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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED

87 MAY -1 P12:41

COMMISSIONERS:

Lando W. Zech, Jr., Chairman  
Thomas M. Roberts  
James K. Asselstine  
Frederick M. Bernthal  
Kenneth M. Carr

OFFICE OF THE  
DOCKETING CLERK  
WASHINGTON, D.C.

SERVED MAY -1 1987

In the Matter of

NORTHERN STATES POWER COMPANY  
(Prairie Island Nuclear  
Generating Plant, Units 1 & 2)

Docket Nos. 50-282  
50-306

NORTHERN STATES POWER COMPANY  
(Monticello Nuclear Generating  
Company)

Docket No. 50-263  
EA 86-164

ORDER

On October 20, 1986, the NRC Staff issued an Order to Northern States Power Company, directing the Licensee to show cause why its operating license should not be modified to prohibit the use of radios, tapes, television sets or other audible entertainment devices in the control rooms of the Prairie Island and Monticello nuclear facilities. A group of control room operators at Prairie Island and Local 160 of the International Brotherhood of Electrical Workers requested a hearing on the Order. The Order was not made effective pending the outcome of the hearing.

On February 18, 1987, the Commission issued an Order directing the NRC Staff to submit a detailed explanation of the health and safety basis for the Order. The Staff submitted its response on March 6, 1987.

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The Commission has reviewed the staff response and has determined that the proceeding should be dismissed. Therefore, the Commission sua sponte rescinds the Order and dismisses the proceeding.

Chairman Zech and Commissioner Carr disapproved this Order; their dissenting views are attached.

It is so ORDERED.

For the Commission\*



SAMUEL J. CHILK  
Secretary of the Commission

Dated at Washington, D.C.

this 1<sup>st</sup> day of May 1987.

\* Commissioner Asselstine was absent when this Order was affirmed. If he had been present he would have approved it. In order to allow the will of the majority to prevail, Chairman Zech did not participate in the formal vote of the Commission.

Chairman Zech and Commissioner Carr's dissenting views:

We disagree with this order. As we previously stated, we have seen no convincing argument as to why this enforcement action requires extraordinary Commission involvement. We would allow the enforcement process to take its normal course by assigning an Administrative Law Judge or Hearing Board to conduct the requested hearing.

In addition, we would observe that the proposed Commission Order shows a lack of Commission support for this staff action which we regard as a responsible one. The order, as drafted, fails to present a basis for this Commission action. The order does not point out any deficiency in the staff's submittal. We continue to believe that control room decorum, including the use of radios or other distractions, represents an important safety factor that should be considered by the Commission.