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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUN 16 1980

Richard Ihrig, Esq.
Badger Safe Energy Alliance
875 Summit Avenue
St. Paul, Minnesota 55105

Dear Mr. Ihrig:

Your petition of August 15, 1979, on behalf of the Badger Safe Energy Alliance requested that the construction permit held by Northern States Power Company et al. for construction of the Tyrone Energy Park be revoked because of the licensees' stated decision to cancel the project. Your petition was noticed in the Federal Register on September 14, 1979 (44 FR 55256).

Enclosed is the Order which I have issued to Northern States Power Company, et al. today. The Order requires the licensees to Show Cause within twenty-five days why their license should not be revoked. If the licensees fail to show cause within the allotted time or consent to the entry of an order, an order will be issued revoking the construction permit. The licensees or any person who has an interest affected by the Order may request a hearing within the twenty-five days.

A copy of this grant of your petition will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D. C. 20555.

Sincerely,

A handwritten signature in cursive script, reading "Harold R. Denton".

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
As Stated

cc: NSPC

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

NORTHERN STATES POWER CO., ET AL.
(Tyrone Energy Park, Unit 1)

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Docket No. STN 50-484

ORDER TO SHOW CAUSE

I

Northern States Power Company, et al. is the holder of Construction Permit No. CPPR-157 which authorizes the construction of nuclear power reactor Unit 1 at the Tyrone Energy Park in Dunn County, Wisconsin. Construction Permit No. CPPR-157 was issued on December 27, 1977, and is due to expire on October 1, 1985.

II

On July 24, 1979, Northern States Power Co. et al. announced that the co-owners of the proposed facility had voted to cancel the project. By letter dated July 26, 1979, Arthur V. Dienhart, Vice-President of Northern States Power Company informed the Nuclear Regulatory Commission (hereinafter "Commission") of the decision to cancel the project. Mr. Dienhart stated that the co-owners concluded that the "consequences flowing from the denial of the project on March 6, 1979, by the Wisconsin Public Service Commission would prevent the project from being placed in service on a schedule required by projected needs for power". He requested the Office of Nuclear Reactor Regulation to terminate further action in this docket. By letter dated July 25, 1979, Thomas A. Baxter, Esq., Counsel for the Permittees, requested the Atomic Safety and Licensing Appeal Board to terminate the further proceedings which it had ordered in this docket.^{*/} The Commission has no information to indicate that the Licensees have any intent to renew construction at this

^{*/} By Order dated August 30, 1979, the Appeal Board terminated all proceedings involving the application to license construction of the facility and dismissed the case.

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facility in the future.

By petition dated August 15, 1979, the Badger Safe Energy Alliance requested the Director of Nuclear Reactor Regulation to institute a proceeding pursuant to 10 CFR §2.202 to revoke the above-described construction permit because of the Licensees' announced decision to cancel the project.

Section 103 of the Atomic Energy Act of 1954, as amended (hereinafter the Act) authorizes the Commission to issue licenses to persons who will use utilization facilities for industrial or commercial purposes and whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized. ^{*}/ The permit issued to Northern States Power Company, et al., pursuant to Section 103, was for the purpose of constructing a utilization facility. Section 186 of the Act provides that "any license may be revoked...because of conditions...which would warrant the Commission to refuse to grant a license on an original application..."

Construction of the Tyrone facility has now been cancelled. The holders of the permit issued to authorize its construction no longer propose to conduct activities which will serve a useful commercial purpose within the meaning of the Atomic Energy Act.

III

For the reasons set forth in Section II above, and pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT:

Northern States Power Company, et al. show cause, in the manner hereinafter provided, why construction permit No. CPPR-157 should not be revoked.

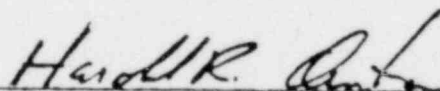
^{*}/ 42 U.S.C. §2133(a) & (b).

The Licensee may, within twenty-five (25) days of the date of this Order, file a written answer to this Order under oath or affirmation. The Licensee may consent to the entry of an Order in substantially the form proposed in the Order to Show Cause. If the Licensee fails to file an answer within the time specified, the Director of Nuclear Reactor Regulation will, without further notice, issue an Order to revoke the Construction Permit No. CPPR-157. The Licensee or any person whose interest may be affected by this Order may request a hearing within twenty-five (25) days of the date of the Order, setting forth with particularity the interest of the person in the proceeding and how that interest may be affected by the results of the proceeding. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, with a copy to the Executive Legal Director at the above address. If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of hearing.

In the event a hearing is requested, the issue to be considered at such hearing shall be:

Whether, on the basis of the Licensee's announced decision to cancel construction of the Tyrone Energy Park, Unit 1 facility, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 16th day of June, 1980.