

June 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-08088

Dear Mr. Ogata:

By letter to the Nuclear Regulatory Commission (NRC) dated May 16, 2008, you submitted an affidavit dated May 16, 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:

MHI's Response to US-APWR DCD RAI No.2

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 (ML081420525).

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

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 improvement of highly engineering skill.
- B. Loss of competitive advantage of the US-APWR created by benefits from the computational modeling.

We have reviewed your application and the materials 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 versions of 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.

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 appropriated 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 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) 415-6695

Sincerely,

/RA/

Ngola Otto, 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 appropriated 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 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) 415-6695

Sincerely,

/RA/

Ngola Otto, Project Manager
 US-APWR Projects Branch
 Division of New Reactor Licensing
 Office of New Reactors

Docket No. 52-021

cc: See next page

DISTRIBUTION:

Public	
NMIP R/F	JCiocco, NRO
RidsNroDnrINmip	RidsAcrsAcnwMailCenter
RidsOgcMailCenter	SMonarque, NRO
LBurkhart, NRO	NOtto, NRO
WWard, NRO	RidsNroLAPCoates
D081	

ADAMS Accession Number: ML081580507

OFFICE	DNRL/NMIP: PM	DNRL/NMIP: LA	DNRL/NMIP: PM
NAME	NOtto	/RA JMcLellan for/ PCoates	JCiocco
DATE	5/14/08	06/10/08	5/15/08

OFFICIAL RECORD COPY

DC Mitsubishi - US APWR Mailing List

cc:

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Mr. Ed Wallace
General Manager - Projects
PBMR Pty LTD
P. O. Box 9396
Centurion 0046
Republic of South Africa

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Ray Ganthner
Senior Vice President
AREVA, NP, Inc. 3315
Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Atsushi Kumaki
Mitsubishi Heavy Industries, Ltd.
APWR Promoting Department
Wadasaki-cho- 1-1-1, Hyogo-ku
Kobe 652-8585 JAPAN

Dr. Masanori Onozuka
Mitsubishi Nuclear Energy Systems, Inc.
2300 Wilson Blvd.
Suite 300
Arlington, VA 22201-5426

Dr. C. Keith Paulson
Mitsubishi Nuclear Energy Systems, Inc.
300 Oxford Drive, Suite 301
Monroeville, PA 15146

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

DC Mitsubishi - US APWR Mailing List

Email

APH@NEI.org (Adrian Heymer)
atsushi_kumaki@mhi.co.jp (Atsushi Kumaki)
awc@nei.org (Anne W. Cottingham)
bennettS2@bv.com (Steve A. Bennett)
bob.brown@ge.com (Robert E. Brown)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
ck_paulson@mnes-us.com (C Keith Paulson)
ckpaulson@aol.com (C.K. Paulson)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
DeLaBarreR@state.gov (R. DeLaBarre)
Dennis.Buschbaum@txu.com (Denny Buschbaum)
dlochbaum@UCSUSA.org (David Lochbaum)
don_algama@mnes-us.com (Don Algama)
dwoodla1@txu.com (Donald Woodlan)
erg-xl@cox.net (Eddie R. Grant)
frankq@hursttech.com (Frank Quinn)
gcesare@enercon.com (Guy Cesare)
greshaja@westinghouse.com (James Gresham)
JAC3@nrc.gov (Jeff Ciocco)
james.beard@gene.ge.com (James Beard)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
kcrogers@aol.com (K. C. Rogers)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
masahiko_kaneda@mhi.co.jp (Masahiko Kaneda)
masanori_onozuka@mnes-us.com (Masanori Onozuka)
masayuki_kambara@mhi.co.jp (Masayuki Kambara)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
mutsumi_ishida@mnes-us.com (Mutsumi Ishida)
mwetterhahn@winston.com (M. Wetterhahn)

DC Mitsubishi - US APWR Mailing List

nan_sirirat@mnes-us.com (Sirirat Mongkolkam)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
roberta.swain@ge.com (Roberta Swain)
Russell.Wells@Areva.com (Russell Wells)
sandra.sloan@areva.com (Sandra Sloan)
satoshi_watanabe@mnes-us.com (Satoshi Watanabe)
sfrantz@morganlewis.com (Stephen P. Frantz)
shinji_kawanago@mnes-us.com (Shinji Kawanago)
steven.hucik@ge.com (Steven Hucik)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tgilder1@luminant.com (Tim Gilder)
tmatthews@morganlewis.com (T. Matthews)
tom.miller@hq.doe.gov (Tom Miller)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
vijukrp@westinghouse.com (Ronald P. Vijuk)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
whorin@winston.com (W. Horin)
yoshiki_ogata@mhi.co.jp (Yoshiki Ogata)