

## **ENCLOSURE 1**

### **MITSUBISHI ELECTRIC CORPORATION**

#### **AFFIDAVIT**

I, Shigeru Sugitani, state as follows:

1. I am the Senior Manager of the Control & Protection Systems Section, Nuclear Power Department, of Mitsubishi Electric Corporation ("MELCO"), and have been delegated the function of reviewing MELCO's digital platform 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 "Safety System Digital Platform – MELTAC – Topical Report Revision 1" dated April 2016, 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 hardware and software information 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 research development and detailed design for its software and hardware 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 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 nuclear plant market:

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

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 27th day of April, 2016.

  
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Shigeru Sugitani  
Senior Manager, Control & Protection Systems Section  
Nuclear Power Department, Energy Systems Center  
Mitsubishi Electric Corporation