May 18, 2010

MEMORANDUM TO: Edwin M. Hackett, Executive Director
Advisory Committee on Reactor Safeguards
and Advisory Committee on Nuclear Waste

FROM: Frank M. Akstulewicz, Deputy Director
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: UNITED STATES - ADVANCED PRESSURIZED WATER REACTOR DESIGN CERTIFICATION APPLICATION - SAFETY EVALUATION REPORT WITH OPEN ITEMS FOR CHAPTER 16, "TECHNICAL SPECIFICATIONS"

By letter dated December 31, 2007, as supplemented by letters dated March 27, 2008, and April 16, 2008, Mitsubishi Heavy Industries, Ltd. (MHI) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a standard Design Certification (DC) of the United States - Advanced Pressurized Water Reactor (US-APWR), pursuant to Title 10 of the *Code of Federal Regulations* Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." Subsequent to the original application, MHI has submitted Revisions 1 and 2 of the US-APWR Final Safety Analysis Report (FSAR) by letters dated August 29, 2008, and October 27, 2009, which are available in the Agencywide Documents Access and Management System (ADAMS) under Accession Numbers ML082480524 and ML093070198. The revisions to the FSAR include changes associated with responses to NRC Requests for Additional Information (RAIs) submitted through August 2009.

Based on our review of the application, the staff prepared a Safety Evaluation Report (SER) with Open Items for Chapter 16, "Technical Specifications". Unless otherwise stated in the SER with Open Items, the staff's review was based on Revision 2 of the application and MHI's responses to RAIs. The SER with Open Items is being provided to support the upcoming meeting of the subcommittee of the Advisory Committee on Reactor Safeguards (ACRS) scheduled to be held in June 2010. The ACRS Full Committee meeting will be held at a later date. Issuance of this SER is an important milestone in the staff's review to determine whether MHI's application meets the Commission's regulations.

The staff has reviewed the Memorandum to the Executive Director for Operations dated February 17, 2010, and reviewed our submitted information against the categories which the ACRS requested be used to highlight information for review by the Committee. Our assessment of this chapter is that there are no items that meet the categories for discussion with the Committee.

The staff concludes that the SER with Open Items does not contain any information for which exemption from public disclosure has been sought or approved. However, the NRC will withhold the SER from public disclosure for ten calendar days to allow MHI the opportunity to

verify the staff's conclusion that the SER contains no such exempt information. Therefore, the staff requests that the ACRS withhold the SER with Open Items from public disclosure until the information has been released publicly in ADAMS. The ADAMS Accession No. for the SER with Open Items is ML101320105.

The staff will inform the ACRS immediately if MHI requests that any of the information in the SER with Open Items should be withheld from public disclosure.

Should you have any questions, please contact Mr. Michael Takacs, the Chapter 16 Project Manager, at (301) 415-7871, or via e-mail at Michael.Takacs@nrc.gov or Mr. Jeffrey Ciocco, the Lead Project Manager for the US-APWR DC application at (301) 415-6391, or via e-mail at Jeff.Ciocco@nrc.gov.

/RA/

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Should you have any questions, please contact Mr. Michael Takacs, the Chapter 16 Project Manager, at (301) 415-7871, or via e-mail at Michael.Takacs@nrc.gov or Mr. Jeffrey Ciocco, the Lead Project Manager for the US-APWR DC application at (301) 415-6391, or via e-mail at Jeff.Ciocco@nrc.gov.

/RA/

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