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Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT

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July 19, 1999

Mr. Glenn Goldberg
U.S. Department of Energy
P.O. Box 550, MSIN H0-12
Richland, Washington 99352



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DOE-RL / DIS

Re: Comments on the *100 Area Burial Ground Focused Feasibility Study, DOE/RL-98-18, Draft B*

Dear Mr. Goldberg:

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Since 1855, reserved treaty rights of the Nez Perce Tribe in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect Nez Perce rights to utilize their usual and accustomed resources and resource areas in the Hanford Reach of the Columbia River and elsewhere. Accordingly, the Nez Perce Tribe Environmental Restoration and Waste Management Program (ERWM) responds to actions that impact the Hanford ecosystem.

The protection of cultural and natural resources at Hanford is of great concern to the Nez Perce Tribe, and it is in regard to these resources that we are commenting on the *100 Area Burial Ground Focused Feasibility Study (FFS), DOE/RL-98-18, Draft B*. We have discussed this FFS with personnel from the Washington State Department of Ecology and the U.S. Environmental Protection Agency (EPA). As a result many of our comments will concur with comments issued by these agencies. Our comments are as follows:

1. The Nez Perce Tribe ERWM has reviewed the proposed alternatives and has concluded that the Remove/Treat/Dispose (RTD) alternative is the best alternative for long term protection of human health and the environment. The containment alternative leaves contaminants of unknown quantities and types in the ground for a long time without being truly protective of the environment. We do not believe that these wastes that are located so close to the Hanford Reach should be left in place. In fact, the FFS says that at many of the smaller burial grounds the cost differences between these two alternatives are negligible.

2. The statement is made that the 100 Area Burial Grounds have a low potential for cultural resources because of their location and that they contain only refuse from 100 Area reactor operations. This in fact may not be the case. Many of these burial grounds may contain cultural resources that were not disclosed or discovered at the time of construction. It is well documented that many cultural sites were impacted or destroyed during the construction of these burial grounds in the 1940s and 1950s. It is entirely possible that cultural resources could be found during the clean up process, and DOE must be prepared for this potential contingency.
3. In September of 1995, the 100 Area Interim ROD for liquid wastes sites selected the RTD alternative and allowed for unrestricted use of all land in the 100 Areas. The DOE preferred alternative of containment proposed in this FFS seems to contradict this ROD.
4. How was the criteria of 100 years arrived at under the containment alternative? Is 100 years really long enough for these contaminants to decay to acceptable levels? Most barrier designs at Hanford have proposed life spans of 1000-10,000 years.
5. We are concerned about the proposed action to cap the 118-F-2 burial ground. During high water periods contaminants from this site could enter the river. Capping this burial ground does not protect the environment.
6. We do not believe there is enough information provided in the FFS to justify the cost differences. There does not appear to be any costs for characterization of burial grounds before they would be capped. The costs given in Table 8-1 and in Appendix E differ making it difficult to compare actual costs.
7. The risk assessment methodology does not take into account a Native American subsistence scenario which is a valid scenario that has been presented in other documents including the Columbia River Comprehensive Impact Assessment.

We look forward to working with DOE-RL in a cooperative manner to move forward in the protection of the Columbia River and its ecosystem. Accordingly, we are willing to discuss these and other issues with DOE-RL and DOE-RL's contractors. If you wish to discuss Nez Perce ERWM's comments further please contact Dan Landeen on (208)-843-7375, (208) 843-7378 (fax) or danl@nezperce.org (email).

Sincerely,



Patrick Sobotta
Interim ERWM Director

cc: Dana Ward, DOE-RL
Kevin Clarke, DOE-RL