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RE Lawrence S. Crisicione

Docket Number: (n/a)

Location: (telephone conference)

Date: Monday, January 9, 2012

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Pages 1-73

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

DISCUSSION WITH PETITIONER

LAWRENCE S. CRISCIONE,

REGARDING 2.206 PETITION G20110740

+ + + + +

MONDAY

JANUARY 9, 2012

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The conference call was convened at 1:00 p.m., Eastern Standard Time, Sher Bahadur, Chairperson of the Petition Review Board, presiding.

PETITIONER: LAWRENCE CRISCIONE

PETITION REVIEW BOARD MEMBERS

SHER BAHADUR, Petitioner Review Board Chairman

MOHAN THADANI, Petition Manager for 2.206 petition

MARILEE BANIC, Petition Review Board Coordinator

NRC HEADQUARTERS STAFF

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1 KRISTY BUCHOLTZ, Office of Nuclear Reactor
2 Regulation, Division of Safety Systems
3 BERNARD DITTMAN, NRR
4 LISAMARIE JARRIEL, Office of Enforcement
5 EMILY MONTEITH, Office of General Counsel
6 JENNIFER LYLE, Office of Congressional Affairs
7 MICHAEL MARKLEY, NRR
8 ANTHONY OLSEN, NRR
9 STACEY ROSENBERG, NRR
10 CATHERINE THOMPSON, Office of Enforcement

11 NRC REGIONAL STAFF:

12 TOM BLOUNT, Region IV, Deputy Director of the
13 Division of Reactor Safety
14 HEATHER GEPFORD
15 STEVE HOGAN
16 [NICK] TAYLOR
17 LEONARD WILLOUGHBY

18 LICENSEE REPRESENTATIVES PRESENT:

19 TIM WALSH

20 ALSO PRESENT:

21 KAY DREY
22 [SCOTT] MAXWELL
23 [JANET SAIDI]
24 ED SMITH

25

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P R O C E E D I N G S

(1:00 p.m.)

MR. THADANI: I'd like to welcome you to this meeting. My name is Mohan Thadani. I'm the Senior Project Manager assigned to Callaway Plant.

We are here to allow Petitioner, Mr. Lawrence Criscione, to address the Petition Review Board regarding the 2.206 petition dated October 7, 2011.

I'm the Petition Manager for this petition. The Petition Review Board Chairman is Mr. Sher Bahadur, Deputy Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

As part of the Petition Review Board's, or PRB's preliminary review of this petition, Mr. Lawrence Criscione has requested the opportunity to address the PRB in person.

This meeting is scheduled from 1:00 p.m. to 3:00 p.m. Eastern Time. The meeting is being recorded by the NRC's Operations Center, and is being transcribed by a court reporter. The transcript will also be made publicly available and will be PRB Meeting summary.

I'd like to open this meeting with introductions as we go around the room. Please be sure

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1 to clearly state for the record your name, your
2 position, and the office that you work for within NRC.

3 I'd like to start off by my name.

4 I'm Mohan Thadani, Senior Project Manager
5 assigned as Petition Manager, to this petition, and
6 let me go on my left here.

7 MR. BAHADUR: I'm Sher Bahadur, Deputy
8 Director for the Division of Policy and Rulemaking in
9 NRR, and the Chair for PRB.

10 MS. BANIC: Lee Banic, 2.206 Petition
11 Coordinator, NRR.

12 MS. ROSENBERG: Stacey Rosenberg, Branch
13 Chief of Generic Communications, NRR.

14 MS. MONTEITH: Emily Monteith, OGC.

15 MS. BUCHOLTZ: Kristy Bucholtz, Technical
16 Specifications Branch in NRR.

17 MS. LYLE: Jenny Lyle, Office of
18 Congressional Affairs.

19 MR. MARKLEY: Mike Markley, Division of
20 Operator Reactor Licensing, NRR.

21 MR. DITTMAN: Bernie Dittman, Division of
22 Engineering, NRR.

23 MR. ULSES: I'm Anthony ULSES, Branch
24 Chief, Reactor Systems, NRR.

25 MS. THOMPSON: Catherine Thompson, Safety

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1 Culture Program Manager in Office of Enforcement.

2 MS. JARRIEL: Lisa Jarriel, Agency
3 Allegation Advisor in the Office of Enforcement.

4 MR. CRISCIONE: Larry Criscione, I'm the
5 Petitioner.

6 MR. THADANI: Are there any NRC employees
7 with us from Region offices on the phone, please
8 identify yourself.

9 MR. BLOUNT: This is Tom Blount. I'm the
10 Deputy Director for the Division of Reactor Safety in
11 Region IV.

12 MR. HOGAN: This is Steve Hogan. I'm the
13 Branch Chief for Project Branch Bravo.

14 MR. WILLOUGHBY: Leonard Willoughby, Senior
15 Project Engineer for Project Branch Bravo.

16 MR. TAYLOR: This is [NICK] Taylor, Senior
17 Allegation Coordinator, Region IV.

18 MS. GEPFORD: Heather Gepford, Agent Branch
19 Chief, Region IV.

20 MS. [SAIDI]: [JANET SAIDI], KBIA Radio,
21 Columbia, Missouri.

22 MR. MAXWELL: [Scott] Maxwell, former
23 Callaway licensed operator.

24 MR. THADANI: Are there any representatives
25 of the licensee on the phone?

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1 (No response.)

2 MR. THADANI: Mr. Criscione, could you
3 please introduce yourself.

4 MR. CRISCIONE: Yes. Larry Criscione, I'm
5 the Petitioner. Do you want me to start, or did you
6 have some --

7 MR. THADANI: No, go ahead.

8 MR. CRISCIONE: I'm Larry Criscione. I'm
9 the Petitioner. I used to be a Senior Reactor Operator
10 at Callaway Plant from 2002 through 2007.

11 MR. THADANI: Are there any others, such as
12 members of public on the phone?

13 MR. SMITH: Ed Smith with Missouri
14 Coalition for the Environment.

15 MS. DREY: Kay Drey, Beyond Nuclear.

16 MR. THADANI: I'd like to emphasize --

17 MR. BAHADUR: Excuse me, Mohan. We have
18 late arrivals.

19 MS. SOLOMON: Tahira Solomon from OI here
20 at Headquarters.

21 MR. WYMAN: Steve Wyman, NRR, EICB.

22 MR. THADANI: I would like to emphasize
23 that we each need to speak clearly and loud to make
24 sure that the court reporter can accurately transcribe
25 the meeting.

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1 If you have something that you would like
2 to say please first state your name for the record.
3 For those dialing into the meeting, please remember to
4 mute your phones to minimize the background noise or
5 distraction. If you do not have a mute button, this
6 can be done by pressing *6. To [un-mute] press *6
7 again. Thank you.

8 At this time I turn the meeting over to
9 the PRB Chairman, Mr. Sher Bahadur.

10 MR. BAHADUR: Thank you, Mohan. Good
11 afternoon. As I said, I am Sher Bahadur, and I welcome
12 all of you to this meeting on the 2.206 Petition which
13 is submitted by Mr. Lawrence Criscione. Is that the
14 way you pronounce your name, Criscione?

15 MR. CRISCIONE: Criscione.

16 MR. BAHADUR: Criscione. Okay. And if you
17 would bear with me, I'd like to go [over] with some of
18 the background on our process, and also our
19 understanding of the petition just for the record.
20 So, my reading could be somewhat tedious but please
21 bear that with me, and after that you will make your
22 presentation.

23 So, Section 2.206 of Title 10, Code of
24 Federal Regulation describes the petition process.
25 The process permits the public to petition NRC to take

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1 enforcement type action related to NRC licensees or
2 other licensee activities.

3 Now, depending on the results of its
4 evaluation and consistent with the NRC's safety
5 mission focus, NRC could modify, suspend, or revoke an
6 NRC-issued license or take any other appropriate
7 enforcement type action to resolve the problem.

8 The NRC Staff's guidance for disposition
9 of 2.206 petition is in Management Directive 8.11
10 which is publicly available, and I'm sure you have
11 seen that.

12 After the NRC receives a petition, the
13 Executive Director of Operations, as we call the EDO,
14 assigns it to the Director of the appropriate office
15 for evaluation and response. In this particular case,
16 your petition was given to NRR.

17 The original incoming petition is sent to
18 that office, that is NRR in this case, and a copy of
19 the petition is sent to the Office of the General
20 Counsel, OGC.

21 If the petition meets the criteria for
22 review in accordance with Management Directive 8.11,
23 then the petition is evaluated for safety impacts and
24 significance. And the Petition Review Board, or PRB,
25 is convened to provide the Petitioner the opportunity

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1 to provide comments.

2 Following the PRB meeting and any follow-
3 on evaluations, should new information be provided,
4 the Office Director prepares a written decision
5 addressing the issues raised in the petition. The
6 Office Director can grant, partially grant, or deny
7 the petition.

8 Afterward, the Commission on its
9 initiative may review the Office Director's decision
10 whether or not entertain a petition or request for the
11 Commission review of the Director's decision.

12 The petition by Mr. Criscione is being
13 reviewed consistent with the above guidance as per
14 Management Directive 8.11. So, the purpose of today's
15 meeting is to give the Petitioner, that is Mr.
16 Criscione, an opportunity to provide an additional
17 explanation or support for the petition before the
18 PRB's initial consideration and recommendation.

19 Now, please note this meeting is not a
20 hearing, nor is it an opportunity for the Petitioner
21 to question or examine the PRB on the merits or the
22 issues presented in the petition's request.

23 No decision regarding the merit of this
24 petition will be made at this meeting. Following this
25 meeting, the PRB will conduct its internal

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1 deliberations and the outcome of this internal meeting
2 will be discussed with the Petitioner.

3 PRB typically consists of a Chairman,
4 usually a manager in the Senior Executive Service
5 level at the NRC. It has a Petition Manager, and a
6 PRB Coordinator. Other members of the Board are
7 determined by the NRC Staff based on the content of
8 the information in the petition request.

9 At this time, I'd like to introduce the
10 Board. As I said, I'm Sher Bahadur, the PRB Chair. On
11 my right is Mohan Thadani. He's the Petition Manager
12 for the petition under discussion today. Marilee Banic
13 is our Office PRB Coordinator, and our Technical Staff
14 includes Tom Blount, who is NRC's Region IV Deputy
15 Director of the Division of Reactor Safety; Bob
16 Elliott, whom I don't see here. Is anybody
17 representing Bob? Bob is represented by [Kristy
18 Bucholtz], and she is in the Office of NRR, Division
19 of Safety Systems, Technical Specifications Branch.
20 George Wilson I don't see here, but I see -- who is
21 representing him [from DE]?

22 MR. DITTMAN: Bernie Dittman.

23 MR. BAHADUR: Okay. And he is from the
24 Division of Engineering, Instrumentation and Control
25 Branch. Do you still call it Division of Engineering

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1 after the merger.

2 MR. BAHADUR: Okay. Tony Ulses is from the
3 Office of Nuclear Reactor Regulation, Division of
4 Safety Systems. And he's Branch Chief of the Reactor
5 Systems Branch. Kristy Bucholtz is from the Office of
6 NRR, Division of Safety Systems, Technical
7 Specifications, NRR. Pat Jefferson represents Office
8 of Investigations, and Lisamarie Jarriel represents
9 Office of Enforcement.

10 We also, of course, obtain advice from the
11 Office of the General Counsel represented here by
12 Emily Monteith. Okay.

13 So, as described in our process, the NRC
14 Staff may ask clarifying questions in order to better
15 understand the Petitioner's presentation, and to reach
16 a reasoned decision whether to accept or reject, or
17 partially accept the Petitioner's request for review
18 under the 10 CFR 2.206 process.

19 Mr. Lawrence Criscione is previously an
20 employee of Union Electric Company, and currently he's
21 employed by the Nuclear Regulatory Commission in the
22 Office of Nuclear Regulatory Research.

23 In his petition request dated October 7,
24 2011, Mr. Criscione has stated that the reactor
25 shutdown procedure, that's [OTGZZ00005] at Callaway is

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1 not compliant with the plant technical specifications.

2 Mr. Criscione has stated that Callaway
3 Plant tech specs require the P4 permissive and all its
4 associated functions to be operable, that is not
5 bypassed when the plant's average cooling temperature
6 above 350 degrees Fahrenheit. P4 is a signal which
7 energizes when the reactor trip breakers are open.

8 One of the functions of P4 signal is
9 feedwater isolation. By bypassing both trains of
10 P4/564 Fahrenheit feedwater isolation signal the plant
11 is not in compliance with its tech specs.

12 Mr. Criscione's request states that
13 pursuant to 2.206, the NRC should take several actions
14 as listed on page 10, 11, 12 of his submittal, and as
15 summarized below.

16 The first action, review the green non-
17 cited violation of tech specs 3.0.3 from enclosure to
18 EPRI 22-2009, integrated inspection report for Wolf
19 Creek Station, and determine if similar violation
20 applies to Callaway Plant.

21 Review the licensee event report, LER as
22 we call it, [482-2009-009-01], and determine if
23 similar report is required from Callaway Plant. Also,
24 from green non-cited violation of tech specs [3.0.3]
25 from August 22, 2009, integrated inspection report

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1 determine if similar violation applies to Callaway
2 Plant.

3 Review the Callaway Plant operating
4 license amendment 126 to determine if the amendment
5 permits the licensee to block P4/564 degrees
6 Fahrenheit feedwater isolation signal. And lastly,
7 review the Callaway Plant's shutdown procedures that
8 is [OTG-ZZ-00005], and a screening report to determine
9 if NRC agrees with licensee on tech specs permitting
10 blocking P4/564 degrees Fahrenheit feedwater isolation
11 signal.

12 []As the Agency understands, the
13 Petitioner requests NRC to do four things. First,
14 issue a violation to Callaway Plant licensee for every
15 inadvertent entry into tech specs [3.0.3] as a result
16 of P4/564 degree Fahrenheit feedwater isolation signal
17 block. Determine what deficiencies in Callaway Plant
18 licensee's screening process permitted procedural
19 change; review the email trail and investigate if
20 there has been failure of safety culture; and lastly,
21 determine if there has been a failure at Callaway
22 Plant to learn from industry experience. And if there
23 are any deficiencies at Callaway Plant to work with
24 the industry.

25 In addition, the Petitioner requests the

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1 following action related to Wolf Creek Nuclear
2 Operating Company. There are four items again. Number
3 one, review 05000482, 2009004-04, and if appropriate
4 withdraw the non-cited violations. Two, review the NCV
5 regarding LER [482-2009-009-00], and if appropriate
6 withdraw this NCV. [Review the] LER 481-2009-009-00,
7 and also 482-2009-009-01, and if appropriate, have
8 Wolf Creek either withdraw the LER or submit
9 revisions. And lastly, if appropriate, reimburse Wolf
10 Creek Nuclear Operating Company for any expenses for
11 any unnecessary processing of LERs and amendment 194
12 of the operating license.

13 Now, the NRC Staff has also received other
14 correspondence in this regard. On October 14, 2011,
15 Mr. David Lochbaum sent an email concerning Callaway
16 Plant regarding the licensee's practice to bypass the
17 P4 reactor trip signal and engineering safety features
18 actuation system.

19 On October 14, 2011, Ms. Kay Drey wrote to
20 express concern regarding Callaway and Wolf Creek
21 Plant practice of bypassing P4 feedwater isolation
22 signal. And lastly, on October 15, 2011, Ms. J. Mott
23 Oxford sent an email to NRC Staff members stating that
24 she is troubled and concerned about the accusation in
25 Mr. Criscione's submittal.

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1 [Before] I turn the meeting over to Mr.
2 Criscione, I would like to remind those on the phone
3 again to please mute your phones to minimize
4 background noise and distractions. In addition, since
5 the meeting is being transcribed, if you do have
6 something to say please first state your name for the
7 record.

8 Finally, since this is a public meeting
9 and the names and positions of other individuals
10 mentioned in the petition have been redacted to
11 protect their privacy, I would ask that the PRB
12 members and the Petitioner please refrain from using
13 the names of those other individuals, and also their
14 position titles mentioned in the petition.

15 So, at this time, I'd like to turn the
16 meeting to Mr. Criscione to lead us through his
17 presentation. And as shown in the meeting agenda that
18 you have a copy, perhaps, Mr. Criscione, you have
19 approximately 45 minutes to make your presentation.

20 MR. CRISCIONE: All right.

21 MR. BAHADUR: Will that be sufficient?

22 MR. CRISCIONE: I think it should be.

23 MR. BAHADUR: Please proceed.

24 MR. CRISCIONE: Okay. I'd like to apologize
25 to you, I don't have a PowerPoint in the room. The

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1 last time I was at one of these meetings it was
2 available, and I didn't bring handouts.

3 MR. BAHADUR: Okay.

4 MR. CRISCIONE: I will be referencing
5 slides in here, some people on the phone do have the
6 slides, some of you in the room might have your own
7 copies. I apologize for that.

8 Also, you know, it's not my intention to
9 misrepresent anybody, so if you're listening on the
10 phones and you're mentioned and you don't agree with
11 what I'm stating, please feel free to interrupt me and
12 correct me.

13 All right. I'd start off by saying that
14 some of you on the phone know where I currently work.

15 The Board Chairman mentioned it. But with regard to
16 where I work, in my role here today I'm not
17 representing my current employer, so please don't
18 portray my remarks as an official view of the NRC. And
19 I've taken leave to attend this meeting, so I'm not in
20 a work role today.

21 Also, I'd like to note that my petition
22 has been heavily redacted for release to the public. I
23 don't agree with these redactions. I understand NRC's
24 point, but I don't agree with it. I believe it's
25 important that the public knows the names of the

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1 employees involved in this incident and their current
2 and former positions at the plant.

3 If not properly operated and maintained,
4 nuclear plants can pose a grave risk to the public. It
5 is because of this risk that nuclear power plants are
6 regulated by the federal government, and to a lesser
7 yet still important extent by state governments and
8 local permitting boards.

9 Many of the individuals at Ameren who were
10 involved in this incident hold senior reactor operator
11 licenses and RO licenses from the U.S. NRC, and some
12 hold PE licenses from the State of Missouri.

13 In my opinion, the public has the right to
14 know [their] names and positions; however, in respect
15 to the NRC personnel who are hosting this meeting I'll
16 refrain from using names during this discussion.

17 Additionally, I'd like to note that, as
18 the Board Chairman just said, I -- this is my time to
19 give a presentation, and it's my understanding that
20 afterwards the Board will have a chance to ask me
21 questions. If any of you need clarification on
22 something along the way or have a question, I would
23 really prefer you interrupt me and just ask it
24 immediately. I think it would improve our involvement
25 here today. So, I'd like to put that out there; just

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1 if you need any clarification, please stop me and I'll
2 go into more detail or I'll answer a specific
3 question.

4 Okay. If any of you on the phones have
5 questions regarding what's being discussed today, my
6 cell phone number, my home address, my personal email
7 address can be found on just about every piece of
8 correspondence I've written. I do, however, ask that
9 you not contact me at work. And if you're having
10 trouble finding my contact information, the NRC might
11 not be allowed to provide my -- I don't have a problem
12 if they provide my personal contact information, but
13 they might not feel comfortable doing that. But they
14 can certainly point you to the location of my petition
15 in ADAMS, and my contact information is on that.

16 Okay. I'm on -- if I had my PowerPoint,
17 I'd be on Slide 3 right now. So, those of you who do
18 have it -- it's been suggested to me that I start off
19 by discussing what I'm ultimately attempting to
20 accomplish and how the meeting today plays a part in
21 it.

22 My ultimate goal is to [ensure] Callaway
23 Plant is led by honest people. It is to [ensure] that
24 Ameren values the input of its engineers and
25 technicians and does not intimidate or otherwise

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1 discourage its employees from honestly stating their
2 opinions and steadfastly holding to their principles.

3 Although it is not in my power to [ensure]
4 any of these things, I hope that by transparently
5 providing this example of significant organizational
6 failings at Ameren I can effect an investigation from
7 which Ameren might recognize some of its deficiencies
8 and take meaningful actions to correct them.

9 Okay, I'm now on Slide 5, or 4 rather.
10 Although the specific details of this incident which I
11 will be addressing in a moment may seem trivial to
12 some of you, I would like you to consider that this
13 incident demonstrates -- what this incident
14 demonstrates about the corporate culture at Ameren and
15 Callaway Plant.

16 Okay, Slide 5.

17 MR. BAHADUR: Excuse me.

18 MR. CRISCIONE: Sure.

19 MR. BAHADUR: Is everybody comfortable not
20 having the copy of his presentation, or would you like
21 to take a five minute break and we can get copies of
22 the presentation? Is it okay the way it's going on
23 right now? Is it okay? All right, please proceed.

24 MR. CRISCIONE: Okay. This incident was far
25 from being a fluke. It is an example of the modus

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1 operandi of Ameren. I have many more examples, the
2 best being the catastrophic failure of the Taum Sauk
3 upper reservoir in December 2005, which nearly killed
4 a family of five. Details of the organizational causes
5 of that incident can be found in the October 24, 2007
6 Initial Incident Report from the Staff of the Missouri
7 Public Service Commission to the Commissioners, and by
8 that I mean the Public Service Commissioners, not the
9 NRC Commissioners.

10 Other examples include Ameren's chronic
11 short staffing of the equipment operator ranks at
12 Callaway Plant, Ameren's neglect of retired sulfuric
13 acid tanks and piping, Ameren's failure to make timely
14 corrections to design flaws in the Callaway Reactor
15 Emergency Pressure Relief System, Ameren's failure to
16 follow its licensing bases with regard to isolating
17 the safety injection accumulators at Callaway Plant,
18 and Ameren's handling of the October 21st, 2003 and
19 June 17th, 2005 [passive] reactor shutdowns.

20 The details of all these examples are out
21 of the scope of this meeting, but I can provide them
22 to anyone in the public or the NRC who is interested
23 in them.

24 Okay, Slide 6. Since there are members of
25 the public on the phone, at this point I will give a

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1 brief explanation of the licensing process. If any of
2 the NRC members would like to correct anything I say
3 or add to it, please interrupt me.

4 Because of the potential hazards which an
5 improperly run nuclear reactor plant can pose to the
6 public, all commercial reactor plants in the United
7 States must obtain an operating license from the
8 Nuclear Regulatory Commission.

9 One of the parts of this license is the
10 plant's technical specifications, referred to as tech
11 specs. Tech specs in a sense set the speed limits.
12 Contained in tech specs are things such as how many
13 emergency generators must be available, how high a
14 pressure and temperature can the reactor plant be
15 operated, and what is the maximum amount of power that
16 can be generated by the reactor.

17 I would like to note at this point that
18 although reactor plants are by regulation required to
19 [follow] their tech specs, when they fail to do so
20 they are not necessarily being operated unsafely. My
21 analogy would be to consider speed limit laws.

22 If the speed limit is 55 miles per hour on
23 a stretch of interstate highway designed for 75 miles
24 per hour, and on a clear day with no traffic you
25 operate your vehicle at 56 miles per hour, you are

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1 violating the law but you're not necessarily being
2 unsafe. And similar to automobiles, locomotives have
3 speed limits which they must follow.

4 When a train believes that the speed
5 limits on a stretch of track are too slow, there's an
6 appeals process which they can follow to attempt to
7 prove to their regulators that their locomotives can
8 safely operate on that stretch of track at a higher
9 speed. If they successfully prove their case, the
10 speed limit will be raised.

11 Similarly, a reactor plant's technical
12 specifications are subject to change. The NRC has a
13 license amendment process which a utility can follow
14 to attempt to prove that their reactor can be operated
15 safely with some of the initial design constraints
16 relaxed. If they successfully prove their case, as
17 Wolf Creek did with their license amendment number 194
18 from earlier this year, then the NRC will allow them
19 to relax some of their initial constraints. However,
20 prior to getting the NRC's approval to amend their
21 license, the public expects the utility follow their
22 operating license as it is written.

23 Again, consider the speeding example. Some
24 of you in this room and on the phone might, like me,
25 at times exceed the posted speed limit, but do any of

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1 you exceed the speed limit when a police car is
2 following you? Well, as I will argue later that is
3 what Ameren is doing. And the police, which in this
4 case is the NRC, are for whatever reason turning a
5 blind eye.

6 That in and of itself is of only minor
7 concern to me. The reason I am here today is because
8 of how Ameren responded to their own engineers and
9 operators when they were told they were violating
10 their license.

11 Occasional speeding might be acceptable,
12 but ignoring your technical employees is not. Just ask
13 the Toops family who were flushed out of their home as
14 it was demolished from the torrent of water and trees
15 following the failure of the upper reservoir at
16 Ameren's Taum Sauk.

17 Okay, I'm now on Slide 7. At Callaway
18 Plant and other four-loop pressurized water reactors
19 designed by Westinghouse, there's a safety feature I
20 call the P4/564 degree Fahrenheit feedwater isolation
21 signal. P4 is an electrical permissive which energizes
22 when the reactor trip breakers open. So, when P4
23 permissive is present, the plant's circuitry assumes
24 the reactor trip breakers are open and the control
25 rods have all been inserted to squelch the nuclear

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1 fission reaction.

2 564 degrees Fahrenheit is the set point at
3 Callaway Plant for a low average coolant temperature
4 signal. I do not know what the physical significance
5 of the 564 degrees is, but I will note that 564
6 degrees is well above the no-load average coolant
7 temperature for Callaway Plant, which is 557 degrees.

8 So, typically following a reactor trip, the plant
9 trends towards 557 degrees, and along the way a
10 feedwater isolation signal is automatically generated.

11 Now on Slide 8. At the plant, there are
12 two systems for supplying water to the reactor's four
13 steam generators, normal feedwater and auxiliary
14 feedwater. The feedwater isolation signal causes the
15 valves supplying the normal feedwater to shut and the
16 valves supplying the auxiliary feedwater to open.
17 Normal feedwater is drawn from the turbine's
18 condenser, which typically operates above 100 degrees,
19 and is preheated another 100 degrees prior to being
20 injected into the steam generators. I can't remember
21 the temperature, but I think it might have been around
22 325 degrees is what it's injected at.

23 Auxiliary feedwater comes from an outdoor
24 tank and is usually well less than 100 degrees is
25 probably going to the reactor plant in the high 90s.

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1 So, when a feedwater isolation signal occurs,
2 significantly colder water is injected into the steam
3 generators. This colder water disrupts the [steam-
4 water] equilibrium in the generator and makes it more
5 difficult for the operators to control level.
6 Additionally, it places unneeded thermal shocks on the
7 internal components of the steam generators.

8 Now on Slide 10. By the mid 1990s both
9 Callaway Plant and Wolf Creek were in the habit of
10 using electrical jumpers to bypass the P4/564 degree
11 Fahrenheit feedwater isolation signal during certain
12 plant evolutions. Although this practice was in
13 violation of their operating licenses, in their
14 defense they apparently did not recognize it; that is,
15 they were speeding but not intentionally.

16 However, unintentionally speeding will
17 still get you a ticket, which is what occurred at Wolf
18 Creek on August 22nd, 2009 when the U.S. NRC Resident
19 Inspectors observed this practice.

20 Now on Slide 11. In 1996, Callaway Plant
21 originated an interim modification package to install
22 bypass switches around the P4/564 degree Fahrenheit
23 feedwater isolation signal to avoid having to use
24 jumpers to bypass it. As part of this modification,
25 they applied for an amendment to their operating

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1 license. That amendment was granted by the U.S. NRC
2 on April 23rd, 1998 as license amendment 126.

3 Now on Slide 12. In the safety evaluation
4 for license amendment 126, Amy Cubbage of the Office
5 of Nuclear Reactor Regulation states, "The bases for
6 functional Unit 11B Reactor Trip P4 in Table 3.3-3
7 would be revised to add a note allowing the feedwater
8 isolation function on P4 coincident with low T Av to
9 be blocked." And later states, "The licensee has
10 proposed to install a bypass switch to block this
11 signal during start up and shutdown evolutions with T
12 Av less than or equal to 564 degrees Fahrenheit just
13 prior to opening the reactor trip breakers. The
14 feedwater isolation function would be restored by
15 manually defeating the bypass prior to entering Mode
16 2."

17 It is clear from her statement that after
18 P4 has come in, that is after the reactor trip
19 breakers have been opened and the control rods are on
20 the bottom, then it is acceptable for the utility to
21 block the P4/564 feedwater isolation signal. What is
22 not clear from her statement or the context in which
23 it appears is whether or not the plant is allowed to
24 block that signal prior to receiving P4 signal. That
25 is, it is unclear whether or not Ms. Cubbage intended

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1 to allow the utility to block this signal during power
2 operations when the reactor trip breakers are shut and
3 the control rods are [withdrawn] from the reactor
4 core.

5 Ms. Cabbage is currently on the Fukushima
6 Response Team and has informed me she cannot recall
7 this issue, and cannot comment.

8 Here I would like you to note that in 1998
9 there was no procedure for tripping the plant as part
10 of a normal reactor shutdown. So, when the reactor
11 trip breakers were open and a P4 signal was generated,
12 the reactor would have already been shutdown by the
13 operators fully inserting the control rods. That is,
14 when Amy Cabbage's safety evaluation was done, the
15 bypass switch for the P4/564 degrees Fahrenheit
16 feedwater isolation signal would only be operated when
17 the plant was already shut down, and the control rods
18 fully inserted into the reactor core.

19 I would also like you to take note in the
20 excerpt above -- and I would have a PowerPoint to show
21 you that excerpt, but [here] is the phrase, "The
22 licensee has proposed to install a bypass switch."

23 Now on Slide 13. If the intent of Ms.
24 Cabbage's safety evaluation was to evaluate whether or
25 not the bypass switch could be installed, then her

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1 evaluation is acceptable. If the intent of Ms.
2 Cubbage's safety evaluation was to also allow the use
3 of that switch, then her evaluation is unacceptable.

4 Specifically, the note referred to in the
5 first sentence of Paragraph 2.4 would need to be added
6 to the technical specifications and not the tech spec
7 bases in order for the switch to be used in Modes 1-3.

8 No note was added in the bases. It is
9 believed that this reference in the safety evaluation
10 to a note is a result of the parenthetical phrase
11 which is discussed on the next slide. And that would
12 be Slide 14.

13 One of the intents of license amendment
14 126 was to allow bypassing the P4/564 degree
15 Fahrenheit feedwater isolation signal. However, the
16 necessary change to the technical specifications was
17 not requested. Instead, a parenthetical phrase was
18 added to the tech spec bases stating that the P4/564
19 degree Fahrenheit feedwater isolation signal "may be
20 manually blocked since this function is not required
21 by the safety analysis."

22 Ameren and Dave Dumbacher, the NRC Senior
23 Resident Inspector at Callaway Plant[,] will tell you
24 that this parenthetical phrase allows Ameren to bypass
25 the P4/564 degree Fahrenheit feedwater isolation

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1 signal in Mode 1, as long as the plant is in a
2 shutdown evolution and plans on restoring the bypass
3 switch prior to entering Mode 2.

4 I will submit to you that if that is the
5 case, then the parenthetical phrase as written also
6 allows the plant to defeat the P4/564 degree
7 Fahrenheit feedwater isolation signal any time it so
8 chooses. In actuality, though, the parenthetical
9 phrase allows nothing.

10 The technical specifications cannot be
11 overridden by a parenthetical phrase in the tech spec
12 bases. But if anyone wishes to argue that they can,
13 then I would submit that the above parenthetical
14 phrase places no restrictions on the blocking of the
15 P4/564 degree Fahrenheit feedwater isolation signal
16 and, therefore, it is outside of the scope of
17 Paragraph 2.4 of the Safety Evaluation of the license
18 amendment 126.

19 License amendment 126 was not properly
20 processed in that the parenthetical phrase -- I'm now
21 on Slide 15. License amendment 126 was not properly
22 processed in that the parenthetical phrase added to
23 the tech spec bases was neither adequate to restrict
24 the operation of the bypass switch to within the
25 boundaries of Paragraph 2.4 of the Safety Evaluation,

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1 nor was it adequate to allow operation of the bypass
2 switch in Modes 1-3 since the change was to the bases
3 and not the actual tech specs.

4 The Office of Nuclear Reactor Regulation
5 erred in approving license amendment 126, and as a
6 result, Callaway Plant is in violation of their
7 technical specifications whenever they use the bypass
8 switch, which was installed for that license
9 amendment.

10 Now on Slide 16. An error on the part of
11 the Nuclear Regulatory Commission does not negate an
12 error on the part of the licensee. The licensee must
13 follow their technical specifications as written
14 regardless of any confusion generated by a poorly
15 submitted license amendment which was approved by NRR
16 on April 23rd, 1998.

17 The NRC needs to cite Callaway Plant for
18 violating their technical specifications for every
19 instance when the P4/564 degree Fahrenheit feedwater
20 isolation signal was bypassed in Modes 1, 2, and 3.

21 Slide 17. For those that might be
22 sympathetic to Callaway Plant because an error was
23 made on the NRC's part when NRR approved the license
24 amendment 126, I would note that Callaway Plant had
25 ample opportunity to recognize the error during the

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1 discussions which occurred in 2006 and 2007, which I
2 will detail momentarily.

3 Additionally, Callaway Plant had ample
4 opportunity to recognize and correct the error
5 following the non-cite violation which was issued to
6 Wolf Creek in [2009], which I will also discuss.

7 Callaway Plant is guilty of willfully
8 capitalizing on NRR's mistake, and the NRC cannot
9 allow that to go by unaddressed.

10 Slide 18. In early 2005, the Outage
11 Manager at Callaway Plant asked me to rewrite the
12 reactor shutdown procedure to allow the operators to
13 trip the reactor -- to use the reactor trip switch
14 during a normal reactor shutdown.

15 Unlike coal plants, nuclear plants have 18
16 months worth of fuel stored in them at the start of
17 their fuel cycle. Coal plants require that coal be
18 consistently supplied to them or else they lose power
19 and quit operating, but nuclear plants have months
20 worth of fuel loaded in them. The operator cannot
21 simply shut them down by quitting to feed them uranium
22 because the uranium is already there.

23 The power in the nuclear plant is
24 controlled not by increasing and decreasing the feed
25 rate of fuel. It is controlled by absorbing more or

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1 less neutrons which are the critical component of the
2 nuclear fission reaction.

3 One of the primary systems used for
4 controlling the availability of neutrons are the
5 neutron absorbing control rods. A reactor trip occurs
6 when the reactor -- when the control rods are de-
7 energized and fall into the core. Upon entering the
8 core, enough neutrons are absorbed by the control rods
9 to stop the nuclear fission reaction.

10 Normally, when the operators wish to shut
11 down the reactor, they drive the control rods into the
12 core with the control rod drive mechanisms and use
13 only the trip switch for emergencies.

14 By 2007, a significant number of plants in
15 the U.S. were using a reactor trip for normal
16 shutdowns, as well as for emergencies. There is
17 nothing unsafe in this practice, but one of the
18 drawbacks to it at Callaway Plant is the initiation of
19 the P4/564 degree Fahrenheit feedwater isolation
20 signal which makes the steam generators hard to
21 control and also gives undesired thermal stresses in
22 the steam generator.

23 So, in my endeavor to rewrite the reactor
24 shutdown procedure for the Outage Manager, I desired
25 to bypass the P4/564 degree Fahrenheit feedwater

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1 isolation signal prior to manually tripping the
2 reactor. However, I believe that bypassing this safety
3 feature while at power was not authorized since Table
4 3.3.2 of Callaway Plant's technical specifications
5 indicate that this safety feature is required during
6 power operations. So, on January 9th, 2006 I submitted
7 a request for resolution to the engineering department
8 to determine what the utility needed to do in order to
9 allow the operators to block the P4/564 degree
10 Fahrenheit feedwater isolation signal prior to
11 manually tripping the reactor.

12 Slide 20. On pages 16-39 of the enclosure
13 to my petition, there is a 24-page email trail which
14 in a later email one of the Ameren licensing
15 engineers, [mockingly refers] to as the Criscione
16 Trail. Those of you within the NRC who have access to
17 the unredacted petition can review this email trail
18 and see for yourself how dysfunctional the Ameren
19 organization was in 2007 and possibly still is.

20 In the email trail, design engineering,
21 safety analysis, and licensing are continually passing
22 the buck as to whose responsibility it is to make a
23 decision. Licensing first agrees with safety
24 analysis, and then contradicts itself. I am asked to
25 rewrite my request for resolution to make it more

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1 general, and then it is rejected for not being
2 specific enough. It is resubmitted and then
3 incorrectly answered; that is, the responder
4 misunderstood what was being asked and answered the
5 wrong question. And then it is closed without
6 consulting with me.

7 After more than a year it is finally
8 decided that no one will answer my request, but
9 instead representatives from licensing, and from
10 safety analysis will screen and sign the revised
11 reactor shutdown procedure specifically documenting
12 the acceptability of bypassing the P4/564 degree
13 Fahrenheit feedwater isolation signal while at power.

14 I would like to note here that members of
15 the public do not have access to this information in a
16 form that is reasonably usable; that is, the publicly
17 released version of my petition is so heavily redacted
18 that major parts of it are unusable to a concerned
19 citizen who is attempting to understand exactly what
20 has occurred.

21 Although it is not my place to bypass the
22 processes which the NRC has established to implement
23 the Freedom of Information Act, it is also not the
24 NRC's place to curtail my rights as a private citizen
25 to freedom of expression.

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1 Anyone wishing an unredacted version of my
2 petition please contact me on my personal phone number
3 or email account. Please do not contact me at work,
4 and I will see if I can get you an acceptable copy.
5 If there is anyone who believes this to be out of
6 line, I encourage you to take up the matter with the
7 NRC's Office of Inspector General.

8 Slide 21. The screening promised to me by
9 the licensing department and the safety analysis group
10 was completed on March 1st, 2007. It is located on
11 pages 43-46 of the enclosure to my petition. The
12 author of the screening, in my opinion, made a
13 significant mistake when he used the following
14 justification for allowing the tech spec required
15 P4/564 degree Fahrenheit feedwater isolation signal to
16 be blocked.

17 This is quoting from the 10 CFR 50.59
18 screening. "Feedwater isolation signal on P4
19 coincident with low RCS T Av does not meet any of the
20 four criteria for tech spec inclusion in 10 CFR
21 50.36, Paragraph C2(ii)."

22 Although this statement might be true, it
23 is a reason for removing the P4/564 degree Fahrenheit
24 feedwater isolation signal from the technical
25 specification and not a reason for ignoring the fact

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1 that per the current technical specifications it is a
2 required function during Modes 1-3. In other words,
3 just because you can make the argument to remove it
4 doesn't mean you can ignore it. You've got to make
5 that argument to the NRC first through the license
6 amendment process, get it removed, and then you don't
7 have to obey it.

8 I would note here that if the above
9 statement and the other -- and this is the statement
10 from the 50.59 screening. I would note here that if
11 the above statement and the other arguments presented
12 in the licensing department's 10 CFR 50.59 screen are
13 satisfactory justification for being able to block the
14 P4/564 degree Fahrenheit feedwater isolation signal,
15 then the NRC should be reimbursing Wolf Creek Nuclear
16 Operating Company and their Kansas and Missouri rate
17 payers a significant amount of money. Responding to
18 several non-cited violations, writing two revisions of
19 a licensee event report and preparing a license
20 amendment are not trivial expenses; yet, these
21 expenses were incurred because the NRC's Resident
22 Inspectors at Wolf Creek would not accept a similar
23 argument to the one Callaway Plant has gotten passed
24 their NRC Resident Inspector.

25 Before going to the next slide, I should

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1 note that this screening of the new reactor shutdown
2 procedure was completed one month before the revised
3 procedure was to be used to shut down the reactor for
4 the refueling outage commencing April 1st, 2007.

5 Slide 22. A well seasoned Senior Reactor
6 Operator at Callaway Plant whose name I have [] been
7 told I am not allowed to mention in this public
8 meeting, so I'll be referring to him during this
9 discussion as Mr. S., was involved with implementing
10 license amendment 126 and is of the opinion that Ms.
11 Cabbage only intended that the P4/564 degree
12 Fahrenheit feedwater isolation signal be bypassed when
13 the reactor is shut down with its control rods on the
14 bottom. And that's similar to what was granted to the
15 Wolf Creek Nuclear Operating Company in their license
16 amendment 194, which was given -- granted earlier this
17 year.

18 On March 29th, 2007, I gave Mr. S. a copy
19 of the new reactor shutdown procedure to review. I can
20 no longer recall what caused me to give him a copy but
21 I believe it was because his crew was scheduled to do
22 the upcoming reactor shutdown, which was at that time
23 just a few days away.

24 Mr. S. had a significant concern with the
25 procedure. In his opinion, the procedure violated the

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1 plant's technical specifications. It had been
2 unbeknownst to me until that evening that Mr. S. [had]
3 been involved with the operating license amendment
4 126, and had assisted in writing the wording that made
5 it into the NRC's safety evaluation.

6 In his opinion the phrase, "In a shutdown
7 evolution," meant the rod banks were inserted and the
8 operators were at the point of opening the reactor
9 trip breakers; that is, the reactor was already shut
10 down with the control [rods] driven into the core and
11 the operators were in the process of opening the
12 reactor trip breakers to [ensure] the control rods
13 could not be inadvertently withdrawn.

14 Although[,] having been involved in an
15 issue a decade earlier, Mr. S. had insights which I
16 did not[;] [he] was essentially arguing the position
17 which I had held during my 12-month [odyssey] in
18 seeking a resolution from engineering and licensing
19 during 2006. I informed him that if the issue had been
20 screened by both licensing and safety analysis --
21 excuse me. I informed him that the issue had been
22 screened by both licensing and safety analysis, and
23 that if based on his insights from 1996 through '98 he
24 believed that they were wrong, that he should document
25 his concerns with a Condition Report.

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1 Slide 23. For those of you who have never
2 worked in the nuclear industry, a Condition Report is
3 a formal process for, among other things, allowing
4 plant workers to document nuclear safety concerns.

5 Mr. S. wrote a Condition Report and it was
6 automatically assigned by the system the designation
7 Callaway Action Request [200703001]. Since the
8 procedure he was concerned with was to be used in just
9 three days to shut down the reactor for the upcoming
10 refueling outage, I sent an email to all involved
11 parties with the subject stating "CARS
12 [200703001]nuclear safety concern with shutdown." This
13 email can be found on page 16 of the enclosure to my
14 petition.

15 The organization's response to this email is on pages
16 13-15 of my petition.

17 Now on Slide 24. Regardless of whether or
18 not myself and Mr. S. were correct in our assessment
19 that the new procedure revision violated the plant's
20 operating license, those of you at the NRC and on the
21 phone need to realize that from a safety culture
22 aspect it doesn't matter; that is, Mr. S. should be
23 free to raise his concerns without fear of retaliation
24 regardless if in the end those concerns are shown to
25 be valid or not.

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1 As you can see for yourself from the email
2 trail, if you have a copy of the unredacted petition,
3 Mr. S.'s concerns were not appreciated by the
4 organization. When we came in for the night shift that
5 evening, both he and I had to phone the Operations
6 Manager at home to discuss the matter. The Operations
7 Outage Manager accused me of attempting to sabotage
8 the refueling outage schedule. Despite an inordinate
9 amount of effort on my part to get the organization to
10 seriously look at the issue during the previous 12
11 months, I was accused by the Shift Operations Manager
12 and the Support Operations Manager of failing to
13 thoroughly run down the issue.

14 As typical at Ameren, the employees
15 raising the concerns were blamed and the organization
16 refused to look at how it could have better responded
17 to the concerns. Most people at the NRC have never
18 actually worked for a utility or at a nuclear power
19 plant. And among those who have, few have ever found
20 themselves in a position where they were pressured to
21 change their professional opinion in order to please
22 their supervisors.

23 [Refuel] outages can cost a nuclear
24 utility upwards of \$3 million a day. At that rate, an
25 hour is over \$100,000. Delaying the outage schedule by

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1 an hour or more due to not being able to shut down the
2 reactor with a manual trip was serious business. It
3 was something that managers at Callaway Plant would
4 have to explain to their bosses in the corporate
5 offices in St. Louis. So, what would you do? Would
6 you admit to your bosses that your staff at the
7 reactor plant didn't have its act together, or[,] to
8 keep the outage on schedule, would you intimidate your
9 wayward underlings into withdrawing their concerns?

10 Well, here's what Ameren did. They
11 intimidated Mr. S. into withdrawing his concern,
12 and[,] when you think of it from their perspective, an
13 amoral business perspective, it was the right choice
14 to make. Why do I say this?

15 You need to look at it from a pure risk
16 and reward standpoint. Beating down Mr. S. and his
17 inconvenient safety concern may be immoral to some of
18 you, but to look at this as Ameren does, you need to
19 put that thinking aside and focus solely on the
20 financial risk. And, unfortunately, there is very
21 little risk of beating down Mr. S.

22 If Mr. S. was right and the plant was
23 violating their technical specifications, then they
24 faced nothing more than a speeding ticket. In fact,
25 it's really less than a speeding ticket, since there

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1 is no financial penalty for a non-cited violation. And
2 if Mr. S. was wrong, then they really faced nothing at
3 all. Mr. S. would never sue them for their treatment
4 of him, but if he ever did it is extremely unlikely
5 that he could prove his case since most of the
6 intimidation of him was done verbally. If he could
7 prove his case, the company would settle with him for
8 an amount that was less than what they would have lost
9 from changing the refueling outage schedule.

10 And regardless of what the sum amount was,
11 every penny of it would all be passed along to the
12 rate payers as operating costs, since Ameren pays such
13 settlements as Form 1099 payments, the same way they
14 pay contractors that trim the trees around power
15 lines. These payments are[,] in their entirety[,]
16 passed along to the rate payers as any other operating
17 expense would be.

18 In Missouri, the cost of settling a
19 retaliation complaint is borne by the utility's rate
20 payers and not by their shareholders and executives,
21 and certainly not by the supervisors doing the
22 retaliation.

23 Mr. S. grew up in [East] St. Louis,
24 Illinois. Prior to enlisting in the Navy, he worked
25 in the stockyards north of town in the earthen walled

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1 cellars where freshly slaughtered cattle were hung in
2 the days before refrigeration, which by the late 1960s
3 had not yet been fully phased out.

4 By the time I showed up at Callaway Plant,
5 he had been there almost two decades and had seen only
6 one promotion. In nuclear power, as in many
7 professions in America, you don't promote by being
8 competent and honest. As in most corporate endeavors,
9 the path to promotion is being able to flex your
10 principles and always please your superiors.

11 Standing up to the organization when you
12 know you are right brings you nothing but resentment
13 and the label of being a non-team player. Yet, Mr. S.
14 gained more internal happiness from always doing what
15 he thought was right, and by moving up the corporate
16 ladder. And Mr. S. was used to adversity and under-
17 appreciation.

18 He'd seen his parish and his neighborhood
19 succumb to some of the worst urban blight in the
20 nation. His service in the Navy was as the Vietnam era
21 was ending, and prior to the Reagan resurgence when
22 the military was looked upon with disdain by many
23 Americans. He could take about just anything in
24 stride, but I cannot emphasize to you how painful it
25 was to watch him withdraw his Condition Report. A man

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1 whom I had never seen back down from an argument
2 decided after being chewed out on the phone by the
3 Operations Manager that fighting to [ensure] the plant
4 obeyed its operating license was just not a fight
5 worth fighting.

6 I doubt the NRC will investigate this
7 incident, but if you do, when you go to Callaway Plant
8 Mr. S. will certainly not tell what you occurred. He
9 did not tell you when you interviewed him in 2008
10 during your inspection of Ameren's Corrective Action
11 process, and I can assure you he will not tell you
12 now.

13 There is nothing but misery and
14 frustration to be gained from speaking to you. If he
15 honestly tells you what occurred, Ameren will know the
16 source. And he knows that even if he were to help you,
17 you will in the end not take any action since there is
18 no way to prove what was said by Ameren management.

19 And, of course, there is the matter of
20 pride. He knows he was right. He doesn't need to go
21 crying to the NRC for validation. But even though he
22 won't speak to you, you have in my petition facts
23 which do not lie. There is a 24-page email trail
24 showing how for over a year the issue was debated at
25 Callaway Plant, and what the arguments were.

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1 Although the existence of Callaway Action
2 Request [200703001] can now only be surmised from the
3 gap that exists between CAR [200703000] and CAR
4 [200703002] in the Corrective Action database, you
5 have my email concerning that Condition Report which
6 was sent to the Outage Manager, the Operations
7 Manager, the Licensing Manager, the Plant Director,
8 the Site Vice President, and many others in the
9 organization.

10 The organization was well aware of Mr.
11 S.'s concerns, yet allowed them to go unaddressed. You
12 have the organization's response to my email. You can
13 see how no one encouraged Mr. S. to pursue his
14 concern, and you can see the mocking attitude taken by
15 the licensing department with no response from the
16 rest of the organization.

17 So, continuing on with the saga, as I
18 stated in the final email of the trail to the two
19 reactor operators[,] on April 1st, 2007[] I [believed]
20 the issue was resolved. Mr. S. had withdrawn his
21 concerns and the shutdown was proceeding with the new
22 procedure, and I [believed] that Mr. S. and I had been
23 in the wrong[:] [that] license amendment 126 allowed
24 Callaway Plant to bypass the P4/564 degree Fahrenheit
25 feedwater isolation signal while at power[.] {B}ut

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1 then in the spring of 2010, I [read] Revision 1 to
2 Wolf Creek's licensee event report 482-2009-009.

3 Slide 25. On August 22nd, 2009, the NRC
4 Resident Inspectors identified a non-cite violation of
5 technical specification 3.0.3 due to operators at Wolf
6 Creek bypassing the P4/564 degree Fahrenheit feedwater
7 isolation signal.

8 Slide 26. As part of the response to their
9 August 22nd, 2009 non-cite violation, Wolf Creek
10 submitted licensee event report 482-2009-009. One of
11 my ancillary duties at work is to review all the
12 operating experience which comes in from our nation's
13 104 operating reactor plants.

14 After reading LER 482-2009-009, I reviewed
15 for myself the third-quarter integrated inspection
16 report from the Wolf Creek Resident Inspectors, and I
17 realized that they were taking the same stance that
18 Callaway's safety analysis group had taken in 2006;
19 that bypassing the P4/564 degree Fahrenheit feedwater
20 isolation signal was prohibited by technical
21 specifications.

22 In an email to Mark King, I expressed my
23 concerns that the Wolf Creek determination
24 contradicted the way Callaway Plant was operated. Mr.
25 King requested that I refer my concerns to Geoffrey

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1 Miller, the Branch Chief in Region IV for the branch
2 which inspects both Callaway Plant and Wolf Creek.

3 Mr. Miller never responded to me.
4 Instead, he informed my boss that it was inappropriate
5 for me to be using the U.S. NRC to settle old scores
6 with Callaway Plant.

7 After a discussion with my boss, I agreed
8 it would be wise to not involve myself in any
9 regulatory matters involving Callaway Plant. And I
10 would like to emphasize here that I have in no way
11 been pressured by my supervisor to look the other way
12 on any concerns which I have. We merely agreed that
13 due to my contentious relationship with Region IV, I
14 was not going to be successful in resolving any issues
15 regarding Callaway Plant internally.

16 So, instead of attempting to resolve the
17 issues internally, as a private citizen I spent the
18 next weekend writing a 10 CFR 2.206 petition, which I
19 then sat on for 18 month waiting to see if Region IV
20 would ever act on my concerns.

21 As the October 15th, 2011 Callaway Plant
22 refueling outage approached, I felt I had waited long
23 enough, and I submitted my petition on October 7th,
24 2011 via an email to Bill Borchardt.

25 Slide 27. During the week of October 9th,

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1 2011, I received no follow-up from the NRC regarding
2 my petition. On October 13th, 2011, I attempted to
3 electronically submit my petition, but it was rejected
4 by the NRC because several pages at the end of the
5 document, most of which had come from [] NRC generated
6 documents and were obtained through ADAMS[,] did not
7 meet the NRC's searchability criteria.

8 Realizing my petition would not be
9 processed prior to the upcoming Callaway Plant
10 shutdown; that is, prior to the next time Callaway
11 Plant would be violating their operating license by
12 blocking the P4/564 degree Fahrenheit feedwater
13 isolation signal, I appealed to Kay Drey for
14 assistance.

15 In an October 14th, 2011 email, Ms. Drey
16 informed Ameren management and the NRC Resident
17 Inspectors of my petition. Despite being informed of
18 my concerns, Ameren bypassed the P4/564 degree
19 Fahrenheit feedwater isolation signal with the reactor
20 at power, and with the NRC's Senior Resident Inspector
21 in the reactor's control room.

22 To me, this is analogous to speeding
23 [past] a police officer and him taking no action,
24 despite being warned by a concerned citizen that you
25 are coming his way. Not really a big term -- not

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1 really a big deal in terms of safety, but it makes you
2 wonder about how dedicated the NRC is to enforcing
3 regulations.

4 Slide 28. So, what are my requests of the
5 NRC? I will summarize them here for the benefit of
6 those on the phone, but they are detailed on pages 10-
7 12 of the enclosure to my October 7th, 2011 petition,
8 and on page 3 of the January 8th, 2012 petition. There
9 are 16 items listed on those pages of the enclosure,
10 and a 17th in the supplement.

11 I would like a transparent and specific
12 response to the first six items in the enclosure, and
13 the item in the supplement; that is, I would like the
14 response to each of them broken out individually and
15 written in such a way that I can transparently
16 understand what the NRC's position is on each of them.

17 Similarly, for either items 7-12 or items 13-16 of
18 the enclosure, I would like specific and transparent
19 responses.

20 Okay, the next slide will be 29, but
21 actually I'm not going to go through what my specific
22 requests are in the interest of time, just because the
23 Petition Board Chairman covered them, unless you
24 believe there's benefit to that. Okay.

25 Okay, so that brings me to Slide 33, which

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1 I believe is the last slide. I'd like to leave you
2 with some parting thoughts.

3 First, some of you might, like Geoffrey
4 Miller, believe that this is merely about settling old
5 scores. That attitude, however, is what chronically
6 impedes the NRC from impartially assessing concerns
7 brought forth by nuclear industry employees and
8 adequately addressing those concerns.

9 There are individuals in important
10 positions within Ameren who consistently intimidate
11 their technical staffs from raising embarrassing or
12 inconvenient concerns. From your cubicles in
13 Rockville, Maryland you will never become aware of
14 these problems unless a [foolhardy] utility worker
15 brings them to your attention.

16 It's common knowledge amongst nuclear
17 workers that taking your concerns to the NRC is a
18 waste of time. You will just invite more retaliation
19 upon yourself and the bureaucrats at the NRC will be
20 easily misled by the management of the utility who are
21 well practiced at redefining issues in a manner which
22 obscures the true facts.

23 This issue is not about settling old
24 scores. It is about [ensuring] that the senior
25 managers at a nuclear utility are held accountable for

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1 an organization which failed to [ensure] the reactor
2 plant was operated in accordance with its design.
3 Operating large electrical plants is serious business,
4 with potentially serious consequences when things go
5 wrong.

6 If you do not understand this, read Lisa Toops'
7 testimony to the Missouri Highway Patrol concerning
8 [her] family's ordeal during the Taum Sauk upper
9 reservoir failure.

10 Had Ameren not blatantly ignored the
11 concerns of its technical staff regarding the level
12 sensors at Taum Sauk, that disaster would never have
13 occurred. The events of this petition might seem like
14 a trivial matter to you, and certainly compared to
15 Taum Sauk they are, but they are indicative of an
16 organization whose managers continue to place personal
17 gains ahead of public safety, and who are willing to
18 retaliate against engineers and technicians who dare
19 to stand in their way.

20 A second parting thought is this. Many
21 people in the nuclear industry can name six major
22 accidents involving the meltdown of a commercial
23 reactor core. The meltdown of the [Fermi] reactor
24 outside Detroit, Michigan in 1966, the meltdown on
25 Three Mile Island in 1979, the explosion at Chernobyl

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1 in 1986, and the three reactors meltdowns at the
2 Fukushima Daiichi site less than a year ago. But what
3 nobody in the industry can name are the accidents
4 which were prevented.

5 When plant personnel fail to properly
6 operate and maintain the reactor and an accident
7 results from it, the world knows. But when an
8 operator holds his ground and sacrifices his career in
9 a successful effort to prevent his managers from
10 implementing unsafe decisions, nobody knows about the
11 accident which was prevented, not even the person who
12 prevented it. How can you know about something that
13 did not occur?

14 If the Ameren engineers and the
15 technicians involved in the lead up to the Taum Sauk
16 disaster held their ground and got the plant taken off
17 line to fix its level sensors, no one would have ever
18 known the disaster they prevented. However, Mr. Tom
19 Voss and the rest of Ameren upper management would
20 likely have known the names of the troublemakers who
21 caused the Taum Sauk plant to go off line and cost
22 them a few extra tens of thousands of dollars in their
23 2005 bonus checks.

24 There is no reward for preventing an
25 accident because no one ever knows about it, but there

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1 is plenty of grief in store for you when you hold your
2 ground against your superiors and get in the way of
3 making money.

4 On this slide, and I'm sorry that I don't
5 have it up there for your benefit -- on this slide
6 there are several quotations which came from a speech
7 given by Admiral Rickover in 1982. Thirty years later
8 all of these quotations are just as relevant as the
9 day they were first uttered. ["]A major flaw in our
10 system of government and even in industry is the
11 latitude allowed to do less than is necessary. Too
12 often officials are willing to accept and adapt to
13 situations they know to be wrong. The tendency is to
14 downplay problems instead of actively trying to
15 correct them. ["]

16 I ask you, the members of the Petition
17 Review Board, to not fall victim to the tendency that
18 Admiral Rickover is warning against in that quote.
19 There are systemic culture problems at Ameren which
20 you know to be wrong. Continuing to downplay them does
21 the public no benefit. We need to actively try to
22 correct them.

23 ["]If responsibility is rightfully your's
24 no evasion, or ignorance, or passing the blame can
25 shift the burden to someone else.["] How this quote

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1 applies to you should be obvious. You have been
2 assigned the responsibility of evaluating my petition.
3 That task is a group effort.

4 I ask that each of you recognize your role
5 in that effort and evaluate the matter with your own
6 mind so that you can actively engage the other
7 members.

8 Some of you are the experts on technical
9 specifications. You have the responsibility to
10 thoroughly understand the issues so that you can give
11 your honest assessment to the group.

12 Some of you are division directors who are
13 in the Senior Executive Service. The citizens of this
14 country look to you to faithfully serve them by
15 honestly tackling difficult issues. Your
16 responsibility is to these citizens, not to your
17 careers. Be willing to make the right choice even if
18 it will not please your office directors.

19 ["]Human experience shows that people, not
20 organizations or management systems, get things
21 done.["] Those are words to live by if I have ever
22 heard any. The management directive for this process
23 is meaningless without the active involvement of all
24 of you. The management directive will not [ensure] my
25 petition gets adequately resolved.

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1 My petition will only be adequately
2 resolved if each of you take ownership of your role
3 and strive to make a difference and get things done.

4 [] Any one detail followed through to its source
5 will usually reveal the general state of readiness of
6 the whole organization. That phrase, "general state
7 of readiness" is a Navy term. This quote is equally
8 true if you replace general state of readiness with
9 safety culture. And you will find that if you follow
10 the details that I have given you through to their
11 source, it will reveal to you the state[,] or rather
12 the lack of[,] the safety culture at Ameren.

13 On Slide 5 I have provided you five
14 additional examples in case any of you are not
15 convinced by this example.

16 ["]If a subordinate always agrees with his
17 superior, he is a useless part of the organization.["]
18 Please keep this in mind when your superiors are
19 pressuring you to bureaucratically close this petition
20 in order to avoid making NRR look bad for their
21 mistakes made on April 23rd, 1998 when they approved
22 the inadequately prepared license amendment 126, and
23 to avoid making Region IV look bad for their mistakes
24 made on October 15th, 2011 when[,] despite having been
25 warned by Kay Drey the day before, they did nothing as

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1 Callaway Plant blatantly violated their technical
2 specifications while shutting down the reactor.

3 ["Do not regard loyalty as a personal
4 matter. [A greater] loyalty [is] one to the Navy or to
5 the country. When you know you are absolutely right
6 and when you're unable to do anything about it,
7 complete military subordination rules becomes a form
8 of cowardice.["]

9 Here again I ask you to keep in mind when
10 your superiors are pressuring you to bureaucratically
11 close this petition the nuclear workers in this
12 country rely on the NRC to be the calvary who come to
13 save the day, and not the keystone cops. Be
14 regulators, not bureaucrats.

15 I thank the Petition Review Board for
16 considering what I have to say. I encourage any
17 members of the public who have questions regarding
18 this incident to contact me at home [and] not through
19 work. As I said at the beginning, my personal contact
20 information is contained on the first several pages of
21 my petition which can be obtained through the NRC.

22 Also, I would like to encourage the
23 Petition Review Board that if you have any questions,
24 need any clarification after this meeting, just give
25 me a call. I'll be glad to answer any of your

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1 questions.

2 I would like to end with a few questions
3 of the Petition Review Board. First, it is unclear to
4 me where we are at in the process. Have you already
5 met and made your decision as to whether or not you
6 will accept my petition? If not, when will you do so?
7 If so, what was your preliminary decision? And,
8 finally, what is the next step, and when should I
9 expect to hear from you?

10 Thank you, and I yield back to the Meeting
11 Chairman.

12 MR. BAHADUR: Thank you, Mr. Criscione, for
13 making a very clear presentation, and also a timely
14 closing of your presentation.

15 The question that you have asked I will
16 ask Mohan to answer that in a second. Does the Staff
17 here at headquarters have any question for the
18 Petitioner?

19 MR. MARKLEY: I have a question. What other
20 plants have you evaluated that were using the P4 in
21 the way that you described besides these two?

22 MR. CRISCIONE: When I was revising the
23 reactor shutdown procedure, I didn't do that
24 evaluation. I don't know if I could mention his name,
25 but an individual from licensing at Callaway Plant

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1 evaluated the other Westinghouse plants. And I don't
2 have the email in front of me, but it is in my
3 petition the responses he got.

4 I know we heard from some Exelon plants. I
5 can't remember if it was Byron or Braidwood, or if it
6 was both. We heard from someone in Region II. I don't
7 know if was Surrey or Dominion. I can't remember, but
8 there was about five. I can get you that answer,
9 though. It's in my petition. But I don't know if this
10 is where you're leading with that.

11 MR. MARKLEY: I'm just curious. You seem to
12 have knowledge -- I'm Mike -- for the court reporter,
13 I'm Mike Markley, NRR. I'm just curious because you've
14 done such analysis on these plants, I was curious what
15 others you had done similar.

16 MR. CRISCIONE: Right. And those -- that
17 feedback was given to me by licensing, and I reviewed
18 it. And none of the plants bypassed the P4/564 degree
19 Fahrenheit feedwater isolation signal prior to
20 tripping the reactor. So -- and I don't know what the
21 case is today, but as of -- this was back in 2006. So,
22 we were really -- in fact, I remember being asked by
23 one of -- a Callaway outlier, but really we were an
24 outlier in that these other plants that were tripping
25 the reactor to start their shutdown, what they did was

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1 they tripped their reactor and they just sucked it up
2 and got [a] feedwater isolation signal, and they
3 restored from it as quickly as they could to minimize
4 the transient on the plant.

5 Now, it was posed to me, you know, why do
6 you want to bypass this signal at power when no one
7 else does? And my answer to that was, you know, it's
8 not always bad to be an outlier. You know, I mean if
9 you're in the top quartile or top 10 percent you're by
10 definition an outlier. All right? Obviously, you
11 [don't] want to be the outlier that's in the low
12 quartile.

13 Well, Callaway Plant was different than
14 all these other plants that we had gotten feedback
15 from in that we could bypass that signal with an
16 installed bypass switch. See, what Wolf Creek was
17 doing and still does, and what Callaway was doing
18 prior to '98 was they would [jumper] around that
19 switch when they wanted to open the reactor trip
20 breakers.

21 Now, keep in mind in the '90s they didn't
22 shut down the plant by tripping it. They shut down the
23 plant by inserting the control rods, by manually
24 driving them in. And there were some times when it was
25 desired because of the outage schedule to open the

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1 trip breakers.

2 Now, when the rods are on the bottom, you
3 still have surveillances you need to do to make sure
4 the trip breakers open and that the P4 permissives --
5 you have surveillances that you have to do to make
6 sure they're made. And I think that was the main
7 driver. I think that's why Wolf Creek was doing it on
8 August 22nd, 2009. I'm not certain.

9 But you have things that you might want to
10 do during your outage schedule in Mode 3. And if you
11 didn't want to challenge your operators with a
12 feedwater isolation, and you didn't want to
13 unnecessarily thermally shock your generators -- and
14 when I say "thermally shock," you know, I recognize
15 that they're designed to handle that shock, but just
16 from good engineering practice it's wise to avoid
17 those shocks even though you're designed to handle it,
18 if they're unnecessary.

19 So, what Callaway Plant and Wolf Creek
20 would do, and I don't know if other plants did it or
21 not, what they would do, they would bypass that signal
22 prior to cycling the trip breakers. And this is after
23 the plant was shut down.

24 Now, what I was doing in 2006 was I was
25 wanting to bypass that signal when the reactor was

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1 still critical. I wanted to do it at 10 percent power
2 in Mode 1. And I felt comfortable doing that. I felt
3 that it was a safe thing to do. However, I didn't
4 think we were legally allowed to do it. I thought that
5 it violated our tech specs. So, in January of 2006, I
6 submitted a Request for Resolution, and in the process
7 of that getting kicked around between licensing,
8 safety analysis, and design [engineering], that's when
9 that study was done where they talked to the other
10 plants.

11 MR. MARKLEY: Thank you.

12 MR. CRISCIONE: Yes.

13 MR. BAHADUR: Ms. Jarriel, do you have some
14 information that you wanted to share?

15 MS. JARRIEL: I was just going to point to
16 this page in the petition I think you were referring
17 to.

18 MR. CRISCIONE: Okay.

19 MS. JARRIEL: I think you mention the
20 plants.

21 MR. CRISCIONE: Oh, yes. Let's see. Yes,
22 this is the area, but it's a different page. Okay.
23 Yes, so we got a reply from -- well, it says Exelon
24 Cantera. I don't know what plant that is, but it's
25 probably both Byron and Braidwood. Cantera is their --

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1 - I can't remember. Kristy, is Cantera the midwest
2 [ROG] or the east coast [ROG] for [Exelon]?

3 MS. BUCHOLTZ: It's west coast.

4 MR. CRISCIONE: All right. Midwest you
5 mean.

6 MS. BUCHOLTZ: Well, yes.

7 MR. CRISCIONE: Okay. All right. So,
8 they'd be Byron and Braidwood. Here's one from -- it
9 looks like this might just come from Westinghouse.
10 Here's another one, though, from [CPSES] Regulatory
11 Affairs. I don't know what that stands for, though.
12 But it's one --

13 MR. MARKLEY: I can read that.

14 MR. CRISCIONE: Okay. Yes.

15 MR. BAHADUR: Any other questions from the
16 headquarters Staff? How about the Regions? Regions,
17 do you have any questions?

18 MR. BLOUNT: This is Tom Blount. I don't
19 have any questions.

20 MR. BAHADUR: Thanks, Tom. Is there any
21 member of the public on the phone?

22 (No response.)

23 MR. BAHADUR: Okay, not hearing any. Hello,
24 were you trying to say something? Before I conclude
25 this meeting --

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1 MS. DREY: Hello?

2 MR. BAHADUR: Hello?

3 MS. DREY: Yes, this is Kay Drey in St.
4 Louis. Can you hear me?

5 MR. BAHADUR: Yes, Ms. Drey.

6 MS. DREY: I had my phone muted, and I'm
7 not -- I wasn't sure if you could hear me. Hello?

8 MR. BAHADUR: Yes, we can hear you.

9 MS. DREY: My name is Kay Drey. I'm a Union
10 Electric Ameren Rate Payer. I am also a board member
11 of Beyond Nuclear of Tacoma Park, Maryland. I live in
12 St. Louis.

13 Ever since I first began trying to learn
14 about nuclear power 37 years ago, I have read claims
15 that by standardizing the design and operating
16 procedures of nuclear reactors the cost of nuclear
17 power would decrease, and safety would potentially
18 increase.

19 Callaway Unit 1 in Missouri and Wolf Creek
20 in Kansas were the only two of the originally planned
21 Westinghouse Bechtel SNUPS for -- hello?

22 MR. BAHADUR: Yes.

23 MS. DREY: Okay, SNUPS for standardized
24 nuclear unit power plant system reactors. There were
25 only two that were built and placed on line. So, Wolf

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1 Creek and Callaway Plant were to operate with
2 basically the same technical specifications. So, even
3 after reading about and hearing today's discussion
4 about Callaway's blocking of the feedwater isolation
5 signal in preparation for a planned shutdown, I simply
6 do not understand why the NRC Staff would allow
7 Callaway to operate the plant using different
8 procedures than its twin reactor, Wolf Creek, was
9 allowed to use, and about which the NRC issued a
10 Licensee Event Report to KCP&L, the Wolf Creek
11 licensee.

12 This is particularly perplexing since the
13 Westinghouse Owners' Group of which Ameren or Union
14 Electric and its Callaway Plant is a member, decreed
15 that disabling an engineered safety function
16 specifically bypassing the P4 reactor trip signal in
17 Mode 1 is simply not permitted while the reactor is
18 still in the operating mode; that is, while the
19 operator -- I'm sorry. That is, while the reactor is
20 still in the operating mode during preparation for a
21 controlled shutdown.

22 I understand this is not permitted. The
23 Wolf Creek licensee for some reason, perhaps speed, or
24 convenience, or whatever, wants to continue to block
25 the feedwater isolation valve while the reactor is

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1 still in the operating mode. KCP&L, therefore, had
2 applied to the NRC and was granted a tech spec
3 amendment, and the NRC has apparently approved KCP&L's
4 requested amendment to its technical specifications.

5 Ameren, Union Electric, on the other hand
6 had initially been using electrical jumpers and later
7 installed a bypass switch to block the feedwater
8 isolation signal in preparation for a planned
9 shutdown.

10 My question, why did the NRC issue a
11 License Event Report to Wolf Creek in 2009 for having
12 disabled an engineered safety function during a
13 controlled shutdown, and then require and approve an
14 amendment to Wolf Creek's tech specs to allow such a
15 bypass action in the future? And why did the NRC
16 allow Union Electric to continue to block the
17 feedwater isolation signal during a reactor shutdown
18 without requiring an amendment to the Callaway tech
19 specs; that is, in violation of Union Electric's tech
20 specs, and contrary to the safe practices commitment
21 of the Westinghouse Owners' Group? Thank you.

22 MR. BAHADUR: So, how would you like Mr.
23 Criscione to clarify his position to answer your
24 question?

25 MS. DREY: I have no direction about that.

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1 I'd leave it up to him.

2 MR. BAHADUR: Okay.

3 MS. DREY: Or I guess I was asking the NRC
4 Staff, but I guess I don't have the right to do that.

5 MR. BAHADUR: No, you could have asked the
6 question to NRC Staff in a different forum, as I had
7 indicated earlier. This meeting was essentially to
8 listen, to hear what Mr. Criscione has to say about
9 his petition, and then to ask clarifying questions to
10 see where we don't understand what he's trying to say.

11 MS. DREY: Well, I guess I would like to
12 ask Mr. Criscione then if he has any understanding of
13 what he thinks happened, why the NRC has treated Wolf
14 Creek, our twin reactor, so differently than it's
15 treated Callaway.

16 MR. BAHADUR: That could be more like a
17 second-guessing on the part of Mr. Criscione, and I
18 don't see that as a part of his petition. But it's
19 entirely up to him if he wants to take a couple of
20 minutes to answer you, that would be okay.

21 MS. DREY: Well, can you tell me how I
22 could rephrase my question that would make it
23 appropriate for your proceedings?

24 MR. CRISCIONE: I'm comfortable answering
25 that. It appears to me that there's not a coordination

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1 in the regulation of Wolf Creek and Callaway Plant.
2 You know, they both fall under the same branch [in]
3 Region IV, but it kind of was perplexing to me, you
4 know, as part of this petition process how Wolf -- and
5 this is how really I got involved in this petition.

6 You know, I read an LER in the spring of
7 2010 about Wolf Creek being cited, a non-cited
8 violation for bypassing the P4/564 degree Fahrenheit
9 feedwater isolation signal while in Mode 3. I informed
10 Geoff Miller, the Branch Chief for Region IV that
11 Callaway Plant not only does it in Mode 3, they do it
12 in Mode 1. And I got told -- well, I didn't get told,
13 but my supervisor got some feedback that, basically, I
14 should but out.

15 But, of course, that doesn't mean that the
16 NRC is not going to do anything about it. But, you
17 know, after waiting for 18 months, I really never saw
18 Region IV address why Callaway Plant is treated
19 differently than Wolf Creek.

20 Now, I think with regard to the Resident
21 Inspectors at Callaway Plant, I met with one of them.
22 I met with the Senior Resident on November 8th in St.
23 Louis, and he basically informed me that license
24 amendment 126 allows Callaway Plant to bypass that
25 feedwater isolation signal, and Wolf Creek didn't have

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1 a similar license amendment when they got their non-
2 cite violation. Now, I disagree with that position so
3 really it's a difference of opinion.

4 MR. BAHADUR: Thank you. Thank you very
5 much.

6 MS. DREY: May I please ask -- can you
7 please tell me how do I -- to whom or how do I address
8 my question about the difference between Wolf Creek --
9 - the handling of Wolf Creek and Callaway? To whom
10 should I write it, the NRC?

11 MR. BAHADUR: There are a number of ways
12 you can do that. You could be writing a letter to NRC
13 and it will go to Executive Director of Operations who
14 will refer that to the office that will be in a
15 position to answer your questions.

16 MS. DREY: So, I just write to them? Do I
17 write to the Executive Director of Operations, or do I
18 write to the Commissioners?

19 MR. BAHADUR: That would be your choice,
20 but my suggestion will be that you write to the
21 Executive Director of Operations.

22 MS. DREY: Okay. Thank you very much.

23 MR. SMITH: This is Ed Smith with Missouri
24 Coalition for the Environment. And based on what the
25 NRC had to say after Kay Drey spoke, you may not be

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1 able to answer this question. But I don't know if I
2 actually heard a response to the last couple of
3 questions that Mr. Criscione put forth to the NRC in
4 regards to a decision that has been made, or when
5 you'll make a decision, or what would be -- what are
6 the next steps.

7 MR. BAHADUR: We'll see whether we can find
8 the answer right now, or are we going to go back to
9 Mr. Criscione at a later time.

10 MR. CRISCIONE: They're basically on the
11 timing.

12 MS. BANIC: We should be able to answer it.

13 MR. BAHADUR: All right.

14 MS. BANIC: This is Lee Banic, Petition
15 Coordinator. First we'll get the transcript from the
16 court reporter and we'll review that and make any
17 corrections. And then that will be distributed to the
18 members of the Board, and it'll be made publicly
19 available. We'll evaluate the transcript and Mr.
20 Criscione's supplemental information, the members of
21 the Board will, and then we'll schedule a meeting of
22 the Board and discuss all the information, and come up
23 with an initial recommendation. We'll get management
24 approval for that, and then we'll inform Mr. Criscione
25 of our initial recommendation.

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1 MS. ROSENBERG: So, we -- so, the PRB has
2 not yet made an initial recommendation.

3 MS. BANIC: Yes. According to our
4 procedure, Mr. Criscione or any petitioner has an
5 opportunity to address the Board and present any
6 information before it meets. And that's where we are
7 in the process.

8 MR. SMITH: Okay. And generally speaking do
9 you know how long it'll be to get an answer back about
10 what's happening, what actions will be taken,
11 generally speaking?

12 MS. BANIC: Well, we'll probably get the
13 transcript in three days, and it'll take what, a week
14 to maybe --

15 MR. BAHADUR: No, one week.

16 MS. BANIC: One week we'll get the
17 transcript and then we'll review that, and it'll take
18 probably a couple of weeks for the Board members to
19 review it and digest it. And then we'll schedule a
20 meeting within a few weeks.

21 MR. SMITH: Okay, thank you.

22 MR. BAHADUR: Any other questions? Well,
23 Mr. Criscione -- I'm sorry.

24 MS. DREY: Hello?

25 MR. BAHADUR: Hello?

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1 MS. DREY: This is Kay Drey again. Do I --
2 if I have questions about how the emails were
3 processed that were -- I wrote on October 14th, an
4 email to your Resident Inspectors at the Callaway
5 Plant to alert them to Mr. Criscione's petition and to
6 the fact that Callaway was likely once again to be
7 violating its technical specifications when they were
8 about to shutdown for the 18th refueling outage the
9 next day. I wonder how the NRC processes that kind of
10 email.

11 MR. BAHADUR: Let me see if --

12 MS. DREY: I don't know what the noise is.
13 Can you hear me?

14 MR. BAHADUR: Yes, we can hear.

15 MS. DREY: Okay.

16 MS. ROSENBERG: She could send it to the
17 Region and have the Region answer that question.

18 MR. BAHADUR: Your question has been
19 referred to the Region.

20 MS. DREY: I couldn't hear. I'm sorry. I
21 couldn't hear that.

22 MR. BAHADUR: Your question has been
23 referred to the Region. We're going to get back in
24 touch with them and find out exactly what's the
25 progress.

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1 MS. DREY: I can ask Region IV? Is that
2 what you're saying?

3 MR. BAHADUR: You could do that, as well.

4 MS. DREY: And what was the alternative?

5 MR. BAHADUR: For us to do it for you.

6 MS. DREY: I see. Okay. All right. Thank
7 you.

8 MR. BAHADUR: Okay. Is there any other
9 question?

10 MS. DREY: I don't have any other.

11 MR. BAHADUR: Okay. Any other question from
12 the members of the public? Well, Mr. Criscione, thank
13 you so much for taking your time and providing the NRC
14 Staff with this clarifying presentation.

15 MR. CRISCIONE: Thank you.

16 MR. BAHADUR: And as Lee Banic has
17 explained to you, it's in the process and we'll get
18 back in touch with you as the progress takes place.

19 MR. CRISCIONE: Okay.

20 MR. BAHADUR: Now, before I close the
21 meeting, I'd like to ask if the court reporter has any
22 additional information that you need for this
23 transcript?

24 COURT REPORTER: I just want to get the
25 names of people. Like you on the phone, I didn't get

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1 a lot of those names.

2 MR. BAHADUR: Okay. Mohan will provide you
3 the detailed names and their affiliations. And with
4 that, I apologize, the meeting has lasted about 10
5 minutes longer.

6 PARTICIPANT: We have one other person --

7 MR. BAHADUR: Oh, I'm sorry.

8 MR. WALSH: My name is Tim Walsh. I'm with
9 the law firm of Pillsbury Winthrop Shaw Pittman, and
10 I'm counsel for Ameren.

11 MR. BAHADUR: Yes, do you have any
12 questions?

13 MR. WALSH: I do not have any questions.

14 MR. BAHADUR: Okay. With that, the meeting
15 is adjourned. Thank you so much for your patience.

16 (Whereupon, the proceedings went off the
17 record at 2:37 p.m.)

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