

ESTABLISHED BY THE
TREATY OF JUNE 9, 1855
CENTENNIAL JUNE 9, 1955

CONFEDERATED TRIBES AND BANDS

Yakima Indian Nation

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PR-50,51
(44 FR 61372)

GENERAL COUNCIL
TRIBAL COUNCIL

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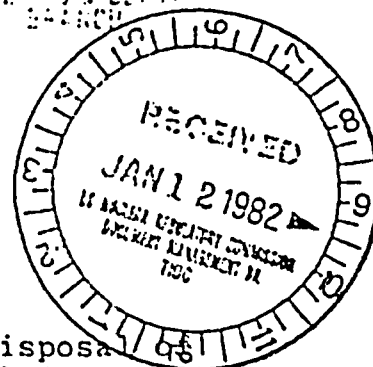
January 6, 1982

Mr. Samuel Chilk, Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Marshall Miller

Dear Mr. Chilk and Commissioners:

Subject: Proposed Rulemaking on Storage and Disposal
Nuclear Waste, 10 CFR Parts 50 and 51 (Waste
Confidence Rulemaking).



The Yakima Indian Nation requests that the Commissioners accept and consider as part of the Nuclear Waste Confidence Procedure Records the following words and ideas from the hearts of our People.

Please be advised that this Tribe was not conquered by war. In the Treaty of 1855 we agreed to cede to the Federal Government but did not give up all our Rights to more than 1/4 of the present state of Washington. Our Totally Reserved Lands (1½ times the size of the state of Rhode Island) lie just 13 miles from Hanford and Hanford itself is on our Ceded Lands. Our paramount concern is for the health and safety of the future generations of our People and those who live amongst us.

There is apparent debate among experts on the safety of the geologic site at Hanford. We believe that the Commissioners should appreciate that the value system of the Yakima Indian Nation expresses a unique relationship with Nature:

1. The Religion of the Yakima Indian People is inextricably bound up in our Food Rights and our Mineral Rights. The salmon and the waters of the rivers and streams are both vital parts of our constitutionally protected right to practice our religion.
2. United States Legal Precedent includes reference to Nuisance Law which declares that a neighbor does not have the right to pollute or violate the area beyond his own borders with noxious and poisonous elements which do violence to the use and enjoyment by neighbors of their own lands. This is particularly true where the polluter is the more recent land holder in the area.

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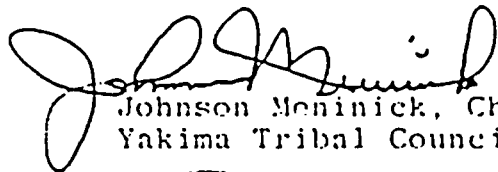
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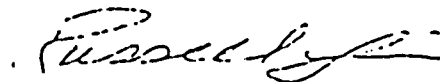
3. Environmental Impact Studies (which include Environmental Impact Statements, Safety Evaluation Reports, Socio-economic Impact Studies, and others) to date from both public and private organizations within the Columbia River Basin area have consistently failed to look beyond the Judeo-Christian socio-economic heritage when investigating potential nuisances to neighbors from a given undertaking. The result has been repeated Nuisance Trespass on the Sovereign Rights of the Yakima Indian Nation guaranteed by the Treaty of 1855.

Our Tribe possesses special knowledge and concerns that we believe are a valuable resource which the Commission should not overlook. We request therefore that the Commission grant us enough time to assure that your proposed rules are comprehensive enough to cover our concerns and values.

Sincerely,



Johnson Meninick, Chairman
Yakima Tribal Council



Russell Jim, Councilman
Yakima Indian Nation