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July 31, 2025

David Garmon
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Executive Order (EO) 14300, Ordering the Reform of the Nuclear Regulatory Commission, specifically Section 5(b)

Dear Mr. Garmon:

The Prairie Island Indian Community ("PIIC" or the "Tribe"), a federally recognized Indian tribe, offers the following comments regarding the Nuclear Regulatory Commission's (NRC) possible reconsideration of the agency's radiation protection framework. President Trump's May 23, 2025 Executive Order 14300, Ordering the Reform of the Nuclear Regulatory Commission, specifically Section 5(b), directed the agency to reconsider its reliance on the linear no-threshold (LNT) model for radiation exposure and the "as low as reasonably achievable" standard (ALARA) which is predicated on LNT. With no supporting evidence attached, the EO asserts that these models are flawed.

Our comments relate to the NRC's existing LNT dose-effect model, the NRC's federal trust responsibility, the NRC's government-to-government consultation obligations to federally recognized Indian tribes, the protection of public health, and the general lack of public outreach.

Background

The Prairie Island Indian Community is a federally recognized Indian tribe organized under the Indian Reorganization Act of 1934.¹ The Prairie Island Indian Community's tribal members are Mdewakanton Dakota. The Tribe's homeland, Prairie Island, is located at the confluence of the Vermillion and Mississippi Rivers in southeastern Minnesota, approximately 35 miles southeast

¹ The PIIC is governed pursuant to its Constitution and By-Laws, adopted by tribal members on May 23, 1936, and approved by the Secretary of the Interior on June 20, 1936. The Constitution and By-laws provide that the PIIC Council (sometimes referred to as the "Tribal Council") shall be the governing body for the PIIC. The five-member Tribal Council consists of a President, Vice-President, Secretary, Treasurer, and Assistant Secretary/Treasurer.

of the Twin Cities. The Mdewakanton, or “those who were born of the waters,” have lived on Prairie Island for countless generations. See Figure 1.

Immediately adjacent to and located on our ancestral homeland are the Prairie Island Nuclear Generating Plant (PINGP) and independent spent fuel storage installation (ISFSI), owned and operated by Northern States Power, doing business as Xcel Energy. The PINGP has been on-line since the mid-1970’s and is currently licensed to operate until 2034; Xcel Energy plans to submit a subsequent license renewal (SLR) application in late 2026, thus extending plant operations until 2053/2054. See Figure 2.

The PIIC was not involved in the siting of the PINGP, which has been a constant source of concern to community members since it went on-line. PINGP construction activities began in the mid-1960’s and if it ceases operations in the mid-2050’s and decommissions within (optimistically) 10 years, it will have been our neighbor for more than 100 years.

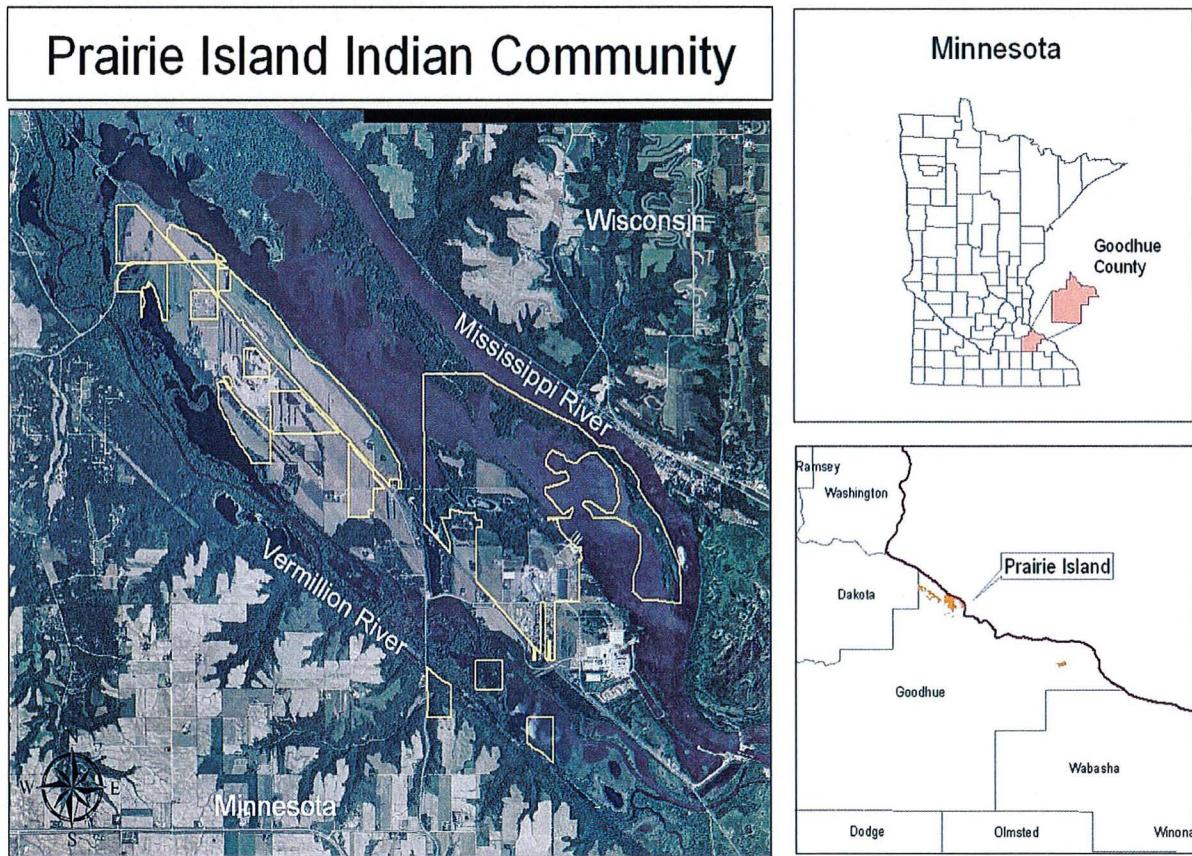


Figure 1. The lands of the Prairie Island Indian Community

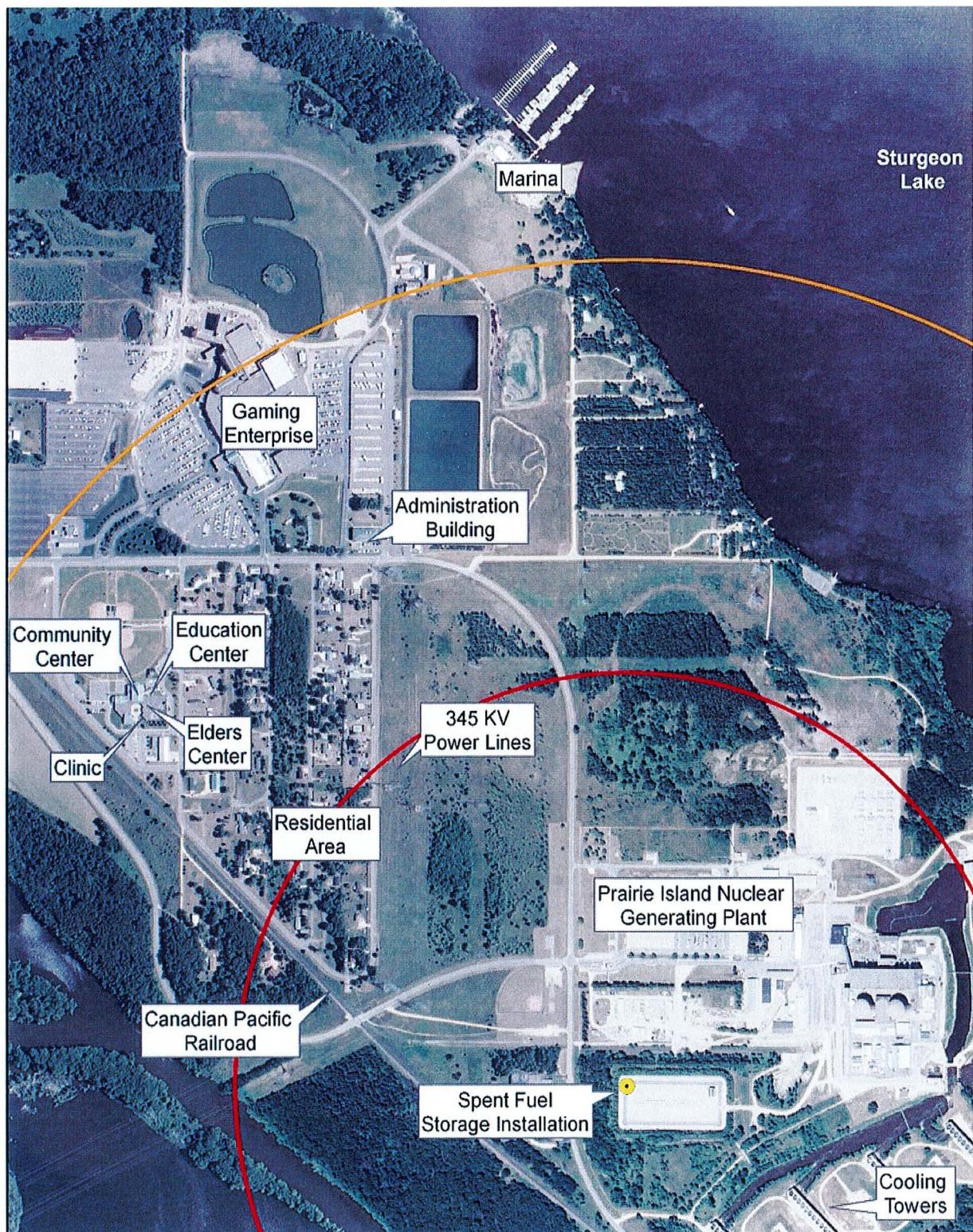


Figure 2.

There is no other community in the United States in such close proximity to a nuclear power plant or storage facility as the Prairie Island Indian Community. Because of this, PIIC closely monitors any proposed agency actions (i.e., proposed rules or policy changes) and has a long history of working with the NRC, at both the regional and national headquarters levels. The Tribe has been a Cooperating Agency for the purposes of developing an Environmental Impact Statement (EIS) for the PINGP license renewal and an Environmental Assessment (EA) for the ISFSI license renewal. We believe that our strong working relationship with the NRC, both at the regional and national headquarters levels, is based on mutual respect, and a shared goal of protecting people and the environment.

Comments on Executive Order 14300

President Trump's EO directs the NRC, to work with its Department of Government Efficiency (DOGE) Team, the Office of Management and Budget (OMB), and other agencies such as the Department of Energy (DOE), the Department of Defense (DOD) and the Environmental Protection Agency (EPA), as appropriate, to undertake a review and wholesale revision of its regulations and guidance documents, and issue notice(s) of proposed rulemaking effecting this revision within 9 months of the date of this order. This is at odds with the EO's additional directive to adopt science-based radiation limits, by reconsidering reliance on the linear no-threshold (LNT) model for radiation exposure and the "as low as reasonably achievable" standard, which is predicated on LNT (i.e., reconsideration, a not wholesale revision). The EO states, without evidence, that those models are flawed because they posit there is no safe threshold of radiation exposure and that harm is directly proportional to the amount of exposure. The EO further states that "those models lack sound scientific basis and produce irrational results, such as requiring that nuclear plants protect against radiation below naturally occurring levels."

The LNT has been the underlying premise of the NRC's radiation protection regulations since the 1950's. The NRC's standards for protection against radiation (found at 10 CFR Part 20), underpinned by the LNT model, provide requirements for dose limits for radiation workers and the public. The regulations governing dose limits for individual members of the public, state clearly and unequivocally are "exclusive of the dose contributions from background radiation" (10 CFR 20.1301). In other words, the NRC does not require licensees to protect against background levels of radiation.

The EO asserts that the LNT and ALARA models lack sound scientific basis and produce irrational results. As recently as 2021 the NRC re-evaluated and affirmed the use of the LNT model and ALARA. In 2015, three parties submitted separate petitions for rulemaking (PRM), asking the NRC to amend 10 CFR 20, Standards for Protection Against Radiation, based on assertions that there was new science and evidence that would contradict the LNT dose-effect model. After an extensive review and comment period (3,200 comments), the NRC staff determined that the LNT model continues to provide a reasonable basis for 10 CFR Part 20. Further, the Commission

(Wright, Hansen and Baran) affirmed that the LNT is based on sound science and the findings and recommendations of national and international authorities and is protective of public health.

During that review, the U.S. Environmental Protection Agency, the National Cancer Institute within the National Institutes of Health, and the National Institute for Occupational Safety and Health within the Centers for Disease Control, also recommended that NRC continue to base its radiation protection standards on the LNT model.

Because the LNT model was recently affirmed to be a robust regulatory foundation for minimizing radiation exposure risk to the public and occupational exposure, we strongly urge the participation and recommendations of the previously mentioned agencies and institutes in any NRC reconsideration of the LNT model.

Public Meeting on EO 14300

On July 16, 2025, close to 600 participants attended a virtual public meeting convened by NRC staff to inform the public about how the agency plans to implement Section 5(b) of the EO, and to hear technical presentations from a wide range of scientific viewpoints and from the public (although none from the agencies listed above). These presentations, as well as submitted written comments, will inform the NRC's rulemaking process, and it is expected that a draft rule will be published by the end of February 2026.

This one meeting is insufficient to consult with potentially impacted Indian tribes or even the general public. Posting a meeting notice on the NRC's website or social media platforms is not consultation or adequate notice to the public.

Tribal Consultation and Federal Trust Responsibility

EO 14300 and the public meeting materials are deficient in acknowledging or addressing the necessity of consulting with federally recognized Indian tribes. Indian tribes are sovereign governments, with unique legal and political standing, which distinguishes them from minority communities and the broader general public. The NRC's own Tribal Policy Statement recognizes that "Indian Tribe means any American Indian or Alaska Native Tribe, Band, Nation, Pueblo, or other organized group or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)," as published in the Federal Register on January 9, 2017 (82 FRN 2404-2405).

The government-to-government relationship between the US and Indian Tribes is founded on the principle of Trust Responsibility. The NRC's Tribal Policy Statement defines Trust Responsibility as a "fiduciary duty, on the part of the United States, to protect Tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of Federal law with respect to Indian Tribes." The NRC is not upholding its Trust Responsibility by not involving Indian tribes in this

process, to ensure that Treaty rights and resources are not impacted via the relaxation of radiation protection standards.

Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments,” issued on November 6, 2000, requires all federal agencies to establish regular and meaningful consultation and collaboration with tribal officials in developing federal policies that impact Indian tribes, strengthening the government-to-government relationship, and minimizing unfunded mandates on tribes. EO 13175 subsequently became the foundation of the NRC’s Tribal Liaison Program, which includes a Tribal Policy Statement, Tribal Protocol Manual and Tribal Consultation guidance.²

Both the Tribal Protocol Manual and the NRC Tribal Policy provide important historical information, such as various treaties, Congressional Acts affecting Indian tribes and rights, and a discussion of the Federal Trust Responsibility. This information provides the proper historical context critical to understanding the unique relationship federally recognized Indian tribes have with the Federal Government. This point is underscored in the Tribal Protocol Manual, which notes that Indian tribes are not the public or special interest groups, but are, in fact, governments. This point is important in understanding why tribes desire to have a government-to-government relationship and be included and recognized in NRC proceedings.

According to the NRC’s Tribal Consultation Statement, “the NRC will provide timely notice and consult in good faith with Tribal governments on NRC’s regulatory actions that have substantial direct effects on one or more Indian Tribes as well as those regulatory actions for which Tribal consultation is required under Federal statute.” Before the NRC issues a draft rule, the agency must contact and consult with tribes potentially impacted. Posting a meeting notice in the Federal Register, on the NRC website or on social media platforms is not meaningful consultation. The NRC has identified all the federally recognized Indian tribes within the 50-mile emergency planning zone that are potentially impacted by this future rule and all should be consulted.³ There are also Indian tribes affected by uranium mining site clean-up activities that are also potentially impacted. To ensure that tribes are informed about this potential rulemaking, it is crucial for the NRC’s dedicated Tribal Relations Team conduct initial outreach with tribes and to urge further meaningful engagement in the future.

As a sovereign Tribal Government, and the closest community in the nation to a nuclear power plant and stored nuclear waste, the Prairie Island Indian Community respectfully requests that this review be halted until proper government-to-government consultation can take place.

In addition, while the July 16 meeting garnered over 600 attendees, that is not sufficient outreach to the general public. The NRC can and should do more.

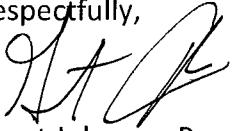
² <https://www.nrc.gov/about-nrc/state-tribal/tribal-liaison-program>

³ <https://www.nrc.gov/about-nrc/state-tribal/tribal-liaison-team/tribal-liaison-map.html>

For the Prairie Island Indian Community, nothing is more critical than the safe and responsible operation of the Prairie Island Nuclear Generating Plant with standards that are protective of our health. Public confidence in the NRC hinges on unbiased review, demanding a rigorous and objective assessment by leading experts in public health and radiation science. Tribal confidence hinges on the independence and integrity of the NRC, and the imperative of ongoing, meaningful engagement with tribal governments which is essential to policy and process.

Thank you for consideration.

Respectfully,



Grant Johnson, President