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Security Notice

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

MFN 09-422

Docket 52-010

June 22, 2009

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

Subject Submittal of Preliminary ESBWR Design Control Document, Revision 6,
Tier 2, Chapter 3 - Design of Structures, Components, Equipment and
Systems, Appendices 3G through 3L,

GE Hitachi Nuclear Energy (GEH) submitted a design certification application for the ESBWR to the U.S. Nuclear Regulatory Commission (NRC) in a letter dated August 24, 2005 (reference 1), which included Revision 0 of the Design Control Document (DCD). The NRC accepted this application in a letter dated December 1, 2005 (reference 2). As part of the ongoing NRC review, GEH has responded to NRC requests for additional information (RAIs) and has submitted revisions to the DCD through Revision 5, which was submitted June 1, 2008. GEH is currently preparing Revision 6 of the DCD, which will incorporate RAI responses intended to address remaining NRC open items and establish the basis for the NRC Final Safety Evaluation for the design certification. The NRC issued a review schedule in a letter dated February 18, 2009 (reference 3).

In recent interactions between GEH and the NRC regarding incorporation of RAI responses into the DCD, GEH and the NRC discussed submittal of completed preliminary DCD chapters and associated change lists in advance of Revision 6 to facilitate NRC staff actions in preparing the advanced Final Safety Evaluation Report for review by the Advisory Committee for Reactor Safeguards (ACRS).

In this regard, GEH has determined the chapter contained in Enclosure 1 is complete with the exception that responses to the following RAIs, with potential impact to the chapter, have yet to be submitted to the NRC, or incorporated in the chapter as applicable: 2.3-4, 3.8-96 S04, 3.8-125 S01, 3.8-128, 6.2-180 S01 and 9.1-15 S03

DO68
NRC

GEH is currently evaluating and answering these RAIs. The response to be provided for each RAI may, or may not, impact the chapter. In addition, RAI responses submitted by GEH, but currently unresolved by the NRC, may lead to additional questions from the NRC. Otherwise, the chapter content to date, as contained in Enclosure 1, has been verified by the ESBWR technical team.

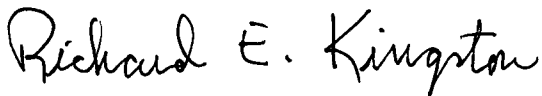
Note that Enclosure 1 contains Security-Related Information identified by the designation "{{{Security-Related Information - Withhold Under 10 CFR 2.390}}}". GEH hereby requests this information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390. A public version is contained in Enclosure 2.

Other than potential impacts as discussed above, the chapter is not expected to undergo significant changes before issuance of Revision 6; however, GEH plans to perform an integrated quality review of the entire DCD prior to final submittal. The integrated quality review may result in changes such as any needed for: (1) correction of administrative information, formatting, or conversion issues; (2) ensuring consistency; (3) ensuring internal references remain appropriate; and (4) improving quality of the document. To reflect the status of the enclosed chapter and ensure the NRC technical reviewers will be able to differentiate between the preliminary version and the final version (Revision 6), GEH has marked the chapter as "Preliminary."

Any issues that would change the technical content in the DCD will be discussed with the NRC in advance of submitting Revision 6.

If you have any questions, please contact me.

Sincerely,



Richard E. Kingston
Vice President, ESBWR Licensing

References:

1. MFN 05-084, General Electric Company Application for Final Design Approval and Design Certification of ESBWR Standard Plant Design, dated August 24, 2005
2. Letter from U.S. Nuclear Regulatory Commission to Steven A. Hucik, *Acceptance of the General Electric Company Application for Final Design Approval and Standard Design Certification for the Economic Simplified Boiling Water Reactor (ESBWR) Design*, dated December 1, 2005

3. MFN 09-144, Letter from U.S. Nuclear Regulatory Commission to Robert E. Brown, *Economic Simplified Water Reactor (ESBWR) Design Certification Schedule Update*, dated February 18, 2009

Enclosures:

1. CD - Enclosure 1 - Preliminary ESBWR Design Control Document, Revision 6, Tier 2, Chapter 3 - Design of Structures, Components, Equipment and Systems, Appendices 3G through 3L – Sensitive Version
2. CD - Enclosure 2 - Preliminary Preliminary ESBWR Design Control Document, Revision 6, Tier 2, Chapter 3 - Design of Structures, Components, Equipment and Systems, Appendices 3G through 3L – Public Version

cc: AE Cubbage USNRC (with enclosure)
JG Head GEH/Wilmington (w/o enclosure)
DH Hinds GEH/Wilmington (w/o enclosure)
eDRF Section 0000-0099-6858

CD Enclosure 1

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Preliminary ESBWR Design Control Document, Revision 6

**Tier 2, Chapter 3 - Design of Structures, Components,
Equipment and Systems,**

Appendices 3G through 3L – Sensitive Version

CD Enclosure 2

MFN 09-422

Preliminary ESBWR Design Control Document, Revision 6

**Tier 2, Chapter 3 - Design of Structures, Components,
Equipment and Systems,**

Appendices 3G through 3L – Public Version