

October 10, 2003

Ms. Suzanne Jeskewitz  
Wisconsin State Representative, and  
Chair, Midwestern Legislative Conference  
641 East Butterfield Road  
Suite 401  
Lombard, Illinois 60148-5651

SUBJECT: REVIEW OF RESOLUTION ADDRESSING FULL-SCALE TESTING OF  
SHIPPING CASKS FOR SPENT NUCLEAR FUEL

Dear Ms. Jeskewitz:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your September 11, 2003, letter to Chairman Diaz in which you brought to the NRC's attention the Midwestern Legislative Conference's (MLC) resolution on full-scale testing of shipping casks for spent nuclear fuel. Thank you for taking the time to inform us about this new MLC resolution.

We appreciate the MLC's support of the NRC's Package Performance Study (PPS). The points raised in your policy resolution are timely and similar in nature to other PPS comments. We are in the process of analyzing all comments and preparing a comment resolution document and will keep you informed as to its availability. As for your resolution requiring U.S. Department of Energy's (DOE) Office of Civilian Radioactive Waste Management (OCRWM) to use only full-scale tested spent nuclear fuel shipping casks, the decision would be made by DOE. 10 CFR Part 71 does not require full-scale tests for certification. It is DOE's and/or vendors' decision as to whether to use full-scale tests, scale model tests, or analyses in the application for certification.

If you have any questions, please contact me at (301) 415-8500.

Sincerely,

/RA/  
E. William Brach, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

cc: Mr. Gary J. Lanthrum, RW-30E  
U.S. Department of Energy

Ms. Suzanne Jeskewitz  
 Wisconsin State Representative, and  
 Chair, Midwestern Legislative Conference  
 641 East Butterfield Road  
 Suite 401  
 Lombard, Illinois 60148-5651

October 10, 2003

**SUBJECT: REVIEW OF RESOLUTION ADDRESSING FULL-SCALE TESTING OF SHIPPING CASKS FOR SPENT NUCLEAR FUEL**

Dear Ms. Jeskewitz:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your September 11, 2003, letter to Chairman Diaz in which you brought to the NRC's attention the Midwestern Legislative Conference's (MLC) resolution on full-scale testing of shipping casks for spent nuclear fuel. Thank you for taking the time to inform us about this new MLC resolution.

We appreciate the MLC's support of the NRC's Package Performance Study (PPS). The points raised in your policy resolution are timely and similar in nature to other PPS comments. We are in the process of analyzing all comments and preparing a comment resolution document and will keep you informed as to its availability. As for your resolution requiring U.S. Department of Energy's (DOE) Office of Civilian Radioactive Waste Management (OCRWM) to use only full-scale tested spent nuclear fuel shipping casks, the decision would be made by DOE. 10 CFR Part 71 does not require full-scale tests for certification. It is DOE's and/or vendors' decision as to whether to use full-scale tests, scale model tests, or analyses in the application for certification.

If you have any questions, please contact me at (301) 415-8500.

Sincerely,

/RA/  
 E. William Brach, Director  
 Spent Fuel Project Office  
 Office of Nuclear Material Safety  
 and Safeguards

cc: Mr. Gary J. Lanthrum, RW-30E  
 U.S. Department of Energy

DISTRIBUTION: (EDO Ticket No. G20030568)

NRC File Center	PUBLIC	SFPO r/f	NMSS r/f	
MMayfield, RES	MEvans, RES	AMurphy, RES	RVirgilio, STP	PShea
EWBrach	LCamper	SBaggett	CJensen	CPoland

C:\ORPCheckout\FileNET\ML032810132.wpd

\*see previous concurrence

ML03281013

2

<b>OFC:</b>	SFPO	E	SFPO	E	SFPO	E	SFPO	E	RES		SFPO
<b>NAME:</b>	DHuang*		ASnyder*		RLewis*		LCamper*		MMayfield		EWBrach
<b>DATE:</b>	10/01/03		09/25/03		10/01/03		10/02/03		10/02/03		10/07/03

**C = COVER**

**E = COVER & ENCLOSURE**

**N = NO COPY**

**OFFICIAL RECORD COPY**