

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Gary S. Arnold
Dr. Thomas J. Hirons

In the Matter of

Northern States Power Co. (formerly
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-BD01

March 16, 2009

ORDER

(Granting Motion for Extension of Time to File Motions to Compel
and Directing Negotiations on Protective Order)

On March 13, 2009, Northern States Power Company (NSP) filed an unopposed motion requesting to extend until March 26, 2009, the deadline for any motions to compel related to the initial disclosures that were filed on March 9, 2009.¹ Pursuant to 10 C.F.R. § 2.323(a), any motion must be filed within ten days of the occurrence from which such motion arises. Consequently, any motion to compel related to the March 9 initial disclosures would be due on March 19. NSP's motion states however, that it and the Prairie Island Indian Community (PIIC) have scheduled a meeting on March 18 to discuss concerns. Therefore, with the concurrence of both the PIIC and the NRC Staff, NSP requests an additional week to try to reach an amicable resolution of disclosure issues.

¹ NSPM's Consent Motion for Extension (Mar. 13, 2009).

NSP and PIIC currently have pending before the Board competing motions for adoption of a protective order and a non-disclosure statement.² NSP and PIIC are directed to negotiate a mutually agreeable protective order and a non-disclosure statement and report to the Board no later than March 20, 2009 whether or not an agreement has been reached. If an agreement among the parties is not reached by March 20, 2009, the Board will issue a protective order and non-disclosure statement to be used in this proceeding. The parties are advised to negotiate the resolution of this issue.

For good cause shown, NSP's unopposed motion requesting an additional week, until March 26, 2009, to try to reach an amicable resolution of disclosure issues is GRANTED.

The parties are further directed to attempt to resolve their differences and propose to the Board a mutually agreed upon protective order and non-disclosure statement by close of business on March 20, 2009. Should the parties report to the Board that they were unsuccessful in these efforts, the Board will issue its own version of the protective order and non-disclosure statement to be used in this proceeding.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 16, 2009

² NSPM Motion for Protective Order and Non-Disclosure Agreement Regarding Proprietary Documents (Mar. 8, 2009); Prairie Island Indian Community's Motion for Protective Order and Non-Disclosure Agreement Regarding Proprietary Documents (Mar. 9, 2009).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
NORTHERN STATES POWER COMPANY)	
)	
)	Docket Nos. 50-282-LR
)	50-306-LR
(Prairie Island Nuclear Generating Plant,)	
Units 1 and 2))	
)	
(License Renewal))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING MOTION FOR EXTENSION OF TIME TO FILE MOTIONS TO COMPEL AND DIRECTING NEGOTIATIONS ON PROTECTIVE ORDER) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NOS. 50-282 AND 50-306-LR
LB ORDER (GRANTING MOTION FOR EXTENSION OF TIME TO FILE MOTIONS TO
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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 17th day of March 2009