

February 27, 2009

Administrative Judge
William J. Froehlich, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas J. Hirons
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Gary S. Arnold
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
NUCLEAR MANAGEMENT COMPANY, LLC
(Prairie Island Nuclear Generating Plant, Units 1 and 2)
Docket Nos. 50-282-LR and 50-306-LR; ASLBP No. 08-871-01-LR

Dear Administrative Judges:

Pursuant to the Atomic Safety and Licensing Board's February 18, 2009 Memorandum and Order (Prehearing Conference Call Summary and Initial Scheduling Order), slip op. at 2-3, and the telephone conference call held on February 5, 2009, the staff of the U.S. Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that a hearing file has been created for this proceeding. The hearing file includes materials required to be produced or disclosed pursuant to 10 C.F.R. § 2.1203, as well as the Staff's mandatory disclosures pursuant to 10 C.F.R. § 2.336(b)(1), (2), and (4), and § 2.336(c). Materials in the hearing file may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index containing the ADAMS accession number, date, and title or description of each item in the hearing file is appended hereto as Attachment 1.

The hearing file is available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: http://ehd.nrc.gov/EHD_Proceeding/home.asp. The hearing file will be contained in a sub-folder entitled, "Prairie Island Hearing File" in the "Prairie Island_1&2_50-282&50-306-LR" folder of the EHD.

The NRC Staff has identified reference and research material that support its review of the Prairie Island License Renewal Application. Those documents are disclosed in "Documents Identified Pursuant to 10 C.F.R. § 2.336(b)(3)," which is appended hereto as Attachment 2.

W. Froehlich
T. Hirons
G. Arnold

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February 27, 2009

Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is producing logs identifying documents withheld under the deliberative process privilege and the attorney client and the attorney work product privileges (Attachment 3). The Staff is also identifying documents containing proprietary or sensitive information or constituting confidential intergovernmental communications (Attachment 4). The Declaration of Brian E. Holian, which formally invokes the deliberative process privilege with respect to the documents identified in Attachment 3, is Attachment 5.

The Staff will preserve and maintain the privileged documents identified in these logs during the pendency of this proceeding.

Pursuant to 10 C.F.R. § 2.336(c), attached are the affidavits of Nathan E. Goodman and Richard A. Plasse, Jr., certifying that all relevant materials, identified by the Staff by February 18, 2009 and required by the regulation to be disclosed, have been disclosed and that the disclosures are accurate and complete. Mr. Goodman's and Mr. Plasse's affidavits are Attachments 6 and 7, respectively.

In its February 18, 2009, Memorandum and Order, slip op. at 3, the Board instructed the Staff to submit a report on February 27, 2009, to be updated on the last business day of each month thereafter, that provides the Staff's best estimate of the dates that it expects to issue the draft and final versions of Supplemental Environmental Impact Statement ("SEIS") and the Safety Evaluation Report. The draft and final SEIS are currently scheduled to be issued on June 11, 2009 and January 6, 2010, respectively. The Safety Evaluation, with open items, is currently scheduled to be issued on May 15, 2009 and the final Safety Evaluation Report is currently scheduled to be issued on October 22, 2009. In addition, the Board asked the Staff to report the dates that the Staff believes that the Advisory Committee on Reactor Safeguards ("ACRS") and its subcommittees will issue their respective letters or reports regarding the Prairie Island License Renewal Application. At this time, the Staff does not know when the ACRS or its subcommittees will issue their letters or reports. When the Staff obtains those dates, the Staff will provide that information in its monthly report.

Finally, the Board ordered the Staff to update the Milestones page on the Commission's web site regarding the Prairie Island License Renewal. The information on the Milesatones page is current as of this date.

Sincerely,

Beth N. Mizuno
Counsel for NRC Staff

W. Froehlich
T. Hirons
G. Arnold

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Enclosures: Hearing File Index
Documents Identified Pursuant to 10 C.F.R. § 2.336(b)(3)
Privilege Log - Deliberative Process,
Attorney/Client, and Attorney Work Product
Privilege Log - Proprietary, Sensitive Information,
And Intergovernmental
Declaration of Brian E. Holian
Affidavit of Nathan E. Goodman
Affidavit of Richard A. Plasse, Jr.

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
NUCLEAR MANAGEMENT COMPANY, LLC) Docket Nos. 50-282-LR/ 50-306-LR
)
(Prairie Island Nuclear Generating Plant) ASLBP No. 08-871-01-LR-BDOI
Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S LETTER TRANSMITTING HEARING FILE AND INITIAL DISCLOSURES; ATTACHMENT 1 (HEARING FILE INDEX); ATTACHMENT 2 (DOCUMENTS IDENTIFIED PURSUANT TO 10 C.F.R. § 2.336(b)(3)); ATTACHMENT 3 (PRIVILEGE LOG, DELIBERATIVE PROCESS, ATTORNEY/CLIENT AND ATTORNEY WORK PRODUCT); ATTACHMENT 4 (PRIVILEGE LOG, PROPRIETARY, SENSITIVE INFORMATION AND INTERGOVERNMENTAL); ATTACHMENT 5 (DECLARATION OF BRIAN E. HOLIAN); ATTACHMENT 6 (AFFIDAVIT OF NATHAN E. GOODMAN); ATTACHMENT 7 (AFFIDAVIT OF RICHARD A. PLASSE, JR.)" dated February 27, 2009, have been served upon the following by the Electronic Information Exchange, this 27th day of February, 2009:

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/Signed (electronically) by/

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