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**Yucca Mountain Nuclear Waste Repository, Nevada**

The DOE Office of Civilian Radioactive Waste Management (OCRWM) plans to implement policies and procedures for safe routine transportation, emergency response training, and technical assistance and funding, under Section 180© of the Nuclear Waste Policy Act, as amended, to ship spent nuclear fuel and high-level radioactive wastes. The Navajo Nation concerns are as follows:

**Timing of Grants Application Program**

The minimal of the four-years starting point for the application process is too short to projected shipping dates to give assurance that Navajo Nation jurisdiction will have adequate emergency response capability in place. As required, an investment of several years for planning, training and exercising of emergency plans is very limited in time and should be extended in time. We strongly urge the DOE-OCRWM to reevaluate the timing of the application and funding process to allow the Navajo Nation full participation.

**Allowable Activities for Funding**

A passage in this section states that 180© assistance is not meant to build basic emergency preparedness capabilities.

The Navajo Nation's position is that the DOE, as a trustee, is obligated to assist a tribe in assuring protection of their human, ecological, and cultural resources. Therefore, if the development of radiological emergency preparedness transportation accident capability includes building a basic emergency response infrastructure this phase is merely incidental and must be an allowable activity. It is the responsibility of tribal government officials to choose whether they need to attain a state of radiological emergency preparedness, and if so, they must be provided resources to attain their goal. In the context of the proposed 180© policy, the trust responsibility requires that the DOE address the problem of the lack of infrastructure and trained personnel on tribal lands.



## Department of Energy

Washington, DC 20585

October 8, 1998

Mr. Milton Bluehouse, Sr.  
President  
The Navajo Nation  
P.O. Box 1875  
Window Rock, Arizona 86515

Dear President Bluehouse:

Secretary Bill Richardson wanted me to convey his appreciation to have had the opportunity to meet with you on September 12, 1998, to discuss the Department's responsibilities to the Navajo Nation. He enjoyed the opportunity to participate in the Navajo Fair and to spend some time with the Navajo people at Window Rock. The Department of Energy appreciates your recognition of the successful completion of the Uranium Mill Tailings Remedial Action Surface Project and we are committed to meet our continuing obligations at the four sites on Navajo land.

At the time of his visit, you provided Secretary Richardson with a letter which presented a number of issues and recommendations regarding the Department's Uranium Mill Tailings Remedial Action Surface and Ground Water Projects. We also have received a briefing package prepared by Lydelle Davies, the Executive Director of the Navajo Nation Environmental Protection Agency, which presents some additional Uranium Mill Tailings Remedial Action Project issues and other issues related to the transport of transuranic waste and high level waste to DOE disposal facilities.

It is important that we review each of these issues carefully and determine those areas where the Department has authority to address your concerns directly and those issues which are outside of our authority. We are reviewing each of these issues and will respond to your letter and the briefing package by November 30, 1998.

In the meantime, if you have further questions, please contact me or have a member of your staff contact Mr. Robert M. Alcock, Deputy Assistant Secretary for Intergovernmental Affairs on (202) 586-5450.

- Sincerely,

James M. Owendoff  
Acting Assistant Secretary  
for Environmental Management

cc: Lydelle Davies, Executive Director



***“To Protect and Preserve our Navajo  
Cultural Heritage Impacted by the  
U.S. Department of Energy  
Nuclear Legacy”***

***Presentation to  
Bill Richardson, Secretary  
U.S. Department of Energy***

***Prepared by  
Lydelle Davies, Executive Director  
Navajo Nation  
Environmental Protection Agency***

***September 12, 1998  
Window Rock, Arizona***

***Navajo Nation Environmental Protection Agency***

***"To Protect and Preserve our Navajo  
Cultural Heritage Impacted by the  
U.S. Department of Energy (DOE)  
Nuclear Legacy"***

**BACKGROUND**

The Navajo Nation is the largest and most populous Indian tribe in America with a population of over 219,000 members. The Navajo Nation is a sovereign nation with a sophisticated three-branch government: executive, judicial, and legislative. The Navajo Nation has a President, Vice-President, and Tribal Council Delegates all elected by the people.

The Navajo Nation is a federally-recognized Indian tribe that is severely *affected* by past and present activities of the US Department of Energy (DOE), and its predecessor agencies such as the Atomic Energy Commission. In recognition of this fact, the DOE has invited the Navajo Nation to join the States and Tribal Government Working Group (STGWG) which is made up solely of States and Tribes affected by the US DOE's activities.

From the 1920s to the early 1970s, uranium and vanadium ore was mined on the Navajo Nation for the U.S. atomic energy program. The primary purchaser and beneficiary of this mining and milling activity was the U.S. Government, and the development of uranium/vanadium resources

was entrusted to the Atomic Energy Commission. As a result of this mining and milling, the Navajo Nation has been left with 4 uranium mill processing sites, at least 1,104 known abandoned uranium mines and tons of hazardous radioactive uranium mine waste scattered across Navajo land. Many Navajo people live in close proximity to highly contaminated soil and breathe and drink contaminated air and water. Some residents live within a few hundred feet of highly radioactive wastes. Livestock-the basis of Navajo subsistence-graze on contaminated vegetation and drink contaminated water. Often, Navajo homes are built with radioactive mine waste rocks and children play daily in the vicinity of mines.

The hazards to human health and the environment associated with these abandoned mines are great. These include:

- \* Exposure to ionizing radiation
- \* Ceremonial use of contaminated water, soils, and biota
- \* Ingestion of contaminants through on-site exposure
- \* Inhalation of radon gas and daughter products emanating from the sites and from contaminated construction materials
- \* Ingestion and immersion in surface water and ground water contaminated with mine wastes
- \* Ingestion of agricultural foods produced in areas contaminated by mine wastes
- \* Exposure resulting from the construction of homes, livestock and sheep corrals, etc., with contaminated materials, and in contaminated areas

### **URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM** **(UMTRAP)**

On August 26, 1998, the DOE's Uranium Mill Tailings Remedial Action Surface Program marked the end of the surface cleanup at 22

designated inactive uranium ore-processing sites across the United States with an End-of-Project Celebration in Grand Junction, Colorado. The UMTRA Surface Program spent 19 years of effort in nine states which includes the four sites located on the Navajo Nation as follows:

- \* Shiprock, New Mexico
- \* Mexican Hat, Utah
- \* Monument Valley, Arizona
- \* Tuba City, Arizona

In most cases, DOE has eliminated the public concerns regarding potential health hazards from long-term exposure to uranium mill tailings. As we celebrate the success and accomplishment of these environmental restoration efforts, I want to advise you of certain issues relating to the long-term care and the evaluation of contaminated materials located near the Navajo UMTRA sites. The following reflect our concerns:

We need or request additional investigative and remediation work on recently discovered contaminated materials on the bank of the Little Colorado River at Mexican Hat, Utah. In 1948, a small plant was built to mechanically upgrade low-grade ore from the uranium mine. The contaminated material is situated under an old tailings dam and is water treatment plant.

An additional mechanical upgrader located on the bank of the Little Colorado River at Cameron, Arizona, is a general public and is not readily access this site. Request technical assistance identify and other chemical upgraders located on and near Navajo tribal lands.

Vegetation and restoration work of the Mexican Hat and Monument Valley UMTRA sites are dependent upon access to control and remove the material. We request further evaluation of these sites.

The evaluation and status of providing potable drinking water to local residents impacted by remedial activities at the Monument Valley UMTRA site.

request for... utilization of... and injection...  
 permit application... use... well...  
 City UMRA... to demonstrate... feasibility of...  
 remediation... groundwater... and...  
 The wells... be classified as Class V...  
 technology... and... development... absence of...  
 USEPA Class V...  
 inspection and... UMRA... cells must contain...  
 including... and... care.

## TRANSPORTATION OF TRANSURANIC & SPENT NUCLEAR WASTES ACROSS OR ADJACENT TO THE NAVAJO NATION

### Waste Isolation Pilot Plant (WIPP), New Mexico

The WIPP site is located near Carlsbad, New Mexico, and is a facility designed to study the deep geological disposal of transuranic waste. Activities at the WIPP site impacts the Navajo Nation primarily because of the potential future transportation of waste across or near Navajo lands. Current activities at the WIPP, such as those related to certification and regulatory requirements, will determine the quantities of waste and the schedule with which wastes will be accepted at the WIPP site. These quantities and schedule will, in turn, determine the magnitude of the risks faced by Navajo populations when shipments to WIPP begin. Therefore, the interest of the Navajo Nation in WIPP's activities do not relate only to emergency preparedness, but other transportation-related future activities. The Navajo Nation must be involved in the review of current decisions being taken at the WIPP site, especially those related to waste acceptance criteria, and regulation by the US Environmental Protection Agency. The DOE and the EPA are committed to full public participation in all aspects of the WIPP program. According to the DOE Indian Policy, and as a sovereign tribal government whose lands are likely to be used for transportation of wastes intended for WIPP, the Navajo Nation will fully and equally participate in all deliberations related to the WIPP site.