



babcock & wilcox nuclear energy

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April 11, 2012

MPWR-LTR-12-00034

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) Slides for an April 26, 2012 Meeting with NRC Staff about the B&W mPower™ Nuclear Island Systems Design

A closed meeting has been scheduled for April 26th to discuss a design update for the B&W mPower Reactor nuclear island systems. Enclosed are two versions of the slides to be presented at that meeting. Enclosure 1 is a version of the slides 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. Enclosure 2 is a redacted version of the slides that can be released to the public.

Enclosure 3 is a signed affidavit that provides the justification for withholding the CCI information identified in Enclosure 1.

Questions concerning this submittal may be directed to Jeff Halfinger at 434-316-7507 (email: jahalfinger@babcock.com) or Peter Hastings at 434-382-9791 (email: pshastings@generationmpower.com).



Jeffrey A. Halfinger

VP, Technology Development
B&W NE

JAH/jlr

Enclosures: 1. Nuclear Island Systems Slides (CCI)
 2. Nuclear Island System Slides (Redacted)
 3. Affidavit

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

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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, Technology Development, 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 April 11, 2011. This information is included in a set of slides being submitted to NRC to support a meeting about the design of the B&W mPower™ nuclear island systems.

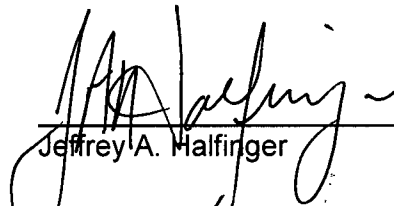
4. I have personal knowledge of the criteria and procedures used by B&W NE in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. The 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.

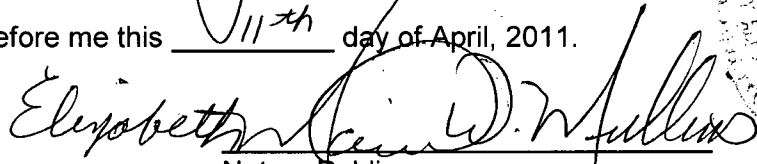
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the design of the B&W mPower™ Reactor systems, structures, and components and associated analysis, and classifications, 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 11th day of April, 2011.



Notary Public
Notary Registration # 103141

My commission expires: 9/30/15

**NOTE: SCREENING SHEET AND LIC. DOC. PROCEDURE COVER SHEET ARE FOR
INTERNAL USE AS RECORD IN COREWORX, NOT FOR SUBMITTAL TO NRC**