



September 16, 2021

ACO 21-0023

ATTN: Document Control Desk
Mr. John W. Lubinski, Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

American Centrifuge Plant; Docket Number 70-7004; License Number SNM-2011
American Centrifuge Lead Cascade Facility; Docket Number 70-7003; License Number SNM-7003

Request for Change in Commitment Related to the Protection of Safeguards Information

Dear Mr. Lubinski:

The purpose of this letter is to request U.S. Nuclear Regulatory Commission (NRC) approval of a change in commitment related to American Centrifuge Operating's, LLC (ACO) program for the protection of Safeguards Information (SGI).

NRC Orders (References 1 and 2) imposed requirements upon the Licensee for protecting certain SGI. On October 24, 2006 (Reference 3), the Licensee responded to both NRC Orders detailing measures taken to meet the requirements set forth in the issued NRC Orders. Reference 3 states in part "Accordingly, USEC is establishing a program to meet the requirements stated within the Order through a procedure entitled *Protection of Safeguards Information - Modified Handling*. This procedure is being developed and will be implemented by December 22, 2006. The information that was transmitted to USEC under the Lead Cascade Demonstration Facility on July 15, 2003, is being protected comparable to Confidential – National Security Information until the Safeguards Information program is implemented."

On December 12, 2006 (Reference 4), the Licensee notified the NRC that the Licensee extended the commitment for complete implementation of the SGI program until March 30, 2007. Reference 4 states in part "Accordingly, USEC plans to extend the commitment for complete implementation of this program to March 30, 2007. Future information transmitted to USEC by the NRC containing Safeguards Information will be protected comparable to Confidential-National Security Information until this program is fully implemented."

On March 30, 2007, the Licensee fully implemented the SGI program, through an approved implementing procedure ACD2-SP-033 (Reference 5), as described in References 3 and 4. The Licensee has continued to protect SGI similar to Confidential-National Security Information to the present day.

ACO requests the NRC approval to change the previous commitment for the protection of SGI. With the NRC's approval, ACO plans to update its SGI program to be consistent with the requirements of NRC Orders (References 1 and 2) and 10 *Code of Federal Regulations* (CFR) Part 73 with the following substantive changes:

1. As previously committed under References 3 and 4 in response to NRC Orders, all references to CNSI will be removed.
2. All references to SGI being handled comparable to classified information will be based on ACO's determinations of expedience and any such references do not constitute a future commitment to handle SGI similar to classified information provided the requirements of References 1, 2, and 10 CFR Part 73 are met, as applicable.

There are no special circumstances which require the Licensee to protect SGI more conservatively than is required by References 3, 4, and 10 CFR Part 73. The proposed change in commitment will not decrease the overall level of security system performance needed to protect against the loss or compromise of SGI or classified matter while in use, in storage, or in transit. The control of classified storage areas or vaults, training of classifiers, documentation of classification of matter, computer security, etc., is maintained at an equivalent level. The proposed change in commitment has no adverse effect on the Classified Matter Plan which remains compliant with 10 CFR Part 95.

After the NRC staff has had an opportunity to review this request, ACO is available to support a discussion with the NRC to address questions or clarify issues. Our newly developed implementing procedure is available at the site for inspection. ACO respectfully requests NRC complete their review and final approval by December 1, 2021 to support the final operational readiness review and approval for the physical protection of special nuclear material under the HALEU Demonstration Program.

If you have any questions regarding this matter, please contact me at (740) 897-3859.

Sincerely,



Kelly L. Fitch
Regulatory Manager

cc:

Y. Faraz, NRC HQ
S. Harlow, DOE HQ
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L. Pitts, NRC Region II
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J. Tobin, NRC HQ
T. Vukovinsky, NRC Region II

References:

1. EA-06-223, Issuance of Order to USEC, Inc. (Lead Cascade Facility) Imposing Reequipments for Protecting Certain Safeguards Information, dated October 4, 2006
2. EA-06-224, Issuance of Order to USEC, Inc. (American Centrifuge Plant) Imposing Reequipments for Protecting Certain Safeguards Information, dated October 4, 2006
3. AET 06-0108, Response To Order Imposing Requirements for Protecting Certain Safeguards Information for the American Centrifuge Lead Cascade Demonstration Facility and American Centrifuge Plant (EA-06-223 and EA-06-224), from Steven A. Toelle to Jack R. Strosnider, dated October 24, 2006
4. AET 06-0118, Change in Commitment Regarding USEC Inc.'s Response to Order Imposing Requirements for Protecting Certain Safeguards Information for the American Centrifuge Lead Cascade Demonstration Facility and American Centrifuge Plant (EA-06-223 and EA-06-224), from Steven A. Toelle to Jack Strosnider, dated December 21, 2006
5. ACD2-SP-033, *Identification and Protection of Safeguards Information-Modified Handling (SGI-M)*, Change 0, effective March 30, 2007