

May 3, 2016

Anthony R. Pietrangelo
Senior Vice President and Chief Nuclear Officer
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE COMMENTS ON USE OF
THE COMPLIANCE BACKFIT EXCEPTION

Dear Mr. Pietrangelo,

This letter is in response to your January 20, 2016, letter, "Nuclear Energy Institute Comments in Support of Exelon Generation Company Backfit Appeal" (Agencywide Document Access and Management System (ADAMS) ML16027A352). Your letter, which was submitted in support of a December 8, 2015, appeal of a compliance backfit by Exelon Generation Company, LLC (EGC), "Appeal of Imposition of Backfit Regarding Compliance with Title 10 of the Code of Federal Regulations Section 50.34(b), GDC 15, GDC 21, GDC 29, and Licensing Basis" (ADAMS ML15342A112), raised a generic Nuclear Energy Institute concern about the U.S. Nuclear Regulatory Commission's (NRC) use of the compliance exception to the backfit rule.

The NRC's response to EGC's appeal is documented in a separate letter addressed to EGC (ADAMS ML16095A204), and is enclosed in this letter. It is my position that the NRC evaluation of the backfit appeal, included with the letter to EGC, considers the points raised in your January 20, 2016, letter with respect to implementation of the compliance backfit exception.

Should you have any questions concerning this letter, please contact Alex Garmoe at (301) 415-3814, or via e-mail at alex.garmoe@nrc.gov.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Letter from W. Dean to B. Fewell

cc: J. Bradley Fewell

May 3, 2016

Anthony R. Pietrangelo
Senior Vice President and Chief Nuclear Officer
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE COMMENTS ON USE OF
THE COMPLIANCE BACKFIT EXCEPTION

Dear Mr. Pietrangelo,

This letter is in response to your January 20, 2016, letter, "Nuclear Energy Institute Comments in Support of Exelon Generation Company Backfit Appeal" (Agencywide Document Access and Management System (ADAMS) ML16027A352). Your letter, which was submitted in support of a December 8, 2015, appeal of a compliance backfit by Exelon Generation Company, LLC (EGC), "Appeal of Imposition of Backfit Regarding Compliance with Title 10 of the Code of Federal Regulations Section 50.34(b), GDC 15, GDC 21, GDC 29, and Licensing Basis" (ADAMS ML15342A112), raised a generic Nuclear Energy Institute concern about the U.S. Nuclear Regulatory Commission's (NRC) use of the compliance exception to the backfit rule.

The NRC's response to EGC's appeal is documented in a separate letter addressed to EGC (ADAMS ML16095A204), and is enclosed in this letter. It is my position that the NRC evaluation of the backfit appeal, included with the letter to EGC, considers the points raised in your January 20, 2016, letter with respect to implementation of the compliance backfit exception.

Should you have any questions concerning this letter, please contact Alex Garmoe at (301) 415-3814, or via e-mail at alex.garmoe@nrc.gov.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Letter from W. Dean to B. Fewell

cc: J. Bradley Fewell.

DISTRIBUTION:

RidsEdoMailCenter
RidsNrrOd
RidsNrrPMBByron
AGendelman, OGC
RidsRgn3Drp

RidsNrrOd
RidsOgcMailCenter
RidsRgn3Ora
TGody, Rgn2

RidsNrrDss
RidsNrrPMBraidwood
RidsNmssFCSE
RidsNrrDorl

ADAMS ACCESSION NO: ML16095A264

OFFICE	NRR/DPR/PGCB/LA	NRR/DPR/PGCB/PM	OGC/RMR (NLO)	OGC (NLO)	NRR/DPR/PBCB/BC
NAME	ELee	AGarmoe	JBiggins	BJones	SStuchell
DATE	04/05/2016	04/05/2016	04/07/2016	04/07/2016	04/08/2016
OFFICE	NMSS/FCSE/D	NRR/DPR/DD	NRR/DPR/D	NRR/D	
NAME	MBailey	AMohseni	LKokajko	WDean	
DATE	04/11/2016	04/12/2016	4/14/16	5/3/16	

OFFICIAL RECORD COPY