

Proprietary Notice

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

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MFN 07-535

Docket No. 52-010

October 23, 2007

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

Subject: **ESBWR Instrumentation Setpoint Methodology -- Supplemental Response to RAI 7.2-36, Supplement 1**

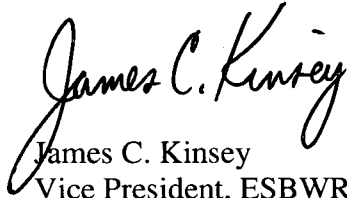
On May 10, 2007, GE met with the NRC staff (Accession No. ML071160277) to discuss the proprietary ESBWR instrumentation setpoint methodology outlined in response to RAI 7.2-36, Supplement 1 (Reference 1). To address issues discussed at this meeting, GEH has prepared the Enclosure 1 proprietary setpoint methodology to be referenced in the ESBWR DCD (DCD changes addressed in separate correspondence). The enclosed setpoint methodology is based on the previous NRC accepted GE setpoint methodology, NEDC 31336P-A (Reference 2), updated to reflect a graded approach as provided in NUREG-0800, Standard Review Plan, BTP HICB-12, and information contained in Regulatory Information Summary (RIS) 2006-017, "NRC Staff Position on the Requirements of 10 CFR 50.36, 'Technical Specifications,' Regarding Limiting Safety System Settings During Periodic Testing and Calibration of Instrument Channels."

Enclosure 1 contains proprietary information as defined in 10CFR2.390. The affidavit contained in Enclosure 3 identifies that the information contained in Enclosure 1 has been handled and classified as proprietary to GEH. GEH hereby requests that the proprietary information in Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17. Enclosure 2 contains a non-proprietary version of the setpoint methodology.

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NRO

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

Sincerely,



James C. Kinsey
Vice President, ESBWR Licensing

Reference:

1. MFN 07-015, Supplement 1, Letter from James C. Kinsey to U.S. Nuclear Regulatory Commission, *Response to NRC Request for Additional Information Email A. Howe (NRC) to D. Hinds (GE), Dated November 16, 2006 Related to ESBWR Design Certification Application - Instrumentation and Control - RAI Number 7.2-36, Supplement 1, May 15, 2007*
2. GE Nuclear Energy, "General Electric Instrument Setpoint Methodology," NEDC 31336P-A, September 1996

Enclosures:

1. GE-Hitachi Nuclear Energy, "GEH ABWR/ESBWR Setpoint Methodology," NEDE-33304P, Revision 0, October 2007, Class III – Proprietary Version
2. GE-Hitachi Nuclear Energy, "GEH ABWR/ESBWR Setpoint Methodology," NEDO-33304, Revision 0, October 2007, Class I – Non-Proprietary Version
3. Affidavit – David Hinds – dated October 23, 2007

cc: AE Cabbage USNRC (with enclosures)
DH Hinds GEH (with enclosures)
RE Brown GEH (w/o enclosures)
eDRF 0000-0064-4304

MFN 07-535

Enclosure 1

**GE-Hitachi Nuclear Energy,
"GEH ABWR/ESBWR Setpoint Methodology,"
NEDE-33304P, Revision 0, October 2007,
Class III - Proprietary Version**

PROPRIETARY INFORMATION NOTICE

This enclosure contains proprietary information of the GE-Hitachi Nuclear Energy (GEH) and is furnished in confidence solely for the purpose(s) stated in the transmittal letter. No other use, direct or indirect, of the document or the information it contains is authorized. Furnishing this enclosure does not convey any license, express or implied, to use any patented invention or, except as specified above, any proprietary information of GEH disclosed herein or any right to publish or make copies of the enclosure without prior written permission of GEH. The proprietary information is in dark red font enclosed within double brackets. [[This sentence is an example.^{3}]] Figures and large equation objects are enclosed in double brackets. Each page contains the designation "GEH Proprietary Information." The superscript notation {3} refers to Paragraph (3) of the enclosed affidavit, which provides the basis for the proprietary determination.