



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

November 18, 2024

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

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION FROM
PUBLIC DISCLOSURE – TERRAPOWER, LLC RESPONSES TO U.S.
NUCLEAR REGULATORY COMMISSION AUDIT QUESTIONS ON
KEMMERER POWER STATION UNIT 1 PRELIMINARY SAFETY ANALYSIS
REPORT

Dear George Wilson:

By letter dated September 6, 2024 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML24253A231), TerraPower, LLC (TerraPower) submitted an affidavit to the U.S. Nuclear Regulatory Commission (NRC) staff requesting that the data contained on a CD-ROM in response to the NRC staff audit be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) section 2.390, "Public inspections, exemptions, requests for withholding." The information in Enclosure 2, the CD-ROM, contains data, calculations, and graphs that are considered trade secret, privileged, or as confidential commercial or financial information by TerraPower.

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, executed on September 6, 2024, 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 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, for example, if 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 301-415-5301 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

Docket No.: 05000613

cc: TerraPower Natrium
via GovDelivery

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– TERRAPOWER, LLC RESPONSES TO U.S. NUCLEAR REGULATORY
COMMISSION AUDIT QUESTIONS ON KEMMERER POWER STATION UNIT 1
PRELIMINARY SAFETY ANALYSIS REPORT
DATED: NOVEMBER 18, 2024

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