



babcock & wilcox nuclear energy

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January 27, 2012

BW-JAH-2012-276

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 B&W mPower™ Core and Fuel Design Slides for Upcoming Meeting with
NRC Staff

A closed meeting is scheduled to be held between NRC and B&W NE staff on February 16, 2012 to discuss updated information about the B&W mPower reactor core and fuel design.

Attachment 1 is a set of presentation slides for that meeting that contain 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 identified CCI information included in the slides. 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: Subject Slides (Proprietary Version)
2: Affidavit
3: Subject Slides (Redacted Version)

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

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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 Electrical B&W mPower Reactor Core and Fuel Design slides. This information is included in Attachment 1 to a letter dated January 27, 2012- a set of slides to be presented at a closed meeting with the NRC to be conducted on February 16, 2012.

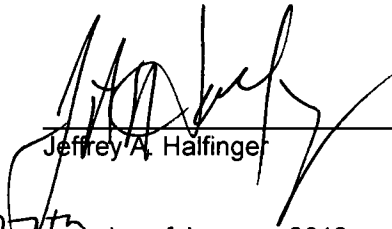
4. I have personal knowledge of the criteria and procedures used by B&W NE in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. The 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.

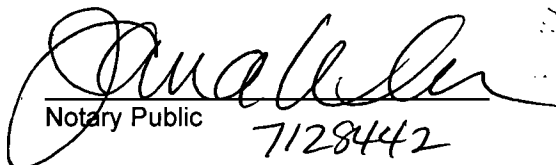
5. Specifically, the information identified in paragraph 3 above, is classified as proprietary because B&W NE has developed the conceptual and technical approaches regarding details of the B&W mPower™ reactor fuel and core design features, disclosure of which could adversely affect B&W NE's competitive 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 27th day of January, 2012.



Notary Public 7128442

My commission expires: August 31, 2015