


MITSUBISHI HEAVY INDUSTRIES, LTD.
16-5, KONAN 2-CHOME, MINATO-KU
TOKYO, JAPAN

February 25, 2009

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-09021

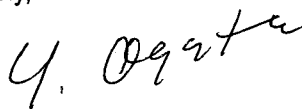
Subject: MHI's Responses to the Questions at ACRS Subcommittee Meeting on October 23 and 24, 2008

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") the responses to the questions that have been discussed during the ACRS Subcommittee meeting on October 23 and 24, 2008.

Since the ACRS Subcommittee Meeting was held as closed session, the enclosed entire responses include information that MHI considers proprietary, and therefore the responses should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4). In accordance with the NRC submittal procedures, this letter includes an Affidavit (Enclosure 1) that identifies the reasons why the proprietary version of the Report should be withheld from 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,



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

Enclosures:

1. Affidavit of Yoshiaki Ogata
2. MHI's Responses to the Questions at ACRS Subcommittee Meeting regarding Mitsubishi Fuel Design Criteria and Methodology
3. MHI's Responses to the Questions at ACRS Subcommittee Meeting regarding FINDS: Mitsubishi PWR Fuel Assemblies Seismic Analysis Code
4. MHI's Responses to the Questions at ACRS Subcommittee Meeting regarding Thermal Design Methodology

D081
NRD

5. MHI's Responses to the Questions at ACRS Subcommittee Meeting regarding The
Advanced Accumulator

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

Contact Information

C. Keith Paulson, Senior Technical Manager
Mitsubishi Nuclear Energy Systems, Inc.
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Monroeville, PA 15146
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ENCLOSURE 1

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)
MITSUBISHI HEAVY INDUSTRIES, LTD.)
US-APWR)
Standard Plant Design Certification Application)
)

AFFIDAVIT OF YOSHIKI OGATA

I, Yoshiki Ogata, state as follows:

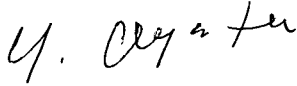
1. I am General Manager, APWR Promoting Department, of Mitsubishi Heavy Industries, LTD ("MHI"), and have been delegated the function of reviewing MHI's US-APWR documentation to determine whether it contains information that should be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) as trade secrets and commercial or financial information which is privileged or confidential.
2. In accordance with my responsibilities, I have reviewed the enclosed documents, and have determined that portions of the documents contain proprietary information that should be withheld from public disclosure.
3. The MHI proprietary information in the enclosed documents 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 and the parameters developed by MHI for the fuel design, thermal design and the advanced accumulator of the US-APWR. These information were developed at significant cost to MHI, since it required the performance of research and development and the performance of detailed hardware design and software development 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, 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 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 MHI in the U.S. nuclear plant market:

- A. Loss of competitive advantage due to the costs associated with development of the plant design and parameters developed by MHI for the fuel design, thermal design and the advanced accumulator of the US-APWR. Providing public access to such information permits competitors to duplicate or mimic the methodology 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. .

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 25th day of February, 2009.



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