

March 4, 2011

Mr. Jerald G. Head
Senior Vice President, Regulatory Affairs
GE Hitachi Nuclear Energy
3901 Castle Hayne Road MC A-18
Wilmington, NC 28401

SUBJECT: GE HITACHI NUCLEAR ENERGY ADVANCED BOILING WATER REACTOR
DESIGN CERTIFICATION RENEWAL APPLICATION

Dear Mr. Head:

In the letter dated December 7, 2010, transmitting your renewal application, you requested that the U.S. Nuclear Regulatory Commission (NRC) retain the original advanced boiling water reactor (ABWR) certified design as a separate appendix in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 and issue a separate appendix for other applicants seeking to amend the certified design. In the enclosure to your letter, you provided the basis for this request.

As you may be aware, the NRC addressed the topic of regulatory treatment of multiple suppliers for a single certified design in the proposed rule amending the ABWR design certification (DC) to comply with NRC's Aircraft Impact Assessment Rule (76 FR 3540); January 20, 2011. In the statements of consideration (SOC) for the proposed rule amending the ABWR design certification rule (DCR), the NRC discussed how the NRC should treat multiple suppliers for a single certified design. The NRC proposed that amendment and renewals of a DCR with multiple suppliers should be accomplished – absent special considerations - using a “branches” approach. Under a “branches” approach, there would be a single DCR with multiple branches. Each branch would describe a complete design to be supplied by the respective supplier.

In light of the Commission's proposal in the ABWR amendment to use “branches” as the standard approach, together with the SOC's discussion of the factors underlying the NRC's proposal, the staff declines to process your renewal application as a separate DCR. If you have concerns with the NRC's proposal to pursue the “branches” approach for the ABWR DC renewal, please present your concerns by commenting on the ABWR AIA amendment proposed rulemaking. The public comment period closes on April 5, 2011. Depending upon Commission direction on the final ABWR amendment, the staff may either continue to process your renewal under the “branches” approach, or process your renewal application as a separate appendix under 10 CFR Part 52. If the Commission publishes the proposed GE Hitachi Nuclear Energy (GEH) renewal using the “branches” approach, then GEH will have the opportunity to state any objections to the “branches” approach during the public comment period on the proposed rule renewing the GEH design.

J. Head

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Should you have any questions or comments concerning this matter, please contact Adrian Muñiz, GE Hitachi ABWR Renewal Lead Project Manager at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

David B. Matthews, Director
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-045

cc: See next page

J. Head

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Should you have any questions or comments concerning this matter, do not hesitate to contact Adrian Muñiz, GE Hitachi ABWR Renewal Lead Project Manager at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

David B. Matthews, Director
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-045

cc: See next page

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(Revised 02/15/2011)

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