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USNRC

Attachment C

Darl S. Hood

'95 OCT 20 P4 58
Staff Exh. II-44

U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Education:

Graduated from North Carolina State University, Raleigh,
North Carolina
Bachelor of Science degree in Nuclear Engineering

Experience

1976 - Present

Project Manager, U. S. Nuclear Regulatory Commission
Principal plant assignments in this capacity have been for
Westinghouse's standard reference design RESAR-414;
Midland Plant, Units 1 and 2; McGuire Nuclear Station,
Units 1 and 2 (from late December 1984 to August 1990); and
Vogtle Electric Generating Plant, Units 1 and 2 (from August
1990 to present)

1969 - 1976

Assistant Project Manager, Nuclear Power Systems Division of
Combustion Engineering, Inc., Windsor, Connecticut
Responsible for licensing support for Duke Power Company's
proposed Cherokee Units 1, 2, and 3 and Thomas L. Perkins
Units 1, 2, and 3

Project Engineer, Safety and Licensing Department,
Combustion Engineering, Inc., Windsor, Connecticut.
Responsible for licensing support of nuclear power plants.

1966 - 1969

Nuclear Safety and Radiation Analysis Engineer,
Nuclear Division of Martin Marietta Corporation,
Baltimore, Maryland
Analyze the hazard potential of nuclear systems for space
applications

1965 - 1966

Nuclear Quality Control Engineer, Electric Boat Division of
General Dynamics, Groton, Connecticut

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-O, A-3 EXHIBIT NO. II-44

In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2

Staff Applicant Intervenor Other

Identified Received Rejected Reporter SP

Date 9/22/95 Witness Hood/MATTHEWS/SKINNER

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1963 - 1965

Aeronautical Engineer, Nuclear Propulsion and Power
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Huntsville, Alabama

Analyze radiation hazards to crew during planned space flights using nuclear propulsion and radioisotopic power sources.

1963 - 1965

Signal Corps, U. S. Army
Began as a Second Lieutenant and finished as a Captain

1962 - 1963

Norfolk Naval Shipyard, Portsmouth, Virginia
Design Engineer

UNITED STATES OF AMERICA

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
GEORGIA POWER COMPANY, *et al.*) Docket Nos. 50-424-OLA-3
) 50-425-OLA-3
)
(Vogtle Electric Generating Plant) Re: Licensee Amendment
Units 1 and 2) (Transfer to Southern Nuclear)
)

TESTIMONY OF DAVID B. MATTHEWS, PIERCE H. SKINNER,
AND DARL S. HOOD ON THE DIESEL GENERATOR ISSUE

Q1. Would you each please state your name, job title, employment affiliation, and professional qualifications.

ANSWER

My name is David B. Matthews. I am employed by the U.S. Nuclear Regulatory Commission (NRC) as the Director of Project Directorate II-1 in the Office of Nuclear Reactor Regulation (NRR). My education and professional qualifications are summarized in Attachment A.

My name is Pierce H. Skinner. I am employed by Region II of the NRC as the Chief of Reactor Projects, Section 3B. My education and professional qualifications are summarized in Attachment B.

My name is Darl S. Hood. I am employed by the NRC as a Senior Project Manager within Project Directorate II-2 of the Division of Reactor Projects I/II. I serve as Project Manager for the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle). My education and professional qualifications are summarized in Attachment C.

Q2. What is the purpose of your testimony?

ANSWER

Our testimony is to present the NRC Staff's position with respect to allegations that senior Georgia Power Company managers intentionally provided incomplete, inaccurate or misleading information to the NRC regarding diesel generator (DG) testing and reliability after the March 20, 1990 Site Area Emergency (SAE) at Vogtle.

Q3. Please describe your responsibilities with respect to Vogtle as they relate to the diesel generator issue in this proceeding.

ANSWER

(Matthews) From March 1988 through mid-1994, I was the Project Director responsible for directing the NRC's licensing reviews, safety analyses, and safety oversight for Vogtle. These duties were performed in close coordination with NRC Region II personnel who have primary responsibility for inspection and day-to-day operational oversight at Vogtle. As part of these duties, I managed the final NRC review and approval of GPC's application for an operating license for Vogtle Unit 2. As the principal NRR manager responsible for Vogtle, I participated in the NRC response to the March 20, 1990, Site Area Emergency (SAE). In addition, I have been the Chair of the Vogtle Coordinating Group (VCG) since its establishment in July 1991.

(Skinner) I am responsible for the NRC's inspection program at Vogtle. I am directly involved with the NRC's regulatory oversight functions and day-to-day activities at this facility. I direct the efforts of the NRC's resident staff at Vogtle and make frequent visits to the site near Augusta, Georgia, and GPC Corporate offices in

Birmingham, Alabama, in order to communicate regulatory perspective to the licensee, communicate NRC management expectations to NRC field personnel, and independently assess GPC's activities. As the NRC Region II coordinator between GPC and Region II since March 1991, I have reviewed most correspondence associated with Vogtle since that time. I also represent Region II as a member of the VCG.

(Hood) I became Project Manager for Vogtle in August 1990. In this position, I am the principal contact for GPC regarding licensing activities involving NRR. I manage safety analyses performed by NRR and the issuance of license amendments. As Project Manager, I am aware of most NRC activities relating to Vogtle, correspondence with the licensee, allegations submitted to NRC, petitions filed pursuant to 10 C.F.R. § 2.206, and hearing matters. I have been a member of the VCG since it was formed.

Q4. What was the purpose of the VCG?

ANSWER

The VCG was originally established in July 1991 to function as a central coordinating point, as needed, for activities underway in various NRC offices related to Vogtle. These activities included the evaluation of a 10 C.F.R. § 2.206 petition (and supplements) filed by Marvin Hobby and Allen Mosbaugh. The VCG was reconfigured, in September 1993, to review information collected by the NRC Office of Investigations (OI) in its ongoing investigation of Case No. 2-90-020R. This investigation concerned allegations that senior GPC managers intentionally provided incomplete, inaccurate or misleading information to the NRC regarding the testing and reliability of DGs at Vogtle. The VCG was to develop, for management consideration, a determination of whether enforcement

action was warranted with respect to the alleged wrongdoing. The VCG was comprised of NRR, Region II and Office of Enforcement personnel and included the members of this hearing panel.

The VCG reviewed the evidence collected by OI's investigation, as well as other information the NRC identified regarding the allegations, and prepared a detailed analysis of the evidence regarding the allegations being investigated by OI. Vogtle Coordinating Group Analysis, dated February 9, 1994 (VCG February 9 Analysis) (Attachment D). This effort included review of the pertinent GPC submittals and the time-consuming task of listening to selected audio tape recordings made by Allen Mosbaugh, the Intervenor.

Q5. What were the findings of the VCG with respect to the OI Report dated December 17, 1993?

ANSWER

The VCG February 9 Analysis included a comparison of the OI and VCG conclusions for each matter in the OI Report and a comparison of each OI conclusion with the conclusion reached by the VCG. Based on an evaluation of the evidence, the VCG identified a number of instances where GPC failed to provide to the NRC information that was complete and accurate in all material respects. Specifically, the VCG concluded that:

- The information obtained and presented by GPC to the NRC during the April 9, 1990 presentation and letter was inaccurate with respect to the number of successful DG starts. The correct number of consecutive successful starts without problems or failures was 12 for the 1B DG, rather

than the 19 that GPC reported to NRC on April 9. The inaccuracy was caused by (1) the failure of the General Manager, George Bockhold, Jr., in directing the Unit Superintendent, Jimmy Paul Cash, to collect DG start information and in assessing what Mr. Cash gave him, before providing the information to the NRC; and (2) the failure of Mr. Cash in performing and reporting his count to ensure that the data was what Mr. Bockhold had wanted.

- Inaccurate information was provided to the NRC in Licensee Event Report (LER) 90-006, dated April 19, 1990, with respect to the number of consecutive successful DG starts subsequent to completion of the "comprehensive test program" (CTP). This inaccuracy was caused by: (1) Mr. Bockhold's agreement to use the term CTP in the LER when the term failed to adequately identify when the reported count of consecutive successful DG starts began; (2) the General Manager - Plant Support, William Shipman, and the Vogtle Technical Support Manager, John Aufdenkampe, agreeing to the use of the term CTP in the preparation of the April 19 LER in light of the differing interpretation given that term by the Acting Vogtle Assistant General Manager - Plant Support, Allen Mosbaugh; and (3) Mr. Mosbaugh's failure to resolve his concern about the accuracy of the DG start counts prior to issuance of the April 19 LER.
- Inaccurate and incomplete information was provided to the NRC in the June 29, 1990 cover letter to the revised LER, in three instances with respect

to clarifying the DG starts count reported in the April 9 letter, and providing reasons for the error in the April 19, 1990, LER: (1) GPC failed to include information regarding the April 9, 1990, letter after being made aware that the letter failed to include information to clarify the April 9, 1990, DG start counts and despite the letter's stated purpose, in part, to provide this clarification; (2) GPC erroneously attributed DG start record keeping practices as a reason for the difference between the DG starts reported in the April 19, 1990, LER and the June 29, 1990, LER revision; and (3) GPC failed to state that the difference between the DG start counts in the April 19, 1990, LER and the June 29, 1990, letter was due to personnel errors.

- GPC failed to provide complete and accurate information to the NRC in the August 30, 1990, letter in two instances regarding the reasons for the April 9 errors: (1) the August 30, 1990 letter inaccurately stated that the errors in the April 9, 1990, letter and presentation and the April 19, 1990, LER were caused, in part, by confusion in the distinction between a successful start and a valid test, even though Mr. Bockhold had admitted that Mr. Cash was not confused about the distinction when he collected the data; and (2) the August 30, 1990, letter was incomplete in attributing the error in the April 9, 1990 letter and presentation and the April 19, 1990 LER to an error by the individual who performed the count in that the letter failed to also identify personnel errors by Mr. Bockhold that also contributed to the problem.

- GPC failed to provide complete information regarding control of DG air quality (i.e., dew point) in the April 9, 1990 letter to the NRC by only stating that initial reports of high dew points were attributed to faulty instrumentation. The letter failed to state that high dew points for Vogtle Unit 1 were also attributable to system air dryers occasionally being out of service for extended periods and to system repressurization following maintenance.

In addition, the VCG concluded that (1) there was a reasonable basis for the information submitted by GPC in its April 1, 1991 response to the 10 C.F.R. § 2.206 petition and allegation of Messrs Mosbaugh and Hobby regarding whether or not the Senior Vice President, Mr. George Hairston participated in the April 19 phone call; and (2) there was insufficient evidence to conclude that GPC exhibited a poor attitude toward the NRC. However, the VCG found that the performance by GPC during the period between April 9 and August 30, 1990, regarding matters in the allegations was seriously deficient.

Q6. What action did NRC take regarding the matters discussed in the OI Report and VCG's February 9, 1994, analysis?

ANSWER

The NRC concluded that there were five examples of a failure of GPC officials on a number of occasions from April 9 to August 30, 1990, to provide the NRC with information that was complete and accurate in all material respects.

Based on this conclusion, on May 9, 1994, the NRC issued to GPC a Notice of Violation and Proposed Imposition of Civil Penalties (NOV) (Attachment E) identifying

the five violations as constituting a Severity Level II problem, and issued three Demands for Information (DFIs) concerning the performance of Mr. C.K. McCoy (Attachment F), Mr. George Bockhold (Attachment G), and Messrs. Greene, Frederick, Majors and Horton (Attachment H). The DFIs requested information concerning the performance failures of these individuals to enable the NRC to determine whether additional enforcement actions should be taken with respect to their individual performances. In addition, these individuals were given the opportunity to submit separate responses to the DFIs.

Q7. Did the NRC receive responses to the NOV and DFIs?

ANSWER

Yes. The NRC received three GPC letters, dated July 31, 1994, with attachments, that forwarded GPC's Reply to Notice of Violation and Proposed Imposition of Civil Penalties; EA 93-304 (NOV Response), and GPC's response to the DFIs concerning Messrs. Bockhold, Greene, Frederick, Majors, and Horton. By letters dated August 1, and 17, 1994, respectively, GPC submitted a response to the DFI regarding Mr. McCoy and corrections to its July 31 NOV Response. The NRC also received individual DFI responses from the six individuals.

Q8. Was the VCG involved with the NRC's review and assessment of the responses to the NOV and DFIs?

ANSWER

Yes. The VCG evaluated GPC's NOV Response and the GPC and individual responses to the DFIs and forwarded its November 4, 1994, conclusions and recommendations (Attachment I) to NRC management. The VCG concluded that, with the exception of Violation B (regarding air quality), the violations occurred as stated in the NOV. With respect to air quality, the VCG determined that the April 9, 1990, letter was not intended to present historical information concerning air quality and that it was reasonable to present information contemporaneous with the event.

Q9. What action did the NRC take after considering the November 4, 1994, VCG evaluation?

ANSWER

After reviewing the VCG's November 4, 1994 evaluation, and supplemental responses provided by GPC and Mr. Bockhold, dated February 1, 1995, the NRC, on February 13, 1995, issued a Modified Notice of Violation and Proposed Imposition of Civil Penalties (Modified NOV) (Attachment J) and forwarded copies to the individuals identified in the DFIs (see Attachment J). This Modified NOV contained four examples wherein 10 C.F.R. § 50.9(a) was violated and the aggregate of these examples represented a Severity Level II problem. As part of the Modified NOV, the NRC imposed a \$200,000 civil penalty. The Appendix to the Modified NOV also provided the NRC's evaluation and conclusions with respect to Violation B. The NRC concluded that, except for the violation associated with air quality, the violations occurred as described in the NOV.

The NRC also concluded that the Severity Level II designation and a \$200,000 civil penalty remained appropriate for the problem represented by the remaining violations.

The NRC concluded in the Modified NOV that the associated performance failures occurred as stated in the NOV and DFIs. After careful consideration as to whether additional actions should be taken with regard to these individuals, the NRC considered that the actions taken by GPC, the lessons learned by GPC and the individuals as a result of being exposed to the NOV and DFI process, would result in GPC and the individuals conforming their conduct to avoid being the subject of similar NRC enforcement action. The NRC further recognized certain acknowledgments by Mr. Bockhold in letters dated August 5, 1994, and February 1, 1995, regarding his performance with respect to matters cited in the NOV, his request for certain training, and his commitments to complete this training and notify the NRC if he should be nominated for a line management position over licensed activities at any nuclear power plant. The NRC, therefore, concluded that no further action would be taken regarding these individuals. The NRC also issued letters to each of the individuals providing them a copy of the Modified NOV to emphasize the seriousness with which the NRC views the violations and associated performance failures.

Q10. What overall conclusion, if any, did the NRC Staff reach regarding the allegations that senior GPC managers intentionally provided inaccurate, incomplete or misleading information to the NRC regarding diesel generator testing and reliability after the SAE?

ANSWER

The NRC Staff concluded that inaccurate and incomplete information was provided to the NRC by GPC managers regarding the diesel generator testing after the SAE, and to this extent, the allegation is partially substantiated. These deficiencies resulted from the performance failures by various GPC managers who were notified of problems but failed to take steps necessary to assure that the requirements of 10 C.F.R. § 50.9 were met. The NRC Staff did not conclude that GPC intentionally provided inaccurate, incomplete or misleading information. Therefore, the allegation that senior GPC managers intentionally provided inaccurate and incomplete information to the NRC was not substantiated.