

Affidavit for Withholding Confidential and Proprietary Information from Public Disclosure  
under 10 CFR § 2.390

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

STP Nuclear Operating Company

Docket Nos. 52-012  
52-013

South Texas Project  
Units 3 and 4

AFFIDAVIT

I, Kenji Arai, being duly sworn, hereby depose and state that I am Senior Manager, System Design & Engineering Department, Nuclear Energy Systems & Services Division, Power Systems Company, Toshiba Corporation; that I am duly authorized by Toshiba Corporation to sign and file with the Nuclear Regulatory Commission the following application for withholding Toshiba Corporation's confidential and proprietary information from public disclosure; that I am familiar with the content thereof; and that the matters set forth therein are true and correct to the best of my knowledge and belief.

In accordance with 10 CFR § 2.390(b)(ii), I hereby state, depose, and apply as follows on behalf of Toshiba Corporation:

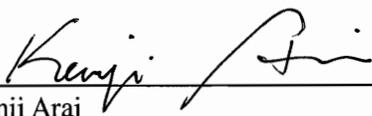
- (A) Toshiba Corporation seeks to withhold from public disclosure the document entitled and identified as "Post LOCA Suppression Pool Swell Analysis for ABWR Containment Design," Revision 0, UTLR-0005-P(Proprietary), and all information identified as "Toshiba Proprietary Information Class 2" therein (collectively, "Confidential Information").
- (B) The Confidential Information is owned by Toshiba Corporation. In my position as Senior Manager, System Design & Engineering Department, Nuclear Energy Systems & Services Division, Power System Company, Toshiba Corporation, I have been specifically delegated the function of reviewing the Confidential Information and have been authorized to apply for its withholding on behalf of Toshiba Corporation.
- (C) This document is the additional information of hydrodynamic (pool swell) load evaluation for South Texas Project Units 3&4 Combined License Application to the Nuclear Regulatory Commission. The Confidential Information which is entirely confidential and proprietary to Toshiba Corporation is indicated in the document using brackets.



- (D) Consistent with the provisions of 10 CFR § 2.390(a)(4), the basis for proposing that the Confidential Information be withheld is that it constitutes Toshiba Corporation's trade secrets and confidential and proprietary commercial information.
- (E) Public disclosure of the Confidential Information is likely to cause substantial harm to Toshiba Corporation's competitive position by (1) disclosing confidential and proprietary commercial information about the design, manufacture and operation systems for nuclear power reactors to other parties whose commercial interests may be adverse to those of Toshiba Corporation, and (2) giving such parties access to and use of such information at little or no cost, in contrast to the significant costs incurred by Toshiba Corporation to develop such information.

Further, on behalf of Toshiba Corporation, I affirm that:

- (i) The Confidential Information is confidential and proprietary information of Toshiba Corporation.
- (ii) The Confidential Information is information of a type customarily held in confidence by Toshiba Corporation, and there is a rational basis for doing so given the sensitive and valuable nature of the Confidential Information as discussed above in paragraphs (D) and (E).
- (iii) The Confidential Information is being transmitted to the NRC in confidence.
- (iv) The Confidential Information is not available in public sources.
- (v) Public disclosure of the Confidential Document is likely to cause substantial harm to the competitive position of Toshiba Corporation, taking into account the value of the Confidential Information to Toshiba Corporation, the amount of money and effort expended by Toshiba Corporation in developing the Confidential Information, and the ease or difficulty with which the Confidential Information could be properly acquired or duplicated by others.

  
\_\_\_\_\_  
Kenji Arai  
Senior Manager  
System Design & Engineering Department  
Nuclear Energy Systems & Services Division  
POWER SYSTEMS COMPANY  
TOSHIBA CORPORATION

Sept. 16, 2009  
Date



認

証

囑託人株式会社東芝部長新井健司は、公証人の面前で、添付書面に署名した。

よって、これを認証する。

平成 21 年 9 月 16 日、本公証人役場において

横浜市中区羽衣町2丁目7番10号

横浜地方法務局所属

公 証 人

Notary

Kenji Teranishi's signature in cursive Japanese calligraphy.



KENJI TERANISHI

証 明

上記署名は、横浜地方法務局所属公証人の署名に相違ないものであり、かつ、その押印は、真実のものであることを証明する。

平成 21 年 9 月 16 日

横浜地方法務局長

紺野清幸 (Signature of the Legal Affairs Bureau Chief)



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

- 1. Country : JAPAN  
This public document
- 2. has been signed by KENJI TERANISHI
- 3. acting in the capacity of Notary of the Yokohama District  
Legal Affairs Bureau
- 4. bears the seal/stamp of KENJI TERANISHI , Notary

Certified

- 5. at Tokyo
- 6. SEP. 16, 2009
- 7. by the Ministry of Foreign Affairs
- 8. 09-No 300568
- 9. Seal/stamp :
- 10. Signature :



Signature of Kazutoyo Oyabe.

Kazutoyo OYABE

For the Minister for Foreign Affairs



Registered No.159 of 2009.

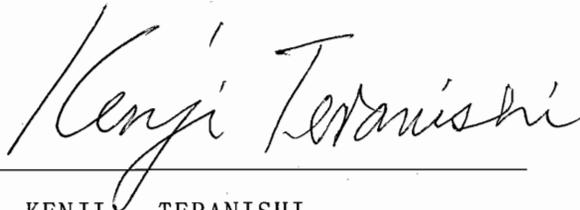
Certificate of Acknowledgment of Notary

On this 16<sup>th</sup> day of September, 2009, before me, KENJI TERANISHI, a notary in and for YOKOHAMA District Legal Affairs Bureau, appeared Kenji ARAI, Senior Manager of TOSHIBA Corporation, who is personally known to me, affixed his signature to the attached document.

Witness, I set my hand and seal.

Notary

Notary's seal(Official)





KENJI TERANISHI

Kannai-odori Notary office

2-7-10, Hagoromocho, Naka-ku, Yokohama-city, Japan.

Attached to the Yokohama District Legal Affairs Bureau.