


MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

October 17, 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-08231

Subject: User's Guide for the FINDS Code Used in the US-APWR Fuel Assemblies' Seismic and LOCA Response Analysis

Reference: 1) Letter MHI Ref: UAP-HF-08139 from Y. Ogata (MHI) to U.S. NRC, "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" dated August 6, 2008

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") submits to the U.S. Nuclear Regulatory Commission ("NRC") the FINDS code user's guide in support of Topical Report MUAP-07034-P(0) FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" and RAI response in Reference 1. The user's guide is being submitted electronically in the Optical Storage Media ("OSM") enclosure. The file contained on OSM is listed in the Attachment 1 and 2.

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) 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).

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,



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

DOB
NRO

Enclosures:

1. Affidavit of Yoshiki Ogata
2. CD1: "FINDS Code User's Guide" (Proprietary)
3. CD2: "FINDS Code User's Guide" (Non-proprietary)

The files contained in these CDs is listed in Attachment 1 and 2 hereto.

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

Contact Information

C. Keith Paulson, Senior Technical Manager
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ENCLOSURE 1

Docket No.52-021
MHI Ref: UAP-HF-08231

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) as trade secrets and commercial or financial information which is privileged or confidential.
2. In accordance with my responsibilities, I have reviewed the enclosed FINDS Code User's Guide 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 17th day of October, 2008.

A handwritten signature in black ink, appearing to read "Y. Ogata". The signature is written in a cursive style with a large initial "Y" and a long horizontal stroke at the end.

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

Enclosure 2

UAP-HF-08231, Rev.0

FINDS Code User's Guide

October 2008
(Proprietary)

[Important Notice]

This document contains proprietary information of Mitsubishi Heavy Industries, LTD (MHI). MHI requests that the NRC withhold this information from public disclosure. The first page of the document and those pages containing proprietary information are identified with the label "Proprietary" on the top of the page. The first page of the document 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

UAP-HF-08231, Rev.0

FINDS Code User's Guide

October 2008
(Non Proprietary)

ATTACHMENT 1

FILES CONTAINED IN CD 1

CD 1: "FINDS Code User's Guide" (Proprietary)

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity level</u>
FINDS_Code_Users_Guide_P.pdf	316kB	Proprietary

ATTACHMENT 2

FILES CONTAINED IN CD 2

CD 2: "FINDS Code User's Guide" (Non-proprietary)

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity level</u>
FINDS_Code_Users_Guide_NP.pdf	283kB	Non-Proprietary