

September 15, 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-08162

Dear Mr. Ogata:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated August 29, 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:

Input Manual for the M-RELAP5 Code used in the US-APWR Small 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 M-RELAP5 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.

Y. Ogata

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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, or via email at [michael.takacs@nrc.gov](mailto:michael.takacs@nrc.gov).

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

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.

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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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