



HITACHI

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Proprietary Notice

This letter forwards proprietary information in accordance with 10CFR2.390. Upon the removal of Enclosures 1 and 2, the balance of this letter may be considered non-proprietary.

MFN 10-043

Docket No. 52-010

February 8, 2010

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

Subject: **Submittal of Markups to Licensing Topical Reports Related to ESBWR Design Certification - NEDE-33226P, ESBWR- Software Management Program Manual, Revision 5 and NEDE-33245P, Software Quality Assurance Program Manual, Revision 5**

The purpose of this letter is to submit an advanced copy of the following non-RAI related changes that GE Hitachi Nuclear Energy (GEH) will incorporate in the listed revisions of the subject Licensing Topical Reports.

Enclosure 1 contains the change list and markups for LTR NEDE-33226P, ESBWR – Software Management Program Manual, Revision 5. These changes are a result of an internal review of the LTR.

Enclosure 2 contains the change list and markup pages for LTR NEDE-33245P, Software Quality Assurance Program Manual, Revision 5. These changes are a result of an internal review of the LTR.

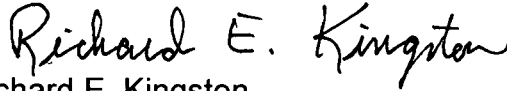
Enclosures 1 and 2 contain GEH proprietary information as defined by 10 CFR 2.390. GEH customarily maintains this information in confidence and withholds it from public disclosure.

The affidavit contained in Enclosure 5 identifies that the information contained in Enclosures 1 and 2 have been handled and classified as proprietary to GEH. GEH hereby requests that the information in Enclosure 1 and 2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

D068
NRD

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

Sincerely,



Richard E. Kingston
Vice President, ESBWR Licensing

Enclosures:

1. Submittal of Markups to Licensing Topical Reports Related to ESBWR Design Certification - NEDE-33226P, ESBWR- Software Management Program Manual, Revision 5 - Change List and Markups - GEH Proprietary Version
2. Submittal of Markups to Licensing Topical Reports Related to ESBWR Design Certification - NEDE-33245P, Software Quality Assurance Program Manual, Revision 5 - Change List and Markups - GEH Proprietary Version
3. Submittal of Markups to Licensing Topical Reports Related to ESBWR Design Certification - NEDO-33226P, ESBWR- Software Management Program Manual, Revision 5 - Change List and Markups - Public Version
4. Submittal of Markups to Licensing Topical Reports Related to ESBWR Design Certification - NEDO-33245P, Software Quality Assurance Program Manual, Revision 5 - Change List and Markups - Public Version
5. Affidavit

cc: AE Cubbage
JG Head
DH Hinds
PM Yadow
EDRF Sections

USNRC (with enclosures)
GEH/Wilmington (with enclosures)
GEH/Wilmington (with enclosures)
GEH/Wilmington (with enclosures)
0000-0112-4049 (NEDE-33226P)
0000-0112-4048 (NEDE-33245P)