

August 22, 2012

Mr. Jeffrey A. Halfinger, VP, NSSS Technology  
Babcock & Wilcox mPower, Inc.  
109 Ramsey Place  
Lynchburg, VA 24501

SUBJECT: PERMISSION FOR BABCOCK AND WILCOX COMPANY TO RECEIVE LOSS-OF-FLUID TEST DATA AND SUMMARY REPORTS TO SUPPORT MPOWER™ DESIGN

Dear Mr. Halfinger:

The U.S. Nuclear Regulatory Commission (NRC) grants permission to Babcock & Wilcox (B&W) Company to receive the following Loss-of-Fluid Test (LOFT) data and summary reports for B&W to support mPower™ design:

Test Data	Summary Report
LOFT L3-1	Bayless, P. D., J. B. Marlow, and R. H. Averill, "Experiment Data Report for LOFT Nuclear Small Break Experiment L3-1," NUREG/CR-1145, EGG-2007, January 1980.
LOFT L3-2	McCormick-Barger, M. L., J. M. Carpenter, J. B. Marlow, and S. A. Ploger, "Experiment Data Report for LOFT Nuclear Small Break Experiment L3-2," NUREG/C R-1311, EGG-2016, April 1980.
LOFT L3-3	McCormick-Barger, M.L. and J.M. Divine, "Experiment Data Report for LOFT Anticipated Transient with Multiple Failures Experiment L9-1 and Small Break Experiment L3-3," NUREG/CR-2119, EGG-21 01, June 1981.
LOFT L3-6	Bayless, P.D. and J.M. Carpenter, "Experiment Data Report for LOFT Nuclear Small Break Experiment L3-6 and Severe Core Transient Experiment L8-1," NUREG/CR-1868, EGG-2075, January 1981.
LOFT L6-1 LOFT L6-2 LOFT L6-3	Batt, D.L. and J.M. Carpenter, "Experiment Data Report for LOFT Anticipated Transient Experiments L6-1, L6-2, and L6-3," NUREG/CR-1797, EGG-2067, December 1980.
LOFT L6-5	Stitt, B.D. and J.M. Carpenter, "Experiment Data Report for LOFT Anticipated Transient Experiment L6-5," NUREG/CR-1520, EGG-2045, July 1980.
Semiscale S-07-10B	Larson, T.K., G. G. Loomis, and R.W. Shumway, "Semiscale Simulations of the Three Mile Island Transient - A Summary report," EG&G Idaho, Inc., SEMI-TR-010, July 1979.

LOFT L9-2	Stitt, B.D. and J.M. Divine, "Experiment Data Report for LOFT Anticipated Transient Experiment L6-7 and Anticipated Transient with Multiple Failures Experiment L9-2", EG&G Idaho Report NUREG/CR-2277, EGG-2121, September 1981.
LOFT L9-3	Bayless, P.D., and J.M. Divine, Experiment Data Report for LOFT Anticipated Transient Without Scram Experiment L9-3, NUREG/CR-2717, EGG-2195, May 1982.
Semiscale S-NC-2B S-NC-3 S-NC-4B	"Experiment Data Report for Semiscale Mod-2A Natural Circulation Tests S-NC-2B, S-NC-3 and S-NC-4B," prepared by EG&G Idaho, NUREG/CR-2454, EGG 2141, January 1982.

Under the AGREEMENT ON AN OECD PROJECT ON THE LOFT EXPERIMENTAL PROGRAMME (AGREEMENT), it states in *Article 6* (INFORMATION AND INTELLECTUAL PROPERTY), sections (b) that *Subject only to patent and copyright restrictions, each Signatory shall have the right to publish, in addition to information provided by him to the Project, all other information, except proprietary information, provided to or arising from this Project.* For the purposes of this Agreement, proprietary information shall mean information of a confidential nature such as trade secrets and know-how previously developed outside this Agreement. Since the above listed test data and summary reports were developed within the scope of the AGREEMENT, the test data and summary reports can be deemed and considered non-proprietary in nature.

Within the context of the above Article within the AGREEMENT, the U.S. NRC, signatory to the AGREEMENT, approves the distribution of the LOFT data and summary reports, which has been deemed nonproprietary, from the LOFT facility. As such, it is understood that B&W will use all reasonable efforts to protect the use of the LOFT data and summary reports and keep it restricted using a standard of care no less than the degree of care that B&W would be reasonably expected to employ for their own similar corporate information.

In particular, B&W should not directly or indirectly disclose, allow access to, transmit, or transfer the LOFT data and summary reports to a third party without NRC's prior written consent. B&W has permission to disclose the LOFT data and summary reports only to those B&W employees and B&W consultants who have a need to know. Prior to disclosing the LOFT data and summary reports to such B&W employees and B&W consultants, B&W should issue appropriate instructions to them to satisfy its responsibilities described above and to obtain their written agreement to receive and use the LOFT data and summary reports on a proprietary basis on the same conditions as specified in this letter.

J. Halfinger

-3-

Upon receipt to the NRC of a written statement that B&W agrees to these terms, NRC will transmit to B&W a secure zip file on CD that contains the LOFT data and summary reports.

Sincerely,

***/RA CHoxie for/***

Antony Calvo, CAMP Manager  
Reactor Systems Code Development  
Branch  
Division of Systems Analysis  
Office of Nuclear Regulatory Research

Docket: PROJ0776

cc: DC B&W mPower Mailing List

J. Halfinger

-3-

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**NRO-002**

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(Revised 06/26/2012)

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