

  
**MITSUBISHI HEAVY INDUSTRIES, LTD.**  
16-5, KONAN 2-CHOME, MINATO-KU  
TOKYO, JAPAN

August 6, 2008

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

Attention: Mr. Jeffrey A. Ciocco

Docket No. 52-021  
MHI Ref: UAP-HF-08139

**Subject: MHI's Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code"**

- References:**
- 1) Letter from the NRC (ML081780082) to Y. Ogata (MHI), "Request for Additional Information on FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code for US-APWR Topical Report" dated on July 7, 2008
  - 2) Letter MHI Ref: UAP-HF-08132 from Y. Ogata (MHI) to U.S. NRC, "MHI's Partial Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code"" dated on July 18, 2008.

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a response entitled "MHI's Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code". In the enclosed document, MHI provide the responses for RAI's 1 through 5 and 10 of those in Reference 1. Other responses for RAI's 6 through 9 have been already provided in Reference 2, dated July 18, 2008,

As indicated in the enclosed materials, this document contains information that MHI considers proprietary, and therefore should be withheld from public 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 is also being submitted in this package (Enclosure 3). In the non-proprietary version, the proprietary information, bracketed in the proprietary version, is replaced by the designation "[ ]".

This letter includes a copy of the proprietary version (Enclosure 2), a copy of non-proprietary version (Enclosure 3), and the Affidavit of Yoshiki Ogata (Enclosure 1) which identifies the reasons MHI respectfully requests that all materials designated as "Proprietary" in Enclosure 2 be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R. § 9.17 (a)(4).

Please contact Dr. C. Keith Paulson, Senior Technical Manager, Mitsubishi Nuclear Energy Systems, Inc. if the NRC has questions concerning any aspect of this submittal. His contact information is provided below.

Sincerely,

DO81  
NRO



Yoshiaki Ogata,  
General Manager- APWR Promoting Department  
Mitsubishi Heavy Industries, LTD.

Enclosures:

1. Affidavit of Yoshiaki Ogata
2. MHI's Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" (proprietary)
3. MHI's Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" (non-proprietary)
4. CD 1:"Electronic Files Related to Responses to RAI's 5 of NRC Requests in ML081780082 (UAP-HF-08139 Rev.0)"

The files contained in this CD are listed in Attachment 1.

CC: J. A. Ciocco  
C. K. Paulson

Contact Information

C. Keith Paulson, Senior Technical Manager  
Mitsubishi Nuclear Energy Systems, Inc.  
300 Oxford Drive, Suite 301  
Monroeville, PA 15146  
E-mail: ck\_paulson@mnes-us.com  
Telephone: (412) 373 – 6466

## ENCLOSURE 1

Docket No.52-021  
MHI Ref: UAP-HF-08139

### MITSUBISHI HEAVY INDUSTRIES, LTD.

#### AFFIDAVIT

I, Yoshiki Ogata, being duly sworn according to law, depose and state as follows:

1. I am General Manager, APWR Promoting Department, of Mitsubishi Heavy Industries, Ltd ("MHI"), and have been delegated the function of reviewing MHI's 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 CFR § 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 "MHI's Responses to the NRC's Requests for Additional Information on Topical Report MUAP-07034-P(0) FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" and have determined that portions of the report contain proprietary information that should be withheld from public disclosure. Those pages containing proprietary information are identified with the label "Proprietary" on the top of the page and the proprietary information has been bracketed with an open and closed bracket as shown here "[ ]". The first page of the technical report indicates that all information identified as "Proprietary" should be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a).
3. The information in the report identified as proprietary by MHI has in the past been, and will continue to be, held in confidence by MHI and its disclosure outside the company is limited to regulatory bodies, customers and potential customers, and their agents, suppliers, and licensees, and others 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 referenced information confidential is that it describes the unique code and files developed by MHI for the fuel of the US-APWR and also contains information provided to MHI under license from the Japanese Government. These code and files were developed at significant cost to MHI, since they required the performance of detailed calculations, analyses, and testing extending over several years. The referenced information is not available in public sources and could not be gathered readily from other publicly available information. MHI knows of no way the information could be lawfully acquired by organizations or individuals outside of MHI and the Japanese Government.
5. The referenced 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 MHI's Application for certification of its US-APWR Standard Plant Design.
6. Public disclosure of the referenced information would assist competitors of MHI in their design of new nuclear power plants without the costs or risks associated with the design of new fuel systems and components. Disclosure of the information identified as proprietary would therefore have negative impacts on the competitive position of MHI in

the U.S. nuclear plant market.

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

Executed on this 6<sup>th</sup> day of August, 2008.

A handwritten signature in black ink, appearing to read "Y. Ogata". The signature is written in a cursive style with a horizontal line extending from the end of the name.

---

Yoshiaki Ogata