

  
**MITSUBISHI HEAVY INDUSTRIES, LTD.**  
16-5, KONAN 2-CHOME, MINATO-KU  
TOKYO, JAPAN

June 28, 2013

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-13161

**Subject: MHI's Revised Response to US-APWR RAI No. 572-4583 (R2)**

**Reference:**

- 1) "Request for Additional Information 572-4583 (R2), SRP Section: 04.02, Applicable Section: Chapter 04.02 – Fuel System Design," dated April 14, 2010
- 2) "US-APWR Fuel Seismic Closure Plan" (MHI Ref: UAP-HF-13133) dated June 14, 2013
- 3) "MHI's Response to US-APWR DCD RAI No.572-4583 (R2)" (MHI Ref: UAP-HF-10136) dated May 17, 2010

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a document entitled "Amended Response to Request for Additional Information No. 572-4583 Question 04.02-43".

In the enclosed document, MHI provides the revised response to Question 04.02-43 contained within Reference 1. As indicated in Reference 2, this revision is intended to support the US-APWR fuel seismic closure plan. The previous response to Question 04.02-43 was provided in Reference 3.

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). A non-proprietary version of the document has not been prepared because the entire content of the response is considered to be Proprietary information.

Please contact Mr. Joseph Tapia, General Manager of Licensing Department, Mitsubishi Nuclear Energy Systems, Inc. if the NRC has questions concerning any aspect of this submittal. His contact information is provided below.

DOB1  
NRO

Sincerely,

A handwritten signature in black ink, appearing to read 'Y. Ogata' with a stylized flourish at the end.

Yoshiaki Ogata,  
Executive Vice President  
Mitsubishi Nuclear Energy Systems, Inc.  
On behalf of Mitsubishi Heavy Industries, Ltd.

Enclosures:

1. Affidavit of Yoshiaki Ogata
2. Amended Response to Request for Additional Information No. 572-4583 Question 04.02-43 (Proprietary)

CC: J. A. Ciocco  
J. Tapia

Contact Information

Joseph Tapia, General Manager of Licensing Department  
Mitsubishi Nuclear Energy Systems, Inc.  
1001 19th Street North, Suite 710  
Arlington, VA 22209  
E-mail: joseph\_tapia@mnes-us.com  
Telephone: (703) 908 – 8055

## ENCLOSURE1

Docket No. 52-021  
MHI Ref: UAP-HF-13161

### MITSUBISHI HEAVY INDUSTRIES, LTD. AFFIDAVIT

I, Yoshiki Ogata, state as follows:

1. I am Executive Vice President of Mitsubishi Nuclear Energy System, Inc. and have been delegated the function of reviewing MITSUBISHI HEAVY INDUSTRIES, LTD's ("MHI") 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 "Amended Response to Request for Additional Information No. 572-4583 Question 04.02-43" dated June 2013, 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 information related to the fuel seismic response analysis unique to the US-APWR design.
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 development of the design of US-APWR fuel systems and components.. Providing public access to such information permits competitors to duplicate or mimic the methodology without incurring the associated costs.

B. Loss of competitive advantage of the US-APWR created by benefits of enhanced plant safety associated with the design of US-APWR fuel systems and components.

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 28<sup>th</sup> day of June, 2013.

A handwritten signature in black ink, appearing to read "Y. Ogata". The signature is written in a cursive style with a large initial "Y" and a stylized "Ogata".

Yoshiaki Ogata,  
Executive Vice President  
Mitsubishi Nuclear Energy Systems, Inc.