

September 10, 1997

Mr. Roger O. Anderson, Director  
Nuclear Energy Engineering  
Northern States Power Company  
414 Nicollet Mall  
Minneapolis, Minnesota 55401

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - ISSUANCE OF ONE-TIME EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50, APPENDIX E, SECTION IV.F.2.c REGARDING BIENNIAL OFFSITE EXERCISE (TAC NO. M99439)

Dear Mr. Anderson:

In a letter dated August 18, 1997, Northern States Power Company (NSP) requested a one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50 to exercise Monticello Nuclear Generating Plant's offsite emergency preparedness plans with State and local government authorities. NSP requested this exemption because the State and local counties within the emergency planning zone have requested relief from the Federal Emergency Management Agency (FEMA) for participation in the 1997 offsite exercise due to hardships caused by recent natural disasters. NSP plans to conduct the onsite portion of this exercise in accordance with Section IV.F.2.b of Appendix E to 10 CFR Part 50.

The staff has completed its safety evaluation regarding the licensee's request. The staff has concluded that, pursuant to 10 CFR 50.12(a)(1), the one-time exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and that, pursuant to 10 CFR 50.12(a)(2), special circumstances are present. Therefore, your request for exemption is granted.

A copy of safety evaluation is enclosed. A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY  
Tae Kim, Senior Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation

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Docket No. 50-263

Enclosures: 1. Exemption  
2. Safety Evaluation

cc w/encl: See next page

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Mr. Roger O. Anderson, Director  
Northern States Power Company

Monticello Nuclear Generating Plant

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Daria Groshens, Auditor/Treasurer  
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DISTRIBUTION FOR EXEMPTION GRANTED TO MONTICELLO DATED: September 10, 1997

Docket File (50-263)

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SEDB (TLH3)

UNITED STATES OF AMERICANUCLEAR REGULATORY COMMISSION

In the Matter of )  
                    )  
Northern States Power Company     ) Docket No. 50-263  
                    )  
(Monticello Nuclear Generating Plant)     )

EXEMPTION

## I.

Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR-22 which authorizes operation of the Monticello Nuclear Generating Plant. The Monticello facility is a boiling-water reactor located at the licensee's site in Wright County, Minnesota. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

## II.

Pursuant to 10 CFR 50.12(a), "Specific exemptions," the Commission may grant exemptions from the requirements of the regulations of this part (1) which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2.c of Appendix E requires that offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the plan.

III.

In a letter dated August 18, 1997, the licensee requested a one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50 to exercise Monticello Nuclear Generating Plant's offsite emergency preparedness (EP) plans with State and local government authorities within the plant's plume exposure pathway emergency planning zone (EPZ). The licensee requested this one-time exemption in support of the State of Minnesota's request for relief from the Federal Emergency Management Agency (FEMA) requirements in 44 CFR Part 350 to biennially exercise offsite EP plans. The State and local counties requested relief from FEMA requirements (in accordance with Section 350.9.c of 44 CFR Part 350) due to the hardships caused by recent natural disasters. In a letter dated August 12, 1997, to FEMA Region V, the State of Minnesota provided the following justification for its relief request:

The Minnesota Division of Emergency Management (DEM) and other State agencies are in various phases of seven Presidential Declarations of Major Disasters within the last 2 years. The State experienced record cold, crippling snowfall, and the worst floods in its history. Thousands of State, local, and Federal emergency responders were activated. In July 1997, a string of severe storms brought high speed straight line winds, tornadoes, and more flooding to central Minnesota. DEM continues to have 42 percent of its staff assigned to these natural disasters.

Sherburne and Wright counties (the counties within the plume exposure EPZ) are still conducting damage assessment for their third Presidential Declaration in the last 8 months. Personnel responsible for coordinating the radiological response plan

implementation in the upcoming exercise are still in the midst of clean-up, restoration, recovery, and human services activities.

The State has a good record of exercise performance and has not received an exercise deficiency since 1991. Neither county has ever received an exercise deficiency.

Minnesota received numerous accolades from FEMA for the effective and efficient way in which it responded to these natural disasters. The State and county drew upon the planning and exercise experiences from the last 15 years in radiological EP and feel that the actual use of plans and procedures was far more valuable than an exercise.

As stated in 10 CFR 50.47, the NRC bases its finding on the adequacy of offsite EP on FEMA's assessment. In a letter dated August 21, 1997, FEMA notified the NRC that it has determined that granting this relief will have no undue risk on public safety. Since the licensee intends to perform the onsite portion of the 1997 biennial exercise, granting this one-time exemption will not affect the status of onsite EP. Based upon FEMA's assessment of offsite EP for the State and local counties within Monticello's EPZ, and since the onsite portion of the biennial exercise will be performed in 1997, granting this one-time exemption will not pose undue risk to public health and safety.

Section 50.12(a)(2) of 10 CFR specifies that special circumstances must exist for the Commission to consider an exemption request and provides a list of conditions, any of which constitute special circumstances. One of these conditions is "the exemption would provide

only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation." The licensee will perform the onsite portion of the 1997 biennial exercise and only requested this exemption because of the hardships that performing the offsite portion of the exercise would have on the State and local counties. The licensee expects full participation of the State and local agencies in the next biennial exercise scheduled for June 22, 1999. In addition, the State is scheduled to participate in the July 1998 exercise at the Prairie Island nuclear power plant. Therefore, special circumstances exist that allow for consideration of the licensee's exemption request.

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission has further determined that special circumstances as provided in 10 CFR 50.12(a)(2) are present justifying the exemption.

Therefore, the Commission hereby grants the requested one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (62 FR 47520 ).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of September 1997.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY

Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO ONE-TIME EXEMPTION FROM THE REQUIREMENTS OF

10 CFR PART 50 APPENDIX E, SECTION IV.F.2.c

FACILITY OPERATING LICENSE NO. DPR-22

NORTHERN STATES POWER COMPANY

MONTICELLO NUCLEAR GENERATING PLANT

DOCKET NO. 50-263

**1.0 INTRODUCTION**

In a letter dated August 18, 1997, Northern States Power Company (the licensee) requested a one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50 to exercise Monticello Nuclear Generating Plant's offsite emergency preparedness (EP) plans with State and local government authorities within the plant's plume exposure pathway emergency planning zone (EPZ). The licensee requested this exemption because the State and local counties within the EPZ have requested relief from the Federal Emergency Management Agency (FEMA) for participation in the 1997 offsite exercise. The onsite emergency plan will be exercised by the licensee in accordance with Section IV.F.2.b of Appendix E to 10 CFR Part 50.

**2.0 APPLICABLE REGULATIONS**

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2.c of Appendix E requires that offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the plan.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security and (2) present special circumstances.

**3.0 ANALYSIS**

The licensee requested this one-time exemption in support of the State of Minnesota's request for relief from FEMA requirements in 10 CFR Part 44 to biennially exercise offsite EP plans. The State and local counties requested relief from FEMA requirements (in accordance

with Section 350.9.c of 10 CFR Part 44) due to the hardships caused by recent natural disasters. In a letter dated August 12, 1997, to FEMA Region V, the State of Minnesota provided the following justification for its relief request:

- The Minnesota Division of Emergency Management (DEM) and other State agencies are in various phases of seven Presidential Declarations of Major Disasters within the last 2 years. The State experienced record cold, crippling snowfall, and the worst floods in its history. Thousands of State, local and federal emergency responders were activated. In July 1997, a string of severe storms brought high speed straight line winds, tornadoes and more flooding to central Minnesota. DEM continues to have 42 percent of its staff assigned to these natural disasters.
- Sherburne and Wright counties (the counties within the plume exposure EPZ) are still conducting damage assessment for their third Presidential Declaration in the last 8 months. Personnel responsible for coordinating the radiological response plan implementation in the upcoming exercise are still in the midst of clean-up, restoration, recovery, and human services activities.
- The State has a good record of exercise performance and has not received an exercise deficiency since 1991. Neither county has ever received an exercise deficiency.
- Minnesota received numerous accolades from FEMA for the effective and efficient way in which it responded to these natural disasters. The State and county drew upon the planning and exercise experiences from the last 15 years in radiological EP and feel that the actual use of plans and procedures was far more valuable than an exercise.

As stated in 10 CFR 50.47, the NRC bases its finding on the adequacy of offsite EP on FEMA's assessment. In a letter dated August 21, 1997, FEMA notified the NRC that it has determined that granting this relief will have no undue risk on public safety. Since the licensee intends to perform the onsite portion of the 1997 biennial exercise, granting this one-time exemption will not affect the status of onsite EP. Based upon FEMA's assessment of offsite EP for the State and local counties within Monticello's EPZ, and since the onsite portion of the biennial exercise will be performed in 1997, the NRC concludes that granting this one-time exemption will not pose undue risk to public health and safety.

Section 50.12(a)(2) of 10 CFR specifies that special circumstances must exist for the Commission to consider an exemption request and provides a list of conditions, any of which constitute special circumstances. One of these conditions is "the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation." The licensee will perform the onsite portion of the 1997 biennial exercise and only requested this exemption because of the hardships that performing the offsite portion of the exercise would have on the State and local counties. The licensee expects full participation of the State and local counties in the next biennial exercise scheduled for June 22, 1999. In addition, the State is scheduled to participate in the July 1998 exercise at the Prairie Island nuclear power plant. Therefore, the staff concludes

that special circumstances exist that allow for consideration of the licensee's exemption request.

**4.0 CONCLUSION**

The staff finds that granting the licensee's request for a one-time exemption from the requirement in Section IV.F.2.c of Appendix E of 10 CFR Part 50 to biennially exercise the offsite portion of its offsite emergency plans for the 1997 exercise will not present an undue risk to the public health and safety, and is consistent with the common defense and security and that special circumstances are present as set forth in 10 CFR 50.12(a)(2).

**Principal Contributor:** James B. O'Brien

**Date:** September 10, 1997