



## Document Details

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### Submitter Info

<b>Comment:</b>	As we have previously noted, the lead proposals for centralized interim storage (de facto permanent parking lot dumps) are private initiatives (in fact, there are no proposed federal government owned/operated parking lot dumps). But whether PIs or government ISFs (Interim Storage Facilities, so called), they should be free, fully informed, and genuinely consent-based sitings, as the Blue Ribbon Commission on America's Nuclear Future recommended in its Final Report in January 2012. For this reason, all of the public comments submitted to DOE during its so-called "consent-based siting" public comment period in 2016 still apply. The lead private
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initiative is by Waste Control Specialists, LLC in Andrews County, West Texas, followed by the Eddy-Lea [Counties] Energy Alliance in Hobbs, New Mexico (less than 50 miles from WCS); AFCI in Loving County, TX; and Culberson County, TX. Beyond Nuclear submitted six sets of comments to the U.S. Department of Energy (DOE), by the July 31, 2016 deadline, re: "Consent-Based Siting" for so-called "centralized interim storage sites" (de facto permanent parking lot dumps), as well as permanent burial dumps (such as long targeted at Yucca Mountain, Nevada), for high-level radioactive waste/irradiated nuclear fuel. The fifth set, a 10-page document, is entitled STOP RADIOACTIVE RACISM! (Please find it attached here as an uploaded file.) It chronicles decades of DOE, U.S. Nuclear Regulatory Commission (NRC), and nuclear power industry attempts to dump high-level radioactive waste on Native American reservations, lands, and communities across the U.S. It protests DOE's ongoing environmental injustice, even during this so-called "Consent-Based Siting" proceeding. But one example is DOE's decision to invite the infamous DOE Nuclear Waste Negotiator from the 1980s to 1990s, David Leroy, to participate on the panel at the Boise, Idaho public meeting. Two attachments accompanied this set of comments: President Barack Obama's March 2009 Women's History Month proclamation, honoring Grace Thorpe for blocking radioactive waste dumps targeted at Native American communities (please see attached, as an uploaded file); and "Radioactive Racism: The History of Targeting Native American Communities with High-Level Atomic Waste Dumps," a six-page, fully referenced backgrounder prepared by NIRS and Public Citizen on June 14, 2005. (Please find it attached here as an uploaded file.) As an update to this earlier submission to DOE, I would like to paraphrase Winona LaDuke of Honor the Earth. LaDuke has said "The best minds in the nuclear industry have been hard at work, for 50 years, to solve the nuclear waste problem. And they've finally got it: haul it down a dirt road, and dump it on an Indian reservation." At this particular juncture, communities in West Texas and southeast New Mexico, with large populations of Latin Americans and low-income residents, are the current targets for ISF PIs (so-called Interim Storage Facility Private Initiatives). Those dirt roads -- in Andrews County, West Texas (WCS); Culberson County, TX; Loving County, TX; Eddy-Lea Counties, NM -- are the ones DOE currently wants to haul irradiated nuclear fuel down, perhaps to stay forever, as opposed to an "interim" time period. As with Native American communities above, this is a violation of environmental justice, it is radioactive racism. And not to say that Native American communities are off the hook. Most shamefully, despite protests to the contrary, the Blue Ribbon Commission on America's Nuclear Future, and the U.S. Department of Energy's Office of Nuclear Energy itself (as in the 2016 so-called "Consent-Based Siting" public comment proceeding, as well as this DOE ONE Request for Information on ISF PIs), have stubbornly refused to stop explicitly including "Tribes" on their target list for these high-risk, hazardous high-level radioactive waste de facto permanent parking lot dumps. \*🗣️

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January 2012. For this reason, all of the public comments submitted to DOE during its so-called "consent-based siting" public comment period in 2016 still apply. The lead private initiative is by Waste Control Specialists, LLC in Andrews County, West Texas, followed by the Eddy-Lea [Counties] Energy Alliance in Hobbs, New Mexico (less than 50 miles from WCS); AFCI in Loving County, TX; and Culberson County, TX. Beyond Nuclear submitted six sets of comments to the U.S. Department of Energy (DOE), by the July 31, 2016 deadline, re: "Consent-Based Siting" for so-called "centralized interim storage sites" (de facto permanent parking lot dumps), as well as permanent burial dumps (such as long targeted at Yucca Mountain, Nevada), for high-level radioactive waste/irradiated nuclear fuel. The fifth set, a 10-page document, is entitled STOP RADIOACTIVE RACISM! (Please find it attached here as an uploaded file.) It chronicles decades of DOE, U.S. Nuclear Regulatory Commission (NRC), and nuclear power industry attempts to dump high-level radioactive waste on Native American reservations, lands, and communities across the U.S. It protests DOE's ongoing environmental injustice, even during this so-called "Consent-Based Siting" proceeding. But one example is DOE's decision to invite the infamous DOE Nuclear Waste Negotiator from the 1980s to 1990s, David Leroy, to participate on the panel at the Boise, Idaho public meeting. Two attachments accompanied this set of comments: President Barack Obama's March 2009 Women's History Month proclamation, honoring Grace Thorpe for blocking radioactive waste dumps targeted at Native American communities (please see attached, as an uploaded file); and "Radioactive Racism: The History of Targeting Native American Communities with High-Level Atomic Waste Dumps," a six-page, fully referenced backgrounder prepared by NIRS and Public Citizen on June 14, 2005. (Please find it attached here as an uploaded file.) As an update to this earlier submission to DOE, I would like to paraphrase Winona LaDuke of Honor the Earth. LaDuke has said "The best minds in the nuclear industry have been hard at work, for 50 years, to solve the nuclear waste problem. And they've finally got it: haul it down a dirt road, and dump it on an Indian reservation." At this particular juncture, communities in West Texas and southeast New Mexico, with large populations of Latin Americans and low-income residents, are the current targets for ISF PIs (so-called Interim Storage Facility Private Initiatives). Those dirt roads -- in Andrews County, West Texas (WCS); Culberson County, TX; Loving County, TX; Eddy-Lea Counties, NM -- are the ones DOE currently wants to haul irradiated nuclear fuel down, perhaps to stay forever, as opposed to an "interim" time period. As with Native American communities above, this is a violation of environmental justice, it is radioactive racism. And not to say that Native American communities are off the hook. Most shamefully, despite protests to the contrary, the Blue Ribbon Commission on America's Nuclear Future, and the U.S. Department of Energy's Office of Nuclear Energy itself (as in the 2016 so-called "Consent-Based Siting" public comment proceeding, as well as this DOE ONE Request for Information on ISF PIs), have stubbornly refused to stop explicitly including "Tribes" on their target list for these high-risk, hazardous high-level radioactive waste de facto permanent parking lot dumps. \*🌐

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Response to IPC--Fifth set of public comments by Beyond Nuclear on DOE's proceeding to define the "Consent-Based Siting" of radioactive waste dumps

### **STOP RADIOACTIVE RACISM!**

In the lead up to the January 20, 2016 "Kick Off" meeting for "Consent-Based Siting, held in Washington, D.C., DOE asked the public to comment on

*(1) How can the Department of Energy ensure that the process for selecting a site is fair?*

*Consent based siting seeks to ensure fairness in the distribution of costs, benefits, risks and responsibilities now and in future generations. How, in your view, can fairness be best assured by the process for selecting a site?*

Of course, it was difficult to comment upon that question, as DOE did not make a public comment opportunity possible during that "Kick Off" meeting. That oversight marked a very inauspicious beginning for this "Consent-Based Siting" proceeding, one that DOE never has rectified, unfortunately.

But to answer that question regarding fairness, the Department of Energy must cease and desist from targeting Native American tribes and communities, and their lands. So too must the U.S. Nuclear Regulatory Commission, nuclear power industry, and the rest of the nuclear establishment in industry, government, academia, etc. This is environmental injustice, this is radioactive racism. This must be stopped.

To further explain this point, I would like to reproduce here below an extended extract from my public comments delivered to the Blue Ribbon Commission on American's Nuclear Future, at its "Kick Off" meeting in Washington, D.C. in late March 2010:

*At first glance, it would seem that this panel's name is inappropriate. For a panel that is supposed to address the lack of a solution to the high-level radioactive waste crisis, the name "Blue Ribbon Commission on America's Nuclear Future" seems a bit odd. But it may be ironically fitting, for forever deadly radioactive waste which has no solution **IS** the future of nuclear power in America, and around the world for that matter. As Michael Keegan of the Coalition for a Nuclear-Free Great Lakes has put it, "Electricity is but the fleeting byproduct from atomic reactors. The actual product is forever deadly radioactive waste."*

*Forever deadly is no exaggeration. The U.S. Environmental Protection Agency, under court order, now recognizes a one million year hazard associated with high-level radioactive waste, at least in its applicable Yucca Mountain repository regulations. One million years equates to 40,000 human generations. A few generations of*

*electricity, in exchange for 40,000 generations of radiological hazard, is quite a future for nuclear power, quite a burden for us to offload onto our descendants.*

*As Yucca Mountain, Nevada is Western Shoshone Indian land by the “peace and friendship” Treaty of Ruby Valley signed by the U.S. government in 1863, I’d like to thank President Obama and Energy Secretary Chu for the tremendous environmental justice victory the dumpsite’s cancellation represents.*

*It also represents a tremendous environmental victory. Any radioactive waste that had been buried at Yucca would have leaked out, massively, over time, turning all points downstream into a nuclear sacrifice zone. The drinking water beneath Yucca serves a farming community downstream, as well as a National Wildlife Refuge, National Park, and the Timbisha Shoshone Indian Band. The dumpsite also could have cataclysmically failed in an earthquake or even volcanic eruption at that seismically active area. No wonder, then, that over 1,000 national and grassroots environmental groups opposed the dump at Yucca Mountain, and are now relieved and thankful that President Obama and Energy Secretary Chu have cancelled the dumpsite and the thousands of high-level radioactive waste trucks, trains, and barges that would have carried the wastes through most states bound for Nevada.*

*I would also like to thank President Obama for recognizing Grace Thorpe on March 3, 2009 in his “Women Taking the Lead to Save our Planet” Women’s History Month 2009 Proclamation. President Obama proclaimed:*

*“Grace Thorpe, another leading environmental advocate, also connected environmental protection with human well-being by emphasizing the vulnerability of certain populations to environmental hazards. In 1992, she launched a successful campaign to organize Native Americans to oppose the storage of nuclear waste on their reservations, which she said contradicted Native American principles of stewardship of the earth. She also proposed that America invest in alternative energy sources such as hydroelectricity, solar power, and wind power.”*

*Grace Thorpe, who passed away a few years ago now, was a Sauk and Fox as well as Pokagon Potawatomi Indian best known for restoring her father’s – “Athlete of the Century” Jim Thorpe’s -- Olympic gold medals to the Thorpe family.*

*But she also led the effort on her Sauk and Fox Reservation in Oklahoma to immediately put a stop to any consideration that her community become an “interim” parking lot dump for commercial high-level radioactive waste. She then went on the road, and helped stop such environmentally racist targeting of dozens more Native American tribes by the U.S. Department of Energy’s “Nuclear Waste Negotiator.” She was instrumental in seeing that the Nuclear Waste Negotiator program was de-funded and done away with in 1992, five years after it came into existence.*

*But in that time, the Nuclear Waste Negotiator gave “federally recognized” Indian tribe a whole new meaning. It seems the federal government “recognized” that politically and economically vulnerable Native American reservation communities could serve as the “path of least resistance” for parking high-level radioactive wastes with nowhere else to go for decades, or perhaps even forever. Every single federally recognized tribe in the country received a solicitation letter from the DOE’s Nuclear Waste Negotiator. Sixty tribal chairmen or councils, in their economic desperation, expressed interest.*

*But traditionals and environmentalists within those targeted tribal communities worked with Grace and others to put a stop to the radioactive racism. Rufina Marie Laws and Joe Geronimo at Mescalero Apache, New Mexico, led efforts to defend their community – one of the first “Downwinder” communities in the world, as it is immediately downwind of the Alamogordo site where the “Trinity” plutonium bomb was tested on July 16, 1945. First the Nuclear Waste Negotiator’s federal “monitored retrievable storage” site was defeated. Later, a private industry attempt to do what the federal government was unable to at Mescalero was likewise defeated.*

*But undaunted and shameless, the nuclear power industry’s “Private Fuel Storage, Limited Liability Corporation” picked up where it had left off at Mescalero, and attempted to force its parking lot dump on the tiny Skull Valley Goshute Indian Reservation in Utah. Margene Bullcreek and Sammy Blackbear put a stop to it.*

*These bitter struggles lasted many long years, leaving wounds in these communities that will take a very long time to heal, even though no radioactive waste was ever delivered to either Mescalero or Skull Valley. The anti-dump tribal members suffered severe harassment and even death threats for their courageous stand.*

*Winona LaDuke of Honor the Earth, an Ojibwe environmental leader from the White Earth Reservation in Minnesota, has helped lead the national effort to stop radioactive waste dumps targeted at Indian lands. She has said “The best minds in nuclear science have been hard at work for over 50 years to figure out a solution to the radioactive waste problem, and now they’ve finally got it – haul it down a dirt road and dump it on an Indian reservation.”*

*Tom Goldtooth of Indigenous Environmental Network, another leader against radioactive waste dumps on Native lands, reminds us that environmental justice principles must be at the forefront of decision making in the 21<sup>st</sup> century.*

*Joe Campbell at the Prairie Island Indian Community in Minnesota also deserves praise, for opposing the generation of high-level radioactive waste at the Prairie Island Nuclear Power Plant. Incredibly, the dry cask storage facility there, in the floodplain of the Mississippi River, is located a mere 600 yards from the tribal day care center and the nearest tribal residences.*

*At this time when the Yucca Mountain dumpsite proposal has been so wisely cancelled by President Obama and Energy Secretary Chu, I would also like to honor the Western Shoshone National Council for its tireless vigilance against the dump, as well as against nuclear weapons testing at the Nevada Test Site. Corbin Harney, Western Shoshone spiritual leader, founder of the Shundahai Network, passed away in 2007. For decades, he led and inspired the grassroots resistance to the dump and nuclear weapons testing. Other Western Shoshone leaders are fortunately still with us, including Ian Zabarte, Secretary of State of the Western Shoshone National Council, who for 25 years, in an unpaid voluntary capacity, has served as a legal and technical policy coordinator in the Western Shoshone Nation's vigilant resistance against the Yucca Mountain dumpsite proposal.*

*I urgently call upon this Blue Ribbon Commission to put a stop, once and for all, to the shameful history of targeting Native American communities and lands with radioactive waste dumps.*

*Thank you.*

Most unfortunately, the Blue Ribbon Commission ignored my comments, and my pleas, to cease and desist with such radioactive racism. In its Final Report of January 2012, the Blue Ribbon Commission went right on listing Native American tribes, communities, reservations, and lands as a category of potential sites for so-called centralized interim storage (*de facto* permanent parking lot dumps), as well as permanent burial dumps.

But then again, the Blue Ribbon Commission ignored most to all public comments coming from concerned individuals, environmental group representatives, Native American traditionals, etc. It's as if the Blue Ribbon Commission report could have been written before the 2010 to 2012 process of holding numerous meetings across the U.S., allowing public comment opportunities, etc. In fact, it would seem that is exactly what happened. The Blue Ribbon Commission had a predetermined agenda, and bulldozed it through, in spite of the thousands of public comments provided, in good faith.

As I mentioned in previous comments to DOE on this "Consent-Based Siting" IPC (Invitation for Public Comment), and as I pointed out at the Chicago meeting on March 29, 2016, Ernest Moniz, now Energy Secretary, was a member of the Blue Ribbon Commission; John Kotek, now DOE Acting Assistant Undersecretary for Nuclear Energy, was staff director for the Blue Ribbon Commission; Timothy Frazier was Designated Federal Official, from DOE Office of Nuclear Energy, for the Blue Ribbon Commission, and now works as a private consultant for DOE on "Consent-Based Siting"; Mary Woolen, a government-public liaison for the Blue Ribbon Commission, now works as a private consultant for DOE in a similar role on "Consent-Based Siting." Given these very selfsame individuals having ignored such public comments as mine above from 2010 to 2012, I have little to no confidence

that this “Consent-Based Siting” proceeding public comment opportunity is any more sincere.

To add insult to injury, DOE invited David Leroy, DOE’s former Nuclear Waste Negotiator, to present as a panelist at the July 14, 2016 “Consent-Based Siting” meeting in Boise, held on the eve of the anniversary of the Trinity test in 1945, which blanketed the Mescalero Apache reservation with the first bomb fallout of the Atomic Age, as well as the 1979 uranium tailings disaster that radioactively contaminated Diné drinking and irrigation water in Church Rock, New Mexico.

As I mentioned during my comments to the Blue Ribbon Commission in 2010, Grace Thorp helped stop not only the parking lot dump targeted at her own Sauk and Fox Reservation in Oklahoma, but also such environmentally racist targeting of dozens more Native American tribes by the U.S. Department of Energy’s “Nuclear Waste Negotiator.” She was also instrumental in seeing that the Nuclear Waste Negotiator program was de-funded and done away with in 1992, five years after it came into existence.

President Barack Obama honored Grace Thorpe for her work in 2009. His proclamation is attached to these comments. DOE dishonored her memory, by having the former Nuclear Waste Negotiator speak in 2016. It rubbed salt in the wounds of DOE’s past radioactive racism.

In 2005, myself (working as Nuclear Waste Specialist at Nuclear Information and Resource Service) and a colleague at Public Citizen, Melissa Kemp, co-authored a document entitled *Radioactive Racism: The History of Targeting Native American Communities with High-Level Atomic Waste Dumps*.

The document chronicled the DOE Office of Nuclear Waste Negotiator’s shameful actions over the course of several years.

It quoted the following infamous statement made by David Leroy himself:

*"We cannot rewrite the history of imbalance between our peoples. We can, however, write the future. It is the Native American cultures of this continent which have long adhered to the concept of planning for many generations of future unborn children in the decisions which are made today. This contrasts with the modern practices of American governments at all levels where planning and budgeting are done with most of the emphasis upon only the next fiscal year. With atomic facilities designed to safely hold radioactive materials with half-lives of thousands of years, **it is the Native American culture and perspective that is best designed to correctly consider and balance the benefits and burdens of these proposals.** ---David Leroy, U.S. Nuclear Waste Negotiator, addressing the National Congress of American Indians in 1991. [emphasis added; see footnote for reference below.]*

Which is why we'd like to indefinitely park high-level radioactive waste in large quantities on your reservation lands, Nuclear Waste Negotiator Leroy could have added. Of course, Leroy's intimation that "benefits" could make such "burdens" worth it, is itself objectionable. Buying off low-income communities of color to shoulder toxic or radioactive burdens that wealthier and whiter communities are unwilling to accept, is a text book example of environmental racism, or environmental injustice. In this case, it is radioactive racism.

As Keith Lewis, environmental director for the Serpent River First Nation of Ontario put it, "There is nothing moral about tempting a starving man with money." He spoke in the context of the radioactively ruinous aftermath of uranium mining at Elliot Lake, but his wise words, reflecting the ravages borne by his community to the present day, apply equally well to radioactive waste dumping.

The footnote accompanying the Nuclear Waste Negotiator's infamous statement above sheds more light on the outrage it generated amongst Native American traditionals, environmental and environmental justice activists:

*Leroy, David. "Federalism on Your Terms: An Invitation for Dialogue, Government to Government." Address to National Congress of American Indians. San Francisco, CA. 4 Dec. 1991. In this speech, David Leroy argues that Native American Tribes are incredibly suited (even preferable) for storing the country's high-level nuclear waste. He cites the Native American values of long-term health and sustainability as reason for this. Coming on the eve of the 500th anniversary of what many Native Americans and modern historians regard as Columbus's brutal invasion of this hemisphere, quoting the famous Duwamish leader Sealth (more commonly known as Chief Seattle) many times, Leroy's words were regarded as Machiavellian and Orwellian by many of those in attendance. After the speech, one man called Leroy's linkage of the Native ethic and nuclear waste "the granddaddy of all oxymorons," and a Duwamish woman asked Leroy why, if he so liked quoting Sealth, her tribe had been dispossessed of what later became the City of Seattle and still not received full federal recognition (Wahpepah, Wilda. "Tribal Leaders Get N-Waste Pitch". The Oregonian, 5 Dec. 1991).*

The 2005 document *Radioactive Racism* is also attached to these comments. I request that DOE include *Radioactive Racism* as a part and parcel of my comments, and reproduce it in its entirety in the official record of public comments as if rewritten in its entirety herein.

To add to the irony of targeting Native American lands and communities for high-level radioactive waste dumps is the fact that many reservations receive no electricity from atomic reactors. The same can be said of the ravages of uranium mining and milling on Native lands – most of those communities don't derive any benefit from nuclear-generated electricity. It seems most to all of the burden is being targeted at Native Americans, while they are offered few to none of the benefits.

Even the “incentives” – or legal bribes, buy off money – being considered, are objectionably small. The rumored “incentives” offered to the Skull Valley Goshutes band in Utah, to “host” 40,000 metric tons of commercial irradiated nuclear fuel for 20 years, or 40 years, or – truth be told -- perhaps forever, was \$50 to 200 million. Compare this to an annual DOE budget of tens of billions of dollars. Or the *daily* net profits at a single nuclear power plant, such as Indian Point, New York, of well over a million dollars. Such “incentives” – while desperately needed by low-income communities of color, such as historically and even contemporarily long oppressed Native American reservations – are unjustly and insultingly small in size, compared to the filthy riches amassed by the nuclear power establishment, at public expense.

But then again, how Native Americans have been targeted for all the burden, and none of the benefit, is how the nuclear power industry, and its friends at DOE, treat all future generations, of every race and ethnic group. Future generations will get none of the benefit, but all of the risk, from high-level radioactive waste, forevermore.

David Leroy was downplaying the risks when he stated in 1991 that “*atomic facilities [are] designed to safely hold radioactive materials with half-lives of thousands of years...*”. As the U.S. National Academy of Science has warned in 2004, and again in 2016, high-level radioactive waste storage pools in the U.S. are at risk of catastrophic releases of hazardous radioactivity, due to zirconium cladding fires that could release up to 100% of the volatile Cesium-137 stored in the pools. And as mentioned in my previously submitted comments in this proceeding, U.S. EPA has acknowledged – under court order – that irradiated nuclear fuel and high-level radioactive waste remains hazardous not for thousands of years, but rather for a million years. But even this figure is an underestimate. Hazardous Iodine-129, for example, present in irradiated nuclear fuel, has a half-life of 15.7 million years. Thus, its hazardous persistence lasts 157 to 314 million years.

As Michael Keegan of Coalition for a Nuclear-Free Great Lakes puts it, “Electricity is but the fleeting byproduct of nuclear power. The actual product is forever deadly high-level radioactive waste.”

This is a curse on all future generations. We must stop making it. And we must stop trying to dump it on Native American, and other low income, people of color communities. We must stop radioactive racism.

DOE also asked at the Jan. 20, 2016 “Kick-Off” meeting:

*(2) What models and experience should the Department of Energy use in designing the process?*

*The challenges and opportunities of site selection drive us to continue to learn from previous or ongoing examples. From your perspective, what experience and models do*

*you think are the most relevant to consider and draw from in designing the process for selecting a site?*

There is a very long list of negative examples, and many of them are DOE's own creation. Targeting Native Americans is at the top of that list, including the dumpsite targeted at Yucca Mountain, Nevada – Western Shoshone Indian land, as acknowledged by the U.S. government when it signed the “peace and friendship” Treaty of Ruby Valley of 1863, making it the highest law of the land, equal in stature to the Constitution itself.

“Consent-Based Siting” must mean fully informed consent, adhering to the strictest protocols of environmental justice principles. Keith Lewis's quote above was a powerful rebuttal to U.S. Republican Senators' (such as Jim Risch of Idaho) thinly veiled “incentives” cynicism, made as out-loud jokes as code for legalized bribery, as during summer 2013 U.S. Energy and Natural Resources hearings regarding so-called “Consent-Based Siting” of radioactive waste centralized interim storage sites, to supposedly carry out the mandate of the Blue Ribbon Commission's recommendations, as documented in its January 2012 *Final Report*.

DOE also asked in the lead up to the Jan. 20, 2016 “Kick-Off” meeting:

*(3) Who should be involved in the process for selecting a site, and what is their role?*

*The Department believes that there may be a wide range of communities who will want to learn more and be involved in selecting a site. Participation in the process for selecting a site carries important responsibilities. What are your views on who should be involved and the roles participants should have?*

Per the Blue Ribbon Commission's second highest recommendation, the DOE should NOT be a participant in “Consent-Based Siting.” DOE has irreparably betrayed the public trust, too many times, over too many years.

Transport corridor communities should be involved, along any potential high-level radioactive waste truck/roadway, train/railway, or barge/waterway routes.

All neighboring communities surrounding targeted dumpsites must be involved meaningful. This must include all those downwind, downstream, up the food chain, and down the generations, at risk of the radioactive waste's forever deadly hazard.

Every jurisdiction must grant its consent. Dissent at any level, no matter how “low,” should block the proposed dump. Yet even states, such as Nevada, New Mexico, Idaho, and others, can say “NO!” to being dumped on, over and over again, but DOE STILL won't take them off the target list.

DOE seems to be deaf to community groups such as SRS Watch, Nukewatch South, the Sierra Club, etc., as at SRS in SC, or such community groups as SRIC (Southwest Research Information Center) and many others in New Mexico, vis-à-vis the Eddy-Lea Counties/WIPP parking lot dump proposal. Yet DOE can clearly hear the pro-dump boosters, who they continue to work with, to advance dump proposals. DOE needs to stop pretending to be neutral. It is not. But then again, DOE and the pro-dump boosters have huge areas of overlap between themselves. That's what happens when a nuclear power industry promotional agency is put in charge – or puts itself in charge – of high-level radioactive waste management, and setting the definition for “Consent-Based Siting,” as in the instant proceeding. This conflict of interest is unacceptable. The Blue Ribbon Commission concluded as much, recommending that DOE could not be involved any longer, after so betraying the public trust in the past. Just as the U.S. Atomic Energy Commission was split in two – DOE to promote nuclear power, and NRC to regulate nuclear safety – “Consent-Based Siting” for the safe storage and disposal of irradiated nuclear fuel cannot be entrusted to DOE/Office of Nuclear Energy, the promoter of the nuclear power industry.

DOE also asked:

*(4) What information and resources do you think would facilitate your participation?*

*The Department of Energy is committed to ensuring that people and communities have sufficient information and access to resources for engaging fully and effectively in siting. What information and resources would be essential to enable you to learn the most about and participate in the siting process?*

Participant funding for opponents to proposed dumps should be provided, as they provide in Canada for similar proceedings. Public Citizen has made this same recommendation in this proceeding. Along similar lines, in order for fully informed consent-based siting to occur, the full information from opponents to proposed dumps should be made accessible, and share in full, by DOE, at DOE expense, with the targeted communities.

DOE also asked:

*(5) What else should be considered?*

*The questions posed in this document are a starting point for discussion on the design of the process for consent-based siting of nuclear waste facilities, the Department of Energy would like to hear about and discuss any related questions, issues, and ideas that you think are important.*

DOE should consider all previous related public comments. For example, U.S. Senator Ron Wyden (D-OR), Chair of the U.S. Senate ENR Committee (Energy and Natural Resources), solicited public comments in summer 2013 regarding his bill to enact the recommendations of the Blue Ribbon Commission *Final Report*. DOE should consider all the comments submitted to Senator Wyden coming from concerned members of the public, environmental groups, and opponents to the bill.

DOE should all critical public comments made to the Blue Ribbon Commission from 2010 to 2012. Not just the BRC Final Report should be considered, but ALL CRITICAL PUBLIC COMMENTS to BRC, made from 2010 to 2012, that were, most unfortunately, largely to entirely ignored by the BRC in its *Final Report*.

All critical public comments made during the DOE's Draft Environmental Impact Statement public comment periods regarding the proposed Yucca Mountain dump proceedings, over the decade beginning in 1999, should be considered by DOE.

In short, DOE must cease and desist from burning our critical public comments down the Orwellian Memory Hole, as if they never happened.

Sincerely,

Kevin Kamps, Radioactive Waste Watchdog, Beyond Nuclear, and board member, Don't Waste Michigan, representing the Kalamazoo chapter

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abandon both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic.



## WOMEN'S HISTORY MONTH, 2009

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

With passion and courage, women have taught us that when we band together to advocate for our highest ideals, we can advance our common well-being and strengthen the fabric of our Nation. Each year during Women's History Month, we remember and celebrate women from all walks of life who have shaped this great Nation. This year, in accordance with the theme, "Women Taking the Lead to Save our Planet," we pay particular tribute to the efforts of women in preserving and protecting the environment for present and future generations.

Ellen Swallow Richards is known to have been the first woman in the United States to be accepted at a scientific school. She graduated from the Massachusetts Institute of Technology in 1873 and went on to become a prominent chemist. In 1887, she conducted a survey of water quality in Massachusetts. This study, the first of its kind in America, led to the Nation's first state water-quality standards.

Women have also taken the lead throughout our history in preserving our natural environment. In 1900, Maria Sanford led the Minnesota Federation of Women's Groups in their efforts to protect forestland near the Mississippi River, which eventually became the Chippewa National Forest, the first Congressionally mandated national forest. Marjory Stoneman Douglas dedicated her life to protecting and restoring the Florida Everglades. Her book, *The Everglades: Rivers of Grass*, published in 1947, led to the preservation of the Everglades as a National Park. She was awarded the Presidential Medal of Freedom in 1993.

Rachel Carson brought even greater attention to the environment by exposing the dangers of certain pesticides to the environment and to human health. Her landmark 1962 book, *Silent Spring*, was fiercely criticized for its unconventional perspective. As early as 1963, however, President Kennedy acknowledged its importance and appointed a panel to investigate the book's findings. *Silent Spring* has emerged as a seminal work in environmental studies. Carson was awarded the Presidential Medal of Freedom posthumously in 1980.

Grace Thorpe, another leading environmental advocate, also connected environmental protection with human well-being by emphasizing the vulnerability of certain populations to environmental hazards. In 1992, she launched a successful campaign to organize Native Americans to oppose the storage of nuclear waste on their reservations, which she said contradicted Native American principles of stewardship of the earth. She also proposed that America invest in alternative energy sources such as hydroelectricity, solar power, and wind power.

These women helped protect our environment and our people while challenging the status quo and breaking social barriers. Their achievements inspired generations of American women and men not only to save our planet, but also to overcome obstacles and pursue their interests and talents. They join a long and proud history of American women leaders, and this month we honor the contributions of all women to our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2009 as Women's History Month. I call upon all our citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA



## Radioactive Racism: The History of Targeting Native American Communities with High-Level Atomic Waste Dumps

Low-income and minority communities are disproportionately targeted with facilities and wastes that have significant and adverse human health and environmental effects.<sup>1</sup> This places the burdens of society on those who are most vulnerable. These communities are at a tremendous economic and political disadvantage over the decision-making process that is dominated by large, wealthy corporations and/or government agencies. Ironically, low income and People of Color communities targeted with hazardous facilities often benefit the least from whatever societal “good” is purported to justify the generation of the hazardous substances in the first place.<sup>2</sup>

According to the 1990 U.S. Census (the very time period when the U.S. nuclear establishment intensified and accelerated its targeting of Native American communities with high-level radioactive waste dumps, as shown below), over 31% of Native Americans living on reservations had incomes below the federal poverty line.<sup>3</sup> After centuries of oppression and domination, stripped of their lands, resources, and traditional governments, these communities lack political power, and desperately need economic development. The “tribal sovereignty” of Native Americans, which makes their lands exempt from state law and many environmental regulations, only increases their attractiveness as targets for facilities unwanted elsewhere. Native Americans have already disproportionately borne the brunt of the impacts from the nuclear fuel chain over the past 60 years.<sup>4</sup> In the case of radioactive waste storage and disposal, the nuclear power establishment in industry and government is simply taking advantage of these vulnerable communities, attempting to hide from environmental regulation and widespread public opposition behind the shield of tribal sovereignty.

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*"We cannot rewrite the history of imbalance between our peoples. We can, however, write the future. It is the Native American cultures of this continent which have long adhered to the concept of planning for many generations of future unborn children in the decisions which are made today. This contrasts with the modern practices of American governments at all levels where planning and budgeting are done with most of the emphasis upon only the next fiscal year. With atomic facilities designed to safely hold radioactive materials with half-lives of thousands of years, it is the Native American culture and perspective that is best designed to correctly consider and balance the benefits and burdens of these proposals."*

*-- David Leroy, U.S. Nuclear Waste Negotiator, addressing the National Congress of American Indians<sup>5</sup> in 1991<sup>6</sup>*

**December 1987** – The U.S. Congress creates the Office of the Nuclear Waste Negotiator in an effort to open a federal “Monitored Retrievable Storage” (MRS) site for the interim storage of high-level nuclear waste. The dump is proposed to be “temporary”, and the Negotiator is authorized to seek states, counties, or Native American Tribes that might be interested in hosting such a facility in return for compensation. The process is supposed to be voluntary, where initial requests for information and preliminary discussions are

not viewed as a commitment to proceed further, and where a state, county, or tribe's elected representatives only act under authorization of the majority of their people.<sup>7</sup> There are no specific procedures, however, that the Negotiator must follow.

**August 1990** – David Leroy is confirmed by Congress as the first Nuclear Waste Negotiator.

**May 1991** - The Negotiator sends letters to states, counties, and every federally recognized tribe in the country, offering hundreds of thousands (and eventually millions) of dollars for first considering, and then ultimately hosting a dump. He follows up this initial introduction letter with a formal Request for Participation and Dialogue.<sup>8</sup> Of the 50 states and thousands of counties approached, only four counties officially respond,<sup>9</sup> and submit applications for Phase I study grants. These are Grant County in ND<sup>10</sup>, Apache County in NM, San Juan County in UT, and Fremont County in WY (about a 0.1% response rate). Out of the over five hundred federally recognized Tribes approached, over sixty respond. Twenty Tribes apply for Phase I study grants (this is a 3.7% response rate, almost 40 times higher than that of counties).<sup>11</sup> (In addition, four more tribes skipped the Phase I stage and proceeded directly to Phase II. See Sept. 1992 below). These Phase I study grants give the applicant \$100,000 to “investigate and learn” about the technical aspects of high-level atomic waste storage.

**October 1991 through August 1992** - Objections by State Governors and widespread public opposition prevent the four counties from moving forward in the process. The Negotiator begins to spend almost all of his time approaching and dealing with Tribes. In fact, the MRS siting process comes to center almost exclusively on Native American communities. Seventeen of the twenty Tribes that applied for grants are approved by the Negotiator. Four Tribes whose applications are approved, however, withdraw from the process before the funds are issued (these were the Chickasaw, Sac and Fox<sup>12</sup>, Absentee Shawnee, and Caddo Tribes, all in Oklahoma). This reduces the number of Tribes that receive Phase I grants to thirteen.

**September 1992** –The Negotiator begins to negotiate and court the thirteen Tribal councils. Eight of the thirteen Tribes that received Phase I study grants drop out of the process. This leaves the Mescalero Apache Tribe (New Mexico), the Prairie Island Community (Minnesota), the Skull Valley Band of Goshutes (Utah), the Eastern Shawnee Tribe (Oklahoma), and the Fort McDermitt Paiute/Shoshone Tribe (Oregon and Nevada). These Tribes and four others that skipped Phase I (Miami Tribe in Oklahoma, Ute Mountain Tribe of Colorado, Tonkawa Tribe of Oklahoma, and the Northern Arapaho Tribe of Wyoming) proceed to apply for Phase II-A grants (which provide \$200,000, and require a more focused investigation of potential sites and local response).

**March 1993** - The Mescalero Apache, Skull Valley Goshutes, Tonkawa, and the Fort McDermitt Tribe are the only Tribes that remain interested in the proposed dump. They receive Phase II-A grants.

**August 1993** – The Mescalero Apache Tribe leadership moves to take one step further into the process, submitting an application for a Phase II-B grant to the Waste Negotiator, and expressing a desire to begin formal negotiations. A similar application is soon submitted by the Skull Valley Goshutes.

**October 1993** – Congress votes to effectively cancel the Office of the Waste Negotiator and the study-grant program<sup>13</sup>. Authorization and funding for the office expires in December 1994.

**December 1993** – A private consortium of 33 nuclear utilities forms to pick up where the Negotiator left off, and begins negotiating with both the Mescalero Apaches and Skull Valley Goshutes. The consortium is headed by Northern States Power, which is based in Minnesota.

**March 1994** - The consortium begins serious negotiations with the Mescalero Tribe, which has been headed by Wendell Chino for decades. The consortium supports these negotiations by providing the tribal council significant sums of money. Rufina Marie Laws, a Mescalero Apache living on the reservation, opposes the dump and begins to rally people against it, founding a group called Humans Against Nuclear-Waste Dumping (HANDS).

**September 1994** - The Tonkawa Tribe in Oklahoma holds a popular referendum on hosting the “temporary” dump. A majority of tribal members reject the proposal.

**December 1994** – The consortium and the Mescalero Tribe leadership reach a tentative agreement about a temporary high-level radioactive waste facility. The Tribal Council has been involved in negotiations leading to this agreement for over three years, yet tribal members themselves know little about the proposal. No public meetings have been held. Several members of the Tribe have attempted to call meetings, but the Council has ignored such requests.<sup>14</sup>

**January 1995** – When the proposal to host the MRS dump comes before the Tribe for a vote, the Mescalero Apaches vote 490 to 362 to deny it. Mescalero Waste-Storage project manager Silas Cochise says the project was defeated by elderly tribal members, apparently unwilling to risk their grandchildren’s future.<sup>15</sup>

**March 1995** – A petition drive begins, calling for a second referendum. Although tribal officials characterize the petition drive as a grassroots initiative, the move to overturn the referendum is led by the Tribal Housing Director. Many on the Reservation believe that the Tribal council, dissatisfied with the January referendum, is directly backing the effort. The Tribe is torn apart as tribal leaders barrage the tribe’s 3,300 members with letters. Rumors circulate that each tribal member will receive \$2,000 if the MRS referendum passes. As the tribal official heading up the petition drive is also in charge of tribal housing and other support services, many tribal members fear voicing opposition to the dump, lest they suffer retaliation and loss of services. It is reported that the petition gathers enough signatures to force a second vote, though the signature sheets have not been made available to the public. The Mescalero Apache Tribe votes again, this time overturning the earlier January referendum by a vote count of 593 to 372, and approving the dump on their land. Negotiations with the nuclear utility companies continue.<sup>16</sup>

**April 1995** – Ironically, just after the dump has been “approved” by the Mescalero Tribe, issues emerge amongst the consortium of utilities. Many of the 33 companies have doubts about the necessity of the project, and are unwilling to get financially involved. The consortium of utilities begins to fray as a result. Northern States Power admits that the actual number of companies still committed may be fewer than 16.<sup>17</sup> Opposition to the dump continues on the reservation, and communities along the transportation routes throughout New Mexico begin to oppose it as well.

**June 1995** – Scott Northard, Manager of Technical Standards at Northern States Power, submits testimony before the U.S. House of Representatives Commerce Committee’s Subcommittee on Energy & Power, which is holding a series of High-Level Nuclear Waste Policy hearings. Northard states that NSP and 32 other companies, in “partnership” with the Mescalero Apache Tribe, are in the process of designing and licensing a MRS facility. He says this has allowed the industry to avoid “continually facing obstacles in this emotionally and highly charged area” and to proceed “in a more timely [and] cost effective manner”.<sup>18</sup>

**August 1995** - Concerned with relying too much on one possible “waste solution”, the nuclear industry begins to push in Congress for an interim storage facility on the Nevada Test Site, next door to the proposed Yucca Mountain Repository. (Between 1995 and 2000, the bill is reintroduced each session of Congress and passes one or both Houses, but faces a veto threat by President Clinton. On April 25, 2000, Clinton vetoes such a bill passed by both Houses; on May 2, the Senate sustains Clinton’s veto.)

**May 1996** – The Mescalero Tribe breaks off negotiations with the utility consortium led by Northern States Power.<sup>19</sup>

**December 1996** –Northern States Power reorganizes and forms a smaller consortium of eight utilities. The consortium calls itself Private Fuel Storage (PFS). Leon Bear, disputed Chairman of the Skull Valley Goshute Tribe, signs a preliminary lease with PFS soon after. See “Skull Valley Goshutes/PFS Timeline.”

For more information please contact:

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## References

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<sup>1</sup> The United Church of Christ Commission for Racial Justice Report, Toxic Wastes and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities Surrounding Hazardous Waste Sites. New York: United Church of Christ, 1987.

<sup>2</sup> The most complex issue about environmental justice is its meaning, and how such a notion could be implemented. The 1994 Clinton Presidential Executive Order instructs that, "To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review [which Clinton had completed in 1993], each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States..." This sounds simple enough, but in truth it is a much larger and more complex issue. Many people agree, for instance, that it is unjust to specifically target a poor and vulnerable community against their will with a facility that has high adverse human health and environmental impacts. These communities are often not able to economically or politically oppose such a project, and they also frequently find it difficult to mandate and enforce strict regulation if a project is sited there. These communities have virtually no say in the decisions being made, and they often benefit the least from the processes of which they will bear the burden. What complicates the situation is when a company looking to site a facility doesn't acknowledge the vulnerability of a community or any intention to specifically target it. In some cases, they even say the process is voluntary and beneficial. The community is just "naturally" economically and politically the place that will end up being the site for the facility. These impoverished communities' governing bodies are only interested in hosting hazardous facilities because of the promised income that would accompany the project. Yet, this dynamic is also environmental injustice. The impoverishment of segments of the population in this country is not an accident, and it is not reflective of some "character" of those segments. Our history is scarred with the systematic and violent oppression of Native American, African American, Latin American and other Peoples of Color and low income levels (see Bury My Heart at Wounded Knee by Dee Brown and A People's History of the United States: 1492-Present by Howard Zinn), and this can not be ignored. Until these significant historical wrongs and the poverty they created are remedied in some way, it is not necessary for a company to publicly acknowledge the vulnerability of a particular community for it to be environmental injustice. Such acknowledgement would only highlight the underlying reality.

<sup>3</sup> United States Dept. of Commerce. Economics and Statistics Administration, Bureau of the Census. We the First Americans. Washington: 1993.

<sup>4</sup> The nuclear fuel chain involves the mining and milling of uranium, and the processing, conversion and enrichment of it into fuel for nuclear reactors and atomic weaponry. Most of the uranium in the U.S. is located on Native American lands. Uranium mines were, and continue to be, on Navajo lands throughout the Grants Mineral Belt (Arizona and New Mexico), on Laguna Pueblo land in New Mexico and tribal lands in the Northwest, as well as on and near Sioux Indian lands in western South Dakota. These mines have taken a particularly hard toll on the communities near them. Native Americans miners, most of whom were never informed of the dangers of uranium, were exposed to its particulate and radioactive gases in the mines for decades. They have suffered large numbers of lung cancer fatalities, a disease almost entirely unknown among the Navajos and Pueblos before uranium mining. Mining debris and mill tailings, as milling often takes place near the mines to minimize transport of waste rock, were put into unlined storage ponds or out in the open air, where often they leached into nearby soil and water. Groundwater that entered into the mines, and thus became contaminated, was regularly pumped out into rivers and lakes. Worsening this already poor situation, when mining ceased in the late 1970's (because of the drop in uranium prices), companies abandoned the mines. They did this without sealing the tunnels, filling the pits, or removing the large piles of radioactive and toxic tailings. As a result, Native American families have lived for many decades in very close proximity to the mines, grazed their livestock there, and had children playing in them. Uranium mine tailings have been used in roads, homes, buildings and school

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playgrounds. Serious health effects have been documented (See, for example, Peter H. Eichstaedt, [If You Poison Us: Uranium and Native Americans](#), Red Crane Books, Santa Fe, New Mexico, 1994; [Poison Fire, Sacred Earth: Testimonies, Lectures, Conclusions](#), The World Uranium Hearing, Salzburg, Austria, September, 1992; [This Is My Homeland: Stories of the effects of nuclear industries by people of the Serpent River First Nation and the north shore of Lake Huron](#), edited by Lorraine Rekmans, Keith Lewis and Anabel Dwyer, Serpent River First Nation, 2003; Winona LaDuke, "Nuclear Waste: Dumping on the Indians," [All Our Relations](#), South End Press, 2001.) Some of the extraction and processing facilities for converting milled uranium into nuclear fuel (such as Kerr-McGee's Sequoyah Fuels Plant at Gore, Oklahoma) have also disproportionately impacted Native communities. Nuclear reactors, such as those at Prairie Island, Minnesota and Big Rock Point, Michigan, have been built next to Native American communities or on their sacred sites against the tribes' will. Such exploitation extends back to the dawn of the Atomic Age, such as during the Manhattan Project in the 1940's when the Los Alamos National Laboratory in New Mexico was built near Pueblo Indian communities directly on top of their sacred burial grounds, and when the "Trinity" test – the first atomic weapons explosion in history – was conducted immediately upwind of the Mescalero Apache Indian Reservation in New Mexico, a tribal community targeted 40 to 50 years later for a national high-level radioactive waste dump.

<sup>5</sup> The National Congress of American Indians (NCAI) is comprised of tribal chairpersons and is the oldest Native American organization in the U.S. Between 1986 and 1990 alone, DOE gave NCAI nearly \$1 million in grants - more than 25% of the organization's total revenue -- to study nuclear waste storage options on Native American reservations. On Nov. 2, 1992, DOE announced it would grant \$1.8 million in "sole source" Cooperative Agreement funding to NCAI for another five years. These monies were granted in order to "provide assistance services to ensure participation of Indian tribal governments in the planning and development of storage and transportation of high-level nuclear waste." Such large sums of money effectively silenced NCAI opposition to the targeting of Native American reservations for high-level radioactive waste dumps. For more information, please refer to Winona LaDuke's "Native Environmentalism," reprinted from Earth Island Journal in Cultural Survival Quarterly, Winter 1994, pages 47 - 48.

<sup>6</sup> Leroy, David. "Federalism on Your Terms: An Invitation for Dialogue, Government to Government." Address to National Congress of American Indians. San Francisco, CA. 4 Dec. 1991. In this speech, David Leroy argues that Native American Tribes are incredibly suited (even preferable) for storing the country's high-level nuclear waste. He cites the Native American values of long-term health and sustainability as reason for this. Coming on the eve of the 500th anniversary of what many Native Americans and modern historians regard as Columbus's brutal invasion of this hemisphere, quoting the famous Duwamish leader Sealth (more commonly known as Chief Seattle) many times, Leroy's words were regarded as Machiavellian and Orwellian by many of those in attendance. After the speech, one man called Leroy's linkage of the Native ethic and nuclear waste "the granddaddy of all oxymorons," and a Duwamish woman asked Leroy why, if he so liked quoting Sealth, her tribe had been dispossessed of what later became the City of Seattle and still not received full federal recognition (Wahpepah, Wilda. "Tribal Leaders Get N-Waste Pitch". The Oregonian, 5 Dec. 1991).

<sup>7</sup> These intentions, however, did not always translate into reality. Although voluntary siting has been championed as a procedurally fair alternative to traditional siting policy, it is not necessarily fair. The economic impoverishment of tribes, the tendency for tribal leaders to act without the authorization or even knowledge of their people, and the Bureau of Indian Affairs' ability to interfere in internal tribal affairs arbitrarily and capriciously (as there are no existing regulations or statutory standards defining the appropriate procedures the BIA must follow regarding internal tribal disputes), all mean that this siting process was all too often not fair, nor truly voluntary.

<sup>8</sup> Leroy, David. "Federalism on Your Terms: An Invitation for Dialogue, Government to Government." Address to National Congress of American Indians. San Francisco, CA. 4 Dec. 1991. Also, Leroy's May 3, 1991 form letter to Indian Tribal Leaders.

<sup>9</sup> "Federal, State, and Local Governments: 1997 Census of Governments", Bureau of the Census,

<http://www.census.gov/govs/www/cog.html>

<sup>10</sup> The Grant County supervisors were ousted by voters after it was revealed that they had applied for a MRS study grant without their constituents' knowledge or permission. Grant County's involvement with the project was discontinued shortly thereafter.

<sup>11</sup> These included: Mescalero Apache Tribe, NM; Chickasaw Nation, OK; Sac and Fox Nation, OK; Prairie Island Nation, MN; Yakima Indian Nation, WA; Skull Valley Goshute Tribe, UT; Alabama Quassarte Tribe, OK; Eastern Shawnee Tribe, OK; Tetlin Village, AK; Lower Brule Sioux, SD; Akhiok-Kaguyak, AK; Apache Development Authority, OK; Absentee Shawnee Tribe, OK; Ponca Tribe, OK; Caddo Tribe, OK; Ft. McDermitt Paiute Shoshone, NV. The Miami Tribe in Oklahoma, Ute Mountain Tribe of Colorado, Tonkawa Tribe of Oklahoma, and the Northern Arapaho Tribe of Wyoming skipped Phase I but proceeded directly to the larger Phase II monetary grants. See September 1992 in the timeline above.

<sup>12</sup> On February 29, 1992, the Sac and Fox tribal members called a special meeting to vote on their application for an MRS. They became the first tribe to vote and reject the storage of nuclear waste on their land. Grace Thorpe was the leading opponent to this dump. She had read about the proposed storage in a newspaper, was outraged that she hadn't been informed about it, and then educated herself and the tribe about the hazards. Of the 75 voters in attendance at a special meeting, 70 voted against it. The five who voted for it were the members of the Tribal Council who had earlier

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accepted the money for the MRS study. The Council was ordered by the vote to return the money, and many of the members involved were voted out of office. On August 28th 1993, the Sac and Fox Nation became the first tribe in Oklahoma to declare a "Nuclear Free Zone" (NFZ) on their tribal lands. Grace Thorpe was instrumental to this and went on to help many other tribes across the U.S. resist dumps targeted at their communities.

<sup>13</sup> To some extent, this came about because of pressure from New Mexico and other states, who were concerned about the growing possibility of a MRS facility (particularly one being sited without their permission, control, or profit). Also, the nuclear power industry and its supporters in Congress had grown impatient with the lack of success of the Negotiator, and instead began to push for "interim storage" of high-level radioactive waste on Western Shoshone Indian land at the Nevada Test Site near Yucca Mountain the very next congressional session. In addition, grassroots Native American activists like Grace Thorpe also played a very important role in the demise of the Negotiator program.

<sup>14</sup> For instance, a petition was signed by 221 Tribal members in July requesting a public meeting to discuss the pros and cons of such an MRS facility. The Tribal Council refused, but tribal members invited speakers and held the meeting anyway on August 12, 1992.

<sup>15</sup> Davis, Tony. "Apaches Send a Signal to Nuclear Industry." High Country News 20 Feb. 1995:

<sup>16</sup> Davis, Tony. "Flip-Flop on Storing Nuclear Waste Shakes up Tribe." High Country News 29 May 1995.

<sup>17</sup> Hanson, Randel. "Indian Burial Grounds for Nuclear Waste." Multinational Monitor Sept. 1995: 6. 19 Apr. 2005. <<http://www.multinationalmonitor.org/hyper/mm0995.07.html>>

<sup>18</sup> U.S. Congress. House. Committee on Commerce. Subcommittee on Energy and Power. High-Level Nuclear Waste Policy: Interim Storage. Hearing, 28 June 1995. 104<sup>th</sup> Congress, 1<sup>st</sup> Session, Serial no. 104-24. Washington, U.S. Govt. Print Off., 1995.

<sup>19</sup> Meersman, Tom. "NSP's talks on nuclear waste break off; Storage sought in New Mexico." Star Tribune [Minneapolis, MN] 19 Apr. 1996.