


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

May 30, 2008

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

Attention: Mr. Jeffrey A. Ciocco

Docket No. 52-021
MHI Ref: UAP-HF-08097

Subject: MARVEL-M Computer Program with its Code Manual Referenced in the US-APWR Topical Reports "Non-LOCA Methodology", MUAP-07010-P and MUAP-07010-NP


Mitsubishi Heavy Industries, Ltd. ("MHI") is submitting to the U.S. Nuclear Regulatory Commission ("NRC") updated MARVEL-M computer program with its code manual (collectively the "Referenced Materials") referenced in the Topical Reports "Non-LOCA Methodology", MUAP-07010-P (Proprietary) and MUAP-07010-NP (Non-Proprietary), submitted to the NRC in support of MHI's US-APWR Design Certification Application ("DCA"), which have been submitted to the NRC by the letter UAP-HF-07189 issued on December 31, 2007. These Referenced Materials are being submitted electronically in an Optical Storage Media ("OSM") for the ease and convenience of the NRC staff's review of the DCA.

The Referenced Materials are being furnished to the NRC in confidence and solely for the purpose of supporting the NRC staff's review of MHI's Application for certification of its US-APWR Standard Plant Design.

The enclosed Referenced Materials contain information that has been provided to MHI under the obligation to maintain its confidentiality and should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R. § 9.17(a)(4) as trade secrets and commercial or financial information which is privileged or confidential. In accordance with the NRC submittal procedures, this letter includes an Affidavit that identifies the reasons why the Referenced Material should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R. § 9.17 (a)(4).

Please contact Dr. C. Keith Paulson, Senior Technical Manager, Mitsubishi Nuclear Energy Systems, Inc. if the NRC has questions concerning any aspect of this submittal. His contact information is provided below.

Sincerely,



Yoshiaki Ogata,
General Manager- APWR Promoting Department
Mitsubishi Heavy Industries, Ltd.

DOB
NRO

Enclosures:

1. Affidavit of Yoshiki Ogata
2. OSM: Referenced Materials

CC: L. J. Burkhart
C. Keith Paulson

Contact Information

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ENCLOSURE 1

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)
MITSUBISHI HEAVY INDUSTRIES, Ltd.)
US-APWR)
Standard Plant Design Certification Application)

AFFIDAVIT OF YOSHIKI OGATA

I, Yoshiki Ogata, being duly sworn according to law, depose and state as follows:

1. I am General Manager, APWR Promoting Department, of Mitsubishi Heavy Industries, Ltd. ("MHI"), and have been delegated the function of reviewing MHI's US-APWR documentation to determine whether it contains information that should be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) and 10 C.F.R. § 9.17 (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 contents of the Optical Storage Media ("OSM") provided under MHI Reference UAP-HF-08097 on May 30, 2008, which include MARVEL-M computer program with its code manual (collectively the "Referenced Materials") referenced in the Topical Reports "Non-LOCA Methodology", MUAP-07010-P (Proprietary) and MUAP-07010-NP(Non-Proprietary), submitted to the NRC in support of MHI's US-APWR Design Certification Application, and have determined that the Referenced Materials contain proprietary information that should be withheld from public disclosure. Accordingly, the label on the OSM has been marked to indicate that the entire contents of the OSM should be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4).
3. The basis for holding the Referenced Material confidential is that they were provided to MHI pursuant to licensing agreements with a third party (the "Licensor") for MHI's use and under the obligation to maintain their confidentiality. Furthermore, MHI has an ownership interest in the Referenced Material by having paid significant sums of money to the Licensor for the rights to the intellectual property therein such that public disclosure of the materials would adversely affect MHI's competitive position.
4. Pursuant to the licensing agreements with the Licensor, the Referenced Materials have in the past been, and will continue to be, held in confidence by MHI, and are subject to suitable measures to protect them from unauthorized use or disclosure.
5. The Referenced Materials are generally not available in public sources and could not be gathered readily from other publicly available information.
6. Public disclosure of the Referenced Materials would assist competitors of MHI and the Licensor 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 and the Licensor in the U.S. nuclear plant market.
7. The Referenced Materials are being furnished to the Nuclear Regulatory Commission

("NRC") in confidence and solely for the purpose of supporting the NRC staff's review of MHI's Application for certification of its US-APWR Standard Plant Design.

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 30th day of May, 2008.



Yoshiaki Ogata,
General Manager- APWR Promoting Department
Mitsubishi Heavy Industries, Ltd.

Enclosure 2

Contents of OSM

1. Guidance of using OSM
(File name: 001_Readme (MARVEL-M)R1.pdf, File size:44 KB, Sensitivity level: Proprietary)
2. MARVEL-M Computer Program
(File name: 002_executable module (MARVEL-M).exe, File size:1,658 KB, Sensitivity level: Proprietary)
3. Description of the Input Parameters
(File name: 003_Input Guide (MARVEL-M)R2.pdf, File size:2,060 KB, Sensitivity level: Proprietary)