

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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PDR ADDCK 05000282
G PDR

Northern States Power Company

Prairie Island Nuclear Generating
Plant

cc:

J. E. Silberg, Esquire
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Washington DC 20037

Plant Manager
Prairie Island Nuclear Generating
Plant
Northern States Power Company
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Welch, Minnesota 55089

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Resident Inspector's Office
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Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4351

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

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

Site Licensing
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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

Philip A. Gartner, Esq.
Gartner & Shulman, Ltd.
P. O. Box 149
120 West Center
Lake City, MN 55041

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

B. White

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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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Docket File 50-282/306, 72-10 (w/original incoming)

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