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**To:** [dmrogers@nuclearfuelservices.com](mailto:dmrogers@nuclearfuelservices.com)  
**Cc:** [Graham, Bradley R](#); [Harris, Tim](#); [Smith, Otis](#)  
**Subject:** Request for Supplemental Information on the NFS Request for Exemption from the NRC-Observed Force-on-Force Exercise  
**Date:** Wednesday, September 29, 2021 10:49:00 AM

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Dear Ms. Rogers:

By letter 21G-21-0145 dated September 14, 2021 (Agencywide Documents Access and Management System Accession No. ML21260A244), Nuclear Fuel Services, Inc. (NFS) submitted a request for an exemption from the annual force-on-force exercise to be observed by the U.S. Nuclear Regulatory Commission (NRC) in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.46(b)(9).

The NRC staff has identified that supplemental information is needed before its detailed technical review can begin. This information is necessary to determine that compliance is maintained with the requirements of 10 CFR 70.17(a) and 10 CFR 73.46(b)(9). A response to the supplemental information requested below should be provided within 15 days to support the expedited nature of the request.

Request for Supplemental Information:

Letter 21G-21-0145 requests relief from certain requirements of 10 CFR 73.46(b)(9).

- What are the start and stop dates for the current 12-month period for NFS, as described in 10 CFR 73.46(b)(9)?
- For the current 12-month period, has NFS conducted, or does NFS plan to conduct, a Tactical Response Team and guard exercise every four months per shift?
- Will one-third of the exercises conducted by NFS during the current 12-month period be force-on-force exercises?
- What Tactical Response Team and guard exercises does NFS plan to conduct over the next two quarters (i.e., 4<sup>th</sup> quarter of 2021 and 1<sup>st</sup> quarter of 2022)?
- Is NFS planning for the COVID-19 public health emergency to impact compliance with 10 CFR 73.46(b)(9) for the remainder of 2021 and into 2022?

Letter 21G-21-0145 only requests relief from the NRC-observed force-on-force exercise.

- Will other Tactical Response Team and guard exercises be conducted by NFS in the near term?
- Will any exercises planned by NFS for the near term be force-on-force exercises?
- Why can only the NRC-observed exercise not be conducted safely at NFS compared to other non-NRC-observed exercises?

Letter 21G-21-0145 notes that several COVID-19 protective measures have recently been reinstated.

- What are those protective measures that have recently been reinstated by NFS?
- Are those measures at NFS based on requirements/guidance provided by Federal or State Government agencies?
- Would the activities conducted as part of the NRC-observed exercise at NFS be contrary to those protective measures?

Regulatory Requirements:

- 10 CFR 70.17(a)
- 10 CFR 73.46(b)(9)

Regulatory Guidance:

- Regulatory Guide 5.52, Rev. 3 (Section 4.6); "Standard Format and Content of a Licensee Physical Protection Plan for Strategic Special Nuclear Material at Fixed Sites (Other than Nuclear Power Plants)," December 1994.
- NUREG/CR-6667 (Section 3.5.7); "Standard Review Plan for Safeguards Contingency Response Plans for Category I Fuel Facilities," May 2000.
- NUGEG-1456 (Section 3.6); "An Alternative Format for Category I Fuel Cycle Facility Physical Protection Plans," June 1992.
- NUREG-1520, Rev. 2; "Standard Review Plan for Fuel Cycle Facilities License Applications," June 2015.

Example licensing action containing information documenting COVID-19 protective measures:

Force-on-force exemption request from BWXT Nuclear Operations Group, Inc. – Lynchburg (BWXT NOG-L):

<https://www.nrc.gov/docs/ML2008/ML20085F884.pdf>

NRC letter approving BWXT NOG-L force-on-force exemption:

<https://www.nrc.gov/docs/ML2009/ML20093B963.pdf>

NRC Safeguards Evaluation Report on BWXT NOG-L force-on-force exemption:

<https://www.nrc.gov/docs/ML2009/ML20093B962.pdf>

If you have any questions regarding this matter, please contact me at 301-415-7744, or via e-mail to: [James.Downs@nrc.gov](mailto:James.Downs@nrc.gov).

Sincerely,

James Downs, P.E.  
Senior Project Manager  
U.S. Nuclear Regulatory Commission  
NMSS/DFM/FFLB