



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

September 2, 2021

Dr. Martin Van Staden  
Vice President, Xe-100 Program Manager  
X-Energy, LLC  
801 Thompson Avenue  
Rockville, MD 20852

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM  
PUBLIC DISCLOSURE FOR X-ENERGY, LLC REGULATORY ENGAGEMENT  
PLAN UPDATE FOR THE XE-100 REACTOR

Dear Mr. Van Staden:

By letter dated April 30, 2021 (Agencywide Documents Access and Management System Accession No. ML21120A346), X-Energy LLC (X-energy) submitted an affidavit to the U.S. Nuclear Regulatory Commission (NRC), requesting that the agency withhold the information contained in the following documents from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding":

Regulatory Engagement Plan Update for the Xe-100 Reactor

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 X-energy.
- The information is not available to the public.
- The information is of the type that X-energy customarily holds in confidence. The information includes commercial information related to the licensing strategies and regulatory analysis associated with the Xe-100 high-temperature, gas-cooled, pebble-bed advanced reactor design that directly impact X-energy business development and commercialization efforts. This information is proprietary and confidential.
- The information has details of planned activities of X-energy related to the development and submittal of documents for regulatory review, forecast design development timeframes, pre-decisional licensing pathway information and commercialization strategy for the Xe-100 reactor. Identification and selection of commercial construction codes for certain components of the Xe-100 advanced reactor. Public disclosure could create substantial harm to X-energy because it would reveal valuable business information.
- Its use by a competitor could substantially improve the competitor's position in the design, manufacture, licensing, construction and operation of a similar competing product.
- X-energy is transmitting the information to the NRC in confidence, and, under the provisions of 10 CFR 2.390, the NRC 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, X-energy should promptly notify the NRC. X-energy 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 X-energy 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](mailto: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. 99902071

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR X-ENERGY, LLC REGULATORY ENGAGEMENT PLAN UPDATE FOR THE XE-100 REACTOR DATED SEPTEMBER 2, 2021

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**ADAMS Accession No. ML21195A039**

**via email**

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