



**babcock & wilcox nuclear energy**

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

September 07, 2012

MPWR-LTR-12-00078

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

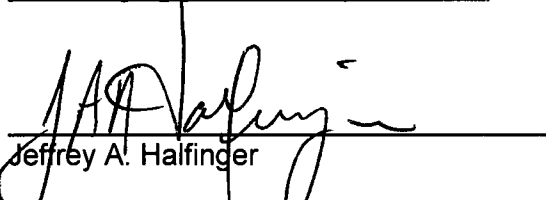
Subject: Permission for Babcock and Wilcox Company to Receive Loss-of-Fluid Test Data and Summary Reports to Support mPower™ Design

In a letter dated August 22, 2012, the U.S. Nuclear Regulatory Commission (NRC) granted permission to Babcock & Wilcox (B&W) Company to receive designated Loss-of Fluid Test (LOFT) data and summary reports to support the mPower™ design.

In this letter, the NRC identifies that upon receipt of written statement that B&W agrees to certain terms, transmittal of LOFT data and summary reports may commence. B&W hereby agrees to all terms of receipt identified in the August 22, 2012 letter, these terms being:

- B&W will use all reasonable efforts to protect the use of 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.
- B&W will 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 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 will issue appropriate instructions to them to satisfy its responsibilities described above and will obtain their written agreement to receive and use the LOFT data and summary reports on a proprietary basis on the same condition specified above.

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

  
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Jeffrey A. Halfinger  
VP, NSSS Technology  
B&W mPower

JAH/jlr

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

D104  
NRO