

August 8, 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-08115.

Dear Mr. Ogata:

By letter to the U. S. Nuclear Regulatory Commission (NRC) dated June, 30, 2008, you submitted an affidavit 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 Reactor Vessel Lower Plenum 1/7 Scale Model Flow Test Report”

A nonproprietary copy of this document has been placed in the NRC’s Public Document Room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room, ADAMS Accession Number ML081850533.

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

- A. They describe the unique methodology developed by MHI for the reactor vessel lower plenum of the US-APWR. The methodology was developed at significant cost to MHI, since it required the performance of detailed design calculations, analyses, and testing extending over several years. The referenced information is not available in the public sources and could not be gathered readily from other publicly available information. MHI knows of no way the information could be lawfully acquired by organizations or individuals outside of MHI.
- B. They include the information that is provided to MHI pursuant to licensing agreements with third parties (the “Licensors”) for MHI’s use and under the obligation to maintain their confidentiality. Furthermore, MHI has an ownership interest in the referenced information by having paid significant sums of money to the Licensors for the rights to the intellectual property therein such that public disclosure of the materials would adversely affect MHI’s competitive position.

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) 415-6391 and [Jeff.Ciocco@nrc.gov](mailto:Jeff.Ciocco@nrc.gov).

Sincerely,

*/RA/*

Jeff Ciocco, 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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*/RA/*

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

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