

July 7, 2011

Mr. Jeffrey Halfinger, Vice President
Technology Development
Babcock & Wilcox Nuclear Energy, Inc.
109 Ramsey Place
Lynchburg, VA 24505

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE
FOR THE BABCOCK & WILCOX MPOWER DESIGN MEETING SLIDES
ENTITLED, "BABCOCK & WILCOX MPOWER OVERVIEW, SAFETY
APPROACH FOR THE BABCOCK & WILCOX MPOWER PLANT, AND
BABCOCK & WILCOX MPOWER INTEGRATED SYSTEM TEST"

Dear Mr. Halfinger:

By letter dated March 16, 2010, Babcock & Wilcox (B&W) Nuclear Power Generation, a predecessor company of Babcock & Wilcox Nuclear Energy, Inc. submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101050116) executed by Richard E. Reimels on March 16, 2010, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

B&W mPower Overview; Safety Approach for the B&W mPower Plant; and B&W mPower Integrated Systems Test (ADAMS Accession No. ML101050117)

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS, Accession No. ML101050116.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 4(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's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W.
- 4(b) Use by a competitor of the information requested to be withheld would reduce the 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.
- 4(c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W.

4(d) The information requested to be withheld consists of patentable ideas.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-6091.

Sincerely,

/RA/

Joelle L. Starefos, Senior Project Manager
Advanced Reactor Branch 2
Advanced Reactor Program
Office of New Reactors

Project No.: 0776

cc: DC B&W mPower Mailing List

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NAME	YMalave	JStarefos
DATE	06/23/2011	07/7/2011

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DC B&W mPower Mailing List

cc:

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, OH 44130

Russell Bell
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

Mr. Ian M. Grant
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Mr. Eugene S. Grecheck
Vice President
Nuclear Support Services
Dominion Energy, Inc.
5000 Dominion Blvd.
Glen Allen, VA 23060

Michael L. Hammond
Technological Hazards Program Office
Radiological Emergency Preparedness
Program, Region X
U.S. Department of Homeland Security
130 228th Street, SW
Bothell, WA 98021

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy and
Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Mr. David Repka
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006-3817

Carlos Sisco
Senior Paralegal
Winston & Strawn LLP
1700 K Street NW
Washington, DC 20006

DC B&W mPower Mailing List

Email

Alan.Levin@areva.com (Alan Levin)
alsterdis@tva.gov (Andrea Sterdis)
APH@NEI.org (Adrian Heymer)
asi@ornl.gov (Anita Benn)
awc@nei.org (Anne Cottingham)
awyche@bechtel.com (Altheia Wyche)
badwan@lanl.gov (Faris Badwan)
bevans@enercon.com (Bob Evans)
BrinkmCB@westinghouse.com (Charles Brinkman)
ccchandler0@tva.gov (Christopher Chandler)
cee@nei.org
charles.bagnal@ge.com (Charles Bagnal)
collinlj@westinghouse.com (Leslie Collins)
cposlusny@babcock.com (Chester Poslusny)
curtisslaw@gmail.com (Jim Curtiss)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
deborah@hyperionpowergeneration.com (Deborah Ann Blackwell)
ed.burns@earthlink.net (Ed Burns)
ejvigluicci@tva.gov (Edward Vigluicci)
elyman@ucsusa.org (Ed Lyman)
erg-xl@cox.net (Eddie R. Grant)
ewallace@nuscalepower.com (Ed Wallace)
F.Shahrokhi@AREVA.Com (Farshid Shahrokhi)
Fletcher@exchangemonitor.com
flowerspa@ornl.gov (Paula Flowers)
gcesare@enercon.com (Guy Cesare)
jahalfinger@babcock.com (Jeff Halfinger)
james.beard@gene.ge.com (James Beard)
jason.parker@pillsburylaw.com (Jason Parker)
jcsaldar@bechtel.com (James Saldarini)
jerald.head@ge.com (Jerald G. Head)
Jim.Kinsey@inl.gov (James Kinsey)
jim.riccio@wdc.greenpeace.org (James Riccio)
jmr@nei.org (Jeannie Rinckel)
JNR@NuScalePower.com (Jose N. Reyes)
Joelle.starefos@nrc.gov (Joelle Starefos)
klingscl@westinghouse.com (Charles Kling)
kouhestani@msn.com (Amir Kouhestani)
KSutton@morganlewis.com (Kathryn M. Sutton)
Kwelter@NuScalePower.com (Kent Welter)
lchandler@morganlewis.com (Lawrence J. Chandler)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
mark.g.giles@dom.com (Mark Giles)
mark.holbrook@inl.gov (Mark Holbrook)

DC B&W mPower Mailing List

mark@npva.net
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
murawski@newsobserver.com (John Murawski)
mwetterhahn@winston.com (M. Wetterhahn)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
PLorenzini@NuScalePower.com (Paul Lorenzini)
pshastings@duke-energy.com (Peter Hastings)
rbarrett@astminc.com (Richard Barrett)
RSnuggerud@NuScalePower.com (Ross Snuggerud)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
shobbs@enercon.com (Sam Hobbs)
spellmandj@ornl.gov (Donald J. Spellman)
stephan.moen@ge.com (Stephan Moen)
steven.hucik@ge.com (Steven Hucik)
steven.m.mirsky@saic.com (Steve Mirsky)
susan.vraoretis@nrc.gov (Susan Vraoretis)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tfeigenb@bechtel.com (Ted Feigenbaum)
tgado@roe.com (Burns & Roe)
TJKim@babcock.com (T.J. Kim)
tom.miller@hq.doe.gov (Tom Miller)
tom.miller@nuclear.energy.gov (Thomas P. Miller)
tommy_pe2001@yahoo.com (Tommy Le)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
whorin@winston.com (W. Horin)