



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

June 15, 2012

MEMORANDUM TO: File

FROM: Anita Tannenbaum, Administrative Assistant
Office of the Regional Administrator

SUBJECT: NOTE TO FILE

Attached is the letter to The Honorable Jeannette Mott Oxford, from Elmo Collins, dated April 20, 2012, in response to her letter dated January 5, 2012 to the Nuclear Regulatory Commission.



UNITED STATES
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1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

April 20, 2012

The Honorable Jeannette Mott Oxford
Missouri House of Representatives
201 West Capitol Avenue
Room 135BB
Jefferson City, MO 65101-6806

Dear Ms. Oxford:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of January 5, 2012, in which you requested additional responses to questions related to the October 21, 2003, shutdown at the Callaway Plant. I appreciate your feedback regarding the productive meeting on November 8, 2011, between you and members of the NRC, Region IV staff. The NRC takes our safety responsibility seriously and we welcome opportunities to discuss nuclear safety issues in an open and collaborative manner. In regards to your letter, we did not identify any new information that we have not previously considered.

The scope of the initial investigation conducted from September 28, 2007, to May 9, 2008, was to determine whether control room personnel failed to document a temperature transient. The NRC did not investigate whether the operations manager was in the control room during the plant shutdown as it was not relevant to the scope of the investigation. The NRC has no regulatory concern regarding the presence or absence of the operations manager in the control room during the shutdown because there is no regulatory requirement that he be present during specific evolutions, including low power operations or shutdowns. The NRC requires a sufficient number of operators and skill sets in the control room to ensure safe operation of the facility; as a result, the operations manager's presence is not needed in the control room. With respect to your question regarding the sworn testimony of the shift manager at the Callaway Plant, the NRC staff has not developed any evidence to suggest that he provided false testimony when interviewed by investigators in 2008 regarding the October 21, 2003, plant shutdown.

The fact that the circumstances involving operator performance weaknesses were not documented in a corrective action document in 2003 is not in dispute. However, we have concluded that the corrective actions taken by the licensee in the intervening years have been responsive to addressing this and other performance deficiencies related to the October 2003 plant shutdown, including revising plant low power operations procedures. In addition, the NRC issued Information Notice 2011-02, "Operator Performance Issues Involving Reactivity Management at Nuclear Power Plants," dated January 31, 2011, which included a discussion of the October 2003 plant shutdown evolution, and reactivity management planning and implementation deficiencies.

Regarding your concern that the NRC does not believe it is important to answer Mr. Criscione's questions; we respectfully disagree with this assertion. We do believe his questions are important and we have provided answers to these questions in multiple interactions with him in the past (correspondence, meetings, etc.). Mr. Criscione disagrees with some of the answers to these questions. However, based on the NRC's independent inspection, we concluded that the shutdown did not endanger public health and safety. Furthermore, there has been no evidence obtained during the investigation and inspection that would indicate that there was wrongdoing, such as a cover-up, involved in the plant shutdown. Therefore, in the absence of new information, there is no basis for the NRC to reopen multiple investigations and inspections related to the October 2003, Callaway Plant shutdown.

In addition, we have concluded that the NRC does not need to issue a Demand for Information to the licensee for the Callaway Plant in response to not accepting Mr. Criscione's September 17, 2010, 10 CFR 2.206 petition because we are satisfied that we have a material understanding of what occurred during the October 21, 2003, plant shutdown event at the Callaway Plant.

If you have additional questions, please feel free to contact me, or Bill Maier, Region IV, State Liaison Officer, at (817) 200-1267. Thank you for your interest in this matter.

Sincerely,

/RA/

Elmo E. Collins
Regional Administrator

bcc:
 Green Ticket (EDATS:SECY-2012-0028)
 L. Quayle
 A. Tannenbaum
 Ref: G20110648 (ML113220374)

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Category A	<input type="checkbox"/> Non-publicly Available		<input type="checkbox"/> Sensitive		
KEYWORD: Sunsi Complete			Sensitive -		
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LMBerger	AVegel	HJGepford	CMcCrary	JSFarrington	
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