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I-MOSBA-46

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555-0001

February 9, 1994

Exhibit 46 page 1 of 5 DOCKETED USNRC (CORRECTED COPY)

MEMORANDUM FOR: Thomas E. Murley, Director Office of Nuclear Reactor Regulation FROM: David B. Matthews, Chairman Vogtle Coordinating Group SUBJECT: VOGTLE COORDINATING GROUP ANALYSIS

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OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

This memorandum forwards the Vogtle Coordinating Group's analysis of the evidence in support of the conclusions it reached following a detailed review of evidence associated with allegations that senior officials of Georgia Power Company (GPC) made material false statements regarding the reliability of diesel generators at the Vogtle facility. The report of the Office of Investigations (OI) on this subject was issued on December 17, 1993. The analysis includes a comparison of the Group's conclusions with those of OI. Charts depicting the licensee organization in mid-1990 and the current positions of key individuals are also provided for your information.

The Group's conclusions remain unchanged from those presented to NRC management on January 4, 1994. However, the Group did reach several additional conclusions. This analysis includes two additional performance failures on the part of Bockhold related to the submittals made by GPC on April 19 and June 29, 1990, and a performance failure by McCoy related to the August 30, 1990, submittal. We also concluded that the members of the Vogtle Plant Review Board (PRB) acted unreasonably in approving the August 30, 1990, letter.

By copy of this memorandum, the Director, OE, is being provided the Group's analysis in order to develop a final enforcement proposal and Commission Paper in accordance with the commitment agreed upon during the February 2, 1994, meeting with the EDO. Further, based on the agreements reached during that meeting, the Group understands that Item 4 of our September 16, 1993, charter is now the responsibility of OE. All other tasks in that charter are now complete.

Handwritten signature of David B. Matthews

David B. Matthews, Chairman Vogtle Coordinating Group

Enclosures and cc: See next page

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NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. Int 46 In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2 [] Staff [] Applicant [x] Intervenor [] Other [x] Identified [] Received [] Rejected Reporter CR Date 05-17-95 Witness Stipulated

9508160388 950517 PDR ADOCK 05000424 G PDR

MEMO TO T. MURLEY

DATED: February 9, 1994

Enclosures:

(CORRECTED COPY)

1. Vogtle Coordinating Group's
Analysis of OI Report
2. GPC Organization Charts

cc w/enclosures:

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COORDINATING GROUP ANALYSIS OF EVIDENCE
AND CONCLUSIONS

INTRODUCTION

The Vogtle Coordinating Group (Group) has undertaken a detailed evaluation of the evidence related to Diesel Generator (DG) reliability referenced by the Office of Investigations (OI) in OI Investigation Case Number 2-90-020R. As a result of its detailed evaluation, and in accordance with the Group Charter of September 16, 1993, the Group identified violations of Nuclear Regulatory Commission (NRC) requirements and developed a recommended course of action, including a draft enforcement action, for management consideration. The Group's preliminary conclusions and a proposed enforcement action are contained in its Memorandum of December 17, 1993.

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

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

The analysis below sets out the Group's analysis and conclusions for each matter in the OI Report and a comparison of each OI conclusion with the conclusion reached by the Group. Where the Group agreed with an OI evidentiary characterization and that characterization was an important piece in the Group's analysis, the Group includes that evidentiary statement. In instances where the Group viewed evidence differently or relied on evidence not cited by OI, such evidentiary paragraphs are marked with an asterisk.

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

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

COORDINATING GROUP CONCLUSION FOR ALLEGATION NOS. 1 AND 2:

The Group evaluated the events that occurred on April 9, 1990, and concluded that the April 9 presentation and letter contained the same inaccurate information. Accordingly, the Group analyzed the failure to provide accurate DG start information in the April 9 presentation and letter together. The root causes of this failure were (1) the Vogtle Electric Generating Plant (VEGP) General Manager (BOCKHOLD) did not exercise reasonable care in directing the Unit Superintendent (CASH) to collect DG start information and in assessing what CASH gave him and (2) CASH did not exercise reasonable care in performing and reporting his count. These failures did not involve wrongdoing. The inaccuracy was material in that the NRC relied, in part, upon the information provided by GPC in an April 9 oral presentation and letter in reaching the NRC decision to allow Unit 1 to return to power operation.

COORDINATING GROUP ANALYSIS OF THE EVIDENCE FOR ALLEGATION NOS. 1 AND 2:

On April 9, 1990, Georgia Power Company (GPC) made an oral presentation to the NRC in the Region II (RII) office. The presentation was in response to a verbal request by the NRC and the NRC Confirmation of Action Letter of March 23 and was in support GPC's request for VEGP, Unit 1 restart approval. In addition, following the oral presentation of April 9, GPC submitted a letter to the NRC which contained the same DG start information that was presented during the oral presentation.

Prior to the April 9 presentation, the Vice President - Vogtle Project (McCOY) tasked BOCKHOLD with the responsibility of presenting the results of the DG testing. Evidence exists to support that BOCKHOLD did not intend to present a complete accounting of all DG testing since the March 20 event. BOCKHOLD intended to present a number of consecutive successful DG starts to demonstrate that the DGs would perform their intended function, i.e., that they were operable. The Group concluded that presenting a number of consecutive successful starts would not have been inconsistent with the NRC's request for the licensee to address the reliability and performance of

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the DGs. Furthermore, presenting a number of consecutive successful DG starts to demonstrate the capability of the DGs to perform their intended safety function was not inconsistent with the NRC characterization of DG testing in NUREG-1410, "Loss of Vital AC Power and the Residual Heat Removal System During Mid-Loop Operations at Vogtle Unit 1 on March 20, 1990."

BOCKHOLD was personally involved in the preparation of several transparencies for use in the April 9 presentation. He stated that he drafted the upper part of Slide 10, "Diesel Testing," and subsequently tasked CASH with collecting the number of successful starts associated with operability. Given CASH's position (Unit Superintendent), it was reasonable for BOCKHOLD to ask CASH to perform this task. BOCKHOLD was aware of problems on DG 1B during overhaul. However, BOCKHOLD failed to adequately specify the starting and ending points for the count to ensure that the count did not include these problems and failed to ensure that CASH understood his criteria for "successful starts." Similarly, CASH failed to ensure that he understood specifically what BOCKHOLD wanted before he performed the task.

CASH collected DG start data from the Control Room Log and the Shift Supervisor's Log, counting starts without significant problems (i.e., problems that would not have prevented the DG from running during an emergency). CASH stated that he started his count for both DGs after the March 20 event. After collecting DG start count information, CASH reported back to BOCKHOLD. Although CASH made conflicting statements regarding what information he gave BOCKHOLD, the Group concluded that CASH just gave BOCKHOLD oral DG start totals for the 1A and 1B DGs, namely 18 and 19 starts, respectively.

The Group concluded that BOCKHOLD failed to ensure that the data CASH provided was the information BOCKHOLD asked for and intended to present. Specifically, BOCKHOLD did not determine the point at which CASH began his count (i.e., the specific start number, date or time) or whether CASH's data included any problems or failures. CASH, in turn, failed to ensure that the data that he had collected and reported to BOCKHOLD was what BOCKHOLD wanted. Information was then presented to the NRC in the April 9 oral presentation by BOCKHOLD and the April 9 letter that there were 18 and 19 successful consecutive starts on the 1A and 1B DGs, respectively, without problems or failures.

The corporate Licensing Manager - Vogtle Project (BAILEY) drafted the letter based on the slides and input from site personnel. The information concerning the number of diesel starts and the statement concerning "no problems or failures" was derived from the slides later presented on April 9. This document was not reviewed by the Plant Review Board (PRB), but was reviewed by BOCKHOLD and McCOY prior to being signed by the GPC Senior Vice

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President - Nuclear Operations (HAIRSTON). BOCKHOLD reviewed the draft letter with the understanding that it was intended to reflect the same information that was presented during the April 9 presentation. He viewed the language "no problems or failures" as a way of explaining successful starts. The NRC understood the oral presentation and letter as presenting the number of consecutive successful starts without problems or failures after the March 20 event.

Because of the performance failures identified above, GPC's report of starts in the presentation and letter included three 1B DG starts with problems that occurred during DG overhaul and maintenance activities (a high lube oil temperature trip on March 22, 1990; a low jacket water pressure/turbo lube oil pressure low trip on March 23, 1990; and a failure to trip on a high jacket water temperature alarm occurring on March 24, 1990). The correct number of consecutive successful starts without problems or failures was 12 for 1B DG--a number significantly less than that reported by GPC to the NRC on April 9. The inaccuracy was material in that the NRC relied, in part, upon the information provided by GPC in an April 9 oral presentation and letter in reaching the NRC decision to allow Unit 1 to return to power operation.

EVIDENCE FOR ALLEGATION NOS. 1 AND 2:

1. On March 23, 1990, the NRC issued a Confirmation of Action Letter (CAL) to GPC that, among other things, confirmed that GPC agreed not to return VEGP Unit 1 to criticality until the Regional Administrator was satisfied that appropriate corrective actions had been taken, and that the plant could safely return to power operations. (Exhibit 4) *
2. BROCKMAN (NRC RII) called McCOY before the presentation and told McCOY that he should be prepared to show the NRC the reliability and performance of the DG's at the presentation. (Exhibit 20, p. 1) (See also BROCKMAN'S response to Interrogatory 3 of GPC First Set of Interrogatories, December 23, 1993.) *
3. In a letter dated April 9, 1990, GPC stated: "Since March 20, 1990, GPC has performed numerous sensor calibrations (including jacket water temperatures), extensive logic testing, special pneumatic leak testing, and multiple engine starts and runs under various conditions. Since March 20, the 1A DG has been started 18 times, and the 1B DG has been started 19 times. No problems or failures have occurred during any of these starts. In addition, an undervoltage start test without air roll was conducted on April 6, 1990, and the 1A D/G started and loaded properly." (Exhibit 27, p. 3) *

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4. HAIRSTON stated that, "When I signed the letter out our intent was to just communicate what had been said in the meeting." (Exhibit 31, p. 30) *
5. McCOY stated that he reviewed the April 9 letter in draft form, and read it several times before it was signed by HAIRSTON. He said that he recalled reading the wording regarding 18 and 19 successful starts since March 20 with no failures or problems. He said that he thought the 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)
6. McCOY tasked BOCKHOLD with the responsibility of presenting the results of the DG testing at the presentation. (Exhibit 13, p. 5)
7. BOCKHOLD stated that GPC tried to do the most comprehensive test sequence that they could think of to make the DGs operable and that GPC shared the test sequence with the Incident Investigation Team (IIT). BOCKHOLD stated that the numbers of successful starts at the bottom of Slide 10, that showed the test sequence, were just put on the slide because GPC had made a lot of DG starts and he was not aware of any problems that would have made the DGs inoperable at the end of that test sequence. (Exhibit 12, pp. 4-5) *
8. CASH, BOCKHOLD, McCOY, and HAIRSTON believed, and expected NRC personnel at the April 9 meeting to understand, that the 18 and 19 starts were consecutive successful starts. (GPC's Response to Interrogatory 7 (f and g) of the NRC Staff's First Set of Interrogatories, dated August 9, 1993) *
9. CASH stated that the intent of the start count was to define the scope of the test program. (Exhibit 10, p. 12) *
10. BOCKHOLD stated that the slide was not intended to show all testing, but rather to show the nature of the testing and to show that GPC had run the machine a lot, and that it was not a fluke when the DGs passed their operability tests. (Exhibit 13, pp. 15-16)
11. BOCKHOLD explained his use of the term successful starts on Slide 10 by making an analogy to a car. BOCKHOLD stated, "...it's kind of like you have a car and you put all new parts on it, and you maybe stay with the original block and cylinders because you know they're good, and you put all new controls on the car, and then you go and start it six times or ten times or twelve times. And this flavor was, gee, you started it and it started, fine." (Exhibit 13, pp. 13-14) *

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12. BOCKHOLD stated that the 1-B engine was in overhaul, and right at the end of the overhaul period GPC tried to start the engine and received "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 [CASH] started counting these nineteen starts..." (Exhibit 12, p. 18) *
13. In response to a question about the start point for the DG count, the corporate General Manager - Nuclear Support (SHIPMAN) stated on April 19 that BOCKHOLD said he started his count after sensor calibration and logic testing. (Exhibit 36, p. 21) *
14. On April 2, 1990, the NRC IIT team leader (CHAFFEE) asked BOCKHOLD for the number of "successful starts" after GPC replaced switches. (NRC IIT transcript, dated April 2, 1993, p. 47) *
15. NUREG-1410, Appendix J, Section 3.1 describes a series of tests as, "Control System Functional Testing," that the licensee believed would provide "a comprehensive troubleshooting plan for root-cause determination that encompassed all suspect equipment involved in the incident." The first test described in this section for the 1A DG is a UV run test performed on March 29. (Appendix J, p. 13) *
16. NUREG-1410, Appendix J, Section 3.1 states, "On the basis of the number of successive successful starts, the licensee believes that emergency diesel generator 1A is fully operable and capable of performing its safety function." (Appendix J, p. 20) *

GROUP NOTE: The Group could not identify the definition of the term "successful start" in NUREG-1410.

17. BOCKHOLD stated that he was the overall architect of the "Diesel Testing" transparency, and that he worked with BURR, assigned to VEGP DG testing, and CASH on the details of the chart. (Exhibit 13, p. 6)
18. Slide 10, "Diesel Testing," presented to the NRC on April 9 listed starts and other activities on DGs 1A and 1B after March 20 and indicated that DG 1A and DG 1B had 18 and 19 successful starts, respectively. (Exhibit 7) *
19. The VEGP Manager - Technical Support (AUFDENKAMPE) stated that BOCKHOLD originally asked him to have one of his

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employees perform the DG count. AUFDENKAMPE told him that his staff did not normally perform this function--that he got his information from the VEGP Manager - Engineering Support (HORTON). (Exhibit 38, pp. 10-11)

20. BOCKHOLD asked CASH to compile the number of successful starts associated with operability. (Exhibit 12, p. 5) *
21. BOCKHOLD stated that, at the time he directed that the count be performed, he knew about problems with DG 1B that occurred during overhaul. (Exhibit 13, p. 47) *
22. 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)
23. BOCKHOLD acknowledged that the term "successful start" did not have any statistical value when evaluating DG reliability, but that it was, "just a subjective feeling to say we ran the engine a lot and, you know, it proved to be reliable." (Exhibit 12, p. 12)
24. 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)
25. 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)
(Exhibit 12, p. 8)
26. BOCKHOLD stated that he used the term "successful start," but that he did not tell CASH any criteria to use before CASH started counting DG starts. BOCKHOLD stated that he assumed CASH had some criteria when CASH came back with the number. BOCKHOLD stated that they did not go into a discussion about the criteria on the successful starts. (Exhibit 13, p. 19)
27. CASH stated that he did not recall BOCKHOLD's specific instructions, and acknowledged that somehow he knew before he went to count starts that he was to count the starts without any significant problems. (Exhibit 10, p. 11)
28. CASH stated that, to him, a significant problem meant something that would have prevented the diesel from running during an emergency. (Exhibit 10, p. 11)

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29. CASH stated that he was not looking for successful valid starts, only starts without significant problems. (Exhibit 9, p. 3)
30. CASH stated he obtained his count of successful starts from the Unit Control Log and the Shift Supervisor's Log. (Exhibit 9, p.4)
31. CASH stated that the starting point of his count was with the troubleshooting starts that were done on the night of March 20 and that the ending point was sometime shortly before the meeting in Atlanta with the NRC. (Exhibit 9, p. 7)
32. CASH stated that at the time he constructed his list and counted successful starts for BOCKHOLD prior to April 9 presentation, he included the following two starts on the 1B DG as successful starts in his count: (1) March 22 that included a high lube oil temperature trip, and (2) March 23 that included a low jacket water pressure/turbo lube oil pressure low trip. (Exhibit 10, pp. 15-18)
33. CASH stated that the only 1B DG starts subsequent to March 20 that he did not count as successful were the attempted starts at 9:49 p.m., 9:56 p.m., and 10:02 p.m., on March 21. (Exhibit 10, pp. 19-20)
34. CASH admitted that he identified starts with problems when he performed his count. He did not consider these problems to be significant. CASH further stated that he did not discuss these problems with BOCKHOLD at all. (Exhibit 9, pp. 15-16)
35. 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. CASH believed that he gave the table to BOCKHOLD. (Exhibit 9, pp. 5-6)
36. CASH stated, in his August 14, 1990, Special Team Inspection (STI) 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)
37. 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

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- 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)
38. In his August 14, 1990, STI 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, "Those were the numbers that I came up with at the time." (Exhibit 9, p. 8)
 39. 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)
 40. BOCKHOLD stated that the DG count came, "Just verbally from Jimmy Paul [CASH]." (Exhibit 12, p. 7)
 41. CASH stated that he supplied BOCKHOLD with a start count. (Exhibit 10, p. 24) *
 42. CASH told AUFDENKAMPE and the Acting Assistant General Manager - Plant Support (MOSBAUGH) on April 19 that he gave BOCKHOLD "every start that we have done" and that he just gave BOCKHOLD "totals." "I'm not sure if I told him [BOCKHOLD] the failures or not." (Exhibit 36, p. 35) *
 43. BAILEY stated that he prepared the GPC letter of April 9 to NRC in parallel with the preparations for the April 9 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)
 44. McCOY stated that the April 9 letter was prepared under the direction of the licensing manager, BAILEY. (Exhibit 29, pp. 15-16)
 45. 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 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, pp. 11-12)

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46. AUFDENKAMPE then stated, after seeing a corporate Licensing Engineer's (STRINGFELLOW's) initials on the April 9 letter, and a recent conversation with BAILEY, that he recalled that most of the April 9 letter had been done in conjunction with his [AUFDENKAMPE's] people and STRINGFELLOW. According to AUFDENKAMPE, this was prior to the April 9 meeting with NRC, and in response to the NRC Confirmation of Action letter. (Exhibit 38, pp. 27-28)
47. AUFDENKAMPE said that he had always assumed that the numbers (18 and 19) in the April 9 letter came from the April 9 presentation, and that he could not recall if BAILEY had told him that. (Exhibit 38, p. 26)
48. STRINGFELLOW stated that he recalled BAILEY coming back to Birmingham after the presentation and telling him that "they" had re-written 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)
49. BOCKHOLD said that he would speculate that Jim BAILEY had drafted the April 9 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)
50. 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)." MCCOY stated, "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)
51. 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)
52. BAILEY advised that although the VEGP PRB did not formally review the April 9 letter and vote to recommend that the General Manager send it, he stated that many of the VEGP

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managers who are PRB members reviewed and commented on the letter. (Exhibit 28, p. 51)

53. BOCKHOLD stated that he did not think the April 9 letter was approved by the VEGP PRB prior to its issuance, but that many documents like that letter would go through the PRB. (Exhibit 13, p. 39)
54. McCOY stated that he did not know if the April 9 letter had been reviewed and approved by the PRB. He advised that a PRB review of that letter was not required, 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)
55. HAIRSTON advised that it was his understanding that the VEGP PRB did not review the April 9 letter. (Exhibit 31, p. 23)
56. AUFDENKAMPE stated that he did not think the VEGP PRB was involved in the preparation or review of the April 9 letter. (Exhibit 38, p. 27)
57. SHIPMAN stated that he did not know whether the VEGP PRB reviewed the April 9 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)
58. BAILEY advised that, after the April 9 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 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. BOCKHOLD reviewed the April 9 letter prior to its submittal. In discussing his review, he stated, in part, that, "I didn't write those sentences. I -- my practice had been to read this information rather quickly and see if anything jumped out at me that was not correct. My practice had not been to study this information, because we had a whole group of people both at the site and in corporate whose job was to do this." (Exhibit 13, p. 37) *
60. BOCKHOLD advised that the statement in the April 9 letter that said no problems or failures occurred on either DG was a rewording of successful starts, and that as "an attempt to

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make it clearer in Ken McCOY's mind...I told Ken that yeah, that change could be made...." (Exhibit 12, p. 16)

61. BOCKHOLD advised that he probably had a phone conversation with McCOY or BAILEY concerning the statements in the April 9 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)
62. BOCKHOLD stated that, in his mind, "Successful Starts" is basically the same as, "no failures or problems." (Exhibit 13, p. 36)
63. BROCKMAN stated that he interpreted the statement regarding successful diesel starts in the April 9 GPC response to the NRC Confirmation of Action Letter to mean basically the same thing as in the April 9 presentation by GPC. (Exhibit 20, p. 2)
64. The Regional Administrator, NRC RII (EBNETER) stated that he understood that the successful DG start counts presented during the April 9 meeting began at the date of the March 20 event and ended at approximately the time of the April 9 presentation. (Exhibit 18, pp. 1-2) *
65. The GPC's August 30, 1990, letter and Table 2 appended to it indicate that there were 12 consecutive successful starts on the 1B DG as of April 9, 1990. (Exhibit 45) *
66. The NRC relied, in part, upon the information provided by GPC in an April 9 oral presentation and letter in reaching the NRC decision to allow Unit 1 to return to power operation. ("NRC Staff Supplemental Response to Intervenor's First Set of Interrogatories and Request for Documents," September 15, 1993, Responses 4 and 6) *

OI CONCLUSIONS REGARDING ALLEGATION NOS. 1 AND 2:

OI concluded that on April 9, 1990, BOCKHOLD deliberately presented incomplete and inaccurate information to NRC regarding the testing of the VEGP Unit 1 DGs conducted subsequent to a March 20, 1990, Site Area Emergency (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.

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

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COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS FOR
ALLEGATION NOS. 1 AND 2:

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

The Group concluded that incorrect information (19 successful starts for DG 1B with no problems or failures) was presented as a result of the failure of GPC personnel to exercise reasonable care during data collection and use, rather than as a result of deliberate action on the part of BOCKHOLD as concluded by OI. Specifically, the Group concluded that BOCKHOLD did not intend to present a complete accounting of all DG starts following the March 20 event. He wanted to show that the DGs had been tested and started a large number of times following DG overhaul activities. There were no unsuccessful starts or problems or failures after overhaul activities. BOCKHOLD's intent to present successful starts after overhaul activities was not inconsistent with the NRC's request for the licensee to address the reliability and performance of the DGs. However, BOCKHOLD failed to clearly identify the start point for the count to CASH. As a result, the 19 trouble-free starts presented included problems and failures. The Group could not conclude that BOCKHOLD knew that the information that CASH had given him included problems or failures or that CASH's start point for his count was not the first start after overhaul activities for the 1B DG.

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

COORDINATING GROUP CONCLUSION FOR ALLEGATION NO. 3:

GPC submitted an inaccurate statement of DG test data in Licensee Event Report (LER) 90-006 dated April 19, 1990. Specifically, the licensee failed to provide accurate information with respect to the number of consecutive successful DG starts subsequent to the completion of a "comprehensive test program" (CTP).

The root causes for this failure were as follows. First, BOCKHOLD failed to exercise reasonable care in agreeing to the use of the term CTP in the LER since this term failed to adequately identify when the reported count of consecutive successful DG starts began. Second, SHIPMAN and AUFDENKAMPE failed to exercise reasonable care in the preparation of the April 19 LER in that: (1) they did not fully understand the term CTP, and (2) in light of the different interpretation of the term

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CTP raised by MOSBAUGH, they were aware that the term was either imprecise or ambiguous. Third, MOSBAUGH acted unreasonably in failing to resolve his concern about the definition of the term CTP. This failure contributed to the inaccuracy in the April 19 LER. The inaccuracy was material in that knowledge by the NRC of a lesser number of consecutive successful starts on 1B DG following completion of the CTP without problems or failures could have had a natural tendency or capability to cause the NRC to inquire further.

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

A draft of LER 90-006, which was approved by the PRB on April 19 was based in part on information presented to the NRC on April 9 and adjusting the count of successful starts to reflect additional DG starts that occurred following April 9. During telephone calls on April 19, site and corporate personnel discussed HAIRSTON'S request that "greater than 20 starts" be verified and site concerns regarding accuracy of the start counts reported on April 9. MOSBAUGH and AUFDENKAMPE questioned the accuracy of the draft LER, given that there were trips in the 1B DG after March 20. They did not think that the statement concerning "no problems or failures" was correct.

During a teleconference between site and corporate personnel to address concerns that a count beginning on March 20 would include trips, BOCKHOLD confirmed that the start count reported on April 9 began later--after completion of the CTP. In agreeing to the use of the term CTP in the LER, BOCKHOLD acted unreasonably since that term was inadequate to specify the start point for the April 9 start count. BOCKHOLD intended to convey that the count began after testing of the DG control systems which did not require diesel starts, i.e., the calibration of the Calcon sensors and logic testing of the control systems. It was reasonable to interpret, however, that the CTP was completed with the first successful test to demonstrate operability, a point in time significantly later than the point intended by BOCKHOLD. This was the interpretation given to this term by GPC and the NRC.

In later discussions regarding the draft LER, SHIPMAN, AUFDENKAMPE and MOSBAUGH acknowledged that they could not identify the specific DG start that represented the starting point for the count presented to the NRC, i.e., the first start following completion of the CTP. SHIPMAN, AUFDENKAMPE and MOSBAUGH were aware that BOCKHOLD had earlier stated that his April 9 count began after instrument recalibration. MOSBAUGH stated at that time that his understanding of the CTP would be a test program to determine root causes and restore operability. The three collectively failed to clarify the term before issuance of the LER. As a result of the failure of GPC to adequately

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specify when to begin the start count as of April 19, the 1A and 1B DG start counts reported on April 19 overstated the actual counts by including starts that were part of the CTP. The inaccuracy was material in that knowledge by the NRC of a lesser number of consecutive successful starts on 1B DG following completion of the CTP without problems or failures could have had a natural tendency or capability to cause the NRC to inquire further.

GROUP NOTE: The Group has not identified any evidence in its review which addresses this materiality finding. Based on its review of the evidence, however, the Group has determined that the information of interest was material, i.e., it had a natural tendency or capability to influence an NRC decision maker.

EVIDENCE FOR ALLEGATION NO. 3:

1. LER 50-424/90-06 dated April 9, 1990, states "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 18 times each and no failures or problems have occurred during any of these starts." (Exhibit 37, p.6) *
2. On April 19, 1990, during a conference call between STRINGFELLOW, AUFDENKAMPE, and MOSBAUGH concerning resolution of corporate comments on the LER, AUFDENKAMPE, in the presence of MOSBAUGH, told STRINGFELLOW that they think the number of starts in the LER is a "material false statement." (Exhibit 34, p. 91)
3. STRINGFELLOW told 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)
4. In a conference call on April 19, 1990, STRINGFELLOW, AUFDENKAMPE and SHIPMAN were told by MOSBAUGH that if the LER states there were no problems or failures, then the LER would not be correct. (Exhibit 34, p. 104)
5. SHIPMAN recognized 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)
6. SHIPMAN stated that we (GPC) need to find out what is correct and make sure the correct information is presented. (Exhibit 34, p. 107)

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7. SHIPMAN requested MOSBAUGH to get the correct information on the number of starts. (Exhibit 34, p. 107) *
8. SHIPMAN stated that if the information is not correct they (GPC) need to get it out of the report regardless of what George [HAIRSTON or BOCKHOLD] told EBNETER. (Exhibit 34, p. 108)
9. MOSBAUGH told his staff to check the logs to see if there had been 19 starts on the 1B DG since 5:31 PM on March 23. If it is less than 19, then the statement is false. (Exhibit 34, p. 121) *

GROUP NOTE: A complete list of DG start data was not available during this conversation.

10. In late afternoon on April 19 during a conference call between site and corporate personnel, AUFDENKAMPE stated that his people (the people who prepared the LER) took the 18 and 19 starts based on the April 9 letter and added the starts that had occurred subsequent to April 9 and came up with greater than 20. (This was in response to a question raised by HAIRSTON that the staff was trying to answer.) (Exhibit 36, p. 8)
11. BOCKHOLD agreed with the "greater than 20" terminology. (Exhibit 36, p. 8)
12. McCOY stated that they need to be sure that we (GPC) know the number of starts after completion of the "comprehensive test program." (Exhibit 36, p. 8)

GROUP NOTE: This is the first known use of this term.

13. BOCKHOLD stated to the group that CASH verified the numbers presented in the conference (in Atlanta) were correct. McCOY responded to this statement by saying that "You ought to use those numbers" in the LER. (Exhibit 36, p. 8)
14. BOCKHOLD confirmed that the count of diesel starts presented to the NRC on April 9 began after completion of the comprehensive test of the control system on each diesel. (Exhibit 36, p. 9)
15. BOCKHOLD stated that the 1-B engine was in overhaul, and right at the end of the overhaul period GPC tried to start the engine and received "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

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counting these nineteen--that's when Jimmy Paul started counting these nineteen starts" (Exhibit 12, p. 18)

16. BOCKHOLD intended that the CTP refer to testing of the diesel control systems which did not require diesel starts, i.e., calibration of the Calcon sensors and the logic testing of the control systems. (GPC's response to the NRC Staff's First Set of Interrogatories, Response 1.a and 1.b, dated August 9, 1993) *
 17. Referring to the diesel starts prior to the calibration of all the Calcon sensors, SHIPMAN stated to AUFDENKAMPE and MOSBAUGH on April 19 "...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 [AUFDENKAMPE], you heard George BOCKHOLD'S logic." (Exhibit 36, p. 20)
 18. NUREG-1410, Appendix J, Section 3.1, describes a series of tests, "Control System Functional Testing," that the licensee believed would provide "a comprehensive troubleshooting plan for root-cause determination that encompassed all suspect equipment involved in the incident." The last test in this section for the 1A DG is the Operability Test described therein as, "The final test of the licensee's troubleshooting plan test sequence was the emergency diesel generator 6-month operability test used to satisfy technical specification surveillance requirements." (NUREG-1410, Appendix J, p. 13) *
 19. The numbers of consecutive successful starts subsequent to completion of the CTP as of April 19 were 10 and 12 for the 1A and 1B DG respectively. (Exhibit 41) *
 20. The Safety Audit and Engineering Review (SAER) audit report, dated June 29, 1990, selected the first successful start performed using the Diesel Generator Operability Test procedure as the completion of the CTP. (Exhibit 43) *
- GROUP NOTE: To help resolve the uncertainty regarding the definition of the end of the CTP, an end point had to be designated to allow the report to be responsive to HAIRSTON'S requirement that the audit determine the correct information to report to the NRC.
21. In response to a question about the start point for the DG count, SHIPMAN stated on April 19, 1990, that BOCKHOLD said he started his count after sensor calibration. (Exhibit 36, p. 21) *

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22. SHIPMAN stated that BOCKHOLD said that the count started after GPC had completed the instrumentation recalibration and somebody generated the data on that basis. (Exhibit 36, p. 22) *
23. MOSBAUGH stated his understanding of the CTP would be a test program to determine root causes and restore operability. (Exhibit 36, p. 26) *
24. During the final conference call, in which the LER was approved by the site, AUFDENKAMPE, MOSBAUGH and SHIPMAN discussed language in the LER with regard to the CTP and acknowledged that they are unclear as to what the term means. (Exhibit 36, pp. 21-26) *
25. During PRB Meeting 90-60, the chairman (KITCHENS) instructed, apparently AUFDENKAMPE, that he should either verify that the number of starts was correct or take the numbers out, and indicated that the LER should not include the words "no problems or failures." (Exhibit 34, p. 62) *
26. During PRB Meeting 90-60, KITCHENS stated to AUFDENKAMPE (assumed) that he should make sure whatever numbers are used do not result in a false statement. (Exhibit 34, p. 63) *
27. During a conference call on April 10, 1990, members of the NRC IIT asked GPC for diesel starts and stops and explained to AUFDENKAMPE that the IIT could not come up with the same number of starts that was presented by GPC to the NRC during the restart briefing the previous day. KENDALL (an NRC IIT member) indicated that if GPC had additional information not provided to the IIT, it should be provided so that the team would have a complete record. (Exhibit 105, p. 4-6) *
28. Regarding the final words in the LER concerning DG start counts, AUFDENKAMPE asked MOSBAUGH if he (MOSBAUGH) took exception to the words. MOSBAUGH did not respond to this question. (Exhibit 36, p. 26) *
29. After the final conference call in which the LER was approved by the site, MOSBAUGH tells AUFDENKAMPE that he (MOSBAUGH) cannot find "enough starts," i.e., as many starts as specified in the LER. (Exhibit 36, p. 34) *
30. After the final conference call in which the LER was approved by the site, CASH told MOSBAUGH and AUFDENKAMPE that he started his counts on March 20, 1990. (Exhibit 36, p. 36) *
31. CASH told AUFDENKAMPE and the Acting Assistant General Manager - Plant Support (MOSBAUGH) on April 19 that he gave

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BOCKHOLD "every start that we have done" and that he just gave BOCKHOLD "totals." "I'm not sure if I told him [BOCKHOLD] the failures or not." (Exhibit 36, p. 35) *

32. AUFDENKAMPE stated to MOSBAUGH that the comprehensive test program is not defined but you have to assume that BOCKHOLD told SHIPMAN that it started after the 3rd failure that occurred on the 1B DG. (Exhibit 36, pp. 36-37) *
33. MOSBAUGH stated that when he saw that successive LER drafts were carrying over the same, apparently false, statement of diesel starts as set forth in the April 9 letter, he started looking into it, but until he had the whole list of all the starts, he couldn't affirmatively say that the statements were wrong. (Exhibit 5, pp. 217-219) *
34. 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 5, p. 227)

GROUP NOTE: MOSBAUGH was with AUFDENKAMPE when the final site approval was given for the LER.

35. 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)
36. McCOY acknowledged 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)
37. McCOY stated during his OI interview that, to his knowledge, which was based on what he just heard on Tape 58 (Exhibit 35), the end point of the test program was defined by the time the LER went out on April 19. 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)
38. HAIRSTON stated that when he signed out the LER, he believed it was accurate and consistent with the information in the April 9 letter. (Exhibit 31, p. 50)
39. HAIRSTON stated during the 1993 interview that his general impression on April 19, 1990, was that different people had recounted and verified the DG start data. (Exhibit 31, p. 107) *

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OI CONCLUSION REGARDING ALLEGATION 3:

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

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS FOR ALLEGATION NO. 3:

Although HAIRSTON submitted an inaccurate statement to the NRC in that he signed the letter transmitting the LER to the NRC, the Group could not conclude that he acted with careless disregard or negligence in his actions associated with this LER. The Group also could not conclude that the inaccurate statement was the result of deliberate actions by HAIRSTON, McCOY, SHIPMAN and BOCKHOLD. OI relies, in part, on a tape purported to contain a statement, "I'll testify to that" by McCOY and "Just disavow" by SHIPMAN, as evidence that GPC senior managers knowingly changed words in the LER and created a false statement. The Group has reviewed those tape excerpts in detail and reached the following conclusions. The Group concluded that the words, "I'll testify to that" were spoken by McCOY, but the Group was unable to conclude that the words "Just disavow" were spoken by SHIPMAN. The Group further concluded that the tape captures fragments of simultaneous conversations and it is unclear as to which words apply to which conversation. Finally, the Group concluded that even if the statements had been spoken as determined by OI, they are equally susceptible to interpretations that do not reflect wrongdoing.

In addition, the Group found that a pattern of poor performance by BOCKHOLD began to emerge as the Group reviewed the evidence associated with Allegation No. 3. As noted in the Group's conclusions for Allegation Nos. 1 and 2 concerning April 9, 1990, BOCKHOLD failed to exercise reasonable care when directing CASH to collect information for the restart presentation to the NRC and again when assessing what CASH had given him.

After April 9, site personnel questioned the accuracy of the statement concerning the number of consecutive DG starts without problems or failures. Given these questions and that BOCKHOLD was uniquely aware of the informal means by which the data was developed for the April 9 letter, a reexamination of the April 9 data was warranted before submission of the LER 90-006. However, the erroneous information (characterized with specific reference to a CTP) was again reported to the NRC prior to the completion of efforts to validate the underlying data.

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There was no evidence to show that BOCKHOLD, knowing that the April 9 information was quickly assembled and reported to him informally, directed any review of the data to assure that the information in the April 19 LER was accurate. BOCKHOLD's statement during an April 19 phone call that the count he presented on April 9 had been "verified correct" by CASH implied that no further investigation of the data was necessary and may have led some GPC personnel to conclude that an adequate review of the DG start data had been completed. McCOY's response that "You ought to use those numbers" indicated that McCOY relied on BOCKHOLD's assurances that the data was correct. HAIRSTON also stated that he thought the April 19 data had been checked.

In light of the questions raised about the accuracy of the DG start information, BOCKHOLD failed to take sufficient action to ensure that these questions were resolved. Sufficient actions, if taken, could have enabled GPC to identify errors in the April 9 letter before the issuance of the LER.

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

COORDINATING GROUP CONCLUSION FOR ALLEGATION NO. 4:

The Group concluded that there were three examples where inaccurate or incomplete information was provided in the June 29, 1990, letter.

The first example involves GPC's failure to include information clarifying the April 9 letter. The root cause for this failure was that GPC staff and management acted with careless disregard when it failed to correct the omission after being notified by a GPC employee that the letter failed to include information to clarify the DG start counts reported in the April 9 letter. The incompleteness was material in that the NRC subsequently requested GPC to make a submittal clarifying the April 9 letter.

The second example involves GPC's failure in erroneously attributing DG start record keeping practices as a reason for the difference between the DG starts reported in April 19 LER and in the June 29 LER revision. The root cause of this failure was that GPC acted with careless disregard when it failed to adequately determine the root cause for the reporting errors on April 9 and April 19 and, as a result, stated reasons in the cover letter that were inaccurate. The inaccuracy was material in that it could have led the NRC to conclude that the correct root causes for the difference in the number of diesel starts

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reported in the April 19 LER and the June 29 letter had been identified by GPC.

The third example involves GPC's failure to state that the root causes for the difference between the DG start counts in the April 19 LER and the June 29 letter were personnel errors. The root cause for this failure was that GPC acted with careless disregard when it failed to adequately determine the root cause for the reporting errors on April 9 and April 19 and, as a result, stated reasons in the cover letter that were incomplete. The incompleteness was material in that, had the correct root causes for the differences in the number of diesel starts been reported in the April 19 LER and the June 29 letter, it could have led the NRC to seek further information.

GROUP NOTE: With regard to examples two and three above, the Group has not identified any evidence in its review which addresses these materiality findings. Based on its review of the evidence, however, the Group has determined that the information of interest was material, i.e., it had a natural tendency or capability to influence an NRC decision maker.

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

On April 30, 1990, MOSBAUGH gave BOCKHOLD a listing of 1B DG starts. BOCKHOLD returned the list to MOSBAUGH the same day with an attached note to MOSBAUGH and KITCHENS directing them to have Engineering and Operations work together to verify the list and have Technical Support prepare proposed changes to documents as required. The listing was confirmed on May 2 and showed that the start counts reported in the April 9 presentation, the April 9 CAL response letter and the April 19 LER were incorrect. MOSBAUGH provided the validated list to BOCKHOLD on May 2, when they agreed that the LER needed to be revised to reflect the correct number of starts. They also agreed that the April 9 letter needed to be corrected and proposed that it be done in the planned May 15, 1990, letter.

On May 8, MOSBAUGH prepared a draft revision of the LER for PRB review, which included revised DG start data. A PRB-approved draft was forwarded to corporate offices on May 14. GPC also issued a May 14, 1990, letter which addressed corrective actions related to the event, but did not mention the error in DG starts reported in the April 9 letter.

After being informed that the April 19 DG start counts were in error, HAIRSTON informed EBNETER in May that a revision to the April 19 LER would be submitted, in part, to correct the DG start counts. In early June, after being provided conflicting data for the second time about the actual number of DG starts as of

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April 19, HAIRSTON again notified EBNETER. He also requested a GPC audit be conducted to establish the correct data and to determine why the errors were made. The audit, conducted from June 11 to June 29, 1990, narrowly focused on a review of diesel records (Test Data Sheets, Shift Supervisor's Log and Diesel Generator Start Log) to verify the number of DG starts. The audit did not identify any specific cause for the error in the number reported in the LER. The audit stated, however, that "[t]he error introduced in the LER appears to be the result of incomplete documentation." The audit report stated that there were incomplete and missing entries regarding DG operations in the Shift Supervisor's Log (which was one of the sources used by CASH in collecting data for the April 9 presentation and CAL response letter). The audit also noted, "It appears that confusion about the specific point at which the test program was completed exists." The Group concluded that the audit was insufficient in scope. It should have examined the performance of BOCKHOLD and CASH in collecting the initial data and could have identified their inadequate performance as the root causes for the erroneous information reported on April 9 and in the April 19 LER.

Various drafts of the cover letter for the LER revision had been prepared and were subsequently reviewed by HAIRSTON. Due to the failure of the drafts to address the causes of the reporting errors, HAIRSTON and MCCOY became personally involved in drafting language as to those causes and counted DG starts listed in the audit report. A revised LER was sent to the site for review on June 29. The June 29 draft of the cover letter for the LER revision, that was reviewed by BOCKHOLD and other site personnel, also mentioned that it would clarify the April 9 letter DG information.

During the review of the June 29 draft, a VEGP Technical Assistant (TA) (MOSBAUGH - formerly the Acting VEGP Assistant General Manager - Plant Support) noted that the letter was incomplete and challenged the accuracy of the reasons stated in the draft cover letter in conversations with the Supervisor -SAER (FREDERICK), the VEGP Assistant General Manager - Plant Support (GREENE), HORTON, and a corporate Licensing Engineer - Vogtle Project (MAJORS). MOSBAUGH stated that: (1) even though the letter specifically claimed it would clarify the DG starts reported on April 9, it neither provided the clarification nor provided any further discussion of the concern, (2) DG record keeping practices were not a cause of the difference in the DG starts reported in the April 19 LER because adequate information was available when the counting errors were made, and (3) the erroneous counts resulted from personnel errors in developing the count. The Group concluded that FREDERICK, HORTON, MAJORS, and GREENE acted with careless disregard in failing to resolve one or more of these concerns.

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FREDERICK was aware that the audit (that formed the basis for the reasons stated in the June 29 letter) was narrow in scope and did not identify a specific cause for the error in the number of 18 starts reported in the April 19 LER. He was also aware that observations stated in the audit report were inappropriately being used to identify the root causes for the errors in the April 19 LER. MOSBAUGH and HORTON made FREDERICK aware of this inaccuracy, but FREDERICK with plain indifference defended the inaccuracy. Also, FREDERICK was made aware by MOSBAUGH on June 12 that, to identify the root cause of the error in the April 19 LER (i.e., personnel errors), the audit scope would need to include an assessment of the performance of BOCKHOLD and CASH, the individuals that developed the initial count. Yet, the audit report did not include either BOCKHOLD or CASH in the list of persons contacted during the audit. On June 29, FREDERICK was again made aware by MOSBAUGH that the root cause for the difference was personnel error. The Group concluded that, despite this claim from a knowledgeable person, FREDERICK acted with careless disregard when he failed to adequately address this concern prior to issuance of the June 29 letter.

HORTON was responsible for the Diesel Start Logs and agreed with the audit report findings regarding deficiencies in their condition. Given that his logs had not been used by CASH, HORTON pointed out that it was wrong to state that the condition of his logs caused errors in the information initially provided to the NRC. HORTON understood and agreed that DG record keeping practices were not a cause of the difference in the DG starts reported in the April 19 LER and the June 29 letter. The Group concluded that HORTON, although disagreeing with the statement that diesel record keeping practices were the cause for the error, acted with careless disregard in approving the draft cover letter as a voting member of the PRB.

MAJORS was the corporate licensing engineer who had staff responsibility for preparing the cover letter for the LER revision. HAIRSTON specifically directed MAJORS to work closely with the site to ensure that the submittal was accurate and complete. The Group concluded that despite (1) this clear direction, (2) the site informing him that the June 29 letter failed to address the April 9 letter, and (3) the site informing him that the April 9 errors were different from the April 19 LER that it referenced, MAJORS acted with careless disregard in failing to address the concern raised about April 9 prior to issuance of the letter.

GREENE was apprised by MOSBAUGH (who had been involved in preparing the April 19 LER and had been heavily involved in developing an accurate DG start count) of concerns regarding the June 29 letter. MOSBAUGH identified to him the failure of the June 29 letter to address the April 9 letter that it referenced

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and he pointed out the erroneous causes stated for the reasons for the difference in the June 29 DG start counts. The Group concluded that GREENE acted with careless disregard in that he was indifferent to these concerns and, as a voting member of the PRB, approved the June 29 submittal.

EVIDENCE FOR ALLEGATION NO. 4:

1. GPC's June 29, 1990, cover letter to the revised LER stated: "This revision is necessary to clarify the information related to the number of successful diesel generator starts as discussed in the GPC letter dated April 9, 1990, and the LER dated April 19, 1990, and to update the status of corrective actions in the LER. . . . The number of successful starts included in the original LER included some of the starts that were part of the test program. The difference is attributed to diesel start record keeping practices and the definition of the end of the test program. (Exhibit 41) *
2. In an attempt to resolve his concerns about the accuracy of information provided to NRC, MOSBAUGH compiled a list of 1B DG starts and gave it to BOCKHOLD with a cover note, dated April 30, 1990, stating, "I believe that previous statements made to the NRC regarding 1B Diesel starts were incorrect in light of this data." (The cover note is GPC's Exhibit 7 in Attachment 3 of GPC's letter to NRC of April 1, 1991. The list was given to the NRC by MOSBAUGH as part of his allegation.) *
3. On April 30, 1990, BOCKHOLD responded to MOSBAUGH's note and list of the same date. "Have Engineering and Ops (JP Cash) work together to agree with the list, then have Tech Support propose changes to documents as required." (GPC Exhibit 7 in Attachment 3 of its letter to NRC of April 1, 1991) *
4. MOSBAUGH stated that BOCKHOLD told him to verify his list with CASH and he (MOSBAUGH) had some trouble getting CASH to participate. He said that CASH never sat down with him and went over his (MOSBAUGH's) list, but CASH finally said MOSBAUGH's list was correct. He stated that he also had STOKES involved in the validation process. (Exhibit 5, p. 229)
5. On May 2, 1990, MOSBAUGH gave BOCKHOLD a listing of starts for DG 1A and confirmed that his previous list of April 30 for DG 1B was correct. (Listing titled "DG1A Start History For March and April" provided by MOSBAUGH to OI during interview on July 19, 1990, and identified as "Start information on 1A Diesel given to George Bockhold on 5-2-90 saying 1B & 1A information was correct.") *

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6. After MOSBAUGH gave BOCKHOLD a validated list of starts, BOCKHOLD and MOSBAUGH agreed that the LER should be revised and MOSBAUGH indicated that site personnel were already working on it. BOCKHOLD questioned if the April 9 letter also needed to be revised. BOCKHOLD and MOSBAUGH agreed that the April 9 letter could be corrected via the planned May 15th letter. They also agreed that it would be best to use the same terminology in these documents. (Group Transcript of Tape 90, Side A, p. 2) *
7. A May 14, 1990, letter to the NRC provided information on corrective actions after the event and did not address any errors in the April 9, 1990, letter. (GPC letter to NRC, "Vogtle Electric Generating Plant Corrective Actions for Site Area Emergency," dated May 14, 1990.) *
8. HAIRSTON was told by either McCOY or SHIPMAN about mid-May 1990 that there was an error in the DG count data submitted to NRC on April 19, 1990. (Exhibit 31, pp. 76-77)
9. About May 24, 1990, HAIRSTON phoned EBNETER and reported that the number in the April 19 LER was incorrect. HAIRSTON gave EBNETER new numbers and stated that an LER revision would be submitted with the correct number for the start data. HAIRSTON stated that he told EBNETER that he was going to give him two revisions to the April 19 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)
10. 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)
11. HAIRSTON, in the presence of SHIPMAN, called FREDERICK (because AJLUNI, the QA Manager, was out of town) and requested that an SAER audit be performed. "This number [in the draft LER revision] had changed [from the one HAIRSTON had phoned in to EBNETER], and I wanted to know what the correct number was, and I wanted to know why we were having trouble counting these numbers and to give me a report." (Exhibit 31, pp. 78-81) *
12. HAIRSTON advised that, in his June 14, 1990, call to EBNETER, he told EBNETER that he was going to have an audit

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- done, and that a copy of the report would be given to the resident inspector. (Exhibit 31, p. 84)
13. HAIRSTON told OI that after receiving a draft LER revision that discussed valid starts and different time frames, he informed his staff that they had to explain why the numbers changed. (Exhibit 31, p. 87)
 14. On June 12, 1990, FREDERICK informed MOSBAUGH about the scope of the SAER audit. "I'm supposed to not only come up with a number; I'm supposed to come up with why the discrepancy exists." (Exhibit 98, p. 24)
 15. MOSBAUGH informed FREDERICK that he needed to talk to BOCKHOLD and CASH to get the facts surrounding the development of the DG start information presented to the NRC on April 9 and included in the April 19 LER. (Exhibit 97, p. 24) *
 16. The SAER audit report transmitted by memo to BOCKHOLD, dated June 29, 1990, stated that the audit was narrow in scope and was limited to a review of certain DG records (Test Data Sheets, Shift Supervisor's Logs and Diesel Start Logs). (Exhibit 43, Audit No. OP26-90/33, p. 1) *
 17. The SAER audit report stated that there were incomplete and missing entries regarding DG operations in the Shift Supervisor's Log. (Exhibit 43, Audit No. OP26/90-90/33, p. 2) *
 18. The SAER audit report stated that, "No specific cause for the error in the LER number of 18 starts was identified. However, it appears the major problem was that on April 19, 1990, when the LER was prepared, the Diesel Generator Start Log had not been updated.... Also, it appears that confusion about the specific point at which the test program was completed exists. Therefore, successful starts made during the test program were counted.... The error introduced in the LER appears to be the result of incomplete documentation." (Exhibit 43, p. 4) *
 19. In performing his count, CASH stated he obtained his count of successful starts from the Unit Control Log and the Shift Supervisor's Log. (Exhibit 9, p. 4)
 20. Persons contacted during the SAER audit were listed in the audit report and do not include BOCKHOLD or CASH. (Exhibit 43, Audit No. OP26-90/33, p. 1) *
 21. FREDERICK did not know during the audit that CASH had not used the DG start sheets in the count of starts that he gave

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BOCKHOLD for the oral presentation to NRC. (Exhibit 40, p. 50) *

22. FREDERICK could not recall asking BOCKHOLD or CASH about how CASH performed his count. FREDERICK said the audit group "looked at various documents and didn't necessarily work off of hearsay from anybody or worry about what anybody else had done before us." (Exhibit 40, pp. 38-39) *
23. CASH stated, in his June 14, 1993, testimony, that in early 1993 was the first time anyone had ever asked him to reproduce his count of diesel starts. (Exhibit 10, p. 36)
24. 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. Since the several revisions that he had received had not provided reasons for the reporting errors in the April 19 LER, HAIRSTON stated that he directed that the cover letter was to explain what those reasons were. (Exhibit 31, pp. 87-89)
25. MOSBAUGH provided OI six iterations of the cover letter to the June 29 revision to the LER. The first five drafts did not make any reference to the April 9 letter. (Exhibit 5, pp. 242-248, and Exhibit 16-20 in Attachment 3 to GPC's April 1, 1991, 2.206 petition response) *
26. MAJORS stated, on June 29, 1990, that the terminology, "The discrepancy is attributed to diesel start record keeping practices" was a "George [HAIRSTON] and Ken McCOY designed sentence, and they're referring there to this audit report..." (Exhibit 57, p. 55). MAJORS advised that if he said that, it's probably accurate, and that he was referring to HAIRSTON, not BOCKHOLD. (Exhibit 42, pp. 24-27) *
27. McCOY advised that he was involved in the preparation and review of the cover letter to the June 29 revision to LER 90-006. (Exhibit 29, p. 60)
28. BOCKHOLD stated that he did not recall being involved in the preparation of the June 29 cover letter, but that he probably reviewed it. He did not recall anything "jumping out" at him as being wrong with the cover letter. (Exhibit 13, p. 84)
29. FREDERICK, on June 29, 1990, told MOSBAUGH and HORTON that his understanding from MAJORS was that HAIRSTON may have written the last sentence of the cover letter to the LER revision himself. (Exhibit 57, p. 19)

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30. McCOY told OI that he read the audit report and reviewed the logs and lots of data in an effort to clarify the DG start issue. During the preparation of the June 29 submittal, he did not recall talking to BOCKHOLD, but he talked to AJLUNI, his QA manager, about the details of the audit. McCOY went through the logs FREDERICK had gathered in an effort to understand for himself how the error had been made and what was the accurate information. (Exhibit 29, pp. 25-27) *
31. McCOY stated that when the revision to the LER went out on June 29 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)
32. 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)
33. HAIRSTON stated that he and McCOY "sat down with the [SAER Audit Report] tables," were told where the test program ended, and he made McCOY count DG starts to assure that the starts reported agreed with the number on the SAER tables. (Exhibit 31, p. 87-88)
34. On June 29, during a discussion of the cover letter for the LER revision, MOSBAUGH stated to MAJORS, in the presence of GREENE, WEBB, ODOM, and FREDERICK, that although the cover letter stated that it addressed both the April 9 letter and April 19 LER, it only addressed the difference in the April 19 LER. MOSBAUGH also stated that the April 9 errors were different than the April 19 LER errors. (Exhibit 57, pp. 61-62) *
35. On June 29, MOSBAUGH informed GREENE and FREDERICK that DG record keeping practices were not a cause of the difference in the DG starts reported in the LER because adequate information was available when the counting errors were made. (Exhibit 57, pp. 68-69) *
36. On June 29, MOSBAUGH informed GREENE and FREDERICK of his belief that the cause for the LER being submitted with incorrect information was "... due to personnel error, carelessness, and negligence." (Exhibit 57, p. 45) *
37. MOSBAUGH stated to GREENE, ODOM and WEBB, in a phone conversation with MAJORS that, "We didn't get different numbers because we changed our record keeping practices. We got different numbers because we failed to accurately count in the beginning...." (Exhibit 57, p. 60) *

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38. MAJORS stated to MOSBAUGH, GREEN, and FREDERICK that "... George [BOCKHOLD or HAIRSTON - no conclusive evidence] was afraid that if we didn't mention the April 9th letter, the NRC might interpret it as trying to avoid discussing it." (Exhibit 57, p. 62) *
39. MAJORS, referring to HAIRSTON, said, "And he made it clear to me that I wanted for my own benefit should have a clear understanding of the basis for the numbers that went into the revised LER. In other words, he indicated to me that -- that I would not want to be responsible solely myself for the numbers that went in there; I would want to have a good basis for it.... So I took that to understand that he was concerned about the error that was made in the first LER and the implications that that error could be looked at as a material false statement and so forth and so on and that I wouldn't want to be sucked into that sort of thing." (Exhibit 42, pp. 30-31) *
40. MAJORS stated that he had a conference call with the site, and there was a pretty good discussion on what should be said in that cover letter. He stated that it did seem strange to him to send out a cover letter the said, "Here's a correction, and never ... say anything about what caused the error in the first place." (Exhibit 42, pp. 18-19)
41. HORTON disagreed with the cover letter assertion that poor diesel record keeping practices was a root cause of the NRC being provided incorrect information, but agreed that the diesel logs were not up to date. (Exhibit 57, pp. 19-30) *
42. FREDERICK knew that the SAER audit report did not say why an error was made - it only stated what the conditions were when the LER was written. (Exhibit 57, p. 23). However, he was aware that the audit report was being used as a basis for telling the NRC why the initial LER numbers were wrong: "I think what we're talking about is Mr. Hairston trying to explain why we made a mistake." (Exhibit 57, p. 29) *
43. MOSBAUGH clearly pointed out to GREENE the deficiencies in the cover letter. However, GREENE responded by saying instead, "I think I have all the information I need." (Exhibit 57, pp. 66-69) *
44. MCCOY told OI that he called BROCKMAN on August 28, 1990, to discuss several things, including the DG letter that he was preparing as a result of an NRC request, and his commitment, during the NRC STI to clarify DG starts in the April 9 letter. (Exhibit 29, p. 72) *

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45. The PRB (KITCHENS, GREENE, HORTON, COURSEY, and CASH) unanimously recommended approval of the cover letter to the LER Revision. (VEGP PRB Minutes for Meeting No. 90-91, dated June 29, 1990) *

OI CONCLUSION REGARDING ALLEGATION 4:

Based on 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.

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

The Group found insufficient evidence to conclude that HAIRSTON acted with careless disregard in ensuring complete and accurate information was provided to the NRC. To the contrary, he personally spoke with EBNETER to inform him that mistakes had been discovered in information previously provided to the NRC and that corrected information was being developed. He further instructed McCOY to inform BROCKMAN and to ensure that BOCKHOLD informed the NRC Resident Inspector. HAIRSTON initiated action to ensure the revised information would be correct by ordering that a QA audit be performed to determine the correct data to report to the NRC and to determine why mistakes had been made in the initial data. He discussed this with EBNETER and stated that a copy of the audit report would be provided to the Resident Inspector.

The Group concluded that BOCKHOLD, McCOY, and HAIRSTON failed to exercise reasonable care to ensure information provided to the NRC was complete. McCOY and HAIRSTON were actively involved in the preparation of the June 29 cover letter. BOCKHOLD and McCOY reviewed, and HAIRSTON signed, the June 29 cover letter which stated that its purpose was, in part, to clarify information provided to the NRC on April 9. However, no such clarification, or even a relevant discussion of the April 9 information, was provided in the June 29 submittal.

The Group also concluded that FREDERICK, GREENE, HORTON and MAJORS acted with careless disregard as described in the analysis section for this allegation. The actions of these individuals resulted in the failure of HAIRSTON'S efforts to provide complete and accurate information to the NRC regarding the root cause of the errors in GPC'S letters of April 9 and 19, 1990.

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

COORDINATING GROUP CONCLUSION NO. 5:

The Group concluded that GPC failed to provide complete information with respect to the root causes of the error in the April 9 letter and the April 19 LER. The August 30 letter stated that the error in the April 9 letter and presentation (and the April 19 LER) were caused, in part, by an error made by the individual who performed the count of DG starts (CASH). This statement is incomplete in that it failed to identify all personnel errors made by BOCKHOLD and CASH. The root cause of the incompleteness was the failure of GPC to exercise reasonable care in adequately identifying the causes for the error in the April 9 letter and the April 19 LER. The incompleteness was material in that, had the correct root causes for the error in the April 9 letter regarding DG start counts been reported, this information could have led the NRC to seek further information.

GPC also failed to provide accurate information with respect to the correct root cause of the errors in the April 9 letter. The August 30 letter also stated that the errors in the April 9 letter and presentation (and the April 19 LER) were caused, in part, by confusion in the distinction between a successful start and a valid test. This information was inaccurate. The root cause for providing this inaccurate information was careless disregard displayed by BOCKHOLD after concerns about the accuracy of the statement were raised. The inaccuracy was material in that it could have led the NRC to conclude that the correct root causes for the error in the April 9 letter had been identified by GPC.

GROUP NOTE: With regard to above examples, the Group has not identified any evidence in its review which addresses these materiality findings. Based on its review of the evidence, however, the Group has determined that the information of interest was material, i.e., it had a natural tendency or capability to influence an NRC decision maker.

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

GPC was clearly aware as early as May 2 that the April 9 letter was incorrect. Such notice was provided by MOSBAUGH'S verification with Operations of the accuracy of his April 30, 1990, listing of diesel starts. GPC failed to take sufficient actions to correct the April 9 letter and to determine the reasons for the errors it contained. While GPC undertook efforts to correct the April 19 LER, it narrowly focused only on that

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submittal. Specifically, GPC conducted an audit from June 11-29, 1990, the scope of which was limited to review of DG records in an attempt to correct the start count reported in the April 19 LER. HAIRSTON and McCOY were directly involved in the development of the June 29 letter and used the audit report to develop reasons for the error in the April 19 LER. Although the June 29 submittal stated that the purpose of the LER revision was to clarify information related to the number of DG starts reported in the April 9 letter and the April 19 LER, the cover letter only stated the number of successful starts subsequent to the completion of the CTP as of April 19 and attempted to explain the reasons for the error in only the April 19 LER. The June 29 LER revision submitted with the letter also did not clarify the DG start data as of April 9 in that it only reported the number of valid tests conducted March 21 through June 7. As of June 29, GPC had not initiated any action to determine the root cause for the error in the April 9 letter.

During the STI exit interview on August 17, 1990, BOCKHOLD and McCOY were specifically notified by the NRC that the revised LER did not adequately clarify the DG start information contained in the April 9 letter, and NRC requested GPC to provide clarification of this submittal. Despite having been advised of NRC concerns and of the need for a submittal, GPC did not adequately examine the root causes of the April 9 error. Rather, GPC forwarded a submittal to the NRC on August 30 regarding the April 9 letter that was drafted at corporate headquarters under the direction of McCOY, without an assessment of the actions of BOCKHOLD and CASH who developed the erroneous information for the April 9 letter. Such an assessment would likely have identified the personnel errors in requesting the count, reporting the count and assessing what the results represented (see discussion of Allegation 1 and 2, above). As a result, no adequate evaluation of the root causes of the error in the April 9 letter was available to GPC at the time of the August 30 submittal. By stating that an error was made by the individual who performed the count of DG starts for the April 9 letter, GPC's August 30 letter was incomplete with respect to identifying the root causes for the error in the April 9 letter. The incompleteness was material in that, had the NRC known of the root causes for the error in the April 9 letter regarding DG start counts, it could have led the NRC to seek further information.

In addition, the letter erroneously suggested that one of the reasons for the error in the April 9 letter and the April 19 LER was "confusion in the distinction between a successful start and a valid test" by the individuals who prepared the DG start information for the April 9 letter. During the August 29 PRB meeting, the VEGP Manager - Technical Support (AUFDENKAMPE) raised concerns about the accuracy of the statement. BOCKHOLD admitted that CASH was not confused about the distinction between

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successful starts and valid tests when the start data was collected for the April 9 letter, but stated that the sentence was not in error because other people were confused. BOCKHOLD acknowledged that there was confusion among individuals after April 9, but admitted that CASH was not confused when he developed the information. Confusion after April 9 was not relevant to reasons for the error in the April 9 letter. By retaining this wording, the first reason was inaccurate. BOCKHOLD acted with careless disregard in failing to adequately deal with concerns raised regarding this statement. The Group also concluded that the members of the PRB (GREENE, AUFDENKAMPE, HORTON, COURSEY, AND BURMEISTER) collectively failed to exercise reasonable care in not adequately resolving the concerns that had been raised about the accuracy of the first reason. As a result, the August 30 letter was inaccurate. The inaccuracy was material in that it could have led the NRC to conclude that GPC had identified the root cause of the errors in the April 9 letter and the April 19 LER.

EVIDENCE FOR CONCLUSION NO. 5:

GROUP NOTE: Evidence supporting the Group's conclusion that GPC failed to provide complete information with respect to the root causes of the error in the April 9 letter and the April 19 LER is, in part, identified in the earlier discussion supporting Conclusion No. 4. The evidence cited earlier addresses GPC's actions up to and including activities on June 29.

1. On August 30, 1990, GPC, under signature of McCOY, submitted a letter to the NRC captioned "Vogtle Electric Generating Plant Clarification of Response to Confirmation of Action Letter." This letter states, "The confusion in the April 9th letter and the original LER appear to be the result of two factors. First, there was confusion in the distinction between a successful start and a valid test. ... Second, an error was made by the individual who performed the count of DG starts for the NRC April 9th letter." (Exhibit 45)
2. McCOY identified a fundamental issue among the concerns raised by the NRC during the STI conducted in August 1990. McCOY identified this issue as whether what was presented to the NRC on April 9, 1990, was accurately presented and whether--if there was an error--there was a rational basis for the error or was it an intentional error. (Exhibit 68, pp. 32-33)

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3. McCOY stated that his notes of an August 17 meeting with the STI team showed GPC discussed the error in the report of DG starts and made a commitment to supply additional data and clarification. (Exhibit 29, p. 76-77) *
4. McCOY stated that he was briefed daily on the progress of the diesel testing after the March 20 event, and was involved in some of the discussions with the NRC inspectors regarding the diesel test results. (Exhibit 29, p. 10)
5. McCOY told OI that he called BROCKMAN on August 28 to discuss several things, including the DG letter that he was preparing as a result of an NRC request, and his commitment, during the NRC STI to clarify DG starts in the April 9 letter. (Exhibit 29, p. 72) *
6. STRINGFELLOW stated that when the NRC was at VEGP for their STI during August 1990, he recalled McCOY directing him to write a letter to the NRC clarifying the April 9 letter. (Exhibit 30, pp. 85-86)
7. GREENE advised that the reason behind the August 30 letter was that the NRC STI team didn't feel that the April 9 letter had been corrected properly. He stated that GPC's efforts in the August 30 letter were to recount GPC's understanding, as of August 30 how GPC believed the counts were done. (Exhibit 47, pp. 36-37)
8. STRINGFELLOW stated that the August 30 letter was a detailed listing of diesel starts between March 20 and April 9 that was intended to clarify the diesel starts during that period, and that was the purpose of that letter. (Exhibit 30, pp. 27-29)
9. STRINGFELLOW stated that he started with the QA report on diesel starts, discussed the report with AJLUNI, FREDERICK, McCOY, and RUSHTON, and he came up with a first draft of the August 30 letter. He said that he distributed the draft letter to those people he had 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)
10. STRINGFELLOW said that he had developed two 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)

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11. McCOY acknowledged that he did recall reading and signing the August 30 letter of clarification of the April 9 letter, from GPC to NRC. (Exhibit 29, p. 77)
12. HAIRSTON stated that he was not involved in the preparation or review of the August 30 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)
13. SHIPMAN advised that he would have reviewed the August 30 letter of clarification from GPC to NRC as he had reviewed the other cover letters and bodies of LERS. (Exhibit 39, p. 74)
14. MAJORS acknowledged that he had no involvement with the preparation or review of the August 30 letter from GPC to NRC regarding the clarification of the April 9 letter. (Exhibit 42, p. 35)
15. McDONALD acknowledged that he did not recall having any part in the preparation or review of the GPC August 30 letter of clarification to NRC regarding the GPC April 9 letter. (Exhibit 48, p. 17)
16. FREDERICK stated that he participated as an interface with the team leader of the NRC STI, 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 letter, he would have been involved, but other than that, he had no involvement. (Exhibit 40, p. 67)
17. BAILEY stated that he had no involvement in the August 30 letter to NRC. He stated that STRINGFELLOW worked with McCOY on the development of that letter. (Exhibit 28, p. 53)
18. STRINGFELLOW acknowledged that, to the best of his knowledge, the reasons stated in the letter for the incorrect information provided to NRC in the April 9 letter are correct. He acknowledged 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)
19. BOCKHOLD told OI that he normally reviewed every final draft letter that went out of the site, but he did not recall reviewing or approving the August 30 letter. (Exhibit 13, p. 86)

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20. GREENE indicated that a copy of a draft of the August 30 letter (Exhibit 46) appeared to contain BOCKHOLD's handwritten note to the PRB which says, "Please review and recommend approval or provide comments today. G. Lockhold." (Exhibit 47, pp. 41-42)
21. The PRB discussed drafts of the of August 30 clarification letter in meetings held on August 28, 29 and 30. The voting members (and voting alternates) present were GREENE (Chairman), AUFDENKAMPE, HORTON, COURSEY, AND BURMEISTER. FREDERICK attended as a non-voting member. BOCKHOLD attended the August 29 and August 30 meetings as a guest/technical advisor. MOSBAUGH attended the August 30 meeting as a guest/technical advisor. (VEGP PRB Meeting Minutes for Meeting Nos. 90-109, 90-110, 90-111) *
22. On August 28, FREDERICK questioned whether providing the tables prepared by corporate was a good idea. (VEGP PRB Minutes for Meeting No. 90-109) *
23. AUFDENKAMPE stated that he was at the PRB when the August 30 letter was discussed. He also stated that HORTON had stayed at the plant until 3:00 or 4:00 a.m. checking the tables attached to this letter, before HORTON would vote in the PRB on it. (Exhibit 38, pp. 129-130)
24. HORTON reviewed the data presented in the tables for the August 30 letter, reformatted the tables, and added a column with comments for each start. (VEGP PRB Minutes for Meeting No. 90-110) *
25. BOCKHOLD's response to comments that the draft be revised to state its purpose at the outset is that, "[i]f Birmingham likes this letter written this way, . . . that's what we should do." BOCKHOLD states his view that the organization of the information in the letter does not affect its accuracy. BOCKHOLD further states that he wants a unanimous recommendation from the PRB before he concurs in the August 30 letter. (Exhibit 60, p. 43-45) *
26. On August 30, BOCKHOLD changed the word "errors" to "confusion" and changed "valid start" to "valid test" on page one, paragraph three of the draft clarification letter. (Exhibit 60, p. 35; see VEGP PRB Meeting Minutes for Meeting No. 90-111) *
27. During the August 30 PRB meeting, AUFDENKAMPE questioned whether there was confusion between successful starts and valid tests. BOCKHOLD admitted that CASH was not confused about the distinction between a successful start and a valid test when he performed his count. AUFDENKAMPE stated that

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the sentence is in error. (Exhibit 60 pp. 39-41; see VEGP PRB Minutes for Meeting No. 90-111) *

28. BOCKHOLD replied to AUFDENKAMPE that "[t]he sentence is not in error and maybe should go someplace else" since "everybody else, the more we got into it," got confused. "On that date, Jimmy [CASH] wasn't confused. He thought he had counted successful starts." (Exhibit 60, p. 41) *
29. BOCKHOLD acknowledged to OI that his reading of the August 30 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)
30. BOCKHOLD told OI that he has not been confused about the distinction between a successful start and a valid test. (Exhibit 13, p. 87)
31. CASH indicated that he was not confused about what BOCKHOLD asked him to count for the April 9 presentation. (Exhibit 10, p. 88)
32. CASH stated that he did not recall being involved in the preparation of the GPC letter to NRC dated August 30, and further stated that he was not involved with the tables of diesel starts that were attached to the letter. (Exhibit 10, p. 83)
33. CASH did not believe that he made a mistake in what he was counting at the time. (Exhibit 10, p. 91)
34. CASH stated that he did not recall anyone from GPC ever discussing with him what kind of error he made, and he stated he never saw the August 30 letter until 1993. (Exhibit 10, p. 92)
35. As of July 1, 1993, McDONALD had not talked to BOCKHOLD or CASH about how they arrived at the data for the April 9, 1991, presentation, and had not asked any of the other managers in his chain of command about that issue. (Exhibit 48, pp. 19-20)
36. McDONALD acknowledged that he did not know what kind of an error CASH made in counting the starts. (Exhibit 48, p. 20)

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37. In 1993, CASH indicated that the only start he would not have counted (as indicated by the typed list that GPC offered during the interview as being representative of his count) was an April 1 start that never occurred. (Exhibit 10, p. 21)
38. 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, p. 130)
39. 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)
40. FREDERICK acknowledged that there was no confusion in his mind between a successful start and a valid test. 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)
41. FREDERICK stated that the letter is poorly worded, and did not express what the confusion really was, but it was his belief that GPC had not clarified it for the NRC staff. (Exhibit 40, p. 72)
42. BOCKHOLD told OI that none of his managers in the corporate offices in Birmingham had asked him, during the period April 9 to August 30 to specify exactly how he had arrived at the numbers of successful diesel starts that he had presented to the NRC on April 9, 1990. He stated that if they had, he would have responded that he had used numbers verified by CASH. (Exhibit 95)

OI CONCLUSION REGARDING ALLEGATION 5:

OI concludes that McCOY, with, at a minimum of careless disregard, submitted both a false and a misleading statement in the August 30, 1990, letter to NRC. 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.

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS ON ALLEGATION 5:

The Group could not identify evidence that McCOY acted with careless disregard. BOCKHOLD, not McCOY, specifically knew that CASH was not confused about successful starts vs. valid tests on

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April 9. BOCKHOLD, as VEGP General Manager, had the responsibility to ensure that information submitted in the August 30 letter was accurate. BOCKHOLD had personal knowledge and had been informed by AUFDENKAMPE that CASH, the Unit Superintendent, understood the distinction between successful starts and valid tests.

The evidence supports that GPC failed to exercise reasonable care in examining and identifying the root cause of the April 9 error. The performance deficiencies of CASH or BOCKHOLD were not examined or fully explained despite GPC being made aware that the April 9 errors were attributable to personnel errors. The reasons presented in the letter were inaccurate and incomplete largely due to the failure of GPC to conduct a thorough review of the facts and individual actions which contributed to the erroneous information provided on April 9, April 19 and June 29. Although McCOY was told during the April 19 conference call that CASH had collected the start data for BOCKHOLD, he had no direct knowledge as to how CASH performed or whether he was confused. By contrast, BOCKHOLD, the original requestor of the data, was directly involved in developing the information presented to the NRC on April 9 and actively reviewed the information in the August 30 letter.

McCOY acted unreasonably in failing to assure that the August 30 letter adequately explained the reasons for the errors in the April 9 letter. McCOY committed during the August 17 meeting with the STI team to provide a clarification to the NRC regarding the April 9 letter. McCOY was aware of the seriousness of the NRC concerns regarding the possible errors in the April 9 letter including potential wrongdoing.

The Group could not identify any evidence that McCOY, despite this information, took adequate steps to ensure that a root cause analysis was performed. Specifically, McCOY failed to assure that the performance of BOCKHOLD and CASH in developing the April 9 DG start data was critically examined. Thus, the Group concluded he failed to exercise sufficient oversight of the preparation of the August 30 letter to assure that serious NRC concerns were accurately addressed.

Allegation No. 6: Withholding, on April 9, 1990, Knowledge of Recent Out-of-Tolerance DG Control Air Dew Point Readings by the VEGP GM.

COORDINATING GROUP CONCLUSION FOR ALLEGATION NO. 6:

GPC failed to include information regarding DG starting air quality in its April 9, 1990, letter to the NRC regarding restart of Vogtle Unit 2. The incompleteness was material in that the

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

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

The air for starting a DG and operating its instruments and controls is derived from the starting air system. The starting air system contains dryers designed to control moisture (i.e., dew point) at acceptable levels. GPC presented an incomplete discussion regarding control of dew points in its April 9 letter by only stating that initial reports of high dew points were attributed to faulty instrumentation. The root cause of this problem was the failure of GPC to exercise reasonable care. Specifically, an adequate review of maintenance records and deficiency cards associated with Unit 1 would have revealed that high dew points were also attributable to system air dryers occasionally being out of service for extended periods and to system repressurization following maintenance, as documented in NRC Inspection Report No. 50-424, 425/90-19, Supplement 1, dated November 1, 1991. These additional reasons for the high dew points should have been included in the April 9 letter. The Group concluded that the discussion regarding dew points was incomplete and the Group concluded that GPC as an entity failed to act reasonably to assure that the information was complete. The incompleteness was material in that the NRC relied, in part, upon the information presented by GPC in its letter of April 9 in reaching the decision to allow Unit 1 to return to power operation.

The evidence gathered by OI does not indicate how or by whom the air quality portion of the April 9 letter was prepared. It was likely prepared by corporate licensing personnel and reviewed at the site. BOCKHOLD was one of the reviewers of the April 9 letter. The nature of his review was a quick review placing reliance on people at both corporate and the site whose job was to prepare the letter.

Although BOCKHOLD did review the April 9 letter, the Group did not conclude that he acted unreasonably in failing to identify the omission. Dew points are a measure of air quality. The significant technical issue is that air quality be satisfactory. While a low dew point can assist in assuring air quality, air quality may be satisfactory even where high dew points are found. This was the case at Vogtle. Vogtle had a history of high dew points. This was confirmed by the NRC inspection. However, the air quality at Vogtle was found satisfactory for the reasons stated in the April 9 letter as confirmed by the NRC inspection effort. The Group concluded that a review of the letter by BOCKHOLD likely would have focused on the primary technical issue, i.e., air quality and the reasons given to support the

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conclusion that air quality was satisfactory. This information in the letter was correct. That this was the likely nature of BOCKHOLD'S review of the letter is supported by his response to concerns brought to him by MOSBAUGH regarding air quality on April 11. In response to concerns regarding dew point control, BOCKHOLD participated in a full discussion of the issue with MOSBAUGH and his engineers. BOCKHOLD'S focus during this discussion was on the substantive issue - air quality. At the end of that discussion, the consensus was that air quality was acceptable and that the statement in the April 9 letter regarding air quality was correct.

In addition, the failure in this case involved an omission. The statement in the letter regarding faulty instrumentation is correct, however, the statement is incomplete. A reviewer would inherently have greater difficulty in identifying an omission than in identifying an inaccuracy.

GPC, as an entity, should have prepared an accurate discussion of air quality. The Group did not believe, however, that BOCKHOLD, as a reviewer, should have necessarily identified the omission with respect to Unit 2, even though he was aware shortly before the April 9 presentation that high dew points had occurred on Unit 2 due to air dryers being out of service. Although the discussion of air quality in the April 9 letter was general in nature, the focus of the April 9 letter was Unit 1 and not Unit 2.

EVIDENCE FOR ALLEGATION NO. 6:

1. The April 9 GPC letter requesting restart focused on Unit 1 and stated that, "GPC has reviewed air quality of the DG air system including dewpoint control and had concluded that air quality is satisfactory. Initial reports of higher than expected dewpoints were later attributed to faulty instrumentation." (Exhibit 27, p. 3)
2. BOCKHOLD reviewed and commented on the April 9 letter prior to it being signed out. (Exhibit 13, p. 34) *
3. High dew points at Vogtle were due to faulty instrumentation, system air dryers occasionally being out of service for extended periods, and system repressurization following maintenance. Air quality at Vogtle at the time of restart of Unit 1 in April of 1990, was satisfactory. (NRC Inspection Report No. 50-424, 425/90-19, Supplement 1, dated November 1, 1991, p. 18) *
4. BOCKHOLD would review documents quickly. "I -- my practice had been to read this information rather quickly and see if anything jumped out at me that was not correct. My practice

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had not been to study this information, because we had a whole group of people both at the site and in corporate whose job was to do this." (Exhibit 13, p. 37) *

5. On April 11, 1990, BOCKHOLD stated in a conversation with Vogtle engineers KOCHERY, STOKES and HORTON that he knew about a bad dew point reading on the Unit 2 DG shortly before he made his presentation to the NRC. (Exhibit 66, p. 51)
6. The faulty dew point readings on the Unit 2 DG that BOCKHOLD discussed with his engineers were attributable to the failure to use air dryers. (Exhibit 66, pp. 42-48; p. 51) *
7. On April 11, 1990, BOCKHOLD was aware of what the April 9 letter to the NRC said about air quality and dew point readings and believed it focused on Unit 1. (Exhibit 66, pp. 40-41)
8. BOCKHOLD discussed the air quality and the related dew point issue with his engineers on April 11, 1990, in response to concerns raised by MOSBAUGH. The consensus at the end of that discussion was that air quality at Vogtle was satisfactory and that statements in the April 9 letter regarding air quality remained valid. (Exhibit 66, pp. 42-48) *
9. The NRC relied, in part, upon the information regarding control air dew points provided by GPC in the April 9, 1990, letter in reaching the NRC decision to allow Unit 1 to return to power operation. ("NRC Staff Supplemental Response to Intervenor's First Set of Interrogatories and Request for Documents," September 15, 1993, Response 16) *

OI CONCLUSION REGARDING ALLEGATION 6:

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 dew point readings on the control air of the VEGP, Unit 2 DGs as recently as the day before his presentation. In addition, BOCKHOLD knew that GPC, as part of their justification for restart of Unit 1, was claiming that VEGP DG was satisfactory, and that GPC was attributing their bad dew point readings to faulty instrumentation. BOCKHOLD deliberately withheld from NRC, his knowledge of the relevant, material information regarding the recent bad dew point readings, and permitted the GPC claims of satisfactory air quality, and bad readings due to faulty instrumentation, to be issued in the GPC

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April 9, 1990, letter of response to the NRC Confirmation of Action.

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS FOR ALLEGATION NO. 6:

OI concluded that BOCKHOLD deliberately withheld information regarding the reasons for high dew point readings from the NRC on April 9, 1990. The Group found insufficient evidence to support that any dew point representations were made at the oral presentation to the NRC on April 9. With regard to the April 9 letter, the evidence does not disclose the origins of the letter. BOCKHOLD did review the letter which discussed the substantive issue of air quality and the related issue of dew point control. The Group concluded that it would not have been unreasonable for BOCKHOLD to focus on the substantive issue of whether air quality was satisfactory rather than the related issue of dew point control. That his focus would be so directed is supported by his participation with MOSBAUGH and Vogtle engineers when discussing this issue on April 11 where his focus was on air quality. In addition, the April 9 letter was focused on Unit 1 while the high dew points of which BOCKHOLD was aware occurred on Unit 2. Finally, the matter involved an omission rather than an inaccuracy which would be more difficult for a reviewer to detect.

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.

COORDINATING GROUP CONCLUSION FOR ALLEGATION NO. 7:

The Group concluded that there is a reasonable basis for the information submitted by GPC in its April 1, 1991, response to the MOSBAUGH and HOBBY 10 C.F.R. § 2.206 petition and the allegation. Therefore, the Group could not conclude that GPC submitted inaccurate information, as alleged.

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

The Group has reviewed the footnote set out in GPC's April 1, 1991, response to the MOSBAUGH and HOBBY 10 C.F.R. § 2.206 petition and the allegation. The allegation misquotes the footnote by using the word "revised" instead of "reviewed." The Group concluded that a reasonable interpretation of the footnote is that it refers to the last taped phone call on April 19, 1990, during which the final draft of the LER was reviewed and approved by the site.

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There were several telephone calls between site and corporate personnel on April 19. HAIRSTON participated in a portion of a telephone call on April 19 after the language CTP was developed for inclusion in a draft of the LER. BOCKHOLD also participated in this call in which several revisions were made to the draft LER.

Subsequently, a draft containing proposed revisions including the CTP language was reviewed by STRINGFELLOW, MOSBAUGH, SHIPMAN, AUFDENKAMPE, and SCHWARTZWELDER during a later call on April 19. Although a GPC document identifies that it believes that BOCKHOLD participated in that telephone call, and McDONALD, in response to an OI question, identified BOCKHOLD as a participant, the Group determined that neither BOCKHOLD nor HAIRSTON were participants in the later call. The final wording of the LER was reviewed and approved during this call. Following this call, the LER was presented to HAIRSTON for his signature.

Based on this information, the Group concluded that a submission of inaccurate information regarding the participation of HAIRSTON was not substantiated.

EVIDENCE FOR ALLEGATION NO. 7:

1. By letter dated April 1, 1991, GPC responded to the NRC regarding a 2.206 Petition submitted to NRC by MOSBAUGH and HOBBY. The letter, signed and sworn to by McDONALD, stated with respect to the April 19 LER, that: "[t]he wording was reviewed by corporate and site representatives in a telephone conference call late on April 19, 1990. Although Mr. Hairston was not a participant in that call, he had every reason to believe the final draft LER presented to him after the call was accurate and complete." (Enclosure to GPC letter of April 1, 1991, at attachment 3, page 3, footnote 3) *
2. It was alleged that GPC's 2.206 response of April 1, 1991, stated that "[t]he wording was revised [sic.; reviewed] by corporate and site representatives in a telephone conference call late on April 19, 1990. Although Mr. Hairston was not a participant in that call, he had every reason to believe that the final draft LER presented to him after the call was accurate and complete." (MOSBAUGH Memo to the NRC, "Georgia Power/SONOPCO 2.206 Petition Response is Filled with Lies," signed May 28, 1991) *
3. In an April 19 phone call involving SHIPMAN, STRINGFELLOW, MOSBAUGH, BOCKHOLD, McCOY, and AUFDENKAMPE regarding a draft of LER 90-006, the language "subsequent to this [comprehensive] test program" was developed. HAIRSTON

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joined the phone call after the language was developed and, as pertinent to the DG start data, questioned whether the trip issue had been resolved. (Exhibit 36, pp. 8-12) *

4. During a later phone call on April 19, 1990, MOSBAUGH, AUFDENKAMPE, SHIPMAN, SWARTZWELDER, and STRINGFELLOW reviewed final revisions to LER 90-006. During this call, the site approved the final draft. HAIRSTON did not participate in the call. (Exhibit 36, pp. 20-32) *
5. A 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 believed that BOCKHOLD, MOSBAUGH, AUFDENKAMPE, and SHIPMAN were on the "phonecon" in which the final revision of LER 90-06, Revision 0 was prepared. (Exhibit 44)
6. 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. (Exhibit 48, pp. 25-27)

OI CONCLUSION REGARDING ALLEGATION NO. 7:

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 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 DG 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 and deliberately provided false information to the NRC.

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS FOR ALLEGATION NO. 7:

The Group found that the OI Report misquotes the footnote by using the word "revised" instead of "reviewed." The Group also found that the final draft of the LER was reviewed, during the last taped telephone call on April 19 and that HAIRSTON did not participate in the call. OI construed the footnote as referring

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to the earlier taped phone call on April 19 in which HAIRSTON did participate briefly. However, since it is reasonable to conclude that the footnote refers to the later telephone call on April 19 where the language concerning CTP was "reviewed," the Group could not find that GPC submitted inaccurate information.

COMPARISON OF OI AND COORDINATING GROUP CONCLUSIONS ON OVERALL GPC PERFORMANCE:

OI concluded, based on the combination of the findings contained in the OI Report (Case No. 2-90-020R) and its overall review 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. OI found that this attitude fostered a noticeable degree of frustration on the part of various GPC technical support and engineering personnel with respect to GPC providing information, not known to NRC, that had the potential of resulting in NRC enforcement action.

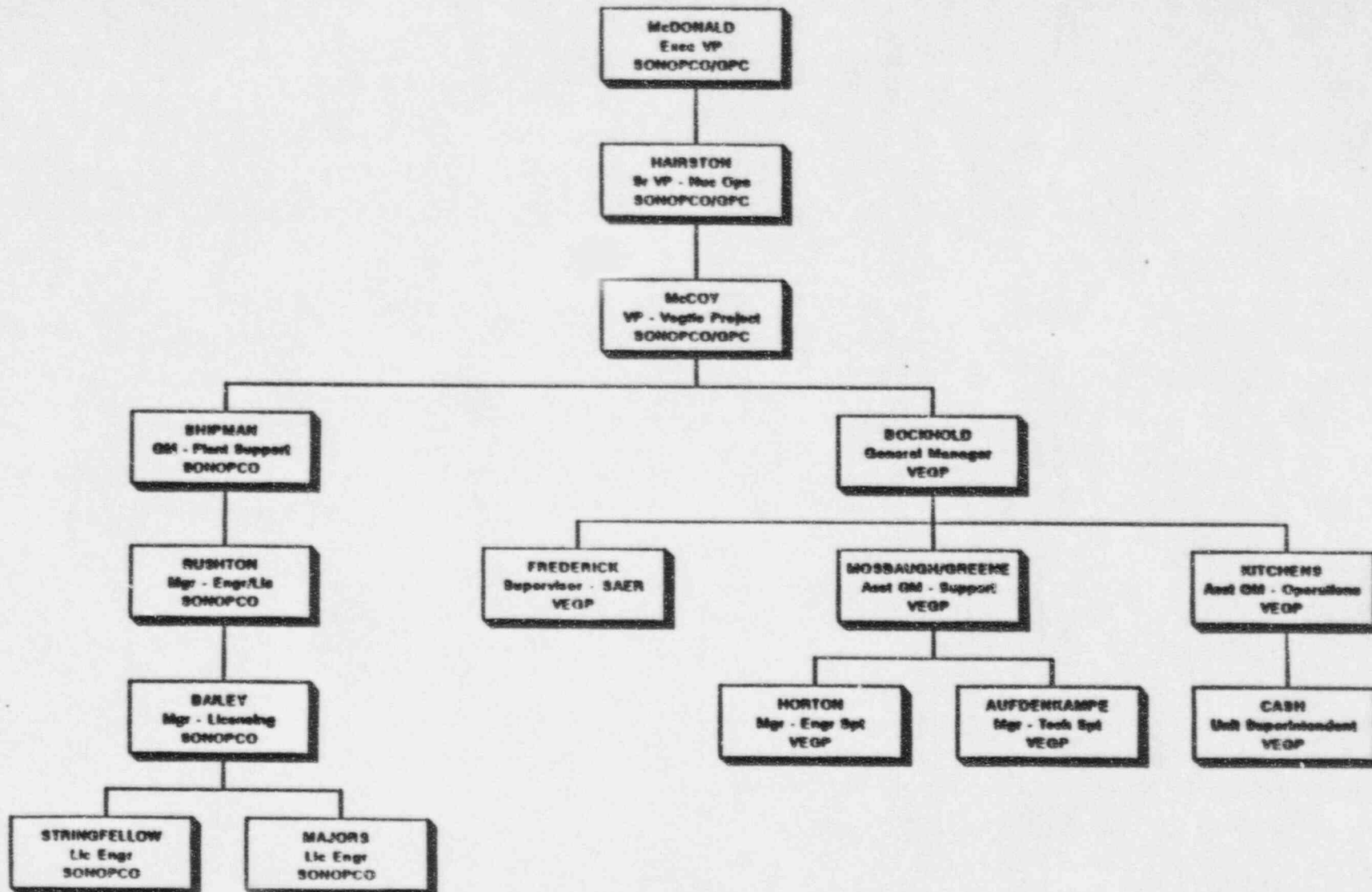
The OI conclusions are based upon their review of numerous audio tape recordings of internal GPC conversations on a range of issues during the March-August 1990 time frame. The Group's evaluation addresses the same period but has been limited, in accordance with its Charter, to determining what the tapes and other evidentiary materials revealed about GPC's performance related to the reporting of diesel generator testing. Based on the scope of this review, the Group developed an assessment of GPC's performance that is narrower than the OI conclusion. The Group concluded that there were multiple failures within GPC during the period from April through August 1990. These failures resulted in GPC providing to the NRC incomplete and inaccurate information associated with DG testing and, thereafter, inaccurate and incomplete reasons as to why the initial information submitted to the NRC was inaccurate. The Group identified two instances where managers and supervisors acted with careless disregard (wrongdoing) and numerous instances where managers and supervisors failed to exercise reasonable care in providing information to the NRC. In no case was the Group able to find that any individual deliberately provided inaccurate or incomplete information to the NRC.

The Group, in its review of the tapes associated with its Charter, did observe a number of instances where GPC employees made statements and took actions which could be viewed as indicative of a poor attitude toward the NRC, particularly in communications with the NRC. In those cases where the evidence supported unreasonable conduct or careless disregard on the part of GPC employees, that conduct is discussed in the Group's

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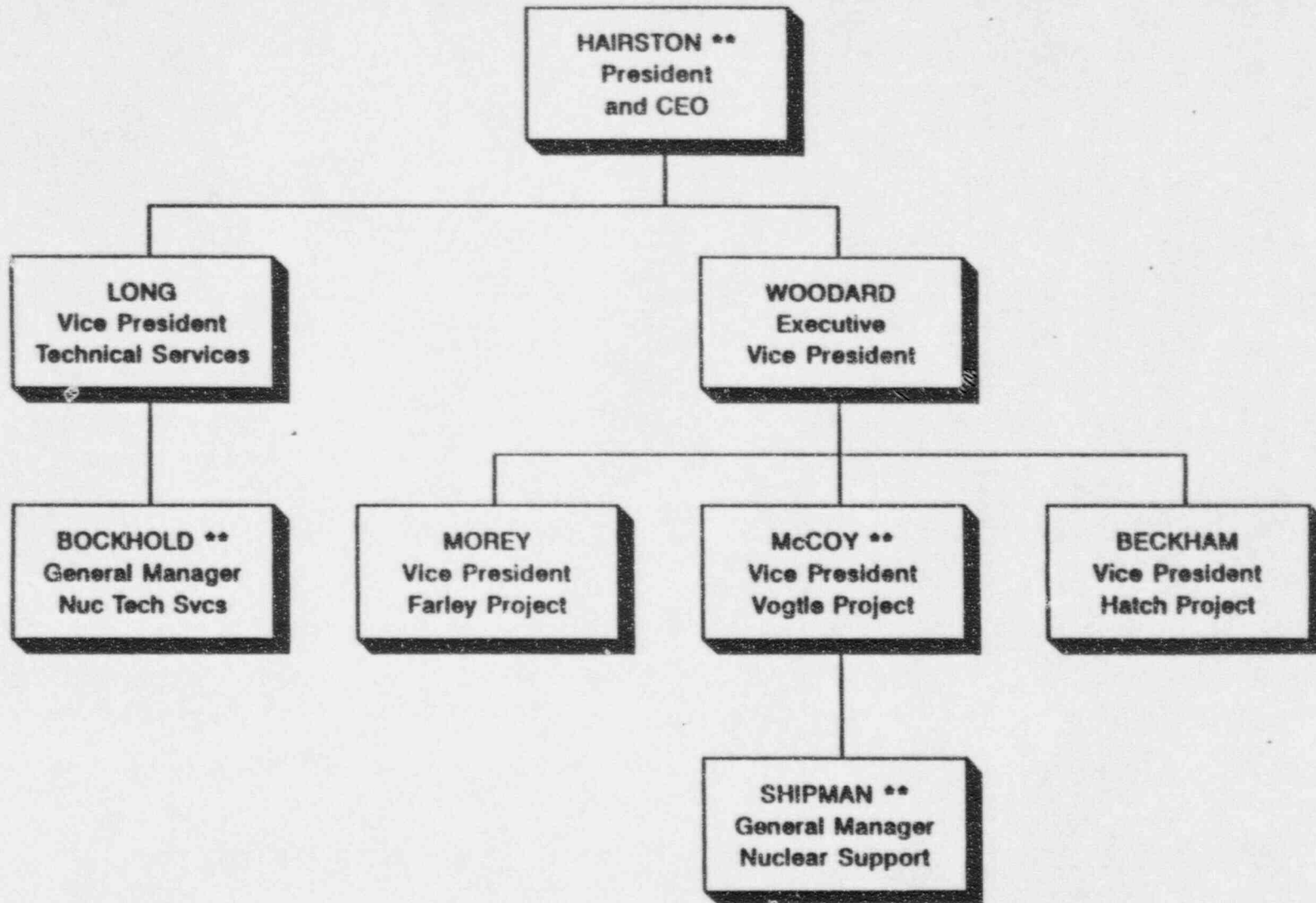
analysis. In those instances where the evidence was insufficient for the Group to reach a general consensus with regard to the statements or conduct at issue, the conduct was not used as a basis for any conclusions reached by the Group. The Group notes that it also observed instances where GPC employees made statements and took actions which could be viewed as indicative of an attitude consistent with providing the NRC with complete and accurate information. The Group could not identify sufficient evidence to reach an overall conclusion as to a prevailing attitude toward the NRC on the part of the GPC employees identified in the analysis. The Group did conclude that GPC performance during this time period in its communications with the NRC regarding DGs was seriously deficient.

LICENSEE MANAGEMENT STRUCTURE (Mid-1990)



CURRENT POSITIONS OF KEY INDIVIDUALS

Southern Nuclear Operating Company



** Persons identified in OI and Staff reports.

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