



72-18-15FSI

PRAIRIE ISLAND COALITION

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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Services Branch

OFFICE
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RE: Request By The Prairie Island Coalition For A Hearing, And
Petition By The Prairie Island Coalition For Leave To Intervene
In U.S. Nuclear Regulatory Commission Docket No. 72-18 Regarding
The Northern States Power Co. Application For A Materials License
For The Storage Of Spent Fuel In An Off-Site Independent Spent
Fuel Storage Installation Located In Goodhue County, Minnesota

Dear Secretary:

Petitioner Prairie Island Coalition (PIC) hereby requests a hearing for Nuclear Regulatory Commission (NRC) Docket 72-18, and leave to intervene in the materials license proceeding. A hearing is needed to determine site selection criteria, site suitability, and operating procedures for away-from-reactor independent spent fuel storage installations (ISFSI). A hearing is needed to prevent these guidelines, rules and regulations from being unilaterally determined by away-from-reactor ISFSI license applicants, without independent scientific or public scrutiny, and without considering health and environmental base-line conditions.

PIC will help NRC staff develop appropriate site selection, suitability, and operating requirements. PIC contends that the proposed license, based on existing applicant guidelines, is inimical to the common defense and security, and constitutes an unreasonable risk to public health and safety.

I. RIGHT OF PIC TO BE MADE A PARTY TO THE PROCEEDING UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED.

PIC is a coalition of 30 environmental, tribal, social justice, religious, safe-energy, business and community-based organizations created in 1990 to participate in public decision-making proceedings related to issues surrounding high-level nuclear waste produced by Northern States Power Co.'s (NSP) Prairie Island Nuclear Generating Station (PI). PIC represents people who live in Goodhue Co., site of the proposed facility, and along the proposed transportation route. Since 1990, PIC has been directly involved with the following public decision-making processes attached to PI spent fuel management:

- the Certificate of Need proceeding for the on-site Prairie Island ISFSI before the Minnesota Public Utilities Commission (MPUC);
- the successful court challenge to MPUC's authority to issue a Certificate of Need for 17 TN-40 spent fuel storage casks, which

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- led to the 1994 Minnesota law mandating a Goodhue County ISFSI that is the subject of NRC Docket No. 72-18;
- concerted involvement on PI nuclear waste storage issues during the 1994 Minnesota legislative session, and, as these issues have not been resolved, continuing to the present;
 - active engagement from 1994 to the present with the Minnesota Environmental Quality Board siting process associated with NRC Docket No. 72-18;
 - ongoing involvement with NRC proceedings including a pending 2.206 petition.

As evidenced by our history of involvement in proceedings leading up to NRC Docket No. 72-18, PIC is affected by this proceeding. These affects include potential rate and other economic impacts, potential liability impacts and potential radiation exposure impacts. Our concern over these impacts is increased by related matters such as the pending merger of NSP with Wisconsin Energy Corporation. Issues raised by restructuring and economic deregulation of the electric utility industry, and issues raised by recent Congressional attempts to amend the Nuclear Waste Policy Act.

PIC is affected by this proceeding, and has a long history of participation in proceedings leading up to this proceeding. PIC represents people who live in jurisdictions affected by this proceeding. PIC can contribute substantively to the record of this proceeding. PIC therefore has the right under the Act to be made a party to this proceeding, and under the provisions of the Act, must be made a party to it.

II. NATURE AND EXTENT OF PIC'S INTEREST IN THIS PROCEEDING.

PIC's interest in this proceeding stems from a long-standing interest in ensuring that high-level nuclear waste is managed as safely as possible, with as much social and economic equity as possible. Due to unresolved nuclear waste problems and problems with nuclear waste cask management, associated cask management cost and liability problems, and the relationship between cask storage and commercial nuclear operations, this proceeding has the potential to produce direct and dramatic affects in these areas of concern.

As this proceeding is processing the first away-from-reactor ISFSI application in the country, it may set national precedence regarding site selection and site characterization guidelines, goals and standards, and facility performance requirements. PIC's interest, therefore, is in establishing comprehensive and appropriate away-from-reactor ISFSI criteria, including producing an inventory of sites that meet established site characterization criteria, selecting sites according to established guidelines, goals and standards, and licensing facilities that meet established operational performance criteria. Of particular concern are criteria for:

- comprehensive public health and safety risk analysis and performance requirements, including base-line studies and analysis and criteria for risk factors stemming from inadequate security requirements and uncertainty regarding cask failure

- potential;
- safely unloading temporary storage casks and transportable casks;
 - training and experience of ISFSI facility personnel;
 - migration rates for radioactivity escaping the ISFSI;
 - emergency response capabilities and requirements;
 - preventative health, safety and environmental protection measures.

III. POSSIBLE EFFECT OF ANY ORDER THAT MAY BE ENTERED IN THIS PROCEEDING ON PIC'S INTEREST.

An Order that may be entered in this proceeding would result in the following affects that are not in Petitioner PIC's interest or in the interests of the general public, and that may contravene portions of 10 CFR Part 72:

- A. Siting a permanent ISFSI in the floodplain of the Mississippi River immediately adjacent to human habitation, without adequate emergency response capabilities, and without having developed appropriate base-line data or risk assessment, site selection, site characterization and facility operational criteria.
- B. Enabling NRC license applicants to unilaterally determine siting criteria for away-from-reactor ISFSIs without public or independent scientific scrutiny.
- C. Loading casks with irradiated fuel when there is no NRC tested and approved procedure for safely unloading them. Cask unloading problems were identified by NRC staff at a public NRC meeting on May 30, 1996. The potential need to unload casks is acknowledged in NSP's application at LA Appendix B, page TS-6.
- D. Creating the potential for unacceptable radiation exposure to the public during transportation of irradiated fuel to the proposed facility. Transportation issues should not be ignored just because NSP wants existing PI operating licenses to cover them.
- E. Operating a nuclear waste storage facility with inexperienced and untrained personnel. NRC has documented NSP's inability to adequately oversee TN-40 cask fabrication, which resulted in cask fabrication protocol violations. NRC has documented cask loading problems at Prairie Island, Point Beach and perhaps elsewhere.
- F. Shipping irradiated fuel from reactors other than PI to the proposed facility, most notably, from Point Beach after the NSP/Wisconsin Energy Corp. merger.
- G. Increasing the ability of terrorists to cause uncontrolled, cataclysmic radiological releases. Weapon systems capable of causing such effects were debated on the U.S. Senate floor when amendments to the Nuclear Waste Policy Act were considered.
- H. Preventing the jurisdiction of First Response in an emergency, Lake City, Minnesota, from having an opportunity to comment on the emergency response plan, as required by NRC regulations.

Petitioner PIC wishes to intervene regarding each of the above specific aspects of the subject matter of this proceeding, and contends that the material issues of fact as found by this proceeding will preclude the issuance of the materials license. Therefore, with the above stated rights and for the above stated purposes, Petitioner PIC hereby requests a hearing and petitions for leave to intervene in NRC Docket No. 72-18.

Respectfully Submitted,

George Crocker

George Crocker, Steering Committee
Prairie Island Coalition

Susan Johnson

Susan Johnson, Goodhue Co.
Prairie Island Coalition

cc Office of the General Council, U.S. NRC
Mr. Gary Johnson, Esq., NSP

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