



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

August 27, 2020

Mr. Peter Hastings  
Vice President, Regulatory  
Affairs and Quality  
Kairos Power LLC  
707 West Tower Ave  
Alameda, CA 94501

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC  
DISCLOSURE – KAIROS POWER, LLC TOPICAL REPORT SUBMITTAL,  
KP-FHR FUEL PERFORMANCE METHODOLOGY

Dear Mr. Hastings:

By letter dated December 18, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19352G704), Kairos Power, LLC (Kairos) submitted an affidavit executed by you to the U.S. Nuclear Regulatory Commission (NRC) requesting the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390:

“Kairos Power, LLC Topical Report Submittal, KP-FHR Fuel Performance Methodology”

The submittal referenced above includes a non-proprietary version of the report and has been placed in the NRC Public Document Room and added to the NRC Library in ADAMS for public inspection.

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 and has been held in confidence by Kairos.
- b. The information is of a type customarily held in confidence by Kairos and not customarily disclosed to the public. Kairos has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Kairos policy and provide the rational basis required. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
- c. This information is not readily available in public sources.
- d. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Kairos, 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. This information is the result of considerable expense to Kairos and has great value in that it will assist Kairos in providing products and services to new, expanding markets not currently served by the company.

- e. The information could reveal or could be used to infer price information, cost information, budget levels, or commercial strategies of Kairos Power.
- f. 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 Kairos of a competitive advantage.
- g. Unrestricted disclosure would jeopardize the position of Kairos in the world market, and hereby give a market advantage to the competition in those countries.

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 submitted information sought to be withheld contains proprietary commercial information and should be withheld in its entirety 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 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, Kairos should promptly notify the NRC. Kairos also should understand that the NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request includes Kairos 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.

If you have any questions regarding this matter, please contact me at (301) 348-5766 or via e-mail at [Stewart.Magruder@nrc.gov](mailto:Stewart.Magruder@nrc.gov).

Sincerely,

**/RA/**

Stewart L. Magruder, Senior Project Manager  
Advanced Reactor Licensing Branch  
Division of Advanced Reactors and Non-Power  
Production and Utilization Facilities  
Office of Nuclear Reactor Regulation

Project No. 99902069

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**ADAMS Accession No.: ML20218A569****\*via email****NRR-106**

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