

July 14, 2005

David Jaffe  
Senior Project Manager  
United States Nuclear Regulatory Commission  
MS O-07D01  
Washington, D.C. 20555-0001

VIA ELECTRONIC MAIL & OVERNIGHT DELIVERY

RE: EPRI Topical Report 1008108, entitled "Licensing Criteria for Fuel Burnup Extension Beyond 62 GWd/tU – Industry Guide"

Dear Mr. Jaffe:

This letter is being sent in response to a letter (the "*Commission Letter*") dated June 15, 2005 from Thomas W. Alexion of the United States Nuclear Regulatory Commission (the "*Commission*") and addressed to David J. Modeen of The Electric Power Research Institute, Inc. ("*EPRI*"), which communicated the Commission's determinations regarding EPRI's February 8, 2005 request and related affidavit (the "*EPRI Request*") that the EPRI Topical Report 1008108, entitled "Licensing Criteria for Fuel Burnup Extension Beyond 62 GWd/tU – Industry Guide" (the "*EPRI Proprietary Report*"), be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations ("*CFR*") Section 2.390. You informed Odelli Ozer in a telephone conversation on July 13, 2005 that any response to the Commission Letter from EPRI should be sent to you, as you had taken over Mr. Alexion's responsibilities regarding the Commission Letter and matters relating thereto.

As a consequence of the determination expressed in the Commission Letter that the EPRI Request was not in conformity with 10 CFR 2.390(b) "in as much as it fails to address the considerations of paragraph (b)(4) [of 10 CFR 2.390] with sufficient specificity to enable [the Commission] to make the required determination under 10 CFR 2.390(b)", EPRI hereby formally expresses its desire to withdraw the EPRI Proprietary Report from Commission Consideration and requests the return of the EPRI Proprietary Report pursuant to 10 CFR 2.390(c)(3).

EPRI desires to continue to comply with United States law and Commission regulations in its submissions of materials to the Commission. EPRI anticipates that in connection with a future submission of the EPRI Proprietary Report it will prepare and submit a form of such report that has information deemed by EPRI to be confidential/proprietary marked as such, along with a revised request (and accompanying affidavit) that such marked information be withheld from public disclosure pursuant to 10 CFR Section 2.390. Further to our goal of making having this report accepted by the Commission as soon as possible and if deemed agreeable to Commission staff, EPRI

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proposes to make an informal submission of the EPRI Proprietary Report with the portions of such report deemed by EPRI to be confidential/proprietary marked as such, with the understanding the EPRI staff and Commission staff will work to come to an understanding as to which portions of the report may properly be withheld from public disclosure upon a final formal submission and accompanying request in conformance with 10 CFR 2.390(b)(1)(i). We believe such informal resolution will make the formal submission process and any related request for withholding from public disclosure much more efficient and ultimately less burdensome on Commission staff. EPRI is eager to learn if this proposal is acceptable to the Commission.

If I can be of any service do not hesitate to contact me. I can be reached at 650-855-2116 or at [scasente@epri.com](mailto:scasente@epri.com). Thank you for your time and attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sal", with a long horizontal line extending to the right.

Salvador A. Casente, Jr.  
Associate General Counsel, The Electric Power Research Institute, Inc.

cc (via Electronic Mail):

Thomas W. Alexion, United States Nuclear Regulatory Commission  
Warren Bilanin, EPRI  
Dave Modeen, EPRI  
Rosa Yang, EPRI  
Odelli Ozer, EPRI  
Joe Cademartori, EPRI