



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

July 21, 2023

Travis Chapman
Director, Reactor Licensing
& Regulatory Affairs
X Energy, LLC
801 Thompson Avenue
Rockville, MD 20852

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
– SLIDE PACKAGES FOR THE AFTERNOON OF MAY 4, 2023, CLOSED
PORTION OF THE MEETING OF THE ADVISORY COMMITTEE ON REACTOR
SAFEGUARDS

Dear Mr. Chapman:

On April 28, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23118A403), 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 slide package from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding":

Submittal of X Energy, LLC (X-energy) Slides for Advisory Committee on Reactor Safeguards (ACRS) Meeting, "Xe-100 High Temperature Gas-Cooled Reactor Design Overview and Construction Considerations"

Then on May 17, 2023 (ML23137A359), X Energy, LLC (X-energy), submitted an updated slide presentation with an affidavit to the NRC, requesting that the agency withhold the information contained in the following slide package from public disclosure pursuant to 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding":

Submittal of X Energy, LLC (X-energy) Updated Slides for Advisory Committee on Reactor Safeguards (ACRS) Meeting, Xe-100 High Temperature Gas-Cooled Reactor Design Overview and Construction Considerations"

The two affidavits 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 in Enclosure 1 is owned by X-energy. This information was prepared with the explicit understanding that the information itself would be treated as proprietary and confidential and has been held in confidence by X-energy.
- b. The information sought to be protected in Enclosure 1 is not available to the public.

- c. The information contained in Enclosure 1 is of the type that is customarily held in confidence by X-energy, and there is a rational basis for doing so. The information X-energy is requesting to be withheld from public disclosure includes technical information related to the design, analysis and operations associated with our Xe-100 high-temperature, gas-cooled, pebble bed advanced reactor design that directly impact our business development and commercialization efforts. X-energy limits access to this proprietary and confidential information in order to maintain confidentiality.
- d. Enclosure 1 contain information about the planned activities of X-energy related to the development of the Xe-100 design bases and relate to the commercialization strategy for our Xe-100 advanced reactor. Public disclosure of the information contained in Enclosure 1 would create substantial harm to X-energy because it would reveal valuable technical information regarding X-energy's design development, competitive expectations, assumptions, current position, and strategy. 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.
- e. The Proprietary Information contained in Enclosure 1 is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC. The proprietary slides are marked.

The NRC staff has reviewed the affidavits executed on April 28, 2023, and May 17, 2023, 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 that 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 shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, 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. You also should 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, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.


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.

T. Chapman

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If you have any questions regarding this matter, I may be reached at (301) 415-5301 or via email at Stephanie.Devlin-Gill@nrc.gov.

Sincerely,



Signed by Devlin-Gill, Stephanie
on 07/21/23

Stephanie Devlin-Gill, 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. 99902071

cc: X-Energy Xe-100
via GovDelivery

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SAFEGUARDS DATED: JULY 21, 2023

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NRR-106

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NAME	SDevlin-Gill	CSmith	MWentzel	SDevlin-Gill
DATE	7/10/2023	7/21/2023	7/21/2023	7/21/2023

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