

March 7, 2014

Mr. Ronald P. Maldonado, Acting Tribal
Historic Preservation Officer
Navajo Nation Historic Preservation
Department
P.O. Box 4950
Window Rock, AZ 86515

SUBJECT: RESPONSE TO NOVEMBER 6, 2013, LETTER REGARDING SEPTEMBER 2013
U.S. NUCLEAR REGULATORY COMMISSION MEETINGS WITH THE NAVAJO
NATION

Dear Mr. Maldonado:

I am writing in response to your letter, dated November 6, 2013, to Mr. Andrew Persinko, regarding the September 24-26, 2013, government-to-government meetings between the U.S. Nuclear Regulatory Commission (NRC) and the Navajo Nation that addressed issues related to the Northeast Church Rock mine site cleanup and the Hydro Resources, Inc. (HRI) Crownpoint Uranium Project (CUP). The government-to-government meetings were held at the Navajo Nation's offices in Window Rock, Arizona and at HRI's CUP sites near Church Rock, New Mexico.

In your letter, you noted that Mr. Tony Joe, Traditional Cultural Program Manager for the Navajo Nation Historic Preservation Department (NNHPD), was mistakenly identified in the September 25, 2013, meeting agenda as the Navajo Nation's Tribal Historic Preservation Officer (THPO). You clarified that you, rather than Mr. Joe, has been designated as the Acting Navajo Nation THPO. Our intention in using "NNTHPO" in the agenda, or in any other correspondence, was to refer to the Navajo Nation Tribal Historic Preservation Office as an organizational affiliation, and not to identify Mr. Joe as the Navajo Nation's THPO. We apologize for our mistake and regret the resulting confusion as we should have referred instead to the NNHPD as Mr. Joe's affiliation. Mr. Joe clearly identified himself as affiliated with the NNHPD in our prior meetings with him, and not as the THPO.

You also mentioned in your letter the September 25, 2013, government-to-government meeting between the NRC and the Navajo Nation in Window Rock, AZ. You state that this meeting was a "closed" meeting; however, this meeting was open to those whom the Navajo Nation government wished to invite, in addition to staff from the NRC, the U.S. Department of Energy, and the U.S. Environmental Protection Agency.

Finally, you discussed the results of your investigation of certain claims made by Mr. Joe in the September 25, 2013, meeting. Based on that investigation, you found no reason to modify the NNHPD's previous 1996 concurrence with the determination of no effect on historic and cultural properties located on HRI's CUP sites near Church Rock, NM. You stated that the "Navajo Nation, hereby, once again concurs with the determination of 'no effect'."

We acknowledge this statement by the Navajo Nation and will take account of it in the NRC staff's review of HRI's current proposal to renew its NRC license for the CUP. In particular, the Navajo Nation's concurrence will be part of the NRC's consultation process under Section 106 of the National Historic Preservation Act. The NRC staff is preparing to formally initiate this process for the present undertaking, the renewal of the HRI license.

If you have any questions about this letter, please contact Mr. James Park of my staff. Mr. Park can be reached by phone at (301) 415-6935 or by email at James.Park@nrc.gov.

Sincerely,

R/A

Aby Mohseni, Deputy Director
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

cc: David Taylor, Navajo Nation DOJ
Desmond Tome, Navajo Nation
Fredrick White, Navajo Nation
Division of Natural Resources
Mark Pelizza, HRI

R. Maldonado

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