

From: [Pederson, Cynthia](#)
To: [Heck, Jared](#)
Cc: [Roberts, Darrell](#)
Subject: Fwd: Bryon Backfit Review Report and Cover Letter
Date: Friday, August 26, 2016 2:28:31 PM
Attachments: [byron backfit analysis report cover letter.docx](#)
[byron backfit analysis report.docx](#)

The first attachment is publicly available in ADAMS as ML162136A202 and the second attachment is publicly available in ADAMS as ML16236A208.

Jared

I have not read yet but it is related to our recent discussion.

From: "O'Brien, Kenneth" <Kenneth.OBrien@nrc.gov>
Subject: Bryon Backfit Review Report and Cover Letter
Date: 26 August 2016 12:23
To: "Roberts, Darrell" <Darrell.Roberts@nrc.gov>, "Skokowski, Richard" <Richard.Skokowski@nrc.gov>
Cc: "Shuaibi, Mohammed" <Mohammed.Shuaibi@nrc.gov>, "Louden, Patrick" <Patrick.Louden@nrc.gov>, "Lara, Julio" <Julio.Lara@nrc.gov>, "Giessner, John" <John.Giessner@nrc.gov>, "Pederson, Cynthia" <Cynthia.Pederson@nrc.gov>, "Lipa, Christine" <Christine.Lipa@nrc.gov>

All

Attached please find the internal cover letter and report to the edo associated with the Byron and braidwood backfit appeal by Exelon associated with the funding of the PSVs during an inadvertent reactor overfill event.

This material, in my humble opinion, represents probably one of the best efforts I have read in recent memory with regard to an independent, thorough, and well supported position.

The outcomes also appear to point to a growing problem with our decision making on issues, that is, at times, seeing things as we would like them to be given our current frame of reference and not necessarily seeking or obtaining sufficient understanding of the history that brought us here that, while different than our current desired state, may also be an acceptable answer.

The recommendation to the EDO is to overturn the proposed backfit.

Thanks and enjoyable reading.

Ken

From: [Bartlett, Bruce](#)
To: [Sanchez Santiago, Elba](#); [Betancourt, Diana X](#); [Duncan, Eric](#); [Sargis, Daniel](#); [Pusateri, Kevin](#); [Draper, Jason](#); [McGhee, James](#)
Cc: [Nguyen, April](#); [Wiebe, Joel](#)
Subject: Byron and Braidwood Backfit Appeal
Date: Monday, August 29, 2016 10:17:15 AM
Attachments: [Byron Backfit Response Aug 2016.docx](#)

The attached letter is publicly available as ML16236A202.

Attached is a copy of the internal letter from the Chairman of the Backfit Review Panel to the EDO. It recommends that he tell Exelon that their appeal was successful. This is not to be shared with the licensee.

Bruce

From: [Louden, Patrick](#)
To: [Stoedter, Karla](#); [Riemer, Kenneth](#); [Duncan, Eric](#); [Cameron, Jamnes](#); [Dickson, Billy](#); [Lara, Julio](#); [Stone, AnnMarie](#)
Subject: FW: FYI: backfit appeal documents signed
Date: Thursday, September 15, 2016 11:09:29 AM

See below – ML links to final signed Byron/Braidwood backfit appeal final disposition.

From: Bowen, Jeremy
Sent: Thursday, September 15, 2016 9:05 AM
To: Pederson, Cynthia <Cynthia.Pederson@nrc.gov>; Roberts, Darrell <Darrell.Roberts@nrc.gov>; Louden, Patrick <Patrick.Louden@nrc.gov>; Lara, Julio <Julio.Lara@nrc.gov>; O'Brien, Kenneth <Kenneth.O'Brien@nrc.gov>; Shuaibi, Mohammed <Mohammed.Shuaibi@nrc.gov>
Subject: Fwd: FYI: backfit appeal documents signed

FYI

Begin Forwarded Message:

From: "Clark, Theresa" <Theresa.Clark@nrc.gov>
Subject: FYI: backfit appeal documents signed
Date: 15 September 2016 09:54
To: "Valliere, Nanette" <Nanette.Valliere@nrc.gov>, "Ruesch, Eric" <Eric.Ruesch@nrc.gov>, "Castleman, Patrick" <Patrick.Castleman@nrc.gov>, "Frazier, Alan" <Alan.Frazier@nrc.gov>, "Krsek, Robert" <Robert.Krsek@nrc.gov>
Cc: "Lewis, Robert" <Robert.Lewis@nrc.gov>, "Rasouli, Houman" <Houman.Rasouli@nrc.gov>, "Inverso, Tara" <Tara.Inverso@nrc.gov>, "Bowen, Jeremy" <Jeremy.Bowen@nrc.gov>, "Holahan, Gary" <Gary.Holahan@nrc.gov>

Good morning, all!

This morning, Vic signed the three documents associated with the Byron/Braidwood backfit appeal. They are being processed now, and we expect that they (along with the panel documents referenced within) will be made publicly available in ADAMS later today. Please let me know if you have any questions. Thanks!

- **Letter responding to Exelon:** [ML16243A067](#)
- **Letter responding to NEI:** [ML16246A150](#)
- **Memo to NRR:** [ML16246A247](#)

All 3 documents are publicly available in ADAMS.

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Theresa Valentine Clark
Executive Technical Assistant (Reactors)
U.S. Nuclear Regulatory Commission
Theresa.Clark@nrc.gov | 301-415-4048 | O-16E22

From: Bartlett, Bruce
To: [Jandovitz, John](#)
Subject: RE: EDO Update
Date: Monday, September 19, 2016 7:18:00 AM

yup

From: Jandovitz, John
Sent: Monday, September 19, 2016 6:11 AM
To: Bartlett, Bruce <Bruce.Bartlett@nrc.gov>
Subject: FW: EDO Update

Well isn't that something, how much time and money did we spend on this? Didn't you have this answer a year ago?

From: EDO Update [<mailto:nrc.announcement@nrc.gov>]
Sent: Friday, September 16, 2016 12:16 PM
To: Kreuter, Jane <Jane.Kreuter@nrc.gov>
Subject: EDO Update

EDO Banner



EDO Update

EDO Banner



Friday, September 16, 2016



Greetings!

I want to give you a brief update on a recent decision I made regarding the implementation of our backfit process. This process, which is described in 10 CFR 50.109 (and other analogous processes in our regulations), is meant to ensure that we have an appropriate basis if we need to change the careful, thorough, and technically solid findings we make in licensing nuclear power plants. For example, last week I shared with you some insights about our responsibility to assure adequate protection of public health and safety. This assurance can include the need to impose backfits in accordance with 10 CFR 50.109—as we did, for example, following the accident at Fukushima Dai-ichi.

Yesterday, I issued a [final decision](#) that supported a licensee appeal and overturned a backfit imposed by the Office of Nuclear Reactor Regulation (NRR). This backfit was issued in 2015 for the Byron and Braidwood nuclear plants in Illinois. Following our Management Directive 8.4 on backfits, I chartered a panel of senior technical and legal staff to consider the facts in this case and recommend a response. This panel reviewed over a hundred documents related to the plants' licensing basis and the history of

the technical issues in question and provided a [detailed report](#).

The technical issue in this backfit is discussed in the panel's report. My decision was centered on the regulatory and legal issue of whether the "compliance exception" to the backfit rule's requirement to conduct a backfit analysis was properly applied. In short, the staff needed to show that the initial approvals had been based on a mistake or omission, not that the interpretation of what was acceptable changed over time.

After considering both the panel's report and discussions I had with NRR staff who contributed to the backfit, I determined that the positions taken in the backfit were new or modified interpretations of what constitutes compliance in addressing potential pressurizer safety valve failures following water discharge, and did not provide a basis for a compliance backfit.

I recognize that we need to fully understand and disposition the technical concerns that underlie this backfit for the larger group of licensees to which they apply. Therefore, I have [referred these technical issues to NRR](#) for further assessment and have asked that a plan be provided within 120 days.

Although I decided to support the licensee's appeal in this case, I am proud to know that our people take seriously the responsibility for assuring public health and safety and are willing to pursue backfits, when appropriate. I encourage the staff to continue to raise issues of potential safety significance, adequate protection, and compliance.



Victor McCree, EDO