



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 09-531

Docket No. 52-010

September 15, 2009

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

Subject: **Response to NRC Request for Revision of Licensing Topical Report NEDE-33516P, "ESBWR Qualification Plan Requirements for a 72-Hour Duty Cycle Battery."**

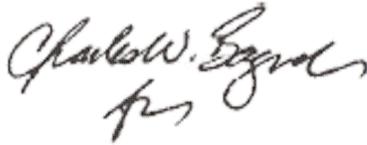
The purpose of this letter is to submit the GE Hitachi Nuclear Energy (GEH) response to a U.S. Nuclear Regulatory Commission (NRC) Request for a revision of License Topical Report, NEDE- 33516P, " ESBWR Qualification Plan Requirements for a 72-Hour Duty Cycle Battery" as discussed in a phone call on August 26, 2009.

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 contains a copy of the affected DCD Revision 6 page that indicates this LTR revision which is not proprietary information.

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 9.17. GEH has not submitted a nonproprietary version of this enclosure in accordance with NRC Information Notice 2009-07, Requirements for Submittals, (2): "In instances in which a nonproprietary version would be of no value to the public because of the extent of the proprietary information, the agency does not expect a nonproprietary version to be submitted."

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

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Egnor". The signature is written in a cursive style with a large initial "C" and a stylized "Egnor".

Richard E. Kingston
Vice President, ESBWR Licensing

Enclosures:

1. Licensing Topical Report, NEDE-33516P Revision 1, "ESBWR Qualification Plan Requirements for a 72-Hour Duty Cycle Battery," GEH Proprietary Information
2. Affected DCD Revision 6, Chapter 3, Subsection 3.11 Markup, Non-proprietary
3. Affidavit

cc:	AE Cabbage	USNRC (with enclosures)
	JG Head	GEH/Wilmington (with enclosures)
	DH Hinds	GEH/Wilmington (with enclosures)
	eDRF Section	0000-0104-5210 (LTR NEDE-33516P and DCD Markup)