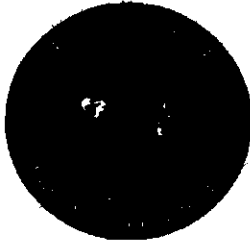


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**Darrell D. Campbell**  
*President*



**Darelynn Lehto**  
*Vice-President*

**Byron White**  
*Secretary*

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

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

September 15, 1997

Corrine Macaluso  
US 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

Dear Ms. Macaluso:

The Prairie Island Indian Community appreciates the opportunity to provide comments on the Department of Energy's proposed plan to implement Section 180 (c) of the Nuclear Waste Policy Act, as published in the Federal Register on July 17, 1997.

The Prairie Island Indian Community is a federally recognized Indian tribe organized under 25 U.S.C. Section 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 tribal 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 the 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 the establishment of a nuclear power generating plant next to our reservation (the power plant has been operational since 1973). To date, we know of no one in the United States who lives so close to a nuclear facility. Currently, our neighbor, Northern States Power, has begun to store spent nuclear fuel in dry casks on a concrete pad just three blocks from our homes, our church, our community center, and our business. We have been monitoring the Department of Energy's (DOE) efforts to develop a national solution for nuclear waste storage and Congress's recent efforts to identify an interim storage facility.

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As the DOE is well aware, the United States government has a Trust relationship with the Prairie Island Indian Community. The United States has a responsibility to protect the environment, human health, natural and 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 be transported through and adjacent to our reservation to a federal storage facility, the DOE, 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.

As mentioned previously, our neighbor, Northern States Power, has run out of pool storage space and is currently using dry cask technology to keep the plant operational. We are very concerned about the health and safety risks associated with dry cask storage and urge the DOE to safely remove the waste by January 31, 1998, as mandated by the Nuclear Waste Policy Act (NWPA).

We support the DOE's efforts to fully and meaningfully involve Indian tribes in the safe transportation of nuclear waste. It is absolutely necessary that tribes are directly consulted on nuclear waste shipments. Lack of meaningful and direct involvement in emergency evacuation planning and preparedness activities has augmented our fears about living next to a nuclear power plant. We fully expect to be involved with all shipments of spent nuclear fuel traveling through and adjacent to our reservation.

Not only are state and local governments affected by nuclear waste shipments and responsible for emergency planning and preparedness activities, but tribal governments are as well. Although DOE does not intend to help establish "from the ground up" radiological emergency preparedness programs, the disparity between states and tribes, with respect to emergency response programs and capabilities, should be noted. As most states already have full-scale "all-hazards" emergency response programs in place, it will take only a minimal level of technical and financial assistance to enable them to prepare for these shipments. Indian tribes, in many cases, lack basic emergency response infrastructure, such as police and fire, and will need a greater level of assistance to be adequately prepared.

The Prairie Island Indian Community supports the idea that individual tribes and states determine for themselves the level of preparedness needed, training needs, and infrastructure needs. Furthermore, we feel it is absolutely necessary that drills and exercises be an integral component of any response program.

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The Federal Register notice stated that Section 180 (c) technical assistance and funding are only for "shipments to a repository or MRS constructed under the NWPA." It should be noted that, because of the unavailability of a federal repository or MRS, utilities are finding it necessary to develop a private storage facility. As the DOE may be aware, Private Fuel Storage, a consortium of seven utilities, including our neighbor Northern States Power, has submitted a license application to the Nuclear Regulatory Commission (NRC) for a nuclear waste storage facility on the Skull Valley Goshute Indian Reservation in Skull Valley, Utah. If licensed, this facility could store up to 40,000 tons of spent nuclear fuel. Most likely, the spent fuel will be transported to the site in transportation casks. Spent fuel traveling to this facility will pass through and adjacent to our reservation. Who will be responsible for ensuring that there are no accidents associated with these shipments? Our land, people, and resources will be impacted by these shipments, yet no one appears to be responsible for ensuring that we are involved and prepared. How can the federal government allow these shipments to occur without adequately preparing tribal, state, and local responders?

The DOE must work directly with each jurisdiction impacted by nuclear waste and spent fuel shipments. We are concerned that if any portion of this process is privatized, Indian tribes will lose their government-to-government relationship with the DOE. By working directly with Indian tribes, the DOE will have a better understanding of the tribal lands, including ceded territories and important natural and cultural resources that may be impacted by nuclear waste shipments. It must also be noted that tribal boundaries are often expanding and as such, tribal jurisdictional responsibilities are also increasing. In fact, our own land base has increased by 1,000 acres in the last two years. Without direct consultation with Indian tribes, these facts may not be known.


Finally, we fully support the comments provided to the DOE by the National Congress of American Indians/Nuclear Waste Program, on behalf of Indian tribes throughout the United States. We support their efforts to ensure that Indian tribes are kept apprised of and involved with these matters.

Again, thank you for the opportunity to provide comments on this most important policy. We are hopeful that our comments will assist the DOE in developing an equitable policy for providing Indian tribes with technical and financial assistance to develop adequate emergency response plans in advance of spent fuel and nuclear-waste shipments.


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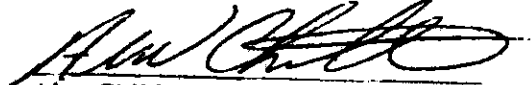
If you have any questions regarding our comments, please feel free to contact Heather Westra, Environmental Coordinator, at (800) 554-5473.


Respectfully,

  
Darrell D. Campbell  
Tribal Council President

*(absent)*  
Darelynn Lehto  
Tribal Council vice-president

  
Byron White  
Tribal Council Secretary

  
Alan Childs, Sr.  
Tribal Council Treasurer

  
Michael J. Childs, Sr.  
Tribal Council Secretary/Treasurer