

AFFIDAVIT OF Richard E. Reimels

STATE OF VIRGINIA

CITY OF LYNCHBURG

I, Richard E. Reimels, being duly sworn, do hereby depose and say:

1. I am a citizen of the United States of America. I am a resident of Lynchburg, Virginia. My birth date is October 16, 1948.
2. I am presently employed by the Babcock and Wilcox Company (B&W) in Lynchburg, Virginia. I am the President of the B&W Nuclear Power Generation Group. I have held this position since January 2007. 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.
3. The Babcock and Wilcox Company requests that NRC withhold from public disclosure, the information marked as "B&W Confidential Commercial Information" regarding the B&W *mPower*TM reactivity control approach in this letter dated 6/23/2009.
4. I have personal knowledge of the criteria and procedures used by B&W in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. The need for confidentiality is driven by the following:
 - a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of the

B&W's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W.

- b) 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.
- c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W.
- d) The information requested to be withheld consists of patentable ideas.

5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W has developed the conceptual and technical approaches regarding the use of dual control rod drive systems for reactivity control on the B&W *mPower*TM reactor design, disclosure of which could adversely affect B&W's competitive position by informing competitors of the degree of maturity and viability of the program, thereby motivating them to increase efforts to develop competing technologies. The information to be withheld identifies the concept, its distinguishing features, the technical details intended to be used in constructing the rod assemblies and the drive mechanisms including mechanical, electrical and hydraulic design of the control rod assemblies, drive mechanisms and supporting hydraulic systems. The conceptual development and engineering approach was privately funded by B&W and are of commercial value to B&W because of their nature in providing a key element of the B&W *mPower* reactor design. All or parts of the approach described in the withheld material is patentable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is a true and correct statement of facts.



Richard E. Reimels

Subscribed and sworn to before me this 22 day June

Lynchburg, VA

Anne H. Moore
Notary Public

My commission expires: *2/28/13*

