

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Gary S. Arnold
Nicholas G. Trikouros

In the Matter of

NORTHERN STATES POWER CO.

(Prairie Island Nuclear Generating Plant
Independent Spent Fuel Storage Installation)

Docket No. 72-10-ISFSI-2

ASLBP No. 12-922-01-ISFSI-MLR-BD01

January 4, 2013

ORDER

(Scheduling Initial Scheduling Conference)

In accordance with 10 C.F.R. §§ 2.329 and 2.332, the Board will hold an initial scheduling conference call on Tuesday, January 22, 2013 at 10:30 AM Eastern Time to develop a scheduling order to govern the conduct of this proceeding. Prior to the conference call, the parties to this proceeding should familiarize themselves with the relevant procedural rules of 10 C.F.R. Part 2, including but not limited to 10 C.F.R. §§ 2.309(c) and (f), 2.310, 2.323, 2.329, 2.332, 2.333, 2.334, 2.338, all of Part 2, Subpart L, and the model milestones set forth in Appendix B to Part 2.

Pursuant to 10 C.F.R. § 2.332(d), the Board will consider the NRC Staff's projected schedule for completion of its safety and environmental evaluations in developing the hearing schedule. Accordingly, on or before January 15, 2013, the NRC Staff shall submit its current estimate of the schedule for completing such evaluations.

Among other matters, the parties should be prepared to address the following subjects during the conference call:

1. The protocol for mandatory discovery disclosures, the earliest practical date for initial disclosures, and the schedule for ongoing disclosures in accordance with the mandatory

discovery disclosure requirements of 10 C.F.R. § 2.336 and the hearing file requirements of 10 C.F.R. § 2.1203.

2. The degree to which the Board's consideration of summary disposition motions will expedite the proceeding and, if so, suggestions for modifying the time limits set in 10 C.F.R. § 2.1205(a) to ensure motions for summary disposition will not impede the parties' preparation for the evidentiary hearing.

3. Suggested time limits for motions for leave to file new or amended contentions pursuant to 10 C.F.R. § 2.309(c).

4. Suggested time limits for filing the parties' final lists of potential witnesses for each contention pursuant to 10 C.F.R. § 2.336(a)(1).

5. Opportunities for the clarification, simplification, or specification of the issues in accordance with 10 C.F.R. § 2.329(c)(1).

6. The necessity or desirability of amending pleadings in accordance with 10 C.F.R. § 2.329(c)(3).

7. Opportunities for the settlement of issues or contentions, including the utility of appointing a settlement judge pursuant to 10 C.F.R. § 2.338.

8. Whether a site visit would be helpful to the Board in the resolution of the admitted contentions, and if so, when the site visit might occur.

9. Whether the parties' filing of their respective initial written statements of position and written testimony with supporting affidavits, pursuant to 10 C.F.R. § 2.1207(a)(1), should occur simultaneously or sequentially, and if sequentially, in what order.

10. Suggested time limits for the filing of motions for cross-examination under 10 C.F.R. § 2.1204(b).¹

¹ See generally Citizens Awareness Network v. United States, 391 F.3d 338, 353-54 (1st Cir. 2004).

11. Any other procedural or scheduling matter that the Board may deem appropriate. Before the conference call, the parties shall confer in good faith for the purpose of reaching agreement on the foregoing issues, insofar as practicable. If disagreement occurs on a significant issue, the Board may call for the submission of briefs or separate written proposals on relevant issues after the prehearing conference call.

Most of the foregoing matters are addressed (in the context of a different proceeding) in the Initial Scheduling Order in Exelon Nuclear Texas Holdings, LLC (Victoria County Station Site), Docket No. 52-042, ASLBP No. 11-908-01-ESP-BD01.² During the initial scheduling conference call herein, the parties should be prepared to explain, on a point-by-point basis, why a similar order should not be issued here.

On or before Friday, January 18, 2013, representatives of each of the parties should contact the Board's law clerk, James Maltese, either by phone at 301-415-5123 or by email at James.Maltese@nrc.gov, to obtain the telephone number and pass code for the prehearing conference call. Members of the public or media who wish to listen to this conference call may do so, and should contact Mr. Maltese at the above number for the requisite information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson
CHAIRMAN

Rockville, Maryland
January 4, 2013

² Licensing Board Order (Initial Scheduling Order) (Aug. 10, 2011) (unpublished).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Northern States Power Company) Docket No. 72-10-ISFSI-2
)
(Prairie Island Nuclear Generating Plant,)
Independent Spent Fuel Storage Installation))
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Initial Scheduling Conference)** have been served upon the following persons by Electronic Information Exchange or by electronic mail as indicated by an asterisk*.

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

Michael M. Gibson, Chair
Administrative Judge
E-mail: michael.gibson@nrc.gov

Dr. Gary S. Arnold
Administrative Judge
E-mail: gary.arnold@nrc.gov

Nicholas G. Trikouros
Administrative Judge
E-mail: nicholas.trikouros@nrc.gov

James Maltese, Law Clerk
Email: james.maltese@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001
OCA Mail Center: 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: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Mary Spencer, Esq.
Mauri T. Lemoncelli, Esq.
Molly Barkman Marsh, Esq.
Christopher C. Hair, Esq.
E-mail:
mary.spencer@nrc.gov
mauri.lemoncelli@nrc.gov
molly.barkmanmarsh@nrc.gov
christopher.hair@nrc.gov

OGC Mail Center: OGCMailCenter@nrc.gov

Prairie Island Nuclear Generating Plant, Independent Spent Fuel Storage Installation,
Docket No. 72-10-ISFSI

ORDER (Scheduling Initial Scheduling Conference)

Counsel for Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089
Phillip R. Mahowald, Esq.
E-mail:
pmahowald@piic.org

Counsel for Northern States Power Company
Xcel Energy, Inc.
414 Nicollet Mall, 5th Floor
Minneapolis, MN 55401
Peter M. Glass, Esq.*
E-mail:
peter.m.glass@xcelenergy.com

Counsel for Prairie Island Indian Community
Jacobson, Buffalo, Magnuson,
Anderson & Hogen, P.C.
335 Atrium Office Building
1295 Bandana Boulevard
St. Paul, MN 55108
Joseph F. Halloran, Esq.
Email: jfh@jacobsonbuffalo.com
Diana Kinney, Legal Assistant
E-mail: dkinney@jacobsonbuffalo.com

Counsel for Northern States Power Company
Pillsbury Winthrop Shaw Pittman, LLP
2300 N. Street, N.W.
Washington, DC 20037-1128
Jay Silberg, Esq.
Kimberly Harshaw, Esq.
Maria Webb, Paralegal
E-mail:
jay.silberg@pillsburylaw.com
kimberly.harshaw@pillsburylaw.com
maria.webb@pillsbury.law.com

[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of January, 2013