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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of
NORTHERN STATES POWER COMPANY
(Monticello Nuclear Generating
Plant, Unit 1)

Docket No. 50-263
Amendment to License No. DPR-22
(Increase Spent Fuel Storage
Capacity)

MEMORANDUM AND ORDER

On September 19, 1977, the Nuclear Regulatory Commission (the Commission) published a "Notice of Consideration of Proposed Modification to Facility Spent Fuel Storage Pool" with respect to Northern States Power Company's (licensee's) Monticello Nuclear Generating Plant (the facility) (42 Fed. Reg. 46963). The proposed amendment to Provisional Operating License No. DPR-22 would authorize modification of the spent fuel storage pool to increase its capacity. The notice provided that any person whose interest may be affected by this proceeding may file a petition for leave to intervene in accordance with the Commission's Rules of Practice in 10 CFR Part 2.

On October 17, 1977, the Minnesota Pollution Control Agency (MPCA), an agency of the State of Minnesota, filed a timely request that the Commission hold a public hearing to consider Licensee's

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request for a license amendment to allow modification to the spent fuel storage pool to increase its capacity and petitioned for leave to intervene as a party in such a proceeding.

In its response, the licensee has stated that it does not object to MPCA's request for hearing. Similarly, the Commission's Regulatory Staff (the Staff) has stated its belief that the petition meets the requirements of 10 CFR §2.714 because Petitioner has demonstrated the requisite interest and at least one contention specified in the Petition has been set forth with reasonable specificity and with some basis assigned for it.

Upon consideration of the ~~the~~ aforementioned filings, this Board which has been designated to rule on petitions for leave to intervene concludes that a hearing is warranted and that Petitioner, Minnesota Pollution Control Agency, should be admitted as a party. MPCA's Petition provides sufficient assertion of its interest and in contention 8 as set forth identifies a specific aspect of the subject matter of the proceeding as to which it wishes to intervene. Therefore, the Board hereby grants the petition for leave to intervene filed by MPCA [Northern States Power Co., Prairie Island Nuclear Generating Plant, Units 1 and 2, ALAB-107, 6 AEC 188, 194 (1973)]. However, it remains for Petitioner to establish to the satisfaction of the Hearing Board which is being established that genuine issues actually exist. If

that Board is not so satisfied, it may summarily dispose of the contentions on the basis of the pleadings (10 CFR §2.749).

A notice of hearing implementing this decision is appended to this Memorandum and Order as Attachment A.

Dr. Walter H. Jordan and Dr. Richard F. Cole, Members of the Board, join in this Memorandum and Order.

It is so ORDERED.

THE ATOMIC SAFETY AND LICENSING
BOARD DESIGNATED TO RULE ON
PETITIONS FOR LEAVE TO
INTERVENE

Robert M. Lazo
Robert M. Lazo, Chairman

Issued at Bethesda, Maryland,
this 13th day of December, 1977.

Attachment:
As stated above

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

NORTHERN STATES POWER COMPANY

(Monticello Nuclear Generating
Plant, Unit 1)

Docket No. 50-263

Amendment to License No. DPR-22
(Increase Spent Fuel Storage
Capacity)

NOTICE OF HEARING ON AMENDMENT
OF FACILITY OPERATING LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulation, Part 50, "Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection" and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board) to consider the request of Northern States Power Company (the licensee) for an amendment to Provisional Operating License No. DPR-22 which currently authorizes Northern States Power Company to possess, use and operate the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota, at power levels up to 1670 megawatts (thermal). The proposed amendment would authorize replacement of the existing racks in the spent fuel storage pool of

the facility which have a capacity for storage of 740 fuel assemblies, with racks of a design capable of accommodating up to 2237 fuel assemblies in accordance with the licensee's letter dated August 17, 1977, and license amendment request dated September 12, 1977. Thereafter, the licensee would be permitted to operate the facility with this larger spent fuel storage capacity.

The hearing which will be scheduled to begin in the vicinity of the site of the Monticello facility will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Walter H. Jordan and Dr. Richard F. Cole, Members, and Robert M. Lazo, Esq., Chairman.

A notice entitled "Notice of Consideration of Proposed Modification to Facility Spent Fuel Storage Pool" was published by the Nuclear Regulatory Commission in the Federal Register on September 19, 1977 (42 Fed. Reg. 46963). The notice provided that by October 19, 1977, any person whose interest may be affected by this proceeding may file a petition for leave to intervene in accordance with the Commission's rules of practice in 10 CFR Part 2. A timely petition for leave to intervene was filed thereafter by the Minnesota Pollution Control Agency (MPCA), an agency of the State of Minnesota. Petitioner MPCA

was admitted as a party to the proceeding pursuant to the provisions of 10 CFR §2.714.^{*/}

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the Federal Register. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration, see the licensee's letter dated August 17, 1977, and related license amendment request dated September 12, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

^{*/}Memorandum and Order of the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, dated December 13, 1977.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than thirty (30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than twenty (20) days from the date of publication of this notice in the Federal Register.

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Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, ATTENTION: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR §2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD DESIGNATED
TO RULE ON PETITIONS FOR
LEAVE TO INTERVENE


Robert M. Lazo, Chairman

Issued at Bethesda, Maryland,
this 13th day of December, 1977.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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NORTHERN STATES POWER COMPANY) Docket No.(s) 50-263
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(Monticello Nuclear Generating)
Plant, Unit No. 1))
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this
14th day of Dec 1977.

Raymond A. Downing
Office of the Secretary of the Commission

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(Monticello Nuclear Generating)
Plant, Unit 1))
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SERVICE LIST

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