

Principal Man Ian Zabarte  
Western Bands of the Shoshone Nation of Indians  
P.O. Box 46301, Las Vegas, NV 89114

June 6, 2019

Chairman Frank Pallone  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

For the Record: Nuclear Waste Policy Amendments Act of 2019—HR 2699.

Dear Chairman Pallone,

The Western Bands of the Shoshone Nation of Indians are an intervenor in licensing of the proposed Yucca Mountain high-level nuclear waste repository before the NRC Atomic Safety Licensing Board Panel Docket 63-001. Our primary contention is ownership. Site ownership is required by 10 CFR 63.121. Additional contentions cover ownership of water rights, and NEPA contention of disproportionate burden of risk to Native Americans and inappropriate radiation protection standards for Native Americans living a different lifestyle.

The DOE has failed to prove ownership that is vested in the Western Bands of the Shoshone Nation of Indians under the 1863 Treaty of Ruby Valley, Consolidated Treaty Series Volume 127 (1863) that is in "*full force and effect.*" The Treaty of Ruby Valley is the "*supreme law of the land*" under the US Constitution and legislation should reflect the fact that Western Shoshone title remains unextinguished and the NRC does not adjudicate title.

We strongly oppose an amendment to the Nuclear Waste Policy Act in 2019 and look forward to making good on our ownership contention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Zabarte', written in a cursive style.

Principal Man Ian Zabarte  
Western Bands of the Shoshone Nation of Indians