

Testimony of Peter O’Konski
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Good morning Vice Chairman Udall and distinguished members of this Committee. My name is Peter O’Konski and I am the Deputy Director of the Office of Legacy Management (LM) at the U.S. Department of Energy (DOE). LM was established in 2003 to manage DOE’s responsibilities associated with the closure of World War II and Cold War era sites. LM takes responsibility for sites after DOE’s Office of Environmental Management, U.S. Army Corps of Engineers, and other environmental cleanup work is completed. The federal government used these sites to research, produce, and test nuclear weapons and conduct other scientific and engineering research. The operations conducted in this vast network of industrial facilities left a legacy of radioactive and chemical waste, environmental contamination, and hazardous facilities across the country and tribal lands.

INTRODUCTION

LM performs long-term surveillance and maintenance activities at nearly 100 sites nationwide. From Alaska to Puerto Rico, our sites are as diverse as they are geographically vast, being located on tribal lands, in rural settings, or within urban centers. LM works closely with Native American and Alaska Native stakeholders who are partners in our commitment to long-term surveillance and monitoring of legacy sites. We routinely collaborate on site inspections and environmental monitoring, document reviews, natural resource management, and community outreach, and frequently engage with tribal partners.

WORK WITH THE NAVAJO NATION

There are four LM sites on the Navajo Nation: Shiprock, New Mexico; Monument Valley, Arizona; Mexican Hat, Utah; and Tuba City, Arizona. LM monitors the three disposal cells (Shiprock, Mexican Hat, and Tuba City) constructed to contain the uranium mill tailings; actively treats or monitors groundwater contamination; and is also responsible for one former processing site, Monument Valley. DOE established the Office of Uranium Mill Tailings Remedial Action on the Navajo Nation more than 20 years ago to oversee long-term stewardship activities and to assist in managing the sites.

Through a cooperative agreement administered by DOE, LM coordinates closely with the Navajo Nation Abandoned Mine Lands/Uranium Mill Tailing Remedial Action Program (AML/UMTRA) Department and the Hopi Office of Mining and Mineral Resources to inform tribal government leadership and communities about LM activities and provide opportunities for ongoing, two-way communication regarding site inspections, document review, and community outreach initiatives. The agreement provides financial support for tribal engagement in long-term stewardship activities and oversight, ensuring that tribal counterparts have a voice in LM's decision-making process.

LM has supported more than a dozen outreach events on the Navajo Nation this year, including hosting public open houses and site tours on a regular basis. LM is also committed to providing STEM (Science, Technology, Engineering & Mathematics) outreach at local schools to introduce students to topics such as radon, radiation, and the legacy of uranium mining and milling. LM scientists and engineers are actively engaged in supporting science education at the Navajo Nation's Diné College and other universities, through teaching and mentoring students in fieldwork activities.

THE NAVAJO NATION FIVE-YEAR PLAN

In 2007, Congress issued a directive for six federal agencies and various Navajo tribal agencies to create a Five-Year Plan to address uranium contamination within the Navajo Nation. The information gained during this initial period, would be applied to planning the next steps in addressing the most significant risks of uranium contamination to human health and the environment.

In 2014, the Five-Year Plan was updated to build on the work completed in the first five years and to make changes based on information gained and lessons learned during this time. One of the actions from the second Five-Year Plan (2014–2018) was to establish a “Community Outreach Network” with the purpose of facilitating collaboration among the agencies conducting outreach and educational activities as mandated by the Plan. The hub of this coordinated multi-agency effort is the Navajo Nation Community Outreach Network Office, located in Window Rock, Arizona, which is tasked with coordinating and supporting the multiagency effort through community outreach, joint agency and tribal planning, and information sharing.

Additionally, the Five-Year Plan identified a need for public uranium awareness education. The Uranium 101 workgroup continues to develop informational workshops to address that need.

The federal agencies involved in this effort are DOE, U.S. Environmental Protection Agency (EPA), U.S. Nuclear Regulatory Commission, Indian Health Service, Agency for Toxic Substances and Disease Registry, and the U.S. Department of the Interior. The Centers for Disease Control and Prevention also contributed to health objectives. The tribal entities include the Office of the Navajo Nation President and Vice President, Navajo Abandoned Mine Lands/Uranium Mill Tailings Remedial Action Department,

Navajo Nation Department of Health, Navajo Nation EPA, and Navajo Nation Department of Justice, and the Hopi Tribe.

Meaningful collaboration is key for implementing long-term stewardship activities necessary to protect human health and the environment following cleanup and disposal of radioactive and chemical wastes on tribal lands and across the country. LM counts on local communities and tribal partners to present a solid, holistic examination of challenges so together we can formulate solutions.

DEFENSE-RELATED URANIUM MINES PROGRAM

LM manages DOE's Defense-Related Uranium Mines Program (DRUM), which is a partnership between DOE, federal land management agencies, and state abandoned mine lands programs to verify and validate the condition of 2,500 defense-related uranium mine sites across the nation by 2022. These mines provided uranium ore to private uranium mills that processed the ore for sale to the U.S. Atomic Energy Commission (AEC) for defense-related activities that occurred between 1947 and 1970. Most mines are located on public lands and are abandoned. LM conducts inventory activities, which include exchanging information with other federal agencies and state governments to improve the quality of mine-specific data, performing field inventories to document mining-related facilities at each location, conducting environmental sampling to evaluate safety and health risks, and producing reports that document physical safety hazards, as well as potential risks to human health and the environment.

The Defense-Related Uranium Mines Program under Section 3151 of the National Defense Authorization Act for Fiscal Year 2013 mandated that the Secretary of Energy conduct a review of, and prepare a report on, abandoned uranium mines that provided uranium ore for defense and energy-related activities of the United States. DOE consulted with other federal agencies, affected states and tribes, and the public to develop the report. DOE finalized the report in August 2014, which documented that many data gaps still exist about these mine sites, most of which are located in the States of Arizona, Colorado, New Mexico, Utah, Wyoming, and South Dakota. DOE determined that further review of mine sites is needed to fully meet the Act's mandate.

LM has successfully partnered with the Bureau of Land Management, the U.S. Forest Service, and a number of state abandoned mine lands programs. LM's initial campaign has been focused on publicly managed lands, and we plan to complete all the inventory activities by the end of 2022. Initial planning for Campaign 2 has begun and will focus on the mines on tribal lands and private property. The inventory activity for those mines will begin in 2023 or sooner. This will require collaboration with the U.S. EPA and a number of tribal entities including the Navajo Abandoned Mine Lands Department and Navajo Nation EPA.

LM has successfully completed two full field seasons of inventorying defense-related uranium mines and is currently in the middle of completing its third field season. In New Mexico, specifically, we have inventoried more than 50 percent of the mines. The

inventory in New Mexico focused on Bureau of Land Management and U.S. Forest Service-managed lands around the Grants area, where mines were most heavily concentrated.

In the next DRUM Campaign 2, LM validation and verification efforts will focus on mines located on tribal and private lands. The inventory on the number of DRUM on tribal lands is as follows:

Total Mine Counts on Tribal Lands:

- There are approximately 609 mines on the Navajo Reservation and Navajo trust lands.
- Of the 609 mines on tribal lands, there's approximately 419 DRUM (mines) supported by AEC, predecessor to DOE, ore purchase records.
- As the DRUM program reconciles additional historical information, a required step of the DRUM program, it is highly likely that a good portion of the remaining 190 mines will be DRUM. These are not supported by currently available purchase records but appear to be DRUM mines. We are looking for more historical records.

The completed, and ongoing, field inventory activities have identified primarily physical hazards and in relatively few cases the potential for human health and environmental risks. Physical hazards are the primary risk driver and include open shafts, open and unstable adits, and large unstable mine features. Reports are written on every mine summarizing the findings and potential risks. These reports are shared with the respective land management agencies.

LM is summarizing the environmental and human health risk data for each project area so the land management agencies can determine which mines may require no further action, reclamation, or additional investigation.

CONCLUSION

In closing, the Secretary of Energy has committed to diligently and resourcefully meeting the Department's post-closure responsibilities, which include the protection of human health and the environment, access to records and information, meeting commitments to former contractor workers, optimizing the use of land and assets no longer needed for Departmental missions, and community education and outreach efforts. For those of us in the Long-Term Stewardship community, it is about fair treatment and meaningful involvement of all stakeholders; it is about allowing people a way to verify the truth of what they are being told, and it is about establishing and maintaining trust and collaboration.

Thank you for allowing DOE the opportunity to testify at today's field hearing, and I look forward to answering your questions.