



babcock & wilcox mPower

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April 11, 2013

MPWR-LTR-13-00020

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) Plan for Piping Design Acceptance Criteria and Regulatory Treatment of Nonsafety Systems (RTNSS) B Long Term Cooling Slides

A meeting is scheduled to be conducted between B&W mPower and NRC staff in Rockville, MD on April 30, 2013. Two sessions will be held on the topics noted in the above subject line. Participants will include technical staff from B&W mPower, Bechtel Power Corporation, and NRC. Both workshop sessions will be closed because of the commercial nature of the information being discussed.

We are providing with this letter, slides to be presented during the meeting. A portion of the information on both sets of slides is Confidential Commercial Information (CCI). We request that the enclosures containing CCI be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390. Therefore enclosed are two versions of those slides. Enclosure 1 is a signed affidavit that provides the justification for withholding the CCI information. Enclosures 2 and 3 are versions of slides for each session that contains the CCI information which is identified by bracket markings. Enclosures 4 and 5 are redacted versions 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
Babcock & Wilcox mPower, Inc.

JAH/lms

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LRO

Enclosures: 1. Affidavit
 2. Plan for Piping Design Acceptance Criteria (CCI)
 3. Regulatory Treatment of Nonsafety Systems (RTNSS) B Long Term Cooling (CCI)
 4. Plan for Piping Design Acceptance Criteria (Redacted)
 5. Regulatory Treatment of Nonsafety Systems (RTNSS) B Long Term Cooling
 (Redacted)

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

Enclosure 1
AFFIDAVIT of Robert K. Temple

Enclosure 1

AFFIDAVIT OF Robert K. Temple

STATE OF NORTH CAROLINA

CITY OF CHARLOTTE

I, Robert K. Temple, being duly sworn, do hereby depose and say:

1. I am a citizen of the United States of America. I am a resident of Waxhaw, North Carolina. My birth date is October 4, 1956.
2. I am the General Counsel, Babcock & Wilcox mPower (B&W mPower), located in Charlotte, North Carolina. I have held this position since December 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-13-00020. This information is included in enclosures to that letter: Plan for Piping Design Acceptance Criteria and Regulatory Treatment of Nonsafety Systems (RTNSS) B Long Term Cooling 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.

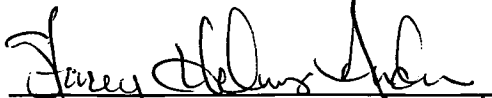
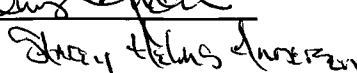
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W mPower has developed the conceptual and technical approaches regarding details of the design of the B&W mPower™ Reactor systems, structures, and components and associated analysis, disclosure of which could adversely affect B&W mPower's competitive position by informing competitors of the degree of maturity and viability of the design, 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.


Robert K. Temple

Subscribed and sworn to before me this 8th day of April, 2013.

State of North Carolina
County of Mecklenburg


Notary Public 

My commission expires: 4/10/17