

August 25, 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 RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 3 FOR THE REVIEW OF NUSCALE TOPICAL REPORT, TR-1015-18653, "HIGHLY INTEGRATED PROTECTION SYSTEM PLATFORM TOPICAL REPORT," REVISION 0 (PROJECT NO. 0769)

Dear Mr. Bergman:

In an August 19, 2016 letter (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16235A261), you requested that the proprietary version of the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Submittal of Response to Request for Additional Information Letter No. 3 for the Review of NuScale Topical Report (TR), TR-1015-18653, "Highly Integrated Protection System Platform Topical Report," Revision 0 (ML16235A264).

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

- Submittal of Response to Request for Additional Information Letter No. 3 for the Review of NuScale Topical Report, TR-1015-18653, "Highly Integrated Protection System Platform Topical Report," Revision 0 (ML16235A261).

The affidavit stated that the submitted TR should be considered exempt from mandatory public disclosure due to the proprietary nature of the information contained in the report.

We have 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, 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) 415-6616.

Sincerely,  
*/RA/*

Omid Tabatabai, Senior 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, 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) 415-6616.

Sincerely,  
*/RA/*

Omid Tabatabai, Senior Project Manager  
Licensing Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Project No.: 0769

cc: NuScale Power LLC Listserv

**DISTRIBUTION:**

PUBLIC  
MTonacci, NRO  
OTabatabai, NRO  
MBrown, NRO  
RidsAcrsAcnwMailCenter  
RidsOgcMailCenter

**ADAMS Accession No.: ML16237A302                      \*via email                      NRO-002**

<b>OFFICE</b>	NRO/DNRL/LB1:PM*	NRO/DNRL/LB1:LA*	NRO/DNRL/LB1:PM*
<b>NAME</b>	OTabatabai	MBrown	OTabatabai
<b>DATE</b>	8/24/2016	8/25/2016	8/25/2016

**OFFICIAL RECORD COPY**