

May 28, 2008

Mr. Dennis L. Koehl  
Vice President and Chief Nuclear Officer  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Mr. David M. Wilks  
Vice President and Officer  
Northern States Power Company - Minnesota  
414 Nicollet Mall  
Minneapolis, MN 55401

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY  
OPERATING LICENSES AND CONFORMING AMENDMENTS, AND  
OPPORTUNITY FOR A HEARING – PRAIRIE ISLAND NUCLEAR  
GENERATING PLANT (TAC NOS. MD8524 AND MD8525)

Dear Messrs. Koehl and Wilks:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Material License and Conforming Amendments and Opportunity for a Hearing" related to the application dated April 16, 2008, filed by Nuclear Management Company, LLC (NMC), and Northern States Power Company (NSPM).

The application, pursuant to Section 184 of the Atomic Energy Act of 1954, 10 CFR 50.80 and 10 CFR 72.50, requests an order consenting to the proposed direct transfer of operating authority for Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, and the PINGP Independent Spent Fuel Storage Installation (ISFSI) from NMC to NSPM. The application also requests, pursuant to 10 CFR 50.90 and 10 CFR 72.56, conforming amendments to Operating License Nos. DPR-42, DPR-60, and to Material License No. SNM-2506 for the ISFSI, to reflect NSPM as the licensed operator and to designate NSPM as the licensee authorized to use and operate Units 1 and 2, and the ISFSI, in accordance with the terms and conditions of the licenses.

Messrs. D. L. Koehl and D. M. Wilks            – 2 –

This notice is being forwarded to the Office of the *Federal Register* for publication.

Sincerely,

***/RA/***

Mahesh Chawla, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-282, 50-306, and 72-10

Enclosure:  
Federal Register Notice

cc w/encl: See next page

Messrs. D. L. Koehl and D. M. Wilks – 2 –

This notice is being forwarded to the Office of the *Federal Register* for publication.

Sincerely,

**/RA/**

Mahesh Chawla, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-282, 50-306, and 72-10

Enclosure:  
Federal Register Notice

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NAME	JPoole	MChawla	THarris	BMizuno	LJames JC for
DATE	5/14/08	5/15/08	5/15/08	5/20/08	5/28/08

**OFFICIAL RECORD COPY**

Prairie Island Nuclear Generating Plant,  
Units 1 and 2

cc:

Peter M. Glass  
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Minneapolis, MN 55401

Manager, Regulatory Affairs  
Prairie Island Nuclear Generating Plant  
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Manager - Environmental Protection Division  
Minnesota Attorney General's Office  
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U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
1719 Wakonade Drive East  
Welch, MN 55089-9642

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85 7th Place East, Suite 500  
St. Paul, MN 55101-2198  
Tribal Council  
Prairie Island Indian Community  
ATTN: Environmental Department  
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UNITED STATES NUCLEAR REGULATORY COMMISSION  
NUCLEAR MANAGEMENT COMPANY, LLC  
PRAIRIE ISLAND NUCLEAR GENERATING PLANT (PINGP), UNITS 1 AND 2, AND  
PINGP INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)  
DOCKET NOS. 50-282, 50-306 AND 72-10  
NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER  
OF FACILITY OPERATING LICENSES AND MATERIALS LICENSE AND CONFORMING  
AMENDMENTS, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and 10 CFR 72.50 approving the direct transfer of Facility Operating Licenses, which are numbered DPR-42 and DPR-60 for the Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2 and Material License No. SNM-2506 (the licenses) for the PINGP Independent Spent Fuel Storage Installation (ISFSI), to the extent currently held by Nuclear Management Company, LLC (NMC) as operator of PINGP Units 1 and 2, and PINGP ISFSI. The transfer would be to Northern States Power Company (NSPM), an Xcel Energy company, and current licensed owner of PINGP, Units 1 and 2 and PINGP ISFSI. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval dated April 16, 2008, filed by NMC, NSPM would acquire operating authority of the facilities following approval of the proposed license transfer, and would be responsible for the operation and maintenance of PINGP Units 1 and 2, and PINGP ISFSI. NMC would be integrated into the current NSPM organization which would combine the ownership and operating authority into a single organization.

No physical changes to the PINGP Units 1 and 2, or PINGP ISFSI facility or operational changes are being proposed in the application.

The proposed amendment would delete references to NMC, and authorize NSPM to operate PINGP and the PINGP ISFSI, and to receive, possess, or use related licensed materials under the applicable conditions and authorizations included in the licenses. This request to transfer operating authority and the conforming license amendments involve no change in plant ownership.

Pursuant to 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility, or to the license of an ISFSI, which does no more than conform the license to reflect the transfer action involves no significant hazards consideration, and no genuine issue as to whether the health and safety of the public will be significantly affected. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public

comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)-(viii).

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/ requestor must contact the Office of the Secretary by e-mail at

HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/ requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public website at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing

request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the “Contact Us” link located on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be

timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date. Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this license transfer application, see the application dated April 16, 2008, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from

the Agency wide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. 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 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland this 28<sup>th</sup> day of May 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Mahesh Chawla, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation