


MITSUBISHI HEAVY INDUSTRIES, LTD.
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TOKYO, JAPAN

October 30, 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-09504

Subject: VIPRE-01M code manual

- References:** 1) "Request for Additional Information Topical Report Thermal Design Methodology MUAP-07009 Rev. 0, dated August 20, 2009.
2) Response to the NRC Request for Additional Information on "Thermal Design Methodology" MUAP-07009 Rev. 0, UAP-HF-09500, dated October 30, 2009

With this letter, Mitsubishi Heavy Industries, Ltd. ("MHI") transmits to the U.S. Nuclear Regulatory Commission ("NRC") a document entitled "VIPRE-01M code manual."

Enclosed is a supplemental document to a response to the RAI contained within Reference 2.

As indicated in the enclosed materials, this document contains 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 document (Enclosure 2), and the Affidavit of Yoshiki Ogata (Enclosure 1) which identifies the reasons MHI respectfully requests that the whole document of Enclosure 2 be withheld from public 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 the submittals. His contact information is below.

Sincerely,



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

DOB
NRC

Enclosures:

1. Affidavit of Yoshiki Ogata
2. VIPRE-01M code manual (MHI internal reference: 5*AS-UAP-20090052 Rev. 0)

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

Contact Information

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Enclosure 1

Docket No. 52-021
MHI Ref: UAP-HF-09504

MITSUBISHI HEAVY INDUSTRIES, LTD.

AFFIDAVIT

I, Yoshiki Ogata, 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 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.
2. In accordance with my responsibilities, I have reviewed the enclosed document entitled VIPRE-01M code manual, and have determined that the document contains proprietary information that should be withheld from public disclosure. The first page of the document indicates that all information identified as "Proprietary" should be withheld from public disclosure pursuant to 10 C.F.R. § 2.390 (a)(4).
3. The information identified as proprietary in the enclosed document has in the past been, and will continue to be, held in confidence by MHI and its disclosure outside the company is limited to regulatory bodies, customers and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and is always subject to suitable measures to protect it from unauthorized use or disclosure.
4. The basis for holding the referenced information confidential is that it describes the unique thermal and hydraulic design techniques developed by MHI and not being used in the exact form by any MHI's competitors. This information was developed at significant cost to MHI, since it required the performance of research and development extending over several years. In addition, portions of the document contain proprietary information of EPRI. The VIPRE-01M code has been developed under the license agreement over VIPRE-01 between EPRI and MHI; the agreement prohibits MHI to disclose EPRI's proprietary information to the public.
5. The referenced information is being furnished to the Nuclear Regulatory Commission ("NRC") in confidence and solely for the purpose of information to the NRC staff.
6. The referenced information is not available in public sources and could not be gathered readily from other publicly available information. Other than through the provisions in paragraph 3 above, MHI knows of no way the information could be lawfully acquired by organizations or individuals outside of MHI.
7. Public disclosure of the referenced information would assist competitors of MHI in their design of new nuclear power plants without incurring the costs or risks associated with the design of the subject systems. Therefore, disclosure of the information contained in the referenced document would have the following negative impacts on the competitive

position of MHI in the U.S. nuclear plant market:

- A. Loss of competitive advantage due to the costs associated with the development of the thermal and hydraulic design. 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 associated with the thermal and hydraulic design.

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 30th day of October, 2009.



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