


MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

July 10, 2009

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-09358

Subject: MHI's 5th Response to NRC's Requests for Additional Information on US-APWR Topical Report: Non-LOCA Methodology, MUAP-07010-P (R0)

Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") the document entitled "MHI's 5th Response to NRC's Requests for Additional Information on US-APWR Topical Report: Non-LOCA Methodology, MUAP-07010-P (R0)". The enclosed materials provide MHI's responses to the NRC's "Request for Additional Information (RAI) US-APWR Topical Report: Non-LOCA Methodology, MUAP-07010-P (R0)," dated May 13, 2009. MHI has previously responded to RAIs on the Non-LOCA Topical Report in MHI letters UAP-HF-08141 dated August 22, 2008, UAP-HF-08170 dated September 12, 2008, UAP-HF-08245 dated November 19, 2008, and UAP-HF-09040 dated February 12, 2009. Additional proprietary supporting materials for the RAI response are provided on an Optical Storage Medium ("OSM"). The OSM contains MARVEL-M input data and the document "MARVEL-M: A Digital Computer Code for Transient Analysis of a Multi-Loop PWR System GEN0-LP-480(R7)". The specific files contained on the OSM are listed on the associated enclosure cover sheet.

As indicated in the enclosed materials, Enclosures 2 and 3 contain information that MHI considers proprietary, and therefore should be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4) as trade secrets and commercial or financial information which is privileged or confidential.

This letter includes a copy of the proprietary version of the RAI response (Enclosure 2), additional proprietary MARVEL-M supporting documentation provided on an OSM (Enclosure 3), and the Affidavit of Yoshiki Ogata (Enclosure 1) which identifies the reasons MHI respectfully requests that all material designated as "Proprietary" in Enclosures 2 and 3 be withheld from disclosure pursuant to 10 C.F.R. § 2.390 (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,

Y. Ogata

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

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NR0*

Enclosures:

1. Affidavit of Yoshiki Ogata
2. MHI's 5th Response to NRC's Requests for Additional Information on US-APWR Topical Report: Non-LOCA Methodology, MUAP-07010-P (R0) (proprietary)
3. OSM: Additional MARVEL-M Supporting Documentation (proprietary)

CC: J. A. Ciocco
C. K. Paulson

Contact Information

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ENCLOSURE 1

Docket No. 52-021
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MITSUBISHI HEAVY INDUSTRIES, LTD.

AFFIDAVIT

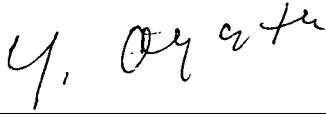
I, Yoshiki Ogata, being duly sworn according to law, depose and state as follows:

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) as trade secrets and commercial or financial information which is privileged or confidential.
2. In accordance with my responsibilities, I have reviewed the enclosed document entitled "MHI's 5th Response to NRC's Requests for Additional Information on US-APWR Topical Report: Non-LOCA Methodology, MUAP-07010-P (R0)" and the enclosed Optical Storage Medium ("OSM") both dated July 10, 2009, and have determined that the documents contain proprietary information that should be withheld from public disclosure. The OSM contains the proprietary document "MARVEL-M: A Digital Computer Code for Transient Analysis of a Multi-Loop PWR System GEN0-LP-480(R7)", Enclosure 3 File 2, and a proprietary MARVEL-M input file, Enclosure 3 File 3. The labels on the OSM have 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 information confidential is that it describes the unique design of the safety analysis, developed by MHI (the "MHI Information").
4. The MHI Information is 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 detailed design for its software and hardware extending over several years. Therefore public disclosure of the materials would adversely affect MHI's competitive position.
5. The referenced information has in the past been, and will continue to be, held in confidence by MHI and is always subject to suitable measures to protect it from unauthorized use or disclosure.
6. The referenced information is not available in public sources and could not be gathered readily from other publicly available information.
7. The referenced information is 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.
8. Public disclosure of the referenced information would assist competitors of MHI in their design of new nuclear power plants without the costs or risks associated with the design and testing of new systems and components. Disclosure of the information identified as proprietary would therefore have negative impacts on the competitive position of MHI in

the U.S. nuclear plant market.

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 10th day of July, 2009.

A handwritten signature in black ink, appearing to read "Y. Ogata". The signature is written in a cursive style and is positioned above a horizontal line.

Yoshiaki Ogata