

April 12, 2016

Mr. Thomas 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 NUSCALE POWER LLC, HUMAN FACTORS  
ENGINEERING STAFFING AND QUALIFICATIONS IMPLEMENTATION  
PLAN, "RP-0914-8538-P, REVISION 2" (PROJECT NO. 0769)

Dear Mr. Bergman:

In an April 1, 2016, letter, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16092A286), Mr. Thomas Bergman, Vice President, Regulatory Affairs, requested that the following implementation plan 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 – "Human Factors Engineering Staffing and Qualifications Implementation Plan," RP-0914-8538-P, Revision 2, Proprietary Version (ADAMS Accession No. ML16092A287).

A non-proprietary copy of the implementation plan has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to ADAMS with the following ADAMS Accession No.:

- NuScale Power, LLC – "Human Factors Engineering Staffing and Qualifications Implementation Plan," RP-0914-8538-NP, Revision 2, Non-Proprietary Version (ADAMS Accession No. ML16092A286).

The affidavit in the April 1, 2016, letter (ADAMS Accession No. ML16092A286) stated that the submitted information should be considered exempt from mandatory public disclosure due to the proprietary nature of the information.

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

- 2 -

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

- 2 -

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  
RFoster, NRO  
GCranston, NRO  
JDixon-Herrity, NRO  
RidsOgcMailCenter  
RidsAcrcAcnwMailCenter  
RidsNroDnrLb1

**ADAMS Accession No.: ML16098A304 \*via email NRO-002**

<b>OFFICE</b>	NRO/DNRL/LB1:PM*	NRO/DNRL/LB1:LA*	NRO/DNRL/LB1:PM*
<b>NAME</b>	RFoster	MBrown (SGreen for)	GCranston
<b>DATE</b>	04/08/2016	04/11/2016	04/12/2016

**OFFICIAL RECORD COPY**