



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

August 18, 2010

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

Administrative Judge
Thomas J. Hirons
Atomic Safety and Licensing Board
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Administrative Judge
Gary S. Arnold
Atomic Safety and Licensing Board
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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

Dear Administrative Judges:

In accordance with the Board's April 20, 2010 Order, motions for cross-examination are due September 7, 2010. Footnote 3 of that Order states: "These motions [referring to motions for cross-examination] are filed in camera, and therefore no answers can be filed." This footnote could be read to mean that both the motion for cross-examination and the cross-examination plan, which must accompany the motion, are filed in camera when in fact, in accordance with 10 CFR § 2.1204(b)(2), only the cross-examination plan may be submitted in camera. To allow parties to file the motion in camera would be contrary to § 2.1204, past practice, and motions practice generally. By filing the motion for cross-examination in camera, the non-moving parties would be denied any opportunity to respond contrary to the requirements 10 CFR § 2.323(c) and § 2.1204(a). A full opportunity to respond to such motions is particularly important in light of the unusual circumstances that would support cross-examination in a Subpart L Proceeding. Therefore, the Staff respectfully requests that the Board clarify its Order on this matter.

Sincerely,

/Signed (electronically) by/
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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-BD01
Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Letter to the Atomic Safety and Licensing Board dated August 18, 2010, has all been served upon the following by the Electronic Information Exchange, this 18th day of August, 2010:

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/Signed (electronically) by/

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