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To: Leeds, NKR DCR

CYS: EDO
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DEDR

Date Printed: May 08, 2008 15:03

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R111

PAPER NUMBER: LTR-08-0270

LOGGING DATE: 05/08/2008

ACTION OFFICE: EDO

AUTHOR: Ronald Johnson
AFFILIATION: MN
ADDRESSEE: Terry Virden (US DOI)
SUBJECT: Prairie Island Nuclear Generating Plant

ACTION: Information
DISTRIBUTION: RF

LETTER DATE: 05/01/2008

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

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May 1, 2008

Terry Virden
Regional Director
Midwest Regional Office
Bureau of Indian Affairs
United States Department of Interior
Bishop Henry Whipple Federal Building
One Federal Drive, Room 550
Ft. Snelling, Minnesota 55111

Re: Prairie Island Nuclear Generating Plant

Dear Mr. Virden:

On behalf of the Prairie Island Indian Community in the State of Minnesota, we are writing to express our ongoing concerns about the Prairie Island Nuclear Generating Plant (PINGP), which is located adjacent to our Community here on Prairie Island, and to request the Bureau of Indian Affairs' assistance in connection with Xcel Energy's application to relicense the PINGP for an additional 20 years of operation. As you are aware, the PINGP's continued operation and the storage of nuclear waste storage just 600 yards from our Community are matters of critical concern to our Community. Although we will continue to monitor and participate in the relicensing process to the fullest extent possible to protect our Community's interests, we respectfully request the BIA's assistance and involvement in the process.

Xcel Energy's Application to Relicense the PINGP

On April 15, 2008, Xcel Energy filed its application with the Nuclear Regulatory Commission (NRC) to renew the operating licenses for the two reactors at the PINGP for an additional 20 years. The PINGP's current 40-year licenses will expire in 2013 and 2014.

Xcel Energy is also expected to file in the near future a Certificate of Need application with the Minnesota Public Utilities Commission to increase the number of used fuel storage containers at

Prairie Island and a Certificate of Need Application seeking to increase the generating capacity of each Prairie Island reactor by approximately 80 megawatts.

Xcel Energy's Dry Cask Storage Facility

The concrete pad on the storage site was designed to hold 48 casks and was licensed by the NRC to hold 48 casks. The 5.5 acre used storage facility on the plant site currently has 24 containers. Xcel is authorized for enough containers to accommodate the plant operation through expiration of the current licenses, which Xcel estimates to total about 29. According to Xcel, the application will seek to add 35 containers (for a total of 64) within the existing storage site boundaries to support plant operations during the license renewal period.

Each storage cask contains 40 spent fuel assemblies, which represents approximately 25 tons of nuclear waste. Accordingly, there are approximately 600 tons of nuclear waste currently stored on Prairie Island. If Xcel's request to for 64 total casks is approved, then roughly 1600 tons of nuclear waste will be stored indefinitely on Prairie Island within 600 yards of our Community and along the banks of the Mississippi River.

The Prairie Island Indian Community has very serious concerns about Xcel's proposed re-licensing and the potential increase in the amount of nuclear waste to be stored indefinitely near our tribal community. With no concrete solution to the storage problem, we question the wisdom of extending the life of this or any nuclear power plant.

We are extremely concerned about the prospect of re-licensing the PINGP, or any nuclear power plant, at this time. Until the federal government makes good on its promise to solve the nuclear waste storage issue, it is irresponsible to consider expanding the use of nuclear power in Minnesota or any state. According to the Department of Energy, there are 125 temporary nuclear waste storage sites throughout the country with more than 169 million Americans living within 75 miles of one of these temporary facilities. Prairie Island is among the closest.

Twenty-five years after Congress passed the Nuclear Waste Policy Act and mandated the establishment of a national repository, the future of the nation's nuclear waste disposal program remains very much in doubt. The NRC's Waste Confidence Rule (10 CFR 51.52) allows for on-site storage of spent fuel for 30 years beyond licensed life (up until 2063/2064 at PINGP) and states a repository will be available by 2025. Because of numerous delays and setbacks with Yucca Mountain, it is getting less likely that a repository will be available by 2025, if ever. Just because the rule says its so, doesn't make it so. No one in our tribe wants to live next to spent nuclear fuel for the rest of his or her lives.

Trust Roles and Responsibilities

The Bureau of Indian Affairs has been a trustee of our Community and its lands since our Tribe was organized in 1936. Planning for the PINGP took place throughout the 1960s. Northern States Power (Xcel Energy's predecessor-in-interest) applied for a construction permit in March 1967, a construction permit was issued for the PINGP in 1968, and construction was commenced shortly thereafter. NSP filed a request for operating licenses for PINGP's two reactors in February 1971. On or about January 22, 1973, the United States Atomic Energy Commission's (AEC) transmitted a Draft Environmental Statement, with a request for comment to various state and federal government entities, including the Minnesota Agency of the U.S. Department of Interior's Bureau of Indian Affairs. According to the AEC's Final Environmental Statement related to the Prairie Island Nuclear Generating Plant dated May 1973, the Minnesota Agency of the U.S. Department of Interior's Bureau of Indian Affairs did not submit any comments. This is extremely troubling given that the Final Environmental Statement makes only passing reference to our Community, and because the statement identifies burial mounds and an Indian village site on the PINGP site that were potentially disturbed during construction.

Benefits and Costs

It is worth noting that although tens of millions of dollars were spent to construct both the PINGP, the transmission infrastructure for the electricity generated at the plant, and the dry cask storage facility for the nuclear waste, apparently no effort was even made to provide our immediately-adjacent Community with access to the electricity generated by the PINGP. At a time when our Community was mired in poverty and a large percentage of our homes were without electricity or running water, the electricity generated by the PINGP was routed along the highest capacity power lines across the road from our homes and away from the Community.

And while we receive no benefit from the electricity generated at the plant, the costs imposed on our Community have been great. The fear, uncertainty and potential adverse health effects related to our close proximity to a nuclear power plant, high-voltage power lines and stored nuclear waste are costs that cannot be quantified. Our Community also bears costs associated with public safety, emergency planning, and the transportation of plant personnel, materials and equipment across our reservation.

In stark contrast, the City of Red Wing promptly annexed the PINGP site. The City of Red Wing and Goodhue County have received the benefit of millions of dollars in property taxes from Xcel during the PINGP's operation. And while our Community receives electricity that has been generated hundreds of miles away in the Dakotas (along with the service and quality problems that result from being so far away from the power source), here at Prairie Island the transmission lines carry the electricity generated by PINGP to homes and businesses in Red Wing and beyond.

Understanding the Past to Protect Our Community's Future

Based on this abbreviated history, and in connection with Xcel Energy's recent filing to relicense the PINGP, it is prudent to clarify the scope of the federal government's trust obligations to our Community vis-à-vis the construction and operation of the PINGP. Among other things, we are seeking to understand and chronicle any involvement the Bureau of Indian Affairs has had in the past that relates to the planning, construction and operation of the PINGP. Accordingly, we respectfully request that the Bureau of Indian Affairs provide answers to the following questions:

- 1. What involvement, if any, did the Minnesota Agency or the BIA have in the planning, construction, or licensing of the PINGP?*
- 2. What efforts, if any, did the Minnesota Agency or the BIA make to advise or assist the Prairie Island Indian Community in connection with the planning, construction or licensing of the PINGP?*
- 3. Did the Minnesota Agency or the BIA receive the AEC's transmittal and request for comments on the AEC's Draft Environmental Statement for the PINGP on or about January 22, 1973?*
- 4. Did the Minnesota Agency or the BIA respond to the AEC's request for comments on the Draft Environmental Statement for the PINGP in 1973?*
- 5. If the Minnesota Agency or the BIA did respond, can you please provide us with a copy of the response?*
- 6. If the Minnesota Agency or the BIA did not respond, can you please provide us with an explanation, if any, of the Minnesota Agency's inaction or decision not to comment on the Draft Environmental Statement for the PINGP?*

In addition to responses to these questions, we further request copies of all documents and records regarding the involvement, if any, of the Minnesota Agency or the BIA, during the planning, construction and opening of the PINGP.

Finally, we respectfully request the Bureau of Indian Affairs, as trustee for this Community and its lands, advise us what it intends to do to fulfill its trust obligations in connection with Xcel's application to relicense the PINGP's two reactors for an additional 20 years of operation, Xcel's Certificate of Need application for additional dry cask storage, and Xcel's Certificate of Need Application to increase the generating capacity of each Prairie Island reactor.

Terry Virden
May 1, 2008
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We appreciate your consideration of this request for information and assistance.

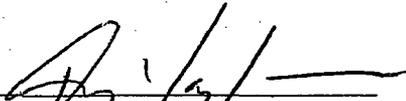
Sincerely,



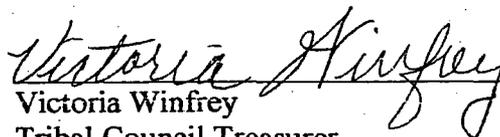
Ronald Johnson
Tribal Council President



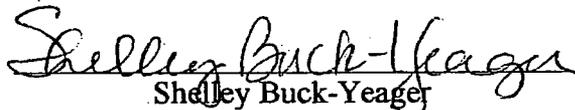
Johnny Johnson
Tribal Council Vice-President



Lucy Taylor
Tribal Council Secretary



Victoria Winfrey
Tribal Council Treasurer



Shelley Buck-Yeager
Tribal Council Assistant Secretary/Treasurer

cc: Carl J. Artman, Assistant Secretary - Indian Affairs
Jerry Gidner, Director of Bureau of Indian Affairs
Dale E. Klein, Chairman, Nuclear Regulatory Commission ✓
Norm Coleman, U.S. Senator
Amy Klobuchar, U.S. Senator
John Kline, U.S. Congressman
Michele Bachmann, U.S. Congresswoman
Keith Ellison, U.S. Congressman
Betty McCollum, U.S. Congresswoman
James Oberstar, U.S. Congressman
Collin Peterson, U.S. Congressman
Jim Ramstad, U.S. Congressman
Timothy Walz, U.S. Congressman
John S. Roberts, Special Assistant to the President for Intergovernmental Affairs