

**GROUP A**

**FOIA/PA NO: 2014-0320**

**RECORDS BEING RELEASED IN THEIR ENTIRETY**

**Blaney, Stephanie**

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**From:** Lyon, Fred  
**Sent:** Friday, February 07, 2014 9:40 AM  
**To:** Farrington, John  
**Subject:** RE: G20120856, G20130426, and G20130460 Due Dates

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**From:** Farrington, John  
**Sent:** Friday, February 07, 2014 9:39 AM  
**To:** Lyon, Fred  
**Subject:** RE: G20120856, G20130426, and G20130460 Due Dates

Some. I am on road until Friday 2/14.  
Let me see where we are when I get back.  
Hit me up by 2/18 day after Presidents' Day holiday, and I'll let you know.

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**From:** Lyon, Fred  
**Sent:** Friday, February 07, 2014 9:35 AM  
**To:** Farrington, John  
**Subject:** G20120856, G20130426, and G20130460 Due Dates

John, any movement on closing out the correspondence for the perpetrator of these GTs? If not, please let me know, and I'll request another 3-month extension. Thanks, Fred (x2296)

Due date: 2/28/14.

Action: Respond to Missouri State Representative Jeanette Mott Oxford's letter to the Chairman dated November 1, 2012, requesting further action on Mr. Lawrence Criscione's 10 CFR 2.206 petition dated August 15, 2012 (G20120611), citing alleged inaccurate and incomplete information entered into a QA record at Callaway. Respond to the two associated letters that have been received by Rep. Kirkton (who replaced Rep. Oxford) and Ms. Drey (Beyond Nuclear), that request the same information as Rep. Oxford's letter.

## Blaney, Stephanie

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**From:** Lyon, Fred  
**Sent:** Friday, February 07, 2014 9:40 AM  
**To:** Markley, Michael  
**Subject:** FYI: G20120856, G20130426, and G20130460 Due Dates

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**To:** Lyon, Fred  
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## **Blaney, Stephanie**

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**From:** Lyon, Fred  
**Sent:** Tuesday, February 18, 2014 8:08 AM  
**To:** Farrington, John  
**Subject:** RE: G20120856, G20130426, and G20130460 Due Dates

Please let me know the status and I'll request appropriate extensions. Thanks, Fred (x2296)

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**To:** Lyon, Fred  
**Subject:** RE: G20120856, G20130426, and G20130460 Due Dates

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Action: Respond to Missouri State Representative Jeanette Mott Oxford's letter to the Chairman dated November 1, 2012, requesting further action on Mr. Lawrence Criscione's 10 CFR 2.206 petition dated August 15, 2012 (G20120611), citing alleged inaccurate and incomplete information entered into a QA record at Callaway. Respond to the two associated letters that have been received by Rep. Kirkton (who replaced Rep. Oxford) and Ms. Drey (Beyond Nuclear), that request the same information as Rep. Oxford's letter.

## **Blaney, Stephanie**

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**From:** Lyon, Fred  
**Sent:** Friday, March 14, 2014 11:54 AM  
**To:** OKeefe, Neil  
**Subject:** FYI: Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

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**From:** RidsNrrMailCenter Resource  
**Sent:** Friday, March 14, 2014 11:53 AM  
**To:** Lund, Louise  
**Cc:** Cox, Linda; Evans, Michele; Banic, Merrilee; Markley, Michael; Lyon, Fred; Bahadur, Sher; Monninger, John; Farrington, John; Correia, Richard; Orf, Tracy; Lantz, Ryan; Sanfilippo, Nathan  
**Subject:** RE: Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

Per a note in STARS from Katherine Brock, the due date for G20120856, G20130426 and G20130460 have been approved. I have updated TRIM with the due date of 5/30/14.

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**From:** Lund, Louise  
**Sent:** Wednesday, February 19, 2014 5:40 PM  
**To:** ExtensionRequest, EDO  
**Cc:** RidsNrrMailCenter Resource; Cox, Linda; Evans, Michele; Banic, Merrilee; Markley, Michael; Lyon, Fred; Bahadur, Sher; Monninger, John; Farrington, John; Correia, Richard; Orf, Tracy; Lantz, Ryan; Sanfilippo, Nathan  
**Subject:** Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

Green Tickets: G20120856, G20130426, and G20130460

Current due date: 2/28/14  
Requested due date: 5/30/14

Action: Respond to Missouri State Representative Jeanette Mott Oxford's letter to the Chairman dated November 1, 2012, requesting further action on Mr. Lawrence Criscione's 10 CFR 2.206 petition dated August 15, 2012 (G20120611), citing alleged inaccurate and incomplete information entered into a QA record at Callaway. Respond to the two associated letters that have been received from Rep. Kirkton (who replaced Rep. Oxford) and Ms. Drey (Beyond Nuclear), that request the same information as Rep. Oxford's letter.

Request: Please extend the due dates for the 3 tickets to 5/30/14 (sixth extension on the original Oxford letter).

Reason for request: The staff informed Mr. Criscione by letter dated September 20, 2012, that his petition was not accepted, because it did not provide new information that had not already been considered by the staff in his previous petitions. In her letter, Ms. Oxford states that the staff was "bureaucratically dismissing [his] petition by untruthfully claiming it has already been investigated..." She then requested the staff's assessment to 5 specific questions regarding the Callaway inadvertent shutdown event of October 21, 2003. She specifically requested that she be answered by the Chairman's office and not by NRR or RIV. The EDO acknowledged Ms. Oxford's letter on December 7, 2012 (ML12324A169).

The other two letters are from Rep. Kirkton and Ms. Drey (Beyond Nuclear), who request a response to Rep. Oxford's questions.

NRC staff coordinating the response to Mr. Criscione's issues expects that the response will encompass the requests from Rep. Oxford, Rep. Kirkton, and Ms. Drey (Beyond Nuclear). Due to the number of NRC offices and other agencies involved in the review of this and related correspondence, and the amount of coordination necessary, additional time is necessary to complete coordination and concurrence.

The current due date for these actions is 2/28/14. Please extend the due date for all three green tickets to 5/30/14.

*Louise Lund*  
*Deputy Division Director*  
*Division of Operating Reactor Licensing, NRR*  
*301-415-3248*

## Blaney, Stephanie

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**From:** Lyon, Fred  
**Sent:** Thursday, March 27, 2014 8:07 AM  
**To:** Markley, Michael  
**Subject:** FW: Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

It just goes on and on, like the Energizer Bunny.

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**From:** ExtensionRequest, EDO  
**Sent:** Thursday, March 27, 2014 8:01 AM  
**To:** Lund, Louise  
**Cc:** RidsNrrMailCenter Resource; Cox, Linda; Evans, Michele; Banic, Merrilee; Markley, Michael; Lyon, Fred; Bahadur, Sher; Monninger, John; Farrington, John; Correia, Richard; Orf, Tracy; Lantz, Ryan; Sanfilippo, Nathan  
**Subject:** RE: Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

Your extension request has been approved. The updated due date for G20120856, G20130426 and G20130460 is now 5/30/14 to OEDO.

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**From:** Lund, Louise  
**Sent:** Wednesday, February 19, 2014 5:40 PM  
**To:** ExtensionRequest, EDO  
**Cc:** RidsNrrMailCenter Resource; Cox, Linda; Evans, Michele; Banic, Merrilee; Markley, Michael; Lyon, Fred; Bahadur, Sher; Monninger, John; Farrington, John; Correia, Richard; Orf, Tracy; Lantz, Ryan; Sanfilippo, Nathan  
**Subject:** Extension Request: G20120856, G20130426, and G20130460 Response to Missouri State Representative Jeannette Mott Oxford's letter, and associated correspondence

Green Tickets: G20120856, G20130426, and G20130460

Current due date: 2/28/14  
Requested due date: 5/30/14

Action: Respond to Missouri State Representative Jeanette Mott Oxford's letter to the Chairman dated November 1, 2012, requesting further action on Mr. Lawrence Criscione's 10 CFR 2.206 petition dated August 15, 2012 (G20120611), citing alleged inaccurate and incomplete information entered into a QA record at Callaway. Respond to the two associated letters that have been received from Rep. Kirkton (who replaced Rep. Oxford) and Ms. Drey (Beyond Nuclear), that request the same information as Rep. Oxford's letter.

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The other two letters are from Rep. Kirkton and Ms. Drey (Beyond Nuclear), who request a response to Rep. Oxford's questions.

NRC staff coordinating the response to Mr. Criscione's issues expects that the response will encompass the requests from Rep. Oxford, Rep. Kirkton, and Ms. Drey (Beyond Nuclear). Due to the number of NRC offices and other agencies involved in the review of this and related correspondence, and the amount of coordination necessary, additional time is necessary to complete coordination and concurrence.

The current due date for these actions is 2/28/14. Please extend the due date for all three green tickets to 5/30/14.

*Louise Lund*  
*Deputy Division Director*  
*Division of Operating Reactor Licensing, NRR*  
*301-415-3248*

The Honorable Jeanette Mott Oxford  
Missouri House of Representatives  
201 West Capitol Avenue  
Room 135BB  
Jefferson City, MO 65101-6806

Dear Ms. Oxford:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of November 1, 2012, in which you requested the NRC staff to take additional action on the petition filed by Mr. Lawrence Criscione on August 15, 2012. The staff informed Mr. Criscione by letter dated September 20, 2012, that his petition was not accepted because it did not provide new information that the staff had not already considered in his previous petitions. In your letter, you describe the staff as "bureaucratically dismissing [his] petition by untruthfully claiming it has already been investigated..." You requested the staff's assessment of certain questions about the inadvertent shutdown event of the Callaway Plant on October 21, 2003.

The responsibility of the NRC under the Atomic Energy Act of 1954, as amended, is "to provide for the common defense and security and to protect the health and safety of the public." The NRC takes its safety responsibility seriously, and we welcome opportunities to discuss nuclear safety issues in an open and collaborative manner. As both a member of the NRC staff and a member of the public, Mr. Criscione has discussed the Callaway Plant inadvertent shutdown event of October 21, 2003, with the NRC staff on numerous occasions. He has submitted four petitions to the staff, by letters dated April 27, April 30, and September 17, 2010, and August 15, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML101200401, ML101230100, ML103280306, and ML12237A172, respectively), under Title 10 of the *Code of Federal Regulations* (10 CFR), 2.206, "Requests for actions under this subpart," regarding the event.

In each instance, the NRC staff has treated Mr. Criscione courteously and professionally and has evaluated his concerns seriously and completely. The staff's responses to Mr. Criscione are documented in letters dated May 27, 2010, January 19 and January 20, 2011, and September 20, 2012 (ADAMS Accession Nos. ML101380320, ML110140104, ML103410070, and ML12257A165, respectively).

You stated that Mr. Criscione's petition dated August 15, 2012, was "bureaucratically [dismissed]" by the NRC staff. In fact, his petition was thoroughly reviewed and handled in accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." The NRC staff follows an established process for reviewing petitions to ensure that (1) each petition is fully and objectively evaluated, (2) the provisions of 10 CFR 2.206 are not abused, and (3) the staff meets its obligations under 10 CFR 2.206. Mr. Criscione's petition was not accepted because he provided no significant new information beyond what he had previously provided in his September 17, 2010, petition. Since the NRC has already reviewed,

evaluated, and resolved issues that Mr. Criscione has raised for the Callaway Plant, the staff did not accept his August 15, 2012, petition.

The specific efforts of the NRC staff to address Mr. Criscione's concerns are documented in the staff's response dated September 20, 2012. The staff is obligated to ensure the public health and safety in accordance with the regulations, not to enforce or satisfy individual personal standards or curiosity. In fact, the staff has expended considerable resources to ensure that an event that occurred over 10 years ago had no safety significance or consequences. These resources include investigations into claims of false testimony and falsification of records not available to the public because of the potential for enforcement, criminal prosecution, or release of personal information. Mr. Criscione chose to file his petitions as a member of the public. Therefore, information used by the staff to ensure the public health and safety, and available to the public, was used to respond to his requests.

You discussed the Callaway Plant inadvertent shutdown event with members of the NRC Region IV staff on November 8, 2011, as documented in Mr. Elmo Collins' letter to you dated April 20, 2012 (ADAMS Accession No. ML12167A508). As to your letter of November 1, 2012, the NRC staff did not identify any new information that it had not previously considered. In your letter, you asked five specific questions of the NRC staff:

1. Their assessment as to whether or not the information contained in "CAR 200702606, Action 5" is accurate.
2. Their assessment as to when the operators at Callaway Plant first recognized the reactor was no longer critical on October 21, 2003.
3. Their assessment as to why the operators allowed the reactor to operate in the source range for over 45 minutes with its control rods still at their critical rod heights and with no Source Range Nuclear Instruments energized.
4. Their assessment as to why the Reactor Operator was able to spend 30 minutes raising letdown flow from 75 to 120 gpm yet could not spend 10 minutes to insert the control banks.
5. Their assessment as to why NRC licensed reactor operators were available to remove an intake pump from service and to place cooling tower blowdown in service yet were not available to insert the control banks.

The NRC staff addressed Question 1 in its letter to Mr. Criscione dated September 20, 2012. The staff addressed Question 2 in Mr. Collins' letter to you dated November 17, 2011 (ADAMS Accession No. ML113220478, specifically response 6). With regard to Questions 3, 4, and 5, the staff has concluded (e.g., Mr. Collins' letter to you dated November 17, 2011, specifically responses 4 and 5) that the operators were not fully cognizant of the operational condition of the reactor and that operator performance in not effectively controlling reactivity on October 21, 2003, was attributable, in part, to weakness with management oversight, training, and procedural guidance.

As stated in Mr. Collins' letter dated April 20, 2012, the scope of the initial investigation that the NRC conducted from September 28, 2007, to May 9, 2008, was to determine if

Callaway Plant control room personnel failed to document a temperature transient during the inadvertent shutdown event of October 21, 2003. The NRC did not investigate if the operations manager was in the control room during the plant shutdown since it was not relevant to the scope of the investigation. The NRC has no regulatory concern regarding the presence or absence of the operations manager in the control room during the shutdown because there is no regulatory requirement that he or she be present during specific evolutions, including low power operations or shutdowns. The NRC requires a sufficient number of operators and skill sets in the control room to ensure safe operation of the facility. As a result, the operations manager's presence is not needed in the control room. With respect to Mr. Criscione's question about the sworn testimony of the shift manager at the Callaway Plant, the NRC staff has no evidence to suggest that he provided false testimony when investigators interviewed him in 2008 about the October 21, 2003, plant shutdown. The shift manager's testimony was corroborated not only by the testimony of other reactor personnel in the control room, but by other documentary evidence.

The fact that the circumstances involving operator performance weaknesses were not documented in a corrective action document in 2003 is not in dispute. However, the staff has concluded that the corrective actions the licensee has taken in the intervening years have been responsive to addressing this and other performance deficiencies related to the October 2003 plant shutdown. These actions included improving plant low power operations procedures.

As further stated in Mr. Collins' letter dated April 20, 2012, Mr. Criscione's questions are important and we have provided answers to these questions in multiple interactions with him in the past (correspondence, meetings, etc.). Mr. Criscione disagrees with some of our answers. However, based on the NRC's independent inspection, the agency has concluded that the shutdown did not endanger public health and safety. Furthermore, there has been no evidence obtained during the investigation and inspection that would indicate that there was wrongdoing, such as a cover-up, involved in the plant shutdown, irrespective of your or Mr. Criscione's understanding of Mr. Collins' letter to you dated November 17, 2011. Therefore, in the absence of new information, there is no regulatory or safety basis for the NRC to expend further resources related to the October 21, 2003, Callaway Plant shutdown.

In your letter, you alleged misconduct by the NRC staff. The agency has referred your concerns to the NRC's Office of the Inspector General, which is charged with investigating NRC employee misconduct.

All of the correspondence referenced above is publicly available. If you have additional questions, please feel free to contact me to set up a meeting. I appreciate hearing your views and thank you for your interest in this matter.

Sincerely,

Allison M. Macfarlane

**DISTRIBUTION: G20120856/LTR-12-0647**

PUBLIC

RidsEdoMailCenter Resource  
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RidsRgn4MailCenter Resource  
RidsSecyMailCenter Resource

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This correspondence addresses policy issue previously resolved by the Commission, transmits factual information, or restates Commission policy.

\*email \*\*previously concurred

**ADAMS Accession Nos.: Pkg ML12366A179; Incoming ML13009A117; Response LTR ML12366A182**

OFFICE	DORL/LPL4/PM	DORL/LPL4/LA	TECH ED	DORL/LPL4/BC	OGC
NAME	FLyon*	JBurkhardt*	CHsu*	MMarkley**	
DATE	1/11/13	1/3/13	1/3/13	1/4/13	
OFFICE	DORL/D	RIV/DRS/DD	NRR/D	EDO	OCM
NAME	MEvans	TBlount*	ELeads	MSatorius	
DATE		1/6/13			

**OFFICIAL RECORD COPY**

All of the correspondence referenced above is publicly available. If you have additional questions, please feel free to contact me to set up a meeting. I appreciate hearing your views and thank you for your interest in this matter.

Sincerely,

Allison M. Macfarlane