



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 13, 2020

Ms. Caroline Cochran
Co-founder, Chief Operating Officer
Oklo, Inc.
230 E Caribbean Dr.
Sunnyvale, CA 94089

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM
PUBLIC DISCLOSURE FOR OKLO POWER, INC. RELATED TO THE
AURORA POWERHOUSE COMBINED OPERATING LICENSE
APPLICATION: PART I COMPANY INFORMATION AND FINANCIAL
QUALIFICATIONS, PART II FINAL SAFETY ANALYSIS REPORT, PART IV
TECHNICAL SPECIFICATIONS

Dear Ms. Cochran:

By letters dated March 11, 2019 (Agencywide Documents Access and Management System at Accession Nos. ML20071Q432, ML20071Q436, and ML20071Q439), Oklo Power, Inc. (Oklo), submitted affidavits to the U.S. Nuclear Regulatory Commission (NRC), requesting that the agency withhold the information contained in the following documents of the Aurora combined operating license application from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding":

Part I. Company information and financial requirements
Part II. Final safety analysis report
Part IV. Technical specifications

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- The information sought to be withheld from public disclosure is owned and has been held in confidence by Oklo and its consultants.
- The information is not available to the public.
- The information is of the type that Oklo customarily holds in confidence, the release of which might result in the loss of an existing or potential competitive advantage as follows:
 - a. It contains information descriptive of proprietary technology, where preventing its use by any of Oklo's competitors without license from Oklo constitutes a competitive economic advantage over the other companies.
 - b. 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.
 - c. It reveals or can be used to infer cost or price information, production capacities, budget levels, or commercial strategies of Oklo, its customers, or suppliers.
 - d. It reveals or can be used to infer aspects of past, present, or future Oklo or customer-funded development plans and programs of potential commercial value to Oklo.

- e. It contains patentable ideas, for which patent protection may be desirable.
 - f. The use of such information by Oklo gives Oklo a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Oklo competitive position.
 - g. It includes information that is marketable in many ways. The extent to which such information is available to competitors diminishes Oklo's ability to sell products and services involving the use of the information.
 - h. Use by competitors would put Oklo at a competitive disadvantage by reducing the competitor's expenditure of resources at Oklo expense.
 - i. Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Oklo of a competitive advantage.
 - j. Unrestricted disclosure would jeopardize the position of prominence of Oklo in the world market, and thereby give a market advantage to the competition of those countries.
 - k. The capacity of Oklo and its investors to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- Oklo is transmitting the information to the Commission in confidence, and, under the provisions of 10 CFR 2.390, the Commission is to receive it in confidence.

The NRC staff has reviewed the affidavit and the subject material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the NRC staff agrees to withhold these documents in their entirety from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding the submittals from public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, the NRC may send copies of the information to its consultants working in this area. The NRC will ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, Oklo should promptly notify the NRC. Oklo should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes Oklo information. In all review situations, the NRC will follow applicable laws, regulations, and policies in conducting its review, including the NRC's policies on notifying the owner of information in advance of any public disclosure.

If you have any questions about this matter, please contact me at (301) 415-6035 or via e-mail to Lucieann.VechioliFeliciano@nrc.gov.

Sincerely,

/RA/

Lucieann Vechioli, Project Manager
Advanced Reactor Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project No. 99902046

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