MNES
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GN-EL-070004
November 1, 2007

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Affidavit and Proprietary and Non-Proprietary Versions of Technical Report – "Common Cause Failure Potential for Safety System Digital Platform – MELTAC"

The purpose of this letter is to transmit an affidavit requesting that Technical Report JEJP-1012-1029, "Common Cause Failure Potential for Safety System Digital Platform – MELTAC" be treated by the NRC as proprietary information. The original Technical Report was submitted to NRC with the transmittal letter DC-EL-070001 dated July 20, 2007.

Guidance was provided to Mitsubishi Nuclear Energy Systems, INC. (MNES) by the NRC Staff that MNES should submit an affidavit indicating the rational for its request that Technical Report JEJP-1012-1029 be treated as proprietary information along with a proprietary copy of the Report. This letter and the enclosures (attached) provide the required submittals and rationale.

MNES and it associated Mitsubishi Company – Mitsubishi Electric Company (MELCO) -- consider the design of the MELTAC digital platform described in Technical Report JEJP-1012-1029 to be proprietary since the concepts and engineering details embodied in the design are not common knowledge within the nuclear industry, and would provide competitors with valuable new information. Therefore, the entire design should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R § 9.17 (a)(4) as trade secrets and commercial or financial information which is privileged or confidential. A non- proprietary version of the document redacting the proprietary design information is also being submitted in this package. In the non-proprietary version, the proprietary information, bracketed in the proprietary version, is replaced by the designation "[ ]".

In accordance with the NRC submittal procedures for Technical Reports, this letter includes a copy of the proprietary version (Enclosure 2), non-proprietary version (Enclosure 3) and the Affidavit of Noriyuki Kuwata (Enclosure 1) which states the reasons that MNES and MELCO request all materials identified as proprietary information in Enclosure 2 be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R.§ 9.17(a)(4). Also, since the content of the original report submitted to NRC with the transmittal letter DC-EL-070001 dated July 20, 2007 is the same as that in enclosure 2, MNES and MELCO respectfully request that the original report also be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R.§ 9.17(a)(4) for the reasons stated in the enclosed Affidavit.

Please contact me if you have any questions concerning this matter.

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NRO

Add'l copies have been sent to PM

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Sincerely,

for N. Kuwata

Noriyuki Kuwata
Executive Vice President

Enclosures:
Enclosure1 - Affidavit of Noriyuki Kuwata (non-proprietary)
Enclosure2 - Common Cause Failure Potential for Safety System Digital Platform - MELTAC (JEXU-1012-1029-P Rev.1) (proprietary version)
Enclosure3 - Common Cause Failure Potential for Safety System Digital Platform - MELTAC (JEXU-1012-1029-NP) (non-proprietary version)

cc: S. R. Monarque (NRC)
J. A. Ciocco (NRC)
Ian Jung (NRC)
Michael Waterman (NRC)
William Kemper (NRC)
Russ Sydnor (NRC)

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ENCLOSURE 1

MITSUBISHI NUCLEAR ENERGY SYSTEMS, INC.

AFFIDAVIT

I, Noriyuki Kuwata, state as follows:

1. I am Executive Vice President, of Mitsubishi Nuclear Energy Systems, INC ("MNES"), and have been delegated the function of reviewing US-APWR documentation to determine whether it contains information that should be withheld from disclosure pursuant to 10 C.F.R 2.390(a)(4) and 10 C.F.R 9.17(a)(4) as trade secrets and commercial or financial information which is privileged or confidential.

2. In accordance with my responsibilities, I have reviewed the enclosed technical report JEJP-1012-1029 dated November 1, 2007, entitled "Common Cause Failure Potential for Safety System Digital Platform – MELTAC" and have determined that portions of the report contain proprietary information that should be withheld from public disclosure. Those pages that contain proprietary information are identified with the label "Proprietary " on the top of the pages and the proprietary information has been bracketed with an open and closed bracket as shown here " [ ]". The first page of technical report indicates that all information identified as "Proprietary" should be withheld from public disclosure pursuant to 10 C.F.R. 2.390(a)(4).

3. The information identified as proprietary in the enclosed technical report is held in confidence by MNES and Mitsubishi Electric Corporation ("MELCO") and its disclosure outside the company is limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and other with a legitimate need for the information, and is always subject to suitable measures to protect it from unauthorized use or disclosure.

4. The basis for holding the technical report confidential is that it describes the unique design of the digital platform "MELTAC", developed by MNES and MELCO and not used in the exact form by any of MNES's and MELCO's competitors. This information was developed at significant cost to MNES and MELCO, since it required the performance of detailed design calculations, analyses, software and hardware manufacturing and testing extending over several years.

5. The reference information is being furnished to the Nuclear Regulatory Commission ("NRC") in confidence and solely for the purpose of supporting the NRC staff's review of the technical report.

6. The referenced information is not available in public sources and could not be gathered readily from other publicly available information. Other than through the provisions in paragraph 3 above, MNES and MELCO know of no way the information could be lawfully acquired by organizations or individuals outside of MNES and MELCO.

7. Public disclosure of the referenced information would assist competitors of MNES and MELCO in their design of new nuclear power plants without incurring the costs or risks associated with the design of the subject systems. Therefore, disclosure of the information contained in the referenced technical paper would have the following negative impacts on the competitive position of MNES and MELCO in the U.S. nuclear plant market:

A. Loss of competitive advantage due to the costs associated with development and testing of the MELTAC digital platform. Providing public access to such information permits competitors to duplicate or mimic the MELTAC design.

B. Loss of competitive advantage of the US-APWR created by benefits of enhanced plant safety, and reduced operation and maintenance costs associated with MELTAC.

I declare under penalty of perjury that the foregoing matters stated herein are true and correct to the best of my knowledge, information and belief.

Executed on this 1 day of November, 2007

Shinji Kawano for Kuwata.

Noriyuki Kuwata,
Executive Vice President
Mitsubishi Nuclear Energy Systems, INC.

ENCLOSURE 2

Technical Report: JEJP-1012-1029-P Rev.1

Common Cause Failure Potential for Safety System Digital Platform – MELTAC

November 2007

(Proprietary Version)

[Important Notice]

This technical report contains proprietary information of Mitsubishi Nuclear Energy Systems, INC (MNES) and Mitsubishi Electric Corporation (MELCO). MNES requests that the NRC withhold this information from public disclosure.
The first page of this technical report and those pages containing proprietary information are identified with the label "Proprietary" on the top page. The first page of technical report also indicates that all information identified as "Proprietary" should be withheld from public disclosure pursuant to 10 C.F.R. 2.390(a)(4).

ENCLOSURE 3

Technical Report: JEJP-1012-1029-NP

Common Cause Failure Potential for Safety System Digital Platform – MELTAC

November 2007

(Non-Proprietary Version)

This is a non-proprietary version of Technical Report, JEJP-1012-1029-NP, with all proprietary information removed.

Portions of the report where proprietary information has been removed are identified be the designation "[ ]".