



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

October 28, 2021

Mr. Timothy Knowles, Director
Safety and Safeguards
Nuclear Fuel Services, Inc.
1205 Banner Hill Road
Erwin, TN 37650

SUBJECT: AMENDMENT 15 – APPROVAL OF TEMPORARY EXEMPTION FROM
THE 2021 BIENNIAL EVALUATED EMERGENCY PLAN EXERCISE
(ENTERPRISE PROJECT IDENTIFIER L-2021-EPR-0003)

Dear Mr. Knowles:

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed your Letter 21G-21-0144, dated September 17, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21260A249), as supplemented by Letter 21G-21-0153 dated October 7, 2021 (ADAMS Accession No. ML21288A132), requesting an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Paragraph 70.22(i)(3)(xii), "Exercises." Nuclear Fuel Services, Inc. (NFS), requested a one-time exemption from the provisions of 10 CFR 70.22(i)(3)(xii), which requires a biennial evaluated emergency plan exercise.

NRC staff concludes that the postponement of the biennial evaluated emergency plan exercise is authorized by law, will not endanger life or property or the common defense and security, and is in the public interest. Accordingly, pursuant to 10 CFR 70.17, "Specific exemptions," the NRC hereby grants Nuclear Fuel Services (NFS) a temporary exemption, until June 30, 2022, from the requirements in 10 CFR 70.22(i)(3)(xii) pertaining to the timeframe for biennial exercises.

Materials License SNM-124 is hereby amended to add Condition S-6(a) as follows:

- S-6(a) The licensee is granted an exemption from performing the biennial emergency plan exercise listed in 10 CFR 70.22(i)(3)(xii) in calendar year 2021 but must complete said exercise within 35 months of the previously evaluated emergency plan exercise which occurred on September 18, 2019. Following that evaluated exercise, the licensee will conduct biennial emergency plan exercises in odd number years.

Additionally, by letters dated September 24, 2021 (ADAMS Accession No. ML21273A129), and September 29, 2021 (not publicly available due to classified information contained within), NFS notified the NRC staff that it had revised the NFS Emergency Plan and the NFS Physical Protection Plan, respectively, in a manner that did not reduce the effectiveness of the plans,

Documents transmitted by this letter contain **Security-Related Information**. When separated from Enclosure 2, this letter and Enclosures 1 & 3 are decontrolled.

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meaning the changes did not require NRC pre-approval. Revision 27 of the NFS Emergency Plan and Revision 24 of the NFS Physical Protection Plan contain these changes. Consequently, the NRC staff is updating license condition S-6 to refer to Revision 27 of the NFS Emergency Plan and license condition SG-3.1 to refer to Revision 24 of the NFS Physical Protection Plan so that the license continues to refer to the applicable revision both plans. All other license conditions shall remain the same.

Enclosures 1 and 2 to this letter provide the amended Materials License SNM-42. The NRC staff's review is documented in a Safety Evaluation Report, which is Enclosure 3 to this letter. This letter concludes action on the referenced submittals, and Enterprise Project Identifier L-2021-EPR-0003 is considered **CLOSED**.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, Enclosure 1, and Enclosure 3 will be available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publicly Available Records System component of ADAMS. The PDR is currently closed. You may submit your request to the PDR via e-mail at PDR.Resource@nrc.gov or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays. The ADAMS database is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact James Downs of my staff at 301-415-7744 or by email to James.Downs@nrc.gov.

Sincerely,

Jacob I. Zimmerman, Chief
Fuel Facility Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-143
License No. SNM-124

Enclosures:

1. Amendment 15 to Materials License SNM-124
2. Amendment 15 to Materials License SNM-124 (Non-Public)
3. Safety Evaluation Report

cc: nfs@listmgr.nrc.gov

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ADAMS Accession Nos.:

- ML21291A210 (Package)**
- ML21291A211 (Letter)**
- ML21291A212 (Enclosure 1)**
- ML21291A213 (Enclosure 2 – non-public)**
- ML21291A214 (Enclosure 3)**

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