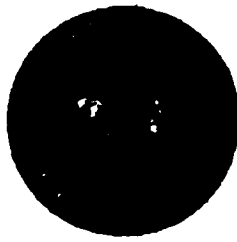


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**Curtis Campbell Sr.**  
*President*

**Byron White**  
*Secretary*



**Dorelynn Lehto**  
*Vice-President*

**Alan W. Childs Sr.**  
*Treasurer*

**Michael J. Childs Sr.**  
*Assistant Secretary/Treasurer*

September 30, 1996

Corrine Macaluso  
U.S. Department of Energy  
c/o Lois Smith  
TRW Environmental Safety Systems, Inc.  
600 Maryland Avenue, SW, Suite 695  
Washington, DC 20024

RE: Comments on Section 180(c) Policy and Procedures

The Prairie Island Indian Community appreciates the opportunity to provide comments on the Department of Energy's Proposed Policy and Procedures to implement Section 180 (c) of the Nuclear Waste Policy Act of 1982 as amended.

The Prairie Island Indian Community is a federally recognized Indian tribe organized under 25 U.S.C. § 476 and is governed under the terms of the Constitution and By-Laws adopted by tribal members on May 23, 1936 and approved by the Secretary of the Interior on June 20, 1936. Its members are Mdewakanton and Wahpekute descent of the Dakota Sioux. There are approximately 500 enrolled members; one hundred and sixty (160) members live on the reservation. The Prairie Island Indian Community is located on Prairie Island, which is formed at the confluence of Vermillion and Mississippi rivers in southeastern Minnesota, approximately 40 miles southeast of Minneapolis.

The Prairie Island Indian Community's interest in nuclear waste issues, including transportation and storage, arises from establishment of a nuclear power generating plant adjacent to the Prairie Island Indian Community since 1973 (see attached map). To date, we do not know of anyone in the United States who lives so close to a nuclear facility. Currently, our neighbor, Northern States Power, has

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begun to store spent nuclear fuel in above ground casks only three blocks from the homes, school and business of our community. Our tribal council has been monitoring the Department of Energy's efforts to develop a national solution for nuclear waste storage and the Congress's recent efforts to identify an interim waste storage facility.

The United States has a trust relationship with the Prairie Island Indian Community. The United States' trust responsibilities include protecting tribal interest and vindicating tribal rights. The United States has a responsibility to protect the environment, human health, cultural resources, and property interests in Indian Country. Protecting our people from harmful impacts demands that the federal government safely remove nuclear waste from Prairie Island. As nuclear waste from Northern States Power will eventually be transported through and adjacent to our reservation to a federal storage facility, the Department of Energy, in implementing Section 180(c), has an obligation to ensure that we are adequately prepared for any type of radiological emergency related to such shipments.

We ask this as a matter of the United States Government's "trust responsibility" toward American Indians, which is the unique legal and moral duty of the United States to assist Indians in the protections of their property and rights. This trust responsibility arises out of treaties, statutes, executive orders, legal precedence, the United States Constitution and the course of dealings between the United States Government and Indian tribes. The full inclusion of Indian tribes in the implementation of the Section 180(c) of the Nuclear Waste Policy Act is a fulfillment of this responsibility.

Additionally, several United States Presidents have acknowledged the United States' trust responsibility, by supporting the policy of government-to-government relationships with Indian tribes. Nuclear waste policy is no exception. It is absolutely necessary that tribes are consulted on nuclear waste policy. Not only are state and local governments affected by nuclear waste shipments and responsible for emergency preparedness but tribal governments are as well.

Northern States Power, like many nuclear utilities, has run out of pool storage space and is using dry cask storage technology to keep the plant operational. The Prairie Island Indian Community is very concerned about health and safety risks associated with dry cask storage. We expect a safe and expeditious removal of the waste by the Department of Energy by January 31, 1998, as mandated by the

Nuclear Waste Policy Act and affirmed by the U.S. Court of Appeals on July 23, 1996.

Section 180 (c) of the Nuclear Waste Policy Act states that "the Secretary shall provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste under subtitle A or under subtitle C." Waste from our neighbor, Northern States Power, will be travelling on the railroad line that runs through and immediately adjacent to our reservation (see Figure 1.). Our homes and school are located within 100 feet of the rail line and our business, Treasure Island Casino and Bingo, is located within 1600 feet of the rail line.

As we will be immediately impacted by rail shipments of nuclear waste and have the most at stake should an accident occur, we must be fully involved with and prepared for all shipments of nuclear waste through and adjacent to our community. Full involvement includes: advance notice of shipments, technical and financial assistance for emergency preparedness activities on the reservation, and an opportunity to provide technical input on shipping campaigns.

The proposed implementation plan for Section 180 (c) states that the application process for grants and technical assistance will begin four years prior to any transport. As the Department must begin accepting waste by January 31, 1998, there is little more than sixteen months left (not four years) to begin this process. The Department of Energy must begin this process now.

For the United States to fulfill its trust responsibility, it must work with tribes on a government-to-government basis to ensure full tribal participation. The Department of Energy must provide us with technical and financial assistance so that we are adequately prepared for all shipments of spent nuclear fuel traveling adjacent to and through the Prairie Island Indian Community.

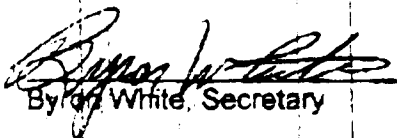
The lack of full tribal participation in emergency evacuation planning and preparedness has augmented fears about living next to a nuclear power plant. We would like to be fully prepared for all nuclear waste shipments through and adjacent to our reservation. We expect the Department of Energy to provide our community with any technical assistance and funding that will be provided to other units of government to prepare for waste shipments.

Thank you again for this opportunity to provide comments on the Department of Energy's plan to implement Section 180(c) of the Nuclear Waste Policy Act.

Sincerely,

  
Curtis C. Campbell Sr., President

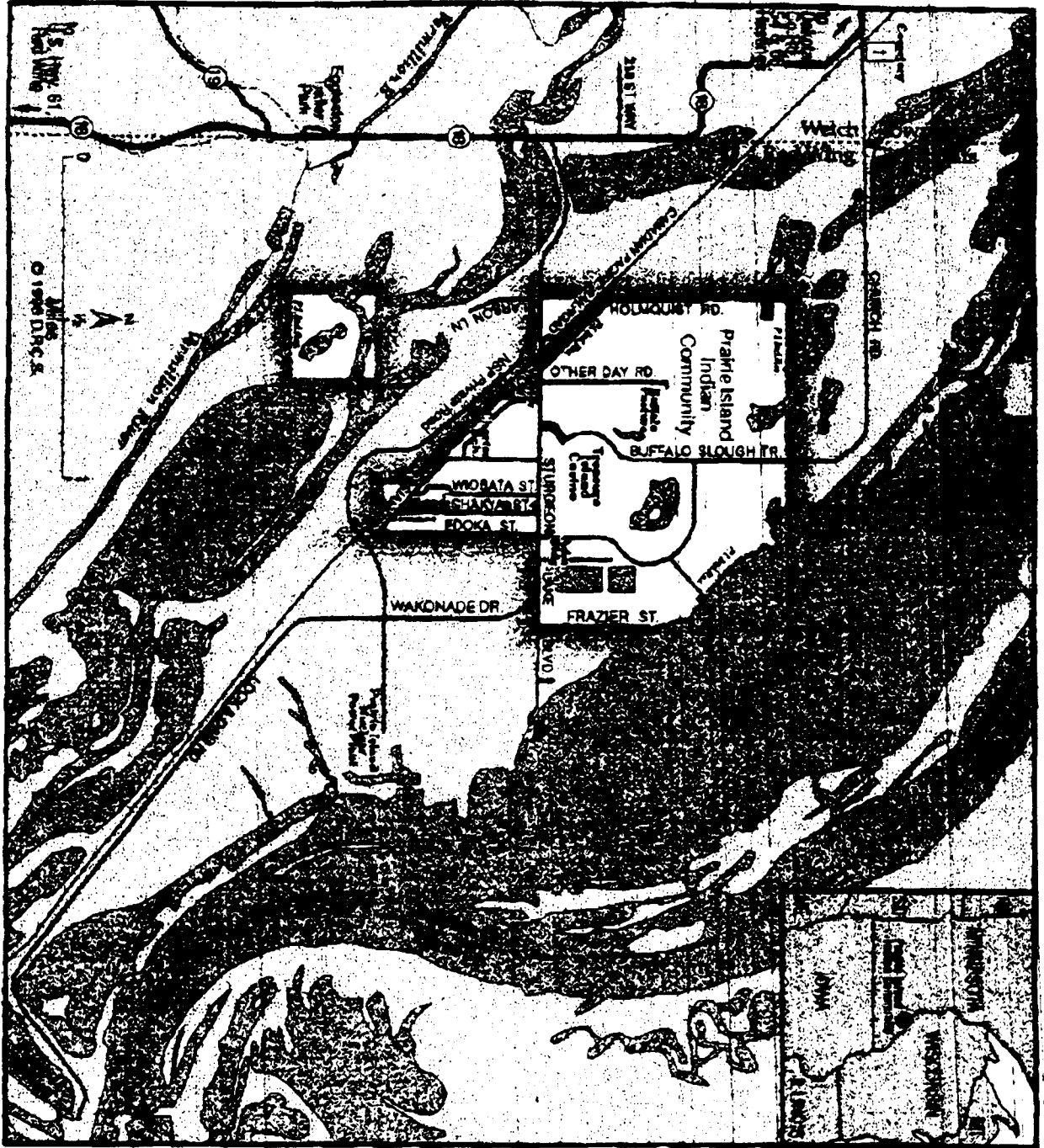
  
Dorelynn Lehto, Vice President

  
Byron White, Secretary

  
Alan Childs Sr., Treasurer

  
Michael Childs Sr., Ass't Sec./Treasurer

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MAP OF THE PRAIRIE ISLAND INDIAN COMMUNITY