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

November 19, 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-10314

**Subject:** MHI's Responses to the NRC's RAIs on Topical Report "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" MUAP-07034-P

**References:** 1) Official Use Only-Proprietary Information REQUEST FOR ADDITIONAL INFORMATION TOPICAL REPORT FINDS: MITSUBISHI FUEL ASSEMBLIES ANALYSIS CODE MUAP-07034-P (10/26/2010)

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a document entitled "MHI's Responses to NRC's RAIs on Topical Report "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" UAP-07034-P.

Enclosed are the responses to RAIs contained in Reference 1.

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.

This letter includes a copy of the proprietary version (Enclosure 2), a DVD including electric files(Enclosure 2) 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 submittals. His contact information is below.

Sincerely,

Y. Ogata

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

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NRO

Enclosures:

1. Affidavit of Yoshiki Ogata

2. MHI's Responses to the NRC's RAI on Topical Report "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" MUAP-07034-P (proprietary)

3. DVD1:"Electronic Files Related to Response to RAI 1 in UAP-HF-10314"

The files contained in this DVD1 are listed in Attachment 1.

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

Contact Information
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# Enclosure 1

Docket No. 52-021
MHI Ref: UAP-HF-10314

**MITSUBISHI HEAVY INDUSTRIES, LTD.**

**AFFIDAVIT**

I, Yoshiki Ogata, 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 "MHI's Responses to the NRC's RAIs on Topical Report "FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code" MUAP-07034-P, 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 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 design developed by MHI for the fuel of the US-APWR. That design was developed at significant cost to MHI, since it required the performance of detailed design 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.

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 19th day of November, 2010.

Y. Ogata

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