



October 25, 2022

Docket No. 99902052

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

SUBJECT: NuScale Power, LLC Submittal on behalf of Carbon Free Power Project, LLC (CFPP, LLC) Presentation Materials, Entitled "Carbon Free Power Project (CFPP) Combined License Application (COLA) Presentation Four-Phase Review Strategy, (Closed Session)," PM-127408-P, Revision 0

REFERENCES:

1. LO-112496, NuScale Power, LLC Letter of Intent Providing the Carbon Free Power Project (CFPP) Combined License Application (COLA) Response to NRC Regulatory Issue Summary 2020-02 and Regulatory Engagement Plan, PL-106946, Revision 0 (ML22028A277, ML22028A278)
2. LO-121350, NuScale Power, LLC Submittal Entitled "Carbon Free Power Project (CFPP) Regulatory Engagement Plan," Revision 1, on behalf of CFPP, LLC (ML22224A238, ML22224A239)

NuScale Power, LLC (NuScale) has requested a meeting with the NRC technical staff on October 31, 2022, to discuss the Four-Phase Review Strategy. NuScale requested both open and closed sessions for this meeting due to the proprietary nature of certain topics that will be discussed.

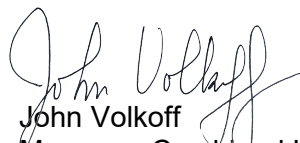
The proposed Four-Phase Review Strategy was introduced in January 2022 as part of CFPP Regulatory Engagement Plan, Revision 0 (Reference 1), with further details supporting this proposed strategy provided in August 2022 as part of CFPP Regulatory Engagement Plan, Revision 1 (Reference 2), currently under NRC review. The enclosed presentation materials are intended to further the discussion on the proposed Four-Phase Review Strategy during the upcoming public meeting scheduled for October 31, 2022.

Enclosure 1 to this letter is the proprietary presentation entitled "Carbon Free Power Project (CFPP) Combined License Application (COLA) Presentation Four-Phase Review Strategy, (Closed Session)," PM-127408-P, Revision 0. 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 2) supports this request. The nonproprietary version is provided in a separate submittal, under letter number LO-127409.

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

If you have any questions, please contact Susan Baughn at 541-452-7319 or at sbaughn@nuscalepower.com.

Sincerely,



John Volkoff
Manager, Combined License Applications
NuScale Power, LLC
COLA Support on behalf of CFPP, LLC

Distribution: Michael Dudek, NRC
Omid Tabatabai, NRC
Greg Cranston, NRC
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Enclosure 1: "Carbon Free Power Project (CFPP) Combined License Application (COLA) Presentation Four-Phase Review Strategy, (Closed Session)," PM-127408-P, Revision 0, proprietary version

Enclosure 2: Affidavit of John Volkoff, AF-127411



LO-127410

Enclosure 1:

“Carbon Free Power Project (CFPP) Combined License Application (COLA) Presentation Four-Phase Review Strategy, (Closed Session),” PM-127408-P, Revision 0, proprietary version



LO-127410

Enclosure 2:

Affidavit of John Volfoff, AF-127411

NuScale Power, LLC

AFFIDAVIT of John Volkoff

I, John Volkoff, state as follows:

- (1) I am the Manager, Combined License Applications 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 the following:
 - (a) 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.
 - (b) The information requested to be withheld reveals cost or price information, production capabilities, budget levels, or commercial strategies of NuScale.
- (3) Public disclosure of the information sought to be withheld is likely to cause substantial harm to NuScale's competitive position and foreclose or reduce the availability of profit-making opportunities. The accompanying submittal reveals distinguishing confidential, preliminary and/or pre-decisional aspects of NuScale's licensing strategy.

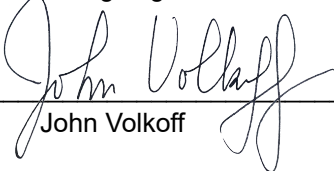
The precise financial value (loss) resulting from public disclosure of the information is difficult to quantify, but it is sensitive information related to NuScale's commercial strategy and, therefore, has substantial value to NuScale.

If the information were disclosed to the public, NuScale's competitors would have access to the information without purchasing the right to use it or having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of NuScale's intellectual property, and would deprive NuScale of the opportunity to exercise its competitive advantage to seek an adequate return on its investment.

- (4) The information sought to be withheld is in the enclosed presentation entitled "Carbon Free Power Project (CFPP) Combined License Application (COLA) Presentation Four-Phase Review Strategy, (Closed Session)," PM-127408-P, Revision 0. The enclosure contains the designation "Proprietary" at the bottom of each page containing proprietary information.

- (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 October 25, 2022.



John Volkoff