

August 30, 2013

Mr. Jeffrey A. Halfinger, Vice President
NSSS Technology
109 Ramsey Place
Lynchburg, VA 24501-6722

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR THE BABCOCK & WILCOX MPOWER MEETING SLIDES ENTITLED "B&W MPOWER™ REACTOR SC CONSTRUCTION, SEISMIC, AND HYDROLOGY DISCUSSIONS" AND "IMPLEMENTATION OF RANDOM VIBRATION THEORY FOR SEISMIC SOIL-STRUCTURE INTERACTION"

Dear Mr. Halfinger:

By letters dated June 6, 2013 and June 12, 2013, Babcock & Wilcox mPower, Inc. (B&W mPower) submitted affidavits (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML13162A382 and ML13165A290) dated June 6, 2013 and June 12, 2013, 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:

B&W mPower™ Reactor Steel Concrete Construction, Seismic, and Hydrology Discussions (ADAMS Accession No. ML13162A380 and ML13162A381)

Implementation of Random Vibration Theory for Seismic Soil-Structure Interaction (ADAMS Accession No. ML13165A292)

Nonproprietary copies of these documents have been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the NRC Library in ADAMS, Accession Nos. ML13162A383 and ML13165A291, respectively.

The affidavits 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 B&W mPower's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W mPower.
- 4(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.

- 4(c) The information requested to be withheld is currently supported by the Department of Energy under award Number DE-NE0000583. All or parts of the information requested to be withheld reveal aspects of privately funded development plans or programs of commercial value to B&W mPower that were developed prior to Department of Energy support.
- 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.

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.: PROJ0776:

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DATE	08/30/13	08/30/13