

December 1, 2015

Mr. Thomas A. Bergman  
Vice President, Regulatory Affairs  
NuScale Power, LLC  
1100 Circle Boulevard, Suite 200  
Corvallis, OR 97330

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC  
DISCLOSURE - SUBMITTAL OF HUMAN FACTORS ENGINEERING  
VERIFICATION AND VALIDATION IMPLEMENTATION PLAN (PROJ0769)

Dear Mr. Bergman:

In a November 19, 2015, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15323A504) letter, Mr. Steven Mirsky, Licensing Manager, Washington DC, requested that the following human factors engineering implementation plans be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- NuScale Power, LLC – Enclosure 2, “Human Factors Engineering Verification and Validation Implementation Plan,” RP-0914-8543-P, Revision 0, (Proprietary Version) ADAMS Accession No. ML15323A505

Nonproprietary copies of the human factors engineering 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:

- NuScale Power, LLC – Enclosure 1, “Human Factors Engineering Verification and Validation Implementation Plan,” RP-0914-8543-NP, Revision 0, (Non-Proprietary Version) ADAMS Accession No. ML15323A504

The affidavit in the November 19, 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.

T. Bergman

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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

T. Bergman

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**/RA/**

Rocky D. Foster, Project Manager  
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**ADAMS Accession No.: ML15334A150      \*via e-mail      NRO-002**

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