



HITACHI

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Proprietary Notice

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

MFN 08-294

Docket No. 52-010

March 28, 2008

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

Subject: **Response to Portion of NRC Request for Additional Information Letter No. 121 Related to ESBWR Design Certification Application, RAI Numbers 19.2-23 S02 and 19.2-25 S02**

The purpose of this letter is to submit the GE Hitachi Nuclear Energy (GEH) response to the U.S. Nuclear Regulatory Commission (NRC) Request for Additional Information (RAI) sent by NRC Letter Number 121, dated December 5, 2007 (Reference 1). Previous RAIs and responses were transmitted in References 2 through 6. The GEH response to RAI Numbers 19.2-23 S02 and 19.2-25 S02 are in Enclosure 1.

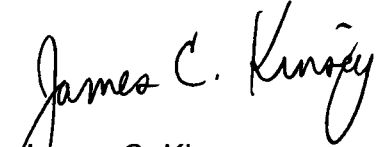
Enclosure 2 contains GEH proprietary information as defined by 10 CFR 2.390. GEH customarily maintains this information in confidence and withholds it from public disclosure. Enclosure 3 is the non-proprietary version, which does not contain proprietary information and is suitable for public disclosure.

The affidavit contained in Enclosure 4 identifies that the information contained in Enclosure 2 has been handled and classified as proprietary to GEH. GEH hereby requests that the information in Enclosure 2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

D068
KRO

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

Sincerely,



James C. Kinsey
Vice President, ESBWR Licensing

References:

1. MFN 07-658, Letter from U.S. Nuclear Regulatory Commission to Robert E. Brown, Request For Additional Information Letter No. 121 Related To ESBWR Design Certification Application, dated December 5, 2007
2. MFN 07-013, Response to Portion of NRC Request for Additional Information Letter No. 43 Related to ESBWR Design Certification Application - ESBWR Probabilistic Risk Assessment, RAI Numbers 19.1-11, 19.1-12, 19.1-19, 19.2-7, 19.2-25, 19.2-32 and 19.2-36, dated January 10, 2007
3. MFN 07-013, Supplement 3, Response to Portion of NRC Request for Additional Information Letter No. 40 Related to ESBWR Design Certification Application - ESBWR Probabilistic Risk Assessment, RAI Numbers 19.2-7 S01 and 19.2-25 S01, dated August 13, 2007
4. MFN 06-222, Letter from U.S. Nuclear Regulatory Commission to David Hinds, Request for Additional Information Letter No. 40 Related to ESBWR Design Certification Application, dated July 5, 2006
5. MFN 06-313, Supplement 5. Response to Portion of NRC Request for Additional Information Letter No. 40 Related to ESBWR Design Certification Application RAI Number 19.2-23 S01, dated June 27, 2007
6. MFN 06-313, Response to Portion of NRC Request for Additional Information Letter No. 40 Related to ESBWR Design Certification Application – ESBWR Probabilistic Risk Assessment – RAI Numbers 19.1-8 (b) (Revised Response), 19.1-9, 19.1-10, 19.1-16, 19.1-18, 19.2-4, 19.2-5, 19.2-15, 19.2-16, 19.2-19, 19.2-20, 19.2-21, 19.2-23, 19.2-34, 19.2-58 through 19.2-62, and 19.2-64, dated September 12, 2006

Enclosures:

1. Response to Portion of NRC Request for Additional Information Letter No. 121 Related to ESBWR Design Certification Application, ESBWR Risk Assessment RAI Numbers 19.2-23 S02 and 19.2-25 S02
2. Licensing Topical Report, NEDE-33392P, Revision 0, "The MAC Experiments Fine Tuning Of The BIMAC Design"
3. Licensing Topical Report, NEDO-33392, Revision 0, "The MAC Experiments Fine Tuning Of The BIMAC Design"
4. Affidavit – David H. Hinds – March 28, 2007

cc: AE Cabbage USNRC (with enclosure)
GB Stramback GEH/San Jose (with enclosure)
RE Brown GEH/Wilmington (with enclosure)
DH Hinds GEH/Wilmington (with enclosure)
eDRF 0000-0082-7659 NEDE- 33392P
0000-0083-2564 NEDO- 33392
0000-0083-0540 NRC RAI 19.2-23S02
0000-0083-0541 NRC RAI 19.2-25S02

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Enclosure 1

**Response to Portion of NRC Request for
Additional Information Letter No. 121
Related to ESBWR Design Certification Application
ESBWR Probabilistic Risk Assessment
RAI Numbers 19.2-23 S02 and 19.2-25 S02**

NRC RAI 19.2-23 S02

In MFN 07-013 Supplement 3 and MFN 06-313 Supplement 5 it was stated that BIMAC test results would be provided in September 2007 in NEDO-33201 Section 21. The results were not, in fact, provided in that submittal. Until the results are reviewed and the staff concludes that they provide assurance that the BIMAC design is appropriate, the subject RAIs cannot be resolved.

Please provide complete documentation of the BIMAC test results.

GEH RESPONSE

Documentation of the BIMAC test results is included in the attached proprietary report (Enclosure 2) - The MAC Experiments Fine Tuning of the BIMAC Design, Proprietary Report by T.G. Theofanous, NEDE-33392P. A non-proprietary version of the report is in Enclosure 3.

DCD/NEDO-33201 IMPACT

No DCD changes will be made in response to this RAI.

No changes to the NEDO-33201 will be made in response to this RAI.

NRC RAI 19.2-25 S02

In MFN 07-013 Supplement 3 and MFN 06-313 Supplement 5 it was stated that BIMAC test results would be provided in September 2007 in NEDO-33201 Section 21. The results were not, in fact, provided in that submittal. Until the results are reviewed and the staff concludes that they provide assurance that the BIMAC design is appropriate, the subject RAIs cannot be resolved. Please provide complete documentation of the BIMAC test results.

GEH Response

Documentation of the BIMAC test results is included in the attached proprietary report (Enclosure 2) – The MAC Experiments Fine Tuning of the BIMAC Design, Proprietary Report by T.G. Theofanous, NEDE-33392P. A non-proprietary version of the report is in Enclosure 3.

DCD/NEDO-33201 Impact

No DCD changes will be made in response to this RAI.

No changes to the NEDO-33201 will be made in response to this RAI.