

March 8, 2013

Mr. Jeffrey A. Halfinger, Vice President  
NSSS Technology  
Babcock & Wilcox mPower, Inc.  
109 Ramsey Place  
Lynchburg, VA 24501-6722

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE  
FOR THE BABCOCK & WILCOX MPOWER DESIGN MEETING SLIDES  
ENTITLED, "NUCLEAR ISLAND DESIGN UPDATE, VALVE DESIGN  
DISCUSSIONS, AND AIRCRAFT IMPACT ASSESSMENT OVERVIEW"

Dear Mr. Halfinger:

By letter dated October 11, 2012, Babcock & Wilcox (B&W) mPower, Inc. submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12289A013) in which you requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Nuclear Island System Design Update, Valve Design Discussions, and Aircraft Impact Assessment (AIA) Overview (ADAMS Accession Nos. ML12289A017, ML12289A018, ML12289A019; updated ML12335A004, ML12335A005, and ML13031A203).

A nonproprietary copy of these documents has been placed in the U.S. Nuclear Regulatory Commission's (NRC) Public Document Room (PDR) and added to the NRC Library in ADAMS (Accession Nos. ML12289A014, ML12289A015, and ML12289A016; updated ML12335A002, ML12335A003, and ML13031A200)

By letter dated November 16, 2012, B&W submitted an update to the October 11, 2012 affidavit (ADAMS Accession No. ML12325A290) with attached documents. This update is a change to ML12289A017 as described above and includes information that is no longer considered to be Confidential Commercial Information (CCI).

Nuclear Island System Design Update (ADAMS Accession No. ML12325A293)

A nonproprietary copy of this document has been placed in the NRC's PDR and added to the NRC Library in ADAMS (Accession Nos. ML12225A294)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 4(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 the B&W mPower's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W mPower's.
- 4(b) Use by a competitor of the information requested to be withheld would reduce the 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.
- 4(c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W mPower's.
- 4(d) The information requested to be withheld consists of patentable ideas.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

J. Halfinger

-3-

If you have any questions regarding this matter, I may be reached at 301-415-6091.

Sincerely,

*/RA/*

Joelle L. Starefos, Senior Project Manager  
Small Modular Reactor Licensing Branch 1  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0776

cc: DC B&W mPower Mailing List

J. Halfinger

-3-

If you have any questions regarding this matter, I may be reached at 301-415-6091.

Sincerely,

*/RA/*

Joelle L. Starefos, Senior Project Manager  
Small Modular Reactor Licensing Branch 1  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0776

cc: DC B&W mPower Mailing List

DISTRIBUTION:

Public

RidsNroDarrResource

RidsOgcMailCenterResource

RMoore, NRO

YMalave, NRO

MHumberstone, NRO

SMagruder, NRO

**ADAMS Accession No.: ML13036A301**

**NRO-002**

OFFICE	PM:NRO/DARR/SMRLB1	PM:NRO/DARR/SMRLB1
NAME	JMazza	JStarefos
DATE	02/6/2013	03/8/2013

**OFFICIAL RECORD COPY**

DC B&W mPower Mailing List  
cc:

(Revised 02/05/2013)

Mr. Lionel Batty  
Nuclear Business Team  
Graftech  
12300 Snow Road  
Parma, OH 44130

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Russell Bell  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Mr. Eugene S. Grecheck  
Vice President  
Nuclear Support Services  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. Brendan Hoffman  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy and  
Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Dobie McArthur  
Director, Washington Operations  
General Atomics  
1899 Pennsylvania Avenue, NW  
Suite 300  
Washington, DC 20006

Mr. David Repka  
Winston & Strawn LLP  
1700 K. Street, NW  
Washington, DC 20006-3817

Carlos Sisco  
Senior Paralegal  
Winston & Strawn LLP  
1700 K Street NW  
Washington, DC 20006

## DC B&W mPower Mailing List

### Email

Alan.Levin@areva.com (Alan Levin)  
APH@NEI.org (Adrian Heymer)  
asi@ornl.gov (Anita Benn)  
awc@nei.org (Anne Cottingham)  
badwan@lanl.gov (Faris Badwan)  
bevans@enercon.com (Bob Evans)  
cee@nei.org  
charles.bagnal@ge.com (Charles Bagnal)  
collinlj@westinghouse.com (Leslie Collins)  
cposlusny@babcock.com (Chester Poslusny)  
curtisslaw@gmail.com (Jim Curtiss)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
dlfulton@southernco.com (Dale Fulton)  
don.tormey@iub.iowa.gov  
dsafer@comcast.net (Don Safer)  
duane.fournier@iub.iowa.gov  
ed.burns@earthlink.net (Ed Burns)  
elyman@ucsusa.org (Ed Lyman)  
erg-xl@cox.net (Eddie R. Grant)  
ewallace@nuscalepower.com (Ed Wallace)  
exa@nei.org (Ellen Anderson)  
F.Shahrokhi@AREVA.Com (Farshid Shahrokhi)  
flowerspa@ornl.gov (Paula Flowers)  
frank.bodine@oca.iowa.gov (Frank Bodine)  
gcesare@enercon.com (Guy Cesare)  
gmokulczyk@energysolutions.com (Gair Okulczyk)  
gmorg50@hotmail.com (Garry Morgan)  
jahalfinger@babcock.com (Jeff Halfinger)  
james1.beard@ge.com (James Beard)  
jason.parker@pillsburylaw.com (Jason Parker)  
jason.tokey@nuclear.energy.gov (Jason Tokey)  
jcsaldar@bechtel.com (James Saldarini)  
jerald.head@ge.com (Jerald G. Head)  
Jim.Kinsey@inl.gov (James Kinsey)  
jim.sundermeyer@iub.iowa.gov  
JNR@NuScalePower.com (Jose N. Reyes)  
kerri.johannsen@iub.iowa.gov  
klingscl@westinghouse.com (Charles Kling)  
kouhestani@msn.com (Amir Kouhestani)  
krrowe@tva.gov (Kevin R. Rowe)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
Kwelter@NuScalePower.com (Kent Welter)  
larry.shi@oca.iowa.gov (Larry Shi)

## DC B&W mPower Mailing List

larry.stevens@iub.iowa.gov  
laura.andrews@CNSC-CCSN.GC.CA (Laura Andrews)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
lgorenflo@gmail.com (L. Gorenflo)  
libby.jacobs@iub.iowa.gov  
luther.jones@dzatlantic.com (Luther B. Jones)  
mack.thompson@iub.iowa.gov  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.a.giles@dom.com (Mark Giles)  
mark.beaumont@wsms.com (Mark Beaumont)  
mark.holbrook@inl.gov (Mark Holbrook)  
mark@npva.net  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
murawski@newsobserver.com (John Murawski)  
parveen.baig@iub.iowa.gov  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
PLorenzini@NuScalePower.com (Paul Lorenzini)  
poorewpiil@ornl.gov (Willis P. Poore III)  
pshastings@generationmpower.com (Peter Hastings)  
rbarrett@astminc.com (Richard Barrett)  
rnicholas@ge.com (Robert Nicholas)  
ronald.polle@oca.iowa.gov  
RSnuggerud@NuScalePower.com (Ross Snuggerud)  
sara@cleanenergy.org  
sfrantz@morganlewis.com (Stephen P. Frantz)  
shobbs@enercon.com (Sam Hobbs)  
smsloan@babcock.com (Sandra Sloan)  
spellmandj@ornl.gov (Donald J. Spellman)  
stan.wolf@iub.iowa.gov  
stephan.moen@ge.com (Stephan Moen)  
steven.m.mirsky@saic.com (Steve Mirsky)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
tfeigenbaum@generationmpower.com (Ted Feigenbaum)  
tgado@roe.com (Burns & Roe)  
timothy.beville@nuclear.energy.gov (Timothy Beville)  
tom.miller@hq.doe.gov (Tom Miller)  
tom.miller@nuclear.energy.gov (Thomas P. Miller)  
TomClements329@cs.com (Tom Clements)  
tommy\_le2001@yahoo.com (Tommy Le)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
W.E.SMIT@southernco.com (William Smith)  
whorin@winston.com (W. Horin)