

**CAPITOL ADDRESS**

State Capitol  
201 West Capitol Avenue  
Jefferson City, MO 65101-6806  
Tele: 573-751-4567  
Fax: 573-751-2769  
jeanette.oxford@house.mo.gov



**HOME ADDRESS**

(b)(6)

**MISSOURI HOUSE OF REPRESENTATIVES**  
**JEANETTE MOTT OXFORD**  
State Representative  
District 59

October 18, 2011

Mr. Anton Vegel  
United States Nuclear Regulatory Commission  
Region IV  
612 East Lamar Blvd, Suite 400  
Arlington, Texas 76011-4125

Dear Mr. Vegel:

Please see the enclosed correspondence between myself and Mr. Heflin of Ameren Corporation. Mr. Heflin claims that:

*...the October 21, 2003 reactor shutdown has been investigated multiple times by both Ameren Missouri and the NRC. In all cases, the investigators concluded there was no misconduct on [the] part of the crew or Ameren Missouri.*

Is this an accurate representation of the NRC's conclusions? That is, did the NRC investigators conclude that there was no misconduct on the part of the crew or Ameren with regard to the 100+ minute delay in inserting the reactor control rods on October 21, 2003 at Callaway Plant?

Thank you,

Handwritten signature of Jeanette Mott Oxford in cursive script.

Jeanette Mott Oxford

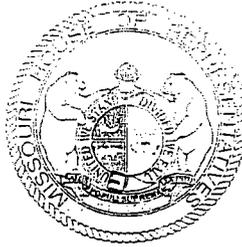
Enclosures (2)

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions b6  
FOIA- 2012-0087

**CAPITOL ADDRESS**

State Capitol  
201 West Capitol Avenue  
Jefferson City, MO 65101-6806  
Tele: 573-751-4567  
Fax: 573-751-2769  
jeanette.oxford@house.mo.gov

HOME ADDRESS



(b)(6)

**MISSOURI HOUSE OF REPRESENTATIVES  
JEANETTE MOTT OXFORD**

State Representative  
District 59

October 18, 2011

Mr. Adam C. Heflin  
Senior Vice President & Chief Nuclear Officer  
Ameren Missouri  
Callaway Plant  
PO Box 620, MC CA-460  
Fulton, MO 65251

Dear Mr. Heflin:

Thank you for your reply to my August 2011 letter to Mr. Voss. In your letter you urged that I continue to keep an open mind. I can assure that I will continue to do so.

We live in a great country with political, legal and economic systems that are the envy of many around the world. Yet one of the marks of genius about our nation has been our constant movement toward improvement in all areas of life. We know that in the U.S., innocent people have been wrongly convicted at times and that criminals have also been able to avoid conviction. The events of three autumns ago certainly demonstrate that there are glaring deficiencies in our financial system that we need to correct. There is no place I would rather get medical care than in the United States, yet serious medical errors occur every hour in our hospitals and radiation treatment centers, and access to affordable care is something many Americans lack (and will still lack after the full implementation of the Affordable Care Act).

Likewise, although I am a proponent of public power districts, I recognize that Ameren, as compared to other large private utility companies, is one of the more ethically run utility companies in the country. Your rates are below the national average, and yet your corporation has room for improvement (as indeed I believe every corporation has room for some improvement). It is likely that you (and Mr. Voss) agree with me about this point.

A lot is surely being done right at Callaway Plant but please be open to the possibility that, with regard to your handling of the October 21, 2003 passive reactor shutdown and (b)(6) employment at Ameren, you might have some significant room for introspection and redress.

In your September 22, 2011 letter to me, you stated:

*...the October 21, 2003 reactor shutdown has been investigated multiple times by both Ameren Missouri and the NRC. In all cases, the investigators concluded there was no misconduct on [the] part of the crew or Ameren Missouri.*

I do not believe the above statement is entirely accurate. That is, I do not believe that the NRC investigators "*concluded there was no misconduct on [the] part of the crew or Ameren Missouri.*" I have copied Anton Vogel of the NRC's Region IV on this letter. I understand it may not be appropriate for him to comment on your letter, but I would appreciate that he correct any misunderstandings I have in this letter.

It is my understanding that the conclusion of the NRC was that *allegations of misconduct were not substantiated*. That is, although the NRC could not find enough objective evidence of misconduct to request that the Justice Department formally charge Ameren employees with misconduct, it was not the conclusion of the NRC that "*there was no misconduct on [the] part of the crew or Ameren Missouri.*" If, in fact, I am wrong about the NRC's conclusions, then I would like Mr. Vogel to state to me in writing that "It is the NRC's conclusion there was no misconduct on the part of the crew or Ameren Missouri."

As I see it, the facts of the matter are:

1. Questionable practices (e.g. leaving the control rods withdrawn for 106 minutes while the crew conducted ancillary tasks) occurred on October 21, 2003.
2. The above mentioned questionable practices were not documented and evaluated until 3½ years later, after being accidentally uncovered by (b)(6)
3. (b)(6) at Callaway Plant, believe that the control rods were left withdrawn by the crew because the crew wanted to cover up the fact that the reactor passively shut down on them while Electrical Maintenance was still attempting to repair the failed equipment which was necessitating the reactor be shut down by 1:21 p.m.
4. It is impossible to know what another individual truly understood and therefore investigators must surmise an individual's thoughts and intentions from his/her actions. It is (b)(6) professional opinion that the operators' actions demonstrate they were dishonestly attempting to cover up their mistakes on October 21, 2003.

5. With regard to item 4, it is the NRC's official position that there was not enough evidence behind (b)(6) allegations to allow the NRC to remit the matter to the Department of Justice.
6. With regard to item 4, it is NOT the NRC's official position that (b)(6) (b)(6) allegation have been proven to be without merit and that there was no misconduct on the part of the crew or Ameren Missouri.

Again, I ask Mr. Vegel to comment on items 5 and 6 above and correct me if I have misstated the official position of the US Nuclear Regulatory Commission.

You later state in your letter:

*...I believe the crew acted appropriately under the circumstances. While we improved our operating practices after the 2003 reactor shutdown, I appreciate the fact that the control room crew on duty that day took time to complete all off-normal procedures, and they conducted a crew briefing before proceeding to safely complete the reactor shutdown process...*

I would like to make several comments on the above excerpt.

First, although it is technically true that you improved your operating practices AFTER the 2003 reactor shutdown, it was not until 3½ years afterwards. It also appears that this was only because (b)(6) accidentally came across the incident in 2007 and was dedicated enough to fully investigate the matter and courageous enough to document it and drive a solution through the system. (b)(6) has pointed out to me that (b)(6) (the condition report which originally documented the incident) was originally screened as a significance level 4 - meaning that it did not require any investigation. It was only through the intervention of (b)(6) that (b)(6) condition report was re-assigned a significance level of 3, allowing it to be investigated.

And, as shown by a May 30, 2007 email to Chuck Naslund (on which both you and Mr. Voss were copied), it took (b)(6) appealing to the highest levels of Ameren before you finally improved your "operating practices after the 2003 reactor shutdown". As a result of his efforts and dedication, a week after sending his email to Mr. Naslund, (b)(6) (b)(6) because it was alleged that (b)(6) (b)(6) (b)(6) This appears to be the fulfillment of that old maxim: "No good deed goes unpunished."

As the events at Taum Sauk during the autumn of 2005 demonstrate, Ameren can substantially benefit from employing engineers who are, on occasion, willing to be confrontational with their management. I find (b)(6) treatment – which was two years AFTER the devastating upper reservoir failure at Taum Sauk which nearly killed the Toops family – quite disturbing. Has Ameren learned any lessons from Taum Sauk?

Secondly, you state that you “*appreciate the fact that the control room crew on duty that day took time to complete all off-normal procedures, and they conducted a crew briefing before proceeding to safely complete the reactor shutdown process.*” Am I to take from this statement that you agree the correct course of action on October 21, 2003 between 10:19 and 11:37 a.m. was for the crew to, with the control rods still at their last critical rod heights and the reactor entering the source range with no Source Range Nuclear Instruments energized, focus on completing the remaining steps of Off-Normal procedure OTO-NN-00001, Loss of a Safety Related Instrument Bus? (b)(6) has supplied the technical language for this question; I might have simply said in lay language: “Is that the most important thing the crew could have been doing right then?”)

Am I to take from your statement that the need to complete the close out work for OTO-NN-00001 took precedence over inserting the reactor’s control rods? Am I to take from your statement that, with the reactor in the source range and with the control banks still withdrawn to their critical rod heights, the crew needed to brief the insertion of the control rods before inserting them – they couldn’t just take action and do it? Please explain to me what was appropriate about the crew’s actions.

Another statement in your letter is that:

Ameren Missouri’s internal investigations also refuted (b)(6)

Would you be willing to release Ameren Missouri’s internal investigations to me? (b)(6)  
(b)(6) are all a matter of public record (b)(6)  
(b)(6)

(b)(6) Is there a reason why Ameren does not wish for its internal assessments of the event to be a matter of public record? Is there a mechanism, for example, by which Ameren would submit its assessment to the Missouri Public Service Commission for review? I have copied Lewis Mills on this letter and would appreciate his assessment as to whether or not the MO PSC has a mechanism for reviewing Ameren’s internal investigations.

Referring to the US Nuclear Regulatory Commission, you state:

...They also provided Ameren Missouri with written notice closing their investigation.

Although I assume I can obtain the NRC's written closure notice through the Freedom of Information Act (something I rely on (b)(6) to do and which at times costs him a fee), would you or Mr. Vogel be willing to forward me the written notice which you refer to? If, for some reason you cannot, I would at least appreciate the letter number or subject/date so that (b)(6) can easily request it through the FOIA process. If these documents are already available through ADAMS, I would appreciate receiving the Main Library number from you.

Towards the end of your letter you state:

*I would also appreciate that in your correspondence to others that you leave out the employee names, especially when you are repeating character damaging allegations that have not been substantiated.*

I would like to make it expressly clear that I do not repeat character damaging allegations "that have not been substantiated." All statements I make have been substantiated. Please note:

- (b)(6) is a licensed Professional Engineer (b)(6) and has ethical standards he is held to as part of that registration. He also holds a registration in the Nuclear Engineering branch from the (b)(6)
- (b)(6) both held Senior Reactor Operator licenses at Callaway Plant issued by the US Nuclear Regulatory Commission.
- (b)(6)

You are free to choose your sources. You are free to trust Ameren's internal investigations which, for reasons unknown to me, Ameren will not publically released. You are free to trust Nuclear Regulatory Commission investigations which, when released through the Freedom of Information Act, are so redacted that they are essentially unreadable. And I am free to trust my sources, my reasoning, and my instincts – all of which are in agreement.

(b)(6) have nothing to gain by speaking with me. (As you no doubt are aware, I am so far down the totem pole of influence in the state capital that I can only qualify as what Sojourner Truth called herself in reply to a critic once, a flea. I have very little power compared to many, but I can at least cause some with great power and privilege to at least have to scratch now and then.) (b)(6) could certainly make more money working for the Nuclear Regulatory Commission than for the (b)(6) Yet these men

- believe in nuclear safety and they value their principles over their own employment security. You choose your sources for substantiating allegations and I will choose mine.

(b)(6) have, on multiple occasions, had their names appear in newspaper articles. Although it is unfortunately so, having their names appear in electronically searchable newspapers is damaging to their employability in the nuclear industry. I do not mention names of Ameren employees in order to damage anyone's character, but I do not believe it right to withhold the names of individuals whom I believe should account for their actions.

(b)(6) do not have the luxury of withholding their names.)

If there is anyone at Ameren who believes they have been unjustly maligned by me, I encourage them to come forward with their version of events. I am a firm believer in the value that transparency brings to industrial and corporate regulation. Like it or not, you and the other leaders at Callaway Plant are not private citizens; you are stewards of potentially dangerous industrial assets which are regulated and permitted/licensed by federal, state and local governments, and, as a result, your decisions and actions are subject to public scrutiny.

Also, you should note that there were plenty of sources which validated Davis-Besse had an acceptable Safety Culture and Quality Assurance program in the years prior to them finding a pineapple-sized hole in the reactor vessel head. The fact that your sources tell me you have an acceptable corporate safety culture is meaningless to me; I saw what happen at Taum Sauk in 2005 and I read the October 24, 2007 Initial Incident Report on the disaster prepared by the staff of the Missouri Public Service Commission. I want to see our nation's engineers and regulators work, as (b)(6) has, to PROACTIVELY prevent catastrophes like Fukushima and Taum Sauk instead of having to REACTIVELY respond when something disastrous occurs.

There is one last point I would like to make. (b)(6) has claimed that Ameren has never reported the October 21, 2003 passive reactor shutdown to the Institute of Nuclear Power Operations, even after the event was documented by the US Nuclear Regulatory Commission in Information Notice 2011-02. It is (b)(6) contention that the NRC's Information Notice system is inadequate for fully discussing the lessons to be learned from the mistakes which occurred on October 21, 2003. If Ameren is truly a learning organization which is committed to excellence, I would expect them to have investigated the incident and voluntarily shared it with their industry peers.

(b)(6) believes this has not been done because Ameren's version of events cannot withstand the scrutiny of its industry peers. We will never know (b)(6) is correct until this occurs, but, in the meantime, I would appreciate your explanation as to why this event (which was documented in an NRC Information Notice) did not rise to the standard of being reported to the Institute of Nuclear Power Operations (INPO). I have included Admiral Ellis of

INPO on this letter. I realize there may be policies which prevent him from commenting on the specifics of incidents concerning INPO members, but I would appreciate his opinion as to whether or not a 106 minute delay in inserting the control banks during a reactor shutdown is a reactivity management issue that meets the threshold of something INPO expects to be informed about.

Finally, in your letter you state "If after considering this response you still have questions, I would be pleased to meet with you personally to answer them." I greatly appreciate that offer and wish to take you up on it. I especially wonder if you have read (b)(6)

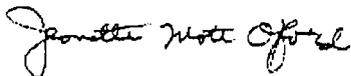
(b)(6) Would you be willing to discuss with me where Ameren disagrees with (b)(6) assessment?

On Tuesday, November 8 I am meeting with Mr. Vegel of the US NRC's Region IV in St. Louis. I can be available on Monday, November 7 between 8 a.m. and noon (in St. Louis) or all day on November 10 (in St. Louis, Fulton, or Jefferson City). If either of those dates works for you, you can choose whether you prefer to visit with me before or after my conversation with Mr. Vegel.

Thank you for your attention to these matters. I recognize the complexity and the importance of the efforts involved in managing a large electrical utility and a nuclear generating station. Your success depends on your ability to rely on forthright and honest advice from the people whom you employ to run those important, and sometime dangerous, assets. As the October 24, 2007 assessment by the Missouri Public Service Commission staff concerning the Taum Sauk upper reservoir failure demonstrated, you had employees at Ameren who gave you advice that could have prevented that catastrophe. You need to value those employees and you must never allow individual managers to drive them away because they sometimes make things inconvenient for their leadership.

Although I believe it is possible that there are more examples at Ameren of "confrontational" employees being valued than not, the Taum Sauk disaster and (b)(6) ordeal demonstrate that you certainly have room for improvement. Honestly admitting to what occurred on October 21, 2003 and transparently sharing your mistakes will go a long way towards engendering trust in the public. Nothing stifles public confidence quicker than an organization that refuses to admit to its mistakes and secretly hides its negative assessments.

Sincerely,



Jeanette Mott Oxford

Enclosure (1)

• Cc: Anton Vegel, US Nuclear Regulatory Commission  
Lewis R. Mills, Jr., Missouri Public Counsel  
Admiral James Ellis, Institute of Nuclear Power Operations