



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

February 6, 2024

Dr. Rusty Towell
Director of NEXT Lab
Abilene Christian University
ACU Box 27963
Abilene, TX 79699

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR ABILENE CHRISTIAN UNIVERSITY (EPID: L-2022-NFW-0002)

Dear Dr. Towell:

By letter dated January 23, 2024 (Agencywide Documents Access and Management System Accession No. ML24024A009), you submitted an affidavit dated January 23, 2024, executed by Jordan Robison of Natura Resources requesting that the information contained in the following documents be withheld from public disclosure pursuant to Section 2.390, "Public inspections, exemptions, requests for withholding," of Title 10 of the *Code of Federal Regulations* (10 CFR):

- Enclosure 1 – MSRR Service Conditions
- Enclosure 2 – Drawing Number SK-0002, Revision C, ASME Code Assignments Diagram
- Enclosure 3 – Safety Related Valve Description

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 is owned and has been held in confidence by ACU [Abilene Christian University], the Other Universities and Natura as confidential and proprietary, trade secret information.
- b. The information is of a type that is customarily held in confidence by ACU, the Other Universities, and Natura based on the rationale described in this affidavit.
- c. The information is being transmitted to and, pursuant to 10 CFR 2.390, received by the NRC [U.S. Nuclear Regulatory Commission] in confidence.
- d. No public disclosure of the information has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or contractual agreements that provide for maintenance of the information in confidence.

- e. The information requested to be withheld reveals specific distinguishing design aspects. The information consists of supporting data relative to a process, component, structure, tool, method, etc., and the application of the data secures a competitive advantage as described in paragraph 5.
- f. Use by a competitor of the information requested to be withheld would reduce the competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- g. The information required to be withheld may be the subject of patentable ideas for which Natura is still developing applications.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390, and the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. In addition, we have determined that the document contains extensive proprietary information to an extent that a non-proprietary (i.e. redacted) version would be of no value to the public.

Therefore, the documents listed above in this letter, 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, you 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 your 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.

R. Towell

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If you have any questions, please contact me at (301) 415-7190, or via email at Richard.Rivera@nrc.gov.

Sincerely,



Signed by Rivera, Richard
on 02/06/24

Richard Rivera, Project Manager
Advanced Reactor Licensing Branch 2
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No.: 50-610

cc: via GovDelivery Subscribers
Abilene Christian University MSRR

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DATED: FEBRUARY 6, 2024

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NRR-106

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