



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 20, 1993

MEMORANDUM FOR: *St* Stewart D. Ebner, Regional Administrator
Region II

FROM: *BH* Ben B. Hayes, Director
Office of Investigations

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT (VEGP): ALLEGED
FALSE STATEMENTS REGARDING TEST RESULTS ON
EMERGENCY DIESEL GENERATORS (CASE NO. 2-90-020R)

Enclosed is the Office of Investigations (OI) Report of Investigation (ROI) concerning the above matter. The deliberate violations of an NRC regulation and license conditions were discussed with the Department of Justice and a Prosecutive Opinion was issued in favor of alternative civil remedies.

Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized, upon receipt of the ROI, to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his allegations were either substantiated, partially substantiated, or not substantiated and may, if requested, furnish the alleged with a copy of the OI ROI after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

This investigation is unique, in that the alleged provided NRC with tape recordings of internal conversations of various levels of Georgia Power Company employees, from Vogtle Electric Generating Plant Engineers up to the Senior Vice President of Nuclear Operations. In addition, to gain a proper perspective of the totality of the evidence, the conclusions should be viewed collectively. As is shown in the attached Report of Investigation, many of the conversations on these tapes show evidence of a closed, deceptive, adversarial attitude toward NRC on the part of GPC senior management.

This investigation has been closed by OI. This report has been forwarded to you for your information and whatever action you deem appropriate. Other than as noted above, neither this memorandum nor the report contents may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a right- and need-to-know basis. Treat as "Official Use Only."

Enclosure:
Report w/exhibits

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PDR ADDCK 05000424
P PDR

9405200167

Title: VOGTLE ELECTRIC GENERATING PLANT:
ALLEGED FALSE STATEMENTS REGARDING TEST RESULTS ON EMERGENCY DIESEL
GENERATORS

Licensee:

Georgia Power Company
P.O. Box 1295
Birmingham, Alabama 35201

Docket No. 50-424/50-425


Case Number: 2-90-020R

Report Date: December 17, 1993

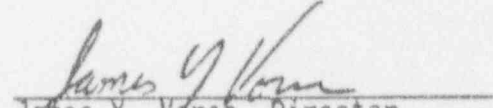
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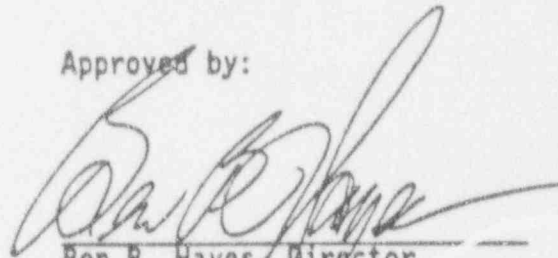
Reported by:


Larry L. Robinson, Sr. Investigator
Office of Investigations
Field Office, Region II

Reviewed by:

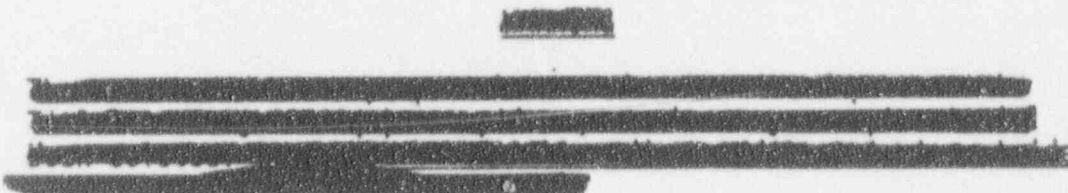

James Y. Vorse, Director
Office of Investigations
Field Office, Region II

Approved by:


Ben B. Hayes, Director
Office of Investigations

Participating Personnel:

Craig T. Tate, Investigator
James D. Dockery, Sr. Investigator
Office of Investigations, Region II



SYNOPSIS

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

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

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

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

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

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

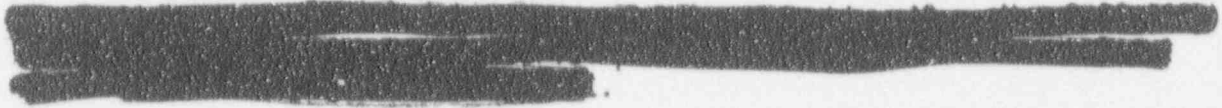
to the reasons why the statement of diesel testing in the GPC Confirmation of Action response letter, dated April 9, 1990, was inaccurate.

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

The OI investigation substantiated that the GPC executive VP for Nuc Ops, as the sworn signatory of the GPC response to 2.206, dated April 1, 1991, provided inaccurate information to NRC when the response stated that the GPC senior VP, Nuc Ops, was not a participant in the late afternoon conference call on April 19, 1990, in which the wording of LER 90-006 was revised by corporate and site representatives. The audio tape of that conference call establishes that the senior VP, Nuc Ops, was not only a participant in a portion of that call, but that he addressed the issue of EDG starts and "trips." There was insufficient evidence developed during the investigation to substantiate that the GPC executive VP for Nuc Ops, knowingly and deliberately provided this inaccurate information to the NRC.

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

ACCOUNTABILITY



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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
ACCOUNTABILITY.....	3
APPLICABLE REGULATIONS.....	7
ORGANIZATION CHART.....	9
LIST OF INTERVIEWEES.....	11
DETAILS OF INVESTIGATION.....	13
Purpose of Investigation.....	13
Background.....	13
Interviews of Allegor.....	14
Coordination with the NRC Staff.....	15
Allegation No. 1 (Deliberate Presentation of Inaccurate and Incomplete EDG Test Data in Oral Presentation on April 9, 1990).....	16
Summary.....	16
Evidence.....	19
Conclusion.....	42
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).....	42
Summary.....	42
Evidence.....	43
Conclusion.....	50
Allegation No. 3 (Submission of False Statement of EDG Test Data in LER 90-006, dated April 19, 1990).....	51
Summary.....	51
Evidence.....	52
Conclusion.....	76
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).....	76
Summary.....	76
Evidence.....	78
Conclusion.....	88
Allegation No. 5 (Submission of False and Misleading Statements of Reasons Why EDG Test Data in April 9 Letter was Inaccurate, as Stated in GPC Clarification Letter, Dated August 30, 1990).....	88
Summary.....	88
Evidence.....	89
Conclusion.....	95

Allegation No. 6 (Withholding, on April 9, 1990, Knowledge of Recent Out of Tolerance EDG Control Air Dewpoint Readings by the VEGP General Manager).....	95
Summary.....	95
Evidence.....	95
Conclusion.....	96
Allegation No. 7 (Submission of Inaccurate Information Regarding the Participation of the GPC Senior VP of Nuclear Operations in a late Afternoon Phone Call on April 19, 1990, in which the Wording of LER 90-006 was Revised).....	96
Summary.. ..	96
Evidence.. ..	97
Conclusion.....	98
Investigative Conclusion From Review of Audio Tapes.....	98
Summary.....	98
Evidence.....	98
Conclusion.....	102
LIST OF EXHIBITS.....	105

APPLICABLE REGULATIONS

10 CFR 50.9(a)(b): Completeness and Accuracy of Information (1990 Edition)

(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

(b) Each applicant or licensee shall notify the Commission of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security.

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GEORGIA POWER COMPANY (GPC)

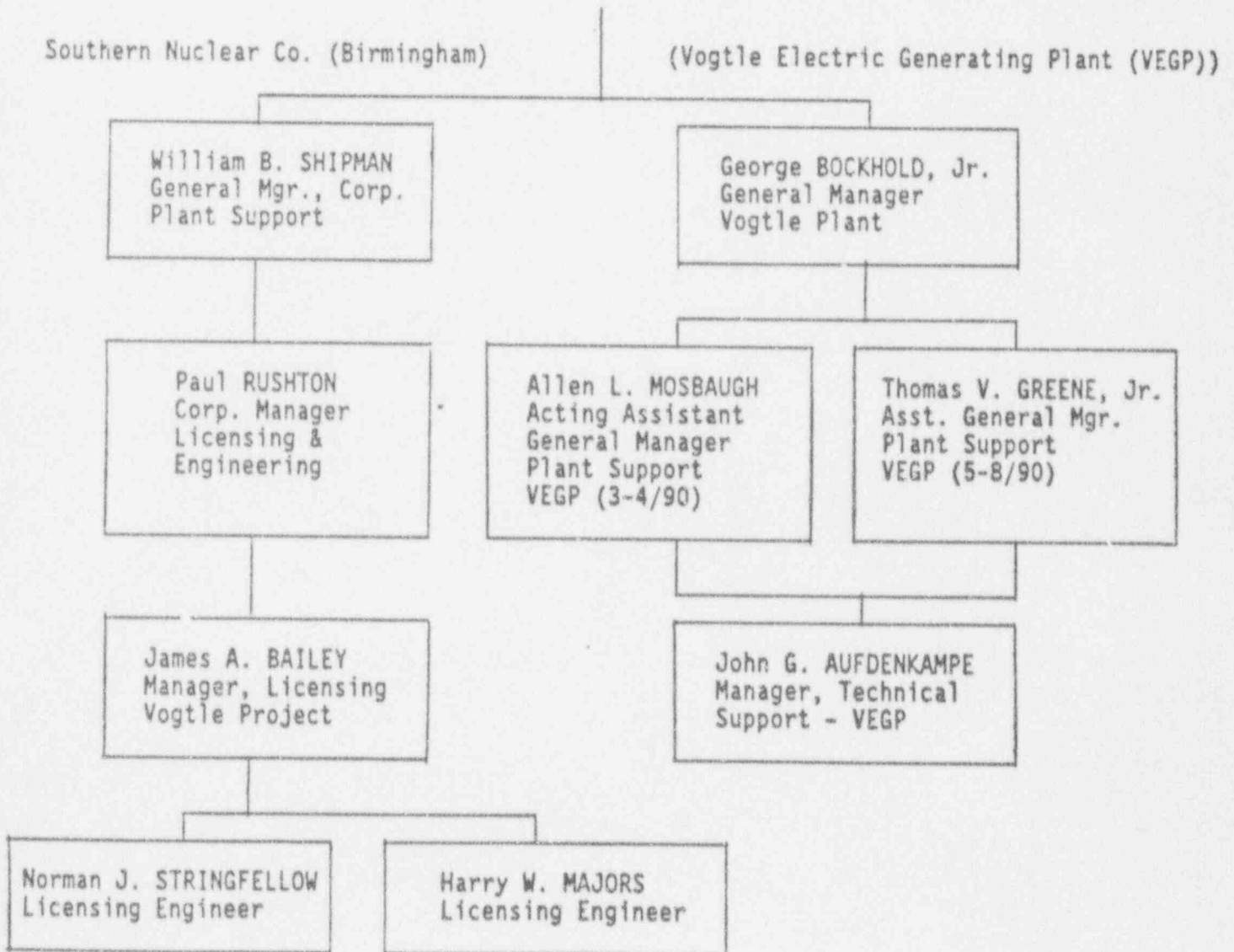
ORGANIZATION CHART (1990)

William B. DAHLBERG
President/Chief Executive Officer (Atlanta)

R. Patrick McDONALD
Executive Vice President, Nuclear Operations (Birmingham)

William G. HAIRSTON, III
Senior Vice President, Nuclear Operations (Birmingham)

Charles K. McCOY
Vice President, Vogtle Project (Birmingham)



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LIST OF INTERVIEWEES

EXHIBIT(S)

AUFDENKAMPE, John G., Manager, Mechanical Group, Vogtle Project, Southern Company Services (SCS)--formerly Manager, Technical Support Department, Plant Vogtle, Georgia Power Company (GPC)....	38
BAILEY, James A., Manager, Licensing, Vogtle Project, Southern Nuclear Company (SNC).....	28
BOCKHOLD, George, Jr., General Manager, Nuclear Technical Support, SNC--formerly General Manager, Plant Vogtle, GPC.....	12 & 13
BROCKMAN, Kenneth E., Branch Chief, Incident Response Branch, Office of Analysis and Evaluation of Operational Data (AEOD), U.S. Nuclear Regulatory Commission (NRC)--formerly Section Chief, Vogtle Project, Division of Reactor Projects, Region II, NRC.....	20
BURR, Kenneth S., Senior Project Engineer, SNC.....	14
CASH, Jimmy P., Strategic Analyst, SNC--formerly On Shift Operations Superintendent, Plant Vogtle, GPC.....	9 & 10
CHAFFEE, Alfred E., Events Assessment Branch, Office of Nuclear Reactor Regulation (NRR), NRC--formerly Incident Investigation Team (IIT) Leader, Vogtle Site Area Emergency, March 20, 1990....	25
COURSEY, Charles L., Superintendent, Maintenance Department, Plant Vogtle, GPC.....	53
EBNETER, Stewart D., Regional Administrator, Region II, NRC.....	18 & 19
ECKERT, Christopher C., Quality Assurance Auditor, VEGP, GPC.....	51
FREDERICK, Georgie R., Manager, Maintenance, Plant Vogtle, GPC--formerly Supervisor, Safety Audit and Engineering Review, Plant Vogtle, GPC.....	40
GREENE, Thomas V., Manager, Engineering and Licensing, Vogtle Project, SNC--formerly Assistant General Manager, Plant Support, Plant Vogtle, GPC.....	47
HAIRSTON, W. G., III, Executive Vice President, GPC, and President/Chief Operating Officer, SNC.....	31
HOLMES, Kenneth R., Manager, Training and Emergency Preparedness, VEGP, GPC.....	50
HUNT, Milton D., Reactor Inspector, Engineering Branch, Division of Reactor Safety (DRS), Region II, NRC.....	21

EXHIBIT(S)

KENDALL, Richard A., Senior General Engineer, Department of Energy, Germantown, MD--formerly Senior Electrical Engineer, Events Assessment Branch, NRR, NRC.....	26
KOCHERY, Paul M., Engineering Supervisor, Plant Modifications, VEGP, GPC.....	52
MAJORS, Harry W., Licensing Project Engineer, Vogtle Project, SNC...	42
MATTHEWS, David B., Director, Project Directorate II-3, NRR, NRC....	23
McCOY, Charles Kenneth, Vice President, Vogtle Project, SNC and Vice President, GPC.....	29
MCDONALD, R. Patrick, Executive Director, Advanced Reactor Corporation--formerly Executive Vice President, Alabama Power Company.....	48
MOSBAUGH, Allen L., Currently unemployed--formerly Acting Assistant General Manager, Plant Support, Plant Vogtle, GPC.....	5 & 6
SHIPMAN, William B., General Manager, Plant Support, Vogtle Project, SNC and GPC.....	39
STOKES, Kenneth C., Senior Engineer, VEGP, GPC.....	54
STRINGFELLOW, Norman J., Project Licensing Engineer, SNC.....	30
TAYLOR, Peter A., Reactor Inspector, Engineering Branch, DRS, Region II, NRC.....	22
TROCINE, Leigh, Resident Inspector, Turkey Point Nuclear Station, Region II, NRC--former Project Engineer, Region II, NRC.....	24

DETAILS OF INVESTIGATION

Purpose of Investigation

This investigation was initiated by the Office of Investigations (OI), U.S. Nuclear Regulatory Commission (NRC) at the request of Stewart D. EBNETER, the Regional Administrator (RA), Region II (RII), NRC, dated November 1, 1990 (Exhibit 1), to determine whether senior managers of Georgia Power Company (GPC) provided incomplete and inaccurate information to NRC regarding the results of emergency diesel generator (EDG) testing at the Vogtle Electric Generating Plant (VEGP) subsequent to a March 20, 1990, site area emergency (SAE) at VEGP. Also, the investigation was to determine, if such incomplete and inaccurate information was provided, whether the provision was deliberate.

By letter dated June 19, 1991 (Exhibit 2), the RA, RII, requested that additional investigation be conducted, as part of this ongoing investigation, to determine whether the GPC executive vice president (VP) of Nuclear Operations (Nuc Ops) had made false statements to NRC regarding the participation of the GPC senior VP, Nuc Ops, in an April 19, 1990, telephone call in which the wording of the GPC Licensee Event Report (LER) on the SAE was revised.

Background

On March 20, 1990, VEGP, Unit 1, was in a refueling outage in Mode 6 (Cold Shutdown), with one of its two EDGs disassembled for maintenance. A truck accident in the switchyard caused a loss of offsite power, and the operable EDG tripped twice and failed to perform its intended safety function until it was started, in the manual emergency mode, 36 minutes after the loss of power. During this 36 minute period the temperature of the Reactor Coolant System rose approximately 46 degrees Fahrenheit.

GPC declared this SAE after they were unable to restore power within 16 minutes, and the NRC subsequently dispatched an Augmented Inspection Team (AIT) to the VEGP Site, which was soon upgraded to an Incident Investigation Team (IIT). This IIT was on site at VEGP conducting their investigation until April 2, 1990. NRC, RII maintained liaison with the IIT, as well as conducting their own inspection activities at VEGP associated with the SAE.

The immediate effort by GPC at the VEGP site, with respect to the EDGs, was to return the EDG that was off line for maintenance (the 1B EDG) to an operable status, so that the 1A EDG could be taken off line to be analyzed for the cause of its failure. The 1B EDG was declared operable on March 28, 1990.

On March 23, 1990, EBNETER issued a Confirmation of Action Letter to GPC (Exhibit 4), which put a hold on the return of VEGP Unit 1 to criticality, "...until the Regional Administrator is satisfied that appropriate corrective action has been taken and the plant can safely return to operation."

At about the same time as this SAE, the alleged in this case, Allen L. MOSBAUGH, the VEGP Acting Assistant General Manager (GM), Plant Support, who reported directly to George BOCKHOLD, the VEGP GM, on his own initiative, without any GPC or NRC knowledge, was tape recording internal GPC

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

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

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

Interview of Allegor (Allen L. MOSBAUGH)

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

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

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

continuing overriding concern is his observation, as a mid-level manager in the GPC Nuclear organization from August 1984 until his termination by GPC in October 1990, was that in 1988, when the upper level management of GPC's two nuclear plants (VEGP and Plant Hatch) was reassigned from J. P. O'REILLY to R. P. McDONALD and his subordinate VPs, there was a noticeable change in the overall nuclear operating philosophy from one of conservative, strict adherence to NRC regulations and technical specifications (tech specs), to one of a liberal, loose adherence to, and interpretation of, these regulations and tech specs, to the point of, in MOSBAUGH's estimation, compromising the safe operation of VEGP. MOSBAUGH's numerous allegations, as stated in his original, anonymous allegation in January 1990, and in Exhibits 5 and 6, are his examples of GPC actions and decisions resulting from this change in philosophy.

As evidenced by MOSBAUGH's subsequent 1991 allegations, which prompted the supplemental Request for Investigation (Exhibit 2), he is also deeply concerned that certain members of the senior management of Southern Nuclear Company, who are also GPC senior Nuc Ops managers, currently continue to cover up their direct involvement in the creation of a false statement of EDG testing in GPC LER 90-006, dated April 19, 1990. MOSBAUGH is also concerned that these senior managers, after being put on notice by their subordinates, of regulatory violations or reportable events, would make extremely unrealistic interpretations in an effort to turn these issues into non-violations or nonreportable events.

Coordination with the NRC Staff

The written allegations received by OI from MOSBAUGH starting on June 13, 1990, up to, and including the dates of his joint OI/RII staff interview on July 18 and 19, 1990, were provided to the RII Enforcement and Investigation Coordination Staff (EICS) for evaluation. These allegations, to include the issues in this case, were addressed as part of the OSI during the period August 6-17, 1990. The OSI report on the portion of the inspection that addressed the allegations is Exhibit 56.

Senior NRC staff were briefed by OI, at NRC Headquarters, on the status of this investigation on December 19, 1991, and August 17, 1993. The NRC Commissioners were briefed by OI on February 5, 1992.

Since September 1993, OI has provided assistance and documentation to an NRC Coordinating Team, composed of representatives of NRR, OE, OGC, and RII staff, in their independent analysis of evidence in this investigation.

Coordination with NRC Office of General Counsel (OGC)

On September 4, 1991, OI coordinated with OGC staff, NRC Headquarters, regarding parties to be permitted to be present during the OI interviews of GPC employees.

In view of the fact that the subject matter of this investigation parallels an issue presently before the Atomic Safety Licensing Board, involving the requested transfer of GPC's Nuclear Operating License to the Southern Nuclear

Company, OI has periodically been apprised by OGC of the status of the proceedings. OI has assisted OGC, when requested, in responses to some document requests that have been forthcoming from that proceeding.

Allegation No. 1: Providing Inaccurate and Incomplete EDG Test Data in Oral Presentation to the NRC on April 9, 1990.

Summary

On April 9, 1990, GPC made an oral presentation to NRC, at the NRC RII offices in Atlanta, GA. This 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. No known transcription or tape recording of this presentation was made. As part of this presentation, George BOCKHOLD, the GM, VEGP, presented EDG test data. He also presented information on components that had been quarantined during the NRC IIT investigation. The presentation of EDG test results had been specifically requested by NRC to be in this presentation. The transparency from which BOCKHOLD presented his EDG test data showed "18 SUCCESSFUL STARTS" on the 1A EDG, and "19 SUCCESSFUL STARTS" on the 1B EDG since the "March 20 Event". The transparency shows no unsuccessful starts, tests, or runs on either EDG. There were, in fact, both unsuccessful start attempts and unsuccessful tests of the EDGs during the testing between the SAE and the presentation. On April 12, 1990, based, in part, on this GPC presentation, the NRC authorized the restart of VEGP, Unit 1.

The following individuals were interviewed by OI RII on the dates indicated regarding the alleged deliberate provision of inaccurate and incomplete EDG test data by BOCKHOLD to NRC, on April 9, 1990, in an oral presentation in support of a GPC request to return VEGP, Unit 1 to criticality.

<u>Name</u>	<u>Position</u>	<u>Date of Interview(s)</u>
Allen L. MOSBAUGH	former GPC Acting Asst. GM, Plant Support, VEGP	July 18-19, 1990 & November 4, 1993
George BOCKHOLD, Jr.	SNC GM, Nuclear Tech Support former GPC GM, VEGP	August 14, 1990 & June 22, 1993
Jimmy Paul CASH	SNC Strategic Analyst former GPC Ops Supt, VEGP	August 14, 1990 & June 14, 1993
Stewart D. EBNETER	NRC RA, RII	July 17, 1991 & February 27, 1992
Alfred E. CHAFFEE	NRC, NRR former IIT Team Leader	August 28, 1991
Richard A. KENDALL	Department of Energy, Sr. Engineer former NRC, NRR, IIT Team Member	August 28, 1991
Leigh TROCINE	NRC, RII, Resident Inspector	August 30, 1991

<u>Name</u>	<u>Position</u>	<u>Date of Interview(s)</u>
Milton D. HUNT	NRC, RII, DRS, Reactor Inspector	September 3, 1991
Peter A. TAYLOR	NRC, RII, DRS, Reactor Inspector	September 4, 1991
Kenneth E. BROCKMAN	NRC, AEOD former NRC, RII, DRP	September 5, 1991 August 23, 1993
David B. MATTHEWS	NRC, NRR, Director, Project Directorate II-3	September 5, 1991
Kenneth R. HOLMES	GPC Manager, Training & Emergency Preparedness	September 27, 1991
William B. SHIPMAN	SNC, GPC GM, Plant Support, Vogtle Project	June 11, 1993
Kenneth S. BURR	SNC Senior Project Engineer	June 14, 1993
John G. AUFDENKAMPE	SCS Manager, Mechanical Group, Vogtle Project, former GPC Manager, Technical Support, VEGP	June 16, 1993
N. J. STRINGFELLOW	SNC Project Licensing Engineer	June 21, 1993
James A. BAILEY	SNC Manager Licensing, Vogtle	June 23, 1993
W. G. HAIRSTON, III	SNC President/Chief Operations Officer; GPC Executive VP, Nuc Ops	June 25, 1993
G. R. FREDERICK	GPC Manager, Maintenance, VEGP former GPC Supervisor, SAER, VEGP	June 28, 1993
Harry W. MAJORS	SNC Project Engineer, Licensing Vogtle Project	June 29, 1993
C. Kenneth McCOY	SNC VP Vogtle Project, GPC VP Vogtle	June 30, 1993
R. P. McDONALD	Advanced Reactor Corp., Executive Director; former GPC/ APC Executive VP, Nuc Ops	July 1, 1993
Thomas V. GREENE	SNC Manager, Engineering & Licensing; former GPC Assistant GM, Plant Support, VEGP	July 6, 1993
Charles L. COURSEY	GPC Superintendent, Maintenance, VEGP	November 3, 1993
Christopher C. ECKERT	GPC Quality Assurance Auditor, VEGP	November 3, 1993

<u>Name</u>	<u>Position</u>	<u>Date of Interview(s)</u>
Paul M. KOCHERY	GPC Engineering Supervisor, VEGP	November 3, 1993
Kenneth C. STOKES	GPC Senior Engineer, VEGP	November 3, 1993

Review and Analysis of Pertinent Documents

OI review of the entire group of transparencies presented to NRC in GPC's oral presentation of April 9, 1990, showed that there was 1 of the 12 transparencies presented that was entitled DIESEL TESTING.

OI review of a copy of the transparency entitled DIESEL TESTING (Exhibit 7) presented to NRC by BOCKHOLD on April 9, 1990, showed, under the subheading SPECIAL TESTING, two columns of phrases, headed 1A and 1B, which described various types of "Starts," "Tests," and "Runs." These phrases contained numbers when more than one "Start," "Test," or "Run" was indicated. The first entry under the 1A column was the phrase, "March 20 Event." The first entry under the 1B column was the phrase, "In Overhaul". This "In Overhaul" entry was on the same line as the "March 20 Event" entry, and accurately described the status of the 1B EDG on March 20, 1990. Under each of these columns was a line. Under the line below the 1A column was the phrase, "18 SUCCESSFUL STARTS." Under the line below the 1B column was the phrase, "19 SUCCESSFUL STARTS." The 18 and 19 numbers below the lines appeared to OI, both at first glance and upon detailed examination, to be a total of the "Starts," "Tests," and "Runs" described in the two columns. There was no indication of any unsuccessful "Starts," "Tests," or "Runs" on this DIESEL TESTING transparency.

BOCKHOLD testified, on June 22, 1993, that he talked about EDG testing problems in the April 9, 1990, presentation by the use of the next transparency, entitled QUARANTINE COMPONENTS (Exhibit 13).

OI review of the QUARANTINE COMPONENTS transparency showed that it displayed no diesel test results. It showed which type of TEMPERATURE SWITCHES and PRESSURE SWITCHES were quarantined from each EDG, and why they were quarantined. If there were diesel testing problems that were caused by these quarantined switches, these testing problems more appropriately should have been described in the DIESEL TESTING transparency.

OI reviewed the VEGP, Unit 1 Control Log (Exhibit 15) and Shift Supervisor Log for the period March 20, 1990-April 8, 1990. These were the logs which Jimmy Paul CASH, Operations Superintendent, VEGP, said he used to obtain, or verify, the 18 and 19 "SUCCESSFUL STARTS" used by BOCKHOLD in his presentation. During the aforementioned period, there were 27 log entries that showed a start, or an attempted start of the 1A EDG after the SAE event itself. There were 17 log entries that showed a start of the 1A EDG with no problems or failures associated with it. There were two entries that showed some type of unexpected problem or failure associated with a given start, regardless of the run time (high lube oil temp trip at on March 30, 1990; and low lube oil pressure trip on March 30, 1990). There were eight entries that showed a start with an associated expected, or planned "trip" of the 1A EDG. The only way possible to arrive at 18 consecutive successful starts, from this control log data, without any problems or failures is if all "planned trips"

are counted as successful starts, and an unplanned trip (low lube oil pressure, on March 30, 1990) is also counted as a successful start. The only way possible to arrive at 18 successful starts (not consecutive) without any problems or failures is to count at least one "planned" trip as a successful start.

With respect to the 1B EDG, for the same March 20 - April 8, 1990, period, the logs showed 25 starts, or attempted starts. Of these 25, there were 13 starts with no problems or failures noted; 7 starts with unexpected problems or failures noted; and 5 starts noted that indicated planned "trips." The only way possible to arrive at 19 consecutive successful starts without any problems or failures from the data in those logs is if all "planned trips" are counted as successful starts, and the 3 unexpected problems (high lube oil temperature trip on March 22, 1990; low jacket water pressure/low lube oil pressure trip on March 23, 1990; and the high jacket water temperature alarm on March 24, 1990) are all counted as successful starts. The only way possible to arrive at even 19 successful starts (not consecutive) is to count all 5 "planned trips" as successful starts, and to count at least 1 unexpected problem as a successful start.

During his testimony on June 14, 1993, CASH presented two documents (Exhibit 11) that he said appeared to him to be computer-printed versions of his handwritten lists of EDG starts that he had prepared to do his count of successful starts for BOCKHOLD's April 9, 1990, oral presentation to NRC. CASH stated, however, that he had not typed, or entered his lists into a computer; and that he had not ordered that his lists be typed or entered into a computer. CASH stated, in his June 14, 1993, testimony, that he did not recall giving his handwritten list to BOCKHOLD, but that he did assist the secretary that was preparing the transparencies with the format for them. In his August 14, 1990, OSI testimony, he said that he gave a list like this to BOCKHOLD. These documents were represented as being retrieved, by attorneys from GPC's retained law firm, from a computer disk of the secretary that prepared the transparencies for the April 9, 1990, oral presentation. They were represented as being prepared in the same time frame, and as being among other documents prepared for the oral presentation.

OI review of these documents showed that the times, dates, and comments matched the times, dates, and comments pertaining to EDG starts in the Unit 1 Control Log, with the exception of one entry on Exhibit 13 (April 1, 1990, 1623 normal start) that was not in the Control Log. The Shift Supervisor's Log contained very few entries pertaining to diesel starts, and what entries there were had a corresponding entry in the Unit Control Log.

Evidence

1. MOSBAUGH stated that the information that was in the April 9, 1990, letter had come from data that CASH had put together for BOCKHOLD's oral presentation to NRC at the regional office in Atlanta. He stated that CASH had told him that he (CASH) had pulled the start data together on a weekend from Control Room Logs (Exhibit 5, p. 219).
2. MOSBAUGH stated that, from the early data he had gathered, it was clear that there were some failures right in the middle of the starts, so it was looking unlikely that there was a sequence of 18 or 19 successful

starts after the failure. He advised that he and AUFDENKAMPE talked to CASH about it, and it appeared that CASH had just counted all the successful starts, even though there were failures interspersed among them (Exhibit 5, pp. 219-220).

3. MOSBAUGH's written allegation contains his "master" list of diesel starts from all three sources: Control Logs, Shift Supervisor Log, and Data Sheets. This master list shows the inconsistencies between these sources, with respect to starts (Exhibit 5, p. 220).
4. MOSBAUGH stated that "later it came out when we had the good list" that CASH had even counted some failures as successes. He stated that CASH had told either him or AUFDENKAMPE that (Exhibit 5, p. 221).
5. MOSBAUGH stated that he had no involvement in the preparation or presentation of the April 9, 1990, oral presentation to NRC by BOCKHOLD. He advised that he first knew that the presentation even occurred was the next day, April 10, 1990, when BOCKHOLD had a staff meeting and passed out copies of the transparencies and the April 9, 1990, letter. MOSBAUGH advised that he thought the fact that he was not involved at all was extremely unusual, since, at the time, he was the acting assistant GM of Plant Support, and all the personnel that routinely prepared correspondence to NRC worked under him (Exhibit 6, pp. 5-7).
6. MOSBAUGH stated that the April 9, 1990, presentation and letter were not reviewed by the VEGP Plant Review Board (PRB). He stated that he was the Vice Chairman of the PRB at the time, and the PRB would normally review all correspondence or communications with NRC that were coming from the VEGP (Exhibit 6, p. 7).
7. MOSBAUGH stated that when he read the April 9, 1990, letter on April 10, he noticed some statements about diesel air quality and diesel starts that were incorrect, so he first started looking into the air quality aspect and then the diesel start aspect (Exhibit 6, pp. 9-10).
8. MOSBAUGH advised that he obtained a handwritten list of diesel starts from Paul KOCHERY. He advised that he made a copy, in KOCHERY's office, from KOCHERY's list, and that it was not fully up-to-date. He advised that he was not certain that the list was complete, because he (MOSBAUGH) had not compared it to any source documents. He stated that the list was not fully up to date, because it did not run through the date he obtained it from KOCHERY. He stated that the list had information from March, and a little bit from April (Exhibit 6, pp. 10-11).
9. MOSBAUGH was shown a 6-page typewritten document, identified as IIT Document No. 05-180-90, which showed diesel starts on both the 1A and 1B EDGs from March 12, 1990, through March 23, 1990. MOSBAUGH stated that this was not a typewritten version of the list he obtained from KOCHERY. He stated that he was not sure if KOCHERY or Ken STOKES had prepared the list that he obtained from KOCHERY that day (Exhibit 6, pp. 10-11).
10. MOSBAUGH stated that this list showed that on March 22 and on March 23, 1990, the 1B diesel had tripped as a result of one of the sensors, and it was immediately apparent to him that there had been diesel problems and

failures since the March 20 event, which was in direct conflict with the April 9, 1990, letter which said no problems or failures since March 20 (Exhibit 6, pp. 12-13).

11. BROCKMAN, formerly the NRC Vogtle Project Section Chief, RII, called McCOY, VP, Vogtle Project, GPC, Birmingham, AL, on a Thursday or Friday before the Monday, April 9, 1990, presentation, and told McCOY that he should be prepared to show the NRC the reliability and performance of the EDG's at the presentation (Exhibit 20, p. 1).
12. BROCKMAN stated that he recalled that the 1B EDG was reassembled quickly, but had some "trips" in the troubleshooting phase of the testing, and that the NRC was clearly aware that there were troubleshooting problems with both diesels (Exhibit 20, p. 1).
13. BROCKMAN advised that he recalled that McCOY was present for the April 9, 1990, GPC presentation, but did not recall who made the presentation on diesel starts (Exhibit 20, p. 1).
14. BROCKMAN stated that there had probably been more troubleshooting starts on the 1A EDG than the five that were presented, but that was irrelevant to his restart decision (Exhibit 20, p. 1).
15. BROCKMAN advised that he was not concerned with troubleshooting failures, or other expected failures, but that unexpected failures would cause him concern. He said one unexpected failure after a declaration of operability would have caused him to ask additional questions about the reliability of the EDGs (Exhibit 20, p. 1).
16. BROCKMAN stated that he left the April 9, 1990, presentation with the understanding that there had been 18 and 19 consecutive successful starts, without failures, on the 1A and 1B diesels, respectively (Exhibit 20, p. 2).
17. BROCKMAN advised that the NRC was not experienced with Cal Con switches, but that they knew that the Cal Con switches were a problem, and NRC approved a special Tech Spec amendment which allowed the non-essential Cal Cons to be "valved out" by the end of April 1990 (Exhibit 20, p. 2).
18. BROCKMAN advised that after the GPC April 9, 1990, presentation, the NRC staff met to discuss the presentation. He stated that the meeting was of short duration and EBNETER asked if anyone had a problem with allowing restart of VEGP, Unit 1. He advised that he recalled no objections, and restart was approved by negative consent (Exhibit 20, p. 2).
19. McCOY tasked BOCKHOLD, then the GM, VEGP, GPC with the responsibility of presenting the results of the EDG testing at the presentation (Exhibit 13, p. 5).
20. BOCKHOLD stated that the purpose of the presentation was to respond to the NRC Confirmation of Action Letter, and to support GPC's request to return Unit 1, VEGP, to criticality (Exhibit 13, p. 5).

21. BOCKHOLD stated that he was the overall architect of the DIESEL TESTING transparency, and that he worked with BURR, assigned to VEGP for EDG testing, and CASH on the details of the chart (Exhibit 13, p. 6).
22. BOCKHOLD stated that they worked on the presentation during the end of the week, and into the weekend of April 7 and 8, 1990 (Exhibit 13, p. 7).
23. BOCKHOLD stated that he put some words down on paper, and asked both BURR and CASH if the information was correct, and "they said yes" (Exhibit 13, p. 8).
24. BOCKHOLD stated that he wrote the description of the diesel testing down, and went through it with BURR "at that time line by line," and that BURR made some changes to this data (Exhibit 13, p. 9).
25. BOCKHOLD stated that he thought that BURR gave him the numbers associated with the diesel test descriptions above the lines on the chart, and that CASH gave him the numbers below the lines (Exhibit 13, pp. 9-10).
26. BOCKHOLD stated that the term "successful start" did not have any statistical value when evaluating EDG reliability, but that it was, "just a subjective feeling to say that we ran the engine a lot and, you know, it proved to be reliable" (Exhibit 13, p. 12).
27. BURR, stated that he had no knowledge, while he was at the VEGP site, that BOCKHOLD was going to have to make a presentation to NRC on diesel testing (Exhibit 14, p. 10).
28. BURR advised that only after he returned to Birmingham, on Saturday, April 7, 1990, was he asked to attend the April 9, 1990, presentation to NRC in Atlanta (Exhibit 14, p. 10).
29. BURR stated that he had not specifically interfaced directly with CASH with respect to obtaining and reviewing diesel test data. He stated that his only interface with CASH was when CASH had attended some meetings that BURR had with VEGP Engineer KOCHERY (Exhibit 14, p. 11).
30. BURR stated that CASH never gave him a handwritten list of diesel starts that was characterized as being used in connection with the April 9, 1990, presentation (Exhibit 14, p. 11).
31. BURR stated that when he saw BOCKHOLD present the DIESEL TESTING transparency in the April 9, 1990, presentation, it was the first time he had seen that data (Exhibit 14, p. 12).
32. BURR stated that he had not taken part in developing the data on the DIESEL TESTING overhead, and had not reviewed that data prior to the April 9, 1990, presentation (Exhibit 14, p. 13).

INVESTIGATOR'S NOTE: BOCKHOLD was offered and declined a polygraph examination by OI. The discrepancy in testimony between BOCKHOLD and BURR would have been one of the areas pursued during a polygraph examination. The discrepancy was not resolved.

33. 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 (Exhibit 13, p. 10).
34. 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 (Exhibit 13, p. 10 and Exhibit 12, p. 8).

INVESTIGATOR'S NOTE: The evidence found in either BOCKHOLD's or CASH's testimony of August 1990 or June 1993 indicates that BOCKHOLD never gave CASH any more instructions or criteria for his task other than just to get successful starts (or starts without any significant problems or failures) from the logs. CASH claims he made his own decision on the starting point of the count. According to his testimony, CASH started as soon as he saw a successful start (by his own criteria) on either diesel after the event. CASH said the 1A EDG, it was the night of March 20, 1990, and for the 1B EDG, it was on March 21 with the first successful start after the problems with fuel priming and the governor venting were resolved.

35. In BOCKHOLD's June 22, 1993, testimony, when it was pointed out by OI that the description of the testing in the DIESEL TESTING chart started with the "March 20 Event" and the five troubleshooting starts on the 1A EDG, BOCKHOLD stated that he was "of the opinion" that CASH started his count "sometime about that time" (Exhibit 13, p. 10).
36. In BOCKHOLD's August 14, 1990, OSI testimony, he stated that he knew the starting point of CASH's count when he was making his (BOCKHOLD's) presentation to NRC on April 9, 1990, because he had discussed it with CASH (Exhibit 12, p. 8).
37. Also in BOCKHOLD's August 14, 1990, testimony, he stated that he would have assumed that if he had told CASH to go count successful starts, with no further instructions, that CASH would have counted all the successful starts that were in the logs after the March 20, 1990, event (Exhibit 12, p. 10).
38. CASH stated that he did not recall BOCKHOLD's specific instructions, but that somehow before he went to count starts, he knew that he was to count the starts without any significant problems (Exhibit 10, p. 11).
39. CASH stated that a significant problem meant, to him, something that would have prevented the diesel from running during an emergency (Exhibit 10, p. 11).
40. CASH stated that he was not looking for valid tests or valid starts, only starts without significant problems (Exhibit 9, p. 3).
41. CASH stated that he started his counts, for both the 1A EDG and the 1B EDG at the March 20, 1990, date in the Control Logs (Exhibit 10, p. 13). (Exhibit 9, p. 7).

42. CASH stated that he "turned the data over to Mr. Bockhold and he (BOCKHOLD) prepared some point papers" in which CASH assisted BOCKHOLD's secretary with format only. He stated that he had listed the information in table form with date, time, reason started, and comments (Exhibit 9, pp. 5-6).
43. CASH stated, in his August 14, 1990, OSI testimony, that he also had a summary of the number of starts, and that he believed that he also gave this summary to BOCKHOLD. He advised that he thought that BOCKHOLD primarily used just the summary of the number of starts (Exhibit 9, p. 6).
44. CASH stated that he turned his original handwritten information over to BURR, at BURR's request, at the April 9, 1990, presentation in Atlanta (Exhibit 9, p. 6).

INVESTIGATOR'S NOTE: BURR has denied ever receiving any list, or lists, from CASH at the April 9, 1990, presentation. Neither of these original handwritten lists were found during the course of this investigation.

45. In his August 14, 1990, OSI testimony, when the DIESEL TESTING transparency was displayed to him, CASH stated that the listing of the data on the transparency was in the same sequence as the information he had given to BOCKHOLD (Exhibit 9, p. 7).

INVESTIGATOR'S NOTE: At this time, CASH made no comment about the fact that the wording used on the transparency to describe the types of diesel tests could not have come from his list of Control Log entries.

46. In his June 14, 1993, testimony, CASH was very explicit about how the descriptive wording of the diesel testing above the lines in the transparency could not have come from CASH's list that he provided to BOCKHOLD (Exhibit 10, pp. 24-25).
47. In his June 14, 1993, testimony, CASH stated that his only assistance in the preparation of the transparency was with the "format and supplying the start-count numbers." He advised that the "transparencies were in general prepared when he got there." He stated that he did not know how the descriptions of the diesel tests that were above the lines on the transparency were developed (Exhibit 10, pp. 26-27).
48. In his August 14, 1990, OSI testimony, CASH stated that the 18 and 19 successful starts shown on the transparency were "all the starts that I was aware of at the time." He further stated that "Those were the numbers that I came up with at the time" (Exhibit 9, p. 8).
49. In his June 14, 1993, testimony, CASH stated that he did give BOCKHOLD a specific start count, but that he could not recall the specific numbers, and that he could not recall writing down any numbers of starts for BOCKHOLD. CASH advised that, based upon his review of the logs, the numbers he gave to BOCKHOLD would have been greater than 18 and 19 (Exhibit 10, pp. 48-50).
50. In his June 14, 1993, testimony, CASH stated that he did not recall writing down the numbers 18 and 19 for BOCKHOLD, and he could only make

an "educated guess" on how BOCKHOLD arrived at those numbers. His guess was that BOCKHOLD already had the 18 and 19 numbers in mind from the source of the data above the lines and he (CASH) came to BOCKHOLD with numbers that were greater than 18 and 19. CASH said he couldn't explain to BOCKHOLD what the additional starts were so BOCKHOLD decided to use the 18 and 19 numbers in the presentation, in order to avoid being asked a question that neither he nor CASH could answer (Exhibit 10, pp. 31-32).

51. BOCKHOLD stated that the exact number of starts shown on the transparency was not "a key thing" in his mind, and that the key thing was that the diesel was operable, and that there had been "more than one or two successful starts associated with the machine" (Exhibit 13, p. 11).
52. BOCKHOLD stated that the numbers of EDG starts above the lines on the DIESEL TESTING transparency did not have to add up to the numbers below the lines, and that the reason the lines were drawn was to separate those two sections of the transparency (Exhibit 13, p. 13).

INVESTIGATOR'S NOTE: As mentioned earlier, in the Review of Documents section pertaining to this issue, the "Tests," "Runs," and "Starts" described in the upper portion of the DIESEL TESTING transparency do add up to the numbers below the lines. The lines at the bottom of the columns do appear to be lines that indicate a totalling of the information above. They do not appear to be lines that separate different groups of data.

53. BOCKHOLD stated that he did not think that the numbers above the line added up to the numbers below the line, and that if they did add up, it was a coincidence (Exhibit 13, p. 14).

INVESTIGATOR'S NOTE: BOCKHOLD said he did not compare CASH's count to the numbers BOCKHOLD said he already had from BURR that are listed above the line (the evidence indicates he did not get any numbers from BURR), and did not make any adjustments to either set of numbers. If this is the case, then the correlation between the numbers above the line and the numbers below the line as shown on the DIESEL TESTING transparency is a highly improbable coincidence. CASH indicated that he saw the correlation between the numbers above and below the line. CASH obviously did not view this as a coincidence (see Evidence Item No. 32).

54. BOCKHOLD stated that he would not have made any changes to the numbers above the lines on the transparency if CASH had come back with 10 successful starts. BOCKHOLD said that 10 successful starts would have been an acceptable number to him, and that he would not have had any subsequent discussions with BURR about how BURR arrived at his numbers (Exhibit 13, p. 16).
55. BOCKHOLD then stated that if CASH had come back with the numbers 2 or 3, he would have thought that was not enough, and, "by the time Monday (the day of the presentation to NRC) had come around, we could crank that engine a whole lot more times" until the number seemed "good enough" in his (BOCKHOLD's) engineering judgement (Exhibit 13, p. 17).

INVESTIGATOR'S NOTE: On one hand, BOCKHOLD tries to portray the "successful start" numbers as being of no regulatory statistical value. On the other hand, he feels the need to show the NRC some meaningful numbers from the standpoint of "engineering judgement." To accomplish this, he would "crank that engine" at the eleventh hour with no purpose other than just to increase the numbers.

56. BOCKHOLD said he was aware that there had been some unsuccessful starts on the diesels since the event (Exhibit 13, p.15).

INVESTIGATOR'S NOTE: The transparency" to which BOCKHOLD referred is captioned "Quarantine Components" (as opposed to "Diesel Testing"), with the major subheadings "Temperature Switches" and "Pressure Switches." This transparency described various problems with, and actions taken on, these switches. The topic of this transparency is separate from, and does not appear to directly correlate to, the previous "Diesel Testing" transparency. If the switch problems described on the "Quarantine Components" transparency had caused diesel testing problems, then those diesel testing problems more appropriately should have been described on the "Diesel Testing" transparency (Exhibit 7).

57. CASH said he obtained his count of successful starts from the Unit 1 Control Log (Exhibit 9, p. 4).
58. The Unit 1 Control Log contains entries, after March 20, 1990, that show EDG testing problems (Exhibit 15, pp. 5287, 5289, and 5292).
59. CASH admitted knowing, prior to his obtaining of starts from the Control Log, that there had been EDG test problems (Exhibit 9, p. 16).
60. There was no recall, by either CASH or BOCKHOLD, of a discussion between them of specific criteria to define a successful start, or a start without problems (Exhibit 9, p. 3 and Exhibit 13, pp. 9-10).
61. BOCKHOLD stated that BURR was involved in the preparation and review of the EDG test data in the transparency presented to NRC (Exhibit 13, pp. 5-6).
62. CASH produced a computer printout (Exhibit 11) that he testified appeared to be a reproduction of his handwritten list, but also testified that he, himself, never keyed his list into a computer (Exhibit 10, pp. 13-15, 39, and 40).
63. The computer printout (Exhibit 11), which CASH testified appeared to be a reproduction of his handwritten list, was described by CASH's attorney, Steven A. WESTBY, who was present with CASH during his interview by OI, as being discovered by GPC's corporate attorneys as a document, located amidst other presentation documents. According to WESTBY, these documents were on a computer disk of the secretary of the assistant GM for Operations, and was created during the time frame just preceding the April 9, 1990, presentation (Exhibit 10, pp. 13-15).
64. CASH stated that at the time he constructed his list and made his count of successful starts for BOCKHOLD prior to the April 9, 1990.

presentation, he counted as successful the 1B DG starts of 1106, March 22, 1990 (which was noted in the Control Log to have tripped at 1243 on High Lube Oil Temperature), and of 5:30 p.m., March 23, 1990 (which was noted in the Control Log to have tripped at 5:31 p.m., on Low Jacket Water Pressure/Low Turbo Lube Oil Pressure) (Exhibit 10, pp. 15-18).

65. CASH stated that the only 1B DG starts subsequent to March 20, 1990, on his list that he counted as unsuccessful were the attempted starts at 9:49 p.m., 9:56 p.m., and 10:02 p.m., on March 21, 1990 (Exhibit 10, pp. 19-20).
66. CASH stated that the listed start, on the computer-generated list, of the 1B DG at 4:23 p.m., April 1, 1990, was a mistake. He stated that he did not know whether he, or the person who keyed his list into the computer, made the mistake, but the mistaken entry was very similar to the very next entry on the list, which was at 4:32 p.m., April 4, 1990. Both of these DG start entries show on the list as being terminated at 5:44 p.m. (Exhibit 10, p. 21).
67. 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) (Exhibit 9, p. 7).
68. CASH advised that when BOCKHOLD directed him to do the diesel start count, he (CASH) explained to BOCKHOLD that he did not have the engineering log of diesel starts, and he (CASH) could just get his data from the Unit Control Log and the Shift Supervisor's Log (Exhibit 10, p. 10).
69. CASH stated that his definition of a significant problem, with respect to his counting of diesel starts, was something that would have prevented the diesel from running during an emergency (Exhibit 10, p. 11).
70. CASH stated that he did not recall the issue of valid starts coming up during the presentation to NRC. He advised that if it would have come up during the meeting, he probably would not have felt the need to mention the fact that they were not valid successful starts to BOCKHOLD after the meeting (Exhibit 10, p. 52).
71. CASH stated that he did not recall being surprised by the numbers on the DIESEL TESTING transparency when he first saw it in its completed state, or that he wondered how the numbers were arrived at (Exhibit 10, p. 67).
72. CASH stated that he had no knowledge that BOCKHOLD had a purpose to show sequential successful starts by the use of that DIESEL TESTING transparency in the presentation. CASH stated that, from the results of his own research for the starts, the 18 and 19 starts could have been consecutive successful starts (Exhibit 10, pp. 67-68).
73. CASH stated that he, "...looked at just successful maintenance starts, not valid successful, operational, declared operable, starts" (Exhibit 9, p. 8).

74. CASH stated that he did not have any discussions with BOCKHOLD about "small" or insignificant diesel start problems (Exhibit 9, p. 16).
75. BOCKHOLD defined a "successful start" as being, "any start that didn't show a significant problem that would have caused the engine to trip or cause the engine not to meet its intended purpose" (Exhibit 13, p. 18).
76. BOCKHOLD stated that he came up with the term "successful start" without a great deal of thought, but he knew at the time he told CASH to go count successful starts that they were, "very different than a valid test," and that he did not want the "successful start" terminology to relate to the "Reg. Guide" definition of a valid test (Exhibit 13, p. 18).
77. BOCKHOLD stated that he, "didn't tell Jimmy [CASH] any -- any criteria [for what was a successful start]." BOCKHOLD stated, "I used the term 'successful start', and he [CASH] went off and counted them" (Exhibit 13, p. 19).
78. BOCKHOLD stated that he did not ask CASH what CASH's criteria was in obtaining his count of successful starts (Exhibit 13, p. 19).
79. BOCKHOLD stated that the reason he did not have BURR, the diesel expert, gather all the diesel test data, to include the successful starts, was that BURR was going back to Birmingham, and CASH would have better access to the logs on the weekend (Exhibit 13, p. 26).
80. BURR stated that he left the VEGP site at 10:00 a.m., Saturday, April 7, 1990, to return to Birmingham. He provided this information from review of his daytimer (Exhibit 14, p. 23).
81. BOCKHOLD stated no questions were raised by the NRC attendees at the April 9, 1990, presentation about the difference between a successful start and a valid test (Exhibit 13, p. 23).

INVESTIGATOR'S NOTE: MATTHEWS stated that he raised the issue of valid tests with BOCKHOLD at the April 9, 1990, meeting and that BOCKHOLD never answered his question (Exhibit 13, p. 1).

82. BOCKHOLD stated that, as of August 14, 1990, he still had not asked CASH which logs he (CASH) had looked at to get the "successful start" data for the April 9, 1990, presentation (Exhibit 12, p. 4).
83. BOCKHOLD stated that the presentation showed the test sequence GPC went through to get the diesels operable and the numbers at the bottom were put on because GPC had made a lot of EDG starts. BOCKHOLD said he was not aware of any problems that would have made the EDGs inoperable, so he had CASH compile the number of successful starts associated with operability (Exhibit 12, pp. 4-5).
84. BOCKHOLD stated that, in the preparation for the presentation, he wanted to say that "we had this problem, okay, and this is what we did, so I was kind of the architect of saying that we should have two--two transparencies: one to talk about what we did to make the diesel

operable, and the other transparency to talk about the switch issue, the various sensors on the diesel" (Exhibit 12, pp. 5-6).

85. BOCKHOLD stated that the EDG start count for the EDGs came, "Just verbally from Jimmy Paul [CASH]" (Exhibit 12, p. 7).
86. BOCKHOLD stated that he believed the EDGs to be operable when VEGP, Unit 1 entered Mode 2 on April 15, 1990. He stated that, subsequently, GPC became aware of some problem with the Cal Con temperature switches, but it did not affect the operability because the calibration of the switches at that point would not have caused the EDG to trip at the wrong time. He stated that, subsequent to becoming aware of the Cal Con switch problem, GPC became aware of a diesel air start problem on, he thought, the 1B and the 2A diesels that affected their operability, and GPC then declared them inoperable (Exhibit 12, p. 23).
87. BOCKHOLD stated that he did not discuss unsuccessful starts with CASH, but that he (BOCKHOLD) was aware, from discussions between CASH and BURR, that they had come to the conclusion that any problems or unsuccessful starts that they had seen in that timeframe would not have any adverse affect on the operability of the diesels (Exhibit 12, p. 25).

INVESTIGATOR'S NOTE: BURR testified that he never had any direct discussions with CASH about the data on the transparency.
88. BOCKHOLD stated that neither he, nor CASH intended to mislead the NRC regarding the successful diesel starts. He said that possibly it was misleading, that it was a mistake, and that was why GPC clarified the LER (Exhibit 12, pp. 26-27).
89. BOCKHOLD stated that he showed both CASH and BURR both the DIESEL TESTING and the QUARANTINE COMPONENTS transparencies before the presentation (Exhibit 13, p. 11).
90. BOCKHOLD stated that the DIESEL TESTING transparency was not intended to show all the diesel 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 EDG's passed their operability tests (Exhibit 13, pp. 15-16).
91. BOCKHOLD stated that the NRC people at the April 9, 1990, presentation did not raise any questions about the difference between "successful starts" and "valid tests" (Exhibit 13, pp. 22-23).
92. BOCKHOLD stated that he had a lot of experience with EDGs and was comfortable with the types of testing that was being done to the diesels after the SAE. He said that he did have BURR refresh him on the details of the testing (Exhibit 13, pp. 24-25).
93. BOCKHOLD stated that he did not recall having any discussion with CASH about CASH not having enough descriptive data from the logs to correlate his starts with the test descriptions above the lines on the transparencies (Exhibit 13, pp. 26-28).

94. BOCKHOLD said that he did not recall CASH ever coming to him and saying that he did not know whether to count a given start as successful or not (Exhibit 13, p. 30).
95. BOCKHOLD advised that the reason he did not mention EDG test failures in the DIESEL TESTING transparency was that the NRC already knew about the failures, and that he talked about failures in the next transparency (Exhibit 13, p. 31).
96. BOCKHOLD stated that he thought that the "whole package of transparency information was sent over to corporate Birmingham," and it would have been addressed to McCOY. He said because of the organizational structure, the package would have gotten to BAILEY's licensing group and to BAILEY's counterpart on the VEGP site, Rick ODOM and AUFDENKAMPE (Exhibit 13, p. 32).

INVESTIGATOR'S NOTE: AUFDENKAMPE testified that he never saw the transparencies before they were presented to NRC on April 9, 1990.

97. BOCKHOLD stated that he did not discuss any of the data on any of the transparencies with anyone from NRC over the weekend of April 7-8, 1990 (Exhibit 13, p. 33).
98. EBNETER stated that, typically, when a licensee wishes to have a hold on criticality released, he requires them to make a face-to-face presentation of their justification, and that was the primary purpose of GPC's April 9, 1990, presentation at the NRC RII offices in Atlanta (Exhibit 18, p. 1).
99. EBNETER stated that he did not specifically recall who, from GPC, presented the DIESEL TESTING transparency in the presentation (Exhibit 18, p. 1).
100. EBNETER stated that the 18 and 19 "Successful Starts" shown for the 1A and 1B diesels on the transparency meant to him that GPC tried to start the 1A diesel 18 times, and the 1B diesel 19 times, and that each of those times they started successfully, according to Tech Specs (Exhibit 18, p. 1).
101. EBNETER stated that, to him, the transparency information meant that the "Successful Start" data began from the date of the event, March 20, 1990, to about the time of the presentation, but at the time of the presentation he was not particularly focused on the specific numbers of starts or the time frame of the data (Exhibit 18, pp. 1-2).
102. EBNETER advised that he recalled questions from the NRC people at the presentation about air quality and the Cal Con sensor calibrations, but he did not recall if there were any specific discussions of failures of the diesels to start (Exhibit 18, p. 2).
103. EBNETER stated that, in his decision to grant, or not to grant, the return to criticality of VEGP, Unit 1, he would rely about 50 percent on the GPC presentation, and 50% on his own staff's evaluation (Exhibit 18, p. 2).

104. EBNETER stated that even if GPC had presented data showing diesel start failures as part of the presentation, he would still have possibly permitted restart, depending on the number and nature of the failures, and at what point such failures would have occurred in the testing sequence (Exhibit 18, p. 2).
105. EBNETER stated that, for example, if there had been three failures to start in the troubleshooting phase that were unusual, or had not been pinpointed with respect to cause or position in the testing sequence, he would possibly have retained the hold on criticality until the failures had been explained to NRC's satisfaction (Exhibit 18, p. 2).
106. EBNETER advised that even if there had been some failures to start early in the troubleshooting phase, and there had been a subsequent sequence of successful starts, he may still have given permission to restart, but only after consultation with NRC staff (Exhibit 18, p. 2).
107. EBNETER stated that after GPC had left the NRC offices after the presentation, he polled the NRC attendees, which included CHAFFEE, MATTHEWS, HUNT, and VARGA and there were no objections to allow Vogtle to return to power. He stated that if there had been an objection, he would not have allowed restart until that objection had been resolved (Exhibit 18, p. 2).
108. EBNETER stated that, from his interpretation of the DIESEL TESTING transparency, there had been 18 consecutive successful starts on the 1A EDG, and 19 consecutive successful starts on the 1B EDG (Exhibit 19, p. 1).
109. EBNETER stated that he must be able to rely upon GPC officials to provide totally complete and accurate information to NRC, particularly in a presentation such as the one on April 9, 1990, in which a restart decision was to be made (Exhibit 19, p. 1).
110. EBNETER stated that if he had known that BOCKHOLD had deliberately omitted any failures or significant problems from the DIESEL TEST data, he would not have permitted VEGP to restart until he had determined BOCKHOLD's rationale for such an omission (Exhibit 19, p. 2).
111. KENDALL stated that he was primarily responsible for the EDG aspect of the IIT (Exhibit 26, p. 1).
112. KENDALL stated that VEGP personnel did a lot of EDG testing immediately after the SAE, and they did have a series of successful diesel runs that varied in length from under 1 minute to 20 minutes. KENDALL advised, however, that he and CHAFFEE tried to get EDG start data from the VEGP diesel engineers, but they were unable to produce this data within a reasonable time, so he (KENDALL) had to rely a great deal on verbal information from VEGP engineers HORTON, KOCHERY, and STOKES (Exhibit 26, p. 1).
113. KENDALL stated that he was not present, either in person or by phone, at the GPC presentation to NRC on April 9, 1990. He advised that he was not

polled by anyone from RII regarding any objections to VEGP restart (Exhibit 26, p. 2).

114. MATTHEWS stated that he attended the GPC presentation to NRC on April 9, 1990, and observed the same lack of responsiveness and apparent disdain for regulatory involvement on the part of BOCKHOLD that he had observed on previous occasions, and MATTHEWS provided a copy of a memorandum that he had prepared regarding this issue (Exhibit 23, p. 1).
115. MATTHEWS advised that during the portion of the GPC presentation on diesel generators, he had asked BOCKHOLD how he could equate the "successful start" data in his presentation to the Regulatory Guide terminology for defining EDG reliability, namely, valid tests, and he (MATTHEWS) never received a responsive answer from BOCKHOLD (Exhibit 23, p. 1).
116. MATTHEWS advised that Ellis MERSCHOFF, Director, DRP, NRC, RII, also struggled with the "successful starts" terminology at the meeting (Exhibit 23, p. 1).
117. MATTHEWS stated that, at the NRC meeting immediately after the GPC presentation, he did not raise any objection to VEGP, Unit 1 restart because he had no technical basis upon which to make such an objection. (Exhibit 23, p. 1).
118. MATTHEWS stated that this oral presentation did not constitute GPC's official request for restart, and he understood that the official request letter was finalized by GPC officials after the presentation in order to incorporate changes in response to questions raised in the meeting (Exhibit 23, p. 1).
119. MATTHEWS advised that, on April 12, 1990, after NRC had reviewed GPC's official letter of request for restart, dated April 9, 1990, EBNETER set up a conference call as a final "base touch" with NRR and the IIT regarding any NRC objections to restart. MATTHEWS advised that he objected to VEGP restart based upon his observation that, "the overall management attitude reflected in the preceding events was one that did not reflect an appropriate safety consciousness and could lead to nonconservative decisions in response to off-normal events at Vogtle" (Exhibit 23, p. 2).
120. MATTHEWS stated that no one on the call (he recalled EBNETER, CHAFFEE, LAZARUS, either HUNT or his section chief, PARTLOW, and VARGA) disagreed with his issue, but no one supported it strongly either. He advised that EBNETER accepted his dissenting vote on restart, but still made the decision in favor of restart (Exhibit 23, p. 2).
121. CHAFFEE stated that BOCKHOLD inserted himself quite a lot into the IIT investigation, and would personally try to answer as many IIT questions as he could by himself, without consulting his staff. CHAFFEE advised that when BOCKHOLD could not answer a diesel generator question, for example, he would say that his system engineer would know the answer, but, more often than not, the system engineer could not answer that question (Exhibit 25, p. 1).

122. CHAFFEE stated that he noted that GPC did not want to count certain types of EDG failures as failures, and that BOCKHOLD had a tendency to "put blinders on" with regard to the past performance of the EDGs and wanted to concentrate on their recent successful performance (Exhibit 25, p. 1).
123. CHAFFEE stated that there did not seem to be any significant degree of initiative, or basic engineering inquisitiveness, on the part of BOCKHOLD or his Engineering staff to determine the cause of the EDG failure on their own. CHAFFEE stated that he was the one that had to keep the root cause investigation moving along (Exhibit 25, p. 2).
124. CHAFFEE stated that he was not certain, but he thought he was included on a conference call regarding VEGP restart. CHAFFEE advised that he could not recall being asked if he had any objections to VEGP restart, but if he had been asked, he would have not known of any reason to delay restart. He stated that restart was RII's call, and he would have honored their responsibility on that decision (Exhibit 25, p. 2).
125. HUNT stated that he did not get to the VEGP Site after the SAE until Monday, March 26, 1990, and that his purpose was to observe the EDG troubleshooting and operability testing (Exhibit 21, p. 1).
126. HUNT stated that every test that was run on the 1B EDG while he was there was successful, and he was satisfied that it was operable. He stated that he was not concerned about any failures on the 1B EDG that had occurred prior to his witnessing of the testing (Exhibit 21, p. 1).
127. HUNT advised that he was present for the GPC presentation to NRC on April 9, 1990, and he had a couple "hang ups" with the air quality and jacket water sensor issues, and he held GPC's "feet to the fire" on those issues (Exhibit 21, p. 1).
128. HUNT stated that even if GPC had shown failures on tests run prior to the undervoltage run, it would not have affected his opinion that the EDGs were operable, and VEGP, Unit 1 could return to criticality (Exhibit 21, p. 1).
129. HUNT advised that after the GPC presentation, he "caucused" with the other NRC attendees at the presentation, and he recalled no objections to VEGP restart at that meeting (Exhibit 21, p. 1).
130. HUNT stated that he did not recall speaking directly with EBNETER about the diesels, but he (HUNT) heard, through BROCKMAN, that EBNETER had said "If it's OK with HUNT, it's OK with me" (Exhibit 21, pp. 1-2).
131. TAYLOR stated that he observed two technical specification surveillance tests on the VEGP 1A EDG on April 6 and 7, 1990, and that both tests were successful and demonstrated operability and reliability of the 1A EDG (Exhibit 22, p. 1).
132. TAYLOR advised that troubleshooting, or maintenance EDG failures are not viewed as true failures from a reliability standpoint, because EDG reliability is a very specifically defined term (Exhibit 22, p. 1).

133. TAYLOR stated that he attended the April 9, 1990, presentation by GPC to NRC, and that BOCKHOLD made the EDG portion of the presentation. He stated that, among other issues, the presentation covered problems with the Cal Con sensors, and that the NRC relied heavily upon the GPC representations regarding the sensors for their (NRC) decision on restart (Exhibit 22, p. 2).
134. TAYLOR opined that if NRC had known about EDG start failures during troubleshooting, they would have required more tests prior to restart, but no more than were actually done between April 9, 1990, and VEGP's return to power (Exhibit 22, p. 2).
135. TAYLOR advised that he was not asked, after the April 9, 1990, presentation, if he had any objections to VEGP restart, but that if he had been asked, he would have posed no objection to restart because he was satisfied with the status of the diesels for restart (Exhibit 22, p. 2).
136. TROCINE stated that she did not have an independent basis for an assessment of the VEGP EDG reliability, but that she did feel that GPC was trying to present a picture of EDG reliability in the April 9, 1990, presentation, which she attended (Exhibit 24, p. 1).
137. TROCINE stated that her opinion of the VEGP EDG reliability would have been strongly influenced by the GPC presentation, but that she does not recall being asked if she had any objections to the restart of VEGP, Unit 1, at the conclusion of the presentation or any time later (Exhibit 24, p. 1).
138. COURSEY stated that he played no part in the April 9, 1990, presentation to NRC at all. He stated that he did not give BOCKHOLD any data for that presentation. He stated that he did not recall ever seeing the DIESEL TESTING transparency until the date of his OI interview, November 3, 1993 (Exhibit 53, p. 1).
139. ECKERT stated that he prepared the UNIT 2 transparency for the April 9, 1990, presentation. He stated that he thought on the Friday before the April 9, 1990, presentation, he recalled seeing CASH in his (CASH's) office working with a document that appeared to be a "left justified" version of the DIESEL TESTING slide. He stated that CASH told him he (CASH) was counting starts. He advised that he did not recall whether there were any numbers on the "left justified" document on CASH's desk (Exhibit 51, pp. 1-2).
140. ECKERT stated that, about 4:30 p.m. or 5:00 p.m. that same day, he was in BOCKHOLD's office and noticed a DIESEL TESTING slide on BOCKHOLD's desk. He stated that he could not recall for certain, but he thought this slide was not "left justified." He advised that he noticed that the numbers above the lines on the slide did not add up to the numbers below, and he commented to BOCKHOLD that they didn't add up. He stated that BOCKHOLD replied that they didn't have to, and that wasn't the purpose of the slide. ECKERT stated that he could not recall what the numbers were, only that they didn't add up (Exhibit 51, p. 2).

141. MOSBAUGH stated that he never gave a written diesel test plan to BOCKHOLD (Exhibit 6, pp. 158-159).
142. SHIPMAN stated that he did not participate or assist in the preparation for the April 9, 1990, GPC presentation to NRC in Atlanta (Exhibit 39, p. 8).
143. SHIPMAN stated that he did not recall whether HAIRSTON and McCOY reviewed the presentation material prior to the presentation (Exhibit 39, p. 8).
144. SHIPMAN stated that he did not recall if he had any conversations with BOCKHOLD, prior to the presentation, regarding the data to be presented (Exhibit 39, p. 8).
145. SHIPMAN stated that he was not aware of anyone with SNC or GPC in Birmingham that was involved in the preparation of the presentation (Exhibit 39, p. 9).
146. STRINGFELLOW stated that he did not recall having any involvement in the preparation of the April 9, 1990, presentation to NRC, and that he did not recall reviewing that data prior to the presentation (Exhibit 30, p. 6).
147. STRINGFELLOW advised that he did not recall having much in the way of responsibilities related to the March 20, 1990, SAE until they started working on the LER (Exhibit 30, p. 16).
148. STRINGFELLOW said that he did not know who prepared the DIESEL TESTING overhead for the presentation, and that he was not present for the presentation (Exhibit 30, p. 9).
149. AUFDENKAMPE stated that his only involvement in the April 9, 1990, presentation was when he got a call from BOCKHOLD asking him to have Gus WILLIAMS go out to the VEGP site and count diesel starts for him. AUFDENKAMPE related that he told BOCKHOLD that WILLIAMS does not do the diesel count, that WILLIAMS gets it from Mike HORTON's people. AUFDENKAMPE said that BOCKHOLD said he'd call HORTON and for him (AUFDENKAMPE) not to worry about it (Exhibit 38, pp. 10-11).
150. AUFDENKAMPE advised that BOCKHOLD ended up with CASH coming to the plant and helping BOCKHOLD with the count (Exhibit 38, p. 11).
151. AUFDENKAMPE stated that he did not have any other direct input into BOCKHOLD's presentation to NRC, and he never reviewed, in detail, everything that was presented. He stated that he had faxed some information to BAILEY from the GPC Event Review Team's report, and he did not know whether BOCKHOLD used that in his presentation or not (Exhibit 38, p. 12).
152. AUFDENKAMPE stated, after reviewing the DIESEL TESTING overhead, that the GPC letter to NRC of August 30, 1990, shows a lot of diesel start activities that were not included in the overhead (Exhibit 38, pp. 14-15).

153. AUFDENKAMPE stated that he thought that at the time the overhead was generated "it was felt to be an accurate representation of the number of successful starts" (Exhibit 38, p. 15).
154. AUFDENKAMPE stated that, today, he knows that the April 19, 1990, LER was in error because there were not 18 consecutive starts on each diesel following the comprehensive test program. He stated that he did not know if the DIESEL TESTING overhead used in the April 9, 1990, presentation was trying to indicate consecutive successful starts or not (Exhibit 38, p.16).
155. AUFDENKAMPE said that he thought that CASH used the Control Log to get the starts counts for BOCKHOLD, and that CASH used no other log, to his knowledge (Exhibit 38, p. 32).
156. AUFDENKAMPE advised that he did not recall BOCKHOLD having a meeting of his managers on the day after the April 9, 1990, presentation, and passing out copies of what he had presented to NRC (Exhibit 38, p. 21).
157. AUFDENKAMPE said that he was a member of the VEGP PRB in the April 9, 1990, time frame, and he did not recall any PRB reviews or discussions about what was to be presented on April 9, 1990, but that the PRB would not normally review NRC presentations (Exhibit 38, p. 22).
158. AUFDENKAMPE stated that he did not have any other information regarding who, other than CASH, participated in the input into the DIESEL TESTING overhead (Exhibit 38, p. 19).
159. AUFDENKAMPE said that he did not work on the weekend of April 7-8, 1990 (Exhibit 38, p. 20).
160. KOCHERY stated that neither he nor STOKES had provided any written information to BOCKHOLD that looked in any way like the information on the DIESEL TESTING transparency. He stated that he did not know if BURR would have provided BOCKHOLD anything like that, but he doubted that he did (Exhibit 52, p. 2).
161. STOKES stated that he never provided any written diesel test plan, or any document that looked like the DIESEL TESTING transparency, to BOCKHOLD. He stated that he was not tasked by BOCKHOLD for any specific input to the April 9, 1990, presentation to NRC (Exhibit 54, p. 1).
162. McCOY stated that the purpose of the April 9, 1990, presentation was to present relevant information from the GPC and NRC investigations up to that point, and to address all the issues in the Confirmation of Action letter, to include the restart issue (Exhibit 29, p. 6).
163. McCOY stated that he recalled a conversation, approximately a week before the meeting, with BROCKMAN about the preparation for the presentation, including the items that needed to be addressed (Exhibit 29, p. 7).
164. McCOY recalled that BROCKMAN told him that he (BROCKMAN) wanted to see the results of the diesel testing in the presentation (Exhibit 29, p. 7).

165. McCOY said that he did not recall if he knew, prior to April 9, 1990, who assisted BOCKHOLD in preparing the diesel test information (Exhibit 29, p. 7).
166. McCOY advised that BOCKHOLD was responsible for preparing the entire presentation, not just the diesel testing portion (Exhibit 29, p. 8).
167. McCOY stated that he did not recall specifically when, but he became aware that CASH had assisted BOCKHOLD sometime between the presentation and when GPC made some attempts to clarify and correct the information from the presentation (Exhibit 29, p. 8).
168. McCOY stated that he did review the overhead transparencies before the April 9, 1990, presentation was made, and he did not have any questions about, or problems with, the data at the time (Exhibit 29, p. 9).
169. McCOY stated that he did not recall if HAIRSTON reviewed the slides, but that it was HAIRSTON's normal practice to do so (Exhibit 29, p. 9).
170. McCOY advised that he and HAIRSTON and BOCKHOLD attended the April 9, 1990, meeting with NRC in Atlanta (Exhibit 29, pp. 9-10).
171. McCOY stated that he did not recall if HAIRSTON made any comments to him on any of the slides (Exhibit 29, p. 10).
172. McCOY stated that he was briefed daily on the progress of the diesel testing after the March 20, 1990, event, and was involved in some of the discussions with the NRC inspectors regarding the diesel test results (Exhibit 29, p. 10).
173. McCOY stated that, prior to the April 9, 1990, presentation, he was aware that "we had uncovered a number of problems associated with the sensors and the protective devices on the diesel generators" (Exhibit 29, p. 10).
174. McCOY stated that he was not aware that there was any start, which was unsuccessful, which would have indicated that the diesels would not have performed their emergency function. He stated that this is what he understood the April 9, 1990, presentation and the April 9, 1990, letter to be saying to the NRC (Exhibit 29, p. 10).
175. McCOY stated that the 18 and 19 numbers presented a successful starts on the slides seemed to be a reasonable number to him, and that, at that time, he had not reviewed any logs or lists of numbers of starts (Exhibit 29, p. 11).
176. McCOY stated that prior to the presentation, he did not have any questions of BOCKHOLD regarding BOCKHOLD's criteria for arriving at those numbers of starts (Exhibit 29, p. 11).
177. McCOY estimated that the April 9, 1990, meeting with NRC was 2-3 hours long, and he advised that he made an opening statement, participated in questions and answers during the presentation, and made some closing statements (Exhibit 29, p. 11).

178. McCOY advised that, in addition to HAIRSTON and BOCKHOLD, he thought he recalled BAILEY and McDONALD at the meeting, but did not recall CASH or BURR being there (Exhibit 29, p. 12).
179. McCOY advised that he did not recall if BAILEY, SHIPMAN, or STRINGFELLOW reviewed the slides for the April 9, 1990, presentation prior to the meeting (Exhibit 29, p. 12).
180. McCOY stated that he did not recall a discussion with BOCKHOLD, but it was his practice to discuss presentations with the presenters prior to the information being presented, so he assumed that he discussed the slides with BOCKHOLD (Exhibit 29, pp. 12-13).
181. McCOY said that the issues regarding the diesels probably took the most time to discuss in the meeting, because there had been a lot of investigation and those were the most technical issues. He said the Emergency Notification Network and the vehicle control in the switchyard seemed to him to be of equal significance in the meeting with NRC (Exhibit 29, p. 14).
182. McCOY stated that, to him, what was being presented to the NRC by the use of the DIESEL TESTING slide was that, the diesel test program had indicated that the diesels had a high reliability to start and pick up their emergency loads in the event of a true emergency (Exhibit 29, p. 15).
183. McCOY stated that the DIESEL TESTING slide was a summary of the testing, to characterize it in general terms, and the next slide, entitled QUARANTINE COMPONENTS listed a number of problems that had occurred (Exhibit 29, p. 18).
184. McCOY stated that there was a discussion of diesel sensor problems at the April 9, 1990, meeting, and also with the "NRC experts" who had been at the site at the time (Exhibit 29, p. 18).
185. McCOY advised that, putting it in context, the discussion in the April 9, 1990, meeting regarding the diesel starts and the sensor problems was pointed toward whether or not the engine would perform in an emergency situation. He stated that it was clearly understood in the meeting that we were discussing the operability of the diesel engine (Exhibit 29, p. 19).
186. McCOY stated that it was his recollection that the information on the DIESEL TESTING slide "was talked through with the participants in the meeting to see if anyone had any problems with the reliability of the engines and if all pertinent tests, that anyone had considered, had been completed and if anybody had a problem with that" (Exhibit 29, p. 20).
187. McCOY stated that he did not have any knowledge, at any point, regarding the instructions BOCKHOLD gave to CASH when BOCKHOLD had CASH obtain the count of diesel starts. He said that he did not recall having any discussion with BOCKHOLD, at any time prior to the issuance of the revision to the LER, about what BOCKHOLD's criteria was for the diesel start data that he (BOCKHOLD) presented on April 9, 1990. He advised

that he reviewed the QA audit, and had a discussion with AJLUNI, the QA manager, about the audit (Exhibit 29, pp. 25-26).

188. HAIRSTON stated that to some degree this meeting in Atlanta was unique to him because there had been a number of NRC teams over at the VEGP site looking into the issues surrounding the March 20 event, and part, or all, of the "full-blown" team with the team leader from NRC headquarters was tied in to that April 9, 1990, meeting by conference call (Exhibit 31, p. 15).
189. HAIRSTON advised that this was the only SAE he had any experience with in his career, but that it wouldn't have been a SAE at some other plants. He stated that it was a serious event, and something he wished had not happened, but it was the way that the emergency plan was worded that "threw" the plant into a SAE (Exhibit 31, p. 16).
190. HAIRSTON stated that he had no specific recollection of the pre-meeting arrangements with either NRC, or within his own organization. He stated that he would not have had to assign any responsibility for the preparations for this meeting, because McCOY was in charge of the Vogtle Project, and if there was a meeting about Vogtle, he would have assumed responsibility for it (Exhibit 31, p. 19).
191. HAIRSTON advised that his general recollection was that the objective of the presentation was to tell NRC what we had done on the "whole potpourri" of issues that had come out of the March 20 event, and to tell them some of the things we were going to be doing in the future, and bring EBNETER "up to speed." He advised that he couldn't recall if restart was discussed in the meeting, but that meeting would have certainly been one of the steps along the way to restart (Exhibit 31, pp. 21-22).
192. HAIRSTON stated that he was in attendance at the April 9, 1990, presentation by GPC to NRC in Atlanta. He stated that the only preparations that he could recall making for that meeting was to look over the overheads, either late Sunday, or early Monday, just prior to the meeting. He stated that he did not review the overheads, he just thumbed through them (Exhibit 31, pp. 7-8).
193. HAIRSTON stated that he did not have any recollection of being aware of any diesel test problems between March 20, 1990, and April 9, 1990, when he went to the April 9, 1990, presentation. He stated that if there had been a specific major problem, McCOY would have told him about it (Exhibit 31, pp. 8-9).
194. HAIRSTON advised that he recalled that the slides were telecopied to Corporate in Birmingham just before he went to the airport to go to Atlanta, and he had not heard, or gone over the presentation with anyone before it was actually presented (Exhibit 31, p. 10).
195. HAIRSTON advised that, to his recollection, there was not very much time spent on the DIESEL TESTING slide at the meeting, but there was a "long-winded" discussion on areas on site where trucks could go. He stated

that he thought the meeting was an hour and a half to two hours long (Exhibit 31, pp. 11-12).

196. HAIRSTON stated that he understood that BOCKHOLD had CASH go count the starts in the logs, and that was how the DIESEL TESTING overhead was developed. He stated that to his knowledge, he did not think that anyone else was involved in preparing data for BOCKHOLD for that slide (Exhibit 31, pp. 25-26).
197. HAIRSTON advised that it was important to him to get VEGP, Unit 1 restarted, and that meeting was "an important part in the restart" (Exhibit 31, p. 33).
198. HAIRSTON advised that, to him, the 18 and 19 numbers presented at the April 9, 1990, meeting with NRC were consecutive successful starts, from April 8, or 9, and going back toward the March 20, 1990, event (Exhibit 31, p. 92).
199. BAILEY advised that he did not do any of the presentation, or make any comments during the April 9, 1990, meeting with NRC. He stated that BOCKHOLD presented all the transparencies in the package. He stated that he did not recall whether BOCKHOLD indicated that the 18 and 19 starts were consecutive, and he did not recall any questions by NRC personnel regarding the DIESEL TESTING transparency (Exhibit 28, p. 17).
200. BAILEY stated that he was involved with the preparation of the April 9, 1990, presentation to NRC, in that he was preparing the April 9, 1990, letter that was going to go to NRC that described the corrective actions that had been taken since the March 20, 1990, event. He stated that, in that regard, "we" normally review with the site people what they were going to present, or what we were going to present, prior to presenting that information. He advised that he did not specifically recall doing that review prior to the April 9, 1990, meeting, but that was the normal procedure, and he assumed the review took place (Exhibit 28, p. 6).
201. BAILEY advised that he did not recall specifically reviewing the transparencies that were used in the April 9, 1990, presentation to NRC (Exhibit 28, p. 8).
202. BAILEY advised that, to the best of his knowledge, the information on the DIESEL TESTING transparency was accurate with respect to the diesel testing. He then stated that since April 9, 1990, GPC has "gone back and looked at a number of records and have corrected the record as far as the number of starts" (Exhibit 28, p. 9).
203. BAILEY stated that BOCKHOLD has never provided him with his (BOCKHOLD's) definition of "successful starts" (Exhibit 28, p. 10).
204. BAILEY stated that he believed that the DIESEL TESTING transparency was trying to convey the idea that certain tests were run on components and certain tests were run on the generator itself. He stated that logic testing and calibration were tests on the components, and the other items were tests on the generator itself (Exhibit 28, p. 23).

205. BAILEY stated that, to his knowledge, what "we" were saying by the use of this transparency, was that there were 18 and 19 successful starts, and it implies that there were no failures (Exhibit 28, p. 24).
206. BAILEY stated that he did not know which records were used to obtain the data for the April 9, 1990, presentation (Exhibit 28, p. 45).
207. FREDERICK stated that he did not recall a history of problems at VEGP with the Cal Con switches. He stated that some of the switches had what he called "set point drift," or the repeatability of the calibration. He advised that he did not recall specific conversations with Mark BRINEY and Charles COURSEY in which they had expressed serious concerns about the performance of the Cal Con switches (Exhibit 40, pp. 10-13).
208. FREDERICK stated that his participation in the preparation for the April 9, 1990, presentation to the NRC involved putting together the comments from the VEGP Event Critique Team for almost every issue other than the diesel generator. He advised that he assisted in preparing the slides that addressed the truck in the switchyard, the training of the driver, the problems with the ENN system, and the assembly of the employees on site during the SAE (Exhibit 40, p. 17).
209. FREDERICK stated that he recalled doing this on the Friday and Saturday just prior to the presentation, which was on the next Monday (Exhibit 40, p. 17).
210. FREDERICK advised that he did not have anything to do with the preparation of either the DIESEL TESTING slide or the QUARANTINE COMPONENTS slide. He stated that he attended the meeting in Atlanta, and was there for the purpose of answering questions, or elaborating on the other slides which he had prepared (Exhibit 40, pp. 18-19).
211. FREDERICK stated that most of the meeting was spent on the diesels and the NRC had a lot of questions, and there was an open discussion that didn't necessarily follow the order of the slides. He stated that his overall impression from the presentation on the diesels, added to what he knew independently about the diesels, was that they had been demonstrated to start and run successfully, that the current Cal Con switch calibration was acceptable, so the reliability of the engine was no longer an issue (Exhibit 40, p. 20).
212. FREDERICK stated that he was aware that during some of the control logic testing, after the event, there had been some unexpected failures. He stated that he thought that information was conveyed in the presentation (Exhibit 40, pp. 21-22).
213. MAJORS stated that he was not involved in any way with the preparation or review of the information that was presented by GPC to NRC on April 9, 1990 (Exhibit 42, p. 6).
214. MAJORS stated that he had no knowledge of diesel failures or problems at VEGP between March 20, 1990, and April 9, 1990 (Exhibit 42, p. 11).

215. McDONALD stated that he did not recall having any part in the preparation of, or the review of the transparencies that were presented to NRC in Atlanta on April 9, 1990. He advised that he did not attend the presentation, and he may have seen the transparencies, but he could not recall reviewing them (Exhibit 48, p. 5).
216. McDONALD advised that HAIRSTON probably briefed him on the presentation after HAIRSTON returned to Birmingham after the presentation, but he could not remember it (Exhibit 48, p. 5).
217. McDONALD stated that he didn't remember if the April 9, 1990, presentation, which was in support of restart of VEGP, Unit 1, had any significance in his mind at the time (Exhibit 48, pp. 5-6).
218. McDONALD advised that he did not know who prepared the transparencies for the April 9, 1990, presentation (Exhibit 48, p. 6).
219. McDONALD stated that he didn't know, but that it would be a normal practice for McCOY and HAIRSTON to review things like the transparencies (Exhibit 48, p. 6).
220. GREENE stated that he was not involved at all in the preparation or review of the April 9, 1990, presentation by GPC to NRC at the NRC offices in Atlanta (Exhibit 47, p. 11).

Conclusion

Based on the evidence developed during this investigation, it is concluded that on April 9, 1990, BOCKHOLD deliberately presented incomplete and inaccurate information to NRC regarding the testing of the VEGP Unit 1 EDGs conducted subsequent to a March 20, 1990, SAE at VEGP. This occurred at the NRC, RII offices in Atlanta, GA, during a GPC oral presentation in support of their request to return VEGP, Unit 1 to power operations.

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.

Background

On the same day as the oral presentation by GPC to the NRC, April 9, 1990, GPC issued a letter to NRC, captioned VOGTLER ELECTRIC GENERATING PLANT CONFIRMATION OF ACTION LETTER, which was signed by W. G. HAIRSTON, III, and reviewed by BOCKHOLD prior to HAIRSTON's signing the letter. This letter formalized GPC's request for restart of Unit 1; supplemented and reiterated the information in the oral presentation, to include the 18 and 19 EDG presented by BOCKHOLD; and formalized future actions and reporting commitments associated with the SAE.

Summary

OI RII interviewed AUFDENKAMPE, BAILEY, BOCKHOLD, BROCKMAN, BURR, CASH, FREDERICK, GREENE, HAIRSTON, MAJORS, McCOY, McDONALD, MOSBAUGH, SHIPMAN, and STRINGFELLOW regarding their knowledge of this allegation. The pertinent

testimony provided by these individuals is documented in the Evidence section related to this allegation.

Review and Analysis of Pertinent Documents

OI review of the aforementioned GPC letter, dated April 9, 1990 (Exhibit 27), showed that approximately two thirds of the letter addressed diesel generator issues. Starting on page 2 of this letter, GPC addressed, "The most significant occurrence during the event of March 20, 1990," as being, "the failure of Diesel Generator 1A to remain running to support shutdown cooling." GPC enumerated their determinations, resulting from their investigation of the DG failure, in items a. through g., and concluded, on page 3 of the letter, that the jacket water high temperature switches were the most probable cause of both trips on March 20, 1990. Items a. through c. described the GPC discovery of switch calibration problems, an intermittent problem with the resetting of a switch, and a leaking switch. Item d. assured the proper recalibration of the switches. Item e. stated that the same diesel annunciator that activated at the time of the March 20, 1990, event was reproduced when a high jacket water temperature switch tripped. Item f. said that their testing showed that the actual temperature of the jacket water was probably not really high when the associated switches tripped on March 20, 1990.

Item g. summarized all the different types of testing conducted on the diesels and the sensors (switches) since March 20, 1990, to include "multiple engine starts and runs under various conditions." Item g. went on to state, "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."

The OI analysis, as stated in the Review and Analysis of Pertinent Documents section of Allegation No. 1, above, of the diesel starts, attempted starts, problems and trips from the same source documents (Unit Control and Shift Supervisor Logs) also applies to this statement of diesel testing in Item g. of the April 9, 1990, letter. However, this April 9, 1990, letter goes one step further than the oral presentation and transparency. It states that, "No failures or problems have occurred." The source documents for this data show failures and problems.

Evidence

1. MOSBAUGH stated that when he first read the April 9, 1990, letter, and it stated that there had been 18 and 19 starts with no problems or failures. He advised that he knew there had been failures, but he was not sure how many starts there had been, since the failures, that had not experienced any problems or failures he didn't know about (Exhibit 5, p. 217).
2. MOSBAUGH stated that KOCHERY and WEBB had put together some early tabulations of starts from the Control Logs. MOSBAUGH said he used those and started looking at starts himself from the Control Logs, Shift Supervisor Logs, and Data Sheets, and by April 30, 1990, he had developed what he was satisfied was an accurate list of starts (Exhibit 5, p. 217).

3. MOSBAUGH stated that the way the statement was worded in the April 9, 1990, letter, "very strongly implies" that those were consecutive successful starts without problems or failures (Exhibit 5, p. 220).
4. BOCKHOLD stated that he did not recall the time frame that was used to count the successful starts, but the numbers in the April 9, 1990, letter, "came from what Jimmy Paul [CASH] gave me in a presentation and in a rewrite of that presentation in the form of a letter" (Exhibit 12, pp. 13-14).
5. BOCKHOLD, in response to his attorney's question, "is there not a period in there after March 20 when there was no counting, so it may not be since March 20th?" stated that, "My belief at the time was that he [CASH] had basically counted them all..." (Exhibit 12, p. 14).
6. 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" (Exhibit 12, p. 15).
7. BOCKHOLD advised that the statement in the April 9, 1990, letter that said no problems or failures occurred on either EDG was a rewording of successful starts, and that as "an attempt to make it clearer in Ken McCOY's mind...I told Ken that yeah, that change could be made..." (Exhibit 12, p. 6).
8. 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 (Exhibit 13, pp. 34-36).
9. BOCKHOLD stated that, in his mind, "Successful Starts" is basically the same as, "no failures or problems" (Exhibit 13, p. 36).
10. BOCKHOLD advised that the normal practice on letters such as the April 9, 1990, letter was that the licensing groups at both the Site and at Corporate would coordinate the production of the document, and that in the specific case of this letter, there were certain things in the content that were not in the presentation and would have had to have come from the site people (Exhibit 13, pp. 37-38).
11. BOCKHOLD stated that he did not think that the April 9, 1990, letter was approved by the Site Plant Review Board (PRB) prior to its issuance, but that many documents like that letter would go through the PRB (Exhibit 13, p. 39).
12. BOCKHOLD advised that he did not have any specific knowledge of who was involved in the original drafting of the April 9, 1990, letter (Exhibit 13, p. 41).

13. CASH stated that he did not participate in the preparation of the April 9, 1990, letter, and, other than the fact that the 18 and 19 numbers from the presentation were also used in the letter, he had no prior knowledge of the letter until after it was issued (Exhibit 9, p. 10) (Exhibit 10, pp. 60-61).
14. AUFDENKAMPE compared the April 9, 1990, letter to the April 9, 1990, DIESEL TESTING overhead, and noted that the letter said no problems or failures, but the overhead didn't say there were no failures (Exhibit 38, pp. 23-24).
15. AUFDENKAMPE stated that, based upon his current knowledge, the statement in paragraph g. of the April 9, 1990, letter regarding the diesel testing, did not accurately represent the diesel testing that took place between March 20, 1990, and April 9, 1990. He stated that the 18 diesel had at least one time that it didn't start in this 19 times. He further stated that he thought the current listing of starts showed that there were "a couple of times" that the 18 DG had a problem or a failure (Exhibit 38, pp. 24-25).
16. AUFDENKAMPE stated that he understood that the April 9, 1990, letter was "generated up at corporate...basically by Jim Bailey and George Hairston and Ken McCoy on the way back from the NRC presentation." He said that he thought BAILEY had told him that (Exhibit 38, pp. 25-26).
17. AUFDENKAMPE said that he had always assumed that the numbers (18 and 19) in the April 9, 1990, letter came from the April 9, 1990, presentation, and that he could not recall if BAILEY had told him that (Exhibit 38, p. 26).
18. AUFDENKAMPE stated that he did not think the VEGP PRB was involved in the preparation or review of the April 9, 1990, letter (Exhibit 38, p. 27).
19. AUFDENKAMPE then stated, after seeing STRINGFELLOW's initials on the April 9, 1990, letter, and a recent conversation with BAILEY, that he recalled that most of the April 9, 1990, letter had been done in conjunction with his (AUFDENKAMPE's) people and STRINGFELLOW. According to AUFDENKAMPE this was prior to the April 9, 1990, meeting with NRC, and in response to the NRC Confirmation of Action letter (Exhibit 38, pp. 27-28).
20. AUFDENKAMPE stated that the first time he saw a copy of the April 9, 1990, letter was when he received a fax copy of it at 2:41 p.m., April 9, 1990, and that it was sometime after April 9, 1990, that MOSBAUGH expressed some concerns to him that there were trips of the diesel after March 20, 1990 (Exhibit 38, p. 30).
21. STRINGFELLOW stated that he recalled BAILEY coming back to Birmingham after the presentation and telling him that "they" had rewritten a letter on the airplane on the way back, and that he recalled helping to get that letter typed. He stated that he did not recall having any involvement in actually drafting the words in that letter. He stated that he seemed to recall the "they" that BAILEY was talking about as being on the plane was

BAILEY and HAIRSTON, but that he did not remember who all was on the plane (Exhibit 30, pp. 10-11).

22. STRINGFELLOW stated that he recalled it was a busy afternoon, and he thought HAIRSTON just wanted to get the letter out and get it on the record because they had just made the presentation. He stated that he thought he just handed it to the secretary to type, with very little, if any, review for spelling and punctuation (Exhibit 30, pp. 12-14).
23. STRINGFELLOW stated that, in the April 9, 1990, time frame, he did not have any direct knowledge of the diesel testing at VEGP, other than what was written in the April 9, 1990, letter. He stated that even up through the August 30, 1990, letter, he did not recall looking at any of the logs that generated that data (Exhibit 30, p. 17).
24. STRINGFELLOW said that, based upon what he knew currently, the statement in paragraph g. of the April 9, 1990, letter was not correct, and that the reason was that the various logs that are kept out at the plant were not precise with respect to successful starts or valid starts, and there was not consistent criteria that was used for counting starts (Exhibit 30, pp. 17-18).
25. STRINGFELLOW stated that he did not recall if the statements in paragraph g. of the April 9, 1990, letter were statements that had been added or revised by BAILEY on the plane after the April 9, 1990, presentation (Exhibit 30, p. 21).
26. STRINGFELLOW stated that he had no knowledge or indication that BOCKHOLD had instructed CASH to just get successful, as opposed to all, starts from the logs, in preparation for the April 9, 1990, presentation (Exhibit 30, p. 30).
27. STRINGFELLOW stated that he did not know for sure whether the April 9, 1990, letter was reviewed and/or approved by the VEGP PRB (Exhibit 30, p. 35).
28. BURR stated that he was not involved in the preparation of the April 9, 1990, letter from GPC to NRC (Exhibit 14, pp. 21-22).
29. BROCKMAN stated that he interpreted the statement regarding successful diesel starts in the April 9, 1990, GPC response to the NRC Confirmation of Action Letter to mean basically the same thing as in the April 9, 1990, presentation by GPC (Exhibit 20, p. 2).
30. SHIPMAN stated that he knew he was involved with the review of the April 9, 1990, letter in the Corporate office, but that he had no specific recollection of an event associated with the preparation or review of that letter (Exhibit 39, p. 13).
31. SHIPMAN stated that the accuracy of the statement in the April 9, 1990, letter regarding 18 and 19 diesel starts depends on the criteria that the person obtaining that data used (Exhibit 39, pp. 15-16).

32. SHIPMAN stated that there was nothing in that particular statement of diesel starts that would tell him that they were consecutive starts (Exhibit 39, pp. 17-18).
33. SHIPMAN stated that, as of the date of his interview, June 11, 1993, he would say that there were some starts of the diesel at VEGP in which the purpose for which they were started was not accomplished, in which case, by his definition, it would be unsuccessful (Exhibit 39, pp. 18-19).
34. SHIPMAN stated that he did not know whether the VEGP PRB reviewed the April 9, 1990, letter before it was issued. He advised that this letter would normally be the type of thing that the PRB would review, but he would speculate that in this case there might not have been a review because of the timeliness, and because of BOCKHOLD's direct involvement with the information (Exhibit 39, pp. 26-27)
35. McCOY stated that the April 9, 1990, letter was prepared under the direction of the licensing manager, BAILEY (Exhibit 29, pp. 15-16).
36. McCOY stated that he reviewed the April 9, 1990, letter in draft form, and read it several times before it was signed by HAIRSTON. He said that he recalled the wording in paragraph g, page 3 of that letter regarding 18 and 19 successful starts since March 20, 1990, with no failures or problems. He said that he thought that wording was already in the letter during his reviews, and that the letter attempted to capture the same information that was presented orally (Exhibit 29, p. 16).
37. McCOY compared the statement regarding diesel starts that was in the letter, to the information on the DIESEL TESTING slide. He said that "whoever crafted this sentence looked probably at this slide and tried to describe in one sentence what's presented here (on the slide)." He stated that "It starts with the March 20th event on the slide and ends with the number of successful starts in both cases" (Exhibit 29, p. 17).
38. McCOY stated that, with regard to the statement of diesel testing in the April 9, 1990, letter, that with his knowledge today, he would expand those statements to be more correct, and that he believed that there was one substantive error that was discovered later. He stated that the error was that one of the diesels had a start, during the March 20, 1990 -April 9, 1990, interval of time, that brought into question its ability to carry an emergency load. He stated that he did not know about this error until just before the revision to the LER, and that it came to his attention through his review of the QA audit of diesel starts (Exhibit 29, pp. 22-23).
39. McCOY stated that he did not know if the April 9, 1990, letter had been reviewed and approved by the PRB. He advised that a PRB review of that letter was not a required action, but that he would have expected that "those people" were aware of the contents of the letter before it was submitted (Exhibit 29, p. 24).
40. McCOY stated that in his review of the several revisions to the April 9, 1990, letter prior to the final, he did not recall whether there were any changes in the number of diesel starts (Exhibit 29, p. 25).

41. HAIRSTON stated that he did not recall who was on the company plane with him on the flight back to Birmingham. He stated that he did not recall discussing the letter of April 9, 1990, that confirmed the presentation on that flight (Exhibit 31, pp. 12-13).
42. HAIRSTON advised that after he got back to Birmingham, he did not recall doing any "fine tuning" of the April 9, 1990, letter, but he knew he saw it because he signed it out on April 9, 1990. He stated that the only reason he recalls that he read it and signed it out is because he recognized his signature on the letter with that date on it (Exhibit 31, p. 13).
43. HAIRSTON stated that he had no specific recollection, but he believed the letter was drafted at the corporate offices in Birmingham by Jim BAILEY (Exhibit 31, pp. 13-14).
44. HAIRSTON advised that it was possible that he reviewed previous drafts of the April 9, 1990, letter before he signed it out, but he did not have any specific recollection of that (Exhibit 31, p. 14).
45. HAIRSTON stated that he did not recall having any question about any of the data in the April 9, 1990, letter when he signed it out (Exhibit 31, pp. 22-23).
46. HAIRSTON advised that it was his understanding that the VEGP PRB did not review the April 9, 1990, letter (Exhibit 31, p. 23).
47. HAIRSTON stated that, as of today, he would say that the April 9, 1990, letter is incorrect because he believed "there is a problem in the 19 start times. And depending on how you read the paragraph, that would also give you a problem with the (statement about no) failures." He advised that on page 2, paragraph c. of the April 9, 1990, letter, a problem with diesel testing was stated (Exhibit 31, p. 27).
48. HAIRSTON advised that, to him, "successful" meant that the diesel didn't trip in the first minute (Exhibit 31, p. 30).
49. HAIRSTON stated that his belief was that the NRC IIT team "had very specific knowledge of what was going on the diesels" (Exhibit 31, p. 31).
50. BAILEY stated that he prepared the GPC letter of April 9, 1990, to NRC in parallel with the preparations for the April 9, 1990, meeting with NRC. He stated that different people reviewed the letter at different times, but that he was doing most of the preparation, working with the site people (Exhibit 28, p. 7).
51. BAILEY stated that it was his understanding that "we" probably put the statement regarding 18 and 19 starts with no problems or failures into the April 9, 1990, letter, prior to the presentation, based on the information that was on the DIESEL TESTING transparency. He stated that he did not recall who, at the site gave him that information, but he knew that he had talked to AUFDENKAMPE and BOCKHOLD regarding normal NRC correspondence during this time frame (Exhibit 28, p. 11).

52. BAILEY advised that he thought that the April 9, 1990, letter was drafted in Birmingham, but he didn't know for sure (Exhibit 28, p. 12).
53. BAILEY stated that he knew that HAIRSTON had reviewed the April 9, 1990, letter prior to going to the meeting with NRC on April 9, 1990, but he (BAILEY) did not know how much input HAIRSTON had into the letter (Exhibit 28, p. 13).
54. BAILEY, through his attorney, submitted a chronological series of drafts of the April 9, 1990, letter. This series of drafts shows that the terminology, "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." was first contained in a draft that was faxed to "SONOPCO-VOGTLE" at 8:47 a.m., Saturday, April 7, 1990 (Exhibit 28, pp. 14-15). (Drafts are attached to Exhibit 28)
55. BAILEY stated that he did not know whether the site or Birmingham first inserted that language into the letter, but that if Birmingham had done it, it would have been based upon information from the site (Exhibit 28, p. 17).
56. BAILEY stated that there was a distinction between the testing of components and the starting of the diesel itself. He stated that he did not recall any mention in the April 9, 1990, letter about any unsuccessful diesel starts. He reviewed the April 9, 1990, letter and stated that, based upon his cursory review, that it appeared that there were no unsuccessful diesel starts mentioned in the letter (Exhibit 28, p. 25).
57. BAILEY stated that his counterpart at the VEGP site at the time of the April 9, 1990, letter was AUFDENKAMPE (Exhibit 28, p. 28).
58. BAILEY advised that, after the April 9, 1990, meeting with NRC, on the way back to Birmingham in the corporate plane, he, McCOY, and HAIRSTON made a few minor modifications to the letter, and then sent it out that day. He said that the modifications they made did not involve the statement about the 18 and 19 starts with no problems or failures. He stated that, to his recollection, the three of them were the only people on the plane (Exhibit 28, p. 18).
59. BAILEY stated that, in his preparation of the April 9, 1990, letter, he did not recall any conversation at all about the comprehensive control test program, as it related to the diesel start count (Exhibit 28, p. 48).
60. BAILEY advised that although the VEGP PRB did not formally review the April 9, 1990, letter and vote to recommend that the GM send it, he stated that many of the VEGP managers who are PRB members reviewed and commented on the letter (Exhibit 28, p. 51).
61. FREDERICK stated that he did not have any involvement in the preparation or review of the April 9, 1990, letter to NRC in response to the NRC Confirmation of Action Letter (Exhibit 40, pp. 23-24).

62. FREDERICK stated that, as a non-voting member of the VEGP PRB, he did not recall the April 9, 1990, letter going through the PRB (Exhibit 40, p. 24).
63. FREDERICK stated that at the time of the issuance of the April 9, 1990, letter, he had no concern about it, but that he was aware, currently, of a significant concern over that statement. He advised that the concern was that, based upon an audit that he had conducted, in addition to his work with TAYLOR during the NRC OSI, that a start was identified as a failure on the B diesel that was somewhere in the successful start count sequence (Exhibit 40, p. 26).
64. MAJORS stated that he had no involvement in the drafting or review of the April 9, 1990, letter to NRC, and that he only read it after it was issued, for information purposes (Exhibit 42, pp. 9-10).
65. When displayed the April 9, 1990, GPC Confirmation of Action response letter to NRC, McDONALD stated, "I don't really recognize it, because I had -- it's been a long time. I just don't remember" (Exhibit 48, p. 6).
- INVESTIGATOR'S NOTE: It was observed by the interviewing investigator at this early point in the interview that McDONALD was quickly responding to every question by saying he did not recall, or did not remember, without making any apparent effort to recall.
66. McDONALD advised that he did not recall if he had any part in the preparation of the April 9, 1990, letter (Exhibit 48, p. 7).
67. McDONALD stated that he did not remember whether he made any comments on a review of a draft of that April 9, 1990, letter (Exhibit 48, p. 7).
68. McDONALD stated that, as of April 9, 1990, he had "lots of conversations" with HAIRSTON, McCOY, or SHIPMAN about diesel generator testing, and successful starts of the diesels, but he couldn't remember anything specific about them (Exhibit 48, p. 7).
69. McDONALD stated that he recalled no conversations whatsoever with HAIRSTON regarding concerns by VEGP site personnel that the April 9, 1990, letter may have contained inaccurate information (Exhibit 48, p. 9).
70. GREENE advised that he was not involved in the preparation or review of the April 9, 1990, GPC, letter of response to the NRC Confirmation of Action Letter (Exhibit 47, p. 11).

Conclusion

Based on the evidence developed during the investigation, it is concluded that, on April 9, 1990, in a letter to NRC captioned VOGTLE ELECTRIC GENERATING PLANT CONFIRMATION OF ACTION LETTER, HAIRSTON signed a letter which presented a misleading, incomplete, and inaccurate statement of diesel test results. This statement was based upon the deliberately incomplete, inaccurate diesel test information presented in the aforementioned oral

presentation by BOCKHOLD to the NRC. BOCKHOLD reviewed and approved this letter for HAIRSTON's signature.

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

Background

On April 19, 1990, MOSBAUGH and AUFDENKAMPE told STRINGFELLOW and SHIPMAN that the statement of diesel testing in both the April 9, 1990, letter, and in a corresponding statement of diesel testing in a draft LER were false because there had been diesel test problems and failures since March 20, 1990. The false statements to which MOSBAUGH and AUFDENKAMPE referred were:

1. In the April 9, 1990, letter: "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."
2. In the April 19, 1990, draft of the LER: "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."

Later that same day, McCOY presided over a teleconference that included known participants SHIPMAN, STRINGFELLOW, BOCKHOLD, MOSBAUGH, AUFDENKAMPE, and HAIRSTON. The purpose of this teleconference was to make revisions to the required 30-day LER associated with the SAE. The revised language agreed upon in this teleconference was used in GPC LER 90-006, dated April 19, 1990. This statement is 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.

Due to the decision to make a statement of diesel starts with a new starting point, added to the conscious decision to use the numbers that BOCKHOLD used in his April 9, 1990, presentation, this statement in the LER was false. The details of the teleconference in which this statement was created is documented in the Evidence section that follows.

Summary

OI RII interviewed AUFDENKAMPE, BAILEY, BOCKHOLD, BROCKMAN, BURR, CASH, FREDERICK, GREENE, HAIRSTON, KOCHERY, MAJORS, MOSBAUGH, McCOY, McDONALD, SHIPMAN, and STRINGFELLOW regarding their knowledge of this allegation. The pertinent testimony provided by these individuals is documented in the Evidence section related to this allegation.

Review and Analysis of Pertinent Documents

OI review of GPC LER 90-006, dated April 19, 1990, under letter of transmittal signed by HAIRSTON (Exhibit 37) showed that, on page 6, GPC stated, "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."

The investigation showed that the ending point of the "comprehensive test program" was not defined prior to the issuance of the LER, so there was no certainty that there had been "at least 18" starts on either diesel at the time of issuance of the LER. Additional factors pertaining to the issuance of this statement are detailed in the Evidence section that follows.

Evidence

INVESTIGATOR'S NOTE: The following 44 items of evidence are contained in two MOSBAUGH tape recordings, which are identified, by MOSBAUGH, as conversations in which he participated and recorded on April 19, 1990, regarding the finalization of the wording in GPC LER 90-006, dated April 19, 1990.

Persons identified by MOSBAUGH as participating in the first conversation in this sequence are: MOSBAUGH, AUFDENKAMPE, and STRINGFELLOW.

1. AUFDENKAMPE states to STRINGFELLOW that he is "struggling" with the portion of the draft LER that makes the statement about "the 20 starts" (Exhibit 34, p. 90).
2. AUFDENKAMPE advises STRINGFELLOW that he is still trying to verify the statement about the 20 starts, but that, "We [AUFDENKAMPE and MOSBAUGH] think that's basically a material false statement" (Exhibit 34, p. 91).
3. AUFDENKAMPE and MOSBAUGH advise STRINGFELLOW that the 1B EDG tripped at least once, probably twice; or at least it had two separate problems after March 20, 1990 (Exhibit 34, p. 91).
4. STRINGFELLOW asks AUFDENKAMPE and MOSBAUGH if he needs to take the statement about "more than 20 times each" out of the LER then (Exhibit 34, p. 91).
5. AUFDENKAMPE states, "That's what we're thinking, but I got Tom Webb reviewing the reactor operator's log and counting" (Exhibit 34, p. 91).
6. STRINGFELLOW tells MOSBAUGH and AUFDENKAMPE that, as soon as he gets off the phone, he is going to go tell SHIPMAN what they had just told him (Exhibit 34, p. 91).
7. AUFDENKAMPE tells STRINGFELLOW, "I'm still looking for words for you on that one, but that sentence is going to have to change" (Exhibit 34, p. 92).

INVESTIGATOR'S NOTE: AUFDENKAMPE and STRINGFELLOW continue to discuss other sections of the LER that they were working on, and then AUFDENKAMPE puts STRINGFELLOW on hold while he (AUFDENKAMPE) calls ODOM for an update on WEBB's review of the operator logs. AUFDENKAMPE finds out that WEBB is not finished, so he switches back to STRINGFELLOW and advises him of that.

8. STRINGFELLOW tells AUFDENKAMPE and MOSBAUGH that, "It just dawned on me what Al [MOSBAUGH] was saying a minute ago. In other words, if we say, 'and no problems or failures have occurred in any of these starts' you're saying that's not true" (Exhibit 34, p. 96).
9. AUFDENKAMPE confirms to STRINGFELLOW that he is saying that is not true, and he also tells STRINGFELLOW that he's saying something else... that statement had already been made in writing to the NRC (in the April 9, 1990, letter) (Exhibit 34, p. 96).
10. STRINGFELLOW tells AUFDENKAMPE and MOSBAUGH that was exactly what he was thinking (Exhibit 34, p. 96).
11. STRINGFELLOW hangs up and MOSBAUGH asks AUFDENKAMPE if he has the GPC April 9, 1990, letter. AUFDENKAMPE asks MOSBAUGH if he means the letter, "where they [GPC] lied" (Exhibit 34, p. 97).

INVESTIGATOR'S NOTE: MOSBAUGH engages in a conversation with KOCHERY (Exhibit 34, pp. 98-100) and gets a message on his beeper to call Birmingham. The next portion of this tape has been identified by MOSBAUGH as being a phone conversation between himself, SHIPMAN, and STRINGFELLOW (Exhibit 34, pp. 100-109).

12. MOSBAUGH puts SHIPMAN directly on notice that there is a problem with the statement in the draft LER about more than 20 starts. MOSBAUGH tells SHIPMAN that there were failures (Exhibit 34, p. 104).
13. SHIPMAN recognizes that there is not only a problem with the statement in the draft LER, but also with what, "George [either HAIRSTON or BOCKHOLD] wrote and took and told the...Ebneter last Monday in Atlanta" (Exhibit 34, p. 104).
14. MOSBAUGH tells SHIPMAN that, "if anybody said that there weren't any failures, that's just not true" (Exhibit 34, p. 104).
15. MOSBAUGH specifically identifies to SHIPMAN the March 22 and March 23 trips on the 1B EDG (Exhibit 34, p. 105).
16. SHIPMAN suggests to MOSBAUGH that, "I could -- we could solve the problem that's created by that information by saying no valid failures" (Exhibit 34, p. 105).
17. Then SHIPMAN tells MOSBAUGH that, "what we need to do is find out what's correct and make sure we only say what's correct." He also stated that, "It sounds like this whole statement needs to be just stricken" (Exhibit 34, p. 107).
18. MOSBAUGH tells SHIPMAN that he thinks the data he has is the best data available, but that he will further verify it (Exhibit 34, pp. 107-108).
19. STRINGFELLOW endorses SHIPMAN's earlier suggestion by saying, "You certainly can say it's only for valid tests or valid failures" (Exhibit 34, pp. 107-108).

20. SHIPMAN states that, "everybody's gotten accustomed to seeing that data. If we can use the data, we probably ought to. Certainly, if it's not a valid statement we would need to get it the heck out of here regardless of what George [HAIRSTON or BOCKHOLD] told Ebneter" (Exhibit 34, p. 108).
21. SHIPMAN tells MOSBAUGH that he (SHIPMAN) and STRINGFELLOW are going to HAIRSTON's office to, "finish beating out what he [HAIRSTON] wants to do with this thing" (Exhibit 34, pp. 108-109).

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

22. AUFDENKAMPE describes to the participants on the call that the way his people arrived at the terminology "greater than 20 starts" was that they took the data from the April 9, 1990, letter and added the starts that had been done subsequent to April 9, 1990 (Exhibit 36, p. 8).
23. BOCKHOLD agrees with the "greater than 20" terminology (Exhibit 36, p. 8).
24. McCOY introduces terminology that is new to at least MOSBAUGH and AUFDENKAMPE, and new to the existing draft diesel start statement by saying, "We need to be sure that we know the number of starts after we've completed the comprehensive control test program" (Exhibit 36, p. 8).
25. BOCKHOLD states that the numbers he presented to NRC on April 9, 1990, were verified correct by CASH (Exhibit 36, p. 8).

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

26. McCOY, the senior GPC official actively participating in the call at the time, affirmatively states that, "You ought to use those numbers." (Meaning that in the April 19, 1990, LER, GPC ought to use the EDG start numbers that BOCKHOLD used in his April 9, 1990, presentation to NRC.) (Exhibit 36, p. 8).
27. McCOY, who is BOCKHOLD's immediate boss, then directly addresses BOCKHOLD and says, "Those numbers you used in the conference were after they had completed the comprehensive test of the control systems on each diesel" (Exhibit 36, p. 9).

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

28. BOCKHOLD says, "That is correct. Those numbers were not before that time" (Exhibit 36, p. 9).
29. SHIPMAN asks BOCKHOLD what numbers he used in the April 9, 1990, presentation, and BOCKHOLD says 18 and 19. SHIPMAN then suggests using the terminology "greater than 18," and BOCKHOLD approves (Exhibit 36, pp. 9-10).
30. McCOY then states, "It wouldn't be more than 18 on one of them. It would be 18" (Exhibit 36, p. 10).

INVESTIGATOR'S NOTE: This statement by McCOY appears to show that his desire to use the same numbers that were used on April 9, 1990, overrides any awareness he has of the conversation that has just taken place in which it has been discussed that "greater than 18" could be used because of the additional starts that had been done since April 9, 1990.

At this point in the conversation (Exhibit 36, p. 10, line 8) it is logical to assume that if HAIRSTON was not already in the room in Birmingham, he just entered the room, because SHIPMAN suddenly stops talking about the diesel starts and starts talking about HAIRSTON having just gotten off the phone with SWARTZWELDER and the plant equipment operator who had first arrived at the diesels at the time of the SAE. HAIRSTON is identified by MOSBAUGH as participating in the conversation on page 11, line 8.

31. HAIRSTON briefs the participants in the call of his conversation with the equipment operator (Exhibit 36, pp. 11-12).
32. SHIPMAN then brings the conversation back to the diesel start issue by saying, "Let's see. What other questions do we got? We got them start things straightened out" (Exhibit 36, p. 12).
33. STRINGFELLOW then says, "The other question we had Bill, was the..." at which point he was interrupted by HAIRSTON, who said, "We got the starts, so we didn't have no...we didn't have no trips?" (Exhibit 36, p. 12).
34. SHIPMAN then says, "No, not, not..." at which point McCOY interrupts and states, "I'll testify to that" (Exhibit 36, p. 12).
35. SHIPMAN immediately speaks again and says, "Just disavow. What else did we have, Jack?" (Exhibit 36, p. 12).

INVESTIGATOR'S NOTE: The issue of diesel starts is not ever discussed again in this phone call, in which HAIRSTON asked about "trips" and was never directly answered. This call continues to page 17 of the transcript of Tape 58 (Exhibit 36). In his June 30, 1993, OI interview, in which he was confronted with Tape 58, McCOY denied saying "I'll testify to that." He could not distinguish from the tape, or recall, what he did say at that point. In his June 11, 1993, OI interview, when confronted with Tape 58, SHIPMAN denied saying, "Just disavow." He could not distinguish from the tape, or recall, what he did say at that point. Both McCOY and SHIPMAN were offered polygraph examinations by OI. They both declined.

The participants in the following conversation, which was subsequent to the above phone call, as identified by MOSBAUGH, are: MOSBAUGH, AUFDENKAMPE, SHIPMAN, and STRINGFELLOW. They are trying to work with the LER language that was decided upon in the above phone call, ("subsequent to the comprehensive control test program", and "at least 18 times.") and are having a difficult time verifying it.

36. Referring to the diesel starts prior to the calibration of all the Cal Con sensors, SHIPMAN states, "...and they should not be included because they were part of the return to service of the diesel coming out of the overhaul, and this count only included those starts after we had calibrated all these sensors. John, you heard George Bockhold's logic." (Exhibit 36, p. 20)
37. MOSBAUGH confirms, by using an example, that SHIPMAN does not want any starts or trips counted that occurred before the recalibration of the sensors (Exhibit 36, pp. 20-21).
38. No one on this phone call can define the point at which to start counting to verify the "greater than 18" numbers on each EDG. MOSBAUGH suggests that since CASH did the count for BOCKHOLD, that he might be able to tell them where to start counting (Exhibit 36, pp. 21-22).
39. SHIPMAN suggests that if they continue to have problems defining the starting point, "We could back away from this completely, and change this to say how many starts we've had since we declared the diesel operable" (Exhibit 36, p. 22).
40. MOSBAUGH says that would be an easy point to find from the Ops LCOs, but SHIPMAN apparently recognizes a problem with starting at that point, and says, "The problem with that is that that number is going to be significantly less, I think, than what George told Mr. Ebnetter, and, you know, it's going to create a selling job for me, I think, but eventually, that's the only way we can tell a valid story that, you know, we can defend if somebody calls Allen Mosbaugh, Bill Shipman, and John Aufdenkampe to testify. That's the story I want to tell" (Exhibit 36, p. 23).
41. They were still discussing with how they were going to find the point in time, on each diesel, when properly calibrated sensors had been installed, when AUFDENKAMPE suddenly guesses, and admits he's guessing, that there were a total of 27 starts on the 1B diesel, and that BOCKHOLD has said that after all the bugs were worked out, there were 18 (Exhibit 36, pp. 24-25).

INVESTIGATOR'S NOTE: AUFDENKAMPE knew that the trips on the 1B EDG were soon after March 20, 1990 (March 22 and March 23). If his guess of 27 total starts on the 1B DG was right, the trips probably happened within the first 9 starts, so there would be 18 without trips after that. He also knew that it did not appear that they were soon going to find the points at which the recalibrated sensors had been put on both diesels. He also thought, as he said to MOSBAUGH after they ended their phone call with SHIPMAN and STRINGFELLOW, that it really didn't make any difference what number was put in the LER, because if the NRC questioned it, GPC

would tell NRC what basis they used to get it, if the NRC disagreed with the basis, GPC would say "We're sorry" and send a revision out (Exhibit 36, p. 34).

42. AUFDENKAMPE, apparently understanding the language that McCOY, BOCKHOLD, and SHIPMAN want to use in the LER, and without defining the end of the comprehensive control test program, and without even verifying with CASH the point at which he started his count, says to SHIPMAN and STRINGFELLOW, "You know, I think what we discussed on how to handle those..., the number of actual diesel starts...how we discussed that before. I think we ought to just leave it at that" (Exhibit 36, p. 25).
43. SHIPMAN says, "Just say at least 18 times each, huh?" AUFDENKAMPE says, "Yeah...somebody has gone and validated that data, and that's what George presented. The data that's been offered to us does not bring into question that data. It tends to support that data" (Exhibit 36, pp. 25-26).
44. SHIPMAN then says, "We're going to go with that. Jack Stringfellow's just grinning from ear to ear" (Exhibit 36, p. 26).

INVESTIGATOR'S NOTE: This is the end of the sequence of tapes that pertain to the development of the statement of diesel testing in the April 19, 1990, LER.

45. MOSBAUGH stated that the information regarding diesel starts first got into the LER as an outgrowth of the statements in the April 9, 1990, letter. He advised that Tom WEBB did that (Exhibit 6, p. 218).
46. MOSBAUGH stated that when he saw that the LER drafts were carrying over the same, apparently false, statement of diesel starts as the April 9, 1990, letter, he started looking into it, but until he had the whole list of all the starts, he couldn't affirmatively state that the statements were wrong (Exhibit 6, p. 219).
47. MOSBAUGH stated that around April 18, 1990, or thereabout, he told SHIPMAN that there had been EDG failures on these specific dates and times, and that the failures were right in the middle of the starts, and that he (MOSBAUGH) was worried about that information. MOSBAUGH said that he was in AUFDENKAMPE's office when AUFDENKAMPE told STRINGFELLOW about the failures, and STRINGFELLOW realized that there was a problem in the April 9, 1990, letter that had already been issued (Exhibit 6, pp. 222-223).
48. MOSBAUGH stated that there were a lot of phone calls between Birmingham and VEGP that day (Exhibit 6, p. 222), and HAIRSTON even got involved. He stated that HAIRSTON talked directly to a plant equipment operator, and after that call, HAIRSTON got on a group conference call regarding the diesel start information that was going to go in the LER. MOSBAUGH advised that he, AUFDENKAMPE, BOCKHOLD, BAILEY, STRINGFELLOW, and McCOY were already on that call before HAIRSTON came on. He advised that this was the call where the wording in the LER was changed to "Since the comprehensive test program there have been 18 or 19 starts on each engine," when the April 9, 1990, letter had said, "Since the event there

have been 18 or 19 starts." He stated that concern was expressed about that change in wording, but BOCKHOLD "jumps in" and tells everyone that the data is good and that he had it reviewed, and convinces everyone that it was good information (Exhibit 6, p. 225).

49. MOSBAUGH stated that sometime during that phone call, HAIRSTON said something about, "So there weren't any failures?" and McCOY said something in response that he (MOSBAUGH) didn't catch (Exhibit 6, p. 226).
50. MOSBAUGH stated that the LER got signed out without an adequate review of the new basis of "subsequent to the test program," and we had known failures (Exhibit 6, p. 227).
51. MOSBAUGH stated that at this same time, the 17, 18, or 19 of April, when he obtained this list from KOCHERY that showed the 1B DG trips on March 22 and March 23, he was also involved in the PRB with the final drafts of the 30-day LER that was to be issued regarding the SAE (Exhibit 5, p. 13).
52. MOSBAUGH described the phone calls involving himself, AUFDENKAMPE, STRINGFELLOW, SHIPMAN, BOCKHOLD, McCOY, and HAIRSTON that took place on April 19, 1990 (Exhibit 5, pp. 14-98) (See segments of Tapes 57 and 58, above).
53. MOSBAUGH advised that, initially, there weren't any specific statements of diesel starts in the drafts of the LER, but in a PRB meeting somewhere around April 18, Mike LACKEY commented that we should put a specific number of starts in the LER. He advised that WEBB took the language and the 18 and 19 numbers from the April 9, 1990, letter, and added two starts to it because they thought there had been two starts since April 9, 1990. He stated that turned out to be incorrect, but at that time they thought there had been at least two more starts on each diesel, so they came up with the language that said more than 20 starts on each machine (Exhibit 5, pp. 24-26).
54. MOSBAUGH stated that at the time of the phone calls on April 19, he was not aware of a problem that had occurred on March 30 on the 1A diesel (Exhibit 5, p. 48).
55. MOSBAUGH points out that there was a significant group of people who all realized, prior to the issuance of the April 19 LER, that the statement of diesel starts in the April 9, 1990, letter, and in the draft LER, was false. He stated that these people were, himself, AUFDENKAMPE, ODOM, WEBB, SHIPMAN, and STRINGFELLOW (Exhibit 5, p. 56).
56. MOSBAUGH stated that the late afternoon phone call between himself, AUFDENKAMPE, BOCKHOLD, SHIPMAN, STRINGFELLOW, McCOY, and HAIRSTON would have been around 4:00 - 4:30 p.m., because AUFDENKAMPE has to make arrangements to keep some people at the Plant for the possibility of having another PRB meeting to approve the final language in the LER (Exhibit 5, p. 63).

57. MOSBAUGH stated that HAIRSTON's earlier request regarding the starts in the LER pertained to verifying that there were more than 20 starts, but when he gets involved in the late afternoon phone call, he is concerned about "trips." MOSBAUGH stated that this indicated that SHIPMAN, STRINGFELLOW, or possibly McCOY had told HAIRSTON about the information given to them by MOSBAUGH and AUFDENKAMPE regarding the March 22 and March 23 trips of the 1B EDG (Exhibit 5, pp. 73-74).
58. MOSBAUGH stated that he had heard McCOY say, "I'll testify to that." when he was on the phone call, and he (MOSBAUGH) was trying to rationalize that statement in his mind at the time, and didn't hear what SHIPMAN had said until he reviewed the tape section in detail (Exhibit 5, pp. 75-76).
59. AUFDENKAMPE stated that on April 19, 1990, when GPC was drafting the LER, he, and others, asked BOCKHOLD, "where do we start our counts?", and BOCKHOLD said that the count start was at the conclusion of the comprehensive test program, or some words to that effect (Exhibit 38, pp. 16-17).
60. AUFDENKAMPE stated that the individuals that were on this April 19 teleconference regarding the original LER were: himself, MOSBAUGH, BOCKHOLD, he thought in Birmingham was SHIPMAN, BAILEY, and HAIRSTON. He advised that he thought McCOY was on the call, also, but he did not recall specifically (Exhibit 38, p. 17).
61. When asked if BOCKHOLD independently recollected when he started the diesel count, or if the starting point had to be suggested to him, AUFDENKAMPE recalled that he specifically had called BOCKHOLD to get his input on when the diesel count was started. He stated that his recollection was that somebody, and it may have been him (AUFDENKAMPE), asked BOCKHOLD, "Where do we start the counts? When did the counts start?" and BOCKHOLD responded that the counts started at the conclusion of the test program (Exhibit 38, p. 18).

INVESTIGATOR'S NOTE: BOCKHOLD, on two separate occasions, once in 1990 and once again in 1993, had the opportunity to tell NRC OI, under oath, when he started his counts. On both occasions he said that he could not recall. In fact, BOCKHOLD didn't start his counts at any point -- According to CASH, he was the person who made the decision on when the counts were going to start, and he didn't discuss it with BOCKHOLD. And CASH was not on the group phone call of April 19, 1990. BOCKHOLD had absolutely no known basis upon which to make an affirmative statement regarding a starting point of that count to the participants of that call. In 1990, BOCKHOLD said that he would have "assumed it to be the case" that CASH started his counts on March 20, 1990. And, on April 19, 1990, unless AUFDENKAMPE asked BOCKHOLD his questions (if he did, in fact, ask him those questions) before MOSBAUGH came into this group conversation, the only taped evidence of BOCKHOLD being asked when he started his count was when McCOY said, "Those numbers you used in the conference were after they had completed the comprehensive test of the control systems on each diesel." to which BOCKHOLD responded, "That is correct. Those numbers were not before that time."

62. AUFDENKAMPE stated that he did not recall being part of a conversation, prior to the issuance of the LER, in which STRINGFELLOW was put on notice that there were trips of the diesel after March 20, 1990 (Exhibit 38, pp. 30-31).
63. AUFDENKAMPE stated that although the April 19, 1990, LER doesn't specifically say consecutive starts, it was part of his understanding when the LER was issued that the starts were consecutive, because "we" had completed the test program and then "we" started it more than 18 times (Exhibit 38, p. 36).
64. AUFDENKAMPE stated that WEBB started to generate the LER regarding the SAE soon after March 20, 1990, and the data for the early drafts of the LER would have come from the information coming out of the VEGP Critique Team. He stated that it was on April 10 when the 18 and 19 starts first showed up in the LER drafts. He stated that the basic content of this first LER statement is the same as in the April 9, 1990, letter (Exhibit 38, pp. 38-42).
65. AUFDENKAMPE stated that the PRB arrived at the number 20 in the draft LER when they took the 18 and 19 numbers from the April 9, 1990, letter and added the additional starts that had occurred since April 9, 1990. He stated that the PRB never took any independent action to verify that the original 18 and 19 numbers were correct (Exhibit 38, pp. 50-51).
66. AUFDENKAMPE stated that he recalled sending WEBB or ODOM out, prior to the issuance of the LER, to do an independent verification of CASH's count. He stated that he did not recall either of them coming back to him with that verification, but that "we" were comfortable when "we" sent the LER out that the information was correct and verified (Exhibit 38, pp. 54-56).
67. AUFDENKAMPE stated that after listening to the tape of his afternoon conversation with SHIPMAN and STRINGFELLOW, after the group conversation, he must have gotten some kind of verification from WEBB about 27 and 36 starts (Exhibit 38, pp. 134-135).
68. AUFDENKAMPE stated that when it was decided, in that group phone call, to use the terminology at least 18 instead of more than 20, the change to the LER was not substantive, and did not need another PRB (Exhibit 38, p. 58).
69. AUFDENKAMPE identified his, and STRINGFELLOW's voices on Tape 57, Side B, pages 90-92 on the associated transcript. He stated that he did not recall this specific conversation. AUFDENKAMPE's attorney correctly noted that MOSBAUGH must also be present, since he was doing the taping (Exhibit 38, pp. 63-64).
70. AUFDENKAMPE stated that he had no knowledge of BOCKHOLD changing the point at which he said he started his count in order to take the 18 DG failures out of the counting period (Exhibit 38, p. 80).
71. AUFDENKAMPE stated that he had no knowledge of any conversations or plan or agreement between BOCKHOLD, McCOY, SHIPMAN, and/or STRINGFELLOW to

introduce the new terminology subsequent to the comprehensive test program to eliminate the problem created by the 1B DG trips after March 20 (Exhibit 38, p. 93).

72. AUFDENKAMPE stated that he did not recall any conversation with BOCKHOLD, regarding the issue of when BOCKHOLD started his diesel count, prior to the taped conversation when BOCKHOLD confirmed McCOY's assertion that BOCKHOLD did not start his count until after the test program (Exhibit 38, pp. 96-97).
73. STRINGFELLOW advised that he seemed to recall the first time he became aware that there was a problem with the diesel start data was when he was working with the site on producing the LER, and "the site" indicated to him that they were having trouble with diesel starts, but that he did not recall the specifics of that conversation. He stated that "the site," to his recollection, was AUFDENKAMPE (Exhibit 30, pp. 21-22).
74. STRINGFELLOW stated that his awareness of this problem did not really bother him, because he believed back then, and currently believed, that there was no deliberate attempt to mislead the NRC. He stated it was just a mistake, or confusion, and it did not really bother him (Exhibit 30, p. 22).
75. STRINGFELLOW stated that he did not recall AUFDENKAMPE telling him that he (AUFDENKAMPE) thought the statement in the April 9, 1990, letter was "basically a material false statement." He advised that if AUFDENKAMPE would have made such a statement to him, he probably would have remembered it, and been concerned about it (Exhibit 30, p. 39).
76. STRINGFELLOW stated that he did recall when the LER had the words, "Greater than twenty starts" in it and that HAIRSTON directed him to verify that information as being correct. He said that he thought the site verified it for him, and that the information in the LER was correct when HAIRSTON signed it (Exhibit 30, pp. 39-40).

INVESTIGATOR'S NOTE: Although "Greater than 20 starts" was approved by the VEGP PRB at one point, that language was never independently verified by the PRB, and, in fact, was never used in the final LER.
77. STRINGFELLOW stated that HAIRSTON took a lot of interest in that particular LER, with that March 20 event being so significant (Exhibit 30, p. 42).
78. STRINGFELLOW stated that he did not recall the conversation on Tape 57 (Exhibit 34, pp. 90-92), but that he probably did go tell SHIPMAN about the call because that's why SHIPMAN calls MOSBAUGH so quickly (Exhibit 30, pp. 48-49).
79. STRINGFELLOW stated that he did not recall the conversation where SHIPMAN told MOSBAUGH that one way to solve the problem created by the information that there were failure after March 20, is to say no valid failures (Exhibit 30, pp. 49-50).

80. STRINGFELLOW stated that he could not recall the nature of the information being presented to him on April 19, 1990, in the conversations that he had just listened to on tape (Exhibit 30, p. 50).
81. STRINGFELLOW advised that the first time he heard the terminology "subsequent to the comprehensive control testing" was on the afternoon of the 19th when they had that big conference call. He stated that, as he recalled, was when they finalized the LER. He advised that he did not recall how that terminology was originated (Exhibit 30, p. 51).
82. STRINGFELLOW stated that he did not recall wondering where the "subsequent to the comprehensive control test program" terminology came from. He stated that he did not know what the test program was, and he did not know how they came up with the numbers. He advised that it was his job only to make sure that he had the correct words in the LER in terms of what he was told was correct. He stated that he couldn't verify the words, that he was just sitting in the background, trying to follow to make sure he puts into the LER what is decided upon (Exhibit 30, pp. 55-56).
83. STRINGFELLOW stated that he did not have the indication that, by using the same numbers in the LER as were in the April 9, 1990, presentation, his management was trying to make the LER statement look like the April 9, 1990, statement (Exhibit 30, p. 58).
84. STRINGFELLOW stated that he did not know, from the group conversation on April 19, 1990, when the point in time was that the test program was over. He stated that he did not know how he could get numbers if he didn't know when the starting point was (Exhibit 30, pp. 59-60).
85. STRINGFELLOW stated that he did not recall, in that April 19, 1990, group conversation, HAIRSTON asking if there had been any trips, nor McCOY saying that he would testify to that, nor SHIPMAN saying to just disavow (Exhibit 30, pp. 62-63).
86. STRINGFELLOW advised that he did not recall a phone conversation between him, SHIPMAN, MOSBAUGH, and AUFDENKAMPE, that occurred on April 19, 1990, after the larger group conversation (Exhibit 30, p. 67).
87. STRINGFELLOW stated that probably the reason that SHIPMAN said he (STRINGFELLOW) is grinning from ear to ear is that AUFDENKAMPE has said that what we agreed to in the earlier phone call is correct, and the data supports that, and this is probably very late in the day, and he (STRINGFELLOW) is tired and it looked like the issue was resolved and he could go home (Exhibit 30, pp. 73-74).
88. STRINGFELLOW stated that he had no idea why the language in the LER was changed from March 20th to the comprehensive control test program, other than in response to the concerns that were apparently expressed by MOSBAUGH and AUFDENKAMPE (Exhibit 30, p. 80).
89. STRINGFELLOW stated that McCOY and SHIPMAN would not have put language in an LER that would mislead the NRC, or cover up any prior inaccurate

statements to NRC, and that he (STRINGFELLOW) "wasn't a party to it."
(Exhibit 30, p. 98).

90. SHIPMAN stated that he had no specific recollection of, at any time prior to the preparation and release of the LER, either MOSBAUGH or AUFDENKAMPE telling him that there were diesel failures that made the number of starts that were listed in the LER invalid (Exhibit 39, p. 29).
91. SHIPMAN identified his voice on the portion of Tape 57 that is reflected on pages 104-109 of the transcript of this tape (Exhibit 39, p. 30).
92. SHIPMAN stated that he did not remember that specific call, but that he did not find anything in the taped replay of the call that would be uncharacteristic for him to have said (Exhibit 39, p. 31).
93. SHIPMAN stated that the "problem" that he said GPC could solve by saying no valid failures, is the fact that if it was proven that BOCKHOLD had presented incorrect information to NRC...that would be a problem (Exhibit 39, pp. 31-32).
94. SHIPMAN stated that since he could not recall the conversation, he would not know if he would have walked down to HAIRSTON's office, but if he did, it would not have been unusual for him to have done that (Exhibit 39, p. 32).
95. SHIPMAN stated that he did not recall any discussion about any other ways of solving that problem, and that he did not recall telling McCOY about that conversation (Exhibit 39, pp. 32-33).
96. SHIPMAN stated that he did not recall discussing the use of the terminology "subsequent to the comprehensive control test program" with McCOY (Exhibit 39, p. 33).
97. SHIPMAN advised that if he had believed the diesel start numbers were wrong back in 1990, he would not have allowed the LER to have been submitted (Exhibit 39, p. 36).
98. SHIPMAN stated that MOSBAUGH's tech support people at the VEGP site had the responsibility for the final say on the validity of the LER (Exhibit 39, pp. 36-37).
99. SHIPMAN stated that it was possible for the final version of an LER to be signed out at Birmingham without the plant manager's approval, but he did not think that had happened (Exhibit 39, pp. 37-38).
100. Tape 58, Side A, starting at page 8 on the associated transcript (Exhibit 36), was played for SHIPMAN. SHIPMAN recognized AUFDENKAMPE, McCOY, possibly HAIRSTON (Exhibit 39, pp. 41-42).
101. SHIPMAN stated that he recognized a portion of the conversation (Tape 58, page 12 of the tape transcript - Exhibit 36) as being "part of the NBC tape." He stated that he had listened to that specific section several times prior to his interview, and he did "not understand it" nor could he "make it say the same thing the transcript says of the NBC..." at which

point his attorney interrupted and asked if that section could be played again (Exhibit 39, pp. 42-43).

102. SHIPMAN stated that he did recall this particular conversation, and that it was held in a conference room between his and McCOY's office in Birmingham. He stated that HAIRSTON "walked in, heard what was transpiring, asked a couple questions and left." He stated that he did recall HAIRSTON asking the question, "Well, so we've got the starts. Didn't we have no trips?" (Exhibit 39, p. 43).
103. SHIPMAN stated that he did not recall McCOY responding to HAIRSTON's question by saying, "I'll testify to that." SHIPMAN also stated that he did not then immediately say, "Just disavow," and that it would be "uncharacteristic with what you just heard for me to say that" (Exhibit 39, pp. 43-44).
104. SHIPMAN stated that he did hear McCOY requesting that it be confirmed that the diesel start count did not start until after the completion of the comprehensive control test program (Exhibit 39, p. 46).
105. SHIPMAN stated that he did not think it was "significantly important" to use the same numbers in the LER as were used in the April 9, 1990, presentation unless those numbers were correct (Exhibit 39, p. 47).

INVESTIGATOR'S NOTE: In SHIPMAN's later phone call with MOSBAUGH, AUFDENKAMPE, and STRINGFELLOW, he said that it would "create a selling job" for him if he were to try to put, in the LER, numbers that were "significantly less" than what BOCKHOLD told EBNETER in the presentation.
106. SHIPMAN stated that a specific number of starts is not significant, that in the end they did use different numbers -- "one of the numbers happen(ed) to be the same, but we say greater than eighteen..." and the thing that is significant is that they found the problem and corrected it (Exhibit 39, pp. 47-48).
107. SHIPMAN stated that he had no knowledge of BOCKHOLD presenting inaccurate data to NRC (Exhibit 39, p. 53).
108. SHIPMAN, from listening to Tape 58, Side A (Exhibit 36, pp. 8-12), heard a voice that he could not positively identify, other than it was not McCOY. He stated that BAILEY might have been in on that call (Exhibit 39, p. 54).
109. SHIPMAN stated that he had no knowledge of any conversation, prior to this tape segment, between McCOY and BOCKHOLD in which they agree that BOCKHOLD would say that the diesel count did not start until after the test program (Exhibit 39, p. 55).
110. SHIPMAN stated, in response to a question by his attorney, that he did not recall any question in that discussion about a problem with a valve (Exhibit 39, p. 57).

111. SHIPMAN stated that he did not recall having, or not having, a side conversation with anyone at the time HAIRSTON asked the question about whether or not there were any "trips" (Exhibit 39, p. 59).
112. SHIPMAN stated that he could not explain why the language was changed from Since March 20th, in the April 9, 1990, letter, to "subsequent to the test program," in the LER, and that he did not even recall that being an issue (Exhibit 39, p. 64).
113. BOCKHOLD stated that the change in time frame of the EDG start count, from March 20 in the April 9, 1990, letter, to "subsequent to the test program" in the April 19, 1990, LER, related to the 1B EDG. BOCKHOLD stated that the 1-B engine was in overhaul, and right at the end of the overhaul period GPC got "some failures to start and we changed some components. Then after the overhaul period we went into this extensive calibration and logic testing and bubble testing and multiple starts, that's when we started counting these nineteen--that's when Jimmy Paul started counting these nineteen starts..." (Exhibit 12, pp. 17-18).
114. BOCKHOLD stated that the reason GPC said 18 starts for both EDGs in the LER was because, "it was felt that it was less confusing than eighteen on one and nineteen on the other, so that was a wording clarification" (Exhibit 12, p. 18).
115. BOCKHOLD stated that the reason he could not come up with a definitive starting point subsequent to the test program was "the same as before, is because those numbers, in my mind, all come from this transparency, okay, and what we did in both the letter and the LER is we tried to improve upon the words in this transparency...and we carried the basic error from this transparency forward into those two letters" (Exhibit 12, p. 18).

INVESTIGATOR'S NOTE: This is a nonresponsive answer to an NRC inspector's question in the OSI. The reason he could not come up with a definitive starting point was because he didn't know when the end of the test program was... on April 9, April 19, or on the date of this interview, August 14, 1990. This non-response accomplished its purpose. The NRC inspector moved on to another area of questioning.

116. BOCKHOLD stated that his involvement in the preparation or review of the April 19, 1990, LER was that he reviewed it quickly to see if he saw any problems (Exhibit 13, p. 43).
117. BOCKHOLD advised that he did not have an immediate recollection of a phone call between the Site and Birmingham to finalize the language in the April 19, 1990, LER, but that there probably was (Exhibit 13, pp. 43-44).
118. BOCKHOLD stated that he did not have any independent recollection of how GPC arrived at the specific language, "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, DG 1A and DG 1B have been started at least eighteen times each and no failures or problems have occurred during any of these starts" in the April 19, 1990, LER (Exhibit 13, p. 44).

INVESTIGATOR'S NOTE: Tape 58 (Exhibit 35) shows that BOCKHOLD was directly involved in the construction of that language in the April 19, 1990, LER, and Tape 253 (Exhibit 58) shows that BOCKHOLD remembered, on August 15, 1990, his and McCOY's involvement in the preparation of that language.

119. BOCKHOLD advised that he believed that the information regarding diesel starts in the LER was derived from the April 9, 1990, presentation and letter, and that it was consistent with the fact that GPC had started the diesels more times since April 9, 1990 (Exhibit 13, p. 45).
120. BOCKHOLD stated that he did not have any specific knowledge of how the phrase, "subsequent to this test program" replaced the since March 20 language in the LER, but that the language was consistent with the April 9, 1990, presentation because the sensor calibration and logic testing had been added to the previously planned overhaul of the engines (Exhibit 13, pp. 45-46).
121. BOCKHOLD advised that he did not specifically remember a phone call, just prior to the issuance of the LER, from SHIPMAN, STRINGFELLOW, or McCOY, in which any of those individuals told him (BOCKHOLD) that MOSBAUGH and AUFDENKAMPE had discovered EDG test failures after March 20 (Exhibit 13, p. 46).
122. BOCKHOLD stated that he did not remember any phone call from McCOY, SHIPMAN, or STRINGFELLOW in which they used the specific terminology that they were going to use the phrase "subsequent to the test program" as opposed to "after March 20th" so that the failures mentioned by MOSBAUGH and AUFDENKAMPE could be eliminated from the period of the EDG start count. He stated that he did not have any recollection of any type of conversation like that, but that "It may have happened; may not have happened" (Exhibit 13, pp. 46-47).
123. BOCKHOLD advised that he still did not know, as of the day of his interview (June 22, 1993), when the comprehensive control testing was completed, and to his knowledge no one has yet defined it (Exhibit 13, pp. 47-48).
124. In response to a question about how could he verify that 18 starts had taken place after the test program if he didn't even know when the test program ended BOCKHOLD replied that he never verified the "eighteen times" that was used in the LER, but it seemed close enough to the 18 and 19 times in the previous information, and he knew there had been additional starts, and that the statement could be true. He stated that was what he was looking for... "Could it be true?" (Exhibit 13, p. 48).

INVESTIGATOR'S NOTE: This appears to be another example of a nonresponsive answer by BOCKHOLD in an effort to avoid answering a question.

125. BOCKHOLD finally stated that he did not know how one could make a statement about there being 18, or at least 18, starts from the end of a test program if one didn't know when the test program ended. BOCKHOLD attempted to absolve himself of any responsibility for GPC making a

statement like that by saying that he was not the verifier, but only the reviewer of this statement (Exhibit 13, p. 49).

126. BOCKHOLD stated that this wording in the LER was just, "a set of words that, you know, is describing a -- a perception of what was going on at the plant. It's not a -- you know, it's not in bold. It's not a defined set of terms. It's not like a tech spec term. It's an LER" (Exhibit 13, pp. 48-49).

INVESTIGATOR'S NOTE: This comment by BOCKHOLD is a good example of his attitude regarding the degree of care that needs to be taken by GPC with respect to the accuracy and specificity of information given to NRC in an LER.

127. BOCKHOLD stated that his site people, AUFDENKAMPE and ODOM, were the verifiers of the LER statements (Exhibit 13, p. 49).
128. BOCKHOLD advised that he did not recall a sense of importance on the part of McCOY that the start count numbers that should go in the April 19, 1990, LER should be the same numbers that he (BOCKHOLD) used in his April 9, 1990, presentation (Exhibit 13, pp. 49-50).

INVESTIGATOR'S NOTE: Tape 58 (Exhibit 35) shows this sense of importance on the part of McCOY. McCOY was addressing BOCKHOLD, SHIPMAN, STRINGFELLOW, MOSBAUGH, and AUFDENKAMPE on a April 19, 1990, conference call prior to the issuance of the April 19, 1990, LER.

129. BOCKHOLD stated that he recognized his, MOSBAUGH's, AUFDENKAMPE's, McCOY's, SHIPMAN's, and STRINGFELLOW's voices in a group conversation on Tape 58 (Exhibit 35) which was labeled by MOSBAUGH as being tape number four of four tapes made on April 19, 1990 (Exhibit 13, pp. 50-53).
130. BOCKHOLD stated that he thought that McCOY wanted to use the same start numbers in the April 19, 1990, LER as were in the April 9, 1990, presentation for the same reason that he (BOCKHOLD) did-- because a superintendent level person (CASH) had verified the numbers for the presentation, and there was no reason to believe that these numbers were wrong (Exhibit 13, p. 51).
131. BOCKHOLD stated that by using the terminology "at least" 18 starts in the LER, "it's not of issue" that 10 days had passed since the presentation, and some additional diesel starts had been made since the presentation (Exhibit 13, p. 51).
132. BOCKHOLD stated that he did not know how McCOY supposedly knew that, "Those numbers you (BOCKHOLD) used in the (April 9, 1990,) conference (with NRC) were after they had completed the comprehensive test of the control systems on each diesel" (Exhibit 13, p. 52, line 6 and Exhibit 36, p. 9, lines 3-5).
133. BOCKHOLD stated that he did not recall having a conversation with McCOY in which he told McCOY that he started his count after the completion of the test program, but that he might have had such a conversation (Exhibit 13, p. 52).

INVESTIGATOR'S NOTE: BOCKHOLD had already testified that he still did not know when the comprehensive control test program ended, and that he had not given CASH any instructions on when to start his count.

134. BOCKHOLD stated that he did not recall having any discussions with anyone in an effort to pin down the definition of the end of the comprehensive control test program at the time of issuance of the April 19, 1990, LER (Exhibit 13, p. 84).
135. BOCKHOLD advised, after hearing a portion of this April 19, 1990, conference call, that he still did not recall this conference call (Exhibit 13, p. 54).
136. A portion of Tape 58, Side A (Exhibit 35), which corresponds to page 12, lines 4-8 of the transcript of that tape (Exhibit 36), was played numerous times for BOCKHOLD by OI. The speakers and context of the conversation in this portion of the tape has been identified by MOSBAUGH as follows:

SHIPMAN: Let's see. What other questions do we got? We got them start things straightened out.

STRINGFELLOW: The other question we had, Bill, was the..

HAIRSTON: We got the starts, so we didn't have no...we didn't have no trips?

SHIPMAN: No, not, not...

McCOY: I'll testify to that.

SHIPMAN: Just disavow. What else did we have, Jack?

BOCKHOLD stated that, "what I hear appears to be multiple voices, different pitches and no central conversation." He stated that he could identify, "SHIPMAN, and maybe HAIRSTON before. But then you get into this conversation where no and maybe and trips and it seems all disjointed." BOCKHOLD stated that he did not pick the above conversation up from his review of the tape. He stated that he heard "no," "not," and "trips" (Exhibit 13, pp. 58-60).

137. BOCKHOLD also stated, with regard to that aforementioned section of the tape, that he did not recall, from his own independent recollection of that phone call, those statements having been made (Exhibit 13, p. 60).
138. CASH stated that he did not participate in the preparation of the April 19, 1990, LER, No. 90-006 (Exhibit 9, p. 11 and Exhibit 10, pp. 74-75).
139. CASH stated that he was aware that same start numbers that were used in the April 9, 1990, presentation, were also used in the April 19, 1990, LER, but that he could not account for the difference in the time frame of his count (from March 20 to just before the April 9, 1990 presentation), versus the time frame stated in the LER (from the

completion of the test program to just before the issuance of the April 19, 1990, LER) (Exhibit 9, p. 17).

140. CASH advised that he did think that the diesel start data in the LER was derived from the 18 and 19 starts in the April 9, 1990, presentation, "But this information was never intended (by CASH) to be used for that purpose (to be put in an LER), and all it was is some information, and it was particularly because the information that was presented here (on the DIESEL TESTING transparency) was already known to the majority of the people in exactly the context in which it should have been understood by the people that were at the meeting on -- in Atlanta" (Exhibit 9, p. 11).
141. BROCKMAN stated that McCOY phoned him on April 19, 1990, and told him that, in the LER on the SAE, GPC was only going to count EDG test failures as they were defined in the Reg Guide, and that McCOY did not mention that there had been EDG troubleshooting failures after the March 20, 1990, event (Exhibit 20, p. 1).
142. BROCKMAN stated that he knew that there had been troubleshooting failures in the EDG testing since the event, but that McCOY did not bring it up in his April 19, 1990, phone call (Exhibit 20, p. 1).
143. BURR stated that the only involvement he has with any LERs is that of review, but he could not recall reviewing the GPC LER that was issued on the SAE, dated April 19, 1990 (Exhibit 14, p. 22).
144. KOCHERY stated that some point between March 23-24, 1990, and when the 1A DG was declared operable, at MOSBAUGH's request, he gave him either a handwritten or typed list of DG starts that he had obtained from the Control Room Logs. The typewritten version of this list was six pages long, and showed starts on both Unit 1 diesels during the period March 12, 1990 - March 23, 1990. KOCHERY stated that he could not recall MOSBAUGH's request for this list to be connected to the preparation of an LER. KOCHERY advised that, at some point, he gave a copy of the handwritten version of this list to Rick KENDALL, NRC, IIT (Exhibit 52, pp. 1-2).

INVESTIGATOR'S NOTE: MOSBAUGH stated that this was not the list that he was referring to on April 19, 1990, when he notified SHIPMAN and STRINGFELLOW, that day, of the 1B DG trips on March 22, 1990 and March 23, 1990.

145. McCOY advised that he did not recall, but it would not surprise him if he had conversations with BOCKHOLD about how he got his numbers, because SHIPMAN had briefed him (McCOY) about some concerns that were raised about the accuracy of the numbers when the April 19, 1990, LER was issued (Exhibit 29, p. 27).
146. McCOY stated that he was away from Birmingham on April 19, 1990, and returned to the office "late in the day," having gotten back to Birmingham around 2:00 p.m. He stated that "We were trying to get that LER out" and SHIPMAN told me about the concerns, and that they were working on it. He stated that he recalled that he actually walked into

an ongoing phone conversation where a "whole group of people" were discussing that issue, and other issues (Exhibit 29, pp. 29-30).

147. McCOY stated that he did not recall if he was aware of the specific concerns regarding the accuracy of the diesel start numbers, but that he may have been aware of the specifics at that time (Exhibit 29, p. 30).
148. McCOY said that he did not recall calling BOCKHOLD before he became involved in the group conversation (Exhibit 29, p. 31).
149. McCOY stated that he happened to remember that group conversation, because the group was in the conference room, and he walked around to talk to SHIPMAN about problems at the plant in the middle of this conversation (Exhibit 29, pp. 31-32).
150. McCOY stated that the institution of the "subsequent to the test program" phrase in the LER was "an attempt to try and make sure that everybody agreed that the information we were presenting accurately reflected what went on and what had been discussed in the meeting..." He stated that "There was no way that we could have been trying to change or cover up anything..." (Exhibit 29, pp. 33-34).
151. McCOY stated that there was no effort to cover up, because, "we had all kinds of NRC people there throughout this period participating, watching the tests, looking at the logs, everything else" (Exhibit 29, p. 34).
152. When asked if he recalled defining the end of the test program in that group discussion on April 19, 1990, McCOY replied, "I may have tried to help them get the words right to characterize what they were saying, but I didn't know the facts" (Exhibit 29, p. 34).
153. McCOY stated that he did not recall that the language in the LER was based on the language in the April 9, 1990, letter, but that he would have assumed that this was the way it was prepared because it was trying to characterize the same thing (Exhibit 29, p.35).
154. McCOY stated that if he would have read the draft LER statement that said, "greater than 20 starts," his reaction to it would have been the same as, apparently, HAIRSTON's, that the number is different than what we gave NRC on April 9, 1990, so verify it (Exhibit 29, pp. 39-40).
155. McCOY recognized his and BOCKHOLD's voices on Tape 58, Side A, (Exhibit 36, p. 8). He stated that this portion of the tape, "was obviously the middle of a conversation. Apparently there had been some earlier conversation about the test program or comprehensive test program. Somebody had used that phrase. I doubt that's a phrase that I coined, but I'm just repeating that" (Exhibit 29, p. 43).
156. McCOY stated that he did not recall that conversation, and that he did not believe that it was the conversation that occurred in the conference room, to which he had referred earlier, but that it could be (Exhibit 29, p. 44).

INVESTIGATOR'S NOTE: Noteworthy is that McCOY was able to so quickly recognize that the small portion of the taped conversation played to this point (one short statement by each of three different people, AUFDENKAMPE, BOCKHOLD, and McCOY) was not the conversation in the conference room.

157. McCOY denied that he and SHIPMAN had any conversation about solving the problem of MOSBAUGH and AUFDENKAMPE's awareness of diesel problems after March 20 by saying that the count was not started until after the comprehensive test program (Exhibit 29, p. 45).
158. McCOY denied that he and BOCKHOLD had "collaborated" on the "subsequent to the comprehensive test program" language, prior to the group phone call, as a way to eliminate the early diesel test problems from the count of successful starts. He said, "I don't have a direct recollection of any conversation along that line, but I absolutely know I wouldn't do anything like that" (Exhibit 29, pp. 45-46).
159. McCOY advised that he recognized SHIPMAN, STRINGFELLOW, and HAIRSTON on the same phone call (Tape 58, Side A, Exhibit 36, pp. 8-12) (Exhibit 29, pp. 46-48).
160. McCOY stated that he recognized a section of the tape as being the section that was played on national news. He stated, "I didn't hear me saying I'll testify to that" and, with respect to SHIPMAN, McCOY stated that, "I didn't hear him say disavow either" (Exhibit 29, p. 48).
161. McCOY stated that he could hear another conversation going on in the background, and that he was talking in the background, but that he could not recall what he was saying. He stated that he did recall that there were control valve problems on the turbine that day, and that was a fairly serious problem (Exhibit 29, p. 49).
162. McCOY advised that usually, when HAIRSTON asks a question, somebody answers it. He stated that he heard HAIRSTON ask on the tape, "Well, we got the starts. We didn't have no trips?" He stated that he didn't know why HAIRSTON's question never got answered unless people didn't hear it, with all the other conversations going on simultaneously (Exhibit 29, pp. 50-51).
163. McCOY stated that, although he was involved in the discussion about the diesel starts, his main concern at the time was the turbine control valve problem, and it did not surprise him that he was having a side conversation with somebody (Exhibit 29, p. 51).
164. McCOY stated that he didn't have to testify to anything about the valve problem, but that he didn't hear anything about testifying on the tape (Exhibit 29, pp. 51-52).
165. McCOY stated that he heard himself say something that sounded familiar to "I'll testify to that" but he said, "I can't say that that's what I'm saying, and that sounds out of context for me quite frankly. I can't imagine me saying something like that" (Exhibit 29, p. 52).

INVESTIGATOR'S NOTE: It is noted that in all the times McCOY denies saying "I'll testify to that", he never says directly, I didn't say that. He always says he wouldn't say that, or it's not in my character to say something like that, or it's out of context for me, or I can't imagine me saying something like that, or I wouldn't be saying that.

166. McCOY stated that HAIRSTON did not direct his question about the diesel trips to him, but to the group that was working on that issue in the conference room, SHIPMAN and STRINGFELLOW, and the people at the site. He stated that he (McCOY) was talking to somebody else, because he was talking while SHIPMAN was talking, and was talking before SHIPMAN started talking, so he was clearly not responding to HAIRSTON's question (Exhibit 29, p. 53).

INVESTIGATOR'S NOTE: McCOY was not talking when HAIRSTON asked the question. After the question, both he and SHIPMAN start to respond almost simultaneously, with McCOY saying something like, "Let me..." and then SHIPMAN saying, "No, not, not..." and then McCOY saying, "I'll testify to that" and SHIPMAN saying, "Just disavow. What else have we got, Jack?" McCOY may be further away from the speakerphone microphone than SHIPMAN, but he is responding to HAIRSTON's question.

167. McCOY stated that he was sure that what he had just said on the tape segment was not in response to HAIRSTON's question (Exhibit 29, p. 54).

INVESTIGATOR'S NOTE: It is noteworthy that, earlier in the interview, McCOY did not even recall the taped conversation, and now from his review of the tape can affirmatively state that he was not responding to HAIRSTON's question.

168. McCOY stated that he did not recall SHIPMAN suggesting to him that one way to resolve MOSBAUGH's concern was to use the "valid" terminology (Exhibit 29, p. 58).
169. McCOY stated that when the final April 19 LER went out to NRC, he was satisfied that any issues involved had been resolved and clarified (Exhibit 29, p. 60).
170. McCOY stated that, to his knowledge, which was based on what he just heard on the tape, the end point of the test program was defined by the time the LER went out on April 19, 1990. He stated that BOCKHOLD had indicated that the start count information was after the completion of the test program, so he (McCOY) had every reason to believe that they knew when the end of the test program was, and they were counting the starts from that point (Exhibit 29, p. 63).
171. McCOY stated that he has always kept BROCKMAN, NRC, fully advised regarding all the information about the diesel starts. He presented notes and phone logs to support his statement (Exhibit 29, pp. 69-77).
172. HAIRSTON stated that he had no recollection whatsoever of being advised, just prior to the issuance of the April 19, 1990 LER, by either McCOY, SHIPMAN, or STRINGFELLOW, that MOSBAUGH had made them aware of failures on the 1B EDG after the March 20 event (Exhibit 31, pp. 34-35).

173. HAIRSTON stated that, "I was not full time by any means on the LER, although I did devote some time to this LER during that day (April 19, 1990). And maybe even -- even on the evening before" (Exhibit 31, p. 36).
174. HAIRSTON advised that when the LER went out, he was satisfied with what it said (Exhibit 31, p. 36).
175. HAIRSTON advised that when he reviewed the LER before it went out, he noticed that the statement of diesel starts said "greater than 20." He advised that he knew that, "What we had put up before was 18 and 19." He advised that he wanted the 20 starts verified, and he gave his comment on that issue, and the other LER issues that he had questions about, to STRINGFELLOW to follow up on. He stated that he assumed that SHIPMAN was involved in answering some of those questions, also (Exhibit 31, pp. 38-39).
176. HAIRSTON stated that he got back to Birmingham, from a grievance hearing in Atlanta, sometime after noon, Central Time (Exhibit 31, p. 39).
177. HAIRSTON advised that he had no specific recollection of how his question about the 20 starts was resolved, but, "later in the day (April 19) there was a general consensus in wording...", and he stated that he recalled numbers, "at 22, 25, well into the twenties." He stated that, "everybody agreed that the subsequent wording we put out was accurate and sent it (the LER) out that way" (Exhibit 31, p. 47).
178. HAIRSTON stated that he had just a general recollection that "they" decided on wording that showed a time frame on the start count as beginning at the completion of the test program, and they changed the numbers back to, "greater than 18" (Exhibit 31, p. 47).
179. HAIRSTON identified his signature on LER 90-006, dated April 19, 1990 (Exhibit 31, p. 48).
180. HAIRSTON advised, upon reviewing the final version of LER 90-006, that his general recollection was that the way his question on the 20 starts was resolved was by the use of the wording on page 6, regarding the diesel start numbers (Exhibit 31, p. 49).
181. HAIRSTON stated that when he signed out the LER, he believed the information in it was accurate, and consistent with the information in the April 9, 1990, letter (Exhibit 31, p. 50).
182. HAIRSTON advised that his understanding for the reason of the change in terminology from since March 20 to subsequent to the comprehensive testing was to clarify the date when the diesel count was started. He stated that he did not recall how he got that understanding (Exhibit 31, p. 54).
183. HAIRSTON stated that he did not recall being part of a telephone conversation, on April 19 when he returned to Birmingham from Atlanta, in which he asked a group of people, in the Birmingham offices, who were in

telephonic contact with VEGP people, the question, "Well, we got the starts. Didn't we have any trips?" (Exhibit 31, p. 55).

184. HAIRSTON stated, upon listening to Tape 58, Side A, starting at the beginning, that he did not have a specific recollection of this conversation with the Plant Equipment Operator, DELOACH, but that it was probably him on the tape (Exhibit 31, pp. 57-58).
185. HAIRSTON advised that, upon listening to Tape 58, Side A, starting at page 8 of the associated transcript, that the voices could be BOCKHOLD and McCOY, but that he didn't know for sure, and that he hesitated to identify voices on tape (Exhibit 31, pp. 62-63).
186. HAIRSTON advised that he hated to speculate, but one of the voices sounded like SHIPMAN's (Exhibit 31, pp. 63-63).
187. HAIRSTON stated that he couldn't be sure, but that he believed that it was him, upon hearing the portion of the tape where he was describing his conversation with the operator to the group on the teleconference (Exhibit 31, pp. 64-65).
188. HAIRSTON advised that he had seen the national news broadcast of the section of Tape 58, (Exhibit 36, p. 12). He stated that he couldn't verify any of the voices in that segment, and that it was a "broken up" conversation (Exhibit 31, p. 67).
189. HAIRSTON stated that, of the segments on page 12 that had been attributed to him, that it was possibly him saying, "We didn't have no trips?" but that he couldn't be sure (Exhibit 31, p. 67).
190. HAIRSTON stated that, "There's side conversations going on all over those tapes." He speculated that, "I could have been standing over at the door having another conversation that's not picked up" (Exhibit 31, p. 68).

INVESTIGATOR'S NOTE: HAIRSTON had stated earlier in his interview, when being asked about his knowledge of specific events, that he hated to speculate.
191. HAIRSTON advised that he did not recall a sense of importance in his mind that the start numbers in the April 19, 1990, LER should be the same as the start numbers that were presented to NRC on April 9, 1990 (Exhibit 31, p. 70).
192. HAIRSTON advised that he had no specific recollection of the change in wording from since March 20 to subsequent to the test program, or why that change was made. He stated that, from listening to the tape, "it sounded like it was made before I walked in the room. But I -- you know, that's me speculating" (Exhibit 31, p. 70).
193. HAIRSTON stated that, "But it sounded like it (the change in the wording regarding diesel starts) was changed right on that phone call right there." He stated, "I mean it sounded like that was pretty close to the final wording right there." He stated that he didn't believe he was in the room when the wording was changed, and that he walked in the room

after that. He then stated that he did not have a recollection of being in that room (Exhibit 31, p. 75).

194. BAILEY advised that he had no involvement with the preparation of the April 19, 1990, LER regarding the SAE. He stated that he did not review the LER before it was signed and issued. He stated that he was on vacation in Hawaii from April 14 through April 22, 1990. He stated that STRINGFELLOW would have been the corporate person to process this LER (Exhibit 28, pp. 30-32).
195. FREDERICK stated that he had nothing to do with the April 19, 1990, LER, other than reviewing it as a member of the PRB. He stated that he did not recall specific PRB discussions on that LER, and did not recall the PRB approving the "greater than 20 starts" language. He advised that his strongest recollection about that LER was the reduction in its size from 15 or 20 pages down to 8 pages (Exhibit 40, pp. 28-29).
196. FREDERICK stated that he had no knowledge of how the terminology, "Subsequent to the comprehensive test program" got introduced into the LER (Exhibit 40, p. 32).
197. FREDERICK stated that he had no indication or knowledge that the "Subsequent to the test program" terminology was inserted into the LER to eliminate the early failures from the count that was presented on April 9, 1990 (Exhibit 40, p. 43).
198. FREDERICK advised that in the PRB meeting that was conducted on May 8, 1990, the PRB still had not resolved the point at which the test program ended. He stated that it would be a fair assumption that since the end of the test program had not been defined in the PRB by May 8, 1990, that it had not been defined on April 19, 1990 (Exhibit 40, pp. 42-44).
199. MAJORS stated that he had no involvement in the preparation or review of LER 90-006, dated April 19, 1990 (Exhibit 42, p. 13).
200. McDONALD stated that he did not "directly remember" but he was probably involved in the preparation or review of GPC LER 90-006, dated April 19, 1990, but that he did not recall making any specific comments on any drafts of the LER (Exhibit 48, p. 8).
201. McDONALD stated that he did not recall making a correction in that document that deleted the word "core" and substituted the words "reactor coolant system", or the acronym "RCS" (Exhibit 48, p.8).
202. AUFDENKAMPE stated, on Tape 58 (Exhibit 35), (Exhibit 36, pp. 28-29) that he wanted "to go over Pat McDonald's comments with him." SHIPMAN stated, "Okay, well let me start at the beginning with Pat's comments...Pat picked up the fact that we called it the core instead of the RCS."
203. McDONALD stated that he would say he did not participate in any phone calls with site personnel for the purpose of finalizing the wording of the LER on the date the LER was issued. He advised that it was not something he would do (Exhibit 48, p. 9).

204. McDONALD stated that he was out of town (Birmingham) on April 19, 1990. (Exhibit 48, p. 9).
205. Upon further questioning, McDONALD confirmed that he returned to his office at the same time McCOY did that day, at about 2:30 - 3:00 p.m. (Exhibit 48, p. 10).
206. McDONALD advised that he did not recall anything at all about McCOY becoming involved in a teleconference soon after they returned to the office (Exhibit 48, p. 10).
207. GREENE stated that he was not involved at all in the preparation or review of the April 19, 1990, GPC LER, 90-006, pertaining to the SAE at VEGP (Exhibit 47, p. 11).

Conclusion

Based upon the evidence developed during the investigation, it is concluded that, on April 19, 1990, HAIRSTON, with, at a minimum of careless disregard, submitted a false statement of diesel test results to the NRC in GPC LER 90-006, which pertained to the SAE. This false statement was submitted as a direct result of deliberate actions, on April 19, 1990, by HAIRSTON, McCOY, SHIPMAN, BOCKHOLD. These senior managers reworded an existing statement of diesel testing in a draft LER, after SHIPMAN and STRINGFELLOW had been told by MOSBAUGH and AUFDENKAMPE that this draft LER statement, and its corresponding statement in the GPC letter to NRC of April 9, 1990, (upon which the draft LER statement was based) were false. However, McCOY's efforts to make the rewording similar to the statement in the April 9, 1990, letter, combined with SHIPMAN's knowledge that the new statement could not have been definitively verified prior to the issuance of the LER, resulted in the reworded statement being false.

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.

Background

On June 29, 1990, GPC, under HAIRSTON's signature, submitted a revision to LER 90-006 to NRC. In the letter of transmittal to this revision, HAIRSTON stated, "The difference is attributed to diesel start record keeping practices and the definition of the end of the test program." The investigation showed, as detailed in the Review and Analysis of Documents and Evidence sections that follow, that the real reasons for the "difference" are not diesel recordkeeping practices and the definition of the test program.

Summary

OI RII interviewed AUFDENKAMPE, BAILEY, BOCKHOLD, CASH, FREDERICK, GREENE, HAIRSTON, MAJORS, McCOY, McDONALD, MOSBAUGH, SHIPMAN, STRINGFELLOW, and TROCINE regarding their knowledge of this allegation. The pertinent testimony provided by these individuals is documented in the Evidence section related to this allegation.

Review and Analysis of Pertinent Documents

In the OI analysis of documents regarding the reasons for the difference between the diesel starts with no problems or failures as shown in LER 90-006, versus the revision to LER 90-006; the following documents were analyzed: The Unit 1 Control and Shift Supervisor Logs, the original LER, the June 29, 1990, GPC audit of diesel starts, the April 9, 1990, letter, the testimony of CASH, whose verification of starts was used as the basis for the April 9, 1990, and April 19, 1990, numbers, and the six iterations of drafts of the letter of transmittal to the revision to the LER.

The following paragraphs state the reasons for the "difference" as analyzed by OI:

Investigator's Analysis

There was no new start data obtained for the April 19, 1990, LER. The "numbers" from the April 9, 1990, presentation were used. These numbers were obtained from the Control and Shift Supervisor's Logs. These numbers were from March 20, 1990 to April 8, 1990. There was no definition of the end of the test program when the LER was issued.

The numbers obtained in the audit were the basis for the numbers in the revision to the LER. These numbers were obtained from sources in addition to the Control and Shift Supervisor's Logs. The audit set a definition for the end of the test program and counted from that point.

Conclusion: Diesel recordkeeping practices had nothing to do with the "difference." The June 29, 1990, count used additional diesel records and a different starting point - those are the reasons for the "difference."

The definition of the end of the test program had nothing to do with the difference. Although the April 19, 1990, LER said that the DG start numbers started at the end of the test program, the numbers from March 20, 1990, to April 8, 1990, were used. Additionally, the end of the test program was not defined on April 19, 1990.

The iterations of the drafts for the letter of transmittal to this LER revision show a GPC awareness of the fact that the submission of the false information in, at least, the original LER was not just an innocent mistake:

The first draft iteration by GPC was to say: (1) that both the April 9, 1990, letter and the original LER started the successful start count at the end of the test program (which is false); and (2) that they were just considering valid failures when they said no failures or problems (also false); and (3) just to show valid start numbers from March 20, 1990 through June 7, 1990, in the body of the revision. This leaves the NRC with no basis for comparison between "at least 18" successful starts "subsequent to this test program" versus 12 and 16 valid tests from March 20, 1990 - June 7, 1990.

The second draft iteration was the same, except it removed the part that said they were just considering valid failures when they said no failures or problems.

The third iteration is, as the first iteration, evidence of a deliberate intent to deceive the NRC: This iteration was actually going to say that the "Subsequent to the test program" terminology was inadvertently used in the LER, and they really meant to say "Subsequent to the event."

The fourth iteration continued the inadvertent idea, but added that they did not consider troubleshooting problems on the 1B diesel as problems or failures in their count (even though they considered troubleshooting successes on the 1A diesel to add to their successful start total).

The fifth iteration eliminated the inadvertent idea, and eliminated the idea of saying that they didn't count the troubleshooting problems on the 1B. In this iteration, they decided not to address what they had said on April 9, 1990, and April 19, 1990. They just assigned a definition to the "end of the test program" and stated a count of 10 and 12 successful starts on the 1A and 1B from that point through April 19, 1990. (But GPC must have realized that, in this iteration, they did not explain why they said what they said in the original LER and why there was a difference between that (at least 18), and in what they were saying now (10 and 12), so they prepared the final iteration.)

The sixth iteration, which is, with the exception of one word, what was issued on June 29, 1990, said the same thing as iteration five, with the addition of these sentences. "The number of successful starts included in the original LER included some of the starts that were part of the test program." (A true statement...but GPC added the following statement to make it appear that it was a mistake, or an inadvertent inclusion of troubleshooting starts) "The discrepancy is attributed to diesel start record keeping practices and the definition of the end of the test program." The one word that was changed from this iteration to the final version was the word discrepancy. It was changed to difference. It clearly appears that GPC had decided that it was not going to have any discrepancies...they are only going to have differences. These iterations of drafts are, in the view of the investigator, an excellent example of the mindset of GPC when it comes to reporting to NRC that they may have done something wrong.

Evidence

1. MOSBAUGH stated that in the PRB meeting when the revision to the LER was proposed, there was a discussion about the fact that a diesel trip had to have been counted as a success in order to get 18 consecutive successful starts (Exhibit 5, p. 221).
2. MOSBAUGH stated that because of his discomfort with the LER being signed out without adequate review, he got his start data together and wrote a memorandum, on April 30, 1990, to BOCKHOLD, telling him that GPC had provided incorrect information to NRC. He 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 STOKES involved in the validation process (Exhibit 5, p. 229).

3. MOSBAUGH advised that he went back to BOCKHOLD with the validated information, and BOCKHOLD told him to revise the LER. He stated that he reminded BOCKHOLD that the April 9, 1990, letter was incorrect, also, and BOCKHOLD said that he would address that in the letter GPC was going to issue to NRC on May 15, 1990, regarding some SAE followup actions. He stated that no correction to the April 9, 1990, letter ever went out in the May 15, 1990, GPC letter to the NRC (Exhibit 5, pp. 229-230 and 232).
4. MOSBAUGH stated that he had AUFDENKAMPE and WEBB prepare an LER revision that updated the data from "since the comprehensive test program" to the current date. He said it went to the PRB, the PRB defined the end of the test program, approved the correct start numbers, which were still less than what was in the original LER, and it was ready to go out on May 8, 1990. He stated that LER revision was at SONOPCO by May 15, 1990. MOSBAUGH stated that then it just sat at SONOPCO and did not get issued. He stated that the first week in June, he heard from BAILEY that HAIRSTON was going to sign out the LER on June 8, 1990. He stated that June 8, 1990, was the day that the IIT was going to make their presentation to the NRC Commissioners on the SAE, and the LER did not get signed out. He advised that a few days after June 19, 1990, when he met with BOCKHOLD and John ROGGE, that NRC Resident Inspector, regarding his safety concerns, HAIRSTON ordered that a total rewrite of the LER and a Quality Assurance (QA) audit of diesel starts be done. He advised that, with the rewrite and the audit, the revision to the LER did not get issued until June 29, 1990 (Exhibit 5, pp. 232-240).
5. MOSBAUGH provided copies of 6 iterations of drafts of the cover letter to the June 29, 1990, revision to the LER (see Investigator's Analysis). These drafts give different reasons for why the April 19, 1990, LER information was incorrect. He 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).
6. BOCKHOLD advised that when MOSBAUGH told him there was a problem with the numbers, he told his staff to, "go back and fix the problem and report that to the NRC." He stated that his VEGP people tried to revise the LER a number of times, but kept coming up with different numbers, so HAIRSTON got involved and sent QA to count the numbers (Exhibit 12, pp. 11-12).
7. BOCKHOLD stated that the revision to the LER was issued to correct "Jimmy Paul's numbers", and "finally it got to the point where we even used Q.A. and got everybody involved to agree with numbers, to agree with numbers and start times and definitions of what's successful and what's not successful. So we never agreed -- in the end, we never agreed to what successful start really meant. We put it in the NRC terms associated with valid and nonvalid, I think." (Exhibit 12, pp. 19-20).
8. BOCKHOLD stated that before GPC issued the revision to the LER, he told one of the NRC resident inspectors, Ron AIELLO, that he thought the EDG count in the letter and the LER was wrong. BOCKHOLD stated that he thought McCOY told BROCKMAN, and that HAIRSTON or McDONALD told EBNETER, before the revision to the LER was issued, that the count was wrong and that GPC was correcting it in the revision (Exhibit 12, pp. 20-22).

9. BOCKHOLD stated that one reason that the revision to the LER was delayed so long in being issued was that GPC was trying to agree on the definition of successful starts, and finally had to give up on that effort and used the NRC's terminology of valid tests (Exhibit 12, pp. 22-23).
10. BOCKHOLD stated that the revision to the LER was issued because, as it said in the cover letter, "In order to correct the LER and to provide more useful and up to date information, the LER has been revised to state the number of valid diesel generator tests in accordance with the Reg Guide" (Exhibit 13, pp. 75-76).
11. BOCKHOLD advised that the reason the revision to the LER used "valid test" terminology, was because "successful start" was not an NRC term, and GPC wanted to clarify things by using NRC terminology (Exhibit 13, p. 76).
12. BOCKHOLD stated that the way that diesel recordkeeping practices would have affected the difference in the EDG start counts of the April 9, 1990, letter and the April 19, 1990, LER, versus the start counts of the June 29, 1990, revision to the LER, is that a facet of diesel recordkeeping is the interpretation of the data, and that difference in interpretation between the April documents and the June document accounted for the difference in the counts (Exhibit 13, pp. 80-81).

INVESTIGATOR'S NOTE: Diesel recordkeeping practices had nothing to do with the difference in the number of starts. The difference in starts is attributed to the fact that in April, GPC used BOCKHOLD's selected number of starts, supposedly "verified" by CASH from Control Room Logs, from March 20, 1990 to April 6, 1990. In June, GPC used QA's (SAER) starts, from updated diesel records, with a QA defined starting point of the counts.

13. BOCKHOLD stated that the way the definition of the end of the test program affected the difference in the April data versus the June data was that, "If you start the count at a different point you're going to come up with a different number" (Exhibit 13, p. 81).

INVESTIGATOR'S NOTE: The cover letter of the June 29, 1990, revision to the LER would lead the NRC reader to believe that, because the definition of the end of the test program as defined by QA in the June 29, 1990, cover letter is different that the definition picked by GPC in their April documents, there was a difference in EDG start counts. The fact is that in April, no one involved with issuing the documents had defined the end of the test program at all--GPC was just using BOCKHOLD's selected, supposedly verified, numbers in both documents, without regard to defining the starting point.

14. BOCKHOLD stated that he did not know who prepared the cover letter for the June 29, 1990, revision to the LER (Exhibit 13, p. 83).
15. BOCKHOLD stated that he did not recall being involved in the preparation of the June 29, 1990, cover letter, but that he probably reviewed it, and

did not recall anything "jumping out" at him as being wrong with the cover letter (Exhibit 13, p. 84).

16. BOCKHOLD stated to OI, on November 23, 1993, while reviewing the transcript of his June 22, 1993, testimony to NRC, that, to his recollection, neither HAIRSTON, SHIPMAN, nor McCOY had ever asked him to explain to them how he arrived at his 18 and 19 starts for the April 9, 1990, presentation to NRC. He stated that if they would have asked, he would have told them the same thing he told NRC, that the numbers were verified as being correct by CASH (Exhibit 95).
17. CASH stated that he did not participate in the preparation of Revision 1 to LER 90-006 (Exhibit 9, p. 13 and Exhibit 10, p. 77).
18. CASH stated, in his August 14, 1990, OSI testimony, that he never had to go out and reverify his diesel start counts (Exhibit 9, p. 12).
19. SHIPMAN stated that he was involved with review of the evolution of the drafts of the revision to the LER, dated June 29, 1990 (Exhibit 39, p. 64).
20. SHIPMAN stated that he had no specific recollection of his review of the letter of transmittal to the revision of the LER, but that it was, at one time or another reviewed by him (Exhibit 39, p. 65).
21. SHIPMAN advised that, not from his review, but from his current reading of the cover letter to Revision 1 of the LER, that the "difference" that is being addressed in the cover letter is the difference in the number of successful starts as stated in the LER as compared to the number as stated in Revision 1 to the LER (Exhibit 39, pp. 65-66).
22. SHIPMAN advised that the only knowledge that he had regarding the source of the 18 and 19 start count numbers that were presented on April 9, 1990, was that he had read that CASH reviewed the operator's log and made the count (Exhibit 39, p. 66).
23. SHIPMAN stated that the Unit Control Logs are part of the diesel data keeping system. He stated that "we know, after the fact, not at the time, that it was not well done." He stated that he believed that BOCKHOLD had no knowledge at the time that the operator's logs had problems (Exhibit 39, p. 68).
24. SHIPMAN stated that he had no knowledge that the end of the comprehensive control test program was a factor in BOCKHOLD's or CASH's original retrieval of those EDG start numbers (Exhibit 39, p. 68).
25. SHIPMAN stated that the initials "HWM" on the cover letter to Revision 1 of the LER belong to Harry MAJORS, but that he had no knowledge that MAJORS played a significant role in drafting the cover letter (Exhibit 39, pp. 68-69).
26. SHIPMAN stated that the March 20, 1990, event itself was memorable, but the LER for the diesel is like all other LERs, and GPC puts the same emphasis on every one of them (Exhibit 39, p. 71).

27. AUFDENKAMPE stated that shortly after the LER was issued, GPC realized that the statement about 18 consecutive starts was incorrect (Exhibit 38, p. 20).
28. AUFDENKAMPE stated that it was only about a 10-day period after the issuance of the April 19, 1990, LER that the VEGP site people sent a draft revision of the LER to Corporate in Birmingham (Exhibit 38, pp. 20-21).
29. AUFDENKAMPE stated that he did not recall even seeing the cover letter to Revision 1 to the LER before it was issued (Exhibit 38, p. 115).
30. AUFDENKAMPE stated that TROCINE told him to just clarify in the cover letter to the revision, that GPC is correcting the April 9, 1990, letter and the April 19, 1990, LER (Exhibit 38, p. 125).
31. STRINGFELLOW advised that WEBB called him and told him that the LER may have to be revised because of the diesel counts. He said he got aggravated because he thought they had the starts straightened out and had the accurate information in the April 19, 1990, LER. He said that at the time of the LER and the indication that there was going to have to be a revision, he could not understand why it was so difficult to count diesel starts. STRINGFELLOW indicated that now, based upon trying to reconstruct the situation, he understood the problems with the ambiguity in what was being counted and the number of different logs out there (Exhibit 30, pp. 22-23).
32. STRINGFELLOW stated that he had only a very early involvement in the drafting of the June 29, 1990, revision to the LER, and then he turned it over to MAJORS (Exhibit 30, p. 83).
33. TROCINE stated that she was at VEGP from June 11-15, 1990, acting as the NRC resident inspector while the regular residents were at a training session. TROCINE said she did not recall a specific conversation with any GPC employee in which she was supposedly notified of a mistake in the EDG start counts in the GPC LER regarding the SAE (Exhibit 24, p. 1).
34. 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).
35. McCOY stated that the purpose of the revision to the LER was to, "revise the report and to clarify the information related to the number of successful diesel starts as discussed in the Georgia Power letter of April 9, 1990, and the LER dated April 19, 1990, and to update the status of the corrective actions in the LER" (Exhibit 29, p. 61).
36. McCOY stated that he did not know a date or time when the comprehensive control test program was completed (Exhibit 29, p. 62).
37. McCOY stated that when the revision to the LER went out on June 29, 1990, the reasons given in the cover letter for the differences in the starts were correct. He stated that this was based upon a QA audit in which he had confidence (Exhibit 29, p. 65).

38. McCOY, in response to a question about whether he knew about poor diesel recordkeeping practices at VEGP prior to the audit, stated that he did not. He then proceeded to discuss his notes from a July 13, 1990, exit meeting with NRC in which HUNT, had no violations and no concerns about the information provided on the diesels regarding the SAE. He explained that if the NRC had any problems with the DG logs, or the diesels themselves, as of July 13, 1990, he believed that would have been addressed by HUNT in that exit meeting (Exhibit 80, pp. 67-69).
39. HAIRSTON advised that there were several reasons for the issuance of the June 29, 1990, revision to the LER, but that his reason was to correct an error in the count data in the April 19, 1990, LER, that was pointed out to him, in mid-May, by either McCOY or SHIPMAN (Exhibit 31, pp. 76-77).
40. HAIRSTON advised that the QA audit that was done regarding the diesel starts, prior to the issuance of the revision to the LER, was ordered to be done by him (Exhibit 31, p. 77).
41. HAIRSTON stated that he did not know if the auditor, FREDERICK, talked to either BOCKHOLD or CASH about how they arrived at the start data (Exhibit 31, p. 77).
42. HAIRSTON advised that he recalled reviewing the report of that audit, and that, "Whatever the audit said was what I knew. I didn't know any more than that" (Exhibit 31, p. 77).
43. HAIRSTON stated that he specifically remembered that he asked for the audit to find out what the correct number of starts was, to find out, "why we couldn't get the numbers straight," and to give him the results in a formal report (Exhibit 31, p. 78).
44. HAIRSTON said that he had a very specific reason why he wanted the results in a formal report, and it was because when he saw the original draft of the revision to the LER, the diesel count numbers had changed from what were in the original LER. He stated that they were 12 and 14, or 14 and 15. He stated that he called EBNETER on May 24, 1990, and told him that the diesel start count numbers in the April 19, 1990, LER were incorrect, and that he (HAIRSTON) was going to give EBNETER two revisions to the April 19, 1990, LER. He stated that one revision would give him (EBNETER) the correct number of starts, and the other would provide the lab test data on the temperature switches (Exhibit 31, pp. 78-79).
45. HAIRSTON stated that when he received a draft of a revision to the LER on June 8, 9, or 10, 1990, it had both the lab results and diesel start counts in it. He advised that the counts at that point were 10 and 12. He stated that right at that point he went to SHIPMAN, and they got the QA representative at the VEGP site on the phone and ordered the audit (Exhibit 31, pp. 79-80).
46. HAIRSTON advised that these events were so memorable to him because he did not like errors in documents that went to NRC, and that he wanted to make sure that all the pertinent NRC people, EBNETER, BROCKMAN, and the NRC resident inspector at VEGP, were all made aware of the fact that the

April 19, 1990, LER was incorrect. He presented copies of telephone records that he stated showed his calls to NRC (Exhibit 31, pp. 80-81).

47. HAIRSTON stated that, although the March 20 event was, "a very important event," the finalizing and signing out of the April 19, 1990, LER for that event is the same thing he did, "three hundred...days out of the year." He said that it was routine business. He stated, however, that when he found that there was an error in something he signed out, he wanted to make sure that EBNETER knew about it (Exhibit 31, p. 83).
48. HAIRSTON advised that, in his June 14, 1990, call to EBNETER, he told EBNETER that he was going to have an audit done, and that a copy of the report would be given to the resident inspector (Exhibit 31, p. 84).
49. 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. He 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).
50. HAIRSTON stated that the reason that diesel recordkeeping practices was a cause for the difference between the April 9, 1990, and April 19, 1990, numbers versus the June 29, 1990, numbers, is that if the diesel log would have been current, the individual doing the count would have used that log, instead of having to go to the Control Logs. HAIRSTON related that he wouldn't have made the mistake (Exhibit 31, p. 98).
51. BAILEY stated that he reviewed the June 29, 1990, revision to LER 90-006 before it was issued. He stated that he recalled that it was processed, sent through the signature chain, and HAIRSTON said he wanted a QA audit of diesel starts before the revision was to be issued, and the audit was accomplished before it went out to NRC (Exhibit 28, pp. 42-43).
52. BAILEY stated that if there had not been the need to correct the inaccuracies in the diesel starts, the revision to the LER would not have been issued at that time, but in the process of issuing the revision, GPC addressed some additional items that had been completed during that time (Exhibit 28, p. 43).
53. FREDERICK stated that he recalled that after the LER regarding the SAE was issued, MOSBAUGH expressed a concern about the diesel start numbers in the April 9, 1990, letter and the April 19, 1990, LER, and that this concern was addressed in the PRB (Exhibit 40, pp. 26-27).
54. FREDERICK advised that after the LER was issued, the PRB was presented with documents that centered on a question raised as to the number of successful starts subsequent to the test program. He stated that this was the first time he had been involved in looking at diesel start records. He stated that he had difficulty with what was an accurate count of the starts, based upon the various lists that were being presented (Exhibit 40, pp. 33-34).

55. FREDERICK advised that, based on the fact that the PRB could not arrive at an agreement on a number of starts, he was asked by his supervisor, AJLUNI, to perform an audit to determine the number of diesel starts since the March 20, 1990, event (Exhibit 40, p. 35).
56. FREDERICK stated that he did not recall any other direction from AJLUNI other than just to find out what the proper number should be. He stated that he decided on his own, from his attendance at the PRB, that the end of the control test program needed to be defined, so he decided that point was the point at which the diesel was declared operable (Exhibit 40, pp. 36-37).
57. FREDERICK stated that during the audit he talked to CASH, but did not ask him when he started his count. He advised that 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).
58. FREDERICK stated that he did not recall having any conversations with MAJORS about the cover letter to the revision to the LER, but that he may have (Exhibit 40, p. 46).
59. 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).
60. FREDERICK is present with MOSBAUGH, GREENE, ODOM, WEBB, on a phone conversation with MAJORS in which MAJORS says that HAIRSTON personally "zeroed in" on the words in the revision to the LER about attributing the difference in diesel counts to the diesel record keeping practices (Exhibit 57, p. 59).
61. FREDERICK stated that he had no indication that his audit was ordered to formalize what was already known, namely that there was a problem tracking down the diesel test data sheets and updating the diesel start log, so that a formalized conclusion could be used as a reason for the difference in start numbers (Exhibit 40, pp. 48-50).
62. FREDERICK, on June 12, 1990, tells MOSBAUGH that in the audit he is not only supposed to find the numbers, but he is supposed to find why the discrepancy exists (Exhibit 98, p. 24).
63. MAJORS advised that when he was preparing the June 29, 1990, revision to the April 19, 1990, LER, he reviewed the slides that were presented to NRC on April 9, 1990, but he did not specifically recall reviewing the DIESEL TESTING slide at that time (Exhibit 42, p. 7).
64. MAJORS stated that, in his preparation of the June 29, 1990, revision to LER 90-006, he tried to determine the point at which the test program was completed, because that is when he wanted to start the diesel count. He stated that he did not talk to BOCKHOLD about his definition of when the test program ended (Exhibit 42, pp. 15-16).

65. MAJORS stated that his responsibilities in putting the revision to the LER together were more those of just putting the language together, getting the necessary reviews done, and then putting it in a form for HAIRSTON's signature. He advised, however, that he always feels some responsibility to personally check things as thoroughly as he could. He said that, with this LER revision, he felt that it was important that he understand the basis for the numbers (Exhibit 42, p. 16).
66. MAJORS stated that he did not know of any wording that was put in the cover letter to the LER revision by HAIRSTON. He stated that he was not sure if McCOY put any wording in that cover letter. He stated that McCOY wanted something in the cover letter that mentioned the causes of the differences in counts (Exhibit 42, pp. 17-18).
67. 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).
68. 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).
69. 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 disclaimer at a later point, but that sounded like something he would say (Exhibit 42, pp. 20-21).
70. MAJORS stated, on June 29, 1990, the terminology, "The discrepancy is attributed to diesel start record keeping practices" was a "George 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).
71. McDONALD stated that he did not recall if he was involved in the review or preparation of the revision to LER 90-006, dated June 29, 1990, but that he would probably get an early draft of "things like this" and read it over and talk to HAIRSTON if he had any comments on it (Exhibit 48, p. 10).
72. McDONALD stated that he would only receive early drafts of those LER's "that had some unusual type of situation or an area where I might...have special expertise" (Exhibit 48, p. 11).
73. McDONALD advised that the reason the revision to the LER was issued was because there were some questions about the accuracy of some of the

information. He advised that the correction of that information was important to him (Exhibit 48, p. 13).

74. GREENE advised that, in the first week of May 1990, when he returned from senior reactor operator training to his job as assistant GM, Plant Support, VEGP, he also returned to his position on the PRB, and, as such, recalled reviewing drafts of the revision to LER 90-006, which was eventually dated June 29, 1990 (Exhibit 47, pp. 11-12).
75. GREENE stated that he was sure that he would probably have seen the cover letter to the LER revision with the words, "The difference is attributed to diesel start record keeping practices and the definition of the end of the test program." He stated that he probably would not have commented with any significance because he had no knowledge of how the test program was set up at the time (Exhibit 47, p. 16).
76. GREENE advised that he did not recall MOSBAUGH voicing any concerns to him about diesel recordkeeping practices not having any bearing on the inaccuracy in the April 19, 1990, LER (Exhibit 47, pp. 16-17).
77. GREENE stated that back in the June 1990 time frame, he did not know from which source documents the diesel counts had been made, and did not know who had made the count (Exhibit 47, pp. 17-18).
78. GREENE advised that he had no knowledge of whether CASH was concerned about a control test program when CASH went to count the starts (Exhibit 47, p. 24).
79. GREENE identified himself, MOSBAUGH, WEBB, FREDERICK, and MAJORS (Exhibit 47, pp. 25-28) on Tape 187 Side B (Exhibit 57), starting at page 39 of the associated transcript (Exhibit 58, p. 39). The conversation pertains to MOSBAUGH's concern that the body of the LER revision "changes apples to oranges" by counting only valid tests through a different time period than the original LER, and also that the cover letter to the LER revision is attributing the difference in counts between the original LER and the Revision to diesel recordkeeping practices. Part of this conversation included GREENE changing the word "discrepancy" to "difference" in the cover letter, because "the word discrepancy implies that there was mistakes and errors made previously" (Exhibit 58, pp. 55-56).
80. GREENE stated that he did not recall that conversation on Tape 187, Side B, but, from listening to it (Exhibit 58, pp. 55-56), he had no doubt that he changed the word "discrepancy" to "difference" in the cover letter, but that even MOSBAUGH apparently agreed that "difference" was a better word to use than "discrepancy" (Exhibit 47, p. 33).
81. GREENE advised that he has never discussed with either BOCKHOLD or CASH whether or not either one of them started their diesel counts subsequent to any control test program (Exhibit 47, p. 31).
82. GREENE stated that the two reasons given in the cover letter to the revision to the LER for the "difference" in the data from the original LER, were "consistent" (Exhibit 47, p. 35).

Conclusion

Based upon the evidence developed during the investigation, it is 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.

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.

Background

On August 30, 1990, GPC, under signature of McCOY, submitted a letter to NRC captioned VOGTLE ELECTRIC GENERATING PLANT CLARIFICATION OF RESPONSE TO CONFIRMATION OF ACTION LETTER. This letter stated that, "The confusion in the April 9, 1990, letter and the original LER appear to be the result of two factors. First, there was confusion in the distinction between a successful start and a valid test. Second, an error was made by the individual who performed the count of DG starts for the NRC April 9, 1990, letter."

As it has been shown in the Evidence and Review and Analysis of Pertinent Documents sections of the previous allegations in this investigation, and will be shown in the Evidence section of this issue, there was no confusion in the minds of either CASH or BOCKHOLD between successful starts and valid tests when they obtained and presented the data that was used in the April 9, 1990, letter and presentation. And, although some more realistic and appropriate determinations of successful starts were made by VEGP site personnel in the Tables attached to this August 30, 1990, letter, the only "mistake" CASH admits to making, based upon the extremely limited instructions given to him by BOCKHOLD at the time CASH made his count, had nothing to do with his interpretation of which starts were successful or not. CASH only admits to making the mistake of possibly duplicating one start on his list of starts on the 1B DG.

Summary

OI RII interviewed AUFDENKAMPE, BAILEY, BOCKHOLD, CASH, FREDERICK, GREENE, HAIRSTON, McCOY, McDONALD, SHIPMAN, and STRINGFELLOW concerning their knowledge of this allegation. The pertinent testimony provided by these individuals is documented in the Evidence section related to this allegation.

Review and Analysis of Pertinent Documents

OI reviewed a draft of the August 30, 1990, letter (Exhibit 46) that was dated August 28, 1990, with a handwritten note addressed to the PRB, by BOCKHOLD, saying, "Please review and recommend approval, or provide comments today." The differences between this draft and the final August 30, 1990, letter are another indication of how GPC, in this case BOCKHOLD, tries to conceal or obfuscate, any information or words that attempted to show that GPC has done something wrong.

In the first paragraph of the draft, the last two sentences specifically pointed out that DG 1B had problems on starts 132 and 134, and that there were more starts conducted than the number reported. BOCKHOLD in a PRB, directed that those sentences be eliminated.

The word "errors" was the second word in the third paragraph of the draft. BOCKHOLD ordered that word changed to "confusion," so that the starting phrase of the third paragraph read, "The confusion in the April 9th letter..." instead of "The errors in the April 9th letter..."

Evidence

1. BOCKHOLD advised that he did not participate in the drafting of the August 30, 1990, Letter from GPC to NRC that purportedly clarified the original GPC April 9, 1990, letter, and that he did not participate in the preparation of the tables attached to this August 30, 1990, letter (Exhibit 13, pp. 84-85).
2. BOCKHOLD stated that he did not recall participating in a VEGP PRB meeting in which he directed changes to this August 30, 1990, letter (Exhibit 13, p. 85).
3. BOCKHOLD stated that he normally reviewed every final draft letter that went out of the site, but he did not recall reviewing or approving this letter (Exhibit 13, p. 86).
4. It was shown to BOCKHOLD that the first reason, as stated in the August 30, 1990, letter, for the confusion between the April 9, 1990, letter and the April 19, 1990, LER was because there was confusion in the distinction between a successful start and a valid test. BOCKHOLD stated that, in his mind, there has not been confusion between a successful start and a valid test (Exhibit 13, p. 87).
5. BOCKHOLD stated that there was a lot of confusion between a successful start and a valid test, starting with CASH back at the April 9, 1990, presentation. He advised that CASH informed him that the starts he (CASH) counted were not all valid tests, and for CASH to bring that issue up, he (CASH) must have thought there could have been confusion about it in other people's minds (Exhibit 13, p. 87).
6. When reminded that both the April 9, 1990, letter and the April 19, 1990, LER referred only to successful starts and not valid tests, BOCKHOLD advised that the confusion arose when people who normally count only valid tests got involved in counting successful starts (Exhibit 13, p. 88).

INVESTIGATOR'S NOTE: The fact is that both BOCKHOLD and CASH were very clear, on the weekend of April 7-8, 1990, that they were not counting strictly valid tests. Additionally, the difference between a successful start and a valid test does not even apply to the differences between the April 9, 1990, letter and the April 19, 1990, LER, because both documents referred only to successful starts.

7. When shown that the second reason, as stated in the August 30, 1990, letter, for the confusion between the April 9, 1990, letter and the April 19, 1990, LER was that there was an error made by the individual that counted the DG starts for the April 9, 1990, letter, BOCKHOLD stated that he assumed that the error was that CASH had counted some failures as successful starts (Exhibit 13, p. 88).
8. BOCKHOLD stated that his reading of the August 30, 1990, letter indicated that the confusion mentioned in the letter was not that the NRC was confused, and not that confusion existed between the NRC and GPC, but that there was confusion within GPC. He stated that, "Our [GPC] communications was not clear enough on diesel starts and successful starts and valid tests and -- and we did not have -- we did not realize how difficult it was to come up with the right set of tables and numbers associated with those things" (Exhibit 13, pp. 89-90).
9. 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).
10. CASH stated that he was not involved in the preparation of the GPC letter to NRC dated August 30, 1990, nor the tables of diesel starts that were attached to the letter (Exhibit 10, p. 83).
11. CASH stated that there was no confusion in his mind about what kind of diesel starts to count when he was doing his count for BOCKHOLD's presentation (Exhibit 10, p. 84).
12. CASH stated that he did not make any mistakes about what kind of starts he was counting at the time he did his count for BOCKHOLD before the April 9, 1990, presentation (Exhibit 10, p. 91).
13. CASH stated that he did not recall anyone from GPC ever discussing with him the fact that he made an mistake, or what kind of a mistake it was (Exhibit 10, p. 92).
14. SHIPMAN advised that he would have reviewed the August 30, 1990, letter of clarification from GPC to NRC as he had reviewed the other cover letters and bodies of LERs (Exhibit 39, p. 74).
15. SHIPMAN stated that he did not remember any specifics of his review of the August 30, 1990, letter (Exhibit 39, p. 76).
16. SHIPMAN advised that he did not recall discussing this letter with McCOY before McCOY signed it for HAIRSTON (Exhibit 39, p. 76).
17. STRINGFELLOW stated that the August 30, 1990, letter was a detailed listing of diesel starts between March 20, 1990, and April 9, 1990,, that cleared up any questions in anyone's mind about the diesel starts during that period, and that was the purpose of that letter (Exhibit 30, pp. 27-29).

18. STRINGFELLOW stated that when the NRC was at VEGP for their OSI during August 1990, he recalled McCOY directing him to write a letter to NRC clarifying the April 9, 1990, letter (Exhibit 30, pp. 85-86).
19. STRINGFELLOW advised that he started with the QA report on diesel starts, and discussed the report with AJLUNI, FREDERICKS, McCOY, and RUSHTON, and he came up with a first draft of the letter. He said that he distributed the draft letter to those folks he talked to for their review and comment. He said the letter went through several sets of comments, and it got to the point where he sent it to the site for their review (Exhibit 30, p. 86).
20. STRINGFELLOW said that he had developed two sets of tables, based upon the QA report, that were attached to the letter, and that the site did their own verification of the tables. He advised that the site sent their reviewed copy of the letter, with their own tables attached, and that was what McCOY ultimately signed out (Exhibit 30, pp. 86-87).
21. STRINGFELLOW advised that the tables that came back from the site characterized starts 132, 134, and 136 (on the 1B DG) as being not successful, when he had characterized them as successful when he had sent them to the site (Exhibit 30, p. 87).
22. STRINGFELLOW stated that, to the best of his knowledge, the reasons stated in the letter for the incorrect information provided to NRC in the April 9, 1990, letter are correct. He stated that he did not have first-hand knowledge that the reasons were correct, but the letter was prepared from his discussions with McCOY, FREDERICK, AJLUNI, and RUSHTON (Exhibit 30, pp. 88-89).
23. AUFDENKAMPE stated that he did recall being at the PRB when the August 30, 1990, letter was discussed, because HORTON had stayed at the plant until 3:00 or 4:00 a.m., checking the Tables attached to this letter, before he would vote in the PRB on it (Exhibit 38, pp. 129-130).
24. AUFDENKAMPE stated that there wasn't confusion between a successful start and a valid test, but rather there was confusion about exactly what we were counting, and when we started to count (Exhibit 38, pp. 130-131).
25. AUFDENKAMPE said that he thought CASH's mistake was that he didn't count failures, that if a diesel would have tripped a minute after it had started, CASH would have counted that as a success (Exhibit 38, pp. 131-132).
26. McCOY stated that he did recall reading and signing the August 30, 1990, letter of clarification of the April 9, 1990, letter, from GPC to NRC (Exhibit 29, p. 77).
27. McCOY stated that he could not speculate on whether or not there was any confusion in the mind of CASH, with respect to valid tests versus successful starts, when CASH went to get his data. He said that he did not have any basis for speculation on that (Exhibit 29, p. 79).

INVESTIGATOR'S NOTE: McCOY talks about all the confusion in everyone's mind between valid tests and successful starts, but he never determined if there was confusion in the mind of the person (CASH) retrieving the data. There may have been some confusion in other people's minds, but that was not a reason that the data in the April 9, 1990, letter was inaccurate. CASH stated he was not going after valid tests. CASH has continuously maintained that there was no confusion in his mind between a successful start and a valid test. Yet, without having "any basis" to "speculate" on whether there was any confusion in CASH's mind, by signing the August 30, 1990, letter out, McCOY was content to tell NRC that this general "confusion" is one of the reasons for the problem with the diesel test data in the April 9, 1990, letter.

28. McCOY stated that CASH's "error," as is stated in the second reason, in the August 30, 1990, letter, for the inaccuracy in the DG test data in the April 9, 1990, letter, was that he counted one start as successful, when it really should have been counted as unsuccessful. He stated that there are still some differences in professional opinion about whether that test was successful or not (Exhibit 29, p. 80).
29. McCOY advised that the confusion could have been avoided if BOCKHOLD would have made clear in the April 9, 1990, presentation what he meant by successful start (Exhibit 29, p. 83).
30. HAIRSTON stated that the individual who made the count of 18 and 19 starts originally, had made an error in his count. He stated he was not sure if that individual has ever been able to explain how he made the error. He stated that, on the 1B DG, "somewhere in the first part of those runs there was a trip that he did not count, that he missed when he went through all the logs or whatever he counted missed that." He advised that was his understanding of the error, but that he had not personally interviewed him (CASH) (Exhibit 31, p. 90).

INVESTIGATOR'S NOTE: HAIRSTON said that the original LER was a routine thing, yet he personally interviewed the plant equipment operator to get an understanding of the operator's actions at the diesel. He said that this revision to the LER was a memorable thing to him because he was correcting inaccurate data, but he doesn't personally interview the individual (CASH) that obtained the data that supposedly caused the inaccuracy.

31. HAIRSTON advised that, to the best of his knowledge, he had nothing to do with the preparation or review of the August 30, 1990, GPC letter of clarification to NRC. He stated that he believed that he was out of the office when it was signed out (Exhibit 31, p. 94).
32. BAILEY stated that there was no confusion in his mind between a valid successful start and a successful start (Exhibit 28, pp. 10-11).
33. BAILEY stated that he had no involvement in the August 30, 1990, letter to NRC. He stated that STRINGFELLOW worked with McCOY on the development of that letter (Exhibit 28, p. 53).

34. FREDERICK stated that he participated as an interface with the leader of the NRC OSI, and he helped keep track of the concerns of the NRC and the position of GPC with regard to those concerns. He stated that if that information was used in the preparation of the August 30, 1990, letter, he would have been involved, but other than that, he had no involvement (Exhibit 40, p. 67).
35. FREDERICK stated that there was no confusion in his mind between a successful start and a valid test. He stated that he had no knowledge that there was any confusion in BOCKHOLD or CASH's minds regarding successful starts and valid tests, either (Exhibit 40, p. 68).
36. FREDERICK stated that the letter is poorly worded, and did not express what the confusion really was, but it was his belief that the confusion was between GPC and NRC (Exhibit 40, p. 72).
37. FREDERICK advised that the mistake that CASH made regarding one start on the 1B diesel. He counted it as successful, and when TAYLOR, NRC questioned it during the OSI, our diesel engineers agreed that it should have been counted as an unsuccessful start. (Exhibit 40, p. 73).
38. MAJORS stated that he had no involvement with the preparation or review of the August 30, 1990, letter from GPC to NRC regarding the clarification of the April 9, 1990, letter (Exhibit 42, p. 35).
39. McDONALD stated that he did not recall having any part in the preparation or review of the GPC August 30, 1990, letter of clarification to NRC regarding the GPC April 9, 1990, letter (Exhibit 48, p. 17).
40. McDONALD stated that there were many calls back and forth between HAIRSTON and EBNETER, and McCOY and whoever was his counterpart at NRC RII at the time, about the information in this letter (Exhibit 48, pp. 17-18).
41. When asked what, to his knowledge, the "confusion" (as stated in the August 30, 1990, letter) was between successful starts and valid tests that caused the inaccuracy in the April 9, 1990, letter, McDONALD stated that he was not even going to try to answer that, because it required a great deal of familiarity with it, and it had been 3 years since it happened, and he couldn't provide those definitions at this point (Exhibit 48, p. 19).
42. McDONALD stated that, to this day, he has not talked to BOCKHOLD or CASH about how they arrived at the data for the April 9, 1991, presentation, and that he has not asked any of the other managers in his chain of command about that issue (Exhibit 48, pp. 19-20).
43. McDONALD stated that he did not know what kind of an error CASH made in counting the starts (Exhibit 48, p. 20).
44. GREENE advised that, to his knowledge, the GPC letter of clarification to NRC, dated August 30, 1990, was drafted as "we" draft all regulatory documents and then given to the PRB for review (Exhibit 47, p. 35).

45. GREENE advised that the reason behind the August 30, 1990, letter was that the NRC OSI didn't feel that the April 9, 1990, letter had been corrected properly. He stated that GPC's efforts in the August 30, 1990, letter were to recount GPC's understanding, as of August 30, 1990, how we believed the counts were done. He stated that he could not see any relation between the "difference" in the revision to the LER, and the "confusion" in the August 30, 1990, letter (Exhibit 47, pp. 36-37).
46. GREENE stated that, to his knowledge, BOCKHOLD has never presided over a PRB meeting. He stated that BOCKHOLD has attended some PRB meetings, but has never presided over one. He stated that he could not specifically recall whether BOCKHOLD was present at a PRB that discussed the August 30, 1990, letter or not (Exhibit 47, pp. 40-41).
47. GREENE stated that a copy of a draft of the August 30, 1990, letter (Exhibit 46) appeared to contain BOCKHOLD's handwritten note "Please review and recommend approval or provide comments today. G. Bockhold." It was shown to GREENE that the draft (Exhibit 46) contained two sentences at the end of the first paragraph which read, "...in that DG 1B had problems on start numbers 132 and 134 as indicated on Table 2 attached to this letter. Furthermore, there were more starts conducted than the number reported." It was noted by GREENE that the final version of the August 30, 1990, letter did not contain those two sentences. GREENE volunteered that if you looked at the table, there was clearly a "no" under the "SUCCESS" column, so the information that was in the draft of the letter was already in the table (Exhibit 47, pp. 41-42).

INVESTIGATOR'S NOTE: After it was pointed out to GREENE that the final version did not contain the sentences, and before he was even asked if he knew anything about how those sentences were eliminated, GREENE volunteered basically the same comments and rationale, 3 years later, as he and BOCKHOLD made in a late August 1990 PRB meeting when they eliminated those sentences from the letter, over the objections of AUFDENKAMPE (Exhibit 60, pp. 29-32). And then, in his 1993 interview, GREENE stated that he had no recollection of why those words were removed (Exhibit 47, p. 43).

48. GREENE stated that he had no recollection of why those words were removed (Exhibit 47, p. 43).
49. GREENE was asked if he had a philosophy of not including words, in documents that are to go to NRC, that would indicate problems or inaccuracies, and if he was concerned about making those words seem less problematic. He stated that his philosophy was to tell the truth, but that "we" were concerned about economy of words because, "we have to keep in mind that certain data bases kept certain parts of the information and certain data bases don't catch all of it...We only have so many lines to put things in" (Exhibit 47, p. 44).

INVESTIGATOR'S NOTE: GREENE actually states that the reason that GPC is not fully explanatory in their correspondence to NRC is because their data bases will not hold enough words!

Conclusion

Based upon the evidence developed in this investigation, it is concluded that McCOY, with, at a minimum of careless disregard, submitted both a false and a misleading statement in the GPC CLARIFICATION OF CONFIRMATION OF ACTION RESPONSE letter to NRC, dated August 30, 1990. These false and misleading statements pertained to the reasons why the statement of diesel testing in the GPC Confirmation of Action Response letter, dated April 9, 1990, was inaccurate.

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

Background

In the April 9, 1990, GPC Confirmation of Action response letter, on page 3, item No. 4, it states, "GPC has reviewed air quality of the D/G air system including dewpoint control and has concluded that air quality is satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation."

In the NRC OSI at VEGP in August 1990, DG air quality was inspected by NRC and determined to be satisfactory, so this issue was not addressed in the OI interviews in this investigation. However, MOSBAUGH has alleged all along that the aforementioned statements in the April 9, 1990, letter were false. During the course of the investigation it was determined, from review of MOSBAUGH's tapes, that on April 9, 1990, BOCKHOLD had knowledge that high dewpoint readings continued to exist on Unit 2 diesels, having heard about a bad reading on the day before his presentation to NRC, and being made aware of a bad reading on the 2A EDG on April 11, 1990.

Summary

OI RII interviewed MOSBAUGH regarding knowledge of this allegation. In addition, OI RII reviewed the audio tape containing BOCKHOLD's discussion of the dewpoint readings on the Unit 2 diesels. The pertinent testimony provided by MOSBAUGH and the information contained in the audio tape are documented in the Evidence section related to this allegation.

Evidence

1. MOSBAUGH stated that diesel control air quality and dewpoint control continued to be a problem at VEGP at the point of the April 9, 1990, presentation and letter, and the April 19, 1990, LER, and that BOCKHOLD knew it on the very day he made his presentation to NRC on April 9, 1990. MOSBAUGH stated that the air dryers would be out of service for extended periods of time with no dewpoint readings even being taken, and that GPC continued to get dewpoint readings, with good instrumentation, that would exceed the minimum acceptance criteria. MOSBAUGH also stated that there was an extremely poor maintenance history on the air dryers (Exhibit 6, pp. 163-177).
2. The April 9, 1990, GPC letter requesting restart, also stated, on page 3, item #4, that "GPC has reviewed air quality of the D/G air system

including dewpoint control and has concluded that air quality is satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation" (Exhibit 27, p. 3)

3. On April 11, 1990, BOCKHOLD stated in a conversation with his VEGP engineers, KOCHERY, STOKES, and HORTON that he knew about a bad dewpoint reading on the 2A EDG on the day before he made his presentation to NRC (Exhibit 66, p. 51).
4. This bad dewpoint reading was not attributed to faulty instrumentation by BOCKHOLD, or the VEGP engineers with whom he discussed this issue (Exhibit 66, pp. 50-53).
5. BOCKHOLD was aware of what the April 9, 1990, letter to the NRC said about EDG air quality and dewpoint readings (Exhibit 66, pp. 40-41).
6. BOCKHOLD discusses, with MOSBAUGH and other VEGP engineers, the past poor VEGP preventative maintenance (PM) practices regarding the EDG control air dryers, and the fact that VEGP is not meeting its FSAR requirements regarding dewpoint control, and how that applies to what GPC said in the April 9, 1990, letter about air quality being satisfactory (Exhibit 66, pp. 43-46).

Conclusion

Based upon the evidence developed in this investigation, it is concluded that 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 the VEGP, Unit 2 EDGs 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 VEGP EDG was 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.

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.

Background

In GPC's April 1, 1991 response to NRC, signed and sworn to by McDONALD regarding a 2.206 Petition submitted to NRC by MOSBAUGH and HOBBY, it was stated with respect to the April 19, 1990, LER, "The wording was revised by corporate and site representatives in a telephone conference call late on April 19, 1990. Although Hairston was not a participant on this call, he had every reason to believe the final draft LER presented to him after the call was accurate and complete."

Summary

OI RII interviewed MOSBAUGH AND McDONALD regarding their knowledge of this investigation. In addition, OI RII reviewed the audio tapes of conversations involving HAIRSTON on April 19, 1990. The pertinent information obtained from the interview and review of the audio tape are documented in the evidence section regarding this allegation.

Review and Analysis of Pertinent Documents

OI review of the GPC "White Paper," dated August 22, 1990, captioned Response to NRC Question Concerning Diesel Starts Reported on April 9, 1990, and in LER 09-06, Revisions 0 and 1, indicated that GPC said that BOCKHOLD, MOSBAUGH, AUFDENKAMPE, and SHIPMAN were believed to be on the "phonecon" in which the "final" revision of LER 90-06, Revision 0 was prepared (Exhibit 44).

Evidence

1. On April 19, 1990, the final revisions to LER 90-006 were made on an afternoon phone call in which the participants were BOCKHOLD, MOSBAUGH, AUFDENKAMPE, SHIPMAN, McCOY, STRINGFELLOW, and HAIRSTON (Exhibit 36, pp. 8-12).
2. On April 19, 1990, subsequent to the phone call in which the final revisions were made to LER 90-006, there was a phone call involving SHIPMAN, STRINGFELLOW, MOSBAUGH, and AUFDENKAMPE in which these final revisions were discussed, but no additional revisions were made. BOCKHOLD was not on this call (Exhibit 36, pp. 20-26).
3. As of at least August 22, 1990, GPC was referring to a phone call in which BOCKHOLD was involved when they referred to the call in which the final revision of LER 90-06, Revision 0 was prepared (Exhibit 44).
4. HAIRSTON and McCOY were both on the call with BOCKHOLD on the afternoon of April 19, 1990, when the final revisions to LER 90-006 were made (Exhibit 36, pp. 8-12).
5. MOSBAUGH stated that when he saw the GPC response to his 2.206 petition (Exhibit 55), in the Spring of 1991, he was quite shocked with some of the responses. He stated that GPC said that HAIRSTON was not on the call that revised the wording in the LER. He stated that he reviewed the duplicate portion of the pertinent tape that he had retained, and reviewed that section in detail, and clearly heard SHIPMAN say, "Just disavow" (Exhibit 6, pp. 78-79).
6. MOSBAUGH stated that in the numerous GPC responses to both NRC and DOL regarding the involvement of McDONALD, HAIRSTON, and McCOY in the April 19, 1990, LER, GPC continues to try to distance these individuals, but the GPC story keeps changing as they realize what evidence is against them (Exhibit 6, pp. 139-144).
7. McDONALD described the steps he took to assure that a voluminous document, such as the April 1, 1991, response to the 2.206 Petition, was correct and

accurate before he signed it and swore to the truth of it (Exhibit 48, pp. 22-23).

8. McDONALD advised, regarding the statement in his sworn signed response to 2.206 Petition, dated April 1, 1990, that he talked to HAIRSTON and HAIRSTON said that he (HAIRSTON) did not recall being in that discussions. He advised that HAIRSTON told him he had been in on some earlier discussions that day, but he (HAIRSTON) didn't recall being on that phone call (Exhibit 48, pp. 24-25).
9. McDONALD stated that he recalled that there were four people on that call: BOCKHOLD, SHIPMAN, MOSBAUGH, and AUFDENKAMPE. He stated that when "we" asked those people, none of them could remember that HAIRSTON was on the call. McDONALD went on to stress the importance of the last call, because if anyone has anything to say about the inaccuracy or incompleteness of the document, that was the time to say it. He added that "the important thing" was that it wasn't the next to the last conversation, or any earlier conversation (Exhibit 48, pp. 25-27).
10. McDONALD stated that the way he knew that HAIRSTON had every reason to believe that the final draft LER was accurate and complete was based on his knowledge of HAIRSTON's meticulous, "broad-scale consensus/discussion reviews," and the way he exhaustively tries to arrive at the truth. He quoted HAIRSTON as saying, "Hey, you think if I had the least hint that there was something not right in there, I'd sign it out? You're crazy!" However, when McDONALD was asked if HAIRSTON said that to him, he said that he didn't, but that he meant, "that's what he would say if you asked him about it" (Exhibit 48, pp. 27-28).

Conclusion

Based upon the evidence developed in this investigation, it is concluded that McDONALD, as the sworn signatory of the GPC Response to the MOSBAUGH/HOBBY 2.206 Petition, dated April 1, 1991, provided inaccurate information to NRC by stating in the Response that HAIRSTON was not a participant in the late afternoon conference call on April 19, 1990, in which the wording of GPC LER 90-006 was revised by corporate and site representatives. The audio tape of that conference call established that HAIRSTON was not only a participant in a portion of that call, but that he addressed the issue of EDG starts and "trips" as they applied to the LER.

It could not be established that McDONALD was aware that HAIRSTON was a party to the telephone call on April 19, 1990, and deliberately provided false information to the NRC.

Investigative Conclusion from Review of Audio Tapes

Summary

In addition to the evidence developed by OI RII and documented in the evidence sections regarding allegations 1 thru 7, OI RII conducted a review and analysis of the audio tapes which were serreptiously obtained by MOSBAUGH and contained internal conversations between various GPC senior managers. The pertinent information contained in these audio tapes which pertained to the

diesel generator issues at VEGP, are documented in the following evidence section.

Evidence

1. Tape 42: On April 11, 1990, MOSBAUGH and AUFDENKAMPE are discussing the fact that GPC found a diesel control air problem, and AUFDENKAMPE says that it is not GPC's obligation to tell NRC about it. MOSBAUGH says that if the problem is germane to what the NRC is investigating or concerned about at the time, the NRC should be told about it (Exhibit 62, p. 13).
2. Tape 269: On August 30, 1990, AUFDENKAMPE and MOSBAUGH are discussing how BOCKHOLD directed the PRB, as opposed to being advised by the PRB, regarding the wording in the August 30, 1990, letter (Exhibit 64, p. 1). Tape 184: AUFDENKAMPE's frustration shows here which is the actual PRB meeting that BOCKHOLD "ran" (Exhibit 58, pp. 29-30).
3. Tape 184: On, or about August 30, 1990, this is the PRB meeting that BOCKHOLD is directing. HORTON feels that they know what caused the errors in the April 9, 1990, letter and the April 19, 1990 LER, and he feels it should be said that way in the August 30, 1990, clarification letter. BOCKHOLD prefers to use the words, "The confusion ...appear (sic) to be the result of..." as opposed to, "The errors ... are the result of..." (Exhibit 60, pp. 33-35).
4. Tape 258: On August 17, 1990, the last day of the NRC OSI at VEGP, BOCKHOLD tells McCOY and HORTON that Pete TAYLOR (NRC) believes that GPC made a mistake in the diesel start count, but he believes it wasn't an intentional mistake. BOCKHOLD speaks in terms of what other people believe, as opposed to what the situation actually is (Exhibit 68, p. 32).
5. Tape 10: On March 23, 1990, with the NRC AIT on site at VEGP, Mark BRINEY speaks in a VEGP Critique Team meeting, and says, "I don't know whether we need to advertise that or not, but if you ever looked at the calibration process of these temperature switches, you'd say, how in the hell can we put this on...a diesel?" (Exhibit 70, p. 23)
6. Tape 10: On March 23, 1990, in the same Critique Team meeting as above, Charles COURSEY says, "In the past, how many failures have we had when the diesels were up and running and the damn things just decided to stop?" Indicates a little history of diesel problems (Exhibit 70, p. 19). Tape 258: COURSEY says, "...what he's got to calibrate is a piece of garbage [the Cal Con switches] and he knows they're all going to blow" (Exhibit 68, p. 41).
7. Tape 186: On June 29, 1990, the date of issuance of the revision to the LER, FREDERICK, ODOM, and MOSBAUGH are talking about the April 9, 1990, letter. FREDERICK says, "...and when it says no problems or failures during any of these starts, that burns you up." Showing his frustration that such a statement could be made to NRC (Exhibit 72, pp. 40-41).
8. Tape 186: In the same conversation as above, FREDERICK indicates that what is going to be said in the revision to the LER is going to dictate what he is going to have to say in his audit. In response to MOSBAUGH

asking how "they" are going to say that they should have said "subsequent to the event" in the LER, FREDERICK says, "I don't know. Harry Majors said that --I think what Harry's going to use, and that's what I got to clear up on this issue. Of course, I may have to put some words in the audit report based on that" (Exhibit 72, pp. 44-45).

9. Tape 184: In the PRB meeting, in late August 1990, discussing the August 30, 1990, letter, HORTON, speaking to the PRB that is being guided by BOCKHOLD, says, "It was an unplanned trip. I would like to call it an unplanned trip. However, declare it a success." This is an indication of how HORTON is aware of how BOCKHOLD wants to interpret the diesel starts (Exhibit 60, p. 15).
10. Tape 99: On May 8, 1990, Lee MANSFIELD expresses his frustration to MOSBAUGH, HORTON, PARTON about GPC "fighting" with the NRC through the IIT (page 44, line 2); the GPC attitude was that GPC did what NRC wanted until GPC got its license, and now that they have the license, they're fighting NRC (page 44, line 19); GPC goes to extremes with tech spec interpretations to keep the plant running, and have done it for years (page 48, line 13); GPC has an attitude that bringing the plant down is the worst thing that could happen (page 48, line 24); MANSFIELD said that he'd tell McCOY how he felt one-on-one, but if he started saying those things in front of people, his future would be limited at VEGP (page 50, line 23) (Exhibit 74, pp. 44-50).
11. Tape 222: On July 27, 1990, MANSFIELD is talking to MOSBAUGH and apparently reading from an LER regarding a diesel "being taped up," and MANSFIELD says, "Yes, 1A diesel was inop (inoperable). 1B containment cooler fan was inop. Because of this should loss of on-site power have occurred during an accident condition, the minimum required safety functions would have been available. The containment cooling function would have been degraded. I mean that's a lie." MOSBAUGH asks, "Why would it have been available?" MANSFIELD replies, "I don't know. It's true it would have been degraded." It would have been non-existent (Exhibit 76, pp. 37-38).

INVESTIGATOR'S NOTE: This apparently shows a bit of an understating of a safety situation in a GPC LER.

12. Tape 186: On June 29, 1990, the date of issuance of the Revision to the LER, ODOM is talking to MOSBAUGH and Carolyn TYNAN, the procedures supervisor, and ODOM shows his frustration that the truth is not being told in the revision to the LER, and says, "You write the NRC and tell them the false statement in the Revision...You don't try a minor typographic error. You tell them why you know" (Exhibit 72, p. 48).
13. Tape 186: On June 29, 1990, the date of issuance of the Revision to the LER, TYNAN expresses her frustration about corporate always changing what is approved by the site by saying, "Why can't we get through what we [the site PRB] keep approving and sending off-site [to corporate]" (Exhibit 72, p. 47).
14. Tape 57: On April 19, 1990, the date of issuance of the original LER 90-006, WEBB, the Site Licensing person who starts drafting LERs, says to

MOSBAUGH, ODOM, and AUFDENKAMPE, "We need to get rid of the statement in the LER about how many failures or how many tests you've got altogether, or else correct the misconception that we generated on 4/9. I don't know if we should try to continue the misconception." He is speaking about the statement regarding "no failures or problems" that came out in the April 9, 1990, letter (Exhibit 34, p. 123).

15. Tape 247: On August 13, 1990, the day before his sworn interview before the NRC OSI, BOCKHOLD is talking to the VEGP employees that are potential interviewees, about the upcoming OSI interviews. BOCKHOLD states that they should talk to legal counsel before talking to the NRC. He says that he's been through a number of these (OI interviews) so he doesn't plan to talk very much. He'll just get his attorney and go. BOCKHOLD states that if they say "something that doesn't make sense" the attorney will interrupt, and "he will help you with the facts." BOCKHOLD goes on to tell these employees that they can always tell the NRC to subpoena them if they (NRC) don't like what our conditions are. BOCKHOLD tells them that the NRC doesn't want to "end up with the end result of taking this before the judge" (Exhibit 78, pp. 5-10).
16. Tape 246: On August 13, 1990, during the NRC OSI, Harvey HANDFINGER, Manager of Maintenance, commented to BOCKHOLD and GREENE, regarding an inspection issue of a VEGP Residual Heat Removal (RHR) pump that was vibrating so excessively, it caused a crack in the NSCW water line, yet the pump was not declared inoperable, and no Deficiency Card (DC) was written on it. HANDFINGER says, "I'm worried about the initial March 4th issue when we had 11 mils (vibration) on top of the (RHR pump) motor and...we ran that motor 'til we had unloaded (fuel)" (Exhibit 80, p. 13).
17. Tape 246: Again, on August 13, 1990, during the NRC OSI, MANSFIELD talks to MOSBAUGH about the vibrating RHR pump. He says, "We kept it running with a cracked NSCW water line?" (Exhibit 80, p. 23)
18. Tape 254: On August 15, 1990, during the NRC OSI, SHIPMAN is talking to McCOY and BOCKHOLD about the operability call on the RHR pump. SHIPMAN states, "Well, if the pump was, in fact, inoperable, they [the NRC] have every right to question our actions." However, GPC maintained that they had a sound engineering basis for not declaring the pump inoperable (Exhibit 82, p. 3).
19. Tape 226: On July 30, 1990, AUFDENKAMPE tells MOSBAUGH that BAILEY had told him (AUFDENKAMPE) that VEGP was outside the design basis with respect to an issue of electrical separation as it applied to the safe shutdown of the reactor in the event of a fire, and that BAILEY told AUFDENKAMPE that a reporting telephone call (to NRC) should have been made. The issue was not reported to NRC (Exhibit 84, p. 27).
20. Tape 227: On July 30, 1990, AUFDENKAMPE tells Jim SWARTZWELDER, Operations Manager, that SHIPMAN and RUSHTON, Corporate Licensing & Engineering Manager, both thought that the Electrical Separation/Fire Safe Shutdown issue was a reportable issue. However, it was not reported to NRC (Exhibit 86, p. 14).

21. Tape 253: On August 15, 1990, during the NRC OSI inspection, SHIPMAN makes the statement, regarding the Electrical Separation/Fire Safe Shutdown issue, to BOCKHOLD, HORTON, and other VEGP Managers, that, "Paul (RUSHTON) really believes he's going to make this one go away," meaning that RUSHTON feels he is going to successfully argue with the NRC that the Electrical Separation issue is not outside the design basis (Exhibit 88, p. 31).
22. Tape 215: On July 23, 1990, Ted DANNEMILLER, Security Manager, is talking to MOSBAUGH about a delay in reporting a Safeguards violation. He says, "I don't much care for this. I think they're [the GPC corporate management] jockeying over notification [to NRC] and discovery time [when the violation was discovered]" (Exhibit 88, p. 31).
23. Tape 226: On July 30, 1990, DANNEMILLER is talking to GREENE about an investigation that Amy STREETMAN and Martin BABB, from corporate, were doing regarding an issue of a potential programmatic breakdown in the proper security and storage of safeguards information. DANNEMILLER says, "Tom, my impression is really dodging the issue (programmatic breakdown). I've made my strenuous representations to...SHIPMAN...BAILEY...We're doing...dumb stuff" (Exhibit 84, p. 48).
24. Tape 269: On August 30, 1990, DANNEMILLER is talking to MOSBAUGH about a safeguards violation, and "SONOPCO's" approach to it. DANNEMILLER says, "Paul [RUSHTON] sounds like he was trained by SHIPMAN...That's exactly their approach -- sink your heels in and don't do anything that might...Do the minimum and fight them [the NRC] over that. Fight them over the minimum" (Exhibit 64, p. 12).
25. Tape 267: On August 29, 1990, DANNEMILLER is telling RUSHTON that all safeguards containers should be properly marked and have "open" and "closed" tags on them, and that VEGP follows that policy. In reply, RUSHTON says, "That doesn't necessarily make it so up here [in corporate offices in Birmingham]" (Exhibit 94, p. 56).
26. Tape 214: On July 23, 1990, Amy STREETMAN is calling MOSBAUGH and DANNEMILLER regarding her safeguards investigation, and DANNEMILLER has indicated that it sounds like what she has found needs to be "red-phoned" to NRC. STREETMAN says, "I really wish you would...do not do that until you talked to Bailey...If you call the NRC right now about those items...Actually, I'm calling you from SCS [Southern Company Services] right now, and we've got a little problem over here also. I don't want to tell you about it yet. We're still investigating it, so don't call the NRC yet" (Exhibit 96, p. 46).

Conclusion

It is also concluded from the combination of the above findings, and the overall review, by OI, NRC, of the numerous audio tape recordings of internal GPC conversations regarding their communications with the NRC on a range of issues, that, at least in the March-August 1990 time frame, there was evidence of a closed, deceptive, adversarial attitude toward NRC on the part of GPC senior management. This attitude fostered a noticeable degree of frustration on the part of various GPC Technical Support and Engineering personnel with

respect to the GPC provision of information, not known to NRC, that had the potential of resulting in NRC enforcement action.