Congress of the United States
Washington, DC 20515

October 18, 2012

The Honorable Allison M. Macfarlane
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Macfarlane:

The Navajo Nation Reservation, comprising approximately 27,000 square miles in Arizona, New Mexico, and Utah, was heavily mined for uranium to support development of the atomic bomb and subsequent Cold War nuclear weapons production. Although the last operating mines on the Navajo Nation closed in the mid-1980's, mining activities on the Reservation left behind hundreds of abandoned uranium mines, inactive milling sites, former dump sites, contaminated groundwater, and structures that contain elevated levels of radiation. These sites pose environmental and public health risks to the Navajo community. In 2008, in response to a request by Congress, five federal agencies, including the Nuclear Regulatory Commission (NRC), developed a coordinated approach known as the Five-Year Plan, which outlined a strategy to begin to address and remediate the uranium contamination in and around the Navajo nation. As the timeframe for this original Five-Year Plan nears completion at the end of 2012, we request that you provide us with a written update on the work performed pursuant to this plan.

At the request of the U.S. House Committee on Oversight and Government Reform in October 2007, the NRC along with the Indian Health Services, the Environmental Protection Agency (EPA), the Department of Energy (DOE) and the Department of Interior (DOI) developed the federal government's first coordinated plan that detailed the uranium contamination cleanup efforts in and around the Navajo Nation through 2012. Periodic briefings provided by the agencies indicate that, since the initiation of this plan, significant progress has been made in addressing some of the most urgent risks on the reservation, including uranium-contaminated water sources and radioactive structures. The federal and Navajo Nation agencies also have engaged in aggressive public outreach efforts to inform residents of the dangers associated with uranium contamination and have developed a study to identify the impacts of uranium exposure on the development of children in this community. However, due to the widespread damage inflicted on Navajo lands, a tremendous amount of work remains to be done. We believe that a second Five-Year Plan will be necessary to continue this enormous task.

To help us better understand the status of the cleanup efforts and to inform future efforts, we request that your agency, together with the other federal agencies involved, prepare a report by January 1, 2013, detailing the efforts taken over the last five years to

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address uranium contamination on Navajo and Hopi lands. We are making a similar request to each of the other agencies responsible for the original Five-Year Plan. In responding to this request, please work with the other federal agencies to ensure that the report is coordinated and complete. The report should at a minimum include:

1. The extent to which the federal agencies have been successful and effective in accomplishing the cleanup and assessment milestones established in the Five-Year Plan.

2. A description of the results of the assessment and characterization efforts, including a discussion of changes to the initial understanding of the scope of the contamination problems over the past five years.

3. A discussion on how effective the collaboration among the federal and other agencies involved has been, and any ways collaboration and information sharing could be further improved during implementation of the next five-year plan.

4. A preliminary discussion of the remaining immediate and longer-term steps that need to be taken to address the uranium contamination in and around the Navajo Nation.

5. A discussion of whether past allocated resources were sufficient to accomplish the milestones outlined in the Five-Year Plan and anticipated future funding needs for additional remediation and public health efforts. Please include a discussion of the role of non-appropriated funds, such as those from Potentially Responsible Parties, during the first five years and for future efforts.

If you have any questions regarding this request please contact Dr. Avenel Joseph or Cristian Ion of the Natural Resources Committee Democratic Staff at (202) 225-6065 or Jeff Baran of the Energy and Commerce Democratic staff at (202) 225-4407.

Sincerely,

Edward J. Markey
Ranking Member
Natural Resources Committee

Henry A. Waxman
Ranking Member
Energy and Commerce

Ben Ray Lujan
Ranking Member
Subcommittee on Indian and Alaska Native Affairs

Frank Pallone
Ranking Member
Subcommittee on Health

Raúl M. Grijalva
Ranking Member
Subcommittee on National Parks, Forests
and Public Lands

Martin Heinrich
Member of Congress