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PRAIRIE ISLAND INDIAN COMMUNITY CHALLENGES NUCLEAR REGULATORY COMMISSION'S "CONTINUED STORAGE" RULE

Rule increases likelihood that more than 1.5 million pounds of nuclear waste will be stranded on Prairie Island indefinitely

Welch, Minn., Oct. 27, 2014 – The Prairie Island Indian Community today filed an appeal challenging the Nuclear Regulatory Commission's (NRC) final rule on the Continued Storage of Spent Nuclear Fuel with the United States Court of Appeals for the District of Columbia Circuit. The Continued Storage Rule and the Generic Environmental Impact Statement were recently approved by the NRC and became effective as of Oct. 20, 2014.

The states of New York, Connecticut and Vermont filed a separate appeal earlier today. In 2012, a coalition of the Prairie Island Indian Community, the states, and environmental groups won a landmark decision that vacated the NRC's Waste Confidence Decision and Temporary Storage Rule. In its decision, the Court of Appeals for the District of Columbia Circuit held that spent nuclear fuel "poses a dangerous, long-term health and environmental risk," and that the NRC "can and must assess the potential environmental effects" of permanent onsite storage.

"The NRC has sidestepped its obligation to our Tribe to do a full and complete analysis of the risks of permanent onsite storage of nuclear waste 600 yards from our nearest residences," said Tribal Council President Ronald Johnson. "It leaves communities like Prairie Island at considerable risk, exposing us to the vulnerabilities of aging facilities, human error and natural disasters for generations to come."

"We had hoped that the NRC's revised rule and environmental impact analysis would remedy the deficiencies identified by the Court of Appeals and reflect an honest, realistic assessment of how indefinite onsite storage might affect future generations," said Tribal Council President Johnson. "Unfortunately the NRC's Continued Storage Rule simply provides regulatory cover for the federal government's ongoing breach of its statutory obligation under the Nuclear Waste Policy Act of 1982 (NWPA) to remove spent nuclear waste to a geologic repository."

"We are proud to join the states of New York, Connecticut and Vermont in challenging the Continued Storage Rule," said Tribal Council President Johnson. "We still hope that the State of Minnesota will follow the lead of its sister states and re-engage in the fight to ensure that the

NRC meets its obligations under federal law to assess the public health, safety and environmental risks of indefinite onsite storage.”

Temporary on-site nuclear storage was first approved on Prairie Island in 1994, with the guarantee that the federal government would be required to develop a permanent repository within two decades. “For more than two decades the Prairie Island Indian Community has been waiting for the federal government to uphold its promise and remove on-site nuclear waste that sits just 600 yards from our backyards,” Johnson said. “No other community sits as close to a nuclear site and its waste storage.” The number of so-called temporary dry cask storage containers at Prairie Island currently totals 36, with a total of 98 casks needed if the nuclear plant operates to the end of its current license in 2034.

About the Prairie Island Indian Community

The Prairie Island Indian Community, a federally recognized Indian Nation, is located in southeastern Minnesota along the banks of the Mississippi River, approximately 30 miles from the Twin Cities of Minneapolis and St. Paul. Twin nuclear reactors and 36 large steel nuclear waste storage casks sit just 600 yards from Prairie Island tribal homes. A total of 98 casks could be stranded on Prairie Island indefinitely unless the federal government fulfills its promise to build a permanent storage facility. The only evacuation route off the Prairie Island is frequently blocked by passing trains. The Tribe has been pushing for the removal of the nuclear waste since 1994 when Xcel Energy was first allowed to store the waste near its reservation. On the web: www.prairieisland.org.

The Prairie Island Indian Community joined the states of New York, Connecticut, Vermont and New Jersey and other public interest groups in the successful challenge to the 2010 amendment to the NRC’s Waste Confidence Decision and Temporary Storage Rule. *See New York et al. v. Nuclear Regulatory Commission*, 681 F.3d 471 (D.C. Cir. 2012). In its decision vacating the Waste Confidence Decision and Temporary Storage Rule, the United States Court of Appeals for the District of Columbia Circuit directed the NRC to consider the possibility that a geologic repository for permanent disposal of spent nuclear fuel might never be built.

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