

August 20, 2015

Mr. Jose N. Reyes, Jr., PhD
Chief Technology Officer
NuScale Power, LLC
1100 Circle Boulevard, Suite 200
Corvallis, OR 97330

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC
DISCLOSURE - SUBMITTAL OF A SECOND SET OF HUMAN FACTORS
ENGINEERING IMPLEMENTATION PLANS (PROJECT0769)

Dear Mr. Reyes:

By letter dated August 6, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15223A042), Mr. Steve Mirsky, Licensing Manager, Washington, DC, requested that the following human factors engineering (HFE) implementation plans be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Enclosure 5: Human Factors Engineering Staffing and Qualifications Implementation Plan, RP-0914-8538-P, Revision 0, Proprietary Version, ADAMS Accession No. ML15223A048
- Enclosure 6: Human Factors Engineering Treatment of Important Human Actions Implementation Plan, RP-0914-8539-P, Revision 0, Proprietary Version, ADAMS Accession No. ML15223A050

Non-Proprietary copies of the HFE implementation plans and the affidavit have been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to ADAMS at the following accession numbers:

- Enclosure 1: Human Factors Engineering Staffing and Qualifications Implementation Plan, RP-0914-8538-NP, Revision 0, Non-Proprietary Version, ADAMS Accession No. ML15223A043
- Enclosure 2: Human Factors Engineering Treatment of Important Human Actions Implementation Plan, RP-0914-8539-NP, Revision 0, Non-Proprietary Version, ADAMS Accession No. ML15223A044
- Enclosure 3: Human Factors Engineering Design Implementation Implementation Plan, RP-0914-8544-NP, Revision 0, Non-Proprietary Version, ADAMS Accession No. ML15223A045
- Enclosure 4: Human Factors Engineering Human Performance Monitoring Implementation Plan, RP-0914-8545-NP, Revision 0, Non-Proprietary Version, ADAMS Accession No. ML15223A047 (Enclosure 7 described below is also included in ML15223A047.)

J. Reyes

-2-

- Enclosure 7: Affidavit of Jose N. Reyes, Jr., NuScale Power, LLC, AF-0715-15977, ADAMS Accession No. ML15223A047

The affidavit in the August 6, 2015, letter stated that the submitted information should be considered exempt from mandatory public disclosure due to the proprietary nature of the information in the HFE implementation plans.

The NRC staff has 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 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, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff 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 staff. You also should understand that the NRC staff 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 staff 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) 415-5787.

Sincerely,
/RA/

Rocky D. Foster, Project Manager
Licensing Branch 1
Division of New Reactor Licensing
Office of New Reactors

Project No.: 0769

cc: NuScale Power LLC Listserv

J. Reyes

-2-

The affidavit in the August 6, 2015, letter stated that the submitted information should be considered exempt from mandatory public disclosure due to the proprietary nature of the information in the human factors engineering implementation plans.

The NRC staff has 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 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, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff 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 staff. You also should understand that the NRC staff 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 staff 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) 415-5787.

Sincerely,
/RA/

Rocky D. Foster, Project Manager
Licensing Branch 1
Division of New Reactor Licensing
Office of New Reactors

Project No.: 0769

cc: NuScale Power LLC Listserv

DISTRIBUTION:

PUBLIC
LB1 R/F
MTonacci, NRO
GCranston, NRO
RFoster, NRO
JMcLellan, NRO

RidsOgcMailCenter
RidsAcrsAcnwMailCenter
RidsNroDnrllb1

ADAMS Accession No.: ML15230A240*

***via email**

NRO-002

| | | | |
|---------------|------------------|------------------|-------------------|
| OFFICE | NRO/DNRL/LB1:PM* | NRO/DNRL/LB1:LA* | NRO/DNRL/LB1:LPM* |
| NAME | RFoster | JMcLellan | GCranston |
| DATE | 08/20/2015 | 08/20/2015 | 08/20/2015 |

OFFICIAL RECORD COPY