



MITSUBISHI HEAVY INDUSTRIES, LTD.

16-5, KONAN 2-CHOME, MINATO-KU
TOKYO, JAPAN

November 6, 2006

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Mr. David B. Matthews

Project No.0751
MHI Ref: UAP-HF-06016

Subject: Draft Slide Presentation of "3rd Pre-Application Review Meeting Advanced Accumulator"

As per the USNRC Staff suggestion in the second NRC public meeting dealing with the US-APWR design held on September 26, 2006, Mitsubishi Heavy Industries, Ltd. (MHI) is providing hereby a copy of the draft slides for the advanced accumulator and associated flow damper that will be used in the presentation to the NRC Staff at the NRC-MHI US-APWR meeting to be held during the afternoon of November 29, 2006. As indicated in the enclosed materials, the presentation will contain information that MHI considers proprietary and which therefore should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 CFR § 9.17(a)(4) as trade secrets and commercial or financial information which is privileged or confidential.

Included with this letter are copies of the proprietary (Enclosure 2) and non-proprietary (Enclosure 3) versions of the draft slide presentation, to be used by the NRC in determining whether the materials identified as proprietary should be protected from disclosure. Also included is the Affidavit of Yoshinobu Shibata (Enclosure 1), identifying the bases for requesting the NRC to concur with MHI's position that the information marked "Proprietary" in Enclosure 2 qualifies as such.

For the reasons stated in the enclosed affidavit, MHI respectfully requests that the materials designated as "proprietary" in Enclosure 2 will be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 CFR § 9.17(a)(4) and that the portion of the November 29, 2006 meeting in which this "proprietary" will be discussed be closed to the public.

Please contact Dr. C. Keith Paulson, Senior Technical Manager, Mitsubishi Heavy Industries America, Inc. if the NRC has questions concerning any aspect of the submittals. His contact information is below.

Sincerely,

Mr. Yoshinobu Shibata,
Vice President- U.S. Marketing & Operations Group
Nuclear Energy Systems Department
Mitsubishi Heavy Industries, Ltd.

D079

Add: Dave B. Matthews
ERIOS

Enclosures:

- Enclosure 1 - Affidavit of Yoshinobu Shibata (non-proprietary)
- Enclosure 2 - Draft slides for "3rd Pre-Application Review Meeting Advanced Accumulator"
(proprietary)
- Enclosure 3 - Draft slides for "3rd Pre-Application Review Meeting Advanced Accumulator"
(non-proprietary)

CC: L. J. Burkhart
C. K. Paulson

Contact Information

C. Keith Paulson, Senior Technical Manager
Mitsubishi Heavy Industries America, Inc.
4350 Northern Pike, Suite 301
Monroeville, PA 15146
E-mail: CKPAULSON@aol.com

MITSUBISHI HEAVY INDUSTRIES. LTD.

AFFIDAVIT

I, Yoshinobu Shibata, state as follows:

1. I am Vice President, Nuclear Energy Systems 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 disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 CFR § 9.17(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 draft slide presentation dated November 6, 2006, entitled "3rd Pre-Application Review Meeting Advanced Accumulator," and have determined that portions of the presentation contain proprietary information that should be withheld from public disclosure. Those pages containing proprietary information are identified with an open and closed bracket as shown here "[]". A copy of the draft presentation, so labeled, is enclosed. Also enclosed is a copy of the draft presentation in which the proprietary materials are redacted.
3. The information whose disclosure is sought to be withheld is being, and has in the past been, 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 refers to a unique design, that of the advanced accumulator, developed by MHI and not used by any of MHI's competitors. The information was developed at significant cost to MHI, for it required the performance of detailed analyses and testing extending over several years.
5. The referenced information is being presented to the Nuclear Regulatory Commission ("NRC") in confidence and solely for the purpose of supporting the NRC staff's review of the application for certification of MHI's US-APWR design.
6. 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.
7. 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 and testing of the subject systems. Therefore, disclosure of the information identified as proprietary would have the following negative impacts on the competitive position of MHI in the U.S. nuclear plant market

- A. Loss of competitive advantage due to the costs associated with development and testing of the Advanced Accumulator.
Providing public access to such information permits competitors to duplicate or mimic the Advanced Accumulator 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 Advanced Accumulator.
8. Accordingly, the materials designated as proprietary in the enclosed draft slide presentation should be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4) and that portion of the NRC-MHI US-APWR November 29, 2006 meeting, and any other meeting held with the NRC, in which the enclosed information designated as "proprietary" is to be discussed should be closed to the public in order to protect MHI proprietary information.

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 6th day of November 2006.



Yoshinobu Shibata
Vice President- U.S. Marketing & Operations Group
Nuclear Energy Systems Department
Mitsubishi Heavy Industries, Ltd.