July 24, 2008

Mr. Yoshiki Ogata, 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 – UAP-HF-08121

Dear Mr. Ogata:

By letter dated July 1, 2008 (ML081840675) you submitted to the Nuclear Regulatory Commission (NRC) an affidavit dated July 1, 2008, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

US-APWR Engineering Schedule Overview

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

A. It describes the unique schedule of design, analysis, procurement, manufacturing and other activities regarding plant engineering, developed by MHI and not used in the exact form by any of MHI's competitors. This information was developed at significant cost to MHI, since it required the performance of research and development and the performance of detailed hardware design and software development extending over several years.

B. Loss of competitive advantage due to the costs associated with development of the engineering schedule methodology. Providing public access to such information permits competitors to duplicate or mimic the methodology without incurring the associated costs.

C. Loss of competitive advantage of the US-APWR created by benefits of enhanced engineering schedule.

We have reviewed your application and the material 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 US-APWR Engineering Schedule Overview 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 made 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) 415-6391 or via email at Jeff.Ciocco@nrc.gov .

Sincerely,

/RA/

Jeffrey Ciocco, Senior Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

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