



**babcock & wilcox nuclear energy**

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October 14, 2010

BW-JAH-2010-227

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

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

Subject: Submittal of Proprietary Slides (P) for a November 3, 2010 meeting between B&W Nuclear Engineering (NE) and NRC staff.

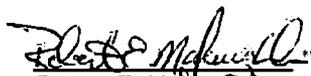
B&W NE staff has requested that a technical meeting be held with NRC staff on November 3, 2010 to discuss the proposed architecture for the instrumentation and controls for the B&W mPower™ Reactor. It is requested that the meeting be closed because most of the information included in the slides and detailed discussions contain B&W NE Confidential Commercial Information that should be withheld from public disclosure. An affidavit (Attachment 1) provides the justification for withholding the information.

Attachment 2 is an agenda for the meeting and the third attachment is the set of proprietary slides.

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

Questions concerning these responses may be directed to Jeff Halfinger at 434-316-7507 (email: [jahalfinger@babcock.com](mailto:jahalfinger@babcock.com)) or T. J. Kim at 434-382-9791 (email: [tjkim@babcock.com](mailto:tjkim@babcock.com)).

  
Jeffrey A. Halfinger  
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JHA/jlr

cc: Joelle L. Starefos, NRC, TWFN 9-F-27  
Stewart L. Magruder, Jr., NRC, TWFN 9-F-27

DIOY  
NRC

AFFIDAVIT OF Jeffrey A. Halfinger

STATE OF VIRGINIA

CITY OF LYNCHBURG

I, Jeffrey A. Halfinger, 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 November 4<sup>th</sup>, 1961.

2. I am the Vice President for Babcock & Wilcox Nuclear Energy, Inc. (B&W NE), located in Lynchburg, Virginia.

I have held this position since June 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*<sup>™</sup> reactor design discussed in the B&W NE letter dated October 14, 2010. This information is included in two sets of slides intended for presentation at a closed meeting with the NRC staff scheduled for November 3, 2010.

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*<sup>TM</sup> 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*<sup>TM</sup> 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.

  
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Jeffrey A. Halfinger

Subscribed and sworn to before me this 19<sup>th</sup> day of October 2010.

  
\_\_\_\_\_  
Notary Public

My commission expires: August 31, 2011

AGENDA

Meeting between NRC and B&W NE Staff

Date: November 3, 2010

Subject: Instrumentation and Controls Architecture

- Introductions (5 min)
- B&W mPower Pre-Application Activities (15 min)
- Design Overview (Refresher/Update) (45 min)
- Safety-Related I&C Overview (45 min)
- Conclusions and Open Discussions (30 min)

**Proprietary Slides for November 3, 2010 NRC Meeting**