



**babcock & wilcox nuclear power generation**

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November 2, 2009

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U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
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11555 Rockville Pike  
Rockville, MD 20852-2738

SUBJECT: October 27, 2009 Presentation Material Regarding B&W *mPower*<sup>TM</sup> Reactor Design

The B&W Nuclear Power Generation Group conducted a meeting with the NRC staff on October 27, 2009. This meeting consisted of both opened and closed sessions, to discuss the B&W *mPower*<sup>TM</sup> reactor design and updates in the design since our July 7, 2009 meeting. During the closed session, proprietary information regarding design and the recent changes to the design were presented to the NRC.

Enclosed, please find three sets of slides marked as "B&W Confidential Commercial Information" containing the material presented during the closed session of the meeting which should be withheld from public disclosure. The attached affidavit details the reasons the identified information should be withheld. Also enclosed are redacted non-proprietary versions of the slides which may be released to the public without restriction.

Questions concerning this submittal may be directed to T. J. Kim at 434-522-6800 (Email: [tjkim@babcock.com](mailto:tjkim@babcock.com)) or to Jeff Halfinger at 434-522-6800 (Email: [jahalfinger@babcock.com](mailto:jahalfinger@babcock.com)).

Program Director, *mPower*<sup>TM</sup>  
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cc: Thomas J. Kenyon, NRC, TWFN- 6 E4  
Jack N. Donohew, NRC, TWFN-6 E4  
Stewart L. Magruder, NRC, TWFN-6 E4  
William D. Reckley, NRC, TWFN-6 E4

Please Add  
TJ Kenyon TO ERIDs  
JN Donohew  
WD Reckley

Y/GOI  
NRO

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, 2009.
  
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 1, 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*<sup>TM</sup> modular reactor design in this letter dated 11/2/2009. These include three sets of presentation slides entitled, "B&W *mPower*<sup>TM</sup> Reactor – General Design Criteria (GDC) Conformance," "Update for the B&W *mPower* Design," and "B&W *mPower*<sup>TM</sup> Design Verification Test Program."

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 details of the B&W *mPower*<sup>TM</sup> modular reactor design features, 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 certain design characteristics in the B&W *mPower*<sup>TM</sup> or recent evolutionary changes in the design in several areas including the reactivity control system, containment systems, electrical power systems, and in the anticipated operational characteristics of the reactor. These features were privately funded by B&W and are of commercial value to B&W because of their nature in providing key elements of the B&W *mPower* modular 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 2<sup>nd</sup> day of November, 2009.

  
Notary Public

My commission expires: 7.31.2010

