



babcock & wilcox mPower

▶ 109 ramsey place ▶ lynchburg, va 24501 ▶ phone +1.434.316.7592
▶ fax +1.434.316.7535 ▶ www.babcock.com

June 4, 2012

MPWR-LTR-12-00058

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

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

Subject: Organizational Name Change and Submittal of Five Babcock & Wilcox mPower, Inc.
(B&W mPower) Human Factors Engineering (HFE) Technical Reports

The Babcock & Wilcox Company has made several organizational functional and name changes. This included reorganizing the B&W Nuclear Energy Inc. ("NE") organization into two separate business operations. With this reorganization, NE comprises non-Small Modular Reactor commercial nuclear operations, while Babcock & Wilcox Modular Nuclear Energy, Inc. ("MNE") comprises operations that relate to the research, development, design of B&W's Small Modular Reactor initiative using B&W mPower™ Reactor technology. Recently we have renamed MNE as Babcock & Wilcox mPower, Inc. (B&W mPower) Accordingly, as of June 1, 2012, Babcock & Wilcox mPower, Inc. is the organization that will be submitting an application for design certification for the mPower Reactor design. As of that date please send all fee bills to the address listed above.

The purpose of this letter is to submit for NRC review and comment, the following five technical reports related to elements of the B&W mPower Reactor HFE program:

MPWR-TECR-005002 – Human Factors Engineering Program Management Plan
MPWR-TECR-005003 – Operating Experience Program
MPWR-TECR-005004 – Functional Requirements Analysis and Function Allocation
MPWR-TECR-005005 – Task Analysis
MPWR-TECR-005006 – Human Factors Engineering Integration of Human Reliability Analysis

These reports are being submitted prior to the meeting being planned where NRC and B&W mPower technical staff will discuss the contents of these reports in June. We welcome NRC feedback on these reports at that important meeting.

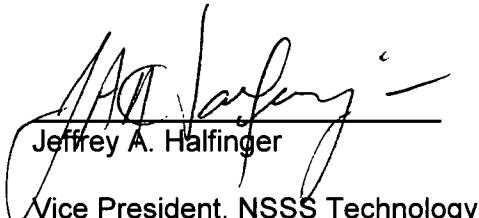
Enclosed are two versions of each of the above reports. Enclosures 1-5 are versions of each report that contain Confidential Commercial Information (CCI) in brackets that is requested to be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390 Enclosures 6-10 are redacted versions of the reports that can be released to the public.

Also Enclosure 11 is a signed affidavit that provides the justification for withholding the CCI information identified in Enclosures 1-5.

D104
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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
Vice President, NSSS Technology
Babcock & Wilcox mPower, Inc.

JAH/jlr

Enclosures: 1 Technical Report MPWR-TECR-005002 (CCI)
2 Technical Report MPWR-TECR-005003 (CCI)
3 Technical Report MPWR-TECR-005004 (CCI)
4 Technical Report MPWR-TECR-005005 (CCI)
5 Technical Report MPWR-TECR-005006 (CCI)
6 Technical Report MPWR-TECR-005002 (Redacted)
7 Technical Report MPWR-TECR-005003 (Redacted)
8 Technical Report MPWR-TECR-005004 (Redacted)
9 Technical Report MPWR-TECR-005005 (Redacted)
10 Technical Report MPWR-TECR-005006 (Redacted)
11 Affidavit

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

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 information being submitted to the NRC by the B&W NE letter dated May 29, 2012. This information is contained in five technical Human Factors Engineering reports included as enclosures to that letter.

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.

Enclosure 11

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, Babcock & Wilcox mPower (B&W mPower) NSSS Technology, located in Lynchburg, Virginia.

I have held this position since May 22, 2012. 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 mPower requests that the NRC withhold from public disclosure the information marked as "B&W Confidential Commercial Information" regarding certain information being submitted to the NRC by the B&W mPower letter dated June 4, 2012. This information is contained in five technical Human Factors Engineering reports included as enclosures to that letter.

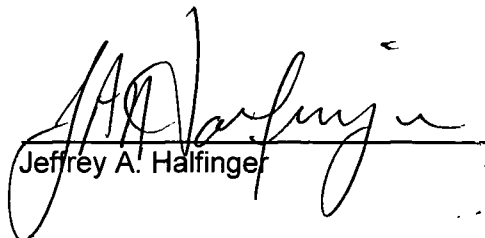
4. I have personal knowledge of the criteria and procedures used by B&W mPower in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. 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 mPower's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W mPower.

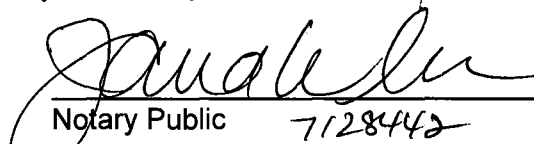
- b) Use by a competitor of the information requested to be withheld would reduce a competitor's expenditure of resources, or improve its competitive position, in the development, implementation, or licensing of a similar product.
- c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W mPower.
- d) The information requested to be withheld consists of patentable business methods embodied as strategies and plans.

5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W mPower has developed the conceptual and technical approaches regarding details and certain aspects of the development of the B&W mPower™ Reactor Human Factors Engineering program and its elements, disclosure of which could adversely affect B&W mPower'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 Human Factors Engineering program were privately funded by B&W mPower and are of commercial value to B&W mPower because of their nature in providing key elements of the B&W mPower Human Factors Engineering program. All or parts of the approach described in the withheld material contain patentable subject matter.

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 4th day of June, 2012.


Notary Public 7128442

My commission expires: Aug. 31, 2015