

July 17, 2012

Mr. Edward Wallace, Senior Vice President
Regulatory Affairs
NuScale Power, LLC
1100 NE Circle Blvd, Suite 350
Corvallis, OR 97330

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR "SUBMITTAL OF PROPRIETARY NUSCALE PRELIMINARY LOSS-OF-COOLANT ACCIDENT THERMAL-HYDRAULIC AND NEUTRONICS PHENOMENA IDENTIFICATION AND RANKING TABLE TECHNICAL REPORT, REVISION 1 (NRC PROJECT NO. 0769)" (NP-TR-0610-289-P)

Dear Mr. Wallace:

By letter dated April 8, 2011, NuScale Power, Inc. (NSP) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111010159), in which Mr. Thomas F. Marcille, Chief Operating Officer, requested that the subject technical report be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the information being discussed should be considered exempt from mandatory public disclosure, based on the considerations set forth in 10 CFR § 2.390(b)(4) for the following reasons:

(a) The information discloses information about the processes by which NSP develops phenomena identification and ranking tables associated with a loss-of-coolant accident. NSP has performed significant research and evaluation to develop a basis for these phenomena identification and associated ranking tables and has invested significant human and financial resources in such development.

(b) NSP's unique method provides NSP with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NSP's competitive position and would reduce or foreclose opportunities for NSP to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, the phenomena identification and ranking tables associated with a loss-of-coolant accident are a key element of the design basis for an NSP plant and therefore have substantial value to NSP.

(c) If the information were disclosed to the public, NSP'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 NSP's intellectual property, would unfairly provide NSP's competitors with a windfall, and would deprive NSP of the opportunity to seek an adequate return on its investment.

E. Wallace

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We have reviewed your application in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the subject technical report contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the information identified 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.

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 M. Jones for/

Gregory V. Cranston, Senior Project Manager
Projects Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

Project No.: 0769

cc: DC NuScale Power Mailing List

E. Wallace

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NRO-002

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(Revised 07/16/2012)

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