MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

September 30, 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-09447

Subject: Revision 3 of the Topical Report MUAP-07004-P "Safety I&C System Description and Design Process"

References:
1) Letter MHI Ref. UAP-HF-09261 from Y. Ogata ("MHI") to U.S NRC, "MHI's Responses to NRC's Requests for Additional Information on Topical Report MUAP-07004-P(R2) Safety I&C System Description and Design Process," dated June 18, 2009.
2) Letter MHI Ref. UAP-HF-09196 from Y. Ogata ("MHI") to U.S NRC, "MHI's Responses to US-APWR DCD RAI No.229-2022, No.226-2018, No.230-2028, No.227-2020, No.238-2030, No.239-2033, No.240-2035, No.228-2021, and No.231-2037, Revision 0," April 28, 2009.

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") revision 3 of the topical report entitled "Safety I&C System Description and Design Process " which was previously submitted in December 2008, as revision 2, and has been revised herein as a follow-up to the References 1 and 2.

As indicated in the enclosed materials, this document contains information that MHI considers proprietary, and therefore 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. A non-proprietary version of the document is also being submitted in this package (Enclosure 3). In the non-proprietary version, the proprietary information, bracketed in the proprietary version, is replaced by the designation "[ ]".

This letter includes a copy of the proprietary version (Enclosure 2), a copy of the non-proprietary version (Enclosure 3), and the Affidavit of Yoshiki Ogata (Enclosure 1) which identifies the reasons MHI respectfully requests that all materials designated as "Proprietary" in Enclosure 2 be withheld from public 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 the submittal. His contact information is below.

Sincerely,

Y. Ogata

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

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NRO

Enclosures:

1. Affidavit of Yoshiki Ogata

2. CD 1: "Topical Report MUAP-07004-P(R3) Safety I&C System Description and Design Process "
– Version containing Proprietary information

3. CD 2: "Topical Report MUAP-07004-NP(R3) Safety I&C System Description and Design Process"
– Version not containing Proprietary information

The files contained in each CD are listed in Attachments 1 and 2 hereto.

CC: J A. Ciocco
C. K. Paulson

Contact Information
C. Keith Paulson, Senior Technical Manager
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ENCLOSURE 1

Docket No. 52-021

MITSUBISHI HEAVY INDUSTRIES, LTD.

AFFIDAVIT

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 document entitled "Safety I&C System Description and Design Process Revision 3" dated September 2009, 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 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 of the safety I&C system design, developed by MHI and not used in the exact form by any of MHI's competitors. This information was developed at significant cost to MHI, since it required the performance of Research and 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, 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 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 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.

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 30th day of September, 2009.

Y. Ogata

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

ATTACHMENT 1

FILES CONTAINED IN CD 1

CD 1: "Topical Report MUAP-07004-P(R3) Safety I&C System Description and Design Process"
– Version containing proprietary information

Contents of CD

File Name	Size	Sensitivity Level
SafetyI&C_TR_R3(Proprietary).pdf	9.9MB	Proprietary

ATTACHMENT 2

FILES CONTAINED IN CD 2

CD 2: "Topical Report MUAP-07004-NP(R3) Safety I&C System Description and Design Process"
– Version not containing proprietary information

Contents of CD

File Name	Size	Sensitivity Level
SafetyI&C_TR_R3(Non-proprietary).pdf	9.2MB	Non-Proprietary