



FORT MOJAVE INDIAN TRIBE

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NORA HELTON - Chairperson
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CRAIG CASTILLO, SR. - Member • COLLEEN GARCIA - Member

500 MERRIMAN AVENUE, NEEDLES, CA 92363
(760) 629-4591 • FAX (760) 629-2468

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PROPOSED RULE **PR 71+73**
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May 8, 2000

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DOCKETED

The Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Re: Proposed Rules; 10 CFR Parts 71 and 73 (Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste); Fed. Reg., Vol. 65, No. 67, Thursday, April 6, 2000

Dear Secretary:

The NRC is contemplating amendments to its regulations to require NRC licensees to notify Indian Tribes of shipments of certain types of high-level radioactive waste prior to transport to or across the boundary of Tribal lands. The background statement accompanying the Proposed Rules recites that the NRC action is based on President Clinton's Memorandum dated April 24, 1994, entitled "Government-to-Government Relations with Native American Tribal Governments," as well as NRC's recognition of Tribal sovereignty.

Enclosed please find a copy of Fort Mojave Tribal Council Resolution No. 95-100. The Resolution, adopted on November 11, 1995, declares that the Fort Mojave Indian Reservation is a nuclear free zone and expressly prohibits all nuclear activities within the exterior boundaries of the Fort Mojave Indian Reservation. The nuclear activities prohibited include, but are not limited to, uranium mining, uranium milling, fuel wrought assembly, nuclear power plants, nuclear weapons development, deployment and testing, transporting of radioactive materials, and nuclear waste storage and disposal.

The governing body of the Tribe has determined, among other things, that in many cases indigenous people have suffered and continue to suffer from radiation sickness, immune system difficulties, genetic destruction, cancer and death due to the development and use of nuclear technologies. The Fort Mojave Tribal Council,

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pursuant to the Tribe's inherent sovereignty and Constitution, has found that it is in the best interest of the people, land and resources of the Fort Mojave Indian Tribe that the Fort Mojave Indian Reservation be a nuclear free zone.

The Tribe appreciates the NRC's desire to facilitate the Government-to-Government relationship described in President Clinton's Memorandum and to recognize Tribal sovereignty. However, the subject Proposed Rules do not comport with these stated objectives of the NRC. The Proposed Rules sanction transportation of nuclear waste across Fort Mojave Indian Reservation lands, an act which is prohibited by Tribal law pursuant to Tribal Council Resolution No. 95-100.

Thank you for the opportunity to comment upon the NRC's Proposed Rules. I am hopeful that the NRC will promote a Government-to-Government relationship in this case by respecting the Tribe's sovereign decision to declare the Fort Mojave Indian Reservation a nuclear free zone.

Sincerely,



Nora Helton, Chairperson
Fort Mojave Tribal Council

FORT MOJAVE TRIBAL COUNCIL
RESOLUTION

- WHEREAS, the Fort Mojave Indian Tribe of Arizona, California, and Nevada is organized pursuant to the Indian Reorganization Act of 1934, and
- WHEREAS, the Fort Mojave Tribal Council is the legal governing body of the Fort Mojave Indian Tribe, organized according to the Constitution and Bylaws of the Fort Mojave Indian Tribe, and
- WHEREAS, the Tribal Council of the Fort Mojave Indian Tribe adopted Resolution 95-100 on November 11, 1995, opposing the planning and construction of a nuclear waste dump in the Ward Valley because of the inherent risk of nuclear power plant waste, negative effects of radiation, excessive costs of the nuclear industry, health, safety, and environmental concerns, negative impact on the water supply and water quality, negative impact on tourism and recreational industries, and problems with the transportation, storage, and final disposition of nuclear waste, all of which outweigh the negligible benefits of a nuclear waste dump in the Ward Valley, and
- WHEREAS, the people of the Fort Mojave Tribe find the presence of nuclear materials and a nuclear waste dump facility within the Fort Mojave Indian Reservation and within 30 miles on either side of the Colorado River and its tributaries to be in conflict with the maintenance of the Tribe's health, environmental quality, economic well-being, and general welfare, and
- WHEREAS, the importation and establishment of a nuclear waste dump in the Ward Valley threatens to bring misery and death and a toxic legacy for the next generation and many generations to come; and
- WHEREAS, in many cases, indigenous people have suffered and continue to suffer the most from radiation sickness, immune system difficulties, genetic destruction, cancer, and death due to the development and use of nuclear technologies; and
- WHEREAS, over 4,553 local communities in the United States and worldwide, 25 nations, and the regions of the Antarctic, Latin America, and the South Pacific have been declared nuclear free zones; and
- WHEREAS, on July 8, 1995, the Indian Tribes of the Lower Colorado River Region, comprising the Fort Mojave, Chemehuevi, Quechan, Cocopah, and Colorado River Indian Tribes, signed a joint resolution directed to Secretary of the

Interior Bruce Babbitt categorically opposing the nuclear waste dump in Ward Valley, on the basis that the dump threatens to contaminate the water supply of the Colorado River; and

WHEREAS, the Tribal Council of the Fort Mojave Indian Tribe concludes that it is in the best interest of the people, land, and resources of the Fort Mojave Indian Tribe that the Tribal lands of the Fort Mojave Reservation be declared a nuclear free zone banning all nuclear activities, including but not limited to uranium mining, uranium milling, fuel wrought assembly, nuclear power plants, nuclear weapons development, deployment, and testing, transporting of radioactive materials, and nuclear waste storage and disposal; and

WHEREAS, the Tribal Council urges the United States Government to use its vast resources in order to develop clean, renewable energy resources in order to create jobs that maintain the traditional Native American values of caretaking and balance with natural creation, rather than promoting nuclear waste dumps in the Colorado River Region which will threaten the health and welfare of all living things within the region;

BE IT RESOLVED, by the Tribal Council of the Fort Mojave Indian Tribe that it hereby declares the Fort Mojave Indian Reservation a nuclear free zone and that all nuclear activities are hereby prohibited and banned from within the exterior boundaries of the Reservation.

CERTIFICATION

We, the undersigned, as the Chairperson and Secretary of the Fort Mojave Tribal Council, do hereby certify that the Fort Mojave Tribal Council is composed of seven (7) members of whom four (4) constituting a quorum were present at a meeting on this 11th day of November, 1995, and that the foregoing resolution was adopted by the affirmative vote of four (4) members.

FORT MOJAVE TRIBAL COUNCIL


Patricia Madueno, Chairperson


Melba Guerrero, Secretary