

**NUCLEAR REGULATORY COMMISSION**

**DOCKET NO. 030-05004**

**Notice of Consideration of Amendment Request to Decommission Northern States  
Power Company D.B.A. Xcel Energy Pathfinder Site at Sioux Falls, South Dakota, and  
Opportunity to Provide Comments and Request a Hearing**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of a license amendment request and opportunity to provide public comments and request a hearing. Notice of Public Meeting.

**DATES:** Comment must be sent by **[INSTRUCTION TO FEDERAL REGISTER: INSERT DATE 30 days FROM DATE OF PUBLICATION]**. A request for a hearing must be filed by **[INSTRUCTION TO FEDERAL REGISTER: INSERT DATE 60 days FROM DATE OF PUBLICATION]**. Public meeting will be held on August 31, 2004.

**FOR FURTHER INFORMATION CONTACT:** Chad Glenn, Project Manager, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-6722; fax (301) 415-5398; or email at [cjg1@nrc.gov](mailto:cjg1@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction:**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Byproduct Material License No. 22-08799-02 issued to Northern States Power Company D.b.a. Xcel Energy (the licensee), to authorize decommissioning of its Pathfinder Site in Minnehaha County, South Dakota, and to allow termination of this license.

On February 12, 2004, Xcel Energy submitted the Pathfinder Decommissioning Plan (DP) for NRC for review, approval, and incorporation by amendment in License 22-08799-02. A detailed NRC administrative review, documented in a letter to Xcel Energy, dated **July 16, 2004**, found the DP acceptable to begin a technical review.

If the NRC approves the DP, the approval will be documented in an amendment to NRC License No. 22-08799-02. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

## **II. Opportunity to Provide Comments**

In accordance with 10 CFR 20.1405, the NRC is providing notice to individuals in the vicinity of the site that the NRC is in receipt of a DP, and will accept comments concerning this decommissioning proposal and its associated environmental impacts. Comments with respect to this amendment should be provided in writing by **[INSERT DATE 30 days FROM DATE OF PUBLICATION]** and addressed to Chad Glenn, Project Manager, Mail Stop: T-7F27, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6722, fax number (301) 415-5398 or e-mail [cjg1@nrc.gov](mailto:cjg1@nrc.gov).

Because of possible disruptions in the delivery of mail to United States Government offices, it is requested that comments mailed also be transmitted to the Project Manager by means of facsimile transmission or by e-mail. Comments received after 30 days will be considered if practicable to do so, but only those comments received on or before the due date can be assured consideration.

### **III. Public Meeting**

A public meeting will be held in Minnehaha County, South Dakota, to solicit comments from individuals in the vicinity of the site and answer any questions about NRC's review of the DP for Xcel Energy's Pathfinder Site. The public meeting will be held August 31, 2004, on the 2<sup>nd</sup> Floor of the County Administration Building, 415 N. Dakota Avenue, Sioux Falls, South Dakota, 57104.

### **IV. Opportunity to Request a Hearing**

The NRC hereby provides notice that this is a proceeding on an application for a license amendment. In accordance with the general requirements in Subpart C of 10 CFR Part 2, as amended on January 14, 2004 (69 FR 2182), any person whose interest may be affected by this proceeding and who desires to participate as a party must file a written request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing.

In accordance with 10 CFR 2.302 (a), a request for a hearing must be filed with the Commission either by:

1. First class mail addressed to: Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemakings and Adjudications;
2. Courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention Rulemakings and Adjudications Staff between 7:45 a.m. and 4:15 p.m., Federal workdays;
3. E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or

4. By facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemakings and Adjudications Staff, at (301) 415-1101; verification number is (301) 415-1966.

In accordance with 10 CFR 2.302 (b), all documents offered for filing must be accompanied by proof of service on all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission, including:

1. The applicant, by delivery to [Insert Contact and Contact Information]; and,
  2. The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.
- Hearing requests should also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415-3725, or by e-mail to [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov).

The formal requirements for documents are contained in 10 CFR 2.304 (b), (c), (d), and (e), and must be met. However, in accordance with 10 CFR 2.304 (f), a document filed by electronic mail or facsimile transmission need not comply with the formal requirements of 10 CFR 2.304 (b), (c), and (d), if an original and two (2) copies otherwise complying with all of the requirements of 10 CFR 2.304 (b), (c), and (d) are mailed within two (2) days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.309 (b), a request for a hearing must be filed by **[INSERT DATE 60 days FROM THE DATE OF PUBLICATION]**.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address and telephone number of the requester;
2. The nature of the requester's right under the Act to be made a party to the proceeding;
3. The nature and extent of the requester's property, financial or other interest in the proceeding;
4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and
5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309 (b).

In accordance with 10 CFR 2.309 (f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;
2. Provide a brief explanation of the basis for the contention;
3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;
4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;
5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and
6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a

relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309 (f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as the application or other supporting documents filed by the applicant, or otherwise available to the petitioner. Contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309 (f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309 (g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

## **V. Further Information**

Documents related to this action, including the applications for renewals and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: ML040630549, which contains Xcel Energy's February 17, 2004 application for license amendment and the DP for the Pathfinder Site; ML041910319, which

contains the July 16, 2004 NRC acceptance review letter; ML041900197, which contains Attachment 1-4 to the Characterization Survey Report; and ML041960307, which contains the Final Status Survey design for the Pathfinder site. 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 (800) 397-4209 or (301) 415-4737, or by email to [pdrr@nrc.gov](mailto:pdrr@nrc.gov). These documents may also be examined, and/or copied for a fee, at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (First Floor), Rockville, MD 20852. The PDR is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays. Xcel Energy's amendment request and Pathfinder DP may also be examined at the Siouxland Libraries in Sioux Falls, South Dakota. To view this information at the Siouxland Libraries, request access to the "Pathfinder Decommissioning Plan" prepared by Xcel Energy, dated February 2004.

Dated at Rockville, Maryland, this 28<sup>th</sup> day of [July, 2004].

FOR THE NUCLEAR REGULATORY COMMISSION

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Daniel M. Gillen, Deputy Director  
Decommissioning Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
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