



50-282

**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

June 27, 1997

Mr. Byron White, Secretary  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089

Dear Mr. White:

This letter acknowledges receipt of the Petition of May 28, 1997, in which the Prairie Island Indian Community requests that the U.S. Nuclear Regulatory Commission (NRC) take action to accomplish the following:

1. Determine that Northern States Power (the licensee) violated the requirements of Section 72.122(l) of Title 10 of the Code of Federal Regulations (10 CFR 72.122(l)) by using its Materials License No. SNM-2506 for an Independent Spent Fuel Storage Installation (ISFSI) prior to establishing conditions for safely unloading the TN-40 dry storage containers;
2. Suspend Materials License No. SNM-2506 for cause under 10 CFR 50.100 until such time as all significant issues in the unloading process, as described in the Petition, have been resolved, the unloading process has been demonstrated, and an independent third-party review of the TN-40 unloading procedure has been conducted;
3. Provide Petitioners an opportunity to participate in the reviewing of the unloading procedure for the TN-40 cask, hold hearings, and allow Petitioners to participate fully in these and any other procedures initiated in response to the Petition; and
4. Update the Technical Specifications for the Prairie Island ISFSI to incorporate mandatory unloading procedure requirements.

In support of your requests, you provided information related to the content of documents associated with the licensing of the Prairie Island ISFSI, the licensee's procedure for unloading a storage cask, NRC inspections related to the licensee's dry cask storage program, and statements made by the NRC staff during meetings and in correspondence.

Your Petition has been referred to me pursuant to 10 CFR 2.206. On the basis of a preliminary review of the requests and supporting information included in your Petition, I have determined that no immediate action by the NRC is required to address an imminent threat to the public health and safety. The potential safety significance is considered low and an immediate finding is not necessary since no cask operations (loading or unloading) are currently planned. If, at any time during the review of your Petition, the NRC staff determines that your concerns indicate the need for staff action, such action will be forthcoming. The legal and technical issues that you raise will be addressed in accordance with 10 CFR 2.206 and a response will be provided within a reasonable time.

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G PDR

**NRC FILE CENTER COPY**

Northern States Power Company

Prairie Island Nuclear Generating  
Plant

cc:

J. E. Silberg, Esquire  
Shaw, Pittman, Potts and Trowbridge  
2300 N Street, N. W.  
Washington DC 20037

Site Licensing  
Prairie Island Nuclear Generating  
Plant  
Northern States Power Company  
1717 Wakonade Drive East  
Welch, Minnesota 55089

Plant Manager  
Prairie Island Nuclear Generating  
Plant  
Northern States Power Company  
1717 Wakonade Drive East  
Welch, Minnesota 55089

Tribal Council  
Prairie Island Indian Community  
ATTN: Environmental Department  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089

Adonis A. Neblett  
Assistant Attorney General  
Office of the Attorney General  
455 Minnesota Street  
Suite 900  
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Philip A. Gartner, Esq.  
Gartner & Shulman, Ltd.  
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120 West Center  
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U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
1719 Wakonade Drive East  
Welch, Minnesota 55089-9642

Mr. Roger O. Anderson, Director  
Licensing and Management Issues  
Northern States Power Company  
414 Nicollet Mall  
Minneapolis, Minnesota 55401

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, Illinois 60532-4351

Mr. Jeff Cole, Auditor/Treasurer  
Goodhue County Courthouse  
Box 408  
Red Wing, Minnesota 55066-0408

Kris Sanda, Commissioner  
Department of Public Service  
121 Seventh Place East  
Suite 200  
St. Paul, Minnesota 55101-2145

B. White

For your information, I have enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed a pamphlet on the public petition process. Mr. William Reckley of my staff has been assigned to lead the review of your petition. Please feel free to contact him at (301) 415-1314 if you have questions regarding the petition process or other matters pertaining to your petition.

Sincerely,

Original signed by F.J. Miraglia for:

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket Nos. 50-282, 50-306, and 72-10

- Enclosures: 1. Notice
- 2. NRC Pamphlet, "Public Petition Process"

cc w/encls: See next page

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*DFoil*

NAME: G:\DRY-CASK\PI2206.ACK \*SEE PREVIOUS CONCURRENCE

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