## 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, Unit Nos. 1 and 2)

(Spent Fuel Pool Modification)

NRC STAFF RESPONSE TO MOTION OF STATE OF MINNESOTA TO DEFER LICENSING BOARD ACTION UNTIL SEPTEMBER 23, 1980

The State of Minnesota has moved the Licensing Board to defer all action in this proceeding until September 23, 1980 when a settlement agreed to by the NRC Staff, Applicant, and Staff of the Minnesota Pollution Control Agency (MPCA), will be presented to MPCA. The Staff supports the State's motion.

The State's motion asserts that the MPCA did not take final action of acceptance or rejection of the proposed settlement at its last meeting held on August 26, 1980, and that such settlement will again be considered at the MPCA's next meeting, September 23, 1980. The Staff of the MPCA supports the settlement, which, if accepted, would obviate this proceeding. Delay in Licensing Board action until September 23, 1980 will not delay the Staff's review of the requested amendment to the facility's technical specifications. Settlement, in the Staff's view, is preferable to administrative litigation. Therefore, the NRC Staff supports defering any action in this administrative proceeding until September 23, 1980.

Respectfully submitted,

Charles A. Barth Counsel for NRC Staff

8009110 023

Dated at Bethesda, Maryland this 8th day of September, 1980

# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## BEFORE THE ADDMIC SAFETY AND LICENSING BOARD

In the Matter of

NORTHERN STATES POWER COMPANY

Docket Nos. 50-282 50-306

(Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2)

(Spent Fuel Pool Modification)

### CERTIFICATE OF SERVICE

I hereby certify that copies of "LAC STAFF RESPONSE TO MOTION OF STATE OF MINNESOTA TO DEFER LICENSING ROTAD ACTION UNTIL SEPTEMBER 23, 1980" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 8th day of September, 1980:

Robert M. Lazo, Esq., Chairman\* Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David L. Hetrick Professor of Nuclear Engineering University of Arizona Tucson, Arizona 85721

Dr. Quentin J. Stober Fisheries Research Institute University of Washington Seattle, Washington 98195

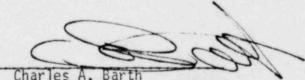
Jay E. Silberg, Esq. Counsel for Northern States Power Company 1800 M Street, N.W. Washington, D.C. 20036

Docketing and Service Section\* Office of the Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Joseph D. Bizzano, Jr. Northern States Power Company 414 Nicollet Mall Minneapolis, Minnesota 55401

Marlene E. Senechal, Esq. Special Assistant Attorney General Jocelyn F. Olson, Esq. Special Assistant Attorney General Minnesota Pollution Control Agency 1935 W. County Road B2 Roseville, Minnesota 55113

Atomic Safety and Licensing Board Panel\* U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Atomic Safety and Licensing Appeal Panel\* U.S. Nuclear Regulatory Commission Washington, D.C. 20555



Charles A. Barth Counsel for NRC Staff