October 23, 2007

Mr. Masahiko Kaneda
General Manager - APWR Promoting Department
Mitsubishi Heavy Industries, Ltd.
16-5, Konan 2-Chome, Minato-Ku
Tokyo, 108-8215 JAPAN

SUBJECT; REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR US-APWR TOPICAL REPORT MUAP-HF-07091-P, "LOCA MASS AND ENERGY RELEASE ANALYSIS CODE APPLICABILITY REPORT FOR US-APWR" (TAC NO. MD6358)

Dear Mr. Kaneda:

By a summary letter and associated affidavit dated July 20, 2007, you submitted a proprietary document UAP-HF-07091-P, "LOCA Mass and Energy Release Analysis Report for US-APWR" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML072150286) to the NRC staff. Your letter requested that this document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10CFR), Part 2, Section 2.390. A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room (ML072150282 for UAP-HF-07091-NP).

Your affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

A. Loss of competitive advantage due to the costs associated with development of the safety analysis methodology. Providing public access to such information permits competitors to duplicate or mimic the methodology without incurring the associated cost.

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 safety analysis.

We have reviewed your application and the materials 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 versions of 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 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.

If you have any questions regarding this matter, I may be reached at (301) 415-1071.

Sincerely,

/RA/

Jin W. Chung, Senior Project Manager
USAPWR Project Branch
Division of New Reactor Licensing
Office of New Reactors

Project No.: 0751

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