



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 29, 2016

Mr. Todd E. Sellmer
Transportation Packing
Central Characterization Program
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, NM 88221-2078

SUBJECT: RESPONSE TO REQUEST FOR EXEMPTION FROM TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* SECTIONS 71.61

Dear Mr. Sellmer:

In response to Nuclear Waste Partnership's (NWP's) application dated January 28, 2014 (Agencywide Document Access and Management System (ADAMS) Accession No. ML14035A106), as supplemented on March 10 (ADAMS Accession No. ML15071A022), and August 19, 2015 (ADAMS Accession No. ML15254A328), September 16, 2015 (ADAMS Accession No. ML15280A350), March 14, 2016 (ADAMS Accession No. ML16077A013), and April 1, 2016 (ADAMS Accession No. ML16096A355), requesting an exemption pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 71.12, for approval of two shipments, each containing a single package of the Model No. TRUPACT-III package, from the Savannah River Site in Aiken SC to the Waste Isolation Pilot Plant (WIPP) near Carlsbad NM. Specifically, you requested an exemption from the requirements of 10 CFR 71.61, "Special Requirements for Type B Packages Containing More than $10^5 A_2$," and authorization for an increase in the decay heat and A_2 limit beyond the limits in Certificate of Compliance No. 9305.

Certificate of Compliance No. 9305, Revision No. 9 authorizes "... contact-handled transuranic (CH-TRU) waste and other authorized payloads that do not exceed $10^5 A_2$ quantities." As part of this request, NWP requested an increase in the authorized A_2 quantity from less than $10^5 A_2$ to $2.1 \times 10^5 A_2$, for two shipments, which would require evaluation of the package, per the requirements in 10 CFR 71.61, to show that its "... undamaged containment system can withstand an external water pressure of 2 MPa (290 psi) for a period of not less than 1 hour without collapse, buckling, or inleakage of water," from which NWP has requested an exemption.

The U.S. Nuclear Regulatory Commission's (NRC) staff reviewed NWP's request for an exemption, increase in the decay heat and A_2 limit per package for the shipment of two packages from Savannah River Site to WIPP. The details of the NRC's review are included in the enclosed safety evaluation report. Based upon the staff evaluation, the NRC has determined that, pursuant to 10 CFR 71.12, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC is granting NWP an exemption from the requirements in 10 CFR 71.61. In addition to the exemption, NWP is also granted an increase in the A_2 quantity and decay heat load from that currently authorized in Certificate of Compliance No. 9305, Rev. 9. The Commission has also determined that the TRUPACT-III shipment will not significantly affect the public health and safety or adversely impact the environment (81 FR 35387; June 2, 2016).

This letter constitutes authorization of the TRUPACT-III as an approved package for shipment subject to the following conditions:

1. All conditions of Certificate of Compliance No. 9305 shall remain in effect, except:
 - a. the maximum A_2 quantity shall not exceed 2.1×10^5 per package.
 - b. the maximum decay heat shall not exceed 190 Watts per package.
 - c. the contents of both TRUPACT-III package and its associated Standard Large Box 2 (SLB2), serial numbers SR215244413 and SR215244414, may contain approximately one-half of a B-Line plutonium-238 recovery transfer tank section, polyethylene plastic bags and sheeting, wood dunnage, and miscellaneous slings and metal parts.
2. The shipments must be in compliance with a special permit issued by the U.S. Department of Transportation (DOT).
3. The route utilized for shipment shall not traverse water deeper than 50 feet.
4. This authorization does not relieve the shipper from compliance with any requirements in DOT's regulations in Title 49 of the *Code of Federal Regulations*, unless those requirements are specifically waived by DOT.
5. This authorization expires on December 31, 2019.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the publicly available records component of the NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-7493, or Bernard White of my staff, at (301) 415-6577.

Sincerely,

/RA/

John McKirgan, Chief
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9305
CAC No. L24885

Enclosure: Safety Evaluation Report

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Docket No. 71-9305

CAC No. L24885

Enclosure: Safety Evaluation Report

cc w: R. Boyle, Department of Transportation

J. Shuler, U.S. Department of Energy c/o L. F. Gelder

DISTRIBUTION: (Closes CAC No L24885)

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ADAMS Accession No. (package): ML16181A079

ADAMS Accession No. (letter): ML16181A081

ADAMS Accession No. (SER): ML16181A085

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OFC	DSFM	DSFM	DSFM	OGC	DSFM
NAME	BWhite	JChang via email	JPiotter via email	LLondon via email	JMcKirgan
DATE	5/31/16	6/2/16	6/15/16	6/28/16	6/29/16

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