March 1, 2011

Mr. Jerald G. Head
Senior Vice President, Regulatory Affairs
GE Hitachi Nuclear Energy
3901 Castle Hayne Rd MC A-18
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (MFN 09-790, REVISION 1)

Dear Mr. Head:

By letter dated January 20, 2010, and associated affidavit executed on January 20, 2010, by Larry J. Tucker, Mr. Tucker indicated that the information contained in "Revised Response to Portion of NRC Request for Additional Information Letter No. 398 Related to ESBWR Design Certification Application – Fuel Racks – RAI Number 9.1-148," should be withheld as proprietary. GE-Hitachi Nuclear Energy (GEH) requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

During its review of NEDC-33373P, Revision 3, the staff identified concerns that some of the material marked as proprietary may not meet the requirements of 10 CFR 2.390. GEH subsequently determined that the material in NEDC-33373P, Revision 3, could be treated as nonproprietary. GEH provided a version with the proprietary markings removed as NEDO-33373, Revision 4. Since MFN 09-790, Revision 1, is related to NEDC-33373P, Revision 3, GEH provided a version with the proprietary markings removed as MFN 09-790, Revision 2. This document was placed in the NRC Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML100700638.)

If you have any questions regarding this matter, I may be reached at 301-415-6256.

Sincerely,

/RA/

Dennis Galvin, Project Manager
BWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-010

cc: See next page

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ADAMS ACCESSION NO: ML100541225

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SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (MFN 09-790, REVISION 1) DATED MARCH 1, 2011

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