TROUTMAN SANDERS
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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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JOHN LAMBERSKI

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November 5, 1993

Mr. Larry L. Robinson
Office of Investigations
Nuclear Regulatory Commission
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

Dear Larry:

Pursuant to our discussion on November 3, 1993 at Plant Vogtle, I attach a transcript of that portion of the April 19, 1990 tape during which Mr. McCoy asks about the number of diesel generator starts.

As you will see and hear, Mr. McCoy initially inquires as to how many starts there were (after the completion of the comprehensive control test program). He does not suggest any specific number at all. It is only after Mr. Bockhold represents that the numbers presented at the April 9th conference had been verified that McCoy says "we ought to use those numbers." Even then, McCoy follows up with Bockhold to be sure that those starts occurred after the completion of the comprehensive test of the control system on each diesel.

As I expressed to you the other day, I fail to see how anyone could reasonably conclude that McCoy's questions evidence anything but a straightforward attempt to determine how many starts occurred after the completion of the comprehensive test of the control systems of the diesels.

You also appear to have concerns about who initially proposed that the starting point of the diesel start count should be the completion of the comprehensive test of the control systems. As I explained to you during our discussion, it could very well have been proposed by McCoy based on his telephone conversation with Ken Brockman that day. As you know, there are statements on the April 19, 1990 tapes (the portions of which have not been provided to Georgia Power) to the effect that McCoy said Brockman understood what was meant by the comprehensive test of the control systems.

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Act, exemptions 5
FOIA- 95-87

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Please give me a call if you would like to discuss this further or if I can assist you in any other way.

Very truly yours,

John Lamberski

JL:svg

Enclosure

cc: Arthur H. Domby, Esq.
Bryan B. Lavine, Esq.
Bruce H. Morris, Esq.

Aufdenkampe: Allen Mosbaugh just walked in George so I'll put you on the speaker. The way my people came up with the greater than 20 starts is that they took the 18 and 19 starts and, based on the April 9th letter and they went and checked and found out how many starts they had subsequent to April 9th. And that's why you can say greater than 20.

Bockhold: I think you can say greater than 20. You know, we've even had more starts recently. We had a start last, the other night.

McCoy: We need to be sure that we know the number of starts after we completed the comprehensive control test program.

Aufdenkampe: I do have people right now going out through - my people going out through the RO's log.

Bockhold: From my numbers that I presented at the conference they were verified correct by Jimmy Paul Cash who went through the operators' logs.

McCoy: We ought to use those numbers.

Bockhold: Okay so we will say greater than those numbers that we used in the conference.

McCoy: Okay, those numbers you used in the conference were after they had completed the comprehensive tests of the control system on each diesel?

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

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Mr. Larry L. Robinson
Office of Investigations
Nuclear Regulatory Commission
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

Aufdenkampe: Allen Mosbaugh just walked in George so I'll put you on the speaker. The way my people came up with the greater than 20 starts is that they took the 18 and 19 starts and, based on the April 9th letter and they went and checked and found out how many starts they had subsequent to April 9th. And that's why you can say greater than 20.

Bockhold: I think you can say greater than 20. You know, we've even had more starts recently. We had a start last, the other night.

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McCoy: Okay, those numbers you used in the conference were after they had completed the comprehensive tests of the control system on each diesel?

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

DRAFT DRAFT

SYNOPSIS

On November 1, 1990, the Regional Administrator, NRC Region II, requested that an investigation be initiated by the NRC Office of Investigations (OI) concerning alleged material false statements made to the NRC by Senior officials of Georgia Power Company (GPC) regarding the reliability of the Emergency Diesel Generators (EDG) at the Vogtle Electric Generating Plant (VEGP), Waynesboro, GA.

The OI investigation substantiated that, on April 9, 1990, the General Manager, VEGP, deliberately presented incomplete and inaccurate information to NRC regarding the testing of the VEGP Unit 1 EDGs conducted subsequent to a March 20, 1990 Site Area Emergency (SAE) at VEGP. This occurred at NRC Region II offices, Atlanta, GA during a GPC oral presentation in support of their request to return VEGP Unit 1 to power operations.

The investigation also substantiated that, also on April 9, 1990, in a letter to NRC captioned VOGTLE ELECTRIC GENERATING PLANT CONFIRMATION OF ACTION LETTER, the Senior Vice President of Nuclear Operations, GPC, presented a misleading, incomplete, and inaccurate statement of diesel test results, which was based upon the incomplete, inaccurate information in the aforementioned oral presentation. The General Manager, VEGP, reviewed the statement in this letter and approved it for signature by the Senior V-P.

The investigation substantiated that, on April 19, 1990, the Senior Vice President of Nuclear Operations, GPC, with, at a minimum, careless disregard, submitted a false statement of diesel test results to the NRC in Licensee Event Report (LER) No. 90-006, which pertained to the SAE. This false statement was submitted as a direct result of deliberate actions, on April 19, 1990, by a group of GPC Senior Managers, to include the Senior V-P of Nuc Ops, the Vogtle Project V-P, the Corporate GM of Plant Support, and the VEGP GM. These Senior Managers re-worded an existing statement of diesel testing in a draft LER, after ~~having~~ been told by VEGP Site personnel that this draft LER statement and the corresponding statement in the April 9th letter (upon which the draft LER statement was based) were false. However, the GPC Senior Management efforts to make the re-wording similar to the April 9th statement, plus their knowledge that the new statement could not have been definitively verified prior to the issuance of the LER, resulted in the re-worded statement being false.

The OI investigation substantiated that the Senior Vice President of Nuclear Operations, GPC, again, with, at a minimum, careless disregard, submitted a false statement to NRC in the letter of transmittal of a Revision to LER 90-006, dated June 29, 1990. [redacted]

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The investigation substantiated that the Vice President, Vogtle Project, GPC, with, at a minimum, careless disregard, submitted both a false and a misleading statement in the GPC Clarification of Confirmation of Action Response letter to NRC dated August 30, 1990. These false and misleading statements pertained to reasons why the statement of diesel testing in the GPC Confirmation of Action Response letter, dated April 9, 1990 was inaccurate.

OI5

The OI investigation substantiated that VEGP General Manager had knowledge, at the time of his oral presentation to NRC on April 9, 1990, that there continued to be out of tolerance dewpoint readings on the control air of the VEGP Unit 2 EDGs as recently as the day before his presentation. Yet, he also knew that GPC, as part of their justification for restart of Unit 1, was claiming that EDG air quality was satisfactory, and that GPC was attributing bad dewpoint readings to faulty instrumentation. The VEGP General Manager withheld, from NRC, his knowledge of the relevant, material information regarding bad dewpoint readings, and permitted the GPC claims of satisfactory air quality and faulty instrumentation to be issued in the GPC April 9, 1990 letter of response to the NRC Confirmation of Action.

OI6

The OI investigation substantiated that the GPC Executive Vice President of Nuclear Operations, as the sworn signatory of the GPC Response to 2.206, dated April 1, 1991, provided inaccurate information to NRC when the Response stated that the GPC Senior Vice President of Nuclear Operations was not a participant in the late afternoon conference call on April 19, 1990, in which the wording of LER 90-006 was revised by corporate and site representatives. The audio tape of that conference call establishes that the Senior V-P of Nuc Ops was not only a participant in a portion of that call, but that he addressed the issue of EDG starts and "trips".

OI7

It is also concluded from the combination of the above findings, and the overall review, by the Office of Investigations, NRC, of the numerous audio tape recordings of internal GPC conversations regarding their communications with the NRC on a range of issues, that, at least in the March-August, 1990 time frame, there was evidence of a closed, deceptive, adversarial attitude toward NRC on the part of GPC Senior Management. This attitude fostered a noticeable degree of frustration on the part of various GPC Technical Support and Engineering personnel with respect to the GPC provision of information, not known to NRC, that had the potential of resulting in NRC enforcement action.

OI8

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BBH

PREDECISIONAL INFORMATION -
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file

VOGTLE REVIEW

STATUS BRIEFING
by the
VOGTLE COORDINATING GROUP

November 22, 1993

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Act, exemptions 5
FOIA- 5-P

C/L/4

BRIEFING OUTLINE

- Purpose of Briefing
- Coordinating Group Schedule
- Group Progress *vis-à-vis* the Group Charter
- Discussion of Preliminary Conclusions Provided by OI to Date
  - Background/Licensee Key Management Structure (Early-Mid 1990)
  - Discussion of Each Preliminary OI Conclusion

PURPOSE OF BRIEFING

- Inform senior management of status of Coordinating Group progress.
- Provide overview of Coordinating Group discussions.

COORDINATING GROUP SCHEDULE

- 9/16/93 Coordinating Group established via Charter.
- 10/25/93 Periodic meetings and initial review of exhibits completed. Daily meetings begin.
- 11/22/93 Daily meetings in progress.

PROGRESS ON THE PROVISIONS OF THE CHARTER

1. Working with OI, conduct a detailed evaluation of OI's evidence.

   Status: Initial review and evaluation of evidence in progress.

   Note: Review also encompasses information becoming available through discovery in the ASLB proceeding.

2. Identify any violations and determine appropriate enforcement actions.

   Status: Work in progress. Estimated to be half completed.

3. Develop recommended actions for management consideration and prepare draft enforcement package.

   Status: To be initiated.

4. Prepare draft Commission paper to forward any enforcement recommendations.

   Status: To be initiated.

CHARTER PROGRESS (continued)

5. Identify any additional required OI field work.

   Status: Additional field work/questions identified. OI field work complete. Review of additional field work is in progress.

6. If preliminary determination is that enforcement is appropriate, have a draft enforcement package (Item 3) and Commission paper (Item 4) ready for management review by October 22, 1993.

   Status:

7. Notify management as soon as possible if additional OI field work (Item 5) is required.

   Status: Completed. No additional field work currently anticipated.

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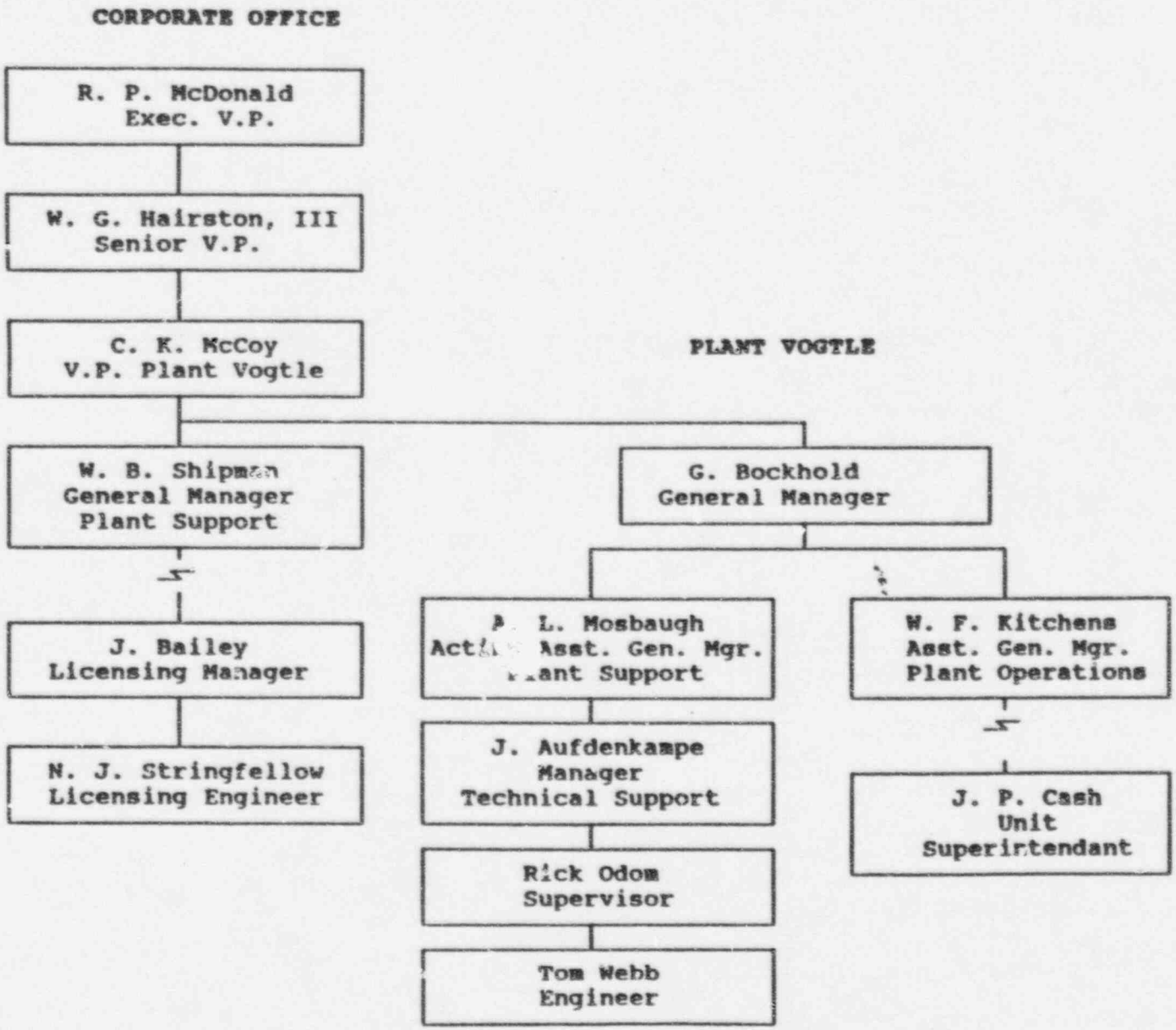
LICENSEE ORGANIZATION - MARCH 1990



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GPC RESTART PRESENTATION - SLIDE 10

DIESEL TESTING

* NORMAL 36 MONTH OVERHAUL AND INSPECTION
* SPECIAL TESTING

1A	1B
3/20 EVENT 5 STARTS, TROUBLESHOOTING	IN OVERHAUL
	SENSOR CALIBRATION LOGIC TESTING E-RUN BUBBLE TESTING MULTIPLE STARTS (10) UV RUN TEST 6 MONTH RUN SURVEILLANCE DIESEL OPERABLE
UV RUN TEST SENSOR CALIBRATION LOGIC TESTING E-RUN BUBBLE TESTING MULTIPLE STARTS (5) UV RUN TEST 6 MONTH SURVEILLANCE DIESEL OPERABLE HI JACKET WATER RUNS (3) DCP UV RUN TEST	LUBE OIL DCP RUN DCP UV RUN FUNCTIONAL
18 SUCCESSFUL STARTS	19 SUCCESSFUL STARTS

OI PRELIMINARY CONCLUSION 1

- OI Conclusion:

- Coordinating Group Discussion:

  The group looked to the 4/9/90 letter as representing the information that GPC presented in the restart briefing. The group conclusions regarding the 4/9/90 presentation are included within its conclusions on the 4/9/90 letter.

CAL RESPONSE (4/9/90)

Georgia Power

U. S. Nuclear Regulatory Commission
Region II
ELV-01516
Page Three

g. Since March 20, 1990, GPC has performed numerous sensor calibrations (including jacket water temperatures), extensive logic testing, special pneumatic leak testing, and multiple engine starts and runs under various conditions. Since March 20, the 1A DG has been started 18 times, and the 1B DG has been started 19 times. No failures or problems have occurred during any of these starts. In addition, an undervoltage start test without air roll was conducted on April 6, 1990 and the 1A D/G started and loaded properly.

OI PRELIMINARY CONCLUSION 2

- OI Conclusion:

- Coordinating Group Discussion:

LER (4/19/90)

Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. After the 3-20-90 event, the control systems of both engines have been subjected to a comprehensive test program. Subsequent to this test program, DG1A and DG1B have been started at least 18 times each and no failures or problems have occurred during any of these starts. In addition, an undervoltage start test without air roll was conducted on 4-6-90 and DG1A started and loaded properly.

OI PRELIMINARY CONCLUSION 3

- OI Conclusion:

LER 90-06, dated 4/19/90, states that, subsequent to "a comprehensive test program," EDGs 1A and 1B were started at least 18 times each with no problems or failures during any of those starts.

- Coordinating Group Discussion:

In fact, as of 4/19/90, the numbers of consecutive successful starts for EDGs 1A and 1B would have been no more that 10 and 12 respectively.

OI PRELIMINARY CONCLUSION 4

- OI Conclusion:

- Coordinating Group Discussion:

LER REVISION (6/29/90)

The number of successful starts included in the original LER included some of the starts that were part of the test program. The difference is attributed to diesel start record keeping practices and the definition of the end of the test program.

CORRECTION TO 4/9/90 CAL RESPONSE (8/30/90)

The confusion in the April 9th letter and the original LER appear to be the result of two factors. First, there was confusion in the distinction between a successful start and a valid test. For the purpose of this letter, a start was considered successful when the DG was started and either ran or was intentionally shut down due to testing in progress, as identified on the attached tables. Our use of the term "successful" was never intended to imply a "valid successful test" in the context of Regulatory Guide 1.108. Many start attempts were made to test the DG's 1A and 1B using applicable operating procedures. These procedures and data sheets do not contain criteria for determining if a start is successful which resulted in determinations of success which were inconsistent with the above definition. Second, an error was made by the individual who performed the count of DG starts for the NRC April 9th letter.

OI PRELIMINARY CONCLUSIONS 5 AND 6

- OI Conclusion 5:

- OI Conclusion 6:

- Coordinating Group Discussion:

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DRAFT ANALYSIS

1. APRIL 9, 1990 LETTER AND PRESENTATION RE DIESEL STARTS

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FOIA- 95-51

Evidence

On or about Friday, April 6, 1990, a meeting was arranged for the following Monday, April 9, 1990, for GPC to review its corrective actions since the Vogtle Unit 1 incident of March 20, 1990. The meeting was in accordance with the NRC's Confirmation of Action letter of March 22, 1990, which reflected GPC's previous agreement that "Unit 1 will not be taken critical until the Regional Administrator is satisfied that appropriate corrective action has been taken and the plant can safely return to operation." GPC had scheduled Unit 1 to achieve criticality and resume power operation about April 10, 1990. Mr. K. Brockman of RII informed Mr. K. McCoy that he (McCoy) should be prepared to show the NRC the reliability of the EDGs and to show how the EDGs had performed (OI Report of Interview with Kenneth E. Brockman, September 5, 1991, p. 1). Mr. McCoy assigned this portion of the presentation to the Vogtle General Manager, Mr. George Bockhold (McCoy Transcript---).

In preparation for the meeting during the weekend of April 6, 1990, Mr. G. Bockhold asked the Unit Superintendent, Mr. J. Cash, "to get from the logs the information associated with the number of successful starts" (Exhibit 10: NRC Special Inspection Interview of George Bockhold, August 14, 1990, p. 4). Mr. Cash recalls that the General Manager told him to "review the log books and determine how many starts we had had with no significant problems" (Exhibit 7: NRC Special Inspection Interview of Jimmy Paul Cash, August 14, 1990, p. 3). Neither Messrs. Bockhold nor Cash recall any discussions at the time of this request concerning the meaning of a "successful start" or when the count

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should begin or end. Rather, both believe that no such discussion occurred:

> Q: Could you give us your definition of a successful start?
> Bockhold: A successful start would have been any start that didn't show a significant problem that would have caused the engine to trip or cause the engine not to meet its intended purpose.
>
> The term "successful start" was a term that I think I came up with without a great deal of thought. Okay. But it was a term that is -- at that point I knew was very different than a valid test or a -- or a -- and there are a Reg. Guide series of terminologies that are used associated with diesel generators.
>
> And so I didn't want this term to relate to that Reg. Guide, because there are certain requirements on each one of those. And I just wanted this term to represent as I had stated before the fact that [we] didn't have any major problems with the engine; it ran; ...
>
> Q: ... Does the term "successful start" indicate that the engine ran for a given amount of time or was that a criteria?
>
> Bockhold: I didn't tell Jimmy [Paul Cash] any -- any criteria. I used the term "successful start", and he went off and counted them. You know, I assumed that he has some criteria when he came back with the number. But I didn't -- we didn't go into a discussion about what the criteria was on the successful starts as far as I remember.
>
> Q: And you didn't ask him what his criteria was in making his count?
>
> Bockhold: Didn't ask him what his criteria -- you know, hindsight being 20/20 I wish I had because we, you know, wouldn't have this discussion today. (Transcript of OI's Investigative Interview of George Bockhold, Jr., June 22, 1993, pp 18-19).

To Mr. J. Cash, the appropriate data to gather for Mr. Bockhold was "All starts that it appeared from the log entry that the diesel would have ran during an emergency" (OI Investigative Interview of Jimmy Paul Cash, June 14, 1993, p. 12).

Mr. J. Cash obtained his data from the Unit control logs and the shift supervisor's logs (Special Inspection Interview of Jimmy Paul Cash, August 14, 1990, p. 4). He began his count of diesel starts with the troubleshooting starts on March 20, 1990:

> Q: And when did you start your diesel counts in this data that you were obtaining for Mr. Bockhold?
>
> A: That's -- I assume that I started with the troubleshooting starts that we did, I think it was late that afternoon or that night on 3/20 --
>
> Q: On 3/20/90?

A: Yes

Q: And so your count for both the A machine and the B machine would have started on 3/20/90?

A: That is my belief; yes sir. (OI Investigative Interview of Jimmy Paul Cash, June 14, 1993, p. 13)

Thus, the time frame reviewed by Mr. J. Cash included testing on the days of March 22 and 24, 1990 -- days during which three problems occurred during the tests on EDG-1B.

Based upon Mr. J. Cash's understanding of "successful starts", two trips in the log on March 22, 1990, for EDG-1B were not problems, and therefore, were apparently included in his count:

Q: I'll direct your attention to page number 5289 of that [Unit 1 control] log, which is headed March 22, 1990, and proceed down to the entry at 12:43. It reads, and I quote, "DG1B tripped on DG high lube oil temperature."

And I'll just ask you, when you went to obtain the diesel generator information for Mr. Bockhold, did you count that diesel test or that diesel run?

A: While I don't remember the specifics of doing this, I would have counted that by my criteria.

Q: You would have counted that?

A: Yes, sir.

Q: Why would you have counted that -- is that -- why would you have counted that?

A: A diesel generator high lube oil temperature trip is a nonessential trip. It is a trip that is bypassed during an emergency, therefore [it] would not have prevented this diesel from performing its function during an emergency.

Q: Okay.

A: There's nothing to indicate that's a problem (Transcript: OI Investigative Interview of Jimmy Paul Cash, June 14, 1993, pp 15-16)...

Q: I'll direct your attention to page 5292 of the log. The entry at 17:31, and I quote, "DG1B tripped on low jacket water pressure/turbo lube oil pressure low." Would you have counted this test of the DG1B as being a test without any significant problem?

A: Once again, this trip would be a nonessential trip. There is nothing from this log entry to indicate that this diesel would not have performed during an emergency. So I would -- yes. The answer

is yes.

Q: You would have counted that one as being a successful start?

A: Yes, sir. (Ib. pp 18-19).

2. APRIL 9, 1990 LETTER RE AIR QUALITY

[redacted] The letter stated in item 4 of paragraph (g):

> GPC has reviewed air quality of the D/G air system, including dewpoint control, and has concluded that air quality is satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation.

[redacted] the General Manager and other site personnel knew before April 9, 1990, that there had been valid high dew point measurements of Vogtle starting air due to the air dryers being out of service and the air receivers being repressurized.

Evidence

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[redacted] Bockhold asked Cash to count "successful starts" of the emergency diesel generators (EDGs) [redacted] Cash collected start data from the Control Room Log and the Shift Supervisor's Log and conveyed totals to Bockhold for the 1A and 1B diesels. [redacted] the information reported to the NRC in the 4/9 oral presentation and the 4/9 letter to NRC, was that there were 18 and 19 successful sequential starts on the 1A and 1B, respectively, without problems or failures. [redacted] GPC did not identify that the count reported included three EDG-1B starts with problems (a high lube oil temperature trip, a low jacket water pressure/turbo lube oil pressure low trip and a failure to trip on a high jacket water temperature alarm) that had occurred on 3/22 and 3/24. The correct number of sequential successful starts should have been 12 for EDG-1B.

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a review of maintenance records deficiency cards associated with Unit 1 would have revealed that high dewpoints were also attributable to system air dryers [occasionally] being out of service for extended periods and to system repressurization following maintenance, as documented in NRC Inspection Report No. 50-424/425 90-19, Supplement 1, dated November 1, 1991.

[redacted] On April 19, 1990, during the corporate and site review of the draft LER, George Bockhold stated that the start counts reported on April 9 began after completion of the CTP. He also told Shipman that his count began after instrumentation recalibration, but Shipman could not define that point nor did site personnel establish this reference point prior to issuance of the LER. [redacted] the EDG-1B start counts reported on 4/19 over stated the actual counts by including starts that were part of the test program.

Docket No. 50-424
License No. NPF-68
EA 93-304
Georgia Power Company
ATTN: Mr. C. K. McCoy
Vice President -
Vogtle Project
Post Office Box 1295
Birmingham, Alabama 35201

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FOIA- 95-87

SUBJECT: NOTICE OF VIOLATION [redacted]
(NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-90-020 AND NRC INSPECTION REPORT NO. 50-424,425/90-19, SUPPLEMENT 1)

This refers to the investigation conducted by the Nuclear Regulatory Commission's Office of Investigations (OI) at Georgia Power Company's (GPC) Vogtle Electric Generating Plant (VEGP) which was completed on December 17, 1993. The investigation was initiated as a result of information received in June 1990 by Region II alleging, in part, that material false statements were made to the NRC by senior officials of GPC regarding the reliability of the Diesel Generators (DGs). The purpose of DGs at a nuclear power plant is to power the loads that are needed to mitigate accidents, safely shut down the reactor and maintain a safe shutdown condition in the event normal power is lost. The pertinent events involved in this matter are described below.

On March 20, 1990, during a refueling outage at VEGP Unit 1, GPC declared a Site Area Emergency (SAE) when offsite power was lost concurrent with the failure of the only Unit 1 DG that was available (1A). The other Unit 1 DG (1B) was unavailable due to maintenance activities.

The NRC immediately responded to the SAE at the VEGP site with an Augmented Inspection Team (AIT). The NRC effort was upgraded to an Incident Investigation Team (IIT) on March 23, 1990. The IIT was composed of NRC Headquarters technical staff and industry personnel. The results of this investigation are documented in NUREG-1410, "Loss of Vital AC Power and the Residual Heat Removal System During Mid-Loop Operations at Vogtle Unit 1 on March 20, 1990."

On March 23, 1990, the NRC issued a Confirmation of Action Letter (CAL) to GPC that, among other things, confirmed that GPC agreed not to return VEGP Unit 1 to criticality until the Regional Administrator was satisfied that appropriate corrective actions

had been taken, and that the plant could safely return to power operations.

On April 9, 1990, GPC made a presentation to the NRC in the Region II offices in support of GPC's request to return VEGP Unit 1 to power operations. GPC also submitted a written summary of its April 9 presentation in an April 9, 1990 letter, "Vogtle Electric Generating Plant Confirmation of Action Letter." On April 12, 1990, the NRC formally granted permission for VEGP Unit 1 to return to criticality and resume power operations.

On April 19, 1990, pursuant to 10 CFR 50.73, GPC submitted Licensee Event Report (LER) 50-424/90-06, "Loss of Offsite Power Leads to Site Area Emergency."

On June 29, 1990, GPC submitted a revised LER, 50-424/90-06-01. The purpose of the submittal was to clarify information related to successful DG starts, as discussed in the April 9, 1990 letter and the April 19, 1990 LER, and to update the status of corrective actions in the original LER.

From August 6 through August 17, 1990, the NRC conducted a Special Team Inspection at VEGP, as a result of NRC concerns about, and allegations related to, VEGP operational activities. The objectives of the inspection were to (1) assess the operational philosophy, policy, procedures and practices of the facility's operating staff and management regarding operational safety and (2) determine the technical validity and safety significance of each allegation and their impact on safe operation of the facility. This inspection did not investigate alleged wrongdoing. The Special Team informed GPC that the June 29, 1990 submittal failed to address the April 9, 1990 data and requested that GPC clarify DG starts reported on April 9, 1990. This results of this inspection are documented, in part, in NRC Inspection Report No. 50-424,425/90-19, Supplement I, dated November 1991.

On August 30, 1990, GPC submitted a letter, "Clarification of Response to Confirmation of Action Letter." The purpose of the submittal was to clarify the diesel start information that was addressed in the April 9, 1990 submittal.

The NRC has carefully reviewed the evidence associated with the these events. Specifically, the NRC reviewed information gathered as part of the OI investigation, information gathered during the IIT, NUREG-1410, Supplement I of NRC Inspection Report 90-19, discovery responses in the Vogtle operating license amendment proceeding (Docket Nos. 50-424 OLA-3, 50-425 OLA-3) and other related information. [redacted]

[redacted] Information was then presented to the NRC in an April 9, 1990 oral presentation by the VEGP General Manager and in an April 9, 1990 letter that there were 18 and 19 successful consecutive starts on the 1A and 1B DGs, respectively, without problems or failures. [redacted] the 19 trouble-free starts for the 1B DG that GPC reported in the presentation and letter included three starts with problems that occurred during DG overhaul/maintenance activities (a high lube oil temperature trip on March 22, 1990; a low jacket water pressure/turbo lube oil pressure low trip on March 23, 1990; and a failure to trip on a high jacket water temperature alarm occurring on March 24, 1990). The correct number of consecutive successful starts was 12 for 1B DG--a number [redacted] less than that reported by GPC to the NRC on April 9, 1990. [redacted]

[redacted] The air for starting a DG and operating its instruments and controls is derived from the starting air system. The starting air system contains dryers designed to control moisture (i.e., dew point) at acceptable

levels. [redacted] a review of maintenance records and deficiency cards associated with Unit 1 would have revealed that high dew points were also attributable to system air dryers occasionally being out of service for extended periods and to system repressurization following maintenance, as documented in NRC Inspection Report No. 50-424,425/90-19, Supplement 1, dated November 1, 1991. [redacted]

During the preparation of the LER, the Acting VEGP Assistant General Manager questioned the accuracy of the April 9 letter given that there were trips on the 1B DG after March 20, 1990. [redacted] In later discussions regarding the draft LER, the General Manager, Technical Support Manager and Acting VEGP Assistant General Manager acknowledged that they did not understand the starting point that the term CTP was supposed to

identify. There were also different interpretations about what testing the term CTP encompassed. The General Manager - Plant Support (Vogtle Project), the VEGP Technical Support Manager, and the Acting VEGP Assistant General Manager were aware that the VEGP General Manager had earlier stated that his April 9 count began after instrument recalibration. The Acting VEGP Assistant General Manager stated that a CTP could also include under voltage testing. [redacted]

[redacted] the 1A and 1B DG start counts reported on April 19, 1990, overstated the actual counts by including starts that were part of the test program. [redacted]

[redacted] On April 30, 1990, the Acting VEGP Assistant General Manager for Plant Support gave the VEGP General Manager a listing of 1A and 1B DG starts, [redacted] After being informed that the April 19 DG start counts were in error, the Senior Vice President - Nuclear Operations informed the Regional Administrator that a revision to the April 19 LER would be submitted, in part, to correct the DG start counts.

After being provided conflicting data about the actual number of DG starts as of April 19, the Senior Vice President - Nuclear Operations requested (on or about May 24, 1990) that an audit be conducted to establish the correct data and to determine why the errors were made. The audit completed June 29 narrowly focused on a review of diesel records (Shift Supervisor's Log and Diesel Generator Start Log) to verify the number of DG starts. The audit did not identify any specific cause for the error in the number reported in the LER. The audit stated, however, that the error appeared to result from incomplete documentation. The audit also noted it appears confusion exists about the specific point at which the test program was completed. [redacted]

On June 29, 1990, the draft cover letter for the LER revision was being reviewed at the site. The draft had originated in GPC corporate headquarters and included language personally developed by the Senior Vice President - Nuclear Operations and the Vice President - Vogtle Project. During this review, a VEGP Technical Assistant (TA) (formerly the Acting VEGP Assistant General Manager - Plant Support) noted that the letter was incomplete and challenged the accuracy of the reasons stated in the draft cover letter in conversations with the Supervisor - Safety Audit and Engineering Review (SAER), the VEGP Assistant General Manager - Plant Support, the VEGP Manager - Engineering Support, and a Licensing Engineer - Vogtle Project. The VEGP TA stated that: (1) the letter failed to clarify the DG starts reported on April 9, (2) DG record keeping practices were not a cause of the difference in the DG starts reported in the April 19 LER because adequate information was available when the counting errors were made, and (3) the erroneous counts resulted from personnel errors in developing the count. [redacted]

The Licensing Engineer - Vogtle Project was instructed by the Senior Vice President - Nuclear Operations to work closely with the site to ensure that the submittal was accurate and complete.

The Supervisor - SAER was aware that the audit (that formed the basis for the reasons stated in the June 29 letter) was narrow in scope and did not identify a specific cause for the error in the number of 18 starts reported in the April 19 LER. The Supervisor - SAER was also aware that observations stated in the audit report were [redacted] being used to identify the root causes for the errors in the April 19 LER. The VEGP TA and VEGP Manager - Engineering Support made the Supervisor SAER aware of this inaccuracy. [redacted] the Supervisor SAER

was made aware on June 12 that, to identify the root cause of the error in the April 19 LER (i.e., personnel errors), the audit scope would need to include an assessment of the performance of the Unit Superintendent and the VEGP General Manager, the individuals that developed the initial count. Yet, the audit did not include these individuals. The Supervisor SAER was again made aware by the TA that the root cause for the difference was personnel error. [redacted]

The VEGP Assistant General Manager - Plant Support was apprised of concerns regarding the June 29 letter by the TA (an individual who had been involved in preparing the April 19 LER and had been [redacted] involved in developing an accurate DG start count).

[redacted] the April 9, 1990 letter. The letter stated that the errors in the April 9 letter and presentation (and the April 19 LER) were caused, in part, by confusion in the distinction between a successful start and a valid test. [redacted]

[redacted] The August 30 letter states that the error in the April 9 letter and presentation (and the April 19 LER) were caused, in part, by an error made by the individual who performed the count of DG starts. [redacted]

[redacted] while GPC undertook efforts to correct the April 19 LER, it narrowly focused only on that submittal. For example, GPC conducted an audit, the scope of which was limited to review of DG records in an attempt to correct the start count reported in the April 19 LER. Furthermore, in its June 29 submittal, while GPC referred to both the April 9 letter and the April 19 LER, it attempted to explain only the reasons for the error in the April 19 LER. The Senior Vice Presdent - Nuclear Operations and the Vice President - Vogtle Project were directly involved in the development of the June 29 letter. [redacted] Subsequently, the NRC requested that GPC make a submittal addressing the April 9 letter. As of August 17, 1990, the VEGP General Manager and the Vice President - Vogtle Project were aware of NRC concerns regarding the errors in, and the misleading nature of, the April 9 letter. [redacted] GPC forwarded a submittal regarding the April 9 letter on August 30 that was drafted at corporate headquarters under the direction of the Vice President - Vogtle Project, without an assessment of the actions of the VEGP General Manager and the Unit Superintendent who developed erroneous information for the April 9 letter. [redacted]

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Regional Administrator

Enclosure(s):
Notice of Violation [redacted]

1-117115

NOTICE OF VIOLATION

[redacted]

Georgia Power Company
Vogtle Electric Generating Plant

Docket No. 50-424
License No. NPF-68
EA 93-304

During an NRC inspection conducted from August 6, 1990 to August 17, 1990 and an NRC investigation conducted from June XX 1990 to December 17, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose [redacted] pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations [redacted] are set forth below:

I. 10 CFR § 50.9(a) requires that information provided to the NRC by a licensee shall be complete and accurate in all material respects.

[redacted] Licensee Event Report (LER) and cover letter dated June 29, 1990 [redacted] states that: "In accordance with 10 CFR 50.73, Georgia Power Company (GPC) hereby submits the enclosed revised report related to an event which occurred on March 20, 1990. This revision is necessary to clarify the information related to the number of successful diesel generator starts as discussed in the GPC letter dated April 9, 1990...."

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[redacted]

The letter states that: "If the criteria for the completion of the test program is understood to be the first successful test in accordance with Vogtle Electric Generating Plant (VEGP) procedure 14980-1 "Diesel Generator Operability Test," then there were 10 successful starts of Diesel Generator 1A and 12 successful starts of Diesel Generator 1B between the completion of the test program and the end of April 19, 1990, the date the LER-424/1990-06 was submitted to the NRC. The number of successful starts included in the original LER (at least 18) included some of the starts that were part of the test program. The difference is attributed to diesel start record keeping practices and the definition of the end of the test program."

[redacted] a letter dated August 30 1990 [redacted] states that: "The confusion in the April 9th letter and the original LER appear to be the result of two factors. First, there was confusion in the distinction between a successful start and a valid test... Second, an error was made by the individual who performed the count of DG starts for the NRC April 9th letter."

[redacted] a April 9, 1990 letter [redacted] states that:

"Since March 20, the 1A DG has been started 18 times, and the 1B DG has been started 19 times. No failures or problems have occurred during any of these starts."

[redacted] Start 132 tripped on high temperature lube oil, Start 134 tripped on low pressure jacket water and Start 136 had a high temperature jacket water trip alarm. As of April 9, 1990, the 1B DG had only 12 consecutive successful starts without problems or failures rather than the 19 represented by GPC. [redacted]

[redacted] The NRC relied, in part, upon the information presented by GPC on April 9, 1990 in the oral presentation and in the GPC letter in reaching the NRC decision to allow Unit 1 to return to power operation.

[redacted] a April 9, 1990 letter [redacted] states, when discussing the air quality of the DG starting air system at the Vogtle facility, that:

"GPC has reviewed air quality of the D/G air system including dewpoint control and has concluded that air quality is

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satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation."

[redacted] actual high dew points had occurred at the Vogtle facility. [redacted] the causes of those high dew points included failure to use air dryers for extended periods of time and repressurization of the DG air start system receivers following maintenance.

[redacted] The NRC relied, in part, upon the information presented by GPC in its letter of April 9, 1990 in reaching the decision to allow Vogtle Unit 1 to return to power operation.

[redacted] a LER, dated April 19, 1990, [redacted] states:

"Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. After the 3-20-90 event, the control systems of both engines have been subjected to a comprehensive test program. Subsequent to this test program, DG1A and DG1B have been started at least 18 times each and no failures or problems have occurred during any of these starts."

[redacted]

Notice

Dated at (City, State)
this ____ day of __(Month)__ 19(XX)

12/20/93

SYNOPSIS

On November 1, 1990, the Regional Administrator, U.S. Nuclear Regulatory Commission (NRC), Region II, requested that an investigation be initiated by the NRC Office of Investigations (OI) concerning alleged material false statements made to the NRC by senior officials of Georgia Power Company (GPC) regarding the reliability of the emergency diesel generators (EDGs) at the Vogtle Electric Generating Plant (VEGP), Waynesboro, GA.

The OI investigation substantiated that, on April 9, 1990, the general manager (GM), VEGP, deliberately presented incomplete and inaccurate information to NRC regarding the testing of the VEGP Unit 1 EDGs conducted subsequent to a March 20, 1990, site area emergency (SAE) at VEGP. This occurred at NRC Region II offices, Atlanta, GA, during a GPC oral presentation in support of their request to return VEGP Unit 1 to power operations.

The investigation also substantiated that, on April 9, 1990, in a letter to NRC captioned VOGTLE ELECTRIC GENERATING PLANT CONFIRMATION OF ACTION LETTER, the senior vice president (VP) of Nuclear Operations (Nuc Ops), GPC, presented a misleading, incomplete, and inaccurate statement of diesel test results, which was based upon the incomplete, inaccurate information in the aforementioned oral presentation. The submission of this statement is considered deliberate, because the GM, VEGP, reviewed the statement in this letter and approved it for signature by the senior VP.

The investigation substantiated that, on April 19, 1990, the senior VP, Nuc Ops, GPC, with, at a minimum of careless disregard, submitted a false statement of diesel test results to the NRC in Licensee Event Report (LER) No. 90-006, which pertained to the SAE. This false statement was submitted as a direct result of deliberate actions, on April 19, 1990, by a group of GPC senior managers, including the senior VP, Nuc Ops, the Vogtle Project VP, the Corporate GM of Plant Support, and the VEGP GM. These senior managers reworded an existing statement of diesel testing in a draft LER, after the GM of Plant Support had been told by VEGP site personnel that this draft LER statement and the corresponding statement in the April 9 letter (upon which the draft LER statement was based) were false. However, the GPC senior management efforts to make the rewording similar to the April 9 statement, combined with their knowledge that the new statement could not have been definitively verified prior to the issuance of the LER, resulted in the reworded statement being false.

Hairston, McCoy, Shipman, Bockhold

The OI investigation substantiated that the senior VP, Nuc Ops, GPC, again, with, at a minimum, careless disregard, submitted a false statement to NRC in the letter of transmittal of a revision to LER 90-006, dated June 29, 1990. This false statement pertained to the reasons for the difference in the GPC statement of diesel testing in the original LER 90-006 versus the statement of diesel starts in the transmittal letter of the revision.

Hairston

The investigation substantiated that the VP, Vogtle Project, GPC, with, at a minimum of careless disregard, submitted both a false and a misleading statement in the GPC clarification of Confirmation of Action response letter to NRC dated August 30, 1990. These false and misleading statements pertained

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conversations to which he was a party. MOSBAUGH advised OI that he did this taping to obtain evidence of anticipated adverse action against him by GPC for reporting safety concerns to NRC (he has a separate proceeding with the Department of Labor [DOL] regarding discrimination issues), and to obtain evidence of anticipated wrongdoing on the part of GPC. MOSBAUGH's taping continued until early September 1990, when his taping became known to GPC during the course of a DOL proceeding between MOSBAUGH and GPC. MOSBAUGH was immediately suspended by GPC. On September 12, 1990, MOSBAUGH, through his attorney, made OI aware of the tapes and that they potentially contained evidence of wrongdoing on the part of GPC. OI took possession of the tapes as evidence on September 13, 1990. MOSBAUGH's employment with GPC was terminated on October 8, 1990.

In January 1990, MOSBAUGH had anonymously provided NRC with a written allegation of a deliberate violation of a plant technical specification by GPC personnel at VEGP. This allegation was investigated by OI (Case No. 2-90-001) and substantiated. On June 13, 1990, MOSBAUGH came forward, was granted confidentiality by OI, and started providing additional written allegations that were initially addressed in an NRC Operational Special Inspection (OSI) at VEGP during August 6-17, 1990. In preparation for this OSI, on July 18 and 19, 1990, MOSBAUGH was interviewed by OI and RII NRC personnel regarding additional details of his allegations.

dilution event

[redacted]

In early September 1990, when MOSBAUGH's taping was revealed, and he was suspended by GPC, he filed a 2.206 Petition with NRC, jointly with Marvin HOBBY, another former GPC employee, in which he publicly restated his allegations. By mutual agreement between OI and MOSBAUGH, his confidentiality agreement was subsequently rescinded. As a result of this 2.206 Petition, and the results of the OSI, this Request for Investigation was prompted.

Interview of Alleger (Allen L. MOSBAUGH)

OI first contacted MOSBAUGH as a known alleger on June 13, 1990 (he had submitted his January 1990 allegation anonymously). At this time, he was granted confidentiality and he provided a detailed written document (Exhibit 4) setting forth his allegations of false statements by GPC regarding the results of EDG testing at VEGP after the SAE. During the subsequent weeks, MOSBAUGH provided additional written allegations to NRC regarding various other issues at VEGP. NRC staff decided that these allegations would be addressed in an OSI at VEGP. MOSBAUGH was interviewed by OI and a RII inspector on July 18 and 19, 1990 (Exhibit 5), to obtain additional details regarding these allegations. The OSI was conducted during the period August 6-17, 1990.

Throughout the conduct of this investigation, numerous contacts have occurred between OI and MOSBAUGH for purposes of identification of speakers on his tape recordings, receipt of additional allegations, and further clarification of known allegations. MOSBAUGH was again interviewed formally by OI on November 4, 1993 (Exhibit 6), specifically regarding the issues in this investigation.

INVESTIGATOR'S NOTE: This investigation focuses on MOSBAUGH's specific allegations of Material False Statements by GPC senior management regarding EDG testing at VEGP after the SAE. However, MOSBAUGH's

SHIPMAN states that, "everybody's gotten accustomed to seeing that data. If we can use the data, we probably ought to. Certainly, if it's not a valid statement we would need to get it the heck out of here regardless of what George [HAIRSTON or BOCKHOLD] told Ebneter" (Exhibit 34, p. 108).

21. SHIPMAN tells MOSBAUGH that he (SHIPMAN) and STRINGFELLOW are going to HAIRSTON's office to, "finish beating out what he [HAIRSTON] wants to do with this thing" (Exhibit 34, pp. 108-109).

    INVESTIGATOR'S NOTE: Persons identified as participating in this call during this portion of the discussion are: BOCKHOLD, AUFDENKAMPE, MOSBAUGH, McCOY, SHIPMAN, and STRINGFELLOW. HAIRSTON is identified as being a participant at a later point in this same call, but it is possible that he, and others, were present on the Birmingham end of this call, without actively participating, from the beginning of the call.

AM walks in on conversation already in progress

22. AUFDENKAMPE describes to the participants on the call that the way his people arrived at the terminology "greater than 20 starts" was that they took the data from the April 9, 1990, letter and added the starts that had been done subsequent to April 9, 1990 (Exhibit 36, p. 8).

23. BOCKHOLD agrees with the "greater than 20" terminology (Exhibit 36, p. 8).

24. McCOY introduces terminology that is new to at least MOSBAUGH and AUFDENKAMPE, and new to the existing draft diesel start statement by saying, "We need to be sure that we know the number of starts after we've completed the comprehensive control test program" (Exhibit 36, p. 8).

25. BOCKHOLD states that the numbers he presented to NRC on April 9, 1990, were verified correct by CASH (Exhibit 36, p. 8).

    INVESTIGATOR'S NOTE: The count of these numbers was not started after the completion of any comprehensive control test program, and BOCKHOLD did not affirmatively know when the count was started, but he assumed it was somewhere around March 20, 1990.

26. McCOY, the senior GPC official actively participating in the call at the time, affirmatively states that, "You ought to use those numbers." (Meaning that in the April 19, 1990, LER, GPC ought to use the EDG start numbers that BOCKHOLD used in his April 9, 1990, presentation to NRC.) (Exhibit 36, p. 8).

27. McCOY, who is BOCKHOLD's immediate boss, then directly addresses BOCKHOLD and says, "Those numbers you used in the conference were after they had completed the comprehensive test of the control systems on each diesel" (Exhibit 36, p. 9).

    INVESTIGATOR'S NOTE: It is noted here that McCOY does not <u>ask</u> BOCKHOLD when he started his count for the numbers in the conference. Instead, he <u>tells</u> BOCKHOLD when he (BOCKHOLD) started his count, looking for confirmation from his subordinate. And it appears that BOCKHOLD gives the response his superior wants.