

Rev. 0

6 January 1994

**COORDINATING GROUP ANALYSIS OF EVIDENCE
AND CONCLUSIONS**

Allegation No. 4: Submission of False Statement of Reasons Why
DG Test Data in LER 90-006 Was Inaccurate, as
Stated in Revision 1 to LER 90-006, Dated
June 29, 1990.

COORDINATING GROUP CONCLUSION NO. 4:

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA- 93-81

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COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 4:

[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, which, when confirmed on May 2, 1990, [REDACTED] showed that the start counts reported in the April 9 presentation, the April 9 CAL response and the April 19 LER were incorrect. 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 report stated that there were incomplete and missing entries regarding DG operations in the Shift Supervisor Log (which was one of the sources used by the Unit Supervisor in collecting data for the April 9, 1990 presentation and CAL response letter). 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

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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 corporate Licensing Engineer - Vogtle Project. The VEGP TA stated that: (1) even though the letter specifically claimed it would clarify the DG starts reported on April 9, 1990, it neither provided the clarification nor did it provide any further discussion of the concern, (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) [REDACTED] 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]

[REDACTED] Also, 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 any reference to these individuals being contacted

during the audit. The Supervisor SAER was again made aware by the TA that the root cause for the difference was personnel error.

[REDACTED]

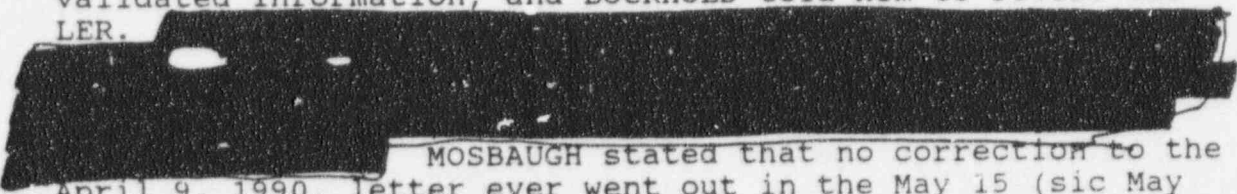
The VEGP Assistant General Manager - Plant Support was apprised of concerns regarding the June 29 letter by the TA (an individual who had been involved in preparing the April 19 LER and had been heavily involved in developing an accurate DG start count). The TA identified to him the failure of the June 29 letter to address the April 9 letter that it referenced and he pointed out the erroneous causes stated for the reasons for the difference in the June 29 DG start counts. The VEGP Assistant General Manager - Plant Support [REDACTED]

[REDACTED] as a voting member of the Plant Review Board, approved the June 29 submittal.

EVIDENCE FOR CONCLUSION NO. 4:

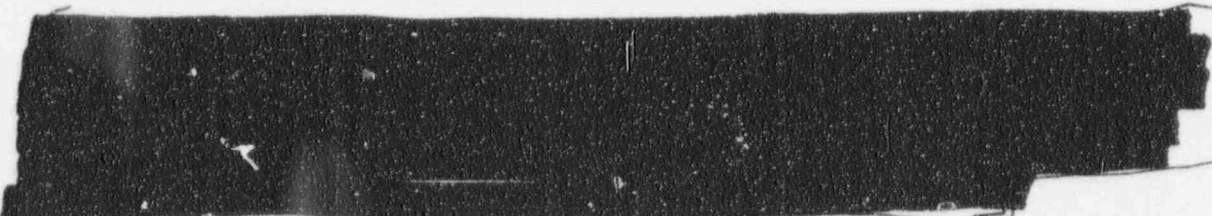
1. GPC's June 29, 1990 cover letter to the revised LER stated that it would clarify information provided to the NRC on April 9, 1990. It further stated that the cause for errors in information provided earlier were attributed to diesel start record keeping practices and the definition of the end of the test program. (Ex. 41). This evidence is not cited in the OI report.
2. In an attempt to resolve his concerns about the accuracy of information provided to NRC, MOSBAUGH compiled a list of 1B DG starts and gave it to BOCKHOLD with a cover note dated April 30, 1990, stating "I believe that previous statements made to the NRC regarding 1B Diesel starts were incorrect in light of this data." (Exhibit 7 in Attachment 3 of licensee's letter to NRC of April 1, 1991. List attached to Exhibit 7 provided by MOSBAUGH as part of his allegation).
3. On April 30, 1990, BOCKHOLD responded to MOSBAUGH's note and list of same date. "Have Engineering and Ops (JP Cash) work together to agree with the list, then have Tech Support propose changes to documents as required." (Exhibit 7 in Attachment 3 of licensee's letter to NRC of April 1, 1991).
4. MOSBAUGH stated that BOCKHOLD told him to verify his list with CASH and he (MOSBAUGH) had some trouble getting CASH to participate. He said that CASH never sat down with him and went over his (MOSBAUGH's) list, but CASH finally said

MOSBAUGH's list was correct. He stated that he also had STCKES involved in the validation process (Exhibit 5, p. 229).

5. On May 2, 1990, MOSBAUGH gave BOCKHOLD a listing of starts for DG-1A and confirmed that his previous list of April 30 for DG-1B was correct. (Listing titled "DG1A Start History For March and April" provided by MOSBAUGH to OI during interview on July 19, 1990, and identified as "Start information on 1A Diesel given to George Bockhold on 5-2-90 saying 1B & 1A information was correct.") This evidence is not cited in the OI Report.
6. MOSBAUGH advised that he went back to BOCKHOLD with the validated information, and BOCKHOLD told him to revise the LER.

MOSBAUGH stated that no correction to the April 9, 1990, letter ever went out in the May 15 (sic May 14), 1990, GPC letter to the NRC (Exhibit 5, pp. 229-234).
7. HAIRSTON was told by either McCoy or SHIPMAN about mid-May 1990 that there was an error in the DG count data submitted to NRC April 19, 1990. (Exhibit 31, pp. 76-77).
8. About May 24, 1990, HAIRSTON phones EBNETER and reports that the number in the April 19 LER is incorrect. HAIRSTON gives EBNETER new numbers and states that an LER revision will be submitted with the correct number for the start data. HAIRSTON also tells MCCOY to notify BROCKMAN and "I [HAIRSTON] verified that, in fact, he [MCCOY] did notify him [BROCKMAN] of the error." When HAIRSTON also tells MCCOY to make sure that BOCKHOLD informs the NRC Resident Inspector, HAIRSTON recalls being informed that this had already been done. (Exhibit 31, p. 79). This evidence is partially cited in the OI Report.
9. HAIRSTON, in the presence of SHIPMAN, calls FREDERICKS (because AJLUNI, the QA Manager, is out of town) and requests that an SAER audit be performed. "This number [in the draft LER revision] had changed [from the one HAIRSTON had phoned in to EBNETER], and I wanted to know what the correct number was, and I wanted to know why we were having trouble counting these numbers and to give me a report." (Exhibit 31, pp. 78-81).


10. HAIRSTON told OI that after receiving a draft LER revision that discussed valid starts and different time frames, he informed his staff that they had to explain why the numbers changed. (Exhibit 31, p. 87). This evidence is not cited in the OI Report.
11. On June 12, 1990, FREDERICK informs MOSBAUGH about the scope of the SAER audit. "I'm supposed to not only come up with a number; I'm supposed to come up with why the discrepancy exists." (Exhibit 98, p. 24).
12. The SAER audit conducted June 11-29, 1990, narrowly focused on a review of diesel records (test data sheets, Shift Supervisor's Log and Diesel Generator Start Log) to verify the number of DG starts. (Exhibit 42, p. 1). This evidence is not specifically cited in the OI Report.
13. FREDERICK stated that during the SAER audit he talked to CASH, but did not ask him when he started his count. FREDERICK stated he did not recall BOCKHOLD telling him anything about CASH's decision on when to start counting, but his main focus was to find the documents that would support the actual number of starts. (Exhibit 40, pp. 37-39).
14. The SAER audit report stated that "No specific cause for the error in the LER number of 18 starts was identified. However, it appears the major problem was that on April 19, 1990, when the LER was prepared, the Diesel Generator Start Log had not been updated.... Also, it appears that confusion about the specific point at which the test program was completed exists. Therefore, successful starts made during the test program were counted.... The error introduced in the LER appears to be the result of incomplete documentation." (Exhibit 43, p. 4).
15. FREDERICK did not know during the audit that CASH had not used the DG start sheets in the count of starts that he gave Bockhold for the oral presentation to NRC. (Exhibit 40, p. 50). This evidence is not cited in the OI Report.
16. MOSBAUGH provided copies of 6 iterations of drafts of the cover letter to the June 29, 1990, revision to the LER. These drafts give different reasons for why the April 19, 1990, LER information was incorrect. MOSBAUGH described how the revision to the LER talked in terms of valid starts and changed bases for the counting of starts from the April 19, 1990, LER (Exhibit 5, pp. 242-248).

17. HAIRSTON stated that there were several revisions to the "cover sheet" of the revision to the LER. He advised that he could not recall who he worked with on that, but it could have been MAJORS. HAIRSTON stated that he directed that the cover letter was to explain what the start numbers should have been in the April 19, 1990, LER, using the same "successful start" terminology and the same time frame (Exhibit 31, pp. 88-89).
18. During his 1993 interview with OI, MAJORS stated that he did not know of any wording that HAIRSTON put in the cover letter to the LER revision. MAJORS stated he was not sure if McCOY put any wording in the cover letter, but that McCOY wanted something in the cover letter that mentioned the causes of the differences in counts. (Exhibit 42, pp. 17-18).
19. MAJORS stated, on June 29, 1990, that the terminology, "The discrepancy is attributed to diesel start record keeping practices" was a "George [Hairston] and Ken McCoy designed sentence, and they're referring there to this audit report..." (Exhibit 57, p. 55). MAJORS advised that if he said that, it's probably accurate, and that he was referring to HAIRSTON (Exhibit 42, p. 24).
20. McCOY told OI that he read the audit report and reviewed the logs and lots of data in an effort to clarify the DG start issue. During the preparation of the June 29 submittal, he did not recall talking to Bockhold, but he talked to AJLUNI, his QA manager, about the details of the audit. McCOY went through the logs FREDERICK had gathered in an effort to understand for himself how the error had been made and what was the accurate information. (Exhibit 29, p. 25-27). This evidence is not cited in the OI Report.
21. HAIRSTON stated that he and McCOY "sat down with the [SAER Audit Report] tables," were told where the test program ended, and he made McCOY count DG starts to assure that the starts reported agreed with the number on the SAER tables. (Exhibit 31, p. 87-88).
22. McCOY advised that he was involved in the preparation and review of the cover letter to the June 29, 1990, revision to LER 90-006 (Exhibit 29, p. 60).
23. FREDERICK, on or about June 29, 1990, tells MOSBAUGH and HORTON that his understanding from MAJORS is that HAIRSTON may have written the last sentence of the cover letter to the LER revision himself (Exhibit 57, p. 19).

25. Draft 5 of LER rev. cover letter does not make any reference to the April 9, 1990 letter. (OI Ex. 55, Exhibit 20 to the Attachment to GPC's April 1, 1991 2.206 petition response). This evidence is not cited in the OI report.
26. 
27. Majors commented to the PRB that "... George [Bockhold or Hairston - no conclusive evidence] was afraid that if we didn't mention the April 9th letter, the NRC might interpret it as trying to avoid discussing it." (Ex. 57, p. 62). This evidence is not cited in the OI report.
28. OI quoted to MAJORS the causes for the difference in diesel counts, as stated in the cover letter to the LER revision. "The difference is attributed to diesel start record keeping practices and the definition of the end of the test program." MAJORS advised that he had discussions with people at the site, and there was a consensus that those reasons were the, "most likely cause" (Exhibit 42, p. 18).
29. MAJORS stated that he had a conference call with the VEGP PRB, and there was a pretty good discussion on what should be said in that cover letter. He stated that it did seem strange to send out a cover letter that said "here's a correction, and never...say anything about what caused the error in the first place" (Exhibit 42, pp. 18-19).
30. MAJORS stated he remembered GREENE on that phone call and FREDERICK could have been on there. He stated that he recalled that the discussion was "heated." He stated that he did not recall saying that he would admit to being the author of the cover letter and reserving the right to make a

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disclaimer at a later point, but that sounded like something he would say (Exhibit 42, pp. 20-21).

31. During the June 29 PRB meeting to review the cover letter to the LER revision, MOSBAUGH stated to MAJORS, in the presence of GREENE, WEBB, ODOM, and FREDERICK, that although the cover letter states that it is addressing both the April 9 letter and April 19 LER, it only addresses the difference in the April 19 LER. (Exhibit 57, pp. 61-62). This evidence is not cited in the OI Report.
32. During the June 29 PRB meeting, MOSBAUGH informs GREENE and FREDERICK that DG record keeping practices were not a cause of the difference in the DG starts reported in the LER because adequate information was available when the counting errors were made. (Exhibit 57, pp. 68-69). This evidence is not cited in the OI Report.
33. During the June 29 PRB meeting, MOSBAUGH informs GREENE and FREDERICK of his belief that the cause for the LER being submitted with incorrect information in it "... is due to personnel error, carelessness, and negligence." (Exhibit 57, p. 45). This evidence is not cited in the OI Report.
34. MAJORS, referring to HAIRSTON: "And he made it clear to me that I wanted for my own benefit should have a clear understanding of the basis for the numbers that went into the revised LER. In other words, he indicated to me that -- that I would not want to be responsible solely myself for the numbers that went in there; I would want to have a good basis for it.... So I took that to understand that he was concerned about the error that was made in the first LER and the implications that that error could be looked at as a material false statement and so forth and so on and that I wouldn't want to be sucked into that sort of thing." (Exhibit 42, pp. 30-31). This evidence is not cited in the OI Report.
35. 
36. HORTON disagreed with the cover letter assertion that poor diesel record keeping practices was a root cause of the NRC being provided incorrect information. However, he withdrew his comment upon hearing FREDERICK'S belief that the cover letter sentence was probably written by HAIRSTON - saying

that HAIRSTON probably knows more than he does. (Exhibit 57, pp. 19-21). This evidence is not cited in the OI Report.

37. Persons contacted during the SAER audit were listed in the audit report and do not include BOCKHOLD or CASH. (Audit No. OP26-90/33, p. 1, attached to Exhibit 43). This evidence is not cited in the OI Report.
38. CASH stated, in his June 14, 1993, testimony, that in early 1993 was the first time anyone has ever asked him to reproduce his count of diesel starts (Exhibit 10, p. 36).
39. The SAER audit report stated that there were incomplete and missing entries regarding DG operations in the Shift Supervisor Log. (Audit No. OP26-90/33, p. 2, attached to Exhibit 43). This evidence is not cited in the OI Report.
40. The SAER audit report stated that the audit was narrow in scope and did not identify a specific cause for the error in the number of 18 starts reported to the NRC. (Audit No. OP26-90/33, pp. 1 and 4, attached to Exhibit 43). This evidence is not cited in the OI Report.
41. FREDERICK knew that the SAER audit report did not say why an error was made - it only stated what the conditions were when the LER was written. (Exhibit 57, p. 23). However, he was aware that the audit report was being used as a basis for telling the NRC why the initial LER numbers were wrong: "I think what we're talking about is Mr. HAIRSTON trying to explain why we made a mistake." (Exhibit 57, p. 29). This evidence is not cited in the OI Report.
42. HAIRSTON stated that he had not personally interviewed CASH to determine what error CASH had made in performing the April 9 count. (Exhibit 31, p. 90).
43. MOSBAUGH clearly pointed out to GREENE the deficiencies in the cover letter. However, GREENE [REDACTED] saying instead, "I think I have all the information I need." (Exhibit 57, pp. 66-69). This evidence is not cited in the OI Report.

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS FOR ALLEGATION NO. 4

OI concluded that HAIRSTON, with, at a minimum of careless disregard, submitted a false statement to NRC in the letter of transmittal of Revision 1 to LER 90-006, dated June 29, 1990.

This false statement pertained to the reasons stated as to why the GPC statement of diesel testing in the original LER 90-006 was inaccurate.

[REDACTED] HAIRSTON

[REDACTED] personally spoke with EBNETER to inform him that mistakes had been discovered in information previously provided to the NRC and that corrected information was being developed. He further instructed McCOY to inform BROCKMAN and to ensure that BOCKHOLD informed the NRC Resident Inspector. HAIRSTON initiated action to ensure the revised information would be correct by ordering that a QA audit be performed to determine the correct data to report to the NRC and to determine why mistakes had been made in the initial data. He discussed this with EBNETER and stated that a copy of the audit report would be provided to the Resident Inspector.

[REDACTED] HAIRSTON

[REDACTED] signed the June 29, 1990 cover letter cited by OI which stated that its purpose was, in part, to clarify information provided to the NRC on April 9, 1990.

[REDACTED]

[REDACTED]

FREDERICK, the Supervisor - SAER responsible for the performance of the special QA audit ordered by HAIRSTON, signed the audit report dated June 29, 1990. FREDERICK was told by a knowledgeable person (MOSBAUGH) that to determine the cause for the errors in the initial data given to the NRC he would have to assess the performance of the persons involved in the development of that data (BOCKHOLD and CASH). Neither of those persons were identified in the audit report's list of individuals contacted to either confirm or refute MOSBAUGH'S belief. FREDERICK was also informed that the diesel test data sheets and the Diesel Generator Start Log were not used by CASH to develop his count, but the audit report focused in large part on those documents. They were highlighted in the cover letter and the "Results" and "Recommendations" sections of the audit report. There was no reference in those discussions to the logs that were actually used as the basis for CASH'S initial data.

GREENE, as the Assistant General Manager - Support and a PRB member, was informed by MOSBAUGH of the errors in the draft cover

letter for the LER revision. At one point during a PRB meeting at which GREENE was present, MOSBAUGH explained to MAJORS his basis for believing the cover letter contained misleading statements and MAJORS agreed with MOSBAUGH. After the phone call with MAJORS, MOSBAUGH reiterated his concerns about the audit report and cover letter to FREDERICK and GREENE.

[REDACTED]

HORTON was responsible for the Diesel Start Logs and agreed with the audit report findings regarding deficiencies in their condition. However, knowing that his logs had not been used by CASH, HORTON pointed out that it was wrong to ascribe the condition of his logs to errors in the information initially provided to the NRC. HORTON withdrew his objection upon hearing that HAIRSTON had authored the assertion in the cover letter that the errors were attributed to diesel start record keeping practices.

MAJORS was the corporate licensing engineer who had staff responsibility for preparing the cover letter for the LER revision. He had been admonished by HAIRSTON to pay special attention to ensuring the information in the letter was correct. He knew from his participation in a PRB meeting that there were dissenting views on key parts of the letter, and he agreed with some of those views.

[REDACTED]

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COORDINATING GROUP ANALYSIS OF EVIDENCE AND CONCLUSIONS

INTRODUCTION

The Vogtle Coordinating Group has undertaken an detailed evaluation of the evidence gathered by the Office of Investigations (OI) in the process of conducting OI Investigation Case Number 2-90-020R. As a result of its detailed evaluation, and in accordance with the Coordinating Group Charter of September 16, 1993, the Coordinating Group identified violations of NRC requirements and developed a recommended course of action, including a draft enforcement action, for management consideration. The Vogtle Coordinating Group's conclusions are contained in its Memorandum of December 17, 1993.

In its Memorandum of December 17, 1993, the accompanying draft enforcement action, the Coordinating Group set out the specific violations that it identified and a brief analysis of the causes of each violation. The Coordinating Group then proceeded to prepare a more detailed analysis of the evidence in support of its conclusions, as reflected in this document. Specific references to the evidence in support of the Coordinating Group's conclusions are included.

Contemporaneous with the issuance of the Coordinating Group's Memorandum on December 17, 1993, OI issued its Report of Investigation (OI Report). The Coordinating Group has reviewed the OI Report. The approach used by OI in its Report was to set out numbered paragraphs characterizing its view of the evidence associated with each allegation which OI investigated. OI then sets out a brief conclusion with regard to each allegation.

Finally, the analysis sets out each conclusion reached in the OI Report and a comparison of that conclusion with the conclusion reached by the Coordinating Group.

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Allegation No. 1: Providing inaccurate and incomplete EDG test data in oral presentation to the NRC on April 9, 1990

COORDINATING GROUP CONCLUSION NO. 1:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 1:

On April 9, 1990, GPC made an oral presentation to the NRC in the Region II office. The presentation was in response to the NRC Confirmation of Action Letter of March 23, 1990, and was in support of a GPC request for restart of VEGP, Unit 1.

Prior to the April 9, 1990 presentation, the VEGP General Manager asked the Unit Superintendent to count "successful starts" of the DGs. [REDACTED]

[REDACTED] The Unit Superintendent collected DG start data from the Control Room Log and the Shift Supervisor's Log. He then conveyed totals to the VEGP General Manager for the 1A and 1B DGs. The VEGP General Manager did not determine the point at which the Unit Superintendent began his count (i.e., the specific start number, date or time) or whether the Unit Superintendent's data included any problems or failures. 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]

[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 without problems or failures was 12 for 1B DG--a number [REDACTED] less than that reported by GPC to the NRC on April 9, 1990. [REDACTED] the NRC relied, in part, upon the information provided by GPC in

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an April 9, 1990 oral presentation and letter in reaching the NRC decision to allow Unit 1 to return to power operation.

EVIDENCE FOR CONCLUSION NO. 1:

1. BROCKMAN called McCOY before the presentation and told McCOY that he should be prepared to show the NRC the reliability and performance of the EDG's at the presentation. (ex.20, p.1)
2. McCOY tasked BOCKHOLD with the responsibility of presenting the results of the EDG testing at the presentation. (ex.13, p.5)
3. BOCKHOLD originally asked AUFDENKAMPE to have one of his employees perform the DG count. AUFDENKAMPE told him that his staff did not normally perform this function--that he got his information from HORTON. (ex.38, pp. 10-11)
4. BOCKHOLD subsequently asked CASH to compile the number of successful starts associated with operability. (ex.12, p.5)
5. BOCKHOLD stated that when he gave CASH his instructions on what numbers he wanted him to obtain, he (BOCKHOLD) told him to get "successful starts," and was probably not "crystal clear" with his instructions. (ex.13, p.10)
6. BOCKHOLD stated that the term "successful start" did not have any statistical value when evaluating DG reliability, but that it was, "just a subjective feeling to say we ran the engine a lot and, you know, it proved to be reliable." (ex.13, p.12)
7. BOCKHOLD stated that he did not recall his instructions to CASH regarding the point at which CASH was to start his count of successful starts. (ex.13, p.10) (ex.12, p.8)
8. BOCKHOLD stated that the DG count started after 1B DG overhaul, but that he couldn't come up with a definitive time period for the test program. (ex.12, p.18)
9. CASH stated that he did not recall BOCKHOLD'S specific instructions, but somehow before he went to count starts, he knew that he was to count the starts without any significant problems. (ex. 10, p.11)
10. CASH stated he compiled data from control room & Shift Supervisor logs. (ex.9, p.4)

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11. CASH stated that the intent of the start count was to define the scope of the test program. (ex.10, p.12)
12. BOCKHOLD stated that he did not ask CASH what CASH'S criteria was in obtaining his count of successful starts. (ex.13, p.19)
13. BOCKHOLD stated that the EDG count for the EDGs came, "Just verbally from Jimmy Paul [CASH]." (ex.12, p.7)
14. CASH stated that he gave BOCKHOLD a specific start count, that he could not recall the number or whether he wrote the number down for BOCKHOLD. (ex.10, pp.48-50)
15. CASH stated that he supplied BOCKHOLD with a start count. (ex.10, p.24)
16. CASH told AUFDENKAMPE and MOSBAUGH that he just gave BOCKHOLD "totals." (ex.* (tape 58), p.35)
17. CASH stated that at the time he constructed his list and made his count of successful starts for BOCKHOLD prior to April 9, 1990, presentation, he included the following two starts on the 1B DG as successful starts in his count:
(1) March 22, 1990, that included a high lube oil temperature trip, and (2) March 23, 1990, that included a low jacket water pressure/turbo lube oil pressure low trip. (ex.10, pp.15-18)
18. CASH stated that the only 1B DG starts subsequent to March 20, 1990, that he did not count as successful were the attempted starts at 9:49 p.m., 9:56 p.m., and 10:02 p.m., on March 21, 1990. (ex 10, pp.19-20)
19. CASH stated that the starting point of his count was with the troubleshooting starts that were done on the night of March 20, 1990, and that the ending point was sometime shortly before the meeting in Atlanta with the NRC. (ex.9, p.7)
21. The list included with GPC's submittal dated August 30, 1990, indicates 12 consecutive successful starts on the 1B DG. (ex.) [REDACTED]

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22. The NRC relied, in part, upon the information provided by GPC in an April 9, 1990 oral presentation and letter in reaching the NRC decision to allow Unit 1 to return to power operation. (NRC response to interrogatory #?)

**COORDINATING GROUP ANALYSIS OF EVIDENCE ASSOCIATED WITH GPC
SLIDE 10, DIESEL TESTING:**

During the April 9, 1990 oral presentation, GPC used several transparencies as visual aids. One of these transparencies was used to discuss testing that had been conducted on the DGs (slide 10, DIESEL TESTING). This transparency included items listed under separate columns for the 1A and 1B DGs and included final entries as "18 successful starts" and "19 successful starts" for the 1A and 1B DGs respectively.

EVIDENCE FOR SLIDE 10 ANALYSIS

1. BOCKHOLD stated that the DG count started after 1B DG overhaul, but that he couldn't come up with a definitive time period for the test program.
2. SHIPMAN stated that he believed that BOCKHOLD started his count after sensor calibration [REDACTED] (ex.36 -- tape #58, p.)

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3. NUREG-1410 describes a series of tests in Section 3.1, "Control System Functional Testing," that the licensee believed would provide "a comprehensive troubleshooting plan for root-cause determination that encompassed all suspect equipment involved in the incident." The first test described in this section is a UV run test performed on March 29, 1990. (Appendix J, p.13)
4. A review of slide 10 indicates space breaks between items listed in both the 1A and 1B DG columns. For 1A, there is large space break between the items listed as "5 starts, troubleshooting," and "UV run test." For 1B, there is space break between the first item listed, "In overhaul" and the second item, "Sensor calibration logic testing."

GROUP NOTE:

(There are no starts associated with sensor calibration and logic testing.)

5. BOCKHOLD asked CASH to compile the number of successful starts associated with operability. (ex.12, p.5)
6. CASH stated that the intent of the start count was to define the scope of the test program. (ex. 10, p.12)
7. CASH stated that he started his counts for both DGs after the March 20 event. (ex.9, p.7) (ex.10, p.13)

8.

9. CASH cannot identify which DG starts he counted to arrive at the numbers 18 and 19. (GPC response to interrogatory--need to include specific #.)
10. Slide 10 lists a series of tests for the 1A starting with a "UV run test," including a "6 month surveillance" test (i.e., operability test), and ending with a "DCP UV run test."
11. Slide 10 lists a series of tests for the 1B starting with "Sensor calibration logic testing," including a "6 month surveillance" test, and ending with a "DCP UV run test."

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12. BOCKHOLD stated that the slide was not intended to show all testing, but rather to show the nature of the testing and to show that GPC had run the machine a lot, and that it was not "a fluke" when the DGs passed their operability tests.
(ex.13, pp.15-16)

OI CONCLUSION NO 1 VS. COORDINATING GROUP CONCLUSION NO. 1:

OI concluded that BOCKHOLD deliberately presented incomplete and inaccurate information. Specifically, OI concludes that BOCKHOLD deliberately withheld information from the NRC about problems or failures that had occurred on the 1B DG because he directed CASH to only count successful starts.

Allegation No. 2: Submission of Misleading, Inaccurate, and Incomplete EDG Test Data in Letter of Response to Confirmation of Action Letter, Dated April 9, 1990.

COORDINATING GROUP CONCLUSION NO. 2:

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COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 2:

See the discussion for the Coordinating Group's analysis of the evidence associated with allegation no. 1.

The VEGP General Manager reviewed the April 9, 1990 letter (which he did not draft) with the understanding that it was intended to reflect the same information that was presented during the April 9, 1990 oral presentation. The VEGP General Manager was familiar with the language regarding DG starts in the letter. [REDACTED]

EVIDENCE FOR CONCLUSION NO. 2:

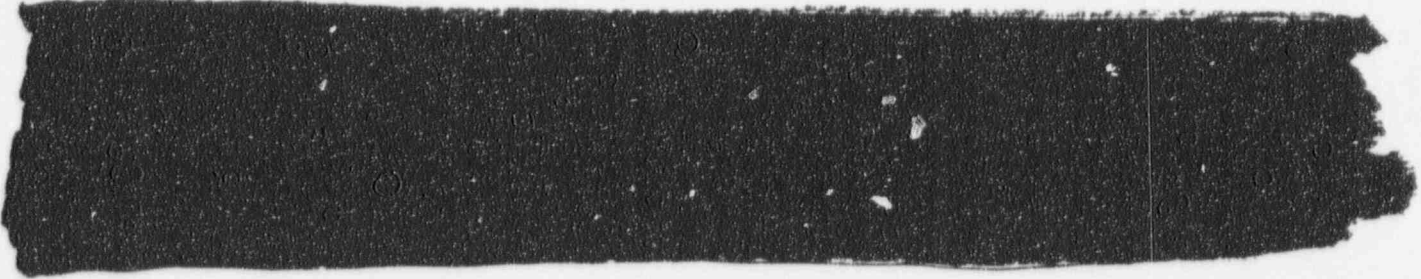
1. BOCKHOLD reviewed the April 9, 1990 letter prior to its submittal. (need to include evidence.)
2. BOCKHOLD said that he would speculate that Jim BAILEY had drafted the April 9, 1990, letter, and that "people" reworked the data from the transparency "into the letter form and the LER form with some slight wording modifications to enhance its readability, and because of that the error got propagated from the presentation into the letter and into the LER." (ex.12, p.15)
3. BOCKHOLD advised that he probably had a phone conversation with McCOY or BAILEY about the statements in the April 9, 1990, letter about successful starts with no failures or problems, but those statements were just a narrative description of what was on the DIESEL TESTING transparency. (ex13, pp.34-36)
4. BOCKHOLD said he was aware that there had been some unsuccessful starts on the DGs since the event. (ex.13, p.15)

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OI CONCLUSION NO. 2 VS. COORDINATING GROUP CONCLUSION NO. 2:

OI concluded that, based on BOCKHOLD's deliberate actions, GPC presented a misleading, incomplete, and inaccurate statement of diesel test results in its April 9, 1990 submittal.




Allegation No. 3: Submission of False Statement of EDG Test Data in LER 90-006, dated April 19, 1990.

COORDINATING GROUP CONCLUSION NO. 3:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 3:

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. In order to address concerns that a count beginning on March 20 would include trips, the VEGP General Manager explained that the start count reported on April 9 began later--after completion of the CTP.



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11 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]

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]

EVIDENCE FOR CONCLUSION NO. 3:

(ex.36, tape 57 pp. 62-63) On or before 4/19, AM notifies PRB that there were failures on the 1B DG, thereby making it inappropriate to state that there were "no problems or failures."

(ex.36, tape 57 p.96) AM raises concern to JGA & Shipman to the extent that JGA & Shipman are aware that previous information provided to the NRC may not have accurate.

OI CONCLUSION NO. 3 VS. COORDINATING GROUP CONCLUSION NO. 3:

OI concluded that HAIRSTON, with, at a minimum of careless disregard, submitted a false statement of DG test results to the NRC in LER 90-006, dated April 19, 1990. This false statement was submitted as a direct result of deliberate actions by HAIRSTON, MCCOY, SHIPMAN, and BOCKHOLD.

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Allegation No. 4: Submission of False Statement of Reasons Why
EDG Test Data in LER 90-006 Was Inaccurate,
as Stated in Revision 1 to LER 90-006, Dated
June 29, 1990.

COORDINATING GROUP CONCLUSION NO. 4:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 4:

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[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, which, when confirmed on May 2, 1990, [REDACTED] showed that the start counts reported in the April 9 presentation, the April 9 CAL response and the April 19 LER were incorrect. 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]

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[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]

[REDACTED] Also, 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]

[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 intimately involved in developing an accurate DG start count), including the VEGP TA's identification of the failure of the June 29 letter to address the April 9 letter that it referenced and the erroneous causes stated for the reasons for the difference in the June 29 DG start counts. [REDACTED]

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[REDACTED] as a voting member of the Plant Review Board, approved the June 29 submittal.

EVIDENCE FOR CONCLUSION NO. 4:

OI CONCLUSION NO. 4 VS. COORDINATING GROUP CONCLUSION NO. 4:

Allegation No. 5: Submission of False and Misleading Statements of Reason Why EDG Test Data in April 9, 1990, Letter Was Inaccurate, as Stated in the GPC Clarification Letter, Dated August 30, 1990.

COORDINATING GROUP CONCLUSION NO. 5:

[REDACTED] the August 30, 1990 letter.

[REDACTED]
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]
During the June 29, 1990 Plant Review Board meeting, the VEGP General Manager admitted that the Unit Superintendent was not confused about the distinction when he collected the data which was used to prepare the April 9 letter.

[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.

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COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 5:

GPC was clearly aware as early as May 2 that the April 9 letter was incorrect. [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 President - Nuclear Operations and the Vice President - Vogtle Project were directly involved in the development of the June 29 letter. [REDACTED]

[REDACTED] 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]

EVIDENCE FOR CONCLUSION NO. 5:

OI CONCLUSION NO. 5 VS. COORDINATING GROUP CONCLUSION NO. 5:

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Allegation No. 6: Withholding, on April 9, 1990, Knowledge of Recent Out of Tolerance EDG Control Air Dewpoint Readings by the VEGP GM.

COORDINATING GROUP CONCLUSION NO. 6:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 6:

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.

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.

The evidence gathered by OI does not indicate how or by whom the air quality portion of the April 9, 1990 letter was prepared.

Bockhold was one of the reviewers of the April 9, 1990 letter. The nature of his review was a quick review placing reliance on people at both corporate and the site whose job was to prepare the letter.

Dew points are a measure of air quality. The significant technical issue is that air quality be satisfactory. While a low dew point can assist in assuring air quality, air quality may be satisfactory even where

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high dew points are found. This was the case at Vogtle. Vogtle had a history of high dew points. This was confirmed by the NRC inspection. However, the air quality at Vogtle was found satisfactory for the reasons stated in the April 9, 1990 letter as confirmed by the NRC inspection effort. [REDACTED]

[REDACTED] In response to concerns regarding dew point control, Bockhold participates in a [REDACTED] discussion of the issue with Mosbaugh and his engineers. Bockhold's focus during this discussion is on [REDACTED] air quality.

[REDACTED] Although the discussion of air quality in the April 9, 1990 letter was general in nature, the focus of the April 9 letter was Unit 1 and not Unit 2.

EVIDENCE FOR CONCLUSION NO. 6:

1. The April 9, 1990 GPC letter requesting restart stated on page 3, Paragraph 4, that "GPC has reviewed air quality of the D?G air system including dewpoint control and had concluded that air quality is satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation." (Exhibit 27, p.3) This is also an OI Finding.
2. High dew points at Vogtle were due to faulty instrumentation, system air dryers occasionally being out of service for extended periods and system repressurization following maintenance. Air quality at Vogtle at the time of restart of Unit 1 in April of 1990 was satisfactory. NRC

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Inspection Report No. 50-424, 425/90-19, Supplement 1, dated November 1, 1991. This document was not an OI Exhibit.

3. Bockhold would review documents quickly. His practice was not to study the information because GPC had a whole group of people both at the site and in corporate whose job was to do this. (Exhibit 11, p. 37)
4. On April 11, 1990, Bockhold stated in a conversation with Vogtle engineers Kochery, Stokes and Horton that he knew about a bad dewpoint reading on the Unit 2 DG on the day before he made his presentation to the NRC. (Exhibit 66, p. 51) This is also an OI Finding.
5. The faulty dewpoint readings that Bockhold discussed with his engineers were attributable to the failure to use air dryers. (Exhibit 66, p.)
6. Bockhold was aware of what the April 9, 1990 letter to the NRC said about air quality and dewpoint readings. (Exhibit 66, pp. 40-41)
7. Bockhold discussed the air quality and related dew point issue with his engineers on April 11, 1990 in response to concerns raised by Mr. Mosbaugh. [REDACTED]

[REDACTED] (Exhibit 66, pp [REDACTED])

OI CONCLUSION

Bockhold 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 Vogtle Unit 2 DGs as recently as the day before his presentation. In addition, Bockhold knew that GPC, as part of their justification for restart of Unit 1, was claiming that the DGs were satisfactory, and that GPC was attributing their bad dewpoint readings to faulty instrumentation. Bockhold deliberately withheld from NRC his knowledge of the relevant, material information regarding the recent bad dewpoint readings, and permitted the GPC claims of satisfactory air quality and bad readings due to faulty instrumentation, to be issued in the GPC April 9, 1990 letter of response to the NRC Confirmation of Action.

OI CONCLUSION NO. 6 VS. COORDINATING GROUP CONCLUSION NO. 6:

OI concludes that Mr. Bockhold deliberately withheld information regarding the reasons for high dew point readings from the NRC on April 9, 1990. [REDACTED]

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[REDACTED]
[REDACTED] Mr. Bockhold did review the letter which discussed the substantive issue of air quality and the related issue of dew point control. [REDACTED]

[REDACTED] the April 9 letter was focused on Unit 1 while the high dew points on which Mr. Bockhold was aware occurred on Unit 2. [REDACTED]
[REDACTED]

Allegation No. 7: Submission of Inaccurate Information Regarding the Participation of the GPC Senior VP of Nuc Ops in a Late Afternoon Phone Call on April 19, 1990, in Which the Wording of LER 90-006 was Revised.

COORDINATING GROUP CONCLUSION NO. 7:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR CONCLUSION NO. 7:

EVIDENCE:

OI CONCLUSION VS. COORDINATING GROUP CONCLUSION:

OI INVESTIGATIVE CONCLUSION FROM REVIEW OF AUDIO TAPES:

COORDINATING GROUP CONCLUSION FROM REVIEW OF AUDIO TAPES:

COORDINATING GROUP ANALYSIS OF THE EVIDENCE:

EVIDENCE:

OI CONCLUSION VS. COORDINATING GROUP CONCLUSION:

C. KENNETH MCCOY

PROPOSED QUESTIONS FOR DEMAND FOR INFORMATION

Background

In a letter dated April 9, 1990, from W. G. HAIRSTON, III, then Senior Vice-President, Nuclear Operations, Georgia Power Company (GPC) to S. D. KENETER, Regional Administrator, Region II, U. S. Nuclear Regulatory Commission (NRC) captioned VOGTLE ELECTRIC GENERATING PLANT CONFIRMATION OF ACTION LETTER, the following statements were made with respect to the testing of the Emergency Diesel Generators at Unit 1, Plant Vogtle: "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."

OI investigation of the testing done on the Vogtle, Unit 1 diesels between March 20 and April 9, 1990 showed that there were more than 19 and 19 --arts, and attempted starts, on the 1A and 1B diesels, respectively, during that period; and that there were failures and problems associated with a number of the starts/attempted starts during this period.

[REDACTED]

An April 19, 1990 draft of this LER contained the proposed statement, "Since 3-20-90, DG1A and DG1B have been started several times (more than twenty times each) and no failures or problems have occurred during any of these starts."

The OI investigation established that on April 19, 1990, while in the process of coordinating with Norman J. STRINGFELLOW and William B. SHIPMAN on the final wording of this portion of the LER, Allen MOSBAUGH and John AUFDENKAMPE specifically advised STRINGFELLOW and SHIPMAN that there had, in fact, been failures and problems in the diesel testing since March 20.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions
FOIA- 95-81

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In your testimony to the Office of Investigations, NRC, on June 30, 1993, you stated that you returned to your Birmingham office at approximately 2:30 or 3:00 P. M., Central Time, on April 19, 1990, after having been to a meeting in Atlanta. You stated that you did not recall exactly when you became aware of an issue regarding the statement of diesel starts in the proposed LER, but that you were a bit perturbed that MOSBAUGH and AUFDERKAMPE were raising this issue at such a late point, close to the required deadline for issuance of the LER. You stated that, upon your return from Atlanta on April 19, 1990, you recalled walking into an ongoing phone call with a group of people in the conference room at Birmingham, discussing the issue of the diesel start statement, and helping the group with the wording to properly characterize what they were saying. [REDACTED]

11. The final statements of diesel testing that were issued in the April 19, 1990 LER are quoted as follows, '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]

12.

[REDACTED]

13.

[REDACTED]

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA- 95-81

10. Vogtle - [REDACTED] info. to NRC re EDGS
Commission paper: greater than 18 months; [REDACTED]

• review team to complete analysis
• OE to draft proposed action and
submit paper to Commission [REDACTED]

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Rev. 6: VOGPAPER.R6 2/22/94

March XX, 1994

SECY-94-XXX

FOR: The Commissioners

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: PROPOSED ENFORCEMENT ACTION AGAINST GEORGIA POWER
COMPANY AND SOUTHERN NUCLEAR OPERATING COMPANY, VOGTLE
ELECTRIC GENERATING PLANT
(EA 93-304, EA 94-036, and EA 94-037)

PURPOSE:

To consult with the Commission regarding the issuance of a Notice of Violation

BACKGROUND:

On March 20, 1990, during a refueling outage at Vogtle Electric Generating Plant (VEGP) Unit 1, GPC declared a Site Area Emergency (SAE) when offsite power was lost concurrent with the failure of the only Unit 1 Diesel Generator (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) which was subsequently upgraded to an Incident Investigation Team (IIT) on March 23, 1990.

On March 23, 1990, the NRC issued a Confirmation of Action Letter (CAL) to GPC that, among other things, confirmed that GPC had 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.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA- 95-81

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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 operation. As part of this presentation, GPC provided information on DG starts in response to a specific NRC request that GPC address DG reliability in its April 9 presentation. GPC submitted a written summary of its April 9 presentation in an April 9, 1990 letter, "Vogtle Electric Generating Plant Confirmation of Action Letter." The NRC formally granted permission for VEGP Unit 1 to return to criticality and resume power operations on April 12, 1990.

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 that were 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 (STI) at VEGP, as a result of NRC concerns about, and allegations related to, VEGP operational activities. This inspection examined the technical validity and safety significance of the allegations, but 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.

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.

On December 17, 1993, an investigation of licensed activities was completed by the NRC's Office of Investigations (OI). The investigation was initiated in response to allegations received in June 1990 by NRC Region II asserting, in part, that material false statements were made to the NRC by senior licensee officials regarding the reliability of the DGs at VEGP as reflected in the series of communications on the issue described above. The OI Report of Investigation (Case No. 2-90-020R) is enclosed (Enclosure 1). Because of the nature of OI's preliminary conclusions, OI discussed the matter with the Department of Justice (DOJ) on January 9, 1992. By memorandum dated April 12, 1993, DOJ notified the NRC that it was closing its criminal investigation of the matter and recommended that the NRC continue its administrative proceeding. DOJ also advised the NRC to contact DOJ in the event subsequent NRC investigation identified additional evidence of criminal activity. OI discussed the final results of its investigation with DOJ on December 16, 1993, and DOJ verbally declined criminal prosecution of the matter.

[REDACTED] on September 16, 1993, the staff formed a special task force composed of representatives from the Office of Enforcement, Region II, the Office of Nuclear Reactor Regulation, and the Office of General Counsel to conduct a detailed review of the evidence

collected by OI on the allegations. The Vogtle Coordinating Group (Group) was also tasked with identifying any violations and developing a detailed analysis of the evidence in support of its conclusions.

In addition to this enforcement proceeding, there is an ongoing Atomic Safety and Licensing Board (ASLB) proceeding considering the transfer of the operating license from GPC to Southern Nuclear. [REDACTED]

DISCUSSION:

The OI investigation concluded that evidence uncovered by OI supports a finding of deliberate failures on the part of GPC officials to provide the NRC with information that is complete and accurate in all material respects. OI concluded that:

- (1) the VEGP General Manager¹ (George Bockhold, Jr.) deliberately presented incomplete and inaccurate information regarding the testing of the VEGP Unit 1 DGs during an oral presentation to the NRC on April 9, 1990,
- (2) GPC submitted inaccurate and incomplete information regarding DG test results in a letter to NRC dated April 9, 1990, as a result of deliberate actions by Mr. Bockhold,
- (3) GPC submitted inaccurate and incomplete information regarding DG air quality in the April 9 letter to the NRC, as a result of deliberate actions by Mr. Bockhold,
- (4) the Senior Vice President - Nuclear Operations (George W. Hairston, III), 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, dated April 19, 1990, as a direct result of deliberate actions by a group of senior managers including Mr. Hairston, the Vice President - Vogtle Project (C. Kenneth McCoy), the Corporate General Manager of Plant Support (William B. Shipman), and Mr. Bockhold,
- (5) Mr. Hairston, 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,
- (6) Mr. McCoy, with, at a minimum, careless disregard, submitted both a false statement and a misleading statement in the GPC clarification of Confirmation of Action response letter to NRC dated August 30, 1990, and

¹ Licensee organizational charts are included in Enclosure 2.

The Commissioners

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- (7) GPC provided inaccurate information in its response to a 10 CFR 2.206 petition, dated April 1, 1991.

OI also concluded from the combination of the above findings, and the overall review of 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.

The Commissioners

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Finally, the Group reviewed numerous audio tapes and other evidentiary materials associated with DG testing during the March-August 1990 time frame.

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[REDACTED]

[REDACTED]

Mr. Bockhold is currently working for Southern Nuclear as the General Manager of Nuclear Technical Services. [REDACTED]

The Commissioners

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NOTE: This paper and its issues should not be publicly disclosed because the matter involves sensitive as well as predecisional enforcement issues.

James M. Taylor
Executive Director for Operations

Enclosures:

1. OI Report 2-90-020R
 2. Licensee Organization Charts
 3. Vogtle Coordinating Group Analysis
 4. Notice of Violation
- 