

February 5, 2014

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

SUBJECT: Submittal of slides for presentation during a closed meeting on February 25 and 26, 2014 (NRC Project No. 0769)

NuScale Power, LLC (NuScale) requested a meeting with the NRC technical staff on February 25 and 26, 2014, to discuss NuScale's ATWS design and regulatory approach for compliance with 10 CFR 50.62, an update to the I&C design and approach in the DCA, and Appendix K LOCA methodology. NuScale requests a closed meeting due to the proprietary nature of the information that will be presented and discussed.

Enclosure 1 is the proprietary version of the presentations entitled "Design for ATWS and 10 CFR 50.62 Regulatory Compliance," "I&C Architecture and DCA Approach Update," and "Appendix K LOCA Methodology." Enclosure 2 is the nonproprietary version of these presentations. NuScale requests that the proprietary version be withheld from public disclosure in accordance with the requirements of 10 CFR § 2.390. The enclosed affidavit (Enclosure 3) supports this request.

Please feel free to contact me at 541-360-0702 or at mbrasel@nuscalepower.com if you have any questions.

Sincerely,



Michael A. Brasel
Director, Licensing

Distribution: Anna Bradford, NRC, TWFN-9 F27
Greg Cranston, NRC, TWFN-9 F27
Michael Mayfield, NRC, TWFN-6 E04

Enclosure 1: "Design for ATWS and 10 CFR 50.62 Regulatory Compliance," PM-0114-5922-P, Revision 0, proprietary version
"I&C Architecture and DCA Approach Update," PM-0114-5942-P, Revision 0, proprietary version
"Appendix K LOCA Methodology," PM-0114-5901-P, Revision 0, proprietary version
Enclosure 2: "Design for ATWS and 10 CFR 50.62 Regulatory Compliance," PM-0114-5922-NP, Revision 0, nonproprietary version
"I&C Architecture and DCA Approach Update," PM-0114-5942-NP, Revision 0, nonproprietary version
"Appendix K LOCA Methodology," PM-0114-5901-NP, Revision 0, nonproprietary version
Enclosure 3: Affidavit, AF-0114-5930

DM
NRD

NuScale Power, LLC

AFFIDAVIT of José N. Reyes, Jr.

STATE OF OREGON

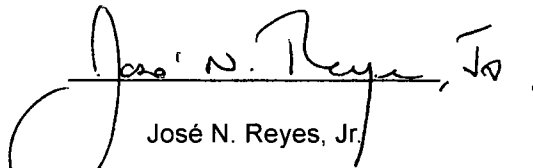
CITY OF CORVALLIS

I, José N. Reyes, Jr. state as follows:

- (1) I am the Chief Technology Officer of NuScale Power, LLC (NuScale), and as such I am authorized to apply for withholding of information transmitted with this letter from public disclosure and to execute this affidavit on behalf of NuScale.
- (2) I am knowledgeable of the criteria and procedures used by NuScale in designating confidential commercial information as proprietary, and have been specifically delegated the function of reviewing the information described in this affidavit which NuScale seeks to have withheld from public inspection.
- (3) The harm that would result if the information sought to be withheld is disclosed to the public is as follows:
 - (a) The presentations disclose information about the processes, methods, and other trade secrets by which NuScale develops its regulatory approach to ATWS design, I&C design, and Appendix K LOCA methodology. NuScale has performed significant research and evaluation to develop a basis for these processes, methods, and trade secrets and has invested significant human and financial resources in such development.
 - (b) NuScale's unique processes, methodology, and other trade secrets provide NuScale with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NuScale's competitive position and reduce or foreclose opportunities for NuScale to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, it is a key element of the design basis for a NuScale plant and, therefore, has substantial value to NuScale.
 - (c) If the information were disclosed to the public, NuScale'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 NuScale's intellectual property, would unfairly provide NuScale's competitors with a windfall, and would deprive NuScale of the opportunity to seek an adequate return on its investment.
- (4) The information sought to be withheld is contained in the enclosure to NuScale letter from Michael A. Brasel, dated February 5, 2014, to the NRC, "Submittal of slides for presentation during a closed meeting on February 25 and 26, 2014 (NRC Project No. 0769)." The enclosures (PM-0114-5922-P, PM-0114-5942-P, and PM-0114-5901-P) contain the designation "Proprietary Class 2" at the top of each page. The information considered by NuScale to be proprietary is identified within double braces, "{{ }}" in the document.
- (5) The basis for proposing that the information be withheld is that NuScale treats the information as trade secrets and commercial or financial information that are privileged and confidential. NuScale relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC § 552(b)(4), as well as exemptions applicable to the NRC under 10 CFR §§ 2.390(a)(4) and 9.17(a)(4).

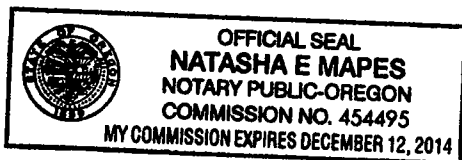
- (6) With respect to the considerations set forth in 10 CFR § 2.390(b)(4):
- (a) The information sought to be withheld has been held in confidence by NuScale.
 - (b) The information is of a sort customarily held in confidence by NuScale and, to the best of my knowledge and belief, consistently has been held in confidence by NuScale. The procedure for approval of external release of such information typically requires review by the staff manager, project manager, chief technology officer or other equivalent authority, or the manager of the cognizant marketing function (or his delegate), for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside NuScale are limited to regulatory bodies, customers and potential customers and their agents, suppliers, licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or contractual agreements to maintain confidentiality.
 - (c) The information is being transmitted to and received by the NRC in confidence.
 - (d) No public disclosure of the information has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or contractual agreements that provide for maintenance of the information in confidence.
 - (e) Public disclosure of the information is likely to cause substantial harm to the competitive position of NuScale, taking into account the value of the information to NuScale, the amount of effort and money expended by NuScale in developing the information, and the difficulty others would have in acquiring or duplicating the information. The information sought to be withheld is part of NuScale's technology that provides NuScale with a competitive advantage over other firms in the industry. NuScale has invested significant human and financial capital in developing this technology, and NuScale believes it would difficult for others to duplicate the technology without access to the information sought to be withheld.


I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.


José N. Reyes, Jr.

State of Oregon, County of Benton.

Subscribed and sworn to before me this 31st day of January 2014




Notary Public

My commission expires:

DECEMBER 12, 2014