Ronald Johnson
President

Lucy Taylor
Secretary

Johnny Johnson
Vice President

Victoria Winfrey
Treasurer

Shelley Buck
Assistant Secretary/Treasurer

January 8, 2009

Allan Barker, Chief
State and Government Affairs
US Nuclear Regulatory Commission, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

Dear Mr. Barker:

The Prairie Island Indian Community is requesting permission to accompany U.S. Nuclear Regulatory Commission (NRC) inspectors during the license renewal inspection scheduled for the weeks of January 12 and January 26 at the Prairie Island Nuclear Generating Plant. Ron Johnson, President of the Tribal Council, plans to observe the inspection. A signed copy of the Protocol Agreement is attached.

It is our understanding that you will accompany President Johnson during the inspection.

We thank you for this opportunity. If you have any questions, please contact Ron Johnson at

Respectfully submitted,

Ron Johnson
Tribal Council President

Johnny Johnson
Tribal Council Vice-President

Lu Taylor
Tribal Council Secretary

Victoria Winfrey
Tribal Council Treasurer

Shelley Buck
Tribal Council Assistant Secretary/Treasurer

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PROTOCOL AGREEMENT FOR PRAIRIE ISLAND INDIAN COMMUNITY OBSERVATION OF NRC INSPECTIONS

NRC Protocol:

- The Regional State Liaison Officer (RSLO) will normally be the lead individual responsible for tracking requests for Tribal observation, assuring consistency regarding these requests, and for advising the Regional Administrator on the disposition of these requests. The appropriate technical representative or Division Director will communicate with the Prairie Island Indian Community (Community) on specific issues concerning the inspection(s).

- Requests for observations of Headquarters-based inspections will also be coordinated through the RSLO. Headquarters-based inspections should be referred through the RSLO to a technical representative designated by the Region.

- Requests should identify the type of inspection activity that the Community wishes to observe.

- Limits on scope and duration of the observation period may be imposed if, in the view of the Regional Administrator, they compromise the efficiency or effectiveness of the inspection. Region III will use discretion as to which, if any, inspections will be excluded from observations.

- The Community will be informed that they must not release information concerning the time and purpose of unannounced inspections.

- Region III will make it clear to the licensee that Community views are not necessarily endorsed by NRC. Region III will also make it clear that only NRC has regulatory authority for inspection findings and enforcement actions regarding radiological health and safety.

Prairie Island Indian Community Protocol:

- A host State is a State in which an NRC-licensed facility is located. An adjacent State is a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State. An adjacent State may request permission to observe NRC inspections at an NRC-licensed facility in a host State. The Community, similar to an adjacent State, may observe NRC inspections at the Prairie Island Nuclear Plant provided that the Community meets the same requirements as an adjacent State.

- The Community's Tribal Council will appoint a Tribal Liaison to communicate requests for inspection observations. This Liaison will send written inspection observation requests, including a signed protocol, to the NRC RSLO.

- The Community will make advance arrangements with the licensee for site access training and badging (subject to fitness for duty requirements), prior to the actual inspection.

- Normally, no more than one individual will be allowed to observe an NRC inspection.

- The Community will be responsible for determining the technical and professional competence of its representatives who accompany NRC inspectors.

- A Tribal observer's communication with the licensee will be through the appropriate NRC team member, usually the senior resident inspector or the team leader.

- When informed of an unannounced inspection, the Community must not release information concerning its time and purpose.

- A Tribal observer will remain in the company of NRC personnel throughout the course of the inspection.

- Community observation may be terminated by the NRC if the Tribal observer's conduct interferes with a fair and orderly inspection.

- A Tribal observer will not be provided with proprietary or safeguards information. Tribal observers will not remove any material from the site without NRC or licensee approval.

- The Tribal observer, in accompanying the NRC inspectors, does so at his or her own risk. NRC will not be responsible for injuries or exposures to harmful substances which may occur to the accompanying individual during the inspection and will assume no liability for any incidents associated with the accompaniment.

- The Tribal observer will be expected to adhere to the same conduct as NRC inspectors during an inspection accompaniment.

- If the Tribal observer notices any apparent non-conformance with safety or regulatory requirements during the inspection, he/she will make those observations promptly known to the NRC team leader or lead inspector. Likewise, when overall conclusions or views of the Tribal observer are substantially different from those of the NRC inspectors, the Community will advise the team leader or lead inspector and forward those views, in writing, to the NRC Region. This will allow NRC to take any necessary regulatory actions.

- Under no circumstances should Community communications regarding these inspections be released to the public or the licensee before they are reviewed by the NRC and the inspection report is issued.

- If a host State, an adjacent State or the Community request observation of the same inspection, the Regional Administrator will make the final determination on the number of State or Tribal observers who may attend the inspection. If there is a need to limit the number of observers, the Regional Administrator will routinely give preference to the host State observer.

Signature of Tribal Observer

1-7-09
Date