



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

October 6, 2023

Mr. George Wilson
Vice President, Regulatory Affairs
TerraPower, LLC
15800 Northup Way
Bellevue, WA 98008

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC
DISCLOSURE – TERRAPOWER, LLC DESIGN BASIS ACCIDENT WITH
RELEASE METHODOLOGIES PRESENTATION MATERIAL

Dear Mr. Wilson:

By letter dated September 22, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23265A546), TerraPower, LLC (TerraPower) submitted an affidavit 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":

Presentation Material, "DBA with Release Methodologies"

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

- a) The information has been held in confidence by TerraPower.
- b) The information is of a type customarily held in confidence by TerraPower and not customarily disclosed to the public. TerraPower has a rational basis for determining the types of information that it customarily holds in confidence and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application and substance of that system constitute TerraPower 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 received in confidence by the Commission.
- d) This information is not available in public sources.
- e) TerraPower asserts that public disclosure of this non-public information is likely to cause substantial harm to the competitive position of TerraPower, 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.

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, TerraPower should promptly notify the NRC staff. TerraPower 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 TerraPower 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 301-415-0829 or via email at Roel.Brusselmans@nrc.gov.

Sincerely,

Roel Brusselmans, Project Manager **/RA/**
Advanced Reactor Licensing Branch 1
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project No.: 99902100

cc: Distribution via list serv

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10/6/2023.

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