

July 9, 2014

Mr. Atsushi Kumaki  
Deputy Director - Global Nuclear Project Department  
Mitsubishi Heavy Industries, Ltd.  
1-1, Wadasaki-cho 1-chome, Hyogo-ku,  
Kobe 652-8585 Japan

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR MITSUBISHI HEAVY INDUSTRIES, LTD. RESPONSES TO  
OCTOBER 1, 2013 ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
COMMENTS ON GENERIC SAFETY ISSUE-191/LTCC

Dear Mr. Kumaki:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated December 25, 2013, Mitsubishi Heavy Industries, Ltd. (MHI) submitted an affidavit requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Transmittal of the Responses to October 1, 2013 ACRS Comments on  
GSI-191/LTCC

A non-proprietary copy of this document has 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 (ML13361A196).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for 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 MHI Information is 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 detailed design for its software and hardware extending over several years. Therefore public disclosure of the materials would adversely affect MHI's competitive position.

3. 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.
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 3 above, MHI know 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 the US-APWR GSI-191-related design. Providing public access to such information permits competitors to duplicate or mimic the long-term core cooling design information without incurring the associated costs.
  - B. Loss of competitive advantage of the US-APWR created by benefits of enhanced US-APWR design development costs.

We have reviewed the application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, 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.

A. Kumaki

- 3 -

If you have any questions regarding this matter, I may be reached at (301) 415-3249, or via e-mail at [Ruth.Reyes@nrc.gov](mailto:Ruth.Reyes@nrc.gov).

Sincerely,

***/RA William Ward for/***

Ruth Reyes, Project Manager  
Licensing Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-021

cc: See next page

If you have any questions regarding this matter, I may be reached at (301) 415-3249, or via e-mail at [Ruth.Reyes@nrc.gov](mailto:Ruth.Reyes@nrc.gov).

Sincerely,

***/RA William Ward for/***

Ruth Reyes, Project Manager  
Licensing Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-021

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(Revised 04/07/2014)

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