

From: [Whitman, Jennifer](#)
To: [Taylor, Robert](#)
Cc: [McGinty, Tim](#); [Benner, Eric](#); [Stuchell, Sheldon](#); [Billbeck, John](#); [Lubinski, John](#); [Orf, Tracy](#); [Lund, Louise](#); [Alley, David](#); [Garmoe, Alex](#)
Subject: Backfit References
Date: Thursday, August 04, 2016 11:31:56 AM
Attachments: [NP-2770-LDV1.pdf](#)

This EPRI report is publicly available at
<https://www.epri.com/#/pages/product/NP-2770-LDV1/>

Below are links to many of the references (some are only microfiche addresses)

1. Memorandum from Edson G. Case, NRC, to the Commissioners, SECY-77-439, "Single Failure Criterion," dated August 17, 1977. ADAMS Accession No. [ML060260236](#).
2. NP-2770-LDV1-EPRI/C-E PWR Safety Valve Test Report [Volume 1: Summary](#), dated January 1983. [Not in ADAMS - attached to this e-mail]

This report may be found at
<https://www.epri.com/#/pages/product/NP-2770-LDV1/>.
3. R.J. Dickinson and J.G. Bass, Westinghouse Electric Corporation, "Pressurizer Safety Relief Valve Operation for Water Discharge during a Feedwater Line Break," WCAP-11677, dated January 1988. [not in ADAMS – microfiche 49755:336-49756:017]

The document is included in ML16342D412 [page 37 of PDF file]
4. Letter from L. Olshan, U.S. NRC, to Henry E. Bliss, Commonwealth Edison Company, "NUREG-0737, Item II.D.1, Performance Testing on Relief and Safety Valves for Byron Station, Units 1 and 2," dated August 18, 1988. ADAMS Accession No. [ML003772409](#) [pages 161-188 of PDF file].
5. Letter from S. Sands, U.S. NRC, to Thomas J. Kovach, Commonwealth Edison Company, "NUREG-0737, Item II.D.1, "Performance Testing on Relief and Safety Valves for Braidwood Station, Units 1 and 2," dated May 21, 1990. ADAMS Accession No. [ML003772409](#) [pages 189-217 of PDF file].
6. Letter from Anthony H. Hsia, U.S. NRC, to Thomas J. Kovach, Commonwealth Edison Company, "Issuance of Amendments (TAC Nos. M77332, M77333, M77334, M77335, M77402, M77403, M77404, and M77405)," dated November 18, 1991. [not in ADAMS – microfiche 55918:317-344]

This document is publicly available in ADAMS as
ML020860105
7. Letter from K.L. Grasser, Commonwealth Edison Company, to U.S. NRC, "Change to Credit Automatic PORV Operation for Mitigation of Inadvertent Safety Injection at Power Accident," dated May 29, 1998. [not in ADAMS – microfiche A3765:275-301]

This document is publicly available in ADAMS as
ML19204A039
8. Letter from R.M. Krich, Commonwealth Edison Company, to U.S. NRC, "Response to Request for Additional Information Regarding License Amendment Request to Credit Automatic Power-Operated Relief Valve (PORV) Operation for Mitigation of Inadvertent

Safety Injection at Power Accident and Withdrawal of License Amendment Request," dated July 16, 1999. [not in ADAMS – microfiche A8671:349-354]

This document is publicly available in ADAMS as ML19204A038

9. Letter from R.M. Krich, Commonwealth Edison Company, to U.S. NRC, "Response to Request for Additional Information Regarding the License Amendment Request to Permit Upgraded Power Operations at Byron and Braidwood Stations," dated November 27, 2000. ADAMS Accession No. [ML003772461](#).
10. Letter from George F. Dick, Jr., U.S. NRC, to Oliver D. Kingsley, Exelon Generation Company, LLC, "Issuance of Amendments; Increase in Reactor Power, Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2 (TAC Nos. MA9428, MA9429, MA9426, and MA9427)," dated May 4, 2001. ADAMS Accession No. [ML033040016](#).
11. Letter from George F. Dick, Jr., U.S. NRC, to Christopher M. Crane, Exelon Generation Company, LLC, "Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2 - Issuance of Amendments, Re: Pressurizer Safety Valve Setpoints, (TAC Nos. MB9762, MB9763, MB9760, and MB9761)," dated August 26, 2004. ADAMS Accession No. [ML042250531](#).
12. NUREG/CR-7037, "Industry Performance of Relief Valves at U.S. Commercial Nuclear Power Plants through 2007," dated March 2011. ADAMS Accession No. [ML110980205](#).
13. Letter from Joel S. Wiebe, U.S. NRC, to Michael J. Pacilio, Exelon Generation Company, LLC, "Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2 - Issuance of Amendments Regarding Measurement Uncertainty Recapture Power Uprate (TAC Nos. MF2418, MF2419, MF2420, and MF2421)," dated February 7, 2014. ADAMS Accession No. [ML13281A000](#).
14. Memorandum from Samuel Miranda, U.S. NRC, to Christopher P. Jackson, U.S. NRC, "Making Non-Concurrence NCP-2013-04 Public," dated February 28, 2014. ADAMS Accession No. [ML14063A174](#).
15. "Byron/Braidwood Nuclear Stations Updated Final Safety Analysis Report (UFSAR) Revision 15," dated December 2014. ADAMS Accession No. [ML14363A398](#).
16. Letter from Anne T. Boland, U.S. NRC, to Bryan Hanson, Exelon Generation Company, LLC, "Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2 – Backfit Imposition Regarding Compliance with 10 CFR § 50.34(b), GDC 15, GDC 21, GDC 29,

and Licensing Basis (TAC Nos. MF3206, MF3207, MF3208, and MF3209)," dated October 9, 2015. ADAMS Accession No. [ML14225A871](#).

17. Letter from J. Bradley Fewell, Exelon Generation Company, LLC, to William M. Dean, U.S. NRC, "Appeal of Imposition of Backfit Regarding Compliance with Title 10 of the Code of Federal Regulations (10 CFR) Section 50.34(b), General Design Criteria (GDC) 15, GDC 21, GDC 29, and Licensing Basis," dated December 8, 2015. ADAMS Accession No. [ML15342A112](#).
18. Memorandum from Anthony T. Gody, Jr., U.S. NRC, to Marissa G. Bailey, U.S. NRC, "Input for Exelon Backfit Review Panel," dated March 21, 2016. ADAMS Accession No. [ML16081A405](#) [non-public].
19. Letter from William M. Dean, U.S. NRC, to J. Bradley Fewell, Exelon Generation Company, LLC, "U.S. Nuclear Regulatory Commission Response to Backfit Appeal - Braidwood Station, Units 1 and 2, and Byron Station, Units 1 and 2," dated May 3, 2016. ADAMS Accession No. [ML16095A204](#).
20. Letter from J. Bradley Fewell, Exelon Generation Company, LLC, to Victor M. McCree, U.S. NRC, "Appeal of Imposition of Backfit Regarding Compliance with 10 CFR § 50.34(b), General Design Criteria (GDC) 15, GDC 21, GDC 29, and Licensing Basis," dated June 2, 2016. ADAMS Accession No. [ML16154A254](#).
21. Letter from Anthony R. Pietrangelo, NEI, to Victor M. McCree, U.S. NRC, "Nuclear Energy Institute Comments in Support of Exelon Generation Company Second-Level Backfit Appeal," dated June 16, 2016. ADAMS Accession No. [ML16208A008](#) [not yet public].
22. Memorandum from Victor M. McCree, U.S. NRC, to Gary M. Holahan, K. Steven West, Thomas G. Scarbrough, and Michael A. Spencer, U.S. NRC, "Charter for Backfit Appeal Review Panel Associated with Byron and Braidwood Compliance with 10 CFR 50.34(b), GDC 15, GDC 21, GDC 29, and the Licensing Basis," dated June 22, 2016. ADAMS Accession No. [ML16173A311](#) [non-public].

Jennifer Whitman

Acting Technical Assistant
NRR/DSS
Office: O10 – H22
Phone: (301) 415-3253

A.3 Compliance Backfits

Background:

- In 1973, ANS 18.2-1973 was issued and licensees incorporated it into their FSARs. This standard classifies transients and accidents according to frequency of occurrence and preserves this classification by requiring non-escalation.

Inadvertent safety injection (anticipated operational occurrence (AOO), Condition II) fills the pressurizer and causes water relief through power operated relief valves (PORVs). Unqualified PORVs stick open resulting in a small break loss of coolant accident (SBLOCA, Condition III) with the frequency of an AOO (Condition II), which violates the design requirements for AOOs.

If, inadvertent safety injection is shown to not fill the pressurizer and PORVs relieve only steam, then the AOO (Condition II) design requirements are met.

- In 2005, Regulatory Issue Summary 2005-29 informs licensees of their commitments to ANS 18.2 and provides examples where the non-escalation requirement has not been met.
- Between 2005 and now several licensees have made improvements to analyses and/or the plant to address this issue.

Recent Actions:

The NRC staff issued a compliance backfit to the Braidwood and Byron stations on October 9, 2015 (ADAMS Accession No. ML14225A871). On December 9, 2015, Exelon informed the staff that it was submitting a letter to the NRR Office Director to appeal the backfit. NRC Management Directive 8.4, "Management of Facility-Specific Backfitting and Information Collections," describes the NRC backfit process including the backfit appeal process.

The compliance backfit was issued for the following reasons:

- UFSAR Chapter 15 – three events fail to demonstrate compliance with the non-escalation requirement:
- Inadvertent Operation of the Emergency Core Cooling System; Chemical and Volume Control System Malfunction that Increases RCS Inventory; and Inadvertent Operation of a power-operated relief valve (PORV).
- Other issues identified in the same Chapter 15 events including:
 - Non-conservative assumption that PORVs and pressurizer spray are inoperable
 - Prolonged water relief through pressurizer safety valves (PSVs)
 - PSVs are not water-qualified per the American Society of Mechanical Engineers
 - PSVs are not tested under water-solid conditions
 - Failure to address return to operation as required for analysis of anticipated operational occurrences

- Incorrect statements in Updated Final Safety Analysis Report

From: Garmoe, Alex
Sent: Thursday, September 15, 2016 8:31 AM
To: Gody, Tony
Subject: RE: Exelon Backfit Appeal Panel Report
Attachments: Non-Responsive Record

I did as well – love the warm muggy weather (not enough of it in Region III, where I came from!) and was able to do a bit of traveling.

On a separate topic

Non-Responsive Record

On the topic of backfitting, I just got word minutes ago from Theresa Clark in the EDO's office that issuance of Vic's decision is "imminent."

Alex

From: Gody, Tony
Sent: Thursday, September 15, 2016 7:34 AM
To: Garmoe, Alex
Subject: RE: Exelon Backfit Appeal Panel Report

We did, thanks. Appreciate the info. You?

From: Garmoe, Alex
Sent: Thursday, September 15, 2016 7:26 AM
To: Gody, Tony <Tony.Gody@nrc.gov>; Bailey, Marissa <Marissa.Bailey@nrc.gov>; Gendelman, Adam <Adam.Gendelman@nrc.gov>
Subject: RE: Exelon Backfit Appeal Panel Report

I am only hearing rumors but I believe Vic plans to issue his decision pretty soon. I heard there were some last ditch efforts among senior management to discuss the issue with Vic. I was also just recently (yesterday) asked to provide a list of names of people involved in the backfit and appeal so they could be made personally aware of the appeal being granted before issuance of the decision. I don't have anything more concrete than that at the moment – if I hear further updates I'll keep you informed.

I hope you all had a warm relaxing summer!

From: Gody, Tony
Sent: Wednesday, September 14, 2016 4:35 PM
To: Bailey, Marissa <Marissa.Bailey@nrc.gov>; Gendelman, Adam <Adam.Gendelman@nrc.gov>; Garmoe, Alex <Alex.Garmoe@nrc.gov>
Subject: RE: Exelon Backfit Appeal Panel Report

Any status?

From: Bailey, Marissa
Sent: Wednesday, August 24, 2016 12:56 PM
To: Gody, Tony <Tony.Gody@nrc.gov>; Gendelman, Adam <Adam.Gendelman@nrc.gov>; Garmoe, Alex <Alex.Garmoe@nrc.gov>
Subject: FW: Exelon Backfit Appeal Panel Report

FYI

From: Dean, Bill
Sent: Wednesday, August 24, 2016 12:50 PM
To: Holahan, Gary <Gary.Holahan@nrc.gov>; McDermott, Brian <Brian.McDermott@nrc.gov>; Evans, Michele <Michele.Evans@nrc.gov>; McGinty, Tim <Tim.McGinty@nrc.gov>; Lubinski, John <John.Lubinski@nrc.gov>
Cc: McCree, Victor <Victor.McCree@nrc.gov>; Johnson, Michael <Michael.Johnson@nrc.gov>; West, Steven <Steven.West@nrc.gov>; Clark, Theresa <Theresa.Clark@nrc.gov>; Scarbrough, Thomas <Thomas.Scarbrough@nrc.gov>; Spencer, Michael <Michael.Spencer@nrc.gov>; Uhle, Jennifer <Jennifer.Uhle@nrc.gov>; Bailey, Marissa <Marissa.Bailey@nrc.gov>
Subject: Re: Exelon Backfit Appeal Panel Report

Ok. Thanks for the due diligence and the efforts of your team. Guess this exemplifies that how the agency implements the backfit rule is an area that warrants the CRGR effort to make the backfiring landscape clearer as similarly intelligent and experienced staff and managers would disagree with this outcome.

On: 24 August 2016 12:31, "Holahan, Gary" <Gary.Holahan@nrc.gov> wrote:
NRR,

The Exelon backfit appeal panel delivered its report to the EDO and DEDO this morning (ML16236A202 and ML16236A20). The panel reviewed the NRR response to the panel's preliminary findings, but could not agree with the NRR positions. The report therefore recommends to the EDO that he support the Exelon appeal. The report will be distributed today at the EDO's request.

The EDO will make his final decision after studying the report and considering any feedback from NRR and other stakeholders.

The panel is available to discuss the report with you and respond to your questions,

Gary

From: Garmoe, Alex
Sent: Friday, September 30, 2016 9:15 AM
To: Keene, Todd
Cc: Stuchell, Sheldon; Mahoney, Michael
Subject: FW: 4Q Accomplishments and Challenges
Attachments: Q4 2016 Accomplishments and Challenges - Backfit Info.docx

Importance: High

Todd,

Could you take a look at what I added in red and expand/correct as necessary based on what you've heard? Once you and I align we can send it down to DE for a quick review. This is a hot request from Mike so if we can get it to DE for review later today that would be great.

Thanks,
Alex

From: Mahoney, Michael
Sent: Friday, September 30, 2016 8:30 AM
To: Stuchell, Sheldon ; Garmoe, Alex
Subject: FW: 4Q Accomplishments and Challenges
Importance: High

Guys,

We need to develop a challenge for and mitigation strategy for backfit for the 4Q NRR Accomplishments and Challenges. Due Monday by 3pm. Please work with DE and others, as necessary.

Thanks

Mike

From: Wertz, Trent
Sent: Friday, September 30, 2016 8:06 AM
To: Anderson, Shaun <Shaun.Anderson@nrc.gov>; Chazell, Russell <Russell.Chazell@nrc.gov>; Davidson, Evan <Evan.Davidson@nrc.gov>; Mahoney, Michael <Michael.Mahoney@nrc.gov>; Orf, Tracy <Tracy.Orf@nrc.gov>; Proffitt, Andrew <Andrew.Proffitt@nrc.gov>; Schmitt, Ronald <Ronald.Schmitt@nrc.gov>; Dickson, Elijah <Elijah.Dickson@nrc.gov>; Moulton, Charles <Charles.Moulton@nrc.gov>
Subject: 4Q Accomplishments and Challenges
Importance: High

All,

Attached is the list of 4Q accomplishments along with the challenges that were submitted for Q3. As you can see, there are no accomplishments listed (I searched the Daily Notes and Weekly Highlights and found nothing). If you have any accomplishments that your division thinks should be included please send them to me. Also, for any challenges that you are responsible for, please review the write ups for the challenge and the mitigation and update as necessary.

For DPR and DE, we were instructed to add a challenge for backfit. Not sure who has the lead for it but will need what the challenge is and what the mitigation strategy is.

Due to me by 3 pm Monday, 10/3. We'll go over at the meeting on Monday.

Let me know if you have any questions.

Trent L. Wertz
Technical Assistant
Office of Nuclear Reactor Regulation
301-415-1568
trent.wertz@nrc.gov

Q3 2016 Accomplishments

Challenges

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Backfit – The EDO reversed a decision by NRR staff and an NRR-sponsored independent appeal panel to issue a compliance backfit to the Braidwood and Byron facilities. Specifically, the EDO determined that there was not a known and established standard where NRR staff believed there was.

Mitigation - <<NRR specific short term action?>> In addition, from an Agency-wide perspective, the CRGR has been tasked by the EDO with reviewing the Agency's backfit guidance and implementation to determine areas for improvement. NRR staff will take any necessary actions in response to the CRGR's findings once the CRGR review is complete, which is expected in early CY2017.

From: Garmoe, Alex
Sent: Friday, September 30, 2016 9:40 AM
To: Keene, Todd
Cc: Stuchell, Sheldon; Mahoney, Michael
Subject: RE: 4Q Accomplishments and Challenges
Attachments: Q4 2016 Accomplishments and Challenges - Backfit Info jtk and adg.docx

Todd,

I incorporated what you added into the first sentence of the reply. Does it look good to you? If so, I'll pass it to DE for a check.

Alex

From: Keene, Todd
Sent: Friday, September 30, 2016 9:29 AM
To: Garmoe, Alex
Cc: Stuchell, Sheldon ; Mahoney, Michael
Subject: RE: 4Q Accomplishments and Challenges

I made an addition to the attached document.
I left it vague since the direction in the EDO's letter to Bill did not direct us to issue another generic communication.

The EDO's response and direction from the letter is included below.

Response: I agree. The report reveals the need to assess the treatment of the underlying technical issue described in the 1993 Westinghouse Nuclear Safety Advisory Letter (NSAL-93-013) on PSV performance after water discharge at pressurized-water reactors. In addition, given the decision communicated herein, the positions included in Regulatory Issue Summary 2005-29, as well as its proposed Revision 1, should be (re)assessed through the appropriate generic process to ensure they receive appropriate backfit consideration. The Director of NRR should inform me within 120 days of the plan to respond to these issues.

I will be meeting with DE next week to try and get a timeline, but this is going to be a combined DSS and DE effort to review the technical considerations.

Todd

From: Garmoe, Alex
Sent: Friday, September 30, 2016 9:15 AM
To: Keene, Todd <Todd.Keene@nrc.gov>
Cc: Stuchell, Sheldon <Sheldon.Stuchell@nrc.gov>; Mahoney, Michael <Michael.Mahoney@nrc.gov>
Subject: FW: 4Q Accomplishments and Challenges
Importance: High

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Could you take a look at what I added in red and expand/correct as necessary based on what you've heard? Once you and I align we can send it down to DE for a quick review. This is a hot request from Mike so if we can get it to DE for review later today that would be great.

Thanks,
Alex

From: Mahoney, Michael
Sent: Friday, September 30, 2016 8:30 AM
To: Stuchell, Sheldon <Sheldon.Stuchell@nrc.gov>; Garmoe, Alex <Alex.Garmoe@nrc.gov>
Subject: FW: 4Q Accomplishments and Challenges
Importance: High

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Thanks

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Q3 2016 Accomplishments

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Non-Responsive Record

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Mitigation – The EDO in a letter to Bill Dean requested that NRR develop a plan within 120 days to assess through a generic process the technical issues discussed in RIS 2005-29 and the proposed Revision 1 to that RIS to ensure appropriate backfit consideration is given. In addition, from an Agency-wide perspective, the CRGR has been tasked by the EDO with reviewing the Agency's backfit guidance and implementation to determine areas for improvement. NRR staff will take any necessary actions in response to the CRGR's findings once the CRGR review is complete, which is expected in early CY2017. ~~Additionally, NRR staff will assess the technical issue that precipitated the NRR staff's initial decision with current regulatory issue summaries through a generic process to ensure that they receive appropriate backfit consideration.~~

From: Garmoe, Alex
Sent: Friday, September 30, 2016 9:51 AM
To: Whitman, Jennifer; Oesterle, Eric
Cc: Stuchell, Sheldon
Subject: ACTION: FW: 4Q Accomplishments and Challenges
Attachments: Q4 2016 Accomplishments and Challenges - Backfit Info jtk and adg.docx
Importance: High

Eric and Jen,

We (DPR) were asked to add info about the B/B backfit to the attached accomplishments/challenges list. It's a short turnaround request from our TA (Mike Mahoney). Could you please review the info Todd Keene and I added to the attached file and provide comments or edits if you have any? A response by COB today would be awesome if possible.

Thanks,
Alex

From: Mahoney, Michael
Sent: Friday, September 30, 2016 8:30 AM
To: Stuchell, Sheldon ; Garmoe, Alex
Subject: FW: 4Q Accomplishments and Challenges
Importance: High

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From: Garmoe, Alex
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To: Mahoney, Michael
Cc: Stuchell, Sheldon; Oesterle, Eric
Subject: RE: 4Q Accomplishments and Challenges
Attachments: Q4 2016 Accomplishments and Challenges w Backfit Info.docx

Mike,

Attached is an updated Accomplishments and Challenges file with the requested backfit information, which was coordinated between DSS (technical lead for the B/B backfit issue) and DPR. Let me know if you have any questions.

Thanks,
Alex

From: Mahoney, Michael
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Non-Responsive Record

Backfit – The EDO reversed a decision by NRR staff and an NRR-sponsored independent appeal panel to issue a compliance backfit to the Braidwood and Byron facilities. Specifically, the EDO determined that the compliance backfit threshold was not met based on ambiguity surrounding the known and established standard demonstrated by NRR staff.

Mitigation – The EDO in a letter to Bill Dean requested that NRR develop a plan within 120 days to assess, through a generic process, the technical issues regarding pressurizer safety valve performance after water discharge and associated discussions in RIS 2005-29 and the proposed Revision 1 to that RIS to ensure appropriate backfit consideration is given. In addition, from an Agency-wide perspective, the CRGR has been tasked by the EDO with reviewing the Agency's backfit guidance and implementation to determine areas for improvement. NRR staff will take any necessary actions in response to the CRGR's findings once the CRGR review is complete, which is expected in early CY2017.