



**babcock & wilcox nuclear energy**

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August 04, 2011

BW-JAH-2011-258

U.S. Nuclear Regulatory Commission (NRC)  
ATTN: Document Control Desk  
11555 Rockville Pike  
Rockville, MD 20852-2738

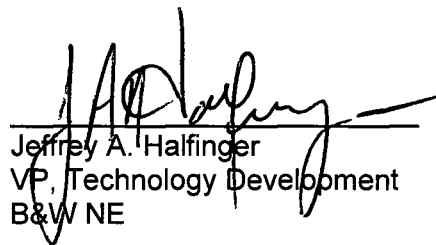
Babcock & Wilcox Nuclear Energy, Inc. (B&W NE)  
Docket Number-PROJ0776  
Project Number-776

Subject: Submittal of Slides from August 2, 2011 Meeting with NRC Staff

A closed meeting was held between NRC and B&W NE staff on August 2, 2011 to discuss the applicability of sections of the American Society of Mechanical Engineers (ASME) Code to the B&W mPower™ Reactor design. A set of reactor overview slides were shared during the meeting that included certain B&W NE Confidential Commercial Information (CCI). These slides were collected at the end of the meeting to facilitate our screening of the material. We have completed that screening.

Attachment 1 is the set of slides that contains B&W NE Confidential Commercial Information (CCI) in brackets. We request that this information be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390. Attachment 2 is an affidavit that provides the justification for withholding the CCI information in that slide package. Attachment 3 is a redacted, non-proprietary version of the slides that can be made available to the public.

Questions concerning this submittal may be directed to Jeff Halfinger at 434-316-7507 (email: [jahalfinger@babcock.com](mailto:jahalfinger@babcock.com)) or T. J. Kim at 434-382-9791 (email: [tjkim@babcock.com](mailto:tjkim@babcock.com)).



Jeffrey A. Halfinger  
VP, Technology Development  
B&W NE

JAH/jlr

Attachments: 1: Reactor Overview Slides (Proprietary Version)  
2: Affidavit  
3: Reactor Overview Slides (Redacted Version)

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

D104  
HRO

Attachment 2

AFFIDAVIT OF Jeffrey A. Halfinger

STATE OF Virginia

CITY OF Lynchburg

I, Jeffrey A. Halfinger, being duly sworn, do hereby depose and say:

1. I am a citizen of the United States of America. I am a resident of Lynchburg, Virginia. My birth date is November 4<sup>th</sup>, 1961.

2. I am the Vice President for Babcock & Wilcox Nuclear Energy, Inc. (B&W NE), located in Lynchburg, Virginia.

I have held this position since June 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 NE requests that the NRC withhold from public disclosure the information marked as "B&W Confidential Commercial Information" in a set of reactor overview slides. This information is included in Attachment 1 to a letter dated August 4, 2011- a set of slides shared at a closed meeting with the NRC staff conducted on August 2, 2011.

4. I have personal knowledge of the criteria and procedures used by B&W NE 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:

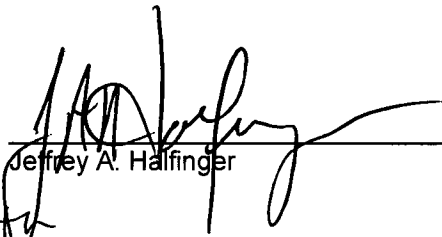
- a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- b) Use by a competitor 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 NE.

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 NE has developed the conceptual and technical approaches regarding details of the B&W mPower™ reactor design features, disclosure of which could adversely affect B&W NE's 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. These features of the reactor design were privately funded by B&W NE and are of commercial value to B&W NE 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.

  
Jeffrey A. Halfinger

Subscribed and sworn to before me this 4th day of August, 2011.

  
Notary Public  
7128442

My commission expires: 8/31/2011