

August 8, 1995

Mr. J. Theodore Meyer
Illinois Pollution Control Board
100 West Randolph Road, Suite 11-500
Chicago, IL 60601

Dear Mr. Meyer:

I am responding to your letter dated June 9, 1995, which requested information concerning the siting of a low-level radioactive waste disposal facility (LLRWDF) licensed by the U.S. Nuclear Regulatory Commission on Native American Tribal lands. In this letter, you referenced a license application submitted to NRC for a spent nuclear fuel rod disposal facility located on the Mescalero Apache Reservation in the State of New Mexico. Although NRC has not received such an application, our agency is aware that the Mescalero Apache Tribe is contemplating the submittal of an application for a license to store (not dispose of) spent nuclear fuel on its land. In this regard, we are providing you with a copy of an August 19, 1994, letter from Robert M. Bernero (then the Director of the Commission's Office of Nuclear Material Safety and Safeguards) to Benito J. Garcia, Chief of the Hazardous and Radioactive Materials Bureau, Environmental Department, State of New Mexico. In that letter, we addressed the possible siting of a spent fuel storage facility on Mescalero Apache land.

Regarding your questions concerning the siting of an LLRWDF, we can offer no specific opinion concerning the Commission's jurisdiction because we have not been presented specific information about any proposed NRC-regulated LLRWDF on Native American Tribal lands in the State of Illinois.

If you have any questions concerning this response, please contact Mr. Robert Nelson of my staff at (301) 415-7298.

Sincerely, **Original signed by Carl J. Paperiello**

Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated
cc: Thomas Ortziger, Director, Illinois Department of Nuclear Safety

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