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GPC II-95

UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF LABOR

DOCKETED
USNRC

'95 JUL 27 P3:01

Allen L. Mosbaugh,)
)
Complainant,)
)
v.)
)
Georgia Power Co.)
)
Respondent.)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

91-ERA-11

AFFIDAVIT OF ALLEN L. MOSBAUGH

Under the pains and penalties of perjury, I make the following statement to the best of my knowledge and belief:

1. My name is Allen L. Mosbaugh, and I am the complainant in the above-captioned matter.

2. I have both an undergraduate degree from the University of Cincinnati in Chemical Engineering and a Masters degree in Chemical and Nuclear Engineering. When I had completed the majority of my course work towards my Doctorate, I commenced full-time work in the area of nuclear engineering. I have worked in the nuclear industry for the last 16 years.

3. The respondent, Georgia Power Company ("GPC"), is the operator of 4 nuclear power plants, 2 units at Plant Vogtle, located outside Waynesboro, Georgia, and 2 units at Plant Hatch, located near Baxley, Georgia. In 1987, the Nuclear Regulatory Commission ("NRC") granted GPC a full power license for Vogtle Unit 1. Unit 2 was approved for operation by the NRC in February, 1989, and GPC was issued a full power license by the NRC for Unit 2 on March 31, 1989.

EXHIBIT 1
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NUCLEAR REGULATORY COMMISSION GPC 1
 Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-95
 In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter CTR
 Date 7-6-95 Witness Mosbaugh

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dew point control and air quality has not always been satisfactory." A copy of my April 10, 1990 memo to Mr. Bockhold can be found as Memorandum Exhibit 20.

27. I then began gathering data about the diesel generator starts. On or about April 17-18, 1990 I had obtained sufficient documentation demonstrating that the diesel generators had suffered numerous failures and problems after the Site Area Emergency. In particular, the documentation that I had demonstrated that the generators had failed to start on at least two separate occasions. I, and another member of my staff, relayed this information to SONOPCO personnel on more than one occasion in or about April 17-18, 1990. We advised them that the number of starts contained in the COAL was not accurate and that this information needed to be corrected. The discussions I had with SONOPCO personnel turned to whether the start information constituted a material false statement.

28. On or about April 19, 1990, I received a draft of the Licensing Event Report ("LER") that GPC was about to file with the NRC regarding the Site Area Emergency. The LER contained the same false statement about the number of successful starts of the diesel generator (i.e., that the diesel generator suffered no failures after the Site Area Emergency) I had already complained about. I began to redouble my efforts to force SONOPCO to correct this false statement. I contacted Bill Shipman (SONOPCO's General Manager of Plant Support to whom SONOPCO licensing reports), who was readying the LER for Mr. Hairston's

signature approval. Over the phone I told Mr. Shipman that the statements in the LER were not true. I went over the dates of diesel failures with him and unequivocally stated that, contrary to the statements contained in the LER, the diesel had failed twice. I also participated in subsequent telephone conversations later that day in which my concern over the false statement contained in the LER was relayed to Mr. Bockhold, Mr. McCoy and Mr. Hairston.

29. Nonetheless, GPC failed to correct the false statement and a LER containing false diesel start information was sent to the NRC under Mr. Hairston's signature. A copy of this LER can be found as Memorandum Exhibit 21.

30. After the LER was sent, I learned that the generator had suffered, in addition to the two failures I brought to management's attention between April 17-19, 1990, additional reliability problems (including three malfunctions and two manual shut downs of the generator). On April 30, 1990 I sent a memo outlining all of the failures and reliability problems I had uncovered to Mr. Bockhold. I advised Mr. Bockhold in this memo that "previous statements made to the NRC [in the COAL and LER] were incorrect." A copy of my April 30th memo can be found as Memorandum Exhibit 22.

31. I next decided to raise my concern over the false statements contained in the COAL and the LER with Plant Vogtle PRB. On May 10, 1990, while acting as the PRB chairman (during absences of the Assistant General Manager of Plant Operations,

48. Before GPC learned of my tape recording activity, I had already been selected to begin Senior Reactor Operator ("SRO") training. This training would have lasted for approximately 18 months, during which time I would be a trainee outside the line management of the plant.

49. I have reviewed a complete copy of my personnel file provided to me by Georgia Power including all work rules and policies I signed at the time I began my employment with Georgia Power. These documents contain no rules or prohibitions against tape recordings.

50. At no time was I ever told that I could not or should not make tape recordings; that company policy prohibited tape recording, or that I should end my tape recording activities. To the contrary, on October 11, 1990, plant Vogtle's Administrative Superintendent, Vince Argo, stated to me that there were no work rules or polices against tape recording at the plant site.

AFFIANT SAYETH FURTHER NOT

Allen Lee Mosbaugh
Allen Lee Mosbaugh 5-23-91

5-14-91
Date