

~~CONFIDENTIAL~~

REC'D 11/5/91 ~~WTH~~
FORWARDED TO RII
AICS, 11/5/91 ~~WTH~~

To: The United States Nuclear Regulatory Commission
(attention Bruno Uric, Allegations Coordinator)

From: Allen Mosbaugh

Allen L. Mosbaugh

11-4-91

Pat McDonald, Ken McCoy, and Georgia Power/SONOPCO
lie in sworn statements about "key participants" role and
whereabouts in preparing LER 90-006 rev.0

In a sworn statement during his deposition on 9-17-90
for DOL proceedings (Mosbaugh vs. Georgia Power), Pat
McDonald was ask under oath:

pg. 11

Q Have you ever read the LER regarding the diesel
generator ?

A I read it, yes, I did read it.

Q Prior to its submission ?

A No.

Q You read it after it was submitted ?

A Yes.

pg. 12

Q After you read it did you discuss it with anyone ?

A Not that I recall.

Q Did you discuss it with anyone before you read it ?

A Not that I recall.

pg. 13

Q So can you tell me what your role was in drafting
the LER, reviewing the LER, or changing the LER
other than reading it once ?

A I don't believe that I had any definable role
towards activities.

In direct contradiction with the above sworn statements by
Pat McDonald, Bill Shipman in conversations late in the day
on 4-19-90 (before LER 90-006 rev.0 was sent out) with site
personnel discusses Pat McDonald's very detailed comments on
the LER.

Mr. Shipman mentions Pat's name several times as the
originator of the comments.

Documentation of these conversations as well as the
contradictory deposition transcripts are in the possession
of the NRC OI.

It is clear from the conversations with Mr. Shipman that
Pat McDonald not only read the draft of the LER 90-006
rev. 0 but was substantially involved in shaping and
commenting on the LER prior to it's initial submittal.

11/6/91
AK2
AK

CONFIDENTIAL

In a sworn statement during his deposition on 9-12-90 for DOL proceedings (Mosbaugh vs. Georgia Power), Ken McCoy was ask under oath:

pg 88

- Q Did Mr. Mosbaugh tell you in April of 1990 that he believed there were false statements made in the corrective action letters sent to the NRC ?
- A I do not remember him telling me that. I was told, I believe, by Bill Shipman that Allen Mosbaugh had expressed that concern. That's my recollection.
- Q What did you do after you learned about that concern ?
- A Actually I think I was out of town of(sic) something at the time that was raised and that Bill Shipman and George Hairston responded to that including revising the LER and ordering a QA audit to be sure that it was completely accurate.

In addition to McCoy's above statement of being "out of town", GPC/SONOPCO previously submitted written answers to NRC questions posed during the NRC's OSI in August 1990. GPC/SONOPCO's written answers (in the possession of the NRC OI) fail to identify Ken McCoy as a participant of the "late afternoon phone call" in which the LER 90-006 wording was revised and finalized.

The above is in direct contradiction with documentation in the possession of the NRC OI which shows that the date that Mr. Mosbaugh raised concerns with Bill Shipman over the COA letter and the LER was 4-19-90. Additional documentation in the possession of the NRC OI clearly shows that Ken McCoy was not "out of town" but was in the SONOPCO offices in Birmingham on that day and a key participant on the "late afternoon phone call".

The omission of McCoy's name from the white paper was not a simple mistake or clerical error. The NRC's questions were posed in a meeting that McCoy chaired during the OSI inspection. Answers were drafted by the group of GPC and SONOPCO managers including Ken McCoy. In McCoy's presence, the list of participants who were on the late afternoon call was compiled and reviewed. McCoy did not speak up or add his name to the list in any way.

Mr. McCoy's statements from his deposition acknowledges Mosbaugh's raising concerns with Shipman over the false statements in the LER on the diesel generator start counts, an event which took place on 4-19-90 before the LER was submitted.

Surprisingly this contradicts Pat McDonald's sworn statements in GPC's 4-1-91 response to the 2.206 petition which states, on page 4 section IIB, "Not until April 30

CONFIDENTIAL

1990 does it appear that Mr. Mosbaugh articulated for the benefit of his management that the start count data contained in the LER was inaccurate".

Returning to Pat McDonald's sworn deposition of 9-17-90, Pat McDonald's was ask:

pg. 6

Q Do you know if you were in your office on or about April 18th, 1990 ?

A I don't remember.

pg. 7

Q Could you look at it and see if that helps refresh your recollection ?

A Okay.

A April the 18th I believe I was-- my calendar shows that I was in Atlanta for a meeting in Atlanta.

Q On April 19, were you ?

A April 18.

Q I know. I'm asking about April 19.

A April 19th I believe I was in Atlanta in a meeting with Mr. Billy Klack, State Emergency Director.

When you combine the sworn statements from the above depositions with the sworn statements of GPC/SONOPCO in their 2.206 petition response and the "white paper" and look at what GPC/SONOPCO is saying about the top 3 Vice Presidents in charge of Vogtle, it is not only patently false but their claim of collective absence and non-participation demonstrates a total lack of integrity:

McDonald didn't have anything to do with LER 90-006

McDonald was out of town at the time.

McCoy was out of town at the time.

Hairston was not a participant on the "late afternoon call"

The documentation in the possession of the NRC clearly shows the whereabouts of the Vice Presidents as well as their real roles, indeed intimate roles, in preparing and modifying LER 90-006 rev. 0, roles they are now trying (unsuccessfully) to cover up. How many lies under oath by SONOPCO executives does it take for the NRC to conclude that SONOPCO executive management does not possess the integrity, character and fundamental trustworthiness to operate nuclear power plants as addressed in 10 CFR2 Appx. C. VI .

I request the NRC to take the immediate, strong and appropriate action that is warranted and required under NRC regulations.