

March 25, 2013

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

SUBJECT: ACKNOWLEDGEMENT OF INSPECTION AND APPROVAL OF BABCOCK &  
WILCOX MPOWER SAFEGUARDS PROTECTION PROGRAM PLAN  
ADDENDUM

Dear Mr. Halfinger:

In a letter to the U.S. Nuclear Regulatory Commission (NRC) dated February 16, 2012, Babcock & Wilcox Nuclear Energy, Inc. (B&W NE) requested NRC approval to store Safeguards Information (SGI), governed by EA-2010-208, at the Bechtel Power Corporation (BPC) office located in Frederick, Maryland. The approval request contained an Addendum to the B&W mPower Reactor SGI Protection Plan, Revision 3 (Plan) previously approved by the NRC. Additionally, the approval request contained assurances that B&W NE would establish and maintain the protective aspects of the previously NRC approved Plan. Assurances were also given that B&W NE would perform a comprehensive inspection of the BPC facility located in Frederick, Maryland, before the implementation of the activities described in the addendum.

The NRC staff reviewed the Addendum to the B&W NE SGI Protection Plan. On March 27, 2012, the staff requested additional information from B&W NE (Agencywide Documents Access and Management System (ADAMS) Accession No. ML120870312). On April 25, 2012, B&W NE responded to the RAI's. Based on the staff's review of the information provided by B&W NE, its documented commitment to information security and compliance with the requirements stated in EA-2010-208 and the NRC approved Plan, the NRC determined that the BPC facility met the requirements for storage of SGI. In the letter dated September 17, 2012, the NRC tentatively approved B&W NE's request to store SGI at the BPC facility contingent upon NRC's notification of the satisfactory completion of the comprehensive inspection referenced in your letter dated February 16, 2012.

On January 9, 2013, B&W mPower, Inc. submitted a summary of the B&W mPower, Inc. inspection of the SGI facility and program infrastructure at BPC. In the letter you stated that on October 24, 2012, B&W security staff performed an inspection of the BPC SGI storage and control facility using NRC's inspection plan entitled "IP 71130.06, Protection of Safeguards Information," with an issue date of January 7, 2010. B&W stated that there were several minor observations found during the inspection, which BPC responded to and corrected on November 30, 2012. Therefore, having satisfactorily notified the NRC of the completion of the comprehensive inspection as requested in the NRC letter dated September 17, 2012, NRC approves B&W mPower, Inc. to implement the SGI Plan addendum and the storage and control of SGI at the BPC facility.

B&W mPower, Inc. is reminded that it must comply with the requirements set forth in NRC Order EA-2010-208, Section III, A.3 before providing SGI designated by this Order to any individual for

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whom fingerprinting and an FBI criminal history records check is not expected to yield sufficient criminal history information to form the basis for an informed decision on granting access to SGI.

Should you have any questions, comments or concerns regarding this issue, please contact, Ms. Yanely Malave, Project Manager via email at [Yanely.Malave@nrc.gov](mailto:Yanely.Malave@nrc.gov) or by telephone at (301) 415-1519. Alternatively, you may contact Mrs. Joelle Starefos, Lead Project Manager via email at [Joelle.Starefos@nrc.gov](mailto:Joelle.Starefos@nrc.gov) or by telephone at (301) 415-6091.

Sincerely,

*/RA/*

Michael E. Mayfield, Director  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0776

J. Halfinger

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whom fingerprinting and an FBI criminal history records check is not expected to yield sufficient criminal history information to form the basis for an informed decision on granting access to SGI.

Should you have any questions, comments or concerns regarding this issue, please contact, Ms. Yanely Malave, Project Manager via email at [Yanely.Malave@nrc.gov](mailto:Yanely.Malave@nrc.gov) or by telephone at (301) 415-1519. Alternatively, you may contact Mrs. Joelle Starefos, Lead Project Manager via email at [Joelle.Starefos@nrc.gov](mailto:Joelle.Starefos@nrc.gov) or by telephone at (301) 415-6091.

Sincerely,

*/RA/*

Michael E. Mayfield, Director  
Division of Advanced Reactors and Rulemaking  
Office of New Reactors

Project No.: 0776

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**NRO-002**

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<b>DATE</b>	3/5/13	3/8/13	3/8/13
<b>OFFICE</b>	NSIR/DSO/DDSP/ISB	OGC (NLO)	D:NRO/DARR
<b>NAME</b>	RNorman	NSt.Amour	MMayfield
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