

SMT-2012-021
June 8, 2012

- The estimated dates based on your project schedule for receiving a construction permit and operating license from the NRC.

Response: [Proprietary information – withheld from public disclosure per 10 CFR 2.390]

Enclosure 3

Affidavit of Gregory Piefer, PhD

AFFIDAVIT OF GREGORY PIEFER, PhD

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

I, Gregory Piefer, Chief Executive Officer of SHINE Medical Technologies, Inc. (SHINE), do hereby affirm and state:

- 1) I am authorized to execute this affidavit on behalf of SHINE. I am further authorized to review information submitted to or discussed with the Nuclear Regulatory Commission (NRC) and apply for the withholding of information from disclosure. I am making this affidavit in conformance with the provisions of the NRC's regulations at 10 CFR 2.390 and in support of SHINE's request for proprietary treatment of certain confidential commercial information regarding responses to NRC requests for SHINE project information.
- 2) I have knowledge of the criteria used by SHINE in designating information as sensitive, proprietary, or confidential.
- 3) Pursuant to the provisions of paragraph (a)(4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - a. The information sought to be withheld from public disclosure in Enclosure 1 to this letter is owned by SHINE, its affiliates or third parties to who SHINE has an obligation to maintain its confidentiality and has been held in confidence by SHINE.
 - b. The information sought to be protected is not available to the public to the best of my knowledge and belief.
 - c. The information is of the type that would customarily be held in confidence by SHINE. The information that SHINE is requesting to be withheld from public disclosure includes confidential commercial information regarding SHINE project schedule activities and assumptions. SHINE limits access to these elements to those with a "need to know" subject to maintaining confidentiality. Public disclosure of these elements is likely to harm SHINE because it would allow others to understand SHINE's competitive expectations, assumptions, processes and current position.
 - d. The proprietary information sought to be withheld from public disclosure in Enclosure 1 of this letter includes the planned dates for project submittals and any major assumptions related to submittals and expected NRC licensing actions related to the project schedule.
 - e. The information is transmitted to the NRC in confidence and under the

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provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.

Gregory Piefer

Gregory Piefer, PhD
Chief Executive Officer
SHINE Medical Technologies, Inc.

Date: June 8th, 2012

Subscribed and sworn to before me, A Notary Public, in and for the county and State above named, this 8th day of June, 2012.

Brenda Furlow
Notary Public in and for the State of Wisconsin

My Commission expires: no expiration

