



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20540

July 29, 1992

Via Facsimile and First Class Mail

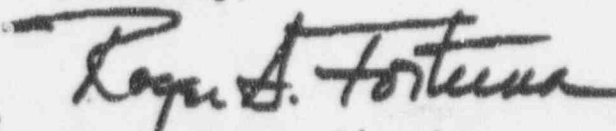
Mr. Michael D. Kohn
Kohn, Kohn & Colapinto, P.C.
517 Florida Ave., NW
Washington, D.C. 20001

Re: Mosbaugh v. Georgia Power Company

Dear Mr. Kohn:

This letter responds to your July 28, 1992, facsimile to Daryl M. Shapiro of the Office of the General Counsel concerning your release of certain documentation pertaining to an Office of Investigations (OI) investigation of Georgia Power Company. It is our belief that your letter inaccurately represents earlier conversations with OI. This office would prefer that all information concerning this investigation remain in strict confidence in order to protect the integrity of the investigative process. Nonetheless, it is not our intention to interfere with any official congressional investigation. Our discussions should not be construed as giving any type of instructions to you concerning any official congressional inquiries.

Sincerely,

for 
Ben B. Hayes, Director
Office of Investigations

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FOR NUCLEAR REGULATORY COMMISSION

PROGRAM

NBC Sunday Night News

STATION

WRC TV
NBC Network

DATE

August 9, 1992 6:30 PM

CITY

Washington, D.C.

SUBJECT

Nuclear Power Plant Whistle-blower

GARRICK UTLEY: On "Focus" this evening, we look at a special kind of person in our society, the whistle-blower, someone who sees something wrong being done and speaks up. When it happens in government or in business, it can bring risks and retribution. And we have now the story of one man who lost his job when he blew the whistle.

Here's Linda Vester.

ALLEN MOSBAUGH: Let's start with the 20th. This is the first one....

LINDA VESTER: Allen Mosbaugh is a former manager at the Vogel Nuclear Plant in Waynesboro, Georgia. He says he has proof certain officials from Vogel and its parent company, Georgia Power, lied to the Nuclear Regulatory Commission. His story involves an accident at the plant on March 20, 1990.

And what happened here?

MOSBAUGH: A truck backed into a pole and shut off off-site power to Unit One.

VESTER: That caused a blackout. Engineers tried to restore power through two back-up diesel generators. But....:

MOSBAUGH: One of them was off-line for maintenance. The second one started, but then tripped.

VESTER: It took 36 minutes to restore power.

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There was no immediate danger. But the incident focused attention on a different problem, the diesel generator. Why didn't it start or stay on?

The next day engineers began testing both generators.

MOSBAUGH: In the course of starting them after the site area emergency, failures continued to occur.

VESTER: Mosbaugh says there are control logs that document the failures. For example, March 22nd. The logs say one generator tripped, shut down. The next day it tripped again. Yet Georgia Power, in an April 9th letter asking the NRC for permission to return the plant to full power, claimed "No problems have occurred during any of these starts of the diesel generators." Mosbaugh's reaction?

MOSBAUGH: Yes, I believe plant management knew there had been both problems and failures.

VESTER: Georgia Power refused our request for an on-camera interview on all of this. But in a written statement, the company said it never attempted to mislead the NRC with regard to any aspect of the incident.

Allen Mosbaugh says he can prove that Georgia Power did intend to mislead. The evidence: the secretly recorded tape of a telephone conference call involving senior management of the plant and of Georgia Power.

Mosbaugh says he was on the call from an office at the plant.

[Clip of tape.]

MAN: Let's see. What other question have we got? We've got them [to] start things....

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

MAN: We got them started, so we didn't have no....

MAN: No, not -- what else did we have?

VESTER: Mosbaugh claims his recording was made on April 19th. That is the day Georgia Power was drafting another letter to the NRC repeating its claim that no failures or problems have occurred during any of these starts of the diesel generators.

When the April 19th letter went out to the NRC, did plant

management knew about the problems with the diesel generators?

MOSBAUGH: Absolutely.

VESTER: How do you know?

MOSBAUGH: I told them.

VESTER: Five months after the original incident, Georgia Power wrote the NRC to admit a mistake, to say that the information on the diesel generators it had sent before was in error. But by then Mosbaugh had blown the whistle. He'd contacted the NRC. The whole affair is now the subject of a federal grand jury investigation, and Congress is interested as well.

REPRESENTATIVE JOHN DINGELL [D-Michigan]: Second of all, the matter does not appear to have been handled well either by the company or by NRC in the times since the event occurred.

VESTER: And how do things stand now? The Vogel Plant is operating at full power. The diesel generators reportedly have been repaired. Allen Mosbaugh was fired for making secret recordings. He's gone to court to get his job back and is suing for damages.

Linda Vester, NBC News, Washington.