

NuScale Power, LLC

AFFIDAVIT of Edward G. Wallace

STATE OF OREGON

CITY OF CORVALLIS

I, Edward G. Wallace, state as follows:

- (1) I am the Vice President of Regulatory Affairs of NuScale Power, LLC (NP). 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 NP.
- (2) I have personal knowledge of the criteria and procedures used by NP in designating confidential commercial information as proprietary and have been delegated the function of reviewing the information described in this affidavit which NP seeks to have withheld from public inspection. I have been authorized to apply for the withholding of this information on behalf of NP.
- (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 information about the processes, tools, methods, or trade secrets by which NP develops HFE Project Management. NP has performed significant research and evaluation to develop a basis for these processes, tools, methods, or trade secrets and has invested significant human and financial resources in such development.
 - (b) NP's unique processes, tools, methods, or trade secrets provide NP with a competitive economic advantage over other companies. Public disclosure of the information would cause substantial harm to NP's competitive position and reduce or foreclose opportunities for NP to generate a return on its investment in research and development. Although the exact financial value of the information is difficult to quantify, the processes, tools, methods, or trade secrets are a key element of the design basis for an NP plant and therefore have substantial value to NP.
 - (c) If the information were disclosed to the public, NP's competitors would have access to the information without having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of NP's intellectual property, would unfairly provide NP's competitors with a windfall, and would deprive NP of the opportunity to seek an adequate return on its investment.
- (4) The information sought to be withheld is contained in the enclosure to NP letter from Edward G. Wallace, dated September 10, 2013, to the NRC, Human Factors Engineering Project Management Plan. The enclosure, NP-RP-0813-4248-P, contains the designation "NuScale Proprietary Class 2" at the top of each page. The information considered by NP to be proprietary is identified within double braces, "{{ }}" in the document.
- (5) The basis for proposing that the information be withheld is that NP treats the information as trade secrets and commercial information that are privileged and confidential. NP 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 NP.

- (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, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or agreements to maintain confidentiality. The information is being transmitted to and received by the NRC in confidence.
- (c) 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.
- (d) Public disclosure of the information is likely to cause substantial harm to the competitive position of NP, taking into account the value of the information to NP, the amount of effort and money expended by NP 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 NP's technology that provides NP with a competitive advantage over other firms in the industry. NP has invested significant human and financial capital in developing this technology and NP believes it would difficult for others to duplicate the technology without access to the information sought to be withheld.

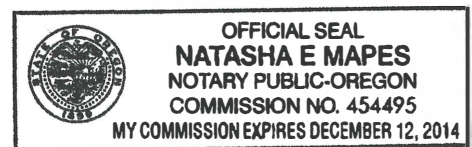
I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Edward G. Wallace

State of Oregon, County of Benton.

Subscribed and sworn to before me this 11th day of September 2013.

Notary Public



My commission expires: DECEMBER 12, 2014