

April 17, 1980

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
NORTHERN STATES POWER COMPANY)	
)	
Prairie Island Nuclear)	Docket Nos. 50-282
Generating Plant, Units 1)	50-306
and 2)	
)	
(Spent Fuel Pool Modification))	

NORTHERN STATES POWER COMPANY'S
 ANSWER TO STATE OF MINNESOTA'S
 REQUEST FOR HEARING AND PETITION
FOR LEAVE TO INTERVENE

On March 12, 1980, the Nuclear Regulatory Commission published in the Federal Register a notice of opportunity for hearing with respect to the application of Northern States Power Company (NSP) to expand the spent fuel storage capacity of NSP's Prairie Island Nuclear Generating Plant, Units 1 and 2. 45 Fed. Reg. 16056. The notice provided that any person whose interest may be affected by the proceeding could file a petition for leave to intervene by April 11, 1980.

In a filing dated April 9, 1980, the State of Minnesota requested that a hearing be held on NSP's application and that the State be permitted to intervene.

NSP does not take issue with the State's showing of interest, nor with its description of the aspects of the subject matter of the proceeding as to which the State wishes to intervene.

NSP respectfully requests that an Atomic Safety and Licensing Board be promptly appointed and that a special prehearing conference pursuant to 10 C.F.R. §2.751a be expeditiously scheduled, so that the filing of contentions and a ruling on the State's petition and contentions may take place at the earliest practical time.

One point raised in the State's petition needs to be addressed. After noting that administrative proceedings on the proposed spent fuel expansion are underway before state agencies, the State asks that the Nuclear Regulatory Commission not issue a license amendment until state proceedings have been completed. The State suggests no rationale for this proposal, nor does it cite any supporting authority. The Commission has on a number of occasions rejected similar suggestions. In Wisconsin Electric Power Co. (Koshkonong Nuclear Plant, Units 1 and 2), CLI-74-45, 8 AEC 928, 930 (1974), the Commission stated:

As a general rule it is the practice of the Commission to pursue its administrative procedures while other state and local proceedings are under way. Such a practice is hardly a waste of time; on the contrary, it is the efficient, economical and expeditious course.

See also, Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-171, 7 AEC 37, 39 (1974); Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-189, 7 AEC 410, 412 (1974); Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 748 (1977). The State's

suggestion must therefore be rejected.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Northern States Power Company's Answer to State of Minnesota's Request for Hearing and Petition for Leave to Intervene" were served by deposit in the United States mail, first class, postage prepaid, this 17th day of April, 1980, to the parties identified on the attached Service List.

Jay E. Silberg

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