

Enclosures Contain Sensitive Proprietary Information

September 12, 2007

Mr. Robert E. Brown
Senior Vice President, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas, LLC
3901 Castle Hayne Rd MC A-45
Wilmington NC 28401

SUBJECT: SAFETY EVALUATION REPORTS (SERs) WITH OPEN ITEMS (OIs) FOR
CHAPTERS 2, 5, 8, AND 17 REGARDING THE ESBWR DESIGN
CERTIFICATION REVIEW

Dear Mr. Brown:

The U.S. Nuclear Regulatory Commission staff is preparing SERs with OIs for each chapter of the Economic Simplified Boiling Water Reactor (ESBWR) design certification application submitted by GE-Hitachi Nuclear Energy Americas, LLC (GEH) on August 24, 2005.

The staff's SERs with OIs for Chapters 2, 5, 8, and 17 were recently provided to the Advisory Committee on Reactor Safeguards (ACRS) ESBWR Design-Centered Subcommittee to support upcoming meetings of the ACRS Subcommittee and the ACRS Full Committee, scheduled to be held in October and November, respectively. The staff is continuing to review the design certification application and may identify additional open items as a result of future GEH submittals such as design control document (DCD) revisions and topical report submittals.

The enclosed SERs with OIs are being provided to GEH for review of proprietary information and factual accuracy. Pursuant to 10 CFR 2.390, we have determined that the enclosed SER with OIs for Chapter 2 contains proprietary information and this proprietary information is indicated by brackets, red font and underlined text in Enclosure 1 and will be withheld. Enclosure 2 contains a non-proprietary version of the Chapter 2 SER with OIs. We do not believe that the SERs with OIs for Chapters 5, 8 and 17 contain proprietary information, however, we will delay placing these documents, and the non-proprietary version of the Chapter 2 SER with OIs, in the public document room for a period of 15 working days from the date of this letter to provide you with the opportunity to comment on the proprietary aspects. If

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you believe that any information in the enclosures is proprietary, please identify such information line by line and define the basis pursuant to the criteria of 10 CFR 2.390.

Sincerely,

/RA/

Mohammed A. Shuaibi, Chief
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-010

Enclosures: 1. Safety Evaluation Report with Open Items - Chapter 2 (Proprietary)
 2. Safety Evaluation Report with Open Items - Chapter 2 (Non-Proprietary version)
 3. Safety Evaluation Report with Open Items - Chapter 5
 4. Safety Evaluation Report with Open Items - Chapter 8
 5. Safety Evaluation Report with Open Items - Chapter 17

cc: See next page (w/o enclosures)

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