

August 23, 1992

Mr. Bryan B. Lavine  
Attorney at Law  
Troutman Sanders  
Nationsbank Plaza, Suite 5200  
600 Peachtree Street, N.E.  
Atlanta, Georgia 30308-2216

Dear Mr. Lavine:

The purpose of this letter is to formally accept your offer to present evidence, on behalf of your client, Georgia Power Company (GPC), in the matter of the alleged deliberate provision of inaccurate and incomplete information, by GPC to the Nuclear Regulatory Commission (NRC), regarding the testing of the emergency diesel generators at the Vogtle Electric Generating Plant, Unit 1, immediately subsequent to the Vogtle Site Area Emergency of March 20, 1990.

Regarding the NRC personnel to attend your presentation, in addition to Office of Investigations personnel, it has been requested that representatives of the NRC Office of Enforcement and Office of General Counsel also be present. I believe that you would agree that such attendance is appropriate.

Please contact Investigator Larry L. Robinson of my office, at (404) 331-6509, to arrange a mutually agreeable schedule.

Sincerely,

James Y. Vorse, Director  
Office of Investigations  
Field Office, Region II

Distribution:

s/f (2-90-020)

c/f

LLRobinson:pat:8/23/93:disk - Robinson:doc name - Lavine.020

OI:RII *LR*  
LLRobinson  
08/23/93

OI:RII  
JYVorse  
08/23/93

*Handwritten:*  
A/35  
A/168  
c.c.c.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION II  
101 MARIETTA STREET NW, SUITE 2900  
ATLANTA, GEORGIA 30323

FACSIMILE TRANSMITTAL SHEET

1/21/13

10:15 AM

| MESSAGE TO<br>(Name & Organization) | FACSIMILE PHONE # | NUMBER OF PAGES<br>(Including<br>Transmittal Sheet) |
|-------------------------------------|-------------------|---|
| DAN MURPHY, OI; HQ                  | 8-301-504-2377    | 2   |
|                                     |                   |   |
|                                     |                   |   |
|                                     |                   |   |
|                                     |                   |   |
|                                     |                   |   |

| MESSAGE FROM<br>(Name & Organization) | FACSIMILE PHONE # | VERIFICATION # |
|---------------------------------------|-------------------|----------------|
| LARRY L. ROBINSON OI; RII             | 8-404-331-7038    | 8-404-331-6502 |
|                                       |                   |                |

7  
A1169  
release

# Ga. Power probed by feds

## Alleged lie about safety of Vogtle is focus of criminal investigation

By David Beasley  
STAFF WRITER

The U.S. Justice Department is conducting a criminal investigation into allegations that Georgia Power Co. officials lied to the Nuclear Regulatory Commission (NRC) about the safety of Plant Vogtle near Augusta.

The investigation was confirmed for the first time by the NRC in documents filed recently in the case of Allen L. Mosbaugh, a former high-ranking manager at the nuclear plant, involved in a lengthy whistleblower action against the utility.

In the document, NRC declines to comment on Mr. Mosbaugh's allegations because "these allegations are being pursued by the Department of Justice for possible criminal prosecution."

Michael Kohn, attorney for

Mr. Mosbaugh who specializes in whistleblower cases, said a federal grand jury has been convened in Atlanta to consider the case.

Joe Whitley, U.S. Attorney for the Northern District of Georgia, declined to confirm or deny the existence of a grand jury investigation as did a spokesman for Georgia Power.

### Most serious charge: They lied

The most serious of Mr. Mosbaugh's charges is that Georgia Power officials lied to the NRC about the reliability of a crucial backup generator following a March 1990 accident at the plant.

The generator failed after the regular power supply was knocked out by a truck that hit a pole, causing a 36-minute blackout.

A second backup generator

was undergoing maintenance at the time of the accident and was not operable.

During the blackout, the temperature of water used to keep the nuclear fuel from melting heated from 90 degrees to 136 degrees, the NRC says.

Georgia Power officials allegedly told NRC officials that the generator's mechanical problems were quickly corrected.

But, according to Mr. Mosbaugh, the generator continued to be mechanically unreliable and several components eventually had to be replaced.

Mr. Mosbaugh, formerly the third highest ranking manager at Vogtle, claims in a complaint filed with the U.S. Department of Labor under a law designed to protect whistleblowers that he was demoted after complaining about safety problems at the plant.

He later was fired after Georgia Power learned that he had secretly tape-recorded conversations with fellow plant employees.

Those tapes were later turned over to the NRC. According to Mr. Kohn, the tapes are the "linchpin" of the criminal investigation.

Georgia Power spokesman Tal Wright declined to comment on the criminal investigation.

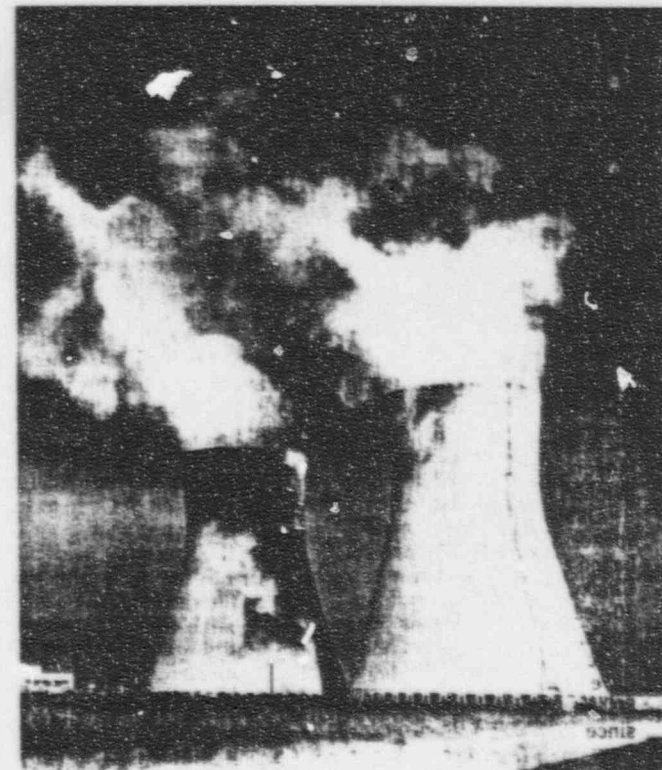
But in a statement, the utility denied ever attempting to mislead NRC.

And they point out that a Labor Department administrative law judge ruled that Mr. Mosbaugh was lawfully fired.

That decision is under review by the office of the U.S. Labor Secretary.

In a separate action, Mr. Mosbaugh has filed a petition with NRC seeking to block transfer of the Vogtle license from Georgia Power to a utility subsidiary, Southern Nuclear Operating Company, because of the alleged safety violations.

In documents filed during that proceeding, NRC acknowledges for the first time the existence of a criminal investigation.



W.A. BRIDGES

An allegation that Georgia Power officials lied to the NRC about the reliability of a crucial backup generator following a March 1990 accident at Plant Vogtle is under investigation.

UNIT 1  
DIESEL GENERATOR 1B

EXHIB B  
6/14/93  
JLR

| <u>DATE</u> | <u>TIME</u> | <u>COMMENTS</u>   |
|-------------|-------------|---|
| 02/24/90    | 1425        | Started for 24 Hour Run   |
| 02/25/90    | 2206        | Secured from 24 Hour Run  |
|             | 2336        | Started for ESFAS Testing   |
|             | 2348        | Secured for ESFAS   |
| 02/27/90    | 0312        | Started for ESFAS   |
|             | 0424        | Secured for ESFAS   |
|             | 0605        | Started for ESFAS   |
|             | 0642        | Secured for ESFAS   |
| 03/13/90    | 1518        | Start for Maint. Test   |
| 03/14/90    | 0146        | Stopped   |
| 03/21/90    | 2149        | Failed to start due to insufficient fuel in fuel lines after maintenance. |
|             | 2156        | Failed to Start Again   |
|             | 2202        | Started and Governor Vented   |
|             | 2217        | Stopped   |
|             | 2259        | Started for Overspeed Trip Test   |
|             | 2301        | Stopped Manually due to Low Lube Oil Pressure and high Oil Filter DP      |
|             | 2314        | Started   |
|             | 2318        | Stopped   |
| 03/22/90    | 0017        | Started   |
|             | 0023        | Stopped for Maintenance   |
|             | 0426        | Started for Testing   |
|             | 0429        | Stopped   |
|             | 0714        | Locally Started for Maintenance and Engineering Testing                   |
| 03/22/90    | 1030        | Locally Shutdown  |
| 03/22/90    | 1106        | Started from CR   |
|             | 1243        | Tripped on D/G High Lube Oil Temp.  |
| 03/23/90    | 0509        | Started for Maintenance Run   |
|             | 1202        | Stopped   |

A1170  
A134

000354

005

UNIT 1  
DIESEL GENERATOR 1B (CONT'D)

| <u>DATE</u> | <u>TIME</u>          | <u>COMMENTS</u>  |
|-------------|----------------------|--|
| 03/23/90    | 1730<br>1731         | Started for 4 Hour Run<br>Tripped on Low Jacket Water Pressure/Turbo Lube Oil Pressure Low                       |
|             | 1744<br>2222         | Started for 4 Hour Run<br>Stopped  |
| 03/24/90    | 0048<br>0049<br>0121 | Started for Maintenance<br>"Hi Jacket Water Temp" Alarm In, Temp Verified to be Normal.<br>Normal Stop           |
| 03/27/90    | 1649<br>1822         | Emergency Start Test<br>Normal Shutdown  |
|             | 1909<br>1948         | Normal Start<br>Stopped. Simulated Hi Temp Lube Oil Trip   |
|             | 1951<br>1954         | Started. Simulated LOSP at Engine Panel<br>Stopped. Simulated Hi Vibration Trip                                  |
|             | 1957<br>1959         | Normal Start<br>Stopped. Simulated Hi Crankcase Pressure Trip  |
|             | 2004<br>2010         | Started. Simulated SI at Engine Panel<br>Stopped. Simulated Lo Lube Oil Pressure Trip                            |
|             | 2220<br>2317         | Started. Simulated Bus UV Signal<br>Normal Shutdown  |
| 03/28/90    | 0403<br>0537         | Started. Surveillance 14980-1<br>Normal Shutdown   |
|             | 1350<br>1355         | Start to Perform Functional Test for MWO 1-89-03281 (Lo Lube Oil Pressure Trip Flow Orifices)<br>Normal Shutdown |
|             | 1356<br>1400         | Started. Simulated UV for Functional on MWO 1-89-03281<br>Normal Shutdown  |
| 04/01/90    | 1623<br>1744         | Normal Start<br>Normal Shutdown  |
| 04/04/90    | 1632<br>1744         | Started for Maintenance<br>Stopped   |

CASH'S MISTAKE

UNIT 1  
DIESEL GENERATOR 1B (CONT'D)

| <u>DATE</u> | <u>TIME</u> | <u>COMMENTS</u>      |
|-------------|-------------|----------------------|
| 04/05/90    | 0030        | Started. T-ENG-90-17 |
|             | 0035        | Stopped              |
|             | 0307        | Started. 14980       |
|             | 0509        | Stopped              |



UNIT 1  
DIESEL GENERATOR 1A

006  
EXHIB C  
6/14/93  
LHR

| <u>DATE</u> | <u>TIME</u> | <u>COMMENTS</u>   |
|-------------|-------------|---|
| 02/26/90    | 1509        | Started. 24 Hour Run for ESFAS  |
| 02/28/90    | 0226        | Secured from 24 Hour Run  |
| 02/28/90    | 0945        | Started for ESFAS Testing<br>1210 Secured for ESFAS Testing   |
| 02/28/90    | 1700        | Started 3 Times in Series During ESFAS Testing  |
| 02/29/90    | 0218        | Secured for ESFAS Testing   |
| 03/01/90    | 0128        | Started for ESFAS   |
| 03/02/90    | 0215        | Secured for ESFAS   |
|             | 0912        | Started for Maintenance   |
|             | 1944        | Secured for Maintenance   |
| 03/12/90    | 1306        | Started   |
|             | 2137        | Stopped   |
| 03/13/90    | 0009        | Started   |
|             | 0506        | Stopped   |
| 03/20/90    | 0820        | LOSH occurred - Lost "A" RAT - DG1A Tied and Tripped (Several Alarms came in - not noted in the log.) |
|             | 0841        | Auto Started after Sequencer Reset and Tripped on Low Jacket Water Pressure                           |
|             | 0856        | Emergency Break Glass Start Locally to Recover from Station Blackout.                                 |
|             | 1029        | RAT "B" Energized   |
|             | 1040        | 1BA03 Energized from "B" RAT  |
|             | 1326        | Shutdown  |
|             | 2119        | Started for Troubleshooting   |
|             | 2206        | Shutdown  |
|             | 2223        | Started for Troubleshooting   |
|             | 2228        | Secured   |
|             | 2233        | Started for Troubleshooting   |
|             | 2254        | Secured   |
| 03/23/90    | 0254        | Started for Maintenance Troubleshooting   |
|             | 0450        | Secured   |

000355

006

UNIT 1  
DIESEL GENERATOR 1A

| <u>DATE</u> | <u>TIME</u> | <u>COMMENTS</u>                      |
|-------------|-------------|--------------------------------------|
| 03/23/90    | 1724        | Started and Manually Stopped from CR |
| 03/29/90    | 1109        | Started. UV Test, Tied to 1AA02      |
|             | 1158        | Normal Shutdown                      |
| 03/30/90    | 1920        | Emergency Start                      |
|             | 2115        | Stopped                              |
|             | 2235        | Local Start                          |
|             | 2241        | Trip H1 Temp Lube Oil                |
|             | 2254        | Local                                |
|             | 2300        | Trip High Vibration                  |
|             | 2313        | Normal Start                         |
|             | 2316        | Stopped. H1 Crank Case Pressure      |
|             | 2328        | SI                                   |
|             | 2334        | Low Lube Oil Pressure                |
|             | 2343        | Normal Start                         |
|             | 2347        | Normal Stop                          |
|             | 2348        | Normal Start                         |
|             | 2358        | Stop                                 |
| 03/31/90    | 0012        | Normal Start                         |
|             | 0014        | Normal Stop                          |
|             | 0016        | SI                                   |
|             | 0019        | CR                                   |
|             | 1827        | Start Local                          |
|             | 1837        | Local Stop                           |
|             | 1846        | Local Start                          |
|             | 1847        | Stop                                 |
|             | 1856        | Local Start                          |
|             | 1857        | Local Stop                           |
|             | 1904        | Local Start                          |
|             | 1906        | Local Stop                           |
|             | 1921        | Local Start                          |
|             | 1922        | Local Stop                           |



UNIT 1  
DIESEL GENERATOR 1A

| <u>DATE</u> | <u>TIME</u> | <u>COMMENTS</u>                 |
|-------------|-------------|---------------------------------|
| 03/31/90    | 1955        | Local Start                     |
|             | 2012        | Local Stop                      |
|             | 2254        | Started. UV Test, Tied to 1AA02 |
|             | 2320        | Normal Shutdown                 |
| 04/01/90    | 0423        | Started. Surveillance 14980-1   |
|             | 0556        | Normal Shutdown                 |
| 04/06/90    | 1345        | Start. T-ENG-90-16              |
|             | 1346        | Stop                            |
|             | 1404        | Start. T-ENG-90-16              |
|             | 1405        | Stop                            |
|             | 1419        | Start. T-ENG-90-16              |
|             | 1430        | Stop                            |
|             | 2347        | Start. T-ENG-90-11              |
| 04/07/90    | 0213        | Stop                            |



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

July 6, 1993

✓ Dir: \_\_\_\_\_  
✓ DD: \_\_\_\_\_  
✓ A/Dir: \_\_\_\_\_  
✓ Dan: \_\_\_\_\_  
Art: \_\_\_\_\_  
FOIA: \_\_\_\_\_  
Support: \_\_\_\_\_

File \_\_\_\_\_  
Copies to: *[Signature]*

The Honorable Joseph I. Lieberman, Chairman  
Subcommittee on Clean Air and Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to conversations with your staff, it is our understanding that you are planning to hold a hearing on the Nuclear Regulatory Commission's handling of whistleblowers in the nuclear industry and that you may call Mr. Allen Mosbaugh and the Georgia Power Company to testify regarding Mr. Mosbaugh's experiences as a whistleblower prior to and after the site area emergency of March 20, 1990, at the Vogtle nuclear power plant.

On June 24, 1993, the NRC Atomic Safety and Licensing Board in the ongoing Georgia Power Company license amendment proceeding determined that six tape recordings made by Mr. Mosbaugh, which are copies of portions of a larger number of tapes, should be released to Georgia Power Company in discovery. We understand that these six tapes, which by agreement among the parties were to be released on July 2, 1993, were previously made available to the Subcommittee by Mr. Mosbaugh's attorney.

We understand that the Subcommittee does not intend to seek or compel the public disclosure of material compiled by the NRC's investigatory staff that is not already in the public record, or seek public disclosure of substantive conclusions that the investigators may have reached on matters under investigation.

The Director of the Office of Investigations has concluded that public discussion by the Subcommittee of information relating to Mr. Mosbaugh's allegations with either Mr. Mosbaugh or the Georgia Power Company will not adversely affect any current matter under investigation by his office. However, neither the Commission nor its staff will be in a position to discuss either the NRC investigation or any potential effect of the investigation, possible enforcement actions or on the ongoing licensing proceeding.

Sincerely,

*Kenneth C. Rogers*

Kenneth C. Rogers  
Acting Chairman

cc: Senator Alan K. Simpson

9307160202

300

Larry Robinson

9-1- 404 331 - 7038

A1172  
Release ~~AT~~

ELECTRICAL POWER SYSTEMSSURVEILLANCE REQUIREMENTS (Continued)

f. At least once per 10 years or after any modifications which could affect diesel generator interdependence by starting both diesel generators simultaneously, during shutdown, and verifying that both diesel generators accelerate to at least [900] rpm in less than or equal to [10] seconds; and

g. At least once per 10 years by:

1) Draining each fuel oil storage tank, removing the accumulated sediment and cleaning the tank using a sodium hypochlorite solution, and

2) Performing a pressure test of those portions of the diesel fuel oil system designed to Section III, subsection ND of the ASME Code at a test pressure equal to 110% of the system design pressure.

4.8.1.1.3 Reports - All diesel generator failures, valid or nonvalid, shall be reported to the Commission in a Special Report pursuant to Specification 6.8.2 within 30 days. Reports of diesel generator failures shall include the information recommended in Regulatory Position C.3.b of Regulatory Guide 1.108, Revision 1, August 1977. If the number of failures in the last 100 valid tests on a per nuclear unit basis is greater than or equal to 7, the report shall be supplemented to include the additional information recommended in Regulatory Position C.3.b of Regulatory Guide 1.108, Revision 1, August 1977.