

May 5, 2014

Mr. Peter Hastings, Director of Licensing
Generation mPower, LLC.
11525 N. Community Road, Suite 500
Charlotte, NC 28277

SUBJECT: WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR THE
GENERATION MPOWER, LLC RESPONSES TO NRC ACCEPTANCE REVIEW
QUESTIONS 6 AND 8 ON B&W MPOWER™ TOPICAL REPORT,
“IMPLEMENTATION OF RANDOM VIBRATION THEORY FOR SEISMIC SOIL-
STRUCTURE INTERACTION”

Dear Mr. Hastings:

By letter dated December 16, 2013, Generation mPower, LLC. (GmP) submitted an affidavit (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13352A022), in which you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Responses to NRC Acceptance Review Questions 6 and 8 (Proprietary) (ADAMS
Accession No. ML13352A024)

A nonproprietary copy of this document (ADAMS Accession No. ML13352A023) has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in the ADAMS.

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

- 4(a) The information sought to be withheld from public disclosure is owned by or licensed to GmP and has been held in confidence by GmP, Babcock & Wilcox mPower, Inc. (B&W mPower), and their consultants.
- 4(b) The information sought to be protected is not publicly available to the best of our knowledge and belief.
- 4(c) The information is of the type that would customarily be held in confidence by GmP. This information includes GmP's and B&W mPower's 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 our 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. All or parts of the approach described in the withheld material is patentable.

- 4(d) Release of the subject information will harm GmP because GmP will be put at a competitive disadvantage if its competitors in the small modular reactor market become aware of its proprietary information. In addition, GmP has contractual relationships with B&W mPower regarding proprietary information, and GmP is contractually obligated to seek confidential and proprietary treatment of such information.
- 4(e) The proprietary information sought to be withheld from public disclosure is identified and is marked as proprietary as it appears in the materials.
- 4(f) The information was transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.

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.

P. Hastings

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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 Number: 0776

cc: Distribution via ListServ

P. Hastings

- 3 -

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| DATE | 04/28/14 | 05/05/14 |

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