

February 19, 2004

Mr. Naotaka Oda  
Senior Specialist  
Information and Monitoring Design Section  
Control & Electric Systems Design  
and Engineering Department  
Isogo Nuclear Engineering Center  
Toshiba Corporation - Power Systems  
and Services Company (Yokohama Facility)  
8, Shinsugita-Cho, Isogo-Ku, Yokohama 23508523, Japan

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Oda:

By letter dated February 5, 2004, the Toshiba Corporation submitted an affidavit dated February 5, 2004, executed by Seishiro Kawakami, Senior Manager, Control & Electrical Engineering Department, requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

IM-2003-171-P, Revision 0, "Topical Report of Generic Qualification Program for FPGA-Based Safety-Related I&C Systems"

A non-proprietary version of the document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

These documents describe the details of Toshiba's equipment which will be undergoing 1E qualification testing and further describe the Toshiba approach and procedures for implementing a program to qualify the equipment. The Toshiba Corporation has expended a considerable amount of its resources to develop and qualify the Toshiba NRW-FPGA controller as a highly reliable system for providing digital upgrades to aging nuclear power plant I&C systems. Disclosure of information in these documents would cause substantial harm to the competitive position of the Toshiba Corporation, as there are other competing companies who have or wish to qualify controllers for safety-related application in nuclear power plants. Competing firms could use this information to benefit their own equipment qualification efforts and/or product design.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that information in IM-2003-171-P, Revision 0, "Topical Report of Generic Qualification Program for FPGA-Based Safety-Related I&C Systems," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(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) 415-8439.

Sincerely,

***/RA/***

Girija Shukla, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

cc:

Mr. J. Douglas Hill  
MPR Associates, Inc.  
320 King Street  
Alexandria, VA 22314

Mr. Masahiro Horiguchi, Manager  
Nuclear Energy Engineering  
Toshiba International Corporation - Power Systems Division  
c/o Toshiba America, Inc.  
1251 Avenue of the Americas  
Suite 4110  
New York, NY 10020

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