

Nano Nuclear Energy Inc. Affidavit and Request for Withholding from Public Disclosure (10 CFR 2.390)

AFFIDAVIT of Michael Montecalvo

I, Michael Montecalvo, state as follows:

- (1) I am the Director of Licensing of Nano Nuclear Energy Inc. (“NANO”), and as such I have been authorized by Nano to review the information sought to be withheld from public disclosure and to apply for its withholding on behalf of NANO. The purpose of this Affidavit is to provide the information required by 10 CFR 2.390(b) in support of NANO’s request for proprietary treatment of certain information.

NANO is developing the KRONOS™ Micro Modular Reactor (MMR) technology. The project to deploy the KRONOS MMR at University of Illinois Urbana-Champaign (U. of I.) is referred to hereafter as the “U. of I. research reactor”. The information sought to be withheld is in the enclosed Construction Permit Application (CPA) for the U. of I. research reactor, dated March 31, 2026. The enclosure contains the designation “PROPRIETARY INFORMATION, WITHHOLD UNDER 10 CFR 2.390” at the top of the cover page, and each successive page containing such information. Nano proprietary information and trade secrets are designated with brackets throughout the CPA as follows;

{{proprietary}}^{a(4)}

- (2) I am knowledgeable of the criteria and procedures used by NANO 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 the following:
 - The information requested to be withheld reveals distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by NANO competitors, without a license from NANO, would constitute a competitive economic disadvantage to NANO and,
 - 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.
- (3) Public disclosure of the information sought to be withheld is likely to cause substantial harm to NANO’s competitive position and foreclose or reduce the availability of profit-making opportunities. The accompanying U. OF I. CPA reveals comprehensive and distinguishing aspects about the KRONOS MMR design and technology.

NANO has performed significant research and evaluation to develop this information and has invested significant resources, including the expenditure of a considerable sum of money.

The precise financial value of the information is difficult to quantify, but it is a substantial portion of the design basis for the KRONOS MMR and, therefore, has substantial value to NANO.

If the information were disclosed to the public, NANO's competitors would have access to the information without purchasing the right to use it or having been required to undertake a similar expenditure of resources. Such disclosure would constitute a misappropriation of NANO's intellectual property and would deprive NANO of the opportunity to exercise its competitive advantage to seek an adequate return on its investment.

- (4) The basis for proposing that the information be withheld is that NANO treats the information as a trade secret, privileged, or as confidential commercial or financial information. NANO 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).
- (5) 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 NANO.
 - b) The information is of a sort customarily held in confidence by NANO and, to the best of my knowledge has been held in confidence by NANO. 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 NANO 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) The information is not readily available from public sources. NANO's 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 NANO, taking into account the value of the information to NANO, the amount of effort and money expended by NANO 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 NANO's technology that provides NANO with a competitive advantage over other firms in the industry. NANO has invested significant human and financial capital in developing this technology and NANO believes it would be difficult for others to duplicate the technology without access to the comprehensive information sought to be withheld.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2026.

Michael Montecalvo

Michael Montecalvo

Director of Licensing