

Document: NA (YN)
Document Date: 06/14/2006

Actionee: Cliff Clark
Due Date: 8/31/06
Action Required

Title: YAKAMA NATION COMMENTS ON DRAFT HANFORD FIVE-YEAR REVIEW

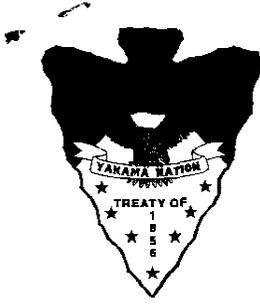
<u>DIR</u>	<u>DIV</u>	<u>NAME</u>	<u>DIR</u>	<u>DIV</u>	<u>NAME</u>
MGR				SES	
DEP				ESD	Clark, Cliff (Actionee)
AMRC					Hebdon, Joel
AMCP			KBC		
OEC			PPRI	PIC	
OCC		Wilcox, Deb		CMG	
AMA				RPI	
	BOP		ORP		
	FMD		PNSO		
	HRM		RLCI		
	PRO				
AMSE		Shoop, Doug			
	OOD				
	SED				

Comments:

Records Schedule Information:
TBD (to be determined)

Scan?: Yes Sensitive?: No Sensitive Attachments?: No IDMS Folder: RL General Corr

Date RL CC Rec'd: 06/16/2006



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

June 14, 2006

Cliff Clark
United States Department of Energy
P.O. Box 550, Maildrop A3-04
Richland, Washington 99352

Re: Yakama Nation Comments on Draft Hanford Five-Year Review

Dear Mr. Clark:

The Yakama Nation appreciates the opportunity to provide comments on the Department of Energy's (DOE) draft Five-Year Review Report required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The Yakama Nation has reviewed the comments of the Department of the Interior Fish & Wildlife Service (DOI-FWS) and the Department of Commerce National Oceanic & Atmospheric Administration (NOAA). The Yakama Nation concurs with the faults found by those federal agencies in the draft Five-Year Review Report.

The draft Report is not in compliance with the Environmental Protection Agency's (EPA) June 2001 Comprehensive Five-Year Review Guidance as noted in those federal comments. This noncompliance raised significant questions regarding the lawfulness of such a Five-Year Review.

The Yakama Nation takes strong exception to the "protectiveness" finding of the draft Report. Such a finding is completely unsupported without 1) the completion of site-wide comprehensive human health and ecological risk assessments, and 2) a comprehensive sampling and data collection from all areas where waste released by those operable units being reviewed has come to be located. In the Yakama Nation's view, this draft Report is so far out of compliance with applicable statutory, regulatory and Tri-Party Agreement requirements that the Yakama Nation recommends that the draft be withdrawn and work begin anew on a draft that meets the concerns expressed herein and in the comments of others.

Because of these concerns, the Yakama Nation is simultaneously requesting EPA and the State of Washington Department of Ecology (WA DEQ) to exercise the full extent of their regulatory authority under the Tri-Party Agreement and other authorities to ensure the rejection of any Five-Year Review Report in the nature of this draft and to ensure that

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a proper Five-Year Review is conducted that meets all appropriate and required standards.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Jim". The signature is fluid and cursive, written in a professional style.

Russell Jim, Manager
Yakama Nation ERWM Program

cc: Michael Bogert, EPA Regional Administrator
Jay Manning, Director, Washington Department of Ecology
Phillip Olney, Chair, RHW Committee
Phil Rigdon, DNR Deputy Director