



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 08-562

Docket No. 52-010

July 3, 2008

U.S. Nuclear Regulatory Commission

Document Control Desk
Washington, D.C. 20555-0001

Subject: **Submittal of Licensing Topical Report (LTR) NEDE-33243P,
Revision 2, "ESBWR Control Rod Nuclear Design"**

The purpose of this letter is for GE Hitachi Nuclear Energy (GEH) to submit the subject LTR revision for U.S. Nuclear Regulatory Commission (NRC) review and approval. Table 2.2 and Section 6 of the LTR have been revised as described in the response to RAIs 4.2-18 and 4.2-19 (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 in Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 10 CFR 9.17.

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

Sincerely,

Richard E. Kingston
Vice President, ESBWR Licensing

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References:

1. MFN 08-464, Letter from James C. Kinsey (GEH) to U.S. Nuclear Regulatory Commission, *Response to Portion of NRC Request for Additional Information Letter No. 162 - Related To NEDE-33243P, Revision 1 "ESBWR Control Rod Nuclear Design", - RAI Numbers 4.2-16, 4.2-17, 4.218 and 4.2-19*, dated May 27, 2008.

Enclosures:

1. MFN 08-562 – Submittal of Licensing Topical Report (LTR) NEDE-33243P, Revision 2, "ESBWR Control Rod Nuclear Design" – GEH Proprietary Information
2. MFN 08-562 – Submittal of Licensing Topical Report (LTR) NEDE-33243P, Revision 2, "ESBWR Control Rod Nuclear Design" – Non-Proprietary Version
3. MFN 08-562 – Submittal of Licensing Topical Report (LTR) NEDE-33243P, Revision 2, "ESBWR Control Rod Nuclear Design" – GEH Affidavit

cc: AE Cubbage USNRC (with enclosure)
GB Stramback GEH/San Jose (with enclosure)
RE Brown GEH/Wilmington (with enclosure)
DH Hinds GEH/Wilmington (with enclosure)
eDRF 0000-0063-2503