



babcock & wilcox mPower

► 109 ramsey place ► lynchburg, va 24501 ► phone 434.316.7592
► fax 434.316.7534 ► www.babcock.com

June 29, 2012

MPWR-LTR-12-00065

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

Babcock & Wilcox mPower, Inc.
Docket Number-PROJ0776
Project Number-776

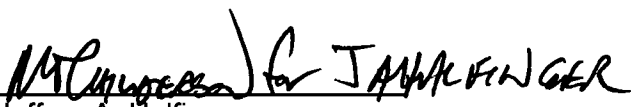
Subject: Submittal of the B&W mPower™ Approach to Satisfy GSI-191 Report
(MPWR-EPP-005009)

Enclosed is a report entitled "B&W mPower™ Approach to Satisfy GSI-191" for NRC review and comment. We propose to discuss this report in a future meeting with the NRC.

A portion of the information contained in the report is Confidential Commercial Information (CCI) and Security-Related. Therefore enclosed are two versions of that information. Enclosure 1 is a signed affidavit that provides the justification for withholding the CCI information identified in Enclosure 2. Enclosure 2 is a version of the report that includes Confidential Commercial Information (CCI) that is marked in brackets. Enclosure 3 is a redacted version that can be released to the public.

The report provided in Enclosure 2 also contains sensitive, unclassified, non-safeguards information (SUNSI), and the affected pages are marked in the header and footer with "Security-Related Information – Withhold Under 10 CFR 2.390."

Questions concerning this submittal may be directed to Jeff Halfinger at 434-316-7507 (email: jahalfinger@babcock.com) or Peter Hastings at 434-382-9791 (email: pshastings@generationmpower.com).


Jeffrey A. Halfinger

VP, NSSS Technology
B&W mPower

JAH/jlr

*D104
NRW*

U.S Nuclear Regulatory Commission
June 29, 2012
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Enclosures: 1. Affidavit
 2. B&W mPower™ Approach to Satisfy GSI-191 (CCI and SUNSI)
 3. B&W mPower™ Approach to Satisfy GSI-191 (Redacted)

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

Enclosure 1

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, Babcock & Wilcox mPower (B&W mPower) NSSS Technology, 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 mPower requests that the NRC withhold from public disclosure the information marked as "B&W Confidential Commercial Information" regarding certain design information being submitted to the NRC by the B&W mPower letter MPWR-LTR-12-00065. This information is included in an enclosure to that letter: B&W mPowerTM Approach to Satisfy GSI-191 Report (MPWR-EPP-005009).

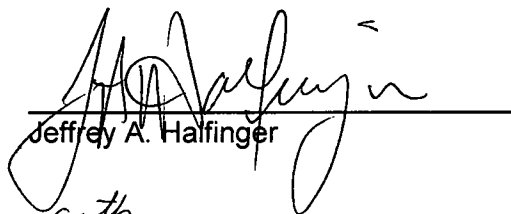
4. I have personal knowledge of the criteria and procedures used by B&W mPower in designating confidential commercial or financial information as proprietary and have been delegated the function to review the information to identify proprietary information and authorized to apply for its withholding. 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 mPower's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W mPower.

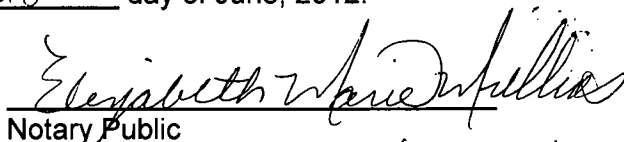
- b) Use by a competitor of the information requested to be withheld would reduce a competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- c) The information requested to be withheld reveals aspects of privately funded development plans or programs of commercial value to B&W mPower.
- 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 mPower has developed the 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 B&W mPower'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 mPower and are of commercial value to B&W mPower 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 28th day of June, 2012.


Notary Public

Notary Registration # 103141

My commission expires: 9/30/15

Enclosure 1
AFFIDAVIT of Jeffery A. Halfinger

Enclosure 1

AFFIDAVIT OF Jeffrey A. Halfinger

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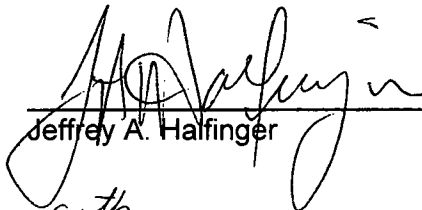
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- b) Use by a competitor of the information requested to be withheld would reduce a competitor's expenditure of resources, or improve its competitive position, in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
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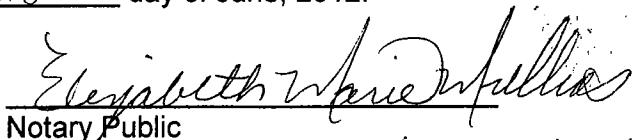
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is a true and correct statement of facts.



Jeffrey A. Halfinger

Subscribed and sworn to before me this 28th day of June, 2012.



Notary Public

My commission expires: 9/30/15 *Notary Registration # 103141*