

From: [Lyon, Fred](#)
To: [Markley, Michael](#)
Cc: [Russell, Andrea](#); [Bahadur, Sher](#)
Subject: FW: Petition Request
Date: Tuesday, September 18, 2012 7:52:00 AM

I just received a call from Larry Criscione. He is upset that we did not accept his petition (but noted that we probably didn't care if he was upset). He asked what part of the MD we were using to reject his petition, and I responded that we used the criteria in MD 8.11 for accepting or rejecting a request. He asked which specific criteria we used, and I noted that I quoted it in my email (see email string below), and that it would be documented in the letter.

He asked if I had made the decision to reject his petition, and I responded that "this is the U.S. NRC, not the Fred Lyon NRC," and that it was an NRC staff decision. He asked if a PRB had met, and I said yes. He asked who was on the PRB, and I said that it was not his business, unless the PRB chairman decided to discuss it with him. He asked who the PRB chair was, and I told him it was Sher (since Sher will sign out the closeout letter anyway), and he hung up.

Thanks, Fred (x2296)

From: Lyon, Fred
Sent: Tuesday, September 18, 2012 7:28 AM
To: Criscione, Lawrence
Cc: Russell, Andrea; Markley, Michael
Subject: RE: Petition Request

Will do.

Thank you,
Fred Lyon
NRR/DORL Project Manager for Callaway Plant

From: Criscione, Lawrence
Sent: Tuesday, September 18, 2012 7:24 AM
To: Lyon, Fred
Cc: Russell, Andrea; Markley, Michael; clerner@osc.gov; [Bell, Hubert](mailto:bell@house.mo.gov); [Lee, David](mailto:lee@house.mo.gov); [Raspa, Rossana](mailto:raspa@house.mo.gov); [Banks, Mark](mailto:banks@house.mo.gov); marty.gelfand@mail.house.gov; jeanette.oxford@house.mo.gov; dlochbaum@ucsusa.org; isaiah-58@juno.com
Subject: RE: Petition Request

Thank you. I will prepare my complaints for submittal to Ms. Lerner and Mr. Bell.

Please email that letter when it is prepared. I am travelling on government business to Idaho next week and will be working in Rockville, MD the following week so my time back in Illinois will be limited.

From: Lyon, Fred

Sent: Tuesday, September 18, 2012 6:21 AM

To: Criscione, Lawrence

Cc: Russell, Andrea; Markley, Michael; clerner@osc.gov; Bell, Hubert; Lee, David; Raspa, Rossana; Banks, Mark; marty.gelfand@mail.house.gov; jeanette.oxford@house.mo.gov; dlochbaum@ucsusa.org; isaiah-58@juno.com

Subject: RE: Petition Request

As I stated, a letter documenting the staff's decision to not accept your petition will be sent to you in the near future.

Thank you,

Fred Lyon

NRR/DORL Project Manager for Callaway Plant

From: Criscione, Lawrence

Sent: Tuesday, September 18, 2012 7:19 AM

To: Lyon, Fred

Cc: Russell, Andrea; Markley, Michael; clerner@osc.gov; Bell, Hubert; Lee, David; Raspa, Rossana; Banks, Mark; marty.gelfand@mail.house.gov; jeanette.oxford@house.mo.gov; dlochbaum@ucsusa.org; isaiah-58@juno.com

Subject: RE: Petition Request

Fred,

Please inform me when my specific allegation was considered in the past. My specific allegation is that:

On September 5, 2007 David Lantz entered misleading information into a Quality Assurance record.

The above allegation was not considered during any of the following investigations:

- Allegation RIV-2007-A-0028
- Allegation RIV-2007-A-0096
- OI Case 4-2007-049
- 10CFR2.206 petition dated April 27, 2010
- 10CFR2.206 petition dated April 30, 2010
- 10CFR2.206 petition dated September 17, 2010
- 10CFR2.206 petition dated October 7, 2011

I believe that you are not following the 10CFR2.206 petition process. I also believe that the NRC is ignoring a serious violation of its policies. Our policies, to a large extent, rely on the honesty of utility personnel to truthfully document incidents. By refusing to look into whether or not licensee personnel intentionally entered inaccurate information into a Quality Assurance record, you are not doing your mandated job.

Please state to me exactly when the NRC has looked into whether or not inaccurate information was entered into the Quality Assurance record CAR200702606, Action 5 and what exactly the

resolution was.

Also, SIGNIFICANT NEW INFORMATION has come up since the last time my concerns regarding Callaway Plant were reviewed. The last time my concerns regarding Callaway Plant were reviewed was under the 2010-09-17 10CFR2.206 petition which was closed on 2011-01-19 without being accepted. Since then, Region IV has admitted in writing to a legislator in the State of Missouri that they do not believe the account of events which are detailed in Quality Assurance record CAR200702606, Action 5.

Please let me know your response this week as I intend to pursue this issue with the NRC Inspector General and with the US Office of Special Counsel.

Thank you,

Lawrence Criscione
573-230-3959

From: Lyon, Fred
Sent: Tuesday, September 18, 2012 6:01 AM
To: Criscione, Lawrence
Cc: Russell, Andrea; Markley, Michael
Subject: Petition Request

The NRC staff reviewed your letter to the NRC EDO dated August 15, 2012, regarding inaccurate and incomplete information entered into a quality assurance record at Callaway Plant and, in accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff has concluded that your request does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the NRC will not review a request where the petitioner raises issues that have already been the subject of an NRC staff review and evaluation on that facility, for which a resolution has been achieved. This includes requests to reconsider or reopen a previous enforcement action. These requests will not be treated as a 2.206 petition unless they present significant new information. Your petition raises issues that have already been reviewed and evaluated by the NRC for Callaway Plant. A letter documenting the staff's decision to not accept your petition will be sent to you in the near future.

Thank you,
Fred Lyon
NRR/DORL Project Manager for Callaway Plant