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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. I have had the opportunity to reflect on 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.

Explanation of SORC's Action

SORC approved the procedure changes at the March 9, 1993 meeting. I recall much discussion on the proposed changes occurring during the day or so prior to the meeting on March 9th (I believe there was even a meeting on the subject). The need to consider the procedure changes had arisen over a 2-3 day period, because of wind conditions that prevented a successful test of secondary containment integrity. I recall that some SORC members were aware that [Rick Foust] had expressed concerns about the changes, but I am uncertain whether this occurred prior to or after th' March 9, 1993 meeting. I do not remember any undue pressure on m r other SORC members to make a decision on the proposed procedure changes at the meeting.

I believe at the time of the SORC meeting on March 9th that secondary containment could be verified successfully once the wind conditions would permit testing. It was not an uncommon practice to lift the vessel head prior to verifying secondary containment integrity. This was done during refueling outages during 1979-1989. Although it was considered prudent to verify containment integrity in advance of the lift, and the surveillance procedure (6.3.10.8) was typically initiated prior to lifting the

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vessel head, the failure to verify secondary containment integrity in advance did not preclude vessel disassembly.

I indicated my concurrence with the procedure changes by initialling the PCN at the meeting. I am reasonably certain that SORC had reviewed the Technical Specifications (TS) at the meeting to identify the circumstances when secondary containment integrity is required. In addition, [Jim Flaherty] attended the meeting with a package of information. I believe [Jim] passed around the package for SORC members to review. I recall some hesitancy about whether lifting the head was prohibited by the language in Technical Specification 3.7.C.1.d. Sometime during the meeting, later in the afternoon (4:30 or 5:00 p.m.), we found the 1988 NRC memorandum which provided an interpretation of the TS surveillance requirements. That memorandum seemed to resolve any concern about the TS requirements.

SORC reviewed the aforementioned memorandum (dated March 28, 1988), which was written by Bill Long, then NRC Project Manager for the Cooper Nuclear Station. Although the Technical Specifications had been revised subsequent to this memorandum in 1991 (TS Amendment 147), SORC's view was that TS Amendment 147 provided additional clarification and not new requirements that would change our prior practice relative to vessel disassembly. Accordingly, SORC concluded that the NRC position in the March 23, 1988 memorandum had not been superseded by TS Amendment 147. SORC concluded that secondary containment integrity was not required by TS 3.7.C.1.d until immediately prior to the handling of irradiated fuel, which presupposes the vessel head, steam dryer, and steam separator have been removed.

I do not recall seeing a copy of the telecon with GE at the SORC meeting, but one issue discussed by SORC at the meeting was the scope of GE PRC-88-11. The language in TS 3.7.C.1.d, referring to loads which could potentially damage irradiated fuel, had been added as a result of PRC-88-11. SORC discussed this language and information obtained from GE by the Engineering Department in preparation for the SORC meeting. We also reviewed NUREG-0612 and the District's response to NUREG-0612 and related documentation. From this information, SORC determined that:

- the vessel head, steam dryer, and steam separator could not be dropped in a way that could damage irradiated fuel in the vessel, and

- "safe load paths" previously established in response to NUREG-0612 prevented the potential for these components to be dropped in a way that could damage irradiated fuel in the spent fuel pool.

Accordingly, SORC concluded that the vessel head, steam dryer, and steam separator were not loads which could potentially damage irradiated fuel per PRC-88-11 or the Technical Specifications.

I recall the SORC meeting on March 9, 1993 lasted for about 2 to 2-1/2 hours and there was much substantive discussion leading to approval of the procedure revisions. I remember people leaving the meeting to obtain information. As a result of my promotion to Technical Staff Manager in January 1993, I was a voting member of SORC. I recall that John Meacham appeared and left the meeting from time to time; he wasn't there during the entire meeting. My recollection is that people were comfortable asking questions during the meeting and I did not feel pressured by senior management's presence. There were some inefficiencies in the conduct of the meeting, but SORC was a collegial body and all members felt they had the opportunity to contribute to its decisions.

An additional factor that I believe was on SORC's mind that day was shutdown risk and we were trying to take that risk into account. At the time of the meeting, the vessel head had been detensioned in preparation for RPV disassembly and one loop of shutdown cooling was out-of-service, as I recall. When it was apparent that wind conditions would not support the timely completion of Surveillance Procedure 6.3.10.8 (secondary containment leakage test), it was considered more prudent to remove the vessel head and flood the refueling cavity than to continue in the existing configuration. I remember agreeing with that viewpoint.

Explanation Why NRC Sanctions Are Inappropriate

In my view, the procedure revisions in 1991 which changed previous practice (to require prior verification of secondary containment integrity as a prerequisite to RPV disassembly) were prudent. However, SORC approved the procedure changes on March 9, 1993 in part because it did not interpret RPV disassembly to involve loads that could potentially damage irradiated fuel per TS 3.7.C.1.d/PRC-88-11. I recall some confusion at the meeting concerning the use of the PCN form, but I and other members of SORC understood at the time that TS Amendments 147 and 150 were approved

amendments and that no license change request was necessary for the procedure revisions. Although SORC respects the Technical Specifications SORC's interpretation based on the research and information available to us was that movement of RPV disassembly loads prior to verifying secondary containment integrity was not prohibited by the Technical Specifications, since there was no potential to damage irradiated fuel.

Accordingly, I do not believe that sanctions against me personally are justified in connection with the Demand for Information dated November 10, 1994 issued to the Nebraska Public Power District. Any unwarranted restriction in the pursuit of my chosen profession would cause me great hardship, especially in view of the considerable investment I have made in my career. I earned a B.S. degree in nuclear engineering from Kansas State University in 1977 and joined the District at Cooper Nuclear Station in 1982. Since then, I have held positions of increasing responsibility, including: Performance Engineer I (1982), Lead Performance Engineer (1983), Assistant to the Operations Engineering Supervisor (1985), Technical Staff Supervisor (1986), Technical Staff Manager (1993) and Nuclear Safety Support Manager (1994). I served as a Shift Technical Advisor from 1983 through 1992. I served as a representative on the BWR Owners' Group Scram Frequency Reduction Committee (1988-1993). I am a Registered Professional Engineer (mechanical) in Nebraska.

In my present capacity as Nuclear Safety support Manager at Cooper Nuclear Station, I have overall responsibility for the procedure change process. Further, I have the responsibility, through the administration of the Independent Review Group, for developing an effective self-assessment program within the Nuclear Power Group. I serve as a SORC member.

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,

[Chris R. Moeller]

[Chris R. Moeller]

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

Mary Frances Armstrong
Notary Public

My Commission Expires:

Jan. 11, 1998

GENERAL NOTARY-State of Nebraska
MARY FRANCES ARMSTRONG
My Comm. Exp Jan. 11, 1998