



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

September 9, 2019

Ms. Caroline Cochran
Co-Founder, COO
Oklo, Inc.
230 East Caribbean Drive
Sunnyvale, CA 94089

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC
DISCLOSURE – OKLO, INC., LICENSING PROJECT PLAN 4Q2019
UPDATE

Dear Ms. Cochran:

By letter dated June 30, 2019 (Agencywide Documents Access and Management System (ADAMS), Accession No. ML1978A063), Oklo, Inc. (Oklo) submitted an affidavit executed by you (ADAMS Accession No. ML19178A064) to the U.S. Nuclear Regulatory Commission (NRC) requesting the information contained in the Oklo, Inc., Licensing Project Plan: 4Q2019 Update be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390.

The affidavit stated the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. The information sought to be withheld from public disclosure is owned by Oklo and has been held in confidence by Oklo and its consultants.
- b. The information sought to be protected is not available to the public to the best of Oklo's knowledge and belief.
- 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.
- d. The information was 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 NRC staff has 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, has determined that the identified information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version 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. 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, Oklo should promptly notify the NRC. Oklo 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 Oklo information. In all review situations, the NRC 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.

As discussed and agreed to during the closed portion of the July 24, 2019 meeting between Oklo and NRC staff and described in the e-mail dated May 17, 2019 (ADAMS Accession No. ML19140A397), the NRC staff requests that future updates to Oklo's licensing project plan be prepared to reflect more specific redactions of proprietary information.

In general, when requesting that a document or portion of a document containing proprietary information be withheld from public disclosure, a public version of the document containing proprietary information should also be submitted to the NRC. However, NRC staff acknowledges that there are instances where a non-proprietary version of a document would be of no value to the public due to the extent of the proprietary information. In such instances, a non-proprietary version is not required to be submitted to the NRC. Absent such a finding, the submitter should provide a version that could be made available to the public. The task of providing a public version rests on the submitter, not on the NRC staff.

Previously, the NRC staff has agreed to withhold substantial portions of documents containing proprietary and ECI submitted by Oklo, including Oklo's Draft Guide (DG)-1353, "Submittal to Support NRC Submittal and Implementation of DG-1353, A Guidance to Risk-Inform Application Development and Contents Including Event Selection and SSC Classification," issued September 2018 (DG-1353 Pilot Report) (ADAMS Accession No. ML18311A205, non-public) and licensing project plans, such as the most recent update provided in June 2019. The NRC staff has agreed to broadly withhold and protect this information based on the preliminary nature of the information and its use to support pre-application interactions. Withholding information in these circumstances is not an acknowledgement by the NRC staff that all information withheld was proprietary, but only that preparation of more specific redactions within a public version would be of no value to the public due to the extent of the proprietary information. When requesting the withholding of information in future submittals, Oklo should consider the requirements in 10 CFR 2.390 and guidance in LIC-204 when preparing documents.

If you have any questions regarding this matter, please contact me at (301) 415-0498 or via email at Jan.Mazza@nrc.gov.

Sincerely,

/RA/

Jan Mazza, Project Manager
Advanced Reactor Licensing Branch
Division of Advanced Reactors
Office of New Reactors

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE
– OKLO, INC., LICENSING PROJECT PLAN 4Q2019 UPDATE DATED
September 9, 2019

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***via e-mail**

NRO-002

OFFICE	NRO/DAR/ARLB	NRO/DAR/ARLB
NAME	JMazza	SLynch
DATE	09/09/2019	09/08/2019

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