

January 23, 2014

Mr. Yoshiki Ogata, General Manager  
APWR Promoting Department  
Mitsubishi Heavy Industries, Ltd.  
16-5, Konan 2-Chome, Minato-Ku  
Tokyo, 108-8215 Japan

SUBJECT: REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR MITSUBISHI HEAVY INDUSTRIES, LTD. UNITED STATES – ADVANCED PRESSURIZED WATER REACTOR DESIGN CERTIFICATION CHAPTER 01.05, “OTHER REGULATORY CONSIDERATIONS,” RELATED DOCUMENTS

Dear Mr. Ogata:

By letters to the U.S. Nuclear Regulatory Commission (NRC) included in the enclosed list, Mitsubishi Heavy Industries, Ltd. (MHI) submitted affidavits requesting that information included within the letters, or as an enclosure to the letters, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Non-proprietary copies of documents in the enclosed list have been placed in the NRC’s Public Document Room and added to the Agency Wide Documents Access and Management System (ADAMS) Public Electronic Reading Room.

The affidavits state that the submitted information should be considered exempt from mandatory public disclosure for one or more of the following reasons:

1. 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.
2. The basis for holding the referenced information confidential is that it describes unique design details related to the US-APWR specific design, developed by MHI and involved vendors 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 the performance of detailed hardware design and software development over an extended period.

3. The referenced information is being furnished to the NRC in confidence and solely for the purpose of information to the NRC staff.
4. 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 1 above, MHI knows of no way the information could be lawfully acquired by organizations or individuals outside of MHI.
5. 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 Aspects of the unique US-APWR plant design. 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, and reduced operation and maintenance costs.

We have reviewed the applications and the materials in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b) (5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Y. Ogata

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If you have any questions regarding this matter, I may be reached at (301) 415-1383, or via e-mail at [Perry.Buckberg@nrc.gov](mailto:Perry.Buckberg@nrc.gov).

Sincerely,

*/RA/*

Perry Buckberg, Senior Project Manager  
Licensing Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-021

cc: See next page

Y. Ogata

- 3 -

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**NRC-001**

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<b>DATE</b>	01/23/2014	01/23/2014	01/23/2014	01/23/2014

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US-APWR Chapter 01.05, "Other Regulatory Considerations," Related Letters  
Submitting Requests for Withholding Information from Public Disclosure

<b>Accession Number</b>	<b>Title</b>	<b>Document Date</b>
ML13283A194	MHI's Response to US-APWR DCD RAI No. 1053-7221 (SRP 01.05) Regarding Other Regulatory Considerations	October 8, 2013
ML13084A170	Transmittal of Technical Reports and DCD Mark-ups Related to the US-APWR Fukushima Evaluation	March 4, 2013

Enclosure

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cc:

(Revised 07/25/2013)

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