



babcock & wilcox nuclear energy

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July 29, 2011

BW-JAH-2011-255

U.S. Nuclear Regulatory Commission (NRC)
ATTN: Document Control Desk
11555 Rockville Pike
Rockville, MD 20852-2738

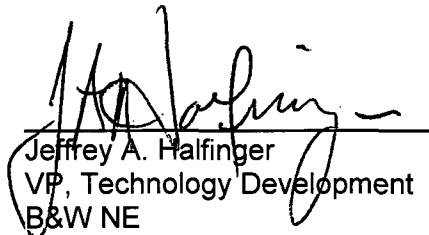
Babcock & Wilcox Nuclear Energy, Inc. (B&W NE)
Docket Number-PROJ0776
Project Number-776

Ref: June 3, 2011 B&W NE Letter to NRC, "Submittal of Babcock & Wilcox Nuclear Energy, Inc. (B&W NE) Proprietary and Non-Proprietary Slide Packages for the June 22, 2011 mPower™ Reactor Fuel/Core Design and Analysis Meeting (BW-JAH-2011-251)

Subject: Correction of Affidavit

Attachment 2 to the above referenced B&W NE letter was an affidavit justifying the withholding of Confidential Commercial Information included in a set of slides for a scheduled meeting with NRC staff. That affidavit included an incorrect reference. The purpose of this letter is to provide to the NRC a corrected version that replaces that original affidavit for the official record.

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
Attachment: Revised Affidavit

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

DIOY
NRO

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™ Reactor Fuel/Core Design and Analysis Meeting submitted to the NRC by the B&W NE letter dated June 3, 2011. This information is included in an attachment to that letter, a set of slides for presentation at a closed meeting with the NRC staff scheduled for June 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™ Reactor fuel and core design and associated analysis, 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™ 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.

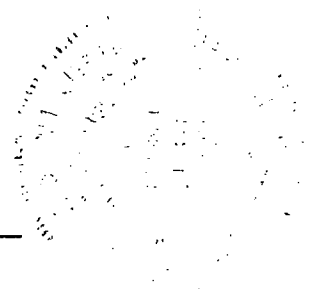


Jeffrey A. Malfinger

Subscribed and sworn to before me this 29th day of July, 2011.



Notary Public



My commission expires: Aug. 31, 2011