

~~Proprietary Information~~



May 19, 2021  
ACO 21-0025

ATTN: Document Control Desk  
Ms. Sabrina D. Attack, Director  
Division of Security Operations  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**American Centrifuge Plant, Docket No. 70-7004; License No. SNM-2011**

**Supplemental Information Related to Foreign Ownership, Control, or Influence Information**

**INFORMATION TRANSMITTED HEREWITH IS PROTECTED FROM PUBLIC DISCLOSURE AS CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION AND/OR TRADE SECRETS PURSUANT TO 10 CFR 2.390 AND 9.17(a)(4)**

Dear Ms. Attack:

In accordance to a commitment made within Reference 1, the purpose of this letter is to submit American Centrifuge Operating, LLC's (ACO) unaudited financial information for calendar year 2020 for U.S. Nuclear Regulatory Commission review as Enclosure 1 of this letter.

Enclosure 1 contains Proprietary Information and ACO requests that Enclosure 1 be withheld from public disclosure pursuant to 10 *Code of Federal Regulations* (CFR) 2.390(a)(4). An affidavit required by 10 CFR 2.390(b)(1)(ii) is provided in Enclosure 2.

If any further information is needed to complete the review of this supplemental information, please contact Michael Whitehurst at (301) 564-3475.

Sincerely,

Kelly L. Fitch  
Regulatory Manager

NSIR 08  
NSIR

~~Proprietary Information~~

~~When separated from Enclosure 1, this cover letter is uncontrolled.~~

American Centrifuge Operating, LLC  
3930 U.S. Route 23 South – P.O. Box 628  
Piketon, OH 45661

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Enclosures: As stated

Reference:

1. Letter ACO 20-0005 from L.B. Cutlip to M. Bailey (NRC) regarding Supplemental Information Related to Foreign Ownership, Control, or Influence Information, dated January 29, 2020

cc (without enclosures unless otherwise noted):

K. Everly, NRC HQ (Enclosures)  
Y. Faraz, NRC HQ (Enclosures)  
S. Harlow, DOE NE  
J. Hutson, DOE NE Contractor  
M. McCune, DOE NE  
L. Pitts, NRC Region II (Enclosures)  
K. Shears, DOE OR  
E. St. Clair, DOE ORO  
T. Vukovinsky, NRC Region II  
R. Womack, NRC Region II

**Enclosure 2 of ACO 21-0025**

**Affidavit**

**Information Contained Within  
Does Not Contain  
Export Controlled Information**

Reviewing

Official:                     #1014                    

Date:                     05/19/2021

**AFFIDAVIT OF LARRY B. CUTLIP  
SUPPORTING APPLICATION TO WITHHOLD FROM  
PUBLIC DISCLOSURE CERTAIN INFORMATION PROVIDED TO NRC IN  
LETTER ACO 21-0025**

I, Larry B. Cutlip, of Centrus Energy Corp. (Centrus), having been duly sworn, do hereby affirm and state:

1. I have been authorized by Centrus to (a) review the information owned by Centrus which is referenced herein relating to a supplement to the Foreign Ownership, Control or Influence (FOCI) information for Centrus described in letter ACO 21-0025, which Centrus seeks to have withheld from public disclosure pursuant to section 147 of the Atomic Energy Act (AEA), as amended, 42 U.S.C. § 2167, and 10 CFR 2.390(a)(4), and 9.17(a)(4), and (b) apply for the withholding of such information from public disclosure by the U.S. Nuclear Regulatory Commission (NRC) on behalf of Centrus.
2. Consistent with the provisions of 10 CFR 2.390(b)(4) of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - i. The information sought to be withheld from public disclosure is owned and has been held in confidence by Centrus.
  - ii. The information is of a type customarily held in confidence by Centrus and not customarily disclosed to the public. Centrus has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Centrus policy and provide the rational basis required. Under that system, information is held in

confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

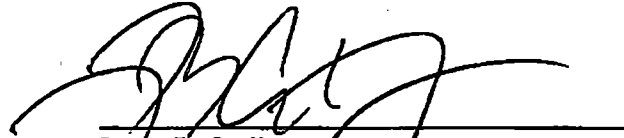
- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where presentation of its use by any of Centrus' competitors without license from Centrus constitutes a competitive economic advantage over other companies.
  - b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
  - c) Its use by a competitor would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
  - d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Centrus, its customers or suppliers.
  - e) It reveals aspects of past, present, or future Centrus or customer funded development plans and programs of potential commercial value to Centrus.
  - f) It reveals information concerning the terms and conditions, work performed, administration, performance under or extension of contracts with its customers or suppliers.
- iii. There are sound policy reasons behind the Centrus system which include the following:
- a) The use of such information by Centrus gives Centrus a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Centrus competitive position.

- b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes Centrus' ability to sell products and services involving the use of the information.
  - c) Use by our competitors would put Centrus at a competitive disadvantage by reducing their expenditure of resources at Centrus expense.
  - d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components or proprietary information, any one component may be the key to the entire puzzle, thereby depriving Centrus of a competitive advantage.
  - e) Unrestricted disclosure would jeopardize the position of prominence of Centrus in the world market, and thereby give a market advantage to the competition of those countries.
  - f) The Centrus capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- iv. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- v. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
3. The proprietary information sought to be withheld is contained in Enclosure 1 of ACO 21-0025. This letter provides NRC with subsidiary company financial information. This information is part of that which will enable ACO to ensure adequate funding is available

to continue the deployment of ACO's high-assay low enriched uranium (HALEU) Demonstration Program.

) Further the deponent sayeth not.


Larry B. Cutlip, having been duly sworn, hereby confirms that I am the Senior Vice President, Field Operations of Centrus, that I am authorized on behalf of Centrus to review the information attached hereto and to sign and file with the U.S. Nuclear Regulatory Commission this affidavit and the attachments hereto, and that the statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief.

  
Larry B. Cutlip

On this 19<sup>th</sup> day of May 2021, Larry B. Cutlip personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument and acknowledged that he executed the same for the purposes therein contained.

In witness hereof I hereunto set my hand and official seal.



  
Kathy Richer  
State of Tennessee Notary Public  
Anderson County  
My commission expires October 26, 2024