

  
**MITSUBISHI HEAVY INDUSTRIES, LTD.**  
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TOKYO, JAPAN

March 1, 2010

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-10053

**Subject: Batch file for PWR-GALE Computer Program used in the US-APWR Design Control Document, Revision 1, Chapter 11**

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") batch file for PWR-GALE Computer Program, per NRC's request for the review of the Chapter 11 of the US-APWR Design Control Document.

As indicated in the enclosed materials, the attachment data of this document (Enclosure 1) 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.

This letter includes the proprietary digital data (Enclosure 1), and the Affidavit of Yoshiki Ogata (Enclosure 2) which identifies the reasons MHI respectfully requests that all materials designated as "Proprietary" in Enclosure 1 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,

*Y. Ogata*

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

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NRO

Enclosures:

1. CD1:"PWR-GALE code batch file "
2. Affidavit of Yoshiki Ogata

The files contained in this CD1 are listed in Attachment 1.

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

Contact Information

C. Keith Paulson, Senior Technical Manager  
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Telephone: (412) 373-6466

**Enclosure 2**

Docket No.52-021  
MHI Ref: UAP-HF-10053

**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 " PWR-GALE code batch file" and have determined that the attachment data contain proprietary information that should be withheld from public disclosure.
3. The information in the data 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 to include MHI's network server name.
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 1<sup>st</sup> day of March, 2010.



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

**ATTACHMENT 1**

**FILES CONTAINED IN CD 1**

**CD 1: "PWR-GALE code batch file " –Proprietary information**

Contents of CD

<u>File Name</u>	<u>Size</u>	<u>Sensitivity level</u>
• PWR-GALE code batch file: - GALE86-EXEC.bat (txt format)	4KB	Proprietary