

February 4, 2013

Mr. Robert W. Schrauder
Vice President, Licensing
US ABWR Projects & Technologies
3545 Whitehall Park Drive
Suite 500
Charlotte, NC 28273

SUBJECT: REQUEST FOR THE REVIEW OF "LICENSING TOPICAL REPORT FOR TOSHIBA NRW [NON RE-WRITABLE]-FPGA [FIELD PROGRAMMABLE GATE ARRAY]-BASED INSTRUMENTATION AND CONTROL SYSTEM FOR SAFETY-RELATED APPLICATION," UTLA-0020P, REVISION 0 (TAC NO. ME9861)

Dear Mr. Schrauder:

By letter dated October 9, 2012 (Agencywide Documents Access and Management System Accession No. ML12292A320), Toshiba Corporation (Toshiba) submitted for U.S. Nuclear Regulatory Commission (NRC) staff review "Licensing Topical Report For Toshiba NRW-FPGA-Based Instrumentation And Control System For Safety-Related Application." The NRC staff has performed an acceptance review of this report and found that the material presented, when supplemented by the additional information discussed on our January 29, 2013, telephone call, provides the technical information in sufficient detail to enable the NRC staff to complete a detailed technical review. Toshiba committed to provide this information to the NRC no later than March 22, 2013.

The NRC staff expects to issue its request for additional information by October 18, 2013, and its draft safety evaluation (SE) by April 18, 2014. The NRC staff estimates that the review will require approximately 2400 staff hours including project management time. The review schedule milestones and estimated review costs were discussed and agreed upon during our January 29, 2013, telephone call.

Section 170.21 of Title 10 of the *Code of Federal Regulations* requires that TRs are subject to fees based on the full cost of the review. You did not request a fee waiver; therefore, the NRC staff hours will be billed accordingly.

As with all topical reports (TRs), the SE will be reviewed by the NRC's Office of the General Counsel (OGC) to determine whether it falls within the scope of the Congressional Review Act (CRA). During the course of this review, OGC considers whether any endorsement or acceptance of a TR by the NRC amounts to a rule as defined in the CRA. If this initial review

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concludes that the SE, with its accompanying TR, may be a rule, the NRC will forward the package to the Office of Management and Budget (OMB) for further review and consideration. Any review by OMB would impact the schedule for the final issuance of the SE.

If you have questions regarding this matter, please contact Joseph Holonich at (301) 415-7297.

Sincerely,

/RA/

Anthony J. Mendiola, Chief
Licensing Process Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 704

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DATE	1/31/2013	1/29/2013	2/1/2013	2/4/2013

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