

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 28, 2010

MEMORANDUM AND ORDER

(Providing Further Administrative Direction for Hearing)

On September 21, 2010, the Licensing Board convened a prehearing teleconference¹ to discuss the evidentiary hearing beginning on October 12, 2010 and the October 11, 2010 limited appearance statement sessions. These events will be held at the Dakota County Judicial Center in Hastings, Minnesota.²

The following summarizes some of the topics discussed during that teleconference, and provides further direction regarding issues on which the parties inquired.

¹ See Tr. 227-48.

² On the days for which this Board has scheduled limited appearance statement sessions and hearing sessions, the Dakota County Judicial Center in Hastings, Minnesota, will open at 7:30 a.m., CDT.

1. Filing of Testimony and Exhibits

Parties shall adhere to the Board's directives in its August 17, 2010 Memorandum and Order regarding testimony and exhibit filings at the hearing session.³ As stated in that Memorandum and Order, the Board strongly discourages revisions to pre-filed testimony and exhibit documents in the absence of a compelling need.⁴

2. Use of the Digital Data Management System (DDMS)

The DDMS provides access to an electronic version of all the pleadings and other submissions in this proceeding along with the official versions of the evidentiary materials as they are incorporated into the record by the Board at the hearing. DDMS is available to any authorized party representative⁵ with internet access provided that the user (a) attends the DDMS training session; (b) has a valid NRC-issued electronic information exchange (EIE) digital certificate; and (c) signs and adheres to the DDMS Rules of Behavior.⁶

A DDMS training session, lasting approximately one hour, will take place at the Dakota County Judicial Center courtroom 2E on Monday, October 11, 2010, at 1:00 p.m. CDT. Alternatively, the NRC Staff, the parties and their consultants and support staff may attend a training session at NRC headquarters in Rockville, Maryland, by contacting Andrew Welkie at DDMSWebMaster@nrc.gov on or before Friday, October 1, 2010.

All party representatives who want access to the DDMS shall contact Andrew Welkie at DDMSWebMaster@nrc.gov on or before Friday, October 1, 2010, to secure DDMS authentication and password matters.

³ See Licensing Board Order (Providing Administrative Direction on Pre-Filed Evidentiary Material) (Aug. 17, 2010) (unpublished).

⁴ See *id.* at 6.

⁵ DDMS is a litigation tool intended for participants in Licensing Board proceedings including attorneys and their support staff personnel. Individuals requesting access to DDMS must be identified by a participant's counsel as an authorized user prior to being granted access.

⁶ The DDMS Rules of Behavior will be provided at the October 11, 2010 DDMS training session.

3. Internet Access and Connectivity

Wireless internet access on the “SSID” network will be available at the Dakota County Judicial Center. For access, internet users must agree to the Dakota County internet policy, which should appear in the user’s internet browser, prior to connecting to the internet.

4. Scheduling for Limited Appearance Statements

As stated in its September 13, 2010 Notice, the Board will conduct two sessions at which it will hear oral limited appearance statements on Monday, October 11, 2010.⁷ The first session will be from 3:00 p.m. to 5:00 p.m. CDT and the second session will be from 7:00 p.m. to 9:00 p.m. CDT at the Dakota County Judicial Center, courtroom 2E.

Guidelines for participation at the limited appearance statement sessions remain as stated in the Board’s September 13, 2010 Notice.⁸ As the Board explained in that Notice, the purpose of the limited appearance statement sessions is to help the Board understand public perception of the sole contention that remains at issue.

5. Questioning of Witnesses at the Hearing Session

The Board requires the attendance and intends to question the following witnesses on their pre-filed testimony and exhibits:

1. PIIC Witness Christopher I. Grimes
2. NRC Staff Witness Dr. Valerie E. Barnes
3. NRC Staff Witness Richard A. Plasse
4. NRC Staff Witness John (Jack) B. Giessner
5. NSP Witness Scott D. Northard
6. NSP Witness Steven C. Skoyen

⁷ See 10 C.F.R. § 2.315(a); Licensing Board Notice (Opportunity to Make Oral or Written Limited Appearance Statements) (Sept. 13, 2010) (unpublished) [hereinafter LAS Notice].

⁸ See LAS Notice.

All other witnesses who submitted pre-filed testimony need not attend the hearing session. The Board will, on motion of counsel for the sponsoring party, move the sworn pre-filed testimony into the record as if read.

The Board will first question the Applicant's witnesses, followed by the NRC Staff witnesses, and finally the Intervenor's witness.

6. Availability of Counsel Workrooms and Printers

Separate workrooms will be available for the three parties to this proceeding. The Board's law clerks, Ann Hove and Kirsten Stoddard, will introduce themselves to parties and will indicate the location of these rooms.

Printing services will not be provided at the Dakota County Judicial Center. Parties are free to provide their own means of printing documents at the hearing session.

7. Submission of Additional Proposed Questions for the Board to Ask of Witnesses

After the Board has asked its questions of the witnesses or witness panels, the Board will provide an opportunity for the parties to propose follow-up questions that they wish the Board to ask. However, the Board retains discretion regarding whether to ask any additional follow-up questions of witnesses after it has concluded its initial questioning session.⁹

Should parties wish to submit additional proposed questions for the Board's consideration upon conclusion of the Board's questioning of a witness, they may submit their proposed questions via email to Judge Froehlich at William.Froehlich@nrc.gov. The Board will then decide during a recess whether to pursue additional questioning.

8. Corrections to Transcripts

Proposed transcript corrections to any prehearing conference are due ten (10) days after the conclusion of that conference. Proposed corrections to the transcript of the evidentiary hearing will be due on or before Monday, October 25, 2010.

⁹ See 10 C.F.R. § 2.1207(b)(6).

9. Conclusion of Document Discovery Submittals

The parties may discontinue their mandatory disclosure obligations with the October filings. The NRC Staff may discontinue its hearing file obligations with the October update.

10. List of Attendees to the Hearing Session

For security purposes, the Board has been asked to prepare a list of those people associated with the parties to the proceeding, who wish to have access to the Dakota County Judicial Center. The Board, therefore requests the parties to submit via email to the Board's law clerks, Ann Hove and Kirsten Stoddard (Ann.Hove@nrc.gov and Kirsten.Stoddard@nrc.gov, respectively), on or before Wednesday, October 6, 2010, a list of all individuals who will be in attendance at the hearing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹⁰

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 28, 2010

¹⁰ Copies of this Memorandum and Order were sent this date by the agency's e-filing system to representatives for all parties to this proceeding.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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|-------------------------------------------|---|-----------------------|
| 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 MEMORANDUM AND ORDER (PROVIDING FURTHER ADMINISTRATIVE DIRECTION FOR HEARING) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NOS. 50-282 AND 50-306-LR
LB MEMORANDUM AND ORDER (PROVIDING FURTHER ADMINISTRATIVE DIRECTION FOR
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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 28th day of September 2010.