

January 31, 2017

Dr. Leslie Dewan
Chief Executive Officer
Transatomic Power Corporation
1 Broadway, 14th Floor
Cambridge, MA 01913

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC
DISCLOSURE FOR TRANSATOMIC POWER CORPORATION RESPONSE
TO REGULATORY ISSUE SUMMARY 2016-08, "PROCESS FOR
SCHEDULING AND ALLOCATING RESOURCES IN FISCAL YEAR 2019
FOR THE REVIEW OF NEW LICENSING APPLICATIONS FOR
LIGHT-WATER REACTORS AND NON-LIGHT WATER REACTORS"

Dear Dr. Dewan:

By letter dated October 12, 2016, Transatomic Power Corporation (TAP) submitted an affidavit to the U.S. Nuclear Regulatory Commission (NRC) that is available through the NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML16298A033 requesting the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Transatomic Power Corporation (TAP) Response to: NRC Regulatory Issue Summary (RIS) 2016-08, "Processing for Scheduling and Allocating Resources in FY 2019 for the Review of New Licensing Applications for Light-Water Reactors and Non-Light Water Reactors", (Proprietary – Non-Publicly Available in Entirety) (ADAMS Accession No. ML16298A034).

The affidavit stated the submitted information should be considered exempt from mandatory public disclosure because it contains:

- a. The information sought to be withheld from public disclosure is owned by TAP, its affiliates or third parties to whom TAP has an obligation to maintain its confidentiality. This information was prepared with the explicit understanding that the information itself would be treated as proprietary and confidential and has been held in confidence by TAP.
- b. The information sought to be protected is not available to the public to the best of TAP's knowledge and belief.
- c. The information sought to be withheld from public disclosure is of the type that is customarily held in confidence by TAP, and there is a rational basis for doing so. The information TAP is requesting to be withheld from public disclosure includes commercial information related to on-going and planned activities associated with the TAP molten

salt test reactor. TAP limits access to this privileged information to maintain confidentiality.

- d. The information sought to be withheld from public disclosure contains information about the planned activities of TAP related to the creation and submittal of licensing activities, forecast design development timeframes, and commercial strategy of TAP's advanced reactor. Public disclosure of the information would create substantial harm to TAP because it would reveal valuable business information regarding TAP's competitive expectations, assumptions, current position and strategy. Its use by a competitor could substantially improve their competitive position in the design, manufacture, licensing, construction and operation of a similar product.
- e. The proprietary information contained in TAP's response is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC. The information is properly marked.

We have 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, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of 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, NRC may send copies of the information to our consultants working in this area. We 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, TAP should promptly notify the NRC. TAP 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 TAP 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, please contact me at (301) 415-5196 or via email at Nishka.Devaser@nrc.gov.

Sincerely,

/RA/

Nishka J. Devaser, Project Manager
Advanced Reactor and Policy Branch
Division of Engineering, Infrastructure and
Advanced Reactors
Office of New Reactors

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