

September 11, 2009

Richard E. Reimels  
President  
B&W Nuclear Power Generation Group  
800 Main Street  
Lynchburg, VA 24505

SUBJECT: B&W MPOWER MODULAR REACTOR - WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE IN SLIDES FOR  
PRE-APPLICATION MEETING HELD ON JULY 7, 2009 (TAC NO. Q00168)

Dear Sir:

By letter dated July 6, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091900265), B&W Nuclear Power Generation Group submitted (1) an affidavit (ADAMS Accession No. ML091900264) executed by you on June 22, 2009, and (2) a set of slides entitled "B&W mPower™, Modular Reactor Approach to Reactivity Control, July 7, 2009 NRC Pre-Application Review." The affidavit requested that the information marked as "B&W Confidential Commercial Information" in the slides be withheld from public disclosure pursuant to Section 2.390 of Part 2, "Rules of practice for domestic licensing proceedings and issuance of orders," in Title 10 of the *Code of Federal Regulations* (10 CFR 2.390). The slides provided information on the approach to reactivity control for the mPower™ reactor design that was the subject of the closed portion of the meeting held with the staff of the Nuclear Regulatory Commission (NRC) on July 7, 2009. A nonproprietary copy of the above slides was submitted to NRC by letter dated July 16, 2009 (ADAMS Accession No. ML092030431), from the B&W Nuclear Power Generation Group, and are available to the public through the ADAMS Public Electronic Reading Room on the NRC website ([www.nrc.gov](http://www.nrc.gov)).

In the above affidavit dated June 22, 2009, you stated that the information designated "B&W Confidential Commercial Information" (i.e., proprietary) in the above slides submitted by letter dated July 6, 2009, is exempt from mandatory public disclosure for the following reasons:

- 4(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.
- 4(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.
- 4(c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W.

4(d) The information requested to be withheld consists of patentable ideas.

The above slides were submitted by letter dated July 6, 2009, for the closed portion of the meeting that B&W Nuclear Power Generation Group held with NRC on July 7, 2009. As indicated in the meeting notice dated June 24, 2009, and the revised meeting notice (to change the meeting room location) dated July 7, 2009 (ADAMS Accession Nos. ML091740724 and ML091870226, respectively), the meeting had open and closed sessions to discuss (1) the B&W mPower™ reactor design in general (open session) and (2) the approach to reactivity control for the mPower™ reactor design (closed session). During the closed session of the meeting, the information in the proprietary version of the slides was presented to NRC.

We have reviewed the affidavit and the material designated as proprietary in the slides entitled "B&W mPower™, Modular Reactor Approach to Reactivity Control, July 7, 2009 NRC Pre-Application Review," both of which were submitted in the July 6, 2009, letter. In accordance with 10 CFR 2.390 and, on the basis of the affidavit and report, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the information marked as proprietary in the slides will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the report. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-7490.

Sincerely,

*/RA/*

William D. Reckley, Branch Chief  
Advanced Reactors Branch 1  
Advanced Reactor Program  
Office of New Reactors

Project No. 0776

cc: See next page

4(d) The information requested to be withheld consists of patentable ideas.

The above slides were submitted by letter dated July 6, 2009, for the closed portion of the meeting that B&W Nuclear Power Generation Group held with NRC on July 7, 2009. As indicated in the meeting notice dated June 24, 2009, and the revised meeting notice (to change the meeting room location) dated July 7, 2009 (ADAMS Accession Nos. ML091740724 and ML091870226, respectively), the meeting had open and closed sessions to discuss (1) the B&W mPower™ reactor design in general (open session) and (2) the approach to reactivity control for the mPower™ reactor design (closed session). During the closed session of the meeting, the information in the proprietary version of the slides was presented to NRC.

We have reviewed the affidavit and the material designated as proprietary in the slides entitled "B&W mPower™, Modular Reactor Approach to Reactivity Control, July 7, 2009 NRC Pre-Application Review," both of which were submitted in the July 6, 2009, letter. In accordance with 10 CFR 2.390 and, on the basis of the affidavit and report, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the information marked as proprietary in the slides will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the report. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1307.

Sincerely,

*/RA/*

William D. Reckley, Branch Chief  
Advanced Reactors Branch 1  
Advanced Reactor Program  
Office of New Reactors

Project No. 0776

cc: See next page

DISTRIBUTION:

PUBLIC RidsNroArp RidsNroPtrb JDonohew, ARP TKenyon, ARP  
ARP R/F

**ADAMS Accession Number: ML092460652**

**NRC-001**

OFFICE	PM:NRO/ARP/ARB1	PM:NRO/ARP/ARB2	BC:NRO/ARP/ARB1
NAME	JDonohew	TKenyon	WReckley
DATE	09/ /2009	09/ /2009	09/ /2009

DC B&W mPower

Revised 07/13/2009)

cc:

Mr. Glenn H. Archinoff  
AECL Technologies  
481 North Frederick Avenue  
Suite 405  
Gaithersburg, MD 20877

Michael L. Hammond  
Technological Hazards Program Office  
Radiological Emergency Preparedness  
Program, Region X  
U.S. Department of Homeland Security  
130 228th Street, SW  
Bothell, WA 98021

Mr. Lionel Batty  
Nuclear Business Team  
Graftech  
12300 Snow Road  
Parma, OH 44130

Mr. Brendan Hoffman  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy and  
Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Russell Bell  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Mr. Paul Leventhal  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Anne W. Cottingham  
Assistant General Counsel  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, DC 20006

Mr. Dobie McArthur  
Director, Washington Operations  
General Atomics  
1899 Pennsylvania Avenue, NW  
Suite 300  
Washington, DC 20006

Mr. Ian M. Grant  
Canadian Nuclear Safety Commission  
280 Slater Street, Station B  
P.O. Box 1046  
Ottawa, Ontario  
K1P 5S9

Mr. David Repka  
Winston & Strawn LLP  
1700 K. Street, NW  
Washington, DC 20006-3817

Mr. Eugene S. Grecheck  
Vice President  
Nuclear Support Services  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. Ron Simard  
6170 Masters Club Drive  
Suwanee, GA 30024

J.A. Halfinger  
B&W mPower Program Developer  
The Babcock & Wilcox Company  
800 Main Street  
P.O. Box 1180  
Lynchburg, VA 24505-1180

Carlos Sisco  
Senior Paralegal  
Winston & Strawn LLP  
1700 K Street NW  
Washington, DC 20006

DC B&W mPower

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Mr. Ed Wallace  
General Manager - Projects  
PBMR Pty LTD  
P. O. Box 9396  
Centurion 0046  
Republic of South Africa

## DC B&W mPower

### Email

Alan.Levin@areva.com (Alan Levin)  
APH@NEI.org (Adrian Heymer)  
bevans@enercon.com (Bob Evans)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
carey.fleming@constellation.com (Carey Fleming)  
cee@nei.org  
chris.maslak@ge.com (Chris Maslak)  
collinlj@westinghouse.com (Leslie Collins)  
curtisslaw@gmail.com (Jim Curtiss)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
deborah@hyperionpowergeneration.com (Deborah Ann Blackwell)  
elyman@ucsusa.org  
erg-xl@cox.net (Eddie R. Grant)  
F.Shahrokhi@AREVA.Com (Farshid Shahrokhi)  
gcesare@enercon.com (Guy Cesare)  
george.honma@ge.com (George Honma)  
jahalfinger@babcock.com (Jeff Halfinger)  
james.beard@gene.ge.com (James Beard)  
jerald.head@ge.com (Jerald G. Head)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
Jim.Kinsey@inl.gov (James Kinsey)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
jim@ncwarn.org (Jim Warren)  
JNR@NuScalePower.com (Jose N. Reyes)  
John.O'Neill@pillsburylaw.com (John O'Neill)  
klingscl@westinghouse.com (Charles King)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
Kwelter@NuScalePower.com (Kent Welter)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
mark.holbrook@inl.gov (Mark Holbrook)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
meross@babcock.com (Megan Rossi)  
mgiles@entergy.com (M. Giles)  
murawski@newsobserver.com (John Murawski)  
mwetterhahn@winston.com (M. Wetterhahn)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
PLorenzini@NuScalePower.com (Paul Lorenzini)  
pshastings@duke-energy.com (Peter Hastings)  
rereimels@babcock.com (R.E. Reimels)

DC B&W mPower

RSnuggerud@NuScalePower.com (Ross Snuggerud)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
stephan.moen@ge.com (Stephan Moen)  
steven.hucik@ge.com (Steven Hucik)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
tgado@roe.com (Burns & Roe)  
tom.miller@hq.doe.gov (Tom Miller)  
tom.miller@nuclear.energy.gov (Thomas P. Miller)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
whorin@winston.com (W. Horin)