

~~EXEMPT FROM PUBLIC DISCLOSURE~~

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 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 worked several hours to prepare procedure changes to be discussed at the March 9, 1993 SORC meeting. The changes would allow RPV disassembly without prior verification of secondary containment integrity. I initiated the procedure change probably in response to a request by Mr. [Meacham] or Mr. [Horn]. Because of the outage, there was enough focussed management attention to give the changes a high priority. The SORC meeting lasted more than three hours.

I previously was involved in the District's response to NUREG-0612 and associated ANSI standard. Those documents addressed heavy loads of at least 1000 lbs. or more. In response to NUREG-0612, during 1982-1983 actions were taken including procedure

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changes, crane single-failure analysis, crane interface analysis and preventive maintenance. NUREG-0612, as I recall, was implemented to minimize the potential to drop a heavy object that could damage irradiated fuel.

I recall that, during prior outages, RPV disassembly often preceded verification of secondary containment integrity. Following the procedure changes in 1991 to require verification prior to disassembly, a successful test was performed during the 1991 refueling outage without the wind problems we experienced on March 8, 1993.

As part of my preparation for the March 9th meeting, I reviewed GE PRC-88-11 and spoke with Eleanor Schock at GE regarding the focus of PRC-88-11 (my recollection is that the language of PRC-88-11 was somewhat unclear). She told me that PRC-88-11 addressed weights of 750 lbs. or less and that heavier weights were covered by NUREG-0612. GE did not intend NUREG-0612 and PRC-88-11 to overlap one another -- if NUREG-0612 guidance was satisfied, PRC-88-11 would not apply. I recall that Tom Black, GE's on-site representative, contacted GE experts on the subject.

At the SORC meeting, I had with me copies of the documents referenced on the PCN form. I believe I distributed information including the PCN form at the meeting. My recollection is that the information included the proposed TS Amendments 68 and 95, a record of the March 9, 1993 telecon with GE, NUREG-0612, and copies of NRC Inspection Report 88-07 documents. I also may have had copies of the issued TS Amendments 147 and 150 at the meeting.

There was a lot of discussion at the meeting. I believe that [John Meacham] attended the meeting initially, for about an hour perhaps. He asked questions, as did the other SORC members, but I do not recall that he dominated the discussion or exerted pressure for a decision. My impression of the discussion by [John Meacham] at the meeting is that he was trying to understand the reasons behind the procedural restrictions involving the need for prior verification of secondary containment integrity. Naturally, I may have felt pressure at the time because I was responsible to present the procedure changes and the refueling outage was underway.

I remember that SORC covered TS Amendments 147 and 150 in considerable detail, in an effort to understand the existing requirements for maintaining secondary containment integrity when loads would be moved. (Note that we may not have referred to the specific TS amendment numbers, but rather may have referred to the

District's submittals containing the proposed changes. In any event, I am certain we consulted the actual language of the current TS 3.7.C.1.d during the meeting.)

We specifically discussed the language in the Technical Specifications concerning loads with the potential to damage irradiated fuel. [Rick Gardner] asked questions to get a better understanding of the implications of the proposed change. SORC also covered GE PRC-88-11 (I believe [Paul Ballinger] provided some additional background on that document). SORC members (as well as [John Meacham]) were aware that I was intimately involved with the District's response to NUREG-0612 and heavy load issues. The decision by SORC to approve the procedure change was unanimous.

My characterization of TS Amendments 147 and 150 was somewhat in error, but this was inadvertent on my part. I apparently misstated their applicability to the change. I did not intend to indicate that the procedure changes were prohibited by existing Technical Specifications. I do not believe that SORC was confused about this. My intention, which I explained to SORC at the time, was to indicate the amendments had a relationship to, and needed to be contained in, the procedures. Our technical review of the changes was still accurate, however, because we focussed on the language of the current Technical Specifications requirements for maintaining secondary containment integrity, rather than whether the amendments had resulted in certain clarifications or deletions. We discussed the term "refueling," which means actually moving fuel. A memorandum from NRC project manager Bill Long supports that interpretation.

Although [Rick Foust] had expressed concern to me regarding the approved changes, I was comfortable with the approval. I do not recall any additional calls to GE for further clarification. I believe [Rick Foust] was concerned in part with the relative quickness of SORC's approval of the proposed changes in comparison with the time necessary for the 1991 procedure changes involving RPV disassembly. However, there is a difference I believe because back then (during mid-cycle) passing a secondary containment integrity test had not become a critical-path item during a refueling outage.

#### Explanation Why NRC Sanctions Are Inappropriate

I believe that the March 9, 1993 procedure change was properly decided, and that SORC was adequately informed at the

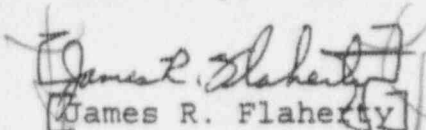
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time. I exercised my independent professional judgment to conclude that the procedure changes were appropriate. Any sanctions against me personally would be inappropriate and would cause unwarranted damage to my career as a nuclear power professional which began with the U.S. Navy where I was in the nuclear submarine force from 1971 to 1977.

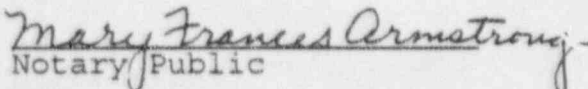
I have been with the District at Cooper Nuclear Station since 1982, following receipt of a B.S. in mechanical engineering from the University of Nebraska in 1982. I was a Station Technical Advisor from 1983 to 1990. I now serve at Cooper Nuclear Station as Corrective Action Program Supervisor (since June 1994) and I have held progressively more responsible positions during my 12 years at the plant. These positions include Corrective Action Program Overview Group Member (1993-1994), Engineering Manager (1990-1993), Acting Assistant Engineering Manager (1989-1990), Plant Engineering Supervisor (1986-1990), Assistant Plant Engineering Supervisor (1984-1986), Lead Mechanical Engineer (1983-1984), Mechanical Engineer (1982-1983), Startup Test Coordinator (1984-1985), Spent Fuel Shipping coordinator (1982-1986) and Shift Technical Advisor (1983-1990).

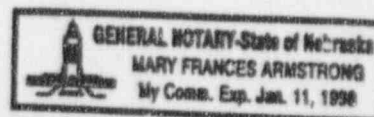
I affirm that this letter is true and correct to the best of my knowledge and belief. I hereby request that this letter be withheld from placement in the NRC Public Document Room and from disclosure pursuant to 10 C.F.R. § 2.790.

Sincerely,

  
James R. Flaherty

Sworn to and subscribed  
before me this 9<sup>th</sup> day of  
December, 1994.

  
Notary Public



My Commission Expires:

Jan 11, 1998