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

January 17, 2014

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Mr. Perry Buckberg

Docket No. 52-021
MHI Ref: UAP-HF-14006

**Subject: MHI's 2nd Amended Response to US-APWR DCD Revised RAI No. 923-6420 (SRP 06.02.01)**

**References:**
1) "Request for Additional Information No. 923-6420 Revision 3, SRP Section: 06.02.01 – Containment Functional Design, Application Section: 6.2.1," dated April 24, 2012 (ML12116A263).
2) "Revised Request for Additional Information 923-6420, SRP Section: 06.02.01 – Containment Functional Design, Application Section: 6.2.1", dated May 31, 2012.
3) Letter MHI Ref. UAP-HF-12187 from Y. Ogata to U.S. NRC, "MHI's Response to US-APWR DCD Revised RAI No. 923-6420 (SRP 06.02.01)", dated July 31, 2012 (ML12215A376).
4) "Notice of Forthcoming Public and Closed Teleconference with MHI to Discuss MHI Response to U.S. NRC Staff's RAI 923-6420 and RAI 947-6540", dated March 5, 2013 (ML13059A349).
5) Letter MHI Ref. UAP-HF-13113 from Y. Ogata to U.S. NRC, "MHI's Amended Response to US-APWR DCD Revised RAI 923-6420 (SRP 06.02.01)", dated May 20, 2013 (ML13156A016).

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a document entitled "2nd Amended Response to Revised Request for Additional Information No. 923-6420".

The original RAI question in Reference 1 was revised by the NRC subsequent to the audit of GSI-191 related design changes held April 16-17, 2012 at the MNES offices in Arlington, VA. Enclosed is the 2nd amended response to the revised question contained within Reference 2. The original and first amended response to Question 06.02.01-21 were previously submitted to the NRC in References 3 and 5, respectively. This amended response addresses additional discussion that occurred during and following the September 17, 2013 US-APWR ACRS Subcommittee meeting and supersedes the previous response in its entirety.

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 document also includes certain information, designated pursuant to the Commission guidance as sensitive unclassified non-safeguards information, referred to as security-related information ("SRI"), that is to be withheld from public disclosure under 10 C.F.R. § 2.390.

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This letter includes a copy of the proprietary and SRI containing version (Enclosure 2) of the response 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).

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.

Sincerely,

Y. Ogata

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

Enclosures:

1. Affidavit of Yoshiki Ogata

2. 2nd Amended Response to Revised Request for Additional Information No. 923-6420 (Proprietary and SRI included version)

CC: P. Buckberg
J. Tapia

Contact Information
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# Enclosure 1

Docket No. 52-021
MHI Ref: UAP-HF-14006

**MITSUBISHI HEAVY INDUSTRIES, LTD.**
**AFFIDAVIT**

I, Yoshiki Ogata, state as follows:

1. I am Executive Vice President of Mitsubishi Nuclear Energy Systems, 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 "2nd Amended Response to Revised Request for Additional Information No. 923-6420", dated January 17, 2014, 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 information and analysis of Containment Functional Design, 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 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 Containment Functional Design. Providing public access to such information permits competitors to duplicate or mimic the Containment Functional Design information without incurring the associated costs.

B. Loss of competitive advantage of the US-APWR created by benefits of enhanced US-APWR Containment Functional Design development costs.

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 17 day of January, 2014.

Y. Ogata

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