

September 14, 1992

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

FROM: James Y. Vorse, Director  
Office of Investigations

SUBJECT: NOTIFICATION OF CASE CLOSING: ALLEGED PROVISION  
OF VOGTLE SAFEGUARDS INFORMATION TO TURKEY POINT  
SECURITY OFFICER (RII-92-A-0072)

This preliminary investigation regarding potential wrongdoing by an unlicensed individual (Allen Mosbaugh) was initiated by the Office of Investigations (OI) on April 21, 1992, under Case No. 2-92-012. Coordination has been effected with your security staff. OI evaluation of the facts and circumstances already known by NRC at the time of the submission of the allegation indicates that further investigation is unnecessary. In an open Department of Labor hearing, regarding Mosbaugh vs. Georgia Power Company, on March 10, 1992, Frank Timmons, Turkey Point Nuclear Station (TPNS) Security, testified that Mosbaugh provided the subject tape recordings to him for review for safeguards information. It is noted that Timmons testified that, in his opinion, those tapes did not contain safeguards information.

It is a matter of NRC record that these tapes were part of a group of 201 tapes returned to Mosbaugh by NRC on February 21, 1991, without an NRC review of these tapes for safeguards information. It is also a matter of NRC record that Mosbaugh returned the tapes to Region II security on March 10, 1992.

Therefore, Mosbaugh was in possession of the tapes in question from February 21, 1991, until March 10, 1992, and he did provide them to the TPNS security officer for review. Mosbaugh has denied that the tapes in question contain safeguards material, and has denied deliberately being in unauthorized possession of safeguards material. (See attached memorandum, dated August 17, 1992, regarding a previous Request for Investigation, RII-91-10.)

It is noted, in your consideration of enforcement on this issue, that the NRC was in possession of these tapes prior to this issue, and returned the tapes to Mosbaugh without an NRC review for safeguards information.

In view of the above, OI is closing this matter by this memorandum.

Attachment:  
As stated

cc w/o atch:  
G. Jenkins, EICS  
B. Haves, OI:HO

9601260019 960111  
PDR FOIA  
KOHN95-129 PDR

A/3

INVESTIGATION STATUS RECORD

Case No.: 2-92-012 Facility: VOGTLE ELEC GEN. PLANT  
Allegation No.: RII-92-A-0072 Case Agent: ROBINSON  
Docket No.(s): 050-424/425 Date Opened: 04/21/92  
Source of Allegation: A Date of Full-Scale Upgrade:  
Notified by: EICS Priority:  
Category: LC Case Code:  
Status: CLOSED Estimated Completion Date:  
Requested by: SI  
Subject/Allegation: ALLEGED PROVISION OF VOGTLE SAFEGUARDS  
INFORMATION TO TURKEY POINT SECURITY OFFICER  
Remarks:

---

Closed: 09/14/92 Closed Action: U Staff days to completion:  
Issued: 09/14/92

OFFICIAL USE ONLY

CASE CHRONOLOGY

FILE NUMBER <i>2-92-012</i>	DATE OPENED <i>4-21-92</i>	OPENED BY <i>L. ROBINSON</i>
--------------------------------	-------------------------------	---------------------------------

DATE	ACTIVITY
<i>4-21-92</i>	<i>OPENED CASE</i>
<i>5-7-92</i>	<i>DISCUSSED CASE W VORSE</i>
<i>6-15-92</i>	<i>REVIEWED CASE W VORSE</i>
<i>7-3-92</i>	<i>MTG: LLR-S. VIAS DISCUSSED CASE</i>
<i>7-27-92</i>	<i>(184-1908) WROTE CLOSING MEMO</i>

ACTIVITY CODES      L/M = LETTER OR MEMO      TC = TELEPHONE CALL      INSP = INSPECTION  
 MTG = MEETING      INV = INVESTIGATION      REP = REPORT ISSUED