5/5/94
VIA FAX
FROM A. MOSBAUGH

RECEIVED
NRC REGION II
BY: CDM DATE 5/5/94

To: Larry Robinson, USNRC OI
Oscar DeMiranda, USNRC Allegations Coordinator

From: Allen Mosbaugh

Subject: Attached Allegations

Date 5-5-94

The attached documents are Attorney \ Client communications that I am providing to you because they relate to the Vogtle Site Area emergency of 1990, are potentially serious violations of NRC regulations, and may involve willful misconduct by high level Southern Nuclear \ GPC employees. I request that you treat these as confidential, and in the event that you decide this information is required to be released thru a ASLB notification to GPC \ Southern Nuclear or its representatives, that you provide notification to me or my attorney before you would do so.

EXHIBIT 2

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CASE NO. 2-94-015

ACTION STATEMENTS:

Applicable sections:

Mode 5 and 6 AC Power (<23 ft.) : With no OPERABLE emergency AC power trains available, immediately take action to restore one AC power train to service ASAP.

Mode 6 RHR (<23 ft.) : With no RHR trains OPERABLE the TS requires suspension of "all actions or operations involving an increase in the reactor decay heat load or a reduction in the boron concentration of the Reactor Coolant system and immediately initiate corrective actions to return the required RHR train to OPERABLE status as soon as possible". In addition "Close all containment penetrations providing direct access from the outside atmosphere within 4 hours."

Mode 5 RHR (<23 ft.) : With no trains OPERABLE initiate immediate action to restore the required trains to OPERABLE status ASAP.

SEQUENCE OF EVENTS:

On the morning of 3-20-90 Plant Vogtle Unit 1 declared a Site Area Emergency because of the loss of all onsite and all offsite AC power while the reactor was at mid-loop with the RCS and containment pressure boundaries breached. This resulted in the loss of all RHR cooling to the core which began to heat up. To place the plant in a safe condition, RCS and containment integrity was restored by reinstalling covers and hatches. Specifically the Containment equipment hatch was closed and the personnel hatch interlock was reactivated. As of the evening of 3-20-90, both diesels were inoperable, 1A was declared inoperable due to failure and 1B was inoperable due to maintenance. That condition made both trains of RHR inoperable and placed Plant Vogtle Unit 1 in an immediate action statement from several Tech Specs. most importantly, AC power (TS 3.8.1.2) and RHR (3.9.8.2).

On the evening of 3-20-90, while still in mode 6, SRO licensed outage managers Mike Lackey and Barnie Beasley made plans to reopen the containmeat hatch. Concerns were expressed to them about reopening the containment hatch and removing the "fission product barriers", that had been established for accident recovery, eg. containment integrity. At this point, remaining in mode 6 and maintaining containment integrity was blocking critical path outage progress. Apparently a verbal NRC waiver to change modes from mode 6 to mode 5 was requested and granted by the NRC on or about 3-21-90 with the justification being to place plant Vogtle in a safer condition by increasing water inventory.

Having obtained this waiver, Southern Nuclear \ GPC proceeded to tension the RPV head bolts. The tensioning of the head accomplished the mode change from Mode 6 to Mode 5 as defined in Tech. Specs.on or about the night of 3-21-90. After the mode change was made, immediate actions to place Plant Vogtle in a safer condition with respect to increasing water inventory and available heat sinks were not taken, not a drop of water was added to the RCS. Efforts to return Unit 2 to power operations, took precedence over placing Unit 1 in a safer condition by adding water inventory (fill and vent).

Commitments were made to the NRC in a meeting on or about 3-22-90 not to open the

The waiver was approved by the NRC. The waiver was limited to the above aspect and did not allow taking any other TS prohibited action or any unsafe or non-conservative action.
GPC did not ask for and was not granted a waiver of any aspects of RHR Tech Spec. 3.9.8.2. and if they had, GPC could not have claimed the above quoted statement. Without being able to establish that there was no increase in the probability of occurrance of consequences of an accident and no significant safety hazzards for a 3.0.4 waiver to the RHR Tech. Spec. 3.9.8.2. the NRC certainly would not have granted the request.

GPC's UNSTATED AGENDA

As of 3-20-90 GPC had already substantially tentioned the head on the RPV, only the final pass to tighten the head to resist 2500 psi internal pressure was needed. One wonders why GPC couldn't have proceeded to add RCS inventory, fill and vent (under only gravity head, less than 50 psi) and place the reactor in a safer condition without a waiver at all. In fact, on 3-22-90 Corporate General Manager Bill Shipman confirmed that nothing had prevented RCS fill and vent without a mode change waiver except that it was just "standard practice was to complete the head tension before" fill and vent. Was the waiver used to try to obtain thru deception, an NRC buy in to what Southern Nuclear \ GPC knew it would not be granted forthright?
GPC wanted the Mode change to open the equipment access hatch and other containment penetrations for in containment work, ventilation, and LLRT and ILRT preparations that were on critical path to the outage progress. Since the waiver was granted on 3-22-90 and both diesels 1A and 1B were not declared operable till 4-1 and 3-28 respectively, GPC could not have complied with TS 3.9.8.2 until 4-1-90, therefore a critical path savings of 10 days occurred. Ten days of power generation on one Vogtle unit had a value in excess of $10,000,000.

THE SAFETY SIGNIFICANCE OF GPC'S ACTIONS

With no operable emergency AC power sources, and with containment breached, and the RCS open, on 3-22-90 Plant Vogtle was intentionally placed back in the site area emergency accident configuration except that offsite power was now available but neither diesel was operable. The design basis for plant Vogtle assumes loss of offsite power and a single failure. Assuming loss of offsite power alone, would lead to an new accident because this would cause loss of RHR with core heat up. The containment hatch would not be able to be closed since this requires "normal" offsite power. Adding a single failure would defeat any mitigation of the accident, such as inventory make up via gravity fill. Since the initial RCS conditions were from midloop, it is unlikely that any substantial cooling could be obtained from steam generators due to air blanketting.
Without cooling, the RSC at midloop goes to boiling in about 1 hour 49 minutes (see NUREG 1410 Appx. G3). Shortly after this, the containment becomes an uninhabitable 212 F degree steam environment. Any efforts to manually close the hatch are not possible. About 6 hours after boiling begins, the top of the core uncovers. Fuel rods begin to go to red heat. The fuel rods burst and millions of curies of radioactivity go out the wide open containment equipment access hatch, an accident on the Chernoble scale occurs. This is not supposed to happen within the design basis.

VOGTLE RHR TECHNICAL SPECIFICATION ADEQUACY

With respect to probability or consequences of a core damaging accident as a result of loss of RHR capability (either from a boron dilution/mixing criticality event or from overheating), there is no substantial difference between

3. GPC violated the commitments made to the NRC in the meeting on or about 3-22-90 not to open the containment equipment hatch until at least one RAT and one diesel were OPERABLE.

4. GPC's action of opening the containment equipment hatch and possibly other containment penetrations on or about 3-22-90 while in a Technical Specification "immediate action statement" due to having no OPERABLE RHR systems was improper and unsafe.
No 50.59 safety evaluation was performed for this abnormal operating configuration. A 50.59 evaluation would have failed due to increased accident consequences.

5. The incomplete and misleading TS scope and selective safety basis presented in GPC's waiver request, coupled with the subsequent actions to first open the hatch, then complete midloop outage work, then to begin fill and vent, tends to suggest that GPC's motives in framing the waiver request were more motivated by making outage progress than securing nuclear safety.

6. Opening the containment equipment hatch and possibly other containment penetrations while in a Technical Specification "immediate action statement" due to having no OPERABLE RHR systems, placed Plant Vogtle in an unanalyzed condition outside the design basis.

7. GPC violated the intent of Technical Specification "immediate action statements" with respect to TS 3.9.8.2 and (3.8.1.2) once the mode change was made by taking non-conservative actions (breaching containment) related to the safety basis. See discussion above titled (GPC violated the intent of "Immediate Action")

8. GPC violated the Technical Specification "immediate action" requirments to return an AC power train to OPERABILITY ASAP. Southern Nuclear \ GPC put forth a less than adequate effort by allowing its goals, resources, management and manpower efforts to advance the outage schedule to take priority over it's efforts to meet the immediate action statements of Technical Specifications.

9. GPC allowed the financial priority of returning Unit 2 to power operation to impact the safety of Unit 1, by diverting resources needed to fill and vent Unit 1 to be used on Unit 2.

10. Vogtle Technical Specification action statements for RHR made it "no trains OPERABLE" are not adequate and are inconsistent with Mode 6 Tech Specs for indistinguishable conditions. See discussion "Vogtle RHR Tech. Spec. Adequacy" above.

12. Violations 1 thru 9 above were done willfully and in the face of concerns raised by plant personnel about the safety of such actions.

13. Violations 1 thru 9 above were directed by or known to high level plant and corporate management at the time they occurred.

14. Violations 1 thru 9 above were motivated solely by the desire to advance the outage and power generation schedules, to save in excess of $10,000,000 for the company and benefit the individuals thru their personal annual review accountabilities by returning Plant Vogtle to power generation more rapidly.

EXHIBIT 2

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EXHIBIT 3

REPORT OF INTERVIEW
OF
ALLEN L. MOSBAUGH

On May 5, 1994, Allen L. MOSBAUGH, former Acting Assistant General Manager, Plant Support, at Georgia Power Company's (GPC) Vogtle Electric Generating Plant (VEGP), was telephonically interviewed by Senior Investigator Larry L. Robinson, Office of Investigations, U.S. Nuclear Regulatory Commission (NRC), at his residence, telephone No. [redacted] The nature of the interview pertained to MOSBAUGH's allegation that GPC had deliberately violated VEGP Technical Specifications (TSs) 3.9.8.2, 3.4.1.4.2, and 3.8.1.2 by breaching containment integrity and making a mode change at VEGP Unit 1 with both emergency diesel generators (EDGs) inoperable.

MOSBAUGH advised that he had provided the details of his allegation to NRC in the letter he had faxed to NRC earlier that day (May 5, 1994). He stated that he did not have much to add to those details. MOSBAUGH advised that his basis for alleging that these TS violations were deliberate was that the VEGP personnel involved in opening the containment equipment hatch and making the mode change knew full well that both Unit 1 EDGs were inoperable. He stated that neither Unit 1 Residual Heat Removal train could be considered operable if both of these EDGs were inoperable and therefore, containment integrity must be maintained, and no mode change made.

MOSBAUGH opined that the continuation of outage activities, which necessitated the opening of the equipment hatch, was more important to VEGP upper management than preserving containment integrity until at least one source of emergency power could be restored to operability.

This Report of Interview was prepared on May 6, 1994.

Larry L. Robinson

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

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EXHIBIT 4