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Yakima Indian Nation

GENERAL COUNCIL
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POST OFFICE BOX 151
TOPPENISH, WASHINGTON 98948

April 17, 1985

Honorable Nunzio J. Palladino, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: 10 CFR Part 60 Amendments

Dear Chairman Palladino:

On January 17, 1985, the Commission issued for public comment proposed amendments to 10 CFR Part 60, Licensing Procedures for Disposal of High-level Radioactive Waste in Geologic Repositories, 50 Fed. Reg. 2579. Because of the coincident deadlines for submission of comments on these proposed amendments and on the draft environmental assessments for proposed repository sites, the Yakima Indian Nation filed its comments on these amendments late, on April 8, 1985.

As detailed in our comments (enclosed), the Yakima Indian Nation feels strongly that the proposed amendments, if adopted as proposed, would seriously undermine the Commission's ability to fulfill its statutory responsibilities in the nuclear waste program. Moreover, the proposed amendments would greatly increase the likelihood that the national nuclear waste disposal program would experience very significant unnecessary delays or outright failures in its implementation. In brief, we believe the Commission staff's reluctance to engage in a thorough review of the Department of Energy's site screening and selection process constitutes a fundamental abdication of the Commission's public health and safety and environmental protection responsibilities under the Atomic Energy Act, the National Environmental Policy Act, and the Energy Reorganization Act. Moreover, contrary to the Commission's position expressed in the proposed amendments, nothing in the Nuclear Waste Policy Act either requires or suggests such deference by the Commission concerning the selection of sites for characterization.

Because these issues have such profound implications for the Commission's responsibilities in this crucial national program and for the success of the program itself, the Yakima Nation feels that they deserve a higher degree of scrutiny than the Commission might ordinarily devote to such a rulemaking. For this reason, we

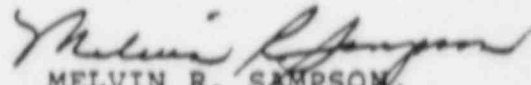
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request that the Commission schedule a public meeting before voting on promulgation of a final rule to receive oral comments on this proposed rule from the staff, affected states, Indian tribes, and representatives of the general public that have submitted comments on the proposal. Such a session, similar to the ones which the Commission held during its consideration of the concurrence in DOE's general siting guidelines, would serve to illuminate the issues in this vital rulemaking for the Commissioners' benefit, and, whether or not it changed the outcome, would result in a better-informed Commission decision.

The Yakima Nation urges your favorable consideration of this request.

Sincerely yours,


MELVIN R. SAMPSON,
Vice Chairman
Yakima Tribal Council

MRS:ls

Enclosure