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GPC EXH. II-116
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USNRC
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Transcript of excerpt of Audiotape No.
172, transcribed by Maribeth J. Williams, Certified
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NUCLEAR REGULATORY COMMISSION
Docket No. 50-424/425-OLA-3 EXHIBIT NO. GPC II-116
In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter KHW
Date 7/14/95 Witness Masbough

1 [LINES 1 - 5 DELETED]

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5 [APPROXIMATELY 1/5 THROUGH SIDE A]

6

7 A.L. MOSBAUGH: Let me discuss what I
8 think is the technical issue with respect to
9 memorandums is that the information about the starts
10 and failures of the 1A and 1B diesel generators.

11 VOICES: (Inaudible) IIT (inaudible)
12 failures all the way through?

13 A.L. MOSBAUGH: Failures between the 20th
14 of March and now.

15 G. BOCKHOLD: This is a concern, and we
16 do have the problem of associated with the counting,
17 what was meant by that. And we have people working
18 on it. Are there other concerns there, that you want
19 to -- you know, you had identified that to me and I
20 basically gave it back to you to talk to people. And
21 as far as I was concerned you were supposed to
22 prepare a submittal to correct the count number in
23 the LER and the letter.

24 A.L. MOSBAUGH: I'm at a point now where
25 I don't know if this is a technical issue or a

1 management issue.

2 G. BOCKHOLD: Well, you say you have a
3 technical concern about the starts and failures of
4 the A and B diesel. What is the concern?

5 A.L. MOSBAUGH: The technical concern
6 is that I've seen additional failures.

7 G. BOCKHOLD: (Inaudible.)

8 A.L. MOSBAUGH: (Inaudible.) I would but
9 I have a management concern. (Inaudible)

(Pause)

10 G. BOCKHOLD: The technical concerns
11 about -- you know, it did experience additional
12 failures that were documented and are documented
13 (inaudible) Are you still concerned about engine
14 operability?

15 A.L. MOSBAUGH: (Inaudible.)

16 G. BOCKHOLD: I guess my question again
17 is (inaudible) the technical concerns (inaudible).

18 A.L. MOSBAUGH: I think the technical
19 concern is . . . we have taken steps to
20 improve that reliability by various actions we have
21 taken. I acknowledge that.

22 G. BOCKHOLD: So you think it's reliable
23 now; but it maybe wasn't reliable a month ago. Is
24 what you're saying?

25 A.L. MOSBAUGH: Yeah, I think that -- I

1 can't. You know, I'm a little bit out of the
2 picture, George, as far as, you know, what exactly
3 the status of what all the work is, you know, at the
4 moment, you know, as far as changing out switches
5 and the Part 21s on the switches and the Part 21s on
6 the air solenoids and those things, to say exactly
7 what we have out there now, you know. But there were
8 certainly periods before we took those actions
9 in which those conditions persisted.

10 G. BOCKHOLD: (Inaudible.)

11 JOHN ROGGE: (Inaudible.)

12 G. BOCKHOLD: (Inaudible.) history of
13 failures (inaudible).

14 A.L. MOSBAUGH: You know, with respect to
15 the management issues, George, why haven't we sent
16 in the revised LER yet?

17 G. BOCKHOLD: The answer to that is,
18 we're revising the LER report and proceeding on
19 gathering the information about all the failures and
20 what we've done. We revised it with those
21 numbers (inaudible) it not be appropriate. I believe
22 that John has advised the [NRC] Resident, but I'm not sure
23 (inaudible) in the past about the numbers in the LER
(inaudible).

24 Okay.

25 (Inaudible.)

1 (Pause in tape.)
[SIDE B, APPROXIMATELY 15% THROUGH TAPE]

2 A.L. MOSBAUGH: I came back to discuss
3 with you an aspect of that that I was not
4 comfortable discussing with George present.

5 JOHN ROGGE: Okay.

6 A.L. MOSBAUGH: I guess maybe I'm not
7 supposed to discuss it with you, either; but that's
8 if it's a management issue, I don't know how the --
9 let me say, I'm not discussing it with you, I'm
10 going to clarify what I meant when I discussed two
11 technical issues. But -- and you may not have been
12 involved on all the history on this, and that's why
13 I'm trying to bring you up to date.

14 JOHN ROGGE: Yeah. And I also want to
15 see what the final resolution is. Okay.

16 A.L. MOSBAUGH: Yeah. The air quality
17 one.

18 JOHN ROGGE: Uh-huh.

19 A.L. MOSBAUGH: In addition to the
20 technical aspect, it is my belief that information
21 provided to the NRC was materially false. With
22 respect to the start -- diesel starts information,
23 it is my belief that the information provided to the
24 NRC was materially false.

25 JOHN ROGGE: Okay. Do you believe it was

1 willful? Or just information that is material and
2 is false?

3 A.L. MOSBAUGH: It's material, it's
4 false, it's significant to the regulatory process.
5 And an interpretation of willful can only be made by
6 somebody that really has completed an investigation
7 and fully understands what somebody's intent was
8 when they did something. I believe that some -- I
9 believe that in some of the cases, the information
10 is false due to carelessness, and I'll even say
11 careless disregard. And I believe that when I read
12 Section 2, which discusses this, it talks about
13 things that are clerical errors or mistakes or
14 oversights, and then it talks about a category
15 that's careless disregard, and kind of is a mistake
16 and an oversight; but it's a fairly gross mistake or
17 oversight, you know, by somebody that should have
18 known, taken more time, you know, knew better.

19 JOHN ROGGE: Yeah. I'm not -- I'm not --
20 using lawyer terms, careless disregard and stuff.

21 A.L. MOSBAUGH: Yeah.

22 JOHN ROGGE: And you're right, when it
23 comes down to it, words that, if saying them
24 could be determined not careless disregard, because
25 it's lawyers that will finally decide if it's

1 careless disregard, it's whatever their criteria
2 is. The basics I ever got out of it is that one, it
3 would have to be careless, meaning the person knows
4 better, knows what is better --

5 A.L. MOSBAUGH: Knows how to do the job,
6 whatever the job is.

7 JOHN ROGGE: -- and disregards that.

8 A.L. MOSBAUGH: So that becomes willful.

9 JOHN ROGGE: Excuse me just a minute.
10 Come in.

11 J.G. AUFDENKAMPE (JGA): (Inaudible) I
12 wanted to ask you, IIT report.

13 JOHN ROGGE: Yes.

14 J.G. AUFDENKAMPE: Do you have a tracking
15 system of all the commitments that you made to the team?

16 JOHN ROGGE: We didn't make (inaudible) the team
17 -- you've been involved with it. . . .

[LINES 18 - 25 DELETED]

1 [LINES 1 - 2 DELETED]

2 [APPROXIMATELY 30% THROUGH SIDE B]

3 J.G. AUFDENKAMPE: A separate issue. I
4 talked to Lee Trocine last week about the site area
5 emergency LER and I told her that there was an
6 incorrect statement in that LER associated with
7 diesel starts and to pass that on to Brockman. And
8 we are revising the LER; but we decided to revise
9 the entire LER.

10 (Inaudible.)

11 VOICE: It will probably be (inaudible).

12 J.G. AUFDENKAMPE: We got the revision up
13 to corporate about three weeks ago.

14 (Inaudible) we are going to (inaudible).

15 JOHN ROGGE: When do you think it's going
16 to come out?

17 J.G. AUFDENKAMPE: I imagine that it will
18 go to the PRB this Thursday and it will be out. Go.
19 knows when after that because it has to go to
20 corporate.

21 JOHN ROGGE: It's not up there now?

22 (Inaudible.)

23 J.G. AUFDENKAMPE: Oh, it was.

24 JOHN ROGGE: How long's it been up
25 there?

1 J.G. AUFDENKAMPE: Just four weeks for a
2 complete rewrite.

3 (Inaudible) four weeks ago (inaudible).

4 J.G. AUFDENKAMPE: That will go out of
5 the PRB on Thursday.

6 I will keep you
7 informed as to the progress of it.

8 JOHN ROGGE: I appreciate that.

9 A.L. MOSBAUGH: You may want to provide a
10 copy (inaudible).

11 J.G. AUFDENKAMPE: Are you leaving --

12 (Inaudible.)

13 JOHN ROGGE: Don't ask that.

14 (Inaudible.)

15 JOHN ROGGE: They have your number.

[DOOR CLOSES]

16 A.L. MOSBAUGH: Independent
17 confirmation.

18 JOHN ROGGE: Why would John be working on
19 that LER now?

20 A.L. MOSBAUGH: Okay. Obviously George Bockhold
21 just called him.

22 JOHN ROGGE: (Laughter.) Are you sure
23 you're not an inspector for the (inaudible).

24 A.L. MOSBAUGH: I think I could be, but -- where
25 was I -- oh, I was discussing careless disregard and

1 my understanding.

2 JOHN ROGGE: (Inaudible) careless
3 disregard, air quality.

4 A.L. MOSBAUGH: Well, okay, okay. Now,
5 let me -- there is more than one document that's
6 false.

7 JOHN ROGGE: Okay. What are they?

8 A.L. MOSBAUGH: John's working on the
9 LER.

10 JOHN ROGGE: Okay, now that -- that is an
11 LER.

12 A.L. MOSBAUGH: Site area emergency LER.

13 JOHN ROGGE: It's trying to describe the
14 site area emergency.

15 A.L. MOSBAUGH: It described that. It
16 was sent in. It went in. Thirty days after the
17 site area emergency, it went in, okay. It was eight
18 pages long and it had false information about the
19 diesel starts.

20 JOHN ROGGE: What was that -- what was
21 it saying on the diesel starts, that there had
22 never been a problem on the diesels, that kind of
23 thing or --?

24 A.L. MOSBAUGH: The words in the LER says
25 "the engine was subjected to a comprehensive control

1 logic test program. Subsequent to that test
2 program, the diesel generators, A and B, have been
3 started at least 18 times each without problems or
4 failures." Those are the kinds of words in there.

5 JOHN ROGGE: I remember that somewhere.
6 And what is false about that, that there were
7 failures?

8 A.L. MOSBAUGH: Either -- I've got to get
9 my right document, because the different documents
10 worded it differently. For that one, what is false
11 is the numbers. I believe the correct numbers are
12 -- well, we submitted the revision that corrected
13 the numbers, it corrected two things. It corrected
14 the numbers; but then it also extended it another
15 month or so, okay. It went -- it said "through this
16 date there have been X and X successful starts
17 without problems or failures."

18 JOHN ROGGE: What you are saying is they
19 picked up a few more numbers?

20 A.L. MOSBAUGH: Right.

21 JOHN ROGGE: To make it look like --

22 A.L. MOSBAUGH: I believe -- I believe
23 that if I were to correct the report as to numbers,
24 as to the date it was originally submitted instead
25 of 18, it would be 11 each. The rev that we sent up

1 there [to incorporate] says 14 and 15, but that's to a
2 different date, which gives us about three or four
3 more weeks of starts, which we were doing weekly.

4 JOHN ROGGE: Okay.

5 A.L. MOSBAUGH: That's my issue with
6 those, okay. And, you know, that didn't come out in
7 that meeting, per se. George says, yeah, I know
8 there were problems with numbers and so forth, okay;
9 but --

10 JOHN ROGGE: There were lot of problems
11 going on.

12 A.L. MOSBAUGH: He understands the
13 issue. They all understand the issues. They all
14 know words materially false have been used, you
15 know.

16 JOHN ROGGE: With him or by you?

17 A.L. MOSBAUGH: By me and others in
18 conversations with them. You know, it's not like
19 nobody's put it in that context, okay. And you got
20 those two different issues. And again my management
21 issue is I believe information is false; and John
22 told you how long they have been sitting on it.

23 JOHN ROGGE: That's one document.

24 A.L. MOSBAUGH: Yeah.

25 JOHN ROGGE: What was the other one.

1 A.L. MOSBAUGH: Verbal presentation by
2 George Bockhold at the Region with handouts. With
handouts.

3 JOHN ROGGE: And that had to do with the
4 same thing?

5 A.L. MOSBAUGH: (Inaudible) it's
6 similar. Again, they're phrased different ways.

7 JOHN ROGGE: I've always noticed you guys
8 have phrased everything different ways every time
9 you submit another.

10 A.L. MOSBAUGH: And the response to the
11 confirmation of action letter.

(PAUSE)

12 JOHN ROGGE: Okay. (PAUSE) Now, making material,
13 obviously false statements using material we have to
14 rely on (inaudible) are making a decision based
15 solely on that information and you feel that the
16 difference between 11 and 18 would have changed that
17 decision?

18 A.L. MOSBAUGH: That's two separate
19 issues and --

20 JOHN ROGGE: Well, I'm saying do you come
21 to the correct answer with one information and ...

22 A.L. MOSBAUGH: The COA -- the purpose of
23 the COA response, okay, was to get permission to
24 release the hold on criticality.

25 JOHN ROGGE: Uh-huh.

1 A.L. MOSBAUGH: Okay. So a decision was
2 being made based on information that was provided.

3 The essence of the issue was how reliable are --

4 JOHN ROGGE: (Inaudible.)

5 A.L. MOSBAUGH: So the essence of the
6 issue was how reliable are these machines; and
7 should we let you go critical, okay. If I go back
8 to some -- if I try to now say how many starts is
9 enough starts, okay, and I go back to a regulatory
10 basis -- regulatory basis wants 95 percent
11 reliability on diesels, I think. You know, that's
12 related to how many consecutive starts you have to
13 demonstrate in preop and how many you have to do
14 before you go to increased test frequencies; and I
15 think the 95 number is used someplace. That would
16 be 20 without a failure, okay. 18 or 19 is close to
17 20 without a failure, but 11 isn't. You know,
18 somebody from NRR needs to, you know, say what
19 reliability is.

20 JOHN ROGGE: I wonder if there was
21 somebody there during the meeting (laughter) that
22 could say what the reliability was.

23 A.L. MOSBAUGH: Yeah, those would be
24 arguments that I would say that says, hey, this was
25 related to a decision, the decision relates -- the

1 whole accident occurred, you know, the seriousness
2 of the accident was because the machine didn't
3 start, so the machine's at the center of this; its
4 starting reliability is at the center of this; and
5 these numbers are supporting its starting
6 reliability.

7 JOHN ROGGE: (Inaudible.)

8 A.L. MOSEBAUGH: In addition, the
9 statements are wrong in different ways depending on
10 which letter, okay. The errors -- the errors in the
11 COA response are more along the lines of there were
12 failures, you know. That's a hard line to explain
13 to you. I felt that the flavor and perspective I
14 got from the COA response was that there had been
15 all these starts without any problems; and what
16 seemed to conflict with the basis of those
17 statements was that, no, there were problems, not so
18 much that the numbers weren't there, but you could
19 make a numbers -- when you put X starts without
20 failures or problems, you can either concentrate on
21 failures or problems or you can concentrate on the
22 numbers free of, you know, failures or problems,
23 okay; and the COA, I felt, was misleading with
24 respect to -- a little with respect to not revealing
25 all the problems. The LER was more incorrect in

1 that it just didn't count all the starts right since
2 the comprehensive test program. And I don't know
3 what was said at the Vogtle presentation, all I know
4 was what I saw on the overheads.

5 JOHN ROGGE: (Inaudible) overheads.

6 A.L. MOSBAUGH: I don't know what was
7 said.

8 JOHN ROGGE: Did you see the overheads
9 before the meeting or did you see a meeting notice
10 after that involved the overheads which were sent
11 back?

12 A.L. MOSBAUGH: I only saw the overheads
13 after they had occurred.

14 JOHN ROGGE: Okay. And do you know that
15 they were shown at the meeting (inaudible)?

16 A.L. MOSBAUGH: Yeah. Well, yes, yes. I
17 think George said, "these are the overheads I showed
18 or I used at this presentation," that's what he
19 said. You know, whether he forgot one (inaudible) and
20 he didn't reveal it that could have been it.

21 But there was (inaudible).

22 JOHN ROGGE: Sometimes they change them
23 out. Sometimes people will have extra overheads and
24 they are waiting for the question and if the
25 question doesn't occur they got right past it.

1 A.L. MOSBAUGH: Anyway, you know,
2 we raised it -- we brought those issues up with
3 George. You know, and I did not feel that you
4 probably understood the background in back of that.

5 JOHN ROGGE: No.

6 A.L. MOSBAUGH: Problems with starts was
7 what was mentioned over there; and I wanted you to
8 understand that there was more depth to those words
9 than just that.

10 JOHN ROGGE: Yes, I was not a party to
11 that. (Pause) Sounds to me like we may have a problem with
12 that the information that was provided in the LER
13 what was being corrected, not that what may have been
14 provided was with careless disregard (inaudible).
15 What is the nature of the carelessness or disregard you
16 mentioned? Can you talk in general about the
17 looseness in which the LER might have been handled
18 or (inaudible).

19 A.L. MOSBAUGH: I think that, you know,
20 when --

21 JOHN ROGGE: (Inaudible.)

22 A.L. MOSBAUGH: There are aspects --
23 there are different aspects of the carelessness or
24 whatever, depending on which document and which
25 rev. and which one you're talking about; and I'm not

1 going to go into which one applies to which one.
2 But, you know, the way I view it is that counting
3 starts or counting starts with problems or not
4 problems, okay, should be a fairly simple job,
5 okay. And if you put a fairly high, technically
6 capable person to do that, okay, and he comes up
7 with fairly bad information, you know, not, he
8 didn't, you know, forget to dot an "i" and cross a
9 "t" but, you know, he counted 18 instead of 11 or
10 some of the starts that were counted were starts
11 when the diesel actually tripped, you know, or
12 something like that, then I think that's fairly
13 gross, okay. I think that level, to me -- and I'm
14 not the lawyer -- but to me --

15 JOHN ROGGE: Okay.

16 A.L. MOSBAUGH: -- miscounting of that
17 nature, I think, constitutes careless disregard
18 rather than making a clerical or typographical
19 error. And I think the other --

20 JOHN ROGGE: Such as transposing a
21 number.

22 A.L. MOSBAUGH: Such as transposing or
23 whatever; and the other difference being who it was being
24 done by. Whether it was an error made by the clerk, you
25 know, or was this made by, you know, some team

1 member, engineer, or operations person.

2 JOHN ROGGE: Intelligent person.

3 A.L. MOSBAUGH: Okay. I think that
4 throws it over into the arena of careless
5 disregard. Now, you started off asking about
6 willful. I'd have to know what somebody's intent
7 was to know about willful, because willful means
8 that --

9 JOHN ROGGE: Oh, I know when you talk to
10 lawyers (inaudible) and discovery process to get into
11 that.

12 A.L. MOSBAUGH: Yes, that's right.

13 JOHN ROGGE: Not the opinion of the
14 (inaudible) is very clear.

15 A.L. MOSBAUGH: Right.

16 JOHN ROGGE: I --

17 A.L. MOSBAUGH: Let me say that based on
18 the evolution that occurred in the development and
19 the correction of this information, you could feel
20 there was enough knowledge and pre-knowledge or
21 slowness in the correction of such information to
22 get into the willful arena. And I think again that
23 could only be confirmed with much more specific
24 information, a review of time sequence, and specific
25 documents, and potentially an investigatory process

1 would be required to draw those conclusions; but I
2 think that's a distinct possibility.

3 JOHN ROGGE: Was there any gain that
4 resulted as a result of the correction being
5 slowed?

6 A.L. MOSBAUGH: Probably.

7 JOHN ROGGE: What kind of gain are we
8 talking about, what would that have been?

9 A.L. MOSBAUGH: When you say slowed, you
10 mean slowing in corrections?

11 JOHN ROGGE: Well, you were saying an
12 error was made or whatever, it's highlighted as an
13 error and now we have people that are knowledgeable
14 that the error going on and now we are working real
15 slow. We don't want the correct information to
16 reach certain parties by a certain date or before
17 the unit going critical, whichever occurred after.
18 And that's what I'm asking. Is there some key event
19 tied with (inaudible)?

20 A.L. MOSBAUGH: That may be true, yeah --
21 presentation to the Commissioners.

22 JOHN ROGGE: As a toss-up, or . . . you don't
23 have any knowledge, you're just speculating; (inaudible)
24 is what your saying that would be a key event?

25 A.L. MOSBAUGH: I'd say that one's highly
likely

1 likely.

2 JOHN ROGGE: Well, highly likely; but you
3 haven't said yes. With purpose.

4 You don't recall what fact gathering went
5 into the numbers (inaudible).

6 A.L. MOSBAUGH: (Inaudible) the IIT; but
7 I don't recall reading it.

8 JOHN ROGGE: All right. Anything else?

9 A.L. MOSBAUGH: No, just wanted to know
10 -- just wanted you to know what those two memos
11 were all about.

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