

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: In the matter of:
Georgia Power Company, et al.
(Vogtle Units 1 & 2)

Docket Number: 50-424-OLA-3
50-425-OLA-3

Location: Augusta, Georgia

Date: August 17, 1995

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 ATOMIC SAFETY AND LICENSING BOARD

5 HEARING

6 -----X

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

13 -----X 93-671-01-OLA-3

14 Thursday, August 17, 1955
15 Plantation Room West
16 Telfair Inn
17 326 Greene Street
18 Augusta, Georgia

19 The above-entitled matter came on for in-camera
20 session at approximately 1:17 p.m.

21 BEFORE:

22 PETER B. BLOCH Chairman
23 THOMAS D. MURPHY Administrative Judge

24
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19 ALSO PRESENT:

20 Allen Mosbaugh

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P R O C E E D I N G S

1
2 CHAIRMAN BLOCH: At this point we will commence
3 an in camera session of the Board. We will wait for
4 Mr. Hayes to depart.

5 MR. HAYES: That won't take long.

6 CHAIRMAN BLOCH: Mr. Reporter, the session that
7 we're about to hold should be held in camera, and I'd
8 appreciate it if the portions that are to be sent to the
9 NRC should be sent according to the agreed procedures on
10 handling in camera documents.

11 MR. BLAKE: Judge Bloch, thank you for this.
12 And I'm in a situation that I've not been in before in a
13 proceeding, and it might be that the Board will decide to
14 -- to make this a public portion. So be it. I frankly
15 just don't know how to handle it, so I start at least this
16 way.

17 On -- today is Thursday. On Tuesday evening of
18 this week Mr. Lamberski, in discussions with Mr. Johnston,
19 one of the expected rebuttal witnesses for Georgia Power,
20 in finalizing his testimony, had a discussion where
21 Mr. Johnston indicated that in February or March of this
22 year, '95...I'm looking at the other counsel around me to
23 stop me and correct me to the extent I misstate
24 anything...had observed moisture in a portion of -- I'm
25 going to say a line connected to the control air system and

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1 inside the control panel. The line -- let me stop just for
2 a second now and try to describe to everyone what it --
3 what I'm talking about.

4 It's been described to me that at a portion in
5 the control panel, at about eye level; it's been described
6 to me as a quarter inch line that comes off the supply air
7 for the control panel, and at this point is 250 pound air.
8 There is at this elevation in the control panel, attached
9 to the 250 pound air system, a very small line. On this
10 line, which comes -- which comes -- taps off from the 250
11 pound air, is a length of piping believed to be a quarter
12 inch or three-eighths of about an inch and a half or two
13 inches. Along that line is a tap which is capped, which is
14 used for connecting test equipment. At the end of that
15 line is a pressure gauge which is always connected to it.
16 The pressure gauge -- and in the middle of that line,
17 before the tap-off for the test connection and before the
18 pressure gauge is an isolation valve. The isolation valve
19 is normally open, and so you can read on that gauge what
20 the 250 pound supply air actual pressure is. But that's
21 the configuration.

22 At a point in time during the February-
23 March...I understand to have been an outage...at Unit 2,
24 when they... "they" being Mr. Johnston...apparently wanted
25 to use that test connection, he isolated it with the

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1 isolation valve, he removed that cap and observed moisture
2 at that position. My understanding also is that he doesn't
3 ever remember that having been taken off before, during all
4 of his visits to the plant, and we have been unable to
5 establish, at least so far, whether or not it had been off.
6 I don't know why this particular test required at this
7 juncture hadn't been required before, but I'm giving you
8 sketchy knowledge, but the best I have.

9 The -- he believes that that same condition was
10 observed in more than one location during the same time
11 frame; the same location, but on different control panels.
12 There are two diesels for the -- for the Number 2, and so
13 it would have been at least on two. Now, the way the
14 configuration is, as I understand, there are dual supplies
15 of the 250 pound air, and therefore the configuration that
16 I've described occurs twice in any one control panel for a
17 diesel generator. And that -- and his recollection is that
18 it occurred at least twice.

19 Now, I also -- what Mr. Lamberski also... Yes,
20 please?

21 CHAIRMAN BLOCH: Do we know whether he created
22 any paper about it when he saw it?

23 MR. BLAKE: We're looking -- we're -- we have
24 asked for -- since -- I'll go subsequent to what we've done
25 about this. We didn't know at that time whether any piece

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1 of paper was -- was generated. When Mr. -- Mr. Lamberski,
2 when he heard this, indicated only to Mr. Johnston I
3 believe at that point, "Whatever you're asked about this
4 you've got to just talk about."

5 Now, let me tell you what we did subsequent to
6 this. We immediately were concerned that -- that
7 testimony, particularly of Mr. Burr and Mr. Stokes, could
8 be in error in this proceeding based on -- on this and --
9 because Mr. Johnson (sic) had said both Mr. Burr and
10 Mr. Stokes were either there or aware of it. We yesterday
11 went back through, not just by computer, but actually read
12 both Mr. -- had an attorney read both Mr. Burr's and
13 Mr. Stokes' testimony in this proceeding. It appeared from
14 our review that Mr. Burr was not asked anything that would
15 have prompted this sort of an answer. It -- it appeared to
16 us that Mr. Stokes was.

17 I then talked with other attorneys yesterday
18 afternoon about this topic. We undertook to alert
19 Mr. Miller, James Miller, who was here with us one day and
20 is a counsel, and is a counsel really for SONOPCO, the
21 nuclear component of -- of -- and advises Mr. Hairston in
22 his capacity both as a Georgia Power and a SONOPCO -- I'm
23 getting into terminology problems 'cause I'm trying to be
24 -- cope with this problem. But Mr. Miller was told, and
25 then Mr. Hairston was brought in, being the highest nuclear

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1 official, other than the CEO.

2 And Mr. Hairston was brought in; he was very
3 concerned that because of the sequestration, we'd be
4 talking with him about other people's... I had not thought
5 about that, frankly. I was more concerned to just talk
6 about what it is we ought to do and where we'd go. We
7 recommended to Mr. Hairston and Mr. Miller that the
8 attorney-client privilege be waived with respect to this
9 development, and that there be no indications from -- from
10 any party that anything was being done wrong, that they
11 couldn't inquire about what had occurred. And that
12 recommendation was accepted, and so I'm prepared to -- to
13 deal with this just as I have already in -- in terms of
14 ongoing communications and what transpired.

15 There was another conversation last night
16 between Mr. Lamberski and Mr. Johnston where he understood
17 in more detail...that's how I got the -- that's how we got
18 the configuration that I just described to you...and we did
19 that because we wanted to talk with both Mr. Burr and
20 Mr. Stokes about this topic, wanted to know exactly what
21 Mr. Johnston knew about it, and wanted to have read -- read
22 the record before we did. We didn't know what their
23 explanation or -- or statement would be about it.

24 Today we have attempted to contact, and
25 Mr. Domby has talked with both Mr. Stokes and Mr. Burr. We

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1 -- after consultation with -- with Mr. Hairston, who was
2 concerned, one, about sequestration; two, about how it was
3 to be done in a way that would maximize these people's
4 openness and candor about it. But recognizing, as we did,
5 that we would need to alert them at the outset, which I
6 think all the attorneys regarded as important, that this
7 was not an attorney-client communication and they needed to
8 understand that before the communication took place.

9 Mr. Domy undertook to go down early this morning to the
10 plant and -- and involve a manager, but not at so high a
11 level as it would likely -- or any -- have any expectation
12 anybody would think that they were intimidated or trying...

13 My understanding is that Mr. Burmeister was
14 Mr. Stokes' immediate supervisor, a manager in whom both
15 the management of Georgia Power and Mr. Stokes have a good
16 deal... He's not a witness in the proceeding, so we're not
17 into the sequestration problem with him. And so the
18 decision was to have Mr. Burmeister, as well as Mr. Domy,
19 talk with Mr. Stokes.

20 I have talked very briefly during one break
21 today with Mr. Domy about that. I think it's probably
22 better given directly, and I'm going to have a proposal in
23 the end about what we do about this, even next week. But
24 the obvious reason that I wanted to do it promptly was to
25 alert the Board about this, give the Board and the parties

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1 an opportunity to think about this. People have been
2 advised, who are involved in this, not to talk about it.
3 And therefore I don't think we're going to be lost to
4 anything. But I wanted -- I wanted this on the record and
5 to -- and the Board and the parties know about it just as
6 promptly as we could.

7 Mr. Domby talked with Mr. Stokes. I'd prefer
8 not to characterize what that conversation amounted to
9 except I'll just say two things. Mr. Stokes was perfectly
10 willing, even after being described that this was not
11 subject for communication, to talk about whatever Mr. Domby
12 wanted to talk about. Mr. Domby then went through the
13 questions that we had seen from the record where he had
14 been asked, "Were you aware of moisture? Did you see
15 any...?" Those kinds of questions. We'll make all this
16 information available to everybody, at least to the extent
17 we've been able to do it here quickly. And Mr. Stokes gave
18 essentially the same answers that he had, I think the same
19 answers he'd given on the record.

20 Then when Mr. Domby specifically brought to his
21 attention this February this year, Mr. Johnston's
22 disclosure to us, he said -- he didn't try to back away
23 from it at all. He recognized it. He just hadn't seen it
24 as -- as altering or changing what he'd been asked before.
25 I can't tell you whether it was because he didn't think

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1 about it at the time, or he actually thought about it and
2 regarded it as something different. I don't know what his
3 mind set was. But that's the essence of what I understand
4 to have been his -- his initial responses.

5 Mr. Domby then left and talked with
6 Mr. Burmeister briefly. He then placed a call to Mr. Burr.
7 By the weirdest of circumstances, by a most unfortunate,
8 Mr. Burr happened to have called Mr. Stokes in the interim.
9 They obviously talk a lot, but that it would happen to have
10 happened so early in the morning and the one doggone day,
11 and it happened. When Mr. Stokes told Mr. Burr what had
12 just been occurring, there was a communication enough so
13 that Mr. Domby didn't have to describe to Mr. Burr what it
14 was he was going to talk about. He knew. And when
15 Mr. Domby described to him that it wouldn't be attorney-
16 client and what not, Mr. Burr elected not to talk with
17 Mr. Domby, but rather to consult and talk with counsel of
18 his choice before, which is perfectly appropriate and I
19 understand why.

20 But recall what I first said, which was we
21 didn't see any problem with what Mr. Burr had said in the
22 -- in the course of the -- we obviously weren't aware of
23 this 'til we talked with Mr. Johnston. But from our review
24 of the record ...and everybody will have to do their
25 own...we did not see a problem.

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1 Now, that brings us to the -- to where we are
2 in terms of knowledge.

3 MR. MICHAEL KOHN: I'm sorry. Did Mr. Burr
4 indicate he has a recollection?

5 MR. BLAKE: I believe he -- yeah, I believe he
6 does have a recollection of the event. But I can't tell
7 you. Let me confer, Michael.

8 (Mr. Blake confers with certain parties.)

9 MR. BLAKE: Mr. Dombey, I'm informed, can't say
10 whether he does. I guess maybe I misspoke. So that --
11 that's where we are now.

12 Now, what in the world do we do about it? I've
13 gone this far by saying we're worried, not about -- we need
14 to keep in contact with the company, but we're trying to do
15 it without sequestration. We had lined up somebody in
16 Birmingham, another manager who isn't subject to
17 sequestration, who was also going to be involved in the --
18 in the discussion with Mr. Burr so there'd be two people,
19 both Mr. Dombey and someone else. He presumably was -- was
20 on the call when -- when at least Mr. Burr said he didn't
21 think we should talk about the topic.

22 So I bring it to the Board now. I think what
23 we can do is -- is make available to the Board and the
24 parties results of our efforts, which are reading of the
25 transcript and where we came out with -- with indications.

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1 I would commend that -- that same sort of process for
2 others. I think at a minimum, Judge Bloch, that Mr. Stokes
3 should come back so that the Board and -- and parties, as
4 well, have an opportunity to -- to talk with him about this
5 topic. I'm informed that Mr. Stokes, given this
6 questioning by Mr. Domby, indicated that -- that he would
7 want to do that. But I think that that ought to be done.

8 Now, I'm not looking today for responses to the
9 other parties or trying to put you on the spot. Mr. Kohn
10 asked me earlier, gee, couldn't I tell him, and I thought
11 it was best to do it in this way on the record, so that
12 everybody has the same kind of information. And I've
13 already admitted I've never been in this situation before
14 so I didn't know exactly how best to handle it.

15 CHAIRMAN BLOCH: I -- I appreciate Georgia
16 Power's candor. It's -- it's refreshing that you chose to
17 do this.

18 I have an immediate concern that you do look
19 for any MWO or discrepancy paper that may have been created
20 at the time of the incident, because one of the issues is
21 do those things get communicated at the time they happen.
22 And I think probably we should wait for that. I'm not
23 going to rule now, but I have a feeling we should wait for
24 that before we call Mr. Stokes back.

25 MR. BLAKE: Let me address that topic and say

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1 some more that I know that -- that I don't think I
 2 included. One -- one thing is, we also thought we wanted
 3 to have pieces of paper. We opted not to try to get it
 4 before we talked with the people because we thought anybody
 5 that we asked, since we didn't want to say why we were
 6 asking, would go to Kenny Stokes and say, "Hey, do you know
 7 what the...?" So,...

8 CHAIRMAN BLOCH: Well, I agree with -- I agree
 9 with the order in which it was done.

10 MR. BLAKE: So we didn't, but I think we have
 11 since. There's at least a maintenance work order which was
 12 involved with apparently the work that was ongoing. We're
 13 unaware at this juncture that something was generated as a
 14 result of this, but -- but I want to say that, for example
 15 with Mr. Johnston and -- and trying to complete his
 16 testimony, was very comfortable talking about this and what
 17 had occurred. It didn't cause him any problem. It wasn't
 18 because of its configuration, which I've tried to describe
 19 to people, he didn't see this as -- as having any actual
 20 involvement in the control system. Now, I can't go any
 21 further 'cause I don't know what I'm talking about as to
 22 why that might be the case or why he'd be comfortable. But
 23 I do understand at least that, and I believe that was --
 24 that was Mr. Stokes' impression to Mr. Domby, as well.

25 CHAIRMAN BLOCH: I want to let Mr. Kohn speak

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1 for a second. I also -- I am concerned -- I'm hopeful that
2 the staff will help us figure out the technical
3 implications of this finding with respect to the dew point
4 history of the diesel.

5 MS. YOUNG: Yeah. And it sounds like
6 everybody's going to need discovery on this. I don't know
7 how Georgia Power intends on pursuing this, whether it's
8 with a three-party discovery.

9 CHAIRMAN BLOCH: The staff doesn't need
10 discovery, they can just go in and find out.

11 MS. YOUNG: Well, we have to -- these people
12 that -- they're preparing testimony with a witness that we
13 have not talked to, obviously.

14 MR. BLAKE: Yes.

15 MS. YOUNG: And they're preparing testimony
16 with a witness that Intervenor has not talked to.

17 CHAIRMAN BLOCH: Yes. So there will have to be
18 discovery, too.

19 MS. YOUNG: Yeah. And whether there's same
20 period for that anticipated in this process, whether
21 Mr. Burr also should be called back.

22 CHAIRMAN BLOCH: I don't think we have to
23 decide that right now.

24 MS. YOUNG: No. No.

25 CHAIRMAN BLOCH: I think those are all

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1 questions -- yeah.

2 MS. YOUNG: I'm just saying these are -- these
3 are issues. He only identified Mr. Stokes as a possible
4 person.

5 MR. BLAKE: Well, Mr. Owyong is anticipated to
6 be a witness. I have no doubt that, given this, he'll be
7 asked questions about it when he appears. Johnston, I'm
8 sorry. What did I say?

9 ADMINISTRATIVE JUDGE MURPHY: I had them as a
10 panel.

11 MR. BLAKE: Yes, Johnston and Owyong are --
12 are a panel. I don't know that Owyong has any involvement
13 in this, or knowledge. I don't know the answer.

14 CHAIRMAN BLOCH: Have you seen whether
15 Mr. Ward's testimony is affected?

16 MR. BLAKE: I don't know about Mr. Ward's
17 involvement. We talked about -- because Mr. Burr reported
18 to Mr. Ward, we talked about his being the second, but then
19 we were in the sequestration problem so we ruled him out.

20 CHAIRMAN BLOCH: Well, I guess I just wasn't
21 sure which -- yeah.

22 MR. MICHAEL KOHN: Mr. Burr is involved. He
23 was deposed on this and denied knowledge of water.
24 Obviously in questioning him there's no need for Intervenor
25 to put that into the record. But there is substantial and

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1 he reviewed that deposition and signed it under oath, so
2 there is maybe need to recall Mr. Burr, as well. There are
3 other people involved; Mr. Chenault, Mr. Handfinger. A lot
4 of people are implicated. And based on what we have been
5 told, we -- Intervenor's unable to adequately prepare for
6 rebuttal case and whatever is going on until a discovery on
7 this matter is completed. And it is important, now that
8 Georgia Power has apparently, from my understanding, waived
9 the attorney-client privilege with respect to these
10 individuals and they're going to be on their own, that a...

11 MR. BLAKE: This topic.

12 MR. MICHAEL KOHN: This topic. Yes, I
13 understand, limited to this topic. Not on their own, but
14 not being represented by the same counsel, that discovery
15 proceed; that a order be issued that no person associated
16 with Georgia Power be allowed to interview or conduct -- or
17 have discussions with these people without counsel for
18 Intervenor and NRC staff being hooked in by phone or some
19 way.

20 In other words, I understand there could be a
21 safety significance. I believe there is a strong safety
22 significance of the information that was found, that could
23 currently implicate the safety of the plant.

24 CHAIRMAN BLOCH: Well, that's not clear. I
25 know that the Intervenor's view is there is, and that

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1 concerns us.

2 MR. MICHAEL KOHN: And to the extent that
3 Georgia Power feels they need to contact these people to
4 understand what the significance is or things of that
5 nature, that's relevant to this proceeding, as well. And
6 therefore, we believe it is essential that Intervenor be
7 made a party to those communications. It's the only way to
8 adequately -- for us to document what was said, and to
9 understand what is unfolding here.

10 CHAIRMAN BLOCH: Could you repeat it so I
11 understand. A party to the communications between who and
12 whom?

13 MR. MICHAEL KOHN: If Georgia Power feels it
14 necessary to communicate with any individual that's been
15 mentioned here...Mr. Burr, Mr. Stokes, Mr. Burmeister...
16 there's a litany of people. And if they -- if there is no
17 longer attorney-client communication privilege, those
18 communications should be made available to Intervenor to
19 adequately assess what is occurring, in order for us to
20 prepare our rebuttal case.

21 CHAIRMAN BLOCH: Well, should those
22 communications be limited to being made in the course of a
23 deposition?

24 MR. MICHAEL KOHN: Yes, I think they should be
25 limited to the course of a deposition. But I made my

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1 statement under the assumption that there would hopefully
 2 be some review of the safety significance, and that might
 3 -- they may not want to wait for a deposition of that. And
 4 so if there was something more spontaneous that -- that...

5 CHAIRMAN BLOCH: Well, I'm not sure. If I
 6 understand the testimony in this case, there may not be
 7 urgency to the safety determination on this matter.

8 MR. BLAKE: I really -- first of all, I want to
 9 insure that -- I think that the deposition took place --
 10 with Mr. Burr took place before this event in -- in what I
 11 understood to have been February, March of '95. I think
 12 his deposition was back in '94.

13 So, but beyond that, I really would propose
 14 that we try to have as little disruption as possible
 15 consistent with the right kind of approach to this. We
 16 have no intention, Michael, and I want to tell you, of
 17 talking further or attempting to with Burr or Stokes. We
 18 simply wanted to report to you on -- so you'd have a
 19 comprehensive report on what we understood to have been
 20 involved. That's done.

21 MR. MICHAEL KOHN: Well, it's also Mr. Johnson
 22 (sic) and Mr. Owyong and other people who can now... In
 23 other words, we need some time to assess what's happening,
 24 and before...

25 MR. BLAKE: I'm willing to commit to you, as

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1 well, that we will not further talk with Mr. Johnston about
2 this topic. We would like to complete Mr. Johnston's
3 testimony so we can file it. It won't be on this topic.
4 And I've already told you that we've waived attorney-client
5 privilege, so you're free to ask these people about whether
6 or not there were any communications. I think that's a
7 terrific way for you to check on the kind of commitment I'm
8 -- I'm giving. Mr. Johnston says, "Should I include it in
9 my testimony?"

10 Mr. Lamberski is going to be instructed to say,
11 "No, but the Board's been apprised and you can expect
12 question..." No more. No more discussions substantively
13 about what's involved. And I'll leave it up to the Board
14 in how you want to approach it, but my hope would be that
15 next week, when Johnston comes, you talk with him about
16 this, that you call back Stokes, call Burr, if you want to,
17 to talk about it. But use that as at least a starting
18 point on how much is necessary.

19 CHAIRMAN BLOCH: Do we -- do we know the
20 implications for next week's hearings yet?

21 MS. YOUNG: Judge Bloch, I'd like to understand
22 that. Because we're talking about new information that the
23 Board views as being within the scope of the admitted
24 contention, which I think is always the issue.

25 MR. BLAKE: Sure.

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1 MS. YOUNG: Whether this is a late-breaking,
 2 surfacing, perhaps late filed contention candidate or what
 3 have you, or whether it's a sui sponte issue the Board
 4 wants to raise, I'm not sure I understand whether it's
 5 within the scope of the current proceeding.

6 I do know that counsel for GPC has argued, in a
 7 pleading concerning a staff exhibit that was marked for
 8 identification, that the issue of moisture in the control
 9 panel is not within the scope of this proceeding. Now we
 10 have information that this has -- has surfaced in 1995. So
 11 I'm not sure the parties -- you know, we haven't had the
 12 Tuesday notification of these matters, we haven't had a
 13 couple of days to even think about it. It's really hard to
 14 respond whether this is even part of the current
 15 proceeding, or should it wait 'til a later time, or even
 16 whether the testimony of Mr. Owyong and Mr. Johnston
 17 should proceed...

18 MR. BLAKE: I appreciate...

19 MS. YOUNG: ...on August 23rd. So you're not
 20 going to get any good advice from the staff on this point
 21 except to say that if this occurred in February-March 1995,
 22 it post-dates the inspection on air quality that staff did,
 23 and we'd have to have a considerable amount of time to look
 24 into this matter, and I don't think it can be accomplished
 25 over a weekend before the scheduled testimony of

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1 Mr. Johnson (sic) and Mr. Owyong.

2 MR. BLAKE: Well, see, our problem was that we
3 didn't see it -- and I appreciate her comments. I think
4 the scope thing is something that we all ought to consider
5 over the weekend, along with other matters, as we approach
6 next week and see how to -- how to take this on in the best
7 way.

8 My thought on scope, Ms. Young, is that -- that
9 at least our initial concern was whether or not the
10 witnesses had misspoken, and that's really why -- why we
11 got into it. Whether or not -- and I'm going to tell you,
12 it's my appreciation that these individuals, these
13 technical individuals did not see this as a technical
14 problem. Of course, the Board has to determine what's
15 within, what's out in your view of the technical
16 implications on -- on the accuracy of information that was
17 provided to the NRC. I think Ms. Young's observations are
18 probably right, her initial -- I think her initial
19 instincts are right. But that didn't allow me to stay away
20 from divulging this now and on the record as far as I'm
21 concerned. So that's really why I've done it.

22 CHAIRMAN BLOCH: I'm not sure of the technical
23 implications, from what you've said, and therefore it's
24 hard for me to evaluate whether it is or is not relevant to
25 the prior testimony in the case on that score. But the

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1 testimony of the company has been that the -- the process
2 of creating deficiency paper and finding root causes and
3 all that has been getting better over the years, so that I
4 would think there would be an implication if there was no
5 paper created at the time that this occurred. And so at
6 least to that respect it seems to me to be relevant to the
7 assertion of the company that if water was found it would
8 have been told to the company.

9 MR. BLAKE: Well, I -- I would hope that we
10 would consider -- I would like to talk about schedule, as
11 well, before we leave, because I think we all -- all need
12 to take that into account, as well, at least what we
13 thought we're headed to next week. And I would hope that
14 -- that this wouldn't throw us into a tailspin, that it
15 would be a sensible approach to have Mr. Johnston appear
16 when he was going to appear otherwise, which was a long
17 time scheduled for next Wednesday, and talk with him as
18 well about this topic.

19 CHAIRMAN BLOCH: It might -- I would like
20 Intervenor to think about that. It may be -- and also
21 staff.

22 MS. YOUNG: We can't prepare in that length of
23 time on something we know nothing about.

24 CHAIRMAN BLOCH: Well, let me suggest a way,
25 and you may not be able to do it. But it could actually be

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1 used as a joint evidence and discovery session, with the
2 understanding that if the staff then goes back and finds
3 further stuff they may have to call someone again. It
4 appears to me that that might be the way to handle this
5 kind of material, because then the Board also will be able
6 to see the initial reactions of people as these subjects
7 are being discussed.

8 MS. YOUNG: Well, you've got -- you've got
9 stuff that happens in the adjudicatory proceeding, and you
10 have the independent, ongoing responsibilities of NRC
11 inspection staff to investigate matters that come up at a
12 plant. And obviously Mr. Blake would not have brought this
13 to your attention, and your reaction in this case, that
14 there is some concern about what this means for the plant.
15 You know how often staff has relied on -- on technical
16 member, Mr. Pierce Skinner, from Region 2, and how
17 important he is to us. But to pursue this matter, I'm not
18 sure we're going to be able to keep both balls in the air.
19 And whether we would be ready to proceed on August 23rd...

20 CHAIRMAN BLOCH: Is there a need for Mr. Pierce
21 Skinner to go to the site about this? Is that what you're
22 saying?

23 MS. YOUNG: Well, he -- I'm not sure. He
24 supervises the inspection staff. He may -- previously in
25 this proceeding there's been an effort knowingly on the

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1 part of staff not to intimately involve the resident
2 inspection staff in everything going on in this hearing,
3 because obviously they have to be able to do their job
4 independent of what happens in this room. So there are
5 problems with constantly injecting various NRC employees
6 into everything associated with the hearing.

7 CHAIRMAN BLOCH: Do you know now whether or not
8 you need a continuance for that purpose?

9 MS. YOUNG: I can't -- I just know we need
10 time; I don't know how much time; and I don't know whether
11 it would be appropriate to speak to... I know it's not
12 appropriate to speak to Mr. Johnson (sic) before the
13 staff's had an opportunity to look into this.

14 CHAIRMAN BLOCH: I'm not sure what your
15 reaction was to the proposal I made, which is that we could
16 proceed next week with the questioning, but it would not
17 close the record on the matter. So whatever the resident
18 inspector was doing would be open to staff testimony when
19 the staff testifies, or to recalling witnesses so that the
20 proper questions can be asked based on the staff's
21 investigation.

22 MS. YOUNG: I think you're correct, but I think
23 there's a parallel effort that has to go on. And as staff
24 counsel, I would at least like to be able to understand
25 what the NRC knows about something before I even engage in

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1 a deposition on something I know nothing about. And I
2 think, in fairness, every attorney is entitled to do that
3 leg work.

4 CHAIRMAN BLOCH: All right. How would you feel
5 if the other parties were able to go forward and the staff
6 just didn't participate, it just listened, and then it
7 asked its questions later.

8 MS. YOUNG: Again, that impacts the schedule,
9 though. What's the purpose of that since in many instances
10 the staff's questions have been helpful to the Board, I
11 hope.

12 CHAIRMAN BLOCH: Mr. Kohn?

13 MR. MICHAEL KOHN: Yeah, Intervenor would
14 object to staff's not participating. But I would also like
15 to note currently there's a deposition scheduled for Monday
16 of Mr. Briney. I think that this week coming up, that
17 additional discovery should go forward that would be --
18 include Mr. Johnson now at this time.

19 I would also note with respect to witnesses to
20 be testifying, we haven't gotten a substantial number of
21 their prefiled testimony for their testimony for next week
22 yet anyway. It becomes an impossibility for us to do a
23 dual track of now trying to review their prefiled testimony
24 considering the impact on the prior record which is 11,000
25 pages or whatever. It is -- we need time to sit back and

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1 reassess. And I should also note that -- and I'm not sure
2 if the Board is aware or not -- that the Secretary of Labor
3 has issued a final decision in the Marvin Hobby decision
4 and has determined that the sole reason Mr. Hobby was
5 removed from his position was due to discrimination based
6 on his raising safety concerns. That is another issue that
7 has just come up. We haven't had the time to even look at
8 that as how it impacts this proceeding. I think we are at
9 a point in the proceeding where a week's stay -- where we
10 can conduct some discovery and figure out where we are is
11 important.

12 MS. YOUNG: Judge Bloch, the staff's remarks
13 are again, I don't know whether this is really in the
14 hearing. I don't even know whether it's appropriate that
15 this matter, at length, be investigated in the context of
16 this proceeding. We don't have a ruling yet that this in
17 within the scope of the contention.

18 CHAIRMAN BLOCH: Well, I guess I didn't rule
19 finally --

20 MS. YOUNG: Right.

21 CHAIRMAN BLOCH: -- because we haven't really
22 had arguments. People haven't had a chance to think about
23 it.

24 MS. YOUNG: Right. I mean obviously
25 credibility of witnesses' statements, their recollection,

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1 the accuracy of their previous statements, I can understand
2 that, but any full-fledged inquiry into what happened may
3 not be necessary to address just a simple matter, did Mr.
4 Stokes make a mistake when he said I didn't remember
5 anything.

6 CHAIRMAN BLOCH: Until we find out what the
7 technical significance is of what was found, that's
8 correct; with the exception of the paper issue, which I am
9 interested in.

10 MS. YOUNG: Do you anticipate that we will be
11 somehow segregating this exercise separate from the rest of
12 the record? It's just --

13 CHAIRMAN BLOCH: Does the staff need a stay?
14 We've had a suggestion from Intervenor that there be --
15 that we cancel next week's hearings.

16 MS. YOUNG: Well, I thought -- from my comments
17 at least, I was only saying stop with Johnson and Owyong.
18 We couldn't see bringing them in before this is looked at.
19 The other witnesses are Briney, which has to do with
20 accuracy of test instruments; Mr. Eckert would have to do
21 with the Cash list; Mr. Webb which had to do with the LER.
22 I can't see stopping for that, but again, I do have a
23 resource problem with whatever time this may take away from
24 Mr. Skinner's participation assisting staff counsel. So, I
25 can't tell you today.

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1 CHAIRMAN BLOCH: So should we expect to have a
2 telephone conference Monday morning? Is that the best way
3 to proceed on this?

4 MR. MICHAEL KOHN: The only problem is, there's
5 a deposition currently scheduled for Monday here in Atlanta
6 --

7 MR. BLAKE: Here in Augusta.

8 MR. MICHAEL KOHN: I'm close.

9 MR. BLAKE: Just one scheduled for late
10 afternoon of Mr. Briney?

11 MR. MICHAEL KOHN: Yes. If we postpone that
12 deposition maybe until Tuesday morning, then we --

13 CHAIRMAN BLOCH: We can slow up. We could have
14 our telephone conference on Sunday if that's acceptable.

15 MR. BLAKE: You can, but I would hope at this
16 juncture that absent somebody changing their mind, that we
17 could agree that we have plenty that could go on next week,
18 even if we decide there isn't --

19 CHAIRMAN BLOCH: Mr. Kohn, do you agree with
20 that?

21 MR. MICHAEL KOHN: I agree there -- I was
22 planning to come down and there's things that we can go
23 forward, but what we have to do is have -- I think the
24 Board we have -- and the parties would have to trust
25 Intervenor's feel of what they can handle with this new

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1 information and the work we have to expend on that with the
2 new -- with what's already on the table. I could -- I see
3 no reason why we could not complete Mr. Eckert, for
4 instance, and perhaps some other people.

5 MR. BLAKE: Well, virtually everybody --

6 CHAIRMAN BLOCH: Why couldn't we just forward
7 with the week of hearing? We won't be hearing Mr. Johnson,
8 I guess. But why not go forward with that and if there's a
9 need for further time for discovery, it sounds to me like
10 that impacts on the September hearing date rather than on
11 next week.

12 MS. YOUNG: I would agree with that. But
13 again, I think we should hold over Mr. Owyong and Mr.
14 Johnson in some part.

15 MR. MICHAEL KOHN: As I understand it, there
16 were more than enough witnesses scheduled for that week
17 that we didn't think we were going to be able to finish
18 them all. I think if we just move Mr. Johnson and Mr.
19 Owyong out, but at the same time, we want an opportunity
20 to depose Mr. Johnson as soon as possible.

21 MS. YOUNG: We also have the three technicians
22 to hear from.

23 CHAIRMAN BLOCH: Okay, wait. Let's hear
24 response from Georgia Power about that. I think there's no
25 question we can have next week's hearing.

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1 MR. BLAKE: Yes.

2 CHAIRMAN BLOCH: Now, I think -- it sounds to
3 me like, Michael, like the problem can be handled after
4 next week in terms of how much time you need and all of
5 that, so we can worry about when the -- whether the
6 September hearing starts.

7 MR. MICHAEL KOHN: You know, the problem is, I
8 have to sit and try to understand this information as soon
9 as possible and to do that, I have to take time from
10 preparing cross examination on witnesses that I don't even
11 have the cross -- their prefiled testimony yet, and there
12 is only so much one person can do competently without
13 running into an exhaustion problem. We have a hard
14 schedule coming next week.

15 CHAIRMAN BLOCH: Why do you have to understand
16 this before you finish at the hearing next week? What's
17 the urgency of doing that that fast?

18 MR. MICHAEL KOHN: Well because we're -- where
19 you have a case, you like to assess your case. We are
20 putting direct witnesses on and their -- it's something
21 that if you -- when you have new information, you would
22 like to digest it at that time so you can understand how it
23 impacts everything. I mean, if the people -- it's not
24 something -- I don't have the technical understanding. It
25 would take me quite sometime just discussing it with Mr.

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1 Mosbaugh to understand what even happened here today with
 2 the discussions. And I think I have an obligation to do
 3 that and understand that for my client. What I'm simply
 4 saying is, this impacts our ability to adequately cross
 5 examine witnesses. It doesn't impact our ability to cross
 6 examine the witnesses -- a lot of the witnesses as long as
 7 the parties understand that the pace that goes forward the
 8 following week may have to be moderated to some extent.

9 CHAIRMAN BLOCH: If you have a motion next week
 10 that explains if there's a necessary activity that cannot
 11 wait, we'll certainly entertain that. We expect to hold
 12 most of next week's hearings starting on Tuesday. That's
 13 in keeping with what you're saying, isn't it?

14 MR. MICHAEL KOHN: Yes. I'm just asking that
 15 the Board be cognizant of the fact that before we begin the
 16 hearing that there is going to be additional time
 17 constraints on Intervenor's counsel.

18 CHAIRMAN BLOCH: What I'm suggesting is, that's
 19 possible but I would want a specific motion about what
 20 kinds of things you have to accomplish that would interfere
 21 with our going forward with the full week. As you think
 22 about it this weekend or if you acquire more information,
 23 we just want to know specifically why it interferes with
 24 finishing next week before you get deeply involved with
 25 this.

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1 MS. YOUNG: And, Judge Bloch, I hope the
2 parties understand that for the staff to have any
3 understanding of this matter, the Inspection Staff are
4 going to have to speak with Mr. Stokes.

5 CHAIRMAN BLOCH: I -- is there any objection to
6 the Inspection Staff speaking to Mr. Stokes?

7 MR. BLAKE: I don't have any objection.

8 CHAIRMAN BLOCH: Now what --

9 MS. YOUNG: And again, these are activities
10 that take place outside of the hearing context.

11 CHAIRMAN BLOCH: Now, is it possible --

12 ADMINISTRATIVE JUDGE MURPHY: Excuse me. Just
13 a minute. My sense in this is that both the NRC's
14 inspection staff has to look at it, but also the GPC
15 technical staff has to look at it just from the point of
16 view of operating the plant. I don't know how you get
17 around that.

18 MR. BLAKE: My understanding, Judge Murphy, is
19 that both Mr. Johnston and Mr. Stokes have expressed no
20 technical concern, or else I would agree with you that I
21 think we couldn't await having additional discussions take
22 place. But, I think those two, given their positions, are
23 as important -- we'd probably all go to those two or some
24 combination of them if we had -- if somebody else had
25 uncovered this problem.

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1 ADMINISTRATIVE JUDGE MURPHY: So in a sense,
2 you've said you've already gone --

3 MR. BLAKE: I think I already have that
4 determination. Now, this is the kind of thing that I --
5 we'll discuss with management. If I get overruled, I'll
6 come back to the Board before we do anything, if I have to
7 do it by phone.

8 CHAIRMAN BLOCH: Ms. Young, it seems to me the
9 important thing about those contacts is what kind of a
10 record should be made of the contacts so that information
11 won't be lost.

12 MS. YOUNG: Again, NRC does business in the
13 normal course apart from what goes in a hearing and that
14 always happens. If an inspection is carried out, it's
15 documented in an inspection report. You don't have
16 transcribed interviews. You don't have the same level of
17 precision you'd have in terms of discovery. Discovery
18 would take place independent of what the staff does in
19 terms of its normal day-to-day regulatory functions.
20 Again, that's why I raised whether this is something in the
21 hearing or out the hearing, it has no effect on the ability
22 of the inspection staff to pursue the matter.

23 CHAIRMAN BLOCH: What I had in mind -- and I
24 don't know if the other parties want it -- is the
25 possibility that you could actually tape record the

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1 conversations.

2 CHAIRMAN BLOCH: I think we've got a lot of
3 cases that the Board is not able to direct the day-to-day
4 functions of the staff, Judge Bloch. Mr. Pierce Skinner is
5 hearing what you're saying but I don't think he's under any
6 obligation to take that suggestion in terms of how the
7 inspection --

8 CHAIRMAN BLOCH: He may not be, but the
9 inspection might be one the staff would adopt voluntarily
10 too.

11 MR. BLAKE: Judge Bloch, I really leave to how
12 you best work it out or how the staff feels --

13 CHAIRMAN BLOCH: I'll leave that open. The
14 only reason to do that is that it could be that the initial
15 reactions and interaction could have some significance. We
16 will not require it, but it's a possibility. I have
17 noticed that even if people are told -- you would have to
18 tell them there was a tape recording -- people often act
19 quite naturally in a tape recorded conversation. I don't
20 know that much would be lost there. If the staff disagrees
21 -- it's up to the staff to decide whether or not to do
22 that.

23 MR. BLAKE: I have two other things that I want
24 to say. One is that unless I hear differently -- we'll all
25 be better equipped to deal with this I think on Tuesday

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1 morning. We'll have more time, which was one of the hopes
2 that I had by alerting everybody today. But I'm going to
3 ask that Georgia Power continue to have Mr. Johnston plan
4 on coming here next week if it is only for aiding people in
5 getting a start on understanding this by being able to
6 question him about it and he isn't able to go on with the
7 rest of his testimony or will not. But I wouldn't want to
8 foreclose that without saying that they couldn't bring him
9 back, there couldn't be subsequent depositions. I don't
10 understand how that would hurt or prejudice anybody by at
11 least getting a headstart by talking with this individual.

12 CHAIRMAN BLOCH: Is it possible that by --

13 MR. BLAKE: I may hear differently on Tuesday.

14 CHAIRMAN BLOCH: Is it possible that by the end
15 of the week the staff would be prepared to do that?

16 MS. YOUNG: I cannot make you no promises today
17 when the individual is in the room and has not been able to
18 contact the resources needed to pursue the matter. Maybe
19 if Mr. Blake could describe again the areas that Mr.
20 Johnston and Owyong are going to be covering and perhaps
21 convince us --

22 CHAIRMAN BLOCH: Well, I don't think there's
23 any urgency to do that because we have --

24 MS. YOUNG: No, what he's saying is there are
25 matters other than water being found in the control panel

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1 which is the scope of the testimony.

2 CHAIRMAN BLOCH: No, but we have a full slate
3 for next week anyway, so there's no urgency to have them
4 come up except for this issue. So, I would like to accept
5 the suggestion that they be left tentatively on the
6 schedule and if the parties think it's better not to have
7 them come to the hearing, then he won't.

8 MR. BLAKE: Now, I may ask that they not leave
9 California until after we hear the parties' views on
10 Tuesday morning.

11 MS. YOUNG: And I think at hearing today, the
12 staff would not be ready by that time, based on what I know
13 now.

14 MR. BLAKE: I understand. But I at least make
15 that offer. I don't know what their schedules were, these
16 are busy people who don't work for us out in California, so
17 I know that they were scheduled to try to come early in the
18 week to appear on Wednesday.

19 I'd like to go over the rest of the schedule if
20 I can -- and let me say one more thing --

21 CHAIRMAN BLOCH: Well, we can do it off the
22 record. This is an in-camera session.

23 MR. MICHAEL KOHN: Your Honor, I'd like to now
24 make a motion that this not be in-camera. There was
25 nothing said here --

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1 CHAIRMAN BLOCH: That's the next thing we'll
2 get to. We have to think about that, and I don't know at
3 the present time why we need to keep it in camera, except
4 that I suppose that the version that's being told here by
5 Georgia Power should not get to people who haven't heard it
6 for purposes of keeping that information sequestered, and
7 therefore, it's possible that we would hold this in-camera
8 for a short time before discovery takes place.

9 MS. YOUNG: But Judge Bloch, I think counsel
10 for GPC has already represented that the witnesses in this
11 proceeding have not been reading the transcripts. They
12 have only been fed information that the attorneys for
13 Georgia Power thought were appropriate to prepare the
14 testimony, so that should affect your decision on whether
15 this is in-camera or not.

16 MR. BLAKE: But understand that at least two of
17 them now for this purpose are not our charges any more, Mr.
18 Stokes and Mr. Burr, and their counsel, if -- Mr. Burr has
19 already indicated he's going to have his own -- may have a
20 different view of how he plans to prepare his witness.

21 We just did this out of an abundance of
22 caution. I really don't express a view at this point,
23 Judge Bloch, it seems to me you and everybody collectively
24 here ought to decide how the best way is to proceed.

25 CHAIRMAN BLOCH: Although the witnesses haven't

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1 been reading the transcript and all of the press hasn't
2 been attending to anything happening in this room, if it
3 should happen that the press got interested, there would be
4 a breach of the information and I'm sure the witnesses
5 would all read it. So we could decide that that's not an
6 adequate reason to keep it in camera

7 Do you still feel that you'd like it to be a
8 public document?

9 MR. MICHAEL KOHN: Yes, I think the public has
10 a right to know.

11 CHAIRMAN BLOCH: And does the staff agree?

12 MS. YOUNG: My only opinion would be to err on
13 the side of caution. Once the horse is out of the barn,
14 you can't put it back.

15 CHAIRMAN BLOCH: I'm sure the public has a
16 right to know, but does it matter, Michael, whether they
17 know now or in two weeks? I am concerned that it could
18 interfere with your discovery. If you are really not
19 concerned about that --

20 MR. MICHAEL KOHN: Well --

21 MS. YOUNG: That doesn't mean the agency might
22 not be able to prevent counsel for either Mr. Burr or Mr.
23 Stokes from getting this -- I don't know -- should they
24 retain counsel.

25 CHAIRMAN BLOCH: Well, I suspect we could even

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1 arrange for counsel to get it, providing it weren't
2 discussed with clients.

3 MS. YOUNG: Under protective order.

4 CHAIRMAN BLOCH: Under protective order, yes.

5 MR. MICHAEL KOHN: I guess if a copy of this
6 transcript is made available to Intervenor, I guess that
7 would be sufficient at this time. But I think it should be
8 understood that it is not anticipated to be in-camera and
9 that the question remains on the ability of Intervenor and
10 staff to conduct discovery without tainting their
11 witnesses.

12 CHAIRMAN BLOCH: I support the Intervenor's
13 concern for the public's right to know, and as soon as the
14 discovery is completed, I want the transcript's in-camera
15 status to be released.

16 ADMINISTRATIVE JUDGE MURPHY: Judge Bloch, we
17 need to take about a three-minute break so everybody can go
18 out and close their windows, including me.

19 CHAIRMAN BLOCH: We'll take a break for closing
20 windows.

21 (A short recess was taken.)

22 CHAIRMAN BLOCH: Back on the record.

23 MR. BLAKE: We'll find a way of sharing with
24 you somehow, Michael, a transcript if you don't otherwise
25 have access to one. I don't know what our limitations are,

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1 but we'll find a way of accomplishing that.

2 CHAIRMAN BLOCH: No, we can provide a machine
3 copy to them, we've got no problem with that.

4 MR. BLAKE: All right.

5 CHAIRMAN BLOCH: I also will set the conference
6 call at 3:00 p.m. tomorrow afternoon and continue this
7 discussion and perhaps get additional information. That
8 session also will be in-camera for the time being.

9 MR. BLAKE: I am informed I left out one
10 ingredient, and I don't want this to be anything other than
11 the first time this report as well -- when Mr. Lamberski
12 talked with Mr. Johnston last night, Mr. Johnston said,
13 "gee, I told an attorney this two weeks ago." We then
14 checked back, it was Mr. Penland who was working with Mr.
15 Johnston. Mr. Penland has still a note where it was
16 indicated, whatever the substance was, it didn't click to
17 him that whatever was being said was of significant import
18 like it did to Mr. Lamberski when he heard it. But that
19 occurred, Mr. Johnston had something to him. Again,
20 there's no attorney/client privilege here, so to the extent
21 that poses a problem, Mr. Penland had not mentioned it to
22 anybody else as well. But we do have the note and all of
23 this stuff we're sharing as openly as we know how.
24 Mr. Hairston regarded it as important and
25 significant, we've tried to abide by his -- that our

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1 approach lead to as open and as honest and as candid a
2 disclosure as we could, the best way we know how to try to
3 get people to openly talk with us today. Mr. Burr, Mr.
4 Stokes are also concerned about the sequestration, so as we
5 go forward, I don't want to leave any doubts in anybody's
6 mind that we're going to do what it takes, but consistent
7 with those -- and I hope we get the cooperation of the
8 other parties.

9 MR. MICHAEL KOHN: I'd just like to note on the
10 record that Mr. Penland is an engineer from the Vogtle site
11 before he became an attorney.

12 MR. BLAKE: That wasn't the kind of cooperation
13 I was looking for, but he's true -- it's right.

14 MR. MICHAEL KOHN: And you know, I think that
15 there is no way for anyone to know based on attorney/client
16 communications what really occurred during the two weeks
17 that Mr. Penland --

18 CHAIRMAN BLOCH: It's not necessary to say that
19 now, is it?

20 MR. MICHAEL KOHN: No, but there are
21 representations being made and I --

22 CHAIRMAN BLOCH: You're going to do discovery.

23 MR. MICHAEL KOHN: Thank you, Your Honor.

24 CHAIRMAN BLOCH: We're going to find out what
25 we can know and what we can't know.

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1 MR. MICHAEL KOHN: But Your Honor, what I'm
2 saying is now based on these type of disclosures, the type
3 of discovery Intervenor anticipates would be a bit more
4 extensive, and what -- and there is now an importance to do
5 that discovery while it's fresh on people's minds what
6 happened in these last two weeks or whatever. And I don't
7 think it's something -- I think the discovery is what
8 should occur next. The hearing, the record, the prefiled
9 testimony is not subject to the time constraints that we
10 feel now would be subjected to the discovery process. And
11 I think that is where -- when we come back, we should begin
12 doing discovery on this matter. At least, what I would
13 like to propose is that on Friday, we'll reconsider it and
14 possibly give some names of some people that could be made
15 available for deposition, if the parties would raise the
16 time requirements and notice requirements to start this
17 process. And if we could set aside maybe one full day of
18 next week just for that process, so the people who we
19 thought were the most important with respect to time might
20 be able to -- it's just a thought. I haven't thought it
21 out and I'm not going to make it as --

22 CHAIRMAN BLOCH: It's something that's
23 important to have on the table, we can talk about it at
24 3:00 tomorrow.

25 MR. BLAKE: I think that completes the in-

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1 camera. I do want to talk about schedule so we'll at least
2 have a common preparation opportunity.

3 MS. YOUNG: Off the record?

4 MR. BLAKE: No. On or off, but in-camera.

5 CHAIRMAN BLOCH: Perhaps, because of the
6 complexity at this point, we should talk about it on the
7 record.

8 MR. BLAKE: It's your choice, Judge.

9 CHAIRMAN BLOCH: Let's do that.

10 MR. BLAKE: Do you want to complete the in-
11 camera session before we do it.

12 CHAIRMAN BLOCH: This doesn't have to be in-
13 camera though, so the in-camera session is concluded, and
14 we'll go back on the regular record.

15 (Whereupon, the proceedings continued
16 in open session.)

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C E R T I F I C A T E

This is to certify that the attached IN-CAMERA proceedings before the U. S. Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Georgia Power Company (Vogtle
Electric Generating Plant, Units 1
and 2)

Docket Number: 50-424-OLA-3 and 50-425-OLA-3

Place of Proceeding: Augusta, Georgia

Date: August 17, 1995

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.

/s/ William Warren

WILLIAM L. WARREN
Official Reporter

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