


MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

October 13, 2009

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-09475

Subject: Revision 1 of the Technical Report JEXU-1015-1009-P "US-APWR Software Safety Report"

References: 1 Letter MHI Ref. UAP-HF-09393 from Y. Ogata ("MHI") to U.S. NRC, "MHI's Responses to 2nd round Requests for Additional Information on Topical Report MUAP-07005-P(R3) Safety System Digital Platform -MELTAC-," dated July 29, 2009.

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") revision 1 of the technical report entitled "US-APWR Software Safety Report" as a follow-up to the Reference 1.

As indicated in the enclosed materials, this document contains information that MHI and Mitsubishi Electric Corporation ("MELCO") consider 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 the 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 the submittal. His contact information is below.

Sincerely,



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

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NRC

Enclosures:

1. Affidavit of Katsumi Akagi
2. CD 1: "Technical Report JEXU-1015-1009-P(R1) US-APWR Software Safety Report"
– Version containing Proprietary information
3. CD 2: "Technical Report JEXU-1015-1009-NP(R1) US-APWR Software Safety Report"
– Version not containing Proprietary information

The files contained in each CD are listed in Attachments 1 and 2 hereto.

CC: J A. Ciocco
C. K. Paulson

Contact Information

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MITSUBISHI ELECTRIC CORPORATION

AFFIDAVIT

I, Katsumi Akagi, state as follows:

1. I am US-APWR Project Manager, Nuclear Power Department, of Mitsubishi Electric Corporation ("MELCO"), and have been delegated the function of reviewing MELCO's US-APWR documentation to determine whether it contains information that 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.
2. In accordance with my responsibilities, I have reviewed the enclosed document entitled "US-APWR Software Safety Report Revision 1" dated October 2009, and have determined that portions of the document 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 document 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 document has in the past been, and will continue to be, held in confidence by MELCO 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 design of software for the digital platform "MELTAC", developed by MELCO and not used in the exact form by any of MELCO's competitors. This information was developed at significant cost to MELCO, since it required the performance of Research and Development and detailed design for its software extending over several years.
5. The referenced information is being furnished to the Nuclear Regulatory Commission ("NRC") in confidence and solely for the purpose of information to the NRC staff.
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, MELCO knows of no way the information could be lawfully acquired by organizations or individuals outside of MELCO.
7. Public disclosure of the referenced information would assist competitors of MELCO in their design of new nuclear power plants without incurring the costs or risks associated with the design and testing of the subject systems. Therefore, disclosure of the information contained in the referenced document would have the following negative impacts on the competitive position of MELCO in the U.S. nuclear plant market:

- A. Loss of competitive advantage due to the costs associated with development and testing of software for the MELTAC. Providing public access to such information permits competitors to duplicate or mimic the MELTAC design without incurring the associated costs.
- B. Loss of competitive advantage of the US-APWR created by benefits of enhanced plant safety, and reduced operation and maintenance costs associated with the MELTAC.

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 8th day of October, 2009.



Katsumi Akagi,
US-APWR Project Manager, Nuclear Power Department
Mitsubishi Electric Corporation

ATTACHMENT 1

FILES CONTAINED IN CD 1

**CD 1: "Technical Report JEXU-1015-1009-P "US-APWR Software Safety Report"
– Version containing proprietary information**

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity Level</u>
SSR_TeR_R1(Proprietary).pdf	0.4MB	Proprietary

ATTACHMENT 2

FILES CONTAINED IN CD 2

**CD2 : "Technical Report JEXU-1015-1009-NP "US-APWR Software Safety Report"
– Version not containing proprietary information**

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity Level</u>
SSR_TeR_R1(Non-proprietary).pdf	0.3MB	Non-Proprietary