



babcock & wilcox nuclear energy

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July 9, 2010

BW-JAH-2010-218

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

Subject: Submittal of Presentations for Planned July 29, 2010 Meeting with NRC Staff

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 and to participate in pre-application interactions with the NRC staff. In preparation for a closed pre-application meeting with the NRC staff planned for July 29, 2010, enclosed are copies of presentation slides proposed for use in that meeting. The purpose of that meeting is to update the NRC staff on current design status of the B&W *mPower*[™] reactor and the nuclear, mechanical and thermal-hydraulic aspects of the reactor core design.

A proposed agenda for the July 29, 2010 meeting will be submitted in the near future.

Portions of the attached presentations 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 presentations 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).

Mr. Kim (434) 382-9791 for J.A. Halfinger

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

JAH/

Cc: Joelle L. Starefos, NRC, TWFN-6 E4
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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 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 July 9, 2010. This information is included in two sets of slides intended for presentation at a closed meeting with the NRC staff scheduled for July 29, 2010. These slide presentations are entitled, "B&W *mPower*[™] Design Evolution" and "B&W *mPower*[™] Core Design," 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:

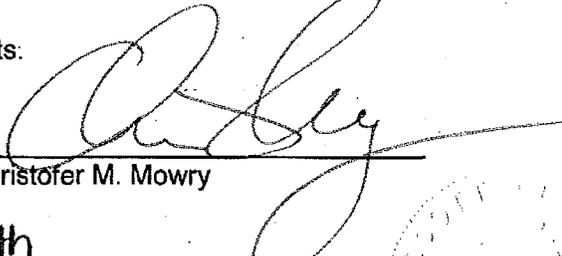
- a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- b) Use by a competitor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

- 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.

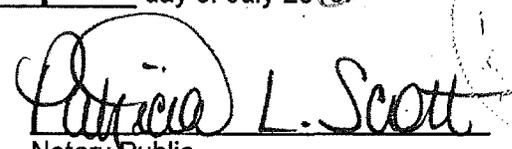
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the B&W mPower™ reactor design features, disclosure of which could adversely affect B&W NE's competitive position by 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 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 7th day of July 2010.



Patricia L. Scott
Notary Public

My commission expires: 5/13/2012