

October 30, 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"). No documents were identified as being publicly available this month.

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 1"). 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 Brian E. Holian, Attachment 2,

formally invokes the deliberative process privilege with respect to the documents identified in Attachment 1.

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 are the affidavits of Elaine M. Keegan and Richard A. Plasse, Jr., certifying that all relevant materials, identified by the Staff by October 16, 2009, and required by the regulation to be disclosed, have been disclosed and that the disclosures are accurate and complete. Ms. Keegan's and Mr. Plasse's affidavits are Attachments 3 and 4, respectively.

Pursuant to the Board's instructions in its February 18, 2009, Memorandum and Order, slip op. at 3, the Staff reports that it expects that the draft SEIS will issue no later than November 13, 2009. The Staff is, however, unable to provide an estimated date of issuance for the final SEIS and still 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, in accordance with the Board's instructions, the Staff has forwarded to the technical personnel who update the Commission's web site updated information for the Milestones page regarding the Prairie Island License Renewal. It is our understanding that the web site will be updated within the next few days.

Respectfully,

**/Signed (electronically) by/**

Beth N. Mizuno  
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Enclosures: Privilege Log - Deliberative Process  
Declaration of Brian E. Holian  
Affidavit of Elaine M. Keegan  
Affidavit of Richard A. Plasse, Jr.

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In the Matter of	)	
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NORTHERN STATES POWER CO.	)	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; Attachment 1 (Privilege Log), dated October 30, 2009; Attachment 2 (Declaration of Brian E. Holian), dated October 30, 2009; Attachment 3 (Affidavit of Elaine M. Keegan), dated October 30, 2009; Attachment 4 (Affidavit of Richard A. Plasse, Jr.), dated October 30, 2009, have been served upon the following by the Electronic Information Exchange, this 30<sup>th</sup> day of October, 2009:

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