

June 08, 2023

Docket No. 99902052

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

SUBJECT: Carbon Free Power Project (CFPP) Limited Work Authorization Application
Contents of Safety Analysis Report

REFERENCE: NRC Meeting Summary of 4/20/23 Public Meeting with NuScale on CFPP's
Early Construction Plan, dated May 03, 2023 (ML23123A042)

At the public meeting on April 20, 2023 (Reference), the Carbon Free Power Project (CFPP) discussed with NRC Staff the application content for CFPP's planned limited work authorization (LWA) request. NRC Staff requested CFPP to follow-up with a section-by-section description of the anticipated safety analysis report (SAR) content. In responding to that request, CFPP revisited the LWA requirements and concluded that the LWA SAR content will differ from that previously described. Enclosure 1 summarizes CFPP's research, conclusions, and current plan for LWA SAR content.

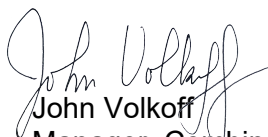
This letter does not affect the other portions of the LWA application—an environmental report and redress plan—that are necessary and will be provided in the CFPP LWA application as previously stated.

Enclosure 1, "Contents of CFPP's Standalone LWA Safety Analysis Report" is proprietary. NuScale requests that the enclosure be withheld from public disclosure in accordance with the requirements of 10 CFR § 2.390. The enclosed affidavit (Enclosure 2) supports this request.

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

If you have any questions, please contact Kyra Perkins at 541-452-7208 or at kperkins@nuscalepower.com.

Sincerely,



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

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Enclosure 1: "Contents of CFPP's Standalone LWA Safety Analysis Report," proprietary
Enclosure 2: Affidavit of John Volkoff, AF-145098

Enclosure 1:

“Contents of CFPP’s Standalone LWA Safety Analysis Report,” proprietary



Enclosure 2:

Affidavit of John Volkoff, AF-145098

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 licensing 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.

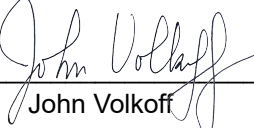
The precise financial value (loss) resulting from public disclosure of the information is difficult to quantify, but it is sensitive information related to NuScale's commercial strategy and, therefore, has substantial value to NuScale.

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 enclosure entitled "Contents of CFPP's Standalone LWA Safety Analysis Report". 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 June 08, 2023.



John Volkoff