



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

June 17, 2024

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR OKLO INC. "CLASSIFICATION AND PLAN FOR DISPOSAL OF RADIOACTIVE WASTES FROM RECYCLING USED OXIDE FUEL" WHITE PAPER AND FEEDBACK REQUEST ENCLOSURE

Dear Ross Moore:

By letter dated May 14, 2024, you submitted an affidavit 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):<sup>1, 2</sup>

"Enclosure 1, White Paper, "Classification and Plan for Disposal of Radioactive Wastes from Recycling Used Oxide Fuel""<sup>3</sup>

"Enclosure 3, Feedback Request for "Classification and Plan for Disposal of Radioactive Wastes from Recycling Used Oxide Fuel" White Paper""<sup>4</sup>

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure as set forth in affidavit paragraphs (4)(c)(i) through (4)(c)(xi) shown below:

(4)(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:

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- <sup>1</sup> Letter from R. Moore to NRC, "Oklo Inc. "Classification and Plan for Disposal of Radioactive Wastes from Recycling Used Oxide Fuel" White Paper," dated May 14, 2024 (Agency Documents Accession Management System (ADAMS) Accession No. ML24135A272, part of ML24135A271).
  - <sup>2</sup> Letter from R. Moore to NRC, "Enclosure 2: Affidavit Pursuant to 10 CFR 2.390," dated May 14, 2024 (ML24135A274, part of ML24135A271).
  - <sup>3</sup> Letter from R. Moore to NRC, "Enclosure 1: "Classification and Plan for Disposal of Radioactive Wastes from Recycling Used Oxide Fuel" White Paper," dated May 14, 2024 (ML24135A273, part of ML24135A271).
  - <sup>4</sup> Letter from R. Moore to NRC, "Enclosure 3: "Feedback Request for "Classification and Plan for Disposal of Radioactive Wastes from Recycling Used Oxide Fuel" White Paper," dated May 14, 2024 (ML24135A275, part of ML24135A271).

- (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 by Oklo 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 our 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on 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.

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 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.

If you have any questions regarding this matter, I may be reached at 301-415-5183.

Sincerely,

6/17/2024

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Signed by: Victoria V. Huckabay

Victoria V. Huckabay, Senior Project Manager  
Licensing and Regulatory Infrastructure Branch  
Division of New and Renewed Licenses  
Office of Nuclear Reactor Regulation

Docket No: 99902101

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**\*via email**

**NRR-106**

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