this exemption.

## **8.0 CONCLUSION**

The proposed exemption to 10 CFR Part 50, Appendix E, Section IV.F.2.a.iii would remove the requirement to perform an emergency preparedness exercise at VEGP Unit 4 prior to initial fuel load. The proposed exemption does not result in an adverse impact to the ability of SNC to evaluate the VEGP Unit 4 state of emergency preparedness response capability through the conduct of an emergency preparedness exercise since the same emergency preparedness response capabilities and ERO will have already been

evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle.

The proposed exemption is non-technical in nature and does not involve changes to the SNC Standard Emergency Plan or the VEGP Unit 3 and 4 Standard Emergency Plan Annex. The proposed exemption does not reduce the VEGP Unit 4 emergency planning function capabilities or resources necessary to prepare for and respond to a radiological emergency since the VEGP Unit 4 shares the same emergency planning resources, capabilities, emergency response facilities (TSC, EOF, OSC), Joint Information Center (JIC), Emergency Implementation Procedures (EIPs), and ERO with VEGP Unit 3 that are used to accomplish the principal functional areas of emergency response including management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation. Additionally, the VEGP Unit 4 emergency planning function capabilities and resources will have already been evaluated during a VEGP Unit 3 partial participation exercise and will continue to be evaluated under the VEGP Unit 3 and Unit 4 8-calendar-year emergency preparedness exercise cycle. Therefore, the proposed exemption does not result in a reduction in effectiveness of the SNC Standard Emergency Plan or the VEGP Unit 3 and Unit 4 Standard Emergency Plan Annex.

The exemption request meets the requirements of 10 CFR 50.12, Specific exemptions. Specifically, the exemption request meets the criteria of 10 CFR 50.12(a)(1) in that the request is authorized by law, presents no undue risk to public health and safety, and is consistent with the common defense and security. Furthermore, approval of this request presents special circumstances and meets the eligibility requirements for categorical exclusion from requiring an environmental assessment.

## **9.0 REFERENCES**

1. Federal Register, Vol. 72, No. 166, Tuesday, August 28, 2007, Page 49401
2. Federal Register, Vol. 72, No. 166, Tuesday, August 28, 2007, Page 49506.