

July 12, 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 MEETING SLIDES ENTITLED,  
MPOWER REACTOR INTEGRATED SYSTEMS TEST FACILITY AND TEST  
PLAN UPDATE, AND INTEGRATED SYSTEMS TEST PHENOMENA  
IDENTIFICATION AND RANKING TABLE INSIGHTS AND RESULTS

Dear Mr. Halfinger:

By letter dated May 6, 2011, Babcock & Wilcox Nuclear Energy (B&W NE), Inc. submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11132A059), in which you requested 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:

mPower Reactor Integrated Systems Test (IST) Facility and Test Plan Update, IST Phenomena Identification and Ranking Table (PIRT) Insights and Results Slides Proprietary (ADAMS Accession No. ML11132A061), (Revised Slides ML111470271, ML111470280, ML11152A095)

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC) Public Document Room and added to the NRC Library in ADAMS. (Accession No. ML11132A060), (Revised Slides ML11152A094).

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 NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- 4(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.

4(c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W NE.

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

J. Halfinger

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Joelle L. Starefos, Senior Project Manager  
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**NRO-002**

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NAME	JMazza	JStarefos
DATE	07/12/2011	07/12/2011

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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  
130 228<sup>th</sup> 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

## Email

Alan.Levin@areva.com (Alan Levin)  
APH@NEI.org (Adrian Heymer)  
asi@ornl.gov (Anita Benn)  
awc@nei.org (Anne Cottingham)  
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)  
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)  
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)  
JNR@NuScalePower.com (Jose N. Reyes)  
klingscl@westinghouse.com (Charles King)  
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)  
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)  
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)