

March 23, 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 PROPRIETARY OSU-MASLWR
RELAP5 CALCULATIONAL NOTEBOOK (PROJECT NO. 0769)

Dear Mr. Bergman:

In a September 30, 2009, letter (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092880493), Mr. Thomas Marcille, Chief Operating Officer, NuScale Power LLC, submitted to the U.S. Nuclear Regulatory Commission (NRC) the NuScale Proprietary OSU-MASLWR RELAP5 Calculational Notebook at the request of the NRC staff. The letter also requested that the submitted material be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

In the letter dated September 30, 2009, the affidavit (ADAMS Accession No. ML092880493) stated 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, 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 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.

T. Bergman

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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

T. Bergman

- 2 -

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Sincerely,
/RA/

Vanice Perin, Project Manager
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Office of New Reactors

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cc: NuScale Power LLC Listserv

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NRO-002

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NAME	VPerin	MBrown	VPerin
DATE	03/02/2016	03/22/2016	03/23/2016

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