

February 13, 2003

Mr. Robert R. Loux, Executive Director  
Agency for Nuclear Projects  
Office of the Governor  
State of Nevada  
1802 N. Carson Street, Suite 252  
Carson City, Nevada 89701

Dear Mr. Loux:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of December 9, 2002, regarding testing of spent nuclear fuel casks. Your letter states that Nevada believes full-scale tests should become an integral part of the NRC certification process, that the certification process should be supplemented by determinations of failure thresholds and destructive testing, and that the Package Performance Study (PPS) is not viewed as a substitute approach. Your letter also contained observations related to testing recommended in Nevada's petition for rulemaking (Docket No. PRM-73-10), but no specific action was requested and these issues are being separately addressed by NRC through the petition process.

The scope of NRC's testing program is still under consideration by the NRC staff and has yet to be evaluated by the Commission. The Commission will consider your views, along with those from other interested groups and the public, after the staff has completed the process of collecting and analyzing comments on the PPS. In that regard, the draft PPS test protocols report was just issued. A copy of that report is enclosed.

The NRC staff will notify you as soon as public meetings regarding the PPS test protocols are scheduled. Currently meetings are being planned for Rockville, Maryland; Chicago, Illinois; Las Vegas, Nevada; and Pahrump, Nevada. The Commission hopes your organization will continue to support the PPS meetings.

If you have any further questions or comments, please contact me.

Sincerely,

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Richard A. Meserve

Enclosure: As stated