**MITSUBISHI HEAVY INDUSTRIES, LTD.**
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TOKYO, JAPAN

February 8, 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-13026

**Subject:** **MHI's Response to NRC's Request for Additional Information Topical Report, the Advanced Accumulator, MUAP-07001, Revision 4 - Question 92**

**References:**

[1] "Request for Additional Information Topical Report the Advanced Accumulator MUAP-07001, Revision 4" dated December 13, 2011.
[2] "MHI's Responses to NRC's Request for Additional Information Topical Report, the Advanced Accumulator, MUAP-07001, Revision 4", UAP-HF-12008, dated January 20, 2012.
[3] "Amended MHI's Responses to NRC's Request for Additional Information Topical Report, the Advanced Accumulator, MUAP-07001, Revision 4", UAP-HF-12065, dated March 13, 2012
[4] "MHI's 2nd Amended MHI's Responses to NRC's Request for Additional Information Topical Report, the Advanced Accumulator, MUAP-07001, Revision 4", UAP-HF-12174, dated June 29, 2012
[5] "MHI's 3rd Amended Response to NRC's Request for Additional Information Topical report, the Advanced Accumulator, MUAP-07001, Revision 4", UAP-HF-12305, dated November 20, 2012

With this letter, Mitsubishi Heavy Industries, LTD. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") the document entitled "MHI's Response to NRC's Request for Additional Information Topical Report the Advanced Accumulator MUAP-07001, Revision 4 – Question 92".

References 2 through 5 submitted MHI's responses to Questions 83 through 93 of Reference 1, with the exception of Question 92. Enclosure 2 contains the response to Question No. 92 of Reference 1.

As indicated in the enclosed material, 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. A non-proprietary version of the document is also being submitted with the information identified as proprietary redacted and replaced 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).

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NRO

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 below.

Sincerely,

Yoshiki Ogata,
Director - APWR Promoting Department
Mitsubishi Heavy Industries, LTD.

Enclosures:

1 - Affidavit of Yoshiki Ogata
2 - MHI's Response to NRC's Request for Additional Information Topical Report the Advanced Accumulator MUAP-07001, Revision 4 – Question 92 (proprietary)

CC: J. A. Ciocco
J. Tapia

Contact Information
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# ENCLOSURE 1

Docket No. 52-021
MHI Ref: UAP-HF-13026

## MITSUBISHI HEAVY INDUSTRIES, LTD.

## AFFIDAVIT

I, Yoshiki Ogata, state as follows:

1. I am Director, APWR Promoting Department, of Mitsubishi Heavy Industries, LTD ("MHI"), and have been delegated the function of reviewing MHI's 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 "MHI's Response to NRC's Request for Additional Information Topical Report the Advanced Accumulator MUAP-07001, Revision 4 – Question 92" dated February 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 the unique design of the Advanced Accumulator developed by MHI 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 detailed design for its software and hardware extending over several years.

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.

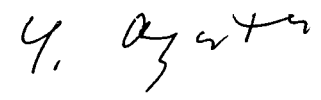
7. Public disclosure of the referenced information would assist competitors of MH in their design of new nuclear power plants without incurring the costs or risks associated with the design and testing of the subject systems. Therefore, disclosure of the information contained in the referenced document would have the following negative impacts on the competitive position of MH in the U.S. nuclear plant market:

A. Loss of competitive advantage due to the costs associated with development and testing of the Advanced Accumulator. Providing public access to such information permits competitors to duplicate or mimic the Advanced Accumulator design 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 associated with the Advanced Accumulator.

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 8th day of February, 2013.



Yoshiki Ogata,
Director - APWR Promoting Department
Mitsubishi Heavy Industries, LTD.