



babcock & wilcox nuclear energy

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February 2, 2011

BW-JAH-2011-242

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. (B&W NE)
Docket Number-PROJ0776
Project Number-776

Subject: Submittal of Proprietary and Non-Proprietary Slides for the Upcoming February 22, 2011 Meeting with NRC on the mPower Critical Heat Flux (CHF) Test and Correlation Development Plan

In preparation for the closed meeting with NRC on February 22, 2011, we have attached the presentation slides that B&W NE intends to use during the meeting. Attachment 1 is the proprietary version of the slides that will be presented at the meeting. The bracketed portions of the slides contain B&W NE Confidential Commercial Information (CCI) that should be withheld from public disclosure. Attachment 2 is an affidavit that provides the justification for withholding the CCI information in the slide package. Attachment 3 is a redacted, non-proprietary version of the slides.

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


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

Attachments (3) enclosed

JAH/msc

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

D104
NRO

INTERNAL APPROVAL RECORD

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

JAH/msc

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

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 4th, 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*TM reactor design discussed in the B&W NE letter dated February 2, 2011. This information is included in a set of slides related to the CHF Test and Correlation Development Plan to be presented at a closed meeting with NRC on February 22, 2011.

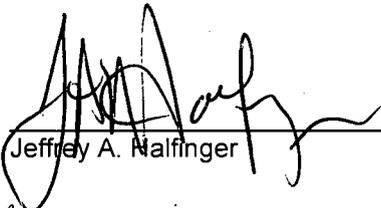
4. I have personal knowledge of the criteria and procedures used by B&W NE in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. The 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*TM 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*TM 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 2nd day of February 2011



Notary Public



My commission expires: 8/31/2011