

August 27, 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-08140

Dear Mr. Ogata:

By letter to the Nuclear Regulatory Commission (NRC) dated August 1, 2008, you submitted an affidavit dated August 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:

Input Manual for the WCOBRA/TRAC Code Used in the US-APWR Best
Estimate Large Break LOCA Analysis

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

- A. 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 Material by having paid significant sums of money to the Licensors for the rights to the intellectual property therein such that public disclosure of the material would adversely affect MHI’s competitive position.
- B. They include the information that was developed at significant cost to MHI.

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 above referenced WCOBRA/TRAC Input Manual 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) 415-7871.

Sincerely,
/RA/

Mike Takacs, 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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Mike Takacs, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

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