



HITACHI

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Proprietary Notice

This letter forwards proprietary information in accordance with 10CFR 2.390. Upon the removal of Enclosure 1, the balance of this letter may be considered non-proprietary.

MFN 10-289

Docket No. 52-010

September 29, 2010

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

Subject: **Submittal of Accepted Versions of NEDE-33244P, "ESBWR Marathon Control Rod Mechanical Design Report"**

By Reference 1, the NRC issued the final Safety Evaluation for GE-Hitachi Nuclear Energy Americas LLC (GEH) Licensing Topical Report (LTR) NEDE-33244P, Revision 1, "ESBWR Control Rod Nuclear Design." The NRC requested in Reference 1 that GEH publish accepted proprietary and non-proprietary versions of the LTR incorporating the Safety Evaluation. Sections 4.4 and 6 of the accepted (-A) versions were revised per Reference 2. Section 5 of the accepted (-A) versions was revised per Reference 3. Therefore, the -A versions are labeled Revision 2. As requested, enclosed are the -A versions of the subject LTR.

Enclosure 1 contains proprietary information of the type that GEH maintains in confidence and withholds from public disclosure. The affidavit contained within 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. Enclosure 2 is a non-proprietary version of Enclosure 1.

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

Sincerely,

Richard E. Kingston

Richard E. Kingston
Vice President, ESBWR Licensing

*DDOB
NRC*

References:

1. MFN 10-254, Letter from U.S. Nuclear Regulatory Commission to Jerald G. Head, *Final Safety Evaluation for Licensing Topical Reports NEDE-33243, Revision 2, "ESBWR Marathon Control Rod Nuclear Design" and NEDE-33244P, Revision 1, "ESBWR Marathon Control Rod Mechanical Design Report"*, September 7, 2010
2. MFN 10-038, Letter from Mr. Richard E. Kingston to U.S. Nuclear Regulatory Commission, *Submittal of Markups to Licensing Topical Report Related to ESBWR Design Certification Application – LTR NEDE-33244P, Revision 2*, January 27, 2010
3. MFN 08-757, Letter from Mr. Richard E. Kingston to U.S. Nuclear Regulatory Commission, *Response to Portion of NRC Request for Additional Information Letter No. 243 - Related to ESBWR Design Certification Application - RAI Numbers 4.2-24 Supplement 1, 4.2-26 Supplement 1, 4.2-31 and 4.2-32*, October 8, 2008

Enclosures:

1. NEDE-33244P-A, Revision 2, "ESBWR Marathon Control Rod Mechanical Design Report" – GEH Proprietary Information
2. NEDO-33244-A, Revision 2, "ESBWR Marathon Control Rod Mechanical Design Report" – Non-Proprietary Information
3. Affidavit

cc: AE Cabbage USNRC (with enclosures)
JG Head GEH (with enclosures)
DH Hinds GEH (with enclosures)
SR Andersen GEH (with enclosures)
eDRFsection 0000-0077-1609 Revision 3