



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

0059409

MAR 13 2003

03-ERD-0073

Mr. Patrick Sobotta, Director
Nez Perce Tribe
Environmental Restoration & Waste Management
P.O. Box 365
Lapwai, Idaho 83540-0365

RECEIVED
MAY 13 2003
EDMC

Dear Mr. Sobotta:

EXPLANATION OF SIGNIFICANT 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 RECORD OF DECISION
RESPONSE TO COMMENTS

Thank you for your letter dated February 19, 2003, to the U.S. Department of Energy, Richland Operations Office (RL), and for your support in not performing additional excavation to the groundwater at the 116-N-1 Trench located in the 100-N Area.

A 30-day public comment period began on the Explanation of Significant Difference (ESD) on February 3, 2003. RL granted an extension of the comment period to March 30, 2003. RL contends that the actions proposed remain protective of human health and the environment based on the evaluation contained in the ESD.

Responses to your comments are addressed below:

Comment 1. "Through this review, the Nez Perce Tribe Environmental Restoration and Waste Management (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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Response to Comment 1. Separation of the operable units is outlined in the "Hanford Federal Facility Agreement and Consent Order," also known as the Tri-Party Agreement, and is approved by RL, State of Washington Department of Ecology (Ecology), and U.S. Environmental Protection Agency (EPA). This approach is utilized to facilitate timely regulatory decisions based on specific media, and implement remedial actions in the field. While the specific remedial actions for soils and groundwater typically are contained in separate documentation, the impacts to groundwater and protectiveness of groundwater are elements evaluated for soil cleanups. Soil cleanup must be protective of groundwater and is a regulatory requirement. Additionally, soil cleanup must also be protective of direct exposure and achieve acceptable risk levels. RL considers this holistic, but also recognizes that holistic approaches are also valuable when evaluating new technologies, changes in remedial actions, and in the development of cleanup visions and future cleanup goals and strategies. These are conducted in various forums, and presently RL is planning on workshops between March 2003 and May 2003 on the 100-N groundwater. Discussions will center on potential groundwater remedial measures, including phytoremediation, sequestration by apatite, and on proposed environmental studies. RL plans to work with the Tribes, EPA, Ecology, and stakeholders in the development of the workshop.

Comment 2: "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."

Response to Comment 2: Institutional controls are regulatory requirements contained in the 100-N Records of Decision (ROD). An annual report is required by RL to assess the implementation and effectiveness of institutional controls, including any deficiencies and recommendations. This annual report is submitted to both Ecology and EPA, and is the primary mechanism RL will utilize to ensure the viability of institutional controls. RL recognized that institutional controls are necessary to protect human health and the environment. The incorporation of Hanford stories into Nez Perce oral traditions could represent an independent effort on your part to ensure the continuing safety of Tribal members in a more traditional manner. This would be a complementary effort and could serve as a useful model in communicating to future generations. RL will also continue to work with the ERWM towards institutional controls as a part of the final ROD.

Comment 3: "After examining the proposed alternatives, the ERWM feels that excavation can stop at the 116-N-1 Trench. We understand that further excavation down to the groundwater will not result in any further reduction of the overall risk. However, 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."

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Response to Comment 3: RL thanks you for your support to not excavate to groundwater at the 116-N-1 based on the evaluation presented in the ESD. This action will promote the protection of the "mooli mooli," as discussed in the ESD, and is protective of human health and the environment. As discussed in Response to Comment 1, RL plans to conduct workshops between March 2003 and May 2003 on the 100-N groundwater. Discussions will center on potential groundwater remedial measures, including phytoremediation, sequestration by apatite, and on proposed environmental studies. RL plans to work with the Tribes, EPA, Ecology, and stakeholders in the development of the workshop.

If you need further information or assistance, please contact me, or your staff may contact Chris Smith, Environmental Restoration Division at (509) 372-1544.

Sincerely,



Keith A. Klein
Manager

ERD:DCS

cc: N. Ceto, EPA
S. Cimon, Oregon
J. W. Donnelly, BHI
V. R. Dronen, BHI
D. Faulk, EPA
N. B. Myers, BHI
K. Niles, Oregon
J. Price, Ecology
M. Wilson, Ecology