



babcock & wilcox nuclear energy

• 109 ramsey place • lynchburg, va 24501 • phone 434.316.7592
• fax 434.316.7534 • www.babcock.com

October 28, 2010

BW-JAH-2010-229

U.S. Nuclear Regulatory Commission
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

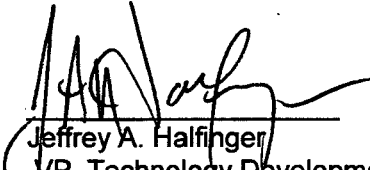
Subject: Submittal of Babcock & Wilcox Nuclear Energy, Inc. (B&W NE) Control Rod Drive Mechanism Design Details and Development Plan Technical Report

As part of the continuing design process for the B&W *mPower* reactor, B&W has prepared the enclosed "Control Rod Drive Mechanism Design Details and Development Plan" technical report. This report provides a description of the B&W *mPower* reactor CRDM design, function and operating characteristics. The report also describes planned testing to demonstrate proper CRDM function under expected operational and emergency conditions.

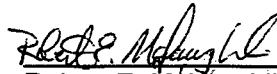
Portions of the attached report contain B&W NE Confidential Commercial Information that should be withheld from public disclosure. The attached affidavit details the reasons the identified information should be withheld.

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).



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



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



T. J. Kim
Licensing Director
B&W NE

JAH/jlr

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

D104
NRD

11/11/10 264

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, 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*[™] reactor design discussed in the B&W NE letter dated October 28, 2010. This information includes a technical report entitled, "B&W *mPower*[™] Reactor Control Rod Drive Mechanism Design Details and Development Plan."

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:

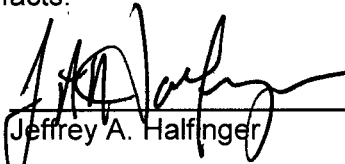
- a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- b) Use by a competitor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



Jeffrey A. Halfinger

Subscribed and sworn to before me this 20th day of October 2010.



Notary Public

My commission expires: August 31, 2011

