

March 15, 2012

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 28401-0780

SUBJECT: FINAL SAFETY EVALUATION FOR GE HITACHI NUCLEAR ENERGY AMERICAS TOPICAL REPORT NEDC-33173P, REVISION 2 AND SUPPLEMENT 2, PARTS 1-3, "ANALYSIS OF GAMMA SCAN DATA AND REMOVAL OF SAFETY LIMIT CRITICAL POWER RATIO (SLMCPR) MARGIN" (TAC NO. ME1891)

Dear Mr. Head:

By letter dated August 14, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092300243), GE-Hitachi Nuclear Energy Americas (GEH) submitted Topical Report (TR) NEDC-33173P, Revision 2 and Supplement 2, Parts 1-3, "Analysis of Gamma Scan Data and Removal of Safety Limit Critical Power Ratio (SLMCPR) Margin," to the U.S. Nuclear Regulatory Commission (NRC) staff. By letter dated May 11, 2011, an NRC draft safety evaluation (SE) regarding our approval of NEDC-33173P, Revision 2 and Supplement 2, Parts 1-3 was provided, with revisions provided by e-mail dated November 29, 2011, for your review and comment. By letter dated November 7, 2011, and e-mail dated November 30, 2011, GEH identified GEH proprietary information in the draft SE, but found no factual errors or clarity concerns. Additionally, based on recommendations by the Advisory Committee for Reactor Safeguards and further consideration and review by the NRC staff, we have slightly modified the SE. The changes made are in Sections 3.3 and 4.0 of the enclosed final SE.

The NRC staff has found that NEDC-33173P, Revision 2 and Supplement 2, Parts 1-3 is acceptable for referencing in licensing applications for GEH designed boiling water reactors to the extent specified and under the limitations delineated in the TR and in the enclosed final SE. The final SE defines the basis for our acceptance of the TR.

Our acceptance applies only to material provided in the subject TR. We do not intend to repeat our review of the acceptable material described in the TR. When the TR 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 TR 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 TR within three months of receipt of this letter. The accepted versions shall incorporate this letter and the enclosed final SE after the

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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 TR identification symbol.

As an alternative to including the RAIs and RAI responses behind the title page, if changes to the TR were provided to the NRC staff to support the resolution of RAI responses, and the NRC staff reviewed and approved those changes as described in the RAI responses, there are two ways that the accepted version can capture the RAIs:

1. The RAIs and RAI responses can be included as an Appendix to the accepted version.
2. The RAIs and RAI responses can be captured in the form of a table (inserted after the final SE) which summarizes the changes as shown in the approved version of the TR. The table should reference the specific RAIs and RAI responses which resulted in any changes, as shown in the accepted version of the TR.

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

Sincerely,

/RA/

Robert A. Nelson, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 710

Enclosures:

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

cc w/encl 2 only: See next page

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**ADAMS Accession Nos.: Package: ML113340474; Final SE (Non-Proprietary): ML113340473;
Cover letter: ML113340215; Final SE (Proprietary); ML113340123 NRR-043**

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