

December 23, 2015

J. Bradley Fewell
Senior Vice President Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: ACKNOWLEDGEMENT OF APPEAL OF BACKFIT IMPOSED ON BRAIDWOOD AND BYRON STATIONS REGARDING COMPLIANCE WITH 10 CFR 50.34(b), GDC 15, GDC 21, GDC 29, AND THE LICENSING BASIS

Dear Mr. Fewell:

This letter acknowledges receipt of your letter, dated December 8, 2015, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15342A112), in which Exelon Generation Company, LLC (EGC) appealed the imposition of a backfit regarding compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) 50.34(b), General Design Criteria (GDC) 15, GDC 21, GDC 29, and the licensing basis at the Braidwood and Byron Stations by the U.S. Nuclear Regulatory Commission (NRC) letter dated October 9, 2015 (ADAMS Accession No. ML14225A871). You stated that the NRC should have pursued a cost-justified substantial safety enhancement backfit and the required analysis in accordance with 10 CFR 50.109(a)(3) with regard to the Updated Final Safety Analysis Report prediction of water relief through a valve that is not qualified for water relief at Braidwood and Byron.

The process by which the NRC will review and respond to your appeal is described in NRC Management Directive Handbook (DH) 8.4, "Management of Facility-Specific Backfitting and Information Collection," section III.A, "Facility-specific Backfits," (ADAMS Accession No. ML12059A460) as implemented by the Office of Nuclear Reactor Regulation Office Instruction LIC-202, Revision 2, "Procedures for Managing Plant-Specific Backfits and 50.54(f) Information Requests," section IV.A, "Non-Adjudicatory Appeal Process" (ADAMS Accession No. ML092010045). Section III.A.6(c)(i) of DH 8.4 states that the written licensee appeal will be decided by the Office Director unless resolution is achieved at a lower management level. In accordance with LIC-202, I will be appointing a three-member backfit review panel whose members will be division-level management that were independent from the original determination of the imposed backfit. The NRC will offer EGC the opportunity to present its appeal to the backfit review panel at a public meeting. The backfit review panel will subsequently reach a decision, which will be reported to me then communicated to you via letter within four weeks of the public meeting. If you are dissatisfied with the results of this office-level backfit appeal, you may appeal the panel's decision to the NRC's Executive Director for Operations, in accordance with section III.A.6.(c) and Exhibit 2, 'Facility-specific Backfit Appeal Process Flow Chart,' of DH 8.4.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS)

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component of ADAMS. ADAMS is accessible from the NRC's public web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this letter, please contact Aby Mohseni at (301) 415-6686.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-456; 50-457; 50-454; 50-455

License Nos. NPF-72; NPF-77; NPF-37; NPF-66

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OFFICE	NRR/DPR/PGCB	NRR/DPR/PGCB:LA	NRR/DPR/PGCB:BC	NRR/DPR:DD
NAME	AGarmoe	ELee	SStuchell	AMohseni
DATE	12/17/15	12/17/15	12/17/15	12/18/15
OFFICE	NRR/DORL:D	OGC (NLO)	NRR/DPR:D	NRR
NAME	ABoland	HBenowitz	LKokajko	WDean
DATE	12/18/15	12/17/15	12/18/15	12/23/2015

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