

May 28, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Administrative Judge  
William J. Froehlich, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

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

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

Dear Administrative Judges:

Pursuant to the Atomic Safety and Licensing Board's ("Licensing Board") February 18, 2009, Memorandum and Order (Prehearing Conference Call Summary and Initial Scheduling Order), slip op. at 2-3, and the telephone conference call held on February 5, 2009, the Staff of the U.S. Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that the hearing file has been updated for this proceeding. The hearing file includes materials required to be produced or disclosed pursuant to 10 C.F.R. § 2.1203, as well as the Staff's mandatory disclosures pursuant to 10 C.F.R. § 2.336(b)(1), (2), and (4), and § 2.336(c). Materials in the hearing file may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index, containing the ADAMS accession number, date, and title or description of each item added to the hearing file, since the last update, is appended hereto as Attachment 1.

The hearing file is available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp). The hearing file will be contained in a sub-folder entitled, "Prairie Island Hearing File" in the "Prairie Island\_1&2\_50-282& 50-306-LR" folder of the EHD.

Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is producing logs identifying documents withheld under the deliberative process privilege ("Attachment 2"). On April 30, 2009, the parties agreed that documents withheld under the attorney client privilege or work product doctrine no longer needed to be logged. The Declaration of Brian E. Holian, Attachment 3,

formally invokes the deliberative process privilege with respect to the document identified in Attachment 2.

The Staff will preserve and maintain the privileged documents identified in this log and its previously served logs during the pendency of this proceeding.

Pursuant to 10 C.F.R. § 2.336(c), attached is the affidavit of Elaine M. Keegan, certifying that all relevant materials, identified by the Staff by May 17, 2010, and required by the regulation to be disclosed, have been disclosed and that the disclosures are accurate and complete. Ms. Keegan's affidavit is Attachment 4.

In accordance with the Board's instructions, the Staff has updated the Milestones page on the Commission's web site regarding the Prairie Island License Renewal and the information on the Milestones page is current as of this date.

Respectfully,

**/Signed (electronically) by/**

Beth N. Mizuno

Counsel for NRC Staff

U.S. Nuclear Regulatory

Commission

Mail Stop O-15D21

Washington, DC 20555-0001

(301) 415-3122

[beth.mizuno@nrc.gov](mailto:beth.mizuno@nrc.gov)

Attachments: May 2010 Hearing File Index  
Privilege Log - Deliberative Process  
Affidavit of Brian E. Holian  
Affidavit of Elaine M. Keegan

Attachment 1 - Prairie Island License Renewal Hearing File and Manadatory Disclosures  
Updated Hearing File Index -- May 2010

ID No.	ADAMS Accession No.	Document Date	ADAMS Package Nos. (if applicable)	Title
14-001	ML092730020	10/16/2009		Final Safety Evaluation Report Related to the License Renewal of Prairie Island Nuclear Generating Plant, Units 1 and 2.
14-002	ML092890209	10/16/2009		Final Safety Evaluation Report, Related to the License Renewal of Prairie Island Nuclear Generating Plant, Units 1 and 2.
14-003	ML093420316	12/10/2009		Report on the Safety Aspects of the License Renewal Application for the Prairie Island Nuclear Generating Plant, Units 1 and 2
14-004	ML093510279	12/17/2009		Transcript of 568th ACRS Meeting on December 3, 2009 and Related Handouts, Pages 1-330.
14-005	ML101160340	4/26/2010		2010/04/26 PINGP LR - NRC-NAS cancer study
14-006	ML101160343	4/26/2010		2010/04/26 PINGP LR - RE: NRC-NAS cancer study
14-007	ML101170604	4/27/2010		2010/04/27 PINGP LR -

Attachment 2- Hearing File and Mandatory Disclosures  
Privilege Log  
May 2010, Update

Certain documents otherwise subject to disclosure in the hearing file and/or the mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosure under an applicable privilege. Pursuant to 10 C.F.R. § 2.336(b)(5), the NRC Staff is providing this log to identify the following documents, withheld under an applicable privilege.

ID #	Accession Number	Author Name/ Affiliation	Title	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count	Privilege (Note 1)
P-435	ML101120129	S. Klementowicz, NRC/NRR	2010/03/18 PINGP LR - Prairie Island dSEIS - resolution of EPA HP comments	3/18/2010	E-Mail	E. Keegan, A. Imboden, J. Rikhoff, NRC/NRR	Internal discussion of comments to DSEIS	8	DP

Note 1: DP - Deliberative Process Privilege

On April 30, 2009, the parties agreed to waive logging attorney client privilege and work product doctrine protected documents in their privilege logs.

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

NRC Staff Transmittal Letter dated May 28, 2010

Attachment 3  
Declaration of Brian E. Holian

May 27, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
NORTHERN STATES POWER CO.	)	Docket Nos. 50-282-LR/ 50-306-LR
	)	
(Prairie Island Nuclear Generating Plant	)	
Units 1 and 2)		

DECLARATION OF BRIAN E. HOLIAN

I, Brian E. Holian, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal ("DLR") in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Prairie Island Nuclear Generating Plant Units 1 and 2 license renewal application.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified certain documents as privileged because they contained information concerning the Staff's pre-decisional deliberative process. Those documents are listed in Attachment 2 to the May 28, 2010, submission of the Staff's Hearing File.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff's review of the license renewal application. All documents contain the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the

matters discussed therein. Each of the documents comprises part of the deliberative process necessary for the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the May 28, 2010, submission of the Staff's Hearing File.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Brian E. Holian

Executed in Rockville, Maryland  
this 27th day of May, 2010

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

NRC Staff Transmittal Letter dated May 28, 2010

Attachment 4  
Affidavit of Elaine M. Keegan

May 27, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

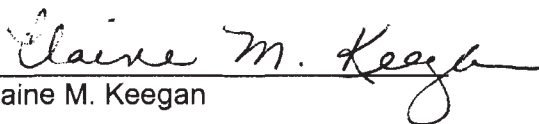
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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NORTHERN STATES POWER CO. ) Docket Nos. 50-282-LR/ 50-306-LR  
 )  
(Prairie Island Nuclear Generating Plant )  
Units 1 and 2)

AFFIDAVIT OF ELAINE M. KEEGAN CONCERNING  
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Elaine M. Keegan, do hereby state as follows:

1. I am employed as a Project Manager in the Division of License Renewal in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as a project manager for the Prairie Island Nuclear Generating Plant, Units 1 and 2 license renewal application ("LRA"). Among other things, I am managing the preparation of the hearing file and mandatory disclosures for environmental issues in connection with the LRA at issue in this proceeding.
2. I hereby certify that all relevant materials related to the LRA that are required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete for documents identified by the Staff as of May 17, 2010.
3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

  
Elaine M. Keegan

Executed in Rockville, Maryland  
this 27th day of May, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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NORTHERN STATES POWER CO.	)	Docket Nos. 50-282-LR/ 50-306-LR
	)	
(Prairie Island Nuclear Generating Plant	)	
Units 1 and 2	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NRC Staff's Letter Transmitting Hearing File, Attachment 1 (Hearing File Index), Attachment 2 (Privilege Log), Attachment 3 (Affidavit of Brian E. Holian) dated May 27, 2010, and Attachment 4 (Affidavit of Elaine M. Keegan), dated May 27, 2010, have been served upon the following by the Electronic Information Exchange, this 28th day of May, 2010:

Administrative Judge  
William J. Froehlich, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [wjf1@nrc.gov](mailto:wjf1@nrc.gov)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop – O-16G4  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

Administrative Judge  
Gary S. Arnold  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [gxa1@nrc.gov](mailto:gxa1@nrc.gov)

Office of the Secretary  
Attn: Rulemakings and Adjudications Staff  
Mail Stop: O-16G4  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

Administrative Judge  
Thomas J. Hiron  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [thomas.hirons@nrc.gov](mailto:thomas.hirons@nrc.gov)

David R. Lewis, Esq.  
Pillsbury, Winthrop, Shaw, Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1122  
[david.lewis@pillsburylaw.com](mailto:david.lewis@pillsburylaw.com)