

AFFIDAVIT OF JENNIFER UHLE

District of Columbia:

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Before me, the undersigned authority, personally appeared Jennifer Uhle, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this affidavit on behalf of the Nuclear Energy Institute (NEI), and that the averments of facts set forth in this affidavit are true and correct to the best of his knowledge, information, and belief.



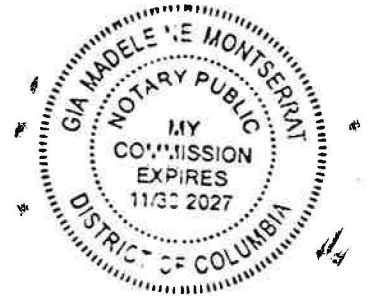
Jennifer Uhle
Vice President, Technical and Regulatory Services

Executed at 1201 F Street, NW, Suite 1100, Washington, DC, 20004

Sworn to and subscribed
Before me this 20th day of July 2023



Notary Public



I, Jennifer Uhle, being duly sworn, depose and state as follows:

1. I am the Vice President of Technical and Regulatory Services for the Nuclear Energy Institute (NEI). I have been specifically delegated the function of reviewing certain confidential commercial information that NEI seeks to have withheld from public disclosure pursuant to 10 CFR 2.390 and am authorized to apply for its withholding on behalf of NEI. For the purposes of this affidavit, I am the owner of this information contained in the Letter identified below. I have personal knowledge of the factors that NEI considers in deciding whether to designate information as privileged or confidential commercial or financial information.
2. The information that NEI seeks to protect from public disclosure is contained in NEI Technical Report NEI 20-07, "Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems," (NEI 20-07). NEI 20-07 was provided to the NRC as an enclosure to the letter identified below.
 - July 24, 2023, NEI letter to the NRC titled "Request for Review of Nuclear Energy Institute Technical Report NEI 20-07, *Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems*."

NEI is providing the information contained in NEI 20-07 to the U.S. Nuclear Regulatory Commission (NRC) as part of a voluntary submission to Mr. Eric Benner, Director, Division of Engineering and External Hazards.

3. This affidavit is submitted to the NRC pursuant to 10 CFR 2.390(b), in support of NEI's request that the NRC withhold NEI 20-07, Sections 3 through 5 and all appendices, figures and tables, from public disclosure. A redacted version, suitable for public disclosure, has also been provided. NEI is requesting that NEI 20-07 be withheld because it contains NEI privileged or confidential commercial information under 10 CFR 2.390(a)(4).
4. The basis for withholding the information from the public is as follows:
 - (i) The information contained in NEI 20-07 has been held in confidence by NEI and NEI does not currently plan to make the document available to the general public. Further, the information in NEI 20-07 is the type of information that is, and will be, customarily held in confidence pursuant to NEI's current internal policies and guidance.

NEI 20-07 is being transmitted to the NRC in confidence. NEI requests that the document be received and held in confidence by the NRC, consistent with 10 CFR 2.390.

Specifically, NEI 20-07 contains internal NEI confidential commercial information that has not been made available to the public, to the best of my knowledge and belief. Further, to the best of my knowledge and belief, NEI 20-07 is not available via public sources.
 - (ii) A rational basis exists under 2.390(b)(4) for NEI to request the NRC withhold the confidential information contained in NEI 20-07 from public disclosure.

As noted above, the information is NEI's confidential commercial information that is held in confidence, transmitted to the NRC in confidence, and is not publicly available.

The information contained in NEI 20-07 is of commercial value to NEI and a public release would harm NEI's competitive position. NEI is a membership organization. Development of the guidance contained in NEI 20-07, which provides specific guidance to licensees to address common cause failure in high safety-significant safety-related digital instrumentation and control systems, required considerable effort by NEI and its members. Public release of the document would negatively impact the value of the information to NEI. For all of these reasons, NEI 20-07 should be withheld from public disclosure in its entirety.

5. A redacted version of NEI 20-07, that is suitable for public disclosure, has been provided.
6. I have read the foregoing and the matters stated therein are true and correct to the best of my knowledge, information and belief.