

January 29, 2021

Docket No. 99902078

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 NuScale Small Modular Reactor,
Standard Design Approval Application Status Report

REFERENCE: Letter from NuScale Power to NRC, "NuScale Power, LLC Submittal of
'NuScale SMR Standard Design Approval Regulatory Engagement Plan,'
PL-0002-66070, Revision 0," dated October 7, 2019 (ML19283B501)

In the referenced letter, NuScale Power, LLC (NuScale) submitted the NuScale Small Modular Reactor (SMR) Standard Design Approval (SDA) Regulatory Engagement Plan. In this plan, NuScale stated its intent to submit periodic updates to the NRC summarizing engagements, submittals, notable project milestones, and future SDA-related activities. The purpose of this submittal is to provide this information for the period November 2020 through January 2021 related to NuScale's preparation of the SDA Application (SDAA). Enclosure 1 contains the status report for this reporting period.

Enclosure 1 is the proprietary version of the "NuScale SDAA Current and Future Activities." NuScale requests that the proprietary version be withheld in accordance with the requirements of 10 CFR § 2.390. The affidavit (Enclosure 3) supports this request. Enclosure 2 is the nonproprietary version.

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

If you have any questions, please contact Michael Melton at 240-833-3007 or at mmelton@nuscalepower.com.

Sincerely,



Carrie A. Fosaaen
Director, Regulatory Affairs
NuScale Power, LLC

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Enclosure 1: "NuScale SDAA Current and Future Activities," proprietary version
Enclosure 2: "NuScale SDAA Current and Future Activities," nonproprietary version
Enclosure 3: Affidavit of Carrie A. Fosaaen, AF-0121-73822

Enclosure 1:

“NuScale SDAA Current and Future Activities,” proprietary version

Enclosure 2:

“NuScale SDAA Current and Future Activities,” nonproprietary version

Recent Activities

The following is a summary of the recent activities that have been completed in the reporting period:

Date	Topic	Follow-up Actions	Due Date
November 5, 2020	SDA pre-application engagement meeting to propose scope of ASME code analyses for SDAA	Maintain communication with NRC and plan for future pre-application engagements	Ongoing
December 9, 2020	Incorporate by reference (IBR) planning and information meeting	NuScale to submit preliminary SDA IBR tables	End of Q1
December 18, 2020	Submittal of "Improvements in Frequency Domain Soil-Structure-Fluid Interaction Analysis," TR-0118-58005-P-A (ML20353A439)	No Action	Complete
December 18, 2020	Submittal of "Building Design and Analysis Methodology for Safety-Related Structures," TR-0920-71621, Revision 0 (ML20353A405)	NRC Acceptance Review	Ongoing
December 21, 2020	Control Room Staffing Topical Report	NRC accepted NuScale's responses to eRAI 9789 and ACRS meeting has been scheduled for March 16, 2021	Ongoing

Future Activities

The following are NuScale's proposed future activities for the first quarter of 2021 and it is expected that NuScale will engage the NRC on additional planning topics.

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NuScale expects to submit the next SDAA progress update by April 30, 2021.

NuScale Nonproprietary

Enclosure 3:

Affidavit of Carrie A. Fosaaen, AF-0121-73822

NuScale Power, LLC

AFFIDAVIT of Carrie Fosaaen

I, Carrie Fosaaen, 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 distinguishing 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 titled "NuScale Power, LLC Submittal of NuScale Small Modular Reactor, Standard Design Approval Application Status Report." 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 29, 2021.



Carrie Fosaaen