

OCT 28 1975

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Control Agency
1935 W. County Road, B2
Roseville, Minnesota 55113

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910 Seventeenth Street, N. W.
Washington, D. C. 20006

In the Matter of
Northern States Power Company
(Monticello Nuclear Generating Plant, Unit 1)
Docket No. 50-263

Dear Sandee and Jay:

Enclosed is a draft stipulation concerning the ALAP contentions in this proceeding. I have attempted to incorporate therein the major concerns of all of the parties. Please review as soon as possible and let me hear from you. I will be absent from the office most of the next two weeks. Please contact Myron Karman (who is on the same number as me) in my absence.

Sincerely,

SL

mk

Stephen H. Lewis
Counsel for NRC Staff

Enclosure
As Stated.

cc w/encl: Robert M. Lazo, Esq.
Dr. Richard F. Cole
Daniel L. Ficker, Esq.
Dr. Walter H. Jordan
Edward Luton, Esq.
Gerald Charnoff, Esq.
Arthur Renquist, Esq.
Howard J. Vogel, Esq.
Mr. Steve J. Gadler
Mr. Ken Dzugan
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
NORTHERN STATES POWER COMPANY) Docket No. 50-263
(Monticello Nuclear Generating)
Plant, Unit No. 1))

STIPULATION (Draft)

WHEREAS, the Nuclear Regulatory Commission (Commission) has recognized that the public interest may be served through the fair and reasonable settlement of contested issues in licensing proceedings (10 CFR §2.759);

WHEREAS, the Minnesota Pollution Control Agency (MPCA), an Intervenor in the captioned proceeding, has raised certain contentions with regard to whether or not the Monticello Nuclear Generating Plant will meet the Commission's "as low as practicable" criterion (10 CFR §§20.1(c), 50.34a, and 50.36a);

WHEREAS, litigation of these contentions has only been partially completed during evidentiary sessions in this proceeding held heretofore; and

WHEREAS, the Commission has now promulgated an Appendix I to 10 CFR Part 50 which sets forth numerical guides for limiting conditions for operation to meet the criterion "as low as practicable" (40 F.R. 19439, May 5, 1975); and

WHEREAS, in light of the promulgation of Appendix I, the parties recognize the desirability of stipulating to the further disposition of MPCA's "as low as practicable" contentions in this proceeding.

NOW, THEREFORE, MPCA (acting on behalf of itself and Steve J. Gadler, Minnesota Environmental Control Citizens' Association (MECCA), and the City of Saint Paul), Northern States Power Company (the Licensee), and the NRC Staff (Staff) DO STIPULATE THAT:

1. MPCA hereby withdraws Contentions II-17, II-18, II-26, and II-34, in consideration for the further stipulations set forth below;
2. The Commission shall issue the license amendment attached hereto (containing a new Technical Specification 2.4, pertaining to radiological releases from the facility);
3. In the event that the Licensee requests a change to the Technical Specifications pursuant to the provisions of Technical Specifications 2.4.2 and 2.4.4 (statements of

bases, pp. 2.4-4 and 2.4-19) the Commission shall, as a matter of discretion, issue a notice of opportunity for hearing thereon, pursuant to 10 CFR § 2.105;

4. At the time that the Licensee submits its implementation plan and proposed Technical Specifications, as required by Section V(B)(2) of Appendix I, the Commission shall, as a matter of discretion, issue a notice of opportunity for hearing thereon, pursuant to 10 CFR § 2.105. This STIPULATION shall terminate upon the issuance by the Commission of "Appendix I" Technical Specifications; and
5. This STIPULATION shall not be final and binding on the parties hereto until it has been approved by the Atomic Safety and Licensing Board

Stephen H. Lewis
Counsel for NRC Staff

Sandra S. Gardebring
Counsel for MPCA

Jay E. Silberg
Counsel for Licensee

Dated this day of

September 17, 1975

Sandra S. Gardebring, Esq.
Counsel for Minnesota Pollution
Control Agency
1935 W. County Road, B2
Roseville, Minnesota 55113

In the Matter of
Northern States Power Company
(Monticello Nuclear Generating Plant, Unit 1)
Docket No. 50-263

Dear Sandee:

Enclosed is a copy of NSP's revised Tech Spec 2.4 with revisions noted by marginal lines. These revisions were made by NSP in response to comments made by the Staff and MPCA. We believe that the revisions are responsive to the comments made, but would like to have your views in this regard. Please contact me as soon as you have had the opportunity to review this document to indicate MPCA's position. Time is of the essence, as these Tech Specs must be finalized before the end of the current outage, scheduled for approximately October 15, 1975.

Sincerely,

SL

Stephen H. Lewis
Counsel for NRC Staff

Enclosure
As Stated.

cc w/encl: Jay Silberg, Esq.

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June 9, 1975

Sandra S. Gardebring, Esq.
Counsel for Minnesota Pollution
Control Agency
1935 W. County Road, B2
Roseville, Minnesota 55113

In the Matter of
Northern States Power Company
(Monticello Nuclear Generating Plant, Unit 1)
Docket No. 50-263

Dear Sandee:

I am sending you the Staff's draft of the stipulation on ALAP issues. I hope that you have likewise sent me MPCA's draft. Assuming the versions are not far apart, we should be able to work out a mutually agreeable draft and approach Jay soon.

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Sincerely,

Stephen H. Lewis
Counsel for NRC Staff

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