


MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

November 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-09496

Subject: MHI's Responses to the Conference Call with NRC (Sep.29) on Technical Report, MUAP-08007-P(0), "Evaluation Results of US-APWR Fuel System Structural response to Seismic and LOCA Loads"

References: 1) Letter MHI Ref. UAP-HF-09139 from Y.Ogata ("MHI") to U.S.NRC, "Transmittal of the Summary of Stress Reports for the US-APWR Piping System and Components" dated on March 31,2009

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a document entitled "MHI's Responses to the Conference Call with NRC (Sep.29) on Technical Report, MUAP-08007-P/NP(0), "Evaluation Results of US-APWR Fuel System Structural response to Seismic and LOCA Loads""

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. The proprietary information is bracketed by the designation "[]".

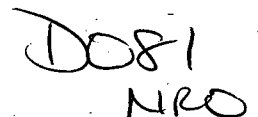
This letter includes a copy of the proprietary version (Enclosure 2) and the Affidavit of Yoshiki Ogata (Enclosure 1) which identifies the reasons MHI respectfully requests that all materials designated as "Proprietary" in Enclosure 2 be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4).

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

Sincerely,



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



Enclosures:

1. Affidavit of Yoshiki Ogata
2. MHI's Responses to the Conference Call with NRC (Sep.29) on Technical Report, MUAP-08007-P(0), "Evaluation Results of US-APWR Fuel System Structural response to Seismic and LOCA Loads" (Proprietary version)

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

Contact Information

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Enclosure 1

Docket No. 52-021
MHI Ref: UAP-HF-09496

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 "MHI's Responses to the Conference Call with NRC (Sep.29) on Technical Report, MUAP-08007-P(0), "Evaluation Results of US-APWR Fuel System Structural response to Seismic and LOCA Loads", 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 the unique design and manufacturing technology developed by MHI for the fuel of the US-APWR. These technologies were developed at significant cost to MHI, since they required the performance of detailed calculations, analyses, and testing extending over several years. The referenced information is not available in public sources and could not be gathered readily from other publicly available information.
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 establishments of design and manufacturing technology, and development of the fuel system. Providing public access to such information permits competitors to duplicate or mimic the technology without incurring the associated costs.
- B. Loss of competitive advantage of the US-APWR created by benefits of enhanced safety and reliability and reduced manufacturing costs of the fuel 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 25th day of November, 2009.



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