September 22, 2011

Mr. Jeffrey A. 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 REACTOR DESIGN OVERVIEW UPDATED INFORMATION

Dear Mr. Halfinger:

By letter dated July 13, 2011, Babcock & Wilcox Nuclear Energy (B&W NE), Inc. submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11196A017), dated July 12, 2011, executed by Mr. C.M. Mowry, in which B&W NE requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

> Babcock & Wilcox (B&W) mPower Reactor Design Overview Workshop Slides (Proprietary) (ADAMS Accession No. ML11196A020 – Slides 1-58, and ML11196A021 – Slides 58-147)
>
> B&W Design Overview Workshop Questions (Proprietary) (ADAMS Accession No. ML11196A021)
>
> B&W NE Feedback on Pacific Northwest National Laboratory (PNNL) Risk Report, PNNL 20203 (Proprietary) (ADAMS Accession No. ML11196A021)

A nonproprietary copy of the B&W Design Overview Workshop Slides has been placed in the Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS, Accession No. ML11196A018.

A nonproprietary copy of B&W Design Overview Workshop Questions has been placed in the NRC Public Document Room and added to the NRC Library in ADAMS, Accession No. ML11196A018.

A nonproprietary copy of B&W NE Feedback on PNNL Risk Report, PNNL 20203 has been placed in the NRC Public Document Room and added to the NRC Library in ADAMS, Accession No. ML11196A018.

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

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Sincerely,

/RA/

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ADAMS Accession No.: ML111990031 **NRO-002**

OFFICE	PM:NRO/ARP/ARB2	PM:NRO/ARP/ARB2
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