

November 13, 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 "NUCLEAR HANDLING SLIDES (NRC PROJECT NO. 0769)" (NP-AF-
0812-1716)

Dear Mr. Wallace:

By letter dated September 04, 2012, NuScale Power, Inc. (NSP) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12228A668), in which Mr. Edward Wallace, Vice President, Regulatory Affairs, requested that the subject slide presentation be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

Nuclear Handling Slides (ADAMS Accession No. ML12228A670)

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS, Accession No. ML12228A668.

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

(a) The information discloses information about the processes, components, and methods by which NuScale develops a design approach that includes features and processes to eliminate the concern for common-cause failures (CCF) in the Reactor Protection System (RPS). NuScale has performed significant research and evaluation to develop a basis for these processes, components, and methods and has invested significant human and financial resources in such development.

(b) NuScale's unique processes, components, and methods provide NuScale with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NuScale's competitive position and reduce or foreclose opportunities for NuScale to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, the processes, components, and methods are key elements of the design basis for a NuScale plant and, therefore, have substantial value to NuScale.

(c) If the information were disclosed to the public, NuScale'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's intellectual property, would unfairly provide NuScale's competitors with a windfall and would deprive NuScale 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
Projects Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

Project No.: 0769

cc: DC NuScale Power Mailing List

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OFFICE	PM:NRO/DARR/APRB	PM:NRO/DARR/APRB
NAME	SShaikh	GCranston
DATE	11/13/2012	11/13/2012

DC NuScale Power, LLC
cc:

(Revised 10/31/2012)

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, OH 44130

Russell Bell
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Mr. Eugene S. Grecheck
Vice President
Nuclear Support Services
Dominion Energy, Inc.
5000 Dominion Blvd.
Glen Allen, VA 23060

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy and
Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Mr. David Repka
Winston & Strawn LLP
1700 K. Street, NW
Washington, DC 20006-3817

Carlos Sisco
Senior Paralegal
Winston & Strawn LLP
1700 K Street NW
Washington, DC 20006

Ross Snuggerud
NuScale, SRO
1100 NE Circle Blvd., Suit 350
Corvallis, OR 97330

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

Kent Welter
NuScale Safety
P.O. Box 2710
Corvallis, OR 97339-2710

DC NuScale Power, LLC

Email

Alan.Levin@areva.com (Alan Levin)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne Cottingham)
badwan@lanl.gov (Faris Badwan)
bellesrj@ornl.gov (Randall Belles)
bevardbb@ornl.gov (Bruce Bevard)
bruce.mcdowell@pnnl.gov (Bruce McDowell)
cee@nei.org
charles.bagnal@ge.com (Charles Bagnal)
collinlj@westinghouse.com (Leslie Collins)
curtisslaw@gmail.com (Jim Curtiss)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dbotha@nuscalepower.com
dchapin@mpr.com (Douglas Chapin)
deborah@hyperionpowergeneration.com (Deborah Ann Blackwell)
dfulton@southernco.com (Dale Fulton)
dneve@nuscalepower.com (D. Neve)
don.tormey@iub.iowa.gov
duane.fournier@iub.iowa.gov
ed.burns@earthlink.net (Ed Burns)
elyman@ucsusa.org (Ed Lyman)
erg-xl@cox.net (Eddie R. Grant)
ewallace@nuscalepower.com (Ed Wallace)
exa@nei.org (Ellen Anderson)
flanagangf@ornl.gov (George Flanagan)
gcesare@enercon.com (Guy Cesare)
ggeaney@mpr.com (George Geaney)
jahalfinger@babcock.com (Jeff Halfinger)
james1.beard@ge.com (James Beard)
jcsaldar@bechtel.com (James Saldarini)
jerald.head@ge.com (Jerald G. Head)
Jim.Kinsey@inl.gov (James Kinsey)
jim.sundermeyer@iub.iowa.gov
JNR@NuScalePower.com (Jose N. Reyes)
kerri.johannsen@iub.iowa.gov
kingcl@westinghouse.com (Charles King)
kouhestani@msn.com (Amir Kouhestani)
krowe@tva.gov (Kevin R. Rowe)
KSutton@morganlewis.com (Kathryn M. Sutton)
larry.shi@oca.iowa.gov (Larry Shi)
larry.stevens@iub.iowa.gov
lchandler@morganlewis.com (Lawrence J. Chandler)
libby.jacobs@iub.iowa.gov

DC NuScale Power, LLC

lizmike@cableone.net (Mike Derivan)
luther.jones@dzaatlantic.com (Luther B. Jones)
mack.thompson@iub.iowa.gov
marcel.deVos@cnsccsn.gc.ca (Marcel DeVos)
maria.webb@pillsburylaw.com (Maria Webb)
mark.a.giles@dom.com (Mark Giles)
mark.beaumont@wsms.com (Mark Beaumont)
mark.holbrook@inl.gov (Mark Holbrook)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
murawski@newsobserver.com (John Murawski)
parveen.baig@iub.iowa.gov
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
pcarlone@mpr.com (Pete Carlone)
plarimore@talisman-intl.com (Patty Larimore)
PLorenzini@NuScalePower.com (Paul Lorenzini)
poorewpiil@ornl.gov (Willis P. Poore III)
pshastings@generationmpower.com (Peter Hastings)
rbarrett@astminc.com (Richard Barrett)
ronald.polle@oca.iowa.gov
rvijayku@bechtel.com (Rajgopal Vijaykumar)
sfrantz@morganlewis.com (Stephen P. Frantz)
shobbs@enercon.com (Sam Hobbs)
smsloan@babcock.com (Sandra Sloan)
spellmandj@ornl.gov (Donald J. Spellman)
stan.wolf@iub.iowa.gov
stephan.moen@ge.com (Stephan Moen)
steven.m.mirsky@saic.com (Steve Mirsky)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
timothy.beville@nuclear.energy.gov (Timothy Beville)
TJKim@babcock.com (T.J. Kim)
tom.miller@hq.doe.gov (Tom Miller)
tom.miller@nuclear.energy.gov (Thomas P. Miller)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
W.E.SMIT@southernco.com (William Smith)
whorin@winston.com (W. Horin)