

Original Due Date: 12/15/2010

Ticket Number: 020100101

Document Date: 05/27/2010

NRR Received Date: 06/01/2010

From:
Eric Leeds

TACs:
ME3996

To:
Lawrence Criscione

***** YELLOW *****

For Signature of:

Routing:

Description:

Response letter to Lawrence Criscione addressing his concerns on abnormalities of a reactor shutdown at Callaway.

Assigned To:

DORL

Contact:

GIITTER, JOSEPH, G

Special Instructions:

Response to green tickets G20100257 and G20100264 which did not meet the criteria for 2.206 petition. However, staff will reivev his requests as routine correspondence.

6/11 called DORL (Linda) for pick up @ 2:34



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 27, 2010

Mr. Lawrence S. Criscione, PE
1412 Dial Court
Springfield, IL 62704

Dear Mr. Criscione:

Your letters (petitions) dated April 27 and 30, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML101200401 and ML101230100 respectively), addressed to Mr. William Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC) have been referred to the Office of Nuclear Reactor Regulation, pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206).

In your petition dated April 27, 2010, you request that NRC issue an Information Notice (IN) to the licensees in the commercial nuclear power industry informing the licensees of abnormalities of a reactor shutdown at Callaway Plant, Unit 1, on October 21, 2003. You outlined the sequence of events that Union Electric Company, the licensee for Callaway Plant, Unit 1 followed, which resulted in an atypical shutdown of the reactor. You asked that the NRC issue an IN to inform the other licensees that abnormalities would result if the licensees follow the sequence of events followed by Union Electric Company.

In your petition dated April 30, 2010, you requested that NRC should consider revising the improved standard technical specifications of all Westinghouse pressurized-water reactors and other types of reactors to reflect the lessons learned from the October 21, 2003, abnormal shutdown of Callaway Plant, Unit 1, and other examples of similar events described in your submittal.

On May 6, 2010, Mr. Mohan C. Thadani, NRC's Petition Manager for evaluation of your two requests, contacted you to discuss your two requests. The results of that discussion have been considered by the NRC's staff and management to determine whether or not the actions you have requested meet the criteria for reviewing your requests under 10 CFR 2.206 petition review process. The NRC staff has concluded that your submittals do not meet the key criterion for consideration under 10 CFR 2.206 petition review process, because you do not ask for NRC to take any enforcement action against the licensee, as required by the NRC's Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." MD 8.11 requires that, to be considered for review under 10 CFR 2.206 process, "the petition must contain a request for enforcement-related action such as issuing an Order modifying, suspending, or revoking a license, issuing a notice of violation, with or without proposed civil penalty, etc. (i)." Based on its review, the NRC staff concludes that the actions requested in your two petitions do not constitute requirement of an enforcement type of action.

In your petitions, you stated that you did not want your requests to be reviewed as allegations. Therefore, the only other option for reviewing your submittals is to review them as routine

L. Criscione

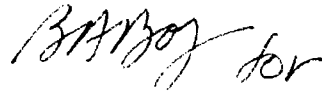
- 2 -

correspondence. This option was discussed with you during the May 6, 2010, phone call by the NRC's Petition Manager, and was acceptable to you.

Accordingly, the NRC staff will review your requests as routine correspondence. You will be notified of the specifics of the NRC's process for reviewing your concerns and when the reviews are completed, the NRC staff will provide you the results of its review.

Thank you for bringing these issues to the attention of NRC.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Leeds for".

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: Listserv
Union Electric Company
(w/copy of incoming 2.206 request)

L. Criscione

- 2 -

correspondence. This option was discussed with you during the May 6, 2010, phone call by the NRC's Petition Manager, and was acceptable to you.

Accordingly, the NRC staff will review your requests as routine correspondence. You will be notified of the specifics of the NRC's process for reviewing your concerns and when the reviews are completed, the NRC staff will provide you the results of its review.

Thank you for bringing these issues to the attention of NRC.

Sincerely,

/RA by Bruce A. Boger for/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: Listserv
Union Electric Company
(w/copy of incoming 2.206 request)

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

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ADAMS Accession Nos. PKG: ML101380309, Incoming 1: ML101200401

Incoming 2: ML101230100, Letter: ML101380320

*via email

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DATE	05/20/2010	05/20/2010	5/21/2010	5/27/10

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