



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

September 25, 2023

Mr. Robert Iotti
Project Manager
ARC Clean Technology, Inc.
901 K Street, NW
Suite 900
Washington, DC 20001

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
– ARC CLEAN TECHNOLOGY, INC. ENCLOSURES 1 THROUGH 5 TO THE
LETTER DATED AUGUST 31, 2023

Dear Mr. Iotti:

By letter dated August 31, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23243A957), ARC Clean Technology, Inc. (ARC) submitted an affidavit (ML23243A958) to the U.S. Nuclear Regulatory Commission (NRC) staff requesting that the agency withhold the following information from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, "Public inspections, exemptions, requests for withholding":

ARC's Enclosures # 1 through 5 to the letter dated August 31, 2023

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 and has been held in confidence by ARC.
- b. The information is of a type customarily held in confidence by ARC and not customarily disclosed to the public. ARC 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 ARC policy and provide the rational basis required.
- c. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
- d. This information is not readily available in public sources.
- e. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of ARC, because it would enhance the ability of competitors to

provide similar products and services by reducing their expenditure of resources using similar project methods, equipment, testing approach, contractors, or licensing approaches. This information is the result of considerable expense to ARC and has great value in that it will assist ARC in providing products and services to new, expanding markets not currently served by the company.

- f. The information could reveal or could be used to infer price information, cost information, budget levels, or commercial strategies of ARC.
- g. 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 ARC of a competitive advantage.
- h. Unrestricted disclosure would jeopardize the position of ARC in the world market, and thereby give a market advantage to the competition in those countries.
- i. Any unauthorized disclosure of Export Controlled information would be in direct violation of U.S. Department of Energy 10 CFR Part 810.

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 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 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, ARC should promptly notify the NRC staff. ARC also should understand that the NRC staff may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes ARC 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.

R. Iotti

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If you have any questions regarding this matter, please contact me at 301-415-5301 or via email at Stephanie.Devlin-Gill@nrc.gov.

Sincerely,

/RA/

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.: 99902103

cc: ARC Clean Technology ARC-100
via GovDelivery

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