



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 17, 1994

Ms. Denise Homer, Acting Area Director  
United States Department of the Interior  
Bureau of Indian Affairs  
Minneapolis Area Office  
331 South 2nd Avenue  
Minneapolis, Minnesota 55401-2241

Dear Ms. Homer:

The Nuclear Regulatory Commission (NRC) received your May 17, 1994, letter discussing the proposed Memorandum of Understanding (MOU) between the Prairie Island Dakota Community and a number of Federal agencies, including the NRC. We previously responded to your letter regarding our attendance at a meeting that was held on June 1, 1994, at the Dakota Community Center. This letter addresses the concerns stated in your May 17, 1994, letter and some of the issues discussed in the MOU.

You stated in your letter that the Prairie Island Dakota Community is concerned about the health and environmental impact of being located adjacent to the Prairie Island Nuclear Generating Plant and that this concern is heightened because of the proposal to store spent nuclear fuel in dry casks at the site. In addition, the Prairie Island Dakota Council is asking for assistance to ensure that the proposed fuel storage and normal plant operation comply with Federal environmental regulations. You have asked that each agency prepare a concise written summary of (1) previous agency actions, (2) authorities and resources available, and (3) details of activities that should be in a plan of action. You suggest that this plan would include collecting baseline environmental and health data, monitoring key environmental and health parameters, and monitoring procedural activities concerning clearances required for the dry cask storage or other activities at the power plant.

With respect to previous agency actions regarding NRC regulations on environmental impact of the Prairie Island site, in May 1973, the United States Atomic Energy Commission (NRC's predecessor) issued a Final Environmental Statement related to the proposed issuance of an operating license for the Prairie Island plant. In the Final Environmental Statement, the staff concluded that it was appropriate to allow the continuation of construction permits and the issuance of operating licenses for the startup and operation of the Prairie Island plant.

On July 28, 1992, the NRC issued an environmental assessment (EA) and a Finding of No Significant Impact for the planned independent spent fuel storage installation (ISFSI) at the Prairie Island plant. In the EA, the staff concluded that the radiation dose from ISFSI operation would be very small, and it would not significantly increase what the residents are already exposed to from natural background radiation. A summary of the conclusions from the July 28, 1992, EA is enclosed.

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After thoroughly reviewing the licensee application, the NRC concluded that the dry cask storage activities could be conducted without endangering the health and safety of the public. On October 19, 1993, the NRC issued a Safety Evaluation Report and Material License No. SNM-2506 to Northern States Power Company (NSP) to store spent fuel from the Prairie Island plant in an ISFSI on site.

The Minnesota Agencies and the Prairie Island Mdewakanton Sioux Indian Community (The Community) filed petitions to intervene against NSP's plans to build an ISFSI. On March 8, 1991, the Minnesota Agencies and The Community agreed to withdraw their petitions to intervene. In return, NSP and the NRC agreed to give these organizations copies of all correspondence related to spent fuel storage at Prairie Island. The NRC also agreed to allow the Minnesota Agencies and The Community to present their views concerning the ISFSI.

Your letter addressed a plan of action that would entail the collection of key baseline environmental and health data. From NRC's perspective, such data would include radiological environmental monitoring results. There are numerous types of radiation measurements that are made in the vicinity of nuclear power facilities. For an ISFSI, the most appropriate type of monitoring would include the use of thermoluminescence dosimeters (TLDs). These devices measure ambient gamma radiation levels. Currently, NRC has 40 such devices stationed around the Prairie Island site. These are exchanged quarterly by the State of Minnesota under contract to the NRC and are sent to an NRC laboratory for processing.

Under the existing Cooperative Agreement with the State of Minnesota, an appropriate number of stations will be added to the NRC-owned TLD network at the Prairie Island site. The additional stations would be in the unrestricted area proximate to the ISFSI currently licensed under 10 CFR Part 72. The NRC Cooperative Agreement with the State of Minnesota is scheduled to be renewed during the latter part of calendar year 1994, to be effective January 1, 1995. The NRC plans to work with the State, during the latter part of 1994, regarding the addition of these new locations.

The data collected from the TLD network surrounding the Prairie Island site are documented in NUREG-0837, "NRC TLD Direct Radiation Monitoring Network." The NRC can place the Dakota Community Council on the distribution list for this quarterly NRC report. If desired, the NRC can also place the Dakota Community Council on its distribution list for the effluent release (NUREG/CR-2907, "Radioactive Materials Released From Nuclear Power Plants, Annual Report [Year]") and population radiation dose reports (NUREG/CR-2850, "Dose Commitments Due to Radioactive Releases From Nuclear Power Plant Sites in [Year]"), which are prepared annually for the NRC and published by the NRC. These reports would provide the Dakota Community Council with some perspective regarding the environmental impact of effluent releases from the Prairie Island plant.

The MOU addresses the initiation of an epidemiological survey. The NRC does not see a need for an epidemiological study of the Prairie Island site area for the following reasons:

- A comprehensive study of cancer mortality, one of the principal health effects of concern with regard to radiation exposure, was recently completed by the National Cancer Institute. This study, "Cancer in Populations Living Near Nuclear Facilities," was published in 1990. With regard to Prairie Island, the report stated that  

"The number of cancer deaths were not large and there were few statistically significantly elevated RRs [relative risks] comparing the study and control areas after startup [of the Prairie Island plant]."
- The population to be studied is relatively small, thus confounding the ability to draw meaningful conclusions from an epidemiologic study.
- The ISFSI is not expected to release effluents under normal operating conditions.

Should another Federal agency elect to undertake an epidemiological study, the NRC could provide supporting radiological data in the form of the reports referenced above.

With respect to emergency preparedness (EP), as part of its regulatory responsibility, the NRC determined that there is reasonable assurance that adequate measures can be taken to protect the public in the event of a radiological emergency at the Prairie Island site. The NRC bases this determination on its own assessment of onsite (licensee) EP plans and FEMA's assessment of offsite (State and local) EP plans. An MOU between NRC and FEMA explains each agency's roles and responsibilities in the area of EP.

The Prairie Island plant has an NRC-approved EP plan that has been demonstrated in numerous exercises. The State and local EP plans around the plant have been approved by FEMA and also demonstrated in numerous exercises. The Dakota Community is located inside the 10-mile plume phase Emergency Planning Zone (EPZ) surrounding the plant and is included in the offsite EP plans.

Cask storage of spent fuel onsite at the Prairie Island plant does not represent a significant new hazard to be addressed by the onsite or offsite EP plans. Minor changes in the onsite plan will probably be needed to address the storage casks; no change in offsite plans should be necessary. Any change the Dakota Community wants to make in its level of involvement in the offsite EP plans should be worked out with the licensee, the State, local governments, and FEMA. FEMA provides assistance to State and local authorities in developing and implementing offsite plans.

Ms. Denise Homer

- 4 -

I trust this information is responsive to The Community's concerns. As stated earlier, we would be pleased to meet with the Prairie Island Dakota Community to discuss issues relating to our regulation of the Prairie Island plant. The Commission, recognizing and being respectful of their sovereign rights, is committed to continue working with the Prairie Island Dakota Community on a government-to-government basis. Commission representatives have met with the Prairie Island Community Council in the past few years regarding the Council's concerns with NSP's plan to construct an ISFSI at its Prairie Island nuclear plant site. It is within the spirit of the principles of cooperation in President Clinton's Executive Order dated April 29, 1994, that we will continue to be open to discussions regarding The Community's concerns, and clarifying the NRC's regulatory responsibilities accordingly. We will continue to review the draft MOU in preparation for any future interactions. If you have any questions regarding this response, please contact John Zwolinski, our Assistant Director for Region III Reactors at (301) 504-1335 or Marsha Gamberoni, the Prairie Island Project Manager, at (301) 504-3024.

Sincerely,

Original signed by  
 James M. Taylor  
 James M. Taylor  
 Executive Director  
 for Operations

Enclosure: Summary of ISFSI Environmental Assessment

cc: Mr. Roger O. Anderson, Director  
 Licensing and Management Issues  
 Northern States Power Company  
 414 Nicollet Mall  
 Minneapolis, Minnesota 55401

\*See previous concurrence

OFFICE	LA:PD31	PM:PD31	PD:PD31*	Tech Ed*	RIII*	BC:PEPB*	NMSS*
NAME	CJamerson	MGamberoni	LMarsh	RSanders	EGreenman	FCongel	CHaughney
DATE	6/14/94	6/14/94	6/07/94	6/07/94	6/07/94	6/07/94	6/07/94

OFFICE	OSP*	OGC*	AD:DRPW*	D:DRPW*	(A)ADP*	DO:NMSS*	DO:NRR*	EDO
NAME	RBangart	CWReamer	JZwolinski	JRoe	LReyes	RBernero	WRussell	JTaylor
DATE	6/07/94	6/07/94	6/08/94	6/08/94	6/08/94	6/07/94	6/09/94	6/14/94

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SUMMARY OF ISFSI ENVIRONMENTAL ASSESSMENT (JULY 28, 1992)

No significant construction impacts are anticipated. The activities will affect only a very small fraction of the land area at the Prairie Island Nuclear Generating Plant. With good construction practices, the potentials for fugitive dust, erosion, and noise impacts, typical of the planned construction activities, can be kept to insignificant levels.

The primary exposure pathway associated with the ISFSI operation is direct radiation of site workers and nearby residents. The radiological impacts from liquid and gaseous effluent during normal operation of the ISFSI fall within the scope of impacts from licensed reactor operations.

The dose to the nearest resident from ISFSI operation is about 0.08 mrem/year, and when added to that of the operations of both reactor units, is much less than 25 mrem/year, as required by 10 CFR 72.104. The collective dose to residents within 1 to 2 miles of the ISFSI is 0.037 person-rem. This is compared to a collective dose due to natural background radiation of 140 person-rem for the same population. Occupational dose to site workers, both directly and indirectly involved in ISFSI activities, is a small fraction of the total occupational dose commitment.

The gamma dose to an individual at the controlled area boundary from a loss of confinement accident has been calculated to be 0.44 rem, which is well within the 5-rem criterion in 10 CFR 72.106(b) and less than the EPA Protective Action Guide of 1 rem.

No significant nonradiological impacts are expected during operation of the ISFSI. The heat given off by the casks has been determined to cause an insignificant amount of cask-induced fogging. No other effects are anticipated in the immediate vicinity of the ISFSI.

The proposed action has been reviewed relative to the requirements in 10 CFR Part 51, and based on this assessment, the NRC has determined that issuance of a materials license under 10 CFR Part 72 authorizing storage of spent fuel at the Prairie Island ISFSI will not significantly affect the quality of the environment. Therefore, an environmental impact statement is not warranted and, pursuant to 10 CFR 51.31, a Finding of No Significant Impact is appropriate.

DISTRIBUTION FOR LETTER TO DENISE HOMER DATED:

Docket File 50-282, 50-306, & 72-10 (w/incoming)

NRC & Local PDRs (w/incoming)

EDO #0010110

EDO Reading

J. Taylor

J. Milhoan

H. Thompson

J. Blaha

W. Russell

F. Miraglia

L. Reyes

E. Greenman, RIII

J. Roe

J. Zwolinski

L. B. Marsh

F. Congel

R. Emch

T. Essig

W. Reamer

A. Hodgdon

R. Virgilio

C. Haughney

F. Sturz

OGC

OPA

OCA

C. Wiens

T. Gibbons

M. Gamberoni w/incoming

C. Jamerson

W. Kropp, RIII

M. Dapas, SRI

B. McCabe, EDO

R. Bangart

R. Bernero

PD31 Rdg. File w/incoming

NRR Mail rm (EDO #10110 w/incoming)

ACTION

EDO Principal Correspondence Control

FROM: DUE: 06/13/94

EDO CONTROL: 0010110  
DOC DT: 05/17/94  
FINAL REPLY:

Dennis Homer  
U. S. Dept. of the Interior

TO:

James Taylor

FOR SIGNATURE OF : \*\* GRN \*\*

CRC NO:

Russell

DESC: *James M Taylor*

ROUTING:

REQUEST REVIEW DRAFT MCU BETWEEN, EPA, FEMA,  
INDIAN HEALTH SERVICE, NPS ARCHAOLOGICAL  
ASSISTANCE DIV., NRC, AND THE PRAIRIE ISLAND  
DAKOTA COMMUNITY RE HEALTH & ENVIRONMENTAL IMPACTS  
OF BEING LOCATED ADJACENT TO THE NUCLEAR PLANT

Taylor  
Milhoan  
Thompson  
Blaha  
JMartin, RIII  
Bangart, SP  
Bernero, NMSS

DATE: 05/26/94

ASSIGNED TO: CONTACT:  
NRR Russell

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED: MAY 26, 1994  
NRR ACTION: DRPW:ROE  
NRR ROUTING: RUSSELL  
MIRAGLIA  
REYES  
THADANI  
CRUTCHFIELD  
GILLESPIE  
BOHRER

ACTION  
DUE TO NRR DIRECTOR'S OFFICE  
BY *June 8*



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

MINNEAPOLIS AREA OFFICE  
331 SOUTH 2ND AVENUE  
MINNEAPOLIS, MINNESOTA 55401-2241



IN REPLY REFER TO:

Environmental Services

MAY 17 1994

James Taylor  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20046-0001

Dear Mr. Taylor:

The Prairie Island Dakota Community and the Bureau of Indian Affairs are co-sponsoring a meeting concerning the Prairie Island Nuclear Power Plant. The meeting is scheduled for June 1, 1994 at the Prairie Island Dakota Community Center beginning at 9 AM. The meeting agenda and directions to the meeting location are enclosed.

The power plant is located adjacent to the Prairie Island Reservation. The Prairie Island Dakota are concerned about the health and environmental impacts of being located adjacent to the nuclear power plant. The concern is heightened because of the proposal by the plant owners to store spent nuclear fuel in dry steel casks at the site.

The Prairie Island Dakota Council are asking for all available federal assistance to ensure that the proposed fuel storage and normal plant operation meet federal environmental regulations and that any negative effects on the health and natural resources of the Community be detected and acted upon. The Council is asking that each federal agency with an interest be active in its role to protect the lands and associated resources held in trust by the United States for the Tribe.

In pursuit of a commitment from each federal agency with a key role, the Prairie Island Dakota Community has drafted a memorandum of understanding (MOU). We envision that the MOU would be signed by regional administrators, if possible. The draft MOU summarizes what assistance might be expected from each agency. A working draft of the MOU and an explanatory memorandum from the Assistant Secretary of Indian Affairs to me are enclosed. Please review the draft MOU and provide your written comments on it to me by June 17, 1994. Additional agencies that wish to sign the MOU are welcome.

One objective of the meeting on June 1 is to familiarize the

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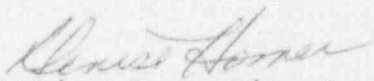


attendees with the issues, the power plant site, and the Dakota community trust lands. We also need to identify what actions each of the federal agencies have already taken and what resources and expertise each agency has available to assist the Community with its concerns. The other primary objective is to develop a plan of action that can be coordinated among the Prairie Island staff and the federal agencies to provide assistance in addressing the concerns. At a minimum, the plan of action will include collection of baseline environmental and health data, monitoring of key environmental and health parameters, and monitoring of procedural activities concerning clearances required for the dry cask storage or other activities at the power plant.

Please ensure that appropriate staff attend this important meeting and let us know who will be attending from your agency. It would be helpful for each representative to provide a concise written summary of: (1) past agency actions, (2) authorities and resources available, and (3) details of activities that you recommend should be included in the plan of action. Please provide these either at the meeting or by June 17, 1994.

If there are questions, the contact is Herb Nelson, Environmental Services, at telephone: (612) 373-1143.

Sincerely,

  
Acting Area Director



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

94 APR 18 AM 11:30



APR 14 1994

Ms. Denise Homer, Acting Area Director  
Bureau of Indian Affairs  
Minneapolis Area Office  
331 South Second Ave.  
Minneapolis, Minnesota 55401

Dear Ms. Homer:

The Prairie Island Indian Community has made a request to my office to assist them in arriving at workable solutions to their unique problem of being an Indian Tribe located within close proximity to a nuclear power plant owned and operated by the Northern States Power Co. and the controversial issue of dry cask storage on site.

The Prairie Island Indian Community Council has written me letters and personally visited the Central Office of the Bureau of Indian Affairs here in Washington, D.C. Their visit here on February 17, 1994, was held with Acting Deputy Commissioner Wyman Babby, and Dr. Bernita Joyce, Assistant Director, Office of Policy Analysis, Department of the Interior. The discussion resulted in an agreement to initiate a Memorandum of Understanding (MOU) process to resolve the complex and difficult issues regarding the nuclear power plant and the storage of spent nuclear fuel on site within close proximity to the Tribal Government Headquarters and the community member residential area.

The Prairie Island Indian Community Council has submitted a working draft of an MOU document which has been reviewed by my staff. They find the enclosed MOU to be an acceptable draft document and I have approved the Bureau of Indian Affairs taking the lead in coordinating the work with the pertinent federal agencies.

I am therefore transmitting the MOU to your office with the request that you review it, discuss any changes you think are necessary and then begin the process outlined in the MOU document. I am also informing the Prairie Island Indian Community Council of my action and suggesting they begin a series of meetings with you and your staff to coordinate the necessary steps and procedures to finalize the MOU and execute the document.

Sincerely,

*Ada E. Deer*

Ada E. Deer  
Assistant Secretary - Indian Affairs

## II. FINDINGS

### A. Scope of respective authorities

All of the five federal agencies involved have an interest in the effects federally licensed or federal regulated projects have on human health, the environment, and safety responsibilities to federally recognized Indian Tribes.

The Prairie Island Dakota Community Council, the governing body of the Prairie Island Dakota Community, has invoked the trust responsibility of the federal government to protect their health, safety, natural and cultural resources, and property and business interests from hazardous radiation and emissions caused by the operation of the NSP Nuclear Utility Plant, the location of the high power electrical lines adjacent to the residential area of the reservation, and the storage of spent nuclear fuel in both water cooled storage pools and in above-ground dry cask interim storage units.

As a result, each respective agencies area of responsibilities defined in this document in regards to the health, safety, economic, and environmental interests of the Prairie Island Dakota Community will be coordinated by the Area Director of the Minneapolis Area Office, Bureau of Indian Affairs, to ensure complete and comprehensive coverage of the tasks and allocation of resources.

As a starting point to ensure complete and comprehensive coverage of the tasks and allocation of resources, the following tasks and responsibilities of each respective agency will be coordinated by the Area Director, Bureau of Indian Affairs.

- The initiation of baseline studies performed by independent researchers, on the health effects to citizens of the Prairie Island Dakota Community from the operation, generation, of the NSP nuclear utility, and storage of spent nuclear fuel, or provide the tribe with resources to hire independent contractors to perform the research.
- the initiation of an epidemiological survey of the Prairie Island Dakota Community and the surrounding area for potential cancer, immunological and neurological illnesses which may be associated with the operation, generation of the NSP nuclear utility, and storage of radioactive spent fuel and its byproducts in the water, air, soil in the immediate area.
- Tribal treaty search regarding research of historic and traditional areas, and documentation on development of contemporary boundaries and establishment of private, state, and federal facilities within the treaty boundaries.
- The initiation of comprehensive environmental baseline studies on Prairie



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

94 APR 18 AM 11:30



APR 14 1994

Ms. Denise Homer, Acting Area Director  
Bureau of Indian Affairs  
Minneapolis Area Office  
331 South Second Ave.  
Minneapolis, Minnesota 55401

Dear Ms. Homer:

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The Prairie Island Indian Community Council has written me letters and personally visited the Central Office of the Bureau of Indian Affairs here in Washington, D.C. Their visit here on February 17, 1994, was held with Acting Deputy Commissioner Wyman Babby, and Dr. Bernita Joyce, Assistant Director, Office of Policy Analysis, Department of the Interior. The discussion resulted in an agreement to initiate a Memorandum of Understanding (MOU) process to resolve the complex and difficult issues regarding the nuclear power plant and the storage of spent nuclear fuel on site within close proximity to the Tribal Government Headquarters and the community member residential area.

The Prairie Island Indian Community Council has submitted a working draft of an MOU document which has been reviewed by my staff. They find the enclosed MOU to be an acceptable draft document and I have approved the Bureau of Indian Affairs taking the lead in coordinating the work with the pertinent federal agencies.

I am therefore transmitting the MOU to your office with the request that you review it, discuss any changes you think are necessary and then begin the process outlined in the MOU document. I am also informing the Prairie Island Indian Community Council of my action and suggesting they begin a series of meetings with you and your staff to coordinate the necessary steps and procedures to finalize the MOU and execute the document.

Sincerely,

*Ada E. Deer*

Ada E. Deer  
Assistant Secretary - Indian Affairs

Working Draft

4/94

MEMORANDUM OF UNDERSTANDING  
AMONG THE  
BUREAU OF INDIAN AFFAIRS  
ENVIRONMENTAL PROTECTION AGENCY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
INDIAN HEALTH SERVICE  
NPS ARCHAEOLOGICAL ASSISTANCE DIVISION  
NUCLEAR REGULATORY COMMISSION  
AND THE  
PRAIRIE ISLAND DAKOTA COMMUNITY

I. STATEMENT OF PURPOSE

The Bureau of Indian Affairs (BIA), the Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), the Indian Health Service, the National Park Service Archaeological Assistance Division (NPS-AAD), and the Nuclear Regulatory Commission (NRC), all have responsibilities and interests in protecting the environment, human health, cultural resources, and property interests in Indian country under the doctrine of trust responsibility.

It is therefore the purpose of this Memorandum of Understanding (MOU) to identify areas of mutual interest and responsibility among the five federal agencies, and coordinate the agencies respective activities to promote the most efficient and integrated use of resources in consultation and coordination with the Tribe to provide the stated need to ensure protection of the health and safety of the citizens of the Prairie Island Dakota Community, a federally recognized Indian tribe, their cultural and natural resources, and related property and property interests in relation to the operation (including spent nuclear fuel storage) of the Northern States Power (NSP) Nuclear Utility Plant, within immediate and adjacent proximity to the Prairie Island Dakota Community.

It is anticipated that the Area Director of the Bureau of Indian Affairs, Minneapolis Area Office, will take the lead and the initiative to work closely and coordinate with the local, regional and headquarters offices of the respective signatory agencies to develop a more detailed and specific approach pursuant to the general agreements established in this document.

## II. FINDINGS

### A. Scope of respective authorities

All of the five federal agencies involved have an interest in the effects federally licensed or federal regulated projects have on human health, the environment, and safety responsibilities to federally recognized Indian Tribes.

The Prairie Island Dakota Community Council, the governing body of the Prairie Island Dakota Community, has invoked the trust responsibility of the federal government to protect their health, safety, natural and cultural resources, and property and business interests from hazardous radiation and emissions caused by the operation of the NSP Nuclear Utility Plant, the location of the high power electrical lines adjacent to the residential area of the reservation, and the storage of spent nuclear fuel in both water cooled storage pools and in above-ground dry cask interim storage units.

As a result, each respective agencies area of responsibilities defined in this document in regards to the health, safety, economic, and environmental interests of the Prairie Island Dakota Community will be coordinated by the Area Director of the Minneapolis Area Office, Bureau of Indian Affairs, to ensure complete and comprehensive coverage of the tasks and allocation of resources.

As a starting point to ensure complete and comprehensive coverage of the tasks and allocation of resources, the following tasks and responsibilities of each respective agency will be coordinated by the Area Director, Bureau of Indian Affairs.

- The initiation of baseline studies performed by independent researchers, on the health effects to citizens of the Prairie Island Dakota Community from the operation, generation, of the NSP nuclear utility, and storage of spent nuclear fuel, or provide the tribe with resources to hire independent contractors to perform the research.
- the initiation of an epidemiological survey of the Prairie Island Dakota Community and the surrounding area for potential cancer, immunological and neurological illnesses which may be associated with the operation, generation of the NSP nuclear utility, and storage of radioactive spent fuel and its byproducts in the water, air, soil in the immediate area.
- Tribal treaty search regarding research of historic and traditional areas, and documentation on development of contemporary boundaries and establishment of private, state, and federal facilities within the treaty boundaries.
- The initiation of comprehensive environmental baseline studies on Prairie

Island by independent researchers, or provide the tribe with resources to hire independent contractors. Assessments would include radiological contamination component. This baseline would include plant, wildlife, and fish assessment on and near Prairie Island.

- Cultural resource assessment of the entire Prairie Island done by independent researchers, or provide the tribe with resources to hire independent contractors. The assessment would be done in consultation with and guided by tribal cultural resource practitioners from the Prairie Island Dakota Community.

- The inclusion of the Prairie Island Dakota Community in the overall emergency preparedness planning and exercises, including development of emergency response planning for the Prairie Island Dakota Community as a response organization.

- Documentation on past participation and consultation of specially affected communities, including the Prairie Island Dakota Community, in the environmental assessment (EA) and Environmental Impact Statement (EIS) phases of all NSP activities.

- Independent testing of high voltage transmission lines immediately adjacent to the Prairie Island residential area, which includes a tribal day care center, regarding their effect on human health, utilizing the National Academy of Science reports on this issue.

- The feasibility of relocating community members and their business enterprises commensurate with their existing lifestyle expectations and living conditions in the owning and operating of a profitable and expanding gaming enterprise.

## **B. Description of Agency Mission**

1. The Bureau of Indian Affairs (BIA) programs are associated with Indian trust responsibilities and include fiduciary responsibility toward the tribe and their health, safety, environmental and economic interests. The BIA has a trust responsibility toward the Tribe in the area of environmental quality. The National Environmental Policy Act of 1969, which establishes procedures that are binding on all federal agencies requires that an Environmental Impact Statement (EIS) be prepared for every major federal action significantly affecting the quality for the human environment.

2. The Environmental Protection Agency (EPA) has regulatory and enforcement authority in Indian country, and authority to expend financial resources on Indian lands under various environmental statutes. Statutes authorizing EPA actions in

Indian country include the Clean Air Act, Clean Water Act, the Emergency Planning and Community Right to Know Act, Safe Drinking Water Act, Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA's Indian Policy, was adopted in 1984 to foster the government to government relationship with tribes and to help tribes develop and manage environmental programs. The EPA Indian Policy's purpose includes assuring that tribal concerns and interests are considered whenever EPA's actions and/or decisions may affect reservation environments; encouraging cooperation between tribal, state and local governments to resolve environmental problems of mutual concern; and, enlisting the support of other federal agencies to clearly identify and delineate the roles, responsibilities of the agencies. EPA also must ensure compliance with all laws related to cultural resource protection.

3. The mission of the Federal Emergency Management Agency (FEMA) is to provide the leadership and support to reduce the loss of life and property and protect our institutions through a comprehensive, risk-based, all-hazards emergency management program of mitigation, preparedness, response, and recovery. One of FEMA's stated goals is to create an emergency partnership with other federal agencies, state and local governments, volunteer organizations and the private sector. Though tribal governments are not mentioned specifically, FEMA is encumbered with a fiduciary duty to tribal governments as part of the federal government.

4. The Indian Health Service (IHS) has among its responsibilities, the health and well-being of individual citizens of Indian country. This responsibility is implemented through monitoring the environmental quality of general and specific activity in Indian country.

5. The National Park Service Archaeological Assistance Division (NPS-AAD) provides investigation, assessment, monitoring and protection of potential and existing archaeological and historical properties on federal lands, and provides training and technical assistance in archaeological resources management.

6. The Nuclear Regulatory Commission (NRC) has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC has jurisdiction of shipments of radioactive materials, including approval of routing, packaging and transportation of spent fuel; interim spent nuclear fuel storage cask licensing approval; and, more importantly, licensing approval for operating the NSP nuclear utility facility located on Prairie Island, including oversight of FEMA-approved radiological emergency preparedness plans and exercise activity.



### C. Areas of Mutual Interest

The Bureau of Indian Affairs, the Environmental Protection Agency, the Federal Emergency Management Agency, the Indian Health Service, the Nuclear Regulatory Commission, and the National Park Service Archaeological Assistance Division, have specific program areas of specific interest listed below. The general responsibilities are listed as follows.

1. Health Baseline Studies
  - a. Indian Health Service, possibly in coordination with
2. Epidemiological Survey
  - a. Indian Health Service should request participation by the Center for Disease Control (CDC)
3. Environmental Quality Baseline
  - a. Environmental Protection Agency
  - b. U.S. Fish and Wildlife Service participation
4. High Voltage Transmission Local Population Effects Study
  - a. Indian Health Service
  - b. Center for Disease Control
  - c. Environmental Protection Agency
5. Radiological Emergency Preparedness Planning and Exercise
  - a. Federal Emergency Management Agency
6. Tribal Treaty Search and Boundary Documentation
  - a. Bureau of Indian Affairs Land Management
  - b. U.S. Geological Survey
7. Cultural Resource Assessment
  - a. National Park Service Archaeological Assistance Division
  - b. Bureau of Indian Affairs
8. Population Relocation Socioeconomic Feasibility Study
  - a. Bureau of Indian Affairs
9. Documentation of Previous EA and EIS Conclusions and Tribal Participation.
  - a. EPA
  - b. NRC
  - c. BIA

### III. Interagency Actions

The following actions are agreed to:

1. The BIA, EPA, FEMA, IHS, NPS-AAD, and the NRC. will work cooperatively together at the local, regional and headquarters levels, in consultation with the Prairie Island Dakota Community Council, to coordinate the environmental, health, safety, and business interests of all jurisdictional activities affecting the tribe. Where applicable, and within the constraints of available resources each

agency will:

- a. Participate in headquarters, regional and local level information exchanges to keep abreast of the other agencies' program activities and regulations and notify other agencies of its own program activities, regulations, proposed regulations, and future plans.
  - b. Cooperate in providing program services to tribal governments.
  - c. Provide training and technical assistance to each other and to Tribal representatives in the area of each agency's special expertise.
  - d. Collaborate on overlapping responsibilities.
  - e. Coordinate to the greatest extent possible and integrate where feasible, the provision of funding assistance to tribal governments, where the funding authorities of the four agencies are combined or complementary.
  - f. BIA, EPA, FEMA, IHS, NPS-AAD, and the NRC will continue to identify and develop coordination in these areas of environmental protection. Supplemental agreements or actions specific to program coordination in each of the above areas may be prepared, as appropriate. Potential overlap areas may be addressed at the area/region or headquarters levels.
3. BIA, EPA, FEMA, IHS, NPS-AAD, and NRC will encourage and educate their staff, consultants and representatives in the existence, purpose and and implementation of the terms of this MOU. Where applicable, tribal and or state agencies may be included as signatories to supplemental agreements.

#### IV. Duration of Agreement

This MOU shall continue in effect until BIA, EPA, FEMA, IHS, NPS-AAD, or NRC provide written notice of termination. Notice shall be given to the other parties at least thirty (30) days in advance of the termination date. This document may be updated and periodically amended with the concurrence of all parties. This document does not cancel any previous MOUs or Agreements.

#### V. Reports

No routing reports shall be required. However, quarterly meetings will be called by at headquarters and held among the parties to discuss implementation of this MOU.

Additional meetings may be called as necessary by any signatory agency. Minutes will be taken and distributed. Where appropriate, BIA may also call quarterly meetings at the Area/Regional where all parties in agreement that such meetings would be beneficial. Minutes of those meetings will also be taken.

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Assistant Secretary - DOI Bureau of Indian Affairs

Date

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Administrator - Environmental Protection Agency

Date

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Director - Federal Emergency Management Agency

Date

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Director, National Park Service

Date

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Chairman, Nuclear Regulatory Commission

Date

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Chairman, Prairie Island Dakota Community Council

Date

Agenda  
June 1, 1994  
at the Prairie Island Dakota Community Center

- 9:00 AM Welcome and Introductions
- 9:10 AM Curtis Campbell, Sr., Council President  
Opening Remarks
- 9:30 AM Briefing on Nuclear Power Plant and  
Tour of Prairie Island Reservation
- 11:45 PM Lunch
- 12:45 PM Summary on Agency Activities, Responsibilities,  
Authorities and Resources;  
About 10 minutes per agency;
- 2:15 PM Break
- 2:30 PM Brainstorm what should be included in the  
"Plan of Action" Led by Herb Nelson and Lin Nelson
- 4:00 PM Break
- 4:15 PM Summary of Where We go From Here  
PI Council  
Lin Nelson, Prairie Island Staff  
Herb Nelson, Bureau of Indian Affairs
- 4:30 PM Adjourn

DIRECTIONS TO THE  
PRAIRIE ISLAND DAKOTA COMMUNITY CENTER

From Minneapolis-St. Paul

1. Take U.S. Highway 61 southbound to Hastings, Minnesota;
  2. At south end of Hastings, take State Highway 316 southbound;
  3. Follow the Treasure Island Casino signs;
  4. When the casino is in site, look for the blue water tower.  
Turn right at the water tower.
  5. Go about 2 blocks to the Community Center.
  6. Go around the Community Center to the plaza side with the  
flag poles.
  7. Enter and look for signs or the receptionist for the Council
- Get lost? Call the Prairie Island Receptionist at 612/385-2554