

August 3, 2021

Docket No. 99902078

U.S. Nuclear Regulatory Commission  
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11555 Rockville Pike  
Rockville, MD 20852-2738

**SUBJECT:** NuScale Power, LLC Submittal of NuScale NPM-20 250 MWt Standard Design Approval Application Status Report

**REFERENCE:** Letter from NuScale Power to NRC, "NuScale Power, LLC Submittal of 'NuScale 250 MWt Standard Design Approval Regulatory Engagement Plan,' PL-0002-66070, Revision 2," dated February 16, 2021 (ML21047A475)

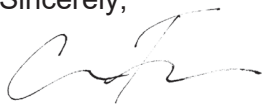
NuScale Power, LLC (NuScale) submitted the NuScale 250 MWt Standard Design Approval (SDA) Regulatory Engagement Plan (REP), Revision 2, in the referenced letter. In the plan, NuScale stated its intent to submit periodic updates to the NRC summarizing engagements, submittals, notable project milestones, and future NPM-20 SDA-related activities. The purpose of this submittal is to provide this information for the period May 2021 through July 2021 related to NuScale's preparation of the NPM-20 SDA Application (SDAA). Enclosure 1 contains the update for this reporting period.

Enclosure 1 is the proprietary version of the "NuScale SDAA Current and Future Activities." NuScale requests that the proprietary version be withheld in accordance with the requirements of 10 CFR § 2.390. The affidavit (Enclosure 3) supports this request. Enclosure 2 is the nonproprietary version.

This letter makes no regulatory commitments and no revisions to any existing regulatory commitments.

If you have any questions, please contact Mark Shaver at 541-360-0630 or at [mshaver@nuscalepower.com](mailto:mshaver@nuscalepower.com).

Sincerely,



Carrie A. Fosaaen  
Director, Regulatory Affairs  
NuScale Power, LLC

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Enclosure 1: "NuScale SDAA Current and Future Activities," proprietary version  
Enclosure 2: "NuScale SDAA Current and Future Activities," nonproprietary version  
Enclosure 3: Affidavit of Carrie Fosaaen, AF-105093

**Enclosure 1:**

“NuScale SDAA Current and Future Activities,” proprietary version

**Enclosure 2:**

“NuScale SDAA Current and Future Activities,” nonproprietary version

Recent Activities

The following is a summary of activities that were completed or are ongoing in the reporting period:

<b>Date</b>	<b>Topic</b>	<b>Follow-up Actions</b>	<b>Status</b>
May 6, 2021	Clarification call for Building Design and Analysis Licensing Topical Report (LTR) RAI responses	Respond to RAIs	Complete
May 26, 2021	NRC P&I meeting: Final Safety Analysis Report (FSAR) Optimization	See June 10, 2021 action below	Complete
June 3, 2021	Submittal of Control Room Staffing LTR final “-A” version	None	Complete
June 10, 2021	Submittal of presentation materials for FSAR Optimization Meeting	None	Complete
June 10, 2021	Clarification call for Building Design and Analysis Licensing Topical Report (LTR) RAI responses	Revise RAI responses	Complete
June 15, 2021	Public call for Emergency Planning Zone (EPZ) Methodology LTR RAI 9828	Clarification call for RAI responses	Complete
June 17, 2021	Submittal of NuScale Topical Report Schedule as of Quarter Two, 2021 letter	None	Complete
June 17, 2021	Clarification call for Emergency Planning Zone Methodology LTR RAIs	Revise RAI responses	Complete
June 24, 2021	Public call for Building Design and Analysis LTR RAI responses	Revise RAI responses	Complete
July 6, 2021	Submittal of comments on DG-1371 “Quality Group Classifications and Standards for Water-, Steam-, and Radioactive Water-Containing Components of Nuclear Power Plants”	None	Complete
July 14, 2021	Public call for Emergency Planning Zone (EPZ) Methodology LTR RAI 9828	Clarification call for RAI responses	Complete
July 16, 2021	Submittal of Building Design and Analysis Methodology LTR RAIs on the docket	None	Complete

July 22, 2021	Clarification call for Emergency Planning Zone Methodology LTR RAIs	Revise RAI responses	Complete
July 23, 2021	Submittal of comments on "Approval of ASME Code Cases, Docket ID NRC-2017-0025"	None	Complete
July 28, 2021	NRC P&I Meeting: NuScale NIST Testing	Coordinate NRC visits for NIST test	In-Progress

Requests for Additional Information (RAIs)

The following is a summary of RAIs that were completed or are ongoing in the reporting period:

eRAI	Associated Document	Status
9828	Emergency Planning Zone (EPZ) LTR	NRC review
9830	EPZ LTR	Approved
9833	Building Design and Analysis Methodology (BDAM) LTR	Approved
9834	BDAM LTR	Approved

Future Activities

The following are NuScale's proposed future activities for August through October of 2021. LTR pre-application meetings are listed on the next table.

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}}<sup>2(c),(d)</sup>

NuScale intends to submit the SDAA for the NPM-20 design no later than December 2022. NuScale expects to submit the next SDAA progress update by October 29, 2021.

The following are NuScale's proposed LTR pre-application and submittal dates. This is an update to the letter submitted June 3, 2021; changes are in **bold font**. These dates, especially those in 2022, are tentative and subject to change.

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}}<sup>2(c),(d)</sup>



**Enclosure 3:**

Affidavit of Carrie Fosaaen, AF-105093

## NuScale Power, LLC

### AFFIDAVIT of Carrie Fosaaen

I, Carrie Fosaaen, state as follows:


- (1) I am the Director of Regulatory Affairs of NuScale Power, LLC (NuScale), and as such, I have been specifically delegated the function of reviewing the information described in this Affidavit that NuScale seeks to have withheld from public disclosure, and am authorized to apply for its withholding on behalf of NuScale
- (2) I am knowledgeable of the criteria and procedures used by NuScale in designating information as a trade secret, privileged, or as confidential commercial or financial information. This request to withhold information from public disclosure is driven by one or more of the following:
  - (a) The information requested to be withheld reveals distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by NuScale competitors, without a license from NuScale, would constitute a competitive economic disadvantage to NuScale.
  - (b) The information requested to be withheld consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), and the application of the data secures a competitive economic advantage, as described more fully in paragraph 3 of this Affidavit.
  - (c) Use by a competitor of the information requested to be withheld would reduce the competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
  - (d) The information requested to be withheld reveals cost or price information, production capabilities, budget levels, or commercial strategies of NuScale.
  - (e) The information requested to be withheld consists of patentable ideas.
- (3) Public disclosure of the information sought to be withheld is likely to cause substantial harm to NuScale. The accompanying submittal reveals distinguishing confidential, preliminary and/or pre-decisional aspects of NuScale's commercial strategy.

The precise financial value (loss) resulting from public disclosure of the information is difficult to quantify, but is sensitive information related to NuScale's commercial strategy and, therefore, has substantial value to NuScale.

- (4) The information sought to be withheld is in the enclosed report entitled "NuScale SDAA Current and Future Activities." The enclosure contains the designation "Proprietary" at the top of each page containing proprietary information. 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 a trade secret, privileged, or as confidential commercial or financial information. 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) Pursuant to the provisions set forth in 10 CFR § 2.390(b)(4), the following is provided for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld:
  - (a) The information sought to be withheld is owned and 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 be 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 is true and correct. Executed on August 3, 2021.



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Carrie Fosaaen