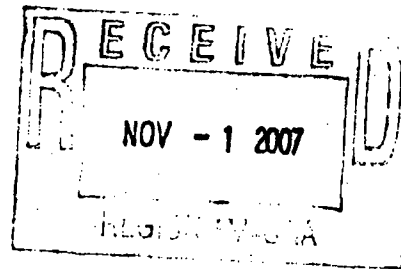


October 26, 2007

(b)(7)c



James K. Heller
Senior Allegations Coordinator
United States Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

Dear Mr. Heller:

I am not interested in the Accelerated Dispute Resolution process. I wish that the Nuclear Regulatory Commission investigate Allegation RIV-2007-A-0093.

Below is a clarification of my "Concern 1" which you stated in your September 21, 2007 letter to me.

I am concerned that I was the subject of discrimination for raising safety issues as demonstrated by the fact that:

1. I was (b)(7)c
 - a. Three individuals with less experience (b)(7)c were selected for this position and there were additional positions which went unfilled. Although I had the requisite background (b)(7)c I believe it was due to earlier safety concerns which I pursued.
 - b. I was offered by (b)(7)c in a meeting witnessed by (b)(7)c to go on shift as an "upgraded" (b)(7)c. This offer indicates the company believed I could perform the (b)(7)c position.
2. My (b)(7)c The reasons given for the (b)(7)c were pretextual, since those issues had been already successfully resolved in August 2005
 - a. Under the direction of my supervisors, I devised an Individual Development Plan (IDP) in February 2006 to improve the skills needed to advance to (b)(7)c. My IDP contained an item that I would be specifically evaluated by a member of Operations Management each Licensed Operator Continuing Training (LOCT) cycle, specifically focusing on my performance as (b)(7)c in the simulator. After upsetting the (b)(7)c

(b)(7)c (b)(7)c CAR (b)(7)c my supervisors in
Operations did not support the LOCT observation portion of my IDP
between February 2006 and the (b)(7)c

b. In (b)(7)c I was informed the reason for the (b)(7)c
(b)(7)c concerned adverse simulator comments regarding my
performance in May 2005. These comments were not serious enough
to appear on my 2005 Performance Appraisal, nor were they serious
enough to prevent me from interviewing for the (b)(7)c position in (b)(7)c

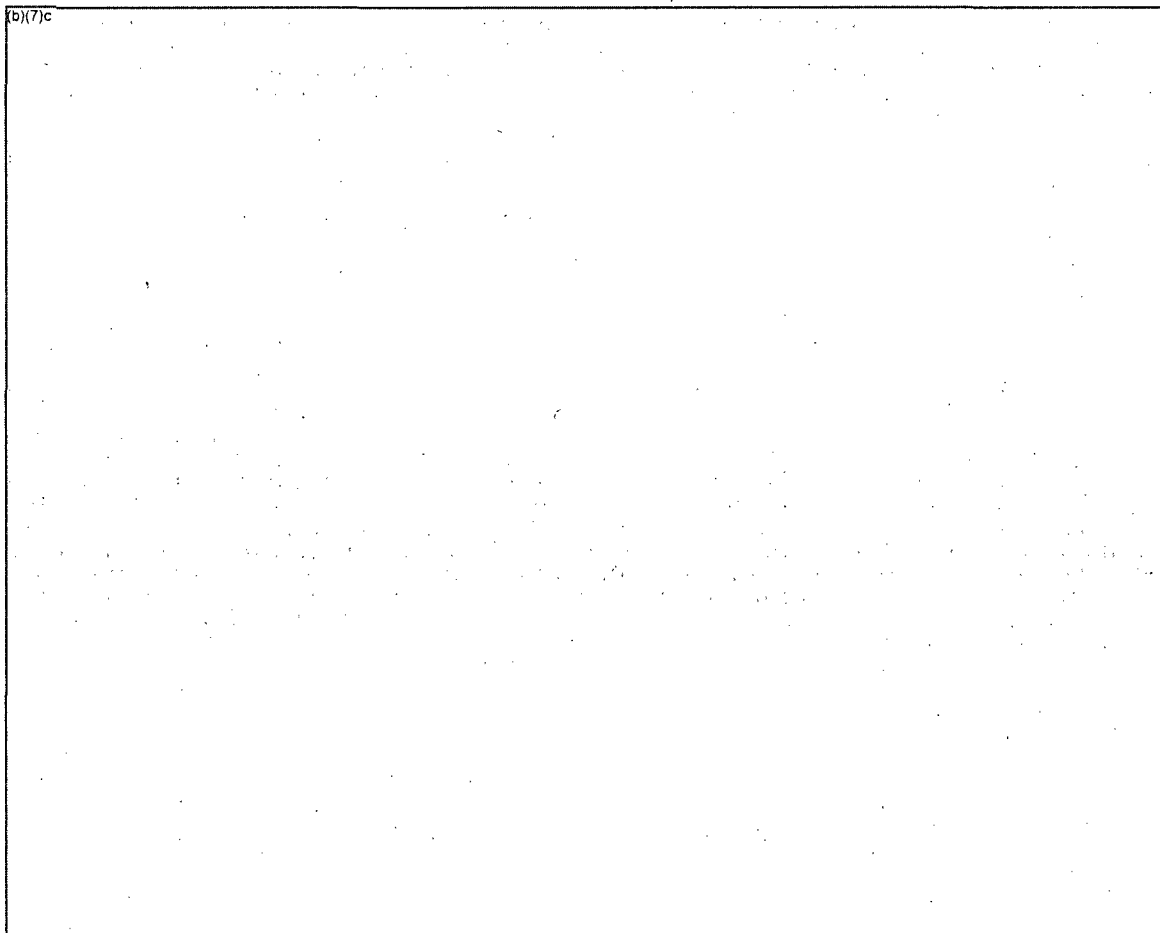
c. I have also been informed (b)(7)c because I
will never need it in the future because the adverse simulator
comments from May 2005 will prevent me from ever standing watch
again. This treatment is different from that afforded individuals who do
not have a record of pursuing safety concerns. Specifically (b)(7)c
(b)(7)c will never stand watch again due to the embarrassment
caused to the company by Allegation (b)(7)c yet he has
(b)(7)c

3. My 2006 Performance Appraisal (received in May 2007) contained (b)(7)c

(b)(7)c

(b)(7)c

(b)(7)c

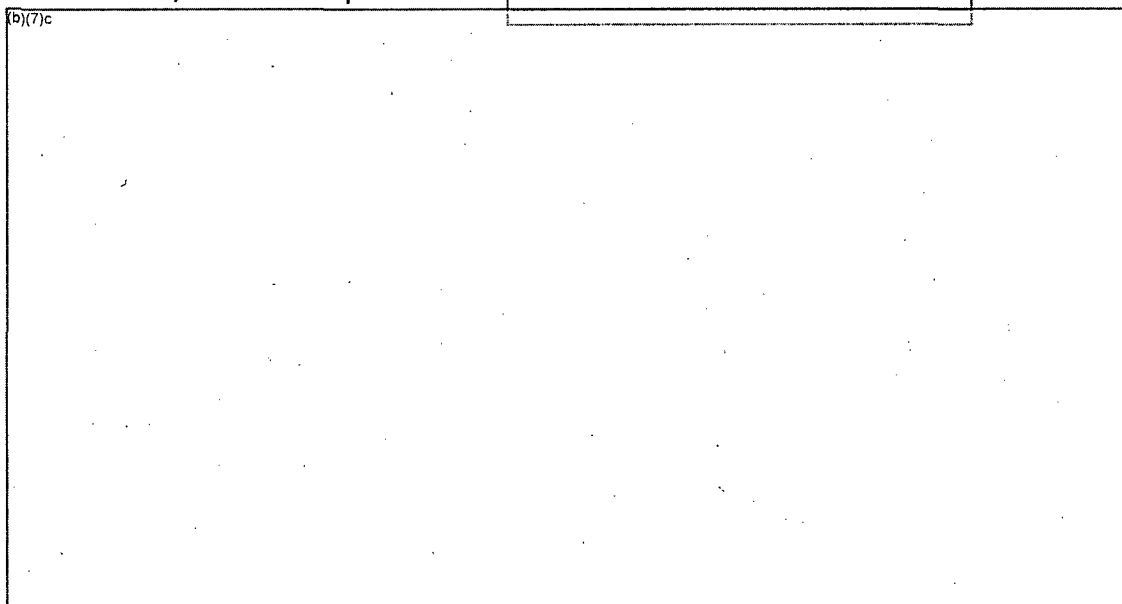


4. On June 6, 2007 I was presented a

(b)(7)c



(b)(7)c



5. I was

(b)(7)c



for an

(b)(7)c



posting in

(b)(7)c



a. At least one individual with lesser experience [redacted] was promoted and there were additional positions which went unfilled. Although I had the requisite background, I was [redacted] for the position. I believe it was due to earlier safety concerns which I pursued.

b. When I requested a reason from Operations for [redacted] [redacted] I was referred to a June 2007 letter I received from [redacted] implying my [redacted] due to adverse comments I received during simulator sessions in May 2005. These comments were not serious enough to appear on my 2005 Performance Appraisal, nor were they serious enough to prevent me from interviewing for the [redacted] position in [redacted].

Examples of issues [redacted] raised include:

a) CAR [redacted] pertained to use of the Outside Equipment Operator on the Fire Brigade and the alleged cover up of this topic during the Second ERT for CAR [redacted]. One of my supervisors [redacted] informed me, while [redacted] CAR [redacted] that the issue had already been addressed and the union was using me to get more overtime. After CAR [redacted] was closed, the issue resurfaced in CAR [redacted] (written by [redacted]) which was related to the resident inspector issuing a finding against Callaway Plant for improperly staffing the Fire Brigade.

b) CAR [redacted] pertained to when the Safety Injection Accumulators are isolated. What the company specifically resented about this issue was that, after 3 months [redacted] of trying to get it addressed, I stated I was going to discuss it with the resident inspectors (May 2005). The history of this issue was detailed in an April 1, 2007 letter to [redacted].

c) CAR [redacted] pertained to how the inadequate response by Operations [redacted] to CAR [redacted] prevented the company from avoiding a NRC finding.

d) CAR [redacted] pertained to how the closure of Corrective Action documents prior to the performance of the corrective action (i.e. the closure of CARs to scheduled work vice to completed work) was inadequate. The [redacted] found this CAR offensive and sternly rebuked me at a "Leadership Meeting". Later that day, one of my supervisors [redacted] informed me that [redacted] had instructed him to assign me more work so [redacted] I believe [redacted] remarks to my supervisor contributed to the decision by Operations to not support the LOCT observation portion of my Individual Development Plan. My IDP was written and

agreed to prior to this incident but was not wholly supported following this incident.

- e) CAR (b)(7)c and CAR (b)(7)c pertained to how the company failed to appropriately retire several sulfuric acid systems. The following aspects have bearing on nuclear safety:
- i. Discrimination against an individual for bluntly portraying poor equipment upkeep in the Corrective Action Program should be of concern to the NRC.
 - ii. The issues documented in CAR (b)(7)c affected the habitability of the Radiological Waste Control Room. Although the Rad Waste Control Room does not serve an accident function, it is important to the proper processing radiological waste.
 - iii. Acid leaks at the Cooling Tower distract the crew from plant operations. The Fire Brigade has responded to acid leaks at the Cooling Tower in the past and the Field Supervisor (Fire Brigade Leader) has left the protected area to investigate acid leaks.
- f) CAR (b)(7)c pertained to the inadequacy of T/S 3.4.12.G and Callaway's plans for responding to this Technical Specification. Although this CAR was not written until November 2006, this issue was addressed with (b)(7)c on several occasions during the investigation of CAR (b)(7)c. Operations was sensitive to this issue in that it complicated our strategy for dealing with no operable Cold Overpressure Mitigation System relief valves. At the time the issue was raised (late September 2006) the Pressurizer PORVs were not Operable as COMS relief paths and the RHR Suction Reliefs would need to be declared inoperable if a PORV were to lift at Normal Operating Pressure (there are many credible scenarios which lift a PORV at NOP). The NRC Resident Inspector at Callaway Plant was investigating whether the identified problems with the Pressurizer Relief Tank piping necessitated a unit shutdown.
- g) CAR (b)(7)c was an analysis of past reactor shutdowns. Several issues were raised during the investigation of this CAR:
- i. Commercial Concern: Operators were unable to maintain MODE 2 during two past reactor shutdowns (October 21, 2003 and June 17, 2005).
 - ii. Commercial Concern: Covering up the mistakes of the October 21, 2003 incident prevented the company from avoiding the June 17, 2005 incident which cost the company 31 hours of lost generation.
 - iii. Nuclear Safety Concern: It appears the operators were not aware when the reactor shutdown on October 21, 2003. This calls into question their

ability to recognize plant conditions and to take appropriate actions.

- iv. Nuclear Safety Concern: It appears the operators intentionally left the control banks withdrawn for 100 minutes on October 21, 2003 to avoid scrutiny of their performance by the Corrective Action Process.

Items i and ii are mentioned because I am expected (by the shareholders) to address these two items as well as the safety concerns. All four items were embarrassing to Operations Management and the (b)(7)c. Corrective Action Program was resented by my supervisors. Although I chose to focus on the Commercial Concern when pursuing item i and ii, the correction of these two issues also had nuclear safety implications (an operator not recognizing the reactor entering the source range is a precursor for an inadvertent re-start).

- h) CAR (b)(7)c pertained to the inability of Design Engineering to correct the design deficiency with the Pressurizer Relief Tank piping in a timely manner. This issue was resented by the Supervising Engineers in Design Engineering. I should not be discriminated against for questioning the timeliness of our response or the adequacy of our Engineering staffing levels.
- i) CAR (b)(7)c pertained to the failure of Operations to properly document significant plant transients.
- j) CAR (b)(7)c was written by (b)(7)c based on data which I analyzed. At one time I was the Lead Responder for this CAR. The investigation of this CAR led me into confrontations with my direct chain of command (b)(7)c

The (b)(7)c were unjustified:

- A. I was equally or more qualified than some of the candidates selected for (b)(7)c
- B. The only justification given by the company for my (b)(7)c are from an incident in May 2005 which was resolved by a Remediation Plan in August 2005.
- C. Exam failures (which I never experienced while a licensed operator – in May 2005 I was not allowed to take an exam) and adverse simulator comments have not prevented other individuals from promoting in Operations and have not always resulted in other individuals losing their license.
- D. I stood watch as (b)(7)c on 23 occasions and as (b)(7)c on 15 occasions. I do not recall any adverse feedback regarding my performance as a watch stander while I was an active watch stander. I did

verbally receive adverse feedback from (b)(7)(c) in the August 2006 meeting concerning the (b)(7)(c) but this was received more than a year after I was no longer a (b)(7)(c) and the source was not identified. This adverse feedback supposedly dated from November, 2004, but it was never documented on my Performance Appraisals for 2004, 2005 or 2006.

E. During a conference call with the NRC, it was suggested that a possible reason why I was (b)(7)(c) in Operations after (b)(7)(c) was because I had applied for other jobs in the company. I do not believe this is a viable reason. In 2006 (b)(7)(c) were promoted to (b)(7)(c) (b)(7)(c) had earlier applied for a position at Ameren's Meremec power plant and (b)(7)(c) applied for a position at Ameren's Osage power plant. Additionally, (b)(7)(c) was promoted to the (b)(7)(c) (b)(7)(c) even though (b)(7)(c) had earlier applied for a position at Meremec.

Please contact my attorneys at Katz, Marshall & Banks (202-299-1140) if you have any questions regarding the above. Please continue to direct communications to my attorneys and send copies by registered mail to my (b)(7)(c) address and by First Class mail at my (b)(7)(c) address.

Thank you,

(b)(7)(c)