

September 15, 2009

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 “TRANSMITTAL OF THE
NRC AUDIT MEETING MATERIALS REGARDING HFE/HSI PROGRAM
DISCUSSION”, MHI REF: UAP-HF-09405

Dear Mr. Ogata:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated July 27, 2009 (UAP-HF-09405), 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:

Transmittal of the NRC Audit Meeting Materials regarding HFE/HSI Program Discussion.

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 (ML092240143).

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

- A. Loss of competitive advantage due to the costs associated with development of the plant design and parameters. Providing public access to such information permits competitors to duplicate or mimic the methodology without incurring the associated costs.
- B. Loss of competitive advantage of the US-APWR created by benefits of enhanced plant safety, and reduced operation and maintenance costs..

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 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.

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) 415-6988 or via e-mail at Michael.Magee@nrc.gov.

Sincerely,

Michael Takacs for /RA/

Michael S. Magee, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

Y. Ogata

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Sincerely,

Michael Takacs for /RA/

Michael S. Magee, Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

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