

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

In the Matter of
DAVID GEISEN

Docket No. IA-05-052

ASLBP No. 06-845-01-EA

February 13, 2009

ORDER

(Adopting Transcript Corrections, Closing the Record,
and Reserving Argument Date)

The last of the parties' series of post-hearing filings was submitted on Monday, February 9, 2009. Prior to that time, we had received the parties' joint motion proposing that certain corrections be made to the transcript of the evidentiary hearing (held December 8-12, 2008, at NRC Headquarters in Rockville, Maryland).

Because both parties agree to all the proposed corrections, the Board hereby ADOPTS them as submitted, as reflected in Appendix A to this Order. The official transcript of the evidentiary hearing will be deemed REVISED accordingly. See also 10 C.F.R. § 2.327(d). The record in this proceeding is now CLOSED. See, e.g., 10 C.F.R. § 2.326; see also Tr. at 2341.

Both parties are hereby directed to RESERVE the morning of Tuesday, March 3, 2009, for a possible oral argument. The Board will determine at a later time whether it believes it would benefit from such an argument, and if so, may choose to identify in advance thereof particular areas of inquiry it wishes to explore. Along the lines of what the Board indicated at the close of the evidentiary hearing, Tr. at 2341, we will continue to "make our best efforts to get

a rapid decision out . . .” after the oral argument; cf. Commission’s Model Milestones, 10 C.F.R. Part 2, App. B, § I.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

By Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 13, 2009

¹ Copies of this Order were sent this date by e-mail transmission to counsel for Mr. Geisen and for the NRC Staff.

APPENDIX A

Corrections to Official Transcript for December 8-12, 2008 evidentiary hearing in
DAVID GEISEN, Docket No. IA-05-052.

Page	Line	Error	Should Read
794		CATHERINE MARCO, Esquire;	(delete)
802	20	agency	Agency
804	6	the	to
808	22	Sharon	Sheron
809	24	this	This
815	2	And, a gain,	And, again,
818	20	tot his	to this
818	25	Prisoon Goyal (phonetic),	Prasoon Goyal, was
830	8	thank	Thank
833	19	Board	board
835	15	yes	Yes
837	7	at	of
841	25	typically	Typically
845	23	pre-D	3D
847	21-22	water stress, corrosion, cracking,	water stress corrosion cracking,
850	13	le the me	let me
851	8	again, ,	again,
852	7-8	water stress, corrosion, cracking.	water stress corrosion cracking.
868	8	Mr. Ghasemian	Mr. Geisen

Page	Line	Error	Should Read
870	11	year	years
876	22-24	the analysis. But why wouldn't all the plants have that same problem? Again, different plants are designed	the analysis. JUDGE FARRAR: But why wouldn't all the plants have that same problem? THE WITNESS: Again, different plants are designed
882	10	Erick	Eric
889	9	about	amount
902	7	augmented inspection team	Augmented Inspection Team
913	15	Q	A
919	16	hear him along	hear him all along
928	9	working with Office of	working with the Office of
946	7	2000-101	2001-01
958	5	weld	well
971	18	through-all	through-wall
971	18-19	through-all	through-wall
973	6	Bulletin 2101	Bulletin 2001-01
974	6	CDR housing head	CRD housing to head
978	5	gray	spray
978	12	impossible	possible
980	15-16	substantial nozzle boric	substantial amount of nozzle boric
988	6	Where	Were
993	15	PARTICIPANT	MS. CLARK:
993	17	PARTICIPANT	MS. CLARK:
993	18	PARTICIPANT 2:	PARTICIPANT:
993	22	PARTICIPANT 2:	PARTICIPANT:
994	20	you wanted know	you wanted to know
996	25	compliant.	complaint.
1007		CATHERINE MARCO, Esquire;	(delete)
1008		Alan	Allen
1008			(delete 1356 for CROSS for Prason Goyal. Add 1356 for CROSS to Allen Hiser)
1045	6	the statements are not	the statements that are not
1089	1	think	thing
1094	5	Do	Go
1100	1	code	cold
1100	13-14	Q So what caused the performance of this evaluation? UJUDGE FARRAR: Meaning?	Q So what caused the performance of this evaluation? JUDGE FARRAR: Meaning?
1110	21	know	no
1112	8	that's	That's
1114	7	hold.	holes.
1116	24	ARC	NRC
1118	22	E-mail	E-mail.
1123	11	Mr. Gerard Coke (phonetic) was	Mr. Rodney Cook was

Page	Line	Error	Should Read
1124	12	Coke	Cook
1124	18	Bulletin 2001-1,	Bulletin 2001-01,
1124	18	Mr. Cook (phonetic) and Mr. Siemaszko	Mr. Cook and Mr. Siemaszko
1130	12	yeah.	Yeah.
1130	16	M r. Swim	Mr. Swim
1130	23	Bulletin 2001-001	Bulletin 2001-01
1135	16	I had vocated (phonetic) for	I advocated for
1135	18	yeah.	Yeah.
1135	19	May be not	Maybe not
1139	7	continues	continued
1146	4	yeah.	Yeah.
1146	16	times	items
1152	5	ansewr	answer
1157	21	Thank you.1	Thank you.
1158	4	Serial No. 2731827, Version 1B	Serial No. 2731 8-27-01 version 1b
1158	5-6	comments: "I suspect these comments relate that version of the document." Is	comments. I suspect these comments relate to that version of the document. Is
1160	9	MR.	Mr.
1163	21	Joanne's	Johanna's
1164	11	Joanne,	Johanna,
1166	23	"Heads	"Head
1173	18	In Service	In-Service
1180	7	Davis-Bessie	Davis-Besse
1181	3	inspection	inspect
1181	8-9	'96 551 that I talked	96-551 that I talked
1192	4	email	E-mail
1197	13	about educational	about your educational
1198	7	bullet	bulletins
1198	7	Information Notices	information notices
1198	10	Information Notices	information notices
1198	11	Information Notice	information notice
1198	12	Information Notice	information notices
1198	17	Information Notice	information notice
1198	23	Information Notice	information notice
1202	9	out	our
1204	9	packing.	cracking.
1221	15	BHP	VHP
1222	19	are	our
1232	25	hide	high
1234	14	generic letter 88-05	Generic Letter 88-05
1236	14	1-D	1D
1237	11	emails	E-mails
1238	29	Dr.	Mr.
1241	14	Mr. Ghasemian	Mr. Geisen
1245	7	ECG	DCG
1245	8	ECG	DCG

Page	Line	Error	Should Read
1246	22-23	generic letter 9701	Generic Letter 97-01
1248	18	briefing of commissioner of technical assistance	briefing of the Commissioners' technical assistants
1263	3	With technical assistance.	With the technical assistants.
1280	17	through weld	through-wall
1283	12	cracking	crack
1284	1	cracking	crack
1285	19	been precursor,	been a precursor,
1289	9	under	on
1295	12	heads.	head.
1298	1	Mr.	Dr.
1304	18	video-by-video	nozzle-by-nozzle
1312	2	Mr.	Dr.
1326	1	injection	ejection
1330	15	acclamation,	acclimation,
1347	17	OI	OE
1357	7	offended about	offended you about
1362	15	peaked	piqued
1369	13	Dough	Doug
1370	25	objection.	Objection.
1377	10	It would	He would
1390	21	Joanna?	Johanna?
1391	1	Joanna	Johanna
1395	11	all	All
1397	8	start	state
1400	12	issue	issues
1400	23	do	did
1405	3	insure	ensure
1405	5	leakage as supposed and	leakage, as supposed, and
1405	6	leakage"	leakage."
1407	3	october	October
1410	7	sa	as
1410	10	thee	the
1417	23	this	This
1432	17	yes.	Yes.
1438	10	your	you
1438	13	With more	More with
1439	6	october	October
1439	8	update inspection	(delete)
1439	22	CDER	serial
1441	16	off	of
1442	7	Boron	boron
1448	12	mere	mirror
1449	8	Wiser	Hiser
1456	25	deposition	deposit
1469	8	ot	to

Page	Line	Error	Should Read
1473	17	Naval	naval
1474	16-17	Nuclear Safety Oversight Board	nuclear safety oversight board
1476	25	DC	D.C.
1479	6	Burgendahl	Bergendahl
1481	25	Outage	outage
1482	1	Control Center	control center
1482	2	move	remove
1484	15	Burgendahl's	Bergendahl's
1484	25	Burgandahl's	Bergendahls'
1486	13-14	Outage Control Center.	outage control center.
1494	18	Secretary	secretary
1498	8	DC	D.C.
1499	17	Burgendahl	Bergendahl
1504	13	agree	agreed
1517	5	owners' group	Owners' Group
1518	21	this FENOC	this to FENOC
1528 (after)		Geisen Exhibit List (inserted)	Portions of Moffitt's Testimony (inserted) Portions of Gibbs' Testimony (inserted)
1529	2	SEXTON:	CLARK:
1529	5	SEXTON:	CLARK:
1529	5	that	That
1529	9	SEXTON:	CLARK:
1529	13	SEXTON:	CLARK:
1534 (after)		(nothing)	Geisen Exhibit List (inserted)
1537	23	completely	completing
1538	1	as	was
1549	17	defense	the fence
1553	6	plant (phonetic) computer	plant computer
1559	24	mike.	mic.
1559	25	mike.	mic.
1560	17	outage	Outage
1560	17	shows	sounds
1572	7	782?	782.
1573	19	that would	that we would
1577	6	conditions	condition
1577	12	So	So by
1578	3	what	that
1590	19	deveer-upper (phonetic)	developer
1627	6	powerplants	power plants
1643	7	powerplant	power plant
1643	7	powerplant	power plant
1661	5	Inspection	Investigation
1683	19	Review and Enforcement Office Review	review and an Enforcement Office review
1683	20	Panel	panel
1684	5	Board	board

Page	Line	Error	Should Read
1685	7	Board	board
1685	14	Board Members	board members
1686	10	Board	board
1687	1	Board	board
1690	15	nozzle by nozzle	nozzle-by-nozzle
1693	10	nozzle by nozzle	nozzle-by-nozzle
1694	1	nozzle by nozzle	nozzle-by-nozzle
1694	2	nozzle by nozzle	nozzle-by-nozzle
1700	19	because	but
1707	18	expression	inspection
1709	24	the they looked	they looked
1710	18	with	was
1713	18-19	nozzle by nozzle	nozzle-by-nozzle
1714	16	then	Then
1715	7	nozzle by nozzle	nozzle-by-nozzle
1715	22	able,	table,
1716	14	tables	table
1719	22	I didn't - -that	I didn't -- that
1727	14	nozzle by nozzle	nozzle-by-nozzle
1727	16-17	nozzle by nozzle	nozzle-by-nozzle
1728	9	nozzle by nozzle	nozzle-by-nozzle
1728	25	said that the technical assistance	said to the technical assistants
1731	6	meetings/	meetings.
1734	24	don't	don't
1735	19	fora	for a
1736	13	27th	17th
1739	3	hours	years
1741	3-4	mechanism brand CRDM flange was observed during 12 hours while inspection" and	mechanism flange CRDM flange was observed" during 12 RFO while inspecting and
1741	19	last	least
1742	6	BY THE WITNESS:	BY MR. WISE:
1744	18	top of head	top of the head
1747	11	let's	Let's
1754	2	SAE	SIA
1758	3	felt	flew
1773	9	Burgenthall	Bergendahl
1773	21	Burgenthall	Bergendahl
1773	25	Round Robin	round robin
1774	5	Burgenthall	Bergendahl
1783	13	ad	had
1786	20	experts	expert
1793	17	log	long
1795	6	legaltese (phonetic)	legalese
1800	17	MS. CLARK:	THE WITNESS:
1815	17	deposits." That could	deposits. That could

Page	Line	Error	Should Read
1815	22	where the nozzles	where the" nozzles
1820	2	1-D.	1d.
1822	5	1-D	1d
1826	11	1-D	1d
1827	11	1-D,	1d,
1841	24	tend	tends
1855	1	NER	NEI
1887	3	means. the severity restricted	means, the severely restricted
1887	6	to access	to cut access
1892	3	clean	cleaning
1906	3	letter	Letter
1912	3	You	you
1920	16	Station	Services
1932	17	save	safe
1939	19	1-D	1d
1954	23	Gap	gap
1954	24	Gap	gap
1954	25	Gap	gap
1955	5	Gap	gap
1963	16	tie	time
1980	9	roll	scroll
1984	21	damn	man
2008	22	Layman (phonetic)	Luehman
2008	23	Leeman (phonetic)	Luehman
2008	24	Leeman (phonetic)	Luehman
2012	3	enforcement policy	Enforcement Policy
2012	18-19	enforcement policy	Enforcement Policy
2021	17	Joanna	Johanna
2089	7	follow questions	follow up questions
2111	4	this	This
2112	4	agencies	Agency
2113	13	assistance	assistants'
2124	9	The	the
2133	4	MR. GHASEMIAN:	THE WITNESS:
2133	13	colleague,	colleagues,
2134	25	spying	fining
2139	6	involve din	involved in
2141	23	license	licensed
2134	6	may be	maybe
2134	6	contract	contractor
2144	7	believe	belief
2145	19	organization.	organizations.
2146	11	I'm	I'll
2147	7	investigator	investigators
2154	4	there	they
2163	5	tort (phonetic)	court

Page	Line	Error	Should Read
2171	22	wilful	willful
2172	1	wilful	willful
2172	8	wilful	Willfully
2181	25	father	further
2186	22	JUDGE FARRAR:	Q:
2203	7	Joanna	Johanna
2212	11	every	ever
2220	13	stop.”	Stop.”
2224	8	AI?	AIT?
2228	18	Shry (phonetic).	Shahram
2229	4	incredible	credible
2237	16	Investgations?f page 211 of a long document	[Portion of transcript missing here and needs to be incorporated.]
2242	7	SDT	SDP
2255	11	board	Board
2258	2	deliberated,	deliberate,
2268	17	that	That
2270	2	supervise	supervised
2304	23	fine	file
2309	21	outage. , and	outage, and
2310	24	bulleting.	bulletin.
2313	7	Technical Assistant	technical assistants
2313	22	position	permission
2314	20	difference	deference
2318	12	based	basis
2318	13	ny	any
2322	16	and	And
2325	16	august	August
2327	5	i	I
2327	12	thought	though
2331	10	recall	recalls
2337	23-24	Thank you. We appreciate the Court’s patience.relied on Mr. Siemaszko	[Portion of transcript missing here and needs to be incorporated.]
2342	4	Joanna,	Johanna,

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
DAVID GEISEN

)
)
)
)
)

Docket No. IA-05-052

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ADOPTING TRANSCRIPT CORRECTIONS, CLOSING THE RECORD, AND RESERVING ARGUMENT DATE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Richard A. Hibey, Esq.
Andrew T. Wise, Esq.
Mathew T. Reinhard, Esq.
Miller & Chevalier Chtd.
655 Fifteenth Street, NW, Suite 900
Washington, DC 20005-5701

Administrative Judge
Michael C. Farrar, Chair

Administrative Judge
E. Roy Hawken

Administrative Judge
Nicholas G. Trikouros

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Shahram Ghasemian, Esq.
Catherine L. Marco, Esq
Lisa B. Clark, Esq.
Kimberly A. Sexton, Esq.

[Original signed by Linda D. Lewis]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of February 2009