

Title: INDIAN POINT 2:

FALSIFICATION OF SURVEILLANCE TEST RECORDS BY A NUCLEAR
PRODUCTION TECHNICIAN

Licensee:

Case No.: 1-97-038

Consolidated Edison Company of
New York, Inc.
Broadway and Bleakley Avenues
Buchanan, NY 10511

Report Date: January 22, 1998

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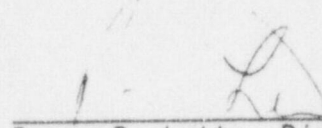
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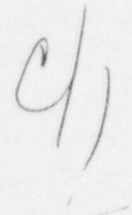
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SYNOPSIS

On September 25, 1997, the Office of Investigations (OI), Region I (RI), U.S. Nuclear Regulatory Commission (NRC), initiated an investigation to determine if a Nuclear Production Technician (NPT) deliberately falsified an emergency light surveillance test record at Indian Point Nuclear Power Plant, Unit 2 (IP2), Buchanan, New York, on August 8, 1997. Once initiated, the investigation was expanded to determine if the same NPT deliberately falsified a diesel generator compressor surveillance test record on the same day.

Based on the evidence developed during this investigation, OI concludes that the surveillance test record for Appendix R Emergency Lights, PT-M49B; and the surveillance test of the Emergency Diesel Generator, PT-W1, both dated August 8, 1997, were deliberately falsified by the NPT.

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Case No. 1-97-038

LIST OF INTERVIEWEES

Exhibit

BISHOP, David, Senior Specialist, Outage Management Group, Indian Point 2 (IP2)	24 & 29
GASPAR, Joseph, Nuclear Plant Operator, IP2	26
HUGHES, Gerard, Testing Manager, IP2	22 & 23
INZIRILLO, Frank, Manager, Testing and Performance Division, IP2	17 & 31
(REDACTED) Former Nuclear Production Technician, IP2	25
(REDACTED) Nuclear Production Technician, IP2	18
QUIRK, John, Senior Engineer, Configuration Management Group, IP2	19
(REDACTED) Nuclear Production Technician, IP2	20 & 21
(REDACTED) Former Nuclear Production Technician, IP2	27
(REDACTED) Nuclear Production Technician, IP2	28

EX 7C

EX 7C

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DETAILS OF INVESTIGATION

Applicable Regulations

Technical Specification 6.8.1(e): Implementation of NRC License Condition 2k, Fire protection program implementation

10 CFR 50.5: Deliberate misconduct (1997 Edition)

10 CFR 50.9: Completeness and accuracy of information (1997 Edition)

Purpose of Investigation

This investigation was initiated on September 25, 1997, to determine if [REDACTED] a Nuclear Production Technician (NPT) at Indian Point Nuclear Power Plant, Unit 2 (IP2), Buchanan, New York, deliberately falsified a surveillance test record of Appendix R Emergency Lights, PT-M49B, on August 8, 1997. Once initiated, the investigation was expanded to determine if the same NPT deliberately falsified a diesel generator compressor surveillance test record on the same day (Exhibit 1). EX. 7C

Background

On August 18, 1997, Nuclear Regulatory Commission (NRC) resident inspectors at IP2 discovered that a degraded condition existed in several of the Appendix R Emergency Lights in the Power Auxiliary Building (PAB). A subsequent inspection on August 19, 1997, of all thirty-three emergency battery lights in the PAB by Consolidated Edison (ConEd), the licensee, revealed that several other batteries had low water levels, and/or corroded terminals. On August 22, 1997, Frank INZIRILLO, Manager of the Test and Performance Division (T&P), advised the NRC resident inspectors that the last surveillance test of the emergency battery lights in the PAB had been performed on August 8, 1997, by [REDACTED] and [REDACTED]. Security logs indicated that both individuals had been in the PAB on August 8, 1997, for approximately fifteen minutes each. INZIRILLO advised the NRC inspectors that the minimum amount of time it takes to perform a test on one battery light is sixty to ninety seconds. EX. 7C

Coordination with Regional Staff

Robert TEMPS, NRC Senior Resident Inspector at IP2, advised that Technical Specification 6.8.1 (Exhibit 32) requires that written procedures be implemented covering activities referenced in Regulatory (Safety) Guide 1.33, November 1972. Appendix A of Regulatory Guide 1.33 recommends written procedures that govern procedural adherence. IP2 Administrative Order (SAO)-133, "Procedure, Technical Specification and License Adherence and Use Policy," Section 5.1.1 (Exhibit 3), states that procedures shall be followed. Procedure PT-M49B, Appendix R Emergency Lighting (Nuclear), procedure PT-M49, Emergency Lighting, and procedure PT-W1, Emergency Diesel Generator, require signatures for completion/performance of all procedural steps.

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As described in the NRC inspection report, contrary to these regulations, on August 8, 1997, an NPT signed steps in procedures without having performed the required actions, resulting in a regulatory violations and potential deliberate wrongdoing (Exhibit 33).

At the monthly OI prioritization meeting in RI on November 13, 1997, the Deputy Regional Administrator changed the priority of the case from normal to high.

Allegation: Falsification of Surveillance Test Records by a Nuclear Production Technician

Evidence

Review of Documentation

Appendix R Emergency Lighting (Nuclear), Test and Performance Package, PT-M49B, was completed and signed by [redacted] on August 8, 1997, indicating that he and [redacted] had initiated and completed an inspection of thirty-three emergency battery lights in the PAB on August 8, 1997 (Exhibit 4, pp. 18 and 21). EX. 7C

Emergency Diesel Generator, Test and Performance check off sheet, PT-W1, bearing [redacted] initials, [redacted] in sections 3.4.1 and 3.5.2, indicates that he had performed a second verification of these attributes. The document also contains the initials [redacted], indicating that he [redacted] performed the initial test and primary verification on August 8, 1997 (Exhibit 7). EX. 7C

The IP2 Security Reporting System (SRS) Log for [redacted] badge # [redacted] for August 8, 1997, indicates that [redacted] was in the PAB from 10:00 a.m. to 10:31 a.m.; [redacted] entered the Maintenance Outage Building (MOB) from the PAB and stayed there for approximately fifteen minutes. The log does not show [redacted] entering the Diesel Generator Building (DGB), door 214, on August 8, 1997 (Exhibit 8). EX. 7C

The IP2 SRS Log for [redacted] badge [redacted] for August 8, 1997, indicates that [redacted] was in the PAB for approximately seventeen minutes, and in the MOB for approximately fifteen minutes (Exhibit 9). EX. 7C

The IP2 SRS Log for NPT [redacted] badge [redacted] for August 8, 1997, indicates that [redacted] was in the DGB for approximately seventeen minutes (Exhibit 10). EX. 7C

The IP2 Station Schedule for the week of August 3-9, 1997, indicates that the Operations Department scheduled the surveillance test for the emergency battery lights in the MOB, PT-M49, to be initiated on August 7, 1997; and the surveillance test on the emergency battery lights in the PAB, PT-M49B, to be initiated on August 8, 1997 (Exhibit 12).

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The Test-Division (TD) Job Assignment Sheet and Labor Report prepared by Gerry HUGHES, dated August 8, 1997, indicates that [REDACTED] and [REDACTED] were assigned to initiate surveillance test PT-M49B in the PAB, and to complete surveillance test PT-M49 in the MOB. In addition, [REDACTED] was assigned to perform a second verification on the diesel generators, PT-W1 and PT-W5. The primary tests for PT-W1 and PT-W5 were assigned to [REDACTED] (Exhibit 11). EX. 7C

Emergency Lighting, Test and Performance Package, PT-M49, signed by [REDACTED] on August 8, 1997, indicates that he completed the inspection of emergency lights in the MOB on August 8, 1997. The test had been initiated on August 7, 1997 (Exhibit 5). EX. 7C

Interview of INZIRILLO (Exhibits 17 and 31)

Frank INZIRILLO, Manager of T&P, has been employed at IP2 for approximately fourteen years. Among his current duties, he is responsible for the NPTs in the Testing Division (TD), which include [REDACTED] and their immediate supervisor, HUGHES. EX. 7C

INZIRILLO stated that he interviewed [REDACTED] on August 20th. [REDACTED] advised him that the PAB emergency battery light test, on August 8, 1997, had been conducted according to the procedure. INZIRILLO recalled asking [REDACTED], "how could you have missed filling the batteries?" [REDACTED] did not respond. INZIRILLO stated that, at the time of the interview, he was not yet fully aware of the scope of the problem; i.e., the number of degraded batteries or the amount of time the NPTs had been in the PAB (Exhibit 17). EX. 7C

AGENT'S NOTES: INZIRILLO prepared memorandums covering this interview and subsequent interviews of both [REDACTED] and [REDACTED] (Exhibits 15 and 16). EX. 7C

INZIRILLO stated that he interviewed [REDACTED] on August 25, 28, and 30th, after he had received the security logs and became aware of the scope of the problem. The security logs indicated that [REDACTED] and [REDACTED] had been in the PAB for a total time of approximately thirty minutes (fifteen minutes each) on August 8th (Exhibits 8 and 9). INZIRILLO said he knew it was impossible for the emergency light test to have been performed correctly in that short a period of time (Exhibit 17). EX. 7C

In the course of the interviews, [REDACTED] told INZIRILLO that he could not remember the specifics of the emergency light test on August 8th, or the amount of time it took them [REDACTED] and [REDACTED] to perform the test, because they might have been leap frogging as they performed the test. This statement by [REDACTED] led INZIRILLO to believe that [REDACTED] had been involved in the test (Exhibit 17). EX. 7C

[REDACTED] told INZIRILLO that he only assisted the lead NPTs in the emergency light tests, and that he did not have ultimate responsibility for these tests, since he was not a Nuclear Plant Operator (NPO) and is not formally qualified to perform the emergency light test. INZIRILLO testified that, although the TD does not have a formalized list of what surveillance tests individual NPTs EX. 7C

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are qualified to perform, he feels that [REDACTED] is qualified to perform every aspect of the emergency light test, since it does not involve configuration changes to plant systems (Exhibit 17). Ex. 7c

INZIRILLO added that [REDACTED] and [REDACTED] are qualified to perform tests which deal with system configurations because of their previous operations experience. [REDACTED] although he is not qualified to operate plant systems, may serve as lead NPT on other tests, based on his expertise. INZIRILLO testified that the fact that [REDACTED] did not have a formal qualification to perform the PAB test did not mitigate his responsibility in performing the August 8, 1997, emergency light test in the PAB. It was for this reason, that IP2 management held him to the same level of responsibility as [REDACTED] and gave him the same suspension (Exhibits 17 and 31). Ex. 7c

AGENT'S NOTE: On September 16, 1997, [REDACTED] was suspended for twenty days for improper documentation of surveillance test records.

INZIRILLO stated that [REDACTED] is qualified to be the lead NPT on the emergency light test in the MOB, and that his administrative and technical responsibilities as a lead NPT on the MOB test would be the same as a lead on the PAB test (Exhibit 31). Ex. 7c

INZIRILLO added that the emergency light tests in the PAB and the MOB are normally assigned as two man tests, as are all their tests. INZIRILLO said that the safety of the NPTs played a significant role in assigning two men to the emergency light tests because of the required use of scaffolds and ladders (Exhibit 31).

[REDACTED] also admitted to INZIRILLO that he was not familiar with the sixty to ninety second light test which is a requirement of the test procedure (Exhibit 4, p. 5), and that he had not read the test procedure for a while. INZIRILLO testified that this did not meet his expectations as a manager, in that he expected the NPTs to review the test procedure in its entirety prior to beginning every test. He said he expressed these expectations, as well as the need for procedural and documentary compliance, at group breakfast meetings which are held four to five times a year. Ex. 7c

INZIRILLO said that he re-interviewed [REDACTED] on September 8th. During the interview, [REDACTED] admitted that he used a stick during the emergency light test to perform one or more portions of the test, such as checking the water level or activating the light switch. [REDACTED] said this "economical" method had been devised six years prior, when [REDACTED] a former NPT, was working in the TD. INZIRILLO said that [REDACTED] admitted that the other NPTs in the TD did not regularly inspect the battery terminals, as required by procedure (Exhibit 4, p. 5), nor did they do the sixty to ninety second light test in its entirety. Ex. 7c

INZIRILLO testified that in preparing for the interview he reviewed the Job Assignment Sheet and Labor Report for August 8, 1997 (Exhibit 11), which had been prepared by HUGHES. He explained that the report details the work assignments for all the NPTs in the TD for the specified day. In reviewing

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the report. INZIRILLO and HUGHES noticed that () had been assigned to perform a second verification on an emergency diesel generator compressor in the DGB. () responsibility was to visually check a blowdown valve, and to insure that the compressor was in the "auto" position, in accordance with test procedure PT-W1 (Exhibit 6, p. 4). The results of the verification were to be recorded on the test data sheet. INZIRILLO produced a copy of the data sheet which has () initials, () in sections 3.4.1 and 3.5.2 (Exhibit 7). INZIRILLO produced a copy of () SRS log for August 8, 1997, which does not show () entering or leaving the DGB on August 8, 1997 (Exhibit 8). Ex. 7c

Interview of BISHOP (Exhibits 24 and 29)

BISHOP, Senior Specialist, Outage Management Group, IP2, was substituting for HUGHES on August 8, 1997, as supervisor of the TD, a position he had previously held for several years. He is familiar with the Job Assignment Sheet and Labor Report, dated August 8, 1997, which had been prepared by HUGHES (Exhibit 11). He stated that he used the document while making assignments for the TD NPTs on August 8, 1997.

BISHOP recalled that the PTM-49B test assigned to () and () on August 8, 1997, was a "clean test," in that the test was not a continuation of work which had been assigned on a prior day. He recalled that there was no documentation in the test package to indicate that the test had been started earlier. Specifically, he referred to the data sheet in the test package, which is required to be initialed and dated by the Senior Watch Supervisor (SWS) and the Senior Reactor Operator (SRO), indicating that permission had been granted to begin the test (Exhibit 4, p. 7). BISHOP stated that if the test assigned to () and () on August 8th had been a continuation, this data sheet, showing the test initiation date, would have been included in the test package given to () and (). In addition, the test package would contain the results of any previous work performed on the test. Ex. 7c

BISHOP stated that his normal procedure for assigning surveillance tests to the NPTs included a job briefing. At the briefing, BISHOP would discuss the daily work assignment with the NPTs and talk about the safety requirements, or any problems that may have arisen since the last test.

BISHOP said that he gave the test performance package to () who in turn returned it to him after completing the test. BISHOP stated he reviewed the test report, signed it, and gave it back to () who would then have to obtain the signatures of the SWS and the SRO, indicating that they were aware the test had been completed. The completed package would then be returned to the TD, by () for final approval and review. Ex. 7c

BISHOP provided a copy of his log (Exhibit 30) for August 8, 1997, which indicates that the test had been assigned to () and () and that it had been returned completed. He stated that there is no doubt in his mind that both () and () knew what their work assignments were for August 8, 1997. Ex. 7c

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Interview of [REDACTED]

[REDACTED] had been employed by ConEd at IP2 from [REDACTED] when he was terminated for alleged falsification of records. [REDACTED] was an NPT assigned to the TD (p. 11). EX. 7C

AGENT'S NOTE: On [REDACTED] was charged with improper documentation of official records relative to the August 8, 1997, inspection of emergency Lights in the PAB, and suspended for twenty days. On [REDACTED] was terminated after being charged with falsification of records relative to the second verification of an emergency diesel compressor test on August 8, 1997. EX. 7C

[REDACTED] reviewed the Job Sheet Assignment and Labor Report (Exhibit 11), which had been prepared by HUGHES detailing the assignments for the NPTs in the TD for August 8, 1997. [REDACTED] verified that he and [REDACTED] had been assigned [by Dave BISHOP, Acting Supervisor] to perform the PT-M49B emergency light test in the PAB, and to finish the PT-M49 emergency light test in the MOB building. In addition, [REDACTED] said he had been assigned to perform second verifications on Diesel Generators, PT-W1 and PT-W5 (pp. 12-14). EX. 7C

[REDACTED] was shown a copy of the test procedure for the Appendix R Emergency Lighting, PT-M49B (Exhibit 4), which included the surveillance test report dated August 8, 1997. [REDACTED] said that he was familiar with the test procedure, having read it many times, and having performed the test in excess of fifty times in the nine years he had worked in the TD. He stated that he would normally receive the test procedure from the supervisor who assigned the test and would read the test procedure, checking it for changes. [REDACTED] acknowledged that the procedure detailed the thirteen steps required to be performed on each of the thirty-three lights in the PAB (pp. 14-16). EX. 7C

[REDACTED] testified that there was no way, for either one or two people, to perform the test [complete thirteen steps on each of the thirty-three lights] in the fifteen minutes that the SRS log (Exhibit 8) indicates that he was in the PAB (pp. 18 and 19). EX. 7C

With respect to the specific test procedure, [REDACTED] testified that it required the NPT to remove the seismic cover; check hydrometer discs, water level and battery terminals; and to record the voltage reading for each battery on every test. In performing the test, [REDACTED] testified that the NPTs used a stick to shake the battery in order to observe the water level, and to push a test switch to activate the lights and record the resulting voltage reading. The NPTs would notate the lights that needed water, and they would come back at a later time to fill those batteries with water and check terminals (pp. 34, 38, 39, 41, 42, and 44). EX. 7C

[REDACTED] testified that the NPTs have been using a stick to perform the test for five to six years. He said the use of the stick did not keep them from performing the rest of the test, which included a physical inspection of the battery terminals. [REDACTED] testified that he inspected the battery terminals every time he did a test, as indicated by the test reports (pp. 35 and 44). EX. 7C

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() identified his handwriting on the test matrix and the test results page of the test report (Exhibit 4, pp. 8-16, and 18), indicating that the test had been performed and that all of the necessary attributes on each of the thirty-three emergency lights had been completed on August 8, 1997. He testified that when he completed the test report he believed that the test had been completed according to procedure (pp. 19-25, 64, and 65). EX 7C

AGENT'S NOTE: In response to questions if he had performed the emergency light test in the PAB on August 8, 1997, () provided numerous conflicting statements (pp. 17, 66, 83, and 84). EX 7C

With respect to preparing the test report, () made the following statements:

" No. No, no, no, no. What I -- really, I never -- I never said that it could be done in 15 minutes. I never said it could be done -- it takes good two, three hours. But I have -- I have to say, honestly, I don't know why I did this filling of papers" (p. 24).

.....

EX. 7C

()
OI:
()
OI:
()

"Because I did believe that it was done."
"On August 8th?"
"Yes."
"Who did it?"
"Beats me" (p. 48).

() raised the possibility that the surveillance of the lights in the PAB may have been done by other NPTs prior to August 8, 1997, and that he only transferred the results of their work to the test report on August 8th. He said that, following his suspension, he had conversations with () and () none of whom recalled having performed any testing of the lights, prior to August 8th, which would have been fair for him to report on the August 8, 1997, report (pp. 109 and 117). EX 7C

AGENT'S NOTE: The IP2 Station Schedule called for the PT-M49B test to be performed on August 8, 1997 (Exhibit 12). The test document indicates that the test originated on August 8, 1997 (Exhibit 4, p. 7).

() testified that he did not know the extent of () qualifications to perform the test by himself, and that he felt it was unfair that () had been suspended for twenty days for his involvement in the test on August 8, 1997. () stated that when he performed this test with (), he () felt that he was on his own and did not feel they had equal responsibility (pp. 31-33). EX 7C

() stated that when he filled out the paperwork for the test of the thirty-three lights in the PAB he might have confused it with the paperwork for the test of the seven lights in the MOB (pp. 57-61). EX 7C

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() also reviewed a copy of the Diesel Generator Test, PT-W1 (Exhibit 6), and stated that he was familiar with the test, having performed it numerous times since he has been in the TD. He identified his initials, () under steps 3.4.1 and 3.5.2, indicating that he had performed the required second verification on August 8, 1997 (Exhibit 7).

EY,
nc

() testified that he was unable to recall if had personally gone to the DGB building, or if someone had told him the switches were in the correct position. He stated that he performed the diesel generator tests, PT-W1 and PT-W5, in the afternoon, after () gave him the paperwork covering the primary tests (pp. 66-68 and 82-85).

EY
nc

AGENT'S NOTE: The IP2 SRS log indicates that () was not in the DGB on August 8, 1997 (Exhibit 8). () had initially told INZIRILLO that an unnamed NPO had performed the second verification for him. This scenario was discounted after OI interviewed Joseph GASPAR, the only NPO known to have been in the DGB on August 8, 1997, and he denied performing the second verification (Exhibits 16 and 26).

EY,
nc

() testified that neither HUGHES nor INZIRILLO was aware of, or gave approval to, the shortcut used by the NPTs performing the voltage test; specifically, that the test button was being held in for thirty to forty seconds, rather than sixty to ninety seconds as called for in the test procedure (p. 126).

EY nc

Interview of GASPAR (Exhibit 26)

GASPAR has been employed by ConEd at IP2 for eleven years. He is a "Rover" qualified NPO and is presently in training to become a reactor operator. He first met () eleven years ago when he was assigned to the Operations Division.

EY,
nc

GASPAR stated that he has no specific recollection of the events on August 8, 1997. To the best of his knowledge, he was working as an NPO and would have been on routine watch, performing safety related inspections. These inspections may have required him to enter or pass thru the DGB. He denies being asked by () or performing for () a second verification of the air compressor's "auto" switch, or to ensure that the blowdown valve was closed.

EY,
nc

Interview of () (Exhibit 28)

() has been employed at IP2 since (). He is currently an NPT assigned to the TD, and was a co-worker of () (p. 5).

EY,

() identified a Job Sheet Assignment & Labor Report (Exhibit 11), prepared by HUGHES, and dated August 8, 1997, as detailing the day's assignments. () testified that on August 8, 1997, he and () were assigned to perform tests of emergency battery lights in the PAB, PT-M49B, and in the MOB, PT-M49 (Exhibit 28, pp. 29 and 30).

nc

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[redacted] stated that he had no recollection of the assignment, of performing either test, or seeing [redacted] perform either test on August 8, 1997. He also denies making an admission to INZIRILLO, during an interview on August 25, 1997, that he had performed the test in the PAB within the fifteen minute time frame that the SRS log indicates that he was in the building (Exhibit 9). He explained that he was only providing INZIRILLO with possible ways that the test could have been performed, within the given time frame (pp. 15-17, 27, 30, and 34). EX 7C

[redacted] described the emergency light test as a "two-trip" test. The first "trip" was to use a stick to press the test button to activate the lights and take a voltage reading, while a load was placed on the battery. If the lights "shinned brightly," the NPTs assumed that the terminals were okay. During this portion of the test the stick was also used to shake the battery to view the water level. If the water level was low, the NPTs would return to the battery, during a second "trip," to fill the batteries that needed water and to check the terminals (pp. 17-19 and 21-24). EX 7C

[redacted] claims that it was during his August 25th interview with INZIRILLO, that he realized that he had been performing the test incorrectly. He said he had not been aware that the test procedure required that each battery terminal be physically inspected during each test. [redacted] said that the method he used to perform the test had been taught to him by the other NPTs in the TD. He said that [redacted] and [redacted] all performed the test the same way (p. 19). EX 7C

[redacted] admits that, although he was given time to read the test procedure prior to performing the test, it was not part of his routine to do so. He stated that because of his qualifications he only assisted the other NPTs who were the lead technicians on the emergency light test, and that they had overall responsibility for both the test and the required paperwork. [redacted] stated that, in performing the test, he relied upon the expertise of the lead NPT. He assumed "that what we were doing . . . covered the procedure of the test and what had to be checked at the time" (pp. 25, 26, and 41). EX 7C

[redacted] stated that his background differed from the other NPTs in the TD. He came to the TD from the Performance Division (PD). His expertise was in heat transfer, thermodynamics, fluid mechanics, and vibration analysis. He was informed by his supervisor that he was being transferred for the purpose of working on preventive maintenance testing in the TD. Since his transfer to the TD in 1993, [redacted] stated he has never been formally qualified on many of the surveillance tests performed by the TD. He stated that the other NPTs in the TD are all qualified NPOs and had been trained in the majority of the TD test procedures while they were still assigned to the Operations Department. [redacted] said that his lack of qualifications prohibited him from being the lead on many of the tests, because he was not qualified to operate plant systems (pp. 5-10). EX 7C

[redacted] upon being made aware of INZIRILLO's expectations as to how the emergency light test was to be done, estimated that it would take in excess of eight hours to correctly perform the test of the thirty-three lights in the EX 7C

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PAB. To perform the test within fifteen minutes, he stated that one would be "leapfrogging, flying," and the test would not be performed correctly. He also stated that he does not believe fifteen minutes would have been sufficient time to correctly test the seven emergency lights in the MOB (pp. 31, 32, and 50).

Interview of (REDACTED) (Exhibit 25)

(REDACTED) a former NPT, had been employed at IP2 for thirty-three years prior to his retirement in 1993. He spent his last fifteen years as an NPT in the TD, where he worked with (REDACTED) EY
7C

(REDACTED) stated that he transferred to the TD in 1978, and he was assigned to assist NPO qualified technicians perform surveillances on plant systems. (REDACTED) lacked the NPO qualifications which were necessary to permit him to operate certain plant systems on his own; therefore, his duties were limited to assisting the lead technician in any way (i.e., recording data, data entry into a computer, and preparing work orders). EY
7C

(REDACTED) recalled performing the emergency light surveillance test in the PAB, and stated that it could take up to four hours to perform the test correctly. He stated that (REDACTED) was the first individual he knew that used a stick to activate the light switch. (REDACTED) would depress the test button to activate the lights, thereby placing a load on the battery. After thirty seconds, (REDACTED) would read the voltage meter and (REDACTED) would record the stabilized value. (REDACTED) said that (REDACTED) was confident that the battery terminals were in satisfactory condition, contingent on the lights operating and the volt meter stabilizing when the test button was depressed. EY
7C

(REDACTED) said that his role in the light test was to follow the directions of (REDACTED) the lead NPT. At (REDACTED) direction, (REDACTED) filled out the paperwork, fully aware that all of the attributes had not been tested in accordance with the test procedure. (REDACTED) explained that he felt uneasy about filling out the paperwork, but did so at (REDACTED) direction. EY
7C

(REDACTED) said that all the battery terminals were not checked during every test, particularly the elevated batteries that required a ladder to reach. (REDACTED) said the use of the "stick test" often preempted the battery terminal check. EY
7C

(REDACTED) denied (REDACTED) claim that he assisted (REDACTED) in devising the "stick test" as a more economical means of performing the emergency light test. He further denied ever being involved in training (REDACTED) while in the TD. (REDACTED) said that (REDACTED) came to the TD with NPO qualifications, which were higher than his own, and, therefore, (REDACTED) would not have been qualified to train (REDACTED) on technical procedures. EY
7C

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Interview of HUGHES (Exhibits 22 and 23)

HUGHES has been employed at IP2 since 1973, and he was appointed Manager of the TD in 1992. In his present position he has supervisory control of NPTs [REDACTED] and [REDACTED].

EX
7C

HUGHES said that [REDACTED] and [REDACTED] were former NPOs who came over to the TD from the Operations Division with previous experience in plant systems. All three individuals were "Rovers," which is the highest qualification available for the non-licensed NPO position. As "Rovers," they were familiar with plant operations and were permitted to perform many of the test procedures which were required in the TD.

EX
7C

HUGHES stated that [REDACTED] was transferred to the TD from the PD. [REDACTED] qualifications differed from his three co-workers, in that he was not rated as an NPO and did not have the experience in operating plant systems. The lack of the NPO qualification prohibited [REDACTED] from being the lead NPT on many of the tests which called for the operation of certain plant systems; however, [REDACTED] was frequently used as a lead NPT in his areas of expertise.

EX
7C

HUGHES was aware that the NPTs used a stick to depress the test button to assist them in the performance of the test, but said he was unaware that the use of the stick by [REDACTED] and [REDACTED] precluded them from performing other required attributes of the test. HUGHES was adamant that he, as a supervisor, would not have signed off on a test unless he believed that it had been performed according to procedure. He is not aware of, nor has he given approval for, any other test informalities that may be used by the NPTs.

EX
7C

HUGHES stated that when he assigned a test to an NPT he instructed them to review the procedure. If the NPT did not understand the procedure, or had any questions regarding the assignment, HUGHES stated it was up to the NPT to make inquiries. HUGHES said that, although he feels that he expressed his expectations for performance to the NPTs, he had not stressed verbatim procedural adherence.

HUGHES described his supervision of the TD as "adequate." He opined that since May 1997 he has been "stretched thin," due to the retirement of Andy REID, the manager of the PD. HUGHES explained that both the TD and the PD were separate entities within T&P. When REID retired, HUGHES assumed supervisory control of both divisions, effectively doubling his work load. HUGHES said the increased work load kept him from performing his supervisory functions as he should have, and limited him to "putting out fires."

HUGHES stated that, as a supervisor, his oversight of his subordinates was insufficient; and that he had too much trust in them, and had been taken advantage of by the individuals he supervised.

Interview of [REDACTED] (Exhibit 18)

[REDACTED] has been employed at IP2 since 1978 and has spent the last six years as an NPT in the TD. He has been a co-worker of both [REDACTED] and (VINSON).

EX
7C

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() stated he is familiar with the PT-M49B test and does not feel it is possible to properly complete the inspection in fifteen minutes, as is alleged by () and () said the use of a stick during the test to activate the lights and/or shake the battery to view the water level would not satisfy the necessity to check the battery terminals, as required the test procedure. EX
7C

Agent's Analysis

The investigation has determined that there were two separate and distinct situations involving the falsification of performance test records by () at IP2 on August 8, 1997. They include the falsification of an Appendix R Emergency Lighting Surveillance Test, PT-M49B; and, the falsification of an Emergency Diesel Generator Surveillance Test, PT-W1. The two situations will be addressed individually. EX
7C

Appendix R Emergency Lighting Surveillance Test, PT-M49B:

Official documents show that the surveillance light test in the PAB was scheduled to be performed on August 8, 1997, and was assigned to () and () the same day. Test records indicate that permission to commence the test was received from the SWS and the SRO on August 8th. The records further show that the test was completed, signed, and submitted by () to his supervisor on August 8th. SRS logs show that () was in the PAB for a total of fifteen minutes, and that () was in the PAB for a total of seventeen minutes. EX
7C

() has made several verbal statements regarding his involvement in the test. On August 20th, twelve days after the test, () appears to have told INZIRILLO that he had performed the test according to procedure. At the time of the interview, INZIRILLO was unaware that the NPTs were only in the PAB for a total of thirty-two minutes. INZIRILLO was also unaware of the total number and condition of the degraded batteries. EX
7C

In his sworn testimony to OI on December 2, 1997, () contradicted his earlier verbal statement to INZIRILLO and testified that he, personally, had not performed the test. Although () had been assigned the test, was in the PAB on August 8th, and had completed the paperwork indicating that the test was completed, he testified that he had no recollection of performing the test. EX
7C

() testified that another NPT may have performed the actual test, at an earlier date, and provided him with the information which he then transferred to the test report on August 8th. () has been unable to provide the names of any qualified technicians who might have performed a portion of the test. Since official records indicate that the test was assigned and initiated on August 8th, any work done prior to that date could not have been used for test purposes. EX
7C

() also testified to OI that it would be impossible for him to have performed the test in the PAB, within the fifteen minutes the SRS logs EX
7C

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indicate he was in the PAB. This statement is corroborated by testimony from other NPTs (██████████) and (██████████), who have said that the test could take from two to eight hours to perform according to procedure. In addition, (██████████) has testified that he has no recollection of performing the test or seeing (██████████) performing the test on August 8th. EY
NC

Although (██████████) has testified that he has no specific recollection of having been assigned, or having performed the emergency light test in the PAB on August 8, 1997, testimony from his supervisor and circumstantial evidence indicate that he was aware of his assignment to assist (██████████) in the performance of the test. EY
NC

Based on documentary evidence, the testimony of (██████████) and (██████████) and the degraded condition of the batteries as found by the NRC resident inspector on August 17th, and IP2 inspectors on August 19th, OI concludes that the surveillance test of the emergency lights in the PAB, as reported by (██████████) on August 8, 1997, was not performed. Therefore, the surveillance test report prepared by (██████████) and submitted to his supervisor on August 8, 1997, was inaccurate and constitutes a false document. EY
NC

Emergency Diesel Generator Surveillance Test, PT-W1:

Official documents show that the primary surveillance test of the diesel generator was scheduled to be performed on August 8, 1997. The primary test was assigned to (██████████) and the second verification was assigned to (██████████). Both (██████████) and (██████████) initialed test records indicating that the test had been performed according to procedure. SRS logs indicate that (██████████) had been in the DGB for seventeen minutes the morning of August 8th. SRS logs indicate that (██████████) was not in the DGB, at any time, on August 8th. EY
NC

In his interview with INZIRILLO on November 4, 1997, (██████████) alluded to having had another qualified technician provide him with the information required to complete the second verification on the diesel generator compressor. OI has interviewed the only individual who was qualified to perform a second verification, and who entered the DGB following (██████████) primary test, and he has denied performing the test for (██████████). EY
NC

In his sworn testimony to OI on December 2, 1997, (██████████) is extremely contradictory. He testified that after receiving the paperwork from (██████████) he either went to do the double verifications, or somebody told him the verifications had been done. He then stated that he does not recall going into the DGB to perform the test; but, he believes he was there. In either case, he cites a potential malfunction of the SRS system for not showing him entering and exiting the building. EY
NC

Based on the documentary evidence and the testimony of (██████████), OI has concluded that the secondary verification of the emergency diesel generator compressor in the DGB, as reported by (██████████) on August 8, 1997, was not performed. Therefore, the portion of the surveillance test report prepared by (██████████) and submitted to his supervisor on August 8, 1997, was inaccurate and constitutes a false document. EY
NC

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Conclusion

Based on the evidence developed during this investigation, OI concludes that the surveillance test record for Appendix R Emergency Lights, PT-M49B; and the surveillance test record of the Emergency Diesel Generator, PT-W1, both dated August 8, 1997, were deliberately falsified by (██████████)

EY
TC

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SUPPLEMENTAL INFORMATION

On January 26, 1998, William SELLERS, Esq., Senior Trial Attorney, Fraud Section, Criminal Division, U.S. Department of Justice, Washington, D.C., was apprised of the results of the investigation. SELLERS advised that, in his view, the facts of the case did not warrant a criminal prosecution and rendered an oral declination.

During the course of the investigation the following information was developed pertaining to the Test Division:

First, based on the testimony of both (b)(6) and (b)(7)(C) it is doubtful that the Maintenance Outage Building emergency light test, PT-M49, was properly performed on August 8, 1997. EY
MC

Second, based on the testimony of (b)(6) and (b)(7)(C) it is likely that a number of the emergency light tests have not been properly performed according to procedure, since the introduction of the "stick test," five to six years ago. EY
MC

Third, it appears that the NPTs have an informal attitude with respect to procedural adherence, which may be tacitly fostered by management's lack of supervisory oversight.

Fourth, the Testing Division does not maintain qualification statements for the NPTs which would specifically identify which surveillance tests they are qualified to perform.

Fifth, NPTs have stated that they do not receive up-dated training on plant systems and/or components that they routinely inspect.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated September 25, 1997.
2	Allegation Receipt Report, dated August 26, 1997.
3	Indian Point 2 (IP2) Administrative Order (SAO) - 133.
4	Appendix R Emergency Lighting (Nuclear), Surveillance Test, PT-M49B, Revision 6, for August 8, 1997.
5	Emergency Lighting, Surveillance Test, PT-M49, Revision 11, for August 8, 1997.
6	Emergency Diesel Generator, Surveillance Test, PT-W1, Revision 15, effective date February 6, 1997.
7	Emergency Diesel Generator, Surveillance Test, PT-W1, for Data Sheet Test Performed on August 8, 1997.
8	IP2 Security Reporting System (SRS) Log for (redacted), Badge (redacted) for August 5, 6, 7, 8, and 11, 1997. <i>EX MC</i>
9	IP2 SRS Log for (redacted), Badge (redacted) for August 6, 7, 8, 11, 12, and 13, 1997. <i>EX. 7C</i>
10	IP2 SRS Log for (redacted), Badge (# redacted) for August 1, 4, 5, 6, 8, and 11, 1997. <i>EX. 7C</i>
11	Test Division (TD) Job Assignment Sheet and Labor Report, dated August 8, 1997.
12	IP2 Station Schedule for the week of August 3-9, 1997.
13	Surveillance Test Summary Review, prepared by John QUIRK, dated October 3, 1997.
14	Investigation into Surveillance Testing Anomalies, prepared by Victor MULLIN, dated October 7, 1997.
15	INZIRILLO's notes beginning on August 25, 1997.
16	INZIRILLO's notes beginning on November 3, 1997.
17	Interview Report of INZIRILLO, dated November 4, 1997.
18	Interview Report of (redacted) dated October 21, 1997. <i>EX. 7C</i>

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- 19 Interview Report of QUIRK, dated October 21, 1997, with attachment.
- (20) Interview Report of (██████████) dated October 21, 1997. EX
MC
- 21 Telephone Conversation Record with (██████████) dated December 3, 1997.
- 22 Interview Report of HUGHES, dated November 14, 1997.
- 23 Telephone Conversation Record with HUGHES, dated December 8, 1997.
- 24 Telephone Conversation Record with BISHOP, dated December 3, 1997.
- 25 Interview Report of (██████████) dated November 3, 1997. EY
- 26 Interview Report of GASPAR, dated November 20, 1997. MC
- 27 Transcribed Interview of (██████████) dated December 12, 1997.
- 28 Transcribed Interview of (██████████) dated November 4, 1997.
- 29 Telephone Conversation Record with BISHOP, dated December 12, 1997.
- 30 BISHOP's Work Assignment log for August 8, 1997.
- 31 Telephone Conversation Record with INZIRILLO, dated December 22, 1997.
- 32 IP2 Technical Specifications, Paragraph 6.8, Procedures and Programs.
- 33 Excerpts from IP2 Inspection Report 97-11, dated October 29, 1997.

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