

~~EXEMPT FROM PUBLIC DISCLOSURE AT THIS TIME~~

Nebraska Public Power District
Cooper Nuclear Station
P.O. Box 98
Brownville, NE 68321

December 9, 1994

Mr. James Lieberman
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Lieberman:

The purpose of this letter is to respond to the letter I received from Mr. Joseph R. Gray of your office dated November 10, 1994, which contained a copy of the Demand for Information (DFI) transmitted to the Nebraska Public Power District (NPPD) by letter dated November 10, 1994.

In connection with this matter, I was interviewed under oath by a representative of the NRC's Office of Investigations. Since that time I have had the opportunity to review in greater detail the events during the March 1993 refueling outage, particularly the approval by the Station Operations Review Committee (SORC) on March 9, 1993 of changes to procedures governing reactor pressure vessel (RPV) disassembly. This letter provides the NRC with information that is in addition to the information I provided during my previous interview. To the best of my recollection and belief, the information provided herein is in all material respects consistent with my previous interview.

Explanation of SORC's Action

I was ~~Plant Manager~~ and ~~Chairman~~ of SORC at the time of the March 9, 1993 meeting. Prior to the meeting, on the morning of March 9th as I recall, I was a part of discussions concerning, among other issues, the meaning of Technical Specification 3.7.C.1.d's reference to the movement of loads which could potentially damage irradiated fuel in the secondary containment. At the time, most everyone realized that the TS language was adopted in response to GE PRC-88-11. As I recall the background on TS Amendment 147 in 1991, ~~Guy Horn~~ had suggested conservatism in the approach to moving loads in secondary containment and the

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Licensing Group came up with the phrasing "could potentially damage" as a means to implement PRC-88-11.

In that regard, I was a member of SORC when revisions were approved in 1991 to the RPV disassembly procedures, requiring prior verification of secondary containment integrity. SORC believed at the time that the 1991 changes were tremendously conservative, and that there was not a precise understanding from GE as to the intent and coverage of PRC-88-11. The changes approved by SORC nevertheless allowed us to close out PRC-88-11.

Prior to the March 9, 1993 meeting of SORC, we were having trouble getting a successful secondary containment integrity test. To my recollection, the last attempt prior to the meeting was probably the night shift on March 8th. The crew also had been looking at seal integrity, valve lineups, etc. to ensure containment integrity. I believe the test results were close, in the neighborhood of $-.20$ to $-.22$ or so, compared with an acceptance criterion of $-.25$ in. water gage pressure. It appeared that containment integrity was not seriously in doubt, although technically we had not established operability per the Technical Specifications.

I remember discussing the particulars of the situation with John Meacham (this occurred before the SORC meeting). One consideration on our minds at the time was a desire to increase the water inventory in the refueling cavity to minimize overall shutdown risk, when permitted. In my view, although there is naturally a concern for maintaining a schedule during a refueling outage, the need for the procedure change was the reduced inventory and high decay heat condition of the plant.

I recall Nim Flaherty presenting the proposed changes at the SORC meeting. Nim typically was well prepared for technical presentations. I believe he distributed some materials to SORC members during the meeting. I cannot recall precisely whether Nim reviewed the background of TS Amendments 147 and 150. I remember that TS Amendments 147 and 150 were not the reason why procedure changes were needed. I am fairly confident that Nim Flaherty pointed out specifically at the meeting that TS Amendments 147 and 150 were a part of his background research on the issue. We suspended the meeting after about 1 hour or so, to permit further research on the issues. This was in response to some of the questions by SORC members and the need to obtain some additional information.

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In addition, a record of the telecon with GE, which was conducted to clarify the meaning of PRC-88-11, was discussed at the meeting. To the best of my recollection, I read a copy of the GE telecon. I also remember looking at portions of NUREG-0612 and the District's response to NUREG-0612 (I may have done this prior to the meeting). The procedure (7.4.4) covered NUREG-0612 items such as safe load pathways and inspection of lifting cables. I had discussed the situation with ~~John Meacham~~ prior to the meeting (~~John Meacham~~ may have attended the meeting as an observer, I'm not sure). I recall reading the NRC memorandum by Bill Long sometime during the day on March 9th, but I don't remember precisely when. My recollection is that the Long memorandum established a position that secondary containment integrity was required to be verified immediately prior to moving fuel (vs. prior to RPV disassembly).

I do not remember any disagreement among SORC members at the meeting on the question of approving the procedure revisions. The practice followed by the SORC Chairman in case of disagreement is to adopt the most conservative safety viewpoint. I remember becoming aware after the SORC meeting that during the next shift turnover ~~Rick Foust~~ had expressed some disagreement. (As I recall, ~~Rick~~ had been involved in the earlier 1991 procedure changes in response to PRC-88-11.)

As for GE's response, I recall hearing that GE was confused as to why we were not lifting the head at the time we contacted them on March 9th, since the District had an NRC approved NUREG-0612 process. (I was not on the telephone conference with GE.) Engineering reported to SORC that, according to GE, PRC-88-11 covered comparatively light loads in relation to NUREG-0612. Since Cooper Nuclear Station had a single-failure proof reactor building crane and acceptable inspection records, it was my understanding that we met the guidelines in NUREG-0612 for lifting the vessel head, dryer and separator. As I recall, NUREG-0612 provides two options for performing lifts of such heavy components: (1) an analysis of the probability and consequences of failure of the lifting mechanism and (2) a single-failure proof design of the reactor building crane and qualified inspection of lifting devices. The District had chosen the latter option.

At the time, I was aware that the procedure revisions were on the critical path for the refueling outage. While the issues were assigned a commensurate high priority for review by SORC, I do not believe that SORC acted hastily to approve the changes without adequate information or a deliberate review. One of the factors we considered at the March 9th meeting was the fact

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that the plant was in an unflooded condition with high decay heat, and the desirability of moving to a safer condition by flooding the refueling cavity.

SORC discussed the consistency of the proposed changes with TS 3.7.C, including a review of the District's submittal to NRC which led to NRC's approval of TS Amendment 147. I believe that SORC noted that the submittal may have been based on PRC-88-11, but did not refer to NUREG-0612 loads. Accordingly, it was the view of SORC that TS 3.7.C was not intended to cover lifting of the RPV head and upper internals, and that the procedure changes did not conflict with TS 3.7.C.

Explanation Why NRC Sanctions Are Inappropriate

As explained above, I believe that SORC conducted a thorough review of the issues and made an appropriate decision to approve the procedure revisions on March 9, 1994. I respectfully suggest that any sanctions against me personally as indicated in the November 10, 1994 Demand for Information issued to Nebraska Public Power District would not be justified. Sanctions against me personally could disrupt my career as a nuclear power professional, in which I have made a significant investment since joining the District at the Cooper Nuclear Station in 1974.

Since then, I have acquired over 20 years of experience in several positions of increasing responsibility, including: Utilityman (1974); Station Operator (1974-1977); Unit Operator II (1977-1978); Unit Operator I (1978-1982); Shift Supervisor (1982-1989); Surveillance Coordinator (1984-1985); Engineering Trainee (1985-1988); Management Trainee Assigned to Operations (1988-1989); Assistant to Maintenance Manager (1989); Maintenance Manager (1989-1990); Senior Manager of Operations (1990-1992) and Plant Manager (1992).

In my current position as Maintenance Manager, I have overall personal responsibility for directing the safe, efficient and effective maintenance of the Cooper Nuclear Plant in accordance with the requirements of the Division of Nuclear Operations, station procedures, regulatory agencies and District Policies, including Emergency Response Organization duties.

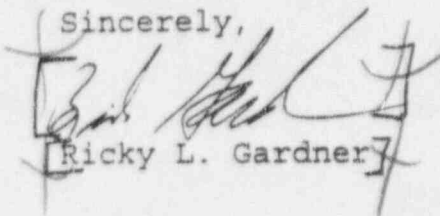
I received an NRC Reactor Operator License in 1977 and a Senior Reactor Operator License in 1978. In 1988, I received a B.S. in mechanical engineering from the University of Nebraska.

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Earned my degree while participating in the District's engineering trainee program from 1985-1988.

I affirm that this letter is true and correct to the best of my knowledge and belief. I hereby request that this letter be withheld from placement in the NRC Public Document Room and from disclosure pursuant to 10 C.F.R. § 2.790.

Sincerely,


Ricky L. Gardner

Sworn to and subscribed
before me this 9th day of
December, 1994.

Mary Frances Armstrong
Notary Public

My Commission Expires:

Jan 11, 1996

