

April 23, 2013

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 MITSUBISHI HEAVY INDUSTRIES' TECHNICAL REPORT, "US-APWR SAFETY RELATED AIR CONDITIONING, HEATING, COOLING, AND VENTILATION SYSTEMS CALCULATIONS" (MUAP-10020) REVISION 2, MHI REF: UAP-HF-13071

Dear Mr. Ogata:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated March 29, 2013 (UAP-HF-13071), Hiroki Nishio 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 Technical Report "US-APWR Safety Related Air Conditioning, Heating, Cooling, and Ventilation Systems Calculations" (MUAP-10020, Revision 2)

A Nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agency Wide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ML131080215).

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

- The basis for holding the referenced information confidential is that it describes the unique design information and analysis methodology, developed by MHI and 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.
- 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 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 development of the methodology related to the analysis.
- B. Loss of competitive advantage of the US-APWR created by benefits of analysis methodology.

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.

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) 415-6391, or via e-mail at Jeff.Ciocco@nrc.gov.

Sincerely,

/RA/

Jeffrey Ciocco, Senior Project Manager
Licensing Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-021

cc: See next page

- A. Loss of competitive advantage due to the costs associated with development of the methodology related to the analysis.
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Sincerely,

/RA/

Jeffrey Ciocco, Senior Project Manager
Licensing Branch 2
Division of New Reactor Licensing
Office of New Reactors

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