



MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

December 10, 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-09551

Subject: Transmittal of the Technical Report Entitled "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks" Revision 1

References: 1) Letter MHI Ref. UAP-HF-08042 from M. Kaneda (MHI) to U.S. NRC, "Transmittal of the Technical Report Entitled "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks"" dated on February 27, 2008

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") its technical report entitled "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks, MUAP-07032 Revision 1". The report is electronically submitted in compact discs ("CDs").

The initial technical report was submitted with Reference 1. MHI performed criticality analyses based on the design change of New, Spent and Damaged fuel racks. These results were included in the revised technical report, MUAP-07032 Revision 1.

The enclosed report contains information that MHI considers proprietary, and therefore the report 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. Accordingly, the report is being submitted in two versions, in separate compact discs. One version (in CD 1) contains the complete proprietary version of the report. A non-proprietary version of the report is enclosed in CD 2. 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, this letter includes an Affidavit that identifies the reasons why the proprietary version of the report should be withheld from 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.

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NRO

Sincerely,



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

Enclosures:

1. Affidavit of Yoshiaki Ogata
2. CD 1: Technical Report "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks, MUAP-07032-P Revision 1"
– Version containing Proprietary information
3. CD 2: Technical Report "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks, MUAP-07032-NP Revision 1"
– 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

C. Keith Paulson, Senior Technical Manager
Mitsubishi Nuclear Energy Systems, Inc.
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Monroeville, PA 15146
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Telephone : (412) 373-6466

Enclosure 1

Docket No.52-021
MHI Ref: UAP-HF-09551

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 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 "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks" dated December 2009, and have determined that the 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 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 design of the fuel storage racks of the US-APWR specific design, developed by MHI and involved vendor and not used in the exact form by any of MHI's competitors. That design was developed at significant cost to MHI, since it required the performance of detailed design calculations, analyses. The referenced information is not available in public sources and could not be gathered readily from other publicly available information.
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 incurring the costs or risks associated with the design of the subject systems. Therefore, disclosure of the

information contained in the referenced document would 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 10th day of December, 2009.

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, sweeping underline.

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

ATTACHMENT 1

FILE CONTAINED IN CD1

**CD 1: Technical Report "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks, MUAP-07032-P Revision 1"
- Version containing Proprietary information**

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity Level</u>
MUAP-07032-P(R1).pdf	601 KB	Proprietary

ATTACHMENT 2

FILE CONTAINED IN CD2

**CD 2: Technical Report "Criticality Analysis for US-APWR New and Spent Fuel Storage Racks, MUAP-07032-NP Revision 1"
- Version not containing Proprietary information**

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity Level</u>
MUAP-07032-NP(R1).pdf	446 KB	Non-Proprietary