

July 18, 2016

James Powers
Vice President, Nuclear Island & Business Development
Toshiba America Energy Systems Corporation
3545 Whitehall Park Drive
Suite 500
Charlotte, NC 28273

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
TOSHIBA RE-SUBMITTAL OF DOCUMENT REQUIRED IN U.S. NUCLEAR
REGULATORY COMMISSION REQUEST FOR ADDITIONAL INFORMATION
LETTER DATED JULY 6, 2015 (TAC NO. ME9861)

Dear Mr. Powers:

By letter dated June 10, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession Package No. ML16167A065), Toshiba Corporation re-submitted a corrected response to the U.S. Nuclear Regulatory Commission (NRC) staff Requests for Additional Information (RAIs). The original RAI response was submitted by letter dated August 26, 2015 (ADAMS Accession No. ML15254A473).

Included with the letter was an affidavit also dated June 10, 2016, executed by Masahiko Hamada, Senior Manager, Electrical System Design and Engineering Department, Nuclear Energy Systems and Services Division. The affidavit requested 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.

Toshiba Corporation - Final Technical Evaluation Report for FPGA-based
Safety-Related Systems.

A nonproprietary version of the information was not submitted. Although 10 CFR 2.390 does not require a nonproprietary version of documents be submitted, the NRC staff encourages such versions. Having a nonproprietary version of information available helps the NRC meet its Excellence Objective of timely dispersal of information to stakeholders. Given the limited amount of proprietary information in these submissions, providing nonproprietary versions could be easily supported. Please consider submitting a nonproprietary version of reports in the future.

You detailed the reasons for withholding the information in your affidavit.

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 affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of 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 301-415-7297 or by electronic mail at Joseph.Holonich@nrc.gov.

Sincerely,

/RA by Brian Benney for/

Joseph J. Holonich, Senior Project Manager
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Enclosure:
As stated

Project No. 729

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Enclosure:
 As stated

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*via email

NRR-088

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DATE	06/16 /2016	06/28/2016	07/08/2016	07/13/2016	7/18/2016

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