July 31, 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 MITSUBISHI HEAVY INDUSTRIES' RESPONSE TO THE U.S. NUCLEAR REGULATORY COMMISSION'S REQUEST FOR ADDITIONAL INFORMATION NUMBER 353-2335 REVISION 1; MHI REF: UAP-HF-09348

Dear Mr. Ogata:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated July 3, 2009 (UAP-HF-09348), 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:

MHI's Response to US-APWR DCD RAI No. 353-2335 Revision 1

The nonproprietary 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 (ML091890531).

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

- The basis for holding the referenced information confidential is that it describes the unique design of the safety analysis, developed by MHI (the "MHI Information").

- 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 and testing of new 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.

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, the submitted information 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) 415-6391, or via e-mail at Jeff.Ciocco@nrc.gov.

Sincerely,

/RA/

Jeffrey Ciocco, Senior Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

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) 415-6391, or via e-mail at Jeff.Ciocco@nrc.gov.

Sincerely,

/RA/

Jeffrey Ciocco, Senior 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	JCiocco, NRO	RidsNroLACSmith
NMIP R/F	MTakacs, NRO	RidsAcrsAcnwMailCenter
D081	RidsNroDnrlNmip	RidsOgcMailCenter

Accession No.: ML091960635 **NRO-002**

OFFICE	DNRL/NMIP: PM	DNRL/NMIP: LA	DNRL/NMIP: PM
NAME	MTakacs	CSmith	JCiocco
DATE	07/28/2009	07/28/2009	07/31/2009

OFFICIAL RECORD COPY

DC Mitsubishi - US APWR Mailing List (Revised 04/01/2009)

cc:

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

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

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

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

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

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)
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)
donald.woodlan@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)
jerald.head@ge.com (Jerald G. Head)
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)
nirsnet@nirs.org (Michael Mariotte)

DC Mitsubishi - US APWR Mailing List

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)
stephan.moen@ge.com (Stephan Moen)
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)