



April 16, 2009

L-MT-09-039

EA-09-010

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Monticello Nuclear Generating Plant  
Docket 50-263  
License No. DPR-22

Response to Apparent Violation in Inspection Report No 05000263/2009008(DRS);  
EA-09-010

The Northern States Power Company, a Minnesota corporation is submitting the response to the Level III violation at the Monticello Nuclear Generating Plant (MNGP) contained in Inspection Report number 05000263/2009008 (DRS). See the attached enclosure for the station's response.

We accept the fact that violations, as cited, occurred. We fully recognize the importance of providing complete and accurate information to the NRC at all times. We have taken actions to strengthen our confidence in the completeness and accuracy of future submittals.

The severity level of the present violation, in our view, is similar to previously issued severity level IV violations. The following examples identify violations where the performance deficiency is similar to the one for which Monticello is being cited (the specific plants and inspection report numbers are not identified, but are available if requested). A brief summary of the deficiency and a discussion of the similarities between these violations and the proposed Monticello violation follow:

- Inspection Report "A" identified a Severity Level IV NCV of 10 CFR 50.9 for failure to provide complete and accurate information. This violation was NRC identified. The analysis states that "the failure to provide complete and accurate information to the NRC, which resulted in an incorrect licensing action, is a performance deficiency...." This violation appears similar to the Monticello violation in most respects.
- Inspection Report "B" identified a Severity Level IV NCV of 50.74(c) for failure to notify the NRC within 30 days of a change in medical status. This failure resulted in the NRC not placing a condition on the license. Though the violation is of a

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different regulation, the fundamental failure, as well as the consequence, is similar to the Monticello proposed violation.

- Inspection Report "C" identified a Green NRC-identified NCV of 50.74(c) where an operator stood several watches with blood pressure greater than ANSI limits. When the facility became aware of the condition, they failed to notify the NRC. This issue was evaluated using the traditional enforcement process. The issue impacted a licensing decision. Again, as the Ginna violation, the fundamental failure is similar (though of greater potential consequence than the Monticello issue).

We recognize that the importance of providing complete and accurate information is paramount. We have taken actions to enhance confidence that our submittals are complete and accurate. We encourage the NRC to characterize the severity level of the Monticello violation consistent with other similar events.

This letter contains no new NRC commitments, nor does it modify any prior commitments.



Timothy J. O'Connor  
Site Vice President, Monticello Nuclear Generating Plant  
Northern States Power Company - Minnesota

Enclosure

cc: Administrator, Region III, USNRC  
Project Manager, Monticello, USNRC  
Resident Inspector, Monticello, USNRC

**Enclosure 1**  
**NSPM Response to Level III Violation**  
**NRC IR 05000263/2009008**

The Northern States Power Company – a Minnesota corporation is providing a response to the Level III violation contained in the NRC inspection report 05000263/2009008 (DRS). Based on discussions with the NRC, the issue contained in the NRC inspection report is being treated as a single violation.

**Violation:**

On July 8, 2004, a licensed senior reactor operator (SRO) notified the station's medical staff that he began taking prescribed medication in June 2004 for a potentially disqualifying medical condition. The NRC was notified of the SRO's potentially disqualifying medical condition on November 25, 2008. Title 10 CFR 50.74(c), "Notification of Change in Operator or Senior Operator Status," requires the licensee to notify the NRC within 30 days of the licensee being informed of a permanent change in a licensed operator's medical condition. The time period between July 2004 and November 2008 exceeded the 30-day notification requirement. The licensee conducted a review of all licensed operator medical records to determine the extent of condition and initiated other compensatory measures to prevent recurrence of this condition. This was preliminarily determined to be an apparent violation of 10 CFR 50.74(c). The cause of the apparent violation is related to the cross-cutting element of human performance in the area of work practices (H.4b).

Every six years an operator's NRC operating license must be renewed. When the licensee submits the request for license renewal, the licensee must certify to the NRC that the operator is medically capable of performing license duties. This is done by completing an NRC Form 396, "Certification of Medical Examination by Facility Licensee." When signed by senior station management, the NRC Form 396 certifies that an operator is able to perform operator duties. The form contains several standard license conditions that restrict operator activities to ensure their ability to perform license duties. In this SRO's case, the licensee certified to the NRC in a letter dated September 11, 2008, that the operator was capable of performing license duties with no restrictions except to wear corrective lenses. The licensee provided incomplete and inaccurate information on the accompanying NRC Form 396 in that the licensee failed to inform the NRC that the SRO was taking medication for a potentially disqualifying medical condition so the NRC could properly restrict the SRO's operating license to have a "Must Take Medication as Prescribed to Maintain Qualifications" license restriction.

Because the issue affected the NRC's ability to perform its regulatory function, it was evaluated using the traditional enforcement process. The finding was determined to be of low safety significance because the SRO had taken medications as prescribed and had not made errors during any emergency condition prior to the license being amended. However, the regulatory significance was important because the incomplete and inaccurate information was provided under a signed statement to the NRC and impacted a licensing decision for the SRO. This was preliminarily determined to be an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information." The cause of the apparent violation is related to the cross-cutting element of human performance in the area of work practices (H.4b).

**Reason for Violation:**

The reason for the violation is that the station did not have a process to ensure that regulatory changes in reporting requirements for licensed operators are evaluated for inclusion into applicable processes and procedures.

**Corrective Steps that Have Been Taken:**

The station has completed the following actions:

- The corrected information was sent to the USNRC and the license was amended.
- An extent of condition evaluation audited medical files to identify similar issues (license renewals with inaccurate or incomplete information). A result of this evaluation identified another individual who had renewed his license with out having the proper restrictions captured as required. An Action Request was initiated, the NRC was notified immediately, and subsequent request to amend the license was sent to the NRC.
- The change in the restriction was communicated to the operator, their supervisor, and the scheduler to ensure compliance with the medical requirements for licensed operation until the operator's license is amended.

**Corrective Steps that are planned to avoid further violation:**

The station plans on taking the following actions (these actions are being tracked in the station's Corrective Action Program):

- Develop a process to ensure that regulatory changes in reporting requirements for licensed operators are evaluated for inclusion into applicable processes and procedures.
- Require new personnel to the license maintenance program to complete the newly created Job Familiarization Guide (JFG) which familiarizes them with the Operator Licensing Program Feedback Questions and other requirements of the medical program. This requirement will be incorporated into FP-T-SAT-74, "NRC Operator License Application and Renewal Requirements."
- Revised FP-T-SAT-74 Attachment 7, "Checklist for Medical Review Officer Meeting" to include updates in Operator Licensing Program Feedback Questions from previous meeting and to include medical staff (Site Nurse) as required attendees.
- Revise the process to require a review/evaluation of any medical change that is reported by a license operator to determine appropriate NRC notification and any required changes for the Operator watch standing restrictions.

**Date When Full Compliance will be achieved:**

The station is in full compliance with the requirements. The planned actions will strengthen the process to prevent any further violations. These changes will also ensure that the station provides complete and accurate information to the NRC by ensuring that any changes in medication are identified to the station medical personnel, evaluated and promptly communicated to the NRC.