

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of )  
 ) Docket No. 72-10-ISFSI-2  
Northern States Power Co. )  
 )  
(Prairie Island Nuclear Generating Plant, ) ASLBP No. 12-922-01-ISFSI-MLR- BRD01  
Independent Spent Fuel Storage Installation))

**PRAIRIE ISLAND INDIAN COMMUNITY'S INITIAL DISCLOSURES  
PURSUANT TO 10 C.F.R. § 2.336**

Pursuant to 10 C.F.R. § 2.336, the Prairie Island Indian Community ("PIIC") hereby makes the following initial disclosure. This disclosure is based on information currently reasonably available to PIIC and will be supplemented as appropriate.

I. Witness Identification

The persons listed below may be called as witnesses to present evidence at the hearing. Other potential witnesses will be disclosed as they are identified.

II. Documents Relevant to PIIC's admitted contentions are as follows.

PIIC does not separately list, but incorporates by reference, all documents filed in this docket and in the PINGP ISFSI License Renewal Application docket. PIIC provides Attachment 1 listing documents required to be disclosed.

Respectfully Submitted,

*/Signed electronically by Philip R. Mahowald/*

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Dated: February 28, 2013

**ATTACHMENT 1**

**Production Log for PIIC's Initial Disclosures (February 28, 2013)**

<b>Document I.D.</b>	<b>Description</b>
PIIC000001	Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, U.S. Nuclear Regulatory Commission, NUREG-1748
PIIC000002	10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, U.S. Nuclear Regulatory Commission
PIIC000003	<i>In the Matter of Pacific Gas and Electric Company</i> (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-12-6 (June 7, 2012)
PIIC000004	<i>In the Matter of Northern States Power Company</i> (Prairie Island Nuclear Generating Plant, Units 1 and 2), LBP-08-26, 68 NRC 905 (2008)
PIIC000005	<i>In the Matter of Exelon Generation Company LLC</i> (Limerick Generating Station, Units 1 and 2), ASLBP No. 12-916-CF-LR-BD01, April 4, 2012)
PIIC000006	US NRC Office of Nuclear Materials Safety and Safeguards. Environmental Assessment Related to Construction and Operation of the Prairie Island Independent Spent Fuel Storage Installation. Docket no. 72-10. July 1992. ML090260415
PIIC000007	Considering Cumulative Impacts under the National Environmental Policy Act, Council on Environmental Quality (1997)
PIIC000008	40 CFR 1500, Regulations for Implementing the Provisions of the National Environmental Policy Act, Council on Environmental Quality
PIIC000009	US NRC Office of Nuclear Materials Safety and Safeguards, Spent Fuel Project Office. Environmental Assessment Related to the Renewal of the License for the Surry Independent Spent Fuel Storage Installation. Docket No. 72-2, Virginia Electric and Power Company (Dominion). February 2005. ML040560238.
PIIC000010	US NRC Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection. Environmental Assessment for the Proposed Renewal of US NRC License No. SNM-2505 for Calvery Cliffs Nuclear Power Plant, LLC's Independent Spent Fuel Storage Installation. Docket No. 72-08. April 2012. ML121220084
PIIC000011	Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Northern States Power Minnesota (May 16, 2008)
PIIC000012	Final Environmental Impact Statement on Northern States Power Minnesota Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Minnesota Department of Commerce (2009)
PIIC000013	Final Decision on Northern States Power Minnesota Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Minnesota Public Utilities Commission (December 18, 2009)
PIIC000014	Literature Search and Assessment of Historic and Archaeological Resources Impacted by Construction and Operation Activities at the Prairie Island Nuclear Generating Plant, Goodhue County, Minnesota, Emily Hildebrandt Iffert (January 2010). Not publically available.
PIIC000015	Phase I Archaeological Reconnaissance Survey Report for the Proposed Upgrades to the Independent Spent Fuel Storage Installation (ISFSI) at the Xcel Energy Prairie Island Nuclear Generating Plant, Goodhue County, Minnesota, Westwood Professional Services, Inc., November 29, 2010. (ML13022A125)
PIIC000016	Limited Archaeological Reconnaissance Survey of the Grounds of the Prairie Island Nuclear Generating Plant, Red Wing, Goodhue County, Minnesota. Peg Boden, Phd., Merjent. (January 2010). Not publically available.

PIIC000017	Geological Testing in Support of a Phase I Archaeological Investigation at the Xcel Energy Holding Area and Access Road, Prairie Island, Minnesota. Curtis Hudak, Field Geologist, PhD., Foth Infrastructure. (March 2009) Not publically available.
PIIC000018	Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions, 69 Fed. Reg. 52,040 (August 24, 2004)
PIIC000019	<i>In the Matter of Northern States Power Company</i> (Prairie Island Nuclear Generating Plant, Units 1 and 2), ASLBP No. 08-871-01-LR, January 16, 2009, Order (Denying Motion for Reconsideration of LPB-08-26 Regarding Contention 5 and Alternative Motion to Refer the Issue to the Commission), ADAMS Accession Number ML090160305
PIIC000020	Environmental Assessment for the Amendment of the US NRC License No. SNM-2506 for Prairie Island Independent Spent Fuel Storage Installation. Docket No. 72-10. ADAMS Accession Number ML093080494. November 2009.
PIIC000021	Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, Executive Order 12898 (February 11, 1994)
PIIC000022	Analysis of Cancer Risks in Populations Near Nuclear Facilities (Phase I), National Academy of Sciences (2012)
PIIC000023	Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Northern States Power Minnesota (May 16, 2008)
PIIC000024	Final Environmental Impact Statement on Northern States Power Minnesota Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Minnesota Department of Commerce (2009)
PIIC000025	Final Decision on Northern States Power Minnesota Application to the State of Minnesota Public Utilities Commission for a Certificate of Need for Additional Dry Casks, Minnesota Public Utilities Commission (December 18, 2009)
PIIC000026	PNNL Gap Analysis to Support Extended Storage of Used Nuclear Fuel Rev 0 (1/31/12), available at <a href="http://energy.gov/sites/prod/files/Gap%20Analysis%20Rev%200%20Final.pdf">http://energy.gov/sites/prod/files/Gap%20Analysis%20Rev%200%20Final.pdf</a>
PIIC000027	US NWTRB Evaluation of the Technical Basis for Extended Dry Storage and Transportation of Used Nuclear Fuel (December 2010), <a href="http://www.nwtrb.gov/reports/eds_execsumm.pdf">http://www.nwtrb.gov/reports/eds_execsumm.pdf</a>
PIIC000028	NRC Identification and Prioritization of the Technical Information Needs Affection Potential Regulation of Extended Storage and Transportation of Spent Nuclear Fuel (05/2012), <a href="http://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber='ML120580143'">http://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber='ML120580143'</a>
PIIC000029	Centralized Dry Storage of Nuclear Fuel, The Brattle Group (August 2012)
PIIC000030	Accumulating Quantities at Commercial Reactors Present Storage and Other Challenges, GAO (November 2009), <a href="http://www.gao.gov/products/GAO-12-797">http://www.gao.gov/products/GAO-12-797</a>
PIIC000031	E-mail correspondence from Jean Trefethen (NRC) transmitting NRC acceptance letter for ISFSI license renewal (May 8, 2012), ADAMS Accession No. ML12093A059
PIIC000032	E-mail correspondence from Jean Trefethen (NRC) transmitting Xcel ISFSI license renewal application (June 6, 2012), ADAMS Accession No. ML113140518
PIIC000033	E-mail correspondence from Jean Trefethen (NRC) requesting discussion issues for June 20-21 NRC site visit at PINGP ISFSI (June 6, 2012)
PIIC000034	E-mail correspondence from Jean Trefethen (NRC) transmitting agenda for June 20-21 NRC site visit (June 12, 2012)
PIIC000035	E-mail communication from Allan Barker summarizing list of questions (asked over the phone by Ron Johnson and Heather Westra) concerning TN-40 dry casks in use at the Prairie Island ISFSI (July 5, 2012)
PIIC000036	E-mail communication from Allan Barker transmitting NUREG/CR -6831 (Examination of PWR Fuel Rods after 15 years in dry storage) (July 24, 2012).
PIIC000037	E-mail communication from Allan Barker (August 6, 2012) transmitting hyper-links to cask reference materials regarding: Amount of time fuel must be in pool ( <a href="http://www.nrc.gov/waste/spent-fuel-storage/faqs.html">http://www.nrc.gov/waste/spent-fuel-storage/faqs.html</a> ); fuel retrievability (ISG-2) ( <a href="http://pbadupws.nrc.gov/docs/ML1005/ML100550861.pdf">http://pbadupws.nrc.gov/docs/ML1005/ML100550861.pdf</a> ); confinement evaluation (ISG-5

	R1 Confinement Evaluation, <a href="http://www.nrc.gov/reading-rm/doc-collections/isg/isg-5R1.pdf">http://www.nrc.gov/reading-rm/doc-collections/isg/isg-5R1.pdf</a> ; and Inspection Reports Related to Canister Weld Repairs (ML060440358, ML060440374, ML060440409)
PIIC000038	E-mail communication from B. Jennifer Davis (NRC) transmitting ADAMS Accession numbers for Surry Inspection Report (ML003738176) and Peach Bottom Inspection Report (ML110060275) (August 17, 2012).
PIIC000039	E-mail communication from Allan Barker transmitting Xcel PINGP ISFSI Integrated Inspection Report dated April 29, 2010 (August 20, 2012).
PIIC000040	E-mail communication from Jean Trefethen, on behalf of Mike Waters (NRC) transmitting NRC documents related to the transportability of TN-40 and TN-40HT dry casks (ML111650040 NRC approval letter, ML111650050 Certificate of Compliance, and, ML11650040 Safety Evaluation Report) (September 17, 2012).
PIIC000041	NRC correspondence to J. Johnson re: Initiation of Section 106 Process for Environmental Review of Prairie Island Independent Spent Fuel Storage Installation Proposed License Renewal (June 14, 2012) ADAMS Accession No. ML120830050
PIIC000042	PIIC Correspondence to M. Satorius Re: Environmental and Health Concerns of the Prairie Island Indian Community with Respect to the 40-Year License Renewal of the Independent Spent Fuel Storage Installation at the Prairie Island Nuclear Generating Plant (June 7, 2012) ADAMS Accession No. ML12164A504
PIIC000043	NRC Correspondence to J. Johnson re: Review of License Renewal Application for Prairie Island Independent Spent Fuel Storage Installation (July 27, 2012) ADAMS Accession No. ML12193A479
PIIC000044	MOU between Prairie Island Indian Community and U.S. Nuclear Regulatory Commission The Purpose of Preparing the Environmental Assessment for Renewing the Licenses for Prairie Island Independent Spent Fuel Storage Installation, ADAMS Accession No. ML12284A456
PIIC000045	PIIC Response to Section 106 Consultation (Docket No. 72-10) (July 18, 2012), ADAMS Accession No. ML13036A661
PIIC000046	E-mail correspondence from H. Westra to B. Bergland et al. re: NRC and CRMP (December 12, 2009).
PIIC000047	Correspondence from J. Holthaus to H. Westra re: CRMP Actions from March 26 Meeting (April 5, 2010)
PIIC000048	E-mail correspondence from J. Holthaus to H. Westra, et al. re Excavation Procedures (March 30, 2010)
PIIC000049	E-mail correspondence from R. Schirmer to H. Westra et al. regarding archaeological issues (May 28, 2010)
PIIC000050	Correspondence from M. Wadley to R. Johnson attaching draft report entitled "Literature Search and Assessment of Historical and Archaeological Resources Impacted by Construction and Operations Activities at the Prairie Island Nuclear Generating Plant" (August 14, 2008)
PIIC000051	Correspondence from P. Mahowald to NSPM re: concerns related to excavation of burial grounds (August 6, 2008)
PIIC000052	Correspondence from NSPM to P. Mahowald and D. Aafedt re: cultural resource assessment (August 15, 2008)
PIIC000053	Testimony of Gregg S. Wilkinson in Minnesota PUC on behalf of PIIC re: Radiation dose to the public
PIIC000054	Surrebuttal Testimony of Gregg S. Wilkinson in Minnesota PUC on behalf of PIIC
PIIC000055	E-mail correspondence exchange between P. Mahowald and P. Longmire re: NRC and NEI Public Meeting (August 6-7, 2012)
PIIC000056	E-mail correspondence from P. Longmire to R. Johnson et al. re: NRC and NEI Public Meeting (July 10, 2012)
PIIC000057	E-mail correspondence exchange between P. Longmire and P. Mahowald re: NRC and NEI

	Public Meeting (July 23, 2012)
PIIC000058	E-mail correspondence from S. Ruffin to P. Mahowald et al. re: NRC and NEI Public Meeting (July 24, 2012)
PIIC000059	E-mail correspondence from K. Banovac to P. Mahowald et al. re: Public Meeting on Enhancements to Licensing & Inspection Programs for Spent Fuel Storage and Transportation (August 13, 2012)
PIIC000060	E-mail correspondence from S. Ruffin to P. Mahowald re: Summary of NRC and NEI Public Meeting (September 4, 2012)
PIIC000061	E-mail from P. Mahowald to Rulemaking. Comments @nrc.gov - comments on Docs # 2008-0404; 2008-0482 (2/6/09)
PIIC000062	E-mail from Rulemaking. Comments @nrc.gov to P. Mahowald - Comments on Doc #s 2008-0404; 2008-0482 Acknowledging receipt of submission (2/12/09)
PIIC000063	E-mail from Rulemaking. Comments @nrc.gov to P. Mahowald - Comments on Doc #s 2008-0404; 2008-0482 Acknowledging receipt of submission (2/17/09)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	Docket No. 72-10-ISFSI-2
Northern States Power Co.	)	
	)	
(Prairie Island Nuclear Generating Plant,	)	ASLBP No. 12-922-01-ISFSI-MLR-
Independent Spent Fuel Storage Installation))	)	BRD01

**AFFIDAVIT OF PHILIP MAHOWALD  
CONCERNING MANDATORY DISCLOSURE  
REQUIREMENT OF 10 C.F.R. § 2.336(c)**

I, Philip Mahowald, state as follows:

1. I am employed as the General Counsel for the Prairie Island Indian Community in the State of Minnesota (“PIIC”). Among other things, I am responsible for the preparation of the PIIC’s mandatory disclosures in connection with this proceeding.

2. I hereby certify that all relevant materials 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 as of the date of this certification.

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

*/Original signed by/*

\_\_\_\_\_  
Philip Mahowald  
Executed in Welch, Minnesota  
this 28th day of February, 2013.

*/Original signed by/*

\_\_\_\_\_  
Steve Ruffin  
Executed in Rockville, MD  
this 21st day of February, 2013.

February 28, 2013

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of )  
 ) Docket No. 72-10-ISFSI-2  
NORTHERN STATES POWER CO. )  
 )  
(Prairie Island Nuclear Generating Plant, ) ASLBP No. 12-922-01-ISFSI-MLR-BRD01  
Independent Spent Fuel Storage Installation))

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing “PIIC’S INITIAL DISCLOSURES,” dated February 28, 2013, have been served upon the Electronic Information Exchange, the NRC’s E-Filing System, in the above captioned proceeding, this 28th day of February, 2013:

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**Signed (electronically) by**  
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