

January 31, 2008

Mr. John C. Butler, Director  
Safety Focused Regulation  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006 3708

SUBJECT: REQUEST FOR EXTENSION OF THE REVIEW TIME FOR THE DRAFT SAFETY EVALUATION FOR NUCLEAR ENERGY INSTITUTE (NEI) TOPICAL REPORT (TR) 94-01, REVISION 2, "INDUSTRY GUIDELINE FOR IMPLEMENTING PERFORMANCE-BASED OPTION OF 10 CFR PART 50 [TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*], APPENDIX J" AND ELECTRIC POWER RESEARCH INSTITUTE (EPRI) REPORT NO. 1009325, REVISION 2, AUGUST 2007, "RISK IMPACT ASSESSMENT OF EXTENDED INTEGRATED LEAK RATE TESTING INTERVALS" (TAC NO. MC9663)

Dear Mr. Riley:

By letter dated December 19, 2007, NEI submitted a request for additional time for review of and comment on the U.S. Nuclear Regulatory Commission (NRC) draft safety evaluation (SE) for NEI TR 94-01, Revision 2, and EPRI Report No. 1009325, Revision 2. In this letter you requested "a short extension of no more than 60 days," and in a public meeting on January 17, 2008, you identified a date of March 3, 2008, for providing your comments. We accept this request for additional time for review of the draft SE for TR 94-01, Revision 2, and EPRI Report No. 1009325, Revision 2, and agree to identify how we propose to resolve your comments prior to issuance of the final SE. We understand that NEI may, or may not, wish to withdraw TR 94-01, Revision 2, and EPRI Report No. 1009325, Revision 2, based on how we propose to resolve comments on this draft SE and commit to allow you to do so prior to issuance of the final SE.

If you have any questions regarding this matter, please contact Jon Thompson at 301-414-1119 prior to February 15, 2008, or Tanya Mensah at 301-415-3610 subsequent to that date.

Sincerely,

**/RA/**

Ho K. Nieh, Deputy Director  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

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Nuclear Energy Institute

Project No. 689

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