



Spokane Tribe of Indians

P.O. Box 100 • Wellpinit, WA 99040 • (509) 258-4581 • Fax 258-9243

CENTURY OF SURVIVAL
1881 - 1981

April 15, 1997

Shirley Ann Jackson, Chairman
Nuclear Regulatory Commission
One white Flint North Building, Room 17D1
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Jackson:

As you may be aware, Dawn Mining Company currently is closing its uranium mill located immediately next to an important boundary stream of the Spokane Indian Reservation. One aspect of closure calls for the importation of 35 million cubic feet of radioactive byproduct or waste material for disposal in an existing open pit. Because the site has a history of leaking contaminants onto our Reservation, the Tribe has for several years participated in the closure process and voiced its concerns regarding the proposal's long-term safety. During this process, our technical staff determined that many ground and surface water concerns have not been addressed in a manner which will protect our people and resources into the future. Consequently we have thus far opposed the Company's closure plan.

We are hoping to develop an open intergovernmental relationship with your agency to the extent your agency is involved in this matter, and provide the enclosed in that spirit. It is a letter to Washington's Governor Locke which outlines our main concerns.

Please do not hesitate to contact us should you desire additional information.

Sincerely,



Bruce Wynne, Chairman

Enclosure

cc: Shannon D. Work, Special Counsel
Nils, J. Diaz, Commissioner
Greta Joy dicus, Commissioner
Edward McGaffigan, Jr., Commissioner
Kenneth C. Rogers, Commissioner
Chip Cameron, Deputy Assistant General Counsel, Licensing and Regulation
Hampton Newsome, Office of General Counsel



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April 15, 1997

The Honorable Governor Locke
State of Washington
Office of the Governor
Legislative Building
Olympia, WA 98504-0002

Re: Dawn Mining Company's Uranium Mill, Ford, WA

Dear Governor Locke:

As you are probably aware, the Dawn Mining Company uranium mill currently being closed is located immediately adjacent to the Spokane Indian Reservation and an important reservation boundary stream. You may also be aware that radioactive contamination has, for years seeped from this site into reservation waters. The unfortunate consequence is that our people are being denied access to important resources -- Chamokane Creek and its fishery -- solemnly promised to our ancestors 130 years ago. Now, the State of Washington has approved, and actively endorses, a proposal to bring to this site so much radioactively contaminated material that it could fill the Kingdome.

The main reasons given for the State's support are: 1) the proposal is "self-funding" and does not rely on tax dollars; and 2) the proposal is safe; and 3) funds remaining after the mill's closure will go towards reclaiming Dawn's Midnite Mine on our Reservation. The deception of each of these is worthy of the slickest Manhattan public relations firm.

First, while Washington tax dollars may not be called upon for this reclamation proposal, federal tax dollars certainly will since most of the available material is found at Department of Energy sites. It also has not been publicly explained that the need for creative financing in 1997 results from the State's failure to collect a reclamation bond for the mill -- first ordered at least as long ago as 1981.

Several issues surround the proposal's safety, revealing the broad gap existing between the State and Tribal perspectives on this matter. When we litigated our technical concerns regarding the

proposal's environmental impact statement, we raised questions about the open pit's aging and weathered liner, and about whether the site is monitored well enough to warn us of problems in time to protect our people and resources. While the administrative judge found our technical concerns to be "conceivable," she found in favor of the Department of Health because its determinations were entitled to "deference." Since that decision, we have learned that weather-related damage to the liner was discovered where it was exposed from the pit's dewatering. Of course we continue to wonder about the majority of the liner not exposed by this process. We also wonder: if our technical expert was right about the liner, isn't he also probably right about the site's inadequate monitoring?

Additionally, we continue to be concerned about the probably traffic accidents along the Company's selected route. This is probably the most commonly used route for our membership's commute to and from Spokane. The traffic analysis included in the EIS indicates that at least 1-2 additional accidents will be caused annually by the proposal, and that many will involve injuries and fatalities. Thus, the cost to our people and Reservation increases. We will, undoubtedly, carefully scrutinize the Transportation Department's current traffic study upon release.

Finally, the State's use of the Midnite's reclamation as justification for this proposal is troubling. Estimates of the funds to be generated by the proposal appear to be unverified. We have repeatedly requested an objective economic analysis using hard numbers, and have to date received nothing. At minimum, the claim that the amount necessary for the mill's reclamation should be confirmed. And before the Midnite's reclamation is raised as a reason for approving Dawn's approval, two things are needed: 1) confirmation of revenues beyond those needed for the mill, and 2) confirmation of the Midnite's reclamation costs (the high end is \$160 million plus \$5 million annually for perpetual water treatment).

The State's use of the Midnite's reclamation as justification for approving Dawn's proposal is perhaps most troubling because the State has either failed to discuss this matter with the Tribe or has ignored our concerns. We are the most affected by these sites and should have the most to say about their futures. In keeping with our government-to-government relationship with the State, we have sought on more than one occasion to meet with the Governor's office on these matters. We were denied that opportunity early in 1995 before Governor Lowry issued his decision and, most recently, our request to meet with you has gone unfulfilled. Before you use our Reservation as an excuse for the Dawn decision, we believe you owe us the courtesy of a meeting. The question to be answered is: How can it be appropriate to place this waste where it may further contaminate our Reservation when it is not appropriate to leave it where it is? As approved by the State, our area will now have 35 million cubic feet more of radioactive material to potentially contaminate our resources. In our view, importing 35 million cubic feet of radioactive waste to a site known to impact our Reservation is among the worst examples of environmental racism to be found nationally.

Gary Locke, Governor

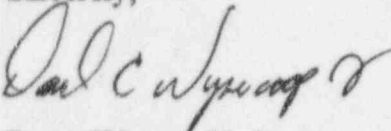
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This is highlighted by the State's refusal to address our concerns, and by the State's unwillingness to honor our request to meet on a true government-to-government level. Our opposition to the proposal has been, and continues to be, based on significant questions we feel are unanswered. To protect our people and Reservation, we have sought a higher level of certainty, while the State has, from our perspective, unreasonably relied on guesswork.

We are aware that the State continues to send its representatives to meetings for the purpose of supporting and endorsing Dawn's proposal. This apparently includes a representative from your office who will attend a meeting this week in Springdale. At this time, we can only hope your office will agree to meet with us some time before the importation begins.

Sincerely,



For Bruce Wynne, Chairman

cc: Shannon D. Work, Special Counsel
U.S. Environmental Protection Agency
Carol M. Browner, Administrator
Charles C. Clarke, Regional Administrator, Region 10
U.S. Department of Energy
Frederico F. Pena, Secretary
William M. Seay, Acting Director; Lester K. Price, Supervisory General Engineer;
David G. Adler, Environmental Scientist; Jason D. Darby, Environmental
Scientist; Former Sites Restoration Division
U.S. Nuclear Regulatory Commission
Shirley Ann Jackson, Chairman
Nils J. Diaz, Greta Joy Discus, Edward McGaffigan, Jr., Kenneth C. Rogers,
Commissioners
Chip Cameron, Deputy Assistant General Counsel, Licensing and Regulation
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