

MEMORANDUM TO: FILE

FROM: Mohan C. Thadani  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

SUBJECT: G20100257/EDATS: OEDO-2010-0326 AND G20100264/EDATS:  
OEDO-2010-0333 - LAWRENCE S. CRISCIONE'S LETTERS  
FOR PUBLIC PETITIONS PURSUANT TO 10 CFR 2.206  
REGARDING CALLAWAY PLANT, UNIT 1 - SUMMARY OF  
PRELIMINARY REVIEW AND PHONE CALL WITH THE  
PETITIONER (TAC NOS. ME3830 AND ME3847)

The U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Reactor Regulation (NRR) received two petition requests from Lawrence S. Criscione (the petitioner) regarding Callaway Plant, Unit 1. The first request, dated April 27, 2010 (G20100257/EDATS: OEDO-2010-0326), was received on April 29, 2010, and the second request was dated and received on April 30, 2010 (G20100264/EDATS: OEDO-2010-0333). As Petition Manager, I performed initial review of the two requests in accordance with the provisions of Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." The twofold purpose of the initial review was to determine if the requests contained any material that could constitute allegation(s) as defined in MD 8.8, "Management of Allegations"; and to determine if the requests met the criteria that qualify the requests as public petitions pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206.

MD 8.11 requires that the Petition Manager promptly review a petition request to determine if it contains allegations or sensitive information and to contact the petitioner, within one week of receipt, to explain that the 10 CFR 2.206 petition process is a public process that does not provide confidentiality to the petitioner. This memorandum documents the Petition Manager's Preliminary review and the petitioner's agreement on how this matter will be handled.

Based on a preliminary review of the two requests, I concluded the two petitions information the could qualify as allegations in accordance with MD 8.8. As such, I forwarded the petition to the NRC Allegations Coordinator for possible action. I also concluded that the requests do not meet the key criterion for consideration under 10 CFR 2.206, because the petitioner does not ask NRC to take an enforcement action against the licensee as required by MD 8.11. Therefore, the requests could not be reviewed under 10 CFR 2.206 public petition process.

The NRC Allegations Coordinator indicated that these matters were evaluated previously by NRC Region IV as Allegations. Since the requests did not qualify as public petitions pursuant to the 10 CFR 2.206 petition process, I proposed to the Chairman of the Petition Review Board

(PRB) that the requests be treated as routine correspondence, as required by MD 8.11. The Chairman of PRB and the NRR petition coordinator agreed with the decision.

In accordance with MD 8.11, on May 6, 2010, I discussed these issues with the petitioner. I informed the petitioner, Mr. Lawrence Criscione that his two requests cannot be reviewed under 10 CFR 2.206 public petition process, because he has not asked NRC to take any enforcement type of action in either request, as required in MD 8.11. I also informed Mr. Criscione that while the NRC staff will screen the requests for any new allegations, if any.

Mr. Criscione expressed dissatisfaction with NRC for not adequately addressing his allegations in the past, and that he does not want his requests to be reviewed by NRC as allegations. He said that Region IV has previously reviewed his requests four times and has not done what he requested (i.e., issue an information notice on his observations, and add appropriate Technical Specifications requirements in the Standard Technical Specifications for pressurized-water reactors).

I explained to Mr. Criscione of our proposed plan to have the NRR Operating Experience Branch review his request regarding the proposed information notice and for the NRR Technical Specifications Branch to consider his proposed modifications to Standard Technical Specifications. I did, However, note the NRR representatives may have to work with the licensee and Region IV to perform its review. This plan was acceptable to Mr. Criscione. I also informed him that he would be informed of the results of the NRC staff's review via routine correspondence.

On May 27, 2010, the Director of the Office of Nuclear Reactor Regulation, responded to Mr. Criscione's petitions, informing him that the NRC staff has concluded that the actions requested in his petitions did not constitute requirement of enforcement type of action. Therefore, they do not qualify as petitions pursuant to 10 CFR 2.206. The NRC will continue its review of Mr. Criscione's requests as routine correspondence.

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DISTRIBUTION: G20100257/EDATS: OEDO-2010-0326, G20100264/EDATS: OEDO-2010-0333

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**ADAMS Accession Nos.:** PKG: **ML101330354**, Incoming (2): ML101200401, ML101230100, Memo: ML101330237

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