

November 7, 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 REPORT FC51-3704-0004, REV. 6, "NUCLEAR ENERGY SYSTEMS
AND SERVICES DIVISION SOFTWARE SAFETY ANALYSIS REPORT FOR
SAFETY-RELATED OSCILLATION POWER RANGE MONITOR"
(TAC NO. ME9861)

Dear Mr. Powers:

By letter dated September 6, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16274A164), Toshiba Corporation submitted an affidavit also dated September 6, 2016, by Masahiko Hamada, Senior Manager, Electrical System Design & Engineering Department. The affidavit requested that the information contained in the following document listed be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

FC51-3704-0004, Rev. 6, "Nuclear Energy Systems and Services Division Software Safety Analysis Report for Safety-Related Oscillation Power Range Monitor."

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS as Accession No. ML16274A165.

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 document. 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.

J. Powers

- 2 -

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/

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

Enclosure:
As stated

Project No. 729

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.

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Sincerely,

/RA/

Joseph J. Holonich, 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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*via email

NRR-106

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