

# Timbisha Shoshone Tribe

3/29/02  
67 FR 15257  
(47)

RECEIVED

2002 SEP -3 AM 11:44

Rules and Directives  
Branch  
USNRC

May 21, 2002

## COUNCIL

Leroy Jackson  
Chairperson

Georgia Kennedy  
Vice-Chairman

Madeline Frank  
Secretary/Treasurer

Shirley Summers  
Council Member

Grace Goad  
Council Member

## STAFF

Barbara A Durham  
Administrator

Geraldine Hannah  
Fiscal Administrator

Chief, Rules Review and Directives Branch  
U. S. Nuclear Regulatory Commission  
Mail Stop T6-D59  
Washington, D.C. 20555-0001

RE: Yucca Mountain Review Plan: Draft Report for Comment, UNRIG-1804,  
Revision 2, draft

Nuclear Regulatory Commission:

The Timbisha Shoshone Tribe submits the following preliminary comments on the draft *Yucca Mountain Review Plan, NUREG-1804, Revision 2*. Since the Tribe does not receive funds for technical analysis and monitoring like the State of Nevada and affected counties, it is difficult to prepare specific comments on the *Review Plan* at this time.

However, comments can be made on the License Application process which the NRC must follow. According to the Nuclear Waste Policy Act, the NRC must "adopt, to the extent practicable, the final environmental impact statement prepared by the United States Department of Energy." The Timbisha Shoshone Tribe submitted comments on the draft EIS and the supplemental draft EIS to the DOE. None of the comments were adequately addressed in the final EIS. DOE's final EIS is inadequate and does not meet the minimum standards of the National Environmental Policy Act. The NRC cannot legally move forward with a licensing review based upon an inadequate Environmental Impact Statement. Later comments to the NRC will specify the problems with the Final EIS.

The Timbisha Shoshone Tribe will be directly affected if the Yucca Mountain Nuclear Waste Site is built. The Tribe's Death Valley Junction trust land is only 30 miles from Yucca Mountain, and directly in the path of future radioactive groundwater contamination. The Timbisha Village's drinking water will also be affected by Yucca Mountain if the nuclear waste dump is built—it is just a matter of time. Also, one of the proposed railroad corridors for transporting nuclear waste to Yucca Mountain is planned to go right through the Tribe's Scotty's Junction parcel. It can be easily seen that the future of Timbisha Shoshone Tribe will be severely threatened if the Yucca Mountain project is allowed to continue.

Template - ADM - 013

F-REDS - ADM - 03  
add = J. Ciolek (JAC3)  
H. Bernek (HFB)

Yucca Mountain is still in Western Shoshone territory. While the Timbisha Shoshone Tribe is now planning for sustainable, ecologically sound, economic development on its trust lands, the United States government is planning to poison the nearby land for thousands and thousands of years. This alternative provides no future for anyone. Decisions should be based on protecting the land, and this is what needs to be done when considering licensing approval.

Sincerely,



Barbara Durham  
Barbara Durham  
Tribal Administrator  
Timbisha Shoshone Tribe