

March 19, 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: MITSUBISHI HEAVY INDUSTRIES LTD. - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR SUPPLEMENTAL
RESPONSES TO NRC'S QUESTIONS FOR ACCEPTANCE REVIEW OF THE
US-APWR DESIGN CERTIFICATION APPLICATION

Dear Mr. Kaneda:

By letter and associated affidavit dated February 27, 2008, (U.S. Nuclear Regulatory Commission's (NRC's) Agencywide Documents Access and Management System (ADAMS) Accession No. ML080630038) you submitted a proprietary document "Supplemental Responses to NRC's Questions for NRC's Acceptance Review of the US-APWR Design Certification Application," 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 (ML080630039).

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 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 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.

M. Kaneda

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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
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

M. Kaneda

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/RA/

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

Docket No. 52-021

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