



babcock & wilcox nuclear energy

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August 11, 2011

BW-JAH-2011-259

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

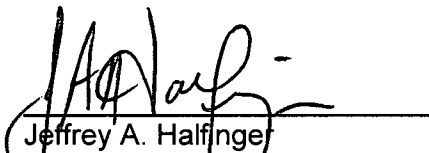
Babcock & Wilcox Nuclear Energy, Inc. (B&W NE)
Docket Number-PROJ0776
Project Number-776

Subject: Submittal of Slides for August 30, 2011 Meeting with NRC Staff

A closed meeting is scheduled to be held between NRC and B&W NE staff on August 30, 2011 to discuss a B&W mPower™ Software Process and Procedure Update and a Human Factors Engineering Program Plan Overview.

Attachment 1 is the set of slides that will be discussed during the meeting 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) or T. J. Kim at 434-382-9791 (email: tjkim@babcock.com).



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

JAH/jlr

Attachments: 1: August 30, 2011 Presentation Slides (Proprietary Version)
2: Affidavit
3: August 30, 2011 Presentation Slides (Redacted Version)

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

D104
NRO

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 4th, 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 presentation slides. This information is included in Attachment 1 to a letter dated August 10, 2011- a set of slides to be discussed at a closed meeting with the NRC staff on August 30, 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:

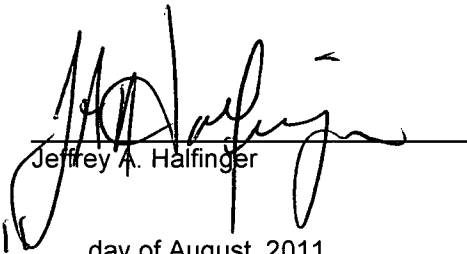
- a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W NE's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W NE.
- b) Use by a competitor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

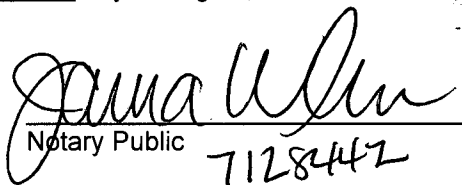
d) The information requested to be withheld consists of patentable ideas.

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 and design processes, 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 _____ day of August, 2011.


Notary Public 7128442

My commission expires: Aug 31, 2011