



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

July 22, 2020

Mr. Thomas A. Conboy
Site Vice President
Northern States Power Company - Minnesota
Monticello Nuclear Generating Plant
2807 West County Road 75
Monticello, MN 55362

Mr. Scott Sharp
Site Vice President
Northern States Power Company - Minnesota
Prairie Island Nuclear Generating Plant
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SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2, AND PRAIRIE ISLAND INDEPENDENT SPENT FUEL STORAGE INSTALLATION – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTIONS I, II, IV, AND VI (EPID L-2020-LLE-0108 [COVID-19])

Dear Mr. Conboy and Mr. Sharp:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved temporary exemptions from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 73, Appendix B, Sections I, II, IV, and VI, for the Monticello Nuclear Generating Plant (Monticello), Prairie Island Nuclear Generating Plant (Prairie Island), Units 1 and 2, and the Prairie Island Independent Spent Fuel Storage Installation (ISFSI). This action is in response to the Northern States Power Company, a Minnesota corporation doing business as Xcel Energy (NSPM or the licensee), request dated June 25, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20177A372 (non-public, withheld under 10 CFR 2.390)), as supplemented by letter dated July 14, 2020 (ADAMS Accession No. ML20197A005 (non-public, withheld under 10 CFR 2.390)), that requested temporary exemptions for Monticello and Prairie Island, Units 1 and 2, from 10 CFR Part 73, Appendix B, Section VI, subsections B.5.(a), C.3.(l)(1), D.2.(a), E.1.(c), E.1.(f), and F.5.(a) and exemptions for the Prairie Island ISFSI from Section I, subsection E and Section II, subsection E and Section IV, subsection D.

The requirements in 10 CFR Part 73, Appendix B, Section I, subsection E, state:

Physical requalification—At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be

required to meet the physical requirements of paragraphs B.1.b (1) and (2), and C of this section. The licensee shall document each individual's physical requalification and shall retain this documentation of requalification as a record for three years from the date of each requalification.

The purpose of the physical requalification requirements is to ensure armed and unarmed members of the licensee's security organization remain capable of performing their assigned duties necessary for implementing the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section II, subsection E, state:

Requalification—Security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with the NRC-approved licensee training and qualifications plan. The results of requalification must be documented and attested by a licensee security supervisor. The licensee shall retain this documentation of each individual's requalification as a record for three years from the date of each requalification.

The purpose of the annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section IV, subsection D, state:

Requalification—Individuals shall be weapons requalified at least every 12 months in accordance with NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.

The purpose of annual weapons requalification requirements is to ensure that armed individuals in the licensee's security organization maintain weapons proficiency in support of the licensee's physical protection program.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection B.5.(a), states:

At least annually, armed and unarmed individuals shall be required to demonstrate the capability to meet the physical requirements of this appendix and the licensee training and qualification plan.

The purpose of the physical requalification requirements is to ensure armed and unarmed members of the licensee's security organization remain capable of performing their assigned duties necessary for implementing the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), state:

Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least one (1) tactical response drill on a quarterly basis and one

(1) force-on-force exercise on an annual basis. Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization.

The purpose of the quarterly tactical drills and the annual licensee-conducted force-on-force (FOF) exercise is to ensure that the site security force maintains its contingency response readiness. Participation in these drills and exercises also supports the requalification of security force members.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection D.2.(a), state:

Armed and unarmed individuals shall be requalified at least annually in accordance with the requirements of this appendix and the Commission-approved training and qualification plan.

The purpose of the initial and annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section IV.D states:

Requalification—Individuals shall be weapons requalified at least every 12 months in accordance with the NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(c), state:

The licensee shall conduct annual firearms familiarization training in accordance with the Commission-approved training and qualification plan.

The purpose of the annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities to effectively handle and use firearms to perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f), states:

Armed members of the security organization shall participate in weapons range activities on a nominal four (4) month periodicity. Performance may be conducted up to five (5) weeks before, to five (5) weeks after, the scheduled date. The next scheduled date must be four (4) months from the originally scheduled date.

The purpose of the weapons range activity is to ensure that armed individuals in the licensee's security organization maintain weapons proficiency in support of the licensee's physical protection program.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a), state:

Armed members of the security organization shall be re-qualified for each assigned weapon at least annually in accordance with Commission requirements and the Commission-approved training and qualification plan, and the results documented and retained as a record.

The purpose of annual weapons requalification requirements is to ensure that armed individuals in the licensee's security organization maintain weapons proficiency in support of the licensee's physical protection program.

On January 31, 2020, the U.S. Department of Health and Human Services declared a Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) for the United States. Subsequently, the Centers for Disease Control and Prevention (CDC) issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19.

NSPM's application dated June 25, 2020, as supplemented by letter dated July 14, 2020, stated the following:

- These temporary exemptions support the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the COVID-19 virus.
- These exemptions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- Regarding Section I, subsection E; Section II, subsection E; Section IV, subsection D; and Section VI, subsections B.5.(a), C.3.(l)(1), D.2.(a), E.1.(c), E.1.(f), and F.5.(a), NSPM will maintain a list of the names of individuals who will not meet the requalification requirements and will include the dates of their last qualification.
- Regarding Section I, subsection E, and Section VI, subsection B.5.(a), NSPM has established measures to ensure security personnel self-report any condition that could impact their ability to perform duties as a member of the security organization.
- Regarding Section VI, subsection C.3.(l)(1), NSPM will ensure contingency response readiness of security personnel not participating in a quarterly drill or an annual FOF exercise, or both, by conducting a scenario-based tabletop exercise or a limited-scope drill, and will complete the FOF exercise, within the time period in this request, when isolation restrictions are ended.
- Regarding Section II, subsection E; Section IV, subsection D; and Section VI, subsections D.2.(a), E.1.(c), and F.5.(a), NSPM will conduct discussions regarding critical tasks necessary for performance of security duties as assigned and individual discussions regarding the fundamentals of marksmanship.
- Regarding Section VI, subsection E.1.(f), NSPM cannot complete the weapons range activity due to pandemic protective and safety measures (e.g., social distancing, wearing of personal protective equipment, staff rotation strategies, etc.) that are in place in order to protect the security force members and limit the potential and opportunities for the spread of COVID-19.

- Regarding Section VI, subsection E.1.(f), NSPM will hold discussions with security personnel that will outline the objectives of the weapons range activity that will not be conducted due to COVID-19 PHE.
- NSPM will begin implementing the site-specific COVID-19 PHE controls for managing personnel performing Security Program duties upon the NRC's approval of the temporary exemptions.

These temporary exemptions are specific to Monticello, Prairie Island, Units 1 and 2, and Prairie Island ISFSI security personnel who have previously demonstrated proficiency and are now currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Sections I, II, IV, and VI. NSPM also stated that because of the rigorous nature of NSPM's nuclear security personnel training programs, which consist of regularly scheduled training activities to include weapons training, contingency response drills and exercises, and demonstrated acceptable performance of day-to-day job activities (e.g., detection and assessment, patrols, searches, and defensive operations), it is reasonable to conclude that security personnel will continue to maintain their proficiency even though the requalification periodicity is temporarily exceeded. NSPM requested that the duration of the exemptions be in effect for 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's letter dated April 20, 2020, discussing planned activities related to the requirements for 10 CFR Part 73, Appendix B, Section VI, during the PHE (ADAMS Accession No. ML20105A483).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 that are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In accordance with 10 CFR 73.5, the NRC staff has reviewed the exemption request and finds that granting the proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that these exemptions are authorized by law.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption will not endanger life or property or the common defense and security. These exemptions only apply to Monticello, Prairie Island, Units 1 and 2, and Prairie Island ISFSI security personnel who have already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Sections I, II, IV, and VI. Based on the limited scope of these exemptions and the controls NSPM will implement for the duration of the exemptions, the NRC staff has reasonable assurance that the security forces at Monticello, Prairie Island, Units 1 and 2, and the Prairie Island ISFSI will maintain their proficiency and readiness to implement the licensee's protective strategies and adequately protect the sites. Therefore, the NRC staff concludes that the proposed exemptions would not endanger life or property or the common defense and security.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption is in the public interest. Participation in tactical response drills, FOF exercises, and annual requalification, including weapons familiarization and range activities, requires significant staff support and places site security personnel in close proximity to one another. Such proximity has the potential to increase the likelihood of security personnel being exposed to the COVID-19 virus. The NRC staff finds that the temporary

exemptions from requirements in 10 CFR Part 73, Appendix B, Section I, subsection E; Section II, subsection E; Section IV, subsection D; and Section VI, subsections B.5.(a), C.3.(I)(1), D.2.(a), E.1.(c), E.1.(f), and F.5.(a) would facilitate licensee implementation of practices recommended by the CDC to limit the spread of the COVID-19 virus. The NRC staff concludes that granting these temporary exemptions is in the public interest because they allow the licensee to maintain the required security postures at Monticello, Prairie Island, Units 1 and 2, and the Prairie Island ISFSI, while implementing practices recommended by the CDC to limit the spread of the COVID-19 virus.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemptions are sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because these exemptions do not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for protection against radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because these exemptions do not affect limits on the release of any radioactive material or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because these exemptions do not involve any changes to a construction permit and no significant increase in the potential for or consequences from radiological accidents because these exemptions do not alter any of the assumptions or limits in the facility licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR Part 73.5, these exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request to exempt Monticello and Prairie Island, Units 1 and 2, from 10 CFR Part 73, Appendix B, Section VI, subsections B.5.(a), C.3.(I)(1), D.2.(a), E.1.(c), E.1.(f), and F.5.(a) and the Prairie Island ISFSI from Section I, subsection E and Section II, subsection E and Section IV, subsection D.

These exemptions expire 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the Monticello and Prairie Island, Units 1 and 2, project manager, Robert Kuntz, at 301-415-3733 or by e-mail to Robert.Kuntz@nrc.gov.

Sincerely,

Craig G. Erlanger, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-263, 50-282,
50-306, and 72-010

cc: Listserv

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT, PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2, AND PRAIRIE ISLAND INDEPENDENT SPENT FUEL STORAGE INSTALLATION – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTIONS, I, II, IV, AND VI (EPID L-2020-LLE-0108 [COVID-19]) DATED JULY 22, 2020

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