

Mr. Lawrence W. Skinner
 1604 East Evans Avenue
 North Las Vegas, Nevada 89030-5369

MAR 03 1994

Dear Mr. Skinner:

I am responding to your letter dated February 7, 1994, on your concerns about "private" monitored retrievable storage for high-level spent nuclear fuel waste. We are aware of the February 3, 1994, announcement by the Mescalero Apache Tribe of New Mexico and Minnesota's Northern States Power Company (NSP) of their signing an agreement as the first step toward establishing a facility for interim storage of used nuclear fuel on the Tribe's reservation. Any such facility would have to be licensed by the U.S. Nuclear Regulatory Commission in accordance with Title 10 Code of Federal Regulations Part 72 (10 CFR Part 72). Any transportation casks would have to be certified in accordance with Title 10 Code of Federal Regulations Part 71 (10 CFR Part 71). Shipments, routes, and safety of the carrier would have to comply with the applicable requirements, appropriate to the mode of transport, of the U.S. Department of Transportation in accordance with Title 49 Code of Federal Regulations Parts 170-189. I have enclosed a copy of 10 CFR Parts 72 and 71 and NUREG-0725 for your information.

However, the NRC has not received a license application from either the Mescalero Apache Tribe or NSP with respect to spent fuel storage on the Tribe's reservation. Such an application would need to contain the necessary details about the facility's design, the storage and transport casks, and operational features that would permit the NRC staff to reach conclusions about the adequacy of the facility, with respect to public health and safety and environmental concerns. In addition the application would need to demonstrate compliance with the applicable NRC regulations cited above.

Thank you for your letter. We trust you will find the foregoing information responsive to your concerns.

Sincerely, *Original signed by*
 Robert M. Bernero, Director
 Office of Nuclear Material Safety
 and Safeguards

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Enclosures:

1. 10 CFR Parts 72 and 71
2. NUREG-0725

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*see previous concurrence

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