



HITACHI

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Proprietary Notice

This letter forwards proprietary information in accordance with 10CFR2.390. Upon the removal of Enclosure 1, the balance of this letter may be considered non-proprietary.

MFN 07-603

Docket No. 52-010

November 9, 2007

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555-0001

Subject: Transmittal of Licensing Topical Report NEDC-33374P, "Safety Analysis Report for Fuel Storage Racks Criticality Analysis for ESBWR Plants," November 2007

The purpose of this letter is to transmit GE Hitachi Nuclear Energy (GEH) Licensing Topical Report (LTR) NEDC-33374P, "Safety Analysis Report for Fuel Storage Racks Criticality Analysis for ESBWR Plants," dated November 2007 (Enclosure 1), as referenced in GEH letter dated August 9, 2007 (Reference 1).

Enclosure 1 contains GEH proprietary information as defined by 10 CFR 2.390. GEH customarily maintains this information in confidence and withholds it from public disclosure. Enclosure 2 is the non-proprietary version, which does not contain proprietary information and is suitable for public disclosure.

The affidavit contained in Enclosure 3 identifies that the information contained in Enclosure 1 has been handled and classified as proprietary to GEH. GEH hereby requests that the information of Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

If you have any questions or require additional information, please contact me.

Sincerely,


James C. Kinsey
Vice President, ESBWR Licensing

DDG

NRD

Reference:

1. MFN 07-403, Letter from James C. Kinsey to U.S. Nuclear Regulatory Commission, *Response to Portion of NRC Request for Additional Information Letter No. 100 – Auxiliary Systems – RAI Number 9.1-40*, dated August 9, 2007

Enclosures:

1. Licensing Topical Report NEDC-33374P, "Safety Analysis Report for Fuel Storage Racks Criticality Analysis for ESBWR Plants," dated November 2007 – GEH Proprietary Information
2. Licensing Topical Report NEDO-33374, "Safety Analysis Report for Fuel Storage Racks Criticality Analysis for ESBWR Plants," dated November 2007 – Non-Proprietary Version
3. Affidavit – David H. Hinds – November 9, 2007

cc: AE Cabbage USNRC (with enclosure)
GB Stramback GEH/San Jose (with enclosure)
RE Brown GEH/Wilmington (with enclosure)
eDRF 0000-0076-8445