

**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 22, 1995

Work Order No.: NRC-290

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

HEARING

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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.

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

Tuesday, August 22, 1995  
Plantation Room West  
Telfair Inn  
326 Greene Street  
Augusta, Georgia

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

1 APPEARANCES:

2

3 On behalf of the NRC:

4

5 CHARLES A. BARTH, ESQ.

6 JOHN HULL, ESQ.

7 MITZI A. YOUNG, ESQ.

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9 U.S. Nuclear Regulatory Commission

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1 APPEARANCES:(cont.)

2 JAMES E. JOINER, ESQ.

3 JOHN LAMBERSKI, ESQ.

4 WILLIAM WITHROW, ESQ.

5 of: Troutman Sanders

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11 On behalf of the Intervenor:

12 MICHAEL D. KOHN, ESQ.

13 STEPHEN M. KOHN, ESQ.

14 MARY JANE WILMOTH, ESQ.

15 of: Kohn, Kohn &amp; Colapinto, P.C.

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18 (202) 234-4663

19 ALSO PRESENT:

20 Alien Mosbaugh

21

22

23

24

25

1

I N D E X

2

WITNESSES:DIRECT   CROSS   REDIRECT   RECROSS

3

Mark Briney

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By Mr. Blake

12074

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By Mr. M. Kohn

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12098

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E X H I B I T S

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EXHIBIT NO.DESCRIPTIONIDENTREC'D

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GPC:

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II-153

Briney Exhibit A

12077

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II-154

Briney Exhibit B

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II-155

Briney Exhibit C

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II-156

Briney Exhibit D

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II-157

Briney Exhibit E

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II-158

Briney Exhibit F

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II-159

Briney Exhibit G

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12077

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Intervenor:

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II-213A

Corrected Demonstrative Aid 14

12043

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II-215

Certificate of Traceability of

21

Alnor VP-2466

12046

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II-216

5/11/90 R. Johnston memo

12100

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P R O C E E D I N G S

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CHAIRMAN BLOCH: The hearing will come to order. Are there any necessary preliminary matters. Using the mic, please.

MR. MICHAEL KOHN: There's one preliminary matter. I think we could discuss at first why we're -- well, actually, I -- Intervenor has a lot of preliminary matters, but I guess we could start on some -- I think we could have discussion off the record and then go on the record, or all on the record, it doesn't matter to me.

CHAIRMAN BLOCH: Okay, let's go off the record.

(A discussion is held off the record.)

CHAIRMAN BLOCH: Mr. Kohn?

MR. MICHAEL KOHN: Yes. Intervenor at this point would like to mark as Intervenor 213-A a finalized Demonstrative Aid #14. An earlier version was marked I believe last Thursday, and orally a correction was proffered. And I was -- misdiagnosed the error, and it was the -- the wrong MWO number appeared in the category, rather than where the Class C should be located. And therefore I have corrected that error and have marked as 213-A the corrected version of Demonstrative Aid #14 which I will distribute to the parties.

(The document referred to was marked for identification as Intervenor

1 Exhibit II-213-A.)

2 CHAIRMAN BLOCH: It may be marked. In the off  
3 the record conversation we discussed several matters. One  
4 of them is that the trip to the Vogtle Plant requested by  
5 the Board in order to view the portion of the control  
6 system where moisture was found by Mr. Johnston will be  
7 taken beginning at the plant at 8:30 A.M. tomorrow,  
8 Wednesday.

9 Mr. Kohn explained that he thought Mr. Owyong  
10 and Johnston had addressed technical issues and that he  
11 might have to call them back. The Board ruled that he  
12 could file a written motion if he needed to have them back  
13 in order to complete the record. He could state whatever  
14 grounds he has for that written motion.

15 There was a discussion about Mr. Bockhold's  
16 testimony, but that's moot because he will not be called  
17 back this week. There also was a discussion of the order  
18 of witnesses, which I don't think we need to have on the  
19 record.

20 Then the Intervenor requested an ex parte in  
21 camera session which is, of course, unusual. He's asked  
22 that the Licensee be excluded from that session, and we'll  
23 grant it, waiting to see what the reason is for this  
24 extraordinary motion by a party that prefers that nothing  
25 be in camera. So if the -- if Georgia Power wouldn't mind

1 leaving, we'll begin that session. So if Georgia Power  
2 doesn't mind, for a few moments we'll excuse them and have  
3 them back after this session is concluded.

4 (The Licensee representatives departed the  
5 hearing room and the hearing continued in ex parte in  
6 camera session session.)

7 (REPORTER'S NOTE: This in camera session  
8 was later declared not in camera, and follows:)

9 CHAIRMAN BLOCH: Mr. Reporter, we'll begin an  
10 in camera section of the transcript right now. Mr. Kohn?

11 MR. MICHAEL KOHN: I'm going to distribute to  
12 the Board a document that was obtained by Intervenor  
13 yesterday from Mr. Briney.

14 CHAIRMAN BLOCH: I take it the reason that  
15 Georgia Power's been excluded is it's necessary to maintain  
16 surprise?

17 MR. MICHAEL KOHN: That is correct.

18 (Mr. Kohn distributes certain material to the  
19 Board and NRC staff.)

20 MR. MICHAEL KOHN: The document that's been  
21 produced...

22 CHAIRMAN BLOCH: Well, first of all, you've  
23 produced it, but in order for the record to be able to be  
24 clear we still have to mark it.

25 MR. MICHAEL KOHN: Okay. Mark this -- I guess



1 we -- we are up in the proceeding to Intervenor 215. I  
2 don't know if it's -- if it's proper to mark this in that  
3 way or not.

4 CHAIRMAN BLOCH: Yeah, we should mark it  
5 sequentially.

6 MR. MICHAEL KOHN: Intervenor Exhibit II-15  
7 (sic).

8 CHAIRMAN BLOCH: 200 -- it's II-215.

9 MR. MICHAEL KOHN: 215. Thank you, Your Honor.

10 CHAIRMAN BLOCH: And it may also be marked  
11 immediately under that as "In Camera" at the present time.  
12 So just mark it "In Camera."

13 (The document referred to was marked  
14 for identification as Intervenor  
15 Exhibit II-215 In Camera.)

16 CHAIRMAN BLOCH: Now, what would you like to  
17 say is the significance of this document?

18 MR. MICHAEL KOHN: What this document is, is  
19 the -- you see on Page 3 of the document it says,  
20 "Certificate of traceability of Alnor VP-2466, and it  
21 demonstrates -- this -- the package appears to represent  
22 the paperwork demonstrating that the Alnor was not  
23 defective. What is significant...

24 CHAIRMAN BLOCH: May I ask. I'm not sure why  
25 you're presenting this to us in camera when you could just

1 use it as surprise in the cross. Why do we need to see it?

2 MR. MICHAEL KOHN: I -- I am going to explain  
3 that now, Your Honor.

4 CHAIRMAN BLOCH: All right, fine.

5 MR. MICHAEL KOHN: What is significant is the  
6 top line. This was faxed from Plant Vogtle to the number  
7 404-885-3900, and that number is Troutman Sanders' fax.  
8 The significance is that Troutman Sanders responded to  
9 interrogatory responses denying that there was a defective  
10 -- stating that there was a defective Alnor.

11 CHAIRMAN BLOCH: So why not wait 'til after you  
12 use this and then make a motion? Why do we need to have it  
13 in camera?

14 MR. MICHAEL KOHN: Well, I'm -- I'd like to  
15 explain. There's also the fact that Troutman Sanders filed  
16 a summary judgment response, again stating that there was  
17 no such thing -- that there was a defective Alnor, and I  
18 think -- and they also responded to the notice of violation  
19 to the...

20 CHAIRMAN BLOCH: Does this show that it's not  
21 defective?

22 MR. MICHAEL KOHN: Yes, it does.

23 CHAIRMAN BLOCH: And where does it show that?

24 MR. MICHAEL KOHN: The entire document. First  
25 the -- the final page is the data sheet, certification data

1 sheet.

2 ADMINISTRATIVE JUDGE MURPHY: The certificate  
3 is dated -- the certificate is dated May 15th, '91.

4 MR. MICHAEL KOHN: That's correct. That is  
5 when the Alnor was returned to the vendor for  
6 recertification, which you can see on the first page of the  
7 exhibit.

8 CHAIRMAN BLOCH: So what relief do you want at  
9 this point?

10 MR. MICHAEL KOHN: Well, I think what we're  
11 requesting the ex parte contact for is because at this  
12 point now it's clear that Troutman Sanders' offices  
13 received factual information demonstrating that the Alnor  
14 was not defective, and thereafter repeatedly to this Board  
15 and to...

16 CHAIRMAN BLOCH: Why isn't this being made  
17 after you present it to the witness as an on-the-record  
18 motion?

19 MR. MICHAEL KOHN: This witness does not know  
20 anything. I asked the witness during the deposition  
21 whether he was aware of what happened to the Alnor. He  
22 said no. He received these documents from Troutman  
23 Sanders. So the copy -- so it just so happens the document  
24 he was given from Troutman Sanders happened to have this  
25 fax line on it.

1                   CHAIRMAN BLOCH: Are you going to use this with  
2 the witness?

3                   MR. MICHAEL KOHN: We have not figured out  
4 which witness, but -- and I think what's important now  
5 is...

6                   CHAIRMAN BLOCH: A motion for consequences  
7 against Troutman Sanders has to be made with them present.

8                   MR. MICHAEL KOHN: Excuse me, has to be made  
9 within what?

10                  CHAIRMAN BLOCH: With them present. Why are  
11 they excluded?

12                  MR. MICHAEL KOHN: I'm not making a motion.  
13 I'm simply alerting the Board that this fact exists; that  
14 we want to do discovery based on this, and...

15                  CHAIRMAN BLOCH: Even that motion has to be  
16 granted after Troutman Sanders has a chance to respond. I  
17 don't understand why we're in camera or ex parte.

18                  MR. MICHAEL KOHN: Your Honor, I don't know...

19                  CHAIRMAN BLOCH: I understand why you're upset,  
20 but I don't understand why there's anything that should be  
21 done without the other party being able to respond.  
22 Explain it to me. I'm willing to listen.

23                  MR. MICHAEL KOHN: Because there is an element  
24 of surprise. And if we -- we have -- yesterday or Friday  
25 went on the record indicating -- to be perfectly frank,

1 there's a longstanding history of difficulties that...

2 CHAIRMAN BLOCH: Again, why does that have to  
3 be told to us without Troutman Sanders present? I don't  
4 get it. I mean, if staff understands it, maybe they can  
5 explain it to me. But I don't understand why we're in  
6 camera, ex parte.

7 MR. MICHAEL KOHN: Because the witnesses we  
8 would need to call would be Troutman Sanders; in particular  
9 Mr. Tom Penland who...

10 CHAIRMAN BLOCH: Well, I'm not going to be able  
11 to grant that unless they're present to argue about it.

12 MS. YOUNG: Judge Bloch,...

13 CHAIRMAN BLOCH: Yes, Ms. Young.

14 MS. YOUNG: ...I'm not sure if the document  
15 Mr. Kohn has referred to indicates what the "as found"  
16 condition of the Alnor was in terms of whether this  
17 document shows that the equipment was not defective. It  
18 shows that the equipment was recalibrated.

19 MR. MICHAEL KOHN: It -- it shows -- it does  
20 show the "as found" at the point of recalibration.

21 MS. YOUNG: Where?

22 MR. MICHAEL KOHN: That's what this  
23 certification data sheet does.

24 ADMINISTRATIVE JUDGE MURPHY: Well, do you --  
25 I'm missing something. I don't understand the significance

1 of a document in 1991.

2 CHAIRMAN BLOCH: Okay, but before we continue  
3 discussing the document, which is all very interesting and  
4 I'm excited about it...I want to know what it means...I  
5 still don't understand, under any hypothesis, why we have  
6 to be ex parte.

7 MR. MICHAEL KOHN: Because we have to be --  
8 because if we request discovery and -- specifically  
9 depositions of attorneys to uncover what this fax -- who it  
10 was faxed to within the office, who had knowledge of it,  
11 will -- knowledge of that fact will prohibit adequate  
12 discovery. I mean, I think it's very...

13 CHAIRMAN BLOCH: I'm sorry, you want to get  
14 discovery without the deponents knowing that discovery has  
15 been ordered?

16 MR. MICHAEL KOHN: Well, I think that's -- as I  
17 understand it, when the Webb list came up from Licensee  
18 they filed and the Board issued that discovery could go  
19 forward initially on that matter.

20 CHAIRMAN BLOCH: Well, they didn't do it  
21 without your presence, did they?

22 MR. MICHAEL KOHN: But we didn't know what they  
23 were -- wanted the discovery on. And we -- and as I  
24 understand it, there was an ex parte presentation to the  
25 Board with respect to the Webb list. That's my general

1 understanding.

2 CHAIRMAN BLOCH: The -- we did not get factual  
3 information on the Webb list. They filed a cross  
4 examination plan in which they said certain elements of  
5 what they knew would not be disclosed prior to the  
6 questioning of the witnesses; that the subject matter would  
7 not have to be disclosed. But they weren't requesting  
8 discovery, there wasn't a motion where we had to grant  
9 something, it was just...

10 MR. MICHAEL KOHN: There was a motion filed by  
11 Troutman Sanders requesting discovery of Mr. Mosbaugh. The  
12 Board granted the motion. NRC staff then filed saying you  
13 don't need to re-depose Mr. Mosbaugh.

14 CHAIRMAN BLOCH: I remember what you're talking  
15 about.

16 MR. MICHAEL KOHN: And so I think the precedent  
17 was set that, given the right factual set of circumstances,  
18 discovery can proceed, and the discovery can be granted ex  
19 parte.

20 CHAIRMAN BLOCH: Okay, now tell me, what does  
21 this certification data sheet show?

22 MR. MICHAEL KOHN: This is a plant document --  
23 if you recall, Mr. Duncan...

24 CHAIRMAN BLOCH: No, I just want to know what  
25 it means so that we know whether or not the staff is right,

1 that the "as found" condition is not listed on the  
2 certification data sheet.

3 MR. MICHAEL KOHN: Mr. Duncan testified that  
4 the Alnor was returned to the vendor for recertification  
5 and found to be in calibration. This is the plant  
6 documentation documenting that it was returned to the  
7 vendor and found to be in calibration.

8 CHAIRMAN BLOCH: Where does it show that?  
9 Where is the "as found" data on the certification data  
10 sheet, which is the last page of Intervenor II-215?

11 MR. MICHAEL KOHN: The documentation indicates  
12 on the last page that the Alnor was -- was checked and  
13 found to be within tolerances and they returned it to -- to  
14 Georgia Power. That's my understanding.

15 CHAIRMAN BLOCH: Well, which column shows that?  
16 Is it the stuff at the top that shows what was the "as  
17 found" condition, "Test dew point and dew pointer  
18 indications"?

19 MR. MICHAEL KOHN: Yes, and that is the same  
20 data that's listed below.

21 CHAIRMAN BLOCH: Now, are these centigrade  
22 readings at the top or Fahrenheit? They're Fahrenheit.  
23 What I notice is that there's a 14.8 test dew point, and a  
24 dew pointer indication of 18. That seems to me to go  
25 contrary to what we've been told about readings under 32



1 being invalid.

2 MR. MICHAEL KOHN: This machine can take  
3 readings to, you know, I don't know what level, but  
4 certainly minus 80 degree Fahrenheit dew points. I mean,  
5 the testing -- certain -- I think the control air at Plant  
6 Vogtle has a minus 60 degree dew point requirement, so this  
7 machine was used -- instrument air has a minus 60 degree  
8 dew point requirement, so this instrument was used to  
9 verify that at the plant site, so it certainly has to be  
10 able to read very low dew point readings into the negative  
11 area.

12 ADMINISTRATIVE JUDGE CARPENTER: I'm having the  
13 same problem Judge Murphy has. I don't understand what  
14 this 1991 document has to do with measurements and use of a  
15 piece of equipment in 1990.

16 MR. MICHAEL KOHN: If you -- if you look on the  
17 first page of the document you'll see that the Alnor was  
18 extended from -- 'til April 7, 1990. It was then --  
19 nothing happened to the Alnor at the plant until May 15,  
20 1991, when it was returned to the vendor to be checked.  
21 The vendor then checked it and found it to be within  
22 calibration. That's what this documentation demonstrates.

23 CHAIRMAN BLOCH: Is that was the check on the  
24 "accept" on Page 1 means? It says, "accept or a non-  
25 accept."

1                   MR. MICHAEL KOHN: I do not know what the  
2 "accept" and "non-accept" listing means. I do know that it  
3 demonstrates the actual cal due date of VP-2466. And...

4                   CHAIRMAN BLOCH: Yeah. Would you agree with me  
5 that somehow the people against whom -- this is not the  
6 usual kind of discovery, that's the problem.

7                   MR. MICHAEL KOHN: Well, I -- I think there's  
8 two ways. One, I think this is a type of document -- and  
9 you notice it has no plant Bates number on it, and was not  
10 -- the project Bates numbers are not on it. And Intervenor  
11 learned for the first time that this instrument was in fact  
12 check and found to be in calibration when Mr. Duncan  
13 testified before this Board. It's the first time we ever  
14 even heard that this fact occurred.

15                   CHAIRMAN BLOCH: Now, what's the surprise that  
16 you're going to get here?

17                   MR. MICHAEL KOHN: That Troutman Sanders knew  
18 about this in 1994, and it goes very much to who was  
19 responsible for the repeated errors. And I think it's --  
20 it is Intervenor's strong suspicion that not all the blame  
21 for what's going on in this proceeding is Georgia Power --  
22 or is -- I mean, they have people who were supposed to be  
23 responsible for reviewing and transmitting information, and  
24 this demonstrates our understanding of why some factual  
25 information does not get before this Board, and why...

1                   CHAIRMAN BLOCH: But given in fact some of the  
2 implications here are criminal, aren't the people who are  
3 being investigated entitled to know?

4                   MS. YOUNG: Well, Judge...

5                   MR. MICHAEL KOHN: This is a -- this is a civil  
6 proceeding, this is not a criminal proceeding. If -- if  
7 there -- there's no due process rights until this would be  
8 referred to Department of Justice or some other appropriate  
9 body for investigation and...

10                  CHAIRMAN BLOCH: Ms. Young?

11                  MS. YOUNG: I think we're jumping the gun to an  
12 extent, because again the staff is not certain...

13                  ADMINISTRATIVE JUDGE MURPHY: Can't here you,  
14 Ms. Young.

15                  MS. YOUNG: I'm sorry. The staff is not  
16 certain that the representation regarding this document is  
17 accurate. It may require either a call to Alnor, or to ask  
18 questions of Mr. Sutphin, who was the I&C supervisor.  
19 Apparently the...

20                  MR. MICHAEL KOHN: He's a Georgia Power  
21 employee.

22                  MS. YOUNG: ...did this -- right, did this data  
23 sheet. You look at the fourth page in the document, which  
24 is the certificate of traceability, and it indicates that  
25 its after-data -- I don't know if that means this is an "as

1 left" condition. I mean, you look that the -- the boiler  
2 plate language certifying that the instrument is within  
3 standard, it indicated it was calibrated, but it also says  
4 it was found to meet... It's not apparent from looking at  
5 these documents whether this piece of equipment met the  
6 standards before or after some calibration action was  
7 taken. So again, it's not clear that this was an "as  
8 found" condition for the instrument or an "as left"  
9 condition. And I think Intervenor's assumption hinges on  
10 that point.

11 MR. MICHAEL KOHN: I think that counsel to NRC  
12 is missing the fact that Mr. Duncan testified under oath  
13 that he knew the Alnor was sent to the vendor for -- to  
14 determine whether it was accurate, and that it came back as  
15 being in specification and accurate. So that I think there  
16 -- the record does support the fact that that did occur.

17 MS. YOUNG: Well,...

18 CHAIRMAN BLOCH: Does the staff...?

19 ADMINISTRATIVE JUDGE MURPHY: But over a year  
20 later, Mr. -- Mr. Kohn. I'm still having a lot of problem  
21 with this. I don't understand the significance of a  
22 calibration sheet over a year later.

23 CHAIRMAN BLOCH: Well, if the "as found" was  
24 acceptable a year later...

25 ADMINISTRATIVE JUDGE MURPHY: I'm sorry, just

1 because...

2 MR. MICHAEL KOHN: This is a traceable...

3 ADMINISTRATIVE JUDGE MURPHY: Whatever the "as  
4 found" was a year later is meaningless.

5 MR. MICHAEL KOHN: No, this is a traceable  
6 instrument. It has to sit on -- it has to be maintained by  
7 the M&TE program. If it is still in calibration a year  
8 later, there is no reason to suggest it wasn't in  
9 calibration when -- when it was taken off the shelf.

10 ADMINISTRATIVE JUDGE MURPHY: But -- but the  
11 calibration was only extended 'til April 1990. At that  
12 point it's not in calibration.

13 MR. MICHAEL KOHN: At that time -- at that  
14 point in time it's not -- does not mean it's not in  
15 calibration. At that point in time it is -- it cannot be  
16 used within the M&TE program. It has to be sent back for  
17 recalibration.

18 ADMINISTRATIVE JUDGE MURPHY: And it wasn't  
19 sent back until a year later?

20 MR. MICHAEL KOHN: Apparently this is -- these  
21 are the facts.

22 ADMINISTRATIVE JUDGE MURPHY: I don't  
23 understand the significance of it.

24 MR. MICHAEL KOHN: The significance is that on  
25 -- repeatedly Georgia Power has said that the Alnor was

1 defective. And they said it in 1994 response to the NOV's,  
2 they said it in...

3 CHAIRMAN BLOCH: It's at least relevant to that  
4 assertion that they didn't send it back for a year, and we  
5 don't know quite whether the "as found" condition a year  
6 later is documented here or not, as far as I can tell,  
7 'cause we don't really know what the -- how to interrupt  
8 it. Would you mind if the staff follows up on this in the  
9 first instance to find out what this data sheet means?

10 MR. MICHAEL KOHN: If I understand that the  
11 staff would perform this function in a confidential manner.  
12 Not to say that they have to...

13 CHAIRMAN BLOCH: Well, they have to ask some  
14 people who are plant employees in order to do that, I  
15 think.

16 MS. YOUNG: We would probably call Alnor  
17 directly to find out what they did.

18 CHAIRMAN BLOCH: Okay.

19 MS. YOUNG: If they have any record of what  
20 they did with respect to...

21 CHAIRMAN BLOCH: So they plan to call Alnor  
22 directly.

23 MS. YOUNG: But Intervenor could call Alnor,  
24 also, unless they are concerned that they wouldn't take the  
25 call.

1 MR. MICHAEL KOHN: They may not take our call.

2 CHAIRMAN BLOCH: Which would you prefer to have  
3 happen? Would you prefer that you call Alnor first, or  
4 would you like staff to call? I take it staff is  
5 volunteering this, is that right?

6 MS. YOUNG: Yes.

7 MR. MICHAEL KOHN: Your Honor, the problem  
8 Intervenor faces is that from the face of this document  
9 there's a lot of discovery necessary. It went from the  
10 Vogtle tech support to Troutman Sanders. Vogtle tech  
11 support is not the organization that maintains this  
12 document, which means that the document had to be obtained  
13 from the files, taken go Vogtle tech support, then  
14 transported to Troutman Sanders. And in addition, we think  
15 the record currently establishes, based on Mr. Duncan's  
16 testimony, that it was determined to be in calibration, not  
17 that they had to recalibrate it. I think currently the  
18 record supports the need for discovery. And I think this  
19 Board has been reluctant -- was reluctant when we requested  
20 to depose Troutman Sanders last week, and I think that this  
21 is further support of the need for some form of deposition  
22 into -- into this area. And...

23 CHAIRMAN BLOCH: Well, what I want right now is  
24 a staff comment on whether or not we should consider this  
25 motion without having Georgia Power present.

1 MS. YOUNG: I think there are problems with  
2 that, particularly if Georgia Power has at its disposal an  
3 explanation for what was done when this equipment was sent  
4 back to Alnor for calibration.

5 CHAIRMAN BLOCH: See, a difference here is that  
6 they thought that when Mr. Mosbaugh testified on the Webb-  
7 Odom list that he wasn't aware of the significance of the  
8 list at all. It seems pretty clear here that when they  
9 gave this to the witness, that they were aware that they  
10 had it, and that they were giving it out, and it seems  
11 unlikely to me that they wouldn't have considered what the  
12 implications were in giving it out.

13 MR. MICHAEL KOHN: No, because it was given to  
14 the witness after the fact came out on the record in this  
15 proceeding.

16 CHAIRMAN BLOCH: After what?

17 MR. MICHAEL KOHN: After the facts came out on  
18 the record that the Alnor was defective. Understand that  
19 prior to that point in time I did not know, Mr. Mosbaugh  
20 did not know, and I assume no one in this room knew that  
21 Mr. Duncan was going to testify that the Alnor was  
22 determined not to be defective. At that point Georgia  
23 Power had every reason to give it to Mr. Duncan. What I  
24 think their problem was and their error may well be is that  
25 they gave him one that happened to have a fax line on it



1 that could be troublesome to them. That's the only issue  
2 here. Not that the -- other than the fact that it has a  
3 fax line on it indicating that it was received by Troutman  
4 Sanders a year before is the only significance to this ex  
5 parte in camera session.

6 MS. YOUNG: My recollection is Mr. Duncan  
7 testified in -- on June 9th.

8 MR. MICHAEL KOHN: That sounds approximately  
9 right.

10 MS. YOUNG: And you're saying that this is  
11 information that they, in preparing their rebuttal case,  
12 tried to conceal from Intervenor and that's why you need  
13 relief from the Board?

14 MR. MICHAEL KOHN: I think they were concealing  
15 it from Intervenor and that's why it was not brought to the  
16 fact (sic). And it's clear that Georgia Power filed a  
17 detailed motion for summary judgment with this Board on the  
18 issue of air quality, stating that the instrument was in  
19 fact defective. And if they knew that there was  
20 documentation indicating that it was not defective, filing  
21 that summary judgment was...

22 CHAIRMAN BLOCH: Let's look at Page 2 for a  
23 second. Page 2 deals with the source being changed from  
24 radium to americium. Given that the source was being  
25 changed, are you sure that they did as "as found"?

1 MR. MICHAEL KOHN: Yes, they were checked with  
2 radium, not with -- before the source was changed.

3 CHAIRMAN BLOCH: How can you tell that?

4 MR. MICHAEL KOHN: The last page you'll see  
5 Radium 226 circled. And then what also makes it  
6 interesting is that now -- that Georgia Power is requesting  
7 a change of the source material to an instrument they're  
8 allegedly never going to use again. That's their claim, is  
9 that these Alnors were never going to be used again at the  
10 site, and now in 1991 they're -- they're undergoing a -- a  
11 procedure and obviously some cost to -- to change out a  
12 radioactive isotope. The whole picture does not fit  
13 together. And...

14 CHAIRMAN BLOCH: Can you explain -- the only  
15 thing I'm concerned about is what you gain in your depo-  
16 sitions by not having Troutman Sanders respond to your  
17 motion?

18 MR. MICHAEL KOHN: Who knew, and when they knew  
19 that the Alnor was defective. And that goes to the heart  
20 of the credibility of Georgia Power's case. If Georgia  
21 Power's attorneys knew it at least by 1994...

22 CHAIRMAN BLOCH: I'm sorry, that you said who  
23 knew and what they knew that the -- that it was defective.

24 MR. MICHAEL KOHN: That it was not defective,  
25 excuse me.

1                   CHAIRMAN BLOCH: And if they have a chance to  
2 argue this you think, what, they're going to trump up an  
3 explanation?

4                   MR. MICHAEL KOHN: That is the only thing...

5                   CHAIRMAN BLOCH: And also that you think they  
6 haven't trumped up an explanation already.

7                   MR. MICHAEL KOHN: Right, I don't think they've  
8 trumped up an explanation, and I don't believe that they --  
9 that they know -- that they realize the significance of  
10 this document.

11                   CHAIRMAN BLOCH: I'd like Ms. Young to give us  
12 a little bit more explanation, then we're going to take a  
13 break for a decision.

14                   MS. YOUNG: Okay. Well, whether Georgia Power  
15 agrees with Intervenor's interpretation of this document  
16 may -- may be the sole issue here, Judge Bloch. This  
17 document was the subject of questioning during a  
18 deposition, so if my recollection is correct, I think  
19 Georgia Power is on notice that Intervenor looked at this  
20 document, paused on this document, asked a question about  
21 its -- maybe not its significance, but asked questions  
22 about is this documentation for 2466 Alnor piece of  
23 equipment and Mr. Briney did not remember.

24                   MR. MICHAEL KOHN: I did not question  
25 Mr. Briney on this document. This document was in a stack

1 of four inches or five inches of documents produced, that  
2 Mr. Briney said was given to him. I asked Mr. Briney  
3 during his deposition whether he was aware that the -- that  
4 the Alnor was ever sent back for recalibration. He said  
5 no. I asked him no further questions; I did not show him  
6 this document.

7 MS. YOUNG: Yeah, but Georgia Power knows what  
8 documents they made available to Intervenor.

9 CHAIRMAN BLOCH: So what's...?

10 MS. YOUNG: And Georgia Power is on notice that  
11 the issue of the...

12 CHAIRMAN BLOCH: So what's your view on whether  
13 we should permit them to respond before granting discovery?

14 MS. YOUNG: I would think they would be  
15 entitled to respond because they're already on notice on  
16 this issue.

17 MR. MICHAEL KOHN: They're not...

18 MS. YOUNG: Maybe not to the same extent as the  
19 Intervenor.

20 MR. MICHAEL KOHN: They are not on notice as to  
21 the significance of the document. And -- and I don't...

22 CHAIRMAN BLOCH: Well, what about the...

23 MS. YOUNG: Well, they may disagree with the  
24 significance of the document.

25 MR. MICHAEL KOHN: And I don't know if they

1 have a copy of this because the only photocopy machine  
2 available was in the room where they had to run one page at  
3 a time. As far as I -- I believe that they just ran the  
4 one copy for us, so I'm not sure that they have...

5 CHAIRMAN BLOCH: There's an in-between; we  
6 could permit Georgia Power to respond but exclude Troutman  
7 Sanders attorneys from the room. Since the discovery  
8 rights would be -- even though it would be against Troutman  
9 Sanders, I take it that the discovery would have to do with  
10 whether or not Georgia Power would permit it.

11 MR. MICHAEL KOHN: Intervenor would object to  
12 that procedure. It's simple...

13 CHAIRMAN BLOCH: You would object?

14 MR. MICHAEL KOHN: Yes. Actually, I think what  
15 we're really looking at is calling...and we can do it  
16 before this Board...is to call witnesses. We can call Mr.  
17 -- I believe it was...

18 MS. YOUNG: But again the staff would say  
19 that's putting the cart before the horse.

20 MR. MICHAEL KOHN: Well, it's...

21 MS. YOUNG: His discovery hinges --  
22 Intervenor's discovery hinges on the significance of the  
23 document. If he's misinterpreting the document then  
24 there's no need for the discovery.

25 CHAIRMAN BLOCH: Well, am I right that we could

1 find that out by having Georgia Power respond and excluding  
2 Troutman Sanders from the -- from the room at that point?

3 MS. YOUNG: But who from Georgia Power would  
4 you have address this?

5 MR. MICHAEL KOHN: Well, Your Honor, what I  
6 would then suggest is that if -- that Intervenor be allowed  
7 to call witnesses at this proceeding to establish what this  
8 document means, and that may be Mr. Sutphin or Mr. Duncan  
9 again. Those are the two people who would be able to know.  
10 And if -- at that point we're not explaining the reason  
11 we're calling them and the ultimate goal. We could -- we  
12 could establish that fact I believe on the record here, and  
13 I think it's a fact that should be established on this  
14 record.

15 CHAIRMAN BLOCH: Would you like one of those  
16 witnesses as opposed to both of them, but do you want both  
17 of them?

18 MS. YOUNG: Why would you need either  
19 Mr. Sutphin or Mr. Duncan when you -- a call to Alnor  
20 should clear this matter up in terms of significance of the  
21 document? And Alnor apparently is in Georgia.

22 CHAIRMAN BLOCH: I think before we rule on this  
23 we want -- I want the staff, if they're willing, to find  
24 out what they think the significance of the document is.

25 MS. YOUNG: Excuse me, they're in Skokie,

1 Illinois, according to the stationery. I think the -- the  
2 whole request, the motion Intervenor has -- has proffered,  
3 is based on an assumption which may or may not be correct.  
4 And before we engage in significant discovery of attorneys  
5 or whoever on this point, it's important to understand  
6 whether or not their interpretation of the document is  
7 accurate.

8 MR. MICHAEL KOHN: Well, I think what staff  
9 continues to miss is Mr. Duncan's sworn testimony on this  
10 record as to what occurred. And he was responsible for --  
11 for the Alnor and the M&TE program, and he testified on the  
12 record that he knew it came back within calibration and it  
13 was never defective.

14 CHAIRMAN BLOCH: But I just want to know what  
15 the document means. If in fact it supports that position  
16 we'll consider further whether to allow some kind of  
17 remedy.

18 MR. MICHAEL KOHN: I guess we would not oppose  
19 NRC staff contacting Alnor in their normal, candid manner,  
20 and not tipping...

21 MS. YOUNG: Okay, do you have a transcript cite  
22 for where you think Duncan made the statements, or if I  
23 made a transcript available to you, could you identify what  
24 you're relying on...

25 MR. MICHAEL KOHN: Yes.

1 MS. YOUNG: ...to with respect to the Alnor?

2 CHAIRMAN BLOCH: Let's go off the in camera  
3 record and invite Mr. ...

4 MR. MICHAEL KOHN: Briney.

5 CHAIRMAN BLOCH: ...Briney back. We'll take  
6 our ten minute break right now.

7 (A short recess was taken, after which  
8 the hearing continued in open session.)

9 CHAIRMAN BLOCH: Welcome to the stand. We took  
10 no action on the in camera session, and we'll inform the  
11 parties as soon as possible about what took place. And we  
12 have under consideration whether it's a proper ex parte  
13 matter at all, and we'll be determining that very  
14 carefully.

15 MR. BLAKE: I appreciate that -- that  
16 observation, Judge Bloch. Obviously to us it's a matter of  
17 some concern. And while this may be a precedent setting  
18 case, I cannot imagine, and we did, as you can imagine,  
19 while we were out of the room try to do some imagining,  
20 ourselves, as to what, in any of our experiences, has ever  
21 led to such a session. And none of us could remember one,  
22 and none of us could conceive of what would allow such a  
23 session. So I -- I look for your -- we obviously request  
24 that it be made open unless there is some precedent that  
25 you're aware of that would allow this. We're obviously in



1 the Board's -- Board's hands at this point, not knowing  
2 what the topic was.

3 CHAIRMAN BLOCH: And of course...

4 MR. BLAKE: But at least in our experience we  
5 could not find any basis for it.

6 CHAIRMAN BLOCH: And of course in time you will  
7 see the whole record, anyway. So...

8 MR. BLAKE: I also need to say that with regard  
9 to rebuttal testimony, although we've filed it all, there's  
10 an exception; and the exception was because Mr. McCoy, best  
11 of our knowledge, still will not be able to rejoin us, a  
12 couple of the items that Mr. McCoy we'd intended to have  
13 sponsor and hasn't yet, will be sponsored by Mr. Hairston.  
14 And those -- we need to spend time obviously with  
15 Mr. Hairston insuring that he's an adequate witness in  
16 those areas. I think that we'll still be filing that in  
17 the next couple of days, but it will not have met our  
18 deadline, which was -- was yesterday, for rebuttal  
19 testimony. We'll do it as quickly as we can.

20 I also need to say, with regard to the  
21 developments that we discussed last Thursday and you all  
22 discussed in the conference call on Friday, that there were  
23 some more tests apparently run over the weekend which the  
24 NRC staff observed. And my understanding is that they were  
25 run on all eight possible similar positions.

1 CHAIRMAN BLOCH: "T"?

2 MR. BLAKE: Yes, the same connection in all  
3 eight instances. And that none were found on the -- on  
4 Unit 2. Unit 2 is the unit that was involved in February  
5 or March. And that on Unit 1, three out of the four  
6 yielded...I don't know how to characterize it...but  
7 moisture, vapor, and the amounts were quantified to be .16  
8 milliliters in one case, .315, .165, and 1.622. Those were  
9 the quantities found in the three out of four situations,  
10 and you'll see at least what that configuration is. I  
11 understand the configuration is the same in each of the  
12 cabinets.

13 CHAIRMAN BLOCH: It was less than six ounces?

14 MR. BLAKE: Considerably less than six ounces,  
15 yes, sir.

16 MS. YOUNG: And those were all milliliter  
17 quantities?

18 MR. BLAKE: Those were all milliliter  
19 quantities, my understanding, yes. We also, I understand,  
20 located paperwork associated with -- with the February-  
21 March time frame and it was provided to the staff.  
22 Unfortunately we don't have -- we didn't get a copy, so...  
23 I think it was sent directly from the plant or given to  
24 the...

25 CHAIRMAN BLOCH: These are the MWOs at the time

1 the thing was discovered?

2 MR. BLAKE: Yes, and you had shown a lot of  
3 interest in that. I understand there had been no  
4 deficiency documentation, per se, associated with that.  
5 And this weekend there was also documentation associated  
6 with -- with the work that they did this weekend, and  
7 copies are being made of that. So whenever we get copies  
8 of things we'll distribute it, and presumably we'll be able  
9 to also recover a copy of what was provided to the staff  
10 from the February-March, and we'll provide copies of that  
11 to everybody.

12 CHAIRMAN BLOCH: Is the plant doing any further  
13 engineering analysis, or is it just content with what's  
14 been done already?

15 MR. BLAKE: I don't think it's doing any  
16 further engineering analysis; none that I'm aware of. And  
17 if I learned differently I'll -- I'll alert you.

18 CHAIRMAN BLOCH: Mr. Briney, pardon the delay.  
19 You are an important witness to the proceeding and I'd like  
20 to welcome you. I'm Peter Bloch, and I'm the Chair of the  
21 Atomic Safety and Licensing Board for this case.

22 Before we begin with Mr. Briney we just -- we'd  
23 like to inquire whether the temperature measurements that  
24 the Board requested on the receiver are being made?

25 MR. BLAKE: I'll need to get a report for you.

1                   CHAIRMAN BLOCH: Okay. Mr. Briney, we are the  
2 licensing board for this case. On my right is Judge Murphy  
3 and on my left Judge Carpenter. We're licensing board for  
4 the Vogtle case. And I'd like to welcome you for the  
5 purpose of giving testimony. I'd like to advise you that  
6 the testimony you're about to give should be the truth, the  
7 whole truth, and nothing but the truth, and that the  
8 testimony is subject to possible penalties for perjury. Do  
9 you understand?

10                   THE WITNESS: Yes.

11                   CHAIRMAN BLOCH: Thank you.

12 Whereupon,

13   MARK BRINEY

14 appeared as a witness, and having been duly sworn, was  
15 examined and testified as follows:

16                   CHAIRMAN BLOCH: Mr. Briney, I just want to  
17 begin with an invitation to you that the testimony that  
18 you've given is about certain aspects of what you found.

19                   MR. MICHAEL KOHN: Your Honor, his testimony's  
20 not been introduced into the record yet. I think it...

21                   CHAIRMAN BLOCH: Correct, that's -- that should  
22 come first. Sorry about that. Mr. Blake?

23                   MR. BLAKE: I had no idea what you were going  
24 to inquire, and whether or not it was necessary.

25                   CHAIRMAN BLOCH: No, it would be better if the

1 testimony be in the record first.

2 MR. BLAKE: Fine.

3 DIRECT EXAMINATION

4 BY MR. BLAKE:

5 Q Mr. Briney, do you have before you a document  
6 entitled, "Rebuttal Testimony of Mark Briney on Diesel  
7 Generator Reporting Statements," dated August 18, 1995?

8 A Yes.

9 Q And does it consist of some 13 pages?

10 A Yes.

11 Q And can you tell me about how this document was  
12 developed?

13 A It was developed preliminary through telephone  
14 conversations with Mr. Penland and Mr. Dombey over a period  
15 of time.

16 Q And the statements and -- and facts and  
17 opinions that are provided in here, are these yours?

18 A Yes.

19 Q And are they true and accurate, to the best of  
20 your knowledge and belief?

21 A Yes.

22 Q Are there any corrections that you want to make  
23 to this testimony?

24 A No.

25 Q Do you adopt it as your testimony in this

1 proceeding?

2 A Yes.

3 MR. BLAKE: Judge Bloch, I would ask that --  
4 that this document, Mr. Briney's rebuttal testimony, be  
5 accepted into evidence and be bound into the transcript  
6 just as though read.

7 CHAIRMAN BLOCH: Granted. Mr. Briney, you  
8 understand that in accepting this testimony to be bound  
9 into the record, it's the same as if you had said it aloud  
10 in this hearing room?

11 THE WITNESS: Yes.

12 BY MR. BLAKE:

13 Q Mr. Briney, are there -- do you also have  
14 before you a number of documents which are identified in  
15 the upper right-hand corner of the first page of each with  
16 a Briney exhibit -- in the case of the first one, Briney  
17 Exhibit A; in the case of the second one, Briney Exhibit B  
18 through Briney Exhibit G?

19 A Yes.

20 Q And are you familiar with -- with each of these  
21 documents?

22 A Yes.

23 Q And are you prepared to answer questions about  
24 each of them?

25 A Yes.

AUGUST 18, 1995

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

REBUTTAL TESTIMONY

OF

MARK BRINEY

ON

DIESEL GENERATOR REPORTING STATEMENTS

REBUTTAL TESTIMONY OF MARK BRINEY

1 Q: WHAT IS YOUR NAME AND PLACE OF EMPLOYMENT?

2 A: My name is Mark Briney. I am currently employed by the  
3 Indiana Michigan Power Company at the D. C. Cook Nuclear Power  
4 Plant. A summary of my professional qualifications is attached  
5 hereto as Exhibit A.

6 Q: WHERE WERE YOU EMPLOYED DURING FEBRUARY THROUGH DECEMBER 1990?

7 A: I was employed by the Georgia Power Company at the Vogtle  
8 Electric Generating Plant.

9 Q: WHAT WAS YOUR POSITION DURING THAT TIME PERIOD?

10 A: I was the acting Instrumentation & Controls ("I&C") department  
11 superintendent. Mr. Mike Hobbs, the actual I&C superintendent, was  
12 assigned to a special project related to reducing the backlog  
13 associated with the Vogtle Preventative Maintenance Program.

14 Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?

15 A: My testimony addresses allegations by Mr. Mosbaugh that (1)  
16 maintenance personnel wanted to keep quiet their opinions of the  
17 Calcon sensors (Mosbaugh Revised Prefiled Testimony at 14-15), (2)  
18 Georgia Power did not honestly believe or did not reasonably  
19 conclude that high dew point measurements on March 29, 1990 were  
20 due to a faulty dew point measuring instrument (Mosbaugh Revised  
21 Prefiled Testimony at p. 71-79), and (3) that the out of  
22 specification readings obtained by an EG&G instrument (VP-1114) on



1 April 6 and 7 were valid high dew point measurements (Mosbaugh  
2 Revised Prefiled Testimony at p. 79-80).

3 Q: DO YOU RECALL WORKING DIRECTLY WITH THE VOGTLE GENERAL  
4 MANAGER, GEORGE BOCKHOLD, DURING THIS TIME.

5 A: Yes. In particular, I recall working with Mr. Bockhold on  
6 various technical issues associated with the Vogtle emergency  
7 diesel generators following a Site Area Emergency that was declared  
8 on March 20, 1990.

9 Q: WHAT WERE THE PRIMARY TECHNICAL ISSUES YOU WORKED ON?

10 A: I was a member of the Event Critique Team which evaluated the  
11 cause of the event and recommended corrective actions to Mr.  
12 Bockhold. As the acting I&C superintendent, I focused on  
13 instrumentation-related issues. The two issues that stick in my  
14 mind were the Calcon sensors used on the control system for the  
15 diesel generators and dew point measurements used to assess the  
16 moisture level for the diesel generator air system.

17 CALCON SENSORS

18 Q: WHAT WAS YOUR OPINION OF THE CALCON SENSORS USED ON THE  
19 CONTROL SYSTEMS OF THE VOGTLE DIESEL GENERATORS?

20 A: My personal opinion at the time was that the Calcon sensors  
21 were the cause of many problems when we performed maintenance  
22 overhaul activities on the diesel generators.

1 Q: DO YOU RECALL EXPRESSING THE VIEW THAT THE CALCON SENSORS WERE  
2 "JUNK" DURING THIS TIME FRAME?

3 A: I recall having that general view but did not recall using the  
4 word "junk" until I reviewed a transcript for Mr. Mosbaugh's Tape  
5 No. 10. The transcript I reviewed reflects discussions of the  
6 Event Critique Team on or about March 23, 1990. I expressed my  
7 dislike for the Calcon sensors because my experience with them was  
8 that they were difficult to calibrate and that they frequently  
9 required recalibration or replacement at each diesel overhaul  
10 period.

11 Q: DID YOU COMPILE THE CALCON SENSOR HISTORICAL SUMMARY THAT WAS  
12 USED BY THE NRC IN DEVELOPING NUREG-1410, APPENDIX I?

13 A: As the acting I&C superintendent, I was responsible for  
14 compiling this information and was assisted in doing so by several  
15 members of the I&C staff.

16 Q: WAS THIS DATA EVER SENT TO THE PLANT SYSTEM ENGINEERING  
17 DEPARTMENT FOR REVIEW REGARDING THE APPARENT HIGH CALCON SENSOR  
18 FAILURE RATE?

19 A: I do not think I ever formally requested that engineering  
20 review this data. However, I am certain I expressed my views to  
21 engineering department personnel on several occasions.  
22 Furthermore, I believe a deficiency card ("DC") was initiated  
23 whenever the I&C department found problems with the sensors. I  
24 believed that the DC process would lead to a root cause assessment

1 and appropriate corrective action.

2 Q: DID THE I&C TECHNICIANS EVER DISASSEMBLE CALCON SENSORS TO  
3 CHECK FOR DEBRIS?

4 A: I do not believe that disassembly and inspection for debris  
5 were part of our normal procedure. However, I do recall  
6 disassembling a sensor in the I&C shop while investigating the  
7 March 20 event and not finding any significant debris.

8 Q: ARE YOU AWARE OF AN ASSESSMENT OR CONCERN WITHIN THE I&C  
9 DEPARTMENT REGARDING THE HANDLING OF THE CALCON SENSORS, THE USE OF  
10 EXCESS PIPE DOPE WHEN CONNECTING THE SENSOR TO ITS FITTING, OR  
11 INADEQUATE INSTRUCTIONS REGARDING INSTALLATION/REMOVAL OF THE  
12 SENSORS?

13 A: No. I do not recall any special precautions or vendor  
14 instructions that would have alerted Georgia Power to exercise any  
15 special degree of care in these areas. Of course, our technicians  
16 followed normal skill of the craft, taking reasonable precautions  
17 to prevent the entry of foreign particles into the sensors. In  
18 fact, the maintenance procedure at the time used for calibrating  
19 the temperature sensors, Procedure No. 22332-C (Rev. 2) at 2,  
20 attached hereto as Exhibit B, included a precaution to "[m]inimize  
21 entry of foreign materials or dirt into the working parts of the  
22 instrument."

DEW POINT MEASUREMENTS

1  
2 Q: WHAT DO YOU RECALL REGARDING DIESEL GENERATOR AIR RECEIVER DEW  
3 POINT MEASUREMENTS IN THE PERIOD FOLLOWING THE SITE AREA EMERGENCY  
4 BUT BEFORE GEORGIA POWER'S APRIL 9, 1990 MEETING WITH THE NRC IN  
5 ATLANTA?

6 A: I recall that following the event, there was an NRC Region II  
7 inspector on site as well as a formal NRC Incident Investigation  
8 Team monitoring Georgia Power's efforts to troubleshoot the Unit 1  
9 diesel generators and return them to an operable condition. I also  
10 recall, for example, that during a review of prior maintenance work  
11 orders ("MWOs") on the diesels, the NRC Region II inspector, Milt  
12 Hunt, discovered an unsatisfactory dew point reading on the 1A  
13 diesel air receiver. Based on my review of that MWO, No. 1-90-01513  
14 (attached hereto as Exhibit C), I see that the I&C technician  
15 initiated a deficiency card to address the unsatisfactory dew  
16 points on the 1A diesel, but was told by the Operations Shift  
17 Supervisor to handle the matter with a maintenance work order  
18 instead. The I&C technician initiated MWO 1-90-01651 (Intervenor  
19 Exh. II-143) to address this problem.

20 Q: WHAT ACTIONS DID GEORGIA POWER TAKE TO ADDRESS THIS ISSUE?

21 A: As I recall, we initiated several actions in parallel with one  
22 another. These actions were to "blow down" the diesel 1A air  
23 receiver and check for the presence of moisture, "feed-and-bleed"  
24 the 1A air receiver, check all the diesel control system air  
25 filters for the presence of moisture, and take additional dew point

1 measurements on all of the diesel air receivers. We initially  
2 measured high dew points on all four air receivers of the Unit 1  
3 diesels. See MWO 1-90-01651 (Intervenor Exh. II-143) and MWO 1-90-  
4 01770 (attached hereto as Exhibit D). We eventually measured the  
5 dew points for the four Unit 2 diesel generator air receivers and  
6 also found them high. See MWO 2-90-00064 (Intervenor Exh. II-146)  
7 and MWO 2-90-001021 (attached hereto as Exhibit E).

8 Q: WHAT ACTIONS DID YOU TAKE WHEN THE DEW POINTS MEASURED HIGH ON  
9 ALL OF THE DIESEL GENERATOR AIR RECEIVERS?

10 A: At that time, the I&C technicians routinely used an Alnor dew  
11 point measurement instrument. When the dew point measurements on  
12 all eight air receivers were out of specification, the technicians  
13 and I doubted the accuracy of the readings. With the exception of  
14 the Unit 2A air dryers (discovered on April 7 to be powered-up but  
15 turned off), we were not aware of any problems with the air dryers,  
16 and with the dryers running there was no logical way that  
17 independent air systems would be out of specification at the same  
18 time. We knew that dew point measurements normally had been within  
19 specification in the past, and suspected that the instrument  
20 readings were simply wrong.

21 Q: WHAT DID YOU DO TO CONFIRM THE SUSPECTED INACCURACY OF THESE  
22 MEASUREMENTS?

23 A: I attempted to verify the accuracy or inaccuracy of the Alnor  
24 readings with independent instrumentation. Georgia Power had

1 another "back-up" dew point measurement instrument, an EG&G model,  
2 which had never been used by the I&C technicians. We also rented  
3 another Alnor dew point measurement instrument from GE, although it  
4 was a different model than the Alnor used by Georgia Power. On  
5 April 6 and 7, 1990, we used these two instruments to take  
6 additional dew point measurements on all eight air receivers.

7 In parallel with taking these measurements, we contacted the  
8 I&C department at the nearby V. C. Summer nuclear power plant and  
9 asked to borrow one of their dew point measurement instruments. We  
10 also requested that V. C. Summer provide information on appropriate  
11 use of the loaned instrument.

12 Q: WHAT WERE THE RESULTS OF THIS EFFORT?

13 A: The dew point readings of Georgia Power's Alnor instrument,  
14 Georgia Power's EG&G instrument and the "GE rental" instrument are  
15 reflected on GPC Exh. II-52 (Bockhold Exhibit F). The exhibit is  
16 a copy of my hand-written tabulation of results obtained on April  
17 6 and 7, 1990.

18 Q: WHAT CONCLUSION DID YOU DRAW FROM THESE RESULTS?

19 A: I could not draw any definitive conclusions from this data.  
20 I knew that the I&C department took diesel generator air system dew  
21 point readings on a monthly basis. I was quite familiar with the  
22 diesel air system and did not believe that all eight air receivers  
23 would be out of specification at the same time. Each unit at  
24 Vogtle has two diesel generators and each diesel has two

1 independent air receivers; thus, there are eight independent air  
2 supplies for the diesel control systems.

3 My experience was that out of specification measurements were  
4 rare, and to my knowledge there were never multiple diesels with  
5 air receivers out of specification at the same time. Furthermore,  
6 the most recent monthly dew point checks had not revealed any  
7 problems. Thus, my experience caused me to doubt the validity of  
8 the Alnor instrument readings.

9 Georgia Power's EG&G instrument had never been used by the I&C  
10 technicians while I was at Vogtle. The instrument was different  
11 from the Alnor instrument. I, along with I&C foreman Scott  
12 Hammond, inspected the instrument and attempted to use it the best  
13 way we could determine to obtain additional dew point data.  
14 However, our inexperience with the instrument caused us to doubt  
15 the reliability of the measurements we were getting.

16 The readings obtained using the GE rental Alnor were  
17 significantly lower than the readings obtained with the Georgia  
18 Power Alnor and EG&G instruments, and were generally more in line  
19 with previous dew point measurements than the out of specification  
20 high readings. However, the differences between these readings and  
21 the other instruments' readings made them inherently suspect.

22 Q: HOW DID YOU RESOLVE THIS PROBLEM OF INDETERMINANT DEW POINT  
23 MEASUREMENTS?

24 A: AS I stated before, we worked in parallel to borrow an  
25 instrument from the V.C. Summer Plant. We received their

1 instrument, an EG&G model identical to our own back-up instrument,  
2 along with a users manual on April 7 or 8. The first thing I  
3 noticed about the borrowed instrument was that it had a flow meter  
4 hooked up to it to precisely monitor the air flow through the  
5 instrument. We had not used a flow meter when using our EG&G  
6 instrument earlier. This caused me to further doubt the validity  
7 of the earlier EG&G data.

8 The information provided by V.C. Summer regarding proper use  
9 of the instrument greatly assisted us in learning how to properly  
10 use our own EG&G instrument and we obtained in specification  
11 readings on seven of the eight air receivers using both  
12 instruments. Thus, our own EG&G instrument independently confirmed  
13 that seven of the eight air systems were in specification (the  
14 exception being the Unit 2A K02 air receiver. See MWO 2-90-00964  
15 (Intervenor Exh. II-146).

16 Q: DO YOU KNOW WHETHER THE AIR RECEIVERS WERE BLOWN DOWN AND  
17 RECHARGED IN THE PERIOD OF TIME AFTER THE HIGH READINGS WERE TAKEN  
18 ON APRIL 5 AND THE IN SPECIFICATION READINGS WERE TAKEN?

19 A: I don't know for certain which air receivers were blown down  
20 and recharged. The I&C technicians did not perform these blow  
21 downs, they were performed by Operations Department personnel. As  
22 I stated earlier, my recollection is that the diesel 1A air  
23 receiver was blown down and recharged but I don't know about the  
24 others.

25



1 Q: DID YOU INFORM OTHERS THAT THE INITIAL HIGH DEW POINT READINGS  
2 WERE DUE TO FAULTY INSTRUMENTATION?

3 A: Yes. Based on the circumstances described above, my  
4 professional opinion was that the initial readings taken with the  
5 Alnor instrument on March 29, 1990 were higher than the specified  
6 range because the instrument was defective. Confirmatory  
7 measurements taken with the back-up EG&G instrument in the April 5-  
8 7 time frame were not reliable because we did not have experience  
9 using this instrument.

10 Q: DID YOU DOCUMENT THIS CONCLUSION IN ANY PERMANENT PLANT  
11 RECORD?

12 A: While I have no recollection of this today, I have reviewed  
13 plant records that indicate I did. As I stated earlier, MWO 1-90-  
14 01513, which measured high dew points on March 29, 1990, indicates  
15 that the I&C technician that had taken the measurements initiated  
16 a deficiency card. However, the Unit 1 shift supervisor requested  
17 that the I&C technician instead write an MWO to investigate and fix  
18 whatever was causing the problem. In fact, the dew point readings  
19 depicted on GPC Exhibit II-52 were specifically taken as a result  
20 of Mr. Hunt's interest in the high readings obtained on March 29.

21 When the same I&C technician that had taken the dew point  
22 readings on March 29 measured high dew points on both of the Unit  
23 1B air receivers, he wrote another DC. This time, it appears the  
24 Unit 1 shift supervisor accepted the DC. The resulting DC, 1-90-  
25 186 (Intervenor Exh. II-79), explains what happened as I have

1 described above. The attached root cause determination worksheet  
2 further documents my belief that the Alnor instrument was defective  
3 and the EG&G instrument had initially been used improperly. It  
4 also shows that the dew point measurement checklist was to be  
5 revised to require use of only the EG&G instrument in the future.  
6 The Alnor was not to be used again and was, thus, effectively  
7 removed from the M&TE program at that time.

8 Q: DID YOU INFORM MR. GEORGE BOCKHOLD OF YOUR CONCLUSION THAT THE  
9 INITIAL HIGH READINGS WERE DUE TO FAULTY INSTRUMENTATION?

10 A: I am sure I did.

11 Q: WHY DID THE I&C TECHNICIANS NOT INITIATE A DEFICIENCY CARD FOR  
12 THE OTHER DIESEL GENERATOR AIR SYSTEMS?

13 A: I do not recall. However, I view a DC as a vehicle for  
14 ensuring a potential problem is documented and investigated and a  
15 MWO as a method for correcting known problems. In my opinion, this  
16 situation called for the latter. We knew the dew point  
17 measurements were out of specification and we knew what the  
18 recommended actions were to either lower the dew points, if they  
19 were indeed high, or to verify the dew points were within  
20 specification using alternate measuring equipment. Further, we  
21 already had one DC to track this issue (i.e., DC 1-90-186). I also  
22 recall that sometime later in 1990, the diesel system engineer, Mr.  
23 Ken Stokes, recommended that we not write DCs for high dew point  
24 readings and instead, added additional guidance to our dew point

1 checklist procedure. See DC 2-90-231, attached hereto as Exhibit  
2 F.

3 Q: ONCE YOU DETERMINED THAT YOU HAD A DEFECTIVE INSTRUMENT, DID  
4 YOU UNDERTAKE AN EFFORT TO REVIEW OR RE-EVALUATE PRIOR DEW POINT  
5 MEASUREMENTS TO DETERMINE IF THIS CONDITION HAD EXISTED PRIOR TO  
6 MARCH 29?

7 A: No. I know that the M&TE program procedure requires such a  
8 review when these prior readings are being relied upon to satisfy  
9 some operating requirement. However, in this case, the newly  
10 obtained readings with the Georgia Power EG&G instrument had become  
11 the basis for complying with the dew point specification so there  
12 was no reason to go back and reverify prior measurements. Further,  
13 I felt that if a problem had existed in the past, signs of  
14 moisture-related problems would have been discovered by air  
15 receiver blow-downs, control air filter inspections, or maintenance  
16 overhaul inspections.

17 Q: WHAT WAS DONE AFTER APRIL 7, 1990 TO CONFIRM WHETHER OR NOT  
18 THE ALNOR INSTRUMENT WAS IN FACT DEFECTIVE?

19 A: While I was employed by Georgia Power, I do not believe  
20 anything was done. From my perspective, nothing needed to be done.  
21 As shown in the revised preventative maintenance checklist for the  
22 diesel air system, the Alnor instrument was permanently replaced by  
23 the EG&G instrument (see Exhibit F) and the dew points were all  
24 within the specified range.

1 Q: WHY DID THE ALNOR INSTRUMENT VP-2466, LATER BELIEVED TO BE  
2 FAULTY, HAVE ITS CALIBRATION DUE DATE EXTENDED FROM MARCH 7 TO  
3 APRIL 7, 1990?

4 A: AS explained above, at the time the Alnor was the only  
5 instrument used by the I&C technicians. Instrument VP-2466 was the  
6 only Alnor on site because the other two Alnor instruments had been  
7 sent off site for calibration. Thus, one of my I&C foremen  
8 temporarily extended the calibration due date by one month. See  
9 interoffice correspondence from M. J. Wimburn to me, dated March 8,  
10 1990 (attached hereto as Exhibit G).

1 MR. BLAKE: Judge Bloch, I would ask that --  
2 that the documents that were attached to Mr. Briney's  
3 rebuttal when it was distributed to the Board and the  
4 parties be marked first as Briney Exhibits A through G, and  
5 they be numbered GPC Exhibits II-153 through -- through  
6 159. And let me identify for the record what each of these  
7 is, starting with "A." "A" is the summary of professional  
8 qualifications of Mark S. Briney, a one-page exhibit. "B"  
9 is a temperature switch calibration procedure, Procedure  
10 Number 22332-C, and this particular exhibit is dated  
11 appears to be 5/30/89. Could be '88. It's hard for me to  
12 read exactly the date. It's a ten-page document, Revision  
13 Number 2, whatever that date was.

14 Briney Exhibit C, which would be 155, is a  
15 maintenance work order. It's Number 19001513, dated  
16 3/24/90. Briney Exhibit D, which would be GPC Exhibit II-  
17 156, is also a maintenance work order. It's Number  
18 19001770, dated 4/5/90.

19 CHAIRMAN BLOCH: The number on that one? I'm  
20 -- I had trouble finding it.

21 MR. BLAKE: In the upper left-hand corner...

22 CHAIRMAN BLOCH: No, no, what number are you  
23 assigning to it?

24 MR. BLAKE: Oh, 156.

25 CHAIRMAN BLOCH: Okay.

1 MR. BLAKE: Briney Exhibit E, which is also a  
2 maintenance work order, 157, GPC II-157, is Control Number  
3 29001021, and is dated 4/6/90. Briney Exhibit F, GPC  
4 Exhibit II-158, is a deficiency card, Card Number 290-231.  
5 And finally, Exhibit G is a one-page document. It's GPC  
6 Exhibit II-159. And it's a memorandum from J. M. Wimburn,  
7 W-i-m-b-u-r-n, to M. S. Briney.

8 CHAIRMAN BLOCH: Exhibits 153 through 159 may  
9 be marked.

10 (The document referred to was marked  
11 for identification as GPC Exhibits  
12 II-153 thru II-159.)

13 MR. BLAKE: Judge Bloch, I'd ask, given the  
14 witness' familiarity with these documents and ability to  
15 answer questions about them, that these be admitted into  
16 evidence, as well.

17 CHAIRMAN BLOCH: Granted.

18 (GPC Exhibits II-153 thru II-159 were  
19 admitted into evidence.)

20 BOARD EXAMINATION

21 BY CHAIRMAN BLOCH:

22 Q Mr. Briney, a lot of the testimony you gave,  
23 though not all of it, is related to an incident in which  
24 there were eight out-of-specification readings -- dew point  
25 readings taken on one day at eight different receivers at

1 the Vogtle Plant, is that correct?

2 A Yes.

3 Q Is your memory of the events that occurred  
4 after that fairly clear at this point?

5 A Memory of specific events is clear. I can't --  
6 I can't sit here and tell you that I remember every single  
7 thing that happened during that period of time.

8 Q Okay. What I'd like to do, since you've --  
9 you've only testified about specific aspects, answering  
10 specific questions, I think it would be helpful for our  
11 record if you could tell the story of what happened, as  
12 much as possible, including the actors that you remember,  
13 the documents that were obtained, the people who did the  
14 readings, as much as you can remember now. And where you  
15 state that you can't remember something, that's fine, you  
16 just have to state that. But I'd like you to go back in  
17 your mind and see if you can place yourself back in that  
18 event, and tell us as much as possible of what you  
19 remember, who you talked to, what they said, what follow-up  
20 you made, maybe even questions in your mind that had to be  
21 resolved, whatever it is you remember about the follow-up  
22 to that event. Would you please try to do that for us?

23 A Are you speaking specifically about the dew  
24 point issue, itself, or the entire...

25 Q Yeah. Everything that had to do...

1           A     ...event?

2           Q     No, everything that had to do with the follow-  
3 up about the dew points, and the decisions that were made  
4 about what instruments to use, what instruments to check,  
5 whether people had made mistakes, whatever you remember  
6 about what was happening. And if there were things you  
7 weren't present for, just tell us you weren't present for  
8 them. If you forget them, that's fine, too, 'cause it's a  
9 lot of -- a lot of years after that. But it would help if  
10 we got, as much as possible, your narrative of what  
11 actually happened.

12          A     Okay.

13                   My recollection is that at some point in time I  
14 was requested to basically head up a team of people that  
15 were investigating a dew point issue that was raised by the  
16 NRC.

17          Q     Okay, requested by...?

18          A     I can't tell you specifically who requested me  
19 to do that.

20          Q     Okay, that's the kind of detail I want. If you  
21 can't remember who requested or you can't remember who the  
22 technician was, that's fine, but just say that so that  
23 we'll know.

24          A     Okay. I don't truly recall who requested me  
25 specifically to go get that information.



1                   At that point in time, we -- we went to take  
2 readings on the diesels. I think we started off with...

3                   Q       Okay, "we," who's that?

4                   A       "We" as in the I&C Department. I was given  
5 direction to take those readings. I basically delegated  
6 that responsibility down to individuals in the shop.

7                   Q       You picked them with what criteria in mind?

8                   A       The criteria, I guess, of people that I felt  
9 were competent individuals that could provide me with the  
10 most accurate information at the time.

11   BOARD EXAMINATION

12 BY JUDGE MURPHY:

13                   Q       Did you pick specific technicians or did you  
14 pick a supervisor to do it and then have the supervisor  
15 pick the technicians, do you remember?

16                   A       I did not specifically pick technicians. And I  
17 don't recall if I went to one specific supervisor or went  
18 to one specific foreman to get those measurements done.

19 BY CHAIRMAN BLOCH:

20                   Q       Well, we won't be surprised at all by your lack  
21 of memory, but that's the kind of detail level that we're  
22 looking for.

23                   A       Okay. At any rate, those -- those technicians  
24 responded to that. They went and took dew point readings.  
25 The readings were reported back to me, and...

1           Q       The readings that they took at that point were  
2 with the EG&G instrument?

3           A       No, I believe the first set of readings were  
4 taken with the Alnor.

5           Q       Okay, the one that you'd been using all along?

6           A       Right. And those readings came back out of  
7 specification, and that obviously concerned us. And we  
8 went into a troubleshooting mode to try to determine  
9 whether or not we had an actual condition out there in the  
10 plant, or was it related back to the instrumentation,  
11 itself, that we were using. And at that point in time we  
12 actually attempted to use other instrumentation to confirm  
13 those readings.

14          Q       Tell us what you know about how the decision  
15 was made to use that instrumentation, what directions were  
16 given about how to make sure you could use it properly,  
17 that kind of thing.

18          A       The decisions to use other instrumentation were  
19 basically mine. I recall requesting that we get other  
20 instrumentation available to us. I recall the  
21 instrumentation that was presented to me to be able to use,  
22 one of which was an EG&G instrument that we had there on  
23 the site; and the other one, we were trying to get another  
24 instrument from the GE Rental Company on site as soon as  
25 possible so that we could go back out and take some more

1 readings and -- and try to confirm the readings that we had  
2 got originally.

3 Q So that decision to get the rental instrument  
4 was taken even before you'd taken the first readings with  
5 the EG&G instrument?

6 A I don't recall the exact time line of whether  
7 or not, you know, we -- we decided to get the -- the Alnor  
8 rental instrument or -- or not. I don't recall that --  
9 those specifics.

10 Q Do you recall whether or not the technicians  
11 had ever been trained in the use of the EG&G instrument?

12 A I don't believe that they had. To the best of  
13 my recollection, the EG&G instrument hadn't been used by  
14 I&C technicians for as long as I was there.

15 Q So you think maybe the plant obtained it and  
16 there was no training in it?

17 A Yes.

18 CHAIRMAN BLOCH: We'll go off the record  
19 briefly for the reporter.

20 (A discussion is held off the record.)

21 CHAIRMAN BLOCH: Let's continue.

22 BY CHAIRMAN BLOCH:

23 Q You think that when Georgia Power received the  
24 EG&G instrument, there was no training for that instrument  
25 on site?

1 A There wasn't to my knowledge, no.

2 Q And when the instrument technicians went out to  
3 use the EG&G instrument, did they attempt to obtain the  
4 owner's manual for it?

5 A As I recall, we attempted to obtain the vendor  
6 information on that particular instrument and were  
7 unsuccessful.

8 Q You were unsuccessful. Where did they look, do  
9 you know? Did they look on site? I mean we were told by  
10 one of the witnesses for -- one of Georgia Power's  
11 employees that there's a library where those are kept.

12 A Yes, there is.

13 Q And it was missing?

14 A We couldn't come up with it. That's really all  
15 that I recall.

16 Q Do you know if there's a record of requests for  
17 information kept at that desk?

18 A Not to my knowledge. I don't know if there is  
19 or not.

20 Q Okay. And then they went and they used the  
21 instrument, right?

22 A Right.

23 Q And they obtained high readings which confirmed  
24 the initial high reading, is that correct?

25 A Well, they obtained high readings. I won't say

1 that they confirmed the initial high readings. Because of  
2 the fact that we were unsure exactly how to use the  
3 instrument, those readings also were suspect.

4 Q Could you tell me whether the readings obtained  
5 that were suspect were within a close margin of error from  
6 the initial readings, or were they different?

7 A I believe they were slightly different, but I'd  
8 have to go back and look at the documentation to be sure.

9 Q And what did you ascertain to be the method of  
10 misuse of the instrument? How did they not use it  
11 properly?

12 A Well, at one particular point in time, we also  
13 contacted the V.C. Summer station and asked them to provide  
14 us with a dew point measuring instrument that they had.  
15 And we also asked that they would provide us a manual, if  
16 they had it, for that instrument. We found out that they  
17 had an instrument very similar to ours and they did provide  
18 us with that instrument and with the manual that went along  
19 with it.

20 Q But that manual didn't help you with EG&G, did  
21 it?

22 A Excuse me?

23 Q That manual didn't help you with the EG&G dew  
24 pointer, did it?

25 A That manual did concern an EG&G dew pointer.

1 Q Oh, okay.

2 A That is the kind of analyzer that we obtained  
3 from V.C. Summer.

4 Q Okay. And after you obtained the V.C. Summer  
5 instrument, did you go back and use the EG&G instrument  
6 properly now?

7 A Yes, we did.

8 Q The one that you had on site?

9 A Yes.

10 Q And what did that obtain at that point?

11 A The information that we got from that point was  
12 that both of the EG&G instruments compared with each other  
13 very closely.

14 Q Could you show me the table where that data is  
15 contained? Do you have that attached to your testimony?

16 MR. MICHAEL KOHN: I think it's referred to in  
17 his testimony as Bockhold F, but it's not included in his  
18 testimony.

19 BY CHAIRMAN BLOCH:

20 Q Is that the case, Mr. Briney?

21 A It appears to be. I don't have that particular  
22 document in front of me at this point.

23 MR. MICHAEL KOHN: Intervenor is making a copy  
24 available to the witness.

25 (A document was proffered to the witness.)

1 MR. BLAKE: Judge Bloch, were you asking him  
2 for the comparison of the two EG&G instruments after they  
3 received the second one from Summer? Was that the  
4 question?

5 CHAIRMAN BLOCH: Yes.

6 BY CHAIRMAN BLOCH:

7 Q You said that you went back and took further  
8 readings with the GPC EG&G, is that correct?

9 A Yes, at one point in time, we did take readings  
10 --

11 Q The question is where the data is from that.  
12 The document Bockhold F does have some GPC EG&G readings,  
13 which are quite close to the GPC Alnor, but they don't  
14 contain any further GPC EG&G readings, which are  
15 represented to be after you corrected the problems of use.

16 Let me show you Bockhold F, so you can see what  
17 I've just commented on. Do you have it?

18 A I believe that's what this is in front of me.

19 Q Does Bockhold F contain any new readings of the  
20 GPC EG&G to show what happened after the people were  
21 reinstructed in its use?

22 A No.

23 Q Okay. Now where is that data, on the  
24 reinstructed use?

25 A That's what I was attempting to find here in my

1 testimony. I'm looking at Job Order 1-90-01770.

2 Q Does that have an exhibit letter or number at  
3 the top of it?

4 A Yes, it's Briney Exhibit D.

5 Q D. Okay, where on Exhibit D, which is II-156,  
6 can we find the new readings with the EG&G instruments?

7 A An example of that can be found on it looks  
8 like the third page back, is one set of data. Towards the  
9 bottom of the page, it gives some readings that were taken  
10 with VP-1114.

11 Q And that's the EG&G instrument?

12 A That's the Vogtle EG&G instrument. It also  
13 provides readings from FS -- looks like 3529, which is the  
14 instrument that we borrowed from the Summer station.

15 Q Aren't the tolerances a little surprising, that  
16 you get such large differences between those two  
17 instruments?

18 A It wasn't surprising to us at the time, no.

19 Q Looks like a seven degree difference, which is  
20 about a 15 percent error.

21 A The only thing we were looking for at that time  
22 was that we were within the normal range of dew point  
23 readings, and that they related to each other.

24 Q So what is it that they were doing wrong with  
25 the VP-1114, that they learned to do correctly?



1 MR. BLAKE: Who is "they?"

2 CHAIRMAN BLOCH: The technicians who were  
3 retrained. Apparently there were some technicians who  
4 weren't doing it properly and now these readings were done  
5 properly, is what the testimony is, is that right?

6 THE WITNESS: Yes.

7 BY CHAIRMAN BLOCH:

8 Q So what is it that was -- that they were doing  
9 differently the second time?

10 A I don't recall all of the specifics. What I do  
11 recall is the most of the problem was related to  
12 establishing a known flow through the instrument. That is  
13 something that we had not done with the first set of  
14 readings with the EG&G -- with the Vogtle EG&G.

15 Q Do you know whether the FS-3529 was properly  
16 certified for use on site?

17 A I don't believe that it ever was properly  
18 certified for use on site.

19 Q And do you know whether anything had changed  
20 with respect to the receiver between the first measurement  
21 and the remeasurement?

22 A I don't recall whether or not the receiver had  
23 gone through any kind of a blowdown process or anything  
24 like that. That particular time line is not clear in my  
25 mind.

1           Q       And was consideration given to wrapping this  
2 thing up by sending the allegedly defective instrument for  
3 calibration check?

4           A       I don't recall us ever making the decision to  
5 send it off for a calibration check.

6           Q       Wouldn't that have been the only sure way to  
7 know whether the instrument was defective?

8           A       At the time, I felt comfortable with the  
9 information that we were getting with the EG&G units.

10          Q       That wasn't the question I asked, whether you  
11 felt comfortable. Wasn't the only sure way to know whether  
12 the instrument was defective was to send it out to find out  
13 if it was properly calibrated?

14          A       Yes.

15          Q       And do you know whether or not that instrument  
16 was used elsewhere in the plant -- the one that was  
17 allegedly defective?

18          A       Prior to that time or --

19          Q       Yes.

20          A       Yes, I believe it was.

21          Q       And do you know whether or not there were,  
22 therefore, defective readings elsewhere in the plant?

23          A       Not to my knowledge.

24          Q       I'm sorry, it was a defective instrument -- how  
25 could they not be defective?

1           A       All the readings that I recall that were taken  
2 with that instrument prior to that were within  
3 specifications.

4           Q       Yes. How do you know they were proper? If it  
5 was out of calibration, why would you expect that they were  
6 correct?

7           A       We had no knowledge of exactly when the Alnor  
8 instrument became defective.

9           Q       Isn't it in fact a requirement that if you have  
10 a defective instrument, that you go back into prior  
11 readings to ascertain whether there are other problems in  
12 plant records?

13          A       I believe that the M&TE program typically would  
14 have initiated that kind of investigation.

15          Q       Did you notify that people who were responsible  
16 for the MTE program that they had a defective instrument?

17          A       I don't recall specifically notifying them, no.

18          Q       Do you recall if the instrument was ever tagged  
19 as defective?

20          A       I don't recall if it was, or not.

21          Q       The problem we have -- that I have -- is  
22 knowing whether the procedures of the plant were  
23 intentionally violated or whether it isn't true that that  
24 instrument was defective. Could you please help me out on  
25 knowing which I should expect to be more likely -- that you

1 didn't follow up according to the procedures of the plant  
2 or in fact that there's something funny about this story?

3 A Well, to my knowledge, no procedures at the  
4 plant were intentionally violated. My decision-making  
5 process at that point in time was based on the information  
6 that we were obtaining from other instrumentation that  
7 seemed to confirm that we didn't have a problem with a dew  
8 point issue.

9 Q But you just established, I thought, in the  
10 questioning that I presented to you, that in fact there  
11 were other requirements for following up if there is a  
12 defective instrument, isn't that correct?

13 A Yes.

14 Q So those weren't followed, were they?

15 A I don't know if they were or not. I was the  
16 acting I&C superintendent and I guess at that particular  
17 time, I would have relieve upon the normal M&TE procedures  
18 and processes to take care of any investigation that was  
19 required.

20 Q Well, weren't you somehow responsible for  
21 communicating to them that you believed their instrument  
22 was defective?

23 A I believe that the people that were involved  
24 with the M&TE program at the time were informed that the  
25 Alnor was a suspect instrument, but I don't have a specific

1 recollection of telling those people that that particular  
2 instrument was defective.

3 Q Now if people went out and used the EG&G  
4 instrument and obtained defective high readings, how do you  
5 know that people weren't using other instruments and  
6 obtaining defective in-spec readings?

7 A We had obtained enough information with enough  
8 different instrumentation to make us feel comfortable with  
9 the fact that the prior readings were associated with a  
10 defective instrument, rather than an initial -- or a  
11 particular condition.

12 Q Well, I guess I'm concerned that technicians  
13 who were trained went out and used an instrument without  
14 verifying, before they used it, that they knew how to use  
15 it. Does that concern you?

16 A We were attempting to learn how to use the  
17 instrument when we took those readings with our own EG&G,  
18 but because we didn't have a large amount of background or  
19 technical expertise with that particular type instrument,  
20 the readings that we took initially with that EG&G were  
21 suspect.

22 Q I take it from the fact that the technician  
23 recorded the readings on plant documents, that at the time  
24 they recorded them, they thought that those were valid  
25 readings, isn't that a logical expectation?

1           A       That's what we -- you know, at the time, that's  
2 the best information that we had, and that's what we  
3 recorded.

4           Q       So the technicians did not properly get trained  
5 in the use of that instrument before they used it for plant  
6 readings, isn't that correct?

7           A       For that particular set of readings, that would  
8 be correct.

9           Q       Were there procedures for certifying whether a  
10 person could use a particular piece of equipment before  
11 they went out and used it?

12          A       I believe in the use of M&TE that -- especially  
13 this particular piece of M&TE -- that we relied on the  
14 normal skill of the craft to be able to use the instrument.  
15 Typically when we use that type of an instrument and we are  
16 unfamiliar with it, we would obtain enough vendor  
17 information to instruct us as to how to use the instrument  
18 properly.

19          Q       Well, if I understand correctly, they went out  
20 and used it without any vendor information.

21          A       The first time that we used it, that is  
22 correct, we had no information available and we attempted  
23 to use the instrument to the best of our abilities based on  
24 the skill that -- and the knowledge that we had on general  
25 measuring and test equipment.

1 Q And if they'd obtained an in-spec reading with  
2 that equipment, what would have happened after that?

3 A I believe we would have continued -- again,  
4 this is conjecture on my part, but I think we would have  
5 continued until we had confirmed whether or not we had an  
6 actual condition in the system itself or we had an  
7 instrument error. At the time that we were taking these  
8 readings, there were several things going on, one of which  
9 was to blowdown and regenerate the instrument air and also  
10 inspect the components for the presence of moisture.

11 Q Well, isn't it the case that given the fact  
12 that you don't know whether there was a change in the  
13 condition of the receivers, that you did not confirm that  
14 the initial readings were in error?

15 A I'm sorry, you're going to have to repeat your  
16 question. I don't understand.

17 Q Given that you don't know whether or not there  
18 was a change in the condition of the receivers due to a  
19 blowdown or other procedures, isn't it a fact that when you  
20 made new readings with the new instruments and the EG&G  
21 instrument, you did not verify that the initial readings  
22 were out of spec, that they were wrong, the dew point  
23 readings?

24 A Well, we felt that we did, in that the  
25 inspections that were performed didn't turn up any signs of

1 high moisture content in the system. So in our mind, in  
2 our mind, we were still comparing the same system response.

3 Q Let's just focus on the dew point readings,  
4 okay? Isn't it a fact that the new dew point readings,  
5 which were not necessarily on receivers that had been  
6 untouched, did not verify that the initial readings were in  
7 error?

8 A That's true. But they were still suspect in  
9 our mind.

10 Q I understand they were still suspect. But you  
11 never verified the error, did you?

12 A Again, my decision-making process was that  
13 based on the fact that we had done an inspection and found  
14 no extra moisture in the system and that we had taken  
15 additional readings with several other instruments that  
16 tended to agree that we were within specifications, that we  
17 came to the conclusion that the original readings that we  
18 had taken were due to a defective instrument.

19 Q I understand that was your decision-making  
20 process. I'm asking whether it was a valid conclusion  
21 based on the fact that you didn't know whether the  
22 receivers had changed in their condition between the first  
23 readings and the verification procedure.

24 A In my mind, that was a correct conclusion.

25 Q All right, now forget about what was in your



1 mind. Was it correct, given the fact that you couldn't  
2 verify the initial readings if there was a change in the  
3 receivers?

4 A If I had to make the decision over again, I'd  
5 make the same decision, if that's what you're asking me.

6 Q That doesn't give me great comfort. The  
7 receivers may have been blown down and therefore the actual  
8 humidity may have been reduced, isn't that correct?

9 A That's a possibility, yes.

10 Q Now if that's true, how could a reading after  
11 the change in condition verify anything about the first  
12 readings?

13 A Because the blowdown process and the inspection  
14 process didn't turn up any moisture in the system.

15 Q All right, now let's take that as a separate  
16 problem, the moisture in the system. If there's a 60  
17 degree dew point and the temperature is 70 degrees, would  
18 you find any moisture in the system?

19 A I'm not an expert on the dew point issues, I  
20 couldn't tell you that.

21 Q Well then how could you conclude from the fact  
22 there was no moisture that the dew point readings were  
23 verified? Who told you that?

24 A That was my conclusion.

25 Q Based on whose advice?

1           A       Based on my own knowledge.

2           Q       But you said you're not an expert in that, how  
3 could you have knowledge to make a conclusion about it?

4           A       It's just I guess I relied on my experience  
5 with that particular system. If we didn't find any  
6 moisture in the system and we had other instrumentation  
7 that verified that the readings were within specification,  
8 and we had more than one instrument that verified that,  
9 that's how I reached the conclusion.

10          Q       Now we still have an open issue in this  
11 proceeding as to whether not finding moisture might show  
12 that the system is safe. That's possible. What I don't  
13 understand is how not finding moisture could verify an in-  
14 specification dew point. Do you have any technical  
15 knowledge that allows you to state that not finding  
16 moisture verifies an in-specification dew point?

17          A       No, I don't have enough technical expertise to  
18 tell you that.

19                   CHAIRMAN BLOCH: Mr. Kohn, your witness.

20                   MR. BLAKE: Judge Bloch, before -- this was  
21 sort of in the nature of additional direct, I take it, the  
22 Board's examination. Can I clear up a couple of areas?

23                   CHAIRMAN BLOCH: If Mr. Kohn has no problem  
24 with that --

25                   MR. BLAKE: Even if he does.

1 CHAIRMAN BLOCH: I'm not sure if it was  
2 additional direct or if it was clarification. I'm not sure  
3 whether you shouldn't wait to redirect.

4 MR. MICHAEL KOHN: I would prefer that, Your  
5 Honor.

6 CHAIRMAN BLOCH: Why don't you wait 'til  
7 redirect.

8 CROSS EXAMINATION

9 BY MR. MICHAEL KOHN:

10 Q Mr. Briney, looking at your Exhibit A to your  
11 testimony, it indicates that you have a lot of experience  
12 starting back in 1980 as an I&C technician, is that  
13 correct?

14 A Starting in 1980, yes.

15 Q And between 1980 and 1990, during your entire  
16 career as an I&C technician, had you ever used an EGG  
17 device before?

18 A Not that I recall, no.

19 ADMINISTRATIVE JUDGE MURPHY: Are we talking  
20 about an EG&G dew point measuring instrument?

21 CHAIRMAN BLOCH: Mr. Briney, is your answer the  
22 same to that more specific question?

23 THE WITNESS: Yes.

24 BY MR. MICHAEL KOHN:

25 Q Now you know Mr. Dave Lohrman, is that correct?

1 A I know Mr. Dave Lohrman.

2 Q Lohrman, excuse me. And Mr. Leftwich?

3 A Yes.

4 Q Is it your understanding that both of those are  
5 experienced test technicians?

6 A Yes.

7 Q And competent test technicians?

8 A In my opinion, yes.

9 MS. YOUNG: Mr. Kohn, excuse me, for the  
10 record, could you use complete names with you can?

11 BY MR. MICHAEL KOHN:

12 Q I believe it's Neal Leftwich, is that correct?

13 A I believe that's correct.

14 Q And I think we previously said Dave Lohrman,  
15 correct?

16 A Correct.

17 CHAIRMAN BLOCH: At the break, could you please  
18 provide the spellings for the reporter?

19 BY MR. MICHAEL KOHN:

20 Q Now when -- in your opinion back in 1990, if  
21 procedural irregularities or re-evaluation of procedures  
22 needed to say calibrate the Calcons was being raised at the  
23 site, do you think your I&C Department would exhibit any  
24 form of hostility to those -- to the requests or  
25 observations?

1           A       I don't know why they would, no.

2           Q       So you would expect everything to be very open  
3 and that your I&C Department would be gung-ho in correcting  
4 any deficiencies that might exist in that department.

5           A       That's what I would expect.

6           Q       And do you know that -- well, if I understand  
7 it, you played the lead role in evaluating the Calcon  
8 sensors -- played a lead role in evaluating the Calcon  
9 sensors after the site area emergency, correct?

10          A       I was one of the players that evaluated those  
11 sensors.

12          Q       And to the extent the I&C Department was  
13 involved, you would have been overseeing their involvement,  
14 correct?

15          A       Yes.

16                   MR. MICHAEL KOHN: Now I'm going to ask if  
17 Intervenor can mark as Exhibit II-216, a May 11, 1990  
18 memorandum from Robert Johnston.

19                   CHAIRMAN BLOCH: Do you have copies?

20                   MR. MICHAEL KOHN: Yes.

21                   CHAIRMAN BLOCH: Granted.

22                                   (The document referred to was marked  
23 for identification as Intervenor  
24 Exhibit Number II-216.)

25                   CHAIRMAN BLOCH: Do you want to say anything

1 about how long the memo is? Things to help the reporter  
2 know he's got the right document.

3 MR. MICHAEL KOHN: It is a -- appears to be a  
4 six-page memorandum, the last page is signed by Mr.  
5 Johnston; To Distribution, From Robert Johnston, dated May  
6 11, Subject: Loss of Off-Site Power March 20, 1990, Vogtle  
7 Electric Generating Plant, Enterprise Engine SN 76 --

8 CHAIRMAN BLOCH: Don't read the whole document.

9 (Pause.)

10 BY MR. MICHAEL KOHN:

11 Q Now, I'm going to call your attention to the  
12 third page of this document under the date 3/26/90, and if  
13 you would read -- that's the last entry on that page, and  
14 if you would read that entry, you will see that it says  
15 that from Mr. Johnston's perspective, that when they were  
16 looking at the procedures established for Calcon sensors  
17 and not following those procedures, his comments were --  
18 Cooper's comments were met with mild indifference -- do you  
19 see that?

20 A Yes.

21 Q And does it surprise you that someone would  
22 refer to your I&C Department as exhibiting mild  
23 indifference during the aftermath of the site area  
24 emergency?

25 A Yes.

1 Q I'd like to call your attention to the March  
2 27, 1990 entry. There again, Mr. Johnston is discussing  
3 procedural problems with I&C personnel and in raising  
4 those, the response was "mild hostility," do you see that?

5 A Yes.

6 Q And does that surprise you, that your I&C  
7 Department was exhibiting mild hostility to problems with  
8 the methodology used to set the Calcon sensors?

9 A Yes.

10 MS. YOUNG: Excuse me, Mr. Kohn, do you have a  
11 better copy of this document? Some of the print seems to  
12 be obliterated on the one the staff received.

13 MR. MICHAEL KOHN: No, I do not.

14 CHAIRMAN BLOCH: Yeah, page 4 is hard to read.

15 MR. MICHAEL KOHN: I think I can read it into  
16 the record.

17 MS. YOUNG: Page 5 also.

18 CHAIRMAN BLOCH: Yes, the top of pages 4 and 5.

19 MR. MICHAEL KOHN: The top of page 4 I can read  
20 into the record, "GP I&C unable to calibrate any of the  
21 high..." -- it's an abbreviation for high -- "...jacket  
22 water sensors during the night. I&C -- the rest of mine is  
23 pretty legible. Is the rest of it legible to everyone  
24 else?

25 CHAIRMAN BLOCH: Yeah, I think it's legible

1 after that -- barely.

2 Maybe the top of page 5 is not relevant?

3 MR. MICHAEL KOHN: Not for questioning of this  
4 witness, Your Honor.

5 BOARD EXAMINATION

6 BY CHAIRMAN BLOCH:

7 Q Mr. Briney, can you recall the first time that  
8 you saw this interoffice memorandum?

9 A This is the first time I've seen this document.

10 Q Did you ever have questions in your mind about  
11 why it is that the technicians were not properly  
12 calibrating the sensors?

13 A Yes, we did have some questions as to the exact  
14 methodology that they wanted us to use to calibrate the  
15 switches.

16 Q No, that wasn't the question I was asking  
17 about. Did you have questions in your mind about why your  
18 technicians had not in the past been properly calibrating  
19 the sensors?

20 A No, I didn't have any questions about the past,  
21 because I assumed that we were calibrating them correctly  
22 prior to this point.

23 Q You changed the procedures without realizing  
24 that the prior procedures were defective?

25 A No, sir, we changed the procedures based on



1 input from the Calcon vendor.

2 Q And was that input that there was any problem  
3 with the prior procedures?

4 A He gave us more information about how to  
5 calibrate the switches.

6 Q So the other procedures were fine, he just  
7 wanted to give you a little bit more?

8 A Yes.

9 Q Is that right? That was what your  
10 understanding was? What you were doing was fine to  
11 calibrate the sensors, but you needed more details, just  
12 for kicks.

13 A No, he gave us more information about how to  
14 calibrate the switches, and we determined that we should  
15 have a specific procedure on that rather than a generic  
16 procedure.

17 MR. BLAKE: Judge Bloch, I would hope that  
18 questions will not come with that sort of biting sarcasm  
19 "just for kicks."

20 CHAIRMAN BLOCH: Thank you.

21 BY CHAIRMAN BLOCH:

22 Q Did you make any conclusion at all as to  
23 whether what was done prior to the change was adequate for  
24 the instruments that were being worked with?

25 A I don't recall making any conclusion like that,

1 no.

2 CROSS EXAMINATION (Continued)

3 BY MR. MICHAEL KOHN:

4 Q Were you aware when the bubble testing was  
5 going on?

6 A No.

7 Q And was it brought to your attention that  
8 during the course of the bubble testing, that the Schwage  
9 lock fittings to the trip lines were in such a condition  
10 that they appeared to have been damaged by previous over-  
11 tightening by Georgia Power personnel?

12 A No, I'm not aware of that.

13 Q I'm going to ask you to look at page 4 of  
14 Intervenor's 216, and if you would look under the 3/30/90  
15 entry. You do know who Mr. Johnston is, correct?

16 A No, I'm not sure who he is.

17 Q From Cooper, he was on site during the --  
18 before and after the site area emergency.

19 A I don't recall the man's name. I know that we  
20 had Cooper vendors there, but --

21 Q You don't recall their names.

22 A No.

23 Q And do you recall directly interacting with the  
24 Cooper vendors?

25 A Yes.

1 Q Now it says here that Cooper, quote, "find that  
2 most of the tubing is leaking at a rate of one to three  
3 bubbles per second. Unable to stop leakage because Schwage  
4 lock fitting have been damaged by previous over-  
5 tightening." Do you see that?

6 A Yes.

7 Q And was this deficiency brought to your  
8 attention?

9 A Not that I recall.

10 Q And do you find it troubling that most of the  
11 tubing was leaking due to Schwage lock fittings having been  
12 damaged?

13 A Do I find it troubling?

14 Q Yeah.

15 A I would expect that normal skill of the craft  
16 would prevent that from happening.

17 Q And these Schwage lock fittings are used in  
18 thousands of locations in the plant, correct?

19 A As I recall, yes.

20 Q And does this cause you any concern that  
21 possibly other Schwage lock fittings were damaged due to  
22 previous over-tightening?

23 A It's possible that they may have been damaged  
24 due to over-tightening, yes.

25

BOARD EXAMINATION

1 BY CHAIRMAN BLOCH:

2 Q Is this the kind of condition that you'd expect  
3 to be reflected in a deficiency card?

4 A Depends on the service of the fitting.

5 Q Could you explain that? You just said that you  
6 thought there might have been Schwage locks throughout the  
7 plant that could be affected by this condition, and then  
8 you said it depends on the service of the fitting?

9 A Yeah, what system the fitting is used on.

10 Q But couldn't problems in tightening a Schwage  
11 lock be reflected throughout the whole plant?

12 A Not necessarily. I mean, it just depends on  
13 which line we're talking about, which particular instrument  
14 we're talking about, and whether the failure of that  
15 instrument was --

16 Q I agree that it was "not necessarily," but you  
17 couldn't rule it out either, could you? When it's been  
18 done wrong in one place, how could you rule out that it was  
19 done wrong in other places?

20 A I believe the technicians were trained in how  
21 to properly remove and re-install Schwage lock fittings in  
22 the plant.

23 Q Well, was that also true for the ones that were  
24 supposed to remove and re-install this particular Schwage  
25 lock fitting which is found, by this person at least, to

1 have been over-tightened?

2 A I don't know exactly who was involved with  
3 over-tightening these particular Schwage locks, but I would  
4 expect that the technicians that worked for the Vogtle  
5 plant at that time were adequate trained in reconnecting  
6 Schwage lock fittings.

7 Q So if you read this entry on March 30, 1990, it  
8 doesn't raise in your mind any serious questions about  
9 whether the training was adequate?

10 A I don't think that I could base that judgment  
11 on one particular set of fittings. If we had a general  
12 trend towards that regard, then I believe it would have  
13 been adequately addressed and the technicians would have  
14 been retrained, et cetera.

15 Q So in order to find a general trend, would  
16 deficiency paper have been necessary?

17 A It's possible that the deficiency card process  
18 would have identified that trend, yes.

19 Q So isn't the purpose of the deficiency card  
20 system to create paper, whenever a trend should be  
21 examined?

22 A As I recall the procedures; yes, that's one of  
23 the purposes of the deficiency card system.

24 CROSS EXAMINATION (Continued)

25 BY MR. MICHAEL KOHN:

1 Q And are you aware of what lines are bubble  
2 tested on a diesel?

3 A No, I don't recall what lines they tested.

4 Q Are you aware that the trip lines are stainless  
5 steel -- that the Schwage lock fittings on these trip lines  
6 would be stainless steel?

7 A I don't recall whether they're stainless steel  
8 or copper or what their makeup is, to tell you the truth.  
9 I'm not sure.

10 CHAIRMAN BLOCH: Counsel, when you're ready,  
11 we're looking for a break point.

12 MR. MICHAEL KOHN: This would be a fine time,  
13 Your Honor.

14 CHAIRMAN BLOCH: Mr. Briney, we'll take a ten-  
15 minute break.

16 (A short recess was taken.)

17 CHAIRMAN BLOCH: Let's return to the record.

18 BY MR. MICHAEL KOHN:

19 Q Now, it's your understanding that these Calcon  
20 sensors, prior to the site area emergency, were considered  
21 by your department to be junk, correct?

22 A Prior to the incident, to my knowledge, the  
23 only one that had that particular opinion of the sensors  
24 was myself. I don't know the opinion of the other people  
25 in the department.

1 Q So prior to the site area emergency, you had  
2 determined that the Calcon sensors were junk.

3 A I had determined that they were the cause of a  
4 lot of the problems that we had during engine overhaul  
5 periods in that they had a high rate of failure and had to  
6 be replaced and recalibrated often.

7 Q And did you initiate a deficiency card about  
8 that prior to the site area emergency?

9 A Did I specifically initiate a deficiency card?

10 Q Yes, on the trend, on your observation that the  
11 Calcon sensors were junk.

12 A I didn't initiate a deficiency card myself on  
13 Calcon temperature switches, that I recall.

14 Q Now the site area emergency happened on March  
15 20, and I think it's your understanding that the  
16 deficiencies in the calibration of the Calcon sensors  
17 contributed to that event?

18 A That's my opinion, yes.

19 Q Do you think you or your department bears a  
20 responsibility for the cause of the site area emergency?

21 A I would imagine that we did bear a certain  
22 amount of responsibility for it, yes.

23 Q And would the previous failures of the Calcon  
24 sensor -- would you consider them to be precursors of the  
25 site area emergency event -- were the conditions that

1 Q So prior to the site area emergency, you had  
2 determined that the Calcon sensors were junk.

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4 lot of the problems that we had during engine overhaul  
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8 that prior to the site area emergency?

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11 Calcon sensors were junk.

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13 Calcon temperature switches, that I recall.

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16 deficiencies in the calibration of the Calcon sensors  
17 contributed to that event?

18 A That's my opinion, yes.

19 Q Do you think you or your department bears a  
20 responsibility for the cause of the site area emergency?

21 A I would imagine that we did bear a certain  
22 amount of responsibility for it, yes.

23 Q And would the previous failures of the Calcon  
24 sensor -- would you consider them to be precursors of the  
25 site area emergency event -- were the conditions that



1 resulted in the site area emergency?

2 A At the time, I did not have that judgment, no.

3 Q Now in your prefiled testimony on Exhibit B,  
4 GPC Exhibit II-154, you attach a temperature switch  
5 calibration, correct?

6 A Are you referring to Procedure Number 22332-C?

7 Q Yes.

8 CHAIRMAN BLOCH: And what exhibit?

9 MR. MICHAEL KOHN: That is Briney Exhibit B.

10 BY MR. MICHAEL KOHN:

11 Q And following the site area emergency, you are  
12 aware that Mr. Mosbaugh recorded you stating that you  
13 didn't know if we needed to advertise the fact that the  
14 Calcons are junk -- something to that effect -- is that  
15 correct?

16 A I recall reading that in a transcript of the  
17 tape, yes.

18 Q And wouldn't part of the -- your job be to  
19 advertise that fact?

20 A I thought by discussing it with the event  
21 critique team, that I was advertising that fact to the  
22 appropriate people. But it was my own personal judgment  
23 that I didn't know whether or not they wanted to advertise,  
24 it was just based on my opinion of the switches.

25 Q Now, if you would now look at this temperature

1 switch calibration procedure, Exhibit B, the second page of  
2 the exhibit, under 2.9.1, the procedure specifically  
3 requires procedure inadequacy to be immediately brought to  
4 the attention of the I&C foreman, is that correct?

5 A Yes, that's what the statement says.

6 Q And during the long history of attempting to  
7 calibrate these Calcon sensors in the I&C shop, determining  
8 that they were junk, and not able to adequately recalibrate  
9 them, did, to your knowledge, anyone identify a potential  
10 procedural inadequacy with respect to the calibration of  
11 the Calcon sensors, prior to the site area emergency?

12 A Not to my knowledge, no procedural inadequacy  
13 was brought up. At the time, we felt as though we were  
14 calibrating the switches correctly.

15 Q And do you think if an adequate preventive  
16 maintenance -- excuse me -- corrective -- do you believe  
17 that a adequate tracking procedure of problems at the plant  
18 should have identified deficiencies with the Calcon sensors  
19 before the site area emergency?

20 A I believe that in most cases when we found  
21 failures of the Calcon temperature switches, that  
22 deficiency cards were written, and that is the vehicle I  
23 would expect to address a general trend or a problem with  
24 those switches.

25 Q And how many deficiency cards written against a

1 Calcon do you think would have to be written before someone  
2 would observe a trend?

3 A I don't have any idea.

4 Q Well, if the Calcons failed 69 times, do you  
5 think 69 deficiencies would be sufficient to identify a  
6 trend?

7 A I would think so.

8 Q How about if the Calcon failed ten times, would  
9 that be sufficient to identify a trend?

10 A I'm not sure.

11 Q Would it be sufficient for someone to look at  
12 whether there was a trend?

13 A I'm not familiar enough with the trending  
14 program of the DC process to say what their point of  
15 sensitivity would be, as to when they would investigate  
16 those failures.

17 Q Well, did anyone associated with this trending  
18 process contact you and ask you if you thought the Calcons  
19 were junk?

20 A Not that I recall.

21 BROAD EXAMINATION

22 BY CHAIRMAN BLOCH:

23 Q Mr. Briney, -- Judge Bloch -- what aspect of  
24 the design or manufacture of the Calcons was defective?

25 A I didn't do an in-depth design analysis, per

1 se, but given my experience with those particular switches  
2 and in review of the documentation, it showed that we had a  
3 problem with them performing consistently. Whether or not  
4 we could calibrate them and make them repeatable, and get  
5 them to perform their normal trip and reset function was a  
6 problem that I knew of.

7 Q Okay. So how did you reach a conclusion that  
8 it was the fault of the switch instead of the people  
9 working in your department?

10 A That conclusion was reached by myself just  
11 through observation of the calibration of the switches  
12 themselves and my own personal technical knowledge of how  
13 to calibrate a temperature switch.

14 Q Okay. And if in fact design and manufacture of  
15 the Calcon sensors was not deficient, would that change  
16 your mind as to what was wrong before, causing them to be  
17 failing all the time?

18 A I guess I'd have to see the data that someone  
19 would provide to me, to prove to me that the design wasn't  
20 inadequate, because in my mind it was.

21 Q Do you know anything wrong with the design or  
22 manufacture of the switches at this time?

23 A I guess all I really know is the symptoms that  
24 they displayed. As to why they displayed those particular  
25 type of symptoms, that would just be conjecture on my part.

1 I don't know that I've ever received any specific design  
2 information that said, you know, we found a problem with  
3 the design, here it is, this is what we attribute those  
4 results to be from.

5 BY ADMINISTRATIVE JUDGE CARPENTER:

6 Q Mr. Briney, have you ever read the descriptive  
7 literature for the Calcon temperature sensors?

8 A I have in the past read the vendor  
9 documentation for those switches.

10 Q There's a perverseness at Vogtle that I'll  
11 never overcome, the vendor sells transducers but you all  
12 think they're switches. That might affect the calibration  
13 procedure. But there isn't anything I can do about that  
14 today.

15 A But I'm mystified. These are devices that are  
16 used in a lot of different industries, in chemical  
17 processing plants. You're saying that this Calcon company  
18 is not a reputable company.

19 A No, sir, that's not what I said.

20 Q And selling defective transducers.

21 A That's not what I said.

22 BY CHAIRMAN BLOCH:

23 Q The language you used was not that they were  
24 defective, it was that they were junk. Do you believe  
25 that?

1           A        I believe that that's what I said in that  
2 meeting. My impression of those switches is that they are  
3 not adequate enough to serve in the function that they were  
4 required to serve in.

5 BY ADMINISTRATIVE JUDGE CARPENTER:

6           Q        Certainly given the number of failures at  
7 Vogtle, as handled by people at Vogtle, they didn't perform  
8 as needed. But my question is why didn't you ask the  
9 question, if others can use these things, why can't the  
10 Vogtle people? Instead of declaring them junk. Did you  
11 ever pick up the phone and call the manufacturer and say  
12 we're having a lot of trouble and we need help?

13          A        Yes, I believe we did.

14          Q        Did you get help?

15          A        I know during the investigation into this  
16 incident, that we did have the vendor from Calcon come out  
17 and provide us with information on how to perform  
18 calibrations to the switches.

19          Q        Why -- if you did that, why wasn't it  
20 effective? Did you personally talk to the Calcon people  
21 when they came on site?

22          A        Yes, Gary Hazely.

23          Q        And express your frustration?

24          A        Yes.

25          Q        When they left, you were still frustrated?

1           A       Yes.

2           Q       Did you read the report of the testing lab that  
3 examined the quarantined switches after the site area  
4 emergency?

5           A       I know that I browsed through that, but I don't  
6 believe I've read that in any kind of detail.

7           Q       When you read it, did you read the words that  
8 craftsmen at Vogtle were disabling the devices?

9           A       I don't recall seeing those words.

10          Q       I would have thought they would have jumped off  
11 the page at you.

12          A       I don't recall seeing those words.

13 BY CHAIRMAN BLOCH:

14          Q       Do you recall any other official of Georgia  
15 Power coming to you and asking you how your department had  
16 allowed that to happen?

17          A       Had allowed what to happen?

18          Q       The craftsmen disabling the Calcon sensors.

19          A       I recall having a conversation with Mr. George  
20 Bockhold in which there were a couple of the Cooper  
21 representatives there, and he was asking the same type of  
22 questions about what I thought about the fact that it may  
23 have been a technician error or our general shop practices  
24 that may have caused the inaccuracy of the switches  
25 themselves.

1           Q       And despite the fact you had discussion with  
2 Mr. Bockhold, neither you nor, as far as you know, anyone  
3 else at Georgia Power followed up on how that had come  
4 about, is that correct?

5           A       In my opinion, the problem wasn't associated  
6 with the way that we were performing the calibrations. We  
7 performed calibrations to switches straight out of the box  
8 with the vendor present and they still exhibited the same  
9 problems that we had found from day one. So in my mind,  
10 the issue was not the fact that technicians didn't know how  
11 to perform this calibration, it was a problem with the  
12 equipment itself, its inherent design, et cetera. That was  
13 my opinion then and it's still my opinion now and that's  
14 the opinion that I gave Mr. Bockhold in that meeting.

15 BY ADMINISTRATIVE JUDGE CARPENTER:

16           Q       Do you know if Vogtle has discontinued using  
17 these devices?

18           A       I don't know the exact configuration of those  
19 devices now. I know at some point in time, there were  
20 discussions on disabling them or using them as enunciator  
21 inputs only. I don't know exactly what the design  
22 configuration is at this point in time, no.

23           Q       When the Board visited the plant -- and this is  
24 not part of our record yet -- in all innocence, I asked  
25 what the failure rate of these devices had been recently,



1 and I was told there hadn't been a failure since 1992.  
2 Apparently the same piece of junk in different hands is  
3 performing differently. Does that surprise you?

4 A Yes, it does.

5 Q There are some simple things, like there's a  
6 spacer tube, whose rotation changes the calibration, and  
7 there's nothing in the instructions that says be careful,  
8 don't rotate the spacer tube. I'm changing it by rotating  
9 the spacer tube right now in front of you -- I'm changing  
10 the calibration by 50 degrees. There's nothing in here  
11 that warns an individual that the position of the spacer  
12 tube is critical, it's a fiduciary position for the  
13 calibration. Were you aware of that?

14 A Was I aware that that was a critical component  
15 of the calibration?

16 Q Yes.

17 A That was information that was provided to me by  
18 the vendor at some point in time, after the event when we  
19 brought him on site -- that was one of the things that we  
20 learned.

21 Q Do you think it could have contributed to the  
22 69 -- not 69 -- the temperature devices, the many times the  
23 temperature device was observed to fail low?

24 A I believe we could have contributed to it, but  
25 in my mind we were not the root cause of the problem. The

1 root cause was the design of the instrument, not the  
2 calibration techniques employed by the technicians  
3 involved.

4 Q Well, I don't want to get into a debate with  
5 you. Certainly if you weren't informed by the manufacturer  
6 that it was important to keep that spacer tube tight, then  
7 that was a deficiency in the instructions that went with  
8 the device, because that was certainly a condition of the  
9 design. And to sit something like this up on a header pipe  
10 on top of a diesel and let it vibrate every time the diesel  
11 ran, and not be sure it was tight, could have easily  
12 produced the observed failures, if anybody had stopped to  
13 think about it. Don't you agree?

14 A Are you saying that you think that that is the  
15 root cause of the failures that we had seen? I'd say  
16 certainly that it could have been a contributory cause to  
17 the number of failures that we saw, but I don't think  
18 that's the only reason that we saw those number of  
19 failures.

20 Q Did you disassemble the devices and examine  
21 them to see what the internal condition was?

22 A Yes, I recall disassembling a switch in the I&C  
23 shop.

24 Q Over time, when there was continued failure of  
25 these transducers, did you disassemble them to see if you

1 could identify the cause?

2 A I don't recall whether or not we did or not.

3 Q Don't you think you would remember?

4 A I don't recall whether we did or not.

5 ADMINISTRATIVE JUDGE CARPENTER: Thank you, Mr.

6 Kohn, for letting me interrupt for so long.

7 CROSS EXAMINATION (Continued)

8 BY MR. MICHAEL KOHN:

9 Q Mr. Briney, were you aware of a -- that a  
10 Calcon sensor was found with rust in it at any point?

11 A No.

12 Q Now, in questioning from the Board you -- you  
13 mentioned or referred to NUREG. In this case it would be  
14 NUREG 14.10. Do you know what I'm referring to?

15 A Yes.

16 Q Okay. And at your deposition I asked you I  
17 believe whether you had looked at that NUREG in preparing  
18 your testimony. I think you indicated that you hadn't, is  
19 that correct?

20 A I don't recall looking specifically at the  
21 NUREG, no.

22 Q And do you recall looking at the NUREG prior to  
23 me showing it to you?

24 A I may have looked at it. I just -- I don't  
25 recall. I've reviewed quite a number of documents.

1           Q       So my showing you the NUREG may have in fact  
2 been the first time you saw it?

3           A       I don't think it was. I think I saw it prior  
4 to you showing it to me, or at least excerpt from the  
5 NUREG.

6           Q       Now, in your prefiled testimony you, on the  
7 bottom of Page 3, testify that, quote, "I believe a  
8 deficiency card," paren, "(DC)," close paren, "was  
9 initiated whenever the I&C Department found problems with  
10 the sensors." Do you see that?

11          A       Yes.

12          Q       And if I understand it, you have no -- you have  
13 not seen such a deficiency card in preparing your  
14 testimony, have you?

15          A       No, I don't think I have.

16          Q       Or -- or cards? You haven't seen one or more  
17 deficiency card in preparing your testimony, is that  
18 correct?

19          A       I have seen some deficiency card in preparation  
20 of the testimony, and I believe one of them is -- is one of  
21 the exhibits with my testimony.

22          Q       Before the site area emergency, with respect to  
23 the Calcons?

24          A       I don't recall seeing deficiency cards prior to  
25 the site area emergency about Calcon sensors.

1           Q       And so your belief that deficiency card were  
2 initiated whenever I&C Department found problems with the  
3 sensors is based on speculation?

4           A       No, it's based on my knowledge of the way that  
5 the deficiency card system was established.

6           Q       So based on your knowledge of how the  
7 deficiency card system was to operate, you would have  
8 expected that these deficiency cards should have been  
9 written, correct?

10          A       For the period of time prior to 1990 I would  
11 have expected deficiency cards to have been written.

12          Q       But that does not mean they were in fact  
13 written, does it?

14          A       I don't know personally whether or not they  
15 were written because I haven't seen those deficiency cards,  
16 but I believe that they were as a result of the  
17 requirements of the procedure.

18                               BOARD EXAMINATION

19 BY CHAIRMAN BLOCH:

20          Q       Mr. Briney, in -- at the Vogtle Plant in  
21 January and February of 1990 were deficiency cards being  
22 trended routinely?

23          A       I'm not sure if they were or not.

24          Q       And do you recall if anytime prior to the site  
25 area emergency you saw any report on trends in the Calcon

1 sensors?

2 A I know -- I recall that during my time with the  
3 Vogtle Plant that there were trending programs established  
4 that were associated with DCs. Now, I don't recall the  
5 exact time frame that that trending analysis program was  
6 established.

7 Q Okay. And do you recall ever seeing a trending  
8 analysis on Calcon sensors?

9 A Not specifically on Calcon sensors, no, sir.

10 CROSS EXAMINATION (Continued)

11 BY MR. MICHAEL KOHN:

12 Q Now, I'm going to ask you to look at  
13 Intervenor's Exhibit 89. And if everyone has the exhibit I  
14 can proceed.

15 Mr. Briney, I'm going to ask you to look at  
16 Pages 2, 3, and 4 of this exhibit. And I showed you these  
17 during your deposition yesterday, is that correct?

18 (The witness reviews certain material.)

19 A Yeah, I recall seeing them.

20 Q Okay. And this was the document you prepared  
21 listing the failures of the Calcon sensors, correct?

22 A I was asked to provide the research and to give  
23 this information to Herb Beecher and/or George Bockhold for  
24 preparation. I don't recall whether or not I actually sat  
25 down and -- and physically typed this particular page up

1 myself. But they asked me to provide that information to  
2 them. This is the information that I provided them.

3 Q And the information about the diesel generator  
4 sensor history was based only on MWOs, correct, not  
5 deficiency cards?

6 A It would appear so. I don't recall whether or  
7 not I actually reviewed those deficiency cards in -- in  
8 preparation for this particular document or not.

9 Q And there's no deficiency cards listed in this  
10 document, is there?

11 A I don't see any referenced.

12 Q And I think you indicated that you would not  
13 have -- that you knew that this documentation was going to  
14 the NRC, correct?

15 A I believe that my -- my research information  
16 was going through Herb Beecher and George Bockhold to the  
17 NRC, yes.

18 Q And there would be -- you would not have  
19 excluded relevant information contained in deficiency  
20 cards, would you?

21 A No.

22 Q And the documentation we've just looked at is  
23 the documentation that, to the best of your knowledge, was  
24 used by NRC in developing NUREG 14.10, Appendix I?

25 A To the best of my knowledge, yes.

1           Q       Now, elsewhere on your testimony I believe you  
2 addressed the procedure for issuing deficiency cards with  
3 respect to high dew point readings, correct?

4           A       I'm sorry, you're going to have to repeat the  
5 question.

6           Q       Elsewhere in your testimony...and I'm looking  
7 for the cite...you addressed the procedure used to initiate  
8 deficiency cards when you received high dew point readings.  
9 I believe it's on Page 11, starting at Line 11.

10          A       I reference that there were DCs initiated to  
11 track that particular problem.

12          Q       With -- with respect to the Calcon sensors, you  
13 said that, in your prefiled testimony, that you believe the  
14 deficiency card would be initiated whenever the I&C  
15 Department found problems with the sensors. But when you  
16 were addressing the use of deficiency cards with respect to  
17 out-of-dew-point readings, out-of-dew-point specifications,  
18 you said that you didn't believe a deficiency card was the  
19 proper vehicle for that, is that correct?

20          A       Yes, that's what I said. At some point in time  
21 the deficiency card procedure was revised that gave us  
22 further information on when a deficiency card was required  
23 to be initiated, and when an MWO initiation was sufficient.

24          Q       I thought during your deposition you indicated  
25 that that instruction occurred after the site area



1 emergency at some point in time, but you couldn't recall  
2 the date.

3 A I don't believe it was after the site area  
4 emergency, and I base that on the information that was on  
5 the MWO where the shift supervisor referenced a particular  
6 section that allowed us to initiate an MWO versus a  
7 deficiency card.

8 Q So if I understand it, then, if a Calcon sensor  
9 was failing would a deficiency card have been issued or  
10 not?

11 A I believe that they would have been, yes.

12 Q So for Calcon sensors you would have gotten a  
13 deficiency card, irrespective of this change in or  
14 reinterpretation of the procedure?

15 A No, that's not what I'm saying. I'm saying  
16 that in the past, prior to this event happening, when we  
17 found a Calcon temperature switch failing I would expect  
18 that deficiency card to be written.

19 Q Well, didn't you expect -- eventually you were  
20 putting the Calcon back on the diesel and you were going to  
21 certify that it was within tolerances and properly  
22 calibrated, correct?

23 A Yes.

24 Q That would be the end result, after initially  
25 identifying a problem with the Calcon, eventually you would

1 get a Calcon in the diesel that was being certified as  
2 being adequate to perform its function, correct?

3 A Yes.

4 Q And isn't that the same thing that would be  
5 happening with an out-of-tolerance dew point measurement;  
6 eventually you would sit down and obtain a reading that was  
7 believed to be adequate, and you could accomplish that  
8 through an MWO, correct?

9 A Yes.

10 Q And you could have accomplished the Calcon  
11 sensor recalibration through an MWO, couldn't you?

12 A At that particular time the deficiency card  
13 procedure did allow us to just initiate an MWO versus  
14 writing a DC, that's correct.

15 Q And what period of time are we talking about?  
16 This is now before the site area emergency, correct?

17 A At some point in time prior to the site area  
18 emergency I recall the procedure for deficiency cards to be  
19 revised to allow us to initiate MWOs in lieu of DC cards.  
20 I don't know exactly when that revision was made.

21 Q Do you know whether in fact it was a revision  
22 or a reinterpretation of the procedure?

23 A I believe there was a revision to the procedure  
24 that specified that. That's what I recall.

25 Q Well, it's my understanding that the revision

1 during the site area emergency with respect to the DC  
2 procedures was from 1989.

3 MR. BLAKE: Excuse me, what is the basis for  
4 your understanding?

5 CHAIRMAN BLOCH: Objection sustained.

6 MR. MICHAEL KOHN: If I can have the witness  
7 look at Board Exhibit #6.

8 BY MR. MICHAEL KOHN:

9 Q And is this the procedure that you were  
10 referring to with respect to the deficiency card?

11 (The witness reviews certain material.)

12 A Yes.

13 Q And this procedure was dated 11/3/89?

14 A Yeah, I believe that's the date that was on  
15 that procedure.

16 CHAIRMAN BLOCH: I would note that there are  
17 some bars on the right side of some of these sections, and  
18 I have no idea what they mean.

19 BY MR. MICHAEL KOHN:

20 Q Is it your understanding, Mr. Briney, that the  
21 bars on the right-hand side indicate changes to the  
22 procedure?

23 A I think that's what they were used for.

24 Q And so if I show you Board Exhibit 6, then,...

25 CHAIRMAN BLOCH: Mr. Kohn, is this a question

1 you want to ask after lunch?

2 MR. MICHAEL KOHN: This is a fine question to  
3 ask after lunch, Your Honor. In fact, I'm not going to  
4 have any follow-up questions, I don't think, on this Board  
5 exhibit and I'll be changing to a new subject matter.

6 CHAIRMAN BLOCH: I couldn't hear the last few  
7 words.

8 MR. MICHAEL KOHN: I think I'll be changing to  
9 a new subject matter. So it's a fine time for a lunch  
10 break, if that's what the Board would like.

11 BOARD EXAMINATION

12 BY CHAIRMAN BLOCH:

13 Q Mr. Briney, do you see anywhere in here that  
14 refreshes your memory as to what may have been changed to  
15 -- so that deficiencies could be filed as MWOs? And if you  
16 want, you could ponder that one over lunch.

17 A It's my understanding that in Section 4.0, I  
18 guess specifically Step 4.2.1, that it reads that for  
19 installed equipment malfunctions or failures requiring  
20 maintenance, Procedure 350 on work request program is to be  
21 used to document, perform, and trend corrective maintenance  
22 actions, and to assess operability and reportability. I  
23 believe that's the step that -- that I recall that was  
24 changed to allow us to use MWOs as a vehicle versus the DC  
25 cards.

1 Q Okay, and Procedure 00350-C is the procedure  
2 for filing MWOs, is that your recollection?

3 A That procedure delineates the entire work  
4 request program; and yes, it's associated with MWOs.

5 CHAIRMAN BLOCH: Mr. Kohn, do you have any  
6 other questions before lunch?

7 MR. MICHAEL KOHN: No, this is a fine time for  
8 a break, Your Honor.

9 CHAIRMAN BLOCH: So it's 11:52. We will resume  
10 the hearing at 1:30.

11 (Whereupon, the hearing continued in ex parte  
12 in camera session, after which a luncheon recess was  
13 taken.)

14 (REPORTER'S NOTE: The in camera session  
15 was later declared not in camera, and follows:)

16 CHAIRMAN BLOCH: We'll continue the in camera  
17 portion of today's proceeding, the ex parte in camera  
18 portion. Staff has a report.

19 MS. YOUNG: Yes, Judge Bloch. During this  
20 morning's break Mr. Skinner talked to Pat Maki, M-a-k-i, a  
21 customer service rep from Alnor Instrument Company, and she  
22 said a few general things about the way they do their  
23 calibrations. First, that they don't take "as found" data  
24 unless they're specifically requested to. Normally they  
25 will fix the instrument as required and then calibrate it.

1 99% of dew point instruments that come in have problems  
2 with them, and that the data sheet sent to the user is  
3 usually "as left" data.

4           They have records going back to this time, but  
5 they're archived and she didn't have those available when  
6 she was answering questions. She did state, though, if "as  
7 found" data had been taken, that a data sheet would be  
8 attached to the document and included with the  
9 certification documentation that apparently we had as  
10 Intervenor II-15 this morning -- excuse me, II-215. If the  
11 Intervenor or the Board...

12           CHAIRMAN BLOCH: I'm sorry, I'm not sure  
13 whether you're saying that you believe, based on your  
14 conversation, that that is "as found" data.

15           MS. YOUNG: As far as we could tell --  
16 Mr. Skinner could tell from talking to her, it was "as  
17 left" data. But if the documentation needs to be pulled  
18 prior to 1993, we have to go through a different  
19 representative to do that, their Quality Control  
20 Department, to get any further documents. But basically,  
21 what Mr. Skinner got, from talking to her, if there had  
22 been "as found" data it would have been included with the  
23 package.

24           CHAIRMAN BLOCH: Intervenor?

25           MR. MICHAEL KOHN: I think they're going to

1 have to do some more homework, because the -- if it was the  
2 "as left" condition it would have been with the americium  
3 source, not with the radium source.

4 CHAIRMAN BLOCH: Yeah, that is the problem.  
5 The letter on Page 2 shows that the document -- that the  
6 instrument was to be changed from radium to americium. But  
7 the attached schedule clearly says it's radium.

8 MS. YOUNG: Yes, but I think the date of the  
9 documents we have, in terms of the test data, is May 15th,  
10 which predates the June 20th, 1991 installation of the  
11 additional source.

12 CHAIRMAN BLOCH: You mean predates or post-  
13 dates?

14 MS. YOUNG: Predates. The testing was done May  
15 '91; the source was changed in June '91 based on the August  
16 15th letter.

17 CHAIRMAN BLOCH: So the staff thinks that the  
18 data was before the source was changed, but that it was  
19 post -- it was "as left" data. Why would we think that  
20 they're not correct about that?

21 MR. MICHAEL KOHN: I think at this point the  
22 staff is speculating, and that they haven't actually  
23 reviewed the records or talked to the right person at  
24 Alnor, and I think they should endeavor to do that during  
25 the break and see if they can un-archive those documents

1 and obtain...

2 CHAIRMAN BLOCH: You want to ask that they...?

3 ADMINISTRATIVE JUDGE MURPHY: That doesn't seem  
4 to be speculation, it seems to be part of the package that  
5 you gave us, Mr. Kohn.

6 CHAIRMAN BLOCH: What Pat Maki said was that if  
7 there was "as found" data it would have been included in  
8 the package, but that ordinarily they have "as left" data  
9 only for people.

10 MS. YOUNG: So if Intervenor wants the specific  
11 records they can contact Alnor and try to get those. They  
12 just have to be pulled out of the -- whatever their  
13 archival system is.

14 CHAIRMAN BLOCH: So you think they probably  
15 would accommodate Intervenor in doing that? Is that your  
16 impression?

17 MS. YOUNG: When Mr. Skinner spoke to Ms. Maki  
18 he didn't indicate that we were in a hearing and the  
19 context that this was coming up, so...

20 CHAIRMAN BLOCH: So he might...

21 MS. YOUNG: ...he didn't really specifically  
22 ask whether they would have any problem responding to a  
23 request from the member of the public.

24 CHAIRMAN BLOCH: I take it the other problem we  
25 have is on Page 1 of Intervenor II-215, which is what the



1 checks in "accept" and "non-accept" mean on that part of  
2 the page, is that correct? I'm not sure if Mr. Kohn just  
3 heard me.

4 MR. MICHAEL KOHN: I did, but I don't know what  
5 the "accept" and "non-accept" refers to.

6 CHAIRMAN BLOCH: And do we know what "deleted"  
7 means on that first page?

8 MR. MICHAEL KOHN: I can only guess that it  
9 means that the instrument, after 5/15/91, was deleted from  
10 Georgia Power's inventory.

11 CHAIRMAN BLOCH: Do we know if James Sutphin  
12 still works for the plant?

13 MR. MICHAEL KOHN: I do not know.

14 What we'd also like to put in this portion is  
15 the testimony on 8,199 of Mr. Duncan in this record.  
16 Mr. Duncan says, with reference to figuring out whether the  
17 instrument was defective, "That doesn't have to be done on  
18 speculation. What was done with that instrument, referring  
19 to the Alnor 2466, was it was taken and given to the vendor  
20 that calibrates it for us."

21 "Well, did they determine that it was out of  
22 calibration when they received it?"

23 Answer, "They determined that when they  
24 received it, it was not out of calibration." And that was  
25 at the top of Page 8,200.

1 ADMINISTRATIVE JUDGE MURPHY: Does that  
2 testimony have a time frame associated with it, Mr. Kohn?

3 MR. MICHAEL KOHN: No. But it was after --  
4 after 4/7.

5 CHAIRMAN BLOCH: If we were going to inquire, I  
6 guess we would have to inquire both about the period of --  
7 following April 7th, and also about this May 15th data.  
8 Would the staff be willing to just ask that one additional  
9 question as to how -- whether we can get further  
10 documentation that might have to do with "as found" data?

11 MS. YOUNG: Your request is if we can try to  
12 get any additional documents associated with this  
13 recalibration from Alnor?

14 CHAIRMAN BLOCH: Right, but it might be either  
15 the May 15th one indicated here or in the period April 7th  
16 -- around April 7th.

17 MS. YOUNG: We'd be willing to contact Alnor  
18 again to try to get that information.

19 CHAIRMAN BLOCH: Based on Duncan's testimony.  
20 I appreciate that. And when the staff obtains the  
21 documents or finds out, we would like to know at that  
22 point. We'll adjourn for lunch, resume at 1:30.

23 MR. MICHAEL KOHN: Your Honor, there is one  
24 last thing.

25 CHAIRMAN BLOCH: Yes, Mr. Kohn?

1                   MR. MICHAEL KOHN: We may want to use Exhibit  
2 -- the document that's been marked as 215 in camera, and if  
3 we do so, what I would request doing is allowing us to mark  
4 it an exhibit -- as 215 without the fax cover line, and ask  
5 questions of witnesses with that exhibit if we -- during  
6 the hearing, and that way, so there wouldn't... All I'm  
7 bringing this up now (sic) so I won't have to say, "Well,  
8 we have a 215...

9                   CHAIRMAN BLOCH: All right, so you can just  
10 mark it as II-215 when you use it, and I take it your  
11 belief is that because you're not referring to the specific  
12 line at the top, that it wouldn't end the surprise you are  
13 expecting to have?

14                   MR. MICHAEL KOHN: Yes, but I -- we may also  
15 delete that line from 215.

16                   CHAIRMAN BLOCH: And I'd like you to reflect on  
17 whether it really is necessary that this be in camera,  
18 because both the Board and the Intervenor both don't  
19 believe in in camera sessions, so if you can think about  
20 that, that could be helpful. We're adjourned.

21                   (Whereupon, a luncheon recess was taken at  
22 11:56 a.m., the hearing to resume in open session at  
23 1:30 p.m., the same day.)

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AFTERNOON SESSION1  
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CHAIRMAN BLOCH: Back on the record.

The Licensing Board, over lunch, considered the in camera nature of the discussions we've had with Intervenor, and we have in mind that in this proceeding, there was a similar in camera discussion with licensee, which was followed by proceedings having to do with Mr. Mosbaugh and the Webb/Odom list, in which the discussion with the Board was not disclosed to Intervenor.

However, in this instance, the discussion that we've been having with Intervenor relates to matters that I think would be helpful -- the Board thinks the Licensee could be helpful in clarifying. And even though they may relate to matters having to do with discovery and whether the Licensee has kept up to its discovery obligations, we think it would be helpful to declassify the documents and make them public documents, so that Licensee can examine the materials in the morning on the record and we would also therefore declassify the in camera nature of those proceedings. And Staff and Intervenor may be able to help clarify some of their questions about the documents we've been shown if they want to, in discussions off the record with Georgia Power.

Are there any questions or comments about the ruling we've just made?

1           MR. BLAKE: I feel I need to, even without  
2 knowing more about what precisely the topic is.

3           I remember very well the instance that you're  
4 referring to, and it was with regard to whether or not we  
5 would disclose in advance of cross examination documents  
6 that we knew the Intervenor had. And my idea was with  
7 regard to surprise during cross examination, and no more.  
8 There were no indications of any wrongdoing by counsel or  
9 anything of the sort, and nothing related to discovery in  
10 that regard.

11           If in fact, as I now understand it, this is a  
12 potential indicator that's been brought to the Board's  
13 attention about conduct of individuals in this proceeding,  
14 and attorneys in particular, I am personally offended that  
15 such an allegation would be made, and I am more troubled  
16 that it would be allowed to be discussed in an ex parte in  
17 camera setting. I know of no prior indication like this, I  
18 am hopeful that when I read this transcript, I will see  
19 counsel for the Staff expressing this sort of questioning  
20 of the process and the Board expressing great skepticism  
21 about the use of such a process.

22           My trouble about it, Judge Bloch, is that once  
23 something like this is done, and it's done for any length  
24 of time at all, and that seed is planted, I think that the  
25 Judges have to work very hard to overcome it. I believe

1 you will. I look forward to the opportunity to react to  
2 whatever it is, but the idea that this proceeding would go  
3 off in some manner of intrigue in an in camera ex parte  
4 session is very troubling to me. I think it's very  
5 troubling with regard to the process. I look forward to  
6 reading, as I say, the transcript, to see exactly the  
7 positions that were taken by the various parties, and it  
8 may well lead us to file additional motions, both regard to  
9 statements that were made there and positions that were  
10 taken.

11 I appreciate very much the Board's struggle  
12 with this, which was obvious to me, both just before lunch  
13 and now as you come to grips with this, and decide to make  
14 it available. I do appreciate that and I understand it.  
15 It doesn't, however, remove, in my view, whatever black  
16 mark may have been applied without an opportunity for  
17 immediate response.

18 CHAIRMAN BLOCH: The difficulty we have is that  
19 I can't think of a way of stating the neutral principle  
20 that allowed us to do surprise of Mr. Mosbaugh about  
21 something that seemed to be an irregularity about discovery  
22 also, that he may have known about something and not told  
23 it to you. This was the same kind of allegation, and the  
24 question was whether some surprise would be allowed with  
25 respect to the attorneys who apparently have the

1 information we were shown.

2 The information relates to -- yes?

3 MR. MICHAEL KOHN: I'd just like to state on  
4 the record before we go further that Intervenor does  
5 strenuously object to the release of the documentation and  
6 the record at this point. During lunch, further thought  
7 was given as to the issues that were going to be looked at  
8 by Staff and we have concluded that Staff's review is  
9 probably not necessary, because we believe the record  
10 already establishes that information, and I thought I would  
11 make the Board aware of our thought about that over lunch,  
12 before you continued and went further.

13 CHAIRMAN BLOCH: If it already establishes it,  
14 why not explain it now, so that Licensee can -- or after  
15 Mr. Briney is finished -- it'd be better after Mr. Briney  
16 is finished, I think, so we don't -- we can finish with the  
17 witness.

18 We did not accept, as we thought about it, that  
19 much would be added by pursuing this matter before it was  
20 discussed with Licensee. If there really is something  
21 improper here, they know about this document, their lawyers  
22 have considered it. We just don't see the element of  
23 surprise as being essential.

24 So that is our ruling. Would Staff like to  
25 comment? I sure hope that Staff lives up to Licensee's

1 expectations about what you should have been doing.

2 MR. BLAKE: I really sincerely hope so, Judge  
3 Bloch, and I look forward to reading it.

4 CHAIRMAN BLOCH: I think you'll find that the  
5 Board did.

6 MR. BLAKE: Thank you.

7 MR. MICHAEL KOHN: And I'd just like to say on  
8 the record I think Licensee's position with respect to the  
9 in camera proceeding is unwarranted, it is an invasion of  
10 the very principles often of this Board, particularly if  
11 you are raising potential questions of wrongdoing. It's  
12 not something that should be taken lightly and just thrown  
13 up in the air, if there is such things of that nature.

14 And I'd also like to note, Staff routinely  
15 provides ex parte communications with this Board about  
16 ongoing investigations. As far as I understand there's  
17 confidential allegations involved and Intervenor is left in  
18 the dark on a lot of material. Staff and Licensee  
19 communicate regularly on license activities outside the  
20 knowledge of Intervenor, and would --

21 CHAIRMAN BLOCH: Wait. The Licensee does not  
22 talk with us about anything, and the only instance of the  
23 Staff is on announced discussions with OI, that's correct.  
24 But there's no communication from Georgia Power to us  
25 that's not disclosed.



1 MR. MICHAEL KOHN: Yes, but I understand that -  
2 - I mean, I think if you look at the full scope of what  
3 we're basically saying -- and I'm not saying that this is  
4 ultimately going to be where we went with it or whatever  
5 the situation is, but if you really look at it, it can fall  
6 within the type of notification NRC staff gives that  
7 requires confidentiality and not being released. Would the  
8 Board's position be different if NRC staff presented this  
9 information, not Intervenor? Then it could remain  
10 confidential and not be released to the parties until NRC  
11 staff finished its investigation? I mean that is --

12 CHAIRMAN BLOCH: There's a special privilege  
13 for the Staff. If you wanted to conduct an investigation  
14 and not tell us, you'd be free to do that.

15 The Staff conducts confidential investigations  
16 and it notifies us that they're happening. They have a  
17 right under the law to do that. Yes, it is different.

18 Mr. Briney, welcome back.

19 Whereupon,

20 MARK BRINEY

21 RESUMED his status as a witness herein, and was examined  
22 and testified further as follows:

23 CROSS EXAMINATION (Continued)

24 BY MR. MICHAEL KOHN:

25 Q Mr. Briney, we left off discussing the

1 procedural change with respect to the deficiency cards. My  
2 question is, now having identified the date of the  
3 procedural change, when Calcon sensors failed after the  
4 deficiency procedure was changed, were those failures  
5 written as deficiency cards or MWOs?

6 A I don't recall whether or not they were MWOs or  
7 deficiency cards, after the date of the revision of the  
8 procedure.

9 CHAIRMAN BLOCH: I'm sorry. Judge Murphy calls  
10 to my attention, and I want to direct the reporter that the  
11 session that we called in camera this morning will not be.

12 MR. BLAKE: I take it, Judge, that that's both  
13 sessions?

14 CHAIRMAN BLOCH: That is correct.

15 MR. MICHAEL KOHN: Your Honor, given the  
16 unexpected ruling from the Board, personally from  
17 Intervenor's perspective, is there -- Intervenor would  
18 consider whether this issue should be briefed rather than  
19 just ruled on and whether Intervenor should be given the  
20 right to file an appeal with the Commission, because once  
21 the cat's out of the bag, the cat's out of the bag, there's  
22 no going back. And I think to be on the safe side, at this  
23 juncture, we would like at least a little more time to  
24 reflect.

25 CHAIRMAN BLOCH: I'd suggest if you have any

1 precedent to bring to our attention, we should know about  
2 it this afternoon. You planned to do this request for an  
3 in camera session. We know of no legal authority to leave  
4 it in camera at this point. Do you have any?

5 MR. MICHAEL KOHN: Well, the prior precedent  
6 established by this Board when they were looking at the  
7 earlier issue, it was left in camera to me. And I think  
8 that was my understanding, that's the first time I've ever  
9 dealt with such an issue in a Licensing Board. It was  
10 established here and I assumed that was a procedure that  
11 was in place. And if it is something unique to this  
12 particular proceeding and hadn't happened before in this  
13 proceeding, I'm not aware of that fact. And I think it's  
14 something that we would like to look at.

15 I cannot research the issue and conduct an  
16 investigation -- I mean, conduct cross examination. I can  
17 go and try to find someone in my office to do that but --

18 CHAIRMAN BLOCH: I'd suggest that that's what  
19 you'd better do, you'd better notify someone in the office  
20 and if they have something by 5:00, we should know about it  
21 before we adjourn.

22 MR. MICHAEL KOHN: Can we take a short recess  
23 so I can accomplish that?

24 CHAIRMAN BLOCH: We'll take about a three  
25 minute recess right now for the call.

1 (A short recess was taken.)

2 CHAIRMAN BLOCH: The hearing will come to  
3 order.

4 In support of the Board's decision to permit  
5 the Intervenor to brief this matter by 5:00, I'd prefer  
6 that the Board's prior remarks not go into effect until  
7 we've had the ruling. So we now have two in-limbo sections  
8 of the transcript. I hope we don't have to issue them  
9 tomorrow saying "in-limbo" on the cover.

10 THE REPORTER: Judge, just so the record is  
11 clear, does that mean that right now we're back in camera  
12 again?

13 CHAIRMAN BLOCH: Yeah, let's consider them in  
14 camera for this moment.

15 Mr. Kohn.

16 BY MR. MICHAEL KOHN:

17 Q Mr. Briney, -- and I don't know if we got -- I  
18 think I got a question out, I don't know if we got a  
19 response yet, due to the interruptions, but when the Calcon  
20 sensors -- after the procedure was modified in 1989, when a  
21 Calcon sensor failed, would a deficiency card or MWO be  
22 issued?

23 A I would expect if it was determined to be a  
24 strict failure of the component that an MWO would have been  
25 issued, not necessarily a DC.

1           Q       Is the purpose for writing a DC to address  
2 situations where -- let me rephrase it. After then that  
3 1989 date, you would no longer expect a deficiency card to  
4 be issued if the Calcon sensor could have been recalibrated  
5 and the issue resolved that way?

6           A       Yeah, if the condition could have been resolved  
7 by the MWO process, I wouldn't expect a DC card to  
8 necessarily have been initiated.

9                               BOARD EXAMINATION

10          BY CHAIRMAN BLOCH:

11           Q       In that time period, Mr. Briney, were the MWOs  
12 being trended?

13           A       I'm not sure if they were or not.

14                               CROSS EXAMINATION (Continued)

15          BY MR. MICHAEL KOHN:

16           Q       So then your testimony on the bottom of 3 --  
17 page 3, where you say "I believe a deficiency card was  
18 initiated whenever the I&C Department found problems with  
19 the sensors" should be changed "up until 1989," right?

20           A       Well, I believe that deficiency cards were  
21 initiated whenever we found problems with the sensors, up  
22 until the incident that we're discussing.

23           Q       Whether or not they could be repaired by an  
24 MWO, a deficiency card still would have been issued?

25           A       Up until the time that that procedure was

1 revised.

2 Q My question is then, your testimony should say,  
3 "I believe a deficiency card was initiated up until  
4 1989...."

5 CHAIRMAN BLOCH: Mr. Kohn, I think he believes  
6 that the revision in the procedure was after 1989.

7 BY MR. MICHAEL KOHN:

8 Q I showed you a procedure earlier, it was Board  
9 Exhibit 6, do you recall?

10 A Yes, I recall.

11 CHAIRMAN BLOCH: I'll note that the section you  
12 were discussing had a bar on the right side. There's no  
13 date indicated next to the bar.

14 BY MR. MICHAEL KOHN:

15 Q There is a date the procedure was initiated,  
16 11/3/89, on the document.

17 A Yes, the procedure is dated 11/3/89. My point  
18 is that I don't recall any Calcon temperature switch  
19 failures between the time of that procedure change and the  
20 time of the event that we're discussing.

21 BOARD EXAMINATION

22 BY CHAIRMAN BLOCH:

23 Q May I clarify, Mr. Briney? At the time that a  
24 procedure is issued, would they place bars on it to  
25 indicate what had been added in that particular revision of

1 the procedure?

2 A That's what I recall the process to be, yes,  
3 sir.

4 Q Okay, in that case, is the 1989 procedure with  
5 bars on it indicating what was changed in 1989 or would the  
6 changes have been after 1989?

7 A I believe the bars indicated the changes that  
8 were made in that 1989 revision.

9 Q So then your testimony is that as of 1989, you  
10 could issue an MWO instead of a DC, isn't that correct?

11 A As of 11/3/1989. My only point is I don't  
12 recall any failures of temperature switches between 11/3/89  
13 and the 1990 event that we're discussion.

14 CROSS EXAMINATION (Continued)

15 BY MR. MICHAEL KOHN:

16 Q Now would you turn back to Intervenor's Exhibit  
17 89, and it should be page 4 of 4 of that exhibit.

18 (Pause.)

19 Q And does that refresh your recollection that  
20 there were failures of the Calcon switches after the date  
21 the procedure was changed and before the site area  
22 emergency?

23 A There appears to be looks like two of them, one  
24 dated on 3/14/90 and one on 3/5/90.

25 Q And one on 1/4/90 and one on 3/1/90, correct?

1           A       I believe 1/4/90 is not associated with a  
2 temperature switch.

3           Q       Another Calcon switch, correct?

4           A       I'm not sure if that PSO 4859-E is a Calcon  
5 switch. I think it is, but I can't be positive.

6           Q       The document that this refers to DG trip sensor  
7 history, so wouldn't that be Calcon sensor history?

8           A       Yeah, I believe so, I just don't recall if that  
9 particular tag number is a Calcon switch.

10          Q       But that's what this document was listing,  
11 Calcon sensors, right?

12          A       I don't recall if all the sensors that are  
13 listed on this document are all Calcon, to tell you the  
14 truth. I mean the heading of the document is "Trip Sensor  
15 History," it could encompass other trip sensors, I would  
16 suppose. I just don't recall if all of these are actually  
17 Calcon or not.

18                                   BOARD EXAMINATION

19 BY CHAIRMAN BLOCH:

20          Q       Mr. Briney, in your testimony on page 3, could  
21 you note that question 11 was whether you compiled the  
22 Calcon sensor historical summary, and the question on line  
23 16 is "Was this data ever sent to the plant system  
24 engineering department for review?" Now is this data in  
25 Exhibit 89 the data that you're talking about in your



1 testimony?

2 A The data that they're asking whether or not I  
3 sent it to plant system engineering?

4 Q Well the data that you sent to the NRC in  
5 developing NUREG 14.10 --

6 A Yes.

7 Q -- and the data you're also talking about in  
8 response to the question on line 16.

9 A Yes.

10 Q So this relates to the Calcon sensor historical  
11 summary, right?

12 A Yes.

13 Q And therefore, the answer on line 22 is about  
14 that sensor summary, right, historical summary? And the  
15 question is do you want to modify in any way the answer you  
16 gave on line 22, on page 3?

17 A I guess the only difference would be the  
18 sensors that were found to be -- were found to have  
19 problems prior to the revision of the procedure. What I  
20 recall is reviewing quite a number of deficiency cards that  
21 were associated with failed Calcon temperature switches.

22 Q So your answer on line 22 relates to the period  
23 before 1989, before the revision of the procedure in 1989?

24 A Yes.

25 CROSS EXAMINATION (Continued)

1 BY MR. MICHAEL KOHN:

2 Q And to refresh your recollection about the  
3 Calcon sensor failures identified in Intervenor's Exhibit  
4 89 which I asked you about, I'm going to show you NUREG  
5 14.10, Appendix I, and I'm going to ask you to look at page  
6 I-13.

7 CHAIRMAN BLOCH: Mr. Kohn, this is fine if you  
8 want to ask it, I'm not sure there's any point left in it.

9 MR. MICHAEL KOHN: I just want the record clear  
10 that there were Calcon sensor failures in the document.

11 A It appears by this document that all of the  
12 information on these pages are associated with Calcon  
13 sensors. As I stated before, I just couldn't recall  
14 whether all of those sensors were in fact Calcon or were  
15 they manufactured by some other vendor.

16 BY MR. MICHAEL KOHN:

17 Q Now is it your testimony that a single DC  
18 written against one particular diesel and one particular  
19 unit would be sufficient to track the adequacy on all four  
20 diesels?

21 A It was my belief that that one deficiency card  
22 that we already had on the problem would in fact address  
23 all of the concerns that we had on all the diesels.

24 Q Well do you know if the Unit 1 and the Unit 2  
25 configuration of the plant is identical in all respects?

1           A       I don't recall whether or not they're perfectly  
2 identical in all respects. I know they're very similar.

3                               BOARD EXAMINATION

4 BY CHAIRMAN BLOCH:

5           Q       Well, if the one report was adequate, wouldn't  
6 you want to at least amend it so that all the data you had  
7 would be included in it?

8           A       I don't recall whether or not I had decided  
9 whether or not it needed to be amended. My recollection is  
10 that I would have thought that the critique team inquiry  
11 into the entire event on this issue would have addressed  
12 it, and it would have used the DC card as a vehicle to help  
13 address it. So I didn't really feel the need at the time  
14 to initiate another DC card or amend the one that we had  
15 written.

16          Q       So the full facts were communicated to the  
17 critique team, including the additional failures?

18          A       That's my recollection. I believe that to be  
19 correct.

20          Q       That was done orally or how did you do that?

21          A       I'm not sure about that.

22                               CROSS EXAMINATION (Continued)

23 BY MR. MICHAEL KOFN:

24          Q       Well, did you know that the shift supervisor  
25 had rejected an earlier DC?



1 Q And wouldn't you be concerned about having them  
2 process a DC that had less than all the data on it?

3 A Again, my recollection was that the critique  
4 team or the review team was informed of this information,  
5 whether it be on a DC card or orally or verbally, I knew  
6 that they had that information and I trusted that they  
7 would act properly.

8 Q But the critique team wasn't the only group  
9 that was still working on deficiencies. You stated the  
10 engineers were still doing that. And the question is why  
11 would they be allowed to go ahead with less than all the  
12 information.

13 A I guess my statement about DCs being reviewed  
14 isn't specific just to diesel generator problems. I mean,  
15 I'm sure there were engineers on the staff that were  
16 reviewing DCs. Whether they were related to this  
17 particular topic or not, I don't know. And I don't know  
18 whether the engineers were reviewing these particular DCs  
19 or they were directed straight to the critique team. I  
20 don't know what that process was at the time.

21 Q So you don't know whether or not it was  
22 necessary to amend the DC to have all the information on  
23 it.

24 A I know that I didn't feel that it was necessary  
25 at the time.

1           Q       But if you're correct, that you didn't know  
2 whether or not DCs were still being processed, then I infer  
3 that you didn't know whether or not it was necessary to  
4 amend the DC in addition to telling the critique team.

5           A       I can only tell you what my judgment was based  
6 on. It was based on my feeling that the critique team  
7 would take care of the problem, that it wasn't necessary to  
8 amend the DC card.

9                               CROSS EXAMINATION (Continued)

10          BY MR. MICHAEL KOHN:

11           Q       And do you believe that having one DC track all  
12 four diesels without stating that that was the purpose of  
13 the DC could affect the trending and the tracking of the  
14 diesels?

15           A       I don't know all the methodology that was used  
16 at the time to trend and track problems that were written  
17 up by DCs, but again, I felt like the information being  
18 provided to the critique team was sufficient enough to take  
19 care of the problem.

20                               BOARD EXAMINATION

21          BY CHAIRMAN BLOCH:

22           Q       Well more particularly, if trending were  
23 changed in the future, couldn't it affect future trending  
24 and make it incorrect?

25           A       I suppose that it could. Again, I wasn't any

1 part of that trending program at the time, I don't know to  
2 the degree that they used that data, how it was used, how  
3 it was trended, who did the trending. That wasn't within  
4 my scope of knowledge.

5 Q But you did know that that was an important  
6 reason for preparing deficiency paper though, didn't you?

7 A At the time, we also had, I believe, as I  
8 recall, we had a trending program associated with MWOs  
9 also. There were several different vehicles that we could  
10 use to establish a trend, that I thought were being used by  
11 people.

12 Q So was this information included in the MWOs?

13 A What information is that?

14 Q The additional diesel generators that were  
15 affected by this problem.

16 A By the dew point problem?

17 Q Yeah. Was that in the MWO?

18 A I believe the MWOs that I reviewed reflect the  
19 fact that we had high out of specification readings on  
20 several diesels.

21 Q On all the ones on which you had high  
22 specification readings?

23 A Yes, I believe that's correct.

24 Q Now, can you tell me -- you mentioned the  
25 critique team. I think yesterday during your deposition we

1 went over the fact that the initial high dew point reading  
2 was taken on March 29, 1990, correct?

3 A Yes, I think that's the correct date.

4 Q And you testified -- actually that's the first  
5 one after the site area emergency, correct?

6 A As I recall, yes.

7 Q Okay. And you testified that you would have  
8 reported that to the critique team immediately thereafter?

9 A I don't recall the exactly time frame in which  
10 I reported information back to the critique team.

11 Q Well, if high out-of-specification dew points  
12 were recorded on 3/29, when do you believe the critique  
13 team would have been made aware of that?

14 A I'm not sure when they were made aware of that.

15 Q Well, I thought during your deposition you  
16 testified that after -- that because of the 3/29 event the  
17 critique team decided to issue the follow-up work orders to  
18 correct it, isn't that correct?

19 A I believe what I testified to was that I got  
20 direction from the critique team and/or George Bockhold  
21 about what direction to take with the dew point issue, and  
22 that they wanted to take dew points on all of the diesels.

23 Q And you got that direction how soon after --  
24 well, let me... I think you also testified on March 29 you  
25 believed Mr. Bockhold would have been told about the high



1 out-of-specification dew point reading, correct?

2 A Yes, I believe he was informed.

3 Q Okay. Now, from March 29 when do you recall  
4 the next instruction coming down to look into the high out-  
5 of-specification dew point reading?

6 A You want an exact date?

7 Q As best as you can recall today.

8 A I can't give you an exact date. I know it was  
9 shortly thereafter, but I -- you know, that -- that time  
10 line, it's just not there in my memory.

11 Q Well, there's -- as far as I can tell, the next  
12 dew point reading taken after March 29 was taken on April  
13 5, 1990, and that's about seven days later. What -- on  
14 Unit 1-A, we'll look at that one. What transpired during  
15 those...? You've indicated that Mr. Bockhold would have  
16 known on March 29, or thereabouts. What then transpired?  
17 What's your recollection of what the plant did? They got  
18 this high dew point reading, and I think you also indicated  
19 on March 29th, or thereabouts, you would have also reported  
20 it to the critique team, correct?

21 A I believe the critique team was informed of the  
22 information, yes.

23 Q Okay. Now, what -- and I believe of the  
24 critique team you were given the responsibility to follow-  
25 up on the air quality issue, correct?

1           A       I was one of the individuals given that  
2 responsibility, yes.

3           Q       And I believe at your deposition you testified  
4 that you were waiting to hear back what to do, correct,  
5 after March 29?

6           A       I don't recall saying that.

7           Q       Well, do you recall now waiting to hear back  
8 what you should do?

9           A       No, I don't recall waiting for any particular  
10 amount of time. The recollection I have is that I got  
11 instructions either from Mr. Bockhold or from the critique  
12 team or both to go investigate the situation with the dew  
13 points and try to determine whether or not it was an actual  
14 condition in the system or -- or not.

15          Q       Okay. And then how soon after March 29 did you  
16 get that instruction?

17          A       I don't recall.

18   BOARD EXAMINATION

19 BY CHAIRMAN BLOCH:

20          Q       Mr. Briney, could you recall, as well as you  
21 can, the nature of your interaction with Mr. Bockhold and  
22 Mr. Stokes with respect to the processing and resolution of  
23 this issue.

24          A       Most of the information or direction that I was  
25 getting was -- was directly from Mr. Bockhold. There was

1 some information being -- or some -- some requests of -- of  
2 me by the critique team to perform different measurements.  
3 My interface with Mr. Stokes during that particular time  
4 was -- was limited, as I recall. I -- I don't recall any  
5 specific conversations I may have had with him during that  
6 time. Most...

7 Q Were you present when any of the dew point  
8 readings were made on the receivers?

9 A Yes, I was.

10 Q And was Mr. Stokes present?

11 A I don't recall Mr. Stokes being there at that  
12 time. The only other person that I recall being there was  
13 Scott Hammond.

14 Q Okay, we -- we have some testimony that  
15 Mr. Stokes was present on at least the last or maybe the  
16 last two readings. You don't recall that?

17 A No, sir, I'm sorry, I don't.

18 CROSS EXAMINATION (Continued)

19 BY MR. MICHAEL KOHN:

20 Q Were you present when all four diesel -- all  
21 eight air receivers were checked, or did you just attend  
22 one?

23 A I attended some of them; I can't tell you  
24 exactly which ones I attended.

25 Q Okay. So to the best of your recollection you

1 did then attend all of them?

2 A That's correct.

3 Q So Mr. Burr and Mr. Stokes may have attended  
4 the ones after, is that correct?

5 A They may have. I have no -- no knowledge of  
6 when they attended any -- any measurements that were made  
7 out there. I don't recall that.

8 Q Okay. And can you now tell -- just state for  
9 the Board where you are in the organization and what the  
10 reporting chain was up to Mr. Bockhold in this 1990 time  
11 frame.

12 A I was the acting I&C superintendent. I  
13 reported directly to Mr. Harvey Handfinger, which was the  
14 maintenance manager; and I believe he reported to Skip  
15 Kitchens; and that he reported to Mr. Bockhold.

16 Q And with respect to these dew point issues, you  
17 were advised that you were to communicate directly with  
18 Mr. Bockhold, is that correct?

19 A On certain parts of the issue that is correct.  
20 I...

21 BOARD EXAMINATION

22 BY CHAIRMAN BLOCH:

23 Q What parts were those?

24 A I can't recall all the parts. I know that I  
25 received numerous phone calls from Mr. Bockhold during that

1 time, because he was personally interested in the work that  
2 I was doing and wanted to get reports directly from me  
3 during that period of time. But as far as what parts of  
4 the information that he required personally or -- or he got  
5 through other channels, I can't recall exactly; I can't  
6 disseminate between the two.

7 Q Do you remember whether all of the ideas for  
8 the resolution of this issue originated solely in your  
9 mind?

10 A The resolution of the dew point issues,  
11 themselves?

12 Q Yes.

13 A And the fact that we decided that it was a  
14 defective instrument?

15 Q Yes.

16 A That decision was based on -- on my judgment  
17 and the judgment of the people that were involved in...

18 Q I believe that. The question that I asked is  
19 did the idea for that resolution originate solely in your  
20 mind?

21 A Yes.

22 Q So you didn't get a suggestion from  
23 Mr. Bockhold?

24 A No.

25 Q And is the same thing true for the EG&G

1 instrument and its improper use? Did that idea spring  
2 solely from your mind?

3 A Yes.

4 CROSS EXAMINATION (Continued)

5 BY MR. MICHAEL KOHN:

6 Q And did you discuss it with your boss,  
7 Mr. Handfinger?

8 A I kept Mr. Handfinger informed about all the --  
9 all the involvement that I had.

10 Q And was there a group discussion before April 9  
11 about the validity of the Alnor readings?

12 A I -- I don't recall any group discussion about  
13 that.

14 Q So that discussion was limited -- so who do you  
15 recall having a one-on-one discussion about the validity of  
16 the Alnor readings with?

17 A Are you talking about the conclusions that we  
18 made, or are you talking about the fact that we reported  
19 this back up through the chain about what we had  
20 discovered?

21 Q Did you report it back up through the chain?

22 A I believe that Mr. Bockhold got that  
23 information directly from me.

24 Q Okay. And over the -- high dew point readings  
25 were being taken over the weekend, the 6th, 7th, and 8th

1 or...

2 A I don't recall if those dates were a weekend or  
3 not, but...

4 Q The record indicates that...

5 A Right.

6 Q ...that the 7th and 8th that these high dew  
7 point readings were being taken...

8 CHAIRMAN BLOCH: The 7th was a Saturday and the  
9 8th was a Sunday.

10 Q ...that...

11 MR. BLAKE: Excuse me, what were the high dew  
12 point readings on the 8th?

13 MR. MICHAEL KOHN: On Unit 2-A, I think.

14 CHAIRMAN BLOCH: It could be that if Mr. Blake  
15 has trouble knowing what the readings were on the 8th, that  
16 the record could be clearer about this.

17 MR. MICHAEL KOHN: Yeah, well, let's then just  
18 limit it to the 7th because I -- we don't have any...  
19 Well, there is a high dew point reading on 2-A on 4/8.

20 MR. BLAKE: Right, the one out of eight, right?  
21 Hello?

22 MS. YOUNG: The record will speak for itself.

23 MR. BLAKE: Yeah. I just don't want it  
24 misrepresented to the -- to the witness. That's what I  
25 don't want to have happen, in order to confuse him.

1 CHAIRMAN BLOCH: Mr. Blake is suggesting on the  
2 8th it was one reading out of eight. Now, what's the  
3 exhibit we're referring to.

4 MS. YOUNG: Yeah, shouldn't we be looking at...

5 MR. MICHAEL KOHN: Demonstrative Aid 4.

6 MR. BLAKE: That would work, or the MWOs.

7 BY MR. MICHAEL KOHN:

8 Q Now, over the weekend how do you recollect the  
9 decision being made to determine whether the Alnor was or  
10 was not valid, the Alnor readings?

11 A The decision was based on the findings that we  
12 had from the EG&G instrumentation. That instrumentation  
13 showed us that the dew point readings were within the  
14 normal range.

15 Q Can you tell me who verified -- was there some  
16 individual you assigned to bounce your conclusion off of to  
17 -- to determine that it was verifiable?

18 A I remember that conclusion being come to by  
19 myself and at least Scott Hammond. I don't recall whether  
20 or not there were more individuals involved in the a  
21 decision or not.

22 Q And you reached that conclusion, although you  
23 did not witness all the testing that was done?

24 A Yes.

25 Q And do you -- and do you know if Mr. Stokes or



1 Mr. Burr was around during part of that weekend?

2 A I don't recall whether they were around or not.

3 Q And do you recollect having any discussions  
4 with them about the diesel generator with respect to the  
5 high dew point readings?

6 A I don't recall any specific conversations with  
7 -- with them.

8 CHAIRMAN BLOCH: Mr. Briney, just to clarify  
9 our record, who is Scott Hammond?

10 THE WITNESS: He is an I&C supervisor with  
11 Plant Vogtle. At that time I believe he was still a  
12 foreman.

13 BY MR. MICHAEL KOHN:

14 Q And it's my understanding that during this time  
15 period you also had direct communications with Mr. Ward, is  
16 that correct?

17 A I'm -- I'm not sure if I had direct  
18 communications with him during that period of time or not.

19 Q Do you recall stating at your deposition that  
20 you had direct communications with Mr. Ward during that  
21 time period?

22 A As I recall my testimony, I did have direct  
23 communications with him after the event, but not  
24 particularly in this particularly time frame we're talking  
25 about. I know that Mr. Ward was involved in the Calcon

1 sensor issue and was doing quite a bit of research on the  
2 issue, and I believe coordinated activities through the  
3 Wyle labs, and I'm sure he required me to give him some --  
4 some information and do some tests for him. But, I mean, I  
5 guess what I don't recall is any specific conversations  
6 that I had with him during that period of time.

7 Q Did you tell Mr. Ward that the Calcon sensors  
8 were junk or would you have passed that information on to  
9 him?

10 A I don't recall whether or not I expressed that  
11 opinion to him or not. I don't recall ever keeping that  
12 opinion to myself a whole heck of a lot. Probably said it  
13 too often.

14 BOARD EXAMINATION

15 BY CHAIRMAN BLOCH:

16 Q Did you have discussions with Mr. Ward about  
17 Calcon sensors?

18 A During that particular time and for a long  
19 period of time afterward, yes, sir.

20 MR. MICHAEL KOHN: Now,...

21 Q While we're on that subject, do you recall  
22 whether or not you had discussions with Mr. Ward about dew  
23 points?

24 A I don't recall whether or not he was involved  
25 with the dew point issue or not.

## 1 CROSS EXAMINATION (Continued)

2 BY MR. MICHAEL KOHN:

3 Q Mr. Briney, the -- you at some point have a  
4 suspicion that the Alnor is defective. Isn't it true at  
5 that point in time you then -- your I&C Department took the  
6 Alnor to the turbine building and took a reading on  
7 instrument air there and obtained a satisfactory dew point  
8 reading on instrument air?

9 A I don't recall whether or not we did any such  
10 test.

11 MR. MICHAEL KOHN: I'd like to mark an exhibit  
12 as Intervenor's 216. That's II-216.

13 CHAIRMAN BLOCH: Before the witness actually  
14 sees that exhibit...

## 15 BOARD EXAMINATION

16 BY CHAIRMAN BLOCH:

17 Q If you did do such a task to try to verify  
18 whether or not the Alnor was in spec, wouldn't you expect  
19 to see a notation about that in the MWO in which the Alnor  
20 was being questioned?

21 A Yeah, I would expect to see that documented  
22 somewhere and -- and brought to my attention, and I don't  
23 recall that ever being brought to my attention.

24 MR. MICHAEL KOHN: The document I am marking as  
25 II-216 is a...

1 ADMINISTRATIVE JUDGE MURPHY: Mr. Kohn, we  
2 already have a 216 for you.

3 MR. MICHAEL KOHN: 217. Thank you, Your Honor.  
4 That's a problem with not having Mary Jane here.

5 ADMINISTRATIVE JUDGE MURPHY: We've noticed  
6 that, too.

7 MR. MICHAEL KOHN: It's a seven-page document,  
8 Project Numbers 010821 through 010827.

9 CHAIRMAN BLOCH: It may be marked.

10 (The document referred to was marked  
11 for identification as Intervenor  
12 Exhibit II-217.)

13 CHAIRMAN BLOCH: While this is being  
14 distributed, Mr. Blake, if we should decide that the  
15 sessions this morning are not in camera, you will want to  
16 obtain a copy of Intervenor's II-215.

17 CROSS EXAMINATION (Continued)

18 BY MR. MICHAEL KOHN:

19 Q Now, at your deposition I showed you this  
20 document and you -- do you recall identifying it as a log  
21 that you have seen?

22 A Yes.

23 Q Okay. And the purpose of this log, if I  
24 understand it, was so the -- so that your department would  
25 know what had happened on a given shift, is that correct?

1 A Yes.

2 Q Okay. And let's look at the first entry. This  
3 -- well, first, this document is filled out by people in  
4 your department, correct?

5 A Yes.

6 Q And under the first entry the date is -- looks  
7 like it must have been the evening shift between 4/5 and  
8 4/6, correct?

9 A Yes.

10 Q And the time looks to be like 6:18 in the  
11 morning, is that how I would read that?

12 A That's what it looks like, yes.

13 Q Okay. And then there's initial "JS," is that  
14 the initials next to that?

15 A Yes.

16 Q And whose initials are those?

17 A I believe that's James Sutphin.

18 Q Okay. And now if you would look, the reading  
19 begins that they obtained a 85 degree dew point reading on  
20 Diesel 1-A, do you see that?

21 A Yes.

22 Q And then -- and that would -- that reading  
23 would have occurred on 4/6 at approximately 6:18 in the  
24 morning, right?

25 A That's when the entry was made; I don't know

1 whether the reading was actually made at the same time.

2 Q Okay. And then underneath it, it said they  
3 called Hatch to see if they had a dew point meter, and then  
4 right after that it says, "Took U-2 turbine building air  
5 compressor dew point," slash, "PM," slash, "read greater  
6 than minus 80 degrees Fahrenheit," do you see that?

7 A Yes.

8 Q Now, does that refresh your recollection that a  
9 dew point reading was taken at the site of greater than  
10 minus 80 degree Fahrenheit at the Unit 2 turbine building?

11 A I don't recall that information ever being  
12 reported to me as a point of interest in letting me know  
13 that we thought that the Alnor instrument was an operable  
14 instrument.

15 Q And the greater than minus 80 degree Fahrenheit  
16 reading at that point, at the -- where it was taken in the  
17 plant is the reading you would have expected to obtain  
18 there, isn't that true?

19 A I don't recall what the acceptance criteria for  
20 that system is.

21 MR. MICHAEL KOHN: I believe we're going to be  
22 turning to Intervenor's Exhibit 13.

23 MR. BLAKE: Are you done with this exhibit,  
24 Mr. Kohn?

25 MR. MICHAEL KOHN: No, this -- it's on 13

1 that...

2 CHAIRMAN BLOCH: Let me clarify, just so that I  
3 can follow.

4 BOARD EXAMINATION

5 BY CHAIRMAN BLOCH:

6 Q This reading on the -- at the turbine building  
7 was instrument air, not -- not control air, is that  
8 correct? If you know.

9 A I believe it's the instrument air system that  
10 they took in the turbine building, yes.

11 Q And does this say it's greater than minus 80  
12 degrees Fahrenheit?

13 A That's the way I read it.

14 Q Do you know what the specs are on instrument  
15 air?

16 A No, sir, I -- I don't recall what those  
17 specifications are.

18 BOARD EXAMINATION

19 BY JUDGE MURPHY:

20 Q Do you know what's meant by "greater than minus  
21 80 degrees"? I mean, is it minus 70 degrees or minus 90  
22 degrees?

23 A I could only guess that it's would be (sic)  
24 like minus 90 degrees. That's just a -- just a guess on my  
25 part. I didn't make this entry and I -- I don't know what

1 they're basing that on.

2 CHAIRMAN BLOCH: If we need to, we can ask a  
3 question or two more, or we could take a break now. It's  
4 up to you, Mr. Kohn.

5 MR. MICHAEL KOHN: I can have him look at this  
6 over the break. That might be a...

7 CHAIRMAN BLOCH: Okay, we'll take a ten minute  
8 break.

9 (A short recess was taken.)

10 CHAIRMAN BLOCH: The hearing will come to  
11 order.

12 BY MR. MICHAEL KOHN:

13 Q Based on your review of the contents of  
14 Intervenor's Exhibit 13, does it refresh your recollection  
15 that the greater than 80 degree Fahrenheit dew point  
16 reading was the type of reading you would expect to have  
17 been taken in the turbine building?

18 A This is the first time that I can recall seeing  
19 acceptance criteria associated with those readings. I  
20 don't recall ever knowing that the acceptance criteria was  
21 before seeing the document.

22 Q Well, based on your review of the document, do  
23 you understand that that is the anticipated acceptance  
24 criteria?

25 A That appears to be what that document says,



1 yes.

2 CHAIRMAN BLOCH: I'm sorry, the acceptance  
3 criterion in that document is greater than minus 80  
4 degrees?

5 MR. MICHAEL KOHN: The document indicates  
6 readings of minus 80 degree as a -- the actual reading  
7 commitment is better than minus 60 degrees Fahrenheit, and  
8 it contains charts where minus 80 degrees is normally  
9 obtained.

10 CHAIRMAN BLOCH: And is that document something  
11 that is now available in our record?

12 MR. MICHAEL KOHN: Intervenor's -- it's  
13 Intervenor's Exhibit 13.

14 CHAIRMAN BLOCH: Okay, thank you.

15 BOARD EXAMINATION

16 BY JUDGE MURPHY:

17 Q Now, Mr. Briney, do you agree with counsel's  
18 testimony?

19 A I agree that that document says the acceptance  
20 criteria for that system was minus 60 degrees or greater.  
21 That's what that document appears to say.

22 Q Okay, thank you.

23 A But, again, I -- I didn't have any recollection  
24 of that acceptance criteria before just now reviewing that  
25 document. I don't know if I was ever involved in -- in

1 that particular phase of testing.

2 CROSS EXAMINATION (Continued)

3 BY MR. MICHAEL KOHN:

4 Q And when you say "or greater," you -- you mean  
5 actually minus 60 or lower temperatures than that?

6 A I would say "greater" to me means minus 70 or a  
7 minus 80.

8 Q Okay.

9 A That's -- that's what it appears to mean to me.

10 Q Thank you.

11 Now, do you recall anyone raising a concern  
12 that the -- if the Alnor was defective and that was the  
13 last piece of equipment you were readily using at that  
14 time, what were you going to do, how much time did you have  
15 to figure out what you were going to do?

16 A I don't specifically recall how much time we  
17 had to respond to it. I do recall being notified that the  
18 Alnor was the only instrument like it that we had  
19 available.

20 Q Well, did that fact catch you by surprise or is  
21 -- in your normal planning you sort of keep track of how  
22 many of these instruments that are going to be available?

23 A In my own personal, normal planning, no, I  
24 didn't keep track of the specific inventory of the M&TE.

25 Q But someone was keeping track of that

1 information, weren't they?

2 A They should have been, yes.

3 Q Okay. And so there then should have been some  
4 planning to start instituting using the backup EG&G  
5 instrument, correct?

6 A There are several options available if that  
7 Alnor were to fail, one of which would be to obtain another  
8 one from a rental company. We would not necessarily have  
9 had to rely on the EG&G instrument.

10 Q Well, a rental one wouldn't qualify under the  
11 M&TE program, would it?

12 A Yes, I believe it would. We used rental  
13 measuring and test equipment on a regular basis at the  
14 plant site.

15 Q And do you recall how long blow down to the air  
16 receivers would...

17 CHAIRMAN BLOCH: Mr. Kohn, I think,  
18 regretfully, I'd like you to go slower with this document  
19 and let the witness explain, to the extent he can, each of  
20 the entries, 'cause it seems that it may be important.  
21 Like if you start in chronological order and see if he can  
22 understand what he thinks they mean. If he -- if you don't  
23 think you understand the notes, they're not yours, just  
24 say, "I don't understand," but...

25 THE WITNESS: Are we talking about the I&C log?

1 MR. MICHAEL KOHN: Yes.

2 BY MR. MICHAEL KOHN:

3 Q And there is a notation there, underneath the  
4 minus 80 degree Fahrenheit reading, "Two Alnors off site  
5 for cal," looks like, "calibration. The one we have goes  
6 out of cal tonight," do you see that?

7 A Yes.

8 BOARD EXAMINATION

9 BY CHAIRMAN BLOCH:

10 Q So what does that mean to you?

11 A That means that they discovered that we only  
12 had one Alnor on site, and that, you know, we had to start  
13 thinking about alternate means of obtaining the readings  
14 that were required.

15 Q Because the calibration due date was the  
16 following day, is that right?

17 A At that particular time that's what it appears  
18 to be, yes.

19 Q Now, wouldn't it also appear to you that the  
20 person who's writing that down, that it goes out of cal  
21 tonight, hasn't had the thought that there's anything wrong  
22 with it right now?

23 A That's what it appear -- what it appears to be,  
24 yes.

25 Q And on the -- on the next line where it says,

1 "Check read 84 degrees Fahrenheit," is there any indication  
2 there that the person making this log entry, Mr. Sutphin,  
3 thought that there was anything wrong with that reading?

4 A Not by that log entry you wouldn't think so.

5 Q Now, the next line where it says, "Per Engineer  
6 K. Stokes, could possibly take a day and a half to get dew  
7 point down," doesn't it look like Mr. Stokes was told about  
8 the high dew points and believed them?

9 A That's -- the entry leads you to believe that  
10 Mr. Stokes was -- was consulted about those readings and...

11 Q And the next line also suggests that he did  
12 something about it, right? It says, "Operations has blown  
13 down continually since last night." Does that suggest to  
14 you that they gave some credibility to the reading?

15 A That's what it looks like, yes.

16 Q And does it also suggest to you that if the  
17 blow downs were successful, that the humidity content to  
18 the air in the receiver was being reduced?

19 A It suggests to me that that was their attempt  
20 at the resolution of the dew point system problem, yes. We  
21 were...

22 Q In fact, the line above says that. It says it  
23 would possibly take a day and a half to get dew point down,  
24 so the effort in the following line was to get the dew  
25 point down, is that correct?

1           A       That's what it appears to be.

2                               BOARD EXAMINATION

3   BY JUDGE MURPHY:

4           Q       Mr. Briney, can you tell from these entries --  
5   well, let me withdraw that question and ask it...

6                       Are there -- how many receivers are there on  
7   each diesel?

8           A       I believe there's two per diesel.

9           Q       Can you tell from these entries which receivers  
10   are being measured or which receiver is being measured or  
11   if...?

12          A       It would appear to me that the ones that were  
13   being measured were associated with the 1-A diesel.

14          Q       Can you tell from these entries whether both  
15   receivers are being measured, or is it just one?

16          A       No, I can't tell by these entries.

17                       CHAIRMAN BLOCH: I'll note that the 1-B diesel  
18   is further down on the same page.

19                       ADMINISTRATIVE JUDGE MURPHY: No, I'm not --  
20   we're not -- that's not what I'm trying to communicate.

21                       CHAIRMAN BLOCH: Okay.

22   BY ADMINISTRATIVE JUDGE MURPHY:

23          Q       Trying to understand whether or not we can  
24   tell, from these entries, whether both receivers on the 1-A  
25   diesel are being measured.

1           A       I can't tell by these entries, no, sir. You...

2                   MR. MICHAEL KOHN: I'm going to refer the  
3 witness to a work order which I think will answer your  
4 question, Judge Murphy.

5                   CHAIRMAN BLOCH: Okay.

6                   MR. MICHAEL KOHN: And I'm going to refer the  
7 witness to Work Order 90-01651.

8                   CHAIRMAN BLOCH: Okay, we of course don't refer  
9 to work orders in this proceeding.

10                  ADMINISTRATIVE JUDGE MURPHY: While you're  
11 doing that, can I ask him another question?

12 BY ADMINISTRATIVE JUDGE MURPHY:

13           Q       Do you know what the comment means, "Per  
14 Engineer K. Stokes, could possibly take a day and a half to  
15 get dew points down"? How do you interpret that?

16           A       My interpretation is that it appears like  
17 during that time we're performing the feed and bleed cycle  
18 to the receiver that he was discussing, and that Mr. Stokes  
19 had given us the information that it could take as long as  
20 a day and a half of feeding and bleeding the receivers  
21 before the dew point would come down to within required  
22 specifications.

23           Q       When you were doing bleed and feed how often  
24 would you take dew point readings?

25           A       I don't recall how often we took readings, to

1 tell you the truth.

2 Q Do you know how much the dew point normally  
3 would come down after one cycle of bleed and feed?

4 A No, sir.

5 Q Thank you.

6 BOARD EXAMINATION

7 BY CHAIRMAN BLOCH:

8 Q I've got one quick question before we got to  
9 the MWO. Do you know whether it's permissible under plant  
10 procedures to take a -- an instrument whose dew point --  
11 whose calibration is expiring and extend it for a month?

12 A Yes, I believe it is permissible.

13 CHAIRMAN BLOCH: All right, Mr. Kohn.

14 CROSS EXAMINATION (Continued)

15 BY MR. MICHAEL KOHN:

16 Q Now, I'm going to show you Intervenor's  
17 Exhibit 143, which is MWO 190-01651. And by looking at the  
18 last dew point measurements taken on 4/6/90...

19 ADMINISTRATIVE JUDGE MURPHY: Which page are we  
20 on, sir?

21 MR. MICHAEL KOHN: The fourth page in, and  
22 there's a handwritten "Page 2" at the top.

23 CHAIRMAN BLOCH: Okay, so repeat the question.

24 MR. MICHAEL KOHN: Yes.

25 BY MR. MICHAEL KOHN:



1           Q       If you would work with me, and the log entry is  
2 taken at 6:18 A.M., would you -- on 4/6, would you tell me  
3 the last dew point readings on the 1-A diesel for both air  
4 receivers taken at or prior to -- prior to 6:18 A.M.?

5           A       The ones taken prior to 6:18 A.M. appear to be  
6 taken at 0425.

7           Q       And what were the readings?

8           A       For both KO-1 and KO-2, according to this  
9 document, they were 85 degrees.

10          Q       Now, I'm going to ask you to turn to Page 3 of  
11 Intervenor II-217.

12                   ADMINISTRATIVE JUDGE MURPHY: Before you leave  
13 this...

14                                   BOARD EXAMINATION

15 BY ADMINISTRATIVE JUDGE MURPHY:

16          Q       Mr. Briney, can you tell, from looking at these  
17 entries, whether or not there's been any feed or bleed  
18 going on between the various readings between 10:00 on the  
19 5th through 4:00 on the 6th in the morning?

20                   (The witness reviews certain material.)

21          A       I don't see anything on the document that  
22 addresses the feed and bleed issue at all. I don't see it.

23          Q       So you can't tell from the MWO whether or not  
24 feed or bleed has been going on?

25          A       Not from this MWO, no.

1 Q Well, what would have prompted the readings at  
2 these various times?

3 A As I recall, these readings were prompted by  
4 direction from the critique team and/or George Bockhold to  
5 continue to take dew point readings as we performed feed  
6 and bleed, to determine whether or not the feed and bleed  
7 was going to cure the problem or did we still have a  
8 separate issue to deal with.

9 BOARD EXAMINATION

10 BY CHAIRMAN BLOCH:

11 Q Is there somewhere in the MWO that we can look  
12 to, to show that that's the purpose of this reading? I  
13 mean, it should be somewhere in the MWO, if that's the  
14 purpose, I would expect.

15 A Well, I believe the purpose of the MWO was to  
16 investigate the readings that were taken underneath the PM,  
17 and they came up out of specification, high. So the  
18 purpose of the MWO was to determine why in fact we had high  
19 dew point readings, and to -- and to correct those  
20 conditions.

21 BOARD EXAMINATION

22 BY ADMINISTRATIVE JUDGE MURPHY:

23 Q Well, how -- would you go to Page 1, which is I  
24 think the previous page from the one you were just looking  
25 at.

1 A The -- the written Page 1?

2 Q Yes. Well, let me do it this way. Go to the  
3 first page of the MWO.

4 A Yes.

5 Q Block 23.

6 A Right.

7 Q That should be a -- a statement of the work to  
8 be performed.

9 A Yes, that would be the instructions.

10 Q And what does it say?

11 A It says, "See continuation sheet."

12 Q Okay.

13 A Or, "See c-o-n-t," which means to see the  
14 continuation sheet.

15 Q And can you find the continuation sheet?

16 A That would be the handwritten Page 1.

17 Q And what does that say to do?

18 A At the top it says, "Block 23," and it says,  
19 "Run the dryer for 24 to 36 hours and recheck the dew  
20 point. If the dew point is within -- or is between 32  
21 degrees F and 50 degrees F this is acceptable, close work  
22 order. If the dew point is still high, investigate and  
23 rework dryer per manual AX4AK01-563.

24 Q Okay, so does that -- do I infer from that that  
25 as I read this MWO that the dryers are running as -- when

1 these dew point readings are taken?

2 A That's what those instructions would lead you  
3 to believe, yes, sir.

4 Q Now, the dew point readings haven't changed  
5 from 10:00 on the 5th -- in the evening on the 5th, to 4:00  
6 A.M. on the 6th. Essentially haven't changed on either  
7 dryer. Is that right?

8 A It appears as though they're still out of spec,  
9 high.

10 Q And what did the instructions say to do?

11 A It says to investigate and rework the dryer per  
12 manual A4A -- A4 -- excuse me, AX4AK01-563.

13 Q Can you tell whether that was done?

14 (The witness reviews certain material.)

15 A I don't see anywhere in this particular MWO  
16 where that was done, no, sir.

17 BOARD EXAMINATION

18 BY CHAIRMAN BLOCH:

19 Q Under those circumstances should the work order  
20 ever have been closed?

21 A Well, the work order was closed after the  
22 conclusion was made that the air dryers were operating  
23 within acceptable limits.

24 Q And what was the basis for believing that you  
25 didn't have to rework the dryers, does the MWO say?

1           A       No, it doesn't specifically say.

2                               BOARD EXAMINATION

3 BY ADMINISTRATIVE JUDGE MURPHY:

4           Q       Well,...

5                               CHAIRMAN BLOCH: Do you know -- sorry.

6           Q       Well, what I'm trying to figure out is whether  
7 or not, for instance, on -- on two page -- on Page 4, which  
8 would be circled Page 4, you have another set of -- of dew  
9 point readings that seem to be in spec on 4/8; or 4/7, 4/8,  
10 I can't tell when they were taken.

11          A       You're talking about the set of data at the --  
12 towards the top of the page?

13          Q       Yes, sir.

14          A       Yes, those dew point readings do appear to be  
15 in spec.

16          Q       Can you tell which -- how those readings were  
17 taken?

18          A       It appears they were taken with the VP-1114,  
19 which is an EG&G that Vogtle had, and the FS-3529, which  
20 was the EG&G which we obtained from the V. C. Summer  
21 station.

22          Q       Well, would -- would those readings have been  
23 adequate to have closed out this MWO?

24          A       I believe we continued taking data to assure  
25 ourselves that they were in fact in spec, and would remain

1 in spec over a period of time.

2 BOARD EXAMINATION

3 BY CHAIRMAN BLOCH:

4 Q Well, there's a note, of course, that the 3529  
5 is not an acceptable site reading, is that right?

6 A That's correct, because we obtained that  
7 through V. C. Summer, and I don't believe that our QA  
8 program had an agreement with V. C. Summer to admit that  
9 piece of test equipment as a formal piece of M&TE at the  
10 Vogtle site.

11 Q Do you have an opinion as to whether it would  
12 have been prudent to check the mechanical condition of the  
13 dryer, given the conflict in dew point instrument readings?

14 A I believe at the time our initial reaction was  
15 that it wasn't a -- an actual condition, that it was an  
16 instrument related failure, and that we did not suspect the  
17 dryer to be operating improperly at the time. That's why  
18 we continued to -- to monitor and take the readings with  
19 the instrumentation, in an attempt to verify our suspicions  
20 or help us find the smoking gun that it was -- that it  
21 could have been a dryer problem. We were in the  
22 troubleshooting mode, and we were attempting to determine  
23 what the actual cause of the problem was.

24 Q Well, that was what motivated my question. If  
25 you were in a troubleshooting mode, why not also check on

1 the condition of the dryer. I don't see that that was  
2 done.

3 A I guess when we were troubleshooting it was our  
4 perspective to continue down the line of thinking that it  
5 was an instrument problem, rather than a dryer related  
6 problem. We didn't want the dryer to be taken out of  
7 service for a period of time and inspected and -- and  
8 overhauled or -- or whatever else you would do to a dryer  
9 to try to bring it back operating properly.

10 Q Do you know how long that process would have  
11 taken?

12 A No, sir, I'm not familiar enough with the dryer  
13 system to say that. That wasn't something that I&C  
14 technicians did.

15 BOARD EXAMINATION

16 BY ADMINISTRATIVE JUDGE MURPHY:

17 Q Are you familiar enough to -- to know whether  
18 or not there is real time instrumentation on the dryer to  
19 tell whether or not it's working properly?

20 A I know there's instrumentation on the dryer,  
21 but I -- I'm not familiar enough with the dryer to say  
22 whether or not that would have led us to believe that the  
23 dryer was functioning properly. I -- I guess I just don't  
24 recall enough details about the dryer and the way that it  
25 worked.

1 CHAIRMAN BLOCH: We would like to look at the  
2 dryer tomorrow.

3 CROSS EXAMINATION (Continued)

4 BY MR. MICHAEL KOHN:

5 Q Mr. Briney, I want to turn you to the third  
6 page of Intervenor's Exhibit 143, with the continuation of  
7 Block 23. And there's a date on the bottom, 3/30/90, do  
8 you see that? That is the date Block 23 was filled out,  
9 correct?

10 A I'm sorry, I'm still trying to find the right  
11 page.

12 Q The one with "Page 1" written on the top.

13 A The -- okay. I'm sorry, repeat your question.

14 Q Do you see at the bottom of Block 23 that  
15 there's a date, 3/30/90, is that correct, sir?

16 A It's towards...

17 CHAIRMAN BLOCH: We can't find the bottom of  
18 Block 23. Are you talking about something in the  
19 continuation pages?

20 MR. MICHAEL KOHN: Yes, the continuation. It's  
21 the third page into Exhibit 143.

22 CHAIRMAN BLOCH: Page 1 of it?

23 MR. MICHAEL KOHN: Yes, Page 1 of -- and...

24 CHAIRMAN BLOCH: It says, "Page 1 of," blank.

25 BY MR. MICHAEL KOHN:



1 Q And there is a signature and a date following  
2 the entry, is that correct?

3 A Yes.

4 Q And that's the date the entry would have been  
5 made, correct?

6 A I believe that's correct, yes.

7 Q And do you -- can you identify the signature of  
8 the individual?

9 A No, sir, I -- I don't recognize that signature.

10 Q And you had obtained high readings on 3/29,  
11 correct?

12 A Yes.

13 CHAIRMAN BLOCH: Would you have recognized the  
14 signature of all the regular people working for you at that  
15 time or...?

16 THE WITNESS: Yes. I don't believe that  
17 signature is anyone that -- that worked for me at the time.

18 BY MR. MICHAEL KOHN:

19 Q Now, if the dryers are -- would normally be  
20 running, why would there be an instruction on Block 23 to  
21 run the dryer?

22 A I don't have any idea. I don't -- I didn't  
23 make that entry and I don't know what their -- you know,  
24 what their line of thinking was.

25 Q And do you know if the dryers are actually

1 always running or whether they were turned off during  
2 certain times of the year?

3 A I don't know what the normal operation of the  
4 dryer was at that time. As far as, you know, turning them  
5 off for certain times of the year, I don't know how they  
6 were maintained that way. I believe that was something  
7 that was taken care of by the Operations Department, the  
8 I&C Department wasn't involved in the running of the  
9 dryers, themselves.

10 Q So based on the normal procedure, once you got  
11 a high dew point, you were going to run the dryer for a day  
12 to a day and a half and take dew point readings, and if  
13 they're still high then, only at that point, begin to  
14 investigate and rework, is that your understanding?

15 A Based on normal procedure, not -- not  
16 specifically; but based on this job order's instruction in  
17 Block 23, that's what it appears like we were trying to do  
18 is to run the dryer for a period of time and retake the dew  
19 point readings, and -- and based on those readings,  
20 investigate further from there. That's what that  
21 instruction tells me.

22 BOARD EXAMINATION

23 BY CHAIRMAN BLOCH:

24 Q Mr. Briney, do you know whether -- before you  
25 decided to suspect the dew point instruments, do you know

1 whether anyone verified whether or not the dryers had been  
2 turned off?

3 A I don't recall whether we specifically verified  
4 that the dryers were on or off.

5 Q Well, I mean, if they had been left off then  
6 the 80 degrees would have been expected, wouldn't it?

7 A I guess that would depend on how long they  
8 would have been off.

9 Q Is there anything in the work order that  
10 documents whether they were verified to be either on or  
11 off?

12 A You're talking about in this individual work  
13 order here or...?

14 Q Yes, this order.

15 (The witness reviews certain material.)

16 A I don't see anything on this work order that  
17 shows whether or not they were on and off -- on or off.

18 Q Would you say it's a general principle of plant  
19 operation that you ought to trust your instruments and  
20 check to see if they conditions they're indicating are  
21 correct before you go about reverifying an instrument?

22 A I'd say that depends on the indications that we  
23 receive. If we receive indications that are not consistent  
24 with our experience on the equipment, then I would say that  
25 we may be compelled to troubleshoot along the lines of an

1 instrument failure rather than an actual system parameter  
2 problem.

3 Q Well, how long would it have taken to verify  
4 whether the dryers were on or off, before you started  
5 investigating the inaccuracy of your instruments?

6 A It wouldn't have taken any time at all, and I'm  
7 not saying that it wasn't -- was or wasn't done. I just  
8 don't recall whether or not it was done specifically.

9 CROSS EXAMINATION (Continued)

10 BY MR. MICHAEL KOHN:

11 Q Do you know if any of the dryers were found  
12 turned off?

13 A I believe later on in the event -- and I  
14 believe it was after we had convinced ourselves that the  
15 readings that we were getting with the EG&G instruments  
16 were accurate -- that those same instruments also showed a  
17 high dew point over on the Unit 2 side, and that subsequent  
18 investigation showed that the dryer had been off for a  
19 period of time.

20 BOARD EXAMINATION

21 BY ADMINISTRATIVE JUDGE MURPHY:

22 Q Mr. Briney, back on page 1 of the work order --

23 A The handwritten page 1 or the actual page 1?

24 Q The actual page 1.

25 A Okay.

1           Q     Item number 6, would you read that please to  
2 yourself?

3           A     Do you want me to read it out loud or just read  
4 it to myself?

5           Q     No, just read it to yourself. I just wanted  
6 you to become familiar with item 6.

7                     (The witness reviews the document.)

8           A     Okay.

9           Q     Now is that basically the reason for generating  
10 this work order? Does that give us the reason for  
11 generating this work order?

12          A     Yes, I believe this work order was generated as  
13 a result of readings taken under the other work order  
14 that's referenced there, the 1-90-01513.

15          Q     Without going to that work order which you just  
16 cited, 1513, can you infer from what we've heard so far  
17 today what instrument was used to take these readings that  
18 are discussed in item number 6?

19          A     Not by the verbiage that is in item number 6,  
20 no.

21          Q     I understand that, but from what we've heard  
22 and from what you've seen, what you've testified to so far  
23 today, how many dew point instruments did you have on site  
24 at this point in time?

25          A     When we were working under this job order?

1 Q On this job order and presumably the one that  
2 was taken on the maintenance work order 1513.

3 A Well, I think that's a different number. I  
4 think the dew point readings that were taken on 1513 were  
5 done with one single instrument available, and I think the  
6 readings that were taken under this work order were  
7 actually several instruments, including the Alnor  
8 instrument that was used on 1513.

9 ADMINISTRATIVE JUDGE MURPHY: Do we have 1513  
10 in evidence? What exhibit is that?

11 MR. MICHAEL KOHN: I think it's attached to the  
12 witness' testimony.

13 THE WITNESS: I believe that's correct. I'm  
14 trying to find which one it is -- C.

15 CHAIRMAN BLOCH: For the record, it seems to be  
16 Attachment C to the witness' testimony.

17 (Pause.)

18 BY ADMINISTRATIVE JUDGE MURPHY:

19 Q Are you reading or are you waiting for me to  
20 ask you a question?

21 A I thought you had a specific question  
22 associated with that job order -- sorry.

23 Q I do. What I'm trying to understand is what  
24 dew point instrument was used to take the readings in the  
25 routine PM that was done on maintenance work order 1-90-

1 01513.

2 CHAIRMAN BLOCH: Attached to your testimony as  
3 Exhibit C.

4 A It appears to be documented in block 27 as  
5 actual work performed to be VP-2466, which I believe is the  
6 Alnor instrument that's in question.

7 ADMINISTRATIVE JUDGE MURPHY: Thank you.

8 CROSS EXAMINATION (Continued)

9 BY MR. MICHAEL KOHN:

10 Q And Mr. Briney, if you would note, while we're  
11 on this exhibit, that there's a date set forth in this PM  
12 that says ESD -- if I understand it correctly, that refers  
13 to earliest scheduled date, is that correct? And I'm  
14 looking at around the last entry of block 6.

15 A I believe that's early start date or early  
16 scheduled date, I don't exactly remember the terminology.

17 Q And the DD would be the due date?

18 A I think that's correct, yes.

19 Q And the LED would be the latest expected date?

20 A I think that's correct.

21 Q And this particular work order was changed to  
22 be taken on March 29, 1990, correct?

23 A That's what it appears to be, yes.

24 Q And that was, rather than its originally  
25 earliest scheduled date of April 8, correct?

1 A Yes.

2 Q And do you know -- Your Honor, would this be a  
3 good point to take a break?

4 CHAIRMAN BLOCH: Usually we don't in the middle  
5 of a sentence, but --

6 MR. MICHAEL KOHN: I didn't mean to have a  
7 pending question.

8 CHAIRMAN BLOCH: Well, let me ask the witness  
9 about Exhibit C.

10 BOARD EXAMINATION

11 BY CHAIRMAN BLOCH:

12 Q Is there any indication -- I guess there is an  
13 indication here, isn't there, that the dryer was left on.  
14 I look at project page 06573 and there may be some number  
15 after that, it says it's page 1 of 2, it's the seventh page  
16 in, there's an entry for start fan motor, is that the  
17 dryer?

18 A I'm sorry, you're looking at the seventh page  
19 in?

20 Q Yeah, at the top of the page, in the entry  
21 block, it says "Diesel generator air start dryer  
22 maintenance," and then it says "clean condensing unit" and  
23 step 3 is "start fan motor." Is that the motor that starts  
24 the dryer?

25 A Yes, I believe that's correct.



1 Q So if that entry is correct, the dryer would  
2 have been left on?

3 A Yes.

4 CROSS EXAMINATION (Continued)

5 BY MR. MICHAEL KOHN:

6 Q And if I understand it, there's more than one  
7 power switch on the dryers, is that correct?

8 A I don't specifically recall if there's more  
9 than one power switch on a dryer.

10 Q Is there a switch for the compressor?

11 A I don't recall. I know that there are controls  
12 on the dryer itself, but specifically what they were, I  
13 haven't seen those dryers in too long a period of time, I  
14 guess.

15 Q Is there a breaker for overall power?

16 A I would think so, yes, but I don't know what  
17 that breaker would be or where it would be located.

18 BOARD EXAMINATION

19 BY CHAIRMAN BLOCH:

20 Q So if I understand correctly, is it possible  
21 that the -- do you really know whether or not starting the  
22 fan motor means that the dryer was on?

23 A Starting the fan motor to me means to start the  
24 dryer back up.

25 Q But with these other possible switches, is it

1 possible that he could have turned the fan motor on and the  
2 dryer still wouldn't have been on?

3 A I'm not sure whether the technician actually  
4 manipulated this equipment. I believe typically that the  
5 operations personnel were involved in manipulating the  
6 equipment.

7 Q Oh, so then is it improper for an I&C person to  
8 be initialing that line?

9 A I don't think so, I think the I&C person would  
10 have verified that operations did in fact do what this  
11 checklist said and then sign for it.

12 Q And do you recognize the initials DBT? Is that  
13 what those are, DBT?

14 A I must be on the wrong page, the one I have is  
15 a different set of initials.

16 Q I may have changed the page, I'm sorry.

17 A Okay.

18 MR. MICHAEL KOHN: I think it has a project  
19 page number on the bottom, 65727.

20 BY CHAIRMAN BLOCH:

21 Q Okay, so it's MW?

22 A Yeah, that one is MW.

23 Q And do you know who MW is?

24 A I believe that's Marcel Wilkins.

25 CHAIRMAN BLOCH: Thank you.

1 Now you want a break, counsel?

2 MR. MICHAEL KOHN: Yes.

3 CHAIRMAN BLOCH: And at the end of the break,  
4 do you have an idea how much more time you have left?

5 MR. MICHAEL KOHN: A substantial period --  
6 portion of time, Your Honor.

7 CHAIRMAN BLOCH: Well, all time is substantial.  
8 And this is assuming that we don't ask more questions than  
9 you do, of course.

10 MR. MICHAEL KOHN: I'm a little over, I'd say  
11 about 60 percent done.

12 CHAIRMAN BLOCH: Well, that still doesn't give  
13 me any time.

14 MR. MICHAEL KOHN: Well, it's hard to say  
15 because I don't know what percentage of the time I've been  
16 asking questions, so it's hard for me to guess. But I  
17 would say I'm about -- without interruption -- an hour and  
18 a half to two hours away.

19 CHAIRMAN BLOCH: Okay, let's take our ten  
20 minute break now.

21 (A short recess was taken.)

22 CHAIRMAN BLOCH: Let's go back on the record.  
23 In the break the Board became aware that some of us at  
24 least are not certain we understand the full time line of  
25 exactly what went on here. I'm convinced also that it's

1 the time line of what went on here that's going to be  
2 extremely important in findings. And I've also become  
3 aware that in other portions, such as the successful starts  
4 portion of the proceeding, time lines are going to be very  
5 important. So tables that are prepared by time showing  
6 what documentation shows what went on would be very helpful  
7 in helping the Board to reach accurate conclusions about  
8 these events.

9 MR. BLAKE: Judge Bloch, I agree with that, but  
10 -- but by and large, spending a lot of hearing time with  
11 witnesses whose recollections are only so good really I  
12 don't think will help us a lot.

13 CHAIRMAN BLOCH: Now, it's -- that's possible.  
14 In fact, at some point, if you want to use a document and  
15 the witness doesn't seem to remember it too much, you could  
16 move to have the document considered instead of asking  
17 further questions about it.

18 MR. MICHAEL KOHN: I'm going to ask the witness  
19 to look at Intervenor's 146.

20 BY MR. MICHAEL KOHN:

21 Q Okay, I'm going to ask you to look at document  
22 marked Intervenor's 146, and can you determine that this  
23 concerns the work order for the 2-A diesel during this time  
24 period?

25 (The witness reviews certain material.)

1                   CHAIRMAN BLOCH: We're counting on you that  
2 this document has been marked.

3 BY THE WITNESS:

4           A        Yes, it appears to -- to document items that  
5 were done to the 2-A diesel air dryers.

6           Q        Okay. And if you would look on Block 27 it  
7 says, "Clean condensing units," do you see that?

8           A        Yes.

9           Q        And that would -- that occurred on 4/6/90?

10          A        That's what the document appears to show, yes.

11          Q        And do you recall if the dryers were left off  
12 after -- on the Unit 2-A were found in a left-off condition  
13 and that's why the dew points were high?

14          A        (No response.)

15          Q        Do you recall testifying earlier that it was  
16 your understanding the 2-A dryer was found to be left off?

17          A        Yes.

18          Q        Okay. And the work performed on Number 27,  
19 "Clean condensing units," is the same work that you were  
20 looking at earlier on Exhibit C to your testimony, GPC 155,  
21 where the Board asked you whether this turning off the  
22 motor would -- I mean, starting the motor would -- would  
23 turn on the unit. Does this refresh your recollection that  
24 the cleaning of the condensing unit does not affect whether  
25 or not the dryer is on or off?

1           A       No, again I -- I don't recall the exact control  
2 configuration on the dryer and whether or not turning that  
3 on or off...

4           Q       All right.

5           A       It appears to me as though the PM checklist  
6 tells us to turn the dryer back on after we're done  
7 cleaning it. That's the best that I can recall.

8           Q       Okay. And now if you can turn to Project Page  
9 065756 on the bottom of Intervenor 146, you see the same  
10 procedure where it says, on Number 3, "Start fan motor."

11          A       Yes.

12          Q       And if the dryers were found turned off after  
13 April 6th then that would indicate that the start fan motor  
14 does not affect whether or not the dryers were in fact  
15 turned -- left in an on or off condition, is that correct?

16          A       I'm sorry, I don't -- I don't understand your  
17 -- your question.

18          Q       If Number 3 indicates that the "start fan  
19 motor" was performed, do you see that?

20          A       Yes.

21          Q       And if in fact it was determined that the dryer  
22 was still in an "off" condition after that point, would  
23 that indicate that that entry, "start fan motor," does not  
24 affect whether or not the dryer is in an "off" condition?  
25 An "on" condition, excuse me.

1           A       No. The -- the dryer was typically manipulated  
2 by operations personnel for whatever reasons they deemed  
3 necessary, so I'm sure they had access to the equipment and  
4 could have turned it on or off at -- at whatever interval  
5 they decided was -- was correct.

6                   CHAIRMAN BLOCH: Do you know whether in fact  
7 they did that, that they turned it on and off?

8                   THE WITNESS: I don't have any idea. This  
9 checklist just gives instructions to the technicians on  
10 basically how to leave the equipment once they're completed  
11 with this particular task. It's not all-inclusive of all  
12 the manipulations that may have been done to this piece of  
13 equipment in-between the times we were performing the PM.

14 BY MR. MICHAEL KOHN:

15           Q       Now, at any time did -- after you thought you  
16 had determined that the EGG was giving you -- that the VP-  
17 1114 was giving you accurate readings and you also had a  
18 second piece of Summer -- Plant Summer equipment, did you  
19 then put the Alnor next to those two pieces of equipment to  
20 determine whether it was in line with that piece of  
21 equipment or not?

22           A       Not that I recall, no.

23           Q       And that would have been the easiest and most  
24 definitive way to determine whether the Alnor was giving  
25 accurate readings or not, isn't it?

1           A       Not necessarily. Our thought process at the  
2 time was that the Alnor was a defective instrument based on  
3 the other information that we had. And this particular set  
4 of information more or less confirmed to me that the EG&G  
5 instrumentation that we were using was accurate information  
6 because it did find that one of the dryers was shut off and  
7 that we thought we had a high dew point condition, an  
8 actual condition in those particular dryers.

9                   CHAIRMAN BLOCH: Mr. Briney, I have trouble  
10 understanding when you get a question about whether  
11 something is easy, why you would answer by saying, "Our  
12 thought process at the time was..." He's asking you to  
13 consider a different line of logic. And you go back to  
14 what your thought process was. That really isn't relevant  
15 to the answering of that question. So if you would just  
16 restate the question.

17 BY MR. MICHAEL KOHN:

18           Q       All right. You are aware that you had two EGG  
19 pieces of dew point test equipment at site which you were  
20 now confident you were able to get adequate readings from.  
21 Would it have been easy to take a reading with the Alnor to  
22 determine whether it was in line with the EGG?

23           A       Yes. But that's not the question that you  
24 asked me before.

25                   CHAIRMAN BLOCH: That's correct. He then said,



1 "Would that have been the easiest way to determine whether  
2 or not the Alnor was able to give correct readings?"

3 THE WITNESS: That's correct, and I attempted  
4 to tell him that -- that I thought we had already made that  
5 determination. That's what I was trying to do by  
6 explaining my thought process.

7 CHAIRMAN BLOCH: Okay. Do you see now, though,  
8 that if you would have put it against an instruments you  
9 were trusting (sic), which was at a later point in time,  
10 that you would have had a further check as to whether you  
11 were correct that it was a defective instrument?

12 THE WITNESS: The issue in my mind was already  
13 closed at that time, sir.

14 BY MR. MICHAEL KOHN:

15 Q Even though the dryers were being blown down?

16 A The readings that we got underneath this MWO  
17 were probably the most conclusive evidence that showed me  
18 that the Alnor was in fact a defective instrument.

19 Q And...

20 CHAIRMAN BLOCH: I think the record's clear on  
21 what the witness' testimony is.

22 BY MR. MICHAEL KOHN:

23 Q Now, is it your belief that you were present  
24 when the filter was inspected from the -- the control air  
25 filter was inspected?

1           A       Yes, I believe I was present during the  
2 inspection of the control air filter for the 1-A diesel.

3           CHAIRMAN BLOCH: And what date are you  
4 thinking, since there was no date in the question?

5           THE WITNESS: I couldn't tell you the exact  
6 date. I don't recall.

7           MR. MICHAEL KOHN: And is it...

8           CHAIRMAN BLOCH: Well, Mr. Kohn, the only thing  
9 the record shows is that he was one time or other present  
10 for that.

11          MR. MICHAEL KOHN: Okay.

12 BY MR. MICHAEL KOHN:

13          Q       And do you recall, during your deposition  
14 yesterday, testifying that other than being present for the  
15 -- for the inspection of the 1-A air filter or other than  
16 seeing the 1-A air filter, you do not recall having any  
17 knowledge whether any other air filters on the diesel  
18 generator were inspected following the site area emergency?

19          A       Yes, I recall that.

20          Q       And I now am going to show you your prefiled  
21 testimony on Page 5, Line 24, and there you state that you  
22 checked all the diesel control air system air filters, do  
23 you see that?

24                   (The witness reviews certain material.)

25          A       I state that checking of all the diesel control

1 air -- or control system air filters was one of the several  
2 actions that were being pursued in parallel.

3 Q And in fact, you only know that the 1-A air  
4 receiver was checked, isn't that true?

5 A That's true.

6 Q Excuse me, control air filter was checked?

7 A That's true.

8 Q So you have no basis to state that all the  
9 control air filters were checked for the presence of  
10 moisture?

11 A That's not what that statement says. The  
12 statement says, "As I recall, we initiated several actions  
13 in parallel with one another. One of those actions was to  
14 check all the diesel control system air filters."

15 Q But you just testified that only the 1-A air  
16 filter was checked.

17 A No, sir, I testified that's the only one that I  
18 observed personally.

19 Q And you have no knowledge of the others  
20 actually having been checked, isn't that true?

21 A That's true.

22 Q And I believe you testified at your deposition  
23 yesterday that the filter that you saw that had been  
24 checked was white in color?

25 A Yes.

1 Q And that you do not believe it was a bronze  
2 filter?

3 A My recollection is that it was white.

4 Q And the filter was not brought to the I&C shop  
5 for inspection?

6 A My recollection is that I observed those  
7 filters in the diesel room.

8 Q You also state in your testimony, on Page 7,  
9 Lines 1 and 2, and Page 8, Line 9, that the EG&G had never  
10 been used by I&C technicians, correct?

11 A To my knowledge it had not, that's correct.

12 Q I'm going to ask you to turn to Intervenor's  
13 Exhibit 147.

14 BOARD EXAMINATION

15 BY CHAIRMAN BLOCH:

16 Q Mr. Briney, do you know whether there was a  
17 procedure governing the inspection of that filter?

18 A I don't recall a procedure specifically  
19 governing the inspection of the filter, no.

20 Q Well, do you know whether or not it had ever  
21 been inspected before that inspection?

22 A I don't have any personal knowledge of it being  
23 inspected prior to that.

24 Q And what procedures, if any, were taken during  
25 the inspection to insure that five micron particles would

1 not get into the other side of the line that was being  
2 protected by the filter?

3 A I don't know of any procedure that would have  
4 tested that.

5 CHAIRMAN BLOCH: Please continue.

6 BOARD EXAMINATION

7 BY ADMINISTRATIVE JUDGE MURPHY:

8 Q I'm not sure I understood what you said. You  
9 didn't know of any procedure that would have tested that,  
10 is that what you said?

11 A Yes.

12 Q What did you mean by that?

13 A I thought that's what he asked me, that -- if I  
14 had -- knew of any procedure that would have tested whether  
15 or not certain size particles would have gone through the  
16 filter.

17 Q No, I think he meant did you know of any  
18 procedure that would have protected the system from five  
19 micron particles getting beyond the filter while you were  
20 inspecting the filter?

21 A Any procedure?

22 BOARD EXAMINATION

23 BY CHAIRMAN BLOCH:

24 Q Did you do anything that would protect -- you  
25 know the -- the filter is designed to protect five micron

1 particles from passing beyond it.

2 A Yes.

3 Q Do you know, when you were inspecting the  
4 filter, whether there was any way for five micron filters  
5 to get where they were prohibited from being?

6 A No.

7 BOARD EXAMINATION

8 BY ADMINISTRATIVE JUDGE CARPENTER:

9 Q Mr. Briney, well, did -- in order to inspect  
10 the filter don't you have to isolate the filter by turning  
11 off some valves and depressurize that segment of the  
12 system?

13 A Yes.

14 Q Then the parts of the system beyond those two  
15 valves are protected, aren't they?

16 A Yes.

17 Q Thank you.

18 A You would think so.

19 Q Thank you.

20 BOARD EXAMINATION

21 BY ADMINISTRATIVE JUDGE MURPHY:

22 Q Would you have instituted certainly cleanliness  
23 standards while you were doing that, do you know?

24 A Yes, we should have.

25 Q Would that have prevented the -- prevented five

1 micron particles from getting into other parts of the  
2 system?

3 A The cleanliness procedures would have been  
4 designed to protect the system from any foreign substances  
5 entering the system once we breached it.

6 BOARD EXAMINATION

7 BY CHAIRMAN BLOCH:

8 Q I'm sorry, was there therefore something in an  
9 MWO that told you what the cleanliness standards were when  
10 you took the filter out?

11 A I don't recall reviewing that MWO and whether  
12 or not it made that statement, but typically we maintained  
13 a Zone 4 cleanliness, which refers to the actions we would  
14 have taken to prevent debris or -- or particles from  
15 entering the system once we breached it.

16 CHAIRMAN BLOCH: Mr. Kohn?

17 MR. MICHAEL KOHN: Okay.

18 CROSS EXAMINATION (Continued)

19 BY MR. MICHAEL KOHN:

20 Q If dirt or particles got in after the filter  
21 was removed and before the valve that was -- and in-between  
22 the valve that was shut off, that...

23 CHAIRMAN BLOCH: Okay, let's establish the  
24 basis that that's possible.

25 Q That is possible, correct?

1           A       Yes, it's possible.

2           Q       And so then when the system was reinstated  
3 and turned on those particles could have traveled upstream  
4 -- downstream, excuse me?

5           A       The administrative procedure is what should  
6 have been followed in that instance and should have  
7 prevented any substances from entering the system at that  
8 point. However, if for some reason it wasn't followed,  
9 then yes, I would assume that the particles could then  
10 travel further downstream in the -- in the system.

11          Q       And did they have a procedure that would  
12 exclude five micron particles?

13          A       No, not to my knowledge.

14          Q       Now, I've asked you to turn to Intervenor's  
15 Exhibit 147.

16          A       I don't have that, I don't think.

17                   MR. MICHAEL KOHN: I'm working on trying to  
18 locate a copy for the witness.

19 BY MR. MICHAEL KOHN:

20          Q       Now, this is a -- a work order initiated, if  
21 you can see, in 1989; February 28th, 1989, is that correct?

22          A       Yes.

23          Q       And during that time you were the acting I&C  
24 superintendent? I may have misspoken; the I&C supervisor?

25          A       I was an I&C supervisor at that time.



1 Q Okay. And as an I&C supervisor you had  
2 responsibility for making sure that test technicians knew  
3 how to use the equipment provided to them, is that correct?

4 A I don't recall if that was one of my  
5 responsibilities at that time or not. We had four I&C  
6 supervisors at that time and we all had different duties.

7 Q And, well, you note that this work order, if  
8 you read in Box 6, was pointing out the fact that  
9 technicians were having problems using the EGG dew point  
10 analyzer.

11 A That's what Block 6 says.

12 Q And you testified that to your knowledge I&C  
13 technicians never used an EGG analyzer, is that correct?

14 A That's correct.

15 Q Well, this would indicate that that testimony  
16 is not accurate, isn't that true?

17 A No, that's not true. To my knowledge, I&C  
18 technicians had never used the EG&G instrument before.

19 Q Before February of '89?

20 A No, before the April 1990 time frame that we've  
21 been discussing.

22 Q Now,...

23 BOARD EXAMINATION

24 BY CHAIRMAN BLOCH:

25 Q I'm sorry. Are you saying that as you read

1 this MWO that there were no -- any technicians using the  
2 EG&G?

3 A No, sir, I'm just saying I didn't have any  
4 prior knowledge that they did.

5 Q You didn't know about it? Okay.

6 A Right.

7 Q But do you now believe, having seen this, that  
8 the EG&G was used before that time?

9 A It would appear by the -- by this MWO that the  
10 EG&G was used prior to that time, yes.

11 CROSS EXAMINATION (Continued)

12 BY MR. MICHAEL KOHN:

13 Q Okay. And if you would note that the MWOs  
14 referenced in Block 6 include 1890082, and I think the  
15 other one is 1890...

16 CHAIRMAN BLOCH: You said 0082, and I see two  
17 2s.

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

19 BY MR. MICHAEL KOHN:

20 Q And the other one is 18900...

21 CHAIRMAN BLOCH: I'm sorry, the other one seems  
22 to be 186, not 189.

23 MR. MICHAEL KOHN: I take that back. Well,  
24 let's focus on the 18900822. And I'm going to show you a  
25 document previously identified in this proceeding as

1 Demonstrative Aid 4. I'm going to ask you to look at the  
2 1-B diesel entry for February 24, 1989.

3 CHAIRMAN BLOCH: Okay, the demonstrative aid  
4 you're talking about is an agreed aid, isn't it?

5 MR. MICHAEL KOHN: Yes, it's been stipulated by  
6 the parties.

7 CHAIRMAN BLOCH: So if that's true, do you need  
8 to talk to this witness about it? If in fact the record  
9 shows stipulations that the EG&G instruments have been used  
10 and the witness doesn't know about them, you have a way of  
11 proving that they've been used.

12 BY MR. MICHAEL KOHN:

13 Q Okay, thank you, Your Honor. This  
14 demonstrative aid demonstrates that following this MWO the  
15 EG&G VP-1114 was correctly used on March 1, 1989, and -- to  
16 obtain 41.6 and 33.8 degree dew point readings from -- at  
17 Georgia Power. Would that indicate to you that at least  
18 someone in your department knew how to use the EG&G  
19 correctly?

20 CHAIRMAN BLOCH: I'm sorry, how did your aid  
21 show that it was correctly used?

22 MR. MICHAEL KOHN: Well, let me rephrase the  
23 question.

24 BY MR. MICHAEL KOHN:

25 Q Shows that the EG&G obtained what would appear

1 to be the final readings on a work order for March 1, 1989,  
2 that -- to demonstrate that the dew points were acceptable  
3 at 45.6 and 33.8?

4 CHAIRMAN BLOCH: Okay, now, if that's in the  
5 record why do you care whether this witness says something  
6 about it, since the Board can make findings based on the  
7 fact it was used on that date?

8 BY MR. MICHAEL KOHN:

9 Q Well, let me -- the real question I'd like to  
10 get to is: Weren't you aware that technicians in your  
11 organization -- that someone would know how to use that  
12 EGG?

13 A No, I was not.

14 Q Did you ask the...?

15 CHAIRMAN BLOCH: Do you know whether the  
16 technician who used it in '89 was still in the organization  
17 in '90, Mr. Kohn? And if he was still there, I mean, is  
18 that a question you have to ask, the name of the witness --  
19 the name of the technician?

20 MR. MICHAEL KOHN: Well, I -- that may become  
21 the area that we have to cover, Your Honor, and it's only  
22 through the questioning that I'll get there. And the  
23 problem is we do not have the work orders for these, so  
24 sometimes it takes me a while to ask questions to get where  
25 we ultimately want to go. I apologize.

1                   MR. BLAKE: He's -- I'm not sure that's the  
2                   quickest -- that's the quickest way to get there, but --  
3                   but counsel's right in that I'm informed we had knowledge  
4                   that electrical maintenance people had used the EG&G  
5                   instruments at sometime in the past, but frankly I didn't  
6                   have any knowledge that I&C had before he's just pointed  
7                   this out in this one work order. So, while I don't think  
8                   it's the quickest way to try to go through it with this  
9                   witness, I think this is something that we ought to be able  
10                  to agree on when we look back through and compare notes on  
11                  work orders.

12                 MR. MICHAEL KOHN: Okay, I'll...

13                 MR. BLAKE: I'm just worried about time, that's  
14                 all.

15                 MR. MICHAEL KOHN: Yes, I'll -- I'll move on  
16                 and see, during a subsequent break, whether we need further  
17                 questioning.

18                 MS. YOUNG: Mr. Kohn, in asking this question  
19                 were you relying in any way on the name at Block 29 on the  
20                 exhibit?

21                 MR. MICHAEL KOHN: Actually, now you -- you  
22                 refreshed my recollection.

23                 BY MR. MICHAEL KOHN:

24                 Q           And the name there is Dave Lohrman, is that  
25                 correct? Loraman? I'll pronounce it right one of these

1 times.

2 A Yes, sir, but this job order says that we took  
3 dew point measurements using VP-2466, which was not an EG&G  
4 instrument. That's what Dave Lohrman signed for.

5 MR. BLAKE: That's why we can't establish that,  
6 Michael, from this point. We need to look at these work  
7 orders to see whether what prompted this one was electrical  
8 maintenance people working with these with the EG&G  
9 instrument. And I'll undertake to try to do that and  
10 compare notes with you.

11 MR. MICHAEL KOHN: Well, I'm --

12 CHAIRMAN BLOCH: You have to look at the work  
13 orders that are referenced in line 6.

14 MR. BLAKE: You can't get a better offer than  
15 that.

16 MR. MICHAEL KOHN: That's correct.

17 CHAIRMAN BLOCH: So they're going to do that  
18 for you, that's the undertaking.

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

20 Thank you, Ernie, very much.

21 BY MR. MICHAEL KOHN:

22 Q Now would you know who RMJ would refer to as a  
23 technician?

24 CHAIRMAN BLOCH: What does that have to do with  
25 anything?

1           A       I don't recall a technician with RMJ, off the  
2 top of my head, no.

3           CHAIRMAN BLOCH: Mr. Kohn, are you in need of a  
4 break in order to retain normal process here?

5           MR. MICHAEL KOHN: No, Your Honor.

6 BY MR. MICHAEL KOHN:

7           Q       If you would turn to page 8, line 18 of your  
8 testimony, you state that the GE rental readings were  
9 generally more in line with the type of readings you  
10 expected, is that correct?

11          A       Yes.

12          Q       But the GE rental readings, which are  
13 identified in Bockhold Exhibit F, were, with the exception  
14 of one of the readings, physically impossible readings,  
15 isn't that correct?

16          A       I'm not an expert in dew point, so I can't tell  
17 you what's possible and impossible readings.

18          Q       So if you received a negative ten degree dew  
19 point reading of an air dryer for the diesel generators you  
20 would consider that to be more in line --

21                 CHAIRMAN BLOCH: Wait a second. It's on the  
22 receiver.

23                 MR. MICHAEL KOHN: Excuse me.

24 BY MR. MICHAEL KOHN:

25          Q       A minus ten degree Fahrenheit reading on the

1 receiver of the diesel generator, would you consider that  
2 to be in line than say a 75 degree dew point reading?

3 A With my experience with dew point readings, I  
4 can recall seeing negative numbers. At that particular  
5 time, the negative number did not surprise me.

6 Q So when you were determining whether the Alnor  
7 was the defective device, it didn't dawn on you that these  
8 negative readings could be an indication that the Alnor was  
9 giving better readings than physically impossible readings?  
10 That was a poor question, let me try that again.

11 Do you now know that say readings less than 32  
12 degrees Fahrenheit are not obtainable by the dryer system  
13 used in the diesel generator?

14 A I don't know if they're unattainable or not. I  
15 do know they're out of the normal range, the normal  
16 specification that we were given on the checklists.

17 CHAIRMAN BLOCH: The checklist said it had to  
18 be between 35 and 50?

19 THE WITNESS: I thought it was 32.

20 CHAIRMAN BLOCH: Thirty two and 50.

21 BOARD EXAMINATION

22 BY CHAIRMAN BLOCH:

23 Q So when it's outside the allowable range,  
24 wouldn't that alert you?

25 A I don't know if I had the checklist knowledge



1 at the particular time that I wrote that tabulation.

2 Q Shouldn't it have alerted someone?

3 A It may have alerted the engineering staff that  
4 were more familiar with the equipment than I was -- I don't  
5 know. But from my perspective, negative readings for dew  
6 point were achievable in dryer systems, so that --

7 Q In dryer systems or in instrument air?

8 A In dried air systems. I didn't really make the  
9 distinguishment between instrument air or diesel generator  
10 control air systems. It's just in my previous experience,  
11 negative numbers were not uncommon for measuring dew point  
12 of an air system.

13 BY ADMINISTRATIVE JUDGE CARPENTER:

14 Q In your mind, did you distinguish between  
15 refrigerant dryer and desiccant dryers?

16 A Not at that time, no, I didn't. I didn't know  
17 the difference or the capabilities of the two systems. I'm  
18 certainly not an expert in the operation of those two  
19 systems.

20 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

21 BY CHAIRMAN BLOCH:

22 Q Well, looking at the table in Bockhold F at  
23 this point, with your knowledge that dew points less than  
24 32 degrees Fahrenheit could not be achieved by a  
25 refrigerant dryer, do you now reach a different conclusion

1 about whether the GPC Alnor was defective?

2 A No, I don't.

3 Q What data do you rely on to say it was  
4 defective?

5 A The data from the two EG&G instruments that we  
6 used, especially like I stated before, when we found high  
7 dew point readings over in the Unit 2 side, using EG&G  
8 equipment, and then found that the air dryer had been off  
9 for a period of time, and that seemed to explain why we had  
10 high readings, I felt comfortable with the fact that we had  
11 relied on the correct instrumentation.

12 CROSS EXAMINATION (Continued)

13 BY MR. MICHAEL KOHN:

14 Q Well, if you knew that you would have expected  
15 high readings on the 2-A, then if you look at Bockhold F,  
16 the GPC Alnor gave you 85 degrees. Was that a bad reading  
17 due to a faulty instrument? Was that the type of reading  
18 you would have expected?

19 A At that particular time when I wrote that  
20 tabulation, it was indeterminant whether or not we had a  
21 bad instrument or an actual condition.

22 Q Well then after you learned that you should  
23 have expected high readings on the 2-A, didn't the fact  
24 that you received a 30 degree Fahrenheit reading on this GE  
25 rental trigger in your mind the fact that the GE rental

1 readings should just be completely thrown out? Isn't that  
2 reading contrary to what you thought would have -- were  
3 supposed to have been the proper readings?

4 A We didn't expect to get high readings on the  
5 2-A diesel. We got high readings on the 2-A diesel and  
6 then through our investigation of those high readings found  
7 that the dryer had been off for a period of time.

8 Q You got high readings on the diesel that you  
9 could never make come down with the feed and bleed process,  
10 correct?

11 A We got high readings on the diesel using the  
12 two EG&G instruments.

13 Q That you could not quickly make come down  
14 following the high readings you obtained in early April,  
15 correct?

16 A I don't really know how to answer that  
17 question. I don't know whether or not we could have  
18 quickly made them come down or not.

19 Q Well, if the dryer was off, you weren't able  
20 to, were you?

21 A Not as long as the dryer was off, no.

22 Q So until someone figured that out in this  
23 process, you were going to expect high dew point readings  
24 on that dryer, correct?

25 A No.

1 Q On the air receiver.

2 A No. As I recall, when we performed those dew  
3 point readings on that air dryer, we expected them to be in  
4 line with the normal specifications. And when we found it  
5 out of specifications, we again instituted an investigation  
6 to find out why they were, and that's when we found that  
7 the dryer had been off for a period of time.

8 BOARD EXAMINATION

9 BY CHAIRMAN BLOCH:

10 Q Mr. Briney, after you found that the dryer had  
11 been off, wouldn't that tend to confirm that the readings  
12 of the GPC Alnor taken on April 6, 1990, Bockhold Exhibit  
13 F, were correct?

14 A No, sir.

15 Q Why is that, explain that.

16 A Because we got readings with that same Alnor  
17 that said that all of them were out of spec, and I didn't  
18 believe that all of them could be out of spec without --

19 Q Well just look at the ones from 2-A. You  
20 verified that the dryer was off and that there should have  
21 been a high dew point reading there. Are the 85 and 95 out  
22 of whack with what you got with other instruments?

23 A Well, the 85 and 95 that we got -- you're  
24 looking at KO-2?

25 Q Yes.

1           A       Are definitely different than what we got with  
2 the GE rental.

3           Q       You're not following. You found later that the  
4 dryer was off, isn't that correct?

5           A       Yes.

6           Q       Once you found that the dryer was off, didn't  
7 you know that the GE rental readings on 2-A, diesel 2-A,  
8 dryers KO-1 and KO-2, were not possible?

9           A       Yes. As I explained before, when I wrote this  
10 tabulation, all of these readings were still suspect. We  
11 still didn't have confirmed in our mind whether or not we  
12 had a system condition or an instrument problem.

13          Q       Now didn't you also know that however out of  
14 calibration the GPC Alnor might have been, that the  
15 readings on the 2-A, KO-1 and KO-2, were probably close to  
16 correct, because the dryer was off?

17          A       The readings that we took with the GE rental?

18          Q       No, the readings with the GPC Alnor. You knew  
19 that they were high because the dryer was off.

20          A       Yes. But we still suspected the Alnor because  
21 of the other readings.

22          Q       I know what you suspected then. But let's look  
23 at the data now. In light of the fact that the dryer was  
24 off, doesn't it look like the readings from the Alnor on  
25 the 2-A, KO-1 and KO-2, may have been correct on that

1 particular -- on those particular readings?

2 A No, sir, I don't think so. The readings that  
3 we got later on were not anywhere near 85 degrees, as I  
4 recall, they were more in the 60 degree range.

5 Q And how much blowdown had been done?

6 A I don't know, I'm not sure.

7 Q So do you know whether the conditions might  
8 have changed through the blowdowns that were being done?

9 A That's possible.

10 Q Now if in fact the 85 and 95 degrees were  
11 correct with the GPC Alnor on April 6, would that also  
12 raise the possibility that the other readings also were  
13 correct?

14 A No, sir. Again, when I tabulated these  
15 results, all of these readings were still suspect and we  
16 were still striving to find out what the problem was.

17 MR. BLAKE: Judge, I can handle this on  
18 redirect, I think there's a miscommunication.

19 CHAIRMAN BLOCH: Mr. Kohn.

20 MR. MICHAEL KOHN: Thank you.

21 CHAIRMAN BLOCH: I think we ought to take our  
22 ten minute recess right now, it's 4:32, we'll be back at  
23 4:42.

24 (A short recess was taken.)

25 CHAIRMAN BLOCH: The hearing will come to

1 order.

2 In order to accommodate the witnesses, the  
3 Board has decided to cancel tomorrow's site visit and we'll  
4 do it when it appears to work in with the schedule for the  
5 hearing. And we understand that that means that Mr.  
6 Owyong and Mr. Johnston may not be available.

7 MR. BLAKE: I understand -- for the tour.

8 CHAIRMAN BLOCH: For the site visit.

9 Mr. Kohn.

10 BY MR. MICHAEL KOHN:

11 Q If you would look at Intervenor's Exhibit 162  
12 and 163, which should in front of you in that blue book.  
13 And Exhibit 162 is the documentation that would be  
14 maintained -- let me rephrase it -- can you identify what  
15 Exhibit 162 would be?

16 A It appears to be a vendor manual for the Model  
17 911 Dew All --

18 CHAIRMAN BLOCH: Please speak right into the  
19 mic, it's a little hard to hear.

20 THE WITNESS: Okay. It appears to be a vendor  
21 manual.

22 BY MR. MICHAEL KOHN:

23 Q Doesn't it appear to be the plant documentation  
24 for the vendor manual?

25 A Yes.

1 Q Okay. And given this record and documentation,  
2 did you testify earlier that you went to obtain plant  
3 documentation for this particular vendor manual and  
4 couldn't locate it?

5 A Yes.

6 Q And did you personally go and attempt to obtain  
7 this vendor manual?

8 A Not that I recall, no.

9 Q And is there any -- you are aware that the  
10 plant procedures are such that plant documentation, in  
11 particular this vendor manual, was to be maintained at all  
12 times?

13 A I don't recall all of the administrative  
14 procedures that govern vendor manuals.

15 Q And this document demonstrates that it was  
16 received and approved by May of 1989?

17 A That's what it looks like, yes.

18 Q And you don't have any way to explain why this  
19 document would not be available to you, do you?

20 A No, I don't.

21 Q And what relation -- if you see the names on  
22 Exhibit 162, Mr. Noblett -- what relationship in the  
23 organization did he have with you during this time period?

24 A I'm sorry, I don't see the name you're  
25 referring to.



1 (Pause.)

2 A Yeah, that appears to be the signature for Les  
3 Noblett.

4 Q And where does he fit into the organization?

5 A I believe he was an I&C foreman at the time.

6 Q And there's also a Mr. Hobbs. Where did he fit  
7 into the organization at the time?

8 A I believe as far as 5/22/89, I believe Mr.  
9 Hobbs was the I&C Superintendent.

10 Q So did Mr. Noblett work for you during that  
11 period of time?

12 A Yes. I'd like to clarify the period of time.  
13 Are you talking about the period of time that this document  
14 was received or the period of time in 1990 that we're  
15 discussing?

16 Q First -- why don't you do both -- the period of  
17 time this was received and then 1990.

18 A I don't believe Mr. Noblett reported directly  
19 to me during the period of time in 1989.

20 Q But during 1990, he did?

21 A During 1990, he reported to me through one of  
22 the I&C supervisors.

23 CHAIRMAN BLOCH: Mr. Kohn, I don't understand  
24 the basis for that question. If in fact Mr. Briney knew  
25 that Mr. Noblett knew about the documentation, he might

1 have been using him to do that, but I don't think you've  
2 established that.

3 BOARD EXAMINATION

4 BY CHAIRMAN BLOCH:

5 Q Did you know that Mr. Noblett would have known  
6 how to get documentation if it was needed?

7 A Mr. Noblett was familiar with our M&TE program,  
8 this was associated with M&TE, so I would have expected him  
9 to be able to retrieve this document.

10 Q And if there was a problem getting the  
11 document, would you have thought of turning to him to make  
12 sure you could get it?

13 A In the period of 1990, I don't know if Mr.  
14 Noblett was the gentleman in charge of the M&TE program. I  
15 probably would have relied on the foreman that was over the  
16 M&TE program at the time.

17 CROSS EXAMINATION (Continued)

18 BY MR. MICHAEL KOHN:

19 Q And who would that have been?

20 CHAIRMAN BLOCH: What difference does it make?

21 A I'm not sure who it was.

22 Q Did you ask the foreman?

23 A I don't recall specifically asking the foreman,  
24 no.

25 Q And did -- when you learned that a manual --

1 that the V.C. Summer plant had a manual, did you ask them  
2 to fax it over to you so you could get it more quickly?

3 A I don't recall asking them to fax it.

4 Q Did you call the manufacturer to get a copy  
5 more rapidly?

6 A Not that I recall.

7 Q Did you submit a deficiency card or any  
8 documentation indicating that the document control  
9 procedure was not operating properly?

10 A Not that I recall.

11 Q I believe at your deposition you testified that  
12 Mr. Duncan, Mike Duncan, would have been the person  
13 responsible for handling a defective Alnor, is that  
14 correct?

15 A I believe Mr. Duncan was the I&C supervisor in  
16 charge of the M&TE program and that he would have handled  
17 the defective Alnor instrument, he and his staff.

18 Q And at the very beginning of your testimony, I  
19 asked you about Mr. Lohrman and Mr. Leftwich. I forgot to  
20 ask you whether you knew they were -- do you know they are  
21 WISCO techs?

22 A Yes.

23 Q And what does WISCO stand for?

24 A I think it's an acronym for Westinghouse  
25 Instrument Service Company.

1 Q So they're contract employees?

2 A Yes.

3 BOARD EXAMINATION

4 BY CHAIRMAN BLOCH:

5 Q Mr. Briney, would it surprise you that Mr. Mike  
6 Duncan never heard of a defective Alnor instrument in this  
7 time period?

8 A Yes, it would.

9 CROSS EXAMINATION (Continued)

10 BY MR. MICHAEL KOHN:

11 Q Now were -- I'm still -- after the 3/29 high  
12 dew point readings were obtained, were the follow up  
13 readings taken because you got the original high reading or  
14 was there another motivation for taking the follow up  
15 readings?

16 A We took the following readings based on our  
17 knowledge of the system in that it didn't appear to us to  
18 be normal that all the systems would have been out of spec  
19 high at the same time.

20 Q Well before you found out that all of them were  
21 high out of spec at the same time, you got the March 29  
22 reading on the 1-A diesel, what was the motivation at that  
23 point for taking additional dew point readings?

24 MR. BLAKE: I want to object. I think this has  
25 been asked and answered at least twice, and I'm willing to

1 give what I believe those answers to have been.

2 CHAIRMAN BLOCH: Are you talking about the  
3 Exhibit 217 again, Mr. Kohn?

4 MR. MICHAEL KOHN: No, Your Honor.

5 CHAIRMAN BLOCH: Do you have something specific  
6 to tie this in, you've got a basis?

7 MR. MICHAEL KOHN: Yes.

8 CHAIRMAN BLOCH: Please continue. And  
9 something new that we haven't done before, right?

10 MR. MICHAEL KOHN: Yes.

11 BY MR. MICHAEL KOHN:

12 Q What was the motivating factor from your  
13 perspective that resulted in taking the other high dew  
14 point readings?

15 CHAIRMAN BLOCH: Could you show him the  
16 document you're referring to? He's answered it enough  
17 times to do that.

18 MR. MICHAEL KOHN: I'm looking actually at his  
19 prefiled testimony, Your Honor.

20 CHAIRMAN BLOCH: Well, show him where you're  
21 referring to.

22 MR. MICHAEL KOHN: page 10, lines 18 through  
23 20.

24 BY MR. MICHAEL KOHN:

25 Q Were the high dew point readings, identified in

1 GPC Exhibit II-52, taken as a result of Mr. Hunt's interest  
2 or were they taken because that's what you're supposed to  
3 do when you get high dew point readings?

4 A I believe that they were, as I stated in my  
5 testimony, as a result of Mr. Hunt's interest in the high  
6 dew point readings.

7 Q So then if Mr. Hunt didn't express an interest,  
8 no additional dew point measurements may have been taken  
9 until sometime after the plant was restarted?

10 A I don't recall dew point being an issue prior  
11 to Mr. Hunt getting involved, no.

12 Q Well, wasn't it an issue on 3/29? Didn't you  
13 all previously testify that you told the critique team  
14 about it on 3/29?

15 A Yeah, I believe we told the critique team about  
16 the high dew point readings that we had taken.

17 Q So that wasn't an issue that the critique team  
18 was interested in on 3/29? You had to wait for Mr. Hunt?

19 A I don't know, I don't recall.

20 Q On page 21 -- excuse me -- page 12 of your  
21 testimony, you state on line 7 that you know the M&T  
22 program procedures were not followed with respect to the  
23 defective Alnor. And you knew that at the time, correct?

24 A I don't see where I said that they weren't  
25 followed.

1           Q       Well, on line 7, -- the question on lines 3  
2 through 6 says, "Once you determined that you had a  
3 defective instrument, did you undertake an effort to review  
4 or re-evaluate prior dew point measurements to determine if  
5 the condition had existed prior to March 29?"

6                    Answer: "No."

7                    And you go on to say, "I know the M&T program  
8 procedure requires such a review when these prior readings  
9 are being relied upon to satisfy some operating  
10 requirement." Do you see that?

11           A       Yes.

12           Q       Well then, you knew that they were not  
13 following these procedures following March 29, isn't that  
14 correct?

15           A       No, that's not correct. That's not what my  
16 testimony says.

17           Q       Well, did you know that the M&TE program was  
18 following the procedures?

19           A       I don't have any personal knowledge of whether  
20 those procedures were followed or not in this particular  
21 instance.

22                                    BOARD EXAMINATION

23           BY CHAIRMAN BLOCH:

24           Q       Could we try to see if there's a logical  
25 problem here? On lines 9 through 12, you say, "The newly

1 obtained readings with the Georgia Power EG&G instrument  
2 had become the basis for complying with the dew point  
3 specification." Is that correct, that's what that says  
4 there?

5 A Yes.

6 Q Now what does that have to do with whether you  
7 should go back and verify conditions existing prior to  
8 March 29th?

9 A In my mind, we had resolved the situation with  
10 the dew point issue in that it was associated with a  
11 defective instrument.

12 Q Had you resolved anything about what happened  
13 prior to March 29?

14 A No.

15 Q And therefore, had you addressed the reason for  
16 reviewing prior readings?

17 A I'm not sure I understand your question.

18 Q What is the reason that you go back and review  
19 prior readings when you've found that an instrument is  
20 defective?

21 A The normal procedure would have gone back and  
22 done an investigation on what MWOs or what readings that  
23 that instrument had taken.

24 Q And why do you do that?

25 A To find out whether or not the instrument had



1 been used in the past to give erroneous readings.

2 Q Yeah, and to see whether there was some problem  
3 to clarify about that, right?

4 A Correct.

5 Q Now in what way does the use of the EG&G  
6 instrument have anything to do with addressing the question  
7 of prior improper readings?

8 A I was addressing the improper readings on the  
9 diesels and since we had convinced ourselves that the EG&G  
10 readings were correct, then it doesn't make any sense for  
11 us to go back and investigate why or if the Alnor  
12 instrument had given us erroneous readings in the past.

13 Q Even though it might have been used on  
14 instrument air?

15 A In this particular testimony I was strictly  
16 discussing diesel generator --

17 Q But you said, "So there was no reason to go  
18 back and reverify prior measurements." That would be in  
19 any place, whether it's instrument air or diesels, right?

20 A In my mind, I was discussing measurements on  
21 the diesels, not on instrument air.

22 Q So was there a reason to go back and reverify  
23 measurements on instrument air?

24 A There may have been, I don't know. The  
25 investigation would have determined that, I suppose.

## 1 CROSS EXAMINATION (Continued)

2 BY MR. MICHAEL KOHN:

3 Q What examination are you referring to?

4 A An M&TE investigation that would have been  
5 initiated after we found that we had a defective  
6 instrument.7 Q And if there was no M&TE investigation and the  
8 M&TE Department was not aware of a defective Alnor, can --  
9 well let me rephrase it. Can you explain why the M&TE  
10 Department would not conduct an investigation and persons  
11 from that department would testify here that they weren't  
12 aware of a defective Alnor?

13 A No, I have no idea.

## 14 BOARD EXAMINATION

15 BY CHAIRMAN BLOCH:

16 Q Under plant procedures, who's responsible for  
17 notifying M&TE that there is a defective instrument?18 A I don't recall the exact specification in the  
19 procedure. In most cases it was the individuals that were  
20 using the instrument.21 Q And was there a way in which that communication  
22 was supposed to be made, do you recall?23 A I don't recall the exact way in which we  
24 communicated that back to the M&TE people.

25 Q Did you ever tell the people who had used the

1 instruments that they were defective?

2 A I don't recall if I ever specifically told the  
3 technicians involved that we suspected it was a defective  
4 instrument.

5 Q Did you tell anyone who would know to go over  
6 and notify M&TE to tag the instrument out?

7 A I don't recall giving any specific instructions  
8 about taking that instrument out of service.

9 CROSS EXAMINATION (Continued)

10 BY MR. MICHAEL KOHN:

11 Q Now I'm going to ask you to look at  
12 Intervenor's Exhibit 82.

13 CHAIRMAN BLOCH: Exhibit 82, according to our  
14 records, may not have been marked.

15 THE REPORTER: Judge Block, Exhibit 82 was  
16 marked August 9, and received.

17 CHAIRMAN BLOCH: Thank you very much.

18 BY MR. MICHAEL KOHN:

19 Q And I believe you looked at, if I recall  
20 correctly, a copy of this exhibit during your deposition  
21 yesterday?

22 A Yes, I believe so.

23 Q And you testified that you were responsible for  
24 pulling together the MWOs and either providing the MWOs or  
25 culling information from the MWOs and giving them to Mr.

1 Kitchens, is that correct?

2 A I don't recall who I gave them to, I don't  
3 think I testified that I gave them to Mr. Kitchens, but I  
4 was responsible for accumulating this information, as I  
5 recall.

6 Q And you knew that that information was going to  
7 be used in putting together Exhibit 82?

8 A I was asked for the information and I delivered  
9 it. I'm not sure I was informed as to what the information  
10 was going to be used for.

11 Q Were you aware of any memorandum prepared in or  
12 about that time by a Mr. Steele?

13 A No.

14 Q Now your prefiled testimony indicates that you  
15 inspected a Calcon sensor. Did you inspect the inside of  
16 the Calcon sensor?

17 A We disassembled the Calcon sensor and looked on  
18 the inside of the body.

19 CHAIRMAN BLOCH: Mr. Kohn, when you finish with  
20 this line, we'll be done for the day.

21 BY MR. MICHAEL KOHN:

22 Q One jacket water temperature sensor?

23 A Yes.

24 Q And could you locate any debris or dirt with  
25 your naked eye?

1 A Not on the one that I recall disassembling, no.

2 Q Were you aware of anyone who could identify any  
3 dirt or debris based on an inspection with the human eye?

4 A Not that I recall, no.

5 MR. MICHAEL KOHN: We're almost done -- I have  
6 a new line, but we can probably just wrap it up.

7 CHAIRMAN BLOCH: Mr. Briney, I'd like to thank  
8 you for your participation.

9 Did you say you're almost done with the  
10 witness?

11 MR. MICHAEL KOHN: Yes.

12 CHAIRMAN BLOCH: Well, you could ask a few more  
13 questions to wrap up.

14 BY MR. MICHAEL KOHN:

15 Q Are you familiar with the fact that the PM work  
16 orders were the work orders you used to take dew point  
17 measurements for the diesel generator?

18 A Yes.

19 Q And do you know what a WRT stands for?

20 A Work request tag.

21 Q And were WRTs initiated for PM work orders?

22 A No, I don't believe they were.

23 Q Are you aware of whether in handling the Alnor,  
24 there was any special precautions associated with --  
25 because it had a radioactive source?

1 A No, I don't recall that.

2 Q Are you aware of any special logging  
3 requirements for the Alnor?

4 A No.

5 Q Any special shipping requirements?

6 A I don't recall any special requirements  
7 associated with that piece of equipment.

8 MR. MICHAEL KOHN: No further questions.

9 CHAIRMAN BLOCH: Mr. Briney, we'd like to  
10 excuse you for the day. We will begin at 9:00 in the  
11 morning.

12 MR. BLAKE: Can we just talk about his  
13 schedule?

14 CHAIRMAN BLOCH: Okay. We will begin at 8:30  
15 tomorrow. No?

16 MR. MICHAEL KOHN: Your Honor, as I indicated  
17 earlier, Johnston and Mr. Owyong are witnesses that we  
18 need as much preparation time as possible and starting  
19 earlier --

20 CHAIRMAN BLOCH: We'll start at 9:00 --

21 MR. BLAKE: Wait, Judge Bloch. Let me talk  
22 about just a couple of things quickly.

23 One, we were prepared to go to the plant and be  
24 there at 8:30. That meant at least leaving by 7:30 in  
25 order to make it there. Now you're asking them could you

1 be here at 8:30, an hour later, and frankly I'd like also  
2 to take into consideration Mr. Briney's schedule. I  
3 understand he's on a 10:00 flight tomorrow morning. So I'd  
4 really very much like to accommodate that if we can, and if  
5 by starting at 8:30 we could do it, I'd like to have the  
6 Board take that into consideration.

7 CHAIRMAN BLOCH: We'll start at 8:30. There's  
8 going to be trouble with the 10:00 flight anyway, but -- or  
9 10:30 flight, but let's start at 8:30 and see if we can do  
10 it.

11 We will take a recess now so that counsel can  
12 check with his office about whether he has a legal argument  
13 on ex parte in camera sessions and if you need additional  
14 time, -- you get on the phone and you learn that it's going  
15 to take more time, please let Mr. Mosbaugh inform us of how  
16 much additional time you'll need.

17 (A short recess was taken.)

18 CHAIRMAN BLOCH: The hearing will come to  
19 order. This is going to be very interesting, Mr. Kohn,  
20 since we're all cut off from legal sources here. What have  
21 you got to say.

22 MR. MICHAEL KOHN: I wish it could be more  
23 interesting. Unfortunately, we could not do case law  
24 research, particularly NRC case law research, but I think  
25 what we have to stand on is the law of this case.

1                   On March 7, 1995, the Board issued an order  
2 where GPC essentially filed in camera its support of a  
3 motion why discovery should go forward and the Board  
4 accepted that in camera.

5                   CHAIRMAN BLOCH: Wait a second. Why discovery  
6 should go forward or why we should have a special session  
7 to examine Mr. Mosbaugh?

8                   MR. MICHAEL KOHN: Well, I think what -- the  
9 reason that -- why they should examine Mr. Mosbaugh, and I  
10 think they requested two things -- they requested a  
11 deposition of Mr. Mosbaugh as well as they also requested  
12 that the information as to the subject matter of their  
13 questioning of Mr. Mosbaugh be kept confidential. And it  
14 was provided in camera to the Board.

15                   The Board, in its order of March 7, 1995,  
16 agreed that the material would be kept in camera until it  
17 was used in the cross examination of Mr. Mosbaugh.

18                   Now we're essentially in the same position.  
19 Rather than filing a motion, Intervenor went forward and  
20 presented information and wanted to conduct an investi --  
21 discovery and wanted to identify as best he could witnesses  
22 to cross examine with respect to a particular document.  
23 The same element of surprise exists and we think that the  
24 information should -- as was Georgia Power's written  
25 document -- there wasn't an ongoing hearing at that point,



1 so they couldn't -- the rules specifically allow Intervenor  
2 to make a motion at the hearing. So the fact that it was  
3 done on the record at the hearing is no different than  
4 writing to the Judges so that you can read it -- it is  
5 identical.

6           And the only thing we're asking for now is  
7 that we be allowed the opportunity to use the exhibit in  
8 cross examination, and at that point it would be in the  
9 same status as the Georgia Power in camera filing, which to  
10 my knowledge has still not been served upon me, nor made  
11 available. And I think that Intervenor files cross  
12 examination plans in camera every day. The documentation  
13 and the discussion about it is essentially the cross  
14 examination of our plans, our hopes of what we intend to  
15 get out of cross examination with a particular document.  
16 And I don't think that it is ripe at this time for its  
17 release. Particularly because Intervenor had an  
18 expectation that the procedure followed previously and  
19 granted to Georgia Power would be the procedure followed in  
20 this case. Had I suspected otherwise, we would not have  
21 provided the material. We would have held it within  
22 ourselves and done exactly -- been in the exact same  
23 position of cross examining a witness with the element of  
24 surprise.

25           The only thing we're losing here -- the only

1 thing that's accomplished by providing the information is  
2 Intervenor losing the element of surprise and that is an  
3 unfair prejudice.

4 CHAIRMAN BLOCH: So what relief is it that you  
5 want, what do you want the Board to order?

6 MR. MICHAEL KOHN: We want the Board to order  
7 that the exhibit not be released, that the scope of why  
8 Intervenor believes the exhibit is important be maintained,  
9 which would require that the portions of the record that  
10 were previously identified as in camera remain in camera,  
11 and that Intervenor, by the close of this week -- because  
12 there's obviously no time to add additional witnesses --  
13 identify a particular witness they believe necessary, and  
14 if the Board -- who they would like to question about the  
15 document, and at that point a decision can be rendered  
16 whether that should go forward. And based on the ruling at  
17 that time, the proceeding would --

18 CHAIRMAN BLOCH: To be clear, the witness you  
19 would identify would be a lawyer, is that correct?

20 MR. MICHAEL KOHN: Not necessarily, no.

21 CHAIRMAN BLOCH: So you want to be able to keep  
22 the document confidential -- did the discussion reveal  
23 enough about the document so it would have to be kept  
24 confidential too?

25 MR. MICHAEL KOHN: I didn't hear you, Your

1 Honor.

2 CHAIRMAN BLOCH: Did the discussion reveal  
3 enough about the document so it also has to be  
4 confidential, or could we allow it out?

5 MR. MICHAEL KOHN: No, the record would have to  
6 remain confidential.

7 CHAIRMAN BLOCH: The record would have to too.  
8 Mr. Blake, would you like to comment on this  
9 motion?

10 MR. BLAKE: Yes. Of course, I'm at an enormous  
11 loss here in terms of level playing field. But I do want  
12 to say at least a couple of things.

13 First, we too tried to look and found no NRC  
14 precedent that would be helpful here. So reducing it, as  
15 is the case, to the law of this case makes it a good deal  
16 easier. Maybe in some cases more difficult. Can't blame  
17 it on somebody else, but it's on your shoulders. And I  
18 think there's quite a distinction to be made --

19 CHAIRMAN BLOCH: And yours, since it was your  
20 motion.

21 MR. BLAKE: No, I don't think so. I think I'm  
22 going to distinguish my case from this one. And that's  
23 without knowing what this one is, which is not an easy  
24 trick.

25 But I do know about the last one, and I do

1 remember it. And what we were talking about there was in  
2 fact the ability to use documents in cross examination of  
3 the party witness in this proceeding without divulging to  
4 him in advance what that was -- had no indications of  
5 procedure, no problems with discovery, no allegations with  
6 regard to attorney conduct. These were not the main thing.  
7 The main thing was how the witness party in this proceeding  
8 had conducted himself in 1990, and whether or not these  
9 documents would divulge something about how he conducted  
10 himself in 1990. In one case, on April 19th; the second  
11 case in September of 1990 when he was talking to the OI  
12 investigator.

13                   Those were the two documents and that was the  
14 person involved, and that was the reason for it.

15                   Here, with my hands tied behind my back with  
16 regard to exactly what's at issue here, I have a sense that  
17 it has something to do with discovery or documents not  
18 being provided in a timely way during discovery, something  
19 to do with attorneys or attorney conduct, something which  
20 is quite commonplace, unfortunately, to discovery disputes  
21 and to litigation in general. Whether or not people do the  
22 right things and turn over the right documents during  
23 discovery, which to the best of my knowledge, my practice  
24 and the other people that I've consulted with, is  
25 unprecedented in terms of an opportunity for one party to

1 talk with the judges without the other party present or an  
2 opportunity to rebut it. That's I think a clear  
3 distinction and as I say, stretching, in my understand, and  
4 only you and the other parties here today know in fact  
5 what's involved.

6 But if that's the case or if I'm close, I think  
7 there's really quite a clear distinction and an easy  
8 opportunity for you to make a decision. I think in fact  
9 the longer it goes on, the longer one side's view of the  
10 world sticks with you all, the more dangerous is the  
11 situation in terms of potential bias and prejudice despite  
12 your very best efforts to do otherwise, which it is obvious  
13 to me you are trying to do.

14 MR. MICHAEL KOHN: I'd like --

15 CHAIRMAN BLOCH: I don't know that you ought to  
16 have a chance again, given the fact that Georgia Power  
17 doesn't even know what it's arguing about.

18 MR. MICHAEL KOHN: Well, but I think that  
19 Georgia Power's arguments -- you know, I would like a  
20 chance to respond, Your Honor, because --

21 CHAIRMAN BLOCH: Go on. You're saying that the  
22 difference is that the prior request for surprise was with  
23 a scheduled witness about a matter directly related to the  
24 subject matter of this case.

25 MR. MICHAEL KOHN: And I believe the document

1 in question is directly related to the subject matter of  
2 this case. Georgia Power is speculating on the role of the  
3 attorneys. The individual I was initially most interested  
4 in questioning about this document was Mr. McCoy. But Mr.  
5 McCoy is not available, so that's what's caused a problem  
6 from Intervenor's side.

7 I'd like to also note that Georgia Power is --  
8 Mr. Mosbaugh is the Intervenor and he's the person  
9 identified. Georgia Power is an amorphous object that is  
10 represented by counsel. And its actions of counsel are  
11 very different, if they are taking the actions as part --  
12 for Georgia Power Company, they can bind Georgia Power  
13 Company and there is no other individuals necessary who may  
14 perform certain functions that the lawyers perform. So  
15 there is a grave distinction between -- let me rephrase it.  
16 There is no real distinction between Mr. Mosbaugh and a  
17 entity that would in fact constitute a binding agent on the  
18 part of Georgia Power Company.

19 And the document in question -- the record did  
20 not demonstrate one way or the other what the -- whether  
21 wrongdoing is actually afoot. The question is whether some  
22 -- whether tipping the hand could prevent the ultimate  
23 disclosure to determine that fact. So I don't think  
24 there's something hanging over Georgia Power's head.

25 The Board and Staff were very adamant in

1 determining that there was nothing conclusive about  
2 anything, and I don't think that there is this taint hanging  
3 over their head. And whatever the weight of prejudice  
4 hanging over the head of Georgia Power this time, it is  
5 equivalent and identical to the weight of prejudice hanging  
6 over Mr. Mosbaugh's head. And we should also note that  
7 Georgia Power was allowed to call Mr. Mosbaugh out of turn  
8 and take his deposition -- take his testimony --

9 CHAIRMAN BLOCH: For a day and a half, yes.

10 MR. MICHAEL KOHN: For a day and a half, which  
11 was a very unusual event to occur. So that is also further  
12 prejudice -- it shows -- I don't mean to say it's prejudice  
13 -- it shows that the Board was concerned and took steps to  
14 protect Georgia Power and to allow them to do the  
15 examination they want. That's the only thing Intervenor is  
16 looking for.

17 CHAIRMAN BLOCH: Let's let Mr. Blake take  
18 another turn and then I'll let the Staff give us such  
19 tremendous wisdom that this will get easy.

20 MR. BLAKE: Judge Bloch, I really don't -- I  
21 had some difficulty following, frankly, the argument and I  
22 have nothing to add to what it is I said before.

23 CHAIRMAN BLOCH: Ms. Young.

24 MS. YOUNG: Judge Bloch, I've looked at the  
25 order that Mr. Kohn referred to and maybe I have the luxury

1 that others don't --

2 MR. MICHAEL KOHN: You do.

3 MS. YOUNG: -- because I'm a pack rat, I carry  
4 a lot of documents with me.

5 CHAIRMAN BLOCH: Try not to tip the in camera  
6 stuff.

7 MS. YOUNG: Oh, I'd never do that.

8 (Laughter.)

9 MS. YOUNG: Some of the facts Mr. Kohn has  
10 recounted and some of those Mr. Blake has recounted, based  
11 on my reading of this, are correct and some are incorrect.  
12 The March 7 order was in response to a motion to reconvene  
13 the deposition of Allen Mosbaugh and it included with that  
14 an in camera memorandum in support of that, which the other  
15 parties, neither the Staff nor Intervenor had the  
16 opportunity to see. So Licensee has in this case, at least  
17 on one occasion and other occasions with respect to various  
18 notebooks and problems with which parts of documents should  
19 be released, had in camera presentations where the other  
20 parties were not present.

21 That order talked about that the reason was to  
22 avoid surprise, and the Board, without hearing from  
23 Intervenor --

24 CHAIRMAN BLOCH: It couldn't have been to avoid  
25 surprise.



1 MS. YOUNG: It was to -- I'm sorry, to protect  
2 surprise, you're quite right.

3 The Board ruled in that March 7 order without  
4 hearing from Intervenor and the Staff. After receiving  
5 Intervenor and Staff's submissions -- and the Board  
6 withheld that information in camera and never disclosed  
7 it -- the Board on March 10 reversed its decision, which  
8 previously had stated that there would be depositions  
9 convened of Mr. Mosbaugh on March 15th or 16th and on March  
10 10th said that it was convinced that whatever element of  
11 surprise would exist wasn't necessary to be protected  
12 through the unusual procedure of having a deposition, and  
13 that the deposition of Mosbaugh would not be reopened. So  
14 after we started our hearings in April and through May and  
15 June at the Pavilion, we did include a session where the  
16 Webb list was taken out of turn.

17 So I think Intervenor is correct, that there  
18 has been -- at least in terms of law of the case -- a  
19 instance where information was only provided to the Board,  
20 and that the circumstances, to some extent, are parallel.  
21 But he's also correct in his representation that there was  
22 nothing conclusive determined in the in camera sessions  
23 that we've held up to now on the item in question.

24 CHAIRMAN BLOCH: And all the time that we were  
25 waiting for Mr. Mosbaugh to testify, we had in camera

1 information that could have set our minds against the  
2 Intervenor, is that correct?

3 MS. YOUNG: Right, and also controlled your  
4 view of the testimony he gave on the Webb list and any  
5 other matter that was related to that.

6 CHAIRMAN BLOCH: We'll take a decisional break.  
7 And we'll let you know how much time we need. If it's  
8 going to be too long, we'll come back tomorrow and tell  
9 you.

10 (A short recess was taken.)

11 CHAIRMAN BLOCH: Let's go back on the record.  
12 I'd like to ask Intervenor to provide a copy of Document  
13 215 to the Licensee so they can follow my explanation.

14 We would like to acknowledge that there are  
15 times when the cross examination of the witness with the  
16 use of surprise is appropriate. And for those times I  
17 think it could be appropriate for a motion to be delivered  
18 in camera to the Board which can be trusted to receive  
19 information pending a hearing. The circumstances in which  
20 we permitted that earlier in this case were one in which  
21 the element of surprise was with respect to a particular  
22 known witness, and the Licensing Board believed that it  
23 understood the reason that surprise would be helpful.

24 In this particular instance, even at this time  
25 we don't know who would be surprised or why that would have

1 an important strategic effect on the witness. The  
2 information seems to be important information, but we would  
3 not permit any motion about counsel without permitting  
4 counsel to know what was happening so that it could  
5 participate in deciding what the implications are of the  
6 information.

7           This in camera exhibit, which is now public,  
8 appears to show on Page 1 a listing of what was done with  
9 the Alnor instrument, although we still don't understand  
10 what the checks on "accept" and "non-accept" mean on that  
11 page. This is Intervenor's Exhibit 215 which was  
12 identified on the record earlier, and which is being shown  
13 to the parties now or the parties now have. We also are  
14 uncertain of the meaning of the information on the last  
15 page of the exhibit. Staff ascertained by calling Pat Maki  
16 at Alnor that "as found" data for a calibrated instrument  
17 is usually not provided in the data as requested. She  
18 further said that 99% of the dew points that come to Alnor,  
19 the dew point instruments, seem to have a problem with  
20 calibration. I think that's what I got from what Ms. Young  
21 said. And therefore they don't routinely provide the "as  
22 found" set point information. The data therefore that is  
23 usually sent is "as left" data.

24           If "as found" data had been taken, the data  
25 sheet would generally have been attached to the report, and

1 staff is following up to find out whether there's  
2 additional data available at Alnor about "as found" set  
3 points on this particular instrument.

4           The Intervenor was distressed that this was not  
5 provided in discovery because they think it's material to a  
6 key question in the case, but I am convinced that we won't  
7 know anything about that until there's a chance for  
8 Intervenor's -- for Georgia Power's counsel to study it and  
9 explain why it wasn't made available in discovery. I think  
10 that is enough to explain the reason that we consider this  
11 a different situation than the one with Mr. Mosbaugh. If  
12 there were a genuine case for a strategic surprise we would  
13 have been more ready to accept Intervenor's argument. We'd  
14 like to adjourn for the day. We'll resume at 8:30 tomorrow  
15 to accommodate the witnesses' needs.

16           (A discussion is held off the record.)

17           CHAIRMAN BLOCH: We're back on the record. Let  
18 me clarify for the reporter on the record that there are no  
19 in camera documents today; that everything is public.

20           (A discussion is held off the record.)

21           CHAIRMAN BLOCH: We're on the record briefly to  
22 hear Intervenor's argument for reconsideration.

23           MR. MICHAEL KOHN: But as I indicated earlier,  
24 the reconsideration would defeat -- is something I would  
25 have to again do ex parte because it explains the rationale

1 of the document and the factual predicate.

2 CHAIRMAN BLOCH: Could you state on the record  
3 who would be -- who would have been surprised by this  
4 document? Of course, we can take the document back so I'm  
5 not sure what -- what reconsideration will do. The  
6 document is now in the hands of Georgia Power.

7 MR. MICHAEL KOHN: I understand the document is  
8 in the hands, and it's always been in the hands of Georgia  
9 Power, so in that respect there isn't a surprise. The  
10 scope in which we intend to employ the document may still  
11 be a surprise, and I don't think that -- and that is the  
12 issue I'm trying to raise.

13 CHAIRMAN BLOCH: I understand what you're  
14 alluding to from the in camera session, but I'm not  
15 convinced there's enough right now for me to go back into  
16 in camera session. Why...?

17 MR. MICHAEL KOHN: But that's what I'm saying.  
18 There's additional factual information that I think if we  
19 put on -- in the in camera session that may persuade the  
20 Board, at this point, at least, to not release the in  
21 camera session, at least for a short time.

22 MS. YOUNG: Excuse me, Judge Bloch. Mr. Kohn,  
23 are you saying that the ability or efforts of GPC to  
24 discuss this document with scheduled witnesses would  
25 influence their testimony?

1 MR. MICHAEL KOHN: That would be one thing.

2 And there's...

3 CHAIRMAN BLOCH: The other matter was alluded  
4 to already in private.

5 MR. MICHAEL KOHN: And there's additional  
6 factual basis I think supporting the argument that was not  
7 known or -- at the time.

8 CHAIRMAN BLOCH: Meaning that -- that you had  
9 additional information that was not reflected in the in  
10 camera record? You have additional information at this  
11 time that was not reflected in the in camera record?

12 MR. MICHAEL KOHN: That is correct.

13 CHAIRMAN BLOCH: And that you didn't have at  
14 that time?

15 MR. MICHAEL KOHN: I attempted to -- I made  
16 reference to portions of the record that I thought were  
17 sufficient, and following I determined that there were  
18 additional portions that also demonstrated a factual  
19 premise that underlies the importance of the document.

20 CHAIRMAN BLOCH: When we held an in camera  
21 session with you at the time did you have these information  
22 (sic) available to you during that session?

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

24 CHAIRMAN BLOCH: In two sessions, was this  
25 available to you during either of those sessions so that we

1 should rule that you slept on your rights?

2 MR. MICHAEL KOHN: I did not -- Your Honor, I  
3 did not sleep on my rights. It only came to fruition after  
4 Ms. Young provided her information that -- that she had  
5 obtained, and after reflecting on that, and that was after  
6 the in camera session, that was the only time that the full  
7 picture came into focus. And I think that's -- the only  
8 thing I want to do is put that full picture in focus. I  
9 believe that perhaps all of the representations made by...

10 CHAIRMAN BLOCH: And how much time will it take  
11 in camera?

12 MR. MICHAEL KOHN: Thirty (30) seconds.

13 CHAIRMAN BLOCH: Huh?

14 MR. MICHAEL KOHN: Thirty (30)...

15 CHAIRMAN BLOCH: Thirty (30) seconds?

16 MR. MICHAEL KOHN: Less than a minute.

17 CHAIRMAN BLOCH: We'll try it again.

18 (The Georgia Power representatives depart  
19 the hearing room.)

20 CHAIRMAN BLOCH: Okay, this section may  
21 provisionally be considered in camera.

22 MR. MICHAEL KOHN: The underlying premise was  
23 whether there should have been "as found" data associated  
24 with this documentation. The M&TE witnesses who have  
25 testified in this proceeding testified that it is a

1 requirement of the M&TE program that after a piece of test  
2 equipment reaches its cal due date it must be determined  
3 that its cal -- that the calibration at that point is in  
4 calibration. And -- and they must send it back to the  
5 vendor for that determination. If the vendor then  
6 determines that it was not in calibration, that's when this  
7 M&TE program then requires them to go back and -- and check  
8 all the -- the -- all the tests that were done. So that  
9 when they were saying that 99% of these -- of these  
10 documents -- of these Alnors don't require that, I'm sure  
11 995 of these Alnors are in chemical plants and everywhere  
12 else in the world and is not really associated with the  
13 nuclear industry. This is a particular M&TE program that  
14 specifically requires that the cal due date "as found" data  
15 be recorded.

16 CHAIRMAN BLOCH: All right, if I'm -- if I  
17 understand you correctly, the error here is that they never  
18 sent it in a timely fashion for checking the "as found"  
19 calibration. They should have sent it in April of 1990, is  
20 that correct?

21 MR. MICHAEL KOHN: They should have sent it in  
22 April 1990, I assume; but when they did send it the M&TE  
23 program requires the cal due date.

24 CHAIRMAN BLOCH: Now, who do you want to  
25 surprise with this?



1 MR. MICHAEL KOHN: That -- the -- excuse me,  
2 requires the "as found" data to be determined.

3 CHAIRMAN BLOCH: All right, so it turns out...

4 MR. MICHAEL KOHN: Mr. Hobbs would be a logical  
5 person who has been previously identified as a person  
6 Intervenor wish to call (sic), and perhaps recall  
7 Mr. Duncan, who -- who we've already testified in the  
8 record...

9 CHAIRMAN BLOCH: We don't need to surprise him  
10 because his testimony is straight forward. There's no  
11 reason to believe he would say anything other than the  
12 truth, is there?

13 MR. MICHAEL KOHN: No. And the other point of  
14 the matter is they're now calling Mr. Hairston in lieu of  
15 Mr. McCoy. We've learned that today. If -- the  
16 questioning is that Mr. McCoy signed an affidavit, and  
17 Georgia Power repeatedly signed documentation indicating  
18 that there was no defective instrument. If our  
19 understanding is correct and their M&TE program operated as  
20 it was supposed to operate, then they had to have found out  
21 that there was a piece of defective test equipment and the  
22 -- the fact is that Georgia Power is -- I mean, the real  
23 question to adequately explore the other issues is who from  
24 the Vogtle tech support faxed the document to Troutman  
25 Sanders. I do not know that factual information, and to

1 adequately determine who accomplished that task I -- I  
2 obviously could not do with the current schedule of  
3 witnesses. But that does not mean I could not confront  
4 Mr. Hairston and say, "Can you explain this? When did  
5 Georgia Power become aware of this? Did you become aware  
6 of it at this date if your tech support faxed it." It does  
7 create...

8 CHAIRMAN BLOCH: So why couldn't you do that  
9 without telling the Board. Why did the Board even have to  
10 be brought in on that?

11 MR. MICHAEL KOHN: I agree, Your Honor. In  
12 retrospect, I told you I would not have told the Board. I  
13 was under the -- understanding in this proceeding, which is  
14 the essentially the only -- it's the only licensing  
15 proceeding I've ever really been in as -- representing an  
16 intervenor in an admitted contention, and the fact is that  
17 Georgia Power went up and did the exact same thing. I  
18 followed their procedure. That's what they did, the Board  
19 accepted it, there's been a lot of...

20 CHAIRMAN BLOCH: All right, am I correct that  
21 if we were to keep this portion, just this one portion in  
22 camera in which you're really discussing your strategy with  
23 us, that you could do everything you need to do with  
24 Mr. Hairston, you're going to ask for discovery with the  
25 lawyers, if you want to. I don't see what you need from us

1 in terms of surprise relief. There's no one to call for a  
2 special witness; you can just do it.

3 MR. MICHAEL KOHN: Yes, there -- there is. I  
4 would like to call Mr. Penland. He's the person who  
5 supplied this document to the witness, Mr. Briney, and  
6 therefore he would have to tell me where he got it from  
7 within -- within Troutman Sanders.

8 CHAIRMAN BLOCH: So you can file a motion to  
9 depose Mr. Penland based on this, right?

10 MR. MICHAEL KOHN: That's correct. But if --  
11 you know, the Board was careful and did not indicate the  
12 importance of the fax transmission line on this document,  
13 and there may be an element of surprise left.

14 CHAIRMAN BLOCH: That is also in the transcript  
15 if we release it.

16 MR. MICHAEL KOHN: And that's -- that is the  
17 only portion of the transcript that remains -- that is  
18 troubling to Intervenor, is the identification of the fax  
19 portion of it because that's the only thing that tips the  
20 hand. We all know that they have this document, and I  
21 think I said on the record that we were planning to  
22 introduce a 215 without the fax line on it. That -- that's  
23 the -- that was -- the sole surprise is the fax line, and  
24 that's the only thing that really remains -- that's really  
25 the -- the whole subject of the in camera discussions, and

1 I think releasing that does -- does prejudice Intervenor.

2 ADMINISTRATIVE JUDGE MURPHY: Well, which  
3 document did you give them when you gave them the document?

4 MR. MICHAEL KOHN: 215 with the fax line on it.

5 ADMINISTRATIVE JUDGE MURPHY: You just gave  
6 them that?

7 MR. MICHAEL KOHN: Yes, sir.

8 CHAIRMAN BLOCH: Well, that's what I asked him  
9 to do. That's correct.

10 MR. MICHAEL KOHN: But they don't  
11 necessarily...

12 CHAIRMAN BLOCH: But they don't necessarily  
13 know the meaning of it.

14 MR. MICHAEL KOHN: That is correct.

15 CHAIRMAN BLOCH: Ms. Young, what do you think?

16 MS. YOUNG: Totally confused. I thought  
17 Mr. Kohn came to the Board because he needed permission to  
18 conduct discovery on a matter, and that's the only reason  
19 he came to the Board. And that the premise for that  
20 discovery was a perception as to the significance of the  
21 document which the staff gave you, in our earlier sessions,  
22 the opinion that we're not sure is as significant as  
23 Intervenor believes. Now, I'm not sure, even if Intervenor  
24 were to conduct a discovery, that it would necessarily stop  
25 with Mr. Penland, because Mr. Penland may not be the

1 individual at the plant who may know what the "as found"  
2 condition for the instrument before it was sent to Alnor  
3 was. So this whole thing is just getting stranger by the  
4 moment, but it is apparent that some discovery on this  
5 matter would be prudent; it's not apparent that the  
6 involvement of GPC attorneys would necessarily disrupt the  
7 facts as they existed in 1990. And so it would seem a  
8 reasonable compromise to instruct GPC attorneys to provide  
9 information associated with this package. It's not clear  
10 to us that the documents we have are complete, and the  
11 requests we have pending with Alnor won't be answered until  
12 tomorrow afternoon. They're going to try to locate the  
13 records associated with the instrument when they came in.

14 To have GPC attorneys provide documents related  
15 to this package in -- in GPC's possession, but not discuss  
16 with the witnesses who Mr. Kohn identified...Mr. Hobbs,  
17 Mr. Duncan, Mr. Hairston...the subject document, until he  
18 gets the information that he requested.

19 CHAIRMAN BLOCH: So your suggestion is that we  
20 ask Georgia Power to explain why this document was not  
21 released in discovery, is that part of it?

22 MS. YOUNG: No, I'm just saying produce the  
23 documents associated with the Alnor test equipment.

24 CHAIRMAN BLOCH: Okay, to make sure...

25 MS. YOUNG: I'm addressing a different point.

1                   CHAIRMAN BLOCH: ...to make sure that they have  
2 produced the documents that relate to the testing of the  
3 Alnor test equipment, including "as found" set points?

4                   MS. YOUNG: Right, because if it turns out that  
5 the "as found" set points were out of spec then the whole  
6 need for this -- the assertions that this was held in  
7 discovery, there's no need to have the special proceedings  
8 about this matter any further. And my recollection, Judge  
9 Bloch, is that we really didn't have a lot of discovery on  
10 the air quality issue. What we had was an issue that  
11 evolved over time, we had the Board's order on the motion  
12 for summary disposition, and representations about various  
13 things through the arguments before the Board and then the  
14 motions. And over time we've gotten more and more into the  
15 details of air quality.

16                   Now, this document has been discovered late in  
17 that process. Intervenor got it only yesterday during the  
18 deposition of Mr. Briney. The significance of the document  
19 is different than what either the Board and the staff can  
20 see, but it depends on an assumption which may or may not  
21 be confirmed through additional discovery. And if that  
22 assumption or presumption is not confirmed, then there's no  
23 indication that GPC attorneys have acted improperly in any  
24 way.

25                   CHAIRMAN BLOCH: You have one more comment

1 before we take our break, Mr. Kohn?

2 MR. MICHAEL KOHN: No, I think Mitzi is on the  
3 mark that the only -- the only thing that we really need is  
4 some limited discovery, almost in the form of an  
5 interrogatory question or two and a document request. And  
6 based on that, as soon as they respond to that, we'll be in  
7 a position to probably release all the -- the transcripts  
8 that we've made here that have been in camera. And I think  
9 if those documents -- at that point if Intervenor could  
10 make an argument to why they would still be prejudiced, we  
11 could pick it up then. But I think Mitzi is correct, that  
12 that is what needs to occur before the in camera sessions  
13 are released.

14 CHAIRMAN BLOCH: I don't -- I didn't notice  
15 whether Ms. Young commented on whether or not the in camera  
16 sessions should be released.

17 MS. YOUNG: Yeah, it didn't go that far, but I  
18 -- I did suggest some type of moderate instruction to the  
19 GPC attorneys, if the Board decided to release all the  
20 information, where the surprise Intervenor seeks could be  
21 protected.

22 CHAIRMAN BLOCH: Well, to do that we'd have to  
23 exclude knowledge from the Troutman Sanders attorneys,  
24 wouldn't we?

25 MS. YOUNG: No, not for a request.

1 MR. MICHAEL KOHN: I would think we would...

2 MS. YOUNG: The document's associated with 215.

3 I mean, they have the document with the fax number on it.

4 They know it's their fax number.

5 CHAIRMAN BLOCH: I guess I don't understand how

6 asking Mr. Hairston these questions is going to help at

7 all.

8 MS. YOUNG: And I'm not sure it will, either,

9 Judge Bloch.

10 MR. MICHAEL KOHN: Well, I agree that Mr. McCoy

11 is the person. As my recollection, Mr. McCoy's affidavit,

12 he says, "I have personal firsthand knowledge..." that's

13 how he begins his affidavit. And then in the bottom of his

14 affidavit it says there was never a defective Alnor. And

15 if he has personal firsthand knowledge and within Georgia

16 Power's tech support organization and Georgia Power's

17 lawyers are faxing documentation which should indicate that

18 personal firsthand knowledge would demonstrate that there

19 was a defective...

20 CHAIRMAN BLOCH: Okay, but if in fact you can

21 establish that there is -- there are Alnor readings, that

22 they were -- that there was an "as found" test of the Alnor

23 that shows it was in spec, you don't need to ask Mr. McCoy,

24 either, do you?

25 MR. MICHAEL KOHN: No, at that point the



1 question then turns to why, in 1994, were -- was that  
2 information withheld, and why...

3 CHAIRMAN BLOCH: Well, we can ask counsel to  
4 explain that, right? I mean, they don't -- there's no  
5 really reason (sic) to have surprise about that, that I can  
6 think of.

7 MR. MICHAEL KOHN: Well, I would -- I think  
8 there is surprise. There remains surprise because the way  
9 it was posed to Georgia Power is we're upset because they  
10 didn't turn it over in discovery, not that they  
11 misrepresented facts to the Board in pleadings, and that  
12 they submitted perjured testimony potentially from -- in an  
13 affidavit form from Mr. McCoy. That hasn't come out. It's  
14 -- and it's generally understood that lawyers get hot under  
15 the collar when they find a document that's not turned over  
16 in discovery, but where it fits into the picture hasn't  
17 been put onto the record, and that's the only thing we're  
18 seeking to protect at this point.

19 CHAIRMAN BLOCH: We're going to think a brief  
20 recess to talk and I think we can decide this, but hold on  
21 -- hold on until we tell you about that.

22 (A short recess was taken.)

23 CHAIRMAN BLOCH: We're back on the record. We  
24 have carefully considered the argument, and motion for  
25 reconsideration is denied. The last section of the

1 transcript will also be a public section.

2           There are a couple of issues that we think are  
3 important here, and we would like to request that Georgia  
4 Power confirm that any "as found" dew point readings for  
5 the Alnor that's in question should be made available in  
6 discovery and to the Board. I know they probably looked  
7 for it already, but if there is any -- if there are any "as  
8 found" readings from any source after this instrument was  
9 questioned, we -- obviously that's essential to this case.

10           And the other thing that Georgia Power might do  
11 is respond to -- that we would appreciate it if Georgia  
12 Power would do is respond in writing to the suggestion that  
13 this was not properly -- that it should have been provided  
14 in discovery, these documents.

15           Does Georgia Power want to make some comments?

16           MR. BLAKE: I don't know enough to -- to  
17 comment. I frankly don't understand even the document  
18 we've been provided so far, Judge Bloch, so I'd prefer  
19 to...

20           CHAIRMAN BLOCH: We may not understand it,  
21 either, so you may be able to help us to understand it.  
22 But I think the two aspects are: Are there any "as found"  
23 data for the Alnor that were taken after the Alnor was  
24 thought to be defective, which is in April of 1990?

25           ADMINISTRATIVE JUDGE MURPHY: And that goes to

1 the calibration.

2 CHAIRMAN BLOCH: Yeah, we -- we -- in fact,  
3 you'll see in the in camera transcript that there's a --  
4 that Intervenor believes that there's a requirement that  
5 any instrument is required to have its calibration checked  
6 at its -- at its end date in order to verify that it was in  
7 fact in calibration during the calibration period. They  
8 believe there's testimony in our record that that's  
9 required by the procedures of the company, so we want to  
10 know if there was any check of calibration at the -- near  
11 the end date.

12 And the other question is: Should it have been  
13 turned over in discovery? And I don't know the answer to  
14 that at all. So that having been said, and if Georgia  
15 Power has no comments, we are adjourned. We'll meet at  
16 8:30.

17 (Whereupon, the hearing was adjourned at  
18 6:11 p.m., to reconvene at 8:30 a.m. on  
19 Wednesday, August 23, 1995.)  
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21  
22  
23  
24  
25

C E R T I F I C A T E

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

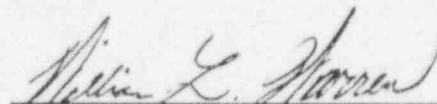
Name of Proceeding: Georgia Power Company (Vogtle  
Electric Generating Plant, Units 1  
and 2)

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

Place of Proceeding: Augusta, Georgia

Date: August 22, 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.



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WILLIAM L. WARREN  
Official Reporter

NEAL R. GROSS AND CO., INC.