
UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

NORTHERN STATES POWER)
COMPANY)

DOCKET NOS. 72-10, 50-282/306

NOTICE OF INTERVENTION AND MOTION TO INTERVENE
OF THE MINNESOTA DEPARTMENT OF PUBLIC SERVICE
AND THE ENVIRONMENTAL QUALITY BOARD

The Minnesota Department of Public Service and the Environmental Quality Board (the Minnesota Agencies), pursuant to the October 19, 1990 Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for Hearing, 55 F.R. 42527 and 10 CFR 2.714, hereby submit to the Nuclear Regulatory Commission (NRC) their **NOTICE OF INTERVENTION AND MOTION TO INTERVENE** in the above-captioned proceeding.

I.

The names, addresses and telephone numbers of the individuals to whom all correspondence and communications should be addressed on behalf of the Minnesota Agencies are:

MARY JO MURRAY
Special Assistant Attorney General
1100 Bremer Tower
Seventh Place at Minnesota Street
Saint Paul, Minnesota 55101
Telephone: 612/296-8115

GRETCHEN SABEL
Minnesota State Planning Agency
300 Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: 612/297-4025

WILLIAM GRANT
Minnesota Department of Public Service
790 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Telephone: 612/297-1773

II.

The Minnesota Environmental Quality Board (MEQB) is Minnesota's principal forum for discussing environmental issues, providing the public an opportunity for direct input into the development of the Minnesota's environmental policy. The MEQB is an independent decision-making body staffed by the State Planning Agency. The state's Environmental Review (EIS), Critical Areas, and Power and Plant Siting Programs are administered by the MEQB.

The Minnesota Department of Public Service is the administrative agency within the State of Minnesota responsible for enforcing state laws regulating public utilities and for enforcing orders of the Minnesota Public Utilities Commission. The Department is charged by state law to represent the interests of Minnesota residents, businesses, and governments before agencies outside the state that implement national energy policy.

III.

The NRC is considering an application dated August 31, 1990 from Northern States Power Company (NSP) for a materials license under the provisions of 10 CFR part 72, to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in the City of Red Wing, Minnesota. If granted, the license will authorize NSP to store spent fuel from the Prairie Island Nuclear Generating Plant, Units 1 and 2 in dry storage casks at an ISFSI to be constructed at NSP's Prairie Island Nuclear Generating Plant site. The term of the license for the ISFSI would be for twenty (20) years.

Prior to the issuance of the requested license, the NRC needs to conclude that issuance of the materials license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The Commission will complete an environmental evaluation in accordance with 10 CFR part 51 to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Finding of No Significant Impact are appropriate.

IV.

The Minnesota Agencies believe that granting of the requested license has the potential for significant effects on the State of Minnesota and therefore seek to intervene.

V.

In support of its motion to intervene, the Minnesota Agencies state as follows:

VI.

Through its agencies, Minnesota has an interest in protecting the health and safety of its people, and the quality of its environment. The Minnesota Agencies, through the status given it as regulators and representatives of Minnesota residents, businesses, and governments, represents citizens who have interests which may be directly and substantially affected by the outcome of this proceeding.

VII.

As state regulatory agencies, the Minnesota Agencies have direct interest in this proceeding which cannot be adequately represented by any other party. The participation of the Minnesota Agencies will be in the public interest.

VIII.

In January of 1990, the MEQB was designated as the Responsible Governmental Unit for the preparation of a discretionary Environmental Impact Statement (EIS) on the proposed dry cask storage facility for spent nuclear fuel rods at the Prairie Island Nuclear generating Plant. In May of 1990, the MEQB issued a decision setting the scope of the EIS. Issues raised through public comment in the scoping process include potential environmental impacts of the proposed project,

monitoring of the stored fuel, and security for the dry cask ISFSI. The state of Minnesota has continued concerns in this area.

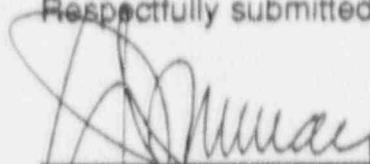
Preparation of the EIS is now underway. Public meetings on the draft EIS will be held in December of 1990, and written comments will be accepted during the comment period now expected to close in January, 1991. Until the Draft EIS is complete and public comments received, possible issues relating to the proposed project will not be known.

IX.

WHEREFORE, the Minnesota Agencies request the Nuclear Regulatory Commission to accept and grant this intervention and allow the Agencies to participate as parties to this proceeding for the purpose of ensuring that a forum is created for full and open exchange of information between the NRC, NSP, and the Minnesota Agencies. The Minnesota Agencies further request that any federal hearing or action on the license application be taken no sooner than February of 1991 to allow time for the state actions described in paragraph VIII above to be completed and for the subsequent preparation of the required supplement to this petition listing any contentions which are sought to be litigated.

Dated this 16th day of November, 1990.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary Jo Murray", written over a horizontal line.

MARY JO MURRAY
SPECIAL ASSISTANT ATTORNEY GENERAL
1100 BREMER TOWER
SEVENTH PLACE AND MINNESOTA STREET
SAINT PAUL, MINNESOTA 55101
TELEPHONE: 612/296-8115

ATTORNEY FOR THE MINNESOTA AGENCIES

VERIFICATION

FILED
USNHC

MARY JO MURRAY, being first duly sworn, deposes and says that she is an attorney for the Minnesota Agencies, and that as such she has signed the foregoing NOTICE OF INTERVENTION AND MOTION TO INTERVENE, for and on behalf of said party; that she is authorized by the party so to do; that she has read said Notice and is familiar with the contents thereof; and that the matters and things set forth therein are true and correct to the best of her knowledge, information, and belief.

NOV 19 11:21

SECRETARY
SERVICE

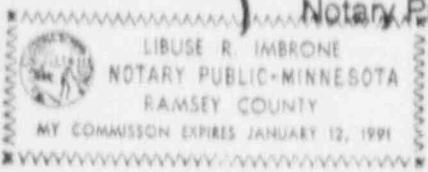
Mary Jo Murray

MARY JO MURRAY

Sworn to before me this 16th day of November, 1990.

Libuse R. Imbrone

Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing document upon the Secretary and the General Counsel of the Nuclear Regulatory Commission, and on Gerald Charnoff of Shaw, Pittman, Potts and Throwbridge.

Dated at Saint Paul, Minnesota, this 16th day of November, 1990.

Robin Garcia

ROBIN GARCIA
Minnesota Department of Public Service
790 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Telephone: 612/296-3301

Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitions shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing.

The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant or a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert Pierson: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pitman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated June 27, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Maude Preston

Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 12th day of October 1990.

For the Nuclear Regulatory Commission
Robert Pierson,

Director, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-24714 Filed 10-18-90; 8:45 am]

BILLING CODE 7530-01-M

[Docket Nos. 72-10, 50-282/306]

Northern States Power Co.; Notice of Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated August 31, 1990, for a materials license, under the provisions of 10 CFR part 72, from Northern States Power Company (the applicant or NSP) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in the City of Red Wing, in Goodhue County, Minnesota. If granted, the license will authorize the applicant to store spent fuel from the Prairie Island Nuclear Generating Plant Units 1 and 2 in dry storage casks at an ISFSI to be constructed at the applicant's Prairie Island Nuclear Generating Plant site (Operating Licenses DPR-2013 and 2014). Pursuant to the provisions of 10 CFR part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to issuance of the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental evaluation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Finding of No Significant Impact are appropriate. This action will be the subject of a subsequent notice in the Federal Register.

Pursuant to 10 CFR 2.105 and 2.1107, by November 19, 1990, the licensee may file a request for a hearing; and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the subject materials license in accordance with the provisions of 10 CFR 2.714. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Board up to 15 days prior to the holding of the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner

shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard E. Cunningham, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC, 20037, attorney for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions,

supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides notice that this proceeding concerns an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Capacity at Civilian Nuclear Power Reactors," (published at 50 FR 41662, October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and § 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, and hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral

argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application dated August 31, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room at the Technology & Science Department, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The Commission's license and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Rockville, Maryland, this 12th day of October, 1990.

For the Nuclear Regulatory Commission
Charles J. Haughney,
Chief, Fuel Cycle Safety Branch, Division of
Industrial and Medical Nuclear Safety Office
of Nuclear Material Safety and Safeguards.
[FR Doc. 90-24716 Filed 10-18-90; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: Notice of correction of form number for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY: In notice document 90-23529 on page 40974 in the issue of Friday, October 5, 1990, under "Summary of Proposal(s), Item (2) Form(s) submitted," correct R1-231-F to RL-231-F.

Dennis Egan,
Clearance Officer.

[FR Doc. 90-24645 Filed 10-18-90; 8:45 am]

BILLING CODE 7906-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2460]

California; Declaration of Disaster Loan Area

Mariposa County and the contiguous counties of Madera, Merced, Stanislaus, and Tuolumne in the State of California constitute a disaster area as a result of damages caused by wildfires which began on August 9 and continued through August 20, 1990. Applications for loans for physical damage as a result

of this disaster may be filed until the close of business on December 7, 1990 and for economic injury until the close of business on July 5, 1991 at the address listed below:

Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853-4795.

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	6.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	9.250
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 246005 and for economic injury the number is 714500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 5, 1990.

Susan Engoleiter,

Administrator.

[FR Doc. 90-24686 Filed 10-18-90; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, public meeting scheduled for 10 a.m., on Tuesday, October 16, 1990, at the Capital Hotel, 111 W. Markham, Little Rock, Arkansas, has been canceled.

For further information, write or call Donald L. Libbey, District Director, U.S. Small Business Administration, 321 W. Capitol, Suite 601, Little Rock, Arkansas 72201, phone (501) 376-5871.

Dated: October 12, 1990

Veronica De Nardo,

Acting Director, Office of Advisory Councils.

[FR Doc. 90-24683 Filed 10-18-90; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IX Advisory Council, located in the geographical area of Fresno, will hold a public meeting at 9 a.m. on Wednesday, November 7, 1990, at the Fresno District Office, 2719 N. Air Fresno Drive, Suite 107, Fresno, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Peter J. Bergin, District Director, U.S. Small Business Administration, 2719 N. Air Fresno Drive, Suite 107, Fresno, California 93727, phone (209) 487-5791.

Dated: October 12, 1990.

Veronica De Nardo,

Acting Director, Office of Advisory Councils.

[FR Doc. 90-24684 Filed 10-18-90; 8:45 am]

BILLING CODE 8025-01-M

REGION I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, will hold a public meeting at 8:30 a.m. on Monday, November 26, 1990, at the Days Inn, 900 East Main Street, Meriden, Connecticut, to discuss such matters as may be presented by members, staff of the small Business Administration or others present.

For further information, write or call Michael P. McHale, District Director, U.S. Small Business Administration, 330 Main Street, Hartford, Connecticut 06106, telephone (203) 240-4670.

Dated: October 12, 1990.

Veronica De Nardo,

Acting Director, Office of Advisory Councils.

[FR Doc. 90-24685 Filed 10-18-90; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Albuquerque, public meeting scheduled for 9 a.m., on Friday, October 26, 1990, at SEA Office, 625 Silver SW., Suite 320, Albuquerque, New Mexico, has been canceled.

For further information, write or call Tom W. Doweil, District Director, U.S. Small Business Administration, 625 Silver SW., Suite 320, Albuquerque, New Mexico 87102, phone (505) 766-1902 or FTS 474-1902.