

August 26, 2019

Docket No. 52-048

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 NuScale's Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range

- REFERENCES:**
1. U.S. Nuclear Regulatory Commission Staff Report of Regulatory Audit Failure Modes and Affects Analysis and Other Supporting Documents for Emergency Core Cooling System Valves in the NuScale Power, LLC, Design Certification Application, dated August 14, 2018 (ML18219B634)
 2. NuScale Power, LLC Submittal of Resolution Plans and Classification for ECCS Valve FMEA Audit Follow-Up Items, dated September 21, 2018 (ML18264A312)
 3. NuScale Power, LLC Submittal of Responses to ECCS Valve FMEA Audit Follow-Up Items, dated August 21, 2019 (ML19233A203)

During an August 15, 2019 public teleconference with Marieliz Vera, Timothy Lupold and Thomas Scarbrough of the NRC Staff, NuScale Power, LLC (NuScale) discussed a proposed path forward for resolution of follow-up items from the Reference 1 audit report. As a result of this discussion, NuScale submitted the proposed closure plan, Reference 2, for these follow-up items. An update on current the status of Reference 2 is given in Reference 3.

As part of the Reference 2 closure plan, NuScale proposed additional emergency core cooling system valve functional testing at fluid conditions up to the NuScale Power Module reactor operating pressure and temperature. The results of this additional testing required the need to adjust the inadvertent actuation block (IAB) mechanism operating range. The enclosed table provides NuScale's proposed closure plan to address the impacts of the adjusted IAB operating range.

Enclosure 1 is the proprietary version of "NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range." 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 Rebecca Norris at 541-602-1260 or at RNorris@nuscalepower.com.

Sincerely,



Zackary W. Rad
Director, Regulatory Affairs
NuScale Power, LLC

Distribution: Samuel Lee, NRC, OWFN-8H12
Gregory Cranston, NRC, OWFN-8H12
Timothy Lupold, NRC, OWFN-8H12
Marieliz Vera, NRC, OWFN-8H12
Thomas Scarbrough, NRC, OWFN-8H12

Enclosure 1: NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range, proprietary version
Enclosure 2: NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range, nonproprietary version
Enclosure 3: Affidavit of Zackary W. Rad, AF-0819-66761

Enclosure 1:

NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operation Range,
proprietary version

Enclosure 2:

NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operation Range,
nonproprietary version

NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range

ACTION ITEMS:

Issue Description	Proposed NuScale Action	Scheduled Completion
1. NuScale proposes Design Certification Application (DCA) and Technical Report changes to reduce specific references to the IAB operating ranges	Provide proposed DCA and Technical Report changes to NRC for their consideration.	{{
2. Issues and corresponding NuScale actions resulting from the updated IAB setpoint range need to be presented to the NRC staff	Submit a closure plan to the NRC to be discussed during a subsequent public call	
3. Reference 2 closure plan for follow-up ECCS valve FMEA audit items identified numerous proposed updates to the ECCS valve Failure Modes and Effects Analysis (FMEA)	Add Draft FMEA revision addressing the follow-up items to the electronic reading room (eRR)	
4. Reference 2 closure plan for follow-up ECCS valve FMEA audit items indicated NuScale will provide a ECCS Valve DCA Demonstration Test Final Test Report (FTR) for NRC review	Add Draft FTR to eRR	
5. Reference 2 closure plan for follow-up ECCS valve FMEA audit items indicated NuScale will finalize preliminary vendor calculations reviewed by the staff during the ECCS Valve FMEAY audit activities at the vendor's facility.	Internal vendor calculations supporting closure of inadvertent actuation block (IAB) partial opening issue will be completed and made available for NRC audit if needed	
6. The revised IAB operating range impacts FSAR Chapter 6 and 15 analyses, which require update	NuScale Chapter 6 and 15 analyses will be completed and added to the eRR for NRC review: <ul style="list-style-type: none"> a. Containment Pressure b. 15.6.5- LOCA c. 15.6.6 – Inadvertent Operation of the Emergency Core Cooling System 	
7. DCA updates are required to be submitted to the staff reflecting the results of the above analyses	Request for additional information (RAI) updates transmitting DCA Change Packages (CPs) reflecting the revised analyses will be submitted the NRC for review	}} ^{2(d)}

Enclosure 3:

Affidavit of Zackary W. Rad, AF-0819-66761

NuScale Power, LLC

AFFIDAVIT of Zackary W. Rad

I, Zackary W. Rad, 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 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 it 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 submittal entitled "NuScale Proposed Closure Plan to Address Impacts of the Adjusted IAB Operations Range." 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 26, 2019.



Zackary W. Rad