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11/11/96

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

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NORTHERN STATES POWER)
COMPANY)
(Goodhue County Independent)
Spent Fuel Storage Installation))

DOCKET NO. 72-18

NOTICE OF INTERVENTION AND MOTION TO INTERVENE
OF THE CITY OF RED WING

The City of Red Wing, pursuant to the September 9, 1996 Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing, 61 Fed. Reg. 48989 and 10 C.F.R. § 2.715(c), hereby submits to the Nuclear Regulatory Commission (hereinafter "NRC") their NOTICE OF INTERVENTION AND MOTION 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 City of Red Wing are:

Mr. George C. Hoff
HOFF, BARRY & KUDERER, P.A.
7901 Flying Cloud Drive
Suite 260
Eden Prairie, MN 55344-7914
Telephone: 612/941-9220

Mr. Steve Perkins
Council Administrator
CITY OF RED WING
P. O. Box 34, City Hall
Red Wing, MN 55066
Telephone: 612/385-3612

II.

The City of Red Wing is a Minnesota municipal corporation organized pursuant to Minnesota state law as a home rule charter city with all the powers and authority vested in municipal corporations in the state of Minnesota.

III.

The NRC is considering an application dated August 7, 1996, for a materials license, under the provisions of 10 C.F.R. Part 72, from Northern States Power Company ("NSP") to possess spent fuel and other radioactive materials associated with spent fuel storage in an off-site independent spent fuel storage installation ("ISFSI") located in Goodhue County, Minnesota. If granted, the license will authorize NSP to store spent fuel in a dry storage cask system at the off-site ISFSI which NSP proposes to construct and operate in Goodhue County, Minnesota. Pursuant to the provisions of 10 C.F.R. Part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to the issuance of the requested license, the NRC needs to conclude that issuance of the materials license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The Commission will complete an environmental evaluation in accordance

with 10 C.F.R. part 51 to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Finding of No Significant Impact are appropriate.

IV.

The Minnesota Environmental Quality Board (hereinafter "MEQB") asserts that under existing state law, a dry case storage facility cannot be sited in Goodhue County without a Certificate of Site Compatibility from the Minnesota Environmental Quality Board (hereinafter "MEQB"). As such, in July, 1995, NSP filed an application with the MEQB for a site certificate for an off-site independent spent fuel storage facility located in Goodhue County, Minnesota. A Certificate of Site Compatibility will only be issued if the site is comparable to the Independent Spent Fuel Storage Facility located on Prairie Island, Minnesota.

Upon NSP's application the MEQB established a Site Advisory Task Force to assist the MEQB in carrying out its administrative tasks in siting a dry cast storage facility in Goodhue County. On October 2, 1996, the MEQB determined that there is no comparable alternate site in Goodhue County because the transport of casks to any alternate site would make that site inferior to the Prairie Island site and therefore issued its Order denying NSP's request for a Certificate of Site Compatibility for the Goodhue County Spent Nuclear Fuel Storage Facility. On October 4, 1996, the MEQB formally requested NSP to withdraw its license application to the NRC for the Goodhue County Spent Nuclear Fuel Storage Facility. In

the event that NSP fails to withdraw its license application to the NRC, the Chair of the MEQB has the authority to intervene in the NRC proceedings to inform the NRC of the MEQB's denial of a siting permit, advise the NRC that implementation of a dry case storage facility in Goodhue County requires state approval, and request that the NRC immediately suspend or terminate its review of NSP's license application.

Minnesota law requires NSP to develop an off-site facility. The establishment of an off-site facility will clearly involve the transportation of dry casks to an alternative site. The MEQB has the authority to intervene in the NRC's proceedings in the above-entitled matter and may attempt to eliminate any transportation of dry casks to alternative sites. As such, the Independent Spent Fuel Storage Facility located on Prairie Island, Minnesota, may likely increase its onsite storage of nuclear fuel. This will have significant effects on the City of Red Wing.

V.

The City of Red Wing believes that the granting of the requested license has the potential for significant effects on the City of Red Wing and therefore seeks to intervene.

VI.

In support of its motion to intervene, the City of Red Wing states as follows:

VII.

The City of Red Wing has an interest in protecting the health and safety of its people, and the quality of its environment. The City of Red Wing, through the status given it as a Minnesota municipal corporation, represents Red Wing's residents and businesses who have interests which may be directly and substantially affected by the outcome of this proceeding.

VIII.

As a municipal corporation, the City of Red Wing has a direct interest in this proceeding which cannot be adequately represented by any other party. The participation of the City of Red Wing will be in the public interest.

IX.

Currently spent fuel and other radioactive materials associated with spent fuel are stored at the Prairie Island Power Plant which is located within the City of Red Wing. As such the City has a unique interest in the outcome of these proceedings.

NSP also has requested that the City of Red Wing provide first responder assistance in the event that the spent fuel and other radioactive materials associated with spent fuel storage are transported. The provision of such services will have an impact upon the City of Red Wing's resources and personnel. The City of Red Wing additionally believes that the granting of the requested

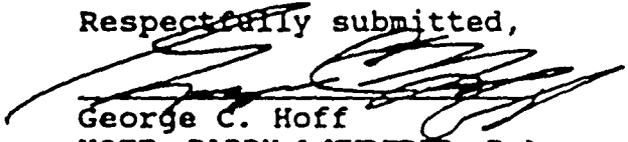
license has the potential for significant effects on the City of Red Wing's tax base.

X.

WHEREFORE, the City of Red Wing requests the Nuclear Regulatory Commission to accept and grant this intervention and allow the City of Red Wing to participate in this proceeding for the purpose of ensuring that a forum is created for full and open exchange of information between the NRC, NSP and the City of Red Wing.

Dated this 16th day of October, 1996.

Respectfully submitted,



George C. Hoff
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(612) 941-9220

ATTORNEY FOR THE CITY OF
RED WING

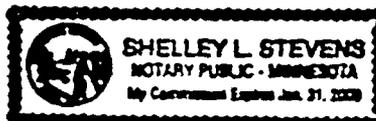
VERIFICATION

GEORGE C. HOFF, being first duly sworn, deposes and says that he is the attorney for the City of Red Wing, and that as such he has signed the foregoing NOTICE OF INTERVENTION AND MOTION TO INTERVENE, for and on behalf of said party; that he is authorized by the party to do so; that he has read said Notice and is familiar with the contents thereof; and that the matters and things set forth therein are true and correct to the best of his knowledge, information, and belief.

[Handwritten Signature]
GEORGE C. HOFF

Sworn to before me this 16th day of October, 1996.

[Handwritten Signature]
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that copies of the City of Red Wing's Notice of Intervention and Motion to Intervene was mailed, postage prepaid, this 16 day of October, 1996 to the Secretary of the Commission and the Office of General Counsel of the U.S. Nuclear Regulatory Commission and to Mr. Gary Johnson, Esq., Vice President, General Counsel, and Corporate Secretary of Northern States Power Company, Mpls., MN.

Dated at Eden Prairie, Minnesota, this 16 day of October, 1996.

[Handwritten Signature]
KIMBERLY E. KOZAR
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OFFICE
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