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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 09-330

Docket No. 52-010

May 19, 2009

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

**Subject: Submittal of Licensing Topical Report NEDE-33220P, "ESBWR Human Factors Engineering Allocation of Function Implementation Plan", Revision 3 – GEH Proprietary Information**

The purpose of this letter is to submit Revision 3 of the GE Hitachi Nuclear Energy (GEH) Licensing Topical Report NEDE-33220P, "ESBWR Human Factors Engineering Allocation of Function Implementation Plan" in accordance with the corresponding HFE program element identified in 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. A non-proprietary version is provided in Enclosure 2.

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,

Richard E. Kingston

Vice President, ESBWR Licensing

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Reference:

1. NUREG-0711, Revision 2, *Human Factors Engineering Program Review Model*, issued February 2004

Enclosures:

1. MFN 09-330 --Licensing Topical Report NEDE-33220P, "ESBWR Human Factors Engineering Allocation of Function Implementation Plan", Revision 3 – Proprietary Information
2. MFN 09-330 - Licensing Topical Report NEDO-33220, "ESBWR Human Factors Engineering Allocation of Function Implementation Plan", Revision 3 – Non-Proprietary Version
3. Affidavit – Larry J. Tucker – May 19, 2009

cc: AE Cubbage	USNRC (with enclosures)
JG Head	GEH/Wilmington (w/o enclosures)
DH Hinds	GEH/Wilmington (w/o enclosures)
eDRF Section	0000-0049-8915