



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Robert M Lazo, Chairman
John C. Gever, Member
Walter H. Jordan, Member

In the Matter of)

NORTHERN STATES POWER COMPANY)

(Monticello Nuclear Generating Plant))

) Docket No. 50-263

MEMORANDUM AND ORDER

RULING ON PETITION FOR LEAVE TO INTERVENE

On February 13, 1974, the Atomic Energy Commission (the Commission) published in the Federal Register a Notice of Proposed Changes to Technical Specifications of Facility Operating License with respect to Northern States Power Company's (Applicant) Monticello Nuclear Generating Plant (39 F.R. 5529). The proposed change in the technical specifications of Provisional Operating License No. DPR-22, would permit the use of a partial loading of 8 x 8 fuel (containing U-235), including a fuel assembly containing segmented test rods, and also would authorize changes to the limiting conditions for operations associated with fuel densification for the 8 x 8 and 7 x 7 fuels. The Applicant is presently

licensed to possess and operate its facility located in Wright County, Minnesota, at power levels up to 1670 MWt using a full core of 7 x 7 fuel (containing U-235). The Notice provided that any person whose interest might be affected by the proceeding may file a request for hearing and petition for leave to intervene.

On March 15, 1974, the Minnesota Pollution Control Agency (MPCA), an agency of the State of Minnesota, filed a timely request that the Commission hold a public hearing on the proposed change to Technical Specifications and petitioned for leave to intervene as a party in such a proceeding. Both the Applicant and Staff have urged that the petition for leave to intervene be granted.

On March 21, 1974, Petitioner, by telegram, requested the Commission to defer ruling on its request for hearing and petition to intervene until Petitioner had an opportunity to review the Staff's Safety evaluation relating to 8 x 8 fuel assemblies. Subsequently, during a conference telephone call on April 15, 1974, counsel for MPCA, the Regulatory Staff and the Applicant, advised the Chairman of the Atomic Safety and Licensing Board (the Board) established to rule on petitions for leave to intervene

in the instant proceeding, that an agreement had been reached whereby the request by MPCA for hearing on the proposed change in technical specifications would be withdrawn provided that the Board would permit the contentions asserted in that petition to be raised in the presently pending proceeding on the conversion of Applicant's provisional operating license for the Monticello plant to a full term operating license. A formal motion entitled "Withdrawal of Request for Hearing and Petition to Intervene" was filed by MPCA on April 16, 1974.

The Board hereby grants the motion by MPCA for withdrawal of its request for hearing and petition for leave to intervene and accepts the agreement entered into by MPCA, the Staff and the Applicant. Said agreement is further evidenced by a document dated April 16, 1974, to which neither the Staff nor Applicant has objected, entitled "Additional Contentions with Respect to 8 x 8 Fuel Assemblies," which MPCA has filed in the proceeding on the application for conversion of the Monticello provisional operating license to a full term operating license.

WHEREFORE, IT IS ORDERED, that in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, the petition of the Minnesota Pollution Control Agency (MPCA) for a hearing and for leave to intervene is withdrawn and no other petition having been filed, the proceeding designated in the Commission's February 13, 1974 notice of proposed changes to technical specifications of Provisional Operating License No. DPR-22, is dismissed.

FOR 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 30th day of April 1974.