

July 29, 2016

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
NUSCALE POWER, LLC (CAC NO. RN6110)

Dear Mr. Bergman:

In a letter dated June 7, 2016, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16161A721), Mr. Steve Mirsky, Regulatory Affairs Manager, NuScale, requested that the following material be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The letter also stated that the submitted materials contain export controlled information and must be protected from disclosure per the requirements of 10 CFR, Section 810:

- NuScale Slides Proprietary, The NuScale Design, PM-0616-49510-P, Revision 0, PM-0616-49510 for Use During Closed Meetings on June 9 and 15, 2016, (ADAMS Accession No. ML16161A724).

A nonproprietary copy of the presentation slides 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 number:

- NuScale Slides Nonproprietary, The NuScale Design, PM-0616-49510-NP, Revision 0, PM-0616-49510 for Use During Closed Meetings on June 9 and 15, 2016, (ADAMS Accession No. ML16161A723).

The affidavit from you (ADAMS Accession No. ML16161A722), included in the June 7, 2016, letter, stated that the submitted information should be considered exempt from mandatory public disclosure for one or more of the following reasons:

- The information requested to be withheld reveals distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by NuScale competitors, without a license from NuScale, would constitute a competitive economic disadvantage to NuScale.
- The information requested to be withheld consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), and the application of the data secures a competitive economic advantage, as described more fully in Paragraph 3 of this Affidavit.

- Use by a competitor of the information requested to be withheld would reduce the competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- The information requested to be withheld reveals cost or price information, production capabilities, budget levels, or commercial strategies of NuScale.
- The information requested to be withheld consists of patentable ideas.

We have reviewed the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, 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 NuScale slides 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 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 301-415-4045.

Sincerely,
/RA/

Mark Tonacci, Chief
Licensing Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors, USNRC

Project No.: PROJ0769

cc: DC NuScale Power LLC Listserv

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Licensing Projects Branch 1
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