

September 1, 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 /RA/
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: UNITED STATES - ADVANCED PRESSURIZED WATER REACTOR
DESIGN CERTIFICATION APPLICATION - SAFETY EVALUATION
WITH OPEN ITEMS FOR CHAPTER 13, "CONDUCT OF
OPERATIONS"

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 NRC staff prepared a Safety Evaluation (SE) with Open Items for Chapter 13, "Conduct of Operations". Unless otherwise stated in the SE with Open Items, the NRC staff's review was based on Revision 2 of the application and MHI's responses to RAIs. The SE is being provided to support the upcoming meeting of the subcommittee of the Advisory Committee on Reactor Safeguards (ACRS) scheduled to be held in October 2010. The ACRS Full Committee meeting will be held at a later date. Issuance of this SE is an important milestone in the NRC staff's review to determine whether MHI's application meets the Commission's regulations.

The NRC 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 NRC staff concludes that the SE does not contain any information for which exemption from public disclosure has been sought or approved. However, the NRC will withhold the SE from public disclosure for ten calendar days to allow MHI the opportunity to verify the NRC staff's conclusion that the SE contains no such exempt information.

E. M. Hackett

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Therefore, the NRC staff requests that the ACRS withhold the SE from public disclosure until the information has been released publicly in ADAMS. The ADAMS accession number for the SE is ML102310356.

The NRC staff will inform the ACRS immediately if MHI requests that any of the information in the SE should be withheld from public disclosure.

Should you have any questions, please contact Mr. Michael Takacs, the Chapter 13 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.

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Should you have any questions, please contact Mr. Michael Takacs, the Chapter 13 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.

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ADAMS Accession No.: ML101550468; Pkg: ML102080487; * via e-mail NRC-001

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