

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

September 13, 2010

NOTICE

(Opportunity to Make Oral or Written Limited Appearance Statements)

The Licensing Board hereby gives notice that it will hear oral limited appearance statements from members of the public in connection with Northern States Power Company's (NSP or the Applicant) application for renewal of Facility Operating License Nos. DPR-42 and DPR-60 for an additional 20 years of operation at the Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP).¹ The license renewal application involves various site safety, emergency planning, and environmental protection issues that may be of interest to the public.

A. Background

This proceeding arises from NSP's application filed on April 11, 2008 to renew the operating licenses for PINGP Units 1 and 2 for an additional 20-year period following the current expiration dates of August 9, 2013 (Unit 1) and October 29, 2014 (Unit 2).²

¹ 10 C.F.R. § 2.315(a) gives the presiding officer authority to entertain limited appearance statements from the public.

² Prairie Island Nuclear Generating Plant Units 1 and 2 Application for Renewed Operating Licenses (Apr. 11, 2008) (ADAMS Accession No. ML081130673).

On August 18, 2008, Prairie Island Indian Community (PIIC or Intervenor) filed eleven contentions challenging NSP's application.³ The Board admitted seven contentions,⁴ six of which were resolved by the parties.⁵ The Board dismissed the seventh as moot on January 5, 2010.⁶ On November 23, 2009, PIIC submitted the sole remaining contention in this proceeding:

Contrary to the conclusion in the Safety Evaluation Report (SER), [PIIC] does not believe that the requirements of 10 CFR 54.29(a) have been met. Due to recent significant noncompliances with NRC regulations as well as the [A]pplicant's failure to address a known potentially serious safety problem identified in the SER, [PIIC] does not believe that there is any justification for a reasonable assurance determination by the NRC that the applicant will ". . . manag[e] the effects of aging during the period of extended operation on the functionality of structure and components" as required by 10 CFR 54.29(a)(1).⁷

On January 28, 2010, the Board amended and admitted the new safety contention as follows: "PINGP's safety culture is not adequate to provide the reasonable assurance required by 10 C.F.R. § 54.29(a)(1) that PINGP can manage the effects of aging during the requested period of extended operation."⁸

³ Prairie Island Indian Community's Notice of Intent to Participate and Petition to Intervene (Aug. 18, 2008) (ADAMS Accession No. ML082391038).

⁴ Northern States Power Co. (formerly Nuclear Management Co., LLC) (Prairie Island Nuclear Generating Plant, Units 1 and 2), LBP-08-26, 68 NRC 905 (2008).

⁵ Licensing Board Order (Approving Settlement and Dismissal of Contentions 1, 6 and 11) (Apr. 14, 2009) (unpublished) (ADAMS Accession No. ML091040305); Order (Granting Motions to Dismiss PIIC Contentions 7 and 8) (June 12, 2009) (unpublished) (ADAMS Accession No. ML091630288); Order (Approving Settlement and Dismissal of Contention 2) (July 16, 2009) (unpublished) (ADAMS Accession No. ML091970234).

⁶ Licensing Board Order (Granting Motion to Dismiss PIIC Contention 5) (Jan. 5, 2010) (unpublished) (ADAMS Accession No. ML100050289). PIIC also filed three contentions challenging the Staff's draft Supplemental Environmental Impact Statement. See Prairie Island Indian Community's Motion for Leave to File New Contentions on NRC's Draft Supplemental Environmental Impact Statement (Dec. 14, 2009) (ADAMS Accession No. ML093480606). The Board denied admission of these contentions. Licensing Board Order (Granting Motion for Leave to File New Contentions and Denying Their Admission) (Feb. 25, 2010) (unpublished) (ADAMS Accession No. ML100560382).

⁷ Prairie Island Indian Community's Submission of a New Contention on the NRC Safety Evaluation Report (Nov. 23, 2009) (ADAMS Accession No. ML093270615).

⁸ Licensing Board Order (Narrowing and Admitting PIIC's Safety Culture Contention) (Jan. 28, 2010) at 14 (unpublished) (ADAMS Accession No. ML100280537).

B. Time and Location of Oral Limited Appearance Sessions

The oral limited appearance sessions will take place as follows:

DATE: Monday, October 11, 2010

TIMES: Afternoon session from 3:00 to 5:00 p.m. Central Daylight Time (CDT);
evening session from 7:00 to 9:00 p.m. CDT

LOCATION: Dakota County Judicial Center - Courtroom 2E

1560 Highway 55

Hastings, MN 55033

C. Guidelines for Participation in Limited Appearance Sessions

Any person not a party⁹ or the representative of a party, to the proceeding will be permitted to make an oral statement about his or her position on matters of concern relating to this proceeding.¹⁰ Although these statements do not constitute testimony or evidence, they nonetheless may help the Licensing Board and/or the parties in their consideration of the issue in this proceeding.

With that in mind, the sole issue currently before the Board, as explained in Section A, supra, concerns whether the safety culture at PINGP is adequate to manage the effects of aging at the plant during the 20-year period of extended operation.

Oral limited appearance statements will be entertained during the hours specified above, or for the lesser time that may be necessary to accommodate the speakers who are present. In this regard, if all scheduled and unscheduled speakers present at a session have made a presentation, the Licensing Board reserves the right to terminate the session before the ending times listed above. The Board also reserves the right to cancel the evening session scheduled above if there has not been a sufficient showing of public interest as reflected by the number of preregistered speakers.

⁹ PIIC, NSP, and the NRC Staff are the parties to this proceeding.

¹⁰ See 10 C.F.R. § 2.315(a).

Any member of the public who plans to attend the limited appearance sessions is strongly advised to arrive early to allow time to pass through any security measures that may be employed. Attendees are also requested not to bring any unnecessary hand-carried items, such as packages, backpacks, or other items that could require individual examination. Items that could readily be used as weapons will not be permitted in the courthouse. Also, during these sessions, signs no larger than 18 inches by 18 inches will be permitted, but may not be attached to sticks, held over one's head, or moved about in the room.

Each speaker will be allotted no more than five minutes to give his or her statement. Nonetheless, to ensure everyone will have an opportunity to speak, the time allotted for each statement may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with the instructions below and/or the number of people present at the designated times. In addition, in the case of the evening session, although an individual who previously addressed the Licensing Board at the afternoon limited appearance session may request an opportunity to make an additional presentation, the Board reserves the right to defer such additional presentations until after it has heard from speakers who have not spoken.

D. Requesting to Make an Oral Limited Appearance Statement

Those wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by 5:00 p.m. Eastern Daylight Time on Wednesday, October 6, 2010. The request must specify the session (afternoon or evening) during which the requester wishes to make an oral statement. Based on its review of the requests received by October 6, 2010, the Licensing Board may decide that the afternoon and/or evening sessions will not be held due to a lack of adequate interest in those sessions.

Written requests to make an oral statement should be submitted to:

Mail: Administrative Judge William J. Froehlich

Atomic Safety and Licensing Board Panel

Mail Stop T-3 F23

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001

Fax: (301) 415-5599

E-mail: William.Froehlich@nrc.gov and Ann.Hove@nrc.gov

E. Submitting Written Limited Appearance Statements

The Board will accept written limited appearance statements regarding this proceeding at any time. Such statements should be sent to the Office of the Secretary using one of the methods prescribed below, with a copy sent to the Board Chairman using the same method at the mail/e-mail address or fax number listed in section D above.

Mail: Office of the Secretary

Rulemakings and Adjudications Staff

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

F. Availability of Documentary Information About this Proceeding

General information regarding the Prairie Island license renewal proceeding can be found on the agency's website at:

<http://www.nrc.gov/reactors/operating/licensing/renewal/applications/prairie-island.html> .

Additionally, documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records

component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). If you do not have access to ADAMS or encounter problems in accessing the documents located in ADAMS, contact the NRC PDR reference staff by telephone at (800) 397-4209 or by e-mail to pdr@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹¹

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 13, 2010

¹¹ Copies of this notice were sent this date by the agency's E-Filing system to counsel for (1) Applicant NSP, (2) Intervenor PIIC, and (3) NRC Staff.

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 NOTICE (OPPORTUNITY TO MAKE ORAL OR WRITTEN LIMITED APPEARANCE STATEMENTS) have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

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

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
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DOCKET NOS. 50-282 AND 50-306-LR
LB NOTICE (OPPORTUNITY TO MAKE ORAL OR WRITTEN LIMITED APPEARANCE
STATEMENTS)

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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of September 2010.