



Nuclear Fuel Services, Inc.

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September 14, 2021

Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Document Control Desk

- Reference:
- 1) Docket No. 70-143; SNM License 124
 - 2) NFS Physical Protection Plan
 - 3) NFS Letter, NRC-Observed Force-on-Force Exercise dated June 8, 2021 (24Y-21-0001)
 - 4) NRC Temporary Staff Guidance No. TSG-DFM-2020-01, "Fuel Facility Requests for Regulatory Relief Related to COVID-19", 4/21/20

Subject: Request for Exemption for NRC-Observed Force-on-Force Exercise
(U)

Dear Sir or Madam:

Nuclear Fuel Services, Inc. (NFS) hereby requests a onetime exemption for conducting the 2021 NRC-Observed Force-on-Force exercise.

Pursuant to 10 CFR 73.46 (b)(9), NFS will conduct Tactical Response Team and guard exercises to demonstrate the overall security effectiveness and the ability of the security force to perform response and contingency plan responsibilities and to demonstrate individual skills in assigned team duties. The NRC shall observe one of the force-on-force exercises, which demonstrates overall security system performance. NFS submitted the NRC Observed Force-on-Force Exercise on June 8, 2021. (Reference 3). The purpose of this correspondence is to request a onetime exemption for conducting the 2021 NRC-Observed Force-on-Force exercise. If this request is granted and contingent on how COVID-19 continues to affect the local community, NFS plans to conduct the exercise during the first quarter of 2022.

The reason for requesting this exemption is COVID-19 related local conditions prevent NFS from safely conducting the Force-on-Force exercise as planned. In August 2021, the northeast Tennessee region, which includes Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi (where NFS is located), and Washington counties reported a resurgence in new positive COVID-19 tests. The regional hospitals provided an update on September 7 that there have been continued increases in new COVID-19

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cases in the local area due to the highly contagious Delta variant. Case counts since early July 2021 of less than 200 have increased above 6000 active cases. Over the past four days, the region reported 2,692 new positive COVID-19 cases continuing the region wide trend of increased viral spread. The regions hospitals and affected counties have also asked for everyone's help to prevent this trend from continuing. Recently the NFS facility reinstated several COVID-19 protective measures for individuals regardless of vaccination status.

Because of the rising positive COVID-19 cases in the local area and number of officers and support staff involved in this exercise, NFS has concluded that an observed exercise cannot be conducted as scheduled in September without unnecessarily increasing the risk of exposing protective force members, on-site support staff, and potentially members of the public to the COVID-19 virus.

Pursuant to NRC regulation 10 CFR 73.5, "Specific Exemptions," The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. The subject requirements in NFS's Physical Protection Plan concern the schedule for conducting an observed Force-on-Force exercise. NRC regulations specifically provide for exemptions in certain circumstances, and no other statutory provision would prevent the issuance of a temporary exemption from the prescribed date.

There is no undue risk to public health and safety from granting the requested exemption. The exemption is otherwise in the public interest because it will minimize the risk of exposure and potential spread of the COVID-19 virus. The requested exemption does not decrease the effectiveness of the Physical Protection Plan, nor involve changes to security at the facility. Therefore, there is no impact on common defense and security from granting the requested exemption.

We appreciate NRC's consideration of this request. If you or your staff have any questions, require additional information, or wish to discuss this matter further, please contact me at (423) 743-1705, or Mrs. Danielle Rogers, Nuclear Safety and Licensing Section Manager, at (423) 735-5475. Please reference our unique document identification number (21G-21-0145) in any correspondence concerning this letter.

Sincerely,

NUCLEAR FUEL SERVICES, INC.



Tim Knowles
Safety and Safeguards Director

MLD/smd

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