

June 29, 2009

Mr. Jerald G. Head
Senior Vice President, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P. O. Box 780, M/C A-18
Wilmington, NC 28401

SUBJECT: FINAL SAFETY EVALUATION FOR GE HITACHI NUCLEAR ENERGY AMERICAS, LLC, LICENSING TOPICAL REPORT NEDE-33284P, REVISION 1, "MARATHON-5S CONTROL ROD ASSEMBLY" (TAC NO. MD8758)

Dear Mr. Head:

By letter dated November 19, 2007, GE Hitachi Nuclear Energy Americas, LLC (GEH) submitted Licensing Topical Report (LTR) NEDE-33284P, Revision 1, "Marathon-5S Control Rod Assembly" to the U.S. Nuclear Regulatory Commission (NRC) staff. By letter dated May 11, 2009, an NRC draft safety evaluation (SE) regarding our approval of NEDE-33284P, Revision 1 was provided for your review and comment. By letter dated June 11, 2009, GEH commented on the draft SE. The NRC staff's disposition of GEH's comments on the draft SE are discussed in the attachment to the final SE enclosed with this letter.

The NRC staff has found that NEDE-33284P, Revision 1 is acceptable for referencing in licensing applications for GE-designed boiling water reactors to the extent specified and under the limitations delineated in the LTR and in the enclosed final SE. The final SE defines the basis for our acceptance of the LTR.

Our acceptance applies only to material provided in the subject LTR. We do not intend to repeat our review of the acceptable material described in the LTR. When the LTR appears as a reference in license applications, our review will ensure that the material presented applies to the specific plant involved. License amendment requests that deviate from this LTR will be subject to a plant-specific review in accordance with applicable review standards.

In accordance with the guidance provided on the NRC website, we request that GEH publish accepted proprietary and non-proprietary versions of this LTR within three months of receipt of this letter. The accepted versions shall incorporate this letter and the enclosed final SE after the title page. Also, they must contain historical review information, including NRC requests for additional information and your responses. The accepted versions shall include an "-A" (designating accepted) following the LTR identification symbol.

J. Head

- 2 -

If future changes to the NRC's regulatory requirements affect the acceptability of this LTR, GEH and/or licensees referencing it will be expected to revise the LTR appropriately, or justify its continued applicability for subsequent referencing.

Sincerely,

/RA/

Thomas B. Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 710

Enclosures:

1. Non-Proprietary Version of Final SE
2. Proprietary Version of Final SE

cc w/encl 1 only: See next page

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- 2 -

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DATE	6/24/09	6/25/09	6/24/09	6/24/09	6/29/09	6/29/09

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