

16932

A-94

DOCKETED
USMRC

GPC II-94

'95 JUL 27 P2:59

MAY 28 1991

REC'D

ODM

To: The United States Nuclear Regulatory Commission
(attn. Bruno Uric, Allegations Coordinator)
From: Allen L. Mosbaugh

OFFICE OF SECRETARY
DOCKETING SECTION
BRANCH

from OI

6/19/91:0907

GEORGIA POWER/SONOPCO 2.206 PETITION RESPONSE IS FILLED WITH LIES

Among the most serious of the allegations made in the 2.206 Petition filed by myself and Marvin Hobby is the allegation that GPC thru SONOPCO submitted known, false statements to the NRC intended to mislead the NRC about the reliability of the Diesel generators specifically in an LER 90-006 dated 4-19-90. Perhaps the most significant charge is that the Senior Vice President SONOPCO, George Hairston, who signed the LER knowingly submitted false information to the NRC.

Now SONOPCO has answered the 2.206 petition in a sworn statement response signed by Executive Vice President Pat McDonald. The key facts of the response rebutting the above charge provided by SONOPCO to the NRC are blatantly false.

FALSE STATEMENT NUMBER 1

Specifically SONOPCO's response titled "Response to Hobby/Mosbaugh 2.206 Petition" Section II.b" page 3, last paragraph, footnote 3, the first fact presented is blatantly false.

Footnote 3--- "The wording was revised by corporate and site representatives in a telephone conference call late on April 19, 1990. Although Mr. Hairston was not a participant in that call, he had every reason to believe the final draft LER presented to him after the call was accurate and complete."

Originals of tape recordings are in the possession of the NRC made of the telephone conference call referenced in footnote 3. Participants whose voices are clearly identifiable on that tape are:

George Hairston, Ken McCoy, Bill Shipman,
Jack Stringfellow, George Bockhold,
John Aufdenkampe, Allen Mosbaugh

So it is proven by the tapes that Mr. Hairston actively participated in the conference call late on April 19, 1990.

NUCLEAR REGULATORY COMMISSION GPC

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-94

In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2

☐ Staff ☒ Applicant ☐ Intervenor ☐ Other☐ Identified ☒ Received ☐ Rejected Reporter CR

Date 7-8-95 Witness Mosbaugh

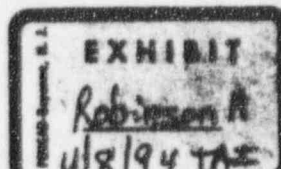


EXHIBIT 2

PAGE 2 OF 30 PAGE(S)

9508110086 950706
PDR ADOCK 05000424
G PDR

Indeed Mr. Hairston's involvement in the detailed development and wording in the LER was extensive to the point of personally interviewing plant operators, a fact SONOPCO apparently does not want the NRC to know.

Now Pat McDonald sworn statement is another lie.

FALSE STATEMENT NUMBER 2

Specifically the second fact presented in footnote 3 is false as well as the statements in section IIB, page 5 last paragraph.

Footnote 3--- "The wording was revised by corporate and site representatives in a telephone conference call late on April 19, 1990. Although Mr. Hairston was not a participant in that call, he had every reason to believe the final draft LER presented to him after the call was accurate and complete.

AND

Page 5--- "the suggestion that GPC officers or their upper level staffs, who were aware of these efforts, would knowingly provide false information is ludicrous. The converse is the truth:"---

AND

Page 5---"The allegation that GPC officers would attempt to mislead the NRC with incorrect information is, in a word, absurd."

Mr. Hairston, The Senior Vice President Nuclear, had enumerable indicators and apparently direct knowledge that the information presented to him was suspect if not outright false before he signed the LER. Bill Shipman is an upper level manager, in fact a General manager, who reports to the Vice President Vogtle Project, Ken McCoy.

The following is a segment as stated on recordings of the conference call referenced in footnote 3.

Shipman ----- Lets see, what other questions have we got.
We got the start thing straightened out.
Stringfellow -- The other question we had Bill was---
Hairston ---- We got the starts-- So we didn't have
no, we didn't have no trips?
Shipman ----- No, not not
McCoy ----- Let me. I'll testify to that.
Shipman ----- Just disavow.
Shipman ----- What else did we have Jack.

At this point the conversation shifts rapidly to other

subjects of the LER which Hairston continues to participate in.

Immediately it is apparent that Hairston was well aware of the diesel trips by his question "So we didn't have no, we didn't have no trips?" and therefore the falsehood in the LER.

Next we hear the "SMOKING GUN" evidence.

McCoy states to Mr. Hairston the strategy that he intends to use to deny the false statement they are about to make. McCoy will "testify" that he did not know it was false since Allen Mosbaugh had not talked to him. Shipman will "disavow". Bill Shipman, McCoy's General Manager over licensing, was just put on notice by Allen Mosbaugh (see below transcript), just 2 hours before, of the of numerous details of the diesel trips and he acknowledged the falsehood of both the LER and COAR statements. Realizing the liability of the brief exchange that has just occurred Bill Shipman rapidly shifts the conversation to other topics.

Pat McDonald statements in the Petition response underlined above are outright lies to cover the criminal conduct of Hairston, McCoy, and Shipman.

Near the end of the conference call:

Aufdenkampe-- Hey Bill.

Shipman----- Yea

Aufdenkampe-- This is John. Are these all the changes we're going to make because I don't think there is anything substantial that needs a PRB?

Shipman---- I won't make that guarantee, John.

Aufdenkampe-- But, OK, So I need to keep someone on standby to do that?

Shipman----- Yes sir you sure do.

Aufdenkampe-- OK, I'll have whoever is going to be on standby give Jack a call, in case this thing drags on till 7:00 or 8:00 at night or something like that.

Shipman---- It's not going to be that long.

McCoy----- We'll be done with this in about 30 minutes with the changes and we'll call you back and let you know and you can make a judgment on whether we have to go back to the PRB.

This sets the time frame for the call as just prior to the final signing by Hairston and indeed the one referenced from Footnote 3 of GPC's response.

EXHIBIT 2

PAGE 4 OF 30 PAGE(S)

As further evidence of Hairston's and SONOPCO's prior knowledge of the Diesel trips and failures that made the LER statements false is the following segment of another tape recording, originals of which are in the NRC's possession. This call contains documentation of part of the actions of the "LER coordinator" described in SONOPCO's petition response on page 3 middle paragraph.

Allen Mosbaugh places this call to Bill Shipman on 4-19-90 approximately 2 hours before the above call with Mr. Hairston and puts senior SONOPCO personnel on notice of the false information in the LER. Known participants on this call are Shipman, Mosbaugh, and Stringfellow.

Shipman --- Hello
Mosbaugh--- Yeah This is Allen Mosbaugh.
Shipman --- Hey Allen. This is Bill Shipman.
Mosbaugh--- Say Bill.
Shipman---- Are you where you can talk for a minute.
Mosbaugh--- I am.
Shipman --- Great. I--- Help!
Mosbaugh--- OK
Shipman---- The , uh, LER, uh, we're, we're, you know, we're trying to get, you know, all Mr. Hairston's questions answered.
Mosbaugh--- Right
Shipman --- Uh, there are 2 things, uh, I guess, uh George has ask us to, you know, to find out and I guess you, you were probably at the time talking to Jack----

A discussion proceeds discussing the first Hairston question which regards operator responses when they first arrived at the Diesel generator room.

Below Hairston shows awareness of the start information controversy in that he has ask for assurances on the start data.

Shipman--- OK and of course the other question we have been trying to get an answer to is to reassure George that we had more than 20 valid starts since , you know, since March 20, like we say in the LER.
Mosbaugh--- Yeah, You realize I think there's a problem with the way that's' stated because you know the machine -- we can--,you know, we've got one of the guys trying to find what the total number of valid starts is, but there were failures.
Shipman--- Yeah. The problem that we got, Allen, is that the data that's in the LER is what George wrote and took and told to the

EXHIBIT 2

Ebnetter last Monday in Atlanta.

Mosbaugh--- Well, you know, if anybody said that there weren't any failures, then, you know, that's just not true.

Shipman--- Well if you look at George's outline that he made to take to Atlanta with him, he says at that time it was like 18 or 19.

Mosbaugh--- Yea.

Shipman--- And without a failure.

Mosbaugh--- Mm.

Shipman--- So you know somebody had given George that information.

Mosbaugh--- On the B--

Shipman--- Have we had a failure since George went to--- ?

Mosbaugh -- No.

Mosbaugh -- On the B---Let me tell you what I know. On the B machine, on the B machine on 3-22 at 12:43 the machine tripped on hi lube oil temperature.

Shipman --- Caused by what?

Mosbaugh--- Caused by the switch that gives you high lube oil temperature probably.

Shipman--- No. I understand that, but did we not have a---

Mosbaugh--- I don't believe that a high temperature physical condition existed. I believe---

Shipman--- Was that a valid-- considered a valid failure?

Mosbaugh--- I haven't assessed these for being valid or not.

Shipman--- You see, because I could, we could solve the problem created by that information by saying "no valid failures".

Mosbaugh--- Let me find --- I think we've got one other one. It is on 3-23 at 17:31 , Machine tripped on low-- this is B machine again-- on low jacket water pressure slash low turbo lube oil pressure low.

Shipman --- OK , the first one was on what date did you say?

Mosbaugh--- 3-22

Shipman--- OK , How you know with that data?--- I think this thing has already been thru the PRB a couple of times-- How the world did it get thru the PRB ?

Mosbaugh -- What's that?

Shipman--- The statement.

Mosbaugh--- The LER or--?

Shipman--- Yea the LER.

Mosbaugh--- Well I mean--

Shipman--- Did that data-- was that not available in the PRB?

Mosbaugh--- The previous time that this LER went thru

EXHIBIT 2

the PRB, I'm not sure those statements were in there.

Shipman---- Yes, Jack says yes they were.

Mosbaugh--- They were?

Shipman---- Yes.

Stringfellow-In fact , the last PRB added the parenthetical phrase "more than 20 times each". I say the last, not, today but the previous PRB.

Clearly Shipman has been put on notice by Allen Mosbaugh of very specific information that the diesel tripped and that the LER information is false.

Clearly Shipman realizes the COAR was false by his comments about the presentation to "Ebnetter".

Clearly Shipman recognizes that the LER is false by his comment, "How the world did it get thru the PRB"?

Clearly Shipman is contriving a way to use "valid failures" to "solve the problem created by that information".

Further discussion ensues with Shipman and Stringfellow continuing to blame the PRB .

Later on the same call:

Shipman--- So, you know, if there's anything you need to do to check to make sure the data you have from Paul is correct and valid I would ask that you do that or if you feel very confident that it's correct now I just need to see what I need to do to about striking this statement.

Mosbaugh--- OK. I feel that this is the best, the best data there is and I believe it is accurate. I will verify that with Kochery though and I will pursue trying to get a conversation with the operator.

Shipman---- OK. Jack and I are going to leave here and walk down to Mr. Hairston's office to go over his comments and what we've been able to do with those and try to finish beating out what he wants to do with this thing.

The call ends shortly thereafter.

Clearly Shipman and Stringfellow proceed to inform Hairston of what they have been told by Allen Mosbaugh. Thus, this additional evidence further shows that Hairston knew that the LER was false hours before he signed it.

EXHIBIT 2

PAGE 7 OF 30 PAGE(S)

FALSE STATEMENT NUMBER 3

Specifically SONOPCO's response makes great efforts to blame Allen Mosbaugh for the errors and states on page 4 of their section IIB:

"Not until April 30 1990 does it appear that Mr Mosbaugh articulated for the benefit of his management that the diesel engine start count data contained in the LER was inaccurate"

Clearly the transcript from FALSE STATEMENT NUMBER 2 above with Bill Shipman proves that Allen Mosbaugh articulated for the benefit of his SONOPCO management detailed information on the diesel failures and therefore in the diesel count data statements and that his SONOPCO management recognized the errors contained in the LER before it was signed on 4-19-90. As such GPC/SONOPCO's underlined statement is blatantly false.

FALSE STATEMENT NUMBER 4

Specifically Georgia Power SONOPCO states on page 4 of IIB of their response:

"To the extent Mr. Mosbaugh had concerns about the substance of the document, he had direct and immediate ability to change the information contained in it. His own actions relative to the LER establish this fact. Indeed, as reflected in PRB comment review sheet for its meeting No. 90-59, held on April 18, 1990 Mr. Mosbaugh directed three changes to the draft LER, two of which he directed as "mandatory" word changes. He, therefore, had an opportunity to require any other correction. Similarly on April 19 1990 in a telephone conversation between the site representatives and Corporate Office representatives, he had the opportunity to suggest corrective language but, apparently failed to do so."

And

From page 5--- "If as he now alleges, Mr. Mosbaugh truly had concerns related to the original LER, his inaction on April 18 (at the PRB), in the April 19 telephone conference, and his April 30 assignment from his General Manager to provide revised LER language provided him numerous opportunities to direct revision or to revise the alleged "false statements." This he failed to do,

Again SONOPCO goes to great lengths to accuse Mr. Mosbaugh of insincere motives and to blame him for the errors. Clearly from the transcript from FALSE STATEMENT 3 above it can be seen that on a telephone conversation between site and corporate representatives Mosbaugh, Shipman, and Stringfellow, Allen Mosbaugh caused Mr. Shipman to

EXHIBIT 2

conclude that corrective language (ie. complete deletion of the false statement) was in order. Mr. Mosbaugh left with the understanding that the false statement would be struck. He obviously did not have direct and immediate ability to change information in the LER since all corrections had to go thru SONOPCO personnel and only Mr. Hairston would sign the final version.

Another example clearly showing the attempts of Allen Mosbaugh and other site personnel to put SONOPCO on notice of the false statement in the LER and to try to "direct revision to" correct it is contained below from a conversation between site and corporate personnel that occurred earlier on 4-19-90.
Known participants are :

Jack Stringfellow, John Aufdenkampe, Allen Mosbaugh

Stringfellow-- But now you know it just dawned on me about what Allen was saying a minute ago, in other words, "And no failures or problems have occurred on any of these starts" Your saying that's not true.

Aufdenkampe-- Yes. I'm saying that's not true.

Stringfellow-- Oh Wonderful. OK

Aufdenkampe -- Which is also be telling you that--
It's telling you something else I imagine.
Because you know this has been written to the NRC once already.

Stringfellow-- Yes I know. That's exactly what I was thinking.

Here again SONOPCO personnel clearly recognize that both the LER and the Confirmation of Action Response letter signed by Hairston on 4-9-90 are false.

Below in a earlier segment of the same conversation on 4-19-90 with the same participants, John Aufdenkampe (who worked under Allen Mosbaugh) is conveying to SONOPCO licensing the comments from the latest meeting of the Plant Review Board.

Allen Mosbaugh arrived late for the 4-19-90 PRB and missed the discussion of LER 90-006 and as such did not vote on it. If Mosbaugh did indeed have the "direct and immediate ability" to make changes to the LER on behalf of his organization or the PRB, he clearly did so as evidenced by the above reference conversations, and from the additional excerpt contained below.

Aufdenkampe -- The next page. On the 20 starts.

Stringfellow-- Yea Yea Yea

Aufdenkampe--- I'm struggling with that one.

Stringfellow---You struggle with that one.

EXHIBIT 2

PAGE 9 OF 30 PAGE(S)

Aufdenkampe--- I'm struggling with that one.
 I'm trying to verify that still.
 Stringfellow-- Oh, OK, Alright
 Aufdenkampe--- We think that's basically a Material false
 statement.
 Stringfellow-- Really!
 Aufdenkampe--- Yea, well we know for a fact that the B
 diesel tripped at least once, after March 20
 Mosbaugh----- Actually it tripped twice after March 20
 or it had at least 2 separate problems.
 Stringfellow-- Well do we need to take this more than 20
 times each out?
 Aufdenkampe-- That's what we're thinking-----

Again in direct contrast to Georgia Power/SONOPCO statements throughout the underlined paragraph of page 4 and 5 of section IIB of the GPC response it is clearly seen that Allen Mosbaugh personally and using his staff tried (ultimately in vain) to get SONOPCO to correct the false statements in the LER before Mr. Hairston signed it. Again the Site personnel recommend that the false statement should be "taken out" as evidenced by Aufdenkampe's last statement.

SONOPCO ignored these attempts so as not to expose the false statement already made to the NRC in the COAR on 4-9-90 by Mr. Hairston and Mr. Hairston knowingly signed out a LER to the NRC containing false statements.

GPC's reference to the "assignment from his General Manager" occurred only after Allen Mosbaugh provided to Mr. Bockhold a memo in writing exposing the false statements in both the COAR and LER.

Again contrary to the GPC response, Mr. Mosbaugh performed his task of providing a revised LER promptly and accurately and by 5-15-90 a revised LER correcting the false information was PRB approved and in SONOPCO's hands but SONOPCO would never submit it.

A revision with different wording of SONOPCO's choosing which changed the whole basis to "valid starts" would not be submitted until 6 weeks later.

To complete his assignment of "revising the alleged false statements" Mr. Mosbaugh also issued an action item on 5-10-90 to George Bockhold to determine how to correct the COAR. Bockhold closed the action item on 5-24-90 but failed to correct the errors in the COAR until 8-30-90 and then only under pressure from the NRC.

Again as exhaustively detailed above, the sworn statements in the underlined paragraph above signed by Pat McDonald are false by both omission and commission.

FALSE STATEMENT NUMBER 5

Specifically GPC/SONOPCO response III.3 ,IID., page 8

EXHIBIT 2

first paragraph (referring to the draft transmittal letter dated 8-29-90 07:55 and 8-29-90 11:42).

"In both instances, the draft transmittal letter explains that if the report had stated "subsequent to the event" rather than "subsequent to the test program," the LER would have been consistent with the April 9 COAR and the "18" and "19" numbers included in the transparencies provided by GPC to the NRC on April 9. This is a correct statement.

This statement is false by omission and/or commission. First as is proven from the draft transmittal letters themselves, the text explains a lot more than "if the report had stated subsequent to the event", the text states "The LER dated April 19 inadvertently stated "Subsequent to this test program, DG1A and DG1B have been started at least 18 times each and no failures or problems have occurred on any of these starts" and "The report should have stated "Subsequent to the event... rather than "Subsequent to the test program..." GPC uses this omission to avoid explaining their false claim of an "inadvertent error" in the transmittal letter.

Below is a portion of the transcript from the telephone conference call late in the afternoon of 4-19-90:

Bockhold---- From my numbers that I presented at the at the conference. They were verified correct by Jimmy Paul Cash who went thru the operator logs.

McCoy----- We ought , you ought to use those numbers.

Bockhold---- OK so we'll say greater than those numbers that were used in the conference.

McCoy----- OK and those numbers you used were used in the conference were after they had completed the comprehensive test of the control system on each diesel.

Bockhold---- That is correct. Those numbers were not before that time.

Stringfellow-OK I just want to make sure I'm clear. You want to say that between 3-20 and now DG1A and DG1B have been subjected to a comprehensive test program. Do we want to say that kind of stuff? Or do you want to say--?

Bockhold---- Yes. You can say that.

A moment later:

Shipman----- 18 and 19, What did you have in your presentation George? 17 and 18 or 18 and 19

Bockhold---- 18 and 19

Shipman ---- So if we say greater than 18 we --

EXHIBIT 2

