Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Georgia Power Company
Electric Generating Plant
Unit 1 and Unit 2

Docket Number: 50-424-OLA-3; 50-425-OLA-3
ASLBP No.: 93-671-01-OLA-3

Location: Rockville, Maryland

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

HEARING

In the matter of:	:	50-424-OLA-3
GEORGIA POWER COMPANY, et al.	:	50-425-OLA-3
	:	Re: License Amendment
(Vogtle Electric Generating	:	(transfer to
Plant, Unit 1 and Unit 2)	:	Southern Nuclear)
	:	ASLBP No.
	:	93-671-01-OLA-3

Wednesday, May 16, 1995

Hearing Room T 3B45

Two White Flint North

11545 Rockville Pike

Rockville, Maryland

The above-entitled matter came on for hearing, pursuant to notice, at 9:00 a.m.

BEFORE:

PETER B. BLOCH	Chairman
JAMES H. CARPENTER	Administrative Judge
THOMAS D. MURPHY	Administrative Judge

APPEARANCES:

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I N D E X

I N D E X (cont.)

EXHIBITS

P-R-O-C-E-E-D-I-N-G-S

9:05 a.m.

CHAIRMAN BLOCH: Good morning. The hearing will please come to order.

I'd like to begin by acknowledging my own lateness and acknowledging that I owe it to everyone here to be here on time to the minute.

Shall we call the witness.

MR. BLAKE: I have a couple of preliminary matters. I don't know whether the other counsel do, Judge Bloch.

First, a couple of comments with respect to subpoenas. We have done some research, which I reported yesterday we were working on, and we have two cases which we believe, and I'm willing to share these and provide them to Board or to the parties, two cases which we believe show that you can't affect personal service by service on an attorney where the obligation is to provide, in fact, personal service. And that's what I understand to be required in the Commission's regulations at 2.70(c).

I'm not asking for a ruling of any sort. I'm really alerting you to where we are on this. And for that reason, to the extent that that view of the law played a role in your statements about whether or not we had an opportunity to continue to talk or represent, I'd like to

have you at least take that into account, and I'll provide you those cases.

Second, since your directed the Intervenor, thought they ought to get out their subpoenas, they've been busy. I'm aware of at least of two that have been handed out in this room, one of which didn't surprise me and the other one did. The one that didn't was Mr. McCoy to appear, because although Mr. McCoy's been here as a witness before, it was during the time when cross examination was limited to the scope of his direct. Didn't have any ruling yet on the scope.

The second one, which did surprise me and which I wanted to at least have the Board think is, is Mr. Cash got a subpoena right after he got off the stand yesterday, which I simply don't understand. You asked for some observations about how we'd get control or how we limit this proceeding, or -- I just don't understand. I thought Mr. Cash was here, I thought he was examined. He was clearly examined on items outside the scope of his direct, just as we'd said would happen after we had a ruling on the scope. We've tried all the way through to get witnesses on and off in an attempt if we could. I don't understand his subpoena at all.

So, that's what I have to say on subpoenas.

MR. STEPHEN KOHN: Just to shed some light on

that. We don't think we're going to be calling Mr. Cash back, however we don't know what a witness is going to take this stand and say that what Cash said or make some other implication where Cash may be needed. Given their position on requiring us to hire service processors and do service, we're going to serve witnesses that we think may have to come back, even if we really don't think they will, just so we get the service done. And that's what we have to do.

I can tell the licensee now, right now on the basis of the record I don't see why he'd be called back. But I don't know what Mr. Aufdenkampe is going to say Mr. Cash said. I just have to cover my base.

MR. BLAKE: I understand his position. We will file a motion to quash based on what we've gotten. It might be that the Board just holds it in abeyance or rules. But I think either we on behalf of Mr. Cash's counsel or we as GPC or Mr. Cash's counsel otherwise, but I suspect you'll see a motion trying to resist that.

CHAIRMAN BLOCH: In terms of not wanting to unnecessarily inconvenience the witnesses who are contingent, what do you do about time and date on that?

MR. MICHAEL KOHN: We put a time and date, and obviously we would work with counsel as to whether we need them. And if not, whether they want to reschedule them, or

whatever. You know, we're certainly -- I think that's the normal process.

MR. BLAKE: I'm glad to hear that, because they did try to cope with the fact that the subpoenas that you had previously signed on April 5th would have required them earlier on in this proceeding up here. They put on what they referred to as an addendum, but I think it was a good faith effort at trying to say we're going to see you in Augusta at some point, and they probably have spaced out the times. But I'm more happy to hear, I don't quarrel with that particularly, but I'm very happy to hear because I had not heard this in previous discussions that they're willing to talk about whether or not the person really needs to show up at that date and time. What I'd heard before was if you require us to file subpoenas, we're going to put down dates and times and they can sit in the back of the room forever. And I said, "I bet the Judge won't allow that." But I'm glad to hear that there's a professional courtesy still moving along, even though we're going to have some arguments about this.

CHAIRMAN BLOCH: Hold on a second, please.

(Whereupon, a Board aside.)

CHAIRMAN BLOCH: Judge Carpenter has suggested that it's possible that with the contingent witnesses that it might be easier for them if it were understood that if

there really were a contingency that the Board rules as needed, that we would then ask the licensee to produce them. Would that fit with your insistence that everyone get personal service, that we would exclude that particular class of individuals?

ADMINISTRATIVE JUDGE CARPENTER: Based on a statement of the reason that the witness is needed for the Board to evaluate. I don't want another file of subpoenas to hang around for weeks waiting for it to come out of the woodwork. And it seems more cumbersome in this. I acknowledge I'm using common sense, and it's probably not the right arena.

MR. BLAKE: It's a nice injection into the lawyer process. I think I'll need to consult on this because the decision to be rigid about subpoenas has not been just mine alone. And I will be back, and I appreciate the suggestion.

ADMINISTRATIVE JUDGE CARPENTER: Well, I wonder how the Intervenor's counsel feels about that option?

CHAIRMAN BLOCH: I don't think they have any problem. They weren't insisting on serving everybody.

MR. STEPHEN KOHN: Yes, that would be fine, Your Honor.

MR. MICHAEL KOHN: Your Honor, I would like to

point out and unfortunately Ernie brought this up before we had to chance to discuss this this morning, but I do have a letter for Mr. Blake that I will hand to him now.

MR. STEPHEN KOHN: To Mr. Blake.

MR. MICHAEL KOHN: And I've also given a copy to NRC counsel and to Your Honor. I didn't intend to actually distribute this to the Board. I thought we could resolve it before. But basically we've been having the hardest time tracking down these witnesses, where their address are, and we couldn't figure out why we didn't know where they are or what was going on. You know, and it's very clear why. They never provided the information to us in our interrogatory responses when we requested it. And we had always been under the impression based on those responses that the witnesses would be made available and that the only people we would be allowed to contact were Georgia Power.

The Board asked them recently to amend their interrogatory responses. They never changed that response. I think it's incumbent on Georgia Power to produce the witnesses. We have now handed them copies of all the subpoenas and pursuant to their instructions and their interrogatory responses, I think licensees should be precluded from raising this -- I think they've waived their right to service.

MR. BLAKE: I'm just looking at the letter for the first time, but I'd like some time to react to it and respond it.

CHAIRMAN BLOCH: Your statement, as I understand it, you requested in interrogatories the addresses of each of these people and that the licensee did not provide them?

MR. MICHAEL KOHN: And told us that we had to contact them, not the witnesses.

CHAIRMAN BLOCH: Okay. So the licensee will study that and --

MR. BLAKE: Yes, I understand their position. I'll be back.

CHAIRMAN BLOCH: Are there any other preliminary matters?

(Whereupon, a Board aside.)

CHAIRMAN BLOCH: Mr. Kohn?

MR. MICHAEL KOHN: I guess the only other preliminary matter that I'm aware of is a recent set of documents or a filing by Georgia Power as documents that they wish to put on the record or use in rebuttal, or use in their case in chief. I wasn't sure. But I have just seen a document recently listing a lot of documents and asked Georgia Power to produce them to us.

I think that we are concerned that they were

not identified pursuant to the Board's order, and we haven't determined our final position. But I would -- there is a high probability that we would seek to strike that filing or at least the introduction of documents under that. We have not received even the copies of the identified exhibits as of yet.

CHAIRMAN BLOCH: I'm sorry, could you refer a little bit more specifically to what you're referring to.

MR. BLAKE: I think I know what he's referring to, it's what we've been discussing now for several days. I don't know whether he was here.

MR. MICHAEL KOHN: I was not here and I only saw it yesterday, so maybe I shouldn't even say anything. That's the only other matter I'm aware of at this time. And I was referring to a May 16, 1995 Georgia Power Company list of additional exhibits related to diesel generator statements hearing.

CHAIRMAN BLOCH: Oh, all right. So you just haven't been on that discussion. So, I'd just suggest --

MS. YOUNG: Judge Bloch, the parties are still discussing Intervenor's list of proposed exhibits for direct cross and rebuttal. And GPC has given Intervenor some comments. The Staff has a few to give Intervenor this morning. So I don't know whether it'll be appropriate to see if we could resolve that quickly this

morning or do that at some point later today because I think they're about ready.

CHAIRMAN BLOCH: Well, what's the likelihood they will actually get closure on that sometime this morning? Is that going to --

MS. YOUNG: You need to ask Mr. Kohn that. Stephen.

CHAIRMAN BLOCH: Oh, it's up to Mr. Kohn. Oh, Stephen Kohn. Is he around.

MR. MICHAEL KOHN: He may be in the back room.

CHAIRMAN BLOCH: Sorry to get you out of your work, sir, but we wanted to know what the likelihood is that the Intervenor's list of documents will be resolved this morning, that the parties will have come to agreement?

MR. STEPHEN KOHN: That's one thing I want to be working on. We have gotten Georgia Power's feedback on the draft we put together and NRC has informed me that they have comments they're ready to give us now. I think on the basis of that we could have it worked out by lunch.

I don't think I've communicated with my brother yet, but the practice that I've discussed with John, and I'm sure it's okay with NRC Staff, is we've reached agreement on almost everything. So we're just not moving them in as we use them because I think every

document we're going to be using that's on our witness list is probably going to come in. And so once that stipulation is prepared, we're just going to move in the stipulation. So we don't have to, you know, use judicial time for the formalities of moving the document in as the examination progresses.

CHAIRMAN BLOCH: That was the idea, yes.

MR. STEPHEN KOHN: But I think we can actually have the formal move in, I hope, by lunchtime.

CHAIRMAN BLOCH: So it appears to be the time to call Mr. Aufdenkampe.

MR. MICHAEL KOHN: Your Honor, we're going to have a motion to strike portions of his testimony. Should we do that before he's called or, I'm not sure --

CHAIRMAN BLOCH: I think probably it would be better to do it. Well, it doesn't matter if he's in the room. There's no reason he cannot hear it.

So, please come up and join us. I won't swear you until after we're done the motion to strike. Welcome to the proceeding.

MR. AUFDENKAMPE: Thank you.

CHAIRMAN BLOCH: Mr. Kohn.

MR. MICHAEL KOHN: Intervenor on page 4 the word -- page 4 lines 4 through 16, line 4 starting with the "Mr." on the far right.

In this particular portion of the testimony Mr. Aufdenkampe is testifying as to what Mr. Frederick stated he thought the number of starts were by the corporate office. It's like quadruple hearsay. I don't know if the witness can testify as to what Mr. Frederick thought. Mr. Frederick was called. They didn't elicit this testimony from Mr. Frederick.

The basis for the testimony is tape 57, and the portion of tape 57 does not in our opinion even stand for this proposition. He only says "caught his attention," doesn't use the word corporate office's attention. I don't even know who they're talking --

CHAIRMAN BLOCH: Was Mr. Frederick present for tape 57?

MR. BLAKE: Yes, and so was Mr. Aufdenkampe.

CHAIRMAN BLOCH: I don't mean to Frederick. I mean Mr. Aufdenkampe. Sorry.

MR. BLAKE: His name appears on the very page that's cited there in the stipulated transcript of 57.

MR. STEPHEN KOHN: Your Honor, it's not the problem whether Mr. Aufdenkampe was present. The problem is that he's testifying as to what Mr. Frederick's state of mind is and what Mr. Frederick's meant by the word "his." And if you look at the tape segment, you cannot say what the word "his" means. His appeared to me to mean

an individual responding at the site to an NRC question, not necessarily to the corporate. I mean, it is totally unreliable hearsay.

This is the type of situation where Mr. Frederick was present. Why are they sponsoring Mr. Frederick's testimony through Mr. Aufdenkampe? This is unreliable. Georgia Power had the responsibility to present the best evidence and the most reliable evidence, and they called Mr. Frederick. And I think it's just --

CHAIRMAN BLOCH: Of course, the exception to the hearsay rule that is granted because of admissions is not applicable in this instance that I can see. Is that correct?

MR. BLAKE: No, it's not --

CHAIRMAN BLOCH: And I do agree that it's Frederick testifying -- if he was testifying about he had seen on this tape, I might even say, hey, tape recordings may be of a different stance than other things because they have their current record. But I'm not sure -- I don't see why I should allow this with respect to what the corporate office had done.

MR. MICHAEL KOHN: And, Your Honor --

MR. BLAKE: And if you look at the transcript, Judge Bloch, this is not Mr. -- excuse me.

MR. MICHAEL KOHN: I'm sorry.

MR. BLAKE: This is not Mr. Aufdenkampe saying that he thinks Mr. Frederick thought something. He's saying George Frederick stated while he was there that George Frederick thought. When you look at the transcript you say George Frederick says I think such-and-such. This is not an outlandish extension.

CHAIRMAN BLOCH: I know, but it is --

MR. BLAKE: And it is important what Mr. Aufdenkampe understood at that point, and just for the flow of the testimony for understanding what Mr. Frederick was stating at that point is not crazy. We've tried to be quite liberal, I think the Board has.

CHAIRMAN BLOCH: What we'll do is admit for the sole purpose of showing what Mr. Aufdenkampe's state of mind was, not for the truth whether or not the corporate office had said something.

Is it in the next portion?

MR. MICHAEL KOHN: Yes, Your Honor. The next portion is page 5, pages 5 and 6 starting at line 20. It starts "As the transcript of tape 57 indicates, we advised Mr. Stringfellow." And running through to the end of line 11 on page 6, it is just a spin on what the tape says. And that is not testimony, that's argument. The tape is the best evidence.

CHAIRMAN BLOCH: Well, was Mr. Aufdenkampe

present for that tape?

MR. BLAKE: He was.

CHAIRMAN BLOCH: So then he's testifying about his own interpretation of events in which he was a part? That motion is denied.

MR. MICHAEL KOHN: Your Honor, I'd like to point out that Mr. Aufdenkampe testifies on page 6 lines 13 of his prefiled testimony that he does not have independent recollection of the comments on the tape. He also makes --

CHAIRMAN BLOCH: Where does it say that?

MR. MICHAEL KOHN: Page 6 line 13.

CHAIRMAN BLOCH: No. It says he doesn't recall what he did next.

MR. MICHAEL KOHN: All right. And then on page 8 --

CHAIRMAN BLOCH: I would permit him to testify about the meaning of a tape that he didn't have a specific recollection of since he was involved in it. It's best we can do at this time, because it's very hard to have specific recollections of conversations that happened five years ago.

MR. BLAKE: Judge Bloch, is it hot in here or is it just me getting off to a bad start today? Can I take off my coat?

CHAIRMAN BLOCH: Yes, please.

We'll notify someone at the next break to see if we can get that taken care of.

ADMINISTRATIVE JUDGE CARPENTER: You'll notice we have temperature sensors on your cold lights. When the lights go out, it's out.

MR. MICHAEL KOHN: If you would look now on page 6 starting on line 12.

The question is "Mr. Aufdenkampe, what did you do next?" He said, "I do not specifically recall. The next discussion I was involved is on the tape." And if you look at it, it is only stating -- the sole factual basis for what's on here is the tape. The tape is the best evidence and putting -- this does not constitute testimony, Your Honor. It constitutes argument.

CHAIRMAN BLOCH: Okay. I already ruled on that. And we applied the same rule in Mr. Mosbaugh. If he was involved in an event, he was allowed to testify about it. We didn't require that he have a fresh recollection of it.

MR. MICHAEL KOHN: Your Honor, the next would be page 8 line 22 through page 9 line 9. In this particular instance the witness indicates on line 25 "I do not have any independent recollection." Based on listening to the tape, I think it's up to the Board to

listen this particular portion of the tape and reach the determinations and the witness' -- has no independent expertise to my knowledge of listening to tapes, and therefore should not be allowed to sponsor this testimony basically as an expert as to what the tape says.

Essentially the witness concedes he does not have an independent recollection, therefore the tape is the best evidence --

CHAIRMAN BLOCH: Except that I do believe it's possible that people who have participated in a conversation may be able to have that memory somewhat refreshed or stimulated by listening to a tape. If we were to make this ruling, there's a portion of, I think it's tape 57, that Mr. Mosbaugh has constructed from listening to it over and over again. And his testimony would also be inadmissable.

MR. BLAKE: It's exactly the same portion I believe you're referring to.

MR. MICHAEL KOHN: Well, I think the --

CHAIRMAN BLOCH: I would rather have multiple testimony about that portion than have none.

MR. MICHAEL KOHN: All right. Thank you, Your Honor.

CHAIRMAN BLOCH: Where are we on the enhanced version of that tape, since we also need help?

MS. YOUNG: I'm sorry, I forgot to bring it with me this morning. We'll get it to you mid morning.

CHAIRMAN BLOCH: You have it, good.

All right.

MS. YOUNG: 58 only, correct?

CHAIRMAN BLOCH: Yes.

ADMINISTRATIVE JUDGE MURPHY: So far.

MR. MICHAEL KOHN: The next portion would be on page 10 lines 15 through the end of 23 and I assume that for the prior reason that's going to come in as well. If I'm wrong --

CHAIRMAN BLOCH: No, I'll correct you if you're wrong.

MR. MICHAEL KOHN: Yes. The next would be page 11 lines 1 through 23, again same reasons. Cumulative based solely on the tape.

CHAIRMAN BLOCH: Well, I got to read it to figure out if that's true. Yes, it's the same reason.

Could you review the sections before you speak them to see if they're already covered. I don't think this is a question of getting an appeal because of a denial on this.

MR. MICHAEL KOHN: Thank you, Your Honor.

MR. BLAKE: While Mr. Kohn is reviewing to see if he has any more objections, I can pass out these cases

that I referred to.

(Whereupon, a Board aside.)

MR. MICHAEL KOHN: Your Honor, there is one last objection.

CHAIRMAN BLOCH: Yes.

MR. MICHAEL KOHN: On page 15 lines 17 through 19 beginning with "Mr. Mosbaugh told Mr. Odom that the corrections could be made by simply changing the number of starts in the LER to 11." And I believe that testimony would have to be sponsored by Mr. Odom. If my recollection serves me, I do not believe Mr. Aufdenkampe is on this call.

CHAIRMAN BLOCH: Aufdenkampe is not on this call, is that the case?

MR. BLAKE: I can't tell from the transcript. I, too, am reviewing it.

CHAIRMAN BLOCH: Because if he's not on the call, then the principles we've established would say his testimony is not admissible.

(Whereupon, a Board aside.)

MR. MICHAEL KOHN: My understanding, it was a face to face discussion and he was not on the call.

CHAIRMAN BLOCH: Well, what you could do if you don't know, Mr. Blake, before I rule you could clarify with the witness the source of his knowledge for that.

MR. BLAKE: All right, sir. If I can just have one moment.

CHAIRMAN BLOCH: I really can't tell the source of that knowledge for that one sentence myself from reading it.

MR. MICHAEL KOHN: Mr. Aufdenkampe, have you been following --

CHAIRMAN BLOCH: Wait, he hasn't been sworn yet.

Save that until we finish the rest of the corrections.

MR. BLAKE: Is that the only left, Michael?

MR. MICHAEL KOHN: Yes.

CHAIRMAN BLOCH: Okay. Mr. Aufdenkampe, welcome to the proceeding.

Whereupon,

JOHN GILBERT AUFDENKAMPE, JR.

was called as a witness by Counsel for the Licensee, and having been first duly sworn, assumed the witness stand and was examined and testified as follows:

CHAIRMAN BLOCH: Now, Mr. Blake, if you want to clarify that sentence.

MR. BLAKE: Thank you.

DIRECT EXAMINATION

BY MR. BLAKE:

Q Mr. Aufdenkampe do you have before you a copy of a document entitled "Prefiled Testimony of John Gilbert Aufdenkampe, Jr. on Diesel Generator Reporting Issues?"

A Yes, I do.

Q And is that document --

CHAIRMAN BLOCH: If you could pull that mike closer to you, that would be helpful or you closer to the mike. Either way. It's the head of the mike that counts.

THE WITNESS: Yes, I do.

BY MR. BLAKE:

Q Does that document consist of some 20 pages and attachments?

A Yes, it does.

Q And were you involved in the development of this document, your prefiled testimony?

A Yes, I was.

Q And can you describe what your involvement was?

A I was contacted by John Lamberski and told that we were going to have -- file prefiled testimony. And he made a preliminary draft, sent that to me for review. I reviewed it and made numerous comments to it, corrections to it. Sent it back to him. He incorporated those comments, sent it back to me. I revised it some more, returned it to him and then it was filed.

Q And are there any additional corrections that you need to make to the testimony that you have before you now?

A Yes, there are some minor corrections I'd like to make.

Q The first one is on page 15 line 1 where it says "Mr. Mosbaugh indicated that he would," I would like to strike "he would" and say "we need to."

MR. MICHAEL KOHN: Excuse me.

MR. BLAKE: Top line page 15. Delete the last two words "he would" and replace them with "we need to."

MR. MICHAEL KOHN: Thank you.

THE WITNESS: The next change is on page 18 line 12. The beginning of the sentence that starts on that line where it says "The data." In front of "The data" I would like to add the words "I believe."

CHAIRMAN BLOCH: That's line 12?

THE WITNESS: Line 12.

BY MR. BLAKE:

Q Are there any other corrections to that testimony itself?

A I think that is it. Now I have some corrections to the attachments.

Q Okay. But let's wait on the attachments for a moment.

BOARD EXAMINATION

CHAIRMAN BLOCH: On the last correction, Mr. Aufdenkampe, could you say a little bit more about what you mean by "I believe"?

THE WITNESS: Well, I -- you know, I guess the -- when I reviewed it again and looked at that, I'm not a 100 percent positive that it is exactly 336, because I don't have a specific recollection of that, but I'm pretty sure it is. So to make the statement accurate, I need to have "I believe."

CHAIRMAN BLOCH: What you know is that it's quite similar, but it may not be identical?

THE WITNESS: That is correct.

The next changes I have are on the attachments.

BY MR. BLAKE:

Q With the changes that you've made, is this testimony correct and accurate to the best of your knowledge and belief?

A Yes, it is.

Q And you adopt as your testimony in this proceeding?

A Yes, I do.

Q Focusing on page 15 of your prefiled testimony read for a moment the bottom just to yourself, the

question and answer that appears at the bottom of page 15. You can read onto 16 if you want, but there's not a need to read very far.

A Okay. I've read the first paragraph and the beginning of the second paragraph.

Q Now focus if you would on the second sentence in that first paragraph, the sentence that reads "Mr. Mosbaugh told Mr. Odom that the correction could be made by simply changing the number of starts in the LER to 11." What is your basis for being able to say that?

A Specifically it's a review of tape 89.

Q Based on your view of the tape, can you determine whether or not you were involved in the conversation which is recorded on tape 89?

A No, I was not.

BOARD EXAMINATION

CHAIRMAN BLOCH: We're not sure. I think Judge Murphy found a passage where you are involved.

THE WITNESS: I'm pretty sure I wasn't involved, because I think that was over in Rick Odom's office. Just hold on a second.

CHAIRMAN BLOCH: Okay. We're looking at Exhibit O, pages --

MR. BLAKE: Exhibit?

ADMINISTRATIVE JUDGE MURPHY: I.

CHAIRMAN BLOCH: I, excuse me. Pages 20 and 21.

MR. BLAKE: I think the confusion is going to be from -- I'm informed by folks who have spent a lot of time with these tapes, more than at least I have, that when you look on page 20 at line 19 it shifts from side A to side B and it's hard to tell how much time might be taken up in such shifts of the tape, but it's definitely a different point in time and could very well involve different people. We think that's what happened.

CHAIRMAN BLOCH: Well, I guess, you may know it better than me, but it looks like what's being testified about is on side B and that Mr. Aufdenkampe is present there.

MR. BLAKE: I'm going to love it if I'm wrong and you're right, but I'm still working.

CHAIRMAN BLOCH: The witness may want to help us because he may be more familiar with it than we are.

I guess I don't know specifically where the statement was supposed to have been made by Mr. Aufdenkampe that if you just changed it to 11 it's okay. In the section that Judge Murphy found he said the count would be 11. But the statement goes for more than that. It says that the correction could be made by simply changing the number of starts to 11.

THE WITNESS: The specific conversation where Allen is talking to Rick Odom I was not there for. You know, as the tape goes on it says that Allen comes back over and talks to me and states that he told Odom that.

CHAIRMAN BLOCH: Okay. So the one sentence should then be struck?

MR. MICHAEL KOHN: Now, can you identify which sentence, please?

CHAIRMAN BLOCH: The one you moved to strike. Page 15 line 17 through 19 from "Mr. Mosbaugh" to "11."

MR. MICHAEL KOHN: Thank you.

(Whereupon, a Board aside.)

CHAIRMAN BLOCH: It isn't that what you're talking about isn't important, it's that we will have other ways of getting it into the record.

THE WITNESS: I understand.

MR. BLAKE: With the corrections that you've made, Mr. Aufdenkampe, I'd ask Judge Bloch that the testimony be physically incorporated into the record as if though read.

MS. YOUNG: Staff has no objection.

CHAIRMAN BLOCH: I'm not sure that the witness stated that it was true.

MR. BLAKE: I think he said he adopted it as his testimony, it was true and accurate to the best of his

knowledge and belief.

CHAIRMAN BLOCH: Okay. That's correct.

MR. BLAKE: I can ask him again, make sure that we have it in the record.

BY MR. BLAKE:

Q Mr. Aufdenkampe?

A Yes, it is correct.

CHAIRMAN BLOCH: Okay. And are we sure that by striking that one sentence we haven't made some incompleteness in the testimony so that it doesn't make sense?

MR. BLAKE: Well, I think, frankly, on redirect I'm just going to go to the other portion and pick up the same --

CHAIRMAN BLOCH: Okay.

MR. BLAKE: It might be that Michael will draw it out of him on cross, in any event.

CHAIRMAN BLOCH: The motion is granted, the testimony shall be bound into the transcript at this point.

And, Mr. Aufdenkampe, you understand that's the same as if you'd said it aloud in this hearing room?

THE WITNESS: Yes, Your Honor.

BY MR. BLAKE:

Q MR. Aufdenkampe, I want to refer you now to

the documents that were attached to your prefiled testimony, which are identified in the upper right-hand corner of each as GPC Exhibit 27 Aufdenkampe Exhibit A through --

MR. BLAKE: Judge Bloch, before we do that, I was handed by my co-counsel this morning copies of a stipulation regarding Aufdenkampe Exhibit J, stipulated tape transcript which I'm not sure the other parties are aware of, and I can't give you a lot of information about it. So if we could just take a quick break to resolve this, because it does affect his attachments?

MR. BLAKE: Okay.

CHAIRMAN BLOCH: Okay. Quick meaning minutes?

MS. YOUNG: Minutes.

(Whereupon, at 9:45 p.m. off the record until 9:52 a.m.)

CHAIRMAN BLOCH: We'll convene the hearing once again. Mr. Blake, it's your turn again.

BY MR. BLAKE:

Q Mr. Aufdenkampe, do you have attached to your testimony a number of documents which are entitled GPC Exhibit 27 Aufdenkampe Exhibit A through GPC Exhibit 42 Aufdenkampe Exhibit P?

A Yes, I do.

Q And are you familiar with these documents that

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	:	
	:	Docket Nos. 50-424-OLA-3
GEORGIA POWER COMPANY, et al.	:	50-425-OLA-3
	:	
	:	Re: License Amendment
(Vogtle Electric Generating Plant, Units 1 and 2)	:	(Transfer to Southern Nuclear)
	:	
	:	ASLBP NO. 93-671-OLA-3

PREFILED TESTIMONY

OF

JOHN GILBERT AUFDENKAMPE, JR.

ON

DIESEL GENERATOR REPORTING ISSUES

TESTIMONY OF JOHN GILBERT AUFDENKAMPE, JR.

Q. PLEASE STATE YOUR NAME FOR THE RECORD.

A. My name is John Gilbert Aufdenkampe, Jr.

Q. WHAT POSITION DID YOU HOLD IN 1990?

A. In 1990, I was employed by Georgia Power Company as the Manager, Technical Support at the Vogtle Electric Generating Plant site. I reported to Mr. Allen Mosbaugh, who served as acting Assistant General Manager - Plant Support until sometime in May, 1990. Thereafter, I reported to Mr. Thomas Greene, the Assistant General Manager - Plant Support.

Q. WHAT ARE YOUR PROFESSIONAL QUALIFICATIONS?

A. A summary of my professional qualifications is attached hereto as Exhibit A.

Q. DID YOU PARTICIPATE IN THE PREPARATION OF LICENSEE EVENT REPORT ("LER") 90-006, WHICH WAS SUBMITTED TO THE NRC ON APRIL 19, 1990?

A. Yes I did. The Nuclear Safety and Compliance group ("NSAC"), and specifically Mr. Tom Webb in that group, drafted LER 90-006. NSAC was supervised by Mr. Rick Odom who reported directly to me. A copy of LER is attached to Mr. McCoy's prefiled testimony as Exhibit L (GPC Exh. 14). Also, I was a member of the Plant Review Board ("PRB") which reviewed several drafts of LER 90-006.

Q. PLEASE DESCRIBE YOUR INVOLVEMENT IN THE PREPARATION OF THE DIESEL GENERATOR STARTS LANGUAGE IN LER 90-006 PRIOR TO APRIL 19, 1990.

A. The initial drafts of LER 90-006 were prepared by Tom Webb and adopted the same diesel starts language that was included in Georgia Power's April 9, 1990 letter to NRC. I reviewed a number of drafts prepared by Mr. Webb. On April 12, 1990 the PRB reviewed a draft of LER 90-006 and discussed at some length what information should be included in the LER. At the PRB's request, the LER was redrafted to reduce its length from about 16 to about 8 pages.

On or about April 13, 1990 the diesel starts statement in the draft LER was revised by Tom Webb to replace the reference to 18 and 19 starts with a general reference to "several" starts. I believe it was changed because a question had been raised about the numbers.

On April 18, 1990, the PRB reviewed the draft LER and voted unanimously to approve the LER with certain comments. The voting members of the PRB were Messrs. Allen Mosbaugh, James Swartzwelder, Mike Horton (part time attendee), Harvey Handfinger, and myself. A comment was made by Mr. Mike Lackey that the draft LER language referring to "several starts" of the diesels should be changed to "state the number of starts rather than several." See PRB Meeting Minutes, Mtg. No. 90-59, and Comment Review Sheet, attached hereto as composite Exhibit B. As approved, the diesel starts statement read:

Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. Since 3-20-90, DG 1A and DG 1B have been started more than twenty times each and no failures or problems have occurred during any of these starts. In addition, an undervoltage start test without air roll was conducted on 4-6-90 and DG1A started and loaded properly.

As the transcript of Tape 58 (GPC Exh. 2) reflects at p. 7, the "more than twenty times each" language which was inserted into the draft LER was based on a review of the Control Log performed by members of the NSAC staff in which the number of diesel starts occurring after April 9 was added to the 18 and 19 numbers reported in the April 9 letter.

Q. DID THE CORPORATE OFFICE PROVIDE COMMENTS WITH RESPECT TO THE DRAFT LER 90-006 ON APRIL 19, 1990?

A. Yes. On the morning of April 19, 1990, the corporate office sent a facsimile to the site containing the corporate office's comments on the draft LER. See Stringfellow Exh. B (GPC Exh. 25). Those comments included a request from Mr. Hairston to "verify > [greater than] 20 starts."

Q. DID THE PLANT VOGTLE PRB MEET ON APRIL 19, 1990 TO DISCUSS LER 90-006?

A. Yes. On April 19, 1990, a PRB meeting, which Mr. Mosbaugh tape recorded (Tape No. 57), took place from 1:25 p.m. to 2:45 p.m., during which the PRB reviewed and approved the corporate comments on the draft LER. See PRB Meeting Minutes, Mtg. 90-60, attached hereto as Exhibit C. Those voting to approve the

LER included Messrs. Skip Kitchens, Harvey Handfinger, James Swartzwelder and myself. Mr. Mosbaugh abstained on the stated reason that he had just entered the room. During the meeting, I was tasked with verifying the number of diesel starts. Mr. George Frederick stated that he thought the number of starts was being questioned by the corporate office because GPC personnel had counted the diesel starts in front of the NRC and a number different than 18 or 19 was counted. See transcript of Tape 57, GPC Exh. 1, at p. 15. On the NRC's transcript of Tape 57, at p. 62, Mr. Mosbaugh wrote the following note:

> Chaffee team had questioned the start data in the [4-9-90] COA [response letter] and couldn't figure how we counted starts.

A copy of that hand-written note is attached hereto as Exhibit D.

Q. PRIOR TO APRIL 19, 1990 HAD YOU DISCUSSED THE NUMBERS OF DIESEL STARTS WITH NRC PERSONNEL?

A. Yes. Although I was not involved in the April 9, 1990 presentation to NRC, I spoke with the NRC Incident Investigation Team ("IIT") and Region II personnel on April 10, 1990 about the numbers of diesel generator starts reported to the NRC during the April 9 presentation. (After the IIT personnel left the Vogtle site on about April 2, 1990, we held daily telephone conferences with IIT and Region II personnel to follow up on items of interest to the NRC concerning the

site area emergency.) The April 10 conversation was transcribed by the NRC (IIT document #212) and a portion of that transcript, which I believe to be accurate, is attached hereto as Exhibit E. During the discussion, the NRC's Mr. Rick Kendall said "one of the problems we were having was that we were listening on yesterday's call [GPC's April 9 presentation to NRC] where we understand there has been something like 16 successful starts in a row of the 1-A diesel generator. And we go back, and we try to count them up, and we don't get that many. So somewhere along the line we are missing a few and we want to complete the picture." Mr. Kendall also said "Paul Kochery prepared a table that discussed the starts between starting with the 20th, starting on March 20th, and going through, I guess, the first phase of troubleshooting. But it does not go beyond that point."

Q. WHAT DID YOU DO AFTER THE PRB MEETING WITH RESPECT TO THE DIESEL STARTS STATEMENT IN THE DRAFT LER?

A. Sometime after the PRB meeting, Mr. Mosbaugh and I discussed the draft LER with Mr. Stringfellow in the corporate office. As the transcript of Tape 57 indicates, we advised Mr. Stringfellow that we thought the draft diesel starts language appeared to be a material false statement because there had been two problems with the 1B diesel since March 20. I also said that the draft LER language would have to change and may need to be deleted depending on the results of a review of the

numbers of diesel starts which Mr. Webb was conducting using the reactor operators' log (the "Unit Control Log" or "Control Log"), but which had not yet been completed. We also discussed the fact that the April 9 letter appeared to be false because of the failures of the 1B diesel after March 20th. (We had not determined at that time that the numbers reported in the April 9 letter were inaccurate. That would depend on the results of Mr. Webb's review of the Control Log.) The telephone call ended with me stating that I was "working on that." See transcript of Tape 57, GPC Exh. 1, at pp. 44-46, 48-51.

Q. WHAT DID YOU DO NEXT?

A. While I do not recall specifically what I did next, the next discussion I was involved in that Mr. Mosbaugh taped involved Messrs. Mosbaugh, Rick Odom and Tom Webb. See transcript of Tape 57, GPC Exh. 1, at pp. 72-79. I recounted for Messrs. Odom and Webb essentially what had transpired earlier in the day as described above. We discussed the two 1B diesel failures and concluded that they were not valid failures. We also discussed the accuracy of the April 9 letter and concluded that, even though there were two 1B diesel failures after March 20, the statement could still be interpreted as accurate if there were 19 successful starts of the 1B diesel since the last failure of which we were aware, i.e., the one on March 23 at 1700 hours. Mr. Mosbaugh said it was critical

to know the accurate count of diesel starts in order to determine the accuracy of the statement. Mr. Mosbaugh also advised Mr. Odom that he needed to get the diesel start information from the Control Log. This was necessary because the Diesel Start Log maintained by Mr. Stokes was not sufficiently up to date. It is apparent to me now that this discussion was contrary to the statement that the April 9 letter was a material false statement, which Mr. Mosbaugh and I had made earlier to Mr. Stringfellow. I do not know whether we further advised Mr. Stringfellow of the substance of the conversation discussed above.

Q. WHAT HAPPENED NEXT?

A. The next discussion of the diesel starts data that I am aware of on April 19, 1990 is the one that is reported in the transcript of Tape 58 (GPC Exh. 2), beginning at p. 7. There, Mr. Mosbaugh joined, and began taping, a conversation already in progress. Based on the transcript, the persons participating in the discussion with me included Messrs. Bockhold, McCoy, Shipman, Stringfellow, Mosbaugh, and later Mr. Hairston. While it is impossible to tell how long the conversation had been in progress, I believe there had been some discussion of the diesel starts statements which was not recorded by Mr. Mosbaugh. At the beginning of Mr. Mosbaugh's recording, I informed the group that my staff initially came up with the "at least 20 times each" language in the draft LER

by adding starts occurring after April 9 to the 18 and 19 numbers reported in the April 9th letter. Mr. Bockhold indicated his agreement with the greater-than-20 number. Mr. McCoy said they needed to know the number of starts after the completion of the comprehensive test program of the control systems. Mr. Bockhold said the 18 and 19 numbers were verified correct by Mr. Jimmy Cash. Mr. McCoy asked if those numbers were after the completion of the comprehensive test program and Mr. Bockhold assured that they were. Mr. Shipman proposed that they use the words "greater than 18" but McCoy interjected that it would not be greater than 18 for one of the diesels, "it would be 18." See transcript of Tape 58 (GPC Exh. 2), at pp. 7-9. The group then discussed another subject concerning what the plant equipment operator saw on March 20. It was during that discussion that it appears from the transcript that Mr. Hairston entered the conversation. Id. at 10. Next, the short part of the conversation can be heard which was aired on the NBC Nightly News on August 9, 1992. Mr. Hairston stated "We got the starts, so we didn't have no ... didn't have no trips." Mr. Shipman can then be heard to say, "No, not not...." Id. at 11-14.

Q. DO YOU AGREE WITH THE INTERVENOR'S VERSIONS OF THE DISCUSSION WHICH APPEARS AT P. 14, LL. 7-27 OF THE TRANSCRIPT OF TAPE 58?

A. No. While I cannot understand completely what is being said on that portion of Tape 58, and I don't have any independent

recollection of it, based on listening to the tape, I believe that Georgia Power's transcript version of that conversation (GPC Exh. 2, p. 11, l. 23 to p. 13, l. 11) is the most accurate. I have no recollection of anyone responding to or telling Mr. Hairston that there had been no trips. If anyone had said that, I, and I believe others, would have corrected that statement during the discussion. In any event, I do not believe that this portion of the conversation is evidence of an intent by Georgia Power to mislead the NRC.

Q. WHAT ELSE OF NOTE OCCURRED BEFORE THAT CONVERSATION ENDED?

A. After some discussion about other aspects of LER 90-006, the group conversation ended with Mr. McCoy advising me that the corporate office would call me back in about 30 minutes to read me the changes to the LER and to let me know whether there were any other changes which might have to be reviewed by the PRB. GPC Exh. 2 at p. 18.

Q. ONCE THE CHANGES TO THE LER WERE INCORPORATED, HOW DID THE DIESEL STARTS STATEMENT READ?

A. The statement read as follows:

> Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. After the 3-20-90 event, the control systems of both engines have been subjected to a comprehensive test program. Subsequent to this test program, DG1A and DG1B have been started at least 18 times each and no failures or problems have occurred during any of these starts. In addition, an undervoltage

start test without air roll was conducted on 4-6-90 and DG1A started and loaded properly.

Q. AT THE TIME THIS LANGUAGE WAS SENT TO YOU BY THE CORPORATE OFFICE, WERE THE DIESEL START NUMBERS REPORTED IN THE DRAFT LER VERIFIED AS ACCURATE?

A. No. At that point in time on April 19, 1990, we were still awaiting the results of Messrs. Odom's and Webb's review of the Control Logs. As indicated on the transcript of Tape 57 (GPC Exh. 1), at pp. 78-79, Mr. Odom earlier said he was having trouble locating all of the days of the Control Log for the period March 23 to April 9, and Mr. Williams said he had copies of them. Therefore, the question concerning the accuracy of the diesel starts numbers was still unresolved pending receipt of the data from Messrs. Odom and Webb.

Q. WHEN DID YOU RECEIVE THE DATA FROM MESSRS. ODOM AND WEBB CONCERNING THE NUMBERS OF DIESEL STARTS?

A. Although I do not have a specific recollection of the time when I received their data, the transcript of Tape 58 convinces me that Mr. Mosbaugh and I had received that data by the time of our final telephone conversations with the corporate office on April 19, 1990 concerning the diesel starts statement. See transcript of Tape 58, GPC Exh. 2 at 23, 26, 27, 34, 35, 38.

Q. WHAT TRANSPIRED IN THE FINAL TELEPHONE CONVERSATIONS THAT YOU HAD WITH THE CORPORATE OFFICE ON APRIL 19, 1990 CONCERNING THE ACCURACY OF THE DIESEL STARTS STATEMENT IN THE LER?

A. Mr. Mosbaugh, Mr. Shipman and I discussed that Mr. Bockhold had said earlier in the day that the 18 and 19 starts, reported to the NRC on April 9, occurred after all the sensors had been recalibrated, i.e., after all the bugs had been worked out. Mr. Mosbaugh informed Mr. Shipman that we had the diesel starts data but didn't know the date and time of the completion of the instrument recalibrations. Mr. Shipman said they could begin the count at the point at which the diesels were declared operable but that those numbers would be a lot smaller than the numbers reported to NRC on April 9. Nonetheless, Mr. Shipman was clear that if that was the only valid explanation, that's what he wanted to say. I believed there was reasonable assurance that the diesel statement in the LER was accurate, based on Mr. Bockhold's assurances that the 18 and 19 numbers had been validated, which was not called into question by the data we had received from Messrs. Odom and Webb. When I asked Mr. Mosbaugh if he took exception to that, he did not disagree. See transcript of Tape 58 (GPC Exh. 2), at pp. 22-27.

Next, Mr. Shipman read the final diesel starts statement and Mr. Mosbaugh then said that the statement suggested the diesel start count began after the UV (i.e., undervoltage) testing. Mr. Shipman explained that Mr. McCoy had spoken with

the NRC's Ken Brockman about the diesel start numbers and the basis for them as it had been described by Mr. Bockhold and that Mr. Brockman understood that basis and so did the IIT team. Id. at 27-29. Mr. Mosbaugh had no further comment and the conversation moved on to a discussion of Mr. McDonald's comments on other portions of the LER. Later, Mr. Shipman read the diesel starts statement one more time, and thanked everyone for their efforts in getting the LER finalized. No further concerns were expressed about the diesel starts statement. Id. at 31-32. Based on the transcript of Tape 58, that was the last conversation about the diesel starts statement between the site and the corporate office.

Q. WHAT WAS YOUR VIEW OF THE SIGNIFICANCE OF THE DIESEL STARTS STATEMENT IN LER 90-006?

A. I believe that all material communications with the NRC must be accurate and complete. On April 19, 1990, my focus was on the numbers of consecutive successful starts after the last failure of the diesel. This was to me the real indicator of reliability, not whether there were so many starts after point A or point B. Because I had been informed that Mr. Bockhold's description of the comprehensive test program had been discussed with the NRC, the ambiguity of that phrase was not significant to me. The numbers of consecutive, successful starts prior to April 19 was significant to me.

Q. WERE THERE ANY FURTHER CONCERNS ABOUT THE FAILURES OF THE 1B DIESEL WHICH HAD OCCURRED AFTER MARCH 20?

A. As far as I recall there were not. There was no doubt that the NRC was aware of those failures -- they were identified on the list prepared by Mr. Kochery, which I believe Rick Kendall had on April 10 when I spoke to him. See my testimony conerning the April 10 discussion with NRC at pp. 4-5, above. The language of the draft LER had been revised to clarify what had been previously reported in the April 9 letter by indicating, in essence, that there were at least 18 successful starts after any diesel failures. As for the April 9 letter, I simply did not give it any further consideration because my focus was on the LER. I also knew that Mr. McCoy had spoken with the NRC's Ken Brockman about the diesel starts statement and that the NRC knew the basis for the statement. See transcript of Tape 58 (GPC Exh. 2) at pp. 28-29, 39.

Q. DID YOU HAVE FURTHER DISCUSSIONS WITH SITE PERSONNEL ON APRIL 19, 1990 CONCERNING THE DIESEL STARTS STATEMENT?

A. Yes, as reflected in the transcript of Tape 58 (GPC Exh. 2), at pp. 34-39. First, Mr. Mosbaugh and I discussed the number of diesel starts, referring to the data that Messrs. Odom and Webb had compiled, and the point at which the count should begin. Mr. Mosbaugh felt that it should begin after the undervoltage test. I felt that, consistent with Mr. Bockhold's understanding, which I believed had been discussed

with the NRC, it should begin with after the sensor calibrations which I understood coincided with the third and last diesel failure after March 20. Id. at 34-36. We spoke to Jimmy Cash (Id. at 36-38), who had made the original count of the 18 and 19 diesel starts for the April 9 presentation. Mr. Cash said he counted everything after March 20 on the 1A diesel through about April 9. However, Mr. Cash's responses to our questions did not convince me that the diesel starts statement in LER 90-006 was inaccurate. In the end, when I asked Mr. Mosbaugh what he wanted to do about the matter, he decided to let it drop, apparently agreeing with my reasoning. Id. at 39. That was the last I heard about the matter on April 19, 1990.

Q. DID MR. MOSBAUGH RAISE THE ISSUE OF THE DIESEL STARTS STATEMENT WITH YOU AFTER APRIL 19, 1990?

A. Yes. Based on tape recordings that Mr. Mosbaugh made of many of our conversations, I know that we discussed the issue on Tape No. 71, which apparently was made on April 27, 1990. The transcript of our conversation on Tape 71, attached hereto as Exhibit F, is an accurate account of that discussion. During that conversation, Mr. Mosbaugh said he thought there was a high probability that there was a problem with the diesel starts statement in the LER. I told Mr. Mosbaugh that there was probably a better way to word the statement but that I did not believe the words in the LER were meant to be "weasely,"

meaning misleading. Mr. Mosbaugh indicated that he would review diesel starts data and determine whether what was meant by the LER statement was true or not.

According to Tape No. 75, Mr. Mosbaugh showed me diesel starts data on April 30, 1990, which he had compiled from the Control Log. I believe the data which Mr. Mosbaugh showed me at the time was the 1B list of starts attached to his April 30, 1990 memorandum to Mr. Bockhold, a copy of which is attached hereto as Exhibit G. Based on Mr. Mosbaugh's representation that the data was the best data available, I acknowledged that it appeared that the LER statement was false. See transcript of excerpt of Tape 75, attached hereto as Exhibit H.

Q. WHAT ACTIONS WERE TAKEN TO CORRECT THE DIESEL STARTS STATEMENTS IN THE APRIL 9 LETTER AND LER 90-006?

A. By May 2, 1990, I directed Mr. Odom to correct the statements in both the April 9 letter and LER 90-006. Mr. Mosbaugh told Mr. Odom that the correction could be made by simply changing the number of starts in the LER to eleven. Mr. Mosbaugh recorded these conversations on Tape No. 89, to which I have listened. I believe the transcript of that conversation, attached hereto as Exhibit I, accurately reflects that conversation.

There was a Plant Review Board ("PRB") meeting on May 8, 1990, which Mr. Mosbaugh taped (Tape No. 98), that I

participated in as a member. I have listened to the excerpt from Tape 98 containing the above-described PRB meeting and the transcript of that conversation, attached hereto as Exhibit J, accurately represents that conversation. As indicated in the PRB meeting minutes for that meeting, attached hereto as Exhibit K, there was some disagreement about the numbers of diesel starts "subsequent to the test program." As the acting Chairman, Mr. Mosbaugh asked the members to determine what was the completion of the comprehensive test program ("CTP") of the diesels. Mr. Mosbaugh explained the basis for the number of "eleven" diesel starts following the CTP and the PRB voted to approve a revision to LER 90-006 which stated:

> After the 3-20-90 event, the control systems of both engines were subjected to a comprehensive test program which culminated in control logic tests on 3-31-90 for DG1A and 3-27-90 for DG1B. Subsequent to this test program, DG1A and DG1B have been started 11 times each (through 4-19-90) and no failures or problems have occurred during any of these starts. These included an undervoltage start test without air roll which was conducted on 4-6-90 and DG1A started and loaded properly.

A marked-up copy of the PRB approved language is attached hereto as Exhibit L. As the transcript of Tape 98 reflects, after the PRB meeting, Mr. Mosbaugh directed Tom Webb to approve the revision to the LER with a comment "to clarify what the comprehensive test program is, so that it is factually correct." I believe the PRB-approved revision to LER 90-006 was sent to the corporate office for review shortly after the May 8 PRB meeting.

Another PRB meeting was held on May 10, 1990, in which I participated as a member. See PRB Meeting Minutes, Mtg. No. 90-67, attached as Exhibit M. As stated in the PRB meeting minutes, Mr. Mosbaugh assigned an action item to the General Manager, Mr. Bockhold, to determine how the April 9 letter would be corrected. I believe that I was instructed to use the cover letter for the revised LER to correct the April 9 letter and that I discussed this with NRC Resident Inspector Lee Trocine on June 15, 1990, as discussed below.

Q. DID YOU HAVE OTHER DISCUSSIONS ABOUT THE REVISION TO LER 90-006 OR THE APRIL 9 LETTER THAT YOU RECALL IN MAY AND JUNE OF 1990?

A. Not that I specifically recall. However, there are two tape recordings made by Mr. Mosbaugh on which I can be heard discussing this matter (Tapes 157 and 167). I have listened to the pertinent excerpts of those tapes and believe that the transcripts referred to below are an accurate representation of those conversations.

On June 8, 1990, we discussed the delay in the revision of LER 90-006. See transcript excerpt of Tape 157, attached hereto as Exhibit N. I explained that Mr. Stringfellow was too busy with other work to get to the LER revision. We had also heard that Mr. Hairston was upset about the inability of the Vogtle staff to determine the correct diesel starts count. We then had a conversation with Messrs. Bailey and Rushton in

the corporate office, who were attempting to determine what caused the error. I summarized for them what I recalled from April 19 and told them that the detailed data we reviewed showed there were not 18 or 19 consecutive successful starts of the diesel between March 20 and April 9, 1990. I told them that when we issued the LER we had data that we thought supported the numbers presented on April 9, but that on closer scrutiny, it did not support that. I said we had not corrected the April 9 letter but that I believed the NRC's IIT personnel knew exactly what happened. I explained that we had given the IIT specific data on start sequences and failures that we used to write the revised LER. The data to which I was referring is identified as IIT document #336, which was provided to the IIT on May 9, 1990, and which is included among the documents attached to the NRC's response to Freedom of Information Act Request No. 92-388. See McCoy Exh. H (GPC Exh. 10).

On June 15, 1990, Mr. Mosbaugh and I discussed the status of the LER revision. See transcript excerpt of Tape 167, attached hereto as Exhibit O. I informed Mr. Mosbaugh that I had discussed the error in the diesel starts data with the NRC resident inspectors, who said they discussed the matter with Ken Brockman. The inspectors asked what the correct numbers were and I told them it depends on where you start counting, but that the latest numbers I heard were 16 and 11.

Q. DID THE JUNE 29, 1990 REVISION TO THE LER ADDRESS THE APRIL 9 LETTER?

A. Yes. The June 29, 1990 revision to LER 90-006 included language in the cover letter to address the April 9 letter.

Q. WERE YOU INVOLVED IN PREPARING THE JUNE 29, 1990 REVISED LER AND COVER LETTER?

A. I should have seen the revised LER before it was issued, but I don't recall seeing the cover letter for it before it was signed.

Q. DO YOU BELIEVE THE LACK OF AVAILABILITY OF THE DIESEL START LOG ON APRIL 19, 1990 FROM WHICH TO COUNT STARTS CONTRIBUTED TO THE ERROR IN LER 90-006?

A. Yes. Had the Diesel Start Log been available on April 19, 1990 we would have had a single source document in which we had confidence from which to discuss the diesel start history. It would have had more information concerning each of the starts (e.g., the Completion Sheets would have been included in the Log) and there would have been a fuller discussion of the basis for the diesel starts numbers. I believe I would have had a more questioning attitude towards Mr. Bockhold's representations if I had the Diesel Start Log, rather than a tabulation of data compiled from the Control Log. As I said on one of Mr. Mosbaugh's tape recordings in June 1990, the lack of the Diesel Start Log may not have been the cause of

the error, but it would have been the cure for it. See transcript excerpt of Tape 159, attached hereto as Exhibit P.

Q. DID YOU MISLEAD THE CORPORATE STAFF ON APRIL 19, 1990 CONCERNING THE ACCURACY OF THE DIESEL STARTS STATEMENT IN LER 90-006?

A. No. I based my comments to the corporate office on April 19, 1990 on an honest assessment of the diesel starts information available to me on April 19. I focused on the fact that the data and Mr. Bockhold's statements convinced me that, as of April 19, there were at least 18 consecutive, successful starts of the 1A and 1B diesels.

are attached to your testimony?

A Yes, I am.

Q And are you prepared to answer questions about them?

A Yes, I am.

Q Are there any corrections that you would make to any of these documents?

A Yes. On Exhibit I, I have one small correction from listening to the tapes. Page 2, line 12 it says -- Alan Mosbaugh is speaking and he says "Uh" instead of "Tom."

BOARD EXAMINATION

CHAIRMAN BLOCH: Change "Tom" to "Uh," U-H.

THE WITNESS: That's correct.

BY MR. BLAKE:

Q And what is it that prompts this change?

A Just listening to the tapes.

Q Any more?

A Not on Exhibit I.

Q What about --

A Exhibit --

Q Go ahead.

A On Exhibit J I think GPC counsel has provided or has a copy of a mark up that I made that has several corrections that are circled.

Q I should explain to the Board. These were provided to the parties during the last hearing up here in Washington, so they've had them for some period of time, and the only changes if we've been proper -- and Lord knows I hope so -- the only changes intended to be made in here from the exhibit which was actually pre-filed when the testimony was originally sent out have been circled by Mr. Aufdenkampe on this new J. The new J would read GPC Exhibit 36 (revised).

(Whereupon, the document was marked for identification as GPC Exhibit 36 (revised).)

BY MR. BLAKE:

Q Any more corrections to any of these other documents, Mr. Aufdenkampe?

A Yes. On Exhibit N, again from listening to the tapes I have a couple of minor changes. On page 15, line 9, I say "Good, sound technical basis." The word "technical" is inserted in front of "basis."

Q So you've inserted "technical" between "sound" and "basis."

A Yes, sir.

Q Any more?

A On page 18, the end of line 4 says "The April 9th letter." I'm not saying that. Alan Mosbaugh is

saying that.

Q So you would pick up the words "The April 9th letter," circle them and insert them below after the Mosbaugh colon?

A That's correct.

BOARD EXAMINATION

CHAIRMAN BLOCH: May I ask if in the last times you were listening you were using different equipment than you had been using previously?

THE WITNESS: Yes, I was.

CHAIRMAN BLOCH: And what was the equipment that was best for you?

THE WITNESS: The equipment that I was using when I made most of these corrections was a dictaphone that they had at the Southern Nuclear Office, one of the secretaries had. Fairly clear, at least portions of the tape. When we get to the next exhibit, it was very clear.

CHAIRMAN BLOCH: Because there always is a puzzle for us as to how we can listen to it best. I thank you for that assistance.

BY MR. BLAKE:

Q Mr. Aufdenkampe, any more in Exhibit N?

A None on Exhibit N. I think the last change I have is Exhibit P.

Q I want to ask you to go back to N just for a

moment and look at page 19.

A Sorry. On page 19, line 5 on Exhibit N, it says "Al and I will" -- the word is not personally. It's "certainly."

Q Any changes on O?

A I don't think I had any changes on O.

Q What about P?

A On Exhibit P I provided Georgia Power counsel a revised typed version of really the applicable portion of the tape 159 from my testimony which is just the old page 11 that was in my pre-filed testimony.

BOARD EXAMINATION

CHAIRMAN BLOCH: Are there -- this doesn't seem to indicate the changes. Are there changes?

THE WITNESS: Yes, there are substantial changes there. If you --

MR. BLAKE: First of all, Judge Bloch, I want to emphasize what he just said which is rather than the number of pages that we f d when we sent out the pre-filed written testimony, Mr. Aufdenkampe has focused only on what was page 11 in that whole set and then he has listened to the tape and redone that portion, if I understood him correctly and that's what you have in front of you and that's what was distributed at the prior hearing to the parties.

CHAIRMAN BLOCH: I have some concern as to how much time Intervenor has had with the changes to the transcript. Have they had them at all until this moment?

MR. BLAKE: Yes. We handed them out during the last hearing.

CHAIRMAN BLOCH: The changes?

MR. BLAKE: Weeks ago. Yes. That's my understanding. I'll check. The week of April 7th, I believe it was. 17th?

MR. MICHAEL KOHN: Of both corrections or just one?

MR. BLAKE: I believe both were handed out at that point to both the Intervenor and to staff counsel. If, when we get to this, there's more time somehow that's necessary, we could take the break.

BY MR. BLAKE:

Q With those changes to each of these exhibits, Mr. Aufdenkampe, you're prepared to answer questions about any of these that any of the counsel or the Board has?

A Yes.

MR. BLAKE: I would ask that these exhibits, GPC Exhibit II-27, also Aufdenkampe Exhibit A, through GPC Exhibit II-42 which would be Aufdenkampe Exhibit P, would be accepted into evidence.

MS. YOUNG: Will GPC be marking up the copies

provided to the reporter or -- and let the transcript do that?

MR. BLAKE: Just the transcript. I had not planned on marking them up nor have we corrected where witnesses have made other corrections to their testimony. We could do that service if you wanted.

MS. YOUNG: There are only a few here.

CHAIRMAN BLOCH: I assume you have substituted the two substantial changed documents.

MR. BLAKE: Yes. The reporter has the corrected two.

CHAIRMAN BLOCH: So with that understanding, the exhibits shall be admitted into evidence and copies will be provided by Georgia Power to the reporter.

(Whereupon, the documents marked for identification as GPC II-27 and GPC II-42 were received in evidence.)

MR. HULL: Judge Block, if I may interject here for a moment. I was preparing this morning what I termed NRC versions of Aufdenkampe Exhibit P and Aufdenkampe Exhibit J. When we got the GPC revisions to those two exhibits earlier in April, we went back and listened to the tape again on the pertinent sections and we have now transcribed what we heard on those two portions of the tape and we do have those two exhibits

here with us.

MR. BLAKE: This won't be unusual. You know, there'll be instances where somebody who's very conscientious like Mr. Aufdenkampe will want to listen to every single bit of the tape and he says this is what, in his view, and that's what these exhibits obviously represent as you can see by some of the corrections that he made, the fact that we'll try -- and we've tried hard to just agree with the staff on what the tapes as a party and we may well have some stipulated agreements on what the tapes say and maybe they'll vary in one way or another. We'll just do our best to identify that when it occurs.

CHAIRMAN BLOCH: We really understand the difficulty having heard only one segment.

MR. BLAKE: Yes.

MR. HULL: These were some portions on these two exhibits where we were able to hear what had previously been marked as inaudible, so there is some additional material on the two NRC versions of Exhibits P and J.

MR. BLAKE: I have no more questions of Mr. Aufdenkampe.

CHAIRMAN BLOCH: Mr. Kohn. Oh, wait a minute. Oh, yes.

MR. BLAKE: I'm so used to the normal format of just putting in the pre-filed testimony and moving on.

BY MR. BLAKE:

Q Mr. Aufdenkampe, the Board has asked that we ask each of the Georgia Power witnesses when they appear a series of questions about their involvement in some communications with the NRC during 1990 and I'm going to ask you those questions now. To the extent you don't understand what I'm asking, just say so and I'll try to do better and since I'm trying to be consistent in the way in which I ask, it may be a little formalistic or sound like it in the question but again, if you don't understand, just ask me and I'll try to do better.

Were you personally involved with the review or the preparation of any of the following communications with the NRC in 1990?

MR. MICHAEL KOHN: Can we maybe do it individually so it's not a compound question?

CHAIRMAN BLOCH: Hold on, Michael. You did this yesterday.

MR. MICHAEL KOHN: And it's an approved --

CHAIRMAN BLOCH: He understands.

MR. MICHAEL KOHN: Okay.

CHAIRMAN BLOCH: I'm sorry. I got very informal there. Mr. Kohn.

MR. MICHAEL KOHN: I wasn't here for that portion, Your Honor, so I apologize myself as well.

BY MR. BLAKE:

Q I'm going to go back again, Mr. Aufdenkampe. Were you personally involved with the review or preparation of any of the following communications with the NRC in 1990? First, Georgia Power's April 9, 1990 presentation to the NRC at the Region 2 offices in connection with Georgia Power's request for approval to restart Vogtle Unit 1?

A I was not specifically involved in that although I do know that my group provided some information to corporate. At the time I wasn't aware that it was for the April 9th presentation, but we were providing information to corporate that I understand was used in the April 9th presentation.

Q Second, with respect to Georgia Power's April 9, 1990 letter to the NRC requesting approval to restart Vogtle Unit I?

A Again, only from the standpoint that we provided some information through my department to the corporate. I wasn't aware that it would be used for the April 9th letter.

Q Third, with respect to Georgia Power's April 19, 1990 LER 90-006 concerning the March 20, 1990 site

area emergency?

A Yes. I was involved in that.

Q What about Georgia Power's June 29, 1990 cover letter for Revision #1 to the LER?

A I was involved in it as a PRB member. The cover letter itself?

Q Yes.

A That wasn't reviewed by the PRB. The revision to the LER was though. Cover letter, no.

CHAIRMAN BLOCH: Mr. Aufdenkampe, it would help me a little if you'd just raise the mic just slightly.

MR. MICHAEL KOHN: If I understood, Mr. Aufdenkampe, you said the cover letter was not reviewed by the PRB.

THE WITNESS: That's my recollection. It was not reviewed by the PRB.

BY MR. BLAKE:

Q #5 or the fifth one, Georgia Power's August 30 letter to the NRC correcting the April 19, 1990 letter to the NRC.

A I was involved to some extent as a PRB member.

Q Let me return to the first of those items and that would have been the April 9th presentation at the Region 2 offices. With respect to the information that

your group, you now realize, provided for that presentation.

CHAIRMAN BLOCH: Mr. Blake, we wanted to have it with respect to anything in that letter. We don't want to limit it to just what he helped prepare.

BY MR. BLAKE:

Q With respect -- you didn't mean the letter. You meant the presentation, I take it.

CHAIRMAN BLOCH: The presentation.

BY MR. BLAKE:

Q With respect to the April 9, 1990 presentation to the NRC, when did you learn or first suspect, if at all, that portions of communications to the NRC relating to diesel generator starts or diesel instrument air quality were false or misleading?

A I had some concerns on April 19th as we reviewing the LER because we had some questions on the LER about the diesel start counts and I notified corporate of that. It was confirmed that there were problems with it around April 30th when Alan provided a detailed listing of the diesel starts that showed that we didn't have the 18 and 19 starts that was in the presentation and in the April 9th letter.

Q Now, would your answer be the same with respect to both the letter and to the presentation or is

there a difference between the two in terms of when did you first learn or suspect that portions of the communications were inaccurate, false, misleading?

A You know, I guess I tie the letter and the presentation fairly closely together, at least in the current time frame, so probably when I knew that the letter was incorrect, I knew that the presentation was incorrect because I knew the letter restated a lot of what was in the presentation.

Q And what steps, if any, did you take to determine what had actually happened?

A With respect to the April 9th letter, I have recollection, again refreshed by the tapes, that I notified Jack Stringfellow on April 19th that we were thinking that it was a material false statement in the April 9th letter and so since they had prepared them, I was bringing that over to them. And then when we confirmed it, then we talked to corporate some time in that time frame. I don't remember the exact date.

ADMINISTRATIVE JUDGE CARPENTER: When you say we, who are you referring to please? We confirmed it.

THE WITNESS: I guess I'm really referring to me.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

THE WITNESS: You're going to -- I apologize

to the Court to begin with, but there's a statement even in my -- just about every interview I've had. I speak a lot in the plural.

CHAIRMAN BLOCH: It's not unusual, but we'll try to clarify when you say we whether you mean yourself or some other group.

MR. MICHAEL KOHN: Excuse me. The witness said, when we confirmed it and the time period. I didn't quite get the time period.

BY MR. BLAKE:

Q I think he said in this time frame and I was about to ask him what he meant by that.

When you said "in this time frame" in your last answer, what did you mean by that?

A After April 30th when we had the list that said that weren't 18 and 19 consecutive starts.

BOARD EXAMINATION

CHAIRMAN BLOCH: The question was, what did you do to confirm what happened at the time that they made the mis-statement. And what I understand you saying is you confirmed that there was a mistake because you took independent data about it. Did you do anything at all to confirm what happened the first time?

THE WITNESS: You mean why incorrect information was provided in the April 19th presentation or

in the April 19th letter?

CHAIRMAN BLOCH: Correct.

THE WITNESS: Not to my recollection.

CHAIRMAN BLOCH: On this period of time where you were looking into the data, did you have any question in your mind as to the meaning of successful starts?

THE WITNESS: Not to the meaning of successful starts. No.

CHAIRMAN BLOCH: Okay. Thank you.

BY MR. BLAKE:

Q What personal responsibility, if any, do you feel for these false or misleading statements having been provided to the NRC on April 9th?

A On April 9th?

Q Yes. I'm still focused on the April 9th presentation and the April 9th letter.

A I don't feel I had a whole lot of involvement in that particular portion of the presentation on April 9th.

Q Now let me shift to April 19th. When was it that you learned or first suspected that portions of April 19th letter relating to diesel generator starts or diesel instrument air quality were false or misleading?

A I learned that it was false on April 30th, again when I got the detailed listing that Alan put

together.

Q And what about any suspicions you had before you learned or confirmed that that was the case?

A Well, we had some concerns during the development of the LER, but I was comfortable when the LER was sent out that it was correct.

Q And what steps did you take once you'd confirmed that there were problems to determine what had actually led to the problems, what had actually to the errors or inconsistencies in the April 19th LER?

A I didn't do anything specific like, you know, go have somebody investigate it. Since I was involved heavily in the development of the LER, I think I understood pretty much where we had errored in issuing the LER and why we had put out the incorrect numbers.

Q And what responsibility did you feel that you had for the fact that there were incorrect numbers put out, as you put it?

A I feel it was very much my responsibility. My department generated the LER and we provided that to corporate and it was very much my responsibility to make sure it was correct.

MR. BLAKE: I'm sure there'll be much more testimony on it. I can develop more now if you want or we can just leave it to examination. This is sort of like a

summary, it seems to me, or an overview with the witness at this point.

Q Not to

CHAIRMAN BLOCH: I think it's just to make sure we see the matrix and we have a way to summarize who the characters are and the parties, I'm sure, will want to go into some of it more deeply.

MR. BLAKE: Sure.

BY MR. BLAKE:

Q The same sorts of questions now I'm going to take up for the June 29 cover letter. You've indicated that you really didn't have any involvement in it because your only involvement with the June 29 communication that you're aware of was the PRB involvement and your recollection that they didn't review the cover letter.

A Well, with respect to the cover letter, I have no recollection of the PRB doing the cover letter. Obviously there was a revision to the LER and my department generated that revision to the LER.

Q Have you learned since or suspected that there were any portions of the cover letter to the June 29 letter that were incorrect or false or misleading?

A I think that it's been well confirmed that the June 29th cover letter didn't adequately address the root cause of the errors in the April 9th presentation and the

April 19th LER.

Q And when, if you recall, did you learn or first suspect that that information wasn't totally accurate?

A I don't recall.

Q Do you recall whether or not you took any steps to determine why that inaccuracy had been put forward?

A No.

Q And I take it you don't assume any personal responsibility for those inaccuracies in the cover letter.

A No.

Q The same questions now with respect to the August 30 letter. When did you learn or suspect, if you did, that portions of the August 30 letter were incorrect or false or misleading?

A I never suspected that the August 30th letter was incorrect, false or misleading.

MR. BLAKE: I don't have any more questions. Mr. Aufdenkampe, you're available for cross examination now.

CHAIRMAN BLOCH: Mr. Kohn.

MR. MICHAEL KOHN: Your Honor, could we have a one -- a three minute recess so I can confer with Mr. Mosbaugh for a moment?

CHAIRMAN BLOCH: Well, we haven't had our first 10 minute recess, so we'll take one from 10:18 to 10:28.

MR. MICHAEL KOHN: Thank you, Your Honor.

(Off the record for an 11 minute recess at 10:18 a.m.)

CHAIRMAN BLOCH: The hearing will please come to order.

MR. BLAKE: I can repeat this when everybody is -- but you all were right in saying that we may have goofed up his testimony by the elimination of that one sentence and I should have taken your hint and spent a little more time studying it then. I've now studied it over the break. The problem is that the first sentence is fine and just stands on its own as this witness's recollection. He can be cross examined on it. But the rest of the paragraph is really keyed to that one sentence and the sentence that would follow the one sentence that we eliminated refers to--

ADMINISTRATIVE JUDGE CARPENTER: Mr. Blake, I'm sorry. What page are you on?

MR. BLAKE: I'm on page 15, Doctor Carpenter, and it's the major paragraph at the bottom. And the next -- I thought on quick reflection that recorded these conversations would also just go right directly to the

first sentence. It does not, I'm told, so the third sentence now makes no sense in the testimony. And I'd like to leave Exhibit I and see if on redirect we can't do something that makes Exhibit I still a sensible exhibit here. If it's not used here, it'll be used elsewhere like on cross of Mr. Mosbaugh or --

CHAIRMAN BLOCH: So the sentence that begins on line 19 and ends on 21 -- the two sentences. Those are both really only meaningful with respect to the struck sentence, so they should be struck, too.

MR. BLAKE: Yes. I think they really should. Now that really -- that's --

CHAIRMAN BLOCH: And they shall be struck, but the question is then -- well, I've got no problem with your having a taped exhibit. The only question is how it gets validated.

MR. BLAKE: I suspect we'll use it on redirect after the cross examination.

CHAIRMAN BLOCH: Okay.

MR. BLAKE: I'd just like to leave it for that purpose. Do you understand what we've done, Mr. Aufdenkampe?

MS. YOUNG: I don't. Could you just --

MR. BLAKE: I have asked --

CHAIRMAN BLOCH: I can state it. The next two

sentences right after the one I struck are also struck.

MR. BARTH: Stricken through line 23, Your Honor.

MR. BLAKE: Yes.

CHAIRMAN BLOCH: Yes. Now we have it for both who know how to count lines and those who know how to count sentences.

MS. YOUNG: And read transcripts.

MR. BLAKE: Thank you, Judge Bloch.

Michael.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, I'm going to cover in more detail the questions and responses you gave to Mr. Blake's -- excuse me, the responses you gave to Mr. Blake's questions. I wanted to originally ask you some follow-up to make sure I understood those initial responses accurately.

With respect to the April 9, 1990 letter, you said you notified Mr. Stringfellow about a material false statement, that you turned that over to corporate. Is that correct?

A I don't recall the specific words, but I told Jack that we think that the April 9th letter, that we think it's basically a material false statement in that on

April 19th.

Q I'm focusing on --

BOARD EXAMINATION

CHAIRMAN BLOCH: Could we stop for a second. This may be in the testimony already, but I'd like to hear it again. Did you explain why you thought there was a material false statement?

THE WITNESS: Well, we knew at the time that we had had two trips on the B diesel and the way the --

CHAIRMAN BLOCH: No. I don't want the facts. I want to know whether you explained why to Mr. Stringfellow. And if you don't remember, we'll just have to settle for that, but I want to know if you remember or have had your mind refreshed by any of the tapes explaining why you thought it was false?

THE WITNESS: My recollection is we told Jack that we had two trips on the B diesel.

CHAIRMAN BLOCH: And the implication that you thought you were communicating was?

THE WITNESS: That the -- in this particular time frame, that brought into question the April 9th statement in the letter that said that there had been no problems.

CHAIRMAN BLOCH: And when you communicated that, did Mr. Stringfellow have any questions of you about

your belief?

THE WITNESS: Not to my specific recollection, but I do recall him saying something to the effect he was going to go talk to Bill Shipman about it.

CHAIRMAN BLOCH: Thank you.

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, when you testified, I was trying to write down what you said and I wrote down you turned that over to corporate or turned that over to them. Can you explain what you meant by that?

A Well, you know, the April 9th letter was authored and signed out at the corporate office. I did not know their basis at that juncture or have specific knowledge of their basis for what was included in the letter.

Q And so it was -- if I understand what you're telling me, it was corporate's responsibility to determine their basis for the April 9th letter.

A Yes.

Q And is that why there is no follow-up action item with respect to the April 19th PRB?

A I don't understand your question, Michael.

Q If you would look at Exhibit -- I believe it's B to your testimony and the third page, fourth page in, you'll see that there's a chart with a star by it on #5.

A PRB comment review sheet?

Q Yes. And this is a PRB comment review sheet and this particular one talking about, "should state the number of starts rather than several." As I understand it, you're talking about the number of starts contained in the April 19th LER and they wanted to take out the word several and use the actual number in there and you got that as an action item from the PRB. Correct?

A That's correct.

Q And when you get these type of action items, this PRB comment sheet is drafted up. Correct?

A That's correct.

Q And then there's a resolution on the right hand side. Do you see? It says "incorporated" and I guess that's Mr. Webb's initials next to that.

A That's correct.

Q Now if you would turn to Exhibit C and there is no accompanying action item. There's no PRB comment review sheet, correct, associated with the April 19th PRB meeting?

A That is correct.

CHAIRMAN BLOCH: I'm sorry. I did not understand the question. It may be every clear but -- There were action items in the previous meeting.

MR. MICHAEL KOHN: Right. I see what you're

saying, Your Honor.

CHAIRMAN BLOCH: I don't, so --

BY MR. MICHAEL KOHN:

Q In fact, you did get an action item in the April 19th PRB, didn't you, originally?

MR. BLAKE: Could we refer to it as 9059 and 9060? Those are the two PRBs.

BY MR. MICHAEL KOHN:

Q Yes, that's fine. 9060. You did get an action item in 9060, didn't you?

A There's -- I don't see any objective evidence of that from the PRB meeting minutes and I don't have any specific recollection of it.

Q I think I can help you with that very shortly.

A I think there is a section on the April 19th where I said my people are verifying the greater than 20.

Q If you would look at tape transcript # --

BOARD EXAMINATION

CHAIRMAN BLOCH: Just to clarify what was just said, where in the minutes does it say what you just said? My people are verifying the greater than 20?

THE WITNESS: I think that's in one of the tape transcripts that I said that my people were verifying the greater than 20.

CHAIRMAN BLOCH: Okay. It's not on the --

THE WITNESS: It's not in the PRB meeting minutes.

CHAIRMAN BLOCH: -- PRB meeting minutes.

BY MR. MICHAEL KOHN:

Q Now, what I want you to look at is Georgia Power Company Exhibit 1 which is the April -- or tape 57, page 15.

A Is that up here?

Q And if you would look at the top of page 15, this portion of the conversation has been identified to me by Mr. Mosbaugh as the 90-60 PRB meeting and this is what is happening during that PRB meeting. Mr. Mosbaugh walks in late to the PRB meeting and he specifically asks, "Did you correct the diesel starts? I have given John a comment on the diesel starts." Do you see that?

A Yes, I do.

Q Okay. And then you say, "We have. There's a comment in the PRB meetings to either verify the sentence, reword the sentence or delete the sentence. That's what we're actually doing." See that?

A Yes, I do.

Q And then if you look on page 16, Mr. Kitchens on line 3 is discussing the numbers. Correct? And he says on line 5, "But John picked that as an action item. He's going to verify if that's wrong or not." Do you see

that?

A Yes, I do.

Q And does that refresh your recollection that you did pick up an action item during the 90-60 PRB meeting?

A I don't have any specific recollection of an action item. I do remember in the April 19th PRB meeting minutes and all day on April 19th we were trying to verify that the greater than 20 starts had occurred. The transcripts indicate that it was assigned as an action item. I don't know if that was my statement, original statement was a carryover from the previous meeting or not.

Q Well, Mr. Kitchens is the chair of the PRB, isn't he?

A Yes, he is.

Q Okay. So my understanding of this transcript is that Mr. Mosbaugh was detained and could not get to the PRB. He shows up at the PRB and asks a question about prior discussions that have happened with respect to the diesel starts and Mr. Kitchens told him that you picked that up as an action item. Now, do you recollect that occurring?

A Just what's in the transcript, Michael.

Q Do you believe I accurately stated what's in

the transcript?

A Yes.

Q And on page 15, line 3, you said "There's a comment in the PRB minutes to either verify the sentence, reword the sentence or delete the sentence. That's what we're actually doing." Do you see that?

A Yes.

Q But there are no comments with respect to the 90-60 PRB minutes, are there?

A No, there are not.

Q Now, getting back to my original question --

CHAIRMAN BLOCH: Is it stipulated that this conversation refers to the 90-60 PRB meeting?

MR. BLAKE: That's the big argument.

CHAIRMAN BLOCH: How do we know that, Mr. Kohn?

MR. MICHAEL KOHN: Your Honor, just for the tape, Mr. Mosbaugh says, "I'm going to the PRB" -- I don't have the cite in front of me, but he says, "I'm late for the PRB. I'm heading there right now" and then -- actually, they go on and vote right in the --

CHAIRMAN BLOCH: The question wasn't whether he went to the PRB meeting. It's which meeting?

MR. MICHAEL KOHN: There was only one PRB meeting on the 19th.

ADMINISTRATIVE JUDGE MURPHY: How do we know it's the 19th?

MR. MICHAEL KOHN: Because the tape was made on the 19th.

MS. YOUNG: The NRC can stipulate that this is an April 19th tape.

MR. BLAKE: We've all stipulated that, I think.

BY MR. MICHAEL KOHN:

Q So back to my original question where you said you were turning that over to them, referring to the April 9th material false statement. It's my understanding that the April 19th numbers were derived from the April 9th letter. Correct?

A That's originally how they were derived.

Q And, in fact, the statement that you picked up apparently as an action item on the April 19th PRB meeting was those numbers were also derived from the April 9th corrective action letter. Correct?

A Could you repeat the question?

Q Yes. The numbers in the draft of the April 19th LER that was being reviewed in the April 19th PRB, the number of starts were derived from the April 9th corrective action letter. Correct?

A The draft LER, that's correct.

Q That was the factual basis for the numbers and they were increased by counting additional starts after April 9th. Correct?

A In the draft LER that was correct.

Q And so when you turned the April 9th letter over as an action item to corporate, you were turning over to them to verify what was occurring with respect to the accuracy of the information contained in the April 9th letter, weren't you? That was their responsibility.

A Could you repeat the question again.

Q When you turned over the April 9th corrective action response, the material false statement you believed may be included in the April 9th letter, turned that over to corporate, it was their responsibility to verify whether that was correct or not, wasn't it?

A Yes. That's correct.

Q So then it to me would make logical sense that at the end of April 19th when corporate tells you that they're going with the April 9th numbers, that you had no independent knowledge of how they went ahead and verified the April 9th letter, did you?

A I don't know how they verified the April 9th letter, but your question said that they were going with the numbers in the April 9th letter. That's not my recollection of what happened when the LER went out.

BOARD EXAMINATION

CHAIRMAN BLOCH: What did they say? What's your recollection of that?

THE WITNESS: Well, the -- my recollection of the signing out of the LER and getting agreement on what we should do was, a lot of it centers around phone calls on April 19th and I recall being on the phone most of that day, but what I understood that we had, the LER when it went out, that was the site telling the corporate that the LER is correct and the basis for that was George Bockhold discussions with me saying that the 18 starts, 18 - 19 starts were after completion of the comprehensive test program.

CHAIRMAN BLOCH: Were what?

THE WITNESS: After completion of the comprehensive test program. George Bockhold made that statement.

CHAIRMAN BLOCH: You had earlier found that there wre two failures in the middle of the strand? How could bringing in comprehensive test program make it be a larger number? Even before you thought of comprehensive test program, you thought it was a smaller number, about 11. How could adding in the fact that the starts were after the comprehensive test program have made the number larger?

THE WITNESS: Can I go through the whole sequence?

CHAIRMAN BLOCH: Yes. Whatever you need to say.

THE WITNESS: You know, we felt that the LER was correct because George Bockhold had stated that there was 18 starts after the comprehensive test program. In addition, I have recollection that we had data from Tom Webb who we'd sent out to go again review the operator's logs that indicated that there were in the neighborhood of 27 and I think in that time frame I thought it was 38 -- I've since been refreshed that it's 32 starts on the diesel since the May 20th event. So --

CHAIRMAN BLOCH: March 20th?

THE WITNESS: Or March 20th event. I'm sorry. So what I knew is we had many more than 18 starts on both of the diesels at that period of time and I was comfortable that with what George had said, I didn't know George's basis for everything that he said but George was very definitive that it was more than -- that there were 18 consecutive starts after completion of the comprehensive test program. I had data that said it was 27 and 32, so I was comfortable in the LER that there were at least 18, so that's what I told corporate.

CHAIRMAN BLOCH: Mr. Kohn, you can continue

with this. Are you going to continue with this subject, I hope?

MR. MICHAEL KOHN: I was going to pick it up later on, so if the Board has more questions, please --

CHAIRMAN BLOCH: Are you going to go back to this later on?

MR. MICHAEL KOHN: Yes.

CHAIRMAN BLOCH: All right. Your order is okay.

BOARD EXAMINATION

CHAIRMAN BLOCH: Do we have Mr. Webb's list that shows 27 or 30 starts? Have you ever seen that, Mr. Aufdenkampe?

THE WITNESS: I'm pretty sure I have.

CHAIRMAN BLOCH: And do we have a copy of it for our record somewhere?

MR. MICHAEL KOHN: No, and Intervenor has never been provided a copy.

MR. BLAKE: The Intervenor does not have a copy? Is that the Intervenor's position? That's a fair question.

CHAIRMAN BLOCH: That's what he said.

MR. MICHAEL KOHN: Yes.

MR. BLAKE: The Intervenor does not. Mr. Mosbaugh does not have a copy of the Webb list. This is

not a small item and it's a serious question. And the answer is? I need to approach the bench on this topic.

CHAIRMAN BLOCH: Intervenor asserted that they do not have the Webb list. If that's not correct, they should correct me.

MR. BLAKE: I need to --

MR. MICHAEL KOHN: We've discussed this and we've asked [illegible] Power for the list. They know we do not have the list. There's no --

MR. BLAKE: We've stepped into a very delicate area, Judge Bloch, which have been the subject of in-camera filings with the Board.

CHAIRMAN BLOCH: Can you take this up on Mr. Mosbaugh's testimony? I take it your assertion is that he has it. Is that right?

MR. BLAKE: Yes. I believe he has it.

CHAIRMAN BLOCH: So then you should take it up as a matter of cross with him.

MR. BLAKE: I will.

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, let's flush out the Webb list a little further since it's sparked some discussion. Can you tell me when you first saw the Webb list?

A My recollection is it was some time late on the afternoon of the 19th.

Q And, in fact, you have -- after the LER was signed out. Correct?

A Oh, no.

Q Now, do you have an independent recollection of this?

A Yes.

Q Okay. And when did you develop your independent recollection?

CHAIRMAN BLOCH: You mean when did he recall it?

MR. MICHAEL KOHN: I think develop is an adequate adjective.

MR. BLAKE: Or verb.

THE WITNESS: I have always had recollection of that.

BY MR. MICHAEL KOHN:

Q Always had recollection of that?

A Yes. I think if you review my OI testimony, there are some comments in there to that effect, too, that there was a list that I recall.

BOARD EXAMINATION

CHAIRMAN BLOCH: Have you ever attempted to reconstruct the list that would have that many starts based on the operating log?

THE WITNESS: No, I have not personally tried

to reconstruct a list like that.

MR. MICHAEL KOHN: Bear with me for a second, Your Honor. I'm just trying to find my portion of the notes related to this questioning.

BY MR. MICHAEL KOHN:

Q If you would look at page 95 of your OI interview. There should be a copy in front of you.

CHAIRMAN BLOCH: And for our benefit, the exhibit number is?

MR. MICHAEL KOHN: OI Exhibit 38.

CHAIRMAN BLOCH: Page number?

MR. MICHAEL KOHN: Ninety five.

BY MR. MICHAEL KOHN:

Q And if you would look at lines 2 through 10 and particularly on line 10, 8 and 10, you say "I can't recall one." You say that twice, on line 8 and line 10, and you are in fact referring to the Webb or Odom list. Correct?

A That's correct.

Q So when you testified before OI, you had no independent recollection of receiving such a list from them, did you?

A My recollection when I testified before OI was that I remembered that there was a list. I was not -- and that we had Tom Webb out verifying the number of starts.

I could not recall specifically the list that Tom Webb had at the time and nobody had been able to reproduce that list, bring that list forward, and that was -- I recall, and I haven't looked at all the portions of the transcript, but that's what I recall is we were talking about here that I could not recall the specific list at that time, just that I was aware there was a list.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, the question was, we never got a verification that you can recall, so the question was about whether you ever got a verification and the answer you gave is "I can't recall one." What did you mean by "I can't recall one?"

THE WITNESS: This is talking about the statement where we say a material false statement and again, Your Honor, I haven't gone through all the sections of the testimony but it sounds like the question we're going on here was the material false statement that I made to Jack Stringfellow. Did I ever get any verification that -- well, let me look through this before I respond.

CHAIRMAN BLOCH: Take your time. Look at the portions before it and after it and just reflect on what it means. If you have an explanation, we really want to hear it.

THE WITNESS: Okay.

(Whereupon, the witness examined the document.)

ANNOUNCEMENT: May I have your attention please. May I have your attention please. Good morning. Due to the inclement weather, today's -- concert will be held in the -- White Auditorium. The concert featuring the -- Band, Bob Devlin, will begin promptly at 10:00. Seating in the auditorium is limited and will be available on a first come basis. Thank you.

CHAIRMAN BLOCH: I think we should transmit that portion of the record to the building management.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, do you remember what you were about to say?

THE WITNESS: I did have recollection of some list in the time frame that I had my OI interview. Again, I have problems with what time frame it exactly occurred in. I did recall, and as reflected in the transcript here, I did recall having Tom Webb going out there and verifying the information. In fact, my recollection was that Tom Webb was going out and Herb Beacher was going out to assist him in that endeavor. And I remember having a list of some sorts that -- and again, the time frame is not exactly certain but when you read through the tapes, you can see I'm referring to data in the tapes. I'm

pretty -- I'm, you know, almost positive that the data that I'm referring to is the Tom Webb list.

CHAIRMAN BLOCH: Okay. Now at the time, it looks like -- do you agree that at the time of the OI testimony you had no recollection of that list having been received before the LER went out?

THE WITNESS: That's what appears from this portion of the testimony, but I do remember discussions and whether that was with OI, and I think there are but I do remember discussions talking in that time frame about the Webb list.

CHAIRMAN BLOCH: Even if you had received the Webb list, why would you have decided that it was more accurate than the Mosbaugh list?

THE WITNESS: We hadn't had the Mosbaugh list.

MR. BLAKE: Excuse me. What Mosbaugh list, Judge Bloch?

CHAIRMAN BLOCH: He'd done a count and he said there was 11.

THE WITNESS: This was after the LER went out.

MR. BLAKE: I want to return to that just for a moment because I didn't jump in but I didn't understand what your reference was to 11 and I didn't understand why you said in the middle characterizing this witness's testimony. I just don't know where it came from. You

asked me to correct you and here is one.

CHAIRMAN BLOCH: I obviously am wrong about it.

MR. BLAKE: I jump in only because I don't want it to color what your appreciation is of this witness's testimony.

CHAIRMAN BLOCH: I understand that and I want you to correct if I've made a mistake, so I appreciate your having done it. Continue.

BY MR. MICHAEL KOHN:

Q To further refresh your recollection, would you look at page 53 of the OI transcript, line 15. You say, "No, I don't recall them coming back." See that?

A Page what?

Q Fifty three, line 15.

A Line 15.

Q Yes.

A Again, I'm going to have to look at what context this is in.

Q And also look at page 55, lines 19 and 20, as well as page 56, lines 18 and 19. Does that refresh your recollection?

A I'm reviewing this.

Q Excuse me.

(Whereupon, the witness examined the

document.)

THE WITNESS: Okay. The question?

BY MR. MICHAEL KOHN:

Q Does that help refresh your recollection that on numerous times you told OI on June 16, 1993 that you had no recollection of anyone coming back with a list?

A Well, I think what I told them was I didn't have any specific recollection of them coming back in that time frame with the list.

Q Okay. Now, on page 95, line 12 you say, "If I thought there was material false statement in it" -- it's actually lines 11 and 12, "I would not let the LER go out if I thought there was a material false statement in it." Do you see that?

A Yes.

Q If you had a list in front of you that specifically -- from Mr. Webb or somebody else -- that specifically showed that the April 19th LER contained a material false statement, would you have let it out?

A No.

Q Well then, how could you have had the list?

A Because the list didn't show that it was a material false statement.

Q Oh, it was -- so then, you received data from those individuals that was inconclusive which you can base

a determination whether there was or was not a material false statement.

A I think the tapes reflect, Michael, and my recollection is that George Bockhold had told us that the 18 and 19 were after the comprehensive test program. I had data --

Q I'm just referring to the list. I mean correct me if I'm wrong. It's my understanding that no matter how you count, you don't come up with the right numbers. Is that correct?

A On April 19th?

Q Yes.

A I don't think I --

BOARD EXAMINATION

CHAIRMAN BLOCH: He's assuming that the Webb list might have been correct. He's saying, are you aware that from the logs you can't get numbers --

THE WITNESS: I can still get 18 consecutive starts, even today.

CHAIRMAN BLOCH: You can? From the plant logs?

THE WITNESS: Well, not from the plant logs but if you look at like Intervenor's Demonstrative 8 going back from the 19th, you can get 18 on both diesels.

CHAIRMAN BLOCH: Depending on how you define

it.

THE WITNESS: Yes, that's the key is how you define the completion of the comprehensive test program.

CHAIRMAN BLOCH: But isn't there --

ADMINISTRATIVE JUDGE CARPENTER: Can you point this Board to the definition of that program?

THE WITNESS: No, I can not.

ADMINISTRATIVE JUDGE CARPENTER: Thank you. Therefore, I do not see how you can testify that you personally can look at that and say that you see 18 - 19 starts if in some way you don't have in your mind a definition of those words, comprehensive test program. Help me. I'm being assertive, but help me.

THE WITNESS: That's okay. You know, my recollection of my mind set in this time is -- and I think it's covered in my pre-filed testimony -- is I was worried about the diesel reliability. The diesel reliability to me was how many consecutive starts did you get. That was the indicator of reliability. And I wanted to ensure that we had a large number of consecutive starts and I wanted to make sure that if we put 18 in there that we had more than 18 consecutive starts, and that's what we had. I did not focus -- and maybe I should have -- on the exact definition of the comprehensive test program, but I was comfortable that we had 18 consecutive starts on both

diesels at the time we signed out the LER.

BY MR. MICHAEL KOHN:

Q Now, could you tell me what --

A Does that answer your question?

BOARD EXAMINATION

ADMINISTRATIVE JUDGE CARPENTER: Yes. I don't mean to be tedious about this. We had the courtesy extended to us of visiting Vogtle last week and from when I was looking at the diesel and so on, I looked at the coast down time, you could start the diesel every 10 minutes and have a lot of starts in a day or two. I think it's more, something more than just numbers of starts. The tech spec requirement for demonstration of operability doesn't tell me that I know of how many starts I need to declare it operable.

THE WITNESS: No, it doesn't.

ADMINISTRATIVE JUDGE CARPENTER: So I'm curious about your frame of reference.

THE WITNESS: You know, Reg. Guide 1.108 requires that to bring the diesel into service, I think the number -- and I don't have 1.108 -- says 69 starts on the diesels to show that they're able to perform their -- be able to bring into service for a nuclear. That's part of the pre-operational testing requirement is that you have 69 consecutive starts. That's to demonstrate the

reliability. It's the same thing with the 18 starts. We needed to have the surveillance test. That was a given. And so an additional measure of reliability is how many times you wre able to start it and yes, you can start it 18 times in 20 minutes if you want to, but that's still going to give you some assurance that subsequent to or when it's demanded to start again it will.

ADMINISTRATIVE JUDGE CARPENTER: Well, let me tell you, my problem is that finally in this August letter of Mr. Hairston's there's a table that I can look at that tells me what was done with the diesel. For what purpose? There was a trouble shooting program. You can see it very clearly. Some very thoughtful people were working hard to find out what was wrong with the diesel. I wouldn't summarize that as 18 starts, you know. It was a substantial trouble shooting program that gets disguised by that and that's what I've been sitting here literally month after month after month being frustrated about, that we can't get on the record what it is that wasn't said at that April 9th meeting that would have been a good communication to NRC vis à vis what was said in the form of this less than professional graphic aid that had those two numbers on it.

You see the conflict? The Board's been talking about dichotomies and I'm just going to put the

dichotomy on the table right now. I see a lot of hard work by people working very seriously and in some ways has gotten pushed to one side and we're off talking about lists of starts and just that simple number I don't think would lead you to have much feel for the operability of the diesel, whether I told you it was 18 or 27 or what. I don't know the Reg. Guide, etcetera, but I know in this case you were doing something more than that. You were saying this could be wrong with the diesel and somebody went and tried it. It was a trouble shooting. It's a lot more than just starts. I beg off because I'm not familiar with the Reg. Guide you just referred to.

I want the licensee and intervenor to be aware that the Board is suffering and struggling with this dichotomy. I'll stop my speech, but that's where we are.

CHAIRMAN BLOCH: Judge Carpenter has mentioned -- I'd just like to see if I can clarify what we're struggling with. I think it helps sometimes in a process like this to hear what the Board is struggling with because after all, we want to reach the right result at the end. One thing we're struggling with is that sometimes things seem to be done very professionally by Georgia Power officials. They seem to have a competence to address technical issues in great detail. And at other times the communications seem to be very

simplistic and to be troubling because, even though they're simplistic, if you examine them very carefully, they don't make a lot of sense. They don't really seem to stand for what was being addressed by the communication. So we're puzzled about that.

One thing that's been puzzling me as well is the extent to which some of these problems might be caused because the company is reluctant to fix responsibility on individual people. I can see a reason to not want to fix responsibility on people too frequently in an organization but I also can see why in a nuclear plant at times you have to say, those people messed up in how they maintain something or those people messed on how they got the data together and I think there's some tension here on wanting not to blame people and not getting to the bottom of what's going on.

So that's just thoughts we're having. These are not the conclusion of the Board, but I think it's fair to expose the thought process to the parties so that it can be addressed as we proceed.

ADMINISTRATIVE JUDGE CARPENTER: I will be reckless now and provide to the Intervenor my perception. The contention which quite frankly was rewritten by me is big enough to drive a truck through but if you tried to paint the whole organization black with a quarter inch

brush, I'm going to have Alzheimer's disease before I get a chance to write the decision. We've got to get focused in some way. We let in a very broad, very poorly specified contention expecting, as we worked together, to get sharply focused on what it was you hoped to prove. I'm still frustrated that the Board's not managing that very well, so for lack of any other device, I'm speaking out.

CHAIRMAN BLOCH: Let's continue. Do you have any comment son what we've said, Mr. Aufdenkampe? It's only fair since it happened while you were on the stand.

THE WITNESS: I think it's important that the Board understand that we're talking about a lot of issues here. We're talking about the April 9th letter. We're talking about the April 19th LER. I'm sure we're going to get into some of the other issues. But in this particular time frame, my mind set was that I would generate an LER to go to AEOD for them to do the reviews that they had to do. Yes, the LER, we wanted to have it be perfect in every aspect. We have a verification process that we went through for the most part on this.

With respect to the number of starts, we had a statement from George -- from my perspective, I had a statement from George Bockhold on the number of starts.

ADMINISTRATIVE JUDGE CARPENTER: Let me

interrupt you right there. Did you ever independently confirm Mr. Bockhold's statement?

THE WITNESS: No, I did not.

ADMINISTRATIVE JUDGE CARPENTER: Thank you. Should you have?

THE WITNESS: In retrospect, yes, sir.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

THE WITNESS: And, you know, I felt when the LER went out that the LER was in fact correct. You know, with respect to Mr. Bockhold's statement, we could have just as easily modified that whole sentence in the LER and have it meet all the LER 5073 reporting requirements and I wouldn't be here right now. So, you know, the purpose was not trying to hide anything from anybody but to tell as much as we knew. The verification process was not up to the standards that I would expect of myself. I'm sure they weren't up to the standards of what the company would expect of me.

CHAIRMAN BLOCH: Mr. Kohn.

BY MR. MICHAEL KOHN:

Q Thank you.

Turning back to this recollection that you're having about the Webb list. Can you tell me what you understand what data it contained, what it looked like.

A Yes.

Q Okay. Please do.

A The Webb list -- this is a little difficult again to the Board. I had a recollection of some list that nobody was able to produce and for Georgia Power lawyers, I may be getting into some areas that they would prefer to defer. I don't know what --

BOARD EXAMINATION

CHAIRMAN BLOCH: You're being asked the question, so it doesn't matter.

THE WITNESS: Okay. But just recently, and I think it came from OI --

CHAIRMAN BLOCH: But the question you were asked is what's your recollection of what's on the list. Just answer the question.

THE WITNESS: It's a handwritten list. I've seen it recently which refreshed my recollection of seeing it is why.

CHAIRMAN BLOCH: Okay.

ADMINISTRATIVE JUDGE CARPENTER: Where did you see it?

THE WITNESS: It was sent to me by the company attorneys.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

BY MR. MICHAEL KOHN:

Q And did you review that list prior to

testifying today?

A Yes, I did.

MR. MICHAEL KOHN: Your Honor, under Rule 613, a party is allowed to look at a document the witness has reviewed prior to testifying. I request that the document be produced.

MR. BLAKE: I think we're there.

MR. MICHAEL KOHN: Rule 612, to be precise.

MR. BLAKE: I think we're there, Judge Bloch. As the Board's well aware, this was an item that the licensee got out of the OI documents and wanted to depose Mr. Mosbaugh on and you didn't allow us to do that but said we could use it in cross. I told the Intervenor that there were just two documents. There's another document as well but there were two documents that I was not disclosing to them at the beginning of this week that still have to be used in cross.

CHAIRMAN BLOCH: Because I understand what this document is, I would be willing at this point to interrupt this examination and call Mr. Mosbaugh for the sole purpose of questions on this list. Would that work for you?

MR. BLAKE: No. No, simply because I'm not ready. This is a very important area for me to cross examine very carefully.

ADMINISTRATIVE JUDGE CARPENTER: How long will it take you to get ready?

MR. BLAKE: I would be ready by next week but not without carefully preparing over this week end, which had been my intention.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

MR. MICHAEL KOHN: Your Honor, I'm going to object strenuously for the following reasons. The document they're claiming was produced in discovery. It was produced to Intervenor. It's a document.

MR. BLAKE: I'm prepared to answer all of this.

MR. MICHAEL KOHN: I'm asking to find out what document this witness looked at. This witness has knowledge. They produced this witness to provide testimony concerning the Webb list and now I'm being denied my fair opportunity to cross examine him. They'll have their opportunity to cross examine Mr. Mosbaugh, but we're looking at Intervenor's right to cross examine this witness who previously testified there was no Webb list and how he has independent recollection of it and to get to the truth, Intervenor needs the latitude to cross examine this witness fully.

MR. BLAKE: I'd make one suggestion which might resolve this. I don't know. It's unclear to me

that we're going to finish Mr. Aufdenkampe today. We have an agreement between all the parties that tomorrow we're going to go with the two witnesses that are not Georgia Power employees. That's Kendall and Hunt. If we don't finish Mr. Aufdenkampe this week, then he comes back in Augusta next week and I would be prepared to do this portion of Mr. Mosbaugh's cross examination at the beginning of next week and before Mr. Aufdenkampe returned so I would just ask that whether or not this one select portion of Mr. Aufdenkampe's cross examination might be deferred. If we're going to finish Mr. Aufdenkampe today, then we'll need to come back and resolve this one way or another. I'm proposing something that might resolve it without losing hearing time.

CHAIRMAN BLOCH: Do we need a conference because I know what's going on here.

We'll take a brief break outside the room.

(Off the record for a five minute break at 11:28 a.m.)

CHAIRMAN BLOCH: Let's go back on the record.

MS. YOUNG: Judge Bloch, can I say two things which I apologize for. One is, I don't know whether the Board actually looked at the rule.

CHAIRMAN BLOCH: We didn't bother because we know the basis for our ruling is not based on the rule.

MR. BLAKE: And the second thing is that I should have alerted the Board is that when OI documents became available, we asked what documents Intervenor had received copies of, and we received a duplicate set. And within that set, was the Web list. That's how we know that they have it.

CHAIRMAN BLOCH: Okay. So I'd like to state that the purpose of this proceeding is to find the truth, and the truth is often elusive. For the most part, everything is being done open and above board and disclosed. But in this particular instance, Georgia Power has shared a reason that they want to retain an element of surprise, and we want to protect them in that.

If I recall correctly, there was one instance in the past where that was true for the Intervenor and we protected the Intervenor's right to have some surprise. We're going to protect that in this case, which means that we're looking into being able to start at 9:00 on Monday instead of at 1:00. And we would start at 9:00 with Mr. Mosbaugh, and then recall Mr. Aufdenkampe if it's necessary at that time.

We don't think that we should make this depend on whether or not we finish with Mr. Aufdenkampe today.

MR. MICHAEL KOHN: Your Honor, we're changing the time of the hearing for Monday? It's a great hardship

on Intervenor.

CHAIRMAN BLOCH: Okay, there's no way that you can -- what would be the earliest time that would not be a hardship instead of 1:00?

MR. MICHAEL KOHN: There is -- the time we have just to get there on Monday at 1:00 is difficult enough for us, to be perfectly frank, Your Honor. There is no more convenient time.

CHAIRMAN BLOCH: Is there a way to inquire into whether you can get the kind of flights we've got to go down on Sunday night?

MR. MICHAEL KOHN: No, Your Honor, there's a lot of juggling that has to occur. And we're probably driving down, which is a long -- takes a lot of time. And we want to leave our office as late as possible, because we've got to do our preparation in Washington. So it's --

ADMINISTRATIVE JUDGE CARPENTER: You're going to drive down on Monday morning?

MR. MICHAEL KOHN: No, probably on Sunday. And then --

ADMINISTRATIVE JUDGE CARPENTER: I'm not following your argument.

MR. MICHAEL KOHN: There is a lot that has to occur, and starting on the afternoon allows us to get down there, set up -- we have to basically establish a new

office when we're down there. And it's a time consuming process, and if you throw it together quickly, we'll be disorganized for the rest of the proceeding.

And it will -- the time we're looking for is for organization. And there's -- also, I have family commitments, religious requirements, with respect to my child that's happening on this -- the weekend. And you know, so I can't even -- those things are in flux, and I don't necessarily want to bring that into it, but -- there's time constraints on me with respect to a bris for my child.

ADMINISTRATIVE JUDGE CARPENTER: Mr. Blake, let me make sure I understand. If we finish this witness today, and you want Hunt and Kendall tomorrow, my list says you've still got Horton, Greene and Majors to go. Is that correct -- before we start on Mosbaugh?

MR. BLAKE: Yes, and in addition, three other witnesses before we start on Mosbaugh as a normal matter. We'd have to be taking them out of order.

CHAIRMAN BLOCH: Taking into account the difficulties for Intervenor, we'll start at 11:00 a.m. on Monday. Let's continue with the witness.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, can you tell me what this Web

list looked like?

A It's a handwritten list containing start times for the diesels 1-A and 1-B.

Q And when is the first time you saw this list?

A I don't remember the specific date, but it was probably four weeks ago -- four to six weeks ago. Other than, of course, the --

CHAIRMAN BLOCH: I think it's possible that since we're going to be doing this subject in Georgia, that it would make more sense to keep it all together -- get it all together on the record. Is it important? If you could pursue things that have to do with his memory.

MR. MICHAEL KOHN: This is independent knowledge of what this list is.

CHAIRMAN BLOCH: Okay, Mr. Blake, do you object if it's going to destroy the surprise?

MR. BLAKE: No, I don't. I've probably already destroyed the surprise.

BY MR. MICHAEL KOHN:

Q Can you tell me the time span of the list?

A It starts from -- my recollection is March 20th and goes through April 19th.

Q For the A diesel or B diesel or both?

A It covers both. I think the B was in maintenance during the initial part of that.

Q And are there comments?

A There are some comments.

Q Are the trips identified?

A The trips are identified.

Q Is the CTP, the starting point, identified?

A No, it is not.

Q Okay. Now, --

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, how confident are you that this is actually the Web list that you saw?

THE WITNESS: Well, I know it's definitely a list generated by Tom Web. I'm about 99% confident it's the -- that I saw the list on April 19th. I've seen the list before. I'm confident. It's narrowing down the date that I saw it on is the little fuzzy area.

CHAIRMAN BLOCH: So it's possible that you saw it after the LER went in, or before? You're not certain of exactly the timing?

THE WITNESS: I'm not exactly certain, but I'm almost -- 99 or 100% confident that I saw it the day the LER went out. That's a long time ago, Your Honor.

CROSS EXAMINATION (continued)

BY MR. MICHAEL KOHN:

Q All right, and can you tell me, is this is a

handwritten list?

A Yes, it is.

Q And was it Mr. Web's handwriting?

A Yes, it was.

Q And that --

CHAIRMAN BLOCH: Let's -- my concern is that we're not playing 20 questions in an effort to try to find a document that's not being given to you. This really seems like a strange use of time for the hearing. But on the other hand, I have no objections from Licensee, so we're just going to continue with it.

But it seems like we're wasting a lot of time because the document isn't being shown. If it really is going to be used as a useful surprise, we can continue. But I'm not sure that we've got that element left. So, why don't we continue.

MR. BLAKE: And I don't think we're required -- that was my point earlier on the rule. We're not required -- this is in the Board's discretion. What Mr. Kohn didn't read you from the rule, but it's -- with regard to whether or not while testifying or before testifying a document, is used to assist a witness in refreshing his memory.

If it's before, it's in the court's discretion to determine if it's necessary, then it can require --

CHAIRMAN BLOCH: Well, in terms of the time we're wasting, I consider it necessary. The only reason I'm not doing it is because of the preservation of the surprise element. And so, let's continue.

BY MR. MICHAEL KOHN:

Q Other than this -- back to my plan, where I started off, we're pretty early on -- still on background. What other documents did you review prior to testifying other than the testimony that you sponsored today, thus you've been discussing about? Tell me what other documents you looked at?

A I reviewed obviously the things that are contained as attachments to my pre-filed testimony. I reviewed tape 57 and 58. I reviewed everybody's pre-filed testimony. I reviewed my deposition by you on -- I think it was June 14th. I glanced at, very cursory, the OI interview that you've referred to already. I reviewed the confirmation of action letter.

I reviewed the LER. I reviewed drafts of the LER. I think that covers the majority of them. I might have omitted one or two documents.

Q And, can you tell me if your affidavit makes reference to this Web list?

A Affidavit?

Q Prepared affidavit at some point?

CHAIRMAN BLOCH: You might want to show him what you're referring to. I don't know what his affidavit --

MR. MICHAEL KOHN: Well, I haven't seen the affidavit, Your Honor.

MR. BLAKE: That's the subject of prior rulings by the Board on whether or not we were required to provide affidavits for a couple of people. We were obligated to provide the dates of those affidavits which we did. This was back in like September of '93.

CHAIRMAN BLOCH: Could you refresh my memory as to why these affidavits were taken? Why are you going into this affidavit?

MR. BLAKE: Because he still wants them.

CHAIRMAN BLOCH: What's the relevance here of the affidavit?

MR. MICHAEL KOHN: Well, let me just maybe ask a few more background questions, Your Honor.

BY MR. MICHAEL KOHN:

Q Did you review your affidavit?

A No, I did not.

Q When was the last time you reviewed it?

A I don't have a specific date. I may have reviewed it in -- this is pure speculation. I may have reviewed it before my OI testimony.

Q So did you review it in preparation for your OI testimony?

A I don't have any specific recollection.

Q And is it -- to the best of your recollection, your affidavit indicates that you recall -- let me rephrase it. You recall telling Mr. Mosbaugh that your affidavit contains information indicating that Mr. Hairston was a participant portion of the April 19, 1990 conference call?

A I don't recall that specific statement. I do recall at one point in time I talked to Allen and told him that people had been requested to provide affidavits of the events surrounding the March 20th event, April 9th LER and -- or April 9th corrective action letter response and the LER.

And I told him that my understanding that I was the only one that recalled Mr. Hairston being on the phone call.

Q And did you tell Mr. Mosbaugh that the lawyers had told you that no one else recalled Mr. Hairston being on the afternoon phone call?

A I don't recall telling Allen that.

Q What is the basis of your understanding that nobody recalled him on the afternoon phone call?

MR. BLAKE: I have an objection. We're in a

fairly sensitive area here, and to the extent that question is going to inquire into communications between counsel and Mr. Aufdenkampe, then I will object. If it's not, if he has some other basis and he's asking simply about conversations -- prior conversations between Mr. Aufdenkampe and Mr. Mosbaugh, I have none.

I couldn't tell from the objection what his -- what he was inquiring into, but I make the objection at this point so that Mr. Kohn will know.

MR. MICHAEL KOHN: Your Honor, I'd like to have discussions outside the hearing of the witness on this.

CHAIRMAN BLOCH: Do we have a place that the witness could retire to?

MR. BLAKE: I think you all probably have the best spot that doesn't have a microphone.

MR. MICHAEL KOHN: Your Honor, we could have an off the record discussion.

CHAIRMAN BLOCH: I wouldn't want it unrecorded.

MR. MICHAEL KOHN: Okay.

MS. YOUNG: Judge Bloch, there are many rooms in the training center that are not always in use.

CHAIRMAN BLOCH: Well, we need someone to take him to a room, that's all. So that he -- don't bail out

on us. And then we have to know where we can find him afterwards.

(The witness leaves the hearing room.)

CHAIRMAN BLOCH: Mr. Kohn?

MR. MICHAEL KOHN: Yes, Your Honor. The Aufdenkampe affidavit was a subject of a Board order. And Georgia Power, to any extent that last question is objectionable, waived it because they provided all this information in pleadings to the Board back in August 1993. I'm particularly looking at Georgia Power Company's response, Intervenor's motion to compel production of affidavits on page 21.

They go over what Mr. Aufdenkampe's recollection was, what he told Allen, and things of that nature. So this is not a subject of attorney-client privilege. They've already disclosed this information, and they did not attach an affidavit of Mr. Aufdenkampe when they disclosed the information which has always troubled me.

I'm now asking Mr. Aufdenkampe is whether the information they disclosed here true, because if it is, the Board stated in their earlier discussions that we could get the affidavit produced and specifically require Georgia Power to bring the affidavit to the deposition in case it's ordered to be produced.

I know it's happened some time ago and things, you know, don't stay in people's mind.

CHAIRMAN BLOCH: To the deposition or to the hearing?

MR. MICHAEL KOHN: To the hearing.

CHAIRMAN BLOCH: Okay. So Mr. Blake, what do you say?

MR. BLAKE: Well, I don't have the pleadings in front of me that Mr. Kohn is referring to, but if need be, I can go back and refresh my memory about them. But it sounds to me even like from what he said that what my objection had been still stands and he even concurs in it. I can't object. I don't have an objection to whatever Mr. Aufdenkampe remembers about what he told Mr. Mosbaugh.

My specific objection is to communications between counsel and Mr. Aufdenkampe. Now, if counsel now wants to use a prior Georgia Power pleading to ask Mr. Aufdenkampe on cross about whether or not he agrees with this or he doesn't agree on that, I guess we'll have to take it on a case by case basis and see whether I regard them as appropriate.

I start by pointing out this certainly wasn't an exhibit -- he hasn't listed this as an exhibit that he was intending to use on cross examination which he complained earlier today about our not coming up with.

CHAIRMAN BLOCH: You mean the affidavit? I see, the attachment.

MR. BLAKE: Yeah, the pleading which he claims to use now on cross to ask Mr. Aufdenkampe about. Goodness grief, that sounds to me like there was a plan.

MR. MICHAEL KOHN: Excuse me?

CHAIRMAN BLOCH: He said that you didn't disclose the Georgia Power filing to the Board as something that you were going to use for cross.

MR. MICHAEL KOHN: Well, it's not Mr. Aufdenkampe's -- this is a pleading in the record, Your Honor, and I think in my cross examination plan there is reference to this line of questioning.

MR. BLAKE: I don't have his cross examination plan.

CHAIRMAN BLOCH: He wasn't questioning your cross --

ADMINISTRATIVE JUDGE CARPENTER: Which number is it, please?

CHAIRMAN BLOCH: Do we need to go back and read our order? Is that now essential before we proceed?

MR. MICHAEL KOHN: If the Board thinks it is. I did look at the order last night, and my recollection is the big question came out --

CHAIRMAN BLOCH: Well, we're not going to take

your recollection of our order.

MR. MICHAEL KOHN: Okay. It would be number eight in the cross examination plan.

CHAIRMAN BLOCH: What's the date of the order?

MR. MICHAEL KOHN: I don't have the date of the order.

MS. YOUNG: It's appended to a GPC filing of recent, right?

MR. BLAKE: September 8, 1993.

CHAIRMAN BLOCH: And why do we --

MS. YOUNG: Isn't that appended to the motion regarding OI's investigation?

CHAIRMAN BLOCH: All right, now what is there specifically in contention right now in which this order has to be consulted? What is it that you want to do that you're being stopped from doing?

MR. MICHAEL KOHN: The Board said we would be allowed to question Mr. Aufdenkampe about the affidavit at the hearing, and that's what we are doing.

CHAIRMAN BLOCH: Well, you're being allowed to do that. No one has objected to that.

MR. MICHAEL KOHN: And the questions went to whether -- if Mr. Aufdenkampe felt hounded to get his affidavit, or what his interrelationships were with Georgia Power's lawyers that would seek to ultimately

waive the privilege. And the only way we can find that out is to ask him what his interactions were, which is what I'm doing.

CHAIRMAN BLOCH: All right, let's go forward with the line of questioning, and we'll be very careful about whether you are getting into questions of advice from counsel. Let's just proceed with that basis. Yeah, we'd like the witness back.

MS. YOUNG: Judge Bloch, I might suggest that you do take a look at the order just to clarify any ambiguities with respect to the Board's ruling. Because I think there were words in there --

CHAIRMAN BLOCH: Does somebody have a copy with them right now?

MR. MICHAEL KOHN: I was just handed one.

MS. YOUNG: That GPC could not protect the facts and Intervenor was entitled to develop those. But that's my recollection. I think you need to read it.

CHAIRMAN BLOCH: Take a few moments while I look it over.

(The witness returns to the hearing room.)

CHAIRMAN BLOCH: Okay, I underhand the ruling. I appreciate having been furnished with my own ruling, and the parties may take it back. Let's continue.

CROSS EXAMINATION (continued)

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, I think we had left off where you were discussing your conversations you had with Mr. Mosbaugh about your affidavit. Can you go over those with me as best you can recollect them today?

A Conversations that I had with Allen --

Q Concerning --

A -- in that time frame, in the 1991 time frame, I guess it was?

Q Yeah.

A I think I just recounted those previously. I remember talking to Allen and saying that I had been asked by the company lawyers to provide an affidavit of the events associated with March 20th and the April 9th letter and the signing out of the LER to recount my sequence of events.

And as near as I could tell, I may have been the only one that recalled George Hairston being on the telephone conversation on April 19th.

Q And do you recall telling Mr. Mosbaugh that the lawyers were asking everyone for affidavits?

A Yes.

Q And what was your understanding? What did you base that statement on to Mr. Mosbaugh?

A Speculation.

Q Well, can -- what speculation? What had you heard or seen?

CHAIRMAN BLOCH: The mike again. You're soft spoken which is fine, but we need that --

THE WITNESS: That's usually not the case. I'm usually --

ADMINISTRATIVE JUDGE CARPENTER: And my ears are going, so you need to talk into the microphone.

THE WITNESS: Well, I will endeavor to speak up if you just remind me. I guarantee you I can speak very loudly. You know, I guess speculation and just from my conversations with the Georgia Power attorneys of what I understood. I may have heard that somebody else had been asked for an affidavit at that time frame.

I don't have a specific recollection on why I knew that other people were being asked for affidavits other than that I felt I knew they were.

BY MR. MICHAEL KOHN:

Q Do you recall telling Mr. Mosbaugh that the lawyers had told you that you were the only one who remembered Mr. --

A Yeah, I think I said that previously, that I thought that -- oh, that the lawyers told me that? I don't think the lawyers told me that. But I mean --

Q Well, then what did you base your statement to

Mr. Mosbaugh that you were the only one who remembered Mr. Hairston on the phone call?

A My recollection is that at the time we were being asked for the affidavits, that I got the impression from talking to company lawyers that I was an "outlier" in remember Mr. Hairston being on the phone call.

Q And you got that information from Georgia Power's lawyers, that you were the "outlier?"

A I mean, I can't answer that, Michael. I don't remember exactly what the lawyers said, for one thing; and it may have been comments that the company lawyer had made that made me to conclude that. I don't remember what that specificity --

Q Okay. Now, if Mr. Mosbaugh has an unequivocally clear recollection that you told him that the lawyers told you you were 180 degrees out with the other people, would you have any reason to doubt Mr. Mosbaugh's recollection?

A I have no basis to refute any of Allen's recollections.

Q Now, do you -- did you discuss your affidavit -- or let me -- did you become aware that your wife had shown Mr. Mosbaugh a copy of your affidavit?

A I was aware that there was an allegation -- I guess allegation is the right term -- that my wife had

shown Allen a copy of the affidavit. And I think that was after some filings that you had made stating that.

Q Okay. And do you have any knowledge of what your wife did?

A Well, I talked to Sue and asked her if she had shown -- Sue's my wife -- asked her if she had shown the affidavit to Allen, and she said no, she had not.

Q Have you had any -- have you had any further conversations?

A Yeah, I asked her again, and she said the same thing.

Q Okay. Now when -- did you draft this affidavit yourself in your own words?

A No, the affidavit was originally drafted by a company lawyer and sent to me, and I made several revisions to it and returned it to them.

Q And did the original --

CHAIRMAN BLOCH: May I ask -- has this line been tried on deposition already?

MR. MICHAEL KOHN: No. Or, I take it back. It's in my June --

ADMINISTRATIVE JUDGE CARPENTER: I'm pretty sure I've read all this.

CHAIRMAN BLOCH: I mean, it seems to me if there's something new that you haven't tried, but it seems

like it's going down a dead end as far as I can tell. Do you really think you're going to be able to demonstrate what you need to to be able to get through the attorney-client privilege for that deposition? I don't see anything coming close to that.

MR. MICHAEL KOHN: If I can have a little more leeway, Your Honor.

CHAIRMAN BLOCH: Do you really have some new ideas about -- that you haven't tried before that are going to get to that? I mean, if you really think you've got a chance, go ahead and do it. But it doesn't sound to me like there's any chance that I can see happening here.

MR. MICHAEL KOHN: The original wording of the affidavit that was provided to you from the attorneys, did it state that Mr. Hairston was not on the afternoon phone call?

MR. BLAKE: I object.

CHAIRMAN BLOCH: There's no statement that an affidavit was provided to him by the attorneys.

MR. MICHAEL KOHN: I think he just testified to that, Your Honor.

CHAIRMAN BLOCH: Is it his own affidavit or someone else's?

MR. MICHAEL KOHN: Yeah, his affidavit. As I understand your testimony, you received a draft of your

affidavit from Troutman Sanders, correct?

THE WITNESS: That's correct.

BY MR. MICHAEL KOHN:

Q I'm asking you --

A Can I clarify something first?

Q Yes, sir.

A You know, the way the affidavit was developed is the lawyer came down and interviewed me and asked me questions and went back to the office and put together the statements that I had made and sent that to me and asked me to review it --

Q Okay.

A -- and comment on it.

MR. BLAKE: And I'm not objecting to that, but I'm going to object to the next one which was what's the context or what was one of the contents of even the drafts.

MR. MICHAEL KOHN: Can you tell me whether the initial draft you got indicated that Mr. Hairston was not on the call?

MR. BLAKE: Objection.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, do you recall whether or not when you gave the statement to the attorneys you stated that Mr. Hairston was not on the

call?

MR. BLAKE: And I object to that. Same reason.

MR. MICHAEL KOHN: Maybe if I might ask 0--

CHAIRMAN BLOCH: Mr. Aufdenkampe, do you recall whether there was a difference between what you told to your attorneys concerning whether or not -- wait a second -- concerning whether or not Mr. Hairston was on the call and what you received back in the draft deposition? Was there a difference between what you told him and what you got back?

MR. BLAKE: And I object to that, Your Honor, because it inquires into the content of communications between counsel and the client.

THE WITNESS: I might be able to clarify this, because I don't remember anything that was in the draft --

MR. BLAKE: Hold on just a moment, please. My only reason that I ask you to hold is because the privilege that we're talking about here, John, is a company privilege. And I'm asserting it on behalf of the company. We also have privileges between individuals. But it's not necessarily yours to waive. Normally it's the client's to waive, but in this case, it's not just you as the client.

MR. MICHAEL KOHN: Your Honor, -- well first

let me ask -- at the time --

CHAIRMAN BLOCH: Wait, wait, address me. Don't ask him anything. Is Mr. Blake correct, that even the question I've just asked which is about differences between what he said and what the lawyer said back to him, would be protected by the attorney-client privilege?

MR. MICHAEL KOHN: No, it's not. That would -

-

CHAIRMAN BLOCH: No, it could be, because --

MR. MICHAEL KOHN: The content would be. The fact that -- the facts you are listing does not elicit the actual facts that were transmitted. So that is not covered by the attorney-client privilege. The privilege would be the next follow up question, what was in it.

MR. BLAKE: No, no. It's a very content oriented question, and I think that's the reason that you asked. You'd like to know whether or not there was a difference between, and then whether -- well, okay, who had the bigger view of it. And I think it would be quite substantive potentially about the conversation.

CHAIRMAN BLOCH: I agree with Mr. Blake. You're going to have to establish that the privilege can be breached without reference to what's actually in the document.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, where were you employed at the time you signed the affidavit?

A I was employed for Georgia Power as a manager in training going through licensing school.

Q What's the date you signed the affidavit?

A I don't recall specifically.

MR. MICHAEL KOHN: Your Honor, Intervenor would request in camera inspection of the documents. I understand that that is a normal procedure in such cases. Obviously, I'm not asking to see the documents, but I think the Board could look at the drafts and the other ones to determine whether the line of questioning would be permissible, because --

CHAIRMAN BLOCH: You haven't come close to breaching the attorney-client privilege. There's not any evidence so far that would support what you stated in the motion that I decided.

MR. MICHAEL KOHN: Okay. You did request that changes be incorporated into the document that was provided you?

MR. BLAKE: I object. That's inquiring into the substance of the communication between counsel and the client.

MR. MICHAEL KOHN: Well, would the response to

that question constitute a waiver of the privilege?

MR. BLAKE: It might, and I'll bet you you'd argue it. But I'm objecting to the question.

CHAIRMAN BLOCH: The objection is sustained.

MR. MICHAEL KOHN: Your Honor, the witness has already testified or Georgia Power has already released that information. I have Georgia Power's document in front of me where they state that Mr. Aufdenkampe incorporated changes into the initial draft.

MR. BLAKE: He's already stated that here in the record. You don't need your document.

MR. MICHAEL KOHN: Okay.

CHAIRMAN BLOCH: It's not -- however, I change my ruling, because it was obviously already disclosed.

BY MR. MICHAEL KOHN:

Q You did incorporate changes into the initial draft, is that correct?

A I mean, I provided comments back, yes.

Q And do you recall telling Mr. Mosbaugh that you were going round and round with the attorneys over some change that you wanted to make?

A No.

Q Do you recall how long the change you wanted to make remained pending?

A I don't recall the specific number of days. I

don't recall the signing and correcting process of the affidavit taking very long.

BOARD EXAMINATION

CHAIRMAN BLOCH: Was there anything that you said in the affidavit where the attorneys were constantly trying to get you to say something else?

THE WITNESS: No.

CROSS EXAMINATION (continued)

MR. MICHAEL KOHN: Is there anything other than factual information contained in your affidavit?

MR. BLAKE: Objection. Seeks to inquire into the content of the affidavit.

CHAIRMAN BLOCH: Sustained.

MR. MICHAEL KOHN: Did --

CHAIRMAN BLOCH: Mr. Kohn, let's finish this subject quickly, and then we're going to take a break for lunch. But I -- either get somewhere or quit it.

MR. MICHAEL KOHN: Okay. Do you recall in your deposition stating that the earlier draft of the -- they have indicated that Hairston was on the call?

MR. BLAKE: Can we have a cite, please?

CHAIRMAN BLOCH: No, he's allowed to ask questions about what they recollect, but he's not allowed to introduce it into evidence.

MR. BLAKE: There should be a basis for the

question.

CHAIRMAN BLOCH: But I think I ruled that the basis could be his -- the basis could be their memory of the conversations. He's taken notes.

MR. MICHAEL KOHN: And if I understand your earlier testimony, you have reviewed your deposition testimony that I took of you, correct?

THE WITNESS: I have reviewed that, yes.

MR. MICHAEL KOHN: Your Honor, under rule 612 or 613, we request that the deposition be provided so I can show the witness what he in fact did say.

CHAIRMAN BLOCH: Well, who has this deposition? We would allow it as a matter of accommodation. I don't think we would order another party to turn it over.

THE WITNESS: I have it.

CHAIRMAN BLOCH: The witness has the deposition. All right, you may look at it.

THE WITNESS: It's in the back room, but I can get it pretty quick.

CHAIRMAN BLOCH: Sure.

ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn, is it likely you're going to finish this line in the next ten or 15 minutes?

MR. MICHAEL KOHN: Yes, but what -- I think

what would be maybe the best thing to do is -- yes, I think I can finish it in one or two questions.

CHAIRMAN BLOCH: Will the witness need to fetch something to answer the next question, Mr. Kohn? Is it going to be a fetch process?

MR. MICHAEL KOHN: No, I think this is it.

CHAIRMAN BLOCH: Okay, the witness is back. Mr. Kohn?

MR. MICHAEL KOHN: I haven't seen the document.

CHAIRMAN BLOCH: You may look over the witness' shoulder.

MR. MICHAEL KOHN: I'm going to tell you from the notes that were taken during your deposition, that it should be fairly close to what's in your deposition. Do you recall stating, "I recall that Mr. Hairston was on the call, but he was on an earlier portion of the call and not on the portion of the call when the diesels were discussed?"

MR. BLAKE: Can you hold just for a minute, please, until we find it? This certainly points out the wisdom of the Board's earlier ruling on trying to get depositions in order before a hearing. This is exactly what we're trying to avoid. But I need to take the time.

MR. MICHAEL KOHN: I would point out that the

witness has reviewed it and --

CHAIRMAN BLOCH: Okay, let's just stop the sides -- let's just get it done.

MS. YOUNG: Mr. Kohn, do you or Georgia Power have a copy you could share with counsel -- with the Staff before you start questioning? Just something we could look at. It doesn't have to leave here.

MR. MICHAEL KOHN: I do not have a copy of his deposition.

CHAIRMAN BLOCH: The Staff may sit down next to the witness too.

(Whereupon, the proceedings went off the record from 12:15 p.m. until 12:16 p.m.)

CHAIRMAN BLOCH: We'll go back on the record.

MR. LEWIS: Pages 134, 135, 136, 137.

CHAIRMAN BLOCH: Please say what's happening for the record. What is the witness being asked to examine?

CROSS EXAMINATION

MR. MICHAEL KOHN: Are you reviewing a copy of your deposition that was taken on June 14, 1990 in this proceeding -- 1994 in this proceeding?

THE WITNESS: Yes, I am.

CHAIRMAN BLOCH: And what are the pages you're asking him to review?

MR. MICHAEL KOHN: I believe we're looking at -- starting at 134, if I understand it.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, we do want the other people to be able to see this, but I notice there's quite a huddle around you right now. If you would feel more comfortable studying it first and then having the parties come back, that would be okay. If you don't have any problem with their looking over your shoulder, we can continue with the huddle.

THE WITNESS: I have no problem with them looking over my shoulder, but after he asks the question, I'll probably want to review it.

CHAIRMAN BLOCH: Okay, proceed.

CROSS EXAMINATION (continued)

MR. MICHAEL KOHN: All right, if you would read your answer on page 137, line 11 to line 20.

MR. LEWIS: Would you please read the question too?

THE WITNESS: Okay, I'm going to read on page 137. I'm going to start at line eight with a question and then continue on through line 20.

The question starts: "And do you remember who you told -- what you told Mr. Mosbaugh as to who you believed was providing an affidavit?"

Answer: "I don't remember all the specifics. I remember the basic content of the conversation, and I expressed to Allen that I had been requested to provide an affidavit of what transpired in this phone call, and that as near as I could tell, I was the only one that recalled Mr. Hairston being on the phone call, and that they had asked other people for affidavits. But I did not, at that time, had knowledge of nor do I today have knowledge of who all they asked to prepared affidavits."

CHAIRMAN BLOCH: Where are we going with this?

MR. MICHAEL KOHN: I may have identified the wrong segment. Your Honor, it might be a good time to break for lunch. We could just resolve this --

CHAIRMAN BLOCH: No, we're going to finish this before lunch. There are two obligations of an attorney before this Board. One is to ask relevant questions and to have a plan to get somewhere. But the other one, which is the more difficult for what's been happening here, is to have a plan which will efficiently get at the truth. And that's not happening. You're not the only person for whom that's happened.

And I just hope that the attorneys will be also aware of the need to ask the specific questions that are needed to get at the truth efficiently. It's not happening.

MR. MICHAEL KOHN: Maybe to speed -- do you recall whether you stated during your deposition -- and I'm asking this question assuming we're going to find it in his deposition. But to try to speed things along -- that you told Mr. Mosbaugh that in your affidavit, it states that you recall that Mr. Hairston was on the call, but he was on an earlier portion of the call, and not on the portion of the call when the diesels were discussed?

MR. LEWIS: Objection, Your Honor. I think the witness should be entitled to look at his deposition before answering that question. And I don't recall -- and I represented Georgia Power during this deposition -- any answer where Mr. Aufdenkampe purported to tell Mr. Mosbaugh what he said in the affidavit.

CHAIRMAN BLOCH: I'm not sure I understand what relevance that could possibly have anyway. Suppose he said it?

MR. MICHAEL KOHN: Your Honor, if the statement was made, then he would have told Mr. Mosbaugh the content of the affidavit which would waive the privilege.

MR. LEWIS: Your Honor, that's incorrect. The privilege is the company's to waive, even if Mr. Aufdenkampe did inadvertently disclose some aspect to Mr. Mosbaugh, that would not be a waiver of the privilege by

the company.

MR. MICHAEL KOHN: Your Honor, the affidavit was left in the possession of Mr. Aufdenkampe, so it was not the company's document.

CHAIRMAN BLOCH: This line will stop. Are we done with this line? You said you had one other question. That's it?

MR. MICHAEL KOHN: Yes.

CHAIRMAN BLOCH: All right. So we'll break for lunch and we'll continue with something else after lunch. It's 12:23; we'll start again at 1:30.

(Whereupon, the proceedings recessed for lunch at 12:23 p.m.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:32 p.m.)

CHAIRMAN BLOCH: Good afternoon. The hearing will please come to order. And we'll recess until the Staff gets here.

(Whereupon, the proceedings went off the record from 1:32 p.m. until 1:37 p.m.)

CHAIRMAN BLOCH: Mr. Kohn, you may start.

MR. STEPHEN KOHN: Yes, Your Honor. I have a document which has been previously provided to the parties and the Board and the court reporter entitled Intervenor's List of Stipulations Related To Intervenor's Exhibits. It has a date in top right-hand corner of May 15, 1995. And this document, which I think speaks for itself, but I'm sure the parties could answer any questions, is the -- constitutes the stipulates the parties have reached as to Intervenor's exhibits.

As can be seen, we've reached agreement on most of them. There's no need to argue at this time about the exhibits which have the no agreement next to them, because those are also -- I anticipate that they'll be substantial agreement reached on those over the next day or two. So, I would just like this put into the record, and that the exhibits identified herein be considered admitted into evidence with the limiting instruction as

noted.

MR. LAMBERSKI: Perhaps, Your Honor, it's worth noting for the record that this is a hand marked version of the document that we received a couple of days ago. So I trust that the one that's been passed out to everyone has -- for example, on the first page in the fourth line from the bottom, it says, "the extent that a witness discusses that exhibit on the record," is a hand marked change on that line.

And as you flip through the document, you'll notice a number of other hand changes based on --

CHAIRMAN BLOCH: I think the important thing is that you verify that the documents being submitted for the record conform to the agreement. Could you do that? I guess what should happen therefore is that Intervenor should give the three copies to Georgia Power. Georgia Power will verify, and then they'll hand it to the Staff, and the Staff will verify.

And after the two verifications, it will come to the reporter.

MS. YOUNG: And Judge Bloch, we should also note that agreements are still being reached with respect to tapes, and this document indicates that also. So the double asterisks is a reflection of the fact that there are still a number of tapes that there is not a stipulated

May 15, 1995

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

In the Matter of	
GEORGIA POWER COMPANY et al.,	Docket Nos. 50-424-OLA-3 50-425-OLA-3
(Vogtle Electric Generating Plant, Unit 1 and Unit 2)	Re: License Amendment (transfer to Southern Nuclear)
	ASLBP No. 93-671-01-OLA-3

INTERVENOR'S
LIST OF STIPULATIONS RELATED TO INTERVENORS EXHIBITS

In accordance with the instructions from the Board, the parties to this proceeding meet on May 15, 1995 and reached stipulations related to Intervenors proposed exhibits.

The parties agreed to the admission of a number of exhibits subject to various conditions or limitations. Specifically, an asterisk ("*") following the word "In" to an exhibit which is a transcript of a tape recording indicates that the tape is stipulated into evidence subject to an agreement between the parties on the content of the respective tape transcript. A double asterisk ("**") following the word "In" indicates that the parties agreed to stipulate this exhibit into evidence only to the extent that a witness discusses ● that exhibit. Other limitations to the admission of an exhibit are noted under the "instruction" heading. Additionally, except as otherwise noted, no agreements were reached related to the unnumbered exhibits

which followed intervenor's exhibit 129 on "Intervenor's Phase II Exhibit List (Amended)."

The following reflects the parties stipulations:

Ex. #	Exhibit Name	In\out	Instruction
EX.1-	Resume of Allen Mosbaugh	In	
EX. 2-	2-16-88 Bockhold letter "Accuracy of Information"	In	
EX. 3-	1-7-90 Anonymous Allegation Dilution Valves	In	
EX. 4-	Tape #99, 5-8-90, Tr. 46-51	In*	
EX. 5-	May 1990 Performance Pay Program Performance Survey	In	
EX. 5A-	Enhancing NRC Communication and Key Principles of Nuclear Personnel	In	
EX. 6-	Waynesboro, GA, Vogtle Weather Data, March 1990	In, subject to proof of authenticity	
EX. 7-	GPC 9-4-90 NRC Presentation on the SAE	Reserved	
EX. 8-	Tape #8, 3-23-90	In*	

EX. 9-	Tape #10, 3-23-90 Segments 1,2,3	In*
EX. 10-	NUREG 1410 diagram DG Air System, p. 3-47	In
EX. 11-	ISA Standard ISA-S7.3	In**
EX. 12-	Vogtle Diesel Air Dryer Vendor Manual	In**
EX. 13-	2-17-89 Response to Generic Letter 88-14	In**
EX. 14-	NUREG 1410, pictures of Control Air Tubing, pp. 3-49 and J-33	In
EX. 15-	GPC Diesel Logs DG1A, DG1B, DG2A, DG2B for 1989 and 1990.	In**
EX. 16-	Tape #58, 4-19-90 (stipulated version)	In*
EX. 17-	Louis Ward's Notebook	In**
EX. 18-	Handwritten List of As Found Set points on CALCON JWTS Sensors; Bockhold	In
EX. 19-	Tape # 25, 3-30-90 Segments 1,2	In*
EX. 20-	4-7-90 IIT Transcript, IIT Document 205	In**
EX. 21-	Tape #32, 4-4-90	In*
EX. 22-	Tape #89, 5-2-90	Corrected Version introduced as 22B

	Segment 1	
EX. 22A-	4-9-90 IIT Telephone Conference call IIT document 206	In
EX. 22B-	Tape #89, Side A	In
EX. 23-	Tape #29, 4-3-90	In*
EX. 24-	4-9-90 COA Response Letter, final	In
EX. 25-	Tape #40, 4-10-90, Segments 1,2	In
EX. 26-	4-10-90 Memo from Mosbaugh to Bockhold Air Quality Statements	In
EX. 27-	Tape #41, 4-11-90 Segments 1, 2, NRC proposed version	In*
EX. 28-	Tape #57, 4-19-90	In
EX. 29-	4-30-90 Memo from Mosbaugh to Bockhold Diesel Start Statements	In
EX. 30-	Tape #89, 5-2-90 Segment 2	In*
EX. 31-	5-10-90 PRB Meeting Minutes	In
EX. 32-	Tape #187, 6-29-90	In*
EX. 33-	5-24-90 Bockhold Action Item	In
EX. 34-	NUREG 1410 App. I	No Agreement
EX. 34A-	4-6-90 IIT transcript, IIT #203 pp 2, 4-9	In
EX. 35-	GPC Dew Point Data MWO Package	No Agreement
EX. 36-	GPC's Response to Intervenor's 7th Set of Interrogatories	No Agreement

EX. 37-	5-23-90 Time Line Sequence of Events	No Agreement
EX. 38-	Tape #127. 5-24-90 Segments 1,2,3,4,5	No Agreement
EX. 39-	12-[redacted]-93 OI Report	No Agreement
EX. 40-	4-7-90, 08:47 fax, COA Draft from Birmingham	In
EX. 40A-	4-9-90 COA Letter (Showing FAX had 24-hr Clock)	In, but renumbered as Intervenor 125
EX. 41-	4-7-90 Cash Diesel Start Lists, Marked by Cash	In, to the extent discussed by Cash
EX. 42-	Base System Listing from wordprocessor	In**
EX. 43-	Base System package of Slide Presentation documents	In**
EX. 43A-	Bockhold OI interview, 6-22-93	In** [redacted]
EX. 44-	5-14-90 NRC letter confirming Bockhold Slide Presentation	In
EX. 45-	Tape #27, 4-2-90 Segment 3, Side B, 45%	In*
EX. 46-	2-8-94 Vogtle Coordinating Group Analysis Report	In
EX. 47-	Blue Folder Traveler Sheets for COA response letter	In
EX. 48-	Tape #253, 8-15-90	In
EX. 49-	8-16-90 "White Paper" NRC's DG question page	In

EX. 50-	Tape #11, 3-23-90	In*
EX. 51-	Tape #7, 3-22-90	In*
EX. 52-	Bill Shipman's Notebook Jan-Aug 1990	In** As testified by Shipman
EX. 53-	Tape #184, End of August, Segment 1,2	In*
EX. 54-	8-30-90 Draft Diesel Start List, with Note #2	In** As testified by Horton
EX. 55-	4-19-90 LER 90-006	In
EX. 56-	Shipman Deposition, August 1994	Subject to further discussion
EX 57-	GPC's Response to NRC Staff's First Set of Interrogatories, dated 8-9-93	Pages 1, 11-13 (inclusive) and 15 admitted. The remainder, if used by a witness
EX. 58-	Interrogatory response of Kenneth Brockman to GPC's first set of Interrogatories to NRC, dated 10-8-93; Date of response 12-23-93	No agreement
EX. 59-	Brockman Deposition, 10-[redacted]-26-94	No agreement
EX. 60-	3-13-95 NRC letter acknowledging Payment of CP & NOV	In
EX. 61-	Blue Folder Traveler Sheets for LER 90-006 rev.0	In
EX. 62-	6-29-90 LER 90-006 rev. 1,final w/cover letter	In
EX. 63-	Tape #157, 6-8-90	In*
EX. 64-	6-28-90 and 6-29-90 Multiple Cover Letters	In
EX. 64A-	5-9-94 Notice of	In

	Violation	
EX. 64B-	Site to corporate items status, 6-15-90	In
EX. 65-	Document Faxed from McCoy to Brockman	In
EX. 65A-	Status of Corrective Actions Following 3/20/90 Site Area Emergency	In
EX. 66-	Hairston Phone Logs; April-July 1990	In**
EX. 67-	8-30-90 COA Response Letter correction	In
EX. 67A-	SONOPCO Project statement; Project no. 024311	In
EX. 68-	Tape #184, Segment #3	In*
EX. 69-	Tape #269	In*
EX. 70-	Handwritten notes of Jim Bailey Notes for 4-9-90 presentation	In*✖
EX. 71-	Bockhold 4-9-90 Presentation with Notes	In, only to extent testified to by Bockhold
EX. 72-	NRC response to Intervenors 1st Set of Interrogatories, dated 9-15-93	No agreement
EX. 73-	GPC's 4-1-91 Response to 2.206 Petition, Footnote #3	In
EX. 74-	GPC's 10-3-91 Additional 2.206 Petition Response	In**
EX. 74A-	Intervenor's memo to Michael Kohn 4-19-90 regarding Conference Call	No agreement
EX. 75-	12-10-91 Supplemental letter McCoy to Murley	In**

EX. 76-	Tape #259, 8-17-90	In*
EX. 76a-	Tape #246, 8-13-90	In
EX. 77-	Blue Folder Traveler Sheets for LER-90-06 rev.1, LER 2-90-006, 8-30-90 letter	In
EX. 78-	SCL 00166 Dewpoint PM Procedure, revs. 0-3.	In**
EX. 79-	Dew Point DC Package, 1-90-186, 1-90-408, 1-90-412	In**
EX. 80-	War Room Unit 1 Refueling Outage Log, pp. 75-79.	In**
EX. 81-	Outage Turnover Log 3-15-90 to 4-6-90	In**
EX. 82-	4-11-90 Dew Point List IIT #202	In
EX. 82A-	Transcript of 4-11-90 teleconference IIT 233	In
EX. 83-	August 1990 NRC OSI Inspection Report	In**
EX. 84-	Tape # 24, "Poured out w/o Stokes"	In*
EX. 85-	Tape # 24, Side B	In*
EX. 86-	NUREG 1410 App. J, pp. 8-1[illegible]3	In
EX. 87-	GPC's responses to Intervenor's 5th Set of Interrogatories, dated 7-22-94	In**
EX. 88-	DCP-90-VIN0040 DCP 4-28-89 to add Heaters to air compressor	Reserved
EX. 89-	4-2-90, 08:45 SSPI document, IIT # 143	In

EX. 90-	Tape # 27, 4-2-90, Segments 1,2	In*
EX. 91-	Draft COA response letter w/SSPI table 4-6-90	In
EX. 92-	Tape #31, 4-3-90	In*
EX. 93-	Executive Summary Diesel Operability	In
EX. 94-	Tape #32, 4-4-90	In*
EX. 95-	GPC position papers, "White Paper" Full version issued by Ajuluni 8-23-90	In**
EX. 96-	McDonald OI Interview July 1, 1993	Reserved
EX. 97-	McCoy DOL Deposition 9-12-90	Reserved
EX. 98-	GPC Response to Intervenors 1st Set of Interrogatories dated June 2, 1993	No agreement
EX. 99-	McDonald DOL Deposition 9-17-90	Reserved
EX. 100-	GPC Response to Intervenors 2nd Set of Interrogatories, dated 7-16-93	No agreement
EX. 101-	GPC's 2.206 Petition Response Section II.3 pp. 1-11, 4-1-91	In
EX. 102-	Phone Logs of Bill Shipman and Ken McCoy 1990	In**
EX. 103-	Hairston OI Interview June 25, 1993	Reserved
EX. 104-	6-20-90 Board of Directors Briefing	Reserved

EX. 105-	GPC's 7-31-94 Response to NOV	In**
EX. 106-	NRC Response to GPC's 1st Set of Interrogatories, dated 12-20-93	No agreement
EX. 107-	Demand For Information Response of Ken McCoy, dated 8-1-94	No agreement
EX. 108-	Demand For Information Response of George Bockhold, dated 7-31-94	No agreement
EX. 109-	NUREG 1410 p. 3-21 to 3-22 (section 3.3.3)	In
EX. 109A-	NUREG 1410 p. 3-15	In**
EX. 110-	NUREG 1410 p. J-25 26	In
EX. 110A-	Tape #34, 4-4-90	In*
EX. 110B-	5-14-90 Corrective Actions for SAE letter	In
EX. 111-	Critique Report on DG Failure to Start	No agreement
EX. 112-	Special Report 90-05, 8-7-90	No agreement
EX. 113-	DC-2-90-155, 9-21-90	No agreement
EX. 114-	GPC DFI Response for Greene, Majors, Horton and Frederick Dated 7/31/94	In**
EX. 115-	6-9-94 NRC Inspection Report 50-424,425/94-12	No agreement
EX. 116-	12-18-92 Lavine Letter to DOJ	No agreement
EX. 117-	WITHDRAWN	
EX. 118-	Tape 24, Side A; 3-30-90	In*

EX. 119-	Cash's Typed diesel start list, marked by Frederick	Reserved
EX. 120-	12-19-90 memo from Ajuluni to McCoy	In, if discussed by Ajuluni
EX. 121-	3-5-92 Letter to David Hembree (INPO) from Hairston	Reserved
EX. 122-	7-31-90 letter to Atlanta Business Chronicle from Dahlberg	Reserved
EX. 123-	Outage log GPC project no. 030467-030538	In**
EX. 124-	SAE critique Report, 5-24-90	In** (page 1 already admitted)
EX. 125-		In
EX. 126-	DRAFT of 4/19/90 COA	In
EX. 127-	OI Statement index	Reserved
EX. 128-	NUREG 1410	In**
EX. 129-	11-15-94 Letter from Mathews to Russell-- Should read, March 3, 1995 letter to ASLB from Mitzi Young with attachments	In, except the memos dated 8/4/94 and 8/15/94 are withdrawn, and no agreement on the Larry Robinson memo.

Ex. 130	OI Report Exhibits	No agreement
Ex. __	Mosbaugh Demonstrative Aids	No Agreement

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transcript with respect, and that process is still ongoing and not yet complete. And I don't have any estimate of when that will be finished.

CHAIRMAN BLOCH: Okay. And we also understand that some of the other things could result in agreements, but this is the current status which is an improvement. It should mean we can move a little faster. Let's go.

ADMINISTRATIVE JUDGE CARPENTER: I want to ask one question. Ms. Young, in these disagreements, are you asking Intervenor whether that particular page of transcription of that particular tape is essential to his case? Or are you just trying to get satisfied about the whole document, front to back?

MS. YOUNG: Well, I'm perhaps the wrong person to speak to this issue. Mr. Hull is not here, but those that I was involved in, we're looking at tape excerpts to see if the -- not only the words on the pages that have been selected are accurate, but if there's additional pages either in front or behind the excerpted section, need to be provided in order to provide context for the statements being made.

And then you have agreements and disagreements over whether the wording or the word changes of every single paragraph is essential or significant, and all

those things.

CHAIRMAN BLOCH: Judge Carpenter is concerned that we limit it to those things that are truly relevant, and that the parties not spin their wheels over things that will turn out to not matter.

MS. YOUNG: Well, unfortunately, I think all the parties here have different views on what they believe is significant or not to their respective cases.

CHAIRMAN BLOCH: Okay, so I'm sure you're as frustrated by this process as we are?

MS. YOUNG: And as much in the dark, unfortunately. Let me, while we're -- Staff still has the mike, hand over to you officially the FBI enhanced version of tape 58, the section you inquired about, just for the record. And I don't know the meaning of these numbers, but it's identified as item 11008066-EYFQ2 enhanced copy, part one.

CHAIRMAN BLOCH: And I will be locking that up. We probably will not actually physically review it until we return from Georgia.

MS. YOUNG: It has an evidence seal which was broken this morning so that a member of the Staff could check to see if this was the section of the tape that you were interested in.

CHAIRMAN BLOCH: Okay, we need to break it to

listen to it anyway.

MS. YOUNG: The microcassettes, apparently when you -- when the FBI did the enhanced version, one microcassette produced numerous full size cassettes.

CHAIRMAN BLOCH: Oh, so is there any way to find the passage we want to listen to?

MS. YOUNG: Apparently Mr. Wheeler was able to, and he is available to assist you or to assist anyone who is assisting you in identifying the portion. But he says it's here.

CHAIRMAN BLOCH: Thank you. Let's go back on the record, and let's charge.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, do you recall receiving a call on Friday before the April 9th presentation -- that would be April 6th -- from Mr. Bockhold, asking you if Gus Williams could count the starts for the 4/9 presentation?

A Yes, I do.

Q And did Mr. --

BOARD EXAMINATION

CHAIRMAN BLOCH: Do you remember the time of day?

THE WITNESS: It was in the late afternoon, probably in the range of 5:00 or 6:00, and I just -- I

happen to remember it because I was out cutting the grass on my tractor and had to --

CHAIRMAN BLOCH: Great, I love to have reasons for remembering.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q So I take it you were at home?

A I was at home.

Q And you did not attend the 4/9 presentation, and you did not see the slide before it was presented to NRC, is that correct?

A That is correct.

Q And you never asked Mr. Cash or Bockhold what he meant by the start count contained in the 4/9 slide, is that true?

A I don't have any recollection of that -- of asking them about that in that time frame, especially I'm sure that I didn't. But you know, there may be some time period after that that we talked about it.

Q If I understand your testimony before OI, that you had no recollection of ever talking to Mr. Cash and Mr. Bockhold about what the slide presentation itself meant? Is that your best recollection?

A Well, I mean, I just gave you my best recollection. And if you want to quote something out of

the OI testimony, you can -- you know, I don't have word for word recollection of what's in my OI testimony.

CHAIRMAN BLOCH: We're not surprised.

BY MR. MICHAEL KOHN:

Q If you would, to refresh your recollection, just look at your OI testimony on page eight. Excuse me, page 16, line eight to see if that refreshes your recollection that you don't recall ever discussing with Mr. Bockhold or Mr. Cash what was meant by the slide.

A You know, what I said in my OI testimony -- and I would probably best just to read it.

Q Well, I'm just asking --

A I mean, it's easier for me.

CHAIRMAN BLOCH: Okay, okay, if you'd like to in order to help you to understand what you said. Do read it.

THE WITNESS: You know, what Michael is asking me is what I said in my OI interview. And the best way to recount what I said in my OI interview is to read what I said in my OI interview.

MR. MICHAEL KOHN: I guess what I'm really asking you, is just looking at that, if that refreshes --

CHAIRMAN BLOCH: Come on, just let him do it.

THE WITNESS: I say, "Well, the LER -- the LER talks about continuous consecutive starts. Okay, that I

know is an error because there were not 18 continuous consecutive starts on each diesel following the Comprehensive Test Program."

"I don't know if this slide is saying continuous consecutive starts or not. I don't know what George or Jimmy meant by that, and I never did ask them what they meant by this slide, or at least I don't recall asking them what they especially they meant by this slide."

"I did know -- you know, we did ask George where we put together the -- when we put together the LER, you know, where do we start our counts.

BY MR. MICHAEL KOHN:

Q And backing up for a second, your April 6, 1990 conversation with Mr. Bockhold with respect to asking you if Gus Williams could count the starts for the April 9th presentation, do you recall what you told Mr. Bockhold?

A I told him that certainly -- and I don't know the specific words, but I told him that sure, I would send Gus out there if he wanted to, but generally my people didn't do the counting. That that was Mike Horton's people, and George's response was he would call Mike Horton

Q Do you know if he ever called Mike Horton?

A No, I do not.

Q Did you ever hear back from Mr. Bockhold with respect to if he found someone to do the start count?

A No, I did not.

Q And at some point, is it true that Mr. Bailey told you that the April 9 corrective action response letter was written by Mr. McCoy, Mr. Hairston, and Mr. Bailey on the way back from the 4/9 presentation?

A Yes, I have a recollection that I was told the April 9th letter was written, and I think it was on the airplane coming back from Atlanta.

Q Now, do you remember at what point Mr. Bailey told you that?

A Not specifically. It would be sometime after April 9th.

Q And do you recall whether it was -- why you had that conversation with Mr. Bailey?

A I have a vague recollection that it may have been a discussion that we had after I moved to Birmingham. That's a real vague recollection, Michael.

Q And is it true that the PRB was not involved with the presentation or review of the April 9th corrective action response letter?

A That is correct, they did not review it.

Q And is it also true that that was not normal

from your perspective for that to have occurred?

A In that particular time frame, all correspondence to the NRC were generally routed through the PRB.

Q And in fact, you were surprised that the PRB did not review the April 9th letter, is that correct?

A My recollection is I was somewhat surprised that we had not reviewed it at the PRB.

Q And you were -- and you did not review any draft of it either, did you?

A Not to my recollection.

Q And to the best of your recollection, there were no drafts of the April 9th letter floating around the site prior to its submission?

A In the final format, I'm not aware of that. We talked about it a little bit in my earlier testimony that I was providing information to Jim Bailey throughout this period, and I knew we had to respond to the confirmation of action letter. I just did not realize what format it was going to come in, and that it would end up occurring in the way it did.

Q And the information that you were providing to Mr. Bailey did not include information with respect to the start count?

A I don't know specifically all of the

information that I provided to Mr. Bailey.

BOARD EXAMINATION

CHAIRMAN BLOCH: Could you tell me, from your presence on the site, could you tell if there was anyone who was responsible for the trouble shooting program on the diesels?

THE WITNESS: I felt that the trouble shooting program was being controlled by basically engineering -- Kenny Stokes with observation. And I guess for lack of a better term, assistance from the IIT and the critique team.

CHAIRMAN BLOCH: And the role that say Mr. Burr and Mr. Kochery were playing, what were their roles?

THE WITNESS: Well you know, Mr. Burr was working with Mr. Stokes on the diesel. I don't remember specifically Mr. Kochery's function at that point in time. And I hate to guess, but I -- he was probably Kenny Stokes' supervisor at the time, or could have been.

CHAIRMAN BLOCH: And did you have an impression as to whether the method of getting the information for the NRC briefing was well calculated to get the most recent, sound profession information from the company?

THE WITNESS: I was not involved in providing a lot of that information, at least in a formal process to

the people that made the presentation on April 9th to the NRC.

CHAIRMAN BLOCH: That wasn't the question. I'm asking if from your knowledge of the site, if you were the boss, would you have considered getting the information for the NRC about whether you were ready to restart the diesel and restart the plant and the way in which it was done? Not restart the diesel, but declare it operable.

THE WITNESS: I don't have specific knowledge of all that they did to put the presentation together. I guess that's kind of what I'm saying. So whether it was adequately done or not, I don't -- you know, I don't know what all they went through.

CHAIRMAN BLOCH: Well apparently they didn't consult Mr. Stokes. Would you be surprised that they didn't consult Mr. Stokes?

THE WITNESS: I would be somewhat surprised if they didn't consult Mr. Stokes.

CHAIRMAN BLOCH: Please continue.

MR. MICHAEL KOHN: I left off asking you whether you recall coming --

CHAIRMAN BLOCH: Yes, please, you want to elaborate?

THE WITNESS: I would be surprised that they

didn't consult Mr. Stokes or somebody in Mr. Stokes' supervisory chain.

CHAIRMAN BLOCH: Either Mr. Stokes or someone above him or someone working closely with him?

THE WITNESS: That's correct.

CHAIRMAN BLOCH: Well, if Mr. Burr was involved, would that satisfy you?

THE WITNESS: Probably.

BY MR. MICHAEL KOHN:

Q Now, before the April 9th presentation, you indicated that Mr. Bockhold called you Friday -- like around 6:00 in the evening, and was asking you about starts. My question is, how could you be providing information on starts to the April 9th letter and I think you previously indicated that as of that Friday, you still didn't -- your organization wasn't working on starts?

A Well, that's why I told Mr. Bockhold that generally I don't do that and referenced him to Mr. Horton.

Q Okay. So are you aware of your organization providing 18 and 19 starts?

A No, I was not.

Q Now isn't it true -- well, let me back up. Your organization did become involved with the number of starts following the April 9th presentation and the April

issuance of the corrective action response letter because your organization was going to be responsible for submitting the LER, is that correct?

A That's correct.

Q Okay. And in the process of your organization starting to exercise its responsibilities with respect to the start count, you determined that the 18 and 19 numbers were not reliable, isn't that correct?

A We began to question the validity of the 18 and 19 number. That is correct.

Q You determined that they were so unreliable that you removed them from a draft of the April 19th LER, is that correct?

A We were not able to substantiate them, and so the best -- the easiest way to address that in the LER since they weren't significant to the LER presentation, was to remove them; yes.

Q And you had them removed or -- by April 13, 1990. Is that correct?

A I don't remember the specific day. I think that's covered in my pre-filed testimony.

CHAIRMAN BLOCH: You can consult the pre-filed testimony.

BY MR. MICHAEL KOHN:

Q You might look at page two, lines 15 and 16.

A That's correct.

Q Okay. So on April 13th, six days before the LER was submitted, you had determined that the numbers could not be verified to your satisfaction to include them in the LER, is that correct?

A That is correct.

Q And now, what occurred between April 13, 1990 and April 19, 1990 that gave you confidence that the numbers now could be reinserted?

A Two things occurred. One is that we had discussions with George Bockhold who stated that the numbers that Jimmy Paul counted were 18 and 19, and there were consecutive starts after the completion of the Comprehensive Test Program. And in addition, on the part that we discussed earlier in this testimony, I had data from Tom Webb that satisfied me that we had had -- that we verified that the 18 numbers that were in the final LER were correct.

Q Okay.

A Greater than 18 -- or at least 18.

Q Okay. Now, I want to call your attention to a process that I believe occurred, that by the 13th, the 18 and 19 numbers were removed from the draft of the LER because you could not substantiate them. Is that correct?

CHAIRMAN BLOCH: He said that before. Let's

go on.

BY MR. MICHAEL KOHN:

Q Then from that point, the numbers were then reasserted by your organization, is that correct?

A That is correct.

Q And --

A Well, no, really they were requested to be added back by the PRB -- in the April 18th PRB.

Q Okay. And that came from the operations side of the plant, that request?

A It came from Mike Lackey who was in outages and planning at the time, is my recollection. He was a non-voting member of the PRB.

BOARD EXAMINATION

CHAIRMAN BLOCH: Non-voting member of the PRB?

THE WITNESS: Yes.

BY MR. MICHAEL KOHN:

Q Okay. And is he on the operations side of the plant at that time?

A That's what I'm trying -- I'm trying to remember the organization at that time. Yes, I'm pretty sure he was. That's only a pretty sure.

Q And if I understand it, numerous people were concerned in the April 13th time frame that the numbers were wrong, is that correct?

A I think that I had some indications, or at least speculation on my part that numerous people were concerned about it.

BOARD EXAMINATION

CHAIRMAN BLOCH: What does numerous mean?

THE WITNESS: Well, you know, somebody raises the question to me. I think Allen had a question about it. I think we had had some discussion with Rick Odom. I don't know, maybe Tom Webb. There might have been some people in the critique team. We know that the IIT team could not get the same number of starts with the data that they had available to them.

CROSS EXAMINATION

Q And then, as I understand it, on April 10, you were a participant to an IIT team transcribed proceeding, if that's a proper word for it?

A Yes, it was a telephone call.

Q Okay. And that is Exhibit E to your testimony?

A Yes, it's Exhibit E.

Q Okay. And on page one of Exhibit E, it indicates that the persons from Georgia Power who participated in this call where Mr. Beacher, Mr. Ward, Mr. Burr, Mr. Miller and yourself, is that correct?

CHAIRMAN BLOCH: I'll take notice of that.

MR. MICHAEL KOHN: Okay.

BY MR. MICHAEL KOHN:

Q And if you would look on page five and six of your -- look at page five, lines 14 through 20, particularly lines 14 and 15.

"One of the problems we were having was that we were listening to yesterday's call which we understood there had been something like 16 successful starts." And it goes on to say that they can't basically come up with a number that was given at the presentation.

Now -- and then on page five or -- excuse me, page six, Mr. Chaffee says that he wants all the diesel starts and stops, is that correct?

A That is correct.

Q All right. Now of the Georgia Power participants, who was tasked at the conclusion of this call with the NRC to assemble all of the starts?

A I only have through page six in what I've got here.

Q Do you need more of this exhibit to answer the question?

A Yes, I would like to refer to it.

BOARD EXAMINATION

CHAIRMAN BLOCH: Do you think that the transcription actually shows who got the job?

THE WITNESS: Well, it may. I don't have any specific recollection of whether I was assigned to do it or whether I told Herb Beacher to do it, or whether Ken Burr took responsibility for it. Those would be the people probably that would take action for it.

CHAIRMAN BLOCH: The answer is you really don't remember?

THE WITNESS: I don't remember.

MR. BLAKE: The Board has our filing on this topic. I don't think this witness has seen it. This is the April 10th call, to refresh your --

CHAIRMAN BLOCH: It's one of the filings that we got this week. The Intervenor has that also, right?

MR. BLAKE: Yeah.

MS. YOUNG: I don't believe that one included an affidavit of a GPC employee.

MR. BLAKE: I don't remember whether it did or not.

MS. YOUNG: The Board has a filing. It's not in evidence right now, correct?

MR. BLAKE: Right.

CHAIRMAN BLOCH: It's not evidence, but it's the position that the Licensee has taken.

MR. BLAKE: I have page seven that I could give the witness if we want to carry on.

CHAIRMAN BLOCH: Would that help him?

MR. BLAKE: It may well help him, yes.

CHAIRMAN BLOCH: Okay, fine.

THE WITNESS: What it says on the bottom of page seven, and I do know -- I do have recollection of working on trying to assemble information for the IIT. That was Herb Beacher's, who worked in my department, responsibility to assemble. And we almost daily sent a package up to the IIT or a box up to the IIT. But I do have recollection in that time period of Herb Beacher trying to assemble that package.

And also, as the transcript says, Kendall asked us to have Kenny Stokes call him, and I know we -- and I'm sure that we followed up on that and had Kenny Stokes call with Kendall too.

BY MR. MICHAEL KOHN:

Q Okay. So if I understand it, now the ten people in your organization are trying to gather the data that the IIT requested, is that correct?

A That's correct.

Q And by the 13th, your organization determined that you couldn't verify the number, so you took it out of the LER draft?

BOARD EXAMINATION

CHAIRMAN BLOCH: I'm sorry -- I'm terribly

sorry that I missed the answer to the question that you asked which is who at the end of the meeting got the task?

THE WITNESS: At the end of the meeting, it appears from the transcript, and I have some recollection, that our -- my department, Herb Beacher, was putting together information for the IIT which included a list of diesel starts.

So we were continuing forward with that effort. Also, Rick Kendall asked us to have Kenny Stokes call him to try to clear up this issue too. And I'm sure we followed through with that and had Kenny Stokes call him.

CHAIRMAN BLOCH: Okay, but how about did you follow through with the other tasks?

THE WITNESS: There is a list in my pre-filed testimony that is referenced, and that's a list that the IIT had. List 336, I think, that accumulates several of the diesel starts up through -- I think it's April 1st.

CHAIRMAN BLOCH: Is that an attachment to your testimony?

THE WITNESS: No, it's an attachment to Ken McCoy's testimony as I recall.

CHAIRMAN BLOCH: You call it list 336?

THE WITNESS: I think it's list 336.

CHAIRMAN BLOCH: And what -- do we know what

attachment to Mr. McCoy's testimony it would be?

MR. LAMBERSKI: It's McCoy H, Your Honor, which is GPC Exhibit II-10. But it's one of a number of documents included within that exhibit. And to find it, you have to turn toward the end of the document until you see a magic marker number in the right-hand corner that says 05-336, which is my understanding, the IIT's designation of IIT document 336.

CHAIRMAN BLOCH: Okay. And Mr. Aufdenkamp, do you have knowledge of when or how that was delivered to the IIT?

THE WITNESS: Well,I know how. Those kind of documents were delivered to the IIT. Those documents were provided to Herb Beacher who, as I said, almost on a daily basis. Boxed them up and sent them up to the IIT after they had left site. And that's how the documentation would have gotten up there. The specific date that that occurred, I have no recollection of that.

CHAIRMAN BLOCH: Thank you. Continue, Counselor.

MR. MICHAEL KOHN: All right.

BY MR. MICHAEL KOHN:

Q And I'm going to show you a document that we just identified, the page to Mr. McCoy's testimony, Georgia Power number ten. And this portion of the

proceeding -- did you see this document before it was transmitted to NRC?

A I remember seeing a document similar to this. Whether I saw this specific one, I don't have any specific recollection.

Q And would the nature of this document with respect to the LCO's contained in it indicate that was put together from the operations department?

A I mean, it could have been put together by the operations department. It could have been put together by Kenny Stokes. It could have been put together by Herb Beacher. And they'd have to go back to the logs and the -- the control logs and the shift supervisor's logs and the LCO logs to assemble all this. The D/G run stuff looks like it is more apt to have come either out of the operations log or the D/G start data sheets.

Q And who would have the most knowledge of all that information?

A What person?

Q Department.

A It would all originate in operations.

Q Now, and that list I think indicated only goes up to April 1st?

A April 1st, that's correct.

Q And IIT requested the information on April

10th, is that correct -- because they were having trouble?

A That is correct.

Q And they needed it to verify information up to April 9th, is that correct?

A That is correct.

Q So this document then would not satisfy the NRC's request, would it?

A Not as delineated in the phone call. But you know, you recall there were two things that transpired. One is Chaffee said we want a document of all the starts and things like that. And well, this wouldn't go all the way through the 9th. We also were asked to have Rick Kendall -- or Kenny Stokes talk to Rick Kendall. But we did that too.

Q Now, while you were aware that the NRC was looking for this documentation of the 9th, did it come to your attention that a typed list by Mr. Cash had been prepared? Maybe it's better for me to --

CHAIRMAN BLOCH: He can answer that question.

MR. MICHAEL KOHN: I'm going to show the witness Intervenor's Exhibit 41. Do you recall seeing or hearing about the list I'm showing you?

THE WITNESS: I don't have any recollection of ever seeing this list. At least today, I don't.

MR. MICHAEL KOHN: Now if --

BOARD EXAMINATION

CHAIRMAN BLOCH: One second. Mr. Aufdenkampe, why is it that when the NRC asked for a list of starts and stops that you didn't think of the possibility that there must have been such a list before the list was drawn up for the briefing?

THE WITNESS: Let me look at something real quick. I don't know, Your Honor. I mean, that's a good question.

CHAIRMAN BLOCH: It's just puzzling to me.

THE WITNESS: And I don't know -- in the time frame, you know, you're talking April 10th. The presentation was just made on April 9th. I wasn't at the presentation, I wasn't privy to everything that was involved in the presentation. I had seen -- I got the letter -- the April 9th letter on April 10th at some time. I don't know if t his phone call was before the April -- before I saw the letter or after I saw the letter.

CHAIRMAN BLOCH: So in any event, somehow it didn't occur to you that might have already had this stuff assembled in order to be able to write the letter or the briefing?

THE WITNESS: No, it did not occur to me at that time.

BY MR. MICHAEL KOHN:

Q Well, didn't three or four days earlier, didn't Mr. Bockhold call you and tell you that he was going to have Mr. Horton do the count for him?

A He asked me to do the count, and I referred him to Mr. Horton.

Q Didn't he tell you he was going to contact Mr. Horton to do it?

A He may have said that he would call Mike, or he might have said I'll have somebody else do it.

Q But you knew Mr. Bockhold was going to have a count performed for the April 9th presentation, correct?

A Yes, it's my understanding that George was going to do that.

Q And then when did you start working on the draft of the LER?

A Well, the draft of the LER would be started probably March 21st.

Q Okay.

A Is when Tom Webb would have -- in some time March 21st, March 22nd, we would have signed the LER prepared, and they would have started working on it.

Q Okay. And at what point in the preparation of the LER did you realize that you were going to need the start count to be included in there?

A Well the -- you know, the way I recall the LER

developing is Tom originally wrote the LER and gave it to me for comment. And I provided a comment specifically in the area of the diesels saying you know, let's include the start data or something to that effect to make it consistent with the April 9th letter. You know, we had already sent the NRC this stuff. We wanted to continue in providing the same types of information to the NRC.

Q And when did you make that comment?

A That was -- I think probably in the April 9th, 10th, 11th time frame.

Q Okay.

A It had to be probably the April 10th, 11th time frame.

Q And then by April 13th, you no longer felt that you could use those same numbers, so you took them out?

A That's correct.

Q And before the April 19th conference call or discussions that occurred with Mr. Bockhold -- well, let me rephrase it. Before the April 19th conference call with Mr. Bockhold which Mr. Hairston attended a portion of it, what factual information passed by your desk or was presented to you orally that indicated that the numbers in the COA could be reinserted because they had been substantiated?

A I think we already talked about that. I felt when we signed out the LER, that we had confirmation from George that the 18 and 19 --

Q Let me back up. What I'm trying to say is before you got that confirmation from George, what information was in -- what information did you have to base the reinsertion of the 18 and 19 starts in -- part of the basis for the numbers in the --

A I don't think we had it validated. That's why there were several comments to go validate it.

Q And when -- on the 13th when it came to your observation that you could not validate it and had to remove it from the draft, did you tell the NRC that?

A That we had to remove it from the draft LER?

Q That you were removing the numbers from the draft LER because you two couldn't validate the numbers?

A No, I'm sure we didn't tell the NRC that we were removing something from the draft LER.

BOARD EXAMINATION

CHAIRMAN BLOCH: In attempting to validate it, did you ever ask Mr. Bockhold or Mr. Cash for the data that they used to come up with it?

THE WITNESS: No, we did not.

CHAIRMAN BLOCH: Can you imagine why not?

THE WITNESS: Again, my recollection is we had

George telling us something. I have recollection of having it validated through Odom and Webb, having a list of some type validating what they had said. So -- well, I think I probably should have asked them for their documentation. I didn't.

CHAIRMAN BLOCH: Did they know that you were trying to find out whether or not to leave the 18 or 19 in?

THE WITNESS: Yes, sir. Mr. Bockhold did.

CHAIRMAN BLOCH: And he never offered you the data or told you where to get it?

THE WITNESS: No, he only said that those were the numbers that were verified by Jimmy Cash.

CHAIRMAN BLOCH: Did you have an opinion about whether you could trust Mr. Bockhold for data?

THE WITNESS: Yes.

CHAIRMAN BLOCH: And your opinion was?

THE WITNESS: I think you could trust your general manager for data.

CHAIRMAN BLOCH: Okay, so you don't go to him for it, but you could trust him for it?

THE WITNESS: You know, it's like any other data. You still -- if he provides it for you and you're still in some question, then you go through an additional validation process.

MR. BLAKE: I think the record should reflect that before he said but and finished the sentence, that he's nodding his head affirmatively.

CHAIRMAN BLOCH: Please. And did you ever wonder why it is that Mr. Bockhold didn't just tell you where the data came from?

THE WITNESS: I never wondered why Mr. Bockhold didn't tell me where the data came from. I wondered where George got the information to validate what he said.

CHAIRMAN BLOCH: If he had been instead of your -- instead of a higher -- in a higher position in the plant, if he had been a co-worker trying to get this stuff out, would the relationship had gone differently? Would you have asked him about it?

THE WITNESS: I don't think if we had had a co-worker say yes, it was 18 and 19 and then we also had the data that I have recollection from Tom Webb, that we would have pressed it any further on this LER.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q All right, if I understand what you're telling me, Mr. Bockhold knew the organization was going around and reverifying the 18 and 19 numbers, correct? Did Mr. Bockhold know what your organization was doing, that Mr.

Webb and Mr. Odom were out for days since April 9th or 10th trying to reverify these numbers?

A I may have told George that I had my people out there trying to validate those numbers, so he may have been aware of that.

Q And is it normal to -- did Mr. Bockhold at that time tell you don't bother, I already have a typed up list or I know that a list already exists? You can save these people all this time?

A No, I don't --

Q And Mr. Bockhold was aware, was he not, that the numbers were taken out of the April 19th draft because you could not validate them, isn't that true?

A I don't know if George Bockhold was aware that we took the 18 and 19 out of the draft LER during its development.

Q Did the PRB minutes go to Mr. Bockhold, PRB action items?

A PRB action items would go to him if they were assigned to him. PRB minutes, I think if we look at the -- take a second look at some of the minutes in my packages of distribution on them it will tell who they go to and --

MR. MICHAEL KOHN: Can we go off the record for a second?

CHAIRMAN BLOCH: Sure.

(Whereupon, the proceedings were off the record from 2:23 p.m. until 2:36 p.m.)

CHAIRMAN BLOCH: On the record.

MR. BLAKE: Judge Bloch, the Board asked yesterday whether there was any written record of the counseling that Mr. Cash received, and we do have a copy of that. I can provide it to the Board and the parties.

CHAIRMAN BLOCH: Thank you.

MR. MICHAEL KOHN: I don't know if it was asked, but would there also be such a counseling session for Mr. Bockhold?

MR. BLAKE: I don't know the answer to that. I think he was asked, and I think the answer was yes, but it's only my recollection. I want to also say that this is -- this is not generally public information, this kind of communication. And while I reacted to the Board's request and provided it, I didn't feel comfortable providing it to the Board without the parties. I would just ask that that be taken into account in whatever further actions we take.

CHAIRMAN BLOCH: I think we will not put it into the record at this time. We'd consider putting it into the record if it becomes important for some evidentiary point in the case. That means that we will be

receiving it as a Board and keeping it in camera at this time.

MR. BLAKE: Now that Judge Carpenter has returned I can also react to the --

CHAIRMAN BLOCH: Oh, there seems to be an error in the first line of this.

MR. BLAKE: I saw that same error.

CHAIRMAN BLOCH: Okay.

MR. BLAKE: And the error, for the other parties, is that it says 1990 where it should say 1994, I believe. I haven't verified that but --

ADMINISTRATIVE JUDGE MURPHY: Do you think that is an error?

MR. BLAKE: Yes, I do.

CHAIRMAN BLOCH: So I'd ask people to keep this at this time as confidential information until there should be a ruling that it's needed in the record for some other reason.

MR. BLAKE: I would like to say for Georgia Power that we accept the suggestion for subpoenas and not adding any more workload or paper to the process, that with respect to any individual like Mr. Cash who receives a subpoena for possible future purposes, that as I understood it -- and I want to make sure that my understanding is correct -- the suggestion was that

Intervenor would withdraw that subpoena, pull it back now, that there wouldn't be any need for it. Therefore, we'd be filing no motions to quash; there'd be no ruling.

And that was subject to the understanding that if subsequent to this there becomes some good and sufficient reason in the Board's view, and I apply a high threshold to that -- I'm sure everybody does because nobody has any present purpose for bringing him back. We don't bring witnesses back easily.

But if there were such a purpose and if the Intervenor were able to convince the Board that there was a need for that witness to return, and the Board so ruled, we would make that witness available and it would not be -- not require a subpoena. I would hope also if that occurs that it would be in Augusta, so that we're not obligated to fly a person back up to Washington for that sort of very specialized purpose. So that's where I am on that. I hope my understanding is correct.

CHAIRMAN BLOCH: Does Intervenor have the same understanding, and is that acceptable?

MR. MICHAEL KOHN: Your Honor, my understanding is that -- and I'd like to see a global resolution on the subpoena issue. I think we should follow --

CHAIRMAN BLOCH: Let's just take what we've

got.

MR. MICHAEL KOHN: With respect to Mr. Cash, we --

CHAIRMAN BLOCH: Not just Mr. Cash. It's for contingent witnesses. These are for people you don't know you need but you might as rebuttal, and the offer is please withdraw those subpoenas, and if you need people for rebuttal you'll tell the Board why, and if we agree with you the Licensee will make them available. That's not right?

MR. BLAKE: Well, it's really for -- I can't speak to what their future --

CHAIRMAN BLOCH: To be recalled.

MR. BLAKE: That's right.

CHAIRMAN BLOCH: If there's a good reason to recall them based on new things that happen in the proceeding.

MR. BLAKE: And it's true at this juncture that's only Mr. Cash. I wouldn't have the same complaint for people who appeared before and were examined, where there was the narrow scope, where before your ruling on scope we really had limited cross to their direct. So it really applies, in my view, only to Mr. Cash at this juncture. There may be other examples, but that's where I am.

CHAIRMAN BLOCH: All right. So it's just Mr. Cash. You're not talking about -- because all of those other witnesses are coming back anyway. But you

MR. BLAKE: Well, I hope not, but they may. And I don't have the same argument about it.

CHAIRMAN BLOCH: All right. We just -- this only applies to Mr. Cash. Do you mind withdrawing the subpoena for him?

MR. MICHAEL KOHN: We'll -- if -- yes, we don't mind.

CHAIRMAN BLOCH: Okay.

ADMINISTRATIVE JUDGE CARPENTER: One further proviso. Mr. Blake, your stipulation that it would be reasonable to have these witnesses appear at Augusta, and if we're to do that we have to do them as a group at some final step in this proceeding. We're not going to go back and forth to Augusta periodically. Does that fit with your notion of what you need, Mr. Kohn?

MR. MICHAEL KOHN: Your Honor, it --

ADMINISTRATIVE JUDGE CARPENTER: I'm perfectly willing to go along with that, Mr. Blake, but I do think we should see right now what it is we're saying.

MR. BLAKE: I understand what you're saying.

MR. MICHAEL KOHN: Holding the hearings outside of Washington is a hardship to Intervenor's

counsel, period. And to the extent that Licensee can prcduce people in Washington, that would be our preferred location for the -- for all of the hearing.

ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn, it's well known to this Board. I simply said as since we've agreed and made a gentleman's agreement here, rather than a bunch of subpoenas, that if there were three or four, what have you, where it became burdensome to Licensee, that we would go to Augusta for a couple of days and look at these people again.

CHAIRMAN BLOCH: Well, basically, what I understand is that if you're going to need additional witnesses, you're going to request them while we're in Augusta, and we're going to hear them before we come back.

MR. MICHAEL KOHN: That was what I was assuming is the timeframe that we notice them was at the Augusta timeframe, so I don't see that as a problem.

CHAIRMAN BLOCH: So let's continue with the witness, and let's conclude quickly, after having ascertained the truth.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, during the course of preparing LERs, you were in contact with corporate, is that correct?

A Periodically, while preparing LERs, we'd

contact corporate.

Q Okay. And generally speaking, would you say you were usually, during the 1990 timeframe, in daily communication with Mr. Stringfellow?

A I would personally on a daily basis talk to Jack Stringfellow or Jim Bailey.

Q Okay. And when all of this was -- in the April 13, or April 10 to April 13 timeframe, did you tell your contacts in corporate that you were having problems with the numbers?

A Could you repeat the timeframe in question?

Q Yes. I think in April 13th, you indicated that you were taking the numbers out of a draft of the LER, and I'm wondering prior to or in or about that timeframe, were you having communications with corporate about what you were doing?

A Not to my recollection.

Q Now, do you remember having a conversation with corporate where they requested that you verify the 18 and 19 numbers with George Bockhold before the LER was approved by the PRB?

A I have a recollection of corporate asking that we get George Bockhold to sign off on the draft LER before we sent it up.

Q And why did they want you to get George

Bockhold to sign off on the draft?

A I think because of the criticality of this particular issue, they wanted to ensure that George had reviewed the LER in detail before we sent it to -- sent it out to the NRC.

Q And who in corporate asked you to ask whether Mr. Bockhold was comfortable with the draft?

A My recollection was it was Bill Shipman.

Q Now, was this normal procedure?

A No, I would -- it's not usual.

Q Okay. And when did that conversation occur?

A I don't remember the specific date, but I think it was around the 17th or 18th.

BOARD EXAMINATION

CHAIRMAN BLOCH: What was abnormal about it?

THE WITNESS: We just generally wouldn't take the LER to George and have him sign off and fax it up to corporate.

CHAIRMAN BLOCH: He usually hadn't made a presentation about the same subject to the NRC, had he?

THE WITNESS: Well, we didn't generally have site area emergencies.

CHAIRMAN BLOCH: Okay.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, but you do not normally contact Mr. Shipman. Mr. Stringfellow is your normal contact, correct?

A No. Mr. Bailey is my normal contact.

Q I'm sorry. So Mr. Shipman was how many -- let me rephrase that. Mr. Shipman was two levels above Mr. Stringfellow?

A Three.

Q Three levels, okay. And Mr. Bailey was two levels above Mr. Stringfellow?

A One.

Q One level, all right. And you do not normally talk with Mr. Shipman concerning getting -- with respect to the issuance of an LER before being transmitted to corporate, do you?

A No. No, we may. I had on numerous occasions talked to Mr. Shipman about content of an LER. Bill Shipman was intimately involved in most LERs that went out.

Q Okay.

A And he would call me sometimes if he had questions.

Q Now, do you think that the communications between site and corporate were so narrow and limited that corporate would not have been told about difficulties in

coming up with the numbers in that April 13th timeframe?

A I don't think the scope of conversation with corporate was necessarily narrow in focus, but I can't tell you whether we talked about the 18 and 19 in the LER during the draft stages.

Q Well, how about the fact that you couldn't answer the NRC's question about the starts that were given on the April 9th presentation. Do you think that would have been told to corporate?

A I think --

MR. BLAKE: What is the basis for that? I have an objection. What is the basis for the question? How about -- your question was, well, how about -- why couldn't you answer? Or what -- do think that they were told that you couldn't answer the NRC's questions? What is the basis for that?

BOARD EXAMINATION

CHAIRMAN BLOCH: The last question basically is, did you communicate to the NRC the -- excuse me -- to corporate the question that had been asked about the number of starts and stops?

THE WITNESS: Well, at the -- at the time we had the -- and I think you're referring to the April 10th conversation with the IIT --

MR. MICHAEL KOHN: Right.

THE WITNESS: -- corporate was on the phone for that conversation, Louis Ward and Ken Burr, so I didn't --

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q I mean, do you have any doubt that corporate was aware of the fact that there was a question at the site with respect to the accuracy of those numbers in the April 13th timeframe?

CHAIRMAN BLOCH: They were present at the meeting, Mr. Kohn. I don't know why you need his opinion about that. The IIT had questions about it. Is there something more you want to get to than that?

MR. MICHAEL KOHN: Yes. There was a lot of activity at the site with respect to changing the draft of the LER, removing --

CHAIRMAN BLOCH: The witness said he didn't think that the -- that the -- he doesn't remember discussing the numbers in the LER with them.

MR. MICHAEL KOHN: Okay.

CHAIRMAN BLOCH: But they were present at the meeting with the IIT.

MR. MICHAEL KOHN: Okay.

BY MR. MICHAEL KOHN:

Q Now, on page 3 of your prefiled testimony, on

lines 10 through 14 --

A I have that reference.

Q All right. You indicate that on April -- well, it starts, actually, on page 2. You indicate on April 18, 1990, that the "20 times each" language is being inserted based on the April 9th information, is that correct?

A That is correct.

Q All right. And did you assign someone to do that task?

A The task to insert it i to the LER?

Q Yes, on April 18th.

A That was a PRB action item is my recollection.

Q But the PRB action item was also to verify the number, correct? The PRB didn't say --

MR. BLAKE: Can he just answer one question at a time? Just give him time.

THE WITNESS: The PRB action item from the April 18th meeting only stated that, "Should state the number of starts rather than several."

BY MR. MICHAEL KOHN:

Q And it didn't say use the April 9th letter and numbers, did it?

A No, it did not.

Q And by that time, you had already questioned

the validity of those numbers, correct?

A That is correct.

Q And then, did you instruct someone to reincorporate the April 9th numbers back into the LER?

A They -- they were incorporated back into the LER in response to the PRB action item.

Q My question is, did you direct that the April 9th numbers be reincorporated into the LER?

A I don't have any recollection of -- well, maybe I'd better -- the way a comment is incorporated into the LER, and specifically this one, I'm pretty sure Tom Webb was present at the meeting, and he took the action items out of there and -- and went and incorporated them into the LER and resubmitted the LER for a meeting on 4/19.

BOARD EXAMINATION

CHAIRMAN BLOCH: So was there a review of this after the numbers were reinserted?

THE WITNESS: Tom -- you know, Tom Webb went out and reviewed it and talked --

CHAIRMAN BLOCH: No, I mean a PRB review.

THE WITNESS: No, the PRB wouldn't review that specifically.

CHAIRMAN BLOCH: Would you ordinarily approve sending in data to the NRC without approving the final

data?

THE WITNESS: The PRB would not send in stuff to the NRC knowing the data was incorrect in any documentation.

CHAIRMAN BLOCH: Well, would they send it in without reviewing it?

THE WITNESS: The PRB would not go and have an independent verification of something done. The PRB was not a -- and is not a QA organization. It advises the plant general manager on issues of nuclear safety. It was really my department's responsibility to make sure that everything in the LER was accurate.

CHAIRMAN BLOCH: All right. So if you were to -- oh, so your department, but not the PRB. The PRB did not have to ascertain that everything in the LER was accurate but your department did?

THE WITNESS: I think that's a correct statement with, you know, a little clarification. If the PRB was aware that something was wrong in an LER, or had suspicions on something in an LER, they may or they should issue an action item.

CROSS EXAMINATION (Continued)

MR. MICHAEL KOHN:

Q And your department is represented on the PRB, correct?

A I was the representative for my department on the PRB.

Q Okay. And as the PRB representative, it was your obligation to keep the PRB informed with respect to the 18 and 19 numbers, that there was an inaccuracy in them, wouldn't it?

A Yes.

Q And you received an action item from the PRB to come up with the numbers. And after you received that action item on the 18th, you reused the April 9th numbers, correct, as the basis?

A No, the basis for the numbers in the LER, when we issued it out on April 19th, were George Bockhold's statement that -- his basis for the 18 and 19 he used in the -- in his presentation to the LER, plus an independent verification review by Tom Webb and, from my understanding, Herb Beacher.

Q You're missing what I'm asking you. I'm asking you, on the 18th you got an action item to include the numbers.

CHAIRMAN BLOCH: I think we're in a spiral. I think you've gotten everything you could possibly get from the witness, and you're just trying to insist on having him say it your way?

MR. MICHAEL KOHN: No. I'm asking -- it's the

timeframe.

BY MR. MICHAEL KOHN:

Q Between April 18th and before the draft goes back to the PRB with the numbers in it greater than 20, did you instruct Mr. Webb to reuse the April 9th numbers?

A I don't have any recollection of that, of instructing Mr. Webb to use it.

Q And do you know how those numbers were -- who made the decision to reissue those numbers into the LER?

CHAIRMAN BLOCH: It's not the same numbers. That's what is puzzling me about this.

MR. MICHAEL KOHN: Well, let me -- I'm trying to -- let me try to -- I've tried to frame the --

CHAIRMAN BLOCH: Why don't you just ask about the number that was used.

MR. MICHAEL KOHN: Let me rephrase it. I've been trying to use it as the basis for the numbers used. The number was 20, but if I understand it correctly it was based on the 18 and 19, correct?

BOARD EXAMINATION

CHAIRMAN BLOCH: That's a clearer question. Did you ever make a decision that the basis from which there should be some addition should be incorporated from an earlier draft, the 18 and 19? Was that basis to which other things might be added ever approved by you?

THE WITNESS: You know, I remember talking to Tom Webb and, again, I don't remember the specific timeframe, and Michael is being real specific about the afternoon of the 18th and I don't remember that. But I did on the -- at some time say, you know, use the April 9th letter as your starting point, and then add the starts to that.

CHAIRMAN BLOCH: Okay. I think he has told us as best he can what he remembers the basis for that to be.

THE WITNESS: But when that was called into question, then we took that out.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Well, my question is, when you gave that instruction to Mr. Webb, what factual basis did you have to believe that the April 9th letters were accurate? That the April 9th numbers were accurate?

A Well, I had no reason to believe they were inaccurate at the time that I think I gave him that instruction.

Q I thought you had previously testified that you removed those numbers from an earlier draft because you questioned their accuracy.

A That's true.

Q Now, after you questioned their accuracy and

you removed them, now later on you're instructing someone to put them back in. What factual information did you get in that narrow timeframe, before you instructed Mr. Webb to reinsert them, to indicate to you that they were now accurate?

A I guess the part I'm having trouble with is the Tom Webb reinserted the numbers into the LER based on the PRB comment. I don't have any specific recollection of going and telling him what to use as his basis to put numbers back into the LER.

Q Okay. Now, Mr. --

A And then, Tom Webb would have had the responsibility to validate those numbers in the LER when he reinserted them.

MR. BLAKE: If we're moving on, Michael, I didn't want to interrupt you. But I think that, Judge Bloch, I don't want the record to be confused. When you asked, "Would you let that go out without having it go back to the PRB with a number?" I think Mr. Kohn in a subsequent question cleared it up, hopefully, for you. But it did go back on the 19th with the "at least 20" to the PRB.

CHAIRMAN BLOCH: With the number in it.

MR. BLAKE: I didn't want you to be confused.

CHAIRMAN BLOCH: I was still confused. Thank

you.

BY MR. MICHAEL KOHN:

Q Now, would you look at Exhibit --

CHAIRMAN BLOCH: No, he's not testifying. He has the evidence that he will submit otherwise. That's just argument.

BY MR. MICHAEL KOHN:

Q If you would look at Exhibit I --

A Yes.

Q Mr. Blake has just indicated that the numbers went back to corporate.

CHAIRMAN BLOCH: No. To --

MR. MICHAEL KOHN: Excuse me, to the PRB.

CHAIRMAN BLOCH: -- to the PRB.

BY MR. MICHAEL KOHN:

Q And they were questioned again after that point, weren't they?

A Yes.

Q On the 19th?

A Yes.

Q And you picked up the action item during the April 19th PRB, correct, verified the numbers again?

A The recollection that I have specifically of picking up the verification of the numbers that were in the LER were a note coming back from corporate on a fax

saying, "Verify greater than 20." And then, I wrote in next to it on the draft LER, "Go to RO log," or something like that, instructing Mr. Webb to go reverify the "greater than 20" in the RO log.

Q You picked up the action item from the PRB by Mr. Kitchens who verified the number?

MR. BLAKE: I'm going to object. We've been over that line before, and there was a disagreement between the witness and Mr. Kohn at that point. The witness talked about having gotten the PRB comment, the instruction, the guidance from the April 18th PRB. Mr. Kohn then tried to talk him into saying that he got another comment on the 19th, but he said, "You know, when I look at that, my recollection was," just what he's saying now, was from the 18th PRB meeting.

MR. MICHAEL KOHN: I think Mr. Blake is testifying, and I think that the interruptions are not necessary. And I --

BOARD EXAMINATION

CHAIRMAN BLOCH: I think the witness had just said that he thought that there was another item that was being gone into on the 19th, is that correct? That there was a further verification taking place on the 19th.

THE WITNESS: We were -- we were working on April 19th to verify that the numbers in the LER, before

it went out, were correct.

CHAIRMAN BLOCH: All right. So please continue, Mr. Kohn.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Okay. And Mr. Odom was working on the reverification, as well as others?

A Well, my recollection is that Tom Webb was working on it in conjunction with Herb Beacher. They reported to Mr. Odom, so he was involved.

Q Okay. And on Exhibit I to your testimony, on page 8 of your prefiled testimony --

MR. BLAKE: Did you say page 8, Michael?

MR. MICHAEL KOHN: Yes.

BY MR. MICHAEL KOHN:

Q And if you'd look at lines 15 through 17, do you see that?

A Yes.

Q And Mr. Odom is saying, "It's not like we didn't know this statement was questionable to begin with." Do you see that?

A Yes, I see that.

Q And on page 19, Mr. Odom again is saying that --

MR. BLAKE: Of what document?

MR. MICHAEL KOHN: Of the same document, lines 17 through 22.

MR. BLAKE: Thank you.

BY MR. MICHAEL KOHN:

Q Indicating that they talked about how questionable it was. And he's saying -- and Mr. Odom is saying, "I swear to God." He seems a little agitated. Do you recall him being agitated during this?

A Well, as we discussed in the early part of the testimony, I was not involved in this first side A part of the conversation, so I have no recollection of this at all. This has been stricken I think, hasn't it?

Q Okay. Are you surprised -- I mean, were you aware that -- well, you read the transcripts. You are aware that Mr. Odom said, "It's not like we didn't know this statement was questionable to begin with." Did you know that Mr. Odom was -- was Mr. Odom --

MR. BLAKE: Michael, you've got to help me. I'm lost on where you are now in the tape. Just point me to the right spot on the tape, so I can follow you.

MR. MICHAEL KOHN: On the transcript?

MR. BLAKE: Yes.

CHAIRMAN BLOCH: It was Exhibit I, correct?

MR. MICHAEL KOHN: Yes, page 8, lines 15 through 18, and page 19, lines 17 through 22.

CHAIRMAN BLOCH: Please try to ensure that the question is relevant for this witness.

MR. MICHAEL KOHN: Yes.

BY MR. MICHAEL KOHN:

Q If Mr. Odom asked you, "Why do we try to write things like that when we know they are questionable?" how would you have responded on that -- to his comment?

A Probably say we shouldn't.

Q And Mr. Odom and Mr. Webb were involved in drafting the LER, correct?

A That's correct.

Q And they received -- they knew that these numbers were being reinserted back into it after they had been taken out, after they were questionable, correct?

A Yes, they did. That's why they were instructed to go verify them.

Q Now, later in the day on April 19th, you formally advised Mr. Stringfellow that the April 9th corrective action response letter is a material false statement, correct?

A I think what I say to Mr. Stringfellow is that we're thinking that's a material false statement.

Q Okay. And for how long had that thought process been going on?

A I don't have any specific recollection,

Michael. I know on the -- I don't have any specific recollection.

Q And then, after you get done with your conversation with Mr. Stringfellow, do you recall telling Mr. -- referring to the corrective action response letter as the communication in which corporate lied?

A Yes, I do.

Q And when you made that statement, you were of the opinion that corporate had lied.

A I was of the opinion that -- that it appeared that there was an error in the April 9th letter.

BOARD EXAMINATION

CHAIRMAN BLOCH: Why do you resist calling it a lie now?

THE WITNESS: I mean, I don't. He -- you know, the -- when you say something that is wrong, that's a lie, whether it's --

CHAIRMAN BLOCH: If you know it's wrong.

THE WITNESS: Well, if it's wrong, you know, it's wrong. You know, it's incorrect, it's a lie, you know. If you're -- if you do it intentionally, then, you know, that's more severe. But if you just say, you know, "I think the wall out in the hall is blue," and they look out there and it's green, well, I lied; it wasn't blue, it was green.

CHAIRMAN BLOCH: Regardless of whether you had ever been in the hall before.

THE WITNESS: That's right.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, you go on later that day to tell Mr. Mosbaugh that Birmingham thinks that they made a material false statement. Do you remember that?

A Refreshed by the tapes, yes.

Q Okay. And you advised Mr. Mosbaugh that the people in Birmingham who made the material false statement that had been -- let me rephrase it -- that the communication you received from corporate was that Mr. McCoy, Mr. Hairston, and Mr. McDonald were reviewing the April 9th LER -- excuse me -- April 9th letter, to see if they made a material false statement?

A I don't have any specific recollection of that, but from reviewing the tapes it's apparent to me that I thought at that point in time that McCoy, Hairston, and I think McDonald were reviewing the -- what was presented on April 9th.

Q Okay. And you told -- I understand that Mr. Mosbaugh walked into a meeting or a discussion you were having with Mr. Odom. Was that in your office? I'm talking about the time where the discussion comes up about

Birmingham is thinking they made a material false statement.

A Yes, I'm pretty sure that was in my office.

Q Okay. And so if you would look -- looking at page 72 of tape 57, and in the course of the discussions you're having with Mr. Mosbaugh, and in particular pages 72 through 78, Mr. -- is Mr. Webb also in the room with you? If you'd look on pages 77 and 78.

A Yes, I -- I think -- and I have a real vague recollection. I think Odom was on the phone and Webb walked into my office.

Q Okay. And then, on page 77, Mr. Webb says on lines 22 through 24, "I don't know if we should try to continue this misconception that started nine days ago." Do you remember hearing that comment?

A Not specifically.

CHAIRMAN BLOCH: What's the date of this conversation?

MR. MICHAEL KOHN: April 19th.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, is that consistent, in your mind, with the possibility that Mr. Webb had prepared a list that actually corroborated the list of starts?

THE WITNESS: I think this is before Tom had

worked on that task.

CHAIRMAN BLOCH: So maybe I was -- maybe I just am misremembering. What date do you think he probably gave you that list?

THE WITNESS: Late in the afternoon of the 19th.

CHAIRMAN BLOCH: The conversation is when?

MR. MICHAEL KOHN: This is April 19th.

CHAIRMAN BLOCH: Do you think after he made these statements he went out and he prepared his list and gave it to you?

THE WITNESS: Yes.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Do you think that Mr. Webb has already come to the conclusion that the April 9th letter is false?

A I really don't know what conclusions that Tom Webb has drawn at this time on the April 9th letter.

BOARD EXAMINATION

CHAIRMAN BLOCH: Are you familiar with this whole tape transcript, Mr. Aufdenkampe?

THE WITNESS: Fairly familiar with it.

CHAIRMAN BLOCH: Is there any indication in the transcript itself that Mr. Webb was being asked or had agreed to go and make a count?

THE WITNESS: I think that there is -- there is either some place where I told Allen or Rick on the phone that I -- that I -- that I say that -- or I say, "My people are out there verifying this now." That might be in tape 58 also.

MR. MICHAEL KOHN: I think if Your Honor would look at the end of the tape transcript you're looking at, there is discussions about, on page 78, talking about the -- that information is not up to date, and I -- things were still going out and -- that helps you, Your Honor.

THE WITNESS: Yeah, there is -- there is -- I think it gets into more detail on -- on the next tape, but it -- you can see on line 16 of page 78 where Gus Williams comes in and -- and Odom is saying -- well, let's start on line 8. Odom says, "I don't have all of the logs is my problem right now. We've got days missing. I can go out and look right" -- it says, "Know what I've got, and we start on the -- on the days missing," and it goes on to talk about where Gus Williams comes in and says, "I have those logs." So he is providing those logs to Rick Odom, apparently. Gus Williams --

CHAIRMAN BLOCH: That would be updated -- what logs?

THE WITNESS: The shift supervisor's log and the control log.

CHAIRMAN BLOCH: Okay. The engineer's log is still not up to date, right?

THE WITNESS: The engineer's log is still not up to date.

CHAIRMAN BLOCH: So the source for the Webb list is going to be those two logs?

THE WITNESS: That's correct.

ADMINISTRATIVE JUDGE CARPENTER: Can I ask a couple of questions?

While the Intervenor is looking at his notes, can you satisfy my curiosity? These people down at one of the diesel generators who are observing the starting and running of the diesel fill out certain forms. There are some notes taken in the control room, and so on. And with these ones that are the primary document, then leave that area with some kind of routing sheet. Have you ever seen that routing sheet? Where do they go? All of this fumbling around, if the log wasn't up to date, where were they?

THE WITNESS: I don't remember the specific routing. But once they come in --

ADMINISTRATIVE JUDGE MURPHY: I'm listening. Go ahead.

(Laughter.)

CHAIRMAN BLOCH: I was telling Judge Carpenter

that I remembered some testimony from the SAER that they had to trace them down in a variety of places.

THE WITNESS: Yeah. Basically, what they're supposed to do once the -- the start sheet is taken, it's supposed to go to the shift supervisor, who should review it. Then, it goes to the shift clerk, and the shift clerk probably sends it over to the Service Building, to the operations clerk over there, who probably makes distribution on it to the various people that are supposed to get copies of it.

ADMINISTRATIVE JUDGE CARPENTER: So if you wanted to find them, how many desks would you have to search?

THE WITNESS: Well --

CHAIRMAN BLOCH: Let's put it this way, the SAER said it took them ten days.

THE WITNESS: It can be -- I think they've -- I think they've improved that process substantially, and --

ADMINISTRATIVE JUDGE CARPENTER: All right. Thank you.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, you acknowledged before the late afternoon phone conference that the information contained

in the corrective action response letter was misleading. Is that true?

A Repeat the question, please.

Q Yes. Do you recall acknowledging Mr. Mosbaugh's and Mr. Odom's presence at the statement, "Since March 20th, the A diesel has been started 18 times, and the B diesel has been started 19 times. No failures or problems have occurred during any of these starts." That that statement was misleading?

CHAIRMAN BLOCH: Okay. Why don't you tell him the place. And I don't understand the -- because you've got tapes, right?

MR. MICHAEL KOHN: Yes.

BOARD EXAMINATION

CHAIRMAN BLOCH: So let's not ask, because he doesn't have very many initial recollections about this.

Do you remember that as a matter of --

THE WITNESS: Only by refreshed by the tapes. I know it's in -- in the transcript.

CHAIRMAN BLOCH: So let's just work with the tapes, and let's see if we can show him them quickly and then get the questions answered.

MR. MICHAEL KOHN: All right.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Okay. That would be on transcript page 74 of Georgia Power's Exhibit 1, tape 57.

A I have the reference.

Q Line 6. And how soon after you made these comments do you recall -- well, actually, let's walk through it. After tape 57 ends, can you tell me what occurred with respect to how you ended up as a participant on the April 19th conference call?

A I'll give you my recollections, and, you know, time -- timeframe is a little bit more difficult. But the way the April 19th phone call -- and you're referring specifically, I guess, to the one where George Bockhold and George Hairston and Ken McCoy were involved in?

Q That's correct.

A Okay. The way that phone call transpired is I think corporate called me, and we were going over the corporate comments in the LER step by step. And we got to the issue on the diesel starts, and I went and I -- I remember leaving my office and going to my secretary's office and calling George Bockhold and asking -- asking him to get on the phone, and then we continued through the comments, corporate comments.

Q Whose office were you in when the -- were initially discussing this with the corporate people?

A My office.

Q You went off the phone to talk to your secretary. So you left your office --

A No. I went to my secretary's phone to call George Bockhold.

Q Because you were on your phone?

A Yes, sir.

Q And who was on the phone with you before Mr. Bockhold joined?

A I think Jack Stringfellow was on there. I think Bill Shipman was on there. And I can't remember whether Ken McCoy was on there before I got George, but he may have been.

Q And do you know if Mr. Hairston was on there?

A Not at that time.

Q Now, at the end of tape 57, on page 79, it ends with Mr. -- walking sounds, door closing, Mr. Mosbaugh is leaving your office. And then, tape 58 picks up. How long after Mr. Mosbaugh left did this communication with corporate begin?

A I really don't remember, Michael.

Q And do you remember who placed the call?

A No, I don't.

Q And do you know how long you were on the call before Mr. Mosbaugh walked in?

A It was some period of time, because we were

going through the corporate comments and we were down to the discussion on diesel starts, and I think there were only two other comments after that one.

Q And when you got on the phone with Mr. Bockhold, now you were off the big conversation, and you were having a one-on-one conversation with Mr. Bockhold?

A Yes.

Q And what did you tell him?

A I don't remember specifically, but I think it was something like, "We're talking about the diesel starts, and we'd like your input on it. Could you" -- I think we were on the bridge line at the time, so, "Could you call us on the bridge line?"

Q Did you ask him for some further information at that time, or just asked him to join in on the --

A I think I just asked him to join in.

Q Okay. And if I understand it, then, tape -- did you know that Mr. Mosbaugh was out doing some -- an errand to find out what the operator saw?

A I have some vague recollection that Allen was working with the operator to get him so he could talk to George Hairston.

Q And then, Mr. Mosbaugh returns from that errand?

A I -- I don't know the exact timeframe, Michael.

Q But he returns, if I understand it, and then that's where tape --

A Yeah, he walks into the -- the conversation that I've already referenced when George Bockhold is talking to -- or is already on the phone.

Q Okay. And that would be on page 7 of Georgia Power's Exhibit 2?

A Yes.

Q And when Mr. Mosbaugh walked in, you announced his presence, is that correct?

A That is correct.

Q And why did you do that?

A It was a general courtesy that I did when people walked in.

Q Okay. Now, on the phone call, do you recall whether mention of the Comprehensive Test Program was occurring before you got Mr. Bockhold on the phone?

A I don't have a specific recollection, but I think we had discussed that issue a little bit before Allen got there.

Q Do you recall discussing it before George called on to the bridge line?

A No, I do not.

Q When is the first time you recall hearing about the Comprehensive Test Program?

A In that telephone conversation, again, refreshed by the tapes.

CHAIRMAN BLOCH: That was a good question, because you couldn't answer it from reading your tapes. Most of the rest of them you can answer from reading the tapes, so I don't understand why you're bothering with it.

BY MR. MICHAEL KOHN:

Q And earlier, on page 73 of tape 57, lines 4 and 5, can you identify who the "he" is you're referring to there? Line 4.

A I think I'm referring to Mr. Odom.

Q Aren't you asking the question to Mr. Odom? Aren't you referring to who told you that from corporate?

A Yes.

Q Okay. And who told you that from corporate?

A I don't have any recollection.

Q Is your best recollection Mr. Stringfellow?

A It was probably Mr. Stringfellow if I had to speculate.

CHAIRMAN BLOCH: Well, I hear that the answer is that it was not a recollection; it was a speculation.

BY MR. MICHAEL KOHN:

Q Now, do you recall what the definition was of

the Comprehensive Test Program?

A It was -- as I recall, it was after the sensor calibration.

Q And was that told to you on April 19th by Mr. Bockhold?

BOARD EXAMINATION

ADMINISTRATIVE JUDGE CARPENTER: Excuse me, if I could break in. Was it the beginning of the program or the end of the program when you said "after the sensor calibration"? Is that when the program began?

THE WITNESS: That was the end of the Comprehensive Test Program, as I understood it, on April 19th.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

CHAIRMAN BLOCH: Is this information about Mr. Bockhold telling him something on the tape?

THE WITNESS: Yes, it is, Your Honor.

CHAIRMAN BLOCH: If it is, what are we gaining from asking him about whether that's how he learned? Do you want to ask him whether he ever learned about it before then, or do you already know that? Let's just ask something if we think we're going to learn something from the answer.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Are you aware that Mr. Bockhold told Mr. Shipman about the failures on April 19th?

A I don't know. I don't have any specific recollection of knowing exactly what Mr. Bockhold told Mr. Shipman, other than what was in the April 19th phone call.

Q If you would look at page 110 of your OI testimony, line 21.

A Yes.

Q All right. So does that refresh your recollection that you were aware that George Bockhold had told Mr. Shipman on the phone about the failures?

A Again, Michael, I don't have any specific recollection. What transpired here is Mr. Robinson had played me a portion of tape 58, where I -- where I probably made the statement that George was aware of the failures. That's what he told Shipman on the phone.

BOARD EXAMINATION

CHAIRMAN BLOCH: Just so I can figure out, what date are we talking about that George Bockman (sic) knew about that? Bockhold.

THE WITNESS: April 19th is the date of these conversations.

CHAIRMAN BLOCH: Okay.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, if you'd look at tape 58 --

A I don't have a copy of the transcript.

Q And you are familiar that there is a disputed section of the tape?

A That is correct.

Q And did you ever hear Mr. -- when you heard the tape, did you ever hear Mr. Shipman use the word "disavow"?

A I cannot clearly make that out, and I've listened to the tape tens of times, maybe hundreds of times.

BOARD EXAMINATION

CHAIRMAN BLOCH: Did you hear some other word?

THE WITNESS: I can tell you what I think is going on there, but it's just purely speculation.

CHAIRMAN BLOCH: Did you hear a word after "not not"?

THE WITNESS: It -- well, you can hear some talking. It could be "just the valves" or "that's the valves" or "disavow" or something of that nature. What I've tried to do is follow through the LER comments and see what we were talking about, and we went from the diesel starts -- the next section of comment is the Calcon switches discussion, which there is nothing discernable in

the tape about the Calcon switches in the LER.

And then, the last sections is the ENN stuff, which is the last thing that we pick up. So we may have been talking about the Calcon switches there.

CHAIRMAN BLOCH: When you were listening to the tape, did you hear the "not not"?

THE WITNESS: Yes, I heard the "not not."

CHAIRMAN BLOCH: And what did you think that was all about?

THE WITNESS: I didn't really know.

CHAIRMAN BLOCH: Did the tonality of the words seem usual to you?

THE WITNESS: It seemed somewhat staccato. You know, you can clearly make out the comments that, "We didn't have no -- didn't have no trips." That's pretty clear. And then, there's a "not not" or a "no, not not." But whether that was -- I couldn't really tell whether that was tied to that statement or tied to the conversation that we're having or anything like that.

CHAIRMAN BLOCH: Okay.

THE WITNESS: I know everybody has confusion on this -- this particular part. But I do not have any recollection of the word "disavow" or -- or "I'll testify to that" or --

CHAIRMAN BLOCH: Do you hear, "I'll testify to

that," as you listen to it today? The witness indicated "no" by a shake of the head.

THE WITNESS: No.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, do you agree with Georgia Power's version on page 12, "So we didn't have no -- didn't have no trips," "no, not not," that the voices are -- that you can't identify the voices?

A I think you can identify the voices on that. I think the, "So we didn't have no -- didn't have no trips" is George Hairston's voice." The "no, not not" is Bill Shipman's voice.

Q So then, if I understand it, you would agree with respect to those with Mr. -- with Intervenor's version?

CHAIRMAN BLOCH: He just said what he heard. Whether it's the same as yours or not we can decide later.

MR. MICHAEL KOHN: Thank you, Your Honor.

BY MR. MICHAEL KOHN:

Q On page 32, Mr. --

ADMINISTRATIVE JUDGE MURPHY: 32 of?

MR. MICHAEL KOHN: Of Georgia Power's Exhibit 2, tape 58.

BY MR. MICHAEL KOHN:

Q Mr. Stringfellow -- you say, "It's getting soggy around there."

CHAIRMAN BLOCH: What line?

MR. MICHAEL KOHN: Excuse me. Line 8.

BY MR. MICHAEL KOHN:

Q What did you mean by that comment?

A I mean we had discussed this issue about four times, and there was no new information coming to light in discussing it, and there was no reason to review it also with Jim Swartzwelder who had just walked into the office.

Q Well, soggy -- it seems to me it was getting less firm, isn't that what "soggy" connotes?

A No, I don't think so, not in this context.

Q Well, did you feel you were going around in circles during your conversation?

A I think we were going over the same stuff and coming up with the same answers.

Q And, in your mind, what was that answer?

A That the diesels had been started at least 18 times and no failures or problems had occurred in any of these starts.

Q And then, you go on to say on page 35, "I'm not talking right or wrong. I'm just talking practical."

CHAIRMAN BLOCH: Line number?

MR. MICHAEL KOHN: 24 through 26.

BY MR. MICHAEL KOHN:

Q In fact, I think it's -- really, you start from line 15. On line 16, you say, "I don't think it matters." Did you really think it didn't matter whether -- where the Comprehensive Test Program started? Excuse me. Let me withdraw that.

Mr. Mosbaugh says on line 12 that he -- that you can't put false information in written correspondence to the NRC. And then you say, "The reason I don't think it matters is because" --

A I think, Michael, you need to include all of what I said.

Q Okay. Well, in the -- well, I agree with that one. "The reason I don't think it matters is because regardless of how we put it in there, when they come and ask us questions about it, we'll tell them, 'That is what our basis for it was.' That is why we get 18. If they interpret it differently, well, sorry. We'll send a Rev. out."

CHAIRMAN BLOCH: "We're sorry."

BY MR. MICHAEL KOHN:

Q "We're sorry. We'll send a Rev. out. You don't agree with me on that." What did you mean by, "We're sorry. We'll get back to you"?

A You know, I think it's fairly straightforward

there. I thought that we had basis for information in the LER. We couldn't -- we weren't to send out incorrect information if we knew it was wrong. I always recognize that people make mistakes and could have erred, and that's why the LER process allows for revisions. If you identify something later on that you weren't aware of at the time, then you can send a Rev.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, I'm not as familiar with this tape as you and Mr. Kohn are. What does "This is what our basis for it was" -- what does that refer to? What was the basis?

THE WITNESS: Again, I think that's talking about the statement that we got from George that we had had the 18 and 19 starts or consecutive starts after the Comprehensive Test Program, plus the information that we had gotten from Tom Webb.

CHAIRMAN BLOCH: All right. And could you help me find -- is there a way to know from this tape that that's what that refers to?

THE WITNESS: They -- bear with me for just a second. I'm starting to accumulate papers over here.

CHAIRMAN BLOCH: I see you're going around in circles as we sometimes do. It's not easy to find it.

If counsel knows a clear place to direct us to

so the witness can examine it, that would be fine.

THE WITNESS: Let's see -- 28 and 29. Okay. If you start on page 27 -- maybe even back further. Starting on page 26, line 16, I say, "Well, you know, the bottom line is on the B diesel, we had done major maintenance on it. We were in the process of testing to make sure it was working right.

Then, at testing process, we had it fail apparently three times. Once we got all of the bugs worked out of it, since the point we got all of the bugs worked out of it that we've had, we had -- and I'm kind of guessing -- but we had 27 starts, because I don't know where the three failures are in the sequence of 27 starts, but we had X number of starts, and George's argument is that -- is after we got all of the bugs worked out we had 18 starts."

CHAIRMAN BLOCH: So where did the 27 come from?

THE WITNESS: That's the number on the Webb list.

CHAIRMAN BLOCH: But is this conversation before or after the Webb list was --

THE WITNESS: I think we had the Webb list at this time.

CHAIRMAN BLOCH: Okay. So the last

conversation was before the Webb list, but you think you had the Webb list?

THE WITNESS: Yeah. This is pretty late in the day on April 19th. If you notice, the first conversation we were talking about is at the end of tape 57, which is earlier in the day, and this is halfway through tape 58.

CHAIRMAN BLOCH: So the basis you think you're referring to later on is the Webb list?

THE WITNESS: I think so.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, I thought you told me that the Webb list listed --

THE WITNESS: Your Honor, in addition to the statements from George Bockhold.

BY MR. MICHAEL KOHN:

Q I thought you told me that the Webb list that you're referring to had the failures in it.

A That's correct.

Q All right. So you're looking through a Webb list with 27 starts, and -- but you say, "But I don't know where the three failures are in the sequence of 27 starts." If you had the Webb list, you would have known where they were, wouldn't you have?

MR. BLAKE: One question at a time, please.

CHAIRMAN BLOCH: I think that's clear enough to answer.

THE WITNESS: The Webb list that I saw recently had several notes in the columns. I'm not sure all of those notes were on there when I originally saw the list.

BY MR. MICHAEL KOHN:

Q So you think there may be more than one version of the Webb list?

A Yes. Or a single version that has been through more than one pair of hands.

Q And the version that you have recently seen, do you know which version that is?

A It's the version that was went to OI.

Q But you don't know what version it is?

A No, sir. I mean, I guess I don't -- no, I don't know. They don't have Rev. -- it doesn't have Rev. numbers or anything on it.

Q And who was Rev.'ing this version that you're aware of?

A I think there are some notes by Allen on it. There are some notes by Tom Webb on it.

Q And do you know when these Revs. were taking place?

A No, I do not.

Q Now, if you had this list at this point in time, could you definitively determine -- let me rephrase it.

If the list you had listed all of the starts, and also had the failures, could you definitely determine whether the April 9th letter was a material false statement?

A Within the limits of the accuracy of the list, yes.

BOARD EXAMINATION

CHAIRMAN BLOCH: Did you question the accuracy of the list?

THE WITNESS: I didn't at the time.

CHAIRMAN BLOCH: You thought it was sufficiently accurate to make a statement to the NRC from, didn't you?

THE WITNESS: Yeah. I'd think it was -- you know, my recollection is it was a rereview of the operator's logs.

CHAIRMAN BLOCH: Is there anything that has subsequently caused you to think that the list is not accurate?

THE WITNESS: Well, I think they've found four starts that weren't in the operator's logs.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q And you say that on page 26, "George's argument is that after we got all of the bugs worked out we had 18 starts." If you had a list that had all of the starts and the failures in it, then you would know that George's argument is fallacious, wouldn't you?

A No. I think if you look at the list there are 18 starts between the last failure and April 19th.

BOARD EXAMINATION

CHAIRMAN BLOCH: Let me ask you a little bit -- what conversation did you have with Mr. Webb about his list?

THE WITNESS: I don't recall any, sir.

CHAIRMAN BLOCH: So do you have any idea how long he took to compile it?

THE WITNESS: I think he took that afternoon to compile it.

CHAIRMAN BLOCH: One afternoon?

THE WITNESS: Probably from about 3:00 to 5:00.

CHAIRMAN BLOCH: And do you know whether or not he ever verified that list with anybody else?

THE WITNESS: No, I do not. My intention in giving the instructions and why I had Herb Beacher and Tom

Webb do it was to have two people do it.

CHAIRMAN BLOCH: They had not at this time done it, though, is that right?

THE WITNESS: I think by the time -- by the -- right before we sent out the LER I think we had that in our possession.

CHAIRMAN BLOCH: You also had the -- another version in addition to the Webb version.

THE WITNESS: No. The one where there were four starts missing, is that what you're referring to?

CHAIRMAN BLOCH: Well, you said that Beacher and who else?

THE WITNESS: Herb Beacher and Tom Webb went out to accumulate the list.

CHAIRMAN BLOCH: And Beacher verified the Webb list?

THE WITNESS: I don't know that for a fact.

CHAIRMAN BLOCH: Did they prepare it together?

THE WITNESS: I don't know.

CHAIRMAN BLOCH: Do you know what criteria they used for including things on the list or not including things on the list?

THE WITNESS: No, I do not.

CHAIRMAN BLOCH: How could you rely on it?

THE WITNESS: Well, you know, my recollection

at this point in time is that we had questions about the start. We sent Tom Webb and Herb Beacher out there to verify the information that we already had, and they came back with a verification, so I feel that I could have relied on that because that was their instructions, to my recollection.

CHAIRMAN BLOCH: What were the instructions?

THE WITNESS: To go out and verify the "greater than 20."

CHAIRMAN BLOCH: Greater than 20? Of what?

THE WITNESS: Diesel starts, consecutive diesel starts.

CHAIRMAN BLOCH: Consecutive diesel starts? You didn't use the word "successful" this time.

THE WITNESS: I don't remember specifically what words I used. It was -- you know, I think Tom's specific instruction was to verify the -- what was said in the LER when it said "greater than 20." That's when he went and accumulated the list.

BY MR. MICHAEL KOHN:

Q On page --

ADMINISTRATIVE JUDGE CARPENTER: If I can just -- I hate to admit being so lost. Why were you counting starts in the time period -- in the time period April the 10th through the 19th, with regard to examining the

accuracy of a count which had been terminated on April the 6th and 7th? I'm confused as to what the purpose was. I missed the point. Someone is shaking their heads at me, but I missed the point. And so help me.

THE WITNESS: Well, you know, what was important from my perspective is that the April 19th LER that went out was correct in all aspects. Okay? There -- there certainly were issues with the April 9th letter, but the principal focus right now was to get the LER out correctly. And we had a statement in the LER that said there were 18 or greater than 18 consecutive starts by -- by this point in time. And somebody had to validate that, so we could ensure that the LER was correct.

Now, there is a side issue going on, you know, is the April 9th letter correct? But it's --

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

THE WITNESS: -- it's a different issue.

ADMINISTRATIVE JUDGE CARPENTER: Thank you. You woke me up, or you brought me up to speed.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q Now, on page 27, lines 14 through 17, you state --

A Excuse me, Michael. The page reference?

Q Page 27, Georgia Power 2, tape 58, lines 14

through 17. You say, "I mean, that -- that -- that somebody has gone and validated that data." If I understand your testimony, you're telling me that you had gotten the validation from your people -- Webb or Odom or somebody?

A That's correct.

Q So what -- you're saying somebody. You're acting like you don't know who it is.

A There's two different things being said here, Michael. One is that somebody has gone and validated that data, and that's what George presented, so that's George's part of it. I think if you look at the tapes he says, "Jimmy Paul has verified that data as being correct." And then, I go on to say, "The data that has been offered to us does not bring into question that data." So that's a different set of data.

Q Well, in fact, the data that was brought to you, if it listed all of the starts and had the failures listed in it as well, would have brought into question that data, wouldn't it have?

A In that timeframe, I think the answer is no.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, to put it another way, did you ever look at the question of whether the data that you received from Mr. Webb contradicted the

data that Mr. Bockman (sic) had supplied? Bockhold.

THE WITNESS: I did not try to correlate what George Bockhold said with the data that we had. I took -- my recollection is I took George Bockhold's statement of fact as fact, and I looked at the other information that we had, and looked at it and felt that it supported that, what was in the LER. So I had two sources of verifying that the LER was correct.

CHAIRMAN BLOCH: Hadn't you previously had some concern, though, that the number of failures created a problem for Mr. Bockhold's data?

THE WITNESS: Yes, sir.

CHAIRMAN BLOCH: And yet you had a list in front of you that had starts and failures and you never thought of looking to see if Mr. Bockhold's data must have been false?

THE WITNESS: No, sir.

CHAIRMAN BLOCH: Does that seem strange to you?

THE WITNESS: Yeah. You know, five years later, yes, it does.

CHAIRMAN BLOCH: Well, I mean, I'd like to get -- I mean, we do things sometimes irrationally. I want to acknowledge that. That happens. But can you think of why it is that you'd overlook the fact that you had a doubt

about the starts being interrupted by failures, and yet with the list in front of you you didn't look to see whether your doubts were correct?

THE WITNESS: Well, you know, I had -- you know, even if I had doubts about what George had told me, I had confidence in what Tom Webb had provided to me.

CHAIRMAN BLOCH: But it looks like from the phone conversation you're relying on both sources.

THE WITNESS: I am.

CHAIRMAN BLOCH: And that's what puzzles me. Does it puzzle you?

THE WITNESS: You know, I don't think that's a yes or no question, and I don't think the answer is a yes or no answer.

CHAIRMAN BLOCH: Whatever answer you can give.

THE WITNESS: I think that at the timeframe -- in the timeframe we issued the LER I was comfortable that the LER was correct. In looking at it, you know, one year, two years, five years later, was I as thorough in verifying that sentence as I should have been? No. Should something have clicked in my brain that said, hey --

CHAIRMAN BLOCH: I didn't ask you about whether the LER was correct. I wasn't asking that at all. I was asking you whether the data Mr. Bockhold had given

you was correct, and you had data right in front of you from which you could have ascertained that.

THE WITNESS: I don't think the Tom Webb list would ascertain that what George had said was incorrect.

CHAIRMAN BLOCH: And why is that?

THE WITNESS: Because, again, I was looking, do we have 18 consecutive starts? And George had said we had 18 starts; the list said we had 18 starts.

CHAIRMAN BLOCH: But he said --

THE WITNESS: The piece of information I was missing was after the Comprehensive Test Program. I didn't know where that was.

CHAIRMAN BLOCH: But he -- not only didn't you know that, but he had stated that the starts had occurred before the 7th of April. You could have looked at the list to find out if there were 18 consecutive starts before the 7th of April, couldn't you have?

MR. MICHAEL KOHN: April 9th.

THE WITNESS: Yes.

CHAIRMAN BLOCH: Well, actually, it turns out it's not April 9th, it's April 7th. Because if I hear correctly, there's nothing between the 7th and the 9th. You could have looked. I just don't -- I'm flabbergasted you never looked, after you had doubted that the count was correct in the first place. You're obviously not

flabbergasted, but you're a little doubtful on how to respond.

THE WITNESS: I mean, I -- I don't know how to respond to the question. You know, it's something that I obviously should have done in retrospect, but I didn't do it. I don't know why I didn't do it. I don't have any recollection of why I didn't do it. All I know is that I was comfortable when the LER went out.

CHAIRMAN BLOCH: In fact, anyone at the table could have done that, couldn't they? Mr. Shipman could have done it because the list was there to --

THE WITNESS: Well, no, I don't think Mr. Shipman had a list. I think the list was -- just Allen and I had the list.

CHAIRMAN BLOCH: Sitting at the table -- you were hiding it?

THE WITNESS: No. They were in Birmingham. We were in Augusta.

CHAIRMAN BLOCH: Oh, okay. Thank you.

(Laughter.)

MR. BLAKE: I don't find this comical, Judge Bloch. We're -- this is very serious, and the man is trying his very best to answer your questions.

CHAIRMAN BLOCH: Well, I have no doubt about that.

CROSS EXAMINATION (Continued)

BY MR. MICHAEL KOHN:

Q And on page 29, Mr. Shipman tells you, "We really aren't changing George's number." Is that correct? Weren't you still under the understanding that the April 19th LER was based on George's numbers as of the 9th?

A All I can do is, again, go to what my recollection is of my thoughts at the time that the LER went out. I had the general manager telling me that he had greater than 18 starts and 19 starts on the A and B diesel after completion of the Comprehensive Test Program. I had data, or I have a recollection of having data that -- that validated that statement, although maybe I didn't do as good a jcb at evaluating it in the -- in the waning moments of April 19th as I should have.

And, in addition, there is -- in the tapes, Ken McCoy had called Ken Brockman, and they understood what all of the information was -- was presented. There is a statement in the tapes talking about that, too, and I was comfortable that the LER was correct. I mean, I don't --

Q And you were comfortable knowing it was correct without knowing the definition of the Comprehensive Test Program?

A Again, my focus, as I stated before, was on how many successful starts that we had. The definition of the Comprehensive Test Program had been stated to Mr. Brockman by Mr. McCoy. I didn't feel it was critical at that juncture that I know the exact definition of the Comprehensive Test Program. I maybe should have, but I didn't.

Q So was Mr. Brockman's knowledge part of the verification of these numbers?

A Well, Mr. Brockman's knowledge was part of ensuring that we had open communications with the NRC and were telling them everything that we should.

Q But by this time, a list of the starts making up the April 9th presentation hadn't been sent to the NRC as far as you knew, had it?

A I don't have much knowledge of what was sent to the NRC with respect to the April 9th presentation, other than the April 9th letter.

CHAIRMAN BLOCH: You're going to get a chance to argue that kind of thing. I don't know why this witness has to be asked that.

We should take a 10-minute break now. And we're going to finish at 5:00, so during the 10-minute break, get organized, and let's get a real great last 50 minutes. It's 4:05. We'll be back at 4:15.

(Whereupon, the proceedings were off the record from 4:05 p.m. until 4:17 p.m.)

CHAIRMAN BLOCH: The hearing will come to order.

MR. MICHAEL KOHN: On page 12 of your pre-filed testimony, line --

THE WITNESS: Michael, before we do that, the last break we had, you asked me a question, and I just was thinking about it. I didn't answer it. Did George Bockhold get a copy of the PRB minutes. And I don't know the specific answer to that, but during that break, I referred to the PRB meeting minutes. And the only one on distribution for copy is the NRC resident.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

CROSS EXAMINATION

BY MR. MICHAEL KOHN:

Q Calling your attention to page 12 of your pre-filed testimony, line 24, you say the number of consecutive successful starts was significant to you?

A That is correct.

Q And if you would look at tape 58, page --

CHAIRMAN BLOCH: Before we continue with that, we just would like to state that there's a possibility we now understand something about the importance of the 17 and 18 number. We're just going to throw it out, because

we don't know. We know that 69 seems to have been the number that was required for a plant. And if you take four diesels, and divide by four, you get between 17 and 18 starts per diesel.

Now, I don't know if that had anything to do with this, but it occurs to us that it's an interesting thought.

ADMINISTRATIVE JUDGE CARPENTER: You get 17 and a quarter.

CHAIRMAN BLOCH: Seventeen and a quarter starts.

ADMINISTRATIVE JUDGE CARPENTER: It's an interesting reg guide.

CHAIRMAN BLOCH: Did that ever occur to you, that that was why 17 might be important?

ADMINISTRATIVE JUDGE CARPENTER: Mosbaugh is shaking his head, so --

MR. MICHAEL KOHN: Your Honor, I think it has to be divided per unit.

CHAIRMAN BLOCH: Per unit? So, it should be 69 divided by two? Let's go on. Okay. Just a thought, and it's wrong. (Laughs.)

THE WITNESS: Well, in my -- I don't think it's -- you know, there wasn't in my mind saying, well we, if we got it back up to the requirements of reg guide

1.108, we were okay. But what was in my mind is, the number of consecutive starts was an indicator that the diesels are reliable, because that's how you measure reliability of diesels is number of consecutive starts.

If you look at, like, the safety system performance indicators, and stuff like that, and the INPO guides, and stuff, number of repetitive starts is important, much more important than how much checking out you do of the circuits, and stuff, before you run the diesels. It's the number of, you know, how many times you're able to start it in a row.

BOARD EXAMINATION

CHAIRMAN BLOCH: Well, that's right. Plus, I think, what, that you've resolved the unresolved questions, right? If there were any unresolved questions about the safety of the diesels, the number of starts wouldn't be conclusive, would it?

THE WITNESS: Right. If -- if you still weren't sure whether the diesels are reliable, whether you had 400 starts is not an issue. But if you know that you've resolved the problems with the diesel, you've got it operable, you've done the surveillance test, and also, in conjunction with that, you have a large number of starts, that's to me an indication of reliability.

BOARD EXAMINATION

ADMINISTRATIVE JUDGE CARPENTER: But, coming back to the question, you did not have in your mind meeting some specified numerical requirement in the reg guide -- ?

THE WITNESS: No. I was --

ADMINISTRATIVE JUDGE CARPENTER: -- when you were looking at these -- ?

THE WITNESS: No. I was just aware of that.

ADMINISTRATIVE JUDGE CARPENTER: Okay.

CHAIRMAN BLOCH: Mr. Kohn?

MR. MICHAEL KOHN: In your pre-filed testimony, on page 12, Lines 23, 24, you state that the number of consecutive successful starts was significant to you?

ADMINISTRATIVE JUDGE MURPHY: You've already asked him that question.

MR. MICHAEL KOHN: And my question is, on page -- why, on April 19th would you state that how many times a diesel started is irrelevant?

MR. BLAKE: Let's just have the reference.

MR. MICHAEL KOHN: On page 21 of tape 58, Georgia Power Exhibit 2?

MR. BLAKE: Thank you.

BY MR. MICHAEL KOHN:

Q Lines 10 and 11? (Pause.) You go on to state

-- ?

A Well, I think you're taking that a little bit out of context. What we're talking about here is, does it have to go back to the PRB for review. And what I'm -- what I'm saying is, the number of consecutive starts with respect to it happen to go back to the PRB for review is irrelevant. I mean, we were already focused on 18. If it's come back to 20, or something like that.

Q On line seven, you say that's irrelevant too, that's in addition -- Two at the end?

A Yes.

Q Okay. So you're -- the statement, as I read it, is that number of diesel starts to you at this point is irrelevant.

A With respect to whether the LER has to go back to the PRB. (Pause.) I mean, if you go further on, the next sentence, not the next sentence, but the sentence after, and I've already determined with regards to what they change, it doesn't need to go back to the PRB.

Q Okay. So, if you look on page 35, line 10, you say, I personal don't think it matters whether we put 18 or 40?

A That is correct.

Q Because the number was irrelevant to you, isn't that correct?

A Well, if you put in 18, I felt -- I was comfortable with 18, and 40 was larger than 18, so I didn't think that it mattered. We had a large number of consecutive starts, which indicated diesel reliability to me.

CHAIRMAN BLOCH: You should read the next several lines, to understand Mr. Aufdenkampe in context there.

MR. MICHAEL KOHN: And Mr. Mosbaugh's statement is that he thinks it personally matters a hell of a lot, because you can't put false information in written correspondence to the NRC, correct.

CHAIRMAN BLOCH: And then we handled Mr. Aufdenkampe's response before, so we're going in circles. Okay?

BY MR. MICHAEL KOHN:

Q (Pause.) Okay. Is it true that the LER was drafted -- was drafted in the best light possible for Georgia Power Company, from your perspective?

A The LER was drafted to recount the event as it occurred on April, or March 20th, as required by 10 CFR 50.73, and as explained in NUREG 1022.

Q Well, wasn't it drafted -- (Pause.)

CHAIRMAN BLOCH: Mr. Kohn, even if you find that, I'm not sure why it's relevant to whether there were

falsehoods here. It's not so strange that someone would picture themselves in a good light. The question is whether it was false.

BY MR. MICHAEL KOHN:

Q (Pause.) On lines -- on pages 19 and 20 of your pre-filed testimony, lines 24 -- line 21 on page 20, you say that the diesel start log may not have been the cause of the error, but it would have been the cure for it. In fact, if you had a copy of the cash list, it would have been a cure for it, too, wouldn't it?

A Are you referring to your Exhibit 56?

Q Exhibit 41. It's a prior marked --

UNIDENTIFIED: On Exhibit 41, I take it he's free to ignore the brackets and the handwritten things?

CHAIRMAN BLOCH: Yes. Please ignore the brackets and the other things. They're marginalia.

THE WITNESS: Okay. If we had had -- we're specifically focusing on the 1-B diesel?

BY MR. MICHAEL KOHN:

Q Yes. You've seen this document before.

A Well, yes. You showed it to me earlier in the testimony.

Q I mean, earlier than today?

A No. I didn't have any recollection, I don't think. Let's see, one, two, three, four, five, six,

seven, eight, nine, ten, 11, 12, 13, 14, 15, 16 -- (Pause.) I'm not sure this list would have brought into question what was in the LER. It certainly would have brought in -- I think --

Q We're talking about the cause of the error. And -- are -- is it your understanding, what was the cause of the error?

A Well, the -- you know, the basic cause of the error is that we included 18 successful starts, at least from my perspective, we included 18 successful starts, and while we were comfortable that we had verified that, we had not sufficiently verified that. And we did not have a well-defined definition of the comprehensive test program.

Q Well, you didn't mention anything about a diesel start log. Don't you believe that you could -- ?

A I think if we had had the diesel start log, we would have had a list that everybody could agree from, and work from, and we would have said, according to the diesel start log, since this date, we've had this many starts, with two high lube oil temperature trips, or something like that.

Q So, if I understand it, it's not whether you had a diesel start log, it's whether you had a document in time listing the starts needed to verify the statement. That's what you really needed, correct?

A Well, that's -- that's why I said in my testimony, it may not have been the cause of it, but it could have been the cure for it.

Q Well then, if Mr. Cash's list that you looked up would have also provided that information, then that would have been the cure for it as well, correct?

A Yes. (Pause.) Yes, I guess. I mean, it only goes up through April 5th, so it wouldn't have --

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, do you know whether or not there was adequate information in the available logs to have compiled an accurate statement for April 9th?

THE WITNESS: No, I don't. I mean, there should have been -- let me expand on that a little bit. There should have been enough information available in the unit shift supervisor's log, and the RO log, to compile an adequate list to make a presentation on April 9th.

CHAIRMAN BLOCH: And if that's true, and it seems to me, from questions we've had with other witnesses, it's probably true, how would the availability of another accurate set of data have made it less likely that the mistake would have occurred? In other words, why do you really need the other logs when you already had enough data available to do it right the first time?

THE WITNESS: (Pause.) Well, again, I guess I go back to what I said in my pre-filed testimony, it may not have been the cause of it. But if the -- if the diesel log had been there, it would have been the cure for it. And that's because Kenny Stokes has a specific way of how he goes through that, or specific criteria of what you include in the diesel log, what you don't include in the diesel log.

And these particular lists that are generated are people's interpretations of what are written in the control logs. You know, the diesel start log has a sheet that you have to provide specific information in that.

CHAIRMAN BLOCH: On line 16, you state, it would have had more information. Do you know whether that's true or false?

THE WITNESS: Yes. It would have had more information.

CHAIRMAN BLOCH: With respect to the actual information needed for the successful starts list?

THE WITNESS: There should have been -- a lot of times what the RO, or the unit shift supervisor will write in the control log is, start of the diesel, trip the diesel. Well, on the diesel start sheet, you put several other things, so Kenny Stokes can determine whether it's a valid failure, an invalid failure --

CHAIRMAN BLOCH: Well, do you know whether or not, with respect to the failures that were actually in the logs, whether there was enough information to indicate valid or invalid failures?

THE WITNESS: In the control logs?

CHAIRMAN BLOCH: Yes. You know, in this instance, for this time period, whether there was enough information? (Pause.) You never examined that question, did you?

THE WITNESS: No. I haven't.

CHAIRMAN BLOCH: So, how could you know?

THE WITNESS: (Pause.) Well, you know, I guess in this time frame, and this is part of what's in the recording, I guess in this time frame, I knew -- I had a general idea of what the operators kept in the control logs. And I knew what was on the diesel start sheets. So, I was comfortable making that statement, that if we had had all the diesel start sheets, and Kenny had -- had validated, or gone through his process of completing the log, that if we'd had that log, we would have had a better picture, a more accurate picture, than what we got out of having people go peruse the log on a quick turn-around basis.

CHAIRMAN BLOCH: You just agreed with me, you didn't know if there was any more relevant information,

any other log, than there was in the operator's log, because you never examined that question.

THE WITNESS: Yes. I have not reviewed the operator's logs, and compared them to what's on the diesel start sheets in this time frame.

CHAIRMAN BLOCH: Well, I notice that even though that was true, you kept on defending the fact that you would have more information in the other source.

THE WITNESS: I guess maybe that's just my feeling, or something, that there's more information on the start log.

CHAIRMAN BLOCH: In fact, I think a reason for this may have been that you never inquired as to how the first list was made. You see, it's real hard to see how someone has made a mistake, without finding how they did it the first time?

THE WITNESS: That is correct.

BY MR. MICHAEL KOHN:

Q Now, on page 10 of your pre-filed testimony, on line three, which is the question, at the time this language was sent to you by the corporate office, and we're referring to the comprehensive test program language, is that correct?

A Which line?

Q Line three? Part of the question?

A (Pause.)

UNIDENTIFIED: Page?

CHAIRMAN BLOCH: What page?

MR. MICHAEL KOHN: I'm sorry. Page ten.

THE WITNESS: Okay. Now, what was the question?

BY MR. MICHAEL KOHN:

Q We're referring to the final version of the LER, that contained the comprehensive test program language, is that correct? (Pause.) Look at the preceding question and answer?

A (Pause.) Yes. That's referring to the final version.

Q Okay. But the final language was never sent to you, was it?

A Not in a textual format, as I recall. But we went over the wording, word by word, in the -- on the telephone conversation.

Q In the conference call?

A I think the last conference call.

Q Right. So it wasn't sent. This -- you're referring to the oral communication -- ?

A -- yes.

Q -- that are a part of tape 58?

A Yes.

Q Mr. Aufdenkampe, did you ever come to question Mr. Bockhold's conduct during any PRB meeting?

A Yes.

Q Okay. And what caused you to question his conduct during the PRB meeting?

A (Pause.) I recall, and I -- I think there's documentation allowing me to give it a little more specificity. But there was a meeting, I think, when we were reviewing the revised LER on, I think it was May 8th. And George Bockhold came in, and addressed the Board. And I think in the tapes, I -- I recounted that I was almost to the point of calling point of order with George in there, specifically because he was providing the Board some direction, and we could not advise him in our capacity as the plant review board, if he was telling us what to advise him.

Q And do you recall whether that was actually the August 30 -- PRB discussion concerning the August 30 letter?

A It could have been, Michael. I think you have the tape available someplace.

Q Let me show you Intervenor's Exhibit 69, and see if that refreshes your recollection.

A (Pause.) Yes. The transcript is dated August 30th, 1990.

Q And were you aware previously that the NRC had come on to the site -- let me rephrase it. Had asked -- raised questions concerning Mr. Bockhold's intimidation of I think it was Gus Williams?

A There -- there is stuff recounted in the transcripts. And I may have been aware at the time that the -- that there was an allegation, or quality concerns, or something to that effect, that Gus William had been -- felt a little intimidated, or felt intimidated in the -- in the plant review board meeting when George addressed it.

Q Okay. Because -- and that's another situation where George Bockhold attended the PRB meeting?

A I wasn't at the PRB meeting.

Q Okay. But that's your understanding?

A From what I've read.

BOARD EXAMINATION

ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn, if I may ask, what was Mr. Bockhold's reaction to your posture that his presence at that meeting was inappropriate? Was he sympathetic to your position, or unsympathetic?

THE WITNESS: Well, no. Well, maybe you misunderstood what -- what I was recounting was a conversation with Allen Mosbaugh, where, it's probably

better if I read the statement. I'm glad George left, because I was going to call point of order that we couldn't advise George on something when he was there trying to -- trying to --

So, in other words, I did not tell George, you know, you're being overbearing during the PRB meeting or anything, at least not to my recollection. I had -- have a recollection of it occurring in time frames, are sometimes the difficult part of the whole process. But I have a recollection of it occurring.

And me getting to the point where George was -- was -- we weren't going to be able to advise George. And if I felt we had crossed that line, then I would have had to call point of order, and ask him to leave.

ADMINISTRATIVE JUDGE CARPENTER: Well, I was simply asking, I think if there had been some tension over that, you probably would remember it.

THE WITNESS: Yes.

ADMINISTRATIVE JUDGE CARPENTER: So, that's why I'm asking you whether it was --

THE WITNESS: Yes -- yes -- no. I would -- I would have remembered it.

ADMINISTRATIVE JUDGE CARPENTER: (Laughs.) There was no tension about the fact that he should leave, when you reminded him of that?

THE WITNESS: No. Not that I recall.

ADMINISTRATIVE JUDGE CARPENTER: Thank you.

THE WITNESS: I did not recall -- I don't want you to be confused. I did not tell George I was going to call point of order, okay? I told Allen that that's what I was thinking in the PRB. But George left before I felt that he had crossed that line. But he was getting close.

BOARD EXAMINATION

CHAIRMAN BLOCH: Mr. Aufdenkampe, was this an unusual type of thing for Mr. Bockhold to do?

THE WITNESS: To address the PRB?

CHAIRMAN BLOCH: No. To come into a situation and be overbearing?

THE WITNESS: No. Not -- not really.

CHAIRMAN BLOCH: So, you had seen things like that before?

THE WITNESS: George has a very strong personality.

CHAIRMAN BLOCH: Was it just generally known that that was true?

THE WITNESS: I felt that. I mean, I can't speak on what everybody else felt, but I think it's generally known that George was a very strong personality.

CHAIRMAN BLOCH: Did that make it harder to tell him the truth when you disagreed with him?

THE WITNESS: No. I don't think so. I mean, that's part of your job, you know, and part of your legal requirements, as well. That, you know, if something is wrong, you know, incorrect, you have to tell him.

CHAIRMAN BLOCH: Thank you.

MR. MICHAEL KOHN: Your Honor, I think it might be appropriate at this time to bind into the record a document I have just been handed. It is my understanding it's a transcript agreed to by all of the Parties with respect to the tape that has just been identified, Intervenor's Exhibit 69.

CHAIRMAN BLOCH: If there's no objection.

MR. LAMBERSKI: Your Honor, I think -- talking about, and I know that Mary, and Tom Penland, and John Ho have been working on tapes together. Tom Penland has gone back to Atlanta. But I have a summary of their work that he prepared for me, it says, with respect to this sheet. And I think I have a copy of the same thing that Michael is looking at, that it's a new composite exhibit that the group has come up with. There's an agreement between the NRC and Georgia Power. And the Intervenor's position is -- is noted.

MR. BLAKE: It looks like just an update, or an altered version of tape 269, Intervenor's Exhibit 69. That's what it looks like.

CHAIRMAN BLOCH: It is helpful? I mean, I can take a quick look, and see if it's helpful.

MR. MICHAEL KOHN: I just thought if you wanted it in the record at this point.

CHAIRMAN BLOCH: Well, they're objecting, right? On the grounds of what?

MS. YOUNG: I don't believe --

MR. LAMBERSKI: We're not objecting. I just wanted to clarify his comment that there's an agreement on this tape transcript.

CHAIRMAN BLOCH: Okay. If you'd like to have it inserted into the transcript, there has been no objection. Ms. Young, do you have something -- ?

MS. YOUNG: I haven't -- I haven't seen it. This is again -- I'm laboring under the -- bifurcated --

CHAIRMAN BLOCH: Please let the Staff review it before. But we'll save a place for it to be inserted in the record at this time. If there is a disagreement, we'll let the reporter know. Let's continue. (Pause.) We'll have to let the reporter know before he leaves. (Pause.) You have about ten minutes, Mr. Kohn. Make them pay.

MS. YOUNG: Staff has no objection to that exhibit.

CHAIRMAN BLOCH: Okay. It may be bound into

INT. EXH. 69
Tape #269
8-30-90
Tr. 1-2

MOSBAUGH: But, it says "the diesel started 18 and 19 times," period. "No failures or problem occurred during any of these starts." Now if they want to address what they said before, they need to address it in the terms they stated it before.

AUFDENKAMPE: I think -- I'm aware of that and I asked -- and when I was asking that question about the confusion and the valid start versus valid test, and the successful starts, trying to substantiate that --

MOSBAUGH: You know, you were heading down the right line, the right vein, to really clarify the differences, but, you know, it's such a casual approach, especially with George.

AUFDENKAMPE: I'm glad George left because I was going to call a point of order that we couldn't advise George on something, when he was there trying to (inaudible) -- trying to (inaudible).

MOSBAUGH: Well, this is the -- yeah. Advise the board when he's telling the board what statements to take out of the letter. You know, funny, seems he very much so wanted to remove the words **[NRC, GPC: to that] [INT: about]** 132 and 134. Yeah. I mean, he effectively railroaded that out of the letter. I thought that was (inaudible) and I don't know why he didn't want to change that sentence on the purpose. **[NRC, GPC: His motives don't seem straight forward.] [INT: What's the purpose, the motive? Doesn't seem straight forward.]** (Inaudible).

INT. EX. 94
TAPE 32
Date: 4-4-90
Location: John Aufdenkampe's office.

SEGMENT #2
TR. 46-49

MOSBAUGH: What did you say about this stuff here?

AUFDENKAMPE: What stuff?

[NRC, GPC: MOSBAUGH:] [INT: AUFDENKAMPE:] TR 006

number's a combined Unit 1 and Unit 2 number. What, but what I don't understand.

WILLIAMS: 1990.

AUFDENKAMPE: Yeah, but --

WILLIAMS: [INAUDIBLE]

AUFDENKAMPE: Oh, silly me. Why didn't we put 1990 on here?

WILLIAMS: Because it looks really shitty.

AUFDENKAMPE: Really, really shitty.

WILLIAMS: I mean like --.

AUFDENKAMPE: Does George know?

WILLIAMS: -- 08. Yes he does, I told him.

AUFDENKAMPE: Oh, you didn't give him '87 data. Where did he get this shit from?

WILLIAMS: From me. I gave it to him. That's what I gave him.

AUFDENKAMPE: Coohh. Yeah I see now. Oooohh.

MOSBAUGH: Do we have, I mean do we have good '87 data?

AUFDENKAMPE: Yes.

WILLIAMS: Yeah, but its' only for a half year.

MOSBAUGH: Post commercial, we didn't tabulate it-- INPO didn't require it, right, till commercial.

WILLIAMS: Not till commercial. Actually it doesn't, they don't require it until a year after commercial declaration.

AUFDENKAMPE: George sees-- [INAUDIBLE].

WILLIAMS: Yeah. He's not seeing the forrest for the trees. He needs (inaudible), instead of calling me and directing me to do work, which is why I **[NRC, GPC: (inaudible)] [INT: did that yesterday.]**

AUFDENKAMPE: Well, I went over there and dropped it on his desk and left.

MOSBAUGH: So what's the '90 numbers?

AUFDENKAMPE: Oh, they're terrible

[laughter]

MOSBAUGH: So why are they so terrible and these are all so good?

AUFDENKAMPE: Because we had three failures in '90, not counting what occurred since that, during the event. There were four failures in '90.

MOSBAUGH: These are--these aren't, these aren't the unavailability numbers?

AUFDENKAMPE: Yes. Those are the unavailability numbers.

MOSBAUGH: Well, how's that related to the failures?

AUFDENKAMPE: The failures, the failures are used in calculating the unavailability.

MOSBAUGH: I mean, but doesn't the unavailability include LCO time?

AUFDENKAMPE: It includes out of service time.

MOSBAUGH: Right.

AUFDENKAMPE: I don't know how -- when we do the unavailability number, we do failures as well as out of service time, right?

WILLIAMS: Yes.

MOSBAUGH: How do you --

AUFDENKAMPE: Is there a weighing factor?

WILLIAMS: No.

MOSBAUGH: How do you compute it?

WILLIAMS: Its the time it wasn't in service (inaudible).

MOSBAUGH: Well, hold it. If it failed, how do you know what that time is?

WILLIAMS: Which? That it would not have served its function?

MOSBAUGH: Yeah.

WILLIAMS: You take the time to the last successful start and divide it by two.

MOSBAUGH: Yeah, okay. So what about --

AUFDENKAMPE: So when you get a failure, you automatically get two weeks.

MOSBAUGH: Yeah. Well, if you're on a monthly cycle, you get two weeks of out of service time.

WILLIAMS: Yes, and that's true.

MOSBAUGH: When did we have failures?

WILLIAMS: When d'i we have failures?

AUFDENKAMPE: '89, we didn't have any.

WILLIAMS: In '89 --

MOSBAUGH: No failures in '89?

WILLIAMS: That's true. In '88, we had --

MOSBAUGH: On both units?

AUFDENKAMPE: Yes.

MOSBAUGH: It was on both units here?

AUFDENKAMPE: Oh, I'm sorry. We did have one load run failure in '89.

WILLIAMS: Well, we know (inaudible) in July -- very little extra -- (inaudible) at the time.

AUFDENKAMPE: So we've had one, two, three, four problems in '90? (pause) -- Where's the NRC report? Did she finish it last night?

WILLIAMS: (Inaudible.) It was a load run failure, not a start failure. Load run failure -- (inaudible).

AUFDENKAMPE: Well, one is a failure too -- (inaudible).

[INAUDIBLE CONVERSATION]

WILLIAMS: Although I guess really the appropriateness that I'll refuse to take immediate corrective action. I just won't get involved in this. That was on the way

out. (Inaudible.)

SEGMENT #3
TR. 50

WILLIAMS: True [INAUDIBLE]. So that's why I didn't give him 1990 numbers, and I told him that, and we discussed, we discussed this Sunday how bad it looked, for 1990, for both units.

MOSBAUGH: So what's the number for 1990.

AUFDENKAMPE: .08

WILLIAMS: .08

MOSBAUGH: .08

AUFDENKAMPE: We are probably in --

MOSBAUGH: Is that pro rata or how did --

WILLIAMS: That's for January and February.

the transcript. I take it it's an exhibit, it's not evidence. Is -- I mean, it is evidence?

MS. YOUNG: Right now, Intervenor had pre-filed his 69, which was included with his exhibits. I think this either replaces that, or -- I guess I don't know what the right word is, but it is the three Party version, showing on one page any disputes there are with respect to the excerpt.

CHAIRMAN BLOCH: Okay. So -- All right. So, the value of this exhibit is that it is agreed to be the current status of the discussions among the Parties on tape 69?

MS. YOUNG: That is correct. It reflects all agreements, and any remaining disputes.

MR. MICHAEL KOHN: 269.

CHAIRMAN BLOCH: 269. The transcript, pages one and two.

MR. BLAKE: Which is Intervenor's Exhibit 69.

CHAIRMAN BLOCH: Continue.

MR. MICHAEL KOHN: Would you look at Intervenor's Exhibit 116? (Pause.) And if you would look at page 11 of this document? Item --

MR. BLAKE: Michael, can you tell me again which document, please?

MR. MICHAEL KOHN: You should be looking at

Exhibit 116?

MR. BLAKE: Intervenor's Exhibit -- ?

MR. MICHAEL KOHN: Yes. Intervenor's Exhibit 116.

ADMINISTRATIVE JUDGE MURPHY: And eleven of 49 is the page?

BY MR. MICHAEL KOHN:

Q Yes. I think -- I might have -- (Pause.) Yes. Actually, I was looking -- it's the bottom of page 11. It's the exhibit page 14, I'm sorry. (Pause.) And at the number six at the top. Do you see, it states, we also do not believe that Allen Mosbaugh was a participant during the final stages of the telephone conference call when the LER language was finalized. Do you see that?

A Yes. I do.

Q Okay. And as of the date of this document, December 18th, 1992, as of that date, do you believe Georgia Power had knowledge that Allen Mosbaugh was a participant during the final stages of the telephone conference call when the LER language was finalized?

MR. BLAKE: I object. And the reason that I object is, there's been no foundation laid for this Witness' familiarity with this particular language, what was meant by final telephone call, what was meant by the various topics that are used in here. I frankly don't see

its relevance. But beyond that, I don't think it's appropriate line of examination for this Witness.

CHAIRMAN BLOCH: Just form a foundation of what the Witness knows about this.

MR. MICHAEL KOHN: Okay. Let me -- if you would look at the documentation being relied upon by Georgia Power to make this assertion, it says, E.G. Mosbaugh, tape 71. John Aufdenkampe had to explain to Allen Mosbaugh what had happened during the conference call on April 19th. Do you believe that that document -- let me rephrase the question. Have you reviewed that tape document?

BOARD EXAMINATION

CHAIRMAN BLOCH: (Pause.) Have you reviewed both tapes 71 and 69?

THE WITNESS: It's hard to keep which tapes you reviewed straight.

CHAIRMAN BLOCH: Okay.

THE WITNESS: But I'm pretty sure that I have reviewed portions of tape 71. In fact, tape -- that's what I was checking. It is -- it is attached to my pre-filed testimony as Exhibit F. And I do not know if that -- I suspect that's only -- yes. It's only a partial transcript. Approximately three quarters through side A.

MR. BLAKE: Judge Bloch, the Witness can

continue to search for this, or Mr. Kohn can. But it's not going to cure my problem, because he's still not going to know the context of the language that was used here. Once the Witness leaves the -- leaves the room, I'm -- I'm prepared to add something more. But I don't want to be accused of leading.

ADMINISTRATIVE JUDGE CARPENTER: (Pause.) Are you sure, Mr. Kohn, you want to use your last four minutes this way?

BY MR. MICHAEL KOHN:

Q I was trying to find something I felt I could accomplish. We can come back to this, and -- (Pause.) Mr. Aufdenkampe, are you aware of the jargon, SSPI data?

A Yes. I am.

Q And what is your understanding of what that stands for?

A Safety system performance indicator.

Q And is your organization responsible for preparing that data?

A Yes. It is.

Q And do you recall having a conversation with Mr. Gus Williams, and Allen Mosbaugh, on -- or, in early April, 1990, concerning the SSPI data?

A Yes. I do, refreshed by the tapes.

Q And do you recall the fact that the SSPI data

did not -- if you would look at Intervenor's Exhibit 89?

A (Pause.) Yes?

Q Okay. And have you seen this document before?

A Yes. I have.

Q And were you aware that this document had been presented to the NRC?

A I don't have any specific recollection of it being presented to the NRC. I have been told that it was part of at least some background information that was put together for the April 9th presentation.

Q Okay. And if you would look at Exhibit 94, do you recall seeing this tape -- or this particular exhibit previously?

A Yes. I do. I think you showed it to me during my deposition.

Q Okay. And as I understand it, this document refreshes your recollection as to conversation you had concerning Mr. Bockhold, and the SSPI data?

A Yes.

Q And you were aware that the 1990 data was available, and it was known to be 0.08? But that it had been excluded, because it looked really, really "shitty"?

A That's what the tape transcript says. I have done -- since you asked me about that during the deposition, I have gone back, and done some checking on

that, and why. Because in the deposition, I don't know, maybe I'm getting off the questions.

BOARD EXAMINATION

ADMINISTRATIVE JUDGE CARPENTER: No. You're not, sir. No. You're not. You just keep on testifying. What did you do?

THE WITNESS: In the -- in the deposition, I said that the '89 said 0.006 and the 1990 says 0.08. And that's about an order of magnitude different. So, I went back, and I determined why it says 0.08. Because the data is kind of inconsistent. You don't go from 0.006 to 0.08 just in a one month period, or a two month period, unless something major has happened.

And what I found out, in talking to the performance engineer who does this report, and did this report during the period of time, in January 1990, we changed our accounting methodology at the request of INPO, to include estimated out of service hours. In 1989, you did not include estimated out of service hours. And estimated out of service hours are, if you have a failure, then you have to include out of service hours all the way back to the last -- to when you determined that the failure occurred.

For example, if he tested the diesel, and it failed, and you can go back, and show you did maintenance

two days before, then that would say that you'd have 48 hours worth of out of service hours. If you didn't do anything on the diesel, then you'd have to go back to the previous successful surveillance, and include all those hours. And what the INPO guidelines says is, if you have to do estimated hours, then you go back to the last known successful surveillance, and divide it by two. So, in the month of January, we had a failure on the 2-B diesel, or the 2-A diesel, I don't remember specifically.

But we ended up adding, like, 353 hours of out of service hours. So, we changed the way we counted in 1990 from 1989. And in fact, in 1992, we went back, and removed those 353 hours out of the performance indicator. And when you do that, you end up with, like, a 0.1 -- I think it was 0.18 -- 0.018. I'm sorry. Performance indicator, as opposed to the 0.08. So, part of it -- a lot of it was driven by the change in the accounting methodology in 1990. Plus, in addition, you're just looking at two months, instead of a whole year.

ADMINISTRATIVE JUDGE CARPENTER: Let me interrupt you. I think your explanation certainly is of personal interest to me, because this kind of thing is of some personal interest to me.

I think an affidavit, not more than three or four pages. They just carefully -- you, I mean, you're

reciting from things that you remember. I think you have a chance to put it down in black and white, and make it a part of this record. There was a change in the INPO reporting requirements, and it produced a change in the numbers, etc. But not just as fast as you did it, because we may seriously need to look at it.

CHAIRMAN BLOCH: And you might want to clarify. Was that a change just for local?

THE WITNESS: No. That was across industry. They changed the way they reported out of service hours.

MR. MICHAEL KOHN: And didn't that change occur after April 4, 1990?

THE WITNESS: It's my understanding from talking to the performance engineer that that occurred in January of 1990. I will insure when I put together the affidavit that I get the correct documentation of exactly when we were notified by --

BOARD EXAMINATION

CHAIRMAN BLOCH: Okay. If I can understand it, if they made that general policy, and then you went back, it's because they rescinded the general policy?

THE WITNESS: They provided -- it's my understanding, again, this is from talking to Debbie Minyard, they provided further clarification on how to calculate out of service hours. And if you could have

started the diesel from the control room with little or no maintenance, then you did not have to include those out of service hours.

They determined, in a review by Kenny Stokes and Ken Burr that the cause in January 1990 was because, I think it was the Poppet valve problem. And that subsequent depressing of the start switch would have caused the diesel to start. It was just at a bad roll location, so it got -- I think you've heard the term soft roll. And it would have started on a subsequent start demand. And so, they could remove those from the out of service indicator. But regardless, the change from '89 to 1990 changed the baseline.

ADMINISTRATIVE JUDGE CARPENTER: -- be careful, because it's -- people are very diligent. And you ask a simple question, and if you don't make it very clear, you get four inches of paper. Which is fine, but in this case, there's a reference to somebody said the data looks "shitty" compared to '89.

THE WITNESS: That's right.

ADMINISTRATIVE JUDGE CARPENTER: Given that premise, I would like to have you go through what you just went through, in saying, that individual was unaware possibly. And we might ask him some day, of that change that occurred in January --

CHAIRMAN BLOCH: I'd rather we not -- unaware unless we know he's unaware.

BY MR. MICHAEL KOHN:

Q Mr. Aufdenkampe, the person who was making the statement was the person responsible for preparing the data under your supervision, isn't that true?

A That is correct.

Q And he was aware that the current data that was to be provided to the NRC, as of 1990, on April 4, or that you were planning at least to provide, that you were keeping track of, was 0.08 at that time, is that true?

A The February numbers were 0.08.

Q Okay. And those numbers were really "shitty" compared to the earlier years?

A That was his opinion, at least as described in the --

BOARD EXAMINATION

CHAIRMAN BLOCH: Well, it's your opinion, too, right?

THE WITNESS: Yes.

ADMINISTRATIVE JUDGE CARPENTER: This is one of the few things that's new, that you all haven't talked back and forth with each other for five years, you know? You all know these depositions, and these transcripts backwards and forward, and we're sitting up here watching

them whiz by. And, at the last minute, you put this on the table. I don't understand why it wasn't up front? I just think it would have been fresher earlier.

CHAIRMAN BLOCH: Let's continue. Can you wrap this one up today? This particular question?

MR. MICHAEL KOHN: Yes. We'll wrap this up, and I guess we'll end at that point. Your Honor, I've also been handed what appears now to be a stipulated transcript to this tape, as well. And maybe it would be best to wrap it up here, and -- and --

CHAIRMAN BLOCH: All right. So, the Parties will consider having it inserted into the transcript tomorrow morning? Is that what you're suggesting?

MR. MICHAEL KOHN: Yes. Or maybe we could just -- yes. Is this ready for insertion into the record at this time? It's my understanding it's been agreed to?

UNIDENTIFIED: They specified home address, and I'm providing those to them at this point.

MR. MICHAEL KOHN: Your Honor -- I think what they're doing is, they're supplementing their response to the interrogatory questions. What we asked for -- for their addresses and phone numbers. And --

UNIDENTIFIED: Maybe we can get formalistic about it. I'm trying to be helpful, for crying out loud, in giving him the addresses.

CHAIRMAN BLOCH: No. But he's arguing that he's entitled to an estoppel.

UNIDENTIFIED: To a what?

CHAIRMAN BLOCH: That the reason -- an estoppel. That the reason you didn't supply the answer is that you said that you'd take care of the service, is that the case? Is that what I understood?

MR. MICHAEL KOHN: That is correct. They said that if we wanted to contact these Witnesses, we had to do it through counsel, and they did not provide us the names and addresses, and phone numbers for the individual Witnesses. And then this Board issued an order that the Parties --

CHAIRMAN BLOCH: That was what he said this morning in argument, and that was really what was to be addressed.

MR. BLAKE: Now having given me my five minutes, I don't have a copy of the pleading. I'll take it up tomorrow morning. I'm just trying to be helpful, in giving him their address.

CHAIRMAN BLOCH: He's got -- he's got -- in case he has to serve it, he has the addresses, is that right?

MR. BLAKE: Some of these people have already been served during the day today, despite the fact that

they said they couldn't do it. We're aware that at least four people, or three people have been served in Augusta.

And finally, he -- they provided to us this morning the originals apparently of the subpoenas for five or six people. And while I have them here, I'm not accepted service of them, and I want the record to reflect that. These are of Duncan, Coursey, Franklin, Hairston, and McDonald. And I don't know why that particular set, but in any event, we're not accepting service, and I mean to return them to Intervenor today.

CHAIRMAN BLOCH: Does the Intervenor plan to argue the personal service precedents that were offered by Georgia Power?

MR. BLAKE: I haven't seen those, so I can't argue.

CHAIRMAN BLOCH: In the morning you're going to -- maybe we should start at 8:30, so we can get these procedural things out of the way. Oh, we can't do that because of staff? All right.

MR. BLAKE: And Your Honor --

CHAIRMAN BLOCH: 8:30 is okay?

MR. MICHAEL KOHN: I'd like to note that the Witnesses we did effectuate service on were the ones that were listed in the phone book, and that we could find from public records that were relative --

MR. BLAKE: They went to the plant site. Goodness sakes. Come on, Michael. They went to the plant site, and served two. At the plant site, they learned that the third was eating lunch in downtown Augusta, and went down there and served them. I don't know what the phone directory has to do with it.

MR. MICHAEL KOHN: I don't control the service processor. I can only give them their address.

MR. BLAKE: Be accurate in what you say. That's the point.

CHAIRMAN BLOCH: All right. We're going to handle the question of whether or not Licensee's response to interrogatories should require that they accept service for these people. We'll handle that in the morning.

MR. MICHAEL KOHN: Thank you, Your Honor.

CHAIRMAN BLOCH: And we are adjourned until -- are there any other points? I guess Mr. Aufdenkampe is excused until sometime in August.

MR. BLAKE: The only prospect is that we might lose hearing time tomorrow afternoon, after these -- these two gentlemen.

CHAIRMAN BLOCH: Well, is it convenient to permit Mr. Aufdenkampe to stay? Or can he stay?

MR. BLAKE: I have not conferred with him about that. That would be the only -- the prospect is

that we could lose a couple of hours tomorrow afternoon, if they finish with --

ADMINISTRATIVE JUDGE MURPHY: What's the probability of that?

MR. BLAKE: Based on history --

ADMINISTRATIVE JUDGE MURPHY: Based on the history of this, that's right.

ADMINISTRATIVE JUDGE CARPENTER: No. But does the Intervenor have his cross examination plan prepared now, so that there's a time estimate, or not?

CHAIRMAN BLOCH: Do we know how much time you're going to take for the two Witnesses tomorrow?

MR. MICHAEL KOHN: No. Your Honor, the people who are planning it are not here, as in my brother. And I don't know where we stand exactly with respect to what's happening, and who's doing --

CHAIRMAN BLOCH: All right. Is it possible that, for the purpose of deciding whether or not to inconvenience Mr. Aufdenkampe, that Mr. Blake can contact your brother, and he'll be able to tell him? Or you'll contact your brother, and he'll call Mr. Blake?

MR. BARTH: If it would be very -- if it would be at all helpful, Your Honor, we will not take more than half an hour with each Witness. I'd be very surprised if it would exceed that time, regardless of what the cross

examination of Mr. Kohn is.

THE WITNESS: I can comment on this a little bit. Although I'd prefer to not stay, if it would be at the convenience of the Board, I can stay.

CHAIRMAN BLOCH: Well, we just want -- we want to make sure that you don't stay if we know that we're not going to get to you. So, I would like the Parties to handle that, so that we won't inconvenience Mr. Aufdenkampe unnecessarily.

MR. BLAKE: I'm also going to release Mr. Horton, and Mr. Greene, who have been waiting in the wings again for this, in Washington.

CHAIRMAN BLOCH: Okay. They may be released.

MS. YOUNG: Judge Bloch, the Staff would encourage any agreement that could be reached to keep Mr. Aufdenkampe. Not to personally inconvenience him, but sometimes when there's a break in the Witness' testimony that affects the examination that follows, as you have to keep going back, and reviving the history of the questioning that has preceded --

CHAIRMAN BLOCH: That's a point well taken.

MS. YOUNG: -- that day, so --

CHAIRMAN BLOCH: That's well taken.

MS. YOUNG: I realize it's an inconvenience, but sometimes --

CHAIRMAN BLOCH: Of course, he's only got separate subjects, that have nothing to do with what he's already talked about.

We're adjourned until 8:30 in the morning.

(Whereupon, the hearing was adjourned at 5:11 p.m.)

C E R T I F I C A T E

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: HEARING IN THE MATTER OF VOGTLE UNITS 1 & 2
Docket Number: 50-424/425-OLA-3

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Corbett Riner

CORBETT RINER
Official Reporter
Neal R. Gross and Co., Inc.