



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

April 14, 2016

Mr. Butch Tongate, Deputy Secretary
New Mexico State Environment
Department
1190 St. Francis Drive, Suite 4050N
Santa Fe, NM 87505

SUBJECT: REQUEST FOR COMMENT: DRAFT ENVIRONMENTAL ASSESSMENT FOR
THE NUCLEAR WASTE PARTNERSHIP, LLC'S REQUEST FOR EXEMPTION
FROM TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 71.61
FOR THE ONE-TIME SHIPMENT OF TWO TRUPACT-III PACKAGES

Dear Mr. Tongate:

The U.S. Nuclear Regulatory Commission (NRC) staff received a request, dated January 14, 2014, from Nuclear Waste Partnership, LLC (NWP) for an exemption, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71.12, for the one-time transport of transuranic (TRU) waste in two standard large boxes in the Model No: TRUPACT-III package. Specifically, NWP requested an exemption from the requirements of 10 CFR 71.61, "Special requirements for Type B packages containing more than $10^5 A_2$ " (i.e., deep water immersion test). Along with the exemption request, NWP also requested an increase in both the A_2 quantity and decay heat limit as established in the TRUPACT-III Certificate of Compliance No. 9305, Revision No. 9. The two TRUPACT-III packages will be used to transport TRU waste (a decommissioned plutonium-238 processing tank that was cut in half) from the Savannah River Site, Aiken, South Carolina to the Waste Isolation Pilot Plant, Carlsbad, New Mexico.

The NRC staff has prepared the enclosed draft Environmental Assessment (EA) for its proposed regulatory action and is requesting your agency's comments. We are requesting comments within 30 calendar days from the date of this letter. Concurrently, the NRC is also conducting a safety review of NWP's request. The results of the safety evaluation will be documented in a separate Safety Evaluation Report.

The enclosed draft EA contains pre-decisional information and is limited for use by the staff of the New Mexico State Environmental Department and should not be disclosed without prior NRC permission. We request that your office provide any comments on this draft EA within 30 calendar days of the receipt of this letter to the NRC, ATTN: Ms. Jessie Muir Quintero, Mail Stop: T4-B16, 11555 Rockville Pike, Rockville, MD 20852. If you have any questions, please contact Ms. Muir-Quintero by telephone at 301-415-7476 or via email at:

Jessie.Muir-Quintero@nrc.gov.

B. Tongate

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Thank you for your assistance. The NRC staff will consider your timely comments and will revise the EA, as appropriate, before its final issuance.

Sincerely,

/RA/

Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 71-9305

Enclosure (Non-Public):
Draft Environmental Assessment

B. Tongate

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Thank you for your assistance. The NRC staff will consider your timely comments and will revise the EA, as appropriate, before its final issuance.

Sincerely,

Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 71-9305

Enclosure (Non-Public):
Draft Environmental Assessment

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