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Comment:	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 sixth set comprised the submission of two documents for the record. Both documents came out of the same event, Citizen Awareness Network's (CAN) "People's Summit on High-Level Radioactive Waste," held at Wesleyan University in Middletown, CT from April 12-14, 2002. The first document, entitled "Indigenous Anti-Nuclear Statement: Yucca Mountain and Private Fuel Storage at Skull Valley," was prepared for the event. (Please see attached as an uploaded file.) The second document, "Principles for Safeguarding Nuclear Waste at Reactors," although promulgated in September 2006 (and later updated in March 2010), nonetheless had its origins at this same 2002 CAN event. Dr. Arjun Makhijani of IEER coined the phrase "Hardened On-Site Storage" (HOSS) at the 2002 event; the 2006 Principles (updated in 2010) hammered out, in writing, the HOSS principles, which have since been endorsed by hundreds of environmental organizations, representing all 50 states. (Please see the 2010 updated version of the HOSS Principles for Safeguarding Nuclear Waste at Reactors posted online at:
http://ieer.org/wp/wp-content/uploads/2010/03/HOSS_PRINCIPLES_3-23-10x.pdf) *🌐

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Response to IPC--Final set of public comments by Beyond Nuclear

Please enter the following into the record, both from the same weekend event sponsored by Citizen Action Coalition of the Northeast:

Indigenous Anti-Nuclear Statement: Yucca Mountain and Private Fuel Storage at Skull Valley

Citizens Awareness Network – “The Peoples Summit on High-Level Radioactive Waste,” Wesleyan University Middletown, Connecticut

April 12-14, 2002

The Indigenous Environmental Network, which is a network of 200 Indigenous organizations, traditional societies, and communities across North America remain opposed to any United States legislation, federal or state action, corporate and private or public activity that would allow the transportation, storage or production of spent nuclear fuel, high-level nuclear waste, and low-level radioactive waste within the traditional homelands of Turtle Island, otherwise known as the United States, Canada and Mexico. As Indigenous peoples of this Turtle Island, we are rightfully speaking out as the original caretakers of this vast land that has sustained our tribes for thousands of years. We speak out as the older brothers and older sisters to our younger brothers and younger sisters that have migrated and settled into this continent we call *Turtle Island*. Please listen to our words.

During the past twelve years, the Indigenous Environmental Network has witnessed our tribal grassroots, elders, youth, and tribal leadership from throughout the United States, Canada and Mexico – in what we describe as *Turtle Island* – instructing us to remain strong in defense and protection of our sacred Mother Earth and all our relations. The concept of “all our relations” includes all life, all colors of human and consideration of those yet to be born. Because of this we express our total opposition to the unsustainable energy plan of nuclear power and its devastating impacts and deadly effects on our communities.

The nuclear industry has waged an undeclared war against our Indigenous peoples and Pacific Islanders that has poisoned our communities worldwide. For more that 50-years, the legacy of the nuclear chain, from exploration to the dumping of radioactive waste has been proven, through documentation, to be genocide and ethnocide and a deadly enemy of Indigenous peoples. The ancestral lands of the Indigenous peoples in the United States has been used for testing nuclear weapons, experimenting with biological and chemical warfare agents, incinerating and burying hazardous wastes, and mining uranium. United States federal law and nuclear policy has not protected Indigenous peoples, and in fact has been created to allow the nuclear industry to continue operations at the expense of

our land, territory, health and traditional ways of life. This system of genocide and ethnocide policies and practices has brought our people to the brink of extinction. This disproportionate toxic burden – called *environmental racism* – has culminated in the current attempts to dump much of the nation’s nuclear waste in the homelands of the Indigenous peoples of the Great Basin region of the United States. This action does not provide homeland security to our Indigenous peoples. Indigenous peoples have already made countless sacrifices for this country’s nuclear programs

The Indigenous Environmental Network opposes the recent decision of the United States President George W. Bush designating Yucca Mountain in Nevada as the country’s official repository for highly radioactive nuclear waste. This is a wrong decision. Based upon scientific studies, Yucca Mountain is not a suitable site for a nuclear waste repository. The site has geologic faults and official computer models used to assess site suitability are riddled with uncertainties. Federal environmental regulations have been ignored and changed several times to accommodate this site, thus abandoning protections for drinking water.

According to the spiritual leaders and tribal elders of the Indigenous tribes of *Western Shoshone* and *Paiute*, the Yucca Mountain is sacred with the regional area having deep cultural and historical value to their peoples. President W. Bush and many leaders of Congress do not respect these deep spiritual values and cultural life-ways that have sustained the Indigenous peoples of this region since time immemorial. In the eyes of Indigenous peoples that follow the traditional teachings of our tribal ways, this President and people in Congress do not have a heart of love and compassion for Life and have clouded minds that put money above the health and safety of people and all Life.

If the Yucca Mountain site is approved by Congress, it will store a total of 77,000 tons of highly radioactive waste, most of it spent fuel from nuclear power plants. The spent fuel, which will remain dangerous for hundreds of thousands of years, is now stored at dozens of power plant sites around the country.

If Congress allows the Yucca Mountain site to be approved, it would begin the largest nuclear waste transportation campaign in history, possibly endangering residents in 44 states, thousands of towns and cities, and tribal territories. The United States Department of Energy predicts that there will be nuclear waste accidents occurring during this transportation campaign with lives, health, and properties of citizens living and working along transportation routes endangered by accidents or incidents. Roads, rails, and waterways in 44 states would become zones of terror for dangerous radioactive waste shipments en route to Yucca Mountain. More than 40,000 tons of this waste will be containing hundreds of tons of plutonium, the stuff from which nuclear weapons are made from.

Related to this country’s lack of a nuclear waste storage plan, the Indigenous Environmental Network furthers its opposition to the actions of Private Fuel Storage (PFS), a corporate consortium of 8 commercial nuclear utilities, proposing to transport 40,000 metric tons of high-level radioactive spent fuel waste across the country to an

interim storage facility on the *Skull Valley Goshute* reservation in Utah. The Indigenous Environmental Network declares PFS actions as a form of economic blackmail and corporate oppression on a small Indigenous community of near 75 adult voting members that have experienced decades of toxic exposures from Department of Defense experiments with toxic and biological warfare and failed United States governmental policies that have created poverty and high unemployment among the *Skull Valley Goshute*. PFS is another example of the nuclear industry gambling with the public health and safety of the *Goshute* tribal members, the people of Utah and all citizens that reside along the vast transportation routes of this country.

The United States government has a long history of abrogating treaties entered into by the Indigenous tribes of this country and the United States. If Congress approves Yucca Mountain for a nuclear waste dump, it will be another attack on the treaty rights of the *Western Shoshone*. *Western Shoshone* Nation of *Newe Sogobia*, which extends from Idaho to Southern California, covers much of Nevada. Recognition of *Shoshone* sovereign territory was formalized by the United States government when it signed the Treaty of “Peace and Friendship” of Ruby Valley in 1863 that guaranteed incoming settlers and military personnel safe passage through the Western Shoshone (*Newe*) land. These territorial boundaries under international law hold the same significance as those of Canada or Mexico. The Organization of American States (OAS) has repeatedly upheld *Shoshone* claims against the United States. The *Western Shoshone* is fighting to protect their lands, including the sacred Yucca Mountain. The *Shoshone* have claims against the United States for land that was stolen and illegally occupied in violation of the Treaty of Ruby Valley of 1863. Although extensive litigation has taken place, the United States has never to this day been able to show a document to back its current claim of ownership of this land. This Treaty is one of the few treaties made between the United States and Indigenous nations that did not cede any land.

Although the many Indigenous peoples in our vast network are varied in language and beliefs, we have the common ground of being Indigenous peoples who have no desire to give up the traditional laws that the Creator gave us. We have no desire to accept the deadly, unsustainable ways the colonial government and nuclear industry is trying to force upon us. We are not asking anyone else to accept our ways, however, we are exercising our right to live our sustainable lifestyles, practice our culture, conduct our ceremonies, and raise our children in a land that is clean, safe and healthy for all our *relations*.

The Indigenous Environmental Network stands in solidarity with many concerned non-Indigenous citizens and organizations to stop this pattern of abusing our natural environment. Every living being, every creature and every plant has a right to a healthy, sustainable, equitable, and safe environment. To meet these needs, all communities must have a viable and sustainable economic base that protects the diversity of our communities. Nuclear waste jeopardizes the most basic human right, which is a clean environment. We commit to end the cycle of abuse that has been initiated by our government, nuclear industry and corporations.

The Indigenous Environmental Network recommends:

1. Congress should do what is morally and ethically right and uphold Nevada Governor Guinn's veto of President Bush's approval of the Yucca Mountain project.
2. Private Fuel Storage member utilities should immediately withdraw from the PFS consortium so as not to be implicated in such a dangerously flawed program and a program that could violate the human rights of tribal members of the *Skull Valley Goshute*.
3. United State citizens must organize to stop the Department of Energy and Private Fuel Storage from transporting and storing nuclear waste across the country to Yucca Mountain, located within the traditional homelands of the *Newe Sogobia* and *Paiute* peoples, and *Skull Valley Band of Goshute*.
4. United State citizens must oppose the generation of more nuclear waste by demanding a moratorium on the building of new nuclear power plants, a moratorium against re-commissioning old nuclear power plants and demanding the phase-out of current nuclear power plants. The continued production of all levels of radioactive waste and transportation to either an interim or permanent repository does nothing to solve the nuclear waste problem in our country.
5. United States citizens, the government and the nuclear industry must accept responsible for the nuclear waste that is generated every day. We call for state and federal action to be made for on-site storage of spent nuclear fuel. On-site at or near reactor above-ground monitored retrievable dry cask storage technology can be used to safely and economically store high-level radioactive wastes on site for at least 100 years or until alternative technology is found to safely dispose this radioactive waste that normally will remain dangerous for hundreds of thousands of years.
6. The United States, the nuclear industry and all parties responsible, ensure for the proper clean up of toxic and radioactive contamination on Indigenous lands, all people of color and disenfranchised communities of this country, including victims compensation for all citizens exposed to radiation contamination from nuclear industry activities and militarization.
7. Governments, including tribal, state, national and international, to do whatever possible to stop all uranium exploration, mining, milling, conversion, testing, research, weapons and other military production, use, and waste disposals onto and into Mother Earth.
8. Congress increase research and development and funding allocations for the utilization of sustainable and alternative clean renewable energy such as solar,

- wind, and appropriate technologies that are consistent with our natural laws and respect for the natural world (environment).
9. We particularly call upon tribal governments and inter-tribal organizations to measure their responsibilities to our peoples, not in terms of dollars, but in terms of maintaining our spiritual traditions, and assuring our physical, mental, spiritual well being. It is our responsibility to assure the survival of all future generations and be true caretakers for our Mother Earth.
 10. We demand for the United States government, the nuclear industry and all private sectors that benefited from the legacy of perpetrating nuclear colonialism upon our Indigenous peoples to pay up, in the form of developing tribal “just transition” programs for sustainable economic development and education and training for the Indigenous tribal nations that have been the target of these nuclear waste programs and the legacy of nuclear colonialism.
 11. Congress appropriate funding to tribes for capacity building and development of clean renewable energy projects within tribal utility infrastructures.
 12. Last, but not least, we call upon the United States to honor all treaty rights, agreements and executive orders entered into with the Indigenous peoples of this country.

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