

February 25, 2016

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

SUBJECT: NUSCALE POWER - REQUEST FOR WITHHOLDING INFORMATION FROM  
PUBLIC DISCLOSURE IN THE CODES AND METHODS SLIDES FOR  
PRE-APPLICATION MEETING ON NOVEMBER 20, 2008 (PROJ0769)

Dear Mr. Bergman:

In a letter dated March 23, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091060670), Mr. Thomas Marcille, Chief Operating Officer, at NuScale Power, LLC (NuScale), requested that the proprietary version of the following presentation material be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Codes and Methods: Core Design; Codes and Methods: Fuels Analysis; Codes and Methods: Non-LOCA Analysis; Codes and Methods: LOCA Analysis; and Codes and Methods: Containment Analysis, NP-DEM-PT-000001-P, Proprietary Version (ADAMS Accession No. ML091060684).

A nonproprietary copy of the presentation materials has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room (PDR) and added to ADAMS at the indicated accession number:

- Codes and Methods: Core Design; Codes and Methods: Fuels Analysis; Codes and Methods: Non-LOCA Analysis; Codes and Methods: LOCA Analysis; and Codes and Methods: Containment Analysis, NP-DEM-PT-000001-NP, Nonproprietary Version (ADAMS Accession No. ML091060681).

The above slides were used during the meeting that NuScale held with NRC on November 20, 2008. As indicated in the meeting notice dated November 4, 2008 (ADAMS Accession No. ML083040292), the meeting had open and closed sessions to discuss the application of codes and methods for analyzing the NuScale reactor design. During the closed session of the meeting, the information in the proprietary version of the meeting slides was presented.

The original slides that were used in the meeting of November 20, 2008, were submitted to the NRC staff in the letter from NuScale dated December 10, 2008 (ADAMS Accession No. ML083500477) with an affidavit requesting the proprietary information in the slides be withheld from public disclosure. Because of problems with the slides and affidavit submitted in the December 10, 2008, letter, the NRC staff requested that a new affidavit and new slides be submitted to NRC staff. The new affidavit (ADAMS Accession No. ML091060670) and slides were submitted in the letter dated March 23, 2009.

T. Bergman

- 2 -

In the letter dated March 23, 2009, the affidavit (ADAMS Accession No. ML091060670) states that the submitted information should be considered exempt from mandatory public disclosure due to the proprietary nature of the information presented and discussed.

The NRC staff 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 slides. 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 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.

In your letter dated March 23, 2009, you requested that NRC destroy all copies of the affidavit and slides that were submitted in the letter dated December 10, 2008, from NuScale. The NRC staff will ensure that the affidavit and non-proprietary slides submitted December 10, 2008, are protected accordingly.

If you have any questions regarding this matter, I may be reached at 301-415-8143.

Sincerely,  
*/RA/*

Vanice Perin, Project Manager  
Licensing Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Project No.: 0769

cc: NuScale Power LLC Listserv

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*/RA/*

Vanice Perin, Project Manager  
Licensing Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Project No.: 0769  
cc: NuScale Power LLC Listserv  
DISTRIBUTION:  
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MTonacci, NRO  
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RidsAcrcsAcnwMailCenter  
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**ADAMS Accession No.: ML16048A405\*via email**

**NRO-002**

<b>OFFICE</b>	NRO/DNRL/LB1:PM	NRO/DNRL/LB1:LA	NRO/DNRL/LB1:PM
<b>NAME</b>	VPerin	MBrown	VPerin
<b>DATE</b>	02/09/2016	02/24/2016	0225/2016

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