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January 11, 2013

MPWR-LTR-13-00002

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: Submittal of Babcock & Wilcox Nuclear Energy, Inc. (B&W mPower) Safety Analysis Preliminary Results Slides

A meeting is scheduled to be conducted between B&W mPower and NRC staff in Rockville, MD on January 29, 2013. Participants will include technical staff from B&W mPower, Bechtel Power Corporation, and NRC, and the workshop session will be closed because of the nature of the design information being discussed.

We are providing with this letter the slides to be presented during the meeting. A portion of the information provided in the report is Confidential Commercial Information (CCI). Therefore enclosed are two versions of the slides. Enclosure 1 is a signed affidavit that provides the justification for withholding the CCI information identified in Enclosure 2. Enclosure 2 is a version of the slides that includes Confidential Commercial Information (CCI) that is marked in brackets. Enclosure 3 is a redacted version of the slides that can be released to the public.

Questions concerning this submittal may be directed to Jeff Halfinger at 434-316-7507 (email: jahalfinger@babcock.com) or Peter Hastings at 980-365-2071 (email: pshastings@generationmpower.com).

Jeffrey A. Halfinger

VP, NSSS Technology
B&W mPower

JAH/jlr

Enclosures:
1. Affidavit
2. Safety Analysis Preliminary Results Slides (CCI)
3. Safety Analysis Preliminary Results Slides (Redacted)

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

D104
NRO

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Enclosure 1
AFFIDAVIT of Jeffery A. Halfinger

Enclosure 1

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 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 mPower 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 mPower letter number MPWR-LTR-13-00002. This information is included in an enclosure to that letter: Safety Analysis Preliminary Results Slides.

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

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 mPower.

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 mPower 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 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 reactor design 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™ 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 11th day of January, 2013.

Notary Public 7128442

My commission expires: August 31, 2015