

M-38

Ms. Helen Schmill
2154 Boxelder
Casper, Wyoming 82604

JUN 08 1994

Dear Ms. Schmill:

I am responding to your letter dated April 20, 1994, on your concerns after your reading the CASPER STAR-TRIBUNE story about monitored retrievable storage (MRS) proposed for the Mescalero Apache Indian Reservation in New Mexico, and a proposed site in Wyoming.

Any such facility would have to be licensed by the U.S. Nuclear Regulatory Commission to store spent nuclear fuel. My Branch would be responsible for conducting this safety and environmental review in support of that licensing action. The principal rules that apply are Title 10 Code of Federal Regulations (10 CFR) Parts 72 and 51. Any transportation casks would have to be certified in accordance with 10 CFR Part 71. I have enclosed copies of these rules for your information. 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 (Title 49 Code of Federal Regulations Parts 170-189).

However, the NRC has not received a license application from either the Mescalero Apache Tribe or others with respect to an MRS on the Tribe's reservation or on private land. 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.

I have also enclosed a copy of a U.S. Department of Energy Bulletin (DOE/RW-0439) which provides information on Yucca Mountain, and information on how to be placed on DOE's mailing list.

Thank you for you letter. I hope that these answers and the enclosed documents are helpful.

Sincerely,

Original Signed By:
Charles J. Haughney

Charles J. Haughney, Chief
Storage and Transport Systems Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

- Enclosures:
- 10 CFR Parts 51, 71, & 72
 - DOE/RW-0439

NRC FILE CENTER COPY

DISTRIBUTION

NRC File Center Project No. M-38 PDR/LPDR NMSS r/f STSB r/f

OFC	IMIF	C	IMIF		IMIF	C	STSB	AMN			
NAME	FBrown:fb		EShum		FStorz		CJHaughney				
DATE	6/8/94		1/94		6/10/94		6/17/94		1/94		

C=COPY E = COVER & ENCLOSURE N = NO COPY
OFFICIAL RECORD COPY g:schmill.flb

9406130074 940608
PDR PRDJ
M-38 PDR

NFIH 1/0