



babcock & wilcox mPower

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September 21, 2012

MPWR-LTR-12-00081

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

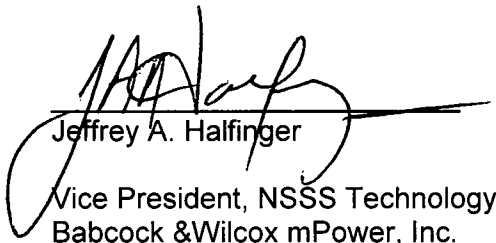
Babcock & Wilcox mPower, Inc.
Docket Number-PROJ0776
Project Number-776

Subject: Submittal of Babcock & Wilcox mPower, Inc. (B&W mPower) Human Factors Engineering (HFE) Program Technical Report MPWR-TECR-005010

Enclosed is a report entitled "B&W mPower™ Human Factors Engineering (HFE) Program Technical Report MPWR-TECR-005010 - Verification and Validation

A portion of the information contained in the report is Confidential Commercial Information (CCI). 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 with brackets. We request that this version be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390. Enclosure 3 is a redacted version that can be released to the public.

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
Vice President, NSSS Technology
Babcock & Wilcox mPower, Inc.

JAH/jlr

Enclosures: 1. Affidavit
 2. HFE V&V Technical Report MPWR-TECR-005010 (CCI)
 3. HFE V&V Technical Report MPWR-TECR-005010 (Redacted)

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

D104
MRO

Enclosure 1
AFFIDAVIT of Jeffrey A. Halfinger

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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 May 22, 2012. 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 number MPWR-LTR-12-00081. This information is included in an enclosure to that letter: "Verification and Validation," MPWR-TECR-005010.

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:

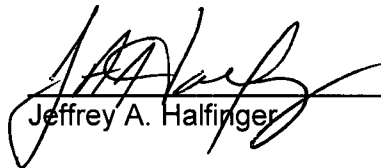
a) The information requested to be withheld reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) whose use by any of B&W mPower's competitors, without a license from the submitter, would constitute a competitive economic disadvantage to B&W mPower.

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 development, implementation, 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 business methods embodied as strategies and plans.

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 and certain aspects of the development of the B&W mPower™ Reactor Human Factors Engineering program and its elements, 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 Human Factors Engineering program were privately funded by B&W NE and are of commercial value to B&W mPower because of their nature in providing key elements of the B&W mPower Human Factors Engineering program. All or parts of the approach described in the withheld material contain patentable subject matter.

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 21 day of September, 2012.


Notary Public 7128442

My commission expires: Aug. 31, 2015