

March 3, 2009

Mr. Yoshiki Ogata, General Manager
APWR Promoting Department
Mitsubishi Heavy Industries, Ltd.
16-5, Konan 2-Chome, Minato-Ku
Tokyo, 108-8215 JAPAN

SUBJECT: MITSUBISHI HEAVY INDUSTRIES, LTD. – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR US-APWR – UAP-HF-
08285, REVISION 2 OF THE TOPICAL REPORT MUAP-07004-P “SAFETY I&C
SYSTEM DESCRIPTION AND DESIGN PROCESS”

Dear Mr. Ogata:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated December 15, 2008, you submitted an affidavit requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Revision 2 of the Topical Report MUAP-07004-P “Safety I&C System
Description and Design Process”

A non-proprietary copy of this document has been placed in the NRC’s Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ML083580054).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- A. Loss of competitive advantage due to the costs associated with the development of the safety I&C system. Providing public access to such information permits competitors to duplicate or mimic the safety I&C system 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 safety I&C system

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Revision 2 of the Topical Report MUAP-07004-P "Safety I&C System Description and Design Process" marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-6988 or via e-mail at Michael.Magee@nrc.gov.

Sincerely,

/RA/

Michael S. Magee, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

Therefore, Revision 2 of the Topical Report MUAP-07004-P "Safety I&C System Description and Design Process" marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-6988 or via e-mail at Michael.Magee@nrc.gov.

Sincerely,

/RA/

Michael S. Magee, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

DISTRIBUTION:

PUBLIC	MNorato, NRO	RidsNroLACSmith Resource
NMIP R/F	MMagee, NRO	RidsAcrcAcnwMailCenterResource
D081	JCiocco, NRO	RidsNroDnrlnmip

ADAMS Accession No.: ML090370070

NRO-002

OFFICE	NRO/DNRL/NMIP: PM	NRO/DNRL/NMIP: LA	NRO/DNRL/NMIP: PM
NAME	MMagee	CSmith	JCiocco
DATE	02/26/2009	02 /24/2009	03/03/2009

OFFICIAL RECORD COPY

DC Mitsubishi - US APWR Mailing List

(Revised 02/24/2009)

cc:

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Mr. Ed Wallace
General Manager - Projects
PBMR Pty LTD
P. O. Box 9396
Centurion 0046
Republic of South Africa

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Atsushi Kumaki
Mitsubishi Heavy Industries, Ltd.
APWR Promoting Department
Wadasaki-cho- 1-1-1, Hyogo-ku
Kobe 652-8585 JAPAN

Dr. Masanori Onozuka
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Blvd.
Suite 300
Arlington, VA 22201-5426

Dr. C. Keith Paulson
Mitsubishi Nuclear Energy Systems, Inc.
300 Oxford Drive, Suite 301
Monroeville, PA 15146

Mr. Tom Sliva
7207 IBM Drive
Charlotte, NC 28262

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

DC Mitsubishi - US APWR Mailing List

Email

APH@NEI.org (Adrian Heymer)
atsushi_kumaki@mhi.co.jp (Atsushi Kumaki)
awc@nei.org (Anne W. Cottingham)
bob.brown@ge.com (Robert E. Brown)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
ck_paulson@mnes-us.com (C Keith Paulson)
ckpaulson@aol.com (C.K. Paulson)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
DeLaBarreR@state.gov (R. DeLaBarre)
dlochbaum@UCSUSA.org (David Lochbaum)
dwoodla1@luminant.com (Donald Woodlan)
erg-xl@cox.net (Eddie R. Grant)
gcesare@enercon.com (Guy Cesare)
greshaja@westinghouse.com (James Gresham)
james.beard@gene.ge.com (James Beard)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jin_chung@mnes-us.com
JJNesrsta@cpsenergy.com (James J. Nesrsta)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
kcrogers@aol.com (K. C. Rogers)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
lon.burnam@house.state.tx.us (Lon Burnam)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
masahiko_kaneda@mhi.co.jp (Masahiko Kaneda)
masanori_onozuka@mnes-us.com (Masanori Onozuka)
masayuki_kambara@mhi.co.jp (Masayuki Kambara)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
mayorsouthern@granbury.org (Mayor David Southern)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
mutsumi_ishida@mnes-us.com (Mutsumi Ishida)
mwetterhahn@winston.com (M. Wetterhahn)
nan_sirirat@mnes-us.com (Sirirat Mongkolkam)

DC Mitsubishi - US APWR Mailing List

nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
plarimore@talisman-intl.com (Patty Larimore)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
Russell.Wells@Areva.com (Russell Wells)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
satoshi_hanada@mnes-us.com (Satoshi Hanada)
satoshi_watanabe@mnes-us.com (Satoshi Watanabe)
sfrantz@morganlewis.com (Stephen P. Frantz)
shinji_kawanago@mnes-us.com (Shinji Kawanago)
steven.hucik@ge.com (Steven Hucik)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tgilder1@luminant.com (Tim Gilder)
tmatthews@morganlewis.com (T. Matthews)
tom.miller@hq.doe.gov (Tom Miller)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
vijukrp@westinghouse.com (Ronald P. Vijuk)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
whorin@winston.com (W. Horin)
yoshiki_ogata@mhi.co.jp (Yoshiki Ogata)

