

December 5, 2017

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
"SUBMITTAL OF THE DOCUMENTS RELATED TO TOSHIBA RESPONSE TO
NRC RAI LETTER DATED AUGUST 16, 2017" AND TOSHIBA RESPONSE TO
NRC RAI LETTER DATED AUGUST 16, 2017" (TAC NO. ME9861)

Dear Mr. Powers:

By letters dated September 15 and 29, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17262A100 and ML17283A003), Toshiba Corporation submitted affidavits also dated September 15 and 29, 2017, by Hirofumi Takeda, Senior Manager, Electrical System Design & Engineering Department. The affidavits requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

TOS-CR-FPG-2017-0001, "Response to Request for Additional Information"

FPG-DRT-C51-0005, "NICSD [Nuclear Instrumentation and Control Systems Department Critical] Digital Report Rev.3" (Proprietary version)

FC51-3702-1000, "Oscillation Power Range Monitor (OPRM) unit detail design Specification, Rev. 4" (Proprietary version)

FC51-3704-0004, "NED [Nuclear Energy Systems and Services Division Software Safety] Analysis Report for OPRM, Rev.5" (Proprietary version)

FPG-TRT-C51-0101, "Qualification Test Summary Report, Rev.2" (Proprietary version)

MEM-JHS-000761 RTM Table (Proprietary version)

Nonproprietary copies of those documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS Package Accession Nos. ML17262A008 and ML17283A002.

The detailed reasons for withholding the information are listed in the affidavits.

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.

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 Jonathan Rowley Acting for/

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

Docket No. 99902036

J. Powers

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