

April 29, 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 US-APWR
PROCEDURES Q-4102, “SAFETY SYSTEM DIGITAL PLATFORM QUALITY
ASSURANCE PROGRAM,” Q-6403, “SAFETY SYSTEM DIGITAL PLATFORM
CYBER SECURITY PROGRAM,” AND Q-7302, “SAFETY SYSTEM DIGITAL
PLATFORM SOFTWARE V&V PROCEDURES”

Dear Mr. Kaneda:

By letter dated March 31, 2008, you submitted an affidavit to the Nuclear Regulatory Commission (NRC) requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Q-4102, “Safety System Digital Platform Quality Assurance Program,”

Q-6403, “Safety System Digital Platform Cyber Security Program,” and

Q-7302, “Safety System Digital Platform Software V&V Procedures.”

The 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 quality assurance activities of the digital platform “MELTAC,” developed by MELCO and not used in the exact form by any of MHI’s and MELCO’s competitors. This information was developed at significant cost to and MELCO, since it required the performance of detailed design calculations, analyses, software and hardware manufacturing and testing extending over several years. The referenced information is not available in public sources and could not be gathered readily from other publicly available information. MHI and MELCO know of no way the information could be lawfully acquired by organizations or individuals outside of MHI and MELCO.
- Public disclosure of the referenced information would assist competitors of MHI and MELCO in their design of new nuclear power plants without the costs or risks associated with the design of the subject systems. Therefore, disclosure of the information would have the following negative impacts on the competitive position of MHI and MELCO in the U.S. nuclear plant market:

- A. Loss of competitive advantage due to the costs associated with development and testing of the MELTAC. Providing public access to such information permits competitors to duplicate or mimic the MELTAC design without incurring the associated costs.
- B. Loss of the competitive advantage of the US-APWR created by benefits of enhanced plant safety, and reduced operation and maintenance costs associated with the MELTAC.

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, Q-4102, "Safety System Digital Platform Quality Assurance Program," Q-6403, "Safety System Digital Platform Cyber Security Program," and Q-7302, "Safety System Digital Platform Software V&V Procedures" 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.

M. Kaneda

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If you have any questions regarding this matter, I may be reached at (301) 415-1544.

Sincerely,

/RA/

Stephen Monarque, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

If you have any questions regarding this matter, I may be reached at (301) 415-1544.

Sincerely,

/RA/

Stephen Monarque, Project Manager
US-APWR Projects Branch
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Office of New Reactors

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