

July 31, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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  
NORTHERN STATES POWER CO.  
(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 ("Licensing Board") 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 updated 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 added to the hearing file since the June 30, 2009, update to 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](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.

Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is producing logs identifying documents withheld under the deliberative process privilege ("Attachment 2"). On April 30, 2009, the parties agreed that documents withheld under the attorney client privilege or work product doctrine no longer needed to be logged. The Declaration of Travis L. Tate, Attachment 3,

formally invokes the deliberative process privilege with respect to the documents identified in Attachment 2.

The Staff will preserve and maintain the privileged documents identified in this log and its previously served logs during the pendency of this proceeding.

Pursuant to 10 C.F.R. § 2.336(c), attached is the affidavit of Nathan E. Goodman certifying that all relevant materials, identified by the Staff by July 17, 2009, and required by the regulation to be disclosed, have been disclosed and that the disclosures are accurate and complete. Mr. Goodman's affidavit is Attachment 4.

In its February 18, 2009, Memorandum and Order, slip op. at 3, the Board instructed the Staff to report, on the last business day of each month, 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. At this time, in light of the developments described in May's report, the Staff is unable to provide estimated dates of issuance for the draft SEIS and final SEIS. The Safety Evaluation, with open items, was issued on June 4, 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 Staff has updated the website; the information on the Milestones page is current as of this date with one exception. The website is currently being updated to show that ACRS Subcommittee meeting occurred on July 7, 2009.

Respectfully,

**/Signed (electronically) by/**  
Brian G. Harris  
Counsel for NRC Staff  
U.S. Nuclear Regulatory  
Commission  
Mail Stop O-15D21  
Washington, DC 20555-0001  
(301) 415-1392  
[brian.harris@nrc.gov](mailto:brian.harris@nrc.gov)

Enclosures: July 2009 Hearing File Index  
Privilege Log - Deliberative Process  
Declaration of Travis L. Tate  
Affidavit of Nathan E. Goodman

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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NORTHERN STATES POWER CO. ) Docket Nos. 50-282-LR/ 50-306-LR  
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(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; Attachment 1 (Hearing File Index); Attachment 2 (Privilege Log), dated July 31, 2009; Attachment 3 (Declaration of Travis L. Tate), dated July 29, 2009; Attachment 4 (Affidavit of Nathan E. Goodman), dated July 31, 2009, have been served upon the following by the Electronic Information Exchange, this 31<sup>th</sup> day of June, 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  
E-mail: [wjf1@nrc.gov](mailto:wjf1@nrc.gov)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop – O-16G4  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

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  
E-mail: [gxa1@nrc.gov](mailto:gxa1@nrc.gov)

Office of the Secretary  
Attn: Rulemakings and Adjudications Staff  
Mail Stop: O-16G4  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

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  
E-mail: [thomas.hirons@nrc.gov](mailto:thomas.hirons@nrc.gov)

David R. Lewis, Esq.  
Pillsbury, Winthrop, Shaw, Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1122  
[david.lewis@pillsburylaw.com](mailto:david.lewis@pillsburylaw.com)

Phillip R. Mahowald, Esq.  
General Counsel  
Prairie Island Indian Community  
Legal Department  
5636 Sturgeon Lake Road  
Welch, MN 55089  
E-mail: [pmahowald@piic.org](mailto:pmahowald@piic.org)

Peter M. Glass, Esq.  
Xcel Energy Services, Inc.  
414 Nicollet Mall  
Minneapolis, Minnesota 55401  
[peter.m.glass@xcelenergy.com](mailto:peter.m.glass@xcelenergy.com)

**/Signed (electronically) by/**  
Brian G. Harris  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15D21  
Washington, DC 20555-0001  
(301) 415-1392  
[brian.harris@nrc.gov](mailto:brian.harris@nrc.gov)