

January 5, 2006

Mr. John T. Conway
Site Vice President
Monticello Nuclear Generating Plant
Nuclear Management Company, LLC
2807 West County Road 75
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, UNIT NO. 1 - REVISION TO
EMERGENCY PLAN EMERGENCY ACTION LEVELS (TAC NO. MC5017)

Dear Mr. Conway:

By letter dated October 22, 2004, as supplemented by letters dated December 22, 2004, June 24, November 22, and December 20, 2005, Nuclear Management Company, Inc. (NMC), requested changes to the Emergency Action Levels (EALs) for Monticello Nuclear Generating Plant (MNGP). The proposed changes revise the MNGP EALs using the guidance provided in Nuclear Energy Institute document NEI 99-01, Revision 4, "Methodology for Development of Emergency Action Levels," which was endorsed by the Nuclear Regulatory Commission (NRC) in Regulatory Guide 1.101, Revision 4, "Emergency Planning and Preparedness for Nuclear Power Reactors."

The NRC staff has completed its review of the proposed EAL scheme change and supporting documentation, and has concluded that the proposed revision meets the standards set forth in 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50, and therefore, is acceptable. Details of the review are delineated in the enclosed safety evaluation.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-263

Enclosure: Safety Evaluation

cc w/encl: See next page

January 5, 2006

Mr. John T. Conway
Site Vice President
Monticello Nuclear Generating Plant
Nuclear Management Company, LLC
2807 West County Road 75
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, UNIT NO. 1 - REVISION TO
EMERGENCY PLAN EMERGENCY ACTION LEVELS (TAC NO. MC5017)

Dear Mr. Conway:

By letter dated October 22, 2004, as supplemented by letters dated December 22, 2004, June 24, November 22, and December 20, 2005, Nuclear Management Company, Inc. (NMC), requested changes to the Emergency Action Levels (EALs) for Monticello Nuclear Generating Plant (MNGP). The proposed changes revise the MNGP EALs using the guidance provided in Nuclear Energy Institute document NEI 99-01, Revision 4, "Methodology for Development of Emergency Action Levels," which was endorsed by the Nuclear Regulatory Commission (NRC) in Regulatory Guide 1.101, Revision 4, "Emergency Planning and Preparedness for Nuclear Power Reactors."

The NRC staff has completed its review of the proposed EAL scheme change and supporting documentation, and has concluded that the proposed revision meets the standards set forth in 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50, and therefore, is acceptable. Details of the review are delineated in the enclosed safety evaluation.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-263

Enclosure: Safety Evaluation

cc w/encl: See next page

DISTRIBUTION:

PUBLIC	LPLIII-1 R/F	TKobetz	KWilliams
DBarss	PTam	THarris	BBurgess, RIII
OGC	ACRS	DORL DPR	

ADAMS Accession Number: **ML060040437**

*Safety evaluation transmitted by memo of this date.

OFFICE	NRR/LPL3-1/PM	NRR/LPL3-1/LA	NSIR/LRIS/BC*	NRR/LPL3-1/BC (A)
NAME	PTam	THarris	EWeiss	TKobetz
DATE	1/5/06	1/5/06	1/5/06	1/5/06

OFFICIAL RECORD COPY

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO PROPOSED UPGRADED EMERGENCY ACTIONS LEVELS (EALs)

MONTICELLO NUCLEAR GENERATING PLANT (MNGP)

NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-263

1.0 INTRODUCTION

By letter dated October 22, 2004, (Agencywide Document Access and Management System (ADAMS) Accession No. ML053420669) and as supplemented by letters dated December 22, 2004 (ADAMS Accession No. ML043650186); June 24, 2005 (ADAMS Accession No. ML051820559); November 22, 2005 (ADAMS Accession No. 053320282); and December 20, 2005 (ADAMS Accession number ML053560091) Nuclear Management Company, Inc. (the licensee, NMC), requested changes to the EALs for the MNGP. The proposed changes revise the MNGP EALs using the guidance provided in Nuclear Energy Institute (NEI) document, NEI 99-01, Revision 4, "Methodology for Development of Emergency Action Levels," which was endorsed by the Nuclear Regulatory Commission (NRC) in Regulatory Guide (RG) 1.101, Revision 4, "Emergency Planning and Preparedness for Nuclear Power Reactors."

2.0 REGULATORY EVALUATION

The applicable regulations and guidance that the NRC staff used to review the licensee's proposed EAL revision are discussed in the following sections.

2.1 Regulations

Part 50 of Title 10 of the *Code of Federal Regulations*, Section 50.47 (10 CFR 50.47), "Emergency plans," states that no operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. This regulation also establishes requirements that must be met by the onsite and offsite emergency response plans for the NRC staff to make a positive finding that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. Paragraph 50.47(b)(4) of 10 CFR stipulates that emergency plans include a standard emergency classification and action level scheme.

ENCLOSURE

Appendix E, Section IV.B, "Emergency Planning and Preparedness for Production and Utilization Facilities," of 10 CFR 50 provides that emergency plans are to include EALs, which are to be used as criteria for determining the need for notification and participation of local and State agencies and which are to be used for determining when and what type of protective measures should be considered, both onsite and offsite, to protect public health and safety. EALs are to be based on in-plant conditions and instrumentation, and onsite and offsite monitoring. Section IV.B of Appendix E provides that initial EALs shall be discussed and agreed on by the applicant and State and local authorities, be approved by the NRC, and reviewed annually thereafter with State and local authorities. In addition, Section IV.B states that an EAL revision must be approved by the NRC before implementation if: (1) the licensee is changing from one EAL scheme to another EAL scheme (e.g., a change from an EAL scheme based on NUREG-0654 (see below for title) to a scheme based upon NUMARC/NESP-007 (see below for title) or NEI-99-01); (2) the licensee is proposing an alternate method for complying with the regulations; or (3) the EAL revision decreases the effectiveness of the emergency plan.

2.2 Guidance

As stated in Section 1.0, for developing EALs required by 10 CFR Part 50, Appendix E, Section IV.B and 10 CFR Paragraph 50.47(b)(4), NRC RG 1.101, Revision 4, endorses the guidance provided in NEI 99-01, Revision 4, as acceptable alternative methods to those described in the following documents:

- Appendix 1 to NUREG-0654/Federal Emergency Management Agency-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (November 1980), and
- Nuclear Utilities Management Council document NESP-007, "Methodology for Development of Emergency Action Levels" (Revision 2, January 1992).

NRC's Regulatory Issue Summary (RIS) 2003-18, "Use of NEI 99-01, Methodology for Development of Emergency Action Levels," dated October 8, 2003, and as supplemented on July 13, 2004, and December 12, 2005, provides guidance for developing or changing a standard emergency classification and action level scheme. In addition, this RIS provided recommendations to assist licensees, consistent with Part 50, Appendix E, Section IV.B, in determining whether to seek prior NRC approval of deviations from the new guidance.

3.0 TECHNICAL EVALUATION

3.1 Scope

The licensee's proposed revision updates the existing MNGP EALs, based on NUREG-0654, to implement the NEI 99-01, Revision 4, EALs.

The NRC staff's evaluation of the proposed revisions to initiating conditions (ICs) and EAL threshold values is based on the licensee's letters referenced in Section 1 above. ICs, entitled "Defueled Station Malfunctions," and listed under Category D in NEI 99-01 (Revision 4), are not applicable since Monticello has a current operating license, and therefore, were not considered during this technical evaluation.

Proposed deviations or differences from the guidance in NEI 99-01 (Revision 4), other than

minor differences, such as station-specific terminology, system and component names, or formatting, were identified in the justification matrix provided in Enclosure 4 to the licensee's letter dated November 22, 2005, which provided a specific evaluation for each.

By its letter of December 20, 2005, the licensee provided a complete, revised version of the EAL Bases document, including EAL Matrix, ICs, and associated EAL threshold values. This EAL Bases document reflects the changes made to EAL Matrix, ICs, EAL threshold values, and Bases provided by the licensee's letter dated October 22, 2004, as supplemented by letters dated December 22, 2004, June 24, and November 22, 2005.

3.2 Approval by State and Local Authorities

As stated in Section 2.1, Section IV.B of Appendix E to 10 CFR Part 50 states that initial EALs shall be discussed and agreed on by the applicant and State and local authorities, be approved by the NRC, and reviewed annually thereafter with State and local authorities.

In its letter dated October 22, 2004, the licensee stated that the proposed EALs had been discussed and agreed to by the applicable State and local government officials. Enclosure 3 to the licensee's letter dated October 22, 2004, contained documentation of these discussions with the following offsite agencies:

- Division of Homeland Security and Emergency Management
- Sherburne County Emergency Management
- Wright County Emergency Management

3.3 List of Commitments

The licensee's letter dated June 24, 2005, contains no new commitments, and withdraws the commitment made in its letter dated October 22, 2004, to provide the NRC a supplemental submittal for the MNGP security EALs. In its June 24, 2005, letter, the licensee states:

"This letter contains no new commitments; it revises the commitment made in Reference 1. NMC will not provide a supplement to reflect updated security EALs for MNGP. Instead, NMC will evaluate revised security EALs at MNGP in accordance with the distribution guidance using 10 CFR 50.54(q) and will provide an additional submittal only if the final guidance requires it."

3.4 Evaluation

Based on the review of the information provided in the licensee's letters referenced above, the NRC staff finds that the proposed changes to ICs, EAL threshold values, and EAL Bases are consistent with the guidance in NEI 99-01, Revision 4, or provide an acceptable alternative. Hence, the proposed changes to the MNGP EALs and EAL Bases as reflected in the licensee's letter dated December 20, 2005, are acceptable.

Changes to the MNGP security EALs based on the guidance provided in Attachment 1 to NRC Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events," dated July 18, 2005, were not evaluated as part of this review. As indicated in Section 3.3 above, the licensee intends to implement changes to its security EALs under 10 CFR

50.54(q), which is acceptable under the guidance provided in Bulletin 2005-02.

4.0 CONCLUSIONS

The NRC staff has performed a review of the proposed changes to the MNGP EALs and EAL Bases, as submitted by letters referenced above, using the guidance in NEI 99-01, Revision 4. The NRC staff finds that the proposed MNGP EAL revision and EAL Bases, provided in the licensee's letter dated December 20, 2005, is consistent with the guidance in NEI 99-01, Revision 4, or provides an acceptable alternative as discussed in Section 3.0 above.

The NRC staff also finds that the proposed MNGP EAL revision meet the requirements of 10 CFR Paragraph 50.47(b) and Appendix E to 10 CFR Part 50, Section IV.B and is, therefore, acceptable.

Principal Contributor: Kevin Williams

Date: January 5, 2006

Monticello Nuclear Generating Plant

cc:

Jonathan Rogoff, Esquire
Vice President, Counsel & Secretary
Nuclear Management Company, LLC
700 First Street
Hudson, WI 54016

U.S. Nuclear Regulatory Commission
Resident Inspector's Office
2807 W. County Road 75
Monticello, MN 55362

Manager, Regulatory Affairs
Monticello Nuclear Generating Plant
Nuclear Management Company, LLC
2807 West County Road 75
Monticello, MN 55362-9637

Robert Nelson, President
Minnesota Environmental Control
Citizens Association (MECCA)
1051 South McKnight Road
St. Paul, MN 55119

Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Suite 210
2443 Warrenville Road
Lisle, IL 60532-4351

Commissioner
Minnesota Department of Health
717 Delaware Street, S. E.
Minneapolis, MN 55440

Douglas M. Gruber, Auditor/Treasurer
Wright County Government Center
10 NW Second Street
Buffalo, MN 55313

Commissioner
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

Manager - Environmental Protection Division
Minnesota Attorney General's Office
445 Minnesota St., Suite 900
St. Paul, MN 55101-2127

Michael B. Sellman
President and Chief Executive Officer
Nuclear Management Company, LLC
700 First Street
Hudson, MI 54016

Nuclear Asset Manager
Xcel Energy, Inc.
414 Nicollet Mall, R.S. 8
Minneapolis, MN 55401

November 2005