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JUL 29 1992
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AT LAW
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July 29, 1992

CONFIDENTIAL

Via facsimile

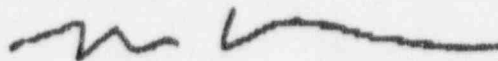
Daryl M. Shapiro
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Congressional Subcommittee on Oversight and Investigations

Dear Mr. Shapiro:

I am herewith transmitting to the NRC a copy of a letter I have today provided to the Subcommittee on Oversight and Investigations. I request that the enclosed document not be released to anyone outside your agency.

Sincerely yours,



Michael D. Kohn
Counsel to Allen Mosbaugh

Encl.

66
G/HZ

KOHN, KOHN & COLA

C.

ATTORNEYS AT LAW

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July 29, 1992

John D. Dingell, Chairman
U.S. House of Representatives
Subcommittee on Oversight
and Investigations
Washington, D.C. 20515-6116

Dear Mr. Chairman:

Pursuant to your request, dated July 28, 1992 I am herewith transmitting tape recordings made by Allen Mosbaugh as well as memoranda he submitted to the U.S. Nuclear Regulatory Commission ("NRC"). Additional documentation is in my possession and I am in the process of gathering this information for the subcommittee.

As I have advised your staff, the tape recorded information and the memoranda I am making available to your committee is sensitive in nature. The NRC has advised me that they would prefer that this documentation be kept in "strict confidence." As you should be aware, the NRC has taken steps to keep this documentation out of the hands of Georgia Power Company. Specifically, the NRC intervened in proceedings commenced by Allen Mosbaugh pursuant to the whistleblower protection provision set out in Section 210 of the Energy Reorganization Act, 42 U.S.C. 5851. The sole purpose for intervening was to prevent the release of this documentation to GPC until such time as on-going NRC investigations of Mr. Mosbaugh's allegations were complete. Although the NRC intervened in September of 1990, the NRC has yet to complete its investigations. As such, I am releasing this documentation on condition that the tape recordings and enclosed memoranda not be released to GPC and that the tape and memoranda be returned to Mr. Mosbaugh's counsel as soon as possible.

For your information, I have received the assurance from a member of your staff that at the present time the subcommittee does not intend to release this information to GPC. Should your position change I request that I be immediately notified.

6/16/92

Page 2
Hon. John D. Dingell
Chairman, Subcommittee on
Oversight and Investigations

Finally, I am attaching correspondence between Mr. Mosbaugh's counsel and the NRC with respect to the release of the tape recordings and memoranda. Mr. Mosbaugh and his counsel will assist your committee as needed.

Sincerely yours,



Michael D. Kohn
Counsel to Allen Mosbaugh

cc: Daryl M. Shapiro, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545

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

— MOSBAUGH DOL LAWYER
— DOES A LOT OF
WHISTLEBLOWER WORK.

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. The OI would prefer that you keep all information concerning this investigation in strict confidence while at the same time not interfering with any official Congressional investigation. To the extent that this position differs from your representation of earlier conversations with OI, your representation is inaccurate.

If you have any further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Ben B. Hayes, Director
Office of Investigations

cc: D. Shapiro, OGC

— OI CONTACT
W/ OFFICE OF
GENERAL COUNSEL

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OFFICE OF UNITED STATES ATTORNEY - CRIMINAL DIVISION
1800 Richard Russell Building
75 Spring Street, S.W.
Atlanta, Georgia 30335

FACSIMILE OUTGOING TRANSMISSION CONTROL RECORD

FAX NUMBER: FTS: ~~880-3117~~
COMM: (404) ~~730-8117~~ 331-2803

FROM: Terri O. Kohler
NAME

OFFICE OF U.S. ATTORNEY
ATLANTA, GEORGIA

DATE: 7-29-92

TO: Larry R. Johnson
NAME

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CITY & STATE

NUMBER OF PAGES 1 (EXCLUDING FAX TRANSMISSION CONTROL RECORD)

DESTINATION FAX NO: 1-7038

PRECEDENCE: ROUTINE _____
IMMEDIATE _____
PRIORITY X _____

NAME OF SENDER: Terri Kohler

PHONE: FTS - 880-2441

COMM (404) 730-2441

REMARKS:

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,

/S/ Roger A. Fortuna for

Ben B. Hayes, Director
Office of Investigations

bcc: Sallie Q. Yates, Asst. U.S. Attorney
1800 Richard B. Russell Building
75 Spring Street, S.W.
Atlanta, GA 30335

D. Rathbun, CA
D. Shapiro, OGC
J. Vorse, OI:RII

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

August 17, 1992

MEMORANDUM FOR: Stewart D. Ebnetter, Regional Administrator
Region II

FROM: James Y. Vorse, Field Office Director *gyv*
Office of Investigations, Region II

SUBJECT: REQUEST FOR INVESTIGATION
NO. RII-91-10

Subject request for investigation, dated November 21, 1991, was based upon an allegation from D. HUYCT, Security Manager of Georgia Power Company's (GPC) Vogtle Electric Generating Plant (VEGP), that former GPC employee Allen MOSBAUGH was currently in possession of VEGP safeguards material (Enclosed). This material was identified as audio tape recording #44 (as identified by NRC). Subsequently, GPC identified another tape in the possession of MOSBAUGH, #153, as also containing safeguards information.

The facts already developed in this matter are as follows:

1. On September 11, 1990, while being deposed during a Department of Labor (DOL) hearing, MOSBAUGH revealed to GPC that he was in possession of numerous audio tape recordings which he surreptitiously recorded while employed at VEGP.
2. On September 13, 1990, MOSBAUGH's DOL attorney notified NRC of the existence of the tapes and that these tapes contained conversations pertinent to allegations previously presented to NRC by MOSBAUGH. Concurrently, GPC advised NRC Region II (RII) and the NRC Resident Inspector at VEGP of the existence of these tapes. The DOL Administrative Law Judge (ALJ) ordered these tapes to be produced to GPC as part of the discovery process in the DOL matter.
3. Also on September 13, 1990, NRC intervened in the DOL matter, and the DOL ALJ ordered the tapes to be produced to NRC. On the same day, the Office of Investigations (OI) NRC received 277 tapes as evidence from MOSBAUGH. Two full sets of duplicates of these tapes were produced by OI by October 10, 1990. One set was delivered to NRC RII staff, and the other to NRR. The NRC was put on notice, in September 1990, by C. K. MCCOY, Vice President, Vogtle Project, GPC, that these tapes may contain safeguards material. MOSBAUGH told OI that he did not think any of these tapes contained safeguards material.

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August 17, 1992

4. On September 15, 1990, GPC placed MOSBAUGH on administrative leave for conducting this taping. On October 11, 1990, MOSBAUGH's employment with GPC was terminated by GPC.
5. Of the 277 tapes he provided to NRC, MOSBAUGH identified 76 that potentially contained the most significant conversations that pertained to the ongoing OI investigations of MOSBAUGH's allegations. Initially, transcripts of 13 of these 76 were produced and reviewed by both OI, for evidence of wrongdoing, and NRC staff, for safeguards material and health and safety issues.
6. In January 1991, a prioritized schedule for staff review of all 277 tapes for safeguards and health and safety issues was prepared. Transcripts of the remainder of the 76 higher priority tapes as identified by MOSBAUGH were prepared, and OI continued its review for wrongdoing and identification of speakers on these 76 tape transcripts. OI's data base of these 76 tapes was completed by August 1991. The NRC staff review of the remainder of the 76 tapes was completed in July 1992. The remaining 201 of the original 277 tapes were not reviewed by OI for wrongdoing, or by the staff for safeguards.
7. The original tape recordings of the 76 high priority tapes have been retained as evidence by OI. However, on February 14, 1991, at the direction of NRC Office of General Counsel and staff, the unreviewed 201 original tapes were attempted to be returned to MOSBAUGH. MOSBAUGH refused to accept these tapes without an NRC assurance that they did not contain safeguards material. Since this assurance could not be made, NRC retained possession of the 201 tapes.
8. On February 21, 1991, with no NRC safeguards review, these 201 tapes were returned to MOSBAUGH. At his DOL hearing in March 1992, MOSBAUGH testified that NRC had assured him that the tapes did not contain safeguards. OI NRC did not give any such assurance to MOSBAUGH.
9. MOSBAUGH, through correspondence to NRC from his DOL attorney, has again denied that the tapes alleged by HUYCT, supra, or any other tapes MOSBAUGH recorded while employed by GPC, contain safeguards material.
10. On November 14, 1991, GPC notified the NRC that tape #44, which was released to them by the attorneys representing GPC, contained safeguards information. They subsequently informed the NRC that Tape #153 may also contain safeguards material. On November 21, 1991, the NRC Regional Administrator, RII, requested that OI initiate an

investigation to determine if MOSBAUGH knew that he was recording safeguards information and was in unauthorized possession of safeguards material.

11. Tapes #44 and #153 were reviewed by NRC Safeguards personnel from NRC RII and NRR who concluded that the tapes contained safeguards material. This review was forwarded to OGC for legal analysis. OGC concluded that although not all of the material identified by RII and NRR as safeguards materials was, in fact, safeguards material, both tapes did contain some safeguards information. The OGC analysis listed a number of potential NRC violations. However, OGC indicated that whether or not a violation occurred would depend on the information developed during an OI investigation.

For the following reasons, OI has determined that little, if anything, could be gained by pursuing this matter:

1. Although at least 2 of the 277 tapes contained safeguards information, no violation occurred while MOSBAUGH was a GPC employee. MOSBAUGH was still a GPC employee when he released the tapes to the NRC and because of his position with GPC was authorized to possess safeguards information.
2. The NRC was placed on notice that the tapes might contain safeguards information as early as September 1990, when the tapes were given to the NRC. The 201 tapes that were returned to MOSBAUGH were in possession of the NRC from September 13, 1990, until February 21, 1991, and although management of both NRR and RII acknowledge that all the tapes should have been reviewed in an effort to ensure they did not contain safeguards information, this was never accomplished. Had this been accomplished, the issue of whether or not MOSBAUGH was in unauthorized possession of safeguards information would never have occurred.
3. MOSBAUGH originally declined to accept return of the tapes without some assurance that they did not contain safeguards information. Although he was not given this assurance, it could be argued that it was NRC's return of the unreviewed tapes to MOSBAUGH that caused him to be in unauthorized possession of safeguards information.

Therefore, it is already established that MOSBAUGH was in possession of safeguards material when he was not an employee of GPC. He has denied knowledge of being in possession of such material. This denial would constitute evidence against an NRC conclusion of willfulness on his part. He further contends that the tapes contain no safeguards information.

August 17, 1992

Furthermore, and perhaps most importantly, NRC's failure to conduct a safeguards review of at least the 201 tapes that were to be returned to MOSBAUGH, even after warnings by both GPC (McCOY) and MOSBAUGH himself, would certainly be a strong point of defense for MOSBAUGH. This point is further emphasized by the NRC's awareness, prior to returning these 201 tapes to MOSBAUGH, that he was required to deliver them to GPC as part of the DOL discovery process.

There are no other witnesses at VEGP or SONOPCO who could logically be expected to testify that MOSBAUGH deliberately took safeguards material offsite. No one else knew that he was doing the taping. It does not appear that more investigative work would result in any additional facts.

Based on this information, OI does not intend to initiate an investigation into this matter.

Supporting documents referred to in this memorandum are being retained in the RII safeguards storage area under file number RII-91-10.

Enclosure:
As stated

6 Barth/Young / Reis / A. Barber

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Peter B. Bloch, Chair
Dr. James H. Carpenter
Thomas D. Murphy

In the Matter of)

GEORGIA POWER COMPANY)
et al.,)

(Vogtle Electric Generating)
Plant, Unit 1 and Unit 2))

Docket Nos. 50-424-OLA-3
50-425-OLA-3

Re: License Amendment
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

INTERVENOR'S RESPONSE TO THE
SECOND SET OF INTERROGATORIES OF GEORGIA POWER COMPANY

Intervenor, Allen L. Mosbaugh, files his responses to the interrogatories filed by Georgia Power Company ("GPC") on July 26, 1993.

Interrogatory Responses.

1. a. On June 13 or 14, 1990.

b. Prior to July 15, 1993, Intervenor provided copies to counsel and United States Congressional staff personnel.

c. Intervenor discussed virtually all aspects of this document with Mr. Robinson between June 13-14, 1990. The exact comments are not recorded and Intervenor has no notes of his meetings with NRC-OI. Additional discussions occurred between July 18-19, 1990, when Mr. Mosbaugh was interviewed under oath by NRC-OI.¹ Mr. Mosbaugh cannot recall the

¹ Intervenor is relying on NRC's response to GPC's request for documents for the accuracy of the July 18 and 19, 1990 dates. Intervenor knows that his interviews occurred in July but he does not have an independent recollection of the dates.

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statements made beyond stating that statements contained in this documents and facts related thereto were discussed. Nonetheless, Intervenor believes that the transcript of his interviews with NRC-OI will accurately reflect any discussions occurring at that time.

d. Since March 20, 1990, 1B diesel had problems or failures on at least start numbers 1, 2, 4, 5, 13, 14, 15, 17, and a problem occurring on April 3, 1990 at 05:15 between starts 26 and 27. Intervenor has not determined the root cause of these failures and problems, but believes that start numbers 13, 15, and 17 may be associated with the problems experienced with the A diesel on March 20, 1990.

e. Intervenor objects to responding to this portion of the interrogatory question as it requires Intervenor to provide a speculative response. Without waiving this objection, Intervenor states that the answer is yes. The bases for this response is as follows: 1) NRC was not fully aware of the extent of the continuing reliability problems associated with the Calcon Switches; 2) NRC was not aware that operational problems with the control air system were not corrected; and 3) NRC was not aware that the diesel had yet to achieve the required level of reliability.

f. Based on a comment from John Aufdenkampe, Intervenor was under the impression that information and source documents were provided to Al Chaffee and/or someone on his team by persons then reporting to John Aufdenkampe. Intervenor does

not know the exact date this occurred, and his knowledge is based on hearsay. Most likely this comment is contained somewhere in the Mosbaugh tape recordings. Intervenor's best guess as to the time frame is some time between late March and early to mid June of 1990.

g. Intervenor cannot speak for NRC as to which starts NRC was unaware of having occurring by April 12, 1990.

h. Intervenor has no recollection of being advised on or before April 9, 1990 that NRC was informed of all of the failures and problems occurring on the 1 B diesel generator that occurred up to that point.

i. GPC's April 9, 1990 Confirmation of Action letter states at page 4: "completion of these investigations, reviews, tests and corrective actions justify GPC's determination that the DG's are operable." Based on this statement, if these investigations, reviews, tests and corrective actions were not adequately completed, then it stands to reason that the diesel generators may not have been operable. Intervenor contends that until the root cause of the failure was corrected (i.e., removal of the Calcon switches) and the diesel was proven reliable, it was imprudent to declare the diesels operable.

j. Intervenor contends that at a minimum, the problems with the Calcon switches should have been corrected, and that this correction would not include either re-calibration or replacement of the Calcon switches (as this activity was

already known to be an ineffective remedy to the root cause of the reliability problem).

k. Intervenor recalls being involved with an in-house review of the feasibility of the replacement of the pneumatic control system, during which time he discussed the benefits replacing the control system would have on the reliability of the diesel generator. Mr. Mosbaugh also consulted with an intervenor group who wanted the control systems replaced. Mr. Mosbaugh advised the intervenor group that it was an idea worth consideration and that other plants had replaced their control systems.

l. Intervenor does not have specific knowledge of information provided to or retained by Al Chaffee. However, Intervenor does not believe that he knew the extent of the unreliability of the Calcon switches or of the true feeling of the Instrument and Control group at Plant Vogtle about the Calcons.

m. Yes, the 95% reliability factor per diesel generator is an ongoing requirement. As a result of the diesel's failure to adequately perform its safety function when actually called upon to do so, the continuing 95% reliability factor was disrupted. At that point GPC was required to correct the root cause and establish that the diesel system had regained the 99% reliability factor (and each diesel had regained a 95% reliability factor) before the diesel system could be declared operable and before NRC should have lifted

the hold on the restart of Unit 1. This is based on NRC requirements set out in Diesel Generator System Regulatory Guide and NRC Branch Technical Position EICS (b)(2), "Diesel Generator Reliability Quality Testing," dated 11-24-95, Standard Review Plan app. 7(a) of NUREG 75/087;² and NRC Generic Letter 84-15.³

2. a-c. Intervenor incorporates his response to Interrogatory 1, subparts a, b and c, as stated above.

d. The 4-18-90 date is incorrect as the conversations occurred on 4-19-90. The conversations occurring on 4-19-90 were previously identified in Intervenor's response to GPC's first set of interrogatory questions (the actual conversations were produced in the tapes Intervenor provided to GPC).

e. Mr. Mosbaugh saw a list of diesel starts, but does not know who prepared this list. Intervenor does not recall ever possessing a final list prepared by Webb and/or Odem and does not have in his custody or control any list he believes were prepared by Webb or Odem.

3. a. June, 1991.

b. Intervenor incorporates his response to Interrogatory response 1(b).

² This document requires GPC to establish a 99% reliability at a nominal 50% confidence level for a plant diesel generator system (i.e., both diesels combined).

³ This document states that the reliability goal on a per diesel basis is to be at a minimal reliability level of 95%.

c. Intervenor made oral statements regarding the issues discussed in the document to Larry Robinson in June of 1991. In addition, prior to the Senate subcommittee hearings, Intervenor met with Senator Lieberman's aid, Dan Berkowitz, and discussed the issues detailed in this document. Between July 18-19, 1990, during the course of a transcribed interview Mr. Mosbaugh provided NRC-OI, Intervenor made additional statements regarding the issues contained in this document.

d. On 4-19-90 Messrs. Shipman and Stringfellow stated to Mr. Mosbaugh that they were about to discuss the fact that the diesel generators had experienced failures and trips with Mr. Hairston. After making this statement, during the course of a subsequent telephone conference call, Mr. Hairston stated: "we didn't have no trips?" Mr. Hairston's reference to "trips" evidences that he did, in fact, have discussions with Shipman and/or Stringfellow concerning trips of the diesel generator.

e. Statements contained in the Six Tapes set out the statements Intervenor knows to have been made. One such statement not contained in this document concerns a statement made by Mr. Aufdenkampe after April 9, 1990, where he refers to GPC's April 9, 1990 Confirmation of Action letter as a document "where they lied" to the NRC.

4. a-c. Intervenor incorporates his response to Interrogatory 3, subparts a, b and c, as stated above.

5. a-b. This information is set out in the Six Tapes provided to GPC and in the conversations referenced in Interrogatory question 3(e) above. GPC's counsel had discussed with counsel to Intervenor the desirability of attempting to verify the accuracy of transcripts of these conversations, including the individuals speaking and the statements made. This future effort will provide GPC with the information herein requested. Nonetheless, Intervenor believes the transcripts of conversations set out as Attachments 1 (entitled "Transcript Mosbaugh Tape of Conversation A") and 2 (entitled "Transcript Mosbaugh Tape of Conversation B") hereto accurately reflect conversations occurring on April 19, 1990.

c. Intervenor formally drew the conclusion that the inaccuracy was willful by 6-13-90, and initially began to draw this conclusion on 4-19-90. The conclusion was based on the information discussed in the documents referenced in interrogatories 1-4 above, as well as the tape recording of the 3-23-90 Site Area Emergency critique team, and statement made by Cash as to his knowledge of the diesel trips which occurred of 3-23-90. The critique team meeting was recorded by Intervenor and is contained on one of the Six Tapes provided to GPC.

d. At no time did Mr. Mosbaugh specifically tell any GPC employee that he concluded the inaccuracies were willful out of fear that such an accusation of criminal conduct would

result in adverse employment action. Nonetheless, Mr. Mosbaugh did hint his concerns to John Aufdenkampe.

e. Mr. Mosbaugh first contacted the NRC to report the material false statement sometime in early June, 1990, shortly before 6-13-90. He first informed the NRC that these statements may be willful in a June 13, 1990 meeting with Larry Robinson. All documents responsive to this interrogatory have already been produced.

f. J.P. Cash and Ken Burr compiled and counted the start information from a review of Control Room Logs following the instruction Cash received from George Bockhold to "just get the good stuff."

g. Intervenor believes that someone should have questioned the accuracy of this language and he will not be able to fully respond until after Intervenor completes the deposition process.

6. a. Intervenor objects on the ground of duplication as this information was provided in response to Intervenor's response to GPC's first set interrogatory questions. The information is also contained in the Six Tapes and in Attachment 1 and 2 to hereto.

b. Intervenor provided first-hand information demonstrating that this statement was inaccurate on April 19, 1990 to Stringfellow, Shipman and Aufdenkampe. It was provided second-hand to Hairston and others that same day. Statements relating to these events are included in the Six

Tapes. On April 30, 1990, Intervenor provided Mr. Bockhold with a written memorandum demonstrating the inaccuracy of this information.

c. Mr. Mosbaugh began to suspect willful wrongdoing on or about April 19, 1990 and formally concluded such on June 13, 1990.

d. Intervenor indirectly advised GPC the first time when his counsel provided GPC's counsel with a copy of the September 11, 1990 2.206 Petition on the afternoon of September 11, 1990.

e. Intervenor incorporates his response to Interrogatory questions 2a and 3a above.

f. Yes. In discussions occurring on April 19, 1990, Mr. Mosbaugh participated to phone conversations wherein Shipman and Stringfellow were told that language equivalent to this constituted a material false statement.

g. Intervenor was present when the phrase "subsequent to this test program" was being developed for inclusion into the LER. At that time Mr. Bockhold and Mr. McCoy stated the following with respect to the number of starts that were to be included in the language of the LER:

Bockhold: O.K., so we'll say greater than those numbers that were used in the conference [held on April 9, 1990, at NRC Region II headquarters].

McCoy: O.K., and those numbers you used were used in the conference were after they had completed the comprehensive test of the control system on each diesel.

Bockhold: That is correct, those numbers were not before that time.

* * *

Shipman: 18 and 19? What did you have in your presentation George, 17 and 18, or 18 and 19?

Bockhold: 18 and 19.

The reference to the completion of a comprehensive test program for the diesel generators is synonymous with the diesel testing and start information presented to NRC Region II in on April 9, 1990 in a transparency presented by George Bockhold, and which was then reconfirmed in writing in the April 9, 1990 Confirmation of Action response submitted by Mr. Hairston to NRC.

h. Yes. The conversations related to this communication are set out in Attachments 1 and 2 hereto.

7. The PRB and Mr. Aufdenkampe's departments prepared the revision and sent it to the corporate office by May 15, 1990. The documents Intervenor is aware of which evidence such a revision are the PRB meeting minutes.

8. Stokes and Kochery prepared a list of diesel start information. Intervenor does not recall exactly when he reviewed this document, sometime between 4-9-90 and 4-19-90. Mr. Mosbaugh either had a copy or wrote down information contained in the

Stokes/Kochery list. Intervenor cannot locate either the list prepared by Stokes/Kochery or notes he made concerning failures of the diesel generators. Mr. Mosbaugh also received a copy of Bockhold's transparencies on 4-10-90.

9. The tabulation was finished sometime after April 19 but before April 30, 1990, most likely sometime in the middle of that time period. The information was then provided to Mr. Bockhold on April 30, 1990.

10. Intervenor objects on the basis that the term "successful starts" is not adequately defined and it is not a term defined in Regulatory Guide 1.1.08.

11. Intervenor incorporates his response to Interrogatory No. 10 above.

12. On April 19, 1990, Mr. Aufdenkampe was pressed by Mr. Shipman to buy into the language contained in LER 90-006 (i.e., Shipman stated to Aufdenkampe something to the effect that changing the start numbers would create a huge selling job with the NRC). At this point in time Mr. Aufdenkampe stated to the effect that if George Bockhold asserts that the number of starts is accurate, then, he must be right. Mr. Aufdenkampe thereafter made a statement indicating his lack of trust in the accuracy of Bockhold's assertion by stating to Mr. Mosbaugh something to the effect that if Bockhold's numbers are wrong, GPC will have to revise the LER.

13. Intervenor's knowledge of specific events and knowledge of statements made by GPC employees are contained in the tape

recordings in the possession of NRC and in the tape recordings already in the possession of GPC. Intervenor objects to providing further information on the ground that the question, as worded, is vague and calls for speculation.

14. Yes. Mr. Aufdenkampe at least must have had reservations given his assertion to Mr. Mosbaugh that GPC may have to revise the LER. Moreover, Mr. Aufdenkampe previously stated to Mr. Stringfellow that he believed that the language concerning the number of starts of the diesel generators set out in a prior draft of the LER constituted "a material false statement."

15. On April 19, 1990, Vogtle site personnel (including Messrs. Aufdenkampe, Bockhold and Mosbaugh) participated in a late afternoon conference call with persons from the corporate Southern Nuclear offices (including Messrs. Hairston, Shipman, McCoy and Stringfellow). During this conference call, Messrs. Bockhold, Stringfellow, Shipman and McCoy undertook the task of revising the language of the LER and saw to it that the diesel start information was consistent with the language previously provided to the NRC on April 9, 1990, and at that time included reference to a "comprehensive test program." A subsequent telephone call was received by Mr. Aufdenkampe from Mr. Shipman. During this call Mr. Shipman essentially stated to Mr. Aufdenkampe that it would be advisable to adopt the information presented during the prior conference call because to do otherwise would create a huge selling job with the NRC. Higher levels of management approved the language used in the LER during the prior late afternoon conference

call. The follow-up call did not include further action with respect to revising the wording that had been adopted in the earlier late afternoon conference call. If anything, Mr. Shipman's subsequent call indicates a gut feeling on his part that lower-level management at the site were troubled by the events occurring during the conference call and wanted to bring these managers into the fold.⁴

16. Intervenor objects on the basis of the attorney-client and work product privileges. To the extent that this information is not privileged it is set out in the response Intervenor's counsel filed to GPC's motion to compel production of the tapes.

17. Exhibit 13 which accompanied the exhibits submitted in response to Mr. Mosbaugh's May, 1991 Motion for Summary Decision in DOL case No. 91-ERA-11 constitutes a letter faxed to Mr. Robinson by Mr. Mosbaugh's counsel (exhibit pages 1 and 2) together with two additional pages of documentation provided to Mr. Robinson on June 13, 1990. This document is not the only documentation provided to Mr. Robinson on that day. In this respect, see responses to Interrogatory questions 1.a and 2.a, above.

18. Intervenor assumes that GPC seeks a response with respect to his answer to GPC's first set of interrogatory questions and not Intervenor's response to GPC's first request for documents. In this respect, Intervenor was referring to

⁴ Intervenor has no way of verifying whether Mr. Hairston was a party to the follow-up phone conversation between Aufdenkampe and Shipman, but notes that it was not unusual for managers to listen in on such phone conversations.

interviews conducted by the NRC OSI. Intervenor is not currently in possession of these interview transcripts and cannot state the date or persons interviewed. Moreover, as GPC is in possession of these transcripts, Intervenor objects to further supplementation of this interrogatory question.

b(1). In Intervenor's statement on the bottom of page 18, the word "approved" or "approving" were used to connote the PRB's normal review process, which includes voting on the recommend language and/or the content of all correspondence concerning plant Vogtle and the NRC. This process was the normal PRB policy and procedure in effect during 1990. In this respect, reference to "approve" means that the PRB successfully voted or concurred with recommend language to be forwarded to the NRC. In this respect, the Corrective Action Response letter of April 9, 1990, was not presented to the PRB prior to its transmittal to the NRC which violated the normal plant practice and procedure that was in place at that time.

b(2). No.

c(1). No. By June 29, 1990, GPC submitted to the NRC a revision to LER 90-006.

c(2). Yes. Everyone on the April 19, 1990 conference call knew or should have known of the failures and problems with the diesel generators which would have rendered the language contained in the LER false.

c(3)-(4). Wording related to the comprehensive test program was not in the particular draft of the LER being discussed

at that time. The fact remains that Mr. Mosbaugh and Mr. Aufdenkampe notified Southern Nuclear management that there were problems and failures that were improperly excluded from the diesel start data set out in the earlier draft of the LER. The subsequent addition of the comprehensive test program language failed to address or correct the underlying factual reason as to why the earlier draft and the LER was materially false. Finally, the exclusion of specific significant problems, including important trips and failures of the diesels that were specifically identified by Mr. Mosbaugh prior to the issuance of the LER demonstrates intentional wrongdoing by omission.

c(5). Yes.

d. Southern Nuclear prepared under the guidance of Mr. Hairston some 7-8 multiple drafts of the cover letter to accompany the revision to LER 90-006. These various drafts include differing and conflicting explanation for the inclusion of the false statement in the original LER. Moreover, the final cover letter to the LER makes reference to record keeping errors contained in the logs. Inasmuch as there were no record keeping errors with respect to the trips and problems experience by the diesel generators, this assertion is materially false.

e. Intervenor notes that GPC states in this question that this meeting occurred on June 9, 1990 (where Intervenor stated in his response June 8, 1990). Intervenor believes this meeting occurred on June 8, 1990, when the IIT presented

a report to the Commission and that this meeting was attended by GPC personnel. Nonetheless, Intervenor did not attend this meeting and has no first hand knowledge of who, in fact, attended this meeting.

f. Yes, Intervenor was party to the conference call and the call was recorded.

g(1). In response to this interrogatory, intervenor does not agree with use of the word "independent". It is Intervenor's understanding that Mr. Aufdenkampe directed his staff to compile "start" data from the main control room logs.

g(2). No. Intervenor incorporates his response to Interrogatory No. 12 above. Nonetheless, Intervenor does not believe that Mr. Aufdenkampe used the word "acceptable."

g(3). GPC already has in its possession all written allegations in the control and possession of Intervenor that were submitted to the NRC.

h. Intervenor objects to responding to this interrogatory as it calls for speculation. Intervenor will not determine this until after the deposition process is concluded.

19. Intervenor brought with him the Six Tapes, handwritten notes and two transcripts of conversations included in the Six Tapes. The two transcripts are attached hereto as Attachments 1 and 2. Attached as Attachment 3 is a four page document consisting of the notes Mr. Mosbaugh had in his possession at the time he presented testimony before the Senate Subcommittee. Mr. Mosbaugh

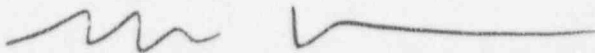
also referred to documents included in the prepared testimony he provided to the Subcommittee the day before he presented live testimony. Mr. Mosbaugh's written testimony and attachments thereto are available for duplication at the law offices of Kohn, Kohn & Colapinto, P.C.

20. Marvin Hobby. Intervenor does not recall discussing with any other current or former Southern System employee matters concerning this proceeding after October 22, 1992. Intervenor objects with respect to individuals his counsel may have contacted on the basis of the attorney work product doctrine.

21. Intervenor does not recall contacting any employee of any of the plant Vogtle co-owners since October 22, 1992. Intervenor further incorporates his response to Interrogatory No. 20 above.

22. Intervenor has previously produced all documents in his control and possession related to the illegal license transfer.

Respectfully submitted,



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ATTACHMENT 1

TRANSCRIPT

MOSBAUGH TAPE OF CONVERSATION A

(A conversation that allegedly occurred on April 19, 1990)

John Aufdenkampe:
Manager
Technical Support
Vogtle Nuclear Plant

Allen Mosbaugh:
Assistant General Manager
Plant Support (Acting)
Vogtle Nuclear Plant

Jack Stringfellow:
Licensing Engineer
Southern Nuclear Operating Company
Birmingham, AL

1 Aufdenkampe: No comment.
2 Stringfellow: Okay.
3 Aufdenkampe: Page two.
4 Stringfellow: Uh.
5 Aufdenkampe: No comment.
6 Stringfellow: Okay.
7 Aufdenkampe: Page three.
8 Stringfellow: Uh.
9 Aufdenkampe: According to the operator, um, third paragraph.
10 Stringfellow: I'm waiting.
11 Aufdenkampe: According to the operator, several annunciators
12 were lit. Then it reads 'in order to restore emergency power...'
13 (pause)
14 Stringfellow: Power.
15 Aufdenkampe: 'The operator reset the annunciators...'
16 (pause)

Stringfellow: Okay.

Aufdenkampe: 'Without fully evaluating the conditions...'

Stringfellow: Okay.

Aufdenkampe: And then it goes 'during those times.' Does that take care of Hairston's comment?

Stringfellow: Well, only to the extent that, okay, it-it, yeah, that's...

Aufdenkampe: We don't know what he saw.

Stringfellow: Okay, we can not say what he saw. Right?

Mosbaugh: The first time...

Aufdenkampe: What's written here - yeah.

Mosbaugh: The first trip?

Aufdenkampe: Yup.

Mosbaugh: No.

Aufdenkampe: What's written here is...

Mosbaugh: Operations don't know.

Aufdenkampe: What was written here is what he said that his report what he saw. What I just gave you is...

Stringfellow: What Hairston wants to see in there.

Aufdenkampe: ...is a little bit more than-what he w-w-we read his mind in the PRB. (Laughter)

Stringfellow: I understand. Okay, so the-but the answer to Hairston's question is we don't know, uh, what they actually looked at, uh, on that first trip.

Aufdenkampe: Well, you don't want to say that. You can't say we don't know what they looked at.

1 Stringfellow: But we don't know, well, I guess what I'm
2 saying is he...

3 Aufdenkampe: What you're saying is he...

4 Stringfellow:where, no, did they look at, you know, did
5 they look at jacket water temperature and pressure and that sort
6 of thing?

7 Aufdenkampe: No.

8 Mosbaugh: No.

9 Aufdenkampe: He didn't look at much.

10 Stringfellow: Okay.

11 Mosbaugh: The machine...

12 Aufdenkampe: He was in a hurry to get power back.

13 Mosbaugh: The machine is already tripped.

14 Aufdenkampe: When in and started pressing buttons.

15 Mosbaugh: The machine is already tripped.

16 Stringfellow: His objective was to get the diesel started
17 so, uh, he-they probably thought, well, if I can clear these
18 annunciators and reset, you know, and reset the thing, then I can
19 get, you know, I can try and start it again, right?

20 Aufdenkampe: We can speculate that that's what he thought.
21 As Allen pointed out the diesel was already tripped so there
22 wasn't much to see on the gauges and stuff.

23 Stringfellow: That's a point.

24 Aufdenkampe: So.

25 Stringfellow: Yeah. Okay. But that's, in other words,
26 that's all, in-in response to Hainston's concern, that's all we

1 can-we think we can say.

2 Aufdenkampe: Yeah.

3 Stringfellow: All right.

4 Aufdenkampe: Go on to page, uh, the next page.

5 Stringfellow: Yes.

6 Aufdenkampe: Site area emergency. Was declared at 8:40.

7 Uh, agencies of the-of the emer..., uh, government agencies of the
8 emergency at 8:48 central standard time.

9 Stringfellow: Uh-huh.

10 Aufdenkampe: Period.

11 Stringfellow: Okay.

12 Aufdenkampe: And delete the next, 'n, to the end of the
13 line.

14 Stringfellow: Okay.

15 Aufdenkampe: There. Now, it doesn't-now, it doesn't ask the
16 question wh-why it took us seventeen minutes.

17 (Laughter)

18 How's that?

19 Stringfellow: Well, all right, we can try that. In other
20 words, we can't say that-that-that part of that seventeen minutes
21 was due to the problem with the ENN.

22 Aufdenkampe: Not specifically.

23 Stringfellow: Not specifically. Okay, well, I-I think that-
24 that may be okay, because Hairston said, you know, if we can't
25 say that, then he wanted to reword it, to take it-to not have the
26 time in there. Okay?

Aufdenkampe: Well, that takes care of that.

Stringfellow: Yeah.

Aufdenkampe: Take out the time out.

Stringfellow: Alright.

Aufdenkampe: Okay, the next one was your sentence you gave me - for direct cause.

Stringfellow: Yeah.

Aufdenkampe: That went through fine and his comments about an off site source went through fine Uh, the next page - root cause.

Stringfellow: Mmmmm.

Aufdenkampe: No comment. The next page. On the twenty starts.

Stringfellow: Yeah yeah yeah.

Aufdenkampe: I'm struggling with that one.

Stringfellow: You struggle with that one, huh?

Aufdenkampe: I'm struggling with that one. I'm trying to verify that still.

Stringfellow: Oh, okay, alright.

Aufdenkampe: Okay, uh, we think that it's basically a material false statement.

Stringfellow: Really?

Aufdenkampe: Yeah. Well, we know for a fact that the B diesel tripped at least once. After March 20th.

Mosbaugh: Actually, it trip-tripped twice after March 20th. Or it had at least two separate problems.

Stringfellow: Well, do we need to take this more than 20
times each out then?

Aufdenkampe: That's what we're thinking, but I got Tom Webb
reviewing the-the, uh, reactor operator's log and counting.

Stringfellow: Okay.

Aufdenkampe: I don't know where he's at. When's Hairston's
due back in the office?

Stringfellow: He's supposed to be there now.

Aufdenkampe: Oh, so you gotta hurry and get this up here,
huh?

Stringfellow: Well, yeah, yeah. Well, I've, see, I-I have
given him, I-I've given Shipman, you know, uh, the ver..., a
typed version of what you guys have been looking at, so now-now
as soon as we get off the phone, I'm gonna run back in there and
tell him what you told me, you know?

Aufdenkampe: Okay. Uh, so anyway, I'm still looking for
words for you on that one, but what that-that sentence is gonna
have to change.

Stringfellow: Okay. What about, uh, the thing about, did
you get my message on your machine?

Aufdenkampe: Yes. I-I'm-I'm getting to that.

Stringfellow: Okay. I'm sorry.

Aufdenkampe: Next page, on corrective actions. That went-
went through fine.

Stringfellow: Okay.

Aufdenkampe: Okay, now, last page.

1 Stringfellow: Okay.

2 Aufdenkampe: Item six. Uh, we've reworded that one
3 substantially.

4 Stringfellow: Oh, alright.

5 Aufdenkampe: Okay, you ready?

6 Stringfellow: Yeah.

7 Aufdenkampe: Uh, 'A back up ENN system powered from the AT&T
8 systems which previously existed and was operational for South
9 Carolina agencies has been extended to include Georg, local,
10 and state agencies.'

11 Stringfellow: 'Has been extended to include Georgia and
12 local and state agencies.'

13 Aufdenkampe: Yes. Okay, and then cross out the entire last
14 sentence...and write this.

15 Stringfellow: Oh, alright. Okay.

16 Aufdenkampe: 'Instructions...have been given...to...
17 emergency directors...and communicators...concerning...use...of
18 the...emergency communication systems.'

19 Stringfellow: Systems plural?

20 Aufdenkampe: Systems - plural.

21 Stringfellow: Okay.

22 Aufdenkampe: That's what they said.

23 Stringfellow: Let me read it back. 'Instructions have been
24 given to emergency directors and communicators concerning use of
25 the emergency communication systems.'

26 Aufdenkampe: Is that right, is it? Systems? That's on that

1 George letter, do you have that? I think I got that....That-
2 that-that's-that's, if I still have it. George, uh, All n has a
3 hard time with-with using that, but...he didn't vote. (Laughter)
4 He abstained due to the lack of review time.

5 Mosbaugh: I happened to be an emergency director.

6 Aufdenkampe: Are you an emergency director?

7 Mosbaugh: Yeah.

8 Aufdenkampe: Really?

9 Mosbaug An-an-and I-I haven't felt-feel I've been given
10 very much.

11 Aufdenkampe: But you've been given something, right?

12 Mosbaugh: I've been given one sheet that I got with my badge
13 one day.

14 Aufdenkampe: I can't find it.

15 Stringfellow: Well, we had systems in there before, so I
16 guess that's a-that's okay.

17 Aufdenkampe: Okay.

18 Stringfellow: Okay, uh, oh, uh, on number five, uh, they've
19 identified, instead of just saying a laboratory test program,
20 they said, uh, uh, they identified Wyle Laboratories.

21 Aufdenkampe: Yeah, that's why it got in. In addition, a
22 test program will be conducted at Wyle Laboratories.

23 Stringfellow: Okay, okay, good, you got that. Alright,
24 okay, I'm sorry. I thought maybe Shipman might have adjusted
25 something after I called you, but apparently not. Okay. Good.
26 Alright, John, I think we've-we've, uh, let's see, we're down to,

1 now, we're down to the twenty-twenty times each question.

2 Aufdenkampe You want me to hold on, see if I can get ahold
3 of, uh, Tom Web', real quick?

4 Stringfellow: Yeah, I'll be glad to.

5 (phone dials-rings)

6 Aufdenkampe: This one is a killer.

7 Rick Odom: Hey, John.

8 Aufdenkampe: Hey, do you know if Tom Webb's, how Tom Webb's
9 doing?

10 Odom: He was, uh, heading over to the control room, but he
11 did have two or three days here. And the logs?

12 Aufdenkampe: Yeah?

13 Odom: He's at the control room to fill it in.

14 Aufdenkampe: Okay. Is he gonna call back, well, who's he
15 gonna call when he finds out?

16 Odom: I think he's gonna come back, I think. Is there,
17 okay, is he going in the LER?

18 Aufdenkampe: Uh, yeah.

19 Odom: Oh, and you know this is not gonna be val-valid
20 information now? It's gonna be control room, which is, and then
21 you gotta interpret whether it's a valid start or, you know,
22 valid attempt or not.

23 Aufdenkampe: Oh, he-all-all-we aren't at, looking for valid
24 failures or invalid failures, all we're looking is for starts and
25 not-and trips. That's what he's looking at, right?

26 Odom: I told him valid failures, I said valid starts and

1 val...(?). Yeah, starts and failures is what I told him.

2 Mosbaugh: The word-the wording in the LER that came from
3 corporate did not use the word valid.

4 ?: Yeah.

5 Odom: Well, he-he can't do that anyway, log don't tell you
6 whether it's valid or not.

7 Aufdenkampe: Right.

8 Mosbaugh: Yeah.

9 Aufdenkampe: I understand. And-and that's cause ~~we~~ doesn't
10 make that determination.

11 Odom: Right.

12 Aufdenkampe: Okay.

13 Odom: Okay, I'll find out where he's at.

14 Aufdenkampe: Yeah, you-you better. Jack's on the other line
15 waiting.

16 Odom: Alright.

17 Aufdenkampe: Okay. Thanks.

18 Odom: Sure.

19 (phone hangs up)

20 *PAUSE* Aufdenkampe: You there still?

21 *↓* Stringfellow: I'm here.

22 Aufdenkampe: We don't know yet.

23 *After* Stringfellow: We don't know yet. But now, you know, I just-
24 it-it just dawned on me what Allen was saying a minute ago. In
25 other words, if we say 'and no failures or problems have
26 occurred during any of these starts,' you-you're saying that

1 that's not true.

2 Aufdenkampe: Yes, I'm saying that's not true.

3 Stringfellow: Oh, wonderful. Okay.

4 Aufdenkampe: So, which is also telling you that, it's
5 telling you something else I imagine. Cause you know we, this is
6 certa..., been written to the NRC once already.

7 Stringfellow: Yes, I know. That-that's exactly what I was
8 thinking.

9 Aufdenkampe: So, I'm working on that.

10 Stringfellow: Alright, John. Okay, well I'll be patiently
11 waiting. Or impatiently waiting, or however you want to look at
12 it.

13 ↑ Aufdenkampe: Okay. Well, I must be off.

14 Stringfellow: Thanks.

15 Aufdenkampe: Bye.

16 Mosbaugh: You got that other letter?

17 Aufdenkampe: Huh?

18 Mosbaugh: Do you have that, uh, do you have Hairston's,
19 uh...

20 Aufdenkampe: Yeah

21 mosbaugh: ...confirmation and action response...

22 Aufdenkampe: Yeah.

23 Mosbaugh: ...letter?

24 Aufdenkampe: Yeah.

25 Mosbaugh: Cause that's the one they, where they...

26 Aufdenkampe: Where they lied.

1 Mosbaugh: ...uh, incorporate...

2 Aufdenkampe: I mean they...

3 Mosbaugh: ...made that statement previously.

4 Aufdenkampe: Mr. Kenny, what are you doing down here sir?

5 Kenny Stokes: I come by to say hello, and see if, uh, I can
6 talk to you a little about this connoseal, blow-down question.

7 Aufdenkampe: You mean it's going to be done Friday?

8 Stokes: It's going to be done tomorrow. It may be done
9 today.

10 Mosbaugh: That-that that went to you guys?

11 Stokes: Yeah.

12 Mosbaugh: Went to Cliff and then went to you?

13 Stokes: Yeah.

14 Mosbaugh: Let me-let me see if I can't, uh, pull some, uh,
15 diesel stuff from Kochery.

16 Aufdenkampe: Okay, Ken Stokes is working on that.

17

ATTACHMENT 2

TRANSCRIPT

MOSBAUGH TAPE OF CONVERSATION B

(A conversation that allegedly occurred on April 19, 1990)

Bill Shipman:
General Manager, Nuclear Support
Southern Nuclear Operating Company
Birmingham, Alabama

Allen Mosbaugh:
Assistant General Manager
Plant Support (Acting)
Vogtle Nuclear Plant

1 (dial phone, rings)

2 Shipman: Hello.

3 Mosbaugh: Yeah, this is Allen Mosbaugh.

4 Shipman: Hey, Allen, this is Bill Shipman.

5 Mosbaugh: Say Bill.

6 Shipman: Are you where you can talk for a minute?

7 Mosbaugh: I am.

8 Shipman: Great. I-I-I....Hello!

9 Mosbaugh: Okay.

10 Shipman: Uh, the, uh, uh, LER, we're-we're, you know, we're
11 trying to get all this Hairston's questions answered.

12 Mosbaugh: Right.

13 Shipman: Uh, there are two things, uh, I guess, uh, George
14 has asked us, you know, to-to find out, and, and, uh, I guess you
15 were, you and, you probably were with Tom at the time talking
16 with Jack and-and Jack's, uh, answered, uh, I guess, one of the
17 questions and the question has to do with, uh, when the, uh,
operators went into the diesel panel the first time.

1 Mosbaugh: Right.

2 Shipman: Uh, it has to do with whether they observed any of
3 the instrumentation or whether they just went and, and, uh,
4 noticed the annunciator's, uh, lit and reset the annunciators.
5 Uh, George has remembered hearing somewhere that-that the
6 operators looked at some pressure gauges or something for some of
7 the diesel engine, uh, functions before they reset the
8 annunciators and, you know, I don't-I don't know what the
9 operator did, b-- he's so insistent in-in trying to respond to-
10 get a response to that question. I wonder did the operator or
11 the operators who was on-on-shift or went into the diesel room at
12 that time, is on-shift now, and-and somebody could ask him a
13 direct question.

14 Mosbaugh: I'll find him and, um, we'll get him on the phone.

15 Shipman: That would be great.

16 Mosbaugh: Uh, you know, I-I-I mean, uh, he may, he may not
17 be on shift, which case we can try to reach him at home, you
18 know, we can-I can go do all that.

19 Shipman: You-you understand, Allen, that...

20 Mosbaugh: My understanding is that I don't think they looked
21 at much.

22 Shipman: I don't either.

23 Mosbaugh: Okay, I-I was in the critique, I-I don't, I did- I
24 did, uh, I did, uh, was in the meeting with Al Chaffee and the
25 team when they interviewed the operators that first responded to
-- the panel and-and I recall them talking to Al Chaffee about that.

1 Uh, but, uh, you know, they, the gist of that conversation is
2 that they didn't scrutinize things very much, you know. And-and
3 indeed the diesel had already tripped, so when they got into the
4 room, it was, uh, a good number of, well, it was minutes later,
5 and the machine had already tripped. Nobody was in the room when
6 the machine tripped, and, uh, so all they could have observed,
7 you know, when they got in was what remained lit at that time
8 and-and any, uh, machine parameters that-that were still-still
9 valid with the machine tripped. That's all that was basically
10 available to observe. Hello? Hello?

11 (hangs up phone, dials again, rings)

12 Shipman: Hey, Allen.

13 Mosbaugh: Something happened.

14 Shipman: Something about the time you started telling me
15 about, uh, sitting with, uh, Chaffee..

16 Mosbaugh: Yeah.

17 Shipman: We sort of left-lost you.

18 Mosbaugh: Okay (laughs), um, anyway, I was in there, and
19 like I say, they-they didn't, you know, respond that they saw
20 very much, indeed nobody was in the room when it tripped.

21 Shipman: Right.

22 Mosbaugh: It tripped before they got to the room. All they
23 could have seen, all that would've been available to see, uh,
24 would be whatever annunciators remained lit and whatever engine
25 parameters remained valid with the machine stopped.

26 Shipman: Right.

1 Mosbaugh: So, so that doesn't, you know, leave a whole lot.

2 Shipman: Okay.


3 Mosbaugh: And-and-and I believe that, you know, they cleared
4 the annunciators, uh, you know, without-without much, uh, uh,
5 assessment.

6 Shipman: Well, I put myself in their place, and-and-and I
7 would walk in the room and say, yeah, there are some annunciators
8 lit and-and reset 'em, and all the things that would've cleared,
9 would've cleared and those that were still valid, the alarms
10 would've remained lit, and I'd a-would have gone on with trying
11 to get the diesel started. And, so I, you know, I don't...

12 Mosbaugh: Yeah.

13 Shipman: ...have a-a problem with what we got written, but
14 George does and-and, uh, I just need to get a...

15 Mosbaugh: Yeah, okay, well, let me-let me do my best there.
16 I'll try to find, see if the operator is here, uh, if he's here,
17 we'll try it again, and if he's, uh, at home, we'll try to call
18 him, and, um, you know, see if I can set that up, so we can, uh,
19 ask the questions.

20  Shipman: Okay, and the other, of course, the other question
21 we've been trying to-to get an answer to is to-to (noises)
22 reassure George we had, uh, more than 20 valid starts since, you
23 know, since March the 20th, uh, like we say in the LER.

24 Mosbaugh: Yeah, that, you realize, I think there's a problem
25 with the way that's stated because, you know, the machine, you
26 know, I-I, we can, you know, there-there, we got one of the guys

1 trying to find what the total number of-of valid starts is, but
2 there were failures.

3 Shipman: Yeah. The problem that we got, Allen, is is that
4 the data that's in the LER is what George wrote and took and told
5 to the Ebnetter last Monday in Atlanta.

6 Mosbaugh: Well, you know, if-if anybody says that, uh, there
7 weren't any failures, you know, that-that's just not true.

8 Shipman: Well, if you look at George's outline, that-that he
9 made to take to Atlanta with him, he says, at that time it was
10 like eighteen and nineteen.

11 Mosbaugh: Yeah.

12 Shipman: And, uh, and-and, without a failure.

13 Mosbaugh: Mm.

14 Shipman: So, you know, somebody had given George that
15 information, uh...

16 Mosbaugh: On the B...

17 Shipman: (?) we had a failure since George went to...?

18 Mosbaugh: No. On the B, let me-let me tell you what I know,
19 okay? On the B machine, um, on the B machine on, uh, three
20 twenty-two, at, uh, twelve forty-three, the machine tripped on
21 ↑ high lube oil temperature.

22 Shipman: Caused by what?

23 Mosbaugh: Caused by the switch that gives you high lube oil
24 temperature probably (laughs).

25 Shipman: No, I understand that, but did we-did we not have,
26 uh...

1 Mosbaugh: I-I don't believe high-a high temperature physical
2 condition existed. I-I, uh, I believe....

3 Shipman: Was that a valid, considered a valid failure?

4 Mosbaugh: I haven't assessed these for being valid or not.

5 Shipman: You see, because I could, we could-we could solve
6 the problem that's created by that information by saying 'no
7 valid failures.'

8 Mosbaugh: Let me, uh, let me find, I think we got one other
9 one. Um, here it is. On three twenty-three at seventeen thirty-
10 one, machine tripped on low, this is B machine again, on low
11 jacket water pressure slash turbo lube oil pressure low.

12 Shipman: Okay, the-the first one was on what date did you
13 say?

14 Mosbaugh: Three twenty-two.

15 Shipman: Okay, how-how, you know, with that data, um, uh, I
16 think this things already been to the PRB a couple of times. How
17 in the world did it get through the PRB?

18 Mosbaugh: What's that?

19 Shipman: The statement.

20 Mosbaugh: The LER or...

21 Shipman: Yeah, the LER.

22 Mosbaugh: Well, I mean...

23 Shipman: Did that-that data not, was not available in the
24 PRB?

25 Mosbaugh: The previous times that this LER went through the
26 PRB, I'm not sure if those statements were in there.

1 Shipman: Yeah, Jack says yeah they were.

2 Mosbaugh: They were?

3 Shipman: Yeah.

4 Stringfellow: In fact, the last PRB added the parenthetical
5 phrase a 'more than twenty times each'. I say the last, not
6 today, but the previous PRB.

7 Mosbaugh: You-you know, this thing, it came to the PRB, you
8 know, fifteen pages long, the first time, and then it was, you
9 know, basically tabled for a complete rewrite back to eight
10 pages. And, uh...

11 Stringfellow: It went back to the PRB as eight pages.

12 Mosbaugh: And then it went back as eight. And, uh...

13 Shipman: Well...

14 Mosbaugh: Anyway...

15 Shipman:...(unintelligible) that whole question is
16 immaterial, and, you know, it's just that, it's just sort of a
17 bother, but, uh, what-what we need to do is find out what's
18 correct and make sure we only say what's correct.

19 Mosbaugh: Yeah, I, now I, you know, what I have here is-is,
20 uh, there was a tabulation made of diesel activities, you know,
21 early on, uh, by Kochery, and-and that's where I'm getting this
22 information from, and, uh, I believe these, uh, I believe this
23 tabulation was provided to the Chaffee team.

24 Shipman: (cough) Well, the, uh, uh, I think people have been
25 reviewing the diesel generator log, but-but that's, but only
26 because we thought the other day that only went through the

1 thirteenth....(unintelligible)

2 Mosbaugh: Yeah.

3 Shipman: (unintelligible). Somebody did save it.

4 Mosbaugh: Yeah, this data picks up on the thirteenth.

5 Shipman: Yeah, somebody, gosh, somebody must have looked.

6 Uh-uh, Allen, would you take that as a-as a second thing and-a d
7 try to give me the correct information for that? Sounds like
8 this whole statement needs to be just stricken.

9 Mosbaugh: You know, I-I-I basically don't have any better
10 information than the two, than the two trips, uh, that I told you
11 about on the, uh, twenty-second and...

12 Stringfellow: Okay, are you-can we-can we determine if they
13 are valid, if those are valid tests or valid failures?

14 Mosbaugh: Let me-let me talk to, uh, Stokes and Kochery
15 about 'em.

16 Shipman: Yeah, I-I guess, uh, oh, in the point we're in now,
17 where this thing has been in the, in PRB several times and we've
18 had several review cycles up here and everybody's, uh, gotten
19 accustomed to seeing that data, if-if-if-the we could use the
20 data we probably ought to, if it's certain, if it's not a valid
21 statement, we-then we need to get it the heck out of here,
22 regardless of what George has told, uh, Ebnetter. So, you know,
23 if (noises) if there's anything you need to do to check to make
24 sure that the data you have from Paul is-is correct and valid,
25 uh, would ask that you do that. Or if you feel very confident
26 that it is correct now, I just need to see what I need to do

1 about striking this statement.

2 Mosbaugh: Okay, I, you know, I-I feel this is the best-the
3 best data there is, and I-I believe it's accurate. I will verify
4 with Kochery though.

5 Shipman: Okay.

6 Mosbaugh: And I will, uh, pursue trying to get, uh, a
7 conversation with the operator.

8 Shipman: Okay. Jack and I are going to leave here and walk
9 down to Mr. Hairston's office to, uh, go over his comments
10 and what we've been able to do with those and, uh, try to, you
11 know, finish beating out what he wants to do to this thing. Uh,
12 and if, so if you want to, you know, find somebody and want to
13 call back, you might just, you might just call down there.

14 Mosbaugh: What's the number?

15 Shipman: 5581.

16 Mosbaugh: Okay.

17 Shipman: That's right. Okay.

18 Mosbaugh: Will do. We're-we're-we are in to the-the
19 torsional test.

20 Shipman: Great. We are in to it.

21 Mosbaugh: Yeah, we-we spun the machine up to 1800, had a
22 little problem with the, uh, a, um, seal oil, uh, emergency pump
23 coming on, adjusted to the set point, and, uh, we're, uh, we're
24 back down, uh...

25

ATTACHMENT 3

Reduced Legal to Letter 5.2e

①

Intro:

Thanks

~~Family members~~Background

Education NE

General Nuclear

Experience

16 yrs

5 utilities

Whistleblower last thing

~~Whistleblower last thing~~~~Whistleblower last thing~~~~Whistleblower last thing~~

1984

rec'd to GRC
Sgt

60-70 mg

good place

Then 1988 wholesale mgmt change

~~Whistleblower last thing~~~~Whistleblower last thing~~

I moved up Promoted 3x in 4 years at GRC

At time blew whistle I was 2 highest level mgmt

350 mgmt GRC & mgmt

Willful Violations

late 1989 discor Oil Values f/s viol

Concluded willfully criminal felony

Drafted amm'n alleg. & sent

Not go directly for fear of leaks of my identity

Wait so far as fingerprint PO mail.

Additionally

In this alleg express concern Major Accident

Initial NRC response prompt and appropriate OI investigation

OI found willful

Then NRC actions slowed & watered down

but finally issued & paid \$100,000

2

Mgmt Response

Attitude change
Backstabbing twirling

Attitude change

Buckstabbing Meeting

Questioning as to source

Need to get out. (I now knew they suspected me)

Then DL me Dil values - Attorney req me/carc advised

All this oral & few notes

Protect myself, Doc Describes, Doc Safety

Considered

~~Draw~~ to Tape - Describe One Party.

I super security knew GOC's ^{extensive} Taping of plant on niger homes

Полковник В. В. Вай

Legal Memo review by GPC's attorney that justified its
Proc/Policy Review (others used tape. There were none

Robert H. Hill

Site Area

Major Accident

Total Blackout of safety that could have led to crash

THI - C6H4NO2

Bed but what I learned there after was

- Diesel prob knows for years / had 5 fall NAC
- Sub false statements to NAC about prob. to start back up.

- Sub false statements to NRC and govt. to start back up.

3 miles false statements
after launch of "first" senator's statement

~~was~~ I informed that the second ~~of~~

the signed if anyway. ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~

Next action I pursued getting students converted

Altogether, the course in math / science is to be completed

Remove PRB

Revised job

~~Subject~~

~~At this point I didn't want to give NRC of tapes. I know somehow that fact would leak. I gave NRC detailed writings based on tapes.~~

Complain to DOL 64

(3)

Confidential Infor to NRC 6-13

At this point I didn't ^{tell} NRC of tapes. I know somehow that fact would leak. I gave NRC detailed writings based on tapes.

~~At this point I didn't want to give NRC of tapes. I know somehow that fact would leak. I gave NRC detailed writings based on tapes.~~

Deposition ^{as part of DOL proceeding} only Sept ~~At this point I didn't want to give NRC of tapes. I know somehow that fact would leak. I gave NRC detailed writings based on tapes.~~
Told GPC of existence of tapes
Tried to get a ruling thing

Tapes to NRC

As soon as GPC heard gave tapes to NRC

Suspension

Filing

Closing

Impudence

Who are these people are having made false statements to NRC & under oath.

CSA

The highest ^{exec} mgrs over 6 New Beach
Key persons are Advance & Consensus
Now Gen.

~~At this point I didn't want to give NRC of tapes. I know somehow that fact would leak. I gave NRC detailed writings based on tapes.~~

(4)

~~Nuclear~~ ^{engineer} professional ~~plumber~~
 I am ~~affiliated with the nuclear industry~~

Followed my New Train - Doc Doc

No Detail too small

Followed my Conscience - I'm proud, I did right
 thing, Didn't benefit me

Never would have done it if hadn't risen
 to criminal level / I had to / if crossed
 the line

I am a very good engineer an honest citizen
 and for blowing whistle doing the right thing
 I lost job / career / unemployed ~~since~~
 since ~~the day I was fired~~

I live on wife's salary 24k

Support ^{wife} 4 children (school age)

I am torn for my families future my dreams
 are broken.

Therefore, this ^{too} law is broken it doesn't
 work

The burden too great, the climb too long

The mountain too high

~~I am a very good engineer an honest citizen~~
~~and for blowing whistle doing the right thing~~
~~I lost job / career / unemployed since the day I was fired~~

— Senators Thank you — for allow me to testify

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Peter B. Bloch, Chair
Dr. James M. Carpenter
Thomas D. Murphy

In the Matter of)

GEORGIA POWER COMPANY)
et al.,)

(Vogtle Electric Generating)
Plant, Unit 1 and Unit 2))

Docket Nos. 50-424-OLA-3
50-425-OLA-3

Re: License Amendment
(transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3

AFFIDAVIT OF ALLEN L. MOSBAUGH

My name is Allen L. Mosbaugh and I am over the age of 18.
The following statements are made under the pains and penalties
of perjury and are true and correct to the best of my knowledge
and belief.

1. I am the intervenor in the above-captioned
proceeding.

2. I hereby certify that the statements and opinions
set out in Intervenor's response to Georgia Power's Second Set of
Interrogatories are true and correct to the best of my personal
knowledge and belief.

AFFIANT SAYETH FURTHER NOT,

Allen L. Mosbaugh
Allen L. Mosbaugh

Aug. 11, 1993
Date

054\verifica.aff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

GEORGIA POWER COMPANY)
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Re: License Amendment
(transfer to Southern Nuclear)

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 1993 a copy of
Intervenor's Response to the Second Set of Interrogatories of
Georgia Power Company was served via First Class Mail upon the
following:

Administrative Judge
Peter B. Bloch, Chair
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
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[continued on next page]

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Office of the Secretary (Original and two copies)
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

By:



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