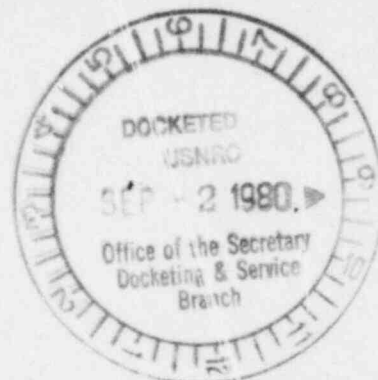


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



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)

STATE OF MINNESOTA'S MOTION TO HOLD
PROCEEDINGS OF THE LICENSING BOARD IN ABEYANCE
PENDING MINNESOTA POLLUTION CONTROL AGENCY'S
CONSIDERATION OF PROPOSED SETTLEMENT

The State of Minnesota hereby moves the Atomic Safety and Licensing Board (Licensing Board) to hold its proceedings in the above-captioned matter in abeyance until September 23, 1980. This motion is made on the grounds set forth below and is supported by the Affidavit of Louis J. Breimhurst, attached hereto.

I. GROUNDS FOR THE MOTION

On August 6, 1980, a prehearing conference was held in the above-captioned proceeding in St. Paul, Minnesota. At the prehearing conference, the counsel for the parties to this proceeding, Northern States Power Company ("NSP"), the Nuclear Regulatory Commission Staff ("NRC Staff") and the State of Minnesota, by its Attorney General and its Minnesota Pollution Control Agency ("Minnesota"), advised the Atomic Safety and Licensing Board ("Licensing Board") that NSP had proposed a settlement agreement which, if adopted by the parties, would result in the withdrawal of the request for hearing in this case.

Counsel for the NRC Staff stated that the agreement would be acceptable to the NRC Staff. Counsel for Minnesota stated that they would recommend the agreement to their clients for adoption.

Counsel for Minnesota further stated that the Minnesota Pollution Control Agency Board ("MPCA Board") would be meeting on August 26, 1980, at which time the settlement would be presented to the MPCA Board for its consideration. The Licensing Board determined that it would take no further action in this proceeding pending action by the MPCA Board.

The proposed settlement was presented to the MPCA Board on August 26, 1980. (See Affidavit of Louis J. Breimhurst, August 28, 1980. Only six of the MPCA Board's nine members were present.

(Id.) Following a lengthy discussion of this matter, the following resolution was introduced by motion of one of the MPCA Board members:

Following discussion, Ms. Watson moved that the Minnesota Pollution Control Agency remain in the hearing and continue to pursue Contentions I and II and not accept the proposed agreement.

(Id.) This motion was seconded and voted upon. Four members of the MPCA Board voted in favor of the resolution and two members voted against it. (Id.) Under the MPCA's Rules of Procedure, Minn. Rule MPCA 3(b)(5)(v), an affirmative vote of a majority of all of the members is needed to make any decision. In the event a

matter receives less than five votes, the rule requires that the matter shall be placed on the agenda of the next regular monthly meeting or considered at a special meeting.

The MPCA Board's next regular monthly meeting will be held on September 23, 1980, at which time the proposed settlement will again be presented to the MPCA Board for its consideration. (Id.) Because there is a possibility that the MPCA Board will approve the proposed settlement, it is reasonable to hold this proceeding in abeyance pending the September MPCA Board meeting.

II. CONCLUSION

Based on the foregoing, the State of Minnesota hereby moves that the Licensing Board take no further action in this proceeding pending action by the MPCA Board at its September 23, 1980, meeting.

Respectfully submitted

Dated: August 28, 1980

WARREN SPANNAUS

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