

認

証

株式会社東芝

W E C 監督部

部長代理

西田

啓 (Kei Nishida)

は、本職の面前において添付書面に署名した。

以下余白

よって、これを認証する。

平成30年 2月 9日、本公証人役場において

川崎市川崎区駅前本町3番地1

横浜地方法務局所属

公証人

Notary

園 部 典 生



NORIO SONOBE

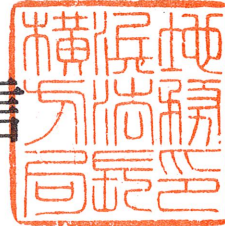
証 明

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30年 2月 9日

横浜地方法務局長

千葉和信



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country : JAPAN

This public document

2. has been signed by NORIO SONOBE

3. acting in the capacity of Notary of the Yokohama District
Legal Affairs Bureau

4. bears the seal/stamp of NORIO SONOBE , Notary

Certified

5. at Tokyo

6. FEB. - 9, 2018

7. by the Ministry of Foreign Affairs

8. 18- № 302109

9. Seal/stamp :

10. Signature :



T. TANAKA

Toshie TANAKA

For the Minister for Foreign Affairs



Registered No. 64

NOTARIAL CERTIFICATE

This is to certify that Kei Nishida, Group Manager, WEC Division of Toshiba Corporation has affixed his signature in my very presence to the attached document.

Dated this 9th day of February, 2018.

Norio Sonobe



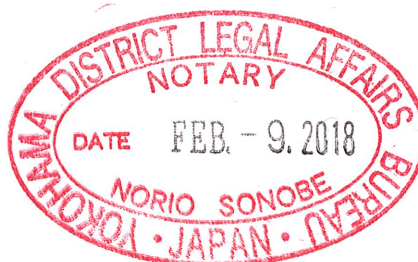
NORIO SONOBE

Notary,

Yokohama District Legal Affairs Bureau

3-1, Ekimae – honcho, Kawasaki – kü,

Kawasaki City, Kanagawa – ken, Japan





UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

Request for Threshold Determination of)
Westinghouse Electric Company LLC)

AFFIDAVIT


I, Kei Nishida, being duly sworn, hereby depose and say that I am the Group Manager of the WEC Division at Toshiba Corporation ("Toshiba"); and that I am duly authorized to sign and file with the Nuclear Regulatory Commission ("NRC") this affidavit on behalf of Toshiba, and state:

1. I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with Westinghouse Electric Company LLC's ("Westinghouse") submittal on behalf of Toshiba and Brookfield WEC Holdings LLC ("BWH") to the NRC of that certain Share Purchase Agreement by and among Toshiba and BWH (the "SPA"), and am authorized to execute this affidavit on behalf of Toshiba.
2. Toshiba is providing the SPA in support of that certain request to the NRC submitted on February 5, 2018, by Westinghouse for a threshold determination that the acquisition by BWH (or one of its affiliates) of Toshiba Nuclear Energy Holdings (US) Inc. would not constitute an indirect transfer of control over Westinghouse's licenses. The proprietary information sought to be withheld in this submittal is that which is appropriately marked in Enclosure 1, "Share Purchase Agreement by and among Toshiba Corporation, as Seller and Brookfield WEC Holdings LLC, as Buyer" (Proprietary). This document constitutes proprietary commercial and financial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR § 2.390(a)(4) because:
 - i. The information sought to be withheld from public disclosure is owned by Toshiba and BWH. Toshiba and its affiliates have held this information in confidence, as required under the terms of the SPA.
 - ii. The information is of a type customarily held in confidence by Toshiba and not customarily disclosed to the public. Toshiba has a rational basis for doing so because the information contains sensitive legal and financial information concerning organizational and financial arrangements.
 - iii. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, is to be received in confidence by the Commission.



- iv. The information sought to be protected is not available in public sources and could not be gathered readily from other publicly available information.
 - v. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Toshiba by disclosing non-public commercial and financial information. The information requested to be withheld reveals commercially valuable and sensitive information and its disclosure could adversely affect Toshiba because it would enhance the ability of third parties, including competitors, to gain knowledge of our commercial strategies.
3. Accordingly, Toshiba requests that the designated document be withheld from public disclosure pursuant to 10 CFR § 2.390(a)(4).

Feb. 9, 2018

By: 
Name: Kei Nishida
Title: Group Manager, WEC Division
Company: Toshiba Corporation