

CONVERSATION RECORD

TIME

12:15 pm

DATE

2/25/83

TYPE	Discontinue	PDR	CONFERENCE	TELEPHONE	INCOMING	OUTGOING	ROUTING	
							NAME/SYMBOL	INT
Location of Visit/Conference:							RBrowning	
NAME OF PERSON CONTACTED WITH YOU							MBell	
ORGANIZATION (Office, dept., bureau, etc.)							HMiller	
TELEPHONE NO.							JBunting	
Erline Reber							WKerr	
Yakima Tribal Council								
865-2800								
SUBJECT								
NRC's likely response to a DOE decision to proceed with sinking exploratory shaft at the BWIP								

SUMMARY

I received a telephone call, Friday, February 25, from Ms. Erline Reber, staff to Yakima Tribal Councilman Russell Jim, asking about NRC's likely response to a DOE decision to proceed with sinking the exploratory shaft at the Basalt Waste Isolation Project (BWIP) before DOE repository siting guidelines are in final form. Ms. Reber said the Yakimas understand that DOE has postponed excavation only enough to permit DOE to hold hearings and publish an environmental assessment (EA) as required under the Nuclear Waste Policy Act of 1982. Since Section 112(b)(1)(E) of the Act requires the EA to include, among other things: "(i) an evaluation by the Secretary as to whether such site is suitable for site characterization under the guidelines ..." and "(ii) an evaluation by the Secretary as to whether such site is suitable for development as a repository under each such guideline that does not require site characterization as a prerequisite for application of such guideline," Ms. Reber said the Tribe does not understand how DOE can proceed to publish an EA until NRC has concurred in the guidelines under Section 112(a). She asked if NRC staff had addressed the question of how NRC would respond if DOE proceeds as reportedly planned to publish an EA and sink the shaft. She believes that if DOE is allowed to carry out its current plans, they would moot the purpose of NRC's review and concurrence in the guidelines, at least for BWIP. Worse, an eventual NRC concurrence in the guidelines would probably be perceived as implicit NRC approval of DOE's *modus operandi*, which has sought to render public participation in the BWIP siting process effectively meaningless.

I told Ms. Reber that to my knowledge, NRC staff had not yet begun to grapple with this question. Noting that DOE is now planning to begin shaft excavation immediately after the hearings scheduled for March 21, she asked to be informed of any new NRC policy in this area as soon as it is developed.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Robert D. MacDougall	<i>Robert D. MacDougall</i>	3/2/83
ACTION TAKEN		
B307270461 B30302 PDR WASTE WM-10 PDR		
SIGNATURE	TITLE	DATE
		00332