



January 26, 2023

Docket No. 99902052

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

SUBJECT: NuScale Power, LLC Submittal on Behalf of CFPP LLC Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report

REFERENCE: Letter from NuScale Power to NRC, "NuScale Power, LLC Submittal Entitled "Carbon Free Power Project (CFPP) Regulatory Engagement Plan," Revision 1, dated August 12, 2022 (ML22224A238)

NuScale Power, LLC (NuScale) submitted the Carbon Free Power Project (CFPP) Regulatory Engagement Plan (REP), Revision 1, in the referenced letter. In the REP, CFPP LLC stated its intent to submit periodic updates to the NRC summarizing engagements, submittals, notable project milestones, and future activities.

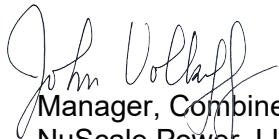
The purpose of this submittal is to provide this information update for the period beginning October 2022 and continuing through December 2022.

Enclosure 1 is the proprietary version of "Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report." 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. Enclosure 2 is the nonproprietary version of the document.

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

If you have any questions, please contact Kyra Perkins at 980-349-4117 or at kperkins@nuscalepower.com.

Sincerely,



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

Distribution: Michael Dudek, NRC
Omid Tabatabai, NRC
Greg Cranston, NRC

- Enclosure 1: "Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report," proprietary version
- Enclosure 2: "Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report," nonproprietary version
- Enclosure 3: AF-133147, Affidavit of John Volkoff

Enclosure 1:

“Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report,”
proprietary version

Enclosure 2:

“Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report,”
nonproprietary version



Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report

Recent Activities

The following is a summary of activities that were completed or were ongoing in the reporting period beginning October 2022 and continuing through December 2022. Acronyms are listed below.

- CFPP – Carbon Free Power Project
- DOE – Department of Energy
- EP – Emergency Planning
- ER – Environmental Report
- EAL – Emergency Action Level
- INL – Idaho National Laboratory
- LTR – Licensing Topical Report
- NA – Not Applicable
- NRC – Nuclear Regulatory Commission
- QAPD – Quality Assurance Program Description

Date	Topic	Follow-up Actions	Status
October 18, 2022	NRC Public Meeting - Discuss NRC Staff's Questions on NuScale QAPD Topical Report, TR-121172-NP, Rev. 1	Submit TR-121172-NP, Rev. 2	Complete
October 24-27, 2022	INL site visit (Attendees: NRC, DOE, INL, Tribal Representative, NuScale, CFPP, Fluor, Rizzo)	Schedule ER public meetings	In Progress
October 31, 2022	NRC Public Meeting - Four-phase Review	Schedule a follow-up meeting	Complete
November 14, 2022	Submittal – CFPP Decommissioning Cost Estimate Methodology White Paper	Schedule a public meeting	In Progress
November 17, 2022	Submittal - QAPD (Rev. 4) Topical Report Revision 2, TR-121172-NP	None	NA
December 1, 2022	Submittal – Request for NRC review of the NuScale Operator Exam Methodology and Learning Objective Based Knowledge, Skills and Abilities Catalog	None	NA
December 15, 2022	NRC Public Meeting - Cold Plant and Operator Exam/Training Program	Determine plan to address exemptions in COLA. Schedule follow-up meetings to discuss	In Progress



Date	Topic	Follow-up Actions	Status
		industry guidance document changes.	

Activities in Next Reporting Period

The following are CFPP COLA project’s forecasted activities for January 2023 through March 2023. In the below table, dates on future submittals are only proprietary until the document is submitted, and dates on future public meetings are only proprietary until the meeting is published on the NRC website. The proprietary markings on this table, if any, should not prevent the public notification of a meeting once the schedule is agreed upon by all parties.

Target Date	Topic
January 25, 2023	NRC Public Meeting - Four-Phase Review Strategy and Engagement Schedule
January 26, 2023	NRC Public Meeting - Three-Way Meeting Between NRC, DOE, and CFPP – Proposed Early Construction Licensing Approach
January 31, 2023	NRC Public Meeting - Cyber Security
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NuScale expects to submit the next CFPP COLA status report by April 28, 2023.

Enclosure 3:

AF-133147, Affidavit of John Volkoff

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 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's competitive position and foreclose or reduce the availability of profit-making opportunities. The accompanying report reveals distinguishing confidential and 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 licensing 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 report entitled "Carbon Free Power Project (CFPP) Combined License Application (COLA) Status Report," which is provided as Enclosure 1 of Letter No. LO-133146 (to which this affidavit is Enclosure 3). Enclosure 1 contains the designation "Proprietary" at the bottom 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 January 26, 2023.



John Volkoff