



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

June 24, 2015

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

SUBJECT: APPLICATION FOR EXEMPTION FOR THE MODEL NO. TRUPACT-III –
REQUEST FOR ADDITIONAL INFORMATION ON ENVIRONMENTAL REPORT

Dear Mr. Sellmer:

By application dated January 28, 2014, as supplemented on March 10, 2015, Nuclear Waste Partnership LLC, submitted an application for approval to transport a sectioned recovery transfer tank in two Standard Large Box 2 (SLB2) waste boxes in the Model No. TRUPACT-III transport package. Approving these two transports would require an increase of the authorized A^2 quantity and decay heat load currently authorized in Certificate of Compliance No. 9305. As part of this approval, you also requested an exemption from the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 71.61 for a package containing more than $10^5 A^2$.

The U.S. Nuclear Regulatory Commission staff has determined that additional information is required to complete its environmental review of your application. The request for additional information is identified in the enclosure to this letter. We request that you provide the information by August 19, 2015.

Please reference Docket No. 71-9305 and TAC No. L24885 in future correspondence related to this request. The staff is available to meet to discuss your proposed responses. If you have any questions regarding this matter, I may be contacted at (301) 415-6577.

Sincerely,

/RA/

Bernard H. White IV, Senior Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-9305
TAC No. L24885

Enclosure: Request for Additional Information

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**REQUEST FOR ADDITIONAL INFORMATION
TRUPACT-III EXEMPTION
NUCLEAR WASTE PARTNERSHIP LLC
DOCKET NO. 71-9305**

The purpose of the following request for additional information is to supplement the environmental report, submitted by Nuclear Waste Partnership LLC (or the applicant), that is needed by the U.S. Nuclear Regulatory Commission (NRC) to fulfill the requirements of NRC's National Environmental Policy Act of 1969, as amended (NEPA) and the NRC's NEPA implementing regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." Specifically, approval of the applicant's exemption request requires NRC to prepare an environmental assessment (EA) or environmental impact statement (EIS) pursuant to 10 CFR Part 51. The NRC, however, is not required to prepare an EA or EIS for those federal actions that have been determined to be categorically excluded. NRC's categorical exclusions can be found at 10 CFR 51.22(c). Approval of package designs for packages to be used for the transportation of licensed materials is an NRC action that typically is categorically excluded pursuant to 10 CFR 51.22(c)(13). The applicant's request, however, involves an exemption from the requirements in 10 CFR Part 71 and the categorical exclusion that normally applies to transportation package design approvals does not apply when an approval is issued via an exemption to the regulations.

1. The transportation route listed on page 20 of the environmental report (ER) is slightly different than the route used in the Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement (SEIS-II). The route differences begin in Texas. Show how the route provided in the ER is bounded by the route used in SEIS-II (e.g., number of miles, rural vs suburban area, etc.).

This information is needed for the NRC staff to complete its environmental review of the application, for compliance with 10 CFR Part 51.

2. Provide rationale for the transportation accidents conclusion on page 69 of the ER, "Not taking credit for the dampening effects of an accident under water versus in air, the subject TRUPACT-III radioactivity is conservatively bounded by the EIS bounding radioactivity. Therefore the dose impacts from an accident resulting from a greater than 15 meter (50 feet) underwater package breach is bounded by the EISs." If referencing analyses in other documents, provide citations to the page or table.

This information is needed for the NRC staff to complete its environmental review of the application, for compliance with 10 CFR Part 51.

3. Provide a citation (page number, table number, etc.) for the DOE 1997, DOE 2006, and/or SNL 2009 dose assessments referenced on page 83 in the ER. Show how the dose rates from the two SLB2 waste boxes are bounded by the dose assessments in DOE 1997, DOE 2006, and/or SNL 2009.

This information is needed for the NRC staff to complete its environmental review of the application, for compliance with 10 CFR Part 51.

Enclosure

4. Provide a copy of the following references on pages 97 and 98 of the ER:
- AP-141, Revision 1, *Summary Report for the Update to Disposal Phase Supplemental Environmental Impact Statement Transportation Analysis of the Waste Isolation Pilot Plant* dated June 2009, referenced in the ER. Also provide a copy of the August 2008, Revision 0.
 - *WIPP Technical Analysis: Updated Impacts from Shipping TRU Waste from Small Quantity Sites and Impacts from Using the TRUPACT-III* dated June 2006.

All references in the NRC's environmental assessment must be publically available.

This information is needed for the NRC staff to complete its environmental review of the application, for compliance with 10 CFR Part 51.