

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. Hiron

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-BD01

March 23, 2010

ORDER

(Convening Teleconference and Establishing Hearing Schedule)

On February 16, 2010, this Licensing Board issued an order granting the parties' joint motion to hold in abeyance document disclosure on the Prairie Island Indian Community's (PIIC's) aging management contention based on a weak safety culture.¹ The Board also directed the parties to update the Board on the status of settlement discussions on or before March 19, 2010. On March 19, the parties filed a joint status report on settlement discussions, indicating that "discussions have been constructive" and that the parties "will provide a further status report by April 19, 2010."²

In accordance with the parties' joint filing, the Board directs the parties to update the Board on settlement discussions by a written report to be filed no later than April 19, 2010. As

¹ Licensing Board Order (Granting Joint Motion to Hold Disclosures in Abeyance) (Feb. 16, 2010) (unpublished).

² Joint Status Report on Settlement Discussions (Mar. 19, 2010).

the Board has stated in the past, in accordance with 10 C.F.R. § 2.338, the parties are encouraged to resolve their disputes via settlement talks, thereby avoiding the burden of an evidentiary hearing:

The Administrative Dispute Resolution Act of 1996 (ADR Act) encourages the use of alternative dispute resolution by Federal agencies. The parties are encouraged to explore voluntary processes, including settlement talks with or without a neutral, to resolve the issues in this case. Upon request, a settlement judge from the ASLBP could be appointed.³

On Tuesday, April 13, 2010 at 1:00 p.m. EDT, the Board will convene a telephone conference to discuss the attached schedule governing the Subpart L hearing in this proceeding.⁴ These are the dates that will go into effect in the event the parties are unable to resolve their differences by settlement. The parties shall review the attached schedule and, if they object to any of the deadlines, attempt to reach an agreement on any proposed changes. During the April 13, 2010 telephone conference the parties shall be prepared to discuss any such proposed changes and any other procedural matters leading up to the evidentiary hearing in this case. In addition, the telephone conference will serve as an opportunity to discuss the possible use of the digital data management system (DDMS) during the hearing⁵ and, if the

³ Notice of Hearing (Application for 20-Year License Renewal), 74 Fed. Reg. 4478, 4479 (Jan. 26, 2009).

⁴ See 10 C.F.R. Part 2, Appendix B.II, Model Milestones for Hearings Conducted Under 10 C.F.R. Part 2, Subpart L.

⁵ For more information about the DDMS, see NRC Digital Data Management System (DDMS), <http://www.nrc.gov/about-nrc/regulatory/adjudicatory/ddms.html> (last visited Mar. 23, 2010).

parties so desire, the status of settlement discussions. Logistical details regarding the teleconference will be distributed by email during the upcoming weeks.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD⁶

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

/RA, by Edward R. Hawkens for/

Dr. Thomas J. Hirons
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 23, 2010

⁶ Copies of this order were sent this date by the agency's E-Filing system to counsel for all parties.

Prairie Island License Renewal Hearing Schedule¹

Mandatory disclosures due	April 23, 2010 ²
Initial written statements of position and prefilled written testimony and exhibits due	June 10, 2010
Responses to statements of position and rebuttal testimony due	June 21, 2010
Motions in limine and motions to strike due	July 1, 2010
Responses to motions in limine and motions to strike due	July 8, 2010
Parties to submit proposed questions for Board to ask	July 20, 2010
Motions for cross-examination due ³	July 20, 2010
Final telephone prehearing conference	August 3, 2010
Evidentiary hearing	August 17, 2010
Proposed findings of fact and conclusions of law due	September 16, 2010
Responses due	October 1, 2010
Initial decision issued	November 15, 2010

¹ The following schedule contemplates the litigation of only one contention – PIIC's aging management contention based on a weak safety culture. If any additional new or non-timely contentions are subsequently filed, the Board may need to amend the schedule accordingly.

² Mandatory disclosures are to be updated on the last business day of each month, beginning in May 2010. Mandatory disclosures includes the witness lists and privilege logs required under 10 C.F.R. § 2.336(a) and (b).

³ These motions are filed in camera, and therefore no answers can be filed.

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 ORDER (CONVENING TELECONFERENCE AND ESTABLISHING HEARING SCHEDULE) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NOS. 50-282 AND 50-306-LR
LB ORDER (CONVENING TELECONFERENCE AND ESTABLISHING HEARING SCHEDULE)

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[Original signed by Evangeline S. Ngbea]
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Dated at Rockville, Maryland
this 23rd day of March 2010