

November 28, 2011

Edward G. Wallace
Vice President,
Regulatory Affairs
NuScale Power, LLC
1000 NE Circle Blvd., Suite 350
Corvallis, Oregon 97330

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE
FOR THE NUSCALE STEAM GENERATOR INFORMATION

Dear Mr. Wallace:

By letter dated October 10, 2011, NuScale Power, LLC (NuScale) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11306A110), in which you requested that 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:

Steam Generator Information (NRC Project: 0769, dated November 4, 2011 (ADAMS Accession No. ML113180022))

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS, Accession No. ML113180023.

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

- 3(a) The information disclosed describes the geometry, design parameters, and/or performance characteristics of the NuScale Power Helical Coil Steam Generator. NuScale Power has expended significant effort in the research and development of this information, and has invested significant human and financial resources in such development.
- 3(b) NuScale Power's unique geometry, design parameters, and/or performance characteristics provide NuScale Power with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NuScale Power's competitive position and reduce or foreclose opportunities for NuScale Power to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, the geometry, design parameters, and/or performance characteristics are a key element of the design basis for a NuScale Power plant and therefore have substantial value to NuScale Power.

E. Wallace

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- 3(c) If the information were disclosed to the public, NuScale Power's competitors would have access to the information without having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of NuScale Power's intellectual property, would unfairly provide NuScale Power's competitors with a windfall, and would deprive NuScale Power of the opportunity to seek an adequate return on its investment.

We have reviewed your application 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 version(s) 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 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, you should promptly notify the NRC. You 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 your 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, I may be reached at 301-415-0546.

Sincerely,

/RA/

Gregory V. Cranston,
Senior Project Manager
Advanced Reactor Branch 2
Advanced Reactor Program
Office of New Reactors

Project No.: 0769

cc: DC NuScale Power, LLC Mailing List

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(Revised 11/16/2011)

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