



babcock & wilcox nuclear energy

▸ 109 ramsey place ▸ lynchburg, va 24501 ▸ phone 434.316.7592
▸ fax 434.316.7534 ▸ www.babcock.com

November 14, 2011

BW-JAH-2011-267

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

Babcock & Wilcox Nuclear Energy, Inc.
Docket Number-PROJ0776
Project Number-776

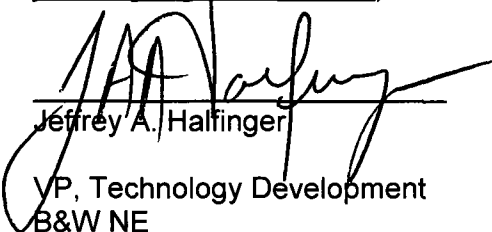
Subject: Submittal of Babcock & Wilcox Nuclear Energy, Inc. (B&W NE) Technical Report:
"Safety Analysis Evaluation Methodology Requirements for the B&W mPower™
Reactor"

In our March 25, 2011 response to NRC Regulatory Issue Summary (RIS) 2011-02, "Licensing Submittal Information and Design Development Activities for Small Modular Reactor Designs," B&W NE provided to the NRC a revised list of planned topical and technical report submittals. One of the reports listed in our response is the subject technical report dealing with the safety analysis methodology for the B&W mPower Reactor design. This report is being submitted to the NRC in order to continue our pre-application design and analysis information exchanges with NRC technical staff. This subject was recently discussed with NRC staff in a meeting held in August of this year and we welcome further discussions during one of our future scheduled technical meetings, after the NRC staff has had time to review this report.

Enclosed are two versions of the subject report. Enclosure 1 is the full version that includes Confidential Commercial Information (CCI) that is marked in brackets. We request that this version be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390. The second version, Enclosure 2, is a redacted report that can be released to the public.

Enclosure 3 is a signed affidavit that provides the justification for withholding the CCI information identified in the full version of the technical report.

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

D104
NRD

Enclosures: 1. Subject Technical Report (CCI)
 2. Subject Technical Report (Redacted)
 3. Affidavit

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

Enclosure 3

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 certain design information being submitted to the NRC by the B&W NE letter dated November 14, 2011. This information is included in an attachment to that letter: a technical report dealing with safety analysis methodology for the mPower Reactor design.

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.

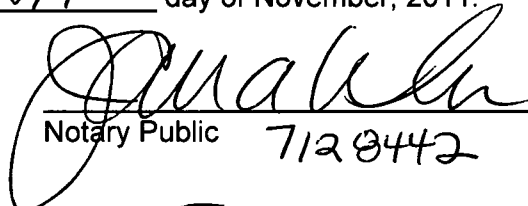
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the B&W mPower™ Reactor fuel and core design, structural design, plant layout, and associated analysis, disclosure of 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. Halfinger

Subscribed and sworn to before me this 14th day of November, 2011.



Notary Public 7128442

My commission expires: August 31, 2015