



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

December 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

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT – EXEMPTION FROM ANNUAL FORCE-ON-FORCE REQUIREMENT OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SUBSECTION VI.C.3(I)(1) (EPID L-2020-LLE-0174 [COVID-19])

Dear Mr. Conboy:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from a specific requirement of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” for Monticello Nuclear Generating Plant (Monticello) for calendar year (CY) 2020. This action is in response to the Northern States Power Company – Minnesota, doing business as Xcel Energy (the licensee), application dated October 30, 2020, as supplemented by letter dated December 14, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML20304A141 and ML20349A119, respectively (non-public, withheld under 10 CFR 2.390)) that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at Monticello.

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

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) 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 annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these exercises also supports the requalification of security force members.

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. On July 22, 2020 (ADAMS Accession No. ML20184A013), the NRC granted the licensee’s previous request for

temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1). That exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee conducted FOF exercises by December 31, 2020.

The licensee's application dated October 30, 2020, stated the following:

- The PHE has not ended and continues to impact the licensee's ability to conduct annual FOF exercises at Monticello.
- Approval of this exemption will continue to support the isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.
- Impacted security personnel continue to maintain proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope, because Monticello has continued to conduct the following training requalification requirements of Section VI of Appendix B to Part 73:
 - Quarterly tactical response drills (Tabletop drills, Timeline drills, and Limited-scope tactical response drills)
 - Annual firearms familiarization
 - Annual daylight qualification course
 - Annual night fire qualification course
 - On-the-job training
 - Annual physical examination
 - Weapons range activity (4-month periodicity)
 - Annual written exam
- In accordance with the approved temporary exemption, the licensee ensured contingency response readiness of impacted 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.

In its December 14, 2020, response to NRC staff's request for additional information, the licensee stated:

- The state of Minnesota Governor Executive Orders, the CDC guidelines, and company policies and practices that are in place at the time of this response to protect critical workers and mitigate the impacts of the ongoing pandemic do not allow for completing CY 2020 annual FOF exercises in accordance with Xcel Energy Security Drill and Exercise Program. Some examples include:
 - Social distance requirements cannot be maintained during many aspects of the performance of an FOF exercise. This includes the use of ballistic resistant enclosures (BRE) which are limited in size. Staffing BREs for FOF exercises would place personnel at risk by exceeding the room size capacity limits of the company pandemic mitigation protocols. In addition, wearing of face masks is

not a substitute for maintaining social distance per CDC definition and guidance of “close contact”.

- Monticello Security Forces are operating in “pods” to protect the Security Force Members and limit risk of both spread of the virus and impacts to maintaining sufficient/required staffing. Pods cannot be maintained during the conduct of an annual FOF exercise. Suspending the use of pods in order to conduct a FOF exercise would place both personnel and the ability to maintain required staffing levels at risk.

This exemption is specific to CY 2020 and Monticello security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that the proposed exemption is related only to the conduct of annual FOF exercises and does not change physical security plans or the defensive strategy; security personnel impacted by this request were qualified on all required tasks at the time of the PHE; impacted security personnel continue to maintain proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect the station against the design basis threat because the licensee has continued to conduct other security training requalification requirements; and security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the approved temporary exemption. Therefore, the licensee stated that granting the requested exemption will not endanger or compromise the common defense or security or safeguarding of Monticello. Additionally, the October 30, 2020, request identified site-specific actions listed above that continue to occur at Monticello to maintain contingency response readiness, consistent with the NRC staff’s October 13, 2020, letter (ADAMS Accession No. ML20273A117).

Pursuant to 10 CFR 73.5, “Specific exemptions,” the Commission may, upon application by any interested person or on its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions 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 Commission may grant an exemption from the regulations in 10 CFR Part 73 that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemption is 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. This exemption will only apply to licensee security personnel who are already satisfactorily qualified in accordance with the security requirements outlined in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that the licensee has or will implement to ensure contingency response readiness for the duration of the exemption, including continuing to conduct quarterly tactical response drills and other security requalification requirements, the NRC staff has reasonable assurance that the security force at Monticello will maintain its proficiency and readiness to implement the licensee’s protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemption 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. The NRC staff finds that the exemption from the annual FOF requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Monticello, while enabling the facility to continue to provide electrical power to the Nation.

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 this exemption is 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 this exemption does 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 this exemption does 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 this exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because this exemption does 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 73.5, the 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's request to exempt Monticello from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

T. Conboy

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If you have any questions, please contact the Monticello project manager, Robert Kuntz, at (301) 415-3733 or Robert.Kuntz@nrc.gov.

Sincerely,

David J. Wrona, Acting Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-263

cc: Listserv

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ADAMS Accession No.: ML20317A136

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DATE	12/17/2020	12/21/2020	12/22/2020

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