



Mille Lacs Band of Ojibwe Indians

*Executive Branch of Tribal Government
Office of the Chief Executive*

Transmittal via e-mail

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March 27, 2026

Carrie M. Safford, Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemakings and Adjudications Staff

Re: Proposed Reforms to Nuclear Regulatory Commission Policies, Structure, and Regulations

Dear Secretary Safford and Members of the Commission:

The Mille Lacs Band of Ojibwe (the "Band") is a Federally recognized Tribe with inherent sovereign authority located primarily in east-central Minnesota with more than 5,000 enrolled Band members. We have a 61,000-acre Reservation established under the 1855 Treaty of Washington (10 Stat. 1165) and exercise governmental jurisdiction over lands in Aitkin, Crow Wing, Dakota, Kanabec, Hennepin, Mille Lacs, Morrison, and Pine Counties. We exercise our treaty-protected reserved rights including our rights to hunt, fish, and gather across our 1837 Treaty of St. Peters (7 Stat. 536) and 1842 Treaty of La Pointe (7 Stat. 591) treaty-ceded territories spanning from east-central Minnesota, across northern Wisconsin, and into western portion of the Upper Peninsula of Michigan, including the portions of Lake Superior in Minnesota, Wisconsin, and Michigan. We have nine statutorily defined communities, of which two are on our reservation, and the other seven are scattered across east-central Minnesota.

The Band submits these comments regarding the proposed reforms to the Nuclear Regulatory Commission's policies, organizational structure, and regulations. We have a profound, legally protected interest in the safety of nuclear facilities, the quality of air and water in our region, and the health of the lands upon which our people have depended since time immemorial. The Mille Lacs Band respectfully urges the Commission to carefully consider the following concerns and to reject or substantially revise those proposed reforms that would undermine the independence, technical rigor, and public accountability that are the foundation of safe nuclear regulation in the United States.

I. Independence of the NRC Must Be Preserved

The Nuclear Regulatory Commission was created by Congress in 1974 specifically to separate the regulation of civilian nuclear technology from its promotion. The dissolution of the Atomic Energy Commission, which had tried to perform both functions, was a direct response to the conflicts of interest and safety failures that resulted from combining promotion and regulation in a single agency. That foundational separation must be preserved.

The Band is deeply concerned that the proposed reforms, including DOGE involvement in drafting regulatory changes and directing organizational restructuring of the NRC, erode precisely the independence that Congress built into the agency's design. Former NRC Chair Allison MacFarlane has characterized the situation as a matter of national security, warning that an NRC not independent of political and industry influence creates real risk of accident. We concur. An executive order written without the agency's own technical input is an extraordinary departure from sound governance, and the involvement of generalists without nuclear expertise in rewriting technically specialized safety regulations raises serious concerns about the soundness and legal defensibility of any resulting rules.

The Band urges the Commission to protect its statutory independence, resist organizational changes imposed without proper technical grounding, and insist that all regulatory revisions be developed through processes that center nuclear safety expertise.

II. Staffing Reductions Undermine Safety at a Critical Moment

The proposed reductions in force come at precisely the wrong time. The NRC is currently processing a record number of new license applications, many for novel reactor designs not previously reviewed in the United States. These applications require the most specialized and technically demanding reviews in the agency's history. The NRC was already falling short of its staffing goals before these proposed cuts, having achieved only 281 of a targeted 400 new hires in a recent fiscal year, while approximately one-third of its workforce approaches retirement age.

Nuclear regulatory expertise cannot be rapidly rebuilt. Specialized roles require years of training, certifications, and in many cases federal security clearances. Institutional knowledge lost to early retirements or reductions in force takes decades to restore. The Band is particularly concerned by reports that senior NRC staff have been effectively forced out and that vacancies may be filled based on political alignment rather than technical expertise.

We urge the Commission to reject any reductions in force that compromise the agency's capacity to conduct rigorous, independent safety reviews, and to advocate for staffing levels commensurate with the historic volume and complexity of the current application pipeline.

III. Compressed Licensing Timelines and the ACRS Must Not Be Compromised

The imposition of fixed 18-month deadlines for new reactor construction and operating licenses—with approval by default or fee penalties if the NRC cannot meet the timeline—is fundamentally incompatible with rigorous safety review of first-of-kind reactor designs. As former NRC Chair Richard Meserve has observed, imposing strict deadlines on novel reactor types is imprudent when the guiding scientific data may not yet be available. The Band agrees. A clock is not a safety review.

The proposed reduction of the Advisory Committee on Reactor Safeguards (ACRS) to its statutory minimum, and restriction of its review scope, similarly weakens one of the NRC's most important independent checks. The ACRS was specifically expanded in recent years to address the wave of new technology applications now arriving. Forcing it to shed members and narrow its scope at this moment is, as critics have rightly observed, completely inappropriate and counterproductive. The ACRS's independence from both the NRC staff and applicants—who may develop close working relationships during years of pre-application engagement—is a structural safeguard against regulatory capture that must be maintained.

IV. Radiation Standards Must Remain Protective

The Band strongly opposes any reconsideration of the linear no-threshold (LNT) model and the As Low As Reasonably Achievable (ALARA) standard that would result in loosened radiation exposure limits. The LNT model is a conservative precautionary tool that serves a critical protective function, particularly for vulnerable populations including children, pregnant women, and those with greater radiation sensitivity. Scientific debate about the model's precision at very low doses does not justify abandoning it before alternative frameworks are scientifically validated.

For the Mille Lacs Band, this is not an abstract regulatory question. Our treaty-reserved rights to hunt, fish, and gather across our ceded territories depend upon the safety of the natural environment. Any loosening of radiation limits that increases environmental exposure—or that shifts the burden of proof away from operators and onto affected communities—directly threatens the exercise of rights our people hold under federal treaty and constitutional law.

V. Environmental Review and Public Participation Must Be Maintained

The Band is strongly opposed to any reforms that truncate the National Environmental Policy Act (NEPA) review process or streamline public hearings in ways that reduce meaningful community participation. NEPA review is not merely procedural. It is the mechanism by which real site-specific environmental concerns—groundwater impacts, effects on endangered species, proximity to communities—are identified and addressed before construction begins. The history of nuclear licensing includes genuine safety issues first raised by public intervenors that were later validated. Limiting public hearing access removes an important error-correction function from the licensing process.

Of equal or greater concern to the Band is the effect of these proposals on Tribal consultation obligations. The NRC has Trust Responsibilities to federally recognized Tribes. Those responsibilities include meaningful government-to-government consultation, not perfunctory notice, before decisions that may affect Tribal lands, waters, and treaty-reserved rights. Streamlining public hearings and reducing formal participation mechanisms erodes the Tribal consultation processes through which the Band and other Tribes exercise their rights and protect their interests. We call upon the Commission to explicitly affirm and strengthen, rather than diminish, its Tribal consultation obligations in any regulatory reform proceeding.

VI. Concerns About SMR and Microreactor Proliferation

While the Band recognizes the potential energy benefits of small modular reactors and microreactors, we have serious concerns about streamlined general licensing pathways that reduce site-specific review. Microreactors are genuinely novel — utilizing High-Assay Low-Enriched Uranium fuel and unconventional coolants in configurations untested at commercial scale — and standardized applications may fail to account for critical site-specific differences in geology, hydrology, population proximity, and environmental sensitivity.

Additionally, a systematic design flaw in a broadly standardized and generally licensed reactor would replicate across all deployments simultaneously, creating the risk of widespread simultaneous failures rather than isolated incidents. This is precisely the kind of risk that thorough, site-specific review is designed to prevent.

The Band also notes with concern the unresolved status of spent nuclear fuel storage. There are currently more than 90,000 metric tons of spent nuclear fuel stored temporarily at more than 70 sites across the United States, with no permanent repository in place. Significantly increasing the number of nuclear generating facilities will further stress this already inadequate temporary storage solution.

VII. Reactivation of Decommissioned Plants

The Band urges caution regarding proposals to reactivate prematurely shuttered nuclear plants. Many decommissioned or decommissioning plants contain equipment that is antiquated, degraded, or no longer commercially available. The cost of replacing such equipment to bring facilities to modern safety standards would be substantial, and in many cases prohibitive. Reactivation decisions must be based on rigorous, independent technical assessment of current plant conditions, not on optimistic projections, and must not be made under the pressure of compressed timelines.


VIII. Conclusion

The Mille Lacs Band of Ojibwe does not oppose nuclear energy as a component of America's energy future. We recognize that well-regulated nuclear power can play an important role in meeting energy needs and reducing reliance on fossil fuels. But the safety, independence, and public accountability of the Nuclear Regulatory Commission are not impediments to nuclear energy's future—they are the foundation upon which public trust in that future must be built.

The proposed reforms, taken together, move in the wrong direction. They would weaken agency independence, reduce technical staffing at a moment of historic demand, compress safety review timelines, diminish public and Tribal participation, and loosen radiation protections—all while increasing the number of nuclear facilities and the complexity of the technologies being deployed. The Band urges the Commission to reject reforms that compromise safety and accountability, to protect its own independence, and to fulfill its Trust Responsibilities to the Mille Lacs Band and all Tribal nations whose lands, waters, and treaty rights may be affected by the facilities it regulates.

We respectfully request that these comments be included in the official record. Should you have further questions, please contact Commissioner Kelly Applegate by e-mail at kelly.applegate@millelacsband.com.

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Virgil Wind
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Letter from Chief Executive Virgil Wind to U.S. Nuclear Regulatory Commission
Re: Proposed Reforms to Nuclear Regulatory Commission Policies, Structure, and Regulations
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Page 6 of 6

cc:

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