

U. S. NUCLEAR REGULATORY COMMISSION

REGION IV

APPENDIX B

Report: 50-298/82-09

License: DPR 46

Docket: 50-298

Licensee: Nebraska Public Power District (NPPD)
Post Office Box 499
Columbus, Nebraska 68601

Facility Name: Cooper Nuclear Station

Investigation at: Cooper Nuclear Station and MPPD General Offices,
Columbus, Nebraska

Investigation conducted: March 15-30, 1982

Investigator:

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5-28-82
Date

Inspector:

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5/17/82
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5/17/82
Date

Investigation Summary

This investigation was conducted at the request of the Region IV Administrator to determine the circumstances surrounding the licensee's submittal of a letter to the NRC dated February 8, 1982, which contained an apparent material false statement regarding the status of Cooper Nuclear Station's compliance with the requirements of 10 CFR Part 50, Appendix E, Section IV.D.3, and to further determine if the licensee intentionally conveyed the false information in a briefing to the NRC on March 9, 1982.

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* A copy of all documents identified herein as attachments relating to these allegations are maintained in NRC Region IV office. The above is a listing of documents utilized in this report.

I. SUMMARY

This investigation was initiated to determine the circumstances surrounding the licensee's submittal of a letter to the NRC dated February 8, 1982, which contained an apparent material false statement regarding the status of the Cooper Nuclear Station's compliance with the requirements of 10 CFR Part 50, Appendix E, Section IV.D.3., and to further determine if the licensee intentionally conveyed the false information in a briefing to the NRC on March 9, 1982. 10 CFR Part 50, Appendix E, Section IV.D.3 states, among other things, that "By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ." In order to comply with this commitment, the licensee developed a Cooper Nuclear Station early warning system (EWS) which physically consisted of nine fixed sirens, 32 volunteer firemen using mobile sirens, and six sheriff's cruisers. The licensee sent a February 8, 1982 letter to the NRC confirming that the Cooper Nuclear Station early warning system was installed and was operational. The Licensing Manager verbally reiterated this information to the NRC during a briefing on March 9, 1982. On March 11, 1982, the NRC conducted a special inspection and determined that a number of the mobile siren units had not been installed and were not operational, contrary to the information provided by the licensee, *supra*.

Interviews with the appropriate volunteer fire department personnel corroborated the special inspection findings. Interviews determined that as of March 9, 1982, 6 of the 32 mobile siren units were still in boxes and that the licensee had knowledge that the mobile siren units were not all completely installed and operational. In one case, a community had its only two units disassembled on the day of the Cooper Nuclear Station Emergency Drill (March 10, 1982). The interviews further indicated that the volunteer fire department personnel had not received the appropriate training or instructions necessary to familiarize them with their emergency response duties. In each instance, those interviewed stated that they were not aware of any written agreement between their community and the licensee regarding commitments to the Cooper Nuclear Station early warning system. One volunteer fire chief indicated that his department's emergency response would be done on a voluntary basis only, doing whatever they could to notify the public, however, he would not assume the responsibility for notification of the public.

Sworn statements from licensee personnel confirmed that the February 8, 1982, Nebraska Public Power District (NPPD) letter to the NRC and the March 9, 1982, NPPD briefing to the NRC both contained material false statements regarding the installation and operational readiness of the Cooper Nuclear Station early warning system. Contents of the aforementioned letter and briefing were based on information from the project's lead engineer, an NPPD employee, who admitted providing the information to upper management, knowing that it was not accurate. Investigation indicates that the actual transmittal of the false information to the NRC was not deliberate on the part of those NPPD

upper management personnel who actually conveyed the information. Interviews indicate that the false information was transmitted as a result of the lack of management controls over the project. Sworn statements from NPPD personnel indicate the project lacked an overall coordinated plan, an adequate commitment tracking system, and a formal project reporting system. Discussions regarding the actual implementation of the system were nonspecific with no written direction, quality assurance, or line of supervision. The NPPD Assistant General Manager stated that the management controls over the project were handled orally and informally. The licensee's internal tracking system entry for the EWS commitment was closed out in July 1981, prior to installation, and testing of the EWS. The project manager stated that he was not assigned or delegated the authority over the other divisions participating in the project and opined that this lack of authority and the lack of manpower in his division was a major cause in the failure of the project. The actual implementation of the project was left up to one individual who reportedly did not receive any written guidance or assistance.

II. Purpose of Investigation

The purpose of this investigation was to determine the circumstances surrounding the licensee's submittal of a letter to the NRC dated February 8, 1982, which contained an apparent material false statement regarding the status of the Cooper Nuclear Station's compliance with the requirements of 10 CFR Part 50, Appendix E, Section IV.D.3, and to further determine if the licensee intentionally conveyed the false information in a briefing to the NRC on March 9, 1982.

III. BACKGROUND

On August 19, 1980, the NRC published a revised Emergency Planning Regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

" . . . that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes"

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981, date to February 1, 1982.

10 CFR Part 50, Appendix E, Section IX.D (Notification Procedures) states, "Administrative and physical means for notifying local, state, and Federal officials and Agencies and agreements reached with these officials or other protective measures, should they become necessary, shall be described. This description shall include identification of the appropriate officials, by title and agency, of the state and local government agencies within the EPZs."

10 CFR Part 50, Appendix E, Section IV.F (Training) states, "The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel: (a. through i. identified) in addition, a radiological orientation training program shall be made available to local services personnel, e.g., local civil defense, local law enforcement personnel, local news media persons."

The Nebraska Public Power District developed an early warning system for the Cooper Nuclear Station which they described in a letter to the NRC dated June 30, 1981. Item III.A.2 of Attachment 1 to this letter briefly describes the hardware part of the system.

In January 1982, the NRC Region IV, had telephonic contact with the licensee who reported that the Cooper Nuclear Station early warning system was installed and operational. Region IV requested the licensee to submit a written status report on the system. The licensee subsequently responded with a letter dated February 8, 1982, confirming the aforementioned conversation. The letter stated that the early warning system for the Cooper Nuclear Station "has been installed and is operational."

On March 9, 1982, the NRC had a meeting with the NPPD, the subject of which was the CNS EWS. The meeting took place at the Cooper Nuclear Station and attendees included the Station Superintendent, the NPPD Licensing Manager, the NPPD Division Manager, Licensing and Quality Assurance and personnel from the NRC. During the meeting an oral briefing was given to the NRC by the NPPD Licensing Manager, who stated, in effect, that the CNS EWS was installed and operational.

On March 11, 1982, a special inspection was conducted by two NRC Region IV inspectors to verify the status of the CNS EWS. The inspectors determined that five of the mobile siren units, which were a part of the system, were still in shipping cartons and had not been installed and were not operational, contrary to what the licensee had previously reported to the NRC.

On March 15, 1982, this investigation was initiated to determine the circumstances surrounding the apparent false statements made to the NRC by the licensee regarding the operational readiness of the CNS EWS.

IV. DETAILS

A. DESCRIPTION OF PERTINENT CORRESPONDENCE AND EVENTS WHICH LED TO THE INITIATION OF THIS INVESTIGATION:1. 10 CFR PART 50 - EMERGENCY PLANNING AND PREPAREDNESS FOR PRODUCTION AND UTILIZATION FACILITIES

On August 19, 1980, the NRC published a revised Emergency Planning Regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

" . . . that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes"

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981, date to February 1, 1982.

10 CFR Part 50, Appendix E, Section IV.D (Notification Procedures) states, "Administrative and physical means for notifying local, state, and Federal officials and Agencies and agreements reached with these officials and Agencies for the prompt notification of the public and for public evacuation or other protective measures, should they become necessary, shall be described. This description shall include identification of the appropriate officials, by title and agency, of the state and local government agencies within the EPZs."

10 CFR Part 50, Appendix E, Section IV.F (Training) states, "The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties and; (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel: (a. through i. identified) in addition, a radiological orientation training program shall be made available to local services personnel, e.g., local civil defense, local law enforcement personnel, local news media persons."

2. Exhibit (1) - NPPD GENERAL OFFICE MEMO FROM THE CNS EWS PROJECT
MANAGER, INDIVIDUAL D-3, TO THE NPPD LICENSING
MANAGER, INDIVIDUAL D-4

This memo, dated June 26, 1981, describes the CNS EWS. It states essentially that the CNS EWS will not be ready for testing until about July 20, 1981.

3. EXHIBIT (2) - NPPD LETTER SIGNED BY THE DIVISION MANAGER OF LICENSING
AND QUALITY ASSURANCE, INDIVIDUAL D-2, TO MR. DARREL
C. EISENHUT, NRC, DIRECTOR OF LICENSING

This letter, dated June 30, 1981, was drafted by the NPPD Licensing Manager, Individual D-4, in response to Exhibit (1), supra. Item III.A.2. of Attachment 1 to this letter briefly describes the hardware of the CNS EWS, as previously described in Exhibit (1), to the NRC.

4. EXHIBIT (3) - EXECUTIVE SUMMARY OF THE CNS EWS OBTAINED FROM THE NPPD
ACTION ITEM TRACKING SYSTEM

The closing date of this document indicates that the CNS early warning siren system was not tracked as an action item after July 1, 1981, even though the system was not completely installed/operational. The tracking system was maintained by the NPPD Licensing Manager, Individual D-4.

5. JANUARY 1982 TELECON BETWEEN REPORTING INSPECTOR AND NPPD PERSONNEL
INDIVIDUAL D-4, LICENSING MANAGER, AND INDIVIDUAL D-5, LICENSING
ENGINEER

In January 1982, the reporting inspector telephoned Individual D-4, and Individual D-5, who received the call over an NPPD speak phone, regarding the status of the CNS EWS and the December 30, 1981, revision to 10 CFR Part 50, Appendix E, Section IV.D.3., which states: "The four-month period will apply to correction of deficiencies identified during the initial installation and testing of the prompt notification systems as well as those deficiencies discovered thereafter." Reporting inspector stated that during this telephone conversation, NPPD essentially reported that deficiencies noted during an August 1981 test of the CNS EWS were corrected and the EWS was now installed and operational. Reporting inspector stated that NPPD further reported that the volunteer firemen, who were a part of the EWS, knew what they were supposed to do in case of an emergency. Reporting inspector requested that NPPD provide the aforementioned information to the NRC, Region IV, in writing.

6. EXHIBIT (4) - NRC MEMO DATED FEBRUARY 1, 1982 FROM REGION IV ADMINISTRATOR TO MR. BRIAN K. GRIMES, NRC HQ DIRECTOR, DIVISION OF EMERGENCY PREPAREDNESS, OFFICE OF INSPECTION AND ENFORCEMENT

The reporting inspector reported the context of his telephone conversation, supra, to the NRC Region IV Administrator who incorporated the information in Exhibit (4) which states, "Region IV reports indicate that. . .and Cooper have installed and tested their prompt notification systems."

7. EXHIBIT (5) - NPPD LETTER DATED FEBRUARY 8, 1982 FROM INDIVIDUAL D-2, DIVISION MANAGER OF LICENSING AND QUALITY ASSURANCE, TO THE NRC REGION IV ADMINISTRATOR

This letter was a result of reporting inspector's request for NPPD to report, in writing, the status of the CNS EWS as they verbally reported to reporting inspector telephonically in January 1982. The letter confirms that the CNS EWS, as described in Reference 1 to the letter, has been installed and is operational and that noted deficiencies have been corrected. This letter was drafted for Individual D-2's signature by Individual D-5.

(Investigator's Note: NPPD subsequently advised that they inadvertently referenced the January 2, 1981, letter describing a previous CNS EWS that was under consideration during the January 1981 time-frame, and should have referenced the June 30, 1981, letter, Exhibit (2), which correctly describes the current CNS EWS.)

8. EXHIBIT (6) - HANDOUT FROM BRIEFING GIVEN TO THE NRC BY INDIVIDUAL D-4, NPPD LICENSING MANAGER, ON MARCH 9, 1982

On March 9, 1982, the NRC had a meeting with NPPD, the subject of which was the CNS EWS. The meeting took place at the Cooper Nuclear Station and attendees including the Station Superintendent, the NPPD Licensing Manager, the NPPD Manager of Licensing and Quality Assurance, and personnel from the NRC to include the reporting inspector. During the meeting an oral briefing was given to the NRC by Individual D-4, NPPD Licensing Manager, who stated in effect that the CNS EWS was installed and operational. Exhibit (6) is an outline of Individual D-4's briefing.

9. MARCH 11, 1982, REGION IV SPECIAL UNANNOUNCED INSPECTION OF THE OPERABILITY OF THE CNS EWS

On March 11, 1982, a special inspection was conducted by two NRC Region IV inspectors to verify the status of the mobile siren units that had been distributed to volunteer fire departments as indicated in Exhibit (6). The inspectors determined that five of the mobile

siren units were still in shipping cartons and had not been installed and were not operational contrary to what the licensee reported in Exhibits (5) and (6) (Region IV Inspection Report 50-298/82-11 pertains).

B. CONTACT WITH VOLUNTEER FIRE DEPARTMENTS IN COMMUNITIES SURROUNDING THE COOPER NUCLEAR STATION

The following interviews were conducted with volunteer fire department personnel from the communities identified in Exhibit (6) who were the point of contact for NPPD regarding the implementation of the Cooper Nuclear Station early warning system. These individuals are identified as Individuals VF-1 through VF-6 and their respective communities are identified as communities (A) through (F). The interviews determined that 8 of the 32 mobile sirens assigned to volunteer fire departments were not operational until after February 1, 1982, and 5 of the 8 were assembled after the March 10, 1982, CNS EWS exercise. One of the eight mobile units was observed still in its shipping container on March 16, 1982, by reporting investigator, and inspector. All of the individuals interviewed, infra, were the volunteer fire chiefs in their respective communities with the exception of one individual who was identified as a volunteer fireman and the point of contact for NPPD regarding the CNS EWS. None of the individuals interviewed were aware of any written agreements between their communities and NPPD regarding mutual commitments of the CNS EWS.

1. Individual VF-1 of Community (A) was interviewed on March 16-17, 1982, by reporting investigator, and reporting inspector. He reported the status of his mobile sirens as follows: eight sirens mounted on vehicles ready for immediate use; one unit assembled that had been recently removed from a volunteer's vehicle who quit the department; and one unit that was still in its box and had never been assembled. Photographs of the latter two units are depicted in Exhibits 7 through 9. He said about 4 months ago a NPPD representative asked him if he had all of his sirens installed and he told the NPP representative that his department had 9 of the 10 assigned mobile siren units installed. Individual VF-1 said his department had not received any training or written procedures to follow in case of an emergency at the CNS. His signed statement setting forth additional details is Exhibit 10.
2. Individual VF-2 of Community (B) was interviewed on March 17, 1982, by reporting investigator, and reporting inspector. He reported the status of his mobile sirens as follows: two units were installed prior to February 1, 1982; two units were installed the first week of February 1982; and one unit was installed on March 12, 1982. He said he has been the volunteer fire chief in his community for about 7 months and had never met the NPPD CNS EWS representative until March 16, 1982; however, he said he had spoken on the telephone with the representative, Individual D-6, on several occasions. He said that during just about every one of his telephone conversations with

Individual D-6, Individual D-6 inquired as to the status of the mobile units and was told that installation had not been completed. Individual VF-2 stated that his department has not received any training or written procedures to follow in case of an emergency at the CNS and he personally was not aware of any time limitations regarding the emergency notification until the night of March 16, 1982, when he attended a meeting with NPPD personnel who informed him that notification along his department assigned routes had to be accomplished within 15 minutes. His signed statement setting forth additional details is Exhibit 11.

3. Individual VF-3 of Community (C) was interviewed on March 17, 1982 by reporting investigator, and reporting inspector. He reported the status of his mobile sirens as follows: all units operational prior to February 1, 1982. He said he received the mobile siren units from Individual D-6 that his department would receive instructions from the sheriff's office in Auburn, Nebraska, in the event of a CNS emergency. His signed statement setting forth additional details is Exhibit 12.
4. Individual VF-4 of Community (D) was interviewed on March 17, 1982, by reporting investigator and reporting inspector. He reported the status of his mobile sirens as follows: three units operational prior to February 1, 1982, and two units operational during the latter part of the week beginning March 7, 1982. He said that about one and one half months ago he received a route map from Individual D-6 who also inquired as to the operational status of the mobile siren units. Individual VF-4 said he told Individual D-6 that three of the units were installed and operational and he was trying to get volunteers to take the remaining two units. He said that up until March 16, 1982, it was his understanding that in case of an emergency at CNS, his department was supposed to travel the assigned routes, but he did not know what instructions he was supposed to give to the people along the routes. He said he was not aware of any notification time limit and opined that it would take approximately 40 to 45 minutes to make the appropriate notification along his assigned routes. He said his department has not received any training relating to a CNS emergency and to his knowledge there was no written agreement between his department and NPPD setting forth responsibilities in case of such an emergency. Individual VF-4 concluded stating that as far as he was concerned, his department would do what it could to provide assistance in the event of a CNS emergency but his department would not take the responsibility for notification of the public. He signed statement setting forth additional details is Exhibit 13.
5. Individual VF-5 of Community (E) was interviewed on March 17-18, 1982, by reporting investigator, and reporting inspector. He reported the status of his mobile sirens as follows: five units mounted and operational prior to February 1, 1982. He said he was not provided with route maps until about February 15-16, 1982, and

as it stands now, he could not guarantee the availability of the mounted units in case of CNS emergency because some of the units are mounted on vehicles belonging to volunteer personnel who may be away from the area on business. He said the only training that his department has received, that he is aware of, concerned the operation of the stationary siren within his community. His signed statement setting forth additional details is Exhibit 14.

6. Individual VF-6 of Community (F) was interviewed on March 16-17, 1982, by reporting investigator, and reporting inspector. He reported the status of his mobile sirens as follows: both units were put together for operational use shortly after the CNS EWS exercise (March 10, 1981). He identified his NPPD point of contact as Individual D-6 who provided him with the sirens "at least six months ago." He said when Individual D-6 gave him the sirens he (Individual D-6) told him that he would be sending someone out to install them. He said his department had not received any written instructions regarding a CNS emergency and the only instructions that he had received came verbally from Individual D-6 who basically told him that his department was suppose to "tell the people that there was an emergency situation at the plant," if the situation should arise. He said that it was his understanding that the two siren units had recently been put together by NPPD personnel so that the units could be quickly mounted on available vehicles; however, he did not know if the mounting brackets, that were a part of the siren units, would fit available vehicles. Exhibit 15 is a statement that was prepared based on information provided by Individual VF-6; however, VF-6 declined to sign the statement stating he thought it might get him into trouble. The contents of the statement were read to Individual VF-6 which he acknowledged as being truthful and accurate.

C. INTERVIEWS WITH NEBRASKA PUBLIC POWER DISTRICT PERSONNEL

The following interviews were conducted with NPPD personnel who were involved with the management control, and the decision making process surrounding the creation and implementation of the Cooper Nuclear Station Early Warning System (Attachment 1 to Exhibit 2 pertains) for compliance with the requirements set forth in 10 CFR Part 50. All of the individuals interviewed, infra, are district headquarters personnel and are referred to as Individuals D-1 through D-6.

1. Individual D-1, NPPD Assistant General Manager, was interviewed by the reporting investigator, and the reporting inspector on March 19, 1982, at NPPD Headquarters. He said that early discussions of the CNS EWS during the above meetings centered mainly around the aspects of hardware that would be needed to implement the plan. He said there were some very general discussions concerning procedures or training, but these items were not discussed in detail during the meetings that he attended. He said that for the most part,

management controls over the project were handled orally and informally as to the progress and implementation of the plan. He said that he had no knowledge concerning the February 8, 1982, letter to the NRC (Exhibit 5) stating that the CNS EWS was installed and operational, until he received his copy of the letter in District distribution. He said that as far as he was concerned, conversations that he had with his subordinates led him to believe that the CNS EWS was installed and operational. His sworn statement setting forth additional details is Exhibit 16.

2. Individual D-2, NPPD Division Manager of Licensing and Quality Assurance, was interviewed by the reporting investigator, and the reporting inspector on March 18, 1982, at NPPD Headquarters. He said he attended meetings during the latter part of 1980, and the first part of 1981 concerning the CNS EWS in order to comply with 10 CFR Part 50 Appendix E. He indicated that these meetings were the basis for a CNS EWS as set forth in Attachment 1 of Exhibit 2. He said that some time in the January 1982 time-frame, he was approached by Individual D-5, NPPD Licensing Engineer, who informed him that NPPD had informed the NRC that the CNS EWS had been installed and was operational and that the NRC had requested written confirmation to that effect. He said as NPPD's representative for all matters involving the NRC, it was his job to reply to the NRC, and he subsequently signed the NPPD correspondence to the NRC, dated February 8, 1982, stating, in effect, that the CNS EWS had been installed and was operational. He said the letter was correct, based on information Individual D-5 had received from the NPPD Engineering Department. Individual D-2 said that based on this information he signed the February 8, 1982, letter (Exhibit 5). He said he did not have his quality assurance people verify the information. He said it was not until sometime later that he realized that the aforementioned letter had referenced a previous EWS system that was under consideration at an earlier date, and that the February 8 letter should have actually referenced a June 30, 1981, NPPD letter (Exhibit 2), Attachment 1 of which correctly described the CNS EWS. He concluded by stating that it was not until the time of the CNS EWS emergency drill that he realized that the CNS EWS was not completely installed and operational. His sworn statement setting forth additional details is Exhibit 17.
3. Individual D-3, NPPD Engineering Manager of Power Projects Group, was interviewed by the reporting investigator, and the reporting inspector on March 19, 1982. He said that after the CNS EWS plan was accepted, there was no discussion, in any of the meetings that he attended, regarding the actual implementation of the mobile units, or relating to training or procedural instructions to the volunteer fire departments; however, he said there was some discussion that these items had to be considered. Individual D-3 said that he was assigned the responsibility of project manager over

the CNS EWS, but he was not assigned or delegated the authority over the other divisions that were participating in the project. He said he subsequently assigned the job of lead project engineer to Individual D-6, and the actual implementation of the project was more or less left up to Individual D-6. Individual D-3 advised that one of the problems with the project was that Individual D-6 was getting instructions from the various divisions and these instructions were not coordinated through him (Individual D-3). He said, on occasion, Individual D-6 did ask for help with the project, but he (Individual D-3) was not able to provide the help due to a shortage of manpower (seven engineers on the District staff). Individual D-3 said he did not ask for assistance from upper management because in the past when he has asked for such assistance, he has not received any. Individual D-3 indicated that this lack of manpower and lack of definition of responsibility and authority was what led to the inaccurate information being related to the NRC regarding the EWS project. He said that Individual D-6 did not provide him with any written status reports regarding the project but his verbal reports led Individual D-3 to believe that Individual D-6 was satisfactorily accomplishing the project. Individual D-3 said that one or two days prior to February 8, 1982, he was informed that Individual D-2 had to respond to the NRC regarding the status of the CNS EWS. He said he spoke to Individual D-6 regarding the response and during the conversation Individual D-6 stated that the mobile sirens "would be installed," indicating that they would be installed very shortly. Individual D-3 said he was not aware of what information Individual D-6 provided to Individual D-2 regarding the response to the NRC, adding that he did not receive his copy of the February 8 letter until after it had been sent out by NPPD. Individual D-3 said that the briefing given to the NRC on March 9, 1982, by Individual D-4, was based on a draft report from Individual D-6 which stated that the CNS EWS was installed and was operational. He said that just prior to the briefing, he attended a meeting with both Individual D-6 and Individual D-4 at which time Individual D-6 verbally reported that the EWS was installed and was operational. Individual D-3's sworn statement setting forth additional details is Exhibit 18.

4. Individual D-4, NPPD Licensing Manager, was interviewed by the reporting investigator, and the reporting inspector on March 30, 1982. He stated that the Cooper Nuclear Station early warning system was an NRC/NPPD action item which he personally tracked on the NPPD action item tracking system (see Exhibit 3). He said his thinking at the time was that when the fixed sirens were in place and the mobile sirens distributed, the commitment was complete. Accordingly, he said when he received an internal NPPD memo from Individual D-3 in June 1981, stating that the fixed sirens had been installed and the 32 mobile units would be distributed by July 10, 1981 (see Exhibit 1), he closed out the action item tracking

system in July 1981, and drafted the June 30, 1981 letter (see Exhibit 2 for Individual D-2's signature, reporting the status of the system in Attachment 1 to the letter, Item III.A.2. He said that prior to March 9, 1982, he was not aware of any written procedures that had been generated by NPPD regarding operational procedures of the 32 mobile siren units in case of an emergency at the CNS. Individual D-4 stated that he did not have any input concerning the content of the February 8, 1982, letter and did not see the letter until he received his copy in NPPD distribution. He said that after he read the February 8 letter, he felt that the CNS EWS was, in fact, installed and would meet the commitment set forth in 10 CFR Part 50, Appendix E. He said that on March 9, 1982, he gave a briefing to the NRC, wherein he stated that the CNS EWS was installed and operational. He said that at the time of the March 9 briefings, he thought he was providing accurate information to the NRC and it was not until 2 days later that he learned that some of the mobile sirens were either still in their boxes or questionable as to their use. His sworn statement setting forth additional details is Exhibit 19.

5. Individual D-5, NPPD Licensing Engineer, was interviewed by the reporting investigator, and the reporting inspector on March 30, 1982. He said that sometime around February 1, 1982, both he and Individual D-4 had a telephone conversation with the reporting inspector concerning the CNS EWS. He said that during the conversation they told the reporting inspector that the CNS EWS was installed, and operational, and that the reporting inspector requested a CNS EWS status report in writing to Region IV. Individual D-5 said he believes he spoke to Individual D-6 on the same day and inquired about the status of the CNS EWS. He said that during the conversation, Individual D-6 indicated to him that the fixed sirens were in place, the mobile sirens were either mounted on volunteer fire department vehicles or they were put together for immediate use, and the volunteer fire department personnel knew what their responsibilities were in case of a CNS emergency. Individual D-5 said he had a conversation with Individual D-2 regarding the written response to the NRC and he (D-5) subsequently drafted the February 8, 1982, letter to the NRC (Exhibit 5) for Individual D-2's signature, stating that the CNS EWS was installed and operational. He said he inadvertently referenced a January 2, 1981, letter which described an earlier considered EWS and he had intended to reference a June 30, 1981, letter (Exhibit 2) which correctly described the CNS EWS in Item III.A.2. He said that as far as he was concerned, at the time he drafted the February 8 letter, the entire CNS EWS was installed, operational, and the volunteer firemen operating the mobile sirens knew their responsibilities. His sworn statement setting forth additional details is Exhibit 20.
6. Individual D-5, NPPD Engineering Technician, was interviewed by the reporting investigator, and the reporting inspector on March 18, 1982,

at NPPD Headquarters. Individual D-6 was an engineering technician assigned as the lead individual for the implementation of the Cooper Nuclear Station early warning system. He stated that he was assigned the task of implementing the Cooper Nuclear Station early warning system by his supervisor, Individual D-3. He said it was sometime between January and June 1981, that it was decided that the Cooper Nuclear Station early warning system would consist of 9 fixed sirens and 32 vehicle mounted mobile sirens operated by personnel belonging to the volunteer fire departments in six communities surrounding the Cooper Nuclear Station. He said at no time was he ever told how to implement the early warning system as to personnel training, emergency procedures, or letters of agreement with the volunteer fire departments. He said the main emphasis of the project was the installation of the hardware. Individual D-6 did not recall the exact circumstances; however, he did recall that some time prior to February 8, 1982, Individual D-5, from NPPD Licensing, approached him and asked him for a report on the status of the Cooper Nuclear Station early warning siren system. Individual D-6 admitted knowing that the aforementioned status report was for a NPPD licensing response to the NRC. He further admitted telling Individual D-5 that the Cooper Nuclear Station early warning system was installed and operational knowing that the information was not accurate. He related that the reason he provided Individual D-5 with inaccurate information was because he was under a lot of pressure and wanted to meet licensing's deadline. Individual D-6 provided a sworn statement (Exhibit 21) setting forth additional details.

V. STATUS OF INVESTIGATION

This investigation is submitted closed.

VI. EXHIBITS

- (1) June 26, 1981, NPPD General Office Memo
- (2) June 30, 1981, Letter from the NPPD to the NRC
- (3) Extract from the NPPD Action Item Tracking System RE: THE CNS EWS
- (4) February 1, 1982, Memo from Region IV to Director, Emergency Preparedness Office of I&E
- (5) February 8, 1982, Letter from the NPPD to the NRC
- (6) March 9, 1982, NPPD Briefing Summary Dated March 5, 1982
- (7) Through (9) Photographs Depicting Inoperable Mobile Siren Units Assigned to Community (A)
- (10) Through (15) *Statements from Volunteer Fire Personnel in Communities (A) Through (F)
- (16) Through (21) *Sworn Statements from NPPD personnel

*Identities of all Individuals interviewed have been referred to generically.