



LO-0515-14384

July 2, 2015

Docket: PROJ0769

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

SUBJECT: NuScale, LLC Submittal of Presentation Materials Entitled "Design – Basis Events," Revision 0, PM-0515-14383 and "Probabilistic Risk Assessment Update," Revision 0, PM-0615-15104 Used During a Closed Meeting with the ACRS on June 25, 2015 (NRC Project No. 0769)

NuScale Power, LLC (NuScale) held a meeting with the Advisory Committee on Reactor Safeguards – Future Plant Designs Subcommittee (ACRS) on June 25, 2015, to discuss NuScale design – basis events and to provide an update to probabilistic risk assessment. NuScale requested a closed meeting due to the proprietary nature of the information that was presented and discussed.

The purpose of this submittal is to provide presentation materials that were used during the ACRS subcommittee meeting on June 25, 2015.

Enclosure 1 is the proprietary version of the presentation entitled "Design – Basis Events." Enclosure 2 is the proprietary version of the presentation entitled "Probabilistic Risk Assessment Update." NuScale requests that the proprietary enclosures be withheld from public disclosure in accordance with the requirements of 10 CFR § 2.390. The enclosed affidavit (Enclosure 3) supports this request. This correspondence includes preliminary and/or conceptual information which reflects the current stage of the NuScale design and may be subject to change.

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

Sincerely,

Steve Mirsky
NuScale Power, LLC
Licensing Manager, Washington DC

Distribution: Greg Cranston, NRC, TWFN-6E7
Jenny Gallo, NRC, TWFN-6E4
Michael Mayfield, NRC, TWFN-6E4
Omid Tabatabai, NRC, TWFN-6E7
Mark Tonacci, NRC, TWFN-6E7

Enclosure 1: "Design – Basis Events," Revision 0, PM-0515-14383, proprietary version
Enclosure 2: "Probabilistic Risk Assessment Update," Revision 0, PM-0615-15104 proprietary version
Enclosure 3: Affidavit, AF-0515-14385

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LO-0515-14384

Enclosure 3: Affidavit, AF-0515-14385

NuScale Power, LLC

AFFIDAVIT of José N. Reyes, Jr.

STATE OF OREGON

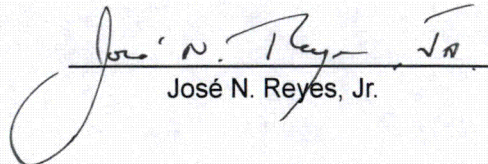
CITY OF CORVALLIS

I, José N. Reyes, Jr., state as follows:

- (1) I am the Chief Technology Officer 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 methods and other trade secrets by which NuScale develops Probabilistic Risk Assessments and Design Basis Events. NuScale has performed significant research and evaluation to develop a basis for these processes, components, structures, tools, methods, or other trade secrets and has invested significant human and financial resources in such development.
 - (b) NuScale's unique methods and other trade secrets contained herein 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.
- (4) The information sought to be withheld is contained in the enclosed presentations, which were presented in a closed meeting between NuScale and the Advisory Committee on Reactor Safeguards - Future Plant Designs Subcommittee on June 25, 2015 entitled "Probabilistic Risk Assessment Update" and "Design Basis Events." The enclosures considered by NuScale to be proprietary are identified with the designation "NuScale Confidential - Proprietary Class 2" at the bottom of each page.

- (5) The basis for proposing that the information be withheld is that NuScale treats the information as trade secrets 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 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 07/02/2015


José N. Reyes, Jr.