



OFFICE OF THE GOVERNOR
AGENCY FOR NUCLEAR PROJECTS

1761 E. College Parkway, Suite 118

Carson City, Nevada 89706

Telephone: (775) 687-3744 • Fax: (775) 687-5277

E-mail: nwpo@nuc.state.nv.us

April 30, 2004

David Pstrak
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: *Comments on Discussion Paper, 10 CFR 71, New Subpart I, Proposed Rule Regarding Change Authority for Dual-Purpose (Storage and Transport) Spent Fuel Casks*

Dear Mr. Pstrak:

The State of Nevada, Agency for Nuclear Projects, is submitting written comments on the Commission's Discussion Paper, 10 CFR Part 71 Change Authority, published in the *Federal Register*, March 15, 2004.

These written comments supplement the comments presented by Mr. Robert J. Halstead on behalf of the Agency at the April 15, 2004, workshop in Rockville, Maryland. We request that Mr. Halstead's workshop comments in response to the 22 questions prepared by Commission staff be given the same status as written comments.

The State of Nevada generally supports the cask- and route-specific approach to safety analysis proposed by the Commission staff in the Discussion Paper on Subpart I Change Authority. Commission staff should provide detailed guidance, developed in consultation with affected stakeholders, on the methods, data and assumptions to be used in such safety analyses. Such guidance should be coordinated with the findings of the Commission's Package Performance Study (PPS). The cost of preparing such guidance, and perhaps the cost of preparing the first safety analysis report under proposed Subpart I, might appropriately be borne by the Commission and/or by the U.S. Department of Energy as part of the PPS.

Our written general comments are presented in Attachment A.

Thank you for the opportunity to provide comments on this matter.

Sincerely,

Robert R. Loux
Executive Director

RRL/cs
Attachment