

January 14, 2015

Docket: PROJ0769

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

SUBJECT: Submittal of presentation materials entitled "NuScale Update on Selected PRA Topics," Revision 0, (PM-1214-9914) for use during a closed meeting on January 29, 2015 (NRC Project No. 0769).

NuScale Power, LLC (NuScale) has requested a closed meeting with the NRC technical staff on January 29, 2015, to discuss the NuScale Update on Selected PRA Topics. NuScale requested 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 presentation entitled "NuScale Update on Selected PRA Topics." Enclosure 2 is the nonproprietary version of the presentation. 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. The preliminary design information in this presentation contains no regulatory commitments.

Please feel free to contact me at 301-770-0472 or at smirsky@nuscalepower.com if you have any questions.

Sincerely,



Steven Mirsky
Manager, Licensing

Distribution: Greg Cranston, NRC, TWFN-9 F27
Stewart Magruder, NRC, TWFN-9 F27
Michael Mayfield, NRC, TWFN-6 E04
Omid Tabatabai, NRC, TWFN-9 F28

Enclosure 1: "NuScale Update on Selected PRA Topics," PM-1214-9914-P, Revision 0, proprietary version
Enclosure 2: "NuScale Update on Selected PRA Topics," PM-1214-9914-NP, Revision 0, nonproprietary version
Enclosure 3: Affidavit, AF-0115-10060

DIII
NRO

NuScale Power, LLC

AFFIDAVIT of Carl Markert

STATE OF OREGON

CITY OF CORVALLIS

I, Carl Markert, state as follows:

- (1) I am the Vice President of Operations and Engineering 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 that 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 presentation discloses information about the processes, components, tools, and methods by which NuScale develops its electric power system probabilistic risk assessment and severe accident methodology NuScale has performed significant research and evaluation to develop a basis for these processes, components, tools, and methods and has invested significant human and financial resources in such development.
 - (b) NuScale's unique processes, components, tools, and methods 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 enclosed presentation scheduled for January 29, 2015 entitled "NuScale Update on Selected PRA Topics." The enclosure contains the designation "NuScale Confidential—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.

Carl Markert

Carl Markert

State of Oregon, County of Benton

Subscribed and sworn to before me this 14th day of January 2015

Elizabeth Jane Lucason
Notary Public



My commission expires:

March 14, 2016