The Shoshone have lived in the Great Basin, home to Yucca Mountain, for more than 12,000 years. The Shoshone's primary use of the land and water is their identity.

By the time nuclear weapons testing ended, over 1,000 nuclear tests were conducted on Shoshone land and people. In 1992, the Shoshone began to investigate the radioactive waste.

The Native Community Action Council (NCAC) was created to investigate and found, after review of the 1990 Department of Energy (DOE) Off-site Radiation Exposure Review, that Indian tribes received significantly higher radiation dose in fallout from non-Indians. Higher risk of exposures was found based on lifestyle differences that include: diet, mobility and shelter. The NCAC found increased exposure: 15 times greater for adults, 30 times for youth, and 60 times greater in utero. The results were used as a contention at the Nuclear Regulatory Commission (NRC) licensing of Yucca Mountain, a geologic repository for high-level radioactive waste.

Despite spending $10 billion, the administration failed to meet the licensing requirements of the NRC under 10 CFR 960.121.12 OWNERSHIP. Even with the Bureau of Land Management master title plot, the DOE could not prove ownership, jurisdiction, and environmental impact. Yucca Mountain because the Treaty of Ruby Valley is controlling and, in "full force and effect." Shoshone title remains unextinguished.

The DOE's 1990 Yucca Mountain Cultural Resource Study created a study protocol of cultural triage. Triage is appropriately used in natural disasters to determine which limited resources are used to maximize survival. Cultural triage is defined as, "a forced choice situation in which an ethnic group is faced with the decision to rank in importance equally valued cultural resources that could be affected by a proposed development project." In Shoshone country, there is no natural disaster to invoke triage; there is no emergency, no resources required, just the Shoshone to choose whether water or land is more important. As said earlier, water and land are Shoshone identity. What the Shoshone people experience with the Yucca Mountain waste disposal is a deliberate act to dismantle Shoshone living ways in relation to the land—an ethnic cleansing—for the benefit and profit of the nuclear industry.

The DOE-funded research, organizing the Consolidated Group of Tribes and Organizational 1988, paving the way for this cultural triage. Tribes unwittingly participated, manufacturing consent for the Yucca Mountain Project by their consultation. The tribes involved include the Pahrump Paiute Tribe, an invented tribe, and the Las Vegas Indian Center, an urban social-welfare organization. Both entities were directed by the same individual who is not an Indian enrolled in any tribe. The remaining 14 federally recognized tribes, due to their dependency, are unable to give consent to involve, research on them, or research outcomes.

The Consolidated Group of Tribes and Organizations has a new name, meeting as the Nuclear Energy Tribal Working Group at the National Conference of State Legislatures. It includes the fabricated tribe that misleads federally recognized tribes to this day with the funding and support of the DOE.

The Shoshone seek collaborators in the persistent struggle to create understanding of the health disparities and to mitigate the cascading effects suffered from the testing. The Shoshone do not consent to Yucca Mountain or any other part of Shoshone country being used for nuclear waste disposal.

Manufacturing Consent: Creation of Cultural Triage to Take Yucca Mountain

By Ian Zabarte

Holtect International in partnership with Eddy-Lea Energy Alliance (ELEA) is currently seeking to license, build, and operate a "temporary" dump for high-level radioactive waste—used reactor fuel rods. Their proposal to the Nuclear Regulatory Commission (NRC) anticipates waste storage for 40 years initially, with 80 years of renewals, totaling 120 years of operation. Since the application for the Consolidated Interim Storage (CIS) facility in southeast New Mexico was submitted in March 2017, opponents have been raising their voices against it.

Public Weighing on Environmental Impact of Holtect and ISP CIS

By Leona Morgan

Holtect International in partnership with Eddy-Lea Energy Alliance (ELEA) is currently seeking to license, build, and operate a "temporary" dump for high-level radioactive waste—used reactor fuel rods. Their proposal to the Nuclear Regulatory Commission (NRC) anticipates waste storage for 40 years initially, with 80 years of renewals, totaling 120 years of operation. Since the application for the Consolidated Interim Storage (CIS) facility in southeast New Mexico was submitted in March 2017, opponents have been raising their voices against it.

Completing the licensing application and becoming permitted is a contentious issue about nation-wide waste transports, risks to water, integrity of canisters, legality of the license, exposure to radiation, and the lack of consultation by the DOE with the affected tribes.

The NRC/ASLB judges denied all the original contentions. Appeals to intervene by the petitioners were also denied (See "NRC Okays Unlawful Licensing Language" to the left). Another round of appeals will be filed and a few contentions may be considered. One in particular relates to safety concerns over the proximity of oil and gas production to the dump site. The issue was raised by New Mexico State Land Commissioner Stephanie Garcia Richard, who also informed the NRC that Holtect neglected to communicate with the State Land Office and misrepresented its ownership of the site.

As part of the NEPA assessment, Holtect’s Draft Environmental Impact Statement was published, and the NRC is currently accepting public comments. However, there are no clear plans for public hearings. Community members are concerned that the NRC may hold webcast meetings in lieu of in-person hearings, silencing the voices of the area residents who are most impacted. People of color, mostly Hispanic, would be disproportionately affected if the proposal moves ahead—a clear example of environmental racism.

Terry Lodge, attorney for a national coalition of organizations that was denied intervention by the ASLB, says, "The Draft Environmental Impact Statement answers to community concerns raised by the seven grassroots groups who intervened from across the country. The evidence shows that Holtect may hold [waste reactor] fuel indefinitely, counted as multiple centuries, not 100 years. If there is no final underground repository licensed, Holtect—sitting there with shallow-buried waste forever—waste is in it. New Mexico must not lose this fight."

Two applications for CIS are currently going through the NEPA process. The Interim Storage Partners’ application is facing a time line and pattern of opposition similar to Holtect.

Take Action: New Mexico’s and national groups opposing both proposals urge everyone to send public comments by their respective deadlines:

July 22, 2020 for Holtect/ELEA, and Sept. 4, 2020 for Interim Storage Partners (Waste Control Specialties/Orano USA). Holtect—ELEA: E-mail comments to: Holtect-CISFEIS@nrc.gov. Please include the Docket Number—docket ID NRC-2018-0052—in your email subject line, as well as in the text of your emailed comments. Waste Control Specialists (Interim Storage Partners): WCS_CIS Elias@nrc.gov. The Docket ID, NRC-2016-0231, should be included in the subject line of comments.

— Leona Morgan works with Nuclear Issues Study Group and Holtect in New Mexico.