

PUBLIC SUBMISSION

As of: January 03, 2014
 Received: December 19, 2013
 Status: Pending_Post
 Tracking No. 1jx-89e4-iw0m
 Comments Due: December 19, 2013
 Submission Type: Web

Docket: NRC-2013-0251

Proposed License Renewal for the Prairie Island Independent Spent Fuel Storage Installation

Comment On: NRC-2013-0251-0001

Proposed License Renewal of the Prairie Island Independent Spent Fuel Storage Installation

Document: NRC-2013-0251-DRAFT-0004

Comment on FR Doc # 2013-27730

Submitter Information

Name: Philip Mahowald

Submitter's Representative: General Counsel

Government Agency Type: Tribal

Government Agency: Prairie Island Indian Community

11/19/2013
 78 FR 69460
 (4)

General Comment

See attached file(s)

Attachments

PIIC Comments on Draft EA 12-19-13-2

RECEIVED

2014 JAN - 3 PM 3:34

RULES AND DIRECTIVES
 BRANCH
 USNRC

SUNSI Review Complete

Template = ADM - 013

E-RIDS= ADM-03

Add= J. Freethen (SAT2)



PRAIRIE ISLAND INDIAN COMMUNITY LEGAL DEPARMENT

December 19, 2013

Cindy Bladey, Chief
Rules, Announcements, and Directives Branch
Office of Administration
Mail Stop 3WFN-06-44M
US Nuclear Regulatory Commission
Washington, DC 20555-0001

**RE: Comments on Draft Environmental Assessment for the
Prairie Island Independent Spent Fuel Storage Installation
License Renewal, NRC Docket 2013-0251**

Dear Ms. Bladey:

The Prairie Island Indian Community (Community or Tribe) offers the following comments regarding the above-referenced draft Environmental Assessment (EA) prepared by the US Nuclear Regulatory Commission (NRC) for the Prairie Island Independent Spent Fuel Storage Installation (PI ISFSI) 40 year license renewal application (NRC License No. SNM-2506), as required by the National Environmental Policy Act (NEPA).

Executive Summary

While we do realize that the Executive Summary is a summary of the larger document, we are nevertheless disappointed that there is no mention of the Prairie Island Indian Community's Cooperating Agency status with the NRC for purposes of developing certain aspects of the draft EA. Although the Executive Summary mentions that the NRC "consulted with" federally recognized Indian Tribes as part of its environmental review process, the Prairie Island Indian Community is the only tribe participating in the development of the draft EA. The Executive Summary of the final EA should contain a brief statement of the Cooperating Agency status of the Prairie Island Indian Community and the Tribe's contribution to the EA (i.e., similar to the discussion on page 1-10).

Purpose and Need (Section 1.2)

The stated purpose and need of the proposed action (i.e., the PI ISFSI license renewal) “is to provide an *option* that allows for the continued temporary storage of spent nuclear fuel generated by the PINGP Units 1 and 2.” Draft EA at page 1-1 (emphasis added). Given that the Yucca Mountain national repository has all but been abandoned and that there seems to be no action on siting and developing a different repository location, the continued storage of spent nuclear fuel at Prairie Island seems neither *optional* nor *temporary*. Unless and until the draft EA honestly addresses the long and complicated history of our Nation’s failed nuclear waste policy, the Federal Government’s ongoing violation of the Nuclear Waste Policy Act, and the possibility that this relicensing action will result in larger quantities of spent nuclear fuel being left stranded indefinitely on Prairie Island, to refer to the purpose and need of the proposed action as “an option for continued temporary storage” simply perpetuates the fiction of our Nation’s failed nuclear waste policy.

Trust Responsibility (Section 1.5)

The draft EA states that the Federal Government has a trust responsibility to federally recognized Indian tribes. The NRC states that it discharges its obligations under the doctrine of trust responsibility by complying with regulations and statutes designed to protect the public (emphasis added). As a threshold matter, since the NRC is currently in violation of the NWPA for failing to timely consider the U.S. Department of Energy’s Yucca Mountain license application, how can the NRC claim that it has fulfilled its trust responsibility to the Tribe? The NRC cannot comply with the law by ignoring it. Assuming *arguendo* that compliance with existing statutes and regulations is a minimum requirement for fulfilling the NRC’s trust responsibility to the Tribe, some analysis of the NRC’s ongoing breach of the NWPA is required.

In our view, trust responsibility means more than simply complying with existing statutes and regulations. As stated above, this type of compliance is no different than what is owed to the general public. In order for the trust responsibility to have any vitality, Federal agencies must exercise a higher responsibility when taking actions that may affect a federally recognized Indian tribe, its people, land and cultural and natural resources.

It is precisely this trust responsibility that led federal officials to refuse to approve the construction of an ISFSI on reservation lands of the Skull Valley Band of Goshute Indians, even though the tribe *wanted* to host that facility. In its Record of Decision, the Bureau of Indian Affairs noted that it was acting as a “fiduciary” with respect to

reservation lands, which were held in trust for the Skull Valley Band.¹ “As trustee-delegate, the Secretary has the complex task of weighing the long-term viability of the Skull Valley Goshute reservation as a homeland for the Band (and the implications for preservation of Tribal culture and life) against the benefits and risks from economic development activities proposed for property held in trust by the United States for the benefit of the Band.”² Because of the delay in constructing a permanent repository to store nuclear waste, the Secretary was concerned that even though the reservation lease was only for a 25-year storage term, in fact, the nuclear waste might end up staying much longer.³ The Secretary stated that its “primary duty as trustee-delegate” was “the protection of the trust *res* as a future homeland and productive land base for the Band through the prudent exercise of informed discretion after considering all relevant factors.”⁴ In that case, the Secretary concluded “that it is not consistent with the conduct expected of a prudent trustee to approve a proposed lease that promotes storing [spent nuclear fuel] on the reservation.”⁵ A critical consideration of the Secretary was that “years-long delays in construction of a permanent [spent nuclear fuel] repository, reflected in the Waste Confidence Decisions of the NRC, provide[] no firm basis to determine when and under what circumstances [spent nuclear fuel] might be taken away from trust land if the proposed ISFSI is built.”⁶

The same considerations ought to apply to the ongoing – indeed, potentially indefinite – storage of spent nuclear fuel on Prairie Island. The draft EA is insufficient because it fails to adequately consider and weigh the long-term viability of the Prairie Island Reservation as a homeland for the Tribe (and the implications for preservation of Tribal

¹Record of Decision (ROD) at 17. The RODs are available at:

(<http://www.deq.utah.gov/Issues/topics/highlevelwaste/docs/2006/Sep/ROD%20PFS%2009072006.pdf>).

²ROD at 18.

³ROD at 19.

⁴ ROD at 18-19.

⁵ ROD at 19. The Secretary’s decision was ultimately vacated and remanded by the U.S. District Court for the District of Utah, because the Secretary’s ROD did not even mention 25 C.F.R. § 162.107(a). That provision requires the Secretary to defer, “to the maximum extent possible,” to the tribe’s determination that the lease was in its best interests. 728 F.Supp.2d 1287 (D. Utah 2010). Since the Skull Valley Band was in favor of storing nuclear waste on its reservation, the Secretary needed to at least explain why it was not possible to defer to this determination. This decision is irrelevant here, because the PIIC has consistently opposed the storage of nuclear waste near its Reservation. The Secretary’s concerns about the impact of long term SNF storage and the federal government’s trust responsibility seems prescient in light of the withdrawal of the Yucca Mountain license application and the invalidation of the NRC Waste Confidence Decision and the Temporary Storage Rule. To date, the Secretary has not taken further action on the subject lease or right of way.

⁶ ROD at 19.

life and culture) against the risks of continued, indefinite storage of an ever-increasing amount of spent nuclear fuel. A spent fuel accident or act of sabotage (even if unsuccessful) could have a devastating impact on the Tribe, and perhaps render the Tribe's reservation homeland uninhabitable.

We do recognize and appreciate the efforts of the NRC to work with the Prairie Island Indian Community on a government-to-government basis to develop portions of this EA. We believe, however, there are a few areas where the NRC needs to do more than just protect the general public, such as potential cumulative health impacts and cumulative historic and cultural resources impacts (discussed later in these comments).

2.0 Alternatives

We would like to see the Alternatives analysis expanded so that a full comparison can be made. We do not believe that enough information was considered or provided to allow an informed choice among the alternatives

In our view, the No Action alternative is no different than the Proposed Action. The only difference is that NSPM would not be allowed to place any additional casks on the ISFSI. Denying NSPM's license application changes nothing—the PI ISFSI would remain and the current inventory of dry casks would stay the same. The No Action alternative analysis should be expanded to include a discussion of whether the PINGP 1 and 2 might just opt for a general licensee (to store waste), instead of shutting down, and where that general license ISFSI might be located, and whether there are any environmental impacts associated with constructing a general license ISFSI.

Another aspect of Alternatives involves shipment to an off-site facility (federal or interim). Section 2.1.5 concludes by stating that this alternative is not a reasonable alternative because there is no facility in the United States. There is an NRC licensed facility on the reservation of the Skull Valley Band of Goshute Indians in Utah (Private Fuel Storage or PFS). The PFS license has not been terminated by the NRC, therefore it is still a licensed facility. This alternative should be more fully discussed to gain a better understanding of the environmental and socioeconomic impacts in order to compare it with the Proposed Action.

The Alternatives analysis should also include a discussion of the transportation of spent nuclear fuel, especially the higher burn-up fuel, as this is an important aspect that could potentially cause spent nuclear fuel to be stored on-site much longer than anticipated.

3.10 Historic and Cultural Resources

Traditional Cultural Properties (page 3-19)

It should be noted that locations of medicinal plants, in addition to archaeological sites, such as burial mounds and habitation sites, are considered to be sacred areas important to Dakota culture.

It should also be noted that it was the Prairie Island Indian Community that initiated the repatriation of the human remains removed from Site 21GD058/061 in the 1960s.

4.0 Environmental Impacts

Waste Confidence (page 4-1)

We understand and appreciate that licensing decisions are on hold pending the finalization of the Waste Confidence Generic Environmental Impact Statement (GEIS). While we do recognize that the Waste Confidence Decision (WCD) and Temporary Storage Rule (TSR) rule do not explicitly *authorize* individual licensing actions (i.e., reactor and ISFSI), it is important to note that the WCD and TSR *allow* for indefinite on-site storage of spent nuclear fuel. During the process to relicense the PINGP 1 and 2, we raised the issue of the environmental impacts of indefinite on-site storage of spent nuclear fuel in the EIS scoping process. The response from the NRC was that on-site storage of spent nuclear was a Category 1 issue (i.e., generic to all nuclear power plants) that would not be evaluated in the Supplemental EIS for the PINGP 1 and 2 reactor renewal and that the existence of the WCD and TSR meant that waste could safely be stored on-site and that there was *reasonable assurance* that waste would not be stored on-site forever.

Recent events tell us that there is no assurance whatsoever that waste will ever leave Prairie Island or any site (in spite of an updated WCD and TSR). The WCD and TSR have been updated or revised over the last 20 years to reflect changing realities. Each subsequent revision or update changes the date by which a repository will be available or increases the amount of time spent nuclear fuel can “safely” remain on-site beyond the licensed life of a plant. In 2010, after 25 years of study and \$25 Billion spent on Yucca Mountain, the Administration declared that we can do better and we must start over. Toward that end, the Blue Ribbon Commission (BRC) on America’s Nuclear Future was established in 2010 to develop a new path forward. The BRC’s work culminated in a January 2012 report that laid out several recommendations, including the need for a geologic repository. In January 2013 the Department of Energy (DOE) has released its plan for implementing the recommendations of the BRC. A Senate bill has been drafted that, if enacted, would implement some of these recommendations. The bill, however, has not moved out of the Senate Energy and Natural Resources Committee and it remains to be seen whether a companion bill will be introduced in the House. Moreover, considering the DOE’s abrupt and unlawful abandonment of the Yucca Mountain Repository – the geologic repository established and required by the NWPA (i.e. the current law of the land) – there can simply be no assurance that any future laws will be enacted or enforced.

This history is relevant because the WCD and TSR are inextricably linked to the development of a national repository. The legal responsibility for developing the repository, however, currently rests with a different federal agency, which has abandoned the effort. Given past history, as articulated above, how can anyone reasonably believe that spent nuclear fuel will ever leave reactor sites?

Page 4-2 states that the updated Waste Confidence Decision and Rule and supporting GEIS will provide the necessary NEPA analyses of waste-confidence related environmental issues. As we understand it, some site-specific issues will be evaluated during subsequent license renewals for ISFSIs (i.e., 40-year renewal terms). Because each license term is limited to 40-year intervals, we will never have a chance to truly evaluate and understand the long-term environmental consequences of indefinite spent nuclear fuel storage, especially high burn-up fuel, on Prairie Island.

4.11.3 Accidents

Section 4.11.3 must be revised to include a more realistic analysis of accidents as well as an analysis of impacts to the Prairie Island Indian Community resulting from the accidents. Paragraph 4 states that a transportation accident involving a jumbo barge explosion on the Mississippi River would be the worst case impact on the operation of the PI ISFSI, due to a resulting pressure wave. There is no mention of whether a fire on the banks of the Mississippi River could result from this explosion (especially during a dry summer) and whether the fire would have a negative impact on the PI ISFSI and the Prairie Island Indian Community.

Paragraph 5 discusses an accident resulting in an engulfing fire from the ruptured fuel tank of the cask transporter vehicle. The EA should also discuss and assess the possibility of an engulfing fire resulting from a derailment of flammable materials that are routinely transported on the rail lines just one-quarter mile from the ISFSI. On any given day there are hundreds of railcars with fuels and other flammable materials travelling on these rail lines adjacent to the PI ISFSI and through the Prairie Island Indian Community; the annual number of tanker cars would be hundreds of thousands. Recent derailments in the news—the devastating accident in Quebec, one just outside of New York City, and most recently in Duluth, MN—reminds us that its not a question of if, but when, it may might happen on Prairie Island. A possible train derailment of flammable liquids, coupled with very dry drought conditions, like those experienced in 2012, would have an impact on the PI ISFSI and the Prairie Island Indian Community that must be evaluated in the final EA.

There is also no detailed discussion in the draft EA of explosions or fires resulting from acts of terrorism or sabotage. Every day our society is confronted by the reality that there are suicide bombers willing to harm our nation to make political or religious statements. The PI ISFSI is an attractive target. Paragraph 5 should include a discussion of a fire caused by a fully-fueled jet, including the anticipated temperature and duration of such a fire. History has shown what happens when assumptions are proven wrong and design

basis boundaries are proven inadequate. What would be the consequences of an engulfing fire on the metal seals of the cask if it burned hotter and longer than a 200-gallon fuel fire? For example the fire in the World Trade Center in New York in 2001 was reported to be as hot as 1,800-2,000 °F. What would happen to the metallic lid seals in a similar fire?

Paragraph 9 – Loss of Confinement Barrier – states that for the TN-40 cask, the loss of confinement barrier “was not considered to be credible in the PI ISFSI SAR (NSPM, 2011b), but was hypothesized solely to demonstrate the inherent safety of the PI ISFSI by subjecting it to a set of simultaneous multiple failures, any of which is far beyond the capability of natural phenomena or man-made hazards to produce.” Precisely how far beyond the capability of natural phenomena or man-made hazards to produce was the inherent safety demonstrated? Do the “multiple failures” include impacts and fires such as those discussed in the previous paragraph? Considering the rapid advances in weaponry available throughout the world today, both in terms of range, accuracy and explosive force, not to mention the enemy’s demonstrated ability to modify weapons (i.e. improvised explosive devices, rocket propelled grenades, etc.) to penetrate armored military vehicles, “far beyond the capability of man-made hazards to produce” seems overly confident, if not irresponsibly exaggerated. How can anyone credibly claim such “inherent safety” over the next 40-year period of extended operation of the ISFSI? How much more accurate and powerful are today’s “man-made hazards” and weaponry compared to those at the end of the conflict in Vietnam?

Further with respect to Paragraph 9, what would the radiological consequences of a release of more than one cask be? How many casks would need to be breached before the offsite doses would be above the regulatory limits for offsite doses defined in 10 CFR 72.106(b)?

The Tribe also takes issue with the notion the environmental impact of these types of accident scenarios would be SMALL and not significant. An act of terrorism targeting the PI ISFSI would have devastating economic consequences on the Prairie Island Indian Community over and above any radiological consequences. This analysis must be included in the final PI ISFSI EA, like the EAs the NRC routinely drafts for facilities located within the confines of the Federal Circuit Court of Appeals for the 9th Circuit. This is an area where the NRC must exercise its Trust Responsibility for the Prairie Island Indian Community and go beyond the protection of the general public.

4.14 Cumulative Impacts

With respect to cumulative impacts, we appreciate the NRC’s inclusion of impacts resulting from the future expansion of the PI ISFSI. Nevertheless, we have some issues that we believe were not fully analyzed.

The Council on Environmental Quality (CEQ) regulations define cumulative effects as “the impact on the environment which results from the action when added to other (emphasis added) past, present, and future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.” (40 CFR1508.7).

A primary tenet of Dakota culture is the belief that all things are related, “Mitakuye Oyasin,” and that one cannot separate one aspect of the environment from another. Mitakuye Oyasin, literally translated, means “to all my relations” or “we are all related.” Mitakuye Oyasin is a prayer, an acknowledgement that honors the sacredness of all people and of all life. In other words, the community’s health and well-being and culture are dependent upon the health of the natural environment—the water, the fish, the birds, the air, the plants, cultural sites, that are all interrelated as part of an ecosystem that is Prairie Island. The tribe also takes the same view when it comes to the PINGP and the ISFSI—that they are not separate and all aspects of the PINGP (the two reactors, the ISFSI, the transmission lines) have a cumulative and integrative impact on members of the tribe. Moreover, if it wasn’t for a lack of a national repository, the ISFSI would not be relicensed, let alone expanded. Thus the current national dilemma regarding spent nuclear fuel disposal has a profound impact on the Prairie Island Indian Community.

Cumulative Impacts on Historic and Cultural Resources (page 4-34)

While the EA recognizes that the PI ISFSI will have to be expanded to accommodate the additional dry casks needed to allow the PINGP 1 and 2 to operate until the end of its current licenses, the NRC is relying on the applicant to undertake any additional archaeological surveys prior to submitting a future license amendment application. The EA states correctly that there is still a high probability that additional unrecorded cultural resources may exist within the PINGP property.

There is no discussion of potential mitigation. We feel strongly that additional survey work must be done now, as the expansion of the ISFSI is a reasonably foreseeable future activity. The NRC relies on the implementation of PINGP’s Cultural Resources Management Plan (CRMP) to ensure that any potential historic and cultural resources identified would be protected. The CRMP doesn’t require that the tribe be notified before any archaeological work is conducted. In the case of this application, we were notified of the survey work after it had been completed. Had we been notified in advance, we would have made suggestions that could have improved the survey work completed by Westwood (and in the process, satisfied ourselves that there are no historic and cultural resources in the Area of Potential Effect).

It should be underscored that we do not in any way doubt the sincerity and commitment of NSPM staff that devoted so many hours to developing the CRMP. But the fact is, it is not a regulation or requirement. We have no idea whether any of the dedicated staff (who either developed the CRMP or who have knowledge of its existence) will even be working for NSPM when the ISFSI license amendment for expansion is submitted. What

we do know is that the PI ISFSI will be expanded and there is a high probability for additional unrecorded archaeological and cultural resources within the PINGP site.

Cumulative Impacts on Public Human Health, Trust Responsibility and Environmental Justice

It is not clear whether the cumulative and integrative health impacts have been analyzed as a whole or just separately (i.e., looking at REMP reports). Our concerns relate to the Trust responsibility and Environmental Justice aspects of human health impacts. In other words, we are asking whether the NRC done everything possible to ensure that the health of Prairie Island Indian Community members is being properly evaluated and protected and that tribal members are not disproportionately impacted by the PI ISFSI, the PINGP 1 and 2, and associated high-voltage lines?

As was discussed in the EA, the PI ISFSI will have to be expanded to accommodate the 64 casks needed to allow the PINGP to reach the end of its current licensed life (2034). A total of 98 casks will eventually be needed to decommission the PINGP 1 and 2. Thus, depending on the cask-loading schedule, there may be up to 64 casks on the ISFSI by the time PINGP Units 1 and 2 cease operations in 2033 and 2034.⁷ As such, we are concerned about the potential cumulative and integrated radiological impacts from the continued operation of the PINGP 1 and 2, the associated high voltage lines, and the expanded ISFSI (possibly storing up to 64 casks during the period of the PINGP's continued operation), and not just the eventual expansion of the ISFSI to 98 casks. When the ISFSI has 98 casks, the reactors will have ceased operating.

Page 4-36 of the EA discusses the expansion of the PI ISFSI and expected radiological dose rate increase to members of the public. The draft EA also discusses the analysis provided by the Minnesota Public Utility Commission's (MPUC) Environmental Impact Statement (EIS) for the Certificate of Need (CON) application filed by NSPM in 2008.

It's unclear from the draft EA the extent, if any, to which the NRC assessed and tested the analysis provided by NSPM during the MPUC proceedings. It must be noted that great deference was given to the NRC's preemptive expertise regarding radiological emissions and impacts by the MPUC during those proceedings. The Tribe believes that the NRC should do its own independent analysis to verify that NSPM's analysis in the MPUC proceedings is correct. At a minimum, the NRC should serve NSPM with a RAI and have them submit an analysis in this NRC proceeding.

⁷ The EA also fails to mention that the NRC's draft Waste Confidence Generic Environmental Impact Statement (GEIS) contemplates a second twenty-year renewal period. If the NRC can assume a second 20-year renewal term in the DGEIS, then it ought to fully analyze the potential impacts of the additional spent nuclear fuel generated during that additional renewal term.

Page 4-39 of the draft EA states that the placement of 98 casks would increase skyshine radiation exposure to the public in addition to the radiological impacts expected from the licensed 48 casks. The EA further states “radiation exposure from up to 98 casks including the operation of the PINGP 1 and 2 would not exceed NRC regulatory limits.” It is important to note that when the ISFSI contains 98 casks, the PINGP 1 and 2 will not be operating.

In our view, the EA does not provide a complete understanding of what the cumulative and integrated radiation exposure is to members of the Prairie Island Indian Community from the PI ISFSI and PINGP 1 and 2, as well as from the high voltage lines. Moreover, we would like to know what the cancer risk to community members would be from these sources.

As mentioned above, the NRC reviewed the EIS developed by the MPUC for the PI ISFSI expansion CON. An important aspect of the MPUC EIS is discussion of health risks (i.e., cancer) related to potential long-term exposure to low-level skyshine radiation (estimated to be 4.40 mrem/year for 98 casks):

Assuming that the nearest residents (0.45 mile away) live outside for 70 years, it is estimated that an additional 1 person in 2,850 (35 in 100,000) would be diagnosed with cancer and an additional 1 person in 5,700 would die from cancer.

What is expected the cancer risk to members of the Prairie Island Indian Community from reactor operations, EMFs and the additional dry casks? Shouldn't these three sources—skyshine from dry casks, releases from the plant, and EMFs—be included in the cumulative impacts analysis (past, present, and future)? The Tribe is not solely concerned about increased radiation and risks from additional casks, but rather the additional casks, in addition to the releases from the plant. Furthermore, there is nothing in EA about cancer risks, other than a discussion in Chapter 3 regarding the pending National Academy of Sciences' (NAS) National Research Council update to the 1990 Cancer Institute Study (page 3-22). This is an important factor as the NRC requested that the National Research Council provide an assessment of cancer risks in populations near U.S.NRC-licensed nuclear facilities. While we realize that it may not have been the NRC's decision on which plants were selected to be studied further by the NAS cancer study, we feel they are missing an important opportunity to evaluate the cancer impacts of the only reactor where a Indian tribe is located immediately adjacent to a nuclear plant and spent fuel storage installation.

We would like the NRC to include a discussion of health risks (cancer) from all sources—the PINGP 1 and 2, the PI ISFSI and high voltage lines—in the final EA. This is another area where the Prairie Island Indian Community expects the NRC to go beyond what they do for the general public.

Transportation of spent nuclear fuel

Throughout the document references are made to the eventual decommissioning and dismantling of the PI ISFSI. What is missing from the discussion is how the dry casks containing high burn-up fuel (TN-40 HT) will be transported from the PI ISFSI before it is decommissioned. We understand that the TN-40 casks are licensed for transportation, but the TN-40 HT is not (currently, no cask is licensed to transport high burn-up fuel). If the final EA includes some discussion related to impacts from decommissioning the PI ISFSI, the final EA must also include some discussion as to how (and whether) spent nuclear fuel will be transported from the ISFSI prior to decommissioning.

The draft EA fails to adequately address the considerable uncertainty regarding the long-term effects of high burnup fuel during extended dry cask storage, including still-unresolved concerns associated with degradation of fuel assemblies and internal cask components and cladding. Potential problems are less likely to occur during the proposed extended license term (i.e., up to 40 years), but beyond that term there is far more uncertainty. As a result, the potential transportation of these casks will become more problematic the longer the spent nuclear fuel is stored onsite. The draft EA should assess the consequences and potential impacts of storing high burnup fuel not only for the proposed extended license term, but also for longer periods of indefinite onsite storage. The longer high burnup fuel is stored at the PI ISFSI, the more likely the potential problems associated with high burnup fuel will manifest themselves, making transportation of those casks more dangerous, more risky, and therefore, less likely.

Conclusion

The continued operation of the PI ISFSI and PINGP Units 1 and 2 are the most important issues for the Tribe. The Tribe has devoted considerable resources to ensure that the Community is able to participate in these proceedings (as a Cooperating Agency for the EA and as an Intervener in the Adjudicatory Proceedings).

We look forward to continuing our Cooperating Agency relationship with the NRC to finalize the Environmental Assessment or assist with the preparation of an Environmental Impact Statement for the PI ISFSI license renewal.

Respectfully submitted,

Signed (electronically) by Philip R. Mahowald

Prairie Island Indian Community
Philip R. Mahowald
General Counsel
Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, Minnesota 55089
651-267-4006
pmahowald@piic.org