



April 27, 2022
ACO 22-0030

ATTN: Document Control Desk
Samuel Lee, 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 Samuel Lee:

In accordance with 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 2021 for U.S. Nuclear Regulatory Commission review (Enclosure 1).

Enclosure 1 contains Proprietary Information and ACO requests that this enclosure 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 within Enclosure 2.

If any further information is needed to complete the review of this supplemental information, please contact me at (740) 897-3859.

Sincerely,

Kelly L. Fitch
Regulatory Manager

M001
NSIR08
NMSS01
NSIR
NMSS

Document/matter transmitted contains ~~CUI//PROPIN~~
~~Proprietary Information~~

When separated from Enclosure 1, this cover letter and Enclosure 2 are uncontrolled.

~~CUI//PROPIN~~
~~Proprietary Information~~

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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):

S. Bazian, NRC HQ
K. Everly, NRC HQ (Enclosures)
Y. Faraz, NRC HQ (Enclosures)
S. Harlow, DOE NE
J. Hutson, DOE NE Contractor (Enclosures)
L. Pitts, NRC Region II (Enclosures)
J. Tobin, NRC HQ (Enclosures)
T. Vukovinsky, NRC Region II

Document/matter transmitted contains ~~CUI//PROPIN~~
~~Proprietary Information~~

When separated from Enclosure 1, this cover letter and Enclosure 2 are uncontrolled.

**AFFIDAVIT OF LARRY B. CUTLIP
SUPPORTING APPLICATION TO WITHHOLD FROM
PUBLIC DISCLOSURE CERTAIN INFORMATION PROVIDED TO NRC IN
LETTER ACO 22-0030**

I, Larry B. Cutlip, of American Centrifuge Operating, LLC (ACO), having been duly sworn, do hereby affirm and state:

1. I have been authorized by ACO to (a) review the information owned by ACO which is referenced herein relating to a supplement to the Foreign Ownership, Control or Influence (FOCI) information specific to ACO described in letter ACO 22-0030, which ACO 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 ACO.
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 ACO.
 - ii. The information is of a type customarily held in confidence by ACO and not customarily disclosed to the public. ACO 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 ACO 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'/ACO's competitors without license from ACO 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 ACO, its customers or suppliers.
 - e) It reveals aspects of past, present, or future ACO or customer funded development plans and programs of potential commercial value to ACO.
 - 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 ACO system which include the following:
- a) The use of such information by ACO gives ACO a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the ACO competitive position.
 - b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes ACO's ability to sell products and services involving the use of the information.
 - c) Use by our competitors would put ACO at a competitive disadvantage by reducing

their expenditure of resources at ACO 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 ACO of a competitive advantage.
 - e) Unrestricted disclosure would jeopardize the position of prominence of ACO in the world market, and thereby give a market advantage to the competition of those countries.
 - f) The ACO 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 22-0030. 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 ACO, that I am authorized on behalf of ACO to review the information attached hereto and to sign and file with the NRC 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 27th day of April 2022, 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

REGULATORY CORRESPONDENCE REVIEW AND CONCURRENCE				
Subject: Supplemental Information Related to Foreign Ownership, Control, or Influence Information			Letter/Report No. ACO 22-0030	
Preparer: Fitch	Due Date: 04/30/2022	<input checked="" type="checkbox"/> Notary Public	<input type="checkbox"/> Fee Required	
Organization Review	Concurrence Signature / Date	Area of Review*	Comments	
			Yes	No
<input type="checkbox"/> List Applicable Line Management / Subject Matter Expert(s)				
<input type="checkbox"/>				
<input type="checkbox"/> Approval for Public Release – Cover Letter and Enclosure 2	Via email 04/25/2022			
<input type="checkbox"/> PI/PII Review – Enclosure 1	John Lockwood			
<input type="checkbox"/> OUO Review – No	DC#4734 / ECI #1038			
<input type="checkbox"/> ECI Review – No				
<input type="checkbox"/> UCNI Review – No	Public Release of Cover Letter and Enclosure 2 Only, while Enclosure 1 withheld as CUI // PROPIN			
<input type="checkbox"/> SRSI Review – No				
<input type="checkbox"/> SGI Review – No				
<input type="checkbox"/> Derivative Classifier Review - Unclassified				
<input type="checkbox"/>				
<input checked="" type="checkbox"/> Centrus Legal	Shahram Ghasemian – comment incorporated 04/25/2022	O	X	
<input checked="" type="checkbox"/> Centrus HQ Accounting	Kevin Harrill – via email 04/26/2022	△		x
<input checked="" type="checkbox"/> Centrus HQ FSO	Mike Whitehurst – via email 04/25/2022	O		X
<input checked="" type="checkbox"/> Regulatory Manager	See Signed Letter	O		
<input checked="" type="checkbox"/> Enrichment Operations Plant Manager	Matt Snider –	O		
<input type="checkbox"/> Director, Engineering, Procurement, & Construction				
<input checked="" type="checkbox"/> Senior Vice President, Field Operations	Cutlip – signed affidavit	O		
*AREA OF REVIEW:				
<input type="checkbox"/> Organization supplied input – verify and concur that the information contained in the document is complete and accurate in all material respects to the best of your knowledge.				
<input type="checkbox"/> Organization concurrence with information is required.				
DISTRIBUTION:				
Final sent to the Regulator (Date/initials):		Original:		
Internal Distribution Completed (Date/initials):		EDMS:		

Further the deponent sayeth not.

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Kathy Richer
State of Tennessee Notary Public
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