



BE-POV-LCNRG-LET-5005

## Enclosure 3

Blue Energy Affidavit and Request for Withholding from Public Disclosure (10 CFR 2.390)

I, Christopher J. Fong, hereby state:

1. I am Vice President, Regulatory Affairs at Blue Energy Global Inc ("Blue Energy", "the company"), and as such I have been authorized by Blue Energy to review information sought to be withheld from public disclosure in connection with the development, testing, licensing, and deployment of the Blue Energy design and its associated structures, systems, and components, and to apply for its withholding from public disclosure on behalf of the company.
2. The information sought to be withheld, in its entirety, is contained in Enclosure 1 to this package.
3. I am making this request for withholding, and executing this affidavit in support thereof, pursuant to the provisions of 10 CFR 2.390(b)(1).
4. I have personal knowledge of the criteria and procedures utilized by Blue Energy in designating information as a trade secret, privileged, or confidential commercial or financial information.
5. Some examples of information Blue Energy considers proprietary and eligible for withholding under §2.390(a)(4) include:
  - a Withheld pursuant to 10 CFR 2.390(a)(4) as information which reveals distinguishing aspects of a process, component, structure, tool, or method, including supporting data and analyses related thereto, whose use by Blue Energy competitors without a license or contract would constitute a competitive economic disadvantage and diminish Blue Energy's competitive position;
  - b Withheld pursuant to 10 CFR 2.390(a)(4) as information which, if used by a competitor, 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;
  - c Withheld pursuant to 10 CFR 2.390(a)(4) as information which reveals cost or price information, production capacities, budget levels, or commercial strategies of Blue Energy or its customers, partners, or suppliers;



**d** Withheld pursuant to 10 CFR 2.390(a)(4) as information that reveals aspects of past, present, or future privately funded or customer-funded development plans or programs of potential commercial value to Blue Energy or the owner of the information;

**e** Withheld pursuant to 10 CFR 2.390(a)(4) as information that discloses patentable subject matter or ideas for which it may be desirable to obtain patent protection;

**f** Withheld pursuant to 10 CFR 2.390(a)(4) as information, including supporting data and test results, obtained through Blue Energy activities that provide insights into reactor system development, testing, qualification processes, or regulatory strategies, and which are not otherwise readily obtainable by competitors;

**g** Withheld pursuant to 10 CFR 2.390(a)(6) as information that pertains to personal privacy (i.e., personally identifiable information);

**h** Withheld pursuant to 10 CFR 2.390(a)(4) as information owned by a contractor, vendor, or other party that has been held in confidence by Blue Energy.

6. Pursuant to the provisions of §2.390(b)(4), the following is furnished 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 from public disclosure is owned and has been held in confidence by Blue Energy.

b. The information is of a type customarily held in confidence by Blue Energy and not customarily disclosed to the public. Blue Energy has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Blue Energy policy and provide the rational basis required.

c. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.

d. This information is not readily available in public sources.

e. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Blue Energy, because it



would enhance the ability of competitors to provide similar products and services by reducing their expenditure of resources using similar project methods, equipment, testing approach, contractors, or licensing approaches. This information is the result of considerable expense to Blue Energy and has great value in that it will assist Blue Energy in providing products and services to new, expanding markets not currently served by the company.

f. The information could reveal or could be used to infer price information, cost information, budget levels, or commercial strategies of Blue Energy.

g. Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Blue Energy of a competitive advantage.

h. Unrestricted disclosure would jeopardize the position of Blue Energy in the world market, and thereby give a market advantage to the competition in those countries.

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

Executed on: 09/15/2026

A handwritten signature in blue ink, appearing to read "CJ Fong", written over a horizontal dashed line.

C.J. Fong, P.E.

Vice President, Regulatory Affairs

Blue Energy