



Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT
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February 19, 2003

Chris Smith
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, Stop A3-04
Richland, Washington 99352

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EDMC

Re: Explanation of Significance Difference for the 100-NR-1 Operable Unit Treatment, Storage, and Disposal Interim Action Record of Decision and 100-NR-1/100-NR-2 Operable Unit Interim Action Record of Decision

Dear Mr. Smith;

As you are aware, the Nez Perce Tribe retains reserved treaty rights in the Mid-Columbia region under the 1855 and 1863 treaties with the United States Government. These rights have been recognized and reaffirmed through subsequent Federal and State actions. These actions protect Nez Perce rights to utilize our usual and accustomed resources and resource areas, including those in the Hanford Reach of the Columbia River. Accordingly, the Nez Perce Tribe Environmental Restoration and Waste Management program (ERWM) has support from the U.S. Department of Energy (DOE) to participate in and monitor relevant DOE activities, therefore ERWM has reviewed the Explanation of Significance Difference for the 100-NR-1 Operable Unit Treatment, Storage, And Disposal Interim Action Record of Decision and 100-NR-1/100-NR-2 Operable Unit Interim Action Record of Decision.

Comments

Through this review, the ERWM has become concerned about the separation of operable units between the soil and groundwater. This separation makes it difficult to understand and apply an appropriate cleanup action. We understand the reasons why operable units are separated into groundwater and soils, but we feel that a holistic approach would be more appropriate to ensure that the entire area of concern is cleaned up to an acceptable risk level.

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The use of institutional controls is also of concern to the ERWM, because as yet they remain unproven. The ERWM has been investigating the possibility of incorporating Hanford stories into the Tribe's oral tradition to go along with any institutional controls that may be implemented.

After examining the proposed alternatives, the ERWM feels that excavation can stop at the 116-N Trench. We understand that further excavation down to the groundwater will not result in any further reduction of the overall risk. However, the ERWM would support efforts such as phytoremediation and other technologies that will remove contaminants from the groundwater. The ERWM also feels that cultural resources need to be protected, thus we hope to preserve the "mooli mooli."

If you have any questions, please contact Gabriel Bohnee of my staff.

Sincerely,



Patrick Sobotta
Director

Cc: Keith Kline, DOE-RL
Kevin Clarke, Indian Nations
Stuart Harris, CTUIR
John Price, Ecology
Nick Ceto, EPA
Mike Wilson, Ecology
Ken Niles, Oregon
Joy Turner, Ecology