



babcock & wilcox nuclear energy

13024 ballantyne corporate place, suite 500 • charlotte, nc 28277 usa
phone 704.625.4800 • fax 704.625.4801 • www.babcock.com

June 30, 2010

BW-JAH-2010-215

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 06-00000392-000(P), "B&W mPower™ Reactor Integrated Systems test"

Babcock & Wilcox Nuclear Energy, Inc.
Docket Number-PROJ0776
Project Number-776

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 Nuclear Energy (B&W NE) is continuing to advance the design of the B&W mPower™ reactor. In accordance with the pre-application licensing submittal schedule contained in the B&W letter to the NRC, dated April 1, 2010, enclosed is Technical Report 06-00000392-000(P), "B&W mPower™ Reactor Integrated Systems Test."

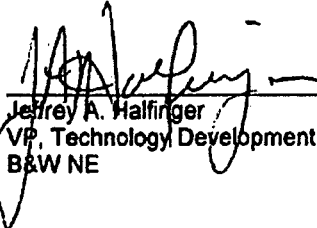
The purpose of the Integrated Systems Test (IST) Program is to extend existing pressurized water reactor data, to confirm the B&W mPower™ reactor design methodology, and to demonstrate the adequacy of the passive engineered safety systems and key design features of the B&W mPower™ reactor.

The attached report describes the IST functional requirements, systems and test requirements as they are currently identified. It is expected that updates to this report will be necessary as the B&W mPower™ reactor design and IST program are scheduled to progress concurrently. B&W NE is submitting this report for information and to facilitate a meeting with the NRC staff to discuss the IST Program and address any questions the staff may have on this initiative. It is anticipated that such a meeting will be held as early as September of this year.

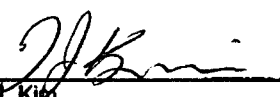
Portions of the attached report contain B&W NE Confidential Commercial Information that should be withheld from public disclosure; and the attached affidavit details the reasons for such withholding.

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 J.A. Halfinger (434) 316-7507 (email: jahalfinger@babcock.com).


Jeffrey A. Halfinger
VP, Technology Development
B&W NE


Robert E. McLaughlin
Director, Quality Assurance
B&W NE


T.J. Kim
Director, Licensing
B&W NE mPower™

JHA/

Cc: Joelle L. Starefos, NRC, TWFN-6 E4
Stewart L. Magruder, Jr., NRC, TWFN-6 E4

4601
NRK

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 Charlotte, NC. 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 the NRC withhold from public disclosure the information marked as "B&W Confidential Commercial Information" regarding the B&W *mPower*™ reactor design discussed in the B&W NE letter dated June 30, 2010. This information is included in a technical report entitled, "B&W *mPower*™ Reactor Integrated Systems Test", transmitted via that letter.

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) The information requested to be withheld consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.) and

the application of the data would secure a competitive economic advantage to a competitor relative to similar facility investment and testing.

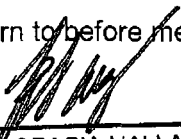
- c) Use by a competitor of the information requested to be withheld would reduce a competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- d) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W NE.
- e) 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 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 30th day of June 2010.


BB DIVINAGRACIA HALLARES
NOTARY PUBLIC
District of Columbia
My Commission Expires 10/13/2013

Notary Public

My commission expires:

OCTOBER 13, 2013

