

May 23, 2008

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

SUBJECT: SAFETY EVALUATION REPORT WITH OPEN ITEMS FOR CHAPTER 3  
REGARDING THE ESBWR DESIGN CERTIFICATION REVIEW

Dear Mr. Brown:

The U.S. Nuclear Regulatory Commission staff is preparing Safety Evaluation Reports (SERs) with Open Items (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 SER with OIs for Chapter 3 was recently provided to the Advisory Committee on Reactor Safeguards (ACRS) ESBWR Design-Centered Subcommittee to support the upcoming meeting scheduled to be held on June 18, 2008. The ACRS Full Committee meeting will be held at a future date. 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 SER with OIs is being provided to GEH for review of proprietary information and factual accuracy. We do not believe that the SER with OIs for Chapter 3 contains proprietary information; however, we will delay placing this document in the public document room for a period of 10 working days from the date of this letter to provide you with the opportunity to comment on the proprietary aspects.

R. Brown

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

Sincerely,

***/RA/***

Jeffrey Cruz, Chief  
ESBWR/ABWR Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

Enclosure:

1. Safety Evaluation Report with Open Items -  
Chapter 3

cc: See next page (w/o enclosure)

R. Brown

- 2 -

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**/RA/**

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- 1. Safety Evaluation Report with Open Items – Chapter 3

cc: See next page (w/o enclosure)

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(Revised 04/28/2008)

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