

TOSHIBA CORPORATION

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No. TOS-CR-FPG-2012-0002

June 25, 2012

NRC Project Number: PROJ0729

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

Subject: Submittal of handouts used in meeting held on June 19, 2012 between USNRC and Toshiba Corporation to discuss Toshiba's Topical Report regarding Toshiba's Field Programmable Gate Array Based I&C Platform

References:

1. Letter to U.S. Nuclear Regulatory Commission (NRC) Document Control Desk from Tatsuyuki Maekawa, Senior Manager, I&C Systems Design and Engineering Dept., Nuclear Energy Systems & Services Division, Power Systems Company, Toshiba Corporation, dated November 15, 2011 (ML11353A272)

On June 19, 2012, representatives of the Toshiba Corporation ("Toshiba") met with the U. S. Nuclear Regulatory Commission (NRC) staff to discuss Toshiba's Topical Report regarding Toshiba's Field Programmable Gate Array Based I&C Platform submitted by letter dated November 15, 2011 (Reference 1). Enclosure 2 to this letter contains the proprietary version of the handout used during the meeting, which should be withheld from public disclosure pursuant to 10 CFR 2.390, as amended, of the Commission's regulations. An affidavit supporting the request for withholding Enclosure 2 from public disclosure is provided as Enclosure 1. Enclosure 3 contains the non-proprietary version of the handout.

Please contact Mr. Robert W. Schrauder, Vice President – Licensing, US ABWR Projects & Technologies, Toshiba America Nuclear Energy Corporation ("TANE") at (704) 548-7640 if you have any questions regarding this information. TANE is a wholly owned U. S. subsidiary of Toshiba. For convenience, Toshiba has authorized TANE to communicate with the NRC with respect to this subject.

There are no commitments in this letter.

Tatsuyuki Maekawa Jun 25, 2012

Tatsuyuki Maekawa
Senior Manager
I&C Systems Design and Engineering Dept.
Nuclear Energy Systems & Services Division
Toshiba Corporation Power Systems Company

*Proprietary-Withhold from public disclosure pursuant to 10 CFR 2.390.
Upon removing Enclosure 2, this document can be made public.*

*1007
NRC*

Enclosures

1. 10 CFR 2.390 Affidavit
2. Proprietary handout used during June 19, 2012 meeting
3. Non-Proprietary handout used during June 19, 2012 meeting

Contact Information:

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Upon removing Enclosure 2, this document can be made public.*

ENCLOSURE 1

10 C.F.R. 2.390 Supporting Affidavit of Tatsuyuki Maekawa
Senior Manager,
I&C Systems Design & Engineering Dept.
Nuclear Energy Systems & Services Division
Toshiba Corporation Power Systems Company

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIDAVIT

I, Tatsuyuki Maekawa, being duly sworn, hereby depose and state that I am Senior Manager, Instrumentation & Control Systems 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 "Toshiba Field Programmable Gate Array (FPGA) Based Safety Related I&C Platform – Topical Report Pre-Submittal Meeting", ICR-2011-000346, Revision 0 and all information identified as "Proprietary" therein.
- (B) The Confidential Information is owned by Toshiba Corporation. In my position as Senior Manager, Instrumentation & Control Systems 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 provides background and outline of the topical report of the Toshiba Field Programmable Gate Array (FPGA) Based Safety I&C Platform to the Nuclear Regulatory Commission. The Confidential Information which is entirely confidential and proprietary to Toshiba Corporation is identified as "Proprietary" in the document.
- (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 of the FPGA based I&C platform 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.

Toshiba Corporation has a rational basis for determining the types of information customarily held in



confidence by it, and utilizes a system to determine when and whether to hold certain types of information in confidence.

The basis for claiming the information so designated as proprietary is 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 Corporation's competitors without license from Toshiba Corporation 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 Corporation, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Toshiba Corporation or customer funded development plans and programs of potential commercial value to Toshiba Corporation.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Toshiba Corporation system which include the following:

- (a) The use of such information by Toshiba Corporation gives Toshiba Corporation a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Toshiba Corporation 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 Corporation ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Toshiba Corporation 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 Corporation of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of Toshiba Corporation in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Toshiba Corporation capacity to invest corporate assets in research and development depends



upon the success in obtaining and maintaining a competitive advantage.

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.

Tatsuyuki Maekawa

Tatsuyuki Maekawa
Senior Manager
I&C Systems Design and Engineering Dept.
Nuclear Energy Systems & Services Division
Toshiba Corporation Power Systems Company

Jun. 25, 2012
Date

Masakazu Kobayashi





平成24年登簿第
認

72 号
証

嘱託人株式会社東芝部長前川立行は、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24年 6 月 25 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

小林 一



MASAKAZU KOBAYASHI

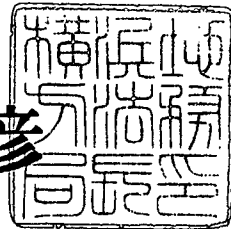
証 明

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24年 6 月 25 日

横浜地方法務局長

小沼邦彦



APOSTILLE

(Convention de La Haye du 5 octobre. 1961)

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

Certified

5. at Tokyo
6. JUN. 25. 2012
7. by the Ministry of Foreign Affairs
8. 12- № 300691
9. Seal/stamp :
10. Signature :



山内 邦彦

Haruo YAMAGAMI

For the Minister for Foreign Affairs



Registered No. 72 of 2012

Certificate of Acknowledgment of Notary

On this 25th day of June, 2012, before me, MASAKAZU KOBAYASHI, a notary in and for YOKOHAMA District Legal Affairs Bureau, personally appeared, TATSUYUKI MAEKAWA Senior Manager of TOSHIBA Corporation, with satisfactory evidence of his identification, affixed his signature to the attached document.

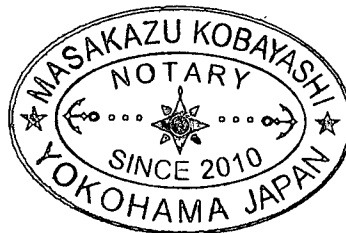
Witness, I set my hand and seal.

Notary's official seal

Notary

Masakazu Kobayashi

MASAKAZU KOBAYASHI



Kannai-odori Notary office

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

Attached to the Yokohama District Legal Affairs Bureau.