

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)

NORTHERN STATES POWER COMPANY)

Docket No. 72-18

(Goodhue County Independent)

Spent Fuel Storage Installation))

PETITION FOR LEAVE TO INTERVENE
OF THE PRAIRIE ISLAND INDIAN COMMUNITY

The Prairie Island Indian Community ("Community"), pursuant to the Nuclear Regulatory Commission's ("NRC") Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing, 81 Fed. Reg. 48959 (1996), hereby submits this **Petition for Leave to Intervene** in the above-captioned proceeding.

I.

The names, addresses and telephone numbers of the individuals to whom all correspondence and communications should be addressed on behalf of the Community are:

Lenor A. Scheffler
Joseph M. Paiement
Counsel for the Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089
(612) 385-2554

II.

The Community is a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934 (48 Stat. 984) located on Prairie Island in Minnesota. Community members living on the reservation reside next to the Northern States Power Company ("NSP") Nuclear Generating Facility and are impacted by the storage of nuclear waste at the site.

III.

NSP operates a regulated electric utility in Minnesota. NSP's regulated electric utility operations include an independent spent fuel storage facility (ISFSI), located on-site at NSP's Prairie Island Power Plant near Welch, Minnesota. The NRC previously granted NSP a license to store spent nuclear fuel in a dry cask storage system in up to 48 casks at the Prairie Island site.

IV.

Pursuant to Minnesota Statutes sections 116C.771 and 116C.80, NSP must file a license application with the NRC for an off-site ISFSI to be located in Goodhue County, Minnesota. On August 7, 1996, NSP filed an application for a materials license, under the provisions of 10 C.F.R. Part 72, to possess spent fuel and other radioactive materials associated with spent fuel storage in an off-site ISFSI located in Goodhue County, Minnesota.

V.

Under the Atomic Energy Act the NRC is directed to consider a request by any person whose interest may be affected to intervene as a matter of right. 42 U.S.C. § 2239 (a) (1). The Community's interests, including the health and safety of members living on

or near the reservation, will be directly and substantially affected by the outcome of this proceeding. The outcome will determine whether nuclear waste generated at Prairie Island may be moved away from the Community to another site located in Goodhue County. As an Indian tribe and neighbor of NSP on Prairie Island, the Community has a direct interest in this proceeding which cannot be adequately represented by any other party.

VI.

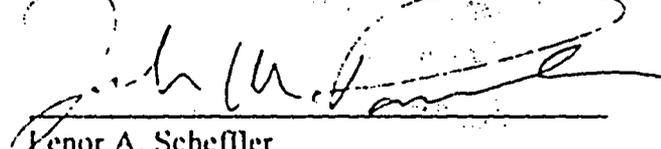
III. Petition for Leave to Intervene conforms to the requirements of 10 C.F.R. § 2.7145.

WHEREFORE, the Prairie Island Indian Community requests that the Nuclear Regulatory Commission accept and grant this Petition for Leave to Intervene and allow the Community to participate as parties to this proceeding.

Dated this 15th day of October, 1996.

Respectfully submitted,

THE PRAIRIE ISLAND INDIAN COMMUNITY



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