



babcock & wilcox nuclear energy

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May 27, 2010

BW-JAH-2010-213

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

Subject: Submittal of Technical Report 08-00000341-000(P), "B&W *mPower*™ Reactor Design Overview"

On April 28, 2009, the Babcock & Wilcox Company (B&W) notified the U. S. Nuclear Regulatory Commission (NRC) of its intent to submit an application for the Design Certification of the B&W *mPower*™ reactor, in accordance with the process defined in 10 CFR Part 52.

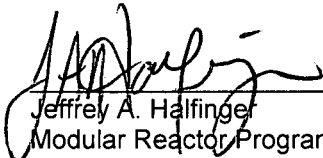
B&W is continuing to advance the design of the B&W *mPower* reactor. Accordingly, enclosed is Technical Report 08-00000341-000(P), "B&W *mPower*™ Design Overview."

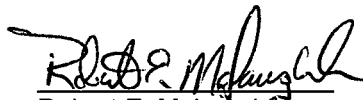
The subject report provides conceptual and preliminary design information for the B&W *mPower* reactor available at the time of the preparation of the document. It provides a general introduction to this simplified, passive, modular, light-water-cooled, pressurized water reactor nuclear power plant, along with the background of the design. The reactor core, reactor coolant system, reactor safety and auxiliary systems, instrumentation and control systems, nuclear island structures, and balance of plant facilities are discussed. Plant, structure, system and component illustrations are provided. B&W *mPower* reactor features that improve constructability, reduce overall plant complexity, enhance availability and improve overall safety are also highlighted.


Portions of the attached report contain B&W NE Confidential Commercial Information that should be withheld from public disclosure. The attached affidavit details the reasons the identified information should be withheld.

A non-proprietary version of the report will be submitted under a separate letter.

Questions concerning this submittal may be directed to T. J. Kim at 434-382-9791 (email: tjkim@babcock.com) or to J. A. Halfinger at 434-316-7507 (email: jahalfinger@babcock.com).


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JAH/
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4601
NRD

AFFIDAVIT OF Christofer M. Mowry

STATE OF VIRGINIA

CITY OF LYNCHBURG

I, Christofer M. Mowry, being duly sworn, do hereby depose and say:

1. I am a citizen of the United States of America. I am a resident of Atlanta, Georgia.

My birth date is June 3, 1962.

2. I am the President of Babcock & Wilcox Nuclear Energy, Inc. (B&W NE), located in Lynchburg, Virginia. I have held this position since April 1, 2010. 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. B&W NE requests that NRC withhold from public disclosure the information marked as "B&W Confidential Commercial Information" regarding the B&W *mPower*[™] reactor design in the letter dated May 27, 2010. This information includes a technical report entitled, "B&W *mPower*[™] Reactor Design Overview."

4. I have personal knowledge of the criteria and procedures used by B&W NE 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:

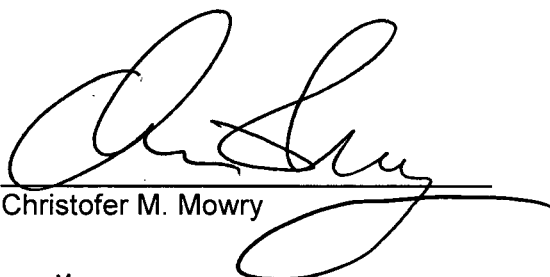
- a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- b) Use by a competitor 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 NE.

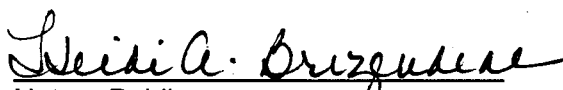
d) The information requested to be withheld consists of patentable ideas.

5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the B&W *mPower* reactor design features, disclosure of which could adversely affect B&W NE '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. These features of the reactor design were privately funded by B&W NE and are of commercial value to B&W NE because of their nature in providing key elements of the B&W *mPower* reactor design and analysis. 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.


Christopher M. Mowry

Subscribed and sworn to before me this 25th day of May 2010.


Notary Public

Notary Reg. # 205975

My commission expires: July 31, 2014