

July 17, 2012

Mr. Edward Wallace, Senior Vice President  
Regulatory Affairs  
NuScale Power, LLC  
1100 NE Circle Blvd, Suite 350  
Corvallis, OR 97330

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE  
FOR "SUBMITTAL OF PROPRIETARY NUSCALE PRELIMINARY LOSS-OF-  
COOLANT ACCIDENT THERMAL-HYDRAULIC AND NEUTRONICS  
PHENOMENA IDENTIFICATION AND RANKING TABLE TECHNICAL  
REPORT, REVISION 1 (NRC PROJECT NO. 0769)" (NP-TR-0610-289-P)

Dear Mr. Wallace:

By letter dated April 8, 2011, NuScale Power, Inc. (NSP) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111010159), in which Mr. Thomas F. Marcille, Chief Operating Officer, requested that the subject technical report be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

The affidavit stated that the information being discussed should be considered exempt from mandatory public disclosure, based on the considerations set forth in 10 CFR § 2.390(b)(4) for the following reasons:

(a) The information discloses information about the processes by which NSP develops phenomena identification and ranking tables associated with a loss-of-coolant accident. NSP has performed significant research and evaluation to develop a basis for these phenomena identification and associated ranking tables and has invested significant human and financial resources in such development.

(b) NSP's unique method provides NSP with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NSP's competitive position and would reduce or foreclose opportunities for NSP to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, the phenomena identification and ranking tables associated with a loss-of-coolant accident are a key element of the design basis for an NSP plant and therefore have substantial value to NSP.

(c) If the information were disclosed to the public, NSP's competitors would have access to the information without having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of NSP's intellectual property, would unfairly provide NSP's competitors with a windfall, and would deprive NSP of the opportunity to seek an adequate return on its investment.

E. Wallace

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We have reviewed your application in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the subject technical report contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the information identified 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.

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. You also should understand that the NRC 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 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 301-415-0546.

Sincerely,

***/RA M. Jones for/***

Gregory V. Cranston, Senior Project Manager  
Projects Branch  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0769

cc: DC NuScale Power Mailing List

E. Wallace

-2-

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**ADAMS Accession No.: ML12199A121**

**NRO-002**

OFFICE	PM:NRO/DARR/APRB	PM:NRO/DARR/APRB
NAME	MJones	GCranston (MJones for)
DATE	07/17/2012	07/17/2012

**OFFICIAL RECORD COPY**

DC NuScale Power, LLC  
cc:

(Revised 07/16/2012)

Mr. Lionel Batty  
Nuclear Business Team  
Graftech  
12300 Snow Road  
Parma, OH 44130

Russell Bell  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Mr. Eugene S. Grecheck  
Vice President  
Nuclear Support Services  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. Brendan Hoffman  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy and  
Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Dobie McArthur  
Director, Washington Operations  
General Atomics  
1899 Pennsylvania Avenue, NW  
Suite 300  
Washington, DC 20006

Mr. David Repka  
Winston & Strawn LLP  
1700 K. Street, NW  
Washington, DC 20006-3817

Carlos Sisco  
Senior Paralegal  
Winston & Strawn LLP  
1700 K Street NW  
Washington, DC 20006

Ross Snuggerud  
NuScale, SRO  
P.O. BOX 2710  
Corvallis, OR 97339-2710

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Kent Welter  
NuScale Safety  
P.O. Box 2710  
Corvallis, OR 97339-2710

## DC NuScale Power, LLC

### Email

Alan.Levin@areva.com (Alan Levin)  
APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne Cottingham)  
badwan@lanl.gov (Faris Badwan)  
bellesrj@ornl.gov (Randall Belles)  
bevardbb@ornl.gov (Bruce Bevard)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
bruce.mcdowell@pnnl.gov (Bruce McDowell)  
cee@nei.org  
charles.bagnal@ge.com (Charles Bagnal)  
collinlj@westinghouse.com (Leslie Collins)  
curtisslaw@gmail.com (Jim Curtiss)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
dbotha@nuscalepower.com  
dchapin@mpr.com (Douglas Chapin)  
deborah@hyperionpowergeneration.com (Deborah Ann Blackwell)  
dlfulton@southernco.com (Dale Fulton)  
dneve@nuscalepower.com (D. Neve)  
don.tormey@iub.iowa.gov  
duane.fournier@iub.iowa.gov  
ed.burns@earthlink.net (Ed Burns)  
elyman@ucsusa.org (Ed Lyman)  
erg-xl@cox.net (Eddie R. Grant)  
ewallace@nuscalepower.com (Ed Wallace)  
exa@nei.org (Ellen Anderson)  
flanagangf@ornl.gov (George Flanagan)  
gcesare@enercon.com (Guy Cesare)  
ggeaney@mpr.com (George Geaney)  
jahalfinger@babcock.com (Jeff Halfinger)  
james1.beard@ge.com (James Beard)  
jcsaldar@bechtel.com (James Saldarini)  
jerald.head@ge.com (Jerald G. Head)  
Jim.Kinsey@inl.gov (James Kinsey)  
jim.sundermeyer@iub.iowa.gov  
JNR@NuScalePower.com (Jose N. Reyes)  
kerri.johannsen@iub.iowa.gov  
klingscl@westinghouse.com (Charles King)  
kouhestani@msn.com (Amir Kouhestani)  
krrowe@tva.gov (Kevin R. Rowe)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
larry.shi@oca.iowa.gov (Larry Shi)  
larry.stevens@iub.iowa.gov  
lchandler@morganlewis.com (Lawrence J. Chandler)

## DC NuScale Power, LLC

libby.jacobs@iub.iowa.gov  
lizmike@cableone.net (Mike Derivan)  
luther.jones@dzatlantic.com (Luther B. Jones)  
mack.thompson@iub.iowa.gov  
marcel.deVos@cnscccsn.gc.ca (Marcel DeVos)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.a.giles@dom.com (Mark Giles)  
mark.beaumont@wsms.com (Mark Beaumont)  
mark.holbrook@inl.gov (Mark Holbrook)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
murawski@newsobserver.com (John Murawski)  
parveen.baig@iub.iowa.gov  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
pcarlone@mpr.com (Pete Carlone)  
plarimore@talisman-intl.com (Patty Larimore)  
PLorenzini@NuScalePower.com (Paul Lorenzini)  
poorewpiil@ornl.gov (Willis P. Poore III)  
pshastings@generationmpower.com (Peter Hastings)  
rbarrett@astminc.com (Richard Barrett)  
ronald.polle@oca.iowa.gov  
rvijayku@bechtel.com (Rajgopal Vijaykumar)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
shobbs@enercon.com (Sam Hobbs)  
smsloan@babcock.com (Sandra Sloan)  
spellmandj@ornl.gov (Donald J. Spellman)  
stan.wolf@iub.iowa.gov  
stephan.moen@ge.com (Stephan Moen)  
steven.m.mirsky@saic.com (Steve Mirsky)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
timothy.beville@nuclear.energy.gov (Timothy Beville)  
TJKim@babcock.com (T.J. Kim)  
tom.miller@hq.doe.gov (Tom Miller)  
tom.miller@nuclear.energy.gov (Thomas P. Miller)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
W.E.SMIT@southernco.com (William Smith)  
whorin@winston.com (W. Horin)