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TOSHIBA CORPORATION

1-1,SHIBAURA 1-CHOME, MINATO-KU TOKYO 105-8001,JAPAN

TOS-CR-4S-2010-0003
Project Number 0760

March 23, 2010

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Subject: Transmittal of TOS-CR-4S-2010-0001, Toshiba Corporation (Toshiba) Response for the 4S Reactor (4S) to Regulatory Issue Summary (RIS) 2010-03 (Proprietary)

In response to Regulatory Issue Summary 2010-03, Toshiba is submitting the subject transmittal.

Also enclosed is one copy of the Application for Withholding, TOS-CR-4S-2010-0002 (non-proprietary) with Proprietary Information Notice and the associated Affidavit (non-proprietary).

This submittal contains proprietary information of Toshiba Corporation (Toshiba). In conformance with the requirements of 10 CFR Section 2.3 90, as amended, of the Commission's regulations, we are enclosing with this submittal an Application for Withholding from, Public Disclosure and an affidavit. The affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

If you have any questions regarding this matter, please contact Mr. Tony Grenci of Westinghouse at (623) 271-9992, or grencit@westinghouse.com.

Very truly yours,

畠澤 守

Mamoru Hatazawa
Senior Manager, Plant Project Engineering Department
Nuclear Energy Systems & Services Division, Power Systems Company
Toshiba Corporation

/Enclosures
1. TOS-CR-4S-2010-0002, Application For Withholding Proprietary Information From Disclosure
2. TOS-CR-4S-2010-0001, Toshiba Corporation (Toshiba) Response for the 4S Reactor (4S) to Regulatory Issue Summary (RIS) 2010-03 (Proprietary)

cc: Michael Mayfield (NRO/DNRL)
Bill Reckley (NRO/DNRL)
Don Carlson (NRO/DNRL)
Tony Grenci (Westinghouse)
Jim Gresham (Westinghouse)

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Enclosure 1

TOS-CR-4S-2010-0002

Application For Withholding Proprietary Information From Disclosure

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TOSHIBA CORPORATION

1-1,SHIBAURA 1-CHOME, MINATO-KU TOKYO 105-8001,JAPAN

TOS-CR-4S-2010-0002
Project Number 0760

March 23, 2010

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Subject: Application for Withholding Proprietary Information From Public Disclosure

Reference: TOS-CR-4S-2010-0001, Toshiba Corporation (Toshiba) Response for the 4S Reactor (4S) to Regulatory Issue Summary (RIS) 2010-03.

Toshiba hereby transmits the above-referenced proprietary document for which withholding is requested pursuant to enclosed Affidavit. This Affidavit, which accompanies this letter and is signed by the owner of the proprietary information, Toshiba Corporation, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in 10 CFR Section 2.390(b)(4) of the Commission's regulations.

In conformance with the requirements of 10 CFR 2.390, Toshiba confirms that the information contained within the referenced document is proprietary. The justification for claiming this document as proprietary is identified in Sections (3)(ii)(a) through (3)(ii)(f) of the enclosed affidavit.

If you have any questions regarding this matter, please contact Mr. Tony Grenci of Westinghouse at (623) 271-9992, or grencit@westinghouse.com.

Very truly yours,

Mamoru Hatazawa
Senior Manager, Plant Project Engineering Department
Nuclear Energy Systems & Services Division, Power Systems Company
Toshiba Corporation

Attachment: Affidavit

cc: Michael Mayfield (NRO/DNRL)
Bill Reckley (NRO/DNRL)
Don Carlson (NRO/DNRL)
Tony Grenci (Westinghouse)
Jim Gresham (Westinghouse)

Attachment to TOS-CR-4S-2010-0002

Affidavit

AFFIDAVIT

I, Mamoru Hatazawa, depose and say that I am the "Senior Manager, Plant Project Engineering Department, Nuclear Energy Systems & Services Division, Power Systems Company, Toshiba Corporation ("Toshiba"), and as such I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of the Toshiba.

1. I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Toshiba application for withholding accompanying this Affidavit.

2. I have personal knowledge of the criteria and procedures utilized by Toshiba in designating information as a trade secret, privileged or as confidential commercial or financial information.

3. Pursuant to the provisions of paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

   (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Toshiba.

   (ii) The information is of a type customarily held in confidence by Toshiba and not customarily disclosed to the public. Toshiba has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Toshiba policy and provide the rational basis required.

   Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

   (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.), where prevention of its use by any of Toshiba's competitors without license from Toshiba constitutes a competitive economic advantage over other companies.

   (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

   (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

   d) It reveals cost or price information, production capacities, budget levels, or

commercial strategies of Toshiba, its customers or suppliers.

(e) It reveals aspects of past, present, or future Toshiba or customer funded development plans and programs of potential commercial value to Toshiba.

(f) It contains patentable ideas, for which patent protection may be desirable.

(iii) There are sound policy reasons behind the Toshiba system for classification of proprietary information, which include the following:

(a) The use of such information by Toshiba gives Toshiba a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Toshiba competitive position.

(b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Toshiba ability to sell products and services involving the use of the information.

(c) Use by our competitor would put Toshiba at a competitive disadvantage by reducing his expenditure of resources at our expense.

(d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Toshiba of a competitive advantage.

(e) Unrestricted disclosure would jeopardize the position of prominence of Toshiba in the world market, and thereby give a market advantage to the competition of those countries.

(f) The Toshiba capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

(iv) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.

(v) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

(vi) The proprietary information sought to be withheld in this submittal is that which is contained in (1) Toshiba Letter TOS-CR-4S-2010-0001, Toshiba Corporation (Toshiba) Response for the 4S Reactor (4S) to Regulatory Issue Summary (RIS) 2010-03. The information is part of Toshiba's confidential business information that reveals cost or price information, production capacities, budget levels, or commercial strategies of Toshiba.

Further this information has substantial commercial value as the information requested to be withheld reveals the distinguishing aspects of the business plan of Toshiba for SMR development.

Public disclosure of this proprietary information is likely to cause substantial harm to the

competitive position of Toshiba because it would provide commercial intelligence on Toshiba's competitive investment in the 4S SMR project.

Further the deponent sayeth not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 23, 2010

畠澤 守

Mamoru Hatazawa

Senior Manager, Plant Project Engineering Department
Nuclear Energy Systems & Services Division, Power Systems Company
Toshiba Corporation