



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

August 27, 2012

Mr. Lawrence Criscione, P.E.
1412 Dial Court
Springfield, IL 62704

Dear Mr. Criscione:

In your letter dated October 7, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML120030235), to the Executive Director of Operations of the U.S. Nuclear Regulatory Commission (NRC), you stated that the reactor shutdown procedure, OTG-ZZ-00005, at Callaway Plant is not compliant with the plant's Technical Specifications (TSs). You requested that the NRC take immediate action to prohibit the Callaway Plant from bypassing the P-4/564 °F Feedwater Isolation Signal (FWIS) until the practice has been reviewed by the NRC and determined to be in compliance with the TS 3.3.2 [Engineered Safety Feature Actuation System (ESFAS) Instrumentation].

The NRC staff evaluated your requests pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart." On January 9, 2012, you addressed a petition review board (PRB) from the Office of Nuclear Reactor Regulation (NRR) regarding your petition (ADAMS Accession No. ML120720212). In sum, you requested that the NRC:

- Review Callaway Plant's Reactor Shutdown Procedure (OTG-ZZ-00005) including the 10 CFR 50.59 screening paperwork for OTG-ZZ-00005 and determine if the NRC agrees with the answer to screening question 5 [determination of TS-required system, structure, or component]. You requested that the NRC take the following actions:
 1. Review Green non-cited violation (NCV) of [TS limiting condition for operation (LCO)] 3.0.3 [LCO operability] from August 22, 2009, contained on pages 3, 4, 19, 20, and 21 of the enclosure to [NRC] IR [Inspection Report] 05000482/2009004 and determine if a similar violation applies to Callaway Plant.
 2. Review licensee event report (LER) 482-2009-009-01 and determine if a similar LER is required by Callaway Plant to report any violations of [TS LCO] 3.0.3 as a result of their bypassing of the P-4/564 °F FWIS during MODES 1 or 2.
 3. Review Green NCV of [TS LCO] 3.0.3 from August 22, 2009 contained on page 10 of enclosure to IR 05000482/2009005, and determine if a similar violation applies to Callaway Plant.
 4. Review Amendment 126 to Callaway Plant's operating license and determine if there is anything in the license amendment which allows the utility to block the P-4/564 °F FWIS during MODES 1 or 2 just prior to shutting down the reactor by manually tripping the control rods. Comment specifically on paragraph 2.4 of enclosure 2.

5. Issue a violation to Callaway Plant for every inadvertent entry into [TS LCO] 3.0.3 which has occurred as a result of bypassing the P-4/564 °F FWIS during MODES 1 and 2.

You also requested that the NRC:

- Determine what deficiencies in Callaway Plant's 10 CFR 50.59 screening process allowed a procedure change to be made which violated the plant's TSs.
- Review the email trail included in the enclosure of the petition and investigate what failed in the Safety Culture at Callaway Plant that caused the concerns raised in Callaway Action Request [CAR] 200703001 to go unaddressed.
- Determine if there are any deficiencies in Callaway Plant's ability to process and learn from industry operating experience in light of the fact that apparently no action was taken by Ameren in response to LER 482-2009-009 revisions 00 and 01.
- Determine if there are any deficiencies in Callaway Plant's ability to work with industry peers in light of the fact that their "sister plant" submitted a license amendment (Wolf Creek LA [License Amendment No.] 194) which, although somewhat applicable to Callaway Plant, was not addressed by Callaway Plant.
- Determine why the NRC did not look at Callaway Plant's practices regarding blocking the P-4/564 °F FWIS once it was noted in August 2009 that Wolf Creek's practices did not meet Callaway's TSs.
- Review NCV 05000482, 2009004-04 in light of the Callaway Plant determination and, if appropriate, withdraw this NCV.
- Review the NCV from IR 05000482/2009005 regarding LER 482-009-009-00 in light of the Callaway Plant determination and, if appropriate, withdraw this NCV.
- Review LERs 481-2009-009-00 and -01 in light of the Callaway Plant determination and, if appropriate, have Wolf Creek either withdraw the LERs or submit a new revision which correctly discusses how the TSs were not met.
- If appropriate, reimburse Wolf Creek Nuclear Operating Company for any expenses unnecessarily incurred in submitting and processing LER 482-2009-009 revisions 00 and 01 and Amendment 194 to the plant's TSs so that the nuclear rate payers of the State of Kansas are not unfairly burdened by errors made by the NRC staff.

As the basis for your requests, you stated that the reactor shutdown procedure (OTG-ZZ-00005) does not comply with the plant's TSs, and the appropriate NRC staff has not reviewed and evaluated the licensee's practice to block the P-4/564 °F FWIS and enter into TS LCO 3.0.3. You stated that the licensee's practice of bypassing both trains of the P-4/564 °F FWIS therefore violates TS 3.3.2, and that entry into TS LCO 3.0.3 is not permissible.

On January 31, February 13, and March 5, 2012, the PRB met internally to discuss your petition and make its initial decision. The PRB's initial recommendation was to not accept your petition

for review, because it did not meet the criteria for review under the 10 CFR 2.206 process. In particular, the PRB found that you had not provided sufficient facts to support your claim that the licensee violated its TSs by inadvertently entering TS 3.0.3 as a result of blocking the P-4/564 °F FWIS during MODES 1 and 2. The Petition Manager informed you of the PRB's initial decision in an email dated March 22, 2012. By email dated March 27, 2012, you declined a second opportunity to address the PRB. In your email, you asked that the PRB consider three issues in the closure letter for the petition request. Those issues and the NRC staff's responses are discussed below.

On May 22, 2012, the PRB met internally to reconsider the issues raised in your petition. The PRB reviewed your petition, its supporting documentation, and the other information you have provided. The PRB determined that you had not provided sufficient facts to identify the asserted violation that is the basis for your petition. Therefore, the PRB's final recommendation is that your requests not be accepted for review pursuant to 10 CFR 2.206.

By telephone call and email dated May 23, 2012, the Petition Manager informed you of the PRB's final determination. Although the PRB did not accept your petition, the NRC staff appreciates your concerns. Your focus on TS 3.3.2 prompted the staff to reexamine related sections of the licensee's TSs, and the staff may consider whether certain TSs should be clarified. These would be addressed in other NRC processes outside of 10 CFR 2.206, such as via the license amendment process or the NRC-industry TS Task Force. Regarding the three issues you raised in your email to the Petition Manager, the NRC staff's responses follow:

Issue 1 [Do] Callaway Plant's TSs allow the P-4/564 °F FWIS to be [blocked] during MODES 1 and 2?

Response:

The licensee complied with Amendment No. 126, which approved the licensee's TS Bases for blocking the P-4/564 °F FWIS. Therefore, the licensee's actions were in accordance with the plant's TSs and licensing basis. As discussed above, the issue is not accepted for review pursuant to 10 CFR 2.206, because it fails to provide sufficient facts to support the petition; however, the issue may be reviewed under other NRC processes to determine whether or not additional clarification is required in the cited TSs.

Issue 2 Why was CAR 200703001 never processed?

Response:

The issue is not accepted because it does not ask for an enforcement-related action. Therefore, it is outside the scope of the 10 CFR 2.206 process. You may wish to pursue this question with the licensee to better understand the licensee's rationale, practice, or process for not accepting CAR 200703001.

L. Criscione

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Issue 3 What in [the licensee's] nuclear safety culture and processes broke down to allow the plant to approve a procedure which violated its Technical Specifications?

Response:

The NRC staff has previously reviewed the licensee's safety culture and processes, as documented in IR 05000483-10-006 (ADAMS Accession No. ML103540576), and found no significant issues regarding the safety conscious work environment at Callaway Plant. Therefore, this issue is not accepted under 10 CFR 2.206 because the issue has already been the subject of NRC staff review and evaluation for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

In conclusion, after reviewing your petition under 10 CFR 2.206, the staff has determined that there is no basis for instituting a proceeding under 10 CFR 2.202. Thank you for your interest in the matters discussed in your petition.

Sincerely,



Sher Bahadur, Chairman,
Petition Review Board,
Division of Policy and Rulemaking,
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: Union Electric Company (w/copy of incoming 2.206 requests)
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/RA/

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ADAMS Accession Nos.: Package/ML12207A262; Response/ML12207A477 Incoming/ML120030235

OFFICE	NRR/LPL4/PM	NRR/LPL1-1/LA	NRR/LPL4/BC	PGCB/PM	RIV/DRS
NAME	FLyon	KGoldstein*	MMarkley	ARussell**	TBlount**
DATE	8/8/12	7/30/12	8/24/12	8/24/12	8/8/12
OFFICE	PRB/OGC	PRB/NRR/TSB	PRB/OE	PRB/Chairman	Petition Manager
NAME	MClark**NLO	KBucholtz*	LJarriel*	SBahadur	FLyon
DATE	8/17/12	8/20/12	8/24/12	8/27/12	8/27/12

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