

TELEPHONE CONFERENCE CALL SUMMARY

SUBJECT: SUMMARY TELEPHONE CALL WITH CENTRUS-AMERICAN CENTRIFUGE OPERATING, LLC REGARDING 32 CFR PART 117 (NISPOM RULE) COMPLIANCE

Date and Time: October 24, 2022; 4:00 p.m.

Call Participants:

American Centrifuge Operating (ACO) – Kelly Fitch, Ray Fischels, Jason Krumenacker, Angela Wright

U.S. Nuclear Regulatory Commission (NRC) – Yawar Faraz, Sam Bazian, Mike Mangefrida

Discussion:

ACO requested this teleconference to discuss the NRC's anticipated letter to ACO granting enforcement discretion from the requirements in Title 32 of the *Code of Federal Regulations* (32 CFR), Part 117 for 180 days. ACO also discussed its draft formal gap analysis for the Piketon facility's Standard Practice and Procedures Plan (SPPP). The SPPP was submitted for review on April 7, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22102A139).

Regarding the anticipated enforcement discretion letter, ACO did not voice any concerns with the NRC's intent to issue it. The NRC staff indicated that since ACO had already submitted to the NRC its request to review changes to the security plans per 32 CFR Part 117, a compliance plan would not be required.

ACO discussed its draft NISPOM gap analysis for the Piketon facility that maps the 32 CFR Part 117 requirements to the SPPP for the Piketon facility. ACO intends to submit the Piketon gap analysis first since it is nearly complete. According to ACO, its formal gap analysis did not identify a need for any additional changes to the Piketon SPPP submitted on April 7, 2022.

The NRC questioned whether ACO would be submitting any waivers from 32 CFR Part 117 requirements to which ACO responded that they were not planning on submitting any. The NRC said that there may be one regulation in 32 CFR Part 117, specifically 32 CFR 117.10 "Determination of eligibility for access to classified information for contractor employees" requirement (a)(7), that conflicts with how ACO may be doing business, and a waiver may be needed. The NRC said they would discuss the need for a waiver with the Office of the General Council and respond to ACO. Later, in an e-mail dated November 2, 2022 (ML22332A419), the NRC indicated that a waiver would be needed.

PRINCIPAL CONTRIBUTORS

Sam Bazian, NSIR/ISB

Yawar Faraz, NMSS/DFM

Enclosure