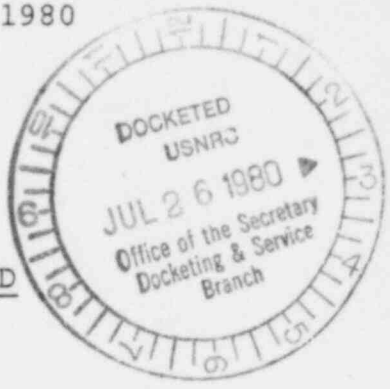
July 25, 1980



UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NORTHERN STATES POWER COMPANY'S RESPONSE TO "STATE OF MINNESOTA'S SUPPLEMENT TO ITS PETITION TO INTERVENE" AND "STATE OF MINNESOTA'S AMENDED CONTENTIONS 1 AND 2 AND WITHDRAWAL OF CONTENTION 3"

In its June 25, 1980 Notice and Order for Prehearing Conference, the Licensing Board directed Northern States Power Company ("Licensee") and the NRC Staff to respond to the "State of Minnesota's Supplement to Its Petition to Intervene", dated April 24, 1980.* The Supplement set forth three contentions which the State wished to litigate and reserved the State's right to modify, amend, add or delete contentions. On July 21, 1980, the State of Minnesota submitted its "Amended Contentions 1 and 2 and Withdrawal of Contention 3." Licensee submits the following response to the State's two remaining contentions as amended.

*On July 11, 1980 the Chairman of the Licensing Board granted an oral request to extend the response date from July 15, 1980 to July 25, 1980.

I. CONTENTION I

This contention would have the Licensing Board limit the number of spent fuel assemblies which could be stored at Prairie Island until the NRC had approved the insertion and withdrawal of a spent fuel shipping cask into Pool No. 1 (the smaller of the two spent fuel pools) while it contained spent fuel. The State's proposed limit, 1120 spent fuel assemblies, is the number which could be stored in Pool No. 2 with the proposed new storage racks.

Licensee objects to this contention on the ground of res judicata and collateral estoppel. The same issue was raised by the Minnesota Pollution Congrol Agency ("MPCA") and rejected by the atomic safety and license board in the licensing proceeding which culminated in the NRC's 1977 approval for the first expansion of the storage capacity of the Prairie Island spent fuel pools. Initial Decision, LBP-77-51, 6 NRC 265 (1977), aff'd ALAB-455, 7 NRC 41 (1978), remanded on other grounds sub nom. State of Minnesota v. NRC, 602 F.2d 412 (D.C. Cir. 1979). Since the same basic issue has been resolved in the earlier proceeding, and in the absence of any showing of new information warranting a second review, the contention should be rejected.

In the license amendment proceeding which authorized the initial reracking of the Prairie Island spent fuel pools, MPCA argued that NSP's authority to store spent fuel should be

limited to the number of spent fuel assemblies which could be stored in Pool No. 2 as reracked until such time as NRC had approved a change in Technical Specifications to allow a spent fuel shipping cask to be brought into and removed from Pool No. 1 while that pool contains spent fuel. MPCA's position is clearly set forth in the prepared testimony of its witness Dr. John Ferman (following Tr. 558 of 1977 hearing). The testimony set forth MPCA's argument as follows:

> The MPCA believes that, should the Commission authorize the proposed license amendment, it should expressly provide that no spent fuel assemblies may be permanently stored in Pool #1, lest the Applicant's future options for safe spent fuel management be further foreclosed.
>
> . . . .
>
> . . . [T]he MPCA strongly urges that the requested amendment must be clarified to clearly prohibit the discharge of any more than 555 spent fuel assemblies to the spent fuel storage pool, so that the Applicant will not be empowered to extort a repeal of Technical Specification 3.8.B.1 at a later date by discharging spent fuel which can be stored nowhere other than in Pool #1.

Professional Qualifications and Testimony of Dr. John W. Ferman, pp. 6-8, (original emphasis). The relevant portions of the Ferman testimony are attached hereto as Attachment A.

MPCA carried this argument forward in its proposed findings of fact in the 1977 proceeding, arguing that storage of no more than 555 spent fuel assemblies (the capacity of Pool No. 2 as

reracked) should be allowed until NRC had revised the Technical Specification to allow movement of a spent fuel cask into and out of Pool No. 1 while spent fuel was stored in that pool.

> The Applicant takes the position that the presently proposed amendment would authorize Prairie Island to store up to 687 spent fuel assemblies in the spent fuel storage pool, thus filling to capacity both compartments of the pool . . .. The Intervenor has taken the position that the existence of Technical Specification 3.8.B.1 requires the conclusion that the proposed amendment will authorize the storage of no more than 555 spent fuel assemblies (as opposed to a temporarily off-loaded core) at Prairie Island, and that no spent fuel may be permanently stored in Pool #1 if the amendment is granted. . ..
>
> 70. We believe, as does the Intervenor, that such a fundamental ambiguity with respect to the proposed amendment must be resolved. [Citation omitted]. We believe that, given the existence of Technical Specification 3.8.B.1, and as long as that provision is in existence, the Applicant's authority under the proposed amendment would be limited to the storage of 555 spent fuel assemblies (as opposed to a temporarily off-loaded core).

Intervenor Minnesota Pollution Control Agency's Proposed Findings of Fact, Conclusions of Law and Order, dated July 1, 1977, pp. 34-35 (original emphasis). Relevant portion of MPCA's proposed findings are attached hereto as Attachment B.

The atomic safety and licensing board considered MPCA's argument and rejected it. The relevant position of the Initial Decision states:

> Finally, Intervenor argues that Applicant should be prohibited from storing more than 555 spent fuel elements in the pool to prevent the necessity of a possible future amendment of Technical Specification 3.8.B.1 (Intervenor's Proposed Findings, paragraph 70). We do not see the relevance of this issue, which is based on speculation, to the instant proceedings.

LBP-77-51, 6 NRC at 292. MPCA did not appeal the licensing board's disposition of this issue, either to the Appeal Board or to the Court of Appeals.

The doctrines of res judicata and collateral estoppel apply in NRC licensing proceedings. Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), CLI-74-12, 7 AEC 203 (1974). See also Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-422, 6 NRC 33, 70 (1977); Toledo Edison Co. (Davis-Besse Nuclear Power Station, Units 1, 2 and 3), ALAB-378, 5 NRC 557, 561 (1977). The Appeal Board has defined the two related doctrines as follows:

> Res judicata comes into play in circumstances where (1) there has been a final adjudication of the merits of a particular cause of action, claim or demand by a tribunal of competent jurisdiction; and (2) one of the parties to that adjudication (or a person in privity with such party) subsequently seeks to advance or defeat the same cause of action, claim or demand in either (a) the same suit or (b) a separate suit involving the parties to the first action or their privies . . ..
>
> For its part, collateral estoppel does not require an identity between the two causes of action, demands or claims. It is enough that the issues of law or fact previously receiving final adjudication are the same as those being now

> asserted--and that that adjudication was by a tribunal empowered to consider and decide those issues. [Citation omitted]. Unlike res judicata, however collateral estoppel can serve to conclude only "those matters in issue or points controverted, upon the determination of which the [earlier] finding or verdict was rendered." [Citation omitted].

Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB-182, 7 AEC 210, 212-213 (1974). Although the doctrines were being examined in the Farley proceeding as they applied between construction permit and operating license proceedings, the same considerations warrant its application in the present situation--where the two proceedings involve amendments to operating licenses.

It is clear that all the elements needed for the application of res judicata and collateral estoppel are present in this case.

1. Final adjudication of a claim or demand. The 1977 proceeding resulted in a final adjudication of the claim that spent fuel storage should be limited to the capacity of Pool No. 2 until the NRC changed the Technical Specification which prohibited insertion of a shipping cask into Pool No. 1 while it contained spent fuel. The adjudication, which resulted in the licensing board's determination that the issue was irrelevant to the reracking of the spent fuel pools, was final since it was not raised on appeal.

The remand of the case by the Court of Appeals did not involve this issue and thus did not keep the disposition of this issue from being final. 1B Moore's Federal Practice, ¶0.409[1], p. 1002 ("to be final a judgment does not have to dispose of all matters in a proceeding").

2. Determination on the merits. The licensing board's resolution of MPCA's claim was clearly "on the merits" in that the decision was rendered on '"the real or substantial grounds of action or defense as distinguished from matters of practice, procedure, jurisdiction or form".' 1B Moore's Federal Practice, ¶0.409[1], p. 1003. That the licensing board's determination held the issue to be irrelevant to the reracking does not keep the determination from being "on the merits". Cf. Ellentuck v Klein, 570 F.2d 414 (2d Cir. 1978) (res judicata applies to dismissal of claim on the ground that no substantial constitutional question was directly involved, since such dismissal is tantamount to dismissal on the merits).

3. Tribunal of competent jurisdiction. The atomic safety and licensing board in the 1977 proceeding was certainly acting within its jurisdiction when it rejected MPCA's claim as irrelevant.

4. Privity of parties. The party raising the issue in 1977 was MPCA; in the current proceeding it is the

State of Minnesota. However, it would appear that in fact the parties are the same. In the State's filings of April 9, April 24 and July 21, 1980 in this proceeding, the petitioner is defined as "the State of Minnesota, by its Attorney General, Warren Spannaus, and its Pollution Control Agency (hereinafter 'State of Minnesota')". The same Special Assistant Attorney General represented MPCA and now represents the State. Even if MPCA and the State are not in fact the same party, they are clearly in privity with each other. MPCA and the State clearly represent the same interests. As stated by Professor Moore,

> a judgment adverse to X binds Y in another suit, if Y appears in that suit to represent the interest of the same beneficiary who was represented by X in the suit in which judgment was rendered. This is true whether the person whose interest was represented in the two suits is X, Y, or a third person.

1B Moore's Federal Practice, ¶0.411[1], p. 1255. Both the State and MPCA state that they represent the interest of the same "person", the citizens of Minnesota. "[O]ne whose interests were adequately represented by another vested with the authority of representation is bound by [a prior] judgment, although not formally a party to the litigation." Expert Electric, Inc. v Levine, 554 F.2d 1227, 1233 (2d Cir.), cert. den.

434 U.S. 903 (1977). Numerous cases have held that privity exists between various government agencies or levels of Government. See, e.g., U.S. v Candeleria, 271 U.S. 432 (1926); Lavasek v White, 339 F.2d 861 (10th Cir. 1965); Schrader v Selective Service System Loc. Bd. No. 76 of Wisc., 329 F.Supp. 966 (W.D.Wisc. 1971); McCrocklin v Fowler, 285 F.Supp. 41 (E.D.Wisc. 1968).

5. Same claim or demand. The issue which the State seeks to raise in this proceeding is identical to that which MPCA unsuccessfully raised in 1977. In both instances, the licensing board was asked to limit the number of spent fuel assemblies which could be stored at Prairie Island to the capacity of Pool No. 2. Although the absolute number differed (555 in 1977 vs. 1120 now), the absolute number was and is of no bearing. The issue is solely to limit storage to the capacity of Pool No. 2, regardless of what that capacity is.

6. Separate suit involving same parties or their privies. The 1977 and present proceedings are "separate suits." As discussed above MPCA and the State of Minnesota are either the same party or are privies.

7. Same issue of fact or law. If Contention 1 is not considered to be an "identical . . . claim or demand" to that resolved in 1977 (therefore making res judicata

inapplicable), it is certainly the same "issue of law or fact" (therefore making collateral estoppel applicable). In this case, it is probably a mixed issue of law and effect and is identical to the issue raised in 1977 for the reasons discussed in para. 3 above.

As the Commission and Appeal Board pointed out in Farley, res judicata and collateral estoppel must be "applied with a sensitive regard for any supported assertion of changed circumstances or the possible existence of some special public interest factors in the particular case . . .." CLI-74-12, 7 AEC at 203, quoting from ALAB-182, 7 AEC at 216 (emphasis added). Certainly, the State has yet to point out any changed circumstances or special public interest factors. The State does of course have the opportunity to respond to the res judicata/collateral estoppel issue, as called for in Farley, 7 AEC at 204, before the Licensing Board rules on the issue. The most appropriate opportunity would be at the prehearing conference itself.

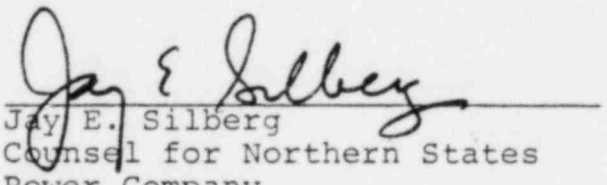
Pending that response, it is Licensee's position that Contention 1 raises an issue which was resolved by the atomic safety and licensing board in the 1977 proceeding. For the reasons set forth above, we believe that this Licensing Board should "not hesitate to give res judicata or collateral estoppel effect to [the 1977 licensing board's] findings 'to enforce repose'." Seabrook, ALAB-422, 6 NRC at 70.

II. CONTENTION 2

Licensee does not object to Contention 2.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By 

Jay E. Silberg
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Power Company

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(202) 331-4100

Dated: July 25, 1980

ATTACHMENT A

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
NORTHERN STATES POWER COMPANY	)	DOCKET NOS. 50-282, 50-306
	)	
(Prairie Island Nuclear Generating Plant, Units 1 and 2)	)	Amendment to License Nos. DPR-42 and DPR-60 (Increase Spent Fuel Storage Capacity)
	)	

PROFESSIONAL QUALIFICATIONS AND
TESTIMONY OF
DR. JOHN W. FERMAN

My name is John W. Ferman. I am currently employed as a Graduate Engineer II in the Division of Water Quality of the Minnesota Pollution Control Agency (MPCA). In this position, I am responsible for the technical side of the MPCA's involvement in nuclear energy matters. I review all incoming documents and correspondence from Northern States Power Company and from the United States Nuclear Regulatory Commission relative to the Prairie Island, Monticello and Tyrone nuclear generating plants, and I also provide technical input for the MPCA's participation in licensing proceedings.

I hold the following academic degrees, all from the University of Minnesota: Bachelor of Science, 1951; Bachelor of Metallurgical Engineering, 1951; Master of Science, 1958 (Major: Physical Metallurgy; Minor: Physical Chemistry);

including such possible methods as reducing base load power, irradiating fuel to higher burnups, and instituting conservation and power pricing incentives to reduce demand.

The MPCA believes that, should the Commission authorize the proposed license amendment, it should expressly provide that no spent fuel assemblies may be permanently stored in Pool #1, lest the Applicant's future options for safe spent fuel management be further foreclosed. The Applicant claims that the amendment would authorize it to discharge and store a total number of 687 spent fuel assemblies to the pool--including 132 spent fuel assemblies in Pool #1--presumably followed by continued operation of the two reactors. Technical Specification 3.8.B.1 prohibits the movement of any heavy object, such as a shipping cask, over Pool #1 at any time when it contains stored fuel. In MPCA Interrogatory 11(a), the MPCA asked the Applicant whether it agreed that the proposed amendment would limit the storage of spent fuel (as opposed to a temporarily off-loaded core) to 555 assemblies, due to Technical Specification 3.8.B.1. The Applicant's response was: "No. However, amendment of the license might then be necessary to permit shipment of spent fuel off-site." The Applicant has thus asserted that the proposed amendment will empower it to fill both Pool #2 and Pool #1 to capacity with spent fuel, presenting the Commission and Intervenor MPCA with two choices: either to delete a Technical Specification which was originally adopted for safety reasons, or allow the 687

spent fuel assemblies and any additional assemblies contained in the reactors to remain on site indefinitely.

The NRC Staff has indicated that it does not agree that the amendment will authorize the Applicant to proceed in such an irresponsible manner. In response to MPCA Interrogatory 13(a), the NRC Staff stated that the spent fuel (as opposed to a temporary core off-load) storage capacity pursuant to the requested amendment would be 555 assemblies. The NRC Staff's Environmental Evaluation (April 18, 1977), however, proceeds on the assumption that the Applicant's view of the amendment is the accurate one. For example, the Environmental Evaluation at page 5 declares that "[t]he modification would provide storage for up to seventeen normal refuelings", a statement which is only accurate if the amendment authorizes the discharge of at least 680 spent fuel assemblies (as opposed to a temporarily off-loaded core). Moreover, the Environmental Evaluation consistently refers to an added capacity which will be sufficient to hold 489 more spent fuel assemblies than the presently authorized capacity of 198 spent and off-loaded fuel assemblies. See Environmental Evaluation at pages 2, 14, 15 and 19. Similarly, the Environmental Evaluation at page 6 declares that the amendment would allow spent fuel to be stored for an additional six years without shipment offsite.

In light of the FSAR's discussion of possible cask dropping accidents over Pool #1, which I will address shortly, the MPCA

strongly urges that the requested amendment must be clarified to clearly prohibit the discharge of any more than 555 spent fuel assemblies to the spent fuel storage pool, so that the Applicant will not be empowered to extort a repeal of Technical Specification 3.8.B.1 at a later date by discharging spent fuel which can be stored nowhere other than in Pool #1. This approach would have the added value of helping the Applicant to preserve the ability to off-load a full core in the future in accordance with the efficient management practice which it has frequently mentioned in its motions to expedite this proceeding.

Contention 18

The MPCA has raised questions about the adequacy of various plant systems to handle the added decay heat due to added spent fuel storage. Behind each such question is a thermal source term which should be addressed first.

In Section 4.2 of the Design Report (November 24, 1976) Applicant states that the decay heat load is 16.88×10^6 BTU/Hr. when the Spent Fuel Pool (SFP) contains 641 fuel assemblies, 121 of which are a recently off-load core. Applicant states that NRC Standard Review Plan Section 9.2.5 (SRP) was used to derive the decay heat fractions for 33,000 MWD/MTU burnup fuel.

SRP provides guidance in Branch Technical Position APCSB 9-2 for the computation of decay heat power. The MPCA notes that the cumulative reactor operating time (t_o), the time after reactor

ATTACHMENT B

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NUCLEAR REGULATORY COMMISSION

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In the Matter of	)	
	)	
NORTHERN STATES POWER COMPANY	)	DOCKET NOS. 50-282, 50-306
	)	
(Prairie Island Nuclear Generating Plant, Units 1 and 2)	)	Amendment to License Nos. DPR-42 and DPR-60 (Increase Spent Fuel Storage Capacity)
	)	

INTERVENOR MINNESOTA POLLUTION CONTROL AGENCY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

I. FINDINGS OF FACT

A. ALTERNATIVES TO THE PROPOSED ACTION

Contention 1.D

> The National Environmental Policy Act requires consideration of all alternatives for managing the spent fuel in the short term, including, inter alia, the alternatives of: enforcing existing contractual obligations for removal of spent fuel from the pool; establishing new contractual arrangements with existing off-site storage facilities to secure removal of spent fuel from the pool; cooperatively financing an off-site storage pool to be shared with other nuclear power plants; and expanding the physical area of the existing storage pool.

1. The National Environmental Policy Act, 42 U.S.C. §4321 et seq., requires the Commission to consider alternatives to the Applicant's proposed modification of the spent fuel storage pool at Prairie Island. In that regard, 42 U.S.C. §4332 provides, in relevant part:

> The Congress authorizes and directs that, to the fullest extent possible . . .
> (2) all agencies of the Federal Government shall ---
>
> . . . . . .

belief that Technical Specification 3.8.B.1. did not prohibit the movement of a rack over a compartment containing stored fuel, because such an activity would not be "fuel handling". Id. at 533. Finally, after an evening recess in the hearing, Mr. Vincent testified on redirect examination that it had always been Applicant's understanding that Technical Specification 3.8.B.1. prohibits the movement of any heavy object over a compartment containing stored fuel, including racks and shipping casks, irrespective of whether the activity might be characterized as a fuel handling operation. Id. at 540-41. Mr. Vincent's frequent changes in his interpretation of that technical specification, for whatever reason, do not give us confidence in the ability of administrative controls to preclude the movement of a shipping cask over Pool #1 while it contains stored fuel.

69. Our confidence in the reliability of that administrative control is further undermined by the Applicant's interpretation of Technical Specification 3.8.B.1. insofar as it relates to the scope of authority which would be granted in the proposed amendment. The Applicant takes the position that the presently proposed amendment would authorize Prairie Island to store up to 687 spent fuel assemblies in the spent fuel storage pool, thus filling to capacity both compartments of the pool. Vincent Tr. 392, 393; Applicant's Response to Intervenor's Interrogatory 11(a), incorporated in Ferman Testimony (Contention 1.D) at 6-7. The Applicant has taken this position even though its own witness conceded that he is aware of no way that shipment of spent fuel from the site could

then take place without amendment of Technical Specification 3.8.B.1. Vincent Tr. 394. The Intervenor has taken the position that the existence of Technical Specification 3.8.B.1. requires the conclusion that the proposed amendment will authorize the storage of no more than 555 spent fuel assemblies (as opposed to a temporarily off-loaded core) at Prairie Island, and that no spent fuel may be permanently stored in Pool #1 if the amendment is granted. Ferman Testimony (Contention 1.D) at 6-7. While the NRC Staff indicated in its response to Intervenor's Interrogatory 13(a) that it agreed with the Intervenor's interpretation of the proposed amendment (id. at 7; Clark Tr. 764-65), the NRC Staff witness at the hearing testified that Applicant's interpretation was the correct one. Clark Tr. 764.

70. We believe, as does the Intervenor, that such a fundamental ambiguity with respect to the proposed amendment must be resolved. Ferman Testimony (Contention 1.D) at 7-8. We believe that, given the existence of Technical Specification 3.8.B.1., and as long as that provision is in existence, the Applicant's authority under the proposed amendment would be limited to the storage of 555 spent fuel assemblies (as opposed to a temporarily off-loaded core). Only under such an interpretation will shipment of spent fuel from the site without an extorted amendment of Technical Specification 3.8.B.1. be possible.

71. Finally, our confidence in the efficacy of the administrative control with respect to shipping cask movements is further undermined by the fact that the NRC Staff did not recognize, until late in these proceedings, that the installation and removal of

the protective cover involved in the proposed activity will require a one-time amendment of Technical Specification 3.8.B.1. Grotenhuis Tr. 902-03. The recognition that the technical specification would be violated by the proposed activity was not made until after the issuance of the Staff's Safety Evaluation. Id.

72. The Applicant asserts in its proposed findings of fact that it is not necessary to "positively preclude" the movement of a shipping cask over Pool #1 at all times when that pool contains stored fuel, and declares that the Commission need find only that there is reasonable assurance that there will be no such movement of a shipping cask. Applicant's Proposed Findings at 48-49. It is true that the ultimate standard of safety is one of reasonable assurance, but it does not follow that the Commission need only be reasonably assured that particular events will not take place. In many instances, the Commission may conclude that there can be no reasonable assurance of safety without a finding that a particular event is positively precluded. We note, for example, that the possibility of moving a shipping cask over Pool #2 is positively precluded by the design of the auxiliary building crane. Lantz Testimony (Contention 28-31) at 2; Lantz Tr. 872. Until such time as the NRC Staff has chosen to fully analyze the potential consequences of a cask dropping accident while Pool #1 contains stored fuel, we cannot be reasonably assured of safety unless the movement of a shipping cask over

the pool is virtually precluded from happening by means of something other than the administrative control now relied on by the Applicant.

G. REQUIREMENT OF AN ENVIRONMENTAL IMPACT STATEMENT

Contention 1

> Approval of the proposed license amendments would be a major action of the Commission significantly affecting the quality of the human environment. The National Environmental Policy Act of 1969 requires the preparation of an environmental impact statement before the licenses can be amended.

73. If the proposed amendment is granted, the Applicant will dispose of approximately 330 cubic feet of radioactively contaminated scrap in the form of the old racks. Staff's Environmental Evaluation at 9. As noted in Findings 21 through 24, supra, there is a considerable chance that the racks to be installed pursuant to the proposed amendment will themselves have to be discarded in the early 1980's, assuming that the Applicant can, in fact, substitute poisoned racks at that time. Should this occur, the Applicant would once more be disposing of radioactively contaminated scrap, this time in the amount of approximately 65 tons. Vincent Tr. 272; Ferman Testimony (Contention 1.D) at 5. The environmental effects flowing from the such disposal of racks now and in the early 1980's may be significant; in the absence of an environmental impact statement addressing such effects, we are unable to conclude that they are not significant.

74. As noted in Findings 27, 28 and 30, supra, the activity of modifying the spent fuel storage pool pursuant to the proposed amendment would involve the generation of an unquantified amount

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	)	50-306
(Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2)	)	
	)	
(Spent Fuel Pool Modification)	)	

NOTICE OF APPEARANCE

The undersigned, being an attorney at law in good standing admitted to practice before the Courts of the District of Columbia and the Courts of the State of New Jersey hereby enters his appearance as counsel on behalf of Northern States Power Company in proceedings related to the above-captioned matter.

Jay E. Silberg
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036
202-331-4100

Dated: July 25, 1980

July 25, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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	)	
(Spent Fuel Pool Modification)	)	

NOTICE OF APPEARANCE

The undersigned, being an attorney at law in good standing admitted to practice before the Courts of the District of Columbia hereby enters her appearance as counsel on behalf of Northern States Power Company in proceedings related to the above-captioned matter.

Deborah L. Bernstein

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Dated: July 25, 1980

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UNITED STATES OF AMERICA

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	)	
(Spent Fuel Pool Modification)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Northern States Power Company's Response to 'State of Minnesota's Supplement to its Petition to Intervene' and 'State of Minnesota's Amended Contentions 1 and 2 and Withdrawal of Contention 3'" and "Notice of Appearance" of Jay E. Silberg and "Notice of Appearance" of Deborah L. Bernstein were served by deposit in the United States mail, first class, postage prepaid, this 25th day of July, 1980, to all parties on the attached Service List.

Jay E. Silberg

Dated: July 25, 1980

UNITED STATES OF AMERICA

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