

NUCLEAR REGULATORY COMMISSION

NORTHERN STATES POWER COMPANY

PRAIRIE ISLAND INDEPENDENT SPENT FUEL STORAGE INSTALLATION

[Docket Nos.: 50-282, 50-306 AND 72-10, LICENSE NO. SNM-2506]

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact.

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SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

The NRC is considering issuance of an exemption to Northern States Power Company, a Minnesota corporation (NSPM or the licensee), doing business as Xcel Energy, pursuant to section 72.7 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Specific exemptions," from specific portions of the requirements of 10 CFR 73.51, "Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste," for the Prairie Island Independent Spent Fuel Storage Installation (ISFSI).

II. ENVIRONMENTAL ASSESSMENT (EA)

Background: Per 10 CFR Part 72, a specific license is issued for the storage of spent fuel in an ISFSI. Section 72.40(a)(8) describes applicable security regulations to satisfy the license

conditions of a Part 72 specific license: in part, it states, "The applicant's physical protection provisions comply with Subpart H..." Subpart H of 10 CFR Part 72 includes sections 72.180 through 72.186. In part, 10 CFR 72.180 states, "The licensee shall establish, maintain, and follow a detailed plan for physical protection as described in §73.51 of this chapter."

On May 15, 1998, the NRC issued a Final Rule, "Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste" (63 FR 26955). Section 73.51, "Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste," was one of the new provisions from that rulemaking. In particular, 10 CFR 73.51(d)(3) states, "The perimeter of the protected area must be subject to continual surveillance and be protected by active intrusion alarm system which is capable of detecting penetrations through the isolation zone and that is monitored in a continually staffed primary alarm station and in one additional continually staffed location. The primary alarm station must be located within the protected area; have bullet-resisting walls, doors, ceiling and floor; and the interior of the station must not be visible from outside the protected area. A timely means for assessment of alarms must also be provided. Regarding alarm monitoring, the redundant location need only provide a summary indication that an alarm has been generated."

Identification of Proposed Action: In a letter dated May 16, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13140A105), NSPM requests an exemption from 10 CFR 73.51. Specifically, NSPM requests exemption from the requirement in 10 CFR 73.51(d)(3). The proposed exemption request pertains to the location of the primary alarm station.

Need for the Proposed Action: NSPM seeks relief from the provision of 10 CFR 73.51(d)(3). This exemption does not reduce the safeguards effectiveness of the physical security plan and

would allow NSPM to continue to maintain the 10 CFR 73.51 performance objectives of high assurance of public health and safety and provide high assurance that issuance of this exemption will not be inimical to the common defense and security. NSPM maintains that the proposed exemption provides uniformity and consistency in managing security activities at both the power station and the ISFSI.

Environmental Impacts of the Proposed Action: The NRC staff evaluated the exemption request in greater detail in the safety evaluation (SE) report (ADAMS Accession No. ML14xxxxxxx).

The SE is withheld in accordance with 10 CFR 2.390. The NRC has determined that the proposed exemption will have no significant environmental impact. Additionally, the NRC has concluded that the Prairie Island physical security plan with the exemptions described in its safety evaluation provides for an acceptable level of physical security at the Prairie Island facility. Based on these findings, the NRC concludes that there are no radiological environmental impacts due to granting the approval of the exemption. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types or quantities of effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. The proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological impacts associated with the proposed action. Based on the assessment above, the proposed action will not have a significant effect on the quality of the human environment.

Alternative to the Proposed Action: Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental

impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. This alternative would have the same environmental impact.

Agencies and Persons Consulted: The environmental assessment associated with the exemption request was sent to Ms Aggie Leitheiser, Assistant Commissioner of the Minnesota Department of Health (MDH) by email dated April 3, 2014 (ADAMS Accession No. **ML14yyyyyyy**). The state's response was received by email dated April xx, 2014 (ADAMS Accession No. **ML14zzzzzzz**). The email response states that MDH reviewed the draft environmental assessment and [placeholder (e.g., has no comments)]. This assessment was also sent to Mr. Ron Johnson, President of Tribal Council for the Prairie Island Indian Community (PIIC) by email dated April 3, 2014 (ADAMS Accession No. **ML14aaaaaaa**). The PIIC's email response was received by email dated April xx, 2014 (ADAMS Accession No. **ML14bbbbbbb**). The email response states that the PIIC reviewed the draft environmental assessment and [placeholder (e.g., has no comments)]. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity that has the potential to impact historic properties because the proposed action would occur within the established Prairie Island site boundary. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the NRC finds that the proposed action of granting the exemption from specific physical security plan

requirements in 10 CFR 73.51(d)(3), as discussed in the safety evaluation, will not significantly impact the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed exemption and that a finding of no significant impact is appropriate.

IV. Further Information

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action are publicly available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). The request for exemption dated July 11, 2013 (ADAMS Accession No. ML13193A088), was docketed under 10 CFR Part 72, Docket 72-10. These documents may be inspected at NRC'S Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this day of May, 2014.

FOR THE NUCLEAR REGULATORY COMMISSION

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