

February 12, 2008

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 TECHNICAL REPORT MUAP-07021-P,
"US-APWR INCORE POWER DISTRIBUTION EVALUATION
METHODOLOGY"

Dear Mr. Kaneda:

By letter and associated affidavit dated December 31, 2007, (U.S. Nuclear Regulatory Commission's (NRC) Agencywide Documents Access and Management System (ADAMS) Accession No. ML080250095), you submitted a proprietary document MUAP-07021-P, "US-APWR Incore Power Distribution Evaluation Methodology," 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* (10 CFR), Part 2, Section 2.390. A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ML080250097).

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

- The basis for holding the referenced information confidential is that it describes the unique methodology developed by MHI for evaluating the nuclear characteristics of the reactor. That methodology was developed at significant cost to MHI, since it required the performance of detailed design calculations, analyses, and testing extending over several years.
- Public disclosure of the referenced information would assist competitors of MHI in their design of new nuclear power plants without the costs or risks associated with the design of new systems and components. Disclosure of the information identified as proprietary would therefore have negative impacts on the competitive position of MHI in the U.S. nuclear plant market.

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 appropriated 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) 415-2849.

Sincerely,

/RA/

Jenise Thompson, Project Manager
US-APWR Projects Branch (NMIP)
Division of New Reactor Licensing
Office of New Reactors

Project No. 0751

cc: See next page

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(Revised 02/07/2008)

cc:

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Masayuki Kambara
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Blvd.
Suite 300
Arlington, VA 22201-5426

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Masahiko Kaneda
Mitsubishi Heavy Industries, Ltd.
16-5, Konan 2-Chome, Minato-Ku
Tokyo, 108-8215 JAPAN

W. Craig Conklin, Director
Chemical and Nuclear Preparedness &
Protection Division (CNPPD)
Office of Infrastructure Protection
Department of Homeland Security
Washington, DC 20528

Shinji Kawanago
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Blvd.
Suite 300
Arlington, VA 22201-5426

Mr. Marvin Fertel
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Sirirat Mongkolkarn
Office Administrator
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Boulevard, Suite 300
Arlington, VA 22201-5426

Mr. Ray Ganthner
AREVA, Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Dr. Masanori Onozuka
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Blvd.
Suite 300
Arlington, VA 22201-5426

Mr. Paul Gaukler
Pillsbury, Winthrop, Shaw, Pittman
2300 N Street, NW
Washington, DC 20037

Dr. C. Keith Paulson
Mitsubishi Nuclear Energy Systems, Inc.
300 Oxford Drive, Suite 301
Monroeville, PA 15146

Vanessa E. Quinn, Acting Director
Technological Hazards Division
National Preparedness Directorate
Federal Emergency Management Agency
500 C Street, NW
Washington, DC 20472

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

Mr. Ed Wallace
General Manager - Projects
PBMR Pty LTD
P. O. Box 9396
Centurion 0046
Republic of South Africa

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
bennettS2@bv.com (Steve A. Bennett)
bob.brown@ge.com (Robert E. Brown)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
ck_paulson@mnes-us.com (C Keith Paulson)
ckpaulson@aol.com (C.K. Paulson)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
DeLaBarreR@state.gov (R. DeLaBarre)
Dennis.Buschbaum@txu.com (Denny Buschbaum)
dlochbaum@UCSUSA.org (David Lochbaum)
dwoodla1@txu.com (Donald Woodlan)
erg-xl@cox.net (Eddie R. Grant)
frankq@hursttech.com (Frank Quinn)
gcesare@enercon.com (Guy Cesare)
greshaja@westinghouse.com (James Gresham)
JAC3@nrc.gov (Jeff Ciocco)
james.beard@gene.ge.com (James Beard)
jcurtiss@winston.com (Jim Curtiss)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
kcrogers@aol.com (K. C. Rogers)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
masahiko_kaneda@mhi.co.jp (Masahiko Kaneda)
masanori_onozuka@mnes-us.com (Masanori Onozuka)
masayuki_kambara@mhi.co.jp (Masayuki Kambara)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
mwetterhahn@winston.com (M. Wetterhahn)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)

roberta.swain@ge.com (Roberta Swain)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
shinji_kawanago@mnes-us.com (Shinji Kawanago)
steven.hucik@ge.com (Steven Hucik)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tgilder1@luminant.com (Tim Gilder)
tjh2@nrc.gov (Thomas Herrity)
tmatthews@morganlewis.com
tom.miller@hq.doe.gov (Tom Miller)
trsmith@winston.com (Tyson Smith)
VictorB@bv.com (Bill Victor)
vijukrp@westinghouse.com (Ronald P. Vijuk)
Wanda.K.Marshall@dom.com
waraksre@westinghouse.com (Rosemarie E. Waraks)
whorin@winston.com (W. Horin)