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January 18, 2012

Mr. Mohan C. Thadani
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Nuclear Regulatory Commission
One White Flint North, O-8B1 11555 Rockville Pike
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Subject: Ameren Missouri Response to October 7, 2011 10 C.F.R. § 2.206 Petition Filed by Lawrence S. Criscione

Dear Mr. Thadani:

Union Electric Company d/b/a Ameren Missouri ("Ameren") submits to the Nuclear Regulatory Commission ("NRC") Petition Review Board ("PRB") this written response to the petition filed by Mr. Lawrence S. Criscione on October 7, 2011 ("Petition") concerning a reactor shutdown procedure in use at the Callaway Plant Unit 1 ("Callaway").

I. Introduction

This letter responds only to those issues raised in the Petition that are appropriate for resolution under 10 C.F.R. § 2.206. As discussed further below, the Petition raises multiple issues that are not appropriate for resolution under Section 2.206, and these issues should not be considered for further action under Section 2.206. With respect to those issues that arguably fall within the purview of Section 2.206, the NRC should not accept the Petition. Contrary to the Petition's unfounded allegations, the reactor shutdown procedure challenged in the Petition fully complies with Callaway's licensing basis requirements as documented in Callaway's Technical Specification Bases and the NRC's Safety Evaluation of a license amendment issued in 1998 (License Amendment No. 126). Because the Petition's lack of merit is readily demonstrable, the NRC should not accept the Petition for any further action.

II. NRC Criteria for Accepting 10 C.F.R. § 2.206 Petitions

10 C.F.R. § 2.206 provides that "[a]ny person may file a request . . . to modify, suspend, or revoke a license, or for any other action as may be proper." 10 C.F.R. § 2.206(a). The NRC has promulgated guidance that identifies several criteria that must be met in order for the NRC to

review a petition under Section 2.206. NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions" (Oct. 25, 2000) ("Management Directive 8.11"). These criteria include that:

- The petition contains a request for enforcement-related action such as issuing an order modifying, suspending or revoking a license, or issuing a notice of violation, with or without a proposed civil penalty; and

- The facts that constitute the bases for taking the particular action are specified. The petitioner must provide some element of support beyond bare assertion. The supporting facts must be credible and sufficient to warrant further inquiry.

Management Directive 8.11 at 11. Thus, unless an issue meets these criteria, it will not be reviewed for further action under Section 2.206.

As discussed in this letter, infra Section III, the Petition: (1) makes a series of unsupported allegations; (2) requests actions that do not involve modifying, suspending, or revoking an NRC license, or issuing a notice of violation, and (3) otherwise amounts to unsupported assertions by Mr. Criscione. Consequently, these issues should not be reviewed for any further action under Section 2.206.

For those allegations in the Petition that arguably appear to meet the requirements set forth in Management Directive 8.11 (see Section IV, infra,) they are demonstrably false and should not be accepted for any further action under Section 2.206.

III. The NRC Should Disregard the Petition's Numerous Requests for Action that Are Inappropriate for Resolution Under Section 2.206

The Petition makes one (1) immediate action request (Item 1); five (5) requests for evaluation (Items 2-6); and ten (10) requests for action (Items 7-16) depending on the results from Items 1-6. Petition, Enclosure at 10-12. However, many of these requests do not meet the criteria set forth in Management Directive 8.11 for accepting an issue for review under Section 2.206.

The requested actions identified in Item Nos. 9-12 are not appropriate for any action under Section 2.206. The actions include a request that the NRC investigate alleged failures in Callaway's safety culture, deficiencies in Callaway's "ability to process and learn from industry Operating Experience," deficiencies in Callaway's "ability to work with industry peers," and failure by the NRC to look at Callaway's reactor shutdown procedure following a non-cited violation issued to Wolf Creek. Petition, Enclosure at 11-12. None of these requested actions implicate the modification, suspension, or revocation of Callaway's NRC license, or the issuance of any notice of violation (with or without civil penalty) to Callaway. Accordingly, they are not appropriately reviewed under the NRC's Section 2.206 petition process.

Similarly, the requests for action identified in Item Nos. 13-16 concerning the Wolf Creek plant are not appropriate for action under Section 2.206. As discussed below in Section IV.E., infra, Mr. Criscione's allegation that Wolf Creek and Callaway deserve the same regulatory treatment is baseless. But in any event, these requests for action seek the withdrawal of Wolf Creek's NCV and related compensatory actions. By their very nature, they are not appropriate for resolution in the Section 2.206 petition process. Consequently, they should not be further addressed by the NRC under Section 2.206.

Finally, Mr. Criscione's safety culture and related allegations are unfounded and will not be addressed further in this letter except to say that:

(1) the Petition's allegation that a Callaway employee was "broken of his desire" to pursue a safety concern, and "beaten down" in the resolution of the reactor shutdown procedure issue (see Petition, Enclosure at 6-7) is completely false.

(2) The assertion that "there is no record of CAR 200703001 at Callaway Plant" is similarly false; it remains available in Callaway's Corrective Action Program system.

(3) The NRC's most recent Problem Identification and Resolution Inspection Report (available at http://pbadupws.nrc.gov/docs/ML1035/ML103540576.pdf) (Dec. 17, 2010) ("PI&R Report") states that Callaway has

> a healthy safety-conscious work environment in that every worker who had been interviewed by the team indicated they felt free to raise safety concerns both to their management and to the NRC without fear of retaliation. Workers felt comfortable using all avenues available to them in raising concerns that included writing a Callaway action request, informing their supervisor, informing management, and raising concerns with the NRC.

PI&R Report at 12 (emphasis added). Thus, Mr. Criscione's assertions concerning the Callaway employee, CAR 200703001, and the Callaway safety culture are unsupported and otherwise false. These assertions cannot form the basis of an actionable Section 2.206 petition, and should not be considered by the NRC for any other regulatory review and response.

IV. The NRC Should Reject the Petition's Remaining Requests For Action Under Section 2.206 Because They Are Without Merit

The crux of the Petition is the allegation that Callaway reactor shutdown procedure OTG-ZZ-00005, Addendum 1 is not compliant with Callaway's Technical Specifications. See, e.g., Petition, Enclosure at 10. This allegation is false. As discussed in detail below, reactor shutdown procedure OTG-ZZ-00005, Addendum 1 fully complies with Callaway's licensing basis requirements with respect to the bypass of the P-4/564°F feedwater isolation signal

("FWIS") electrical signal. Specifically, the procedure complies with Callaway's current licensing basis with respect to the Technical Specifications and their Bases. Indeed, when Callaway's operating license was amended in 1998 (License Amendment No. 126), the NRC issued revised language for the Technical Specification Bases to document the NRC's approval of the P-4/564°F FWIS bypass under certain circumstances. In addition, the NRC's Safety Evaluation that supported the NRC's approval of the license amendment explicitly found that Callaway's request to bypass the P-4/564°F FWIS signal was acceptable under these circumstances. Thus, the Petition has no merit.

It appears that Mr. Criscione's concern is one of documentation – i.e., how should the ability to bypass P-4/564°F FWIS in certain circumstances be captured in Callaway's licensing documents. Specifically, Mr. Criscione stated during his January 9, 2012 presentation to the Petition Review Board ("PRB") that compliance with a plant's Technical Specification Bases is not the same as compliance with the plant's Technical Specifications. PRB Transcript at 28-29.[1] This documentation concern is meritless. Ameren complies with licensing basis requirements documented in the Technical Specification Bases just as it would comply with licensing basis requirements documented in its Technical Specifications.

Lastly, Mr. Criscione's Petition asserts that, because Wolf Creek and Callaway are sister plants, they ought to receive the same treatment from the NRC. Specifically, if Wolf Creek appropriately received a non-cited violation ("NCV") from the NRC for bypassing the P-4/564°F FWIS, then Callaway should also receive an NCV every time it conducted the same action. Petition, Enclosure 1 at 8, 11-12. The comparison is inapt. Although Callaway and Wolf Creek share the same standardized design, the plants are distinctly different. Relevant here, Callaway had a substantial licensing basis precedent authorizing bypass of the P-4/564°F FWIS since License Amendment No. 126 in 1998 that Wolf Creek lacked in 2009 when it received a NCV for performing the bypass. At bottom, there simply is no legitimate technical basis to say that Wolf Creek and Callaway should receive the same regulatory treatment with respect to this issue.

A. Development of License Amendment to Permit Bypass of Feedwater Isolation Signal

Callaway is a Westinghouse 4-Loop Pressurized Water Reactor and its Engineered Safety Features Actuation System ("ESFAS") has a permissive denoted P-4. The P-4 permissive is an electrical signal which is energized when the reactor trip breakers ("RTBs") are open, and it is used as an input to other ESFAS signals. One of these enabled electrical signals to which the P-4 permissive is an input is feedwater isolation signal ("FWIS") on P-4 coincident with low average reactor coolant temperature ("P-4/564°F FWIS"). A FWIS signal directly causes Callaway's normal feedwater path to isolate, and indirectly causes the plant's auxiliary feedwater system

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[1] Official Transcript of Proceedings, 10 CFR 2.206 Petition Review Board, Re: Lawrence S. Criscione (Jan. 9, 2012) ("PRB Transcript").

("AFW system") to actuate. Although this is a desirable outcome during many reactor accident scenarios, during a normal shutdown, a FWIS unnecessarily cycles the Main Feedwater Isolation Valves ("MFIVs") and AFW system, thereby adding to the wear and tear on those safety-related systems, and precludes a more orderly shutdown.[2]

In 1996, Callaway Engineering developed a Callaway Modification Package ("CMP 96-1016A") to install a bypass switch (two total) around each of the two ESFAS train's P-4/564°F FWIS circuitry that would permit control room operators to bypass this signal during startup and shutdown evolutions. At that time the control room operations staff planned to shut down the reactor by partially inserting the control banks, blocking the P-4/564°F FWIS in MODE 2 by using the design change bypass switches, and then opening the reactor trip breakers ("RTBs").

In support of this design change, on August 8, 1997 Ameren applied to the NRC for a license amendment ("ULNRC-3628") to the Callaway Operating License that, among other things, "would revise feedwater isolation ESFAS functions in Technical Specification Tables 3.3-3, 3.3-4 and 4.3-2 as follows:

> *****
>
> (4) The Bases for Functional Unit II.b, Reactor Trip P-4, in Table 3.3-3 would be revised to add a note allowing the feedwater isolation function on P-4 coincident with low T-avg to be blocked since this function is not required. A design modification would add a bypass switch to accommodate this block which would serve to decrease unnecessary cycling of the MFIVs and AFW system.

In support of this proposed Amendment, Ameren submitted a Significant Hazards Evaluation and marked up copies of proposed changes to Callaway's Technical Specifications and their Technical Specification Bases.[3]

The discussion text supporting the Significant Hazards Evaluation contained a detailed discussion of the proposed change to block the P-4/564°F FWIS and the reasoned basis under which Ameren determined this bypass would be safe. Among other things, Ameren made the following commitment to the NRC regarding the use of the P-4/564°F FWIS bypass switch:

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[2]The Petition correctly points out that "operating on auxiliary feedwater does have its drawbacks:

- Controlling steam generator levels is more difficult for the operators while operating on auxiliary feedwater than while operating on normal feedwater
- Auxiliary feedwater is typically cooler than normal feedwater and can cause thermal stresses to the feedwater piping"

Petition, Enclosure at 1-2. Ameren also agrees with the Petition's conclusion that it is a good practice to block the P-4/564°F FWIS during shutdown. Id. at 2.

[3] The proposed changes contained in ULNRC-3628 were deemed to constitute an Unreviewed Safety Question which, under requirements in place at the time, required NRC approval prior to implementation.

> This bypass switch will be used during startup and shutdown evolutions with T-avg $\leq$ 564°F just prior to opening the reactor trip breakers. Plant conditions that would call for the restoration of the feedwater isolation function cannot occur without operator action to close the reactor trip breakers. The administrative controls governing startups will also ensure that this bypass is manually defeated and the isolation function restored after completion of rod drop testing, prior to closing the reactor trip breakers during power ascension.

Except for a concern with the timing of the restoration of the feedwater isolation function, the NRC expressed no concern with allowing Callaway to use the P-4/564°F FWIS bypass switch in plant Modes 1, 2, and 3 as long as T-avg was $\leq$ 564°F. To address the NRC's concern, Ameren submitted a change to the significant hazards analysis via ULNRC-3681 dated November 10, 1997 to remove any ambiguity as to when the isolation function would be restored:

> "This bypass switch will be used during startup and shutdown evolutions with T-avg $\leq$ 564°F just prior to opening the reactor trip breakers. Plant conditions that would call for the restoration of the feedwater isolation function cannot occur without operator action to close the reactor trip breakers. The administrative controls governing startups will also ensure that this bypass is manually defeated and the isolation function restored ~~*after completion of rod drop testing, prior*~~ *to entering Mode 2* ~~*to closing the reactor trip breakers during power ascension*~~."

(The emphasized text shows the suggested change).

B. The NRC Approved the Requested License Amendment

On April 23, 1998, the NRC issued Amendment No. 126 to Callaway Operating License, which, among other things, approved installation of the P-4/564°F FWIS bypass switch as requested during startup and shutdown evolutions as long as T-avg was $\leq$ 564°F. The NRC's approval of use of the switch under the stated limitations was documented in two ways.

First, the NRC issued a Technical Specifications Bases page that approved the use of this block switch any time after T-avg was at or below 564°F, but prior to opening the RTBs (P-4), as long as the function was restored prior to MODE 2 entry during power ascension.[4] Consistent with the changes to the Technical Specifications Bases proposed by Ameren, the Technical Specifications Bases page issued by the NRC provided in relevant part:

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[4] The NRC issued the Technical Specification Bases change under their purview to document their approval of the Unreviewed Safety Question presented by the amendment application and to assure Ameren's compliance with the commitments contained therein.

> P-4 Reactor tripped – Actuates Turbine trip, closes main feedwater valves on T-avg below setpoint ***(may be manually blocked since this function is not required by the safety analyses)***, prevents the opening of the main feedwater valves which were closed by a Safety Injection or High Steam Generator Water Level signal, allows Safety Injection block so that components can be reset or tripped.

(The emphasis shows the accepted change).

Second, In the Safety Evaluation that supported Amendment No. 126, the NRC concluded the following with respect to P-4/564°F FWIS:

> The Bases for Functional Unit 11.b, Reactor Trip P-4, in Table 3 3-3 would be revised to add a note allowing the feedwater isolation function on P-4 (reactor trip and bypass breakers open) coincident with low T-avg (T-avg $\leq$ 564°F) to be blocked. The reason for the change is to decrease unnecessary cycling of the MFIVs and AFW system which adversely impacts startup and shutdown evolutions. This feedwater isolation function provides backup protection for excessive cooldown events and is not credited in any FSAR analyses. The licensee has proposed to install a bypass switch to block this signal during startup and shutdown evolutions with T-avg $\leq$ 564°F just prior to opening the reactor trip breakers. The feedwater isolation function would be restored by manually defeating the bypass prior to entering MODE 2. This change is acceptable.

Thus, NRC staff reviewed and found acceptable Callaway's FWIS bypass switch design and using it to block the FWIS initiated by the coincidence of P-4 and low T-avg as long as its use was limited to the following plant conditions:

- T-avg less than or equal to 564°F (therefore, the plant can be in MODE 1, 2 or 3, but T-avg must be $\leq$ 564°F), and

- Just prior to opening the reactor trip breakers (RTBs), which satisfies the P-4 portion of this feedwater isolation signal's logic.

This issue was re-reviewed for Ameren's Improved Technical Specifications ("ITS") amendment (License Amendment No. 133), which was approved on May 28, 1999. Once again the NRC approved handling this block switch in the Callaway Technical Specification Bases. The amendment included the language initially proposed in ULNRC-3628.

In addition, in order to document the commitment contained in the Technical Specification Bases, Ameren entered a new commitment into its commitment tracking system ("COMN 43387"), which states:

The administrative controls governing startups will ensure the P-4/Lo-Tavg bypass switch is manually defeated and the isolation function is restored prior to entering Mode 2.[5]

C. Reactor Shutdown Procedure OTG-ZZ-00005, Addendum 1 Complies With Callaway's Technical Specifications

In January 2005, Ameren commenced a review of its reactor shutdown procedure OTG-ZZ-00005 to determine whether it could be revised to permit manually tripping the reactor as one of the normal means of conducting a reactor shutdown. Mr. Criscione was involved in this review and ultimate revision of the procedure to permit the manual trip in accordance with Callaway's Technical Specifications, the Technical Specifications Bases, and the NRC's Safety Evaluation for License Amendment No. 126. As a result, reactor shutdown procedure OTG-ZZ-00005, Addendum 1 Rev. 000 was compliant with Callaway's licensing basis requirements, as approved by the NRC in license amendment No. 126, because the procedure permitted the operators to block the FWIS initiated by the coincidence of P-4 and low T-avg only when the following plant conditions are satisfied:

- T-avg less than or equal to 564°F (the plant can be in MODE 1, 2 or 3, but T-avg must be $\leq$ 564°F), and
- Just prior to opening the reactor trip breakers ("RTBs"), which satisfies the P-4 portion of the FWIS logic.

See OTG-ZZ-00005, Addendum 1 Rev. 000 at §§ 2.3 ("This procedure has provisions for: . . . Bypassing the P-4/Lo-Tavg FWIS to prevent Feedwater Isolation"); 3.2.2 ("Limitations" . . . "The following parameters are required for bypassing P-4/Lo-Tavg FWIS: . . . Tavg is less than 564°F . . . P-4/Lo-Tavg FWIS is bypassed just prior to opening the Reactor Trip Breakers") (underlining in original); and 5.2.1.[6]

Callaway also performed a "50.59 Screening" of the procedure change ("CA-2511"). CA-2511 concluded that no changes to Callaway's Technical Specifications or Bases were required because the commitments specified above would be would be met. CA-2511 provides in relevant part:

> In the NRC's Safety Evaluation for OL Amendment 126 dated 4-23-98, the NRC staff specifically reviewed and found acceptable our feedwater isolation signal

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[5] It should be noted that this commitment does not reference the applicable Modes or limiting the bypass to conditions where T-avg $\leq$ 564°F.

[6] The current revision (Rev. 004) of OTG-ZZ-00005 also provides for these plant conditions.

(FWIS) bypass switch design and our using it to block the FWIS initiated by the coincidence of P-4 and low T-avg as long as its use was limited to the following plant conditions:

- T-avg less than or equal to 564°F (the plant can be in MODE 1 or 2, but T-avg must be $\leq$ 564 F)
- Just prior to opening the reactor trip breakers (RTBs), which satisfies the P-4 portion of this feedwater isolation signal's logic.

These limitations will be met by step 5.2.11.b of OTG-ZZ-00005 Revision 25 which is being issued concurrently with this OTG-ZZ-00005 Addendum 1 Revision 0.

NRC also wanted this particular FWIS function to be restored by defeating the bypass prior to entering MODE 2 ascending during startup from an outage. This limitation is met by step 4.16 of existing OTG-ZZ-00002 Revision 36. As long as these limitations are observed, the plant will operate within the bounds of an amendment previously reviewed and approved by NRC.

CA-2511, Attachment at 1.[7]

In summary, Ameren requested approval of a license amendment that would permit bypass of the P-4/564°F FWIS, the NRC reviewed and approved that request under certain conditions (including issuing the revised Technical Specifications Bases page with the license amendment), and Ameren tracks the related commitment in its commitment tracking system. Reactor Shutdown Procedure OTG-ZZ-00005, Addendum 1 was revised in accordance with these limitations and commitments. Consequently, there simply is no merit to the Petition's claim that Reactor Shutdown Procedure OTG-ZZ-00005 Addendum 1 is not compliant with the plant's licensing requirements.

D. Mr. Criscione's Concern with the Documentation Approving the P-4/564°F FWIS Bypass is Without Merit

On January 9, 2012, Mr. Criscione made a presentation to the Petition Review Board ("PRB"), which was open to the public. During his presentation, Mr. Criscione supplemented his Petition with additional information. This additional information included the claim that the NRC inappropriately granted Callaway License Amendment No. 126. PRB Transcript at 29, 55. This claim appears to be based on Mr. Criscione's belief that amending the Callaway Technical Specification Bases was insufficient to document approval of the P-4/564°F FWIS bypass

[7] Step 4.16 of OTG-ZZ-00002 Rev. 36, which is referenced in the portion of CA-2511 quoted above, states: "ENSURE P-4/Lo Tavg bypass switches are restored prior to entering MODE 2."

requested by Ameren. Instead, Mr. Criscione argued that the Technical Specifications ought to have been amended. PRB Transcript at 28-29

It appears that Mr. Criscione's concern boils down to a question of form over substance. During his PRB presentation, Mr. Criscione expressed no safety concern with the P-4/564°F FWIS bypass. In fact, Mr. Criscione endorsed the safety merit in taking this action under appropriate circumstances. PRB Transcript at 60 ("I was wanting to bypass that signal when the reactor was still critical. I wanted to do it at 10 percent power in Mode 1. And I felt comfortable doing that. I felt that it was a safe thing to do"); see also Petition, Enclosure 1 at 2. Thus, Mr. Criscione's concern seems to be one over how approval of the P-4/564°F FWIS bypass is documented. For example, Mr. Criscione stated during his presentation that compliance with the Technical Specification Bases is not the same as compliance with the Technical Specifications. PRB Transcript at 29.

Ameren disagrees with Mr. Criscione's position. Ameren treats compliance with the Callaway Technical Specification Bases no differently than compliance with the Technical Specifications. Stated differently, Ameren complies with both equally. And, as previously discussed, Ameren has incorporated the NRC's Safety Evaluation of this issue into its commitment tracking system. Callaway's applicable reactor shutdown and startup procedures fully comply with these requirements. Moreover, the NRC-approved revision to the Callaway Technical Specification Bases to address the P-4/564°F FWIS bypass in no way conflicts with the Technical Specifications.

Mr. Criscione is correct that a revision to the Callaway Technical Specifications could have accomplished what was accomplished through the revision of the Technical Specification Bases in License Amendment No. 126. Were this issue faced for the first time today, rather than nearly fifteen years ago, the NRC and Callaway may well have addressed it differently.[8] But this does

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[8] Were this issue addressed today, Ameren would recommend that any discussion of the FWIS generated by the coincidence of P-4/564°F be eliminated from the Technical Specifications and Bases altogether because it satisfies none of the criteria in 10 C.F.R. § 50.36(c)(2)(ii), which provides that:

> A technical specification limiting condition for operation of a nuclear reactor must be established for each item meeting one or more of the following criteria:
> (A) *Criterion 1.* Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.
> (B) *Criterion 2.* A process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.
> (C) *Criterion 3.* A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.
> (D) *Criterion 4.* A structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

not mean that the NRC inappropriately issued License Amendment No. 126, or that Callaway has failed in any way to comply with applicable licensing basis requirements. The installation of the P-4/564°F FWIS bypass switch was approved by the NRC, and its use limited to certain circumstances. The approval and the applicable limitations are sufficiently documented and tracked by Ameren, and Ameren has complied with these requirements.

E. Callaway is Different From Wolf Creek

The Petition claims that, because the NRC issued a non-cited violation ("NCV") to Wolf Creek where technicians installed jumper wires to bypass the P-4/564°F FWIS while that plant was in Mode 3, then Callaway ought to be given an NCV for each time it bypassed the P-4/564°F FWIS. See Petition, Enclosure at 8-9, 11-12. Similarly, during his PRB presentation, Mr. Criscione asserted that Wolf Creek received the NCV for performing the bypass in Mode 3, whereas Callaway performs the bypass in Mode 1, suggesting that Callaway's P-4/564°F FWIS bypass is more serious than that conducted by Wolf Creek. PRB Transcript at 67. This comparison is based only on the unsupported assertion that Callaway and Wolf Creek are "sister" plants. Id. at 8, 12; see also PRB Transcript at 66-67.

The comparison is inapt, to say the least. It is true that Callaway and Wolf Creek shared an original standard design, but that is essentially where the similarities between the plants come to an end. The plants are operated by separate companies and, over time, have become distinctly different plants. For example, the plants have different fuel designs and resulting different safety analyses.

Moreover, pertinent to the issues here, based on Ameren's understanding of the facts present at Wolf Creek, Wolf Creek lacks the ability to bypass P-4/564°F FWIS using a switch from the control room and, instead, used jumpers to perform the bypass for which it received the NCV. As the Petition acknowledges (Petition, Enclosure 1 at 2) the use of jumpers to conduct a bypass poses risks that are not present with the use of an installed switch. Further, when Wolf Creek received the NCV, its licensing basis did not include docketed precedents similar to Callaway's precedents, including License Amendment No. 126 (as well as License Amendment No. 133 concerning the Improved Technical Specifications).

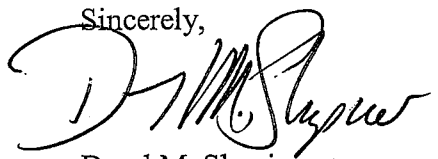
Given these significant differences between Callaway and Wolf Creek, the Petition's claim that both plants should receive the same regulatory treatment is groundless.

None of these criteria applies to the FWIS, which is generated upon the coincidence of a reactor trip (generating the P-4 permissive) and low RCS temperature.

V. Conclusion

For the foregoing reasons, the NRC should not accept the Petition for any further action under Section 2.206. The Petition raises issues that are not appropriately resolved under Section 2.206. And those issues that arguable fall within the purview of Section 2.206 have no merit. The Petition's allegation that Callaway has not complied with its licensing basis requirements simply cannot be squared with the ample licensing basis precedent documenting the NRC's approval of the P-4/564°F FWIS bypass switch under specified circumstances.

Sincerely,



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