

March 7, 2011

Mr. Daryl M. Shapiro
Counsel for Union Electric Company
Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1122

SUBJECT: CALLAWAY PLANT, UNIT 1 – LEGAL COUNSEL’S RESPONSE FOR UNION
ELECTRIC COMPANY RE: PETITION FILED WITH NRC BY MR. LAWRENCE
S. CRISCIONE (TAC NO. ME4721)

Dear Mr. Shapiro:

I am replying to your letter dated January 6, 2011¹ in which you submitted a response to the U.S. Nuclear Regulatory Commission’s (NRC’s) Petition Review Board (PRB) regarding Mr. Lawrence S. Criscione’s petition dated September 17, 2010.

In your written response, you stated that NRC should reject the petition, pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206 (10 CFR 2.206) and consistent with NRC Management Directive 8.11, in that the NRC will not review a petition where allegations have already been the subject of NRC Staff review and present no significant new information.

In your letter dated January 6, 2011, you also stated that,

One more comment must be made with respect to the Petition. In the Petition, Mr. Criscione uses the first-person "we" to refer to himself and the NRC collectively. Petition at 2. This makes it appear that the Petition was an official NRC communication concerning Callaway and its personnel. Ameren Missouri would like to reiterate and confirm the understanding it has with the NRC that Mr. Criscione's official NRC duties and responsibilities will not involve any matters with respect to Callaway.

On January 19, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110140104), the NRC responded to Mr. Criscione’s petition dated September 17, 2010. In that letter, the NRC informed Mr. Criscione that the PRB’s final recommendation is that the petition meets rejection criterion III.C.2.b in Management Directive 8.11, “Review Process for 10 CFR 2.206 Petitions,” dated July 1, 1999, and revised October 25, 2000. This decision was made based on the determination that no additional relevant information was provided during Mr. Criscione’s presentation that had not already been previously reviewed, evaluated, and resolved by the NRC staff.

¹ Submitted under 10 CFR 2.390 requesting withholding on the basis the document contains confidential information.

D. Shapiro

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Concerning your comment regarding Mr. Criscione's NRC duties and responsibilities, Mr. Criscione's participation with respect to this petition and the NRC PRB was that of a private citizen. The government-wide standards of conduct regulations require NRC employees to disqualify themselves from participating in particular matters involving parties that they know are likely to affect the financial interests of anyone they served, within the last year, as an employee, unless they receive authorization. There are no other legal restrictions on an NRC employee's involvement in matters affecting their former employers. The NRC maintains an open, collaborative working environment that encourages all employees to promptly voice differing views, which could include views related to any plant including Callaway.

If you have any questions, please contact me at (301) 415-1476, or e-mail mohan.thadani@nrc.gov.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-483

Concerning your comment regarding Mr. Criscione's NRC duties and responsibilities, Mr. Criscione's participation with respect to this petition and the NRC PRB was that of a private citizen. The government-wide standards of conduct regulations require NRC employees to disqualify themselves from participating in particular matters involving parties that they know are likely to affect the financial interests of anyone they served, within the last year, as an employee, unless they receive authorization. There are no other legal restrictions on an NRC employee's involvement in matters affecting their former employers. The NRC maintains an open, collaborative working environment that encourages all employees to promptly voice differing views, which could include views related to any plant including Callaway.

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Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-483

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***via email**

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