



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

December 23, 2019

Mr. Todd E. Sellmer
Manager
Packaging and Information Systems
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, NM 88221-2078

SUBJECT: EXEMPTION FROM TITLE 10 OF THE CODE OF FEDERAL REGULATIONS
SECTIONS 71.61

Dear Mr. Sellmer:

On January 28, 2014, Nuclear Waste Partnership, LLC (NWP) requested 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, South Carolina to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. Specifically, NWP requested an exemption from the requirements of 10 CFR 71.61, "Special Requirements for Type B Packages Containing More than 10^5 A₂," and authorization for an increase in the decay heat and A₂ limit beyond the limits in Certificate of Compliance No. 9305.

On June 29, 2016, the U.S. Nuclear Regulatory Commission (NRC) granted NWP's exemption request (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16181A079) and reissued, on May 15, 2019, that authorization and exemption to correct a typographical error in one of the serial numbers for the Standard Large Box 2 associated with the TRUPACT-III package (ADAMS Accession No. ML19135A512). The NWP's current exemption is set to expire on December 31, 2019.

On July 8, 2019, NWP submitted a request to the NRC for a 24-month extension of the current exemption (ADAMS Accession No. ML19190A289) because it had not yet shipped the two subject TRUPACT-III packages.

Under the NRC's regulatory framework, the NRC cannot grant a request to extend an exemption. The NRC accordingly treated NWP's July 8, 2019 request to extend its exemption as a new exemption request from 10 CFR 71.12 for the two subject TRUPACT-III packages. As such, NWP's exemption request, reinitiated for the new time period, required a new Environmental Assessment (ADAMS Accession No. ML19317E461).

Certificate of Compliance No. 9305 authorizes "... contact-handled transuranic (CH-TRU) waste and other authorized payloads that do not exceed 10^5 A₂ quantities." NWP requested an increase in the authorized A₂ quantity from less than 10^5 A₂ to 2.1×10^5 A₂, 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 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 A₂ quantity and decay heat load from that currently authorized in Certificate of Compliance No. 9305.

The Commission has also determined that the TRUPACT-III shipment will not significantly affect the public health and safety or adversely impact the environment (84 FR 64114; November 20, 2019).

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 A₂ 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 SR21524413 and SR21524414, 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, 2021.

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 Web site at <http://www.nrc.gov/reading-rm/adams.html>.

T. Sellmer

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If you have any questions, please contact Pierre Saverot of my staff, at (301) 415-7505.

Sincerely,

/RA/

Daniel I. Doyle, Acting Chief
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9305
EPID L-2019-LLE-0017

Enclosure: Safety Evaluation Report

cc: R. Boyle, Department of Transportation
J. Shuler, U.S. Department of Energy c/o L. F. Gelder

SUBJECT: EXEMPTION FROM TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*
SECTIONS 71.61, DOCUMENT DATED: DECEMBER 23, 2019

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