

72-10  
50-282/306



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001  
May 11, 1995

Northern States Power Company  
ATTN: Roger O. Anderson, Director  
Licensing and Management Issues  
414 Nicollet Mall  
Minneapolis, MN 55401-1927

SUBJECT: ISSUANCE OF SCHEDULAR EXEMPTION FROM THE REQUIREMENT OF  
10 CFR PART 72 FOR SUBMITTAL OF A REPORT OF PREOPERATIONAL  
TEST ACCEPTANCE CRITERIA AND TEST RESULTS AT LEAST 30 DAYS PRIOR  
TO THE RECEIPT OF SPENT FUEL OR HIGH-LEVEL RADIOACTIVE WASTE

Gentlemen:

By letter dated March 6, 1995, the U.S. Nuclear Regulatory Commission (NRC) issued an environmental assessment and finding of no significant impact related to the consideration of your request dated January 4, 1995, for an exemption from the 30-day requirement of 10 CFR 72.82(e) for the Prairie Island Independent Spent Fuel Storage Installation (ISFSI) (60 FR 13477). The NRC, in accordance with 10 CFR 72.7, has determined that the exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Your exemption request proposed submission of the report of the preoperational test acceptance criteria and test results 3 days prior to receipt of spent fuel at your ISFSI instead of the 30-day period required by 10 CFR 72.82(e). The purpose of the 30-day period is to allow the NRC an opportunity to review your test results prior to initial operation of the ISFSI. In this case, prior to the 30-day period, NRC staff reviewed cask fabrication records, observed portions of the preoperational test activities as they occurred, and completed its review of your report dated April 20, 1995.

We believe that NRC observation of your preoperational test activities provided an appropriate level of NRC oversight. Based on these observations and inspections, NRC has adequate assurance that the cask can perform its intended safety functions, and that you have the appropriate equipment and procedures in place to safely conduct spent fuel cask handling activities.

In view of the above, the NRC has determined to grant Northern States Power Company (NSP) an exemption from the requirement of a 30-day waiting period in 10 CFR 72.82(e). This exemption allows NSP to submit the report of preoperational test acceptance criteria and test results less than 30 days prior to the receipt of fuel at its ISFSI at the Prairie Island plant. Because your preoperational test report is dated April 20, 1995, and more than the 3 days you requested have elapsed, your requested exemption is effective immediately. A copy of the Federal Register Notice for this decision is enclosed.

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PDR ADOCK 05000282  
Y PDR

**NRC FILE CENTER COPY**

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NFO-7

Roger O. Anderson

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May 11, 1995

If you have any questions about this exemption, please contact Charles J. Haughney or Frederick C. Sturz on 301-415-7198.

Sincerely,



Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Federal Register Notice

Docket No. 72-10 (50-282/306)

cc: Attached list

If you have any questions about this exemption, please contact Charles J. Haughney or Frederick C. Sturz on 301-415-7198.

Sincerely,

Original signed by

Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Federal Register Notice

Docket No. 72-10 (50-282/306)

cc: Attached list

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DATE	05/10/95	05/10/95	05/10/95		05/11/95		05/10/95		05/10/95	05/10/95

OFC	RIII	IMNS	IMNS
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DATE	5/10/95	5/11/95	5/11/95

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Council Administrator  
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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Northern States Power Co.	)	Docket No. 72-10
PRAIRIE ISLAND NUCLEAR	)	(50-282/306)
GENERATING PLANT	)	
INDEPENDENT SPENT FUEL	)	
STORAGE INSTALLATION	)	

## EXEMPTION

## I.

Northern States Power Company (NSP or the licensee) holds materials license (SNM-2506) for receipt and storage of spent fuel from its Prairie Island Nuclear Generating Plant at an independent spent fuel storage installation (ISFSI) located on the Prairie Island Nuclear Generating Plant site. This facility is located at the licensee's site in Goodhue County, Minnesota.

## II.

Pursuant to 10 CFR 72.7, the Nuclear Regulatory Commission (NRC) may grant exemptions from the requirements of the regulations in 10 CFR Part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

Section 72.82(e) of 10 CFR Part 72 requires each licensee to provide a report of preoperational test acceptance criteria and test results to the appropriate NRC Regional Office with a copy to the Director, Office of Nuclear Material Safety and Safeguards, at least 30 days prior to receipt of spent fuel or high level radioactive waste for storage in an ISFSI. The purpose of the 30-day period is to allow the NRC an opportunity to review test results prior to initial operation of the ISFSI.

III.

By letter dated January 4, 1995, the licensee requested a schedular exemption pursuant to 10 CFR 72.7 from the requirement of 10 CFR 72.82(e). The licensee committed to submit its report no less than 3 days prior to receipt of spent fuel at its ISFSI.

In July 1993, NSP suspended cask fabrication and site construction activities until the Minnesota State Legislature authorized the ISFSI on May 10, 1994. After authorization, NSP resumed the ISFSI construction and the facility was completed in November 1994. The first cask was received on January 26, 1995.

The NRC conducted an inspection of the quality assurance records related to the manufacture of the cask at vendor sites, and on October 11, 1994, and January 25, 1995, issued Inspection Reports Nos. 72-0010/94-210 and 72-0010/94-212, respectively, to NSP. On February 23, 1995, and March 8, 1995, NSP responded to the Notice of Violation in the inspection report and provided additional information. In a letter dated, March 21, 1995, NRC found NSP's corrective actions acceptable. Since receipt of the first cask on site, NRC has observed selected portions of the preoperational testing activities and has reviewed associated test procedures and results. In addition, during the weeks of April 17, and April 24, 1995, the NRC conducted a special team inspection of cask fabrication records and preoperational test results at the Prairie Island Nuclear Generating Plant. On April 28, 1995, NRC held an inspection exit meeting, which was open to public attendance, in Red Wing, Minnesota, to discuss its inspection findings and conclusions. NSP submitted the report of preoperational test acceptance criteria and test results required by 10 CFR 72.83(e) to the NRC on April 20, 1995. At the inspection

exit meeting held on April 28, 1995, the following five outstanding issues and their resolution were:

Issue (1) Fabrication of the temperature and pressure monitoring equipment was not complete.

Resolution: NRC Resident Inspectors observed completion of installation of fabricated equipment.

Issue (2) NRC review of the unloading procedure was not complete.

Resolution: NRC Resident Inspectors have completed their review and all identified concerns have been acceptably resolved.

Issue (3) NRC review of licensee disposition of weld discrepancies was not complete.

Resolution: NRC staff have completed their review and have accepted the licensee's dispositions.

Issue (4) Resolution of cask hydrostatic testing requirements was not complete.

Resolution: NRC staff have resolved the cask hydrostatic testing requirements. In addition, the licensee performed a 10 CFR 72.48 evaluation to revise the Safety Analysis Report. The Resident Inspectors have reviewed the evaluation and found it acceptable.

Issue (5) NRC review of adequate spent fuel retrievability was not complete.

Resolution: The licensee provided information regarding retrievability in a letter dated May 3, 1995. In a letter to NSP dated May 5, 1995, NRC found NSP's rationale acceptable.

Based on the resolutions described above, the staff has completed its review and is granting the exemption.

An exemption to the requirement of 10 CFR 72.82(e) for a 30-day waiting period would allow NSP to start loading the first cask before May 20, 1995, the end of the 30-day period.

#### IV.

As previously described in the foregoing discussion, and based on its oversight and inspection of NSP's ISFSI preoperational testing activities, the NRC finds that NSP has satisfactorily addressed all of the outstanding safety issues associated with cask loading, handling, and storage. The results of the NRC activities described above confirm there is adequate assurance that the cask can perform its intended safety functions and that NSP has the necessary equipment and procedures in place to safely conduct spent fuel cask handling activities.

Accordingly, the NRC has determined in accordance with 10 CFR 72.7 that this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee an exemption from the 30-day waiting period required by 10 CFR 72.82(e) as requested by the licensee's letter of January 4, 1995.

The documents related to this proposed action are available for public inspection and for copying (for a fee) at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room located in the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota, 55401.

Pursuant to 10 CFR 51.32, the NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (60 FR 13477).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland,  
this // day of May 1995.

Pursuant to 10 CFR 51.32, the NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (60 FR 13477).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland,  
this 11th day of May 1995.  
[doc.g:nspxem.rev]

\*prior concurrence

OFC	IMIF*		IMIF*		IMIF*		STSB*		NRR*		OGC*	
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DATE	05/10/95		05/10/95		05/10/95		05/11/95		05/10/95		05/10/95	

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