

NuScale Power, Incorporated

AFFIDAVIT of Jose N. Reyes, Jr.

STATE OF OREGON

CITY OF CORVALLIS

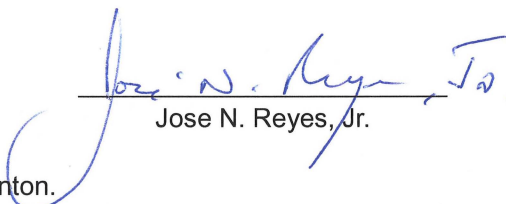
I, Jose N. Reyes, Jr., state as follows:

- (1) I am the Chief Technology Officer of NuScale Power, Inc. (NSP). I have personal knowledge of the facts set forth in this affidavit, and if called and sworn as a witness in a deposition or before any court, I could and would testify competently under oath to these facts. I am authorized to execute this affidavit on behalf of NSP.
- (2) I have personal knowledge of the criteria and procedures used by NSP in designating confidential commercial information as proprietary and have been delegated the function of reviewing the information described in this affidavit which NSP seeks to have withheld from public inspection. I have been authorized to apply for the withholding of this information on behalf of NSP.
- (3) The harm that would result if the information sought to be withheld is disclosed to the public is as follows:
 - (a) The information discloses key aspects of the NuScale power plant design. NSP has invested significant human and financial resources in development of this design.
- (4) The information sought to be withheld is contained in Enclosure #2 to NSP letter (NP-LO-0911-211) from Jose N. Reyes, Jr., dated September 20, 2011, to the NRC, NuScale Power Submittal of Proprietary design information (NRC Project No. 0769). Enclosure #2 contains the designation "NuScale Proprietary Business Confidential" in the center of each page.
- (5) The basis for proposing that the information be withheld is that NSP treats the information as trade secrets and commercial information that are privileged and confidential. NSP 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 NSP.
 - (b) The information is of a sort customarily held in confidence by NSP and, to the best of my knowledge and belief, consistently has been held in confidence by NSP. Access to the information within NSP is limited on a "need to know" basis. The procedure for approval of external release of such information typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside NSP are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary 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 proprietary agreements that provide for maintenance of the information in confidence.

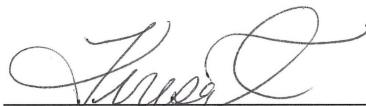
- (e) Public disclosure of the information is likely to cause substantial harm to the competitive position of NSP, taking into account the value of the information to NSP, the amount of effort and money expended by NSP in developing the information, and the difficulty others would have in acquiring or duplicating the information. The information sought to be withheld is part of NSP's technology that provides NSP with a competitive advantage over other firms in the industry. NSP has invested significant human and financial capital in developing this technology and NSP believes it would 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 affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.


Jose N. Reyes, Jr.

State of Oregon, County of Benton.

Subscribed and sworn to before me this 20th day of September 2011


Notary Public

My commission expires: April 06, 2015

