



babcock & wilcox nuclear energy

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April 8, 2011

BW-JAH-2011-248

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
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) Proprietary and Non-Proprietary Slide Packages for the April 21, 2011 mPower™ Reactor Design Overview Workshop

A workshop has been scheduled by the Nuclear Regulatory Commission (NRC) on April 21, 2011 where B&W NE staff will be presenting the current status of the mPower reactor design to NRC. In preparation for the workshop, we are providing an advance copy of the presentation slides that B&W NE intends to use during the session.

Attachment 1 is the set of slides that contains B&W NE Confidential Commercial Information (CCI) in brackets that should be withheld from public disclosure. Attachment 2 is an affidavit that provides the justification for withholding the CCI information in that slide package. Attachment 3 is a redacted, non-proprietary version of the slides that can be made available to the public.

Questions concerning this submittal 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

JAH/jlr

Attachments: 1: Workshop Slides (Proprietary Version)
2: Affidavit
3: Workshop Slides (Redacted Version)

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

D104
NRO

AFFIDAVIT OF Jeffrey A. Halfinger

STATE OF Maryland

CITY OF Frederick

I, Jeffrey A. Halfinger, being duly sworn, do hereby depose and say:

1. I am a citizen of the United States of America and a resident of Lynchburg, Virginia. My birth date is November 4th, 1961.

2. I am the Vice President, Technology Development, 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 Overview Workshop being submitted to the NRC by the B&W NE letter dated April 8, 2011. This information is included as Attachment 1 to that letter which consists of a set of slides for presentation at a closed meeting with the NRC staff scheduled for April 21, 2011.

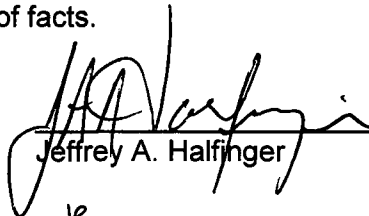
4. I have personal knowledge of the criteria and procedures used by B&W NE in designating confidential commercial or financial information as proprietary and have been delegated the function to review and identify proprietary content and authorized to apply for its withholding. The need for confidentiality 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.

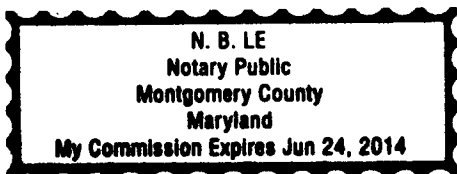
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the mPower™ reactor design features, disclosure of which could adversely affect B&W NE's competitive position by informing 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 mPower™ reactor design analysis. All or a part of the approach described in the withheld material is patentable.

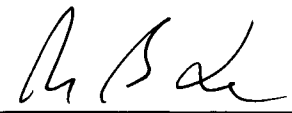
I declare under penalty of perjury under the laws of the United States of America that the foregoing is a true and correct statement of facts.



Jeffrey A. Halfinger

Subscribed and sworn to before me this 8th day of April, 2011.





Notary Public

My commission expires: June 24, 2014