



HITACHI

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MFN 09-242 Supplement 1

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

Subject: Reply to a Notice of Violation

References: 1) NRC Notice of Violation Docket Number 05200010/2008-201-03
2) NRC Inspection Report 05200010/2008-201

As required by 10 CFR 2.201, on April 23, 2009, GE-Hitachi Nuclear Energy (GEH) provided a written response (MFN 09-242) to the issues identified in NRC inspection 05200010/208-201.

Subsequent to submitting this response, GEH identified that some information provided in this letter was not factually correct. Specifically, Attachment 3, "Reply to NRC Notice of Violation 05200010/2008-201-03", Docket Number 0520001, Section IV – "Date When Full Compliance Will Be Achieved" states in part:

"Corrective actions for engineering software error reporting have been implemented. Full compliance has been achieved. Delinquent responses to problem reports have been obtained and the ECP problem reporting process has been modified to address deficiencies."

However, follow-up evaluations found that, on the date the NRC response was submitted, the following six ECP problem reports were open and the response was not completed within the 30 day program requirements:

- Problem Report 1, (2009-15), initiated 1/26/2009, last response 5/6/2009
- Problem Report 2, (2009-17), initiated 1/27/2009, last response 3/2/2009
- Problem Report 3, (2009-26,27,28) initiated 2/6/2009, last response 5/6/2009
- Problem Report 4, (2009-36,37,38) initiated 3/22/2009, last response 4/29/2009

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- Problem Report 5, (2009-39) initiated 3/26/2009, last response 4/28/2009
- Problem Report 6, (2009-41,42) initiated 4/2/2009, last response 5/7/2009

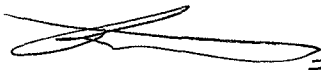
GEH has initiated CAR 48310 to document this condition. The required ECP problem report evaluations have been completed and it was determined that there were no conditions identified in these problem reports that warranted further evaluation under 10 CFR 21.

To determine extent of condition a review of ECP Problem Reports (PRs) generated from 2007 through May 15, 2009 was performed. GEH has reviewed the 100 Type-A problem reports initiated since 2007. Additional late or incomplete records of responses were found. As of May 15, 2009, the required responses supporting domestic (US-based) analyses using ECPs have been completed. Additional CARs were initiated to track actions as appropriate. For the 2007-2008 PRs, the restoration of missing records did not result in further actions, i.e., further evaluation under 10 CFR 21.

Further review of ECP problem reports initiated since April 23, 2009 found that since the process was revised, four (4) Type-A ECP problem reports have been issued (some are in process), and all ECP problem report responses have been completed within the 30-day program requirement.

Based on this assessment, GEH has determined that full compliance with the ECP problem report 30-day evaluation requirement is documented with the issuance of this letter.

Sincerely,


Richard Wittmeier *Russell Bastyr for*
Senior Vice President
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cc: Jerald Head
James Klapproth
Mark Harvey
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