

December 2, 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 of Changes to "Long-Term Cooling Methodology,"
TR-0916-51299, Revision 1

REFERENCE: Letter from NuScale Power, LLC to the Nuclear Regulatory Commission, "NuScale
Power, LLC Submittal of 'Long-Term Cooling Methodology,' TR-0916-51299,
Revision 1," dated August 5, 2019 (ML19218A147)

During an audit teleconference with NRC Staff on November 20, 2019, NuScale Power, LLC (NuScale) discussed a potential clarification for information found in the "Long-Term Cooling Methodology," TR-0916-51299, Revision 1. As a result of this discussion, NuScale changed the technical report. The Enclosure to this letter provides a mark-up of the report pages incorporating this change to the "Long-Term Cooling Methodology," in redline/strikeout format. NuScale will include this change as part of a future revision to the NuScale technical report.

Enclosure 1 is the proprietary version of the "Long-Term Cooling Methodology" mark-up. 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 technical report. Enclosure 1 has also been determined to contain Export Controlled Information. This information must be protected from disclosure per the requirements of 10 CFR § 810.

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

If you have any questions, please feel free to contact Matthew Presson at 541-452-7531 or at mpresson@nuscalepower.com.

Sincerely,



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

Distribution: Samuel Lee, NRC, OWFN-8H12
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- Enclosure 1: Changes to "Long-Term Cooling Methodology," TR-0916-51299-P, Revision 1, proprietary version
- Enclosure 2: Changes to "Long-Term Cooling Methodology," TR-0916-51299-NP, Revision 1, nonproprietary version
- Enclosure 3: Affidavit of Zackary W. Rad, AF-1219-68116

Enclosure 1:

Changes to "Long-Term Cooling Methodology," TR-0916-51299-P, Revision 1, proprietary version

Enclosure 2:

Changes to "Long-Term Cooling Methodology," TR-0916-51299-NP, Revision 1, nonproprietary version

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}}^{2(a),(b),(c),ECI}

Figure 4-16 HP19b transient long-term cooling pool upper temperature comparison

4.2.5 Conclusions from Integral Test Assessments

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}}^{2(a),(b),(c)}

Considering the validation presented in Reference 8.2.1, and this assessment, NRELAP5 is capable of adequately predicting the key parameters of RPV and CNV pressure and level during the LTC timeframe. {{

}}^{2(a),(c)}

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}}^{2(a),(c)}

4.3 Loss-of-Coolant Accident / Long-Term Cooling Consistency Evaluation

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}}^{2(a),(b),(c)}

Enclosure 3:

Affidavit of Zackary W. Rad, AF-1219-68116

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's competitive position and foreclose or reduce the availability of profit-making opportunities. The accompanying technical report reveals distinguishing aspects about the method by which NuScale develops its long-term cooling analysis.

NuScale has performed significant research and evaluation to develop a basis for this method and has invested significant resources, including the expenditure of a considerable sum of money. The precise financial value of the information is difficult to quantify, but it is a key element of the design basis for a NuScale plant 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 technical report entitled "Long-Term Cooling Methodology." 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 December 2, 2019.


Zackary W. Rad