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

March 20, 2023

Ross Moore, Director of Regulatory Affairs
Oklo, Inc.
3190 Coronado Drive,
Santa Clara, CA 95054

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE - OKLO, INC. LICENSING PROJECT PLAN INTERIM UPDATE

Dear Mr. Moore:

By letter dated September 2, 2022, (Agencywide Documents Access and Management System Accession No. ML22245A119) Oklo, Inc. (Oklo) submitted an affidavit executed by you to the U.S. Nuclear Regulatory Commission (NRC) staff, requesting the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390, "Public inspections, exemptions, requests for withholding":

Oklo, Inc. Licensing Project Plan Interim Update

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

a) The information sought to be withheld from public disclosure is owned by Oklo and has been held in confidence by Oklo and its consultants.

b) The information sought to be protected is not available to the public to the best of our knowledge and belief.

c) The information is of the type that would customarily be held in confidence by Oklo policy, which holds that information is to be 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:

i. 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 other companies.

ii. 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.

iii. 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.

iv. 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.

v. It contains patentable ideas, for which patent protection may be desirable.

vi. The use of such information gives Oklo a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Oklo competitive position.

vii. 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.

viii. Use by our competitor(s) would put Oklo at a competitive disadvantage by reducing their expenditure of resources at Oklo's expense.

ix. 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.

x. 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.

xi. 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.

The NRC staff has reviewed the affidavit and the 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 submitted information marked as proprietary will be withheld 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 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 staff may send copies of the information to our consultants working in this area. The NRC staff 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 staff. Oklo also should understand that the NRC staff may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request includes Oklo information.

In all review situations, the NRC staff 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 regarding this matter, please contact me at via email at Donna.Williams@nrc.gov.

Sincerely,

Signed by Williams, Donna
on 03/20/23

Donna M. Williams, Senior Project Manager
Advanced Reactor Licensing Branch 1
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project No. 99902095

Cc: tjorf@oklo.com

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