



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

September 27, 2024

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

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

Dear Dr. Towell:

By letter dated March 28, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24094A332), Abilene Christian University (ACU) submitted, to the U.S. Nuclear Regulatory Commission (NRC), a response to the NRC staff's request for additional information (RAI) 1 related to ACU's construction permit (CP) application for its proposed Molten Salt Research Reactor (MSRR).

The ACU letter included an affidavit (Enclosure 5), executed on March 28, 2024, by Jordan Robison, Vice President of Engineering and Program Management, Natura Resources (Natura), requesting that the information contained in the following documents (provided as other enclosures to ACU's letter) be withheld, in its entirety, from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, "Public inspections, exemptions, requests for withholding," because Natura, the owner of the information, considers it to be confidential business-sensitive information:

- a. Appendices to RAI 1 Response (Enclosure 1)
- b. MSRR Service Conditions - Revised (Enclosure 2)
- c. ASME Code Assignments Diagram Revision F (Enclosure 3)
- d. Safety Related Valve Description - Revised (Enclosure 4)

By letter dated July 30, 2024 (ML24219A258), ACU subsequently provided, as Enclosures 2 and 3 to its July 30, 2024, letter, redacted versions of Enclosures 2 and 4, respectively, to its March 28, 2024, letter. ACU and Natura did not request withholding of Enclosures 2 and 3 to its July 30, 2024, letter, and these redacted versions of Enclosures 2 and 4 to ACU's March 28, 2024, letter are available in public ADAMS (ML24219A259 and ML24219A262).

The Natura Resources affidavit stated, in paragraphs 4 and 5, 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, 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 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 economic advantage as described in paragraph 5 [reproduced as items h. through j. below].
- 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 requested to be withheld may be the subject of patentable ideas for which Natura is still developing applications.
- h. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Natura's competitive position and foreclose or reduce the availability of profit-making opportunities. The accompanying information reveals distinguishing aspects about Natura's proprietary molten salt reactor design.
- i. Natura has expended a considerable sum of money to fund significant research and evaluation to develop a basis for the design information, including that with ACU and the Other Universities. The precise financial value of the information is difficult to quantify, but it is a key element of the design basis for a Natura proprietary molten salt reactor design and, therefore, has substantial value to Natura.
- j. If the information were disclosed to the public, Natura's competitors would have access to the information without purchasing or entering into a license for the right to use it or having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of Natura's intellectual property and would deprive Natura of the opportunity to exercise its competitive advantage to seek an adequate return on its investment.

The NRC staff has reviewed the Natura affidavit executed on March 28, 2024, 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. The unredacted information in Enclosures 2 and 3 to ACU's July 30, 2024, letter (which are redacted, publicly-available versions of Enclosures 2 and 4 to ACU's March 28, 2024, letter) is not included in the scope of this determination because ACU provided this information as non-proprietary information subsequent to its March 28, 2024, letter.

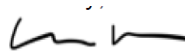
Therefore, the submitted information marked as proprietary (with the exception of information subsequently provided as non-proprietary in Enclosures 2 and 3 to ACU's July 30, 2024, letter) will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act 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, ACU or Natura should promptly notify the NRC. ACU and Natura 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 this information. In all review situations, if the NRC makes a determination adverse to the above, ACU and Natura will be notified in advance of any public disclosure.

If you have any questions regarding this matter, please contact me via email at Edward.Helvenston@nrc.gov.

Sincerely,



Signed by Helvenston, Edward
on 09/27/24

Edward Helvenston, Project Manager
Non-Power Production and Utilization Facility
Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No.: 05000610

SUBJECT: ABILENE CHRISTIAN UNIVERSITY - RESPONSE TO REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID: L-2022-NFW-0002) DATED: SEPTEMBER 27, 2024

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NRR-106

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