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MFN 07-359

Docket No. 52-010

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U.S. Nuclear Regulatory Commission
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Subject: **Response to a Portion of NRC Request for Additional Information
Letter No. 97 Related to ESBWR Design Certification Application –
Seismic Category I Structures – RAI Number 3.8-110.**

Enclosure 1 contains the response to the subject NRC RAI resulting from the Reference 1 letter.

If you have any questions or require additional information regarding the information provided here, please contact me.

Sincerely,



James C. Kinsey
Project Manager, ESBWR Licensing

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Reference:

1. MFN 07-292, Letter from Amy Cubbage, Nuclear Regulatory Commission, to Mr Robert E Brown, General Electric Company, *Request for Additional Information Letter No. 97 Related to ESBWR Design Certification Application*, May 21, 2007.

Enclosure:

1. MFN 07-359, Partial Response to NRC RAI Letter No. 97 Related to ESBWR Design Certification Application, DCD Tier 2 Section 3.8 – RAI Number 3.8-110.

cc: AE Cubbage USNRC (with enclosure)
GB Stramback GE/San Jose (with enclosure)
BE Brown GE/ Wilmington (with enclosure)
neDRFSection 0000-00068-5941R0

ENCLOSURE 1

MFN 07-359

**Partial Response to NRC RAI Letter No. 97
Related to ESBWR Design Certification Application**

DCD Tier 2 Section 3.8 – RAI Number 3.8-110

NRC RAI 3.8-110

The applicant has referenced the 2004 edition of ASME Code Section III, Subsection NE. The staff notes that Regulatory Guide (RG) 1.57, Revision 1, entitled "Design Limits and Loading Combinations for Metal Primary Reactor Containment System Components," was officially issued in March 2007. This regulatory guide endorses the 2001 Edition of the ASME Code, Section III, Division 1, through the 2003 addenda, subject to the exceptions cited in Section C, Regulatory Position, of the RG. Since the staff has officially accepted the code, through the 2003 addenda, the applicant needs to identify any relaxations between the 2004 Code referenced for the ESBWR design and RG 1.57, Rev. 1, including the regulatory positions. Any deviation from the staff positions identified will require a technical justification. As an alternative, the applicant may choose to reference RG 1.57, Rev. 1 directly.

GE Response

As stated in DCD Tier 2 Table 1.9-21, the ESBWR design certification is based on Regulatory Guide 1.57, Revision 0, which is the version in effect six months prior to the design certification application. Revision 0 of RG 1.57 does not cite any specific version of ASME Code, Section III (other than a reference in a note to "that part of the Summer 1973 Addenda that pertains to Class MC components"). Consequently, RG 1.57, Revision 0, allows use of the version of ASME Code, Section III that is currently endorsed by 10 CFR 50.55a.

In the April 5, 2007 Federal Register (Volume 72, No. 65, Pages 16731 through 16741), the NRC published notice of its intention to amend 10 CFR 50.55a to endorse the 2004 Edition of ASME Code, Section III, Division 1. This Federal Register notice demonstrates that the NRC has officially accepted ASME Code, Section III, Division 1, through the 2004 version, subject to any exceptions cited in the Federal Register notice.

Therefore, GE's position on the use of the 2004 Edition of the ASME Code, Section III, Division 1, for ESBWR is consistent with published NRC endorsements.

Please also note that the ASME Code, Section III comparisons presented in the response to NRC RAI 3.8-5 include the differences between the 2004 Edition of the ASME Code, Section III and the 2001 Edition of the ASME Code, Section III through the 2003 addenda. None of the changes in the 2004 Edition reduce the levels of previous conservatisms in the Code since the 1989 Edition as stated in the response to NRC RAI 3.8-5S1.

DCD Impact

No DCD change is required in response to this RAI.