

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

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

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

Location: Rockville, Maryland

Date: Tuesday, September 5, 1995

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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
(Vogt's Electric Generating : (transfer to
Plant, Unit 1 and Unit 2) : Southern Nuclear)
: ASLBP No.

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

Tuesday, September 5, 1995
Hearing Room T 3B45
Two White Flint North
11545 Rockville Pike
Rockville, Maryland

The above-entitled matter came on for hearing,
pursuant to notice, at 1:00 p.m.

BEFORE:

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

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
1						
2						
3	Christopher Eckert		12946			12952
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17			13049			13065
18			13053			

E X H I B I T S

	<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
20				
21				
22	Intervenor 212	OI Statement of Eckert	12977	12979
23				
24				
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P-R-O-C-E-E-D-I-N-G-S

(1:05 p.m.)

1
2
3 CHAIRMAN BLOCH: Good afternoon. There are a
4 few preliminary matters that we may be able to act on
5 quickly, procedural matters.

6 The Esther Peterson reconsideration motion is
7 denied. In this instance, we are not dealing with a
8 typical Upjohn-type case, even though it's -- the Upjohn
9 case expanded beyond the control group. That was done in
10 a setting in which it was extremely important for the
11 corporation to be able to get confidential information.
12 They were investigating, as you recall, bribery around the
13 world, and the people providing the information might have
14 been worried about consequences to themselves for sharing
15 with the attorneys.

16 In this instance, the Board continues to feel
17 that Ms. Peterson --

18 MR. BLAKE: It's Dixon.

19 CHAIRMAN BLOCH: Dixon.

20 MR. BLAKE: Dixon.

21 MR. BARTH: Esther Peterson is the consumer
22 advisor.

23 CHAIRMAN BLOCH: No, she isn't any longer.

24 Ms. Dixon was involved in a situation in which
25 her interest in confidentiality was at a minimum. She was

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1 really close to being a third party. There was no
2 personal interest of hers in being protected for
3 confidentiality. The only thing she needed to do was to
4 share basically ministerial-type facts.

5 Now, because that's the line we choose to draw
6 on this issue, we feel very differently about the motion
7 for further discovery, which is primarily of the
8 principals of Georgia Power with respect to the NOV. That
9 motion will be denied, because when there's an NOV issued
10 to a company it's extremely important that they are able
11 to develop a full record, particularly of the people who
12 are directly involved, and that they not be concerned
13 about telling their lawyers things that they might later
14 regret.

15 The need for confidentiality is at a peak in
16 the response to an NOV like that, particularly from the
17 principals who were involved.

18 I'd like to clarify the request for
19 admissions. My understanding was that -- that while --
20 while Mr. Ajluni was testifying, there was a suggestion by
21 Intervenor that, in exchange for certain admissions, there
22 would be no need to continue the examination of Mr.
23 Ajluni.

24 My understanding of the motion, and I'd like
25 Intervenor to correct me if I'm wrong, is that they want

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1 to be able to use the admissions in their findings, the
2 ones that they listed, and they also want to be able to
3 use the documents mentioned in the answers to the request
4 for admissions as part of their findings. So just the
5 request for the documents. Am I correct about the scope
6 of the request?

7 MR. MICHAEL KOHN: My recollection is we also
8 wanted the actual -- when you said the admissions, it's
9 the actual written statement under the admission, whether
10 it -- the entire --

11 CHAIRMAN BLOCH: Yes, whatever the answer was
12 to the admission, you wanted to be able to quote. Now,
13 you're saying you also want the answer with respect to
14 denials. You want to be able to quote the answer with
15 respect to denials?

16 MR. MICHAEL KOHN: We want to be able to quote
17 all of the admissions or the denials, whichever ones -- I
18 don't have the list in front of me, but everything that
19 was identified in the motion, that's the scope of what we
20 want to quote.

21 CHAIRMAN BLOCH: I understand the reason to
22 want to use documents that were referred to in the
23 denials. I'm not sure what use you want to make of
24 statements that they don't know -- they're not admitting,
25 because they don't have the basis for admitting it. What

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1 do you want to make of the actual statement of -- of
2 refusal to admit?

3 MR. MICHAEL KOHN: Your Honor, I -- that was
4 Mr. Stephen Kohn's motion. I'm really not the one to
5 state. I can give you my understanding, and I'm happy to
6 do that, but I --

7 CHAIRMAN BLOCH: That might be as good as
8 mine.

9 MR. MICHAEL KOHN: Yeah. But it may --
10 exactly. It may not be exactly the exact purpose and
11 scope of what was intended at the motion. I think I would
12 be doing my client a disservice to try to argue that now.
13 I can certainly do that tomorrow morning first thing,
14 after I have an opportunity to look at the motion again
15 and ask Mr. Kohn.

16 CHAIRMAN BLOCH: Unless there's an objection
17 from the other parties, we'll reserve this for first thing
18 tomorrow morning.

19 Mr. Eckert, I'd like to welcome you back to
20 the hearing. You were sworn before, but in hearing time
21 that was a long time ago. So I'd like to remind you that
22 you are to tell the truth, the whole truth, and nothing
23 but the truth, and that your testimony is subject to
24 possible penalties for perjury. Do you understand?

25 MR. ECKERT: Yes, sir, I do.

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1 CHAIRMAN BLOCH: Thank you.

2 WHEREUPON,

3 CHRISTOPHER ECKERT

4 was recalled for examination for Counsel for the Licensee
5 and, having been previously duly sworn, resumed the
6 witness stand, was examined and testified as follows:

7 CHAIRMAN BLOCH: Mr. Kohn?

8 MR. MICHAEL KOHN: Thank you.

9 CROSS EXAMINATION

10 BY MR. MICHAEL KOHN:

11 Q Mr. Eckert, since you've testified, have you
12 had the opportunity to review any additional documents,
13 such as your prior testimony?

14 A Yes.

15 Q What have you looked at?

16 A I've looked at the rebuttal testimony
17 submitted at the last hearing. I briefly looked at the
18 report that Mr. -- I believe it was Robinson prepared, and
19 I looked at a portion of the transcript from the last
20 hearing that had the question and answer session that I
21 was involved in.

22 Q You looked at the questions and answers that
23 we were involved with?

24 A Yes, and I think that's all.

25 Q Okay. And did you discuss your questions and

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1 answers with anybody? You said you looked at them. Was
2 there other people around? Did you have a discussion
3 about what was contained in there, or in any of the
4 documents?

5 A Discussing the specific documents themselves,
6 no.

7 Q The content of the documents.

8 A The content of the documents, no.

9 Q Now, in the testimony that you gave on the
10 bottom -- do you happen to have the testimony from the --
11 not your prefiled testimony, but the testimony that you
12 gave in the hearing when we were last convened?

13 A In front of me, no.

14 Q Okay. It's my understanding -- well, I have
15 that portion of it in front of me.

16 MR. BLAKE: Provide a copy to the witness,
17 please.

18 CHAIRMAN BLOCH: You could share it with him
19 if you'd like.

20 MR. MICHAEL KOHN: Yeah, I will. Let me just
21 identify what we're looking at. This is from the computer
22 printout or the transcript which appears on 11225. I'm
23 looking at the bottom of that page.

24 CHAIRMAN BLOCH: What's the date of that?

25 BY MR. MICHAEL KOHN:

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1 Q Now, the question says, "And do you recall how
2 many pages it was? Was it a one-page document?" And I
3 believe we're referring to the list that Mr. Cash was
4 preparing. And your answer begins with, "I saw the top
5 page." Now, does that -- should I read that as saying
6 that when the documents were in front of you, that -- or,
7 excuse me, when the documents were in front of Mr. Cash,
8 the list he was preparing, that you saw the stack he had
9 in front of him, and you saw the top page?

10 A I could only see the page that was on top.
11 There were other pages underneath, of which I do not know
12 what the content was.

13 Q All right. So you never saw the pages
14 underneath?

15 A No, he never turned to them.

16 Q He never flipped through it. So, if I
17 understand it, then, there was a stack of documents that
18 he was preparing in his own handwriting, and you -- when
19 you came in, it was all stacked up and you saw the top
20 page.

21 MR. BLAKE: Objection. The man said he never
22 saw the other pages. He doesn't know whether they're
23 handwritten or not.

24 BY MR. MICHAEL KOHN:

25 Q Excuse me. The top page you saw was

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1 handwritten.

2 A Yes, sir.

3 Q Okay. Well, didn't you -- are you sure you
4 never saw the other pages?

5 MR. BLAKE: Objection. Asked and answered.

6 CHAIRMAN BLOCH: Sustained.

7 BY MR. MICHAEL KOHN:

8 Q Well --

9 CHAIRMAN BLOCH: If you want to call his mind
10 to something else that would prompt his memory, that's
11 okay.

12 BY MR. MICHAEL KOHN:

13 Q Well, do you recall how many columns were on
14 the first page?

15 A The page was a piece of tablet paper, similar
16 to a tablet paper that you have there on your desk.

17 Q Yellow paper.

18 A It's a piece of paper. I do not remember if
19 it was yellow or not. It had a line running down it. On
20 the left side of the line, which is on the left-hand side
21 of the page, there were -- there was handwriting. I could
22 say letters, I could say numbers, I'm not sure which, but
23 there was discreet handwriting.

24 And then, on the right-hand side of that line,
25 there were other words, sometimes taking several lines.

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1 And those were going down the page independently. So the
2 number of columns -- at this point, we could say that
3 there were no columns. Or, if you want to include the
4 line as the demarkation point, we could say that there
5 were two columns. And off to the right-hand side, it
6 looked like as if you'd been going back and forth and
7 checking off, and there were checks on the outside of
8 these words that were written on the right-hand side of
9 the red line in some cases.

10 And so now we could say that there were just
11 one entry spanning the full page, or we could say that
12 there were three columns. But I'm not going to say that
13 it was divided into three separate columns.

14 Q Well, do you recall testifying that you knew
15 that there were three columns, because it depended on the
16 page you had seen?

17 A Can I see the testimony?

18 Q Sure. And we're looking at 11225. And I'll
19 read what I think is important, and you can look at the
20 rest of it. "If there were three columns, some -- it
21 depends upon the page, you know; it was wavering."

22 ADMINISTRATIVE JUDGE CARPENTER: What line are
23 you reading from?

24 MR. MICHAEL KOHN: Lines 13 and 14.

25 BY MR. MICHAEL KOHN:

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1 Q Now, I'm reading this statement to state
2 depending on the page you saw, the number of columns were
3 wavering. Isn't that what you were trying to say there?

4 A No. I only saw the top page.

5 Q My question is, isn't that what you were
6 trying to say in this testimony, that you -- the number of
7 columns were wavering, depending on what page you were
8 looking at?

9 A Well, I'm not going to say that there were
10 one, two, or three columns. I'm going to say that at some
11 point there might have been three columns, okay, or at
12 least it gave that appearance. I can see that there were
13 two columns for sure with checkmarks out to the far right
14 side. Okay?

15 And, basically, the format of the page was
16 that some entries spanned way far across, and others
17 didn't go quite as far, and that's what was wavering down
18 the page. Depending upon where you were on the page, it
19 looked like as if there may have been three columns. In
20 other cases, it might have appeared to have been two or
21 one. It was a listing that the man was making up in his
22 own handwriting.

23 Q So you're telling --

24 CHAIRMAN BLOCH: Would you like to show the
25 witness that passage and see if he agrees that the

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1 transcript is accurate with respect to what he said?

2 BY MR. MICHAEL KOHN:

3 Q And I'm showing you the document that I have,
4 which printed out has page 11225, lines -- it looks like
5 13 and 14.

6 A Okay. I've thought about what we've gone
7 through, and I've looked at the testimony that was given
8 to me earlier today. And when I read it all after his
9 subsequent questions, after Mr. Kohn's subsequent
10 questions, I can't guarantee that there were numbers
11 anywhere, because I was reading upside down, okay, and I
12 think I admitted that the last time I testified.

13 So in the middle of the page, it says there
14 were little numbers right next to the line. I'm going to
15 say that they were little letters or numbers, okay, so I'd
16 like to clarify that. There was some type of handwriting
17 that --

18 BOARD EXAMINATION

19 CHAIRMAN BLOCH: Okay. Before you clarify --
20 that's fine to do that -- I'd like you to just take a
21 moment to look to see if -- if there might have been words
22 left out, or whether you think you said something other
23 than the transcript says. And you can read the whole
24 relevant portion, which begins --

25 THE WITNESS: Okay.

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1 CHAIRMAN BLOCH: At line 5, I think, and
2 continues through I think the top of the next page. This
3 is not to clarify. This is to say what you actually said
4 last time. And then after that, I'll give you a chance to
5 clarify it.

6 THE WITNESS: I believe I said something
7 similar to this, if not identically to this. Okay?

8 CHAIRMAN BLOCH: All right. So you don't
9 remember that there's anything wrong with the transcript?
10 I'm asking you that because that sometimes happens.

11 THE WITNESS: With respect to what I said --

12 CHAIRMAN BLOCH: Yes.

13 THE WITNESS: -- no.

14 CHAIRMAN BLOCH: All right. Now you can
15 clarify in any way you'd like to.

16 THE WITNESS: I'd like to clarify the entry
17 that says, "If there are three columns, it depends upon
18 the page, you know; it was wavering." I'd like to clarify
19 to say that if there were three columns, some it depends
20 upon the entry that was made on that page. Okay? Because
21 I only saw one page. And it didn't depend upon the page.

22 CHAIRMAN BLOCH: But on lines 6 and 7, then,
23 is it accurate to say you said, "Started on the left-hand
24 page, and there was writing there"?

25 THE WITNESS: My line 7 doesn't have that,

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1 sir.

2 CHAIRMAN BLOCH: Oh, I'm sorry. It's 16 and
3 17 on -- is it 16 and 17? I have it repaginated in a
4 computer. I'm sorry.

5 THE WITNESS: Okay.

6 CHAIRMAN BLOCH: That was the wrong lines.

7 THE WITNESS: It started on the left-hand side
8 of the page.

9 CHAIRMAN BLOCH: Okay.

10 THE WITNESS: Sir, I'd like to clarify that to
11 say it started on the left-hand side of the page.

12 CHAIRMAN BLOCH: Yes. What did you say?

13 THE WITNESS: I'd like to say that that should
14 be clarified to state, "I know that it was -- it started
15 on the left-hand side of the page."

16 CHAIRMAN BLOCH: Okay. Thank you. I was
17 looking at only a portion of this page. Actually, I was
18 looking at the left-hand side of it.

19 (Laughter.)

20 MR. BLAKE: Now I'm thoroughly confused.

21 CHAIRMAN BLOCH: Don't worry about it. It's
22 the miracle of computers.

23 CROSS EXAMINATION (Continued)

24 BY MR. MICHAEL KOHN:

25 Q Now, on the bottom of page 11225, you say, "I

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1 mean there were many, many pages of this on his desk."

2 A I remember that.

3 Q Would you agree that that statement implies
4 that there were -- how do you read that statement?

5 A Well, we had been talking about a number of
6 things, if I remember. And, in my mind, the many, many
7 pages, there were many, many pages of paper on Jimmy
8 Paul's desk. Okay? Some were unit control room logs;
9 others were pieces of paper that are Plant Vogtle specific
10 procedure sheets. Others were of the same type that he
11 was writing on, of which I only saw the top page for sure.
12 But there were many, many pages of paper on his desk that
13 he was working on, and that's what I was talking about
14 here.

15 Q Was he working on more than one document?

16 A I don't know. He had many pieces of paper on
17 his desk.

18 Q Well, was he completed with the -- well, let
19 me ask you, this -- the document that Mr. Cash was working
20 on, was it in a pad? Had it been ripped out of a pad?
21 Was it all together?

22 A I do not think that it was in a pad.

23 Q Okay.

24 A I cannot say for sure based upon my memory.

25 Q And can you state for sure whether or not

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1 there was typewritten information on the page as well?

2 A I think I've -- I'm absolutely positive, and I
3 stated that before, this was handwritten that he was
4 physically working on at that time.

5 Q Now, in your prefiled testimony, on page 3,
6 you state on lines 1 and 2, "I" -- let's see, "The
7 handwritten list I observed contained some descriptive
8 information as well as numbers." Do you see that?

9 A And I've already clarified the discussion with
10 respect to its numbers here today.

11 Q So --

12 A This was a handwritten list on his desk that
13 may have had numbers or words.

14 Q All right. So what you're telling me now is
15 that your prefiled testimony is false, inasmuch as you
16 state there that you saw numbers?

17 A To state that I absolutely saw numbers is an
18 incorrect statement. But I did see handwriting, which may
19 have contained numbers, and I made an assumption in this
20 prefiled testimony that there were numbers in that
21 handwriting.

22 BOARD EXAMINATION

23 CHAIRMAN BLOCH: Mr. Eckert, are you confident
24 that it was one stack of papers?

25 THE WITNESS: Sir, if you saw Jimmy Paul's

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1 desk that day, there were papers all over. We could say
2 that there were 12 stacks, we could state -- say that
3 there were three stacks.

4 CHAIRMAN BLOCH: So did you see the top page
5 of more than one stack?

6 THE WITNESS: I saw many different sheets of
7 paper, and I saw one that he had directly in front of him
8 that he was working on. That was the top sheet that we've
9 talked about mostly here.

10 CHAIRMAN BLOCH: You saw another one, I take
11 it, because you said you thought it was a control room
12 log.

13 THE WITNESS: I saw copies of control room
14 logs on his desk in various places.

15 CHAIRMAN BLOCH: That wasn't in the same
16 stack?

17 THE WITNESS: No. No. That was in a
18 different location. Exactly where on the desk, I don't
19 know.

20 CHAIRMAN BLOCH: Now, if you didn't see
21 anything other than the first line of the -- the first
22 page on the stack, how did you know it was a lot of copies
23 of this? How did you know it all had to do with the same
24 thing?

25 THE WITNESS: When I was talking with Jimmy

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1 Paul, he said he did not have time, because he had a very
2 important task to do for his boss's boss's boss. And I
3 told him what I was there for, and he basically said,
4 "Well, I've got to count diesel starts." And on his desk
5 he had paper, not in an organized fashion, all about his
6 desk. Some pieces of paper were organized into some --
7 somewhat stacks.

8 He had one that he was working on that he was
9 writing on in front of him, and amongst all of these
10 papers were different types of information. I saw the top
11 sheets of several pieces of paper, but the one that we've
12 been focusing on has been this one stack that was sitting
13 in front of him that had various handwritten notes on it.
14 Does that answer your question?

15 CHAIRMAN BLOCH: The stack, or just the first
16 page?

17 THE WITNESS: There was more underneath what
18 he was writing on. If we call it -- I'm calling that a
19 stack of paper.

20 CHAIRMAN BLOCH: How did you know that the
21 rest of it wasn't just control room log data that was
22 underneath one page of information?

23 THE WITNESS: I can't say that I did not know.
24 But -- I can't say that the information underneath was not
25 all control room logs, or it wasn't more sheets of exactly

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1 the same thing that he was writing on. I can say that
2 there were more pieces of paper underneath what he was
3 writing on, and it was a list that he was generating.

4 CHAIRMAN BLOCH: Well, you know, a list can be
5 on one page. How did you know it would be more than one
6 page?

7 THE WITNESS: That's an assumption I made,
8 sir.

9 CHAIRMAN BLOCH: In fact, later on, we have a
10 list made by Mr. Webb and Mr. Odom which was only one
11 page. You knew that his list was more than one page?

12 THE WITNESS: I felt that it was.

13 MR. BLAKE: In fact, it's two pages, Judge.

14 CHAIRMAN BLOCH: Two -- Webb/Odom was two
15 pages? Sorry about that.

16 THE WITNESS: I can't remember the exact
17 mannerisms of Jimmy Paul, but he gave me the indication
18 that he had more than one page in that stack, and that's
19 why I made that statement. It may have been a non-verbal,
20 but I saw them, and that's what I'm recollecting.

21 CHAIRMAN BLOCH: I guess what's important to
22 me is to separate out what you actually saw and what might
23 happen to a memory when you're going back to try to mine
24 it for what was happening.

25 THE WITNESS: I know that I only saw one page

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1 on top that had the handwriting. I can say that I feel
2 that there were other sheets similar to it underneath, but
3 I can't say that factually.

4 CHAIRMAN BLOCH: Mr. Kohn?

5 CROSS EXAMINATION (Continued)

6 BY MR. MICHAEL KOHN:

7 Q Mr. Eckert, if I understand it, you only
8 recall now seeing one page of Mr. Cash's handwriting. All
9 of the other documents on the desk were something else
10 other than Mr. -- that you could see were other than Mr.
11 Cash's handwriting.

12 A I can't say that all of the other documents on
13 the desk didn't have his handwriting on it. I can't say
14 that there were other documents on the desk that may have
15 had his handwriting on it, but I don't know that for sure.
16 I know that I saw one sheet on top of some stack of paper.

17 Q Okay. Now, the other documents, were they
18 more -- did they contain typewritten information as well?

19 A There were other documents on his desk.

20 Q My question is, is there another document that
21 only consisted of handwriting, or is the only document
22 that was totally made up of handwriting just that top page
23 you saw?

24 A Oh, I don't know. I didn't memorize the top
25 sheets of all of the sheets of paper on his desk.

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1 Q Well, do you recall seeing another page on his
2 desk that had just handwriting?

3 A Well, control room log sheets have
4 handwriting. It's not Jimmy Paul's. I did see a copy of
5 a control room log sheet, but I can't say that it was
6 handwriting, because -- but it normally is. Okay? But
7 that's because that was upside down in front of me. There
8 were other sheets of paper that could have contained
9 handwriting on it. I can't say that that's the only sheet
10 that had handwriting on his desk.

11 Q Now, if I understand it, you saw this list
12 upside down from a distance of four feet for a few
13 minutes?

14 A This whole discussion with Jimmy Paul took no
15 more than three minutes.

16 Q Do you know if Mr. Cash was counting --

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Wait a minute. There were
19 two premises to the question. Do you want to comment on
20 the distance?

21 THE WITNESS: About four feet. That's -- I
22 was at his desk, and I was just talking with him. Four
23 feet is appropriate.

24 CROSS EXAMINATION (Continued)

25 BY MR. MICHAEL KOHN:

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1 Q Now, was Mr. Cash preparing the document, or
2 was it already prepared?

3 A He had a writing instrument -- pen or pencil,
4 I don't remember, I think it was a pencil, but I don't
5 want to be quoted on that -- in his hand while he was
6 talking to me. And when I walked in, he looked up --

7 Q Now --

8 A -- as if I had interrupted him from something.
9 Whether he was writing on the document or not, I can't
10 tell you.

11 Q Well, on page 2, line 22, of your prefiled
12 testimony, you said he was preparing a handwritten list of
13 information. Do you see that?

14 A That's exactly what he told me, and he had a
15 pencil in --

16 Q No, not saying what he told you. Your
17 prefiled testimony says, starting on line 20, "Upon
18 entering his office, I noticed that he was busy poring
19 through a number of documents and preparing a handwritten
20 list of information." Do you see that?

21 A Yes.

22 Q Okay. So your prefiled testimony indicates
23 that when you went in, he was actually preparing this
24 list, isn't that correct?

25 A Sir, if a man is sitting at his desk, if I

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1 walk into a man's room and he is sitting at his desk, with
2 his head down, looking at a sheet of paper or something in
3 front of him, and he has a writing instrument in his hand
4 -- and that's how vivid I remember this -- and he is
5 looking at -- back and forth, I can only say that he was
6 working on or preparing what he was working on. And he
7 told me in conversation that he was preparing a list of
8 diesel starts.

9 So between that statement from him and how I
10 observed him at his desk, I can only say that the man was
11 preparing that, although he might have told me something
12 that wasn't true.

13 CHAIRMAN BLOCH: Mr. Kohn, this is getting
14 repetitious at this point.

15 BY MR. MICHAEL KOHN:

16 Q Well, I mean, what I'm probing at, Mr. Eckert,
17 is there's a difference between making -- putting
18 checkmarks on a completed document and preparing it,
19 wouldn't you say?

20 MR. BLAKE: Objection. Judge Bloch, I have an
21 objection. I thought yours was a nice suggestion, and I
22 want to make a formal objection. We're getting
23 repetitive, duplicative, redundant questioning in the same
24 area. I don't think it's probative.

25 CHAIRMAN BLOCH: I think there has got to be

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1 something new, something you point out that's important,
2 or we should move on.

3 BY MR. MICHAEL KOHN:

4 Q Well, did you believe that Mr. Cash was just
5 working to make corrections to the left-justified
6 document?

7 CHAIRMAN BLOCH: I don't even understand the
8 question. That's not new. There has got to be something
9 new.

10 ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn,
11 from his description of looking at a document upside down,
12 and you expect him to have an opinion as to whether it was
13 being left-justified or right-justified?

14 MR. MICHAEL KOHN: Yes, I do expect him to
15 have an opinion about that.

16 BY MR. MICHAEL KOHN:

17 Q And what about going into Jimmy Paul's office
18 is so memorial, makes it so important to you that you --

19 CHAIRMAN BLOCH: Memorable.

20 MR. MICHAEL KOHN: Thank you.

21 BY MR. MICHAEL KOHN:

22 Q Memorable that you have a vivid memory of the
23 instrument in his hand, the document was left-justified,
24 that it had columns, that it had all of these things?

25 A Some things stick out. Some things you

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1 remember. Some things you recall. I recall this.

2 Q And you went into his office not to discuss
3 that, to discuss something totally different, correct?

4 A And, normally, he would discuss things with me
5 in great detail. Well, maybe that's the reason. I don't
6 know. Maybe that's why it stuck out, because he told me,
7 "Just handle it, Chris. You do what you're doing. I've
8 got this other thing to do." And Jimmy Paul was never one
9 to not sit down and be cordial with you and discuss things
10 and spend a lot of time just making normal talk with you.
11 Okay?

12 Q Okay. Now, what did you do on the weekend of
13 April 7, April 8?

14 A I haven't even thought about that. I don't
15 know.

16 Q You haven't thought about that?

17 A No.

18 Q Then, how do you know you didn't work on the
19 weekend?

20 A Because I had stopped working weekends several
21 weeks before. I had been taken off of weekend coverage.

22 Q During outages, you had the option of not
23 working weekends?

24 A I had completed my portion of the assignment
25 for the outage, and I had been working seven fourteens.

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1 If you start working seven fourteens, you know how many
2 hours you're working during the week. Okay? And so I
3 finally got some days off. That's what I'm really trying
4 to say here. I don't know how many hours I was working,
5 but I was working every single day of the week, and I
6 finally got some days off, and it was a weekend to be with
7 my kids.

8 Q And do you remember what week in April you
9 finally had off, or what week in March?

10 A No.

11 Q So your actual date of what weekend you
12 started to have off could be in error, couldn't it?

13 MR. BLAKE: What do you mean it --

14 THE WITNESS: Well, I'm not saying that this
15 --

16 MR. BLAKE: -- could be in error. Objection.
17 What do you mean, it could be in error? He doesn't know.
18 He says he doesn't remember. What kind of error could
19 that be?

20 MR. MICHAEL KOHN: Well, I'll agree.

21 BY MR. MICHAEL KOHN:

22 Q You don't know what weekend you took off, do
23 you?

24 A Well, I know I had that weekend off.

25 Q Okay. Now, after your conversation with

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1 Mr. Cash, you went in to see Mr. Bockhold, is that
2 correct?

3 A After that meeting with Mr. Cash, later in the
4 day I went to Mr. Bockhold's office, yes.

5 Q And he had something similar to the document
6 previously marked as Intervenor Exhibit 43, a diesel
7 testing slide, which I will show you now, on his desk, is
8 that correct?

9 A Yes, sir.

10 Q Now, I can't state whether all of the numbers
11 on this are the same, but what I'd like you to do is look
12 at this -- well, first, how far away were you looking at
13 this diesel testing slide? You were looking at it upside
14 down, correct?

15 A I was looking at primarily --

16 ADMINISTRATIVE JUDGE MURPHY: Excuse me,
17 Mr. Kohn. Is Exhibit 43 a 17-page exhibit?

18 MR. MICHAEL KOHN: I'm looking at page 1 of
19 17. Thank you, Your Honor.

20 ADMINISTRATIVE JUDGE MURPHY: Is that what the
21 witness is looking at?

22 MR. MICHAEL KOHN: Yes. That's also Bockhold
23 Exhibit B.

24 BY MR. MICHAEL KOHN:

25 Q Now, can you count these starts for me upside

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1 down, please?

2 A Right now?

3 Q Yes.

4 A I'm not sure that my eyesight is as good as it
5 was then.

6 Q Would you like to put your glasses on?

7 A I do not have them with me.

8 Q Well, I guess we could move the document
9 closer than you had it. Would that help?

10 A Oh, I'll do it right from here. I'll try.
11 Okay?

12 Q Sure.

13 A It looks like in the 1A column, I think it
14 says 19 total is what I'm seeing.

15 Q You're counting 19 starts?

16 A Well, let me go through. Five starts for
17 troubleshooting, UV test run. That's six. Sensor cal. is
18 seven. Logic testing is eight. E-bubble testing is nine.
19 Multiple starts, five, that's 14. UV run, that's 15. Six
20 months' surveillance is 16. Diesel optimal, 17. High
21 jacket water runs, three.

22 Q That's what, 20?

23 A 21, with DCP UV test -- 21.

24 Q So with respect to this exhibit, you counted
25 21 starts?

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1 A On one of the two columns, I counted what
2 appeared to me to be 21.

3 Q Okay. And so if this document was in front of
4 you, you would say that the numbers didn't add up,
5 wouldn't you?

6 A Which numbers are you referring to?

7 Q Well, you counted 21 in one column, but on the
8 very bottom of the column it says 18 and 19, correct?

9 A It differs from the 18 successful starts, yes.

10 Q Okay. So if you saw this exact document on
11 Mr. Bockhold's desk, you would say they don't add up,
12 wouldn't you?

13 A If that's what I saw on his desk, I would
14 probably ask the question, "George, they don't add up."

15 Q And if you counted 20 or 21, or whatever,
16 would you actually recollect what numbers you saw on the
17 bottom as to what number you actually counted in your
18 head?

19 A No.

20 Q Okay.

21 A I've tried to. I can't.

22 Q So when you talk about 20 being on the
23 document --

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: I'm sorry. Just a second.

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1 Are you saying you can't remember whether or
2 not the number you counted was also the number on the
3 document?

4 THE WITNESS: I understand the question.
5 That's different than what I thought he meant.

6 CROSS EXAMINATION (Continued)

7 BY MR. MICHAEL KOHN:

8 Q I think you're -- I did mean a different
9 question, and the question I was asking you was that the
10 number you had in your head you could no longer -- the 20
11 or 21 you just mentioned, you couldn't differentiate that
12 now from whether you saw 18 or 19 written. They would
13 sort of meld together, wouldn't they?

14 A They might.

15 BOARD EXAMINATION

16 CHAIRMAN BLOCH: Well, let's start with my
17 question. Do you think you would have noticed whether the
18 number you counted was the same as the number on the
19 paper?

20 THE WITNESS: Yes.

21 CHAIRMAN BLOCH: And did you notice that they
22 were?

23 THE WITNESS: I noticed -- can I explain here?

24 CHAIRMAN BLOCH: Yeah, yeah.

25 THE WITNESS: This basic scenario went on in

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1 George's office. George was on the phone, and I was
2 sitting there, and I had my slide in my hand, I think. I
3 might have put it over on his desk, and I was looking at
4 what he had there, and it was basically something that
5 looked similar to that. But it wasn't identical to that.
6 And I did exactly what I did here was I counted up, and
7 when George got off the phone, I said, "George, the
8 numbers don't add up," meaning that the numbers above the
9 line, because that line on the bottom --

10 MR. MICHAEL KOHN: Excuse me. Is there a
11 line?

12 THE WITNESS: Yes. See, I'm a math major.
13 You have to understand, back in grade school, they taught
14 me everything above a line has to add up, pluses and
15 minuses. Well, I'll tell you what -- I added them all up,
16 and I said, "George, they don't add up." And he said,
17 "They don't have to, Chris." And then he explained in his
18 own philosophy on what this slide was supposed to mean.
19 But, as I remember, the number of starts he had listed did
20 not add up to the total that was at the bottom.

21 CROSS EXAMINATION (Continued)

22 BY MR. MICHAEL KOHN:

23 Q Now, do you recall giving prior statements or
24 testimony stating that the numbers below the line were in
25 the 20s?

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1 A I remember something to that extent, yes, and
2 I'll still say that I remember that the numbers below the
3 line were in the 20s.

4 Q Or are you now remembering your recollection
5 of how many you counted were in the 20s?

6 A Good question. I think that the number below
7 the line was higher, though.

8 Q Well, if you just counted in the 20s now, and
9 the numbers below the line were in the 20s, they would be
10 pretty close, wouldn't they?

11 A They might be, yes.

12 Q So now do you actually recall whether the
13 document you saw had numbers in the 20s below the line, or
14 that the number you counted in your mind upside down was
15 in the 20s?

16 A I remember a number on a sheet of paper in the
17 20s. Okay? I don't know if that was above the line or
18 below the line, but I think it was below the line. The
19 exact number I don't know, but I will tell you one thing,
20 the two numbers did not add up.

21 Q And what did Mr. Bockhold tell you was the
22 purpose of the diesel testing slide?

23 A The purpose of the diesel testing slide from
24 George, in one sentence, was to show that we had done a
25 lot of testing, and to prove that that diesel was

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1 operable, or something to that effect. To show that we
2 had done what needed to be done.

3 Q And did he tell you why the numbers didn't
4 have to add up?

5 A No. He just said that that was the reason.
6 "The numbers don't have to add up, Chris. The purpose of
7 this slide is to show all of the work that we've done."

8 Q Well, did he tell you that the successful
9 starts underneath was to show the amount of work done?

10 A He didn't say anything like that that I can
11 remember.

12 Q Did he tell you what his justification was
13 going to be for asking for restart, to show that the
14 diesels were reliable?

15 A No, we didn't -- we didn't talk about anything
16 like that.

17 Q Now, did Mr. Bockhold tell you what
18 information to include on your slide?

19 A No.

20 Q Did you discuss how the slide would look
21 before you gave it to Mr. Bockhold?

22 A Did I discuss it with whom?

23 Q With Mr. Bockhold.

24 A No.

25 Q Did you discuss it with somebody else?

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1 A No.

2 Q Did you discuss --

3 CHAIRMAN BLOCH: Wait a second. Let the
4 record show that the witness shook his head no to the
5 first question, did he discuss it with Mr. Bockhold. The
6 witness said no.

7 BY MR. MICHAEL KOHN:

8 Q How did you know what this slide was supposed
9 to look like?

10 A Well, I was previously the technical assistant
11 to the Plant Manager. I've been to a lot of
12 presentations, and I've helped prepare a lot of
13 presentations for the NRC in the past, and I was told that
14 morning to prepare a slide, by Jim Swartzwelder, of what
15 happened on unit 2 during the event. And so that's what I
16 did. So I put down what I thought needed to be on the
17 slide, and gave it to Esther for preparation.

18 Q And your slide had bullets on it, right?

19 A I don't know.

20 Q All right. We'll look at --

21 A It was five years ago.

22 Q -- Intervenor's Exhibit 43. Actually, I think
23 it also may be attached to your prefiled testimony. That
24 might be an easier place to locate it.

25 MR. BLAKE: I don't think it's attached to his

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1 prefiled testimony.

2 BY MR. MICHAEL KOHN:

3 Q It's Intervenor's Exhibit 43, and the bottom
4 project number is 055898. And there is these little round
5 circles, say if I refer to them as bullets. Did you know
6 to format it that way before you even did it?

7 A Do you know what? I really don't remember.
8 But taking a look at this slide and the one on the
9 previous one, the 36-month, it looks like as if they were
10 done on different typewriters, doesn't it?

11 Q Yes, it does. Well, do you --

12 A The bullets look different. I don't know who
13 -- who put them there. I may have done it. Esther may
14 have done it. I don't know.

15 Q Well, do you have a recollection of preparing
16 this document?

17 A Yes, I do.

18 Q Okay. And do you recall preparing it in
19 substantially the form it's in now?

20 A I remember the words on the page, yes.

21 Q The bullets and the dashes?

22 A The dashes tend to remind me of the way I do
23 slides. I might have had numbers there, and it may have
24 gotten reformatted.

25 Q And did you work with what secretary on the

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1 formatting of this?

2 A Esther was the one that put it into the
3 computer, Esther Dixon.

4 Q And did she put all of the versions that you
5 had in the computer? Is she the only one you worked with?

6 A She had the version that was over in George's
7 office. I don't remember if I typed it up and printed it
8 out myself somewhere else, or if I gave her a handwritten
9 copy, now that I think back. There are two options.
10 Either one could have happened.

11 Q And can you tell me, did Mr. Swartzwelder tell
12 you how to format your document?

13 A No.

14 Q And it's my understanding that previous -- in
15 your prefiled testimony, and in the statement you provided
16 to Office of Investigations, you didn't recall meeting
17 with Mr. Swartzwelder.

18 A I'm not sure that I made that statement to
19 Mr. Robinson. I've read the testimony from Mr. Robinson.
20 I believe that he says -- can you read me what he said?
21 Those are his words on the sheet of paper.

22 Q Well, in your prefiled testimony, you don't
23 mention Mr. Swartzwelder, is that correct?

24 A I don't know that that was a pertinent point
25 to be brought out. I'll take a look. No, it doesn't look

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1 like as if I put Mr. Swartzwelder down in here.

2 Q Okay.

3 MR. BLAKE: Do you have a copy of the OI
4 statement that you were going to refer to?

5 MR. MICHAEL KOHN: Yes, and we can distribute
6 it at this time. It was previously marked as Intervenor's
7 212, and Intervenor is going to call for the admission of
8 that document.

9 CHAIRMAN BLOCH: What is it being admitted
10 for?

11 MR. MICHAEL KOHN: The testimony of the
12 witness, for the fact that -- the witness had previously
13 reviewed this as to its accuracy, so it's going in as to
14 the statements contained in the document.

15 MR. BLAKE: I mean, do you want him now to
16 attest to this, simply because he read it in preparing for
17 his testimony?

18 MR. MICHAEL KOHN: He did already.

19 MR. BLAKE: He attested to it?

20 MR. MICHAEL KOHN: Yes.

21 THE WITNESS: No. I think that I said that I
22 reserved comment on any other sections the last time that
23 we were here, back in Augusta.

24 BY MR. MICHAEL KOHN:

25 Q You don't recall reading this and making --

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1 A Could I get a copy?

2 Q Sure. Do you recall having -- taking a break
3 and reading this document, and then commenting on all
4 portions you thought were -- needed correcting?

5 A I remember commenting on a portion, and I
6 believe I said something to the extent that I would
7 reserve comment on the writer's opinion until further
8 questions came up.

9 Q Well --

10 A And if there's a question about Mr. Robinson's
11 statement, he did not recall if his assignment to do the
12 transparency came directly from George Bockhold or not.
13 Okay? That's his statement. I'm pretty confident that
14 Mr. Swartzwelder gave me the assignment, and I think that
15 I told Mr. Robinson that when he came down and interviewed
16 me.

17 MR. MICHAEL KOHN: Your Honor, Intervenor is
18 calling for the admission of 212. The witness reviewed
19 it. I have reviewed the transcript, and asked to note any
20 inaccuracies in the factual information, and he did so at
21 that time. I'm certainly free to have the witness do that
22 again if you feel it's necessary.

23 CHAIRMAN BLOCH: And the subject matter you're
24 submitting it for has to do with whether or not the
25 assignment came directly from Bockhold?

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1 MR. MICHAEL KOHN: No, Your Honor. It's for
2 the entire content of the document, in particular the top
3 paragraph of page 2 of 3, that entire paragraph. And,
4 Your Honor, I think that this exhibit is important because
5 if you look at the top paragraph, it indicates that Mr.
6 Eckert was shown the diesel testing transparency, which is
7 a type document, and Mr. Eckert at that time said it was
8 similar to the one that Mr. Cash was looking at.

9 And I think the totality of this report of
10 interview is three pages long. It's certainly not going
11 to burden the record by putting it in, and I think it's an
12 important factual inconsistency.

13 CHAIRMAN BLOCH: There being no objection, the
14 motion is granted.

15 (Whereupon, the above-referred to
16 document, previously marked as
17 Intervenor's Exhibit No. 212 for
18 identification, was received into
19 evidence.)

20 BY MR. MICHAEL KOHN:

21 Q Now, do I understand your testimony now to be
22 that you don't actually recall whether Esther Dixon typed
23 up your slide or not, that you may have typed it up?

24 A I think that Esther typed what we have in this
25 book.

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REPORT OF INTERVIEW
WITH
CHRISTOPHER C. ECKERT

On November 3, 1993, Christopher Charles ECKERT, Quality Assurance Auditor, Georgia Power Company (GPC), Vogtle Electric Generating Plant (VEGP), was interviewed by Larry L. Robinson, Senior Investigator, Office of Investigations (OI), NRC, at the Administration Building, VEGP, Waynesboro, GA. Also in attendance at this interview, and representing both ECKERT and GPC was Arthur H. DOMBY, Attorney, with the Troutman Sanders law firm. The nature of the interview pertained to the GPC presentation of Emergency Diesel Generator testing data to NRC on April 9, 1990.

Prior to the interview, ECKERT was sworn by Robinson, and having been duly sworn, provided the following information:

ECKERT stated that he was a 1974 graduate of the United States Naval Academy, Annapolis, MD, and upon graduation entered into the Navy Nuclear Program. He advised that he left the Navy in 1980, and went to work for General Electric. ECKERT stated that he became employed by GPC on September 30, 1985, and spent about 10 days at GPC Corporate offices in Atlanta, GA, in an Outage & Planning capacity. He said that he then worked for 60 - 90 days on an Environmental Quality Project at Plant Hatch, and in January, 1986, became the Manager of the Independent Safety Review Group at Plant Hatch. ECKERT stated that in June of 1987 he transferred to VEGP as a Technical Assistant to the Plant Manager, and in December, 1987 was appointed Manager of the Health/Physics - Chemistry Department at VEGP. He advised that in February, 1988 he went to Senior Reactor Operator (SRO) School, and completed his training and received his SRO License in January or February, 1989. He said that he was a Manager in Training until October, 1989, doing both outage-related and on-shift duties. ECKERT stated that in October, 1989, he requested to be a Shift Supervisor, and performed those duties until November 1992. He advised that at the time of the Site Area Emergency (SAE), on March 20, 1990, he was the Local Leak Rate Coordinator, and at the time of the SAE was assigned by George BOCKHOLD, the General Manager, VEGP, to be the Event Critique Team Leader for Unit 2.

ECKERT stated that, in preparation for BOCKHOLD's presentation to NRC on April 9, 1990, he assisted by preparing the transparency entitled UNIT 2. He advised that he thought he had been tasked to do the UNIT 2 transparency earlier on that same day, which he believed was the Friday before the presentation, because he remembered that he had to have it done that afternoon. He did not recall if his assignment to do the transparency came directly from BOCKHOLD or not.

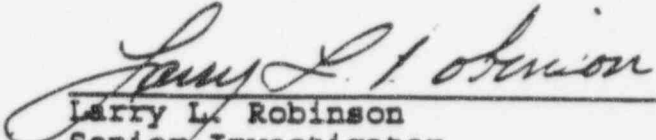
ECKERT advised that his Unit Superintendent at the time was Jimmy Paul CASH, and CASH had assigned him (ECKERT) to look into the Deficiency Card (DC) system. ECKERT stated that earlier that same day, he walked into CASH's office with a DC in his hand, prepared to talk to CASH about a need to improve the DC process on locked valves. ECKERT stated that CASH told him that he did not have the time to talk about the DC at that point because he (CASH) was "doing something for my boss's boss's boss." ECKERT stated that he saw something on CASH's desk that looked similar to one of the columns in the DIESEL TESTING transparency (used in the 4/9/90 GPC presentation to NRC), which had been displayed to him by OI in this interview. He stated that the words on the document he saw on CASH's desk were "left justified", however, and not centered as they were in the DIESEL TESTING transparency. ECKERT advised that CASH said that he (CASH) was "counting starts." ECKERT stated that he thought CASH was working to make corrections to the "left justified" document that was on his desk. ECKERT stated that he did not recall whether or not there were any numbers on the document on CASH's desk.

ECKERT stated that about 4:30 or 5:00 PM that same afternoon, after his conversation with CASH, he took his proposed UNIT 2 slide to BOCKHOLD's office. He stated that they made some minor corrections to his transparency, and ECKERT took it out to Esther DIXON to have her retype the corrections. He advised that after she was finished, he took it back into BOCKHOLD's office and BOCKHOLD was on the phone. ECKERT stated that while he was waiting for BOCKHOLD to get off the phone, he noticed the DIESEL TESTING slide on BOCKHOLD's desk. He advised that he noticed that the numbers above the lines did not add up to the numbers below the lines, and he commented to BOCKHOLD that "they don't add up." He stated that BOCKHOLD said, "They don't have to. That's not the purpose of this slide." ECKERT stated that BOCKHOLD then told him that the slide was just a representation of types of things that were done. ECKERT said that he did not think that the DIESEL TESTING slide on BOCKHOLD's desk was left justified, but he could not positively recall. He stated that he could not recall what the numbers on the slide were, only that they did not add up. ECKERT stated that BOCKHOLD did not seem irritated or angry that ECKERT was looking at the slide and commenting on it. He advised that he did not recall discussing the slide any further with BOCKHOLD. He advised that he got BOCKHOLD's approval on his (ECKERT's) UNIT 2 slide, and then left BOCKHOLD's office.

ECKERT stated that he has never discussed this BOCKHOLD conversation with Jimmy Paul CASH.

ECKERT stated that the reason this interchange with BOCKHOLD was memorable to him was because he used to do presentation papers for BOCKHOLD all the time, but this UNIT 2 slide was the first one that he had done for BOCKHOLD in quite a while. He opined that perhaps the reason he remembered that the document on Jimmy Paul CASH's desk was left justified was that CASH's office was usually disorganized, and a left justified document seemed more organized to him (ECKERT).

This Report of Interview was prepared on December 3, 1993.


Larry L. Robinson
Senior Investigator
Office of Investigations
Field Office, Region II

1 Q You're looking at Intervenor's Exhibit 43,
2 page 2, I believe.

3 A The unit 2 slide. I think that Esther typed
4 that up from my input.

5 Q And after the slide was typed in its final
6 format, was it printed out as a -- as an overhead or a
7 slide? Let me rephrase the question. After the data
8 contained on the document you're looking at was typed into
9 the word processor, was there another step that you were
10 involved with in printing it out as a slide?

11 A Well, obviously, you have to print something.
12 If you have something on a screen, you still have to print
13 it. So there is another step. You hit a button, and you
14 print it.

15 Q My question is, were you involved in preparing
16 the actual slide?

17 A Do you mean the piece of plastic transparency?

18 Q Yes.

19 A I don't think so.

20 Q Now, what time do you recall entering
21 Mr. Bockhold's office?

22 A It was late in the afternoon.

23 Q After 4:30?

24 A That's probably appropriate. The exact time
25 I'm not going to say.

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1 Q Now, did you go directly -- do you recall
2 previously stating that you recalled entering between 4:30
3 and 5:00 p.m., in Mr. Bockhold's office?

4 A I remember saying that I entered late in the
5 afternoon, and that it was probably after normal working
6 hours, and normal working hours ended at 4:00, so 4:30 to
7 5:00 is a reasonable time estimate. And I believe that
8 those were the questions and the way that they were asked
9 of me -- this is in Mr. Robinson's report, right?

10 Q That statement is contained in Mr. Robinson's
11 report of interview.

12 A Okay.

13 Q Okay. So do you doubt that you entered at
14 4:00 to 5:00 p.m.?

15 A No, I think that that's a reasonable time.
16 Somewhere between 4:00 and 5:30, I probably got to
17 Mr. Bockhold's office.

18 Q All right. Now, did you go directly to --
19 into Mr. Bockhold's office, or did --

20 A I don't remember, to be exact.

21 CHAIRMAN BLOCH: Let the record reflect that
22 the witness thought about his answer before he answered,
23 "I don't remember."

24 BY MR. MICHAEL KOHN:

25 Q Well, before you went into Mr. Bockhold's

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1 office, did you work with Esther Dixon on corrections or
2 anything?

3 A No, I -- I think that I went into George's
4 office when he asked me to come on in. That's what I
5 remember.

6 Q And you had, at that time, in your hand a
7 completed version of the slide that you were going to show
8 him?

9 A I'm not sure if I took it into George's office
10 or if he already had it there. Okay?

11 Q Well, do you know how George would have had it
12 there if you didn't give it to him?

13 A Esther might have been given it earlier in the
14 day.

15 Q So you may have given it to Esther earlier in
16 the day to type?

17 A Yes. Or somebody may have run it over to her.
18 I -- that's not an important point in my mind, so I don't
19 recall it.

20 Q So do you know if Gloria Walker was working
21 prior to Estner Dixon on that day?

22 A I didn't see Gloria that day at all.

23 Q So you don't know if Gloria Walker typed up
24 your slide?

25 A No, I didn't say that. I said I didn't see

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1 Gloria that day at all, and I don't think that I talked to
2 Gloria at all that day.

3 Q Well, I guess --

4 A I only talked with Esther about this slide.

5 Q When you said you walked in at 4:30 and --
6 4:30 to 5:00, and Mr. -- and Bockhold already had a copy
7 of your slide?

8 A I don't remember if I had it in my hand when I
9 went in. I don't know if he already had it there. That
10 was not an important point. I may have had a copy, and he
11 might have had a copy already.

12 Q And you don't remember who prepared or typed
13 it?

14 A No. I said that Esther typed it.

15 Q Didn't you earlier say that you thought you
16 may have actually typed it?

17 A No, I didn't say that.

18 MR. BLAKE: I have an objection now. It's
19 becoming argumentative. It's really kind of silly, but
20 what he actually said earlier was he didn't know whether
21 or not he brought it handwritten, or he might have brought
22 a typed version. But he's pretty confident that this
23 final version, as it came out, was done by Esther Dixon.
24 And he said that over, several times over. Can we move
25 on, Judge Bloch, please?

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1 CHAIRMAN BLOCH: Sounds like a reasonable
2 approach.

3 BY MR. MICHAEL KOHN:

4 Q Did you see Mr. Burr or --

5 CHAIRMAN BLOCH: We're going to take a 10-
6 minute break, and when we come back we'll get crisper.

7 MR. MICHAEL KOHN: Your Honor, I'm only less
8 than 10 minutes away of finishing. I'm about five minutes
9 away of finishing.

10 CHAIRMAN BLOCH: Does that mean you're so
11 hungry to ask that you want to delay the break?

12 THE WITNESS: No. I mean, if people want to
13 break now, that's fine, Your Honor. I'm just letting
14 people know that I'm close to finishing.

15 CHAIRMAN BLOCH: Good.

16 (Whereupon, the proceedings were off the
17 record from 2:01 p.m. until 2:12 p.m.)

18 BY MR. MICHAEL KOHN:

19 Q Mr. Eckert, do you recall seeing Mr. Cash or
20 Mr. Burr in or about Mr. Bockhold's office at any time on
21 the afternoon of April 6, 1990?

22 A No, sir. I did not see either Mr. Cash or
23 Mr. Burr outside of Mr. Bockhold's office that day.

24 Q Or in his office?

25 A No.

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1 Q Now, when you went to see Mr. Bockhold, was he
2 on the phone?

3 A No, he was not on the phone when I got there.

4 Q Was he on the phone after you arrived? I
5 mean, did the phone ring while you were present?

6 A Yes. While I was in the office, it did ring.

7 Q And do you know who he was speaking with?

8 A No.

9 Q Do you know what the conversation was about?

10 A No.

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: Do you believe that it's a
13 specific recollection, not just something that you're
14 saying because it often --

15 THE WITNESS: No. I don't believe -- I don't
16 remember.

17 CHAIRMAN BLOCH: All right. Well, I mean, if
18 you don't remember, don't say.

19 THE WITNESS: That's what I'm saying. I don't
20 remember.

21 CROSS EXAMINATION (Continued)

22 BY MR. MICHAEL KOHN:

23 Q Are you saying you don't remember whether he
24 was on the phone or not?

25 A I remember he was on the phone. He received a

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1 phone call while I was in his office. While I was in his
2 office, and he was on the phone, I went out with my slide
3 and worked with Esther. I do not know who was on the
4 phone with him.

5 Q Well, had you discussed your slide with
6 Mr. Bockhold first?

7 A Yes. The phone rang just as we were almost
8 done.

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: So what -- in response to me,
11 what were you saying you didn't remember?

12 THE WITNESS: I didn't remember who was on the
13 phone with Mr. Bockhold.

14 CHAIRMAN BLOCH: Oh, all right. But you had
15 said that. I -- I was just wondering whether you really
16 remembered the call. You do remember that.

17 THE WITNESS: Well, I remember somebody
18 called, or the phone rang. I don't know if somebody was
19 on the other end, but the phone rang.

20 CROSS EXAMINATION (Continued)

21 BY MR. MICHAEL KOHN:

22 Q Well, don't you remember -- well, after the
23 phone rang and Mr. Bockhold answered it, then how long did
24 it take you to leave to go and work with Esther?

25 A A moment.

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1 Q Okay. So seconds? I mean --

2 A Seconds. I mean, I think George might have
3 said something like, or I might have said something like,
4 "Well, I'll go get these changed while you're talking."
5 Or he might have said, "Let me talk this, and then" --
6 there was just --

7 Q So when you entered Mr. Bockhold's office, he
8 was not on the phone, and you were discussing your slide
9 with him?

10 A Yes. That's what we did.

11 Q You finished that discussion, the phone rang,
12 and you left?

13 A No. Just as we were finishing the discussion,
14 the phone rang.

15 Q All right. The phone actually --

16 A And then, subsequently, I left.

17 Q The phone actually -- actually ended your
18 discussions a little prematurely, and then you immediately
19 left, is that what you're saying?

20 A Well, I'm not going to say it ended
21 prematurely. We were almost done.

22 Q Okay. And then, where did you go? Did you go
23 directly to Esther Dixon?

24 A I went right to Esther.

25 Q And how close -- how many feet away did you

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1 have to go from Mr. Bockhold's office to get to Mr. -- to
2 Esther Dixon?

3 A Less than 15 steps.

4 Q So she is right out -- she was working right
5 outside his door?

6 A Yes.

7 Q And do you recall how long you were working
8 with Esther?

9 A Probably less than two or three minutes.

10 Q And then --

11 A Long enough to pull up on the screen what we
12 had on the piece of paper, make one minor change, and be
13 done, and print it out.

14 Q Then, did you go back into Mr. Bockhold's
15 office?

16 A Yes, I did.

17 Q Okay. And how long did you stay in
18 Mr. Bockhold's office that time?

19 A Several minutes.

20 Q And what happened during these several
21 minutes?

22 A Well, that's when I took a slide back in, or a
23 piece of paper with the words on it that we've seen in
24 item number unit 2 that we've presented here. And I put
25 that on his desk, and at that point I -- I was sitting

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1 there waiting, and I observed some things on his desk, one
2 of which was this diesel testing similar slide that you've
3 shown me previously.

4 BOARD EXAMINATION

5 ADMINISTRATIVE JUDGE MURPHY: Was he still --
6 was Mr. Bockhold still on the phone then?

7 THE WITNESS: He was still on the phone, yeah.
8 He was looking out the window, so I came in, he couldn't
9 even see that I was back in the office.

10 CHAIRMAN BLOCH: Well, to be clear, you don't
11 know if he was still on the phone, do you?

12 THE WITNESS: Oh, well, he was on the phone
13 with -- to his ear. I don't know if he was talking to
14 anybody.

15 CHAIRMAN BLOCH: Or if it was the same person
16 that he was talking to when you left.

17 THE WITNESS: Or if it was the same person.
18 That's right. Well, he was talking to somebody. Well, he
19 was talking into the phone. Okay?

20 (Laughter.)

21 CROSS EXAMINATION (Continued)

22 BY MR. MICHAEL KOHN:

23 Q How long were you in the office the first time
24 with Mr. Bockhold?

25 A Two to three minutes. Short period of time.

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1 Q So what's the total amount of time you recall
2 entering Mr. Bockhold's -- the area where his office is,
3 speaking with him, waiting for phone calls, getting things
4 typed up, and finally exiting?

5 A Including the time that I was outside the
6 office?

7 Q Yeah. All of the waiting time, whatever.

8 A Maximum of 15 minutes. Minimum of maybe five
9 to 10. Somewhere in that realm.

10 MR. MICHAEL KOHN: I have no further
11 questions.

12 BOARD EXAMINATION

13 CHAIRMAN BLOCH: Mr. Eckert, I just have a
14 couple of questions. Do you know anything about the
15 nature of the machine that Ms. Dixon was using?

16 THE WITNESS: I don't even remember which
17 machine we're talking about now, sir. Okay?

18 CHAIRMAN BLOCH: Well, did you know it was a
19 word processor?

20 THE WITNESS: Yes. The machine she was
21 working on was a type of word processor. I think it had
22 disks. I don't know for sure, but I think that there were
23 disks.

24 CHAIRMAN BLOCH: And you knew there was an
25 image on a screen.

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1 THE WITNESS: Yes.

2 CHAIRMAN BLOCH: And you knew you could print
3 things out from the screen.

4 THE WITNESS: That type of information, yes,
5 sir, I remember that.

6 CHAIRMAN BLOCH: Did you know whether or not
7 it was Ms. Dixon's habit, and the other secretary's
8 habits, to save information so you could get it later if
9 you wanted the document back?

10 THE WITNESS: I can't say that consciously I
11 knew that they did that all of the time. But it was
12 amazing how quickly they could get things back for you. I
13 didn't know that that machine specifically had that
14 capability.

15 CHAIRMAN BLOCH: But there were times that you
16 went back for something you had done in the past, and they
17 were able to give you a copy of it?

18 THE WITNESS: Not in this specific office
19 area. See, where I had worked previously, I had never
20 been in this area. This is where Allen and Tom Greene and
21 Mike Bellamy used to work. I had very little dealings. I
22 was in the plant staff. Okay?

23 CHAIRMAN BLOCH: In the area you were in, you
24 were aware that if a document was typed off, then the
25 secretary would be able to give you another copy later?

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1 THE WITNESS: Yes, sir.

2 CHAIRMAN BLOCH: Thank you.

3 CROSS EXAMINATION (Continued)

4 BY MR. BARTH:

5 Q Mr. Eckert, I'm Charles Barth. I'm an
6 attorney with the NRC, and I have to ask you a few
7 questions.

8 CHAIRMAN BLOCH: You might want to let the
9 mike dip a little less.

10 BY MR. BARTH:

11 Q Mr. Kohn has been asking you questions now for
12 about 51 minutes. I'll try to make this shorter. And
13 while you're looking at me, there are three pieces of
14 paper on Mr. Kohn's desk, between you and Mr. Kohn. Could
15 you describe them for the judges, what you've been looking
16 at, Mr. Kohn, those papers now for some 51 minutes?

17 A Those three pieces of paper between me and
18 Mr. Kohn?

19 Q Mr. Kohn, yes.

20 A No, I haven't looked at those pieces of paper
21 at all.

22 Q But you've been looking at Mr. Kohn and --

23 A Do you --

24 Q I'm sorry. Do you mean to tell me you can
25 look at Mr. Kohn at the table and not look at the papers?

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1 A Yes, sir, I can.

2 Q I think you said that you saw a completion
3 sheet on Mr. Cash's desk on April 6th.

4 A When did I say that? What completion sheet?
5 If you could refresh my memory.

6 MR. MICHAEL KOHN: I think it was page 4404.
7 Let's see, I'm sorry. I'm looking at someone else's
8 testimony.

9 MR. BARTH: Give us a minute, we'll find the
10 page.

11 CHAIRMAN BLOCH: Well, it's approximately
12 11227.

13 MR. BARTH: Yes. The Judge has pointed it out
14 to me. That's line 13.

15 BY MR. BARTH:

16 Q Do you have a copy of the transcript of your
17 previous testimony, sir?

18 A The previous testimony here?

19 Q In Georgia.

20 A In Augusta?

21 Q In Augusta.

22 A No, I don't have that.

23 Q Let me lend you one of our copies, so that we
24 can keep together on this.

25 A Yes, sir, I'd appreciate it. Which page, sir?

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1 Q 11227, line 16.

2 CHAIRMAN BLOCH: You may want to read the
3 whole area around there, so you see whether or not you
4 said that there were completion sheets on the desk.

5 THE WITNESS: Okay. Sir, I don't see where I
6 said that they had a completion sheet. I see that that's
7 in the question, and not in what I said, unless --

8 CHAIRMAN BLOCH: The objection is sustained.
9 The witness's objection is sustained.

10 MR. BARTH: You lost me, Your Honor. The
11 witness doesn't object.

12 CHAIRMAN BLOCH: Well, he just did. You made
13 a statement about his having seen a completion sheet on
14 the desk, and the testimony doesn't seem to say that.

15 MR. BARTH: Thank you, Your Honor.

16 MR. BARTH:

17 Q When you left Mr. Cash's office on the 6th, do
18 you remember what you did next?

19 A I believe I went back and I worked on a
20 deficiency card that he had -- I was going to talk to him.
21 I had already figured out a plan of what I was going to do
22 on it, and I just had to write it down. And my intent was
23 to discuss that plan before I went and wrote it up, so
24 that I didn't have to rewrite it later on.

25 Q And, later, you went to the administration

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1 building, is that correct, sir?

2 A Yes, sir.

3 Q And who was at the administration building
4 office when you arrived, do you remember?

5 A I don't remember for sure. Okay? I could say
6 that Esther was sitting at the desk where I walked in, but
7 I don't remember that. Okay? I remember looking into
8 George's office and seeing George there.

9 Q I think you testified to Mr. Kohn that you did
10 not see Gloria Walker all day, is that correct?

11 A Yes, sir.

12 Q And was Esther Dixon in the office when you
13 arrived, do you remember?

14 A I just said I don't remember if she was there
15 when I arrived. She might have been. She might have told
16 me to go into George's office. That's not an important
17 point. I do remember seeing George when I walked into the
18 office area. He was in his office at that point working
19 on something, and he did say, "Come on in."

20 So I -- now that -- now that -- Mr. Kohn had
21 originally asked me a question about, did I have to wait
22 outside or anything like that? I don't think I had to
23 wait very long if I waited at all. I think I walked up
24 and George said, "Come on in." And so I went into his
25 office. That's my recollection.

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1 Q And about how long did you spend in his office
2 before you took the papers out to be typed?

3 A Maybe three to five minutes, a very short
4 period of time.

5 Q And when you left the secured area, did you go
6 directly to the administration building?

7 A I don't remember. I don't know if I had been
8 out of the service building for a period of time at that
9 point, which is out of the protected area. I don't know.

10 Q In the normal course of business, if you left
11 the service building, what would you do in going over to
12 the administration building?

13 A Well, there are any number of other functions
14 performed in the service building. There is a computer
15 staff over there. There are computer printouts that you
16 can pick up. There is a group called NSAC, Nuclear Safety
17 and Compliance. At that point, they might have been some
18 other title, but they do -- so I might have gone and
19 visited. I don't know.

20 Q I'm slightly confused. I thought that the
21 service area -- service building was within a protected
22 area. Am I in error?

23 A I'm talking about -- you said when I left the
24 service building area.

25 Q Yes.

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1 A And went outside the protected area. And I'm
2 agreeing, when I go outside, there are other things I can
3 do.

4 Q Outside of the protected area?

5 A Yes.

6 Q And there are things that you could have done
7 between there and going into the administration building,
8 is that correct?

9 A That's part of the administration building.
10 They're actually in the administration building as well.
11 I don't remember how long it took me to get from the
12 service building to the admin. building, and my time of
13 departure is approximate. I just know it was near the end
14 of the work day.

15 Q Is it true that you were carrying with you a
16 deficiency card?

17 A No. At this point, I don't think I was
18 carrying a deficiency card. I think I left that back on
19 my desk.

20 Q So you don't know how -- well, let me ask the
21 question differently. Could you tell us how long a period
22 of time elapsed between leaving the protected area and
23 leaving Mr. Bockhold's office the first time?

24 A No, sir. From the time I leave the turnstiles
25 at the PESB, until I -- until the time that I leave

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1 Mr. Bockhold's office, I have no idea of -- I don't
2 recollect leaving the protected area that day. I don't
3 remember what time exactly.

4 In discussions with Mr. Robinson, and today
5 and previously with our attorneys, I know it was late in
6 the work day. During those days, I normally worked late,
7 although when I got days off I took them. And so I'm
8 pretty sure that it was after 4:00 and that's where the
9 time 4:30 comes in. Okay? I have no exact time. I have
10 a sequence of events, but I can't give you exact times. I
11 wish I could.

12 Q We have that by an affidavit from the security
13 people.

14 I'm thinking of the November 23, 1993,
15 interview you had with Mr. Robinson, Larry Robinson.

16 A Yes, sir.

17 Q And you previously read that. Do you recall
18 it?

19 A I recall it, yes, sir.

20 Q Can you tell me how this interview came about,
21 to the best of your knowledge, since -- well --

22 A One day, out of the clear blue, Art Dombey, who
23 works for Troutman & Sanders, called me and said, "Chris,
24 were you involved at all in the presentations to the NRC?"
25 And we had a discussion over the phone. And, subsequent

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1 to that, he came down and interviewed me. And, subsequent
2 to that, I believe -- now, at this point, this is
3 supposition. I don't know this to be fact.

4 But I assume he talked with somebody in the
5 Office of Investigations and said, "Chris Eckert has never
6 been interviewed. Would you please come and interview
7 him?" And so, then, at that point, Mr. Robinson -- I got
8 a phone call asking me to attend an interview with the OI
9 personnel. And that's what I did; I attended an interview
10 with the OI personnel, and he asked questions, and I tried
11 to answer them to the best of my ability, and as factually
12 as I could.

13 Q Was it generally known among the employees at
14 the site at the time, in November of '93, that the Cash
15 list, and was there a Cash list, and when, and where, and
16 about the Cash list, was that a known quantity that people
17 were concerned with at the time?

18 A Do you know what, sir? I don't know. I've
19 stayed so far away from this investigation. I wanted
20 nothing to do with it. At one point, only one point
21 previously, had I ever mentioned that I might have some
22 information, and that was to another manager on the site,
23 and he said, "If the lawyers need your information,
24 they'll get in touch with you." So I have no -- I tried
25 to stay away from it, and I tried not to get involved.

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1 BOARD EXAMINATION

2 CHAIRMAN BLOCH: What was it you mentioned to
3 this other manager on the site?

4 THE WITNESS: I mentioned that I was somewhat
5 involved in some peripherals around what was going on
6 those days, because I did the unit 2 event critique, I
7 helped prepare the slides for the NRC presentation for
8 unit 2.

9 CHAIRMAN BLOCH: And, at that time, you hadn't
10 told anyone but that supervisor?

11 THE WITNESS: I don't understand the question,
12 sir. Which supervisor?

13 CHAIRMAN BLOCH: You said you spoke to someone
14 on site about the fact that you peripherally had knowledge
15 of this incident, and he said --

16 THE WITNESS: Yes.

17 CHAIRMAN BLOCH: -- if you're needed, the
18 lawyers will be in touch with you. Is that right?

19 THE WITNESS: That's right. That's basically
20 what his response was. He said, "Chris, you don't need to
21 get involved. They've got more information than they
22 need. If they need your information, I'm sure they'll
23 find that they can get it from you."

24 CHAIRMAN BLOCH: And who was the manager?

25 THE WITNESS: Steve Chestnut.

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1 MR. BARTH: I missed the name.

2 THE WITNESS: Steve Chestnut. And, I mean,
3 that was in the middle of another discussion that we were
4 talking about four or five different things.

5 CROSS EXAMINATION (Continued)

6 BY MR. BARTH:

7 Q And could you tell us when Mr. Chestnut made
8 this suggestion to you, sir?

9 A Do you mean a day?

10 Q No.

11 A A date?

12 Q No. I assume this was before November 23.

13 A Oh, yes.

14 Q Can you --

15 A Oh, yes. It was -- it was a long time before
16 that. Maybe a year or two.

17 Q A year or two before then.

18 A I mean, yes, it had completely slipped my
19 mind.

20 Q It would be helpful if you decided whether it
21 was one or two years, since there's a full 365 days
22 involved.

23 A That's -- this is five years. I mean, I'm
24 getting plus or minus 20 percent, if I say one or two
25 years.

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1 Q But --

2 A I can't say for sure.

3 Q I understand. You can understand, I hope with
4 a little charity, that I have difficulty reconciling that
5 with such statements, "That's how vividly I remember
6 this," in recalling --

7 MR. BLAKE: I have an objection to that
8 comment --

9 MR. BARTH: -- working on a list.

10 MR. BLAKE: I have an objection to that
11 comment. It's not a question, and it's an observation of
12 counsel, which is totally unnecessary.

13 CHAIRMAN BLOCH: Okay. Sustained.

14 BY MR. BARTH:

15 Q I believe you identified April 6th down in
16 Augusta by counting back from April 9. Do you recall this
17 exchange?

18 A Exchange with whom?

19 Q Mr. Kohn.

20 A Yes, I think I do.

21 Q And was there anything unique or particular
22 about the 6th that makes it stand out in your mind as
23 someone's wedding, an automobile accident, or anything
24 that --

25 A No. The basis for the 6th was the fact that

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1 the enforcement conference was held on a Monday, or so
2 I've been told. Okay? And I believe that I saw documents
3 a long time ago that said that. And I remember being told
4 to get my slide ready the day before I left work, that
5 following -- that previous week. Okay? And I didn't work
6 that weekend, as far as I can remember.

7 Q Give me a second to count. Let's go forward
8 three days, then, from the enforcement conference. Can
9 you recall what happened then?

10 A No, sir.

11 Q Do you recall anything that happened on the
12 12th of April?

13 A I haven't thought about those days at all. If
14 I had something to refresh my memory, I might remember
15 something. If there is something -- no, I --

16 Q Just another day at the Vogtle, is that what
17 you're saying?

18 A Yes, sir.

19 Q And if I tried to refresh your memory by
20 telling you that's the day the NRC authorized the plant to
21 go back up to power, would that help refresh your memory?

22 A No, it wouldn't, because I was not involved in
23 that. I was doing very specific work in operations at
24 that point. Okay? I might have heard it that day, and --
25 or I might have heard it the next day. I may not have

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1 been told about it for two or three days. I don't know.

2 Q How often are you in Mr. Cash's office as a
3 matter of routine?

4 A Now, or back then?

5 Q 1990.

6 A Very infrequently. Only when I needed him to
7 help me. Only when I needed a decision that if I made, he
8 might want to overturn or his boss might want to overturn
9 it. I tried to be self-sufficient in the work that I did.

10 Q I believe in response to Mr. Kohn, you
11 testified that there were numerous papers on Mr. Cash's
12 desk --

13 A Yes, sir.

14 Q -- on the 6th. Can you identify with any
15 certainty what any of those papers were?

16 A Do you mean to state a certain date a form --
17 a record that is tied to a specific date and time, no. I
18 can say that there were unit control logs on his desk,
19 copies thereof. I can say that he had handwritten sheets
20 on his desk that I can say I think was his handwriting.
21 But that's based upon my recollection, and seeing it
22 upside down at the time.

23 I can also say that I feel that there were a
24 large number of (quote/unquote) "procedure style sheets"
25 from various -- I don't know what procedures -- at Plant

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1 Vogtle. Now, if another nuclear plant in the United
2 States uses the same format as Plant Vogtle, I can't say
3 that he didn't have that other utility's procedures in
4 front of me. But I can say that they were procedure forms
5 that looked familiar to me to be Plant Vogtle procedure
6 sheets.

7 Q Is that from their general format and visual
8 appearance to you, sir?

9 A Yes, sir.

10 Q But -- no buts. Could you use that visual
11 image and refine what were those procedures? What were
12 those sheets?

13 A No. No, because I didn't try to read any of
14 those sheets. Okay? I wasn't looking for information. I
15 was there trying to get his help with me. I wasn't trying
16 to read what was on his desk.

17 Q How can you testify with such assurance that
18 Mr. Cash was working on a list that -- a list, I think, of
19 -- is a list of groceries or a grouping of things. How do
20 you know it wasn't just a column of figures, or something
21 he was working on? You saw columns upside down. How do
22 you know this was some kind of a list or listing?

23 A Well, partially because he told me.

24 Q Did he point to this piece of paper and say,
25 "This is a list I'm working on," or words to that effect?

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1 A I don't think he pointed. I know that he had
2 his writing utensil on the piece of paper that he was
3 working on, and he said that, "I'm working on a listing of
4 diesel start counts."

5 Q Did he tell you from when the start counts had
6 started?

7 A No, sir.

8 Q Did he tell you any more about these diesel
9 starts?

10 A He made a statement that said something to the
11 effect that he had to make sure that they were all right,
12 that they were all correct.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Mr. Eckert, you said he said
15 he was working on a list of diesel start counts? Are
16 those your words or his words?

17 THE WITNESS: Those are my words.

18 CHAIRMAN BLOCH: Do you remember the words?

19 THE WITNESS: Not exactly.

20 CHAIRMAN BLOCH: Okay.

21 CROSS EXAMINATION (Continued)

22 BY MR. BARTH:

23 Q Judge Bloch corrected me earlier when I
24 mentioned completion sheets on Mr. Cash's desk. Do you
25 recall that? Do the procedure sheets look like completion

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1 sheets? Are they different, or do the -- do the
2 procedures look the same? I'd like to pin down how you
3 can identify what you did see, outside of the fact you saw
4 paper that was generated by Georgia Power Company.

5 A I would love to say with great veracity that
6 those were 13145-1 or -2 completion sheets. But Mr. Kohn
7 has adequately made me concerned about making sure that I
8 saw a 13145 on the sheet of paper. And do you know what,
9 sir? I didn't. I can't say it was a diesel completion
10 sheet. I'd love to say that. I can't. I'm not going to.
11 I think it was, though. In the back of my mind, I think
12 he had procedure completion sheets there. Okay? But I
13 can't say that to be a hundred percent sure, so I'm not
14 going to.

15 Q I'd ask you to refer to transcript page 11226,
16 if you please, sir. Looking at lines eight and nine, what
17 leads you to think that these pieces of paper look like
18 procedure data sheets out of the diesel start procedure?

19 A Okay, my point here was there were pieces of
20 paper that had formats similar to what's on his desk over
21 here right now on the desk. And basically, they looked
22 like procedure data sheets. And I made the assumption
23 that the man who said he was working on counting diesel
24 starts -- I made the assumption that those data sheets
25 were out of a diesel start procedure.

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1 That's my assumption and my conclusion that I
2 drew within myself. But I can't say that for sure
3 anymore.

4 Q Is that the same as a completion sheet that
5 we've been talking about?

6 A I think so. I think the completion sheets --
7 completion sheets for operations department are on
8 procedure data sheets.

9 Q You don't differentiate between procedure data
10 sheets and these completion sheets and for the diesel
11 starts, is that correct?

12 A Completion sheets for the diesel runs? I
13 believe that they are contained as an attachment, either
14 13145 or an 11145 series procedure, that when you get
15 through with running the diesel, you fill out a completion
16 sheet, and you forward that to the diesel testing
17 engineer, and you send a copy to document control.

18 That's a recollection, okay; that's what I
19 used to do in the control room. But what I did in the
20 control room was a year or two after this time frame. I'm
21 not sure if during that period the completion sheets were
22 on procedure data sheets or not. And that's why I can't
23 say --

24 Q So you're not sure what you saw, is that a
25 fair statement? I don't wish to put words in your mouth.

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1 A I am sure that I saw some type of Vogtle
2 procedure sheets on his desk.

3 Q If we were to assume these were diesel
4 completion sheets, could you tell us how long a period of
5 time would elapse between them being filled out in the
6 control room and disseminated to their ultimate
7 destinations throughout the plant?

8 A No, sir; I couldn't do that.

9 Q Do you have any idea from your experience from
10 having worked in the control room?

11 A My personal experience from the time that they
12 were filled out until they were -- one, sent to document
13 control and two, sent to the diesel test engineer?

14 Q Yes, sir.

15 A On my shift, the shift clerk was responsible
16 for doing that before she got off that night. This is in
17 the '92 time frame. And there were many a time when I got
18 near the end of my shift and I'd have to call her up --
19 and this is '92 time frame now -- I'd have to call her up
20 and say, "Hey, Pauline. This is Chris. Have you gotten
21 that thing out to the diesel engineer and sent to document
22 control? Because I've still got to sign something else
23 off."

24 We actually put a signature on the bottom of
25 the sheet that said that a copy had been sent to the

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1 diesel engineer.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: Mr. Eckert, if you were going
4 to be working on a list of diesel starts, is there any
5 other procedure sheet you might have other than a
6 completion sheet?

7 THE WITNESS: Well, I would have the whole
8 diesel package. I'd either have the surveillance package,
9 which would normally have a completion sheet with it; or
10 else, I'd have a 13145, which is a normal, standard
11 operating procedure, and it has a data sheets associated
12 with it. I'd have those things. I could get the
13 surveillance task sheets. I could get the unit control
14 room logs.

15 There are many different documents that you
16 can use to get those numbers. I also know that the diesel
17 engineer has a diesel start log. And you could ask him
18 for his procedure.

19 CHAIRMAN BLOCH: All right, I wasn't quite
20 asking that. You said you saw a procedure data sheet on
21 Mr. Cash's desk -- excuse me, Mr. Bockhold's desk -- Mr.
22 Cash's desk, excuse me. On Mr. Cash's desk, right?

23 THE WITNESS: Yes.

24 CHAIRMAN BLOCH: You saw that there, right --
25 a procedure data sheet? You think it was a procedure data

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1 sheet?

2 THE WITNESS: I know it was a procedure sheet
3 of some type, of which I think was a data sheet.

4 CHAIRMAN BLOCH: Okay, and he was making a
5 list of diesel starts, right?

6 THE WITNESS: Yes.

7 CHAIRMAN BLOCH: Now, is there any other
8 procedure data sheet that that could be, given that he was
9 making a list of starts, if he was using it, other than
10 the completion sheet?

11 THE WITNESS: I couldn't think of any other
12 sheet that he would have on his desk to do that with.

13 CHAIRMAN BLOCH: Okay, so putting together
14 what you saw and what he was doing, it's an inference that
15 you might make that it was a completion sheet?

16 THE WITNESS: It's a subconscious inference.

17 CHAIRMAN BLOCH: Well, now we've talked about
18 it consciously, so it's not just subconscious. Is there
19 any inference you could think of making from what you saw
20 and what was happening?

21 THE WITNESS: No, it's a logical conclusion to
22 be drawn by somebody that's trained to use those sheets of
23 paper.

24 CROSS EXAMINATION (continued)

25 BY MR. BARTH:

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1 Q Following Judge Bloch's questions, is it not
2 true that other completion sheets for other procedures are
3 almost identical to this 13145-1, the completion sheet for
4 the diesel generators?

5 A Such as? Very few --

6 Q I'm asking you.

7 A Very few of them have that much writing on it,
8 okay? But, --

9 Q Let me answer your question. Being a lawyer,
10 we always have fun asking questions.

11 CHAIRMAN BLOCH: You can ask another question.

12 MR. BARTH: No, I like to be asked questions,
13 Your Honor. The witness is helping.

14 BY MR. BARTH:

15 Q For example, procedure 14980-1 --

16 A That's a diesel surveillance sheet. It's in
17 the same format as the other completion sheet.

18 Q So there are completion sheets for other
19 procedures similar to for the diesel uses?

20 A I think 14980 has to do with the diesel, sir.

21 Q We were talking particularly of the diesel
22 generator completion sheet, 13145-1. And the question
23 again is, are there other procedure sheets which are
24 reasonably identical to this?

25 A Well, 13145-1 and 14980-1, if 1498-1 is the

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1 diesel generator surveillance procedure, it has sheets in
2 there that have almost identical sign offs in it to 13145,
3 I believe. If we had the two procedures here, we could
4 balance them against one another. I mean, they both start
5 up the diesel; they both run it. One for required minimum
6 time, and another for a different purpose.

7 Yes, those two procedures have identical data
8 sheets contained in them. I'm not sure if they have
9 identical completion sheets.

10 Q Except for the inference because of what Mr.
11 Cash told you he was working on, this could have been a
12 completion sheet for some other procedure, is that
13 correct?

14 A That's right. I've said that. I'm not going
15 to say that those sheets on his desk were 13145 or 14980.
16 Sir, do you understand that 14980 starts and runs a
17 diesel, and 13145 starts and runs the diesel, and they
18 both shut it down?

19 Q I hope they do, yes.

20 A Okay.

21 Q Could the piece of paper on Mr. Cash's desk
22 have been some other procedure sheet rather than just a
23 completion sheet?

24 A Yes, sir. I believe I said that subsequently
25 on line 12 of page 11227. Are we talking about the

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1 completion sheets at that point? I decided that I
2 couldn't conclusively say that they were completion sheets
3 for the diesel generator, okay? They could have been any
4 procedure at Plant Vogtle, excepting that the man that was
5 doing the work in the room at the time was working on
6 counting diesel generator starts.

7 Or at least that's what he told me. And so, I
8 inferred something from what he said.

9 Q When you were in Mr. Cash's office in
10 approximately 1990, did the desk look any significantly
11 different on April 6th than it did on other days you were
12 in his office?

13 A Yes, sir.

14 Q And how did it look significantly different?

15 A With all due respect to Jimmy Paul, normally
16 he didn't have much paper on his desk at all, ever. He
17 was not a person that liked to do paper, period. And so
18 his desk normally didn't have any paper on it whatsoever
19 whenever I went in there. And for some reason, on this
20 date, there was a lot of paper spread all over the place.

21 And he was working hard. And Jimmy Paul --
22 this date was different, because Jimmy Paul didn't have
23 time to talk to me. I never knew Jimmy Paul not to have
24 time to talk to anybody, okay; much less an employee that
25 came to him and wanted help.

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1 Q Going back to your interview with Mr.
2 Robinson, I believe you testified -- and correct me --
3 that you saw documents which looked something like these
4 diesel transparencies that eventually came to be put out
5 for the NRC presentation, is that correct?

6 A Where did I see them? If you tell me which
7 place, I'll tell you if the question is correct.

8 Q I would refer you to page two of Intervenor's
9 Exhibit Number 212, which has been admitted, which is a
10 reported interview with you on November 3, 1993 with Mr.
11 Robinson in the first paragraph from the top.

12 MR. BLAKE: Can I have the question repeated?

13 MR. BARTH: Somewhere around the 11th line
14 from the top.

15 MR. BLAKE: Can I have the question repeated,
16 please?

17 MR. BARTH: Reporter, please read the question
18 back.

19 THE WITNESS: Can I go ahead? My turn? The
20 answer to your question is no. I didn't see something
21 like the transparency in Jimmy Paul's office. I saw
22 something, per this, similar to one of the lines on that
23 transparency in Jimmy Paul's office, but it was upside
24 down. Now, let me explain that in just a little bit more
25 detail. I was --

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1 BY MR. BARTH:

2 Q I would appreciate your explaining it, but
3 please pay particular attention to how an upside down line
4 alone is an identification. I'm lost on that.

5 A Well, Mr. Robinson's words on this piece of
6 paper, okay -- he spent probably 45 minutes on this one
7 particular topic. And among those 45 minutes, I get one
8 sentence out of this. And the different ways that he
9 asked the questions every different time, he came up and
10 he puts down that I stated that he saw something on Cash's
11 desk -- that is a fact. I did see something on Cash's
12 desk.

13 And he's using his words here "that look
14 similar to one of the columns of the diesel testing
15 transparency." I don't even know what a diesel testing
16 transparency is in reference to this sheet of paper, okay?
17 Because I do recall talking with Mr. Robinson, and I said
18 it contained information. And I was inferring things
19 based upon what I saw was going on in Jimmy Paul's office.

20 Q You gave documents to Ms. Dixon to type, I
21 believe?

22 A Yes.

23 Q The reporter can't catch a head nod.

24 A Yes.

25 Q And these were part of the transparencies you

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1 had worked on for a presentation to the NRC?

2 A Yes.

3 Q So isn't it not true that you had some idea
4 what a transparency for the presentation to the NRC was?

5 A I don't understand the question. But yes, I
6 know what a transparency looks like.

7 Q And did you have any idea at all what any of
8 the transparencies would look like that would be used with
9 the NRC, since you had worked on one yourself?

10 A Are you talking about the transparencies made
11 by other people whom I don't know who they were at that
12 point? Or are you talking about the previous NRC
13 presentations that I worked on and assisted the plant
14 with?

15 Q I'm talking about the presentation on April 9
16 and the transparencies you were working on for one of the
17 diesels.

18 A I didn't work on a presentation for one of the
19 diesels. I worked on the Unit 2 slide.

20 Q Slide?

21 A It says Unit 2 at the top. I did not work on
22 the diesel transparencies, period.

23 Q I see. Thank you. You had no familiarity at
24 all with any of the -- to make it clear -- with any of the
25 slides that were presented to the NRC for that April 9

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1 meeting, is that correct, sir?

2 A No. Let me explain what I know, okay? There
3 was a presentation getting ready to be made, okay? And on
4 that Friday, I had to go over, and I had to give George
5 and explain to George what I wanted him to say on Unit 2
6 based upon a transparency hard copy that I gave to him,
7 okay -- gave him a sheet of paper with typing on it, and
8 we went over what I wanted him to say.

9 We made a minor change. I had to go back out,
10 and I had to get Esther to change it. She changed it in
11 her computer. At that point, I went back into George's
12 office with the new hard copy ready for him to review, and
13 he was on the phone. And so, I looked at what was on his
14 desk. And I observed a sheet of paper similar to this
15 that we've all been talking about similar to this, okay?

16 I'm not saying it's the identical one. I
17 don't think it was.

18 Q Could you find something on that to identify
19 it for the record?

20 A Okay, the first one is labeled 060 up at the
21 top. And it says Unit 2. The second one that I showed is
22 059, and it's the diesel testing slide. Exhibit 43, page
23 one of 17. I saw that in George's office on his desk when
24 I was in there.

25 Q I think the record --

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1 A I did not see that exact sheet of paper. I
2 saw something similar in presentation, formatted slightly
3 differently in my recollection. And I didn't work on that
4 slide -- didn't work on that slide. It was there. And
5 when George got off the phone, I asked George -- I said,
6 "It doesn't add up, George."

7 And he explained that to me at that point. So
8 I didn't work on that slide. I observed it.

9 Q What did you see in Mr. Cash's office that was
10 similar to any transparency, or as Mr. Robinson's
11 statement here, just totally erroneous?

12 A That's Mr. Robinson's representation of a
13 discussion of 45 minutes. It was similar in nature to
14 some of the things. And I can't say for sure at this
15 point, based upon our discussions here, if Jimmy Paul was
16 working on diesels at all that day. He might have lied to
17 me. Okay, but he told me that he was counting them. I'm
18 sorry.

19 Q I'm with you. We have time.

20 A I didn't read it.

21 Q So you saw on Mr. Bockhold's desk this 059,
22 this diesel testing, which is Intervenor's Exhibit 82, is
23 that correct?

24 A Not that identical thing. Something like
25 that.

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1 Q Something like that?

2 MR. BLAKE: I think it's Intervenor's Exhibit
3 43, Charles.

4 MR. BARTH: Thank you. I've been corrected.
5 It was right by everybody -- it's Intervenor's Exhibit 43.

6 CHAIRMAN BLOCH: I'd appreciate some kind of a
7 notion of where the cross examination plan is going. I
8 don't think we received one in writing.

9 MR. BARTH: Oh, my goodness gracious.

10 ADMINISTRATIVE JUDGE CARPENTER: If you're
11 almost finished, it's not necessary.

12 MR. BARTH: You can scratch everything but the
13 last line. My apologies, Your Honor.

14 BY MR. BARTH:

15 Q Did you see any of the transparencies used for
16 the NRC presentation except for the diesel testing slide
17 that you saw on Mr. Bockhold's desk -- that was similar,
18 was identical, I understand that.

19 A Did I see any others?

20 Q Yes.

21 A I saw the one that I prepared. I do not
22 remember any others that I saw prior to that date or on
23 that date. And I didn't work on any of the others.

24 Q So what's the question of record -- did you
25 see anything on Mr. Cash's desk even remotely resembling

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1 any of the slides that you knew would be presented to the
2 NRC on the 9th of April?

3 A I did not know -- you phrase a question that
4 makes me want to say -- you said did you know of any on
5 Mr. Cash's desk that you knew would be presented to the
6 NRC. Well first of all, that's assuming I knew that they
7 would be presented. Okay, I didn't know that what was
8 going on would be presented for sure.

9 I wasn't sure who was preparing what.
10 Personally, I would have thought that the diesel engineer
11 might have been a good person to be involved in starting
12 doing the diesel counts, but that's my personal opinion,
13 okay?

14 BOARD EXAMINATION (continued)

15 CHAIRMAN BLOCH: Mr. Eckert, to ask the same
16 question a slightly different way --

17 THE WITNESS: But any way --

18 CHAIRMAN BLOCH: Could you rule out -- Mr.
19 Eckert, could you rule out the possibility that there was
20 a document on the desk -- Mr. Cash's desk, that would have
21 become a slide?

22 THE WITNESS: No, I don't think that there was
23 anything of slide presentation quality. I think he was
24 generating the background information. That's what I
25 felt.

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1 CHAIRMAN BLOCH: So you can rule out the
2 possibility that there was a slide on this desk?

3 THE WITNESS: There was not a slide or a
4 transparency preparation -- nothing typed in that type of
5 a format on his desk that I saw.

6 CROSS EXAMINATION (continued)

7 BY MR. BARTH:

8 Q Previously in response to one of my questions,
9 you testified that you saw upside down a line. What do
10 you --

11 A You saw what?

12 Q Upside down a line. What did you mean by
13 that? We were talking about the transparencies at the
14 time.

15 A Was it a piece of paper?

16 Q This was not in any recorded testimony. It
17 was just a few moments ago.

18 A Okay, basically you give me a sheet of paper
19 and you -- no, the yellow sheet. Yeah, give me the blank
20 one. Okay, and if I'm sitting there and Jimmy Paul's
21 sitting at his desk basically where you are, and I walk
22 into his office and he looks up, and this sheet of paper
23 is sitting there -- okay, and it's sitting there and I'm
24 talking to him at about this distance, that's the sheet of
25 paper you were writing on -- there were lines across the

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1 page -- all the way across with things down here that I
2 thought were dates, but I'm not going to say are dates
3 because I don't remember numbers for sure, okay.

4 But I think he had a column of something over
5 here, and he had words over here, which matched up --
6 appeared to match up. Like, he's have one entry here, and
7 then a couple of lines here, then another entry here, and
8 a couple of lines here; another entry -- it went all the
9 way down the sheet of paper.

10 And on some of these entries, the --

11 CHAIRMAN BLOCH: Okay, let the record show
12 that the witness carried a yellow sheet of paper over to
13 Mr. Barth, and as he was talking, he was gesturing wildly
14 to that piece of paper.

15 MR. BLAKE: Sensibly making --

16 CHAIRMAN BLOCH: With emphasis, with emphasis.

17 BY MR. BARTH:

18 Q Could I direct you to the diesel testing piece
19 of paper you saw in Mr. Bockhold's office?

20 A That one?

21 Q That's Intervenor's 43.

22 A 43, page 59, page one of 17.

23 Q Is that similar to anything you saw on Mr.
24 Cash's desk on April 6th?

25 A No, no. Only if you take a look at the --

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1 well, let's go back to Mr. Robinson. The issue here I
2 think that you're -- well, I don't need to answer that.
3 No, I didn't see anything with respect to exactly looking
4 like this slide.

5 Q As I probably belabored this too much, on
6 Exhibit 43, when I look, there are two columns. And if
7 you would look at yours, are those columns in any way
8 similar to anything you saw on Mr. Cash's desk on April
9 9th?

10 A No, sir. I cannot say --

11 Q Didn't you a few moments -- Your Honor, I
12 think we can speed this up.

13 CHAIRMAN BLOCH: This is a good time for our
14 hourly break, Mr. Barth.

15 ADMINISTRATIVE JUDGE CARPENTER: It's becoming
16 more incisive.

17 MR. BARTH: I beg your pardon. I think it
18 would be helpful to take a five minute break, Your Honor,
19 and it will speed things up.

20 CHAIRMAN BLOCH: Okay, we'll take twice that.

21 MR. BARTH: Thank you.

22 (Whereupon, the proceedings went off the
23 record from 3:03 p.m. until 3:13 p.m.)

24 CROSS EXAMINATION (continued)

25 BY MR. BARTH:

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1 Q Mr. Eckert, earlier I asked you if there was
2 anything different about Mr. Cash's office, and if I
3 mischaracterize this, correct me. I think you said he was
4 a neatnick, more or less; and on this day, he had papers
5 all over his office on the -- which was unusual on the
6 6th. Is that a reasonable summary?

7 A I'm not going to say a neatnick. He just
8 normally didn't have paperwork. Okay, he normally let me
9 do most of it.

10 Q And was the 6th a normal time of April, since
11 you had just had the site emergency? Was this a normal
12 time in your estimation?

13 A No, sir.

14 Q You were working extra long hours?

15 A Not because of the site emergency, but because
16 of the outage, I had been. And everybody had been.

17 Q And had you been in Cash's office on the 5th,
18 which would be a Thursday, do you recall?

19 A I don't recall.

20 Q Can you recall for us whether in the few days
21 preceding the 6th you were in his office and saw a clutter
22 of papers on this desk?

23 A I don't remember seeing clutters of papers on
24 Jimmy Paul's desk very frequently at all, and never like
25 this. One or two days before, I have no recollection.

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1 Q You have no recollection. Did you work with
2 Mr. Bockhold at all?

3 MR. BLAKE: I have an objection. I understand
4 the question to be too general. Did he ever -- did he
5 work with Mr. Bockhold at all? Is there a time frame with
6 respect to X subject -- anything at all with regard to
7 specificity I think would be helpful.

8 MR. BARTH: You're shaking your head, Your
9 Honor, so you're sustaining the objection.

10 ADMINISTRATIVE JUDGE CARPENTER: Let the
11 record show that Judge Bloch smiled.

12 CHAIRMAN BLOCH: It doesn't matter. He's
13 going to ask the question the right way. The record
14 doesn't have to show it. Are you going to take an appeal
15 based on that?

16 MR. BARTH: No.

17 BY MR. BARTH:

18 Q Mr. Eckert, did you have personal association
19 with Mr. Bockhold in the performance of your duties in the
20 months preceding April 6th, 1990?

21 A Very few.

22 Q Did you experience any directions or
23 supervision given by Mr. Bockhold, either directly or
24 indirectly, by reading papers in the months preceding
25 April 6th, 1990?

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1 A I don't understand the -- I didn't hear part
2 of the question. In something of papers?

3 Q Did you experience directions by Mr. Bockhold,
4 either orally or on paper, in the months preceding April
5 6th, 1990? These are instructions to you or to someone
6 else.

7 A I was told to be the event critique team
8 leader, and I believe that George was the person that
9 actually talked to me about that for the Unit 2 event.
10 Prior to that -- months before, he had assigned me into
11 the operations department. And so I basically went to
12 operations department and worked.

13 Q And when he made you the critique team leader,
14 did he give you instructions as to what you should do in
15 the performance of those duties?

16 A No, because I wrote the procedure for event
17 critiques at Vogtle, and I wrote the procedure for root
18 cause.

19 Q Did Mr. Bockhold approve those procedures?

20 A Yes, sir; he did.

21 Q Did he give you any additional comments or
22 changes to the procedures that you yourself had written?

23 A Those procedures were written and approved
24 several years before that. So several years before that,
25 we had a lot of comments. But immediately preceding that

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1 period, no. These procedures were established at the
2 plant.

3 Q In your experience at the plant, was Mr.
4 Bockhold thorough and careful in instructions he did give?

5 A If you came to George and needed a decision,
6 or if you came to George and had a problem, he would be
7 very thorough in the questioning technique to attempt to
8 get to the root issues and make sure that he understood
9 them before decisions were made. Okay, when he gave
10 direction, he expected you to go and do your job the way
11 you're supposed to do it.

12 And as far as event critiques, I had done
13 event critiques for George before -- several. So, does he
14 need to give me any more direction than Chris, we want you
15 to be the event critique team leader, find the cause and
16 get the plant started up? No, he doesn't need to give me
17 any more direction than just do the event critique.

18 Q I'm asking for your opinion. In your opinion,
19 was Mr. Bockhold meticulous and careful in the
20 instructions he gave and thorough?

21 A In this case, he was as meticulous and as
22 thorough as he needed to be.

23 Q Do you have any experience which would lead
24 you to a broader conclusion than that?

25 A No. And to the contrary, I tend to think that

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1 George pretty much made me think about a lot of things
2 just by his questions before I went and did a lot of
3 things that I wasn't sure about that we discussed. And we
4 only discussed several things over the years that I worked
5 with him. And this was over a five year period we're
6 talking about.

7 Q To the best of your knowledge, did he have a
8 general reputation in the plant for carefulness and
9 thoroughness in his instructions and supervision?

10 A Yes, but he always had the string tied so that
11 if the answer came back, he would always ask questions to
12 make sure that the result was achieved based upon careful
13 considerations. He gave reasonable directions to
14 qualified people, but he always checked to make sure that
15 the answer was the proper result, in my estimation.

16 For example, the plant tripped -- this plant
17 trip on Unit 2, when I told him what the root cause was
18 it, he said, "Well, how could have that happened? That
19 doesn't seem logical." And so, we went through how many
20 amps were seen by a transformer out in the switch yard.
21 And when he calculated, he came up and said, "That makes
22 sense now." But it didn't make sense when he was
23 initially told why we tripped.

24 He wasn't about to let us start up Unit 2
25 based upon the root cause that we had come up with and the

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1 corrective action we had determined. He did not like it
2 initially. And this was like 10:00 at night one night.
3 And sure enough, after we went through it and I had
4 Southern Company engineering on the line, Freddy Thompson,
5 the end result was yeah, that sounds logical; let's go
6 ahead and start up.

7 Q In your profession judgement and experience at
8 the plant, was this typical of Mr. Bockhold's management
9 style?

10 A Yes, in my estimation.

11 Q Would it seem reasonable to you, based upon
12 your experience, for Mr. Bockhold to ask for a count of
13 diesel starts to be made without explaining what he meant
14 by starts, what he wanted done; and when the report was
15 given to him thoroughly understanding what had been done?

16 A You're asking me to judge a direction he gave
17 to another individual that was a superintendent of a
18 department. I think that the direction that he gave could
19 have been adequately carried out from what you presented
20 to me here. Can you explain to me exactly what he told
21 Jimmy Paul?

22 Q I think, Your Honor, the question can be asked
23 based upon experience yes or no on --

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: Mr. Eckert, we're trying to -

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1 - the question is trying to get at what you knew of Mr.
2 Bockhold's method of operation. Do you think you have
3 enough information about how Mr. Bockhold communicated to
4 try to say something about how he generally communicated
5 with people?

6 THE WITNESS: I think that George was thorough
7 in his direction that he gave to us. But he also had an
8 open door policy whereby if you had a problem, you could
9 always go in and ask more questions and get more people
10 involved. And he would call in the people that you were
11 odds with. I was a department manager for him, okay, and
12 there were a number of items that we had to go on the
13 carpet in front of George on different departments and
14 resolve.

15 And he'd give direction, and we were expected
16 to carry out. And if we disagreed, we were expected to
17 tell him we disagreed.

18 CHAIRMAN BLOCH: Well, would it surprise you
19 if you had prepared a list of starts as Jimmy Paul Cash
20 did -- that you worked on it for at least several hours,
21 maybe longer than that, and you had it all typed up, and
22 you came to Mr. Bockhold and he said I don't want the
23 information, I just want to know how many starts there
24 were?

25 THE WITNESS: If that's all he was looking

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1 for, I wouldn't be surprised. I don't know what George
2 was asking. If George had -- if George wanted something,
3 he'd tell you exactly what he wanted.

4 CHAIRMAN BLOCH: Well, of course, that's our
5 problem. If he looks at the list of starts, he'd know
6 exactly what he got, wouldn't he?

7 THE WITNESS: True. That's an inference at
8 this point on my part.

9 CHAIRMAN BLOCH: Yeah. And if he saw that Mr.
10 Cash came to him with a list, and we don't know that he
11 saw that, but if in fact he saw the list that Mr. Cash had
12 -- that he saw there was something prepared, he also would
13 have known in the future that he could go back and find
14 out exactly what Mr. Cash had done, wouldn't he?

15 THE WITNESS: You're asking me to -- yes, that
16 sounds logical. That's a conclusion I could draw from
17 what you've presented to me.

18 CHAIRMAN BLOCH: Would it surprise you if
19 later, when there was known to be problems with this
20 count, that he never was curious enough to go back and
21 have it typed out again off of the typewriter and look at
22 the list to find out what went wrong?

23 THE WITNESS: That doesn't sound like the
24 George -- that doesn't sound like the George that I worked
25 with.

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1 CHAIRMAN BLOCH: You mean he would never go
2 back and look at data in the past?

3 THE WITNESS: No, he would ask you to present
4 the data. He wanted to know exactly what was going on.
5 And he would ask questions to the point that he could get
6 to the bottom line. Now, he might ask questions and never
7 look at the data.

8 CHAIRMAN BLOCH: Now, he could have been real
9 busy so that he just didn't have time to get that right
10 then. But wouldn't it surprise you if once he knew there
11 was a problem, he didn't go back later to find out what
12 the heck happened?

13 THE WITNESS: George would go back and look at
14 the problem if he knew that there was a problem. That's
15 what I feel in my mind. Now, during these periods, I
16 don't know what was going on, because I was not working
17 with George.

18 CHAIRMAN BLOCH: I understand. We're just
19 asking about his practices. You can't know exactly what
20 was going on there for him at all. We're just asking
21 about the background.

22 THE WITNESS: George was always thorough. It
23 had to make sense in his mind. If it didn't make sense
24 in his mind, he would resolve it. I mean, he'd keep all
25 of his managers in meetings for hours if it didn't make

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1 sense.

2 CROSS EXAMINATION (continued)

3 BY MR. BARTH:

4 Q I believe when you testified that you were in
5 Mr. Bockhold's office, you saw this piece of paper with
6 the more than 20 below the line that he added up. Do you
7 recall your testimony?

8 A From today?

9 Q Yes.

10 A Yes, sir.

11 Q And also from Augusta.

12 A Yes, sir.

13 Q Do you know at that time if Mr. Cash had
14 completed a list of starts and presented it to Mr.
15 Bockhold?

16 A No, sir.

17 Q Did you see Mr. Cash at all the rest of that
18 afternoon while you were in the administration building in
19 Bockhold's office or near Bockhold's office?

20 A I did not see Mr. Cash after I left him the
21 time I've already talked about.

22 Q Do you have any idea when you left the
23 administration building?

24 A No, sir.

25 Q I'm pushing you. Were you there for an hour,

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1 two hours? Do you have any kind of estimation in your
2 mind?

3 A I know it wasn't six. I'm not trying to be
4 funny, no.

5 Q I know.

6 A We've already gone down this.

7 Q We're trying to find out what's what, so we're
8 all patient. But if you could give us some kind of a
9 rough idea. You spoke to Mr. Cash, he was on the
10 telephone, you took things to Esther -- do you have any
11 idea of how long you were there?

12 MR. BLAKE: I have an objection. This is
13 asked and answered, Mr. Barth.

14 CHAIRMAN BLOCH: Mr. Barth, that was gone over
15 in detail with Mr. Kohn. If you can ask something new, it
16 would still be allowable. But he really did try to go
17 through very carefully.

18 BY MR. BARTH:

19 Q How far is the exit from the security area in
20 the service building to entering the administration
21 building? Can you give us an idea?

22 A About 50 yards, plus or minus ten or 20.

23 Q And although this has partially been asked,
24 did you go directly to Mr. Bockhold's office, do you
25 recall, that day of April 6th?

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1 MR. BLAKE: Objection, asked and answered.
2 The man said there were a number of other things he could
3 have done outside. Once he went out through, he didn't
4 remember.

5 CHAIRMAN BLOCH: Sustained.

6 MR. BARTH: What are those other things you
7 could have done, if you please? I don't --

8 MR. BLAKE: Objection, asked and answered. He
9 even listed two or three. He said NSAC or NA -- whatever
10 it is --

11 CHAIRMAN BLOCH: You had a discussion about
12 whether it was inside the building or outside the
13 building, and that was exactly what you had gone over with
14 him.

15 MR. BARTH: Are there things you could have
16 done between the door of the service building and the door
17 of the administration building, sir?

18 MR. BLAKE: I will stipulate that there are
19 things he could have done.

20 THE WITNESS: Where are we? I'm lost.

21 CHAIRMAN BLOCH: What's the question, Mr.
22 Barth? We'll take notice that there are things he could
23 have done. Now what do you want to ask him about it? Do
24 you want to ask him whether he remembers anything about
25 having done --

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1 MR. BARTH: No, I would like to know what
2 things could you have done between the door to the service
3 building and the door to the administration building,
4 which is approximately 50 yards. I've seen the walkway,
5 Your Honor. The question is not facetious.

6 THE WITNESS: Excuse me, we're talking the
7 door to the service building?

8 BY MR. BARTH:

9 Q Where you exited.

10 A Okay, the door to the PESB -- to the door of
11 the admin building. It's a straight walkway. It's inside
12 the admin building that you could do these other
13 activities.

14 Q Are there any things you could have done
15 between the service building door when you exited and when
16 you entered the administration building? I think this is
17 susceptible to yes or no.

18 A Yes, there are things.

19 Q Could you tell us what those things are?

20 A I could have talked to any one of a number of
21 people in the parking lot. I could have talked to people
22 that were coming to work, coming on shift.

23 Q Do you recall doing so?

24 A No, sir; I don't.

25 Q Do you recall doing anything except going

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1 directly from the service building to Mr. Bockhold's
2 office? Do you remember doing anything?

3 CHAIRMAN BLOCH: That's asked and answered.
4 Now come on, let's get on to something else or at least
5 have something new about it. He's been asked that many
6 times. And please accept the ruling now, because I've
7 ruled three times now.

8 BY MR. BARTH:

9 Q Were you called to bring your information to
10 Mr. Bockhold when you were in the service building?

11 A That's a different question. I haven't
12 thought about that.

13 Q I've been told to ask a different question.

14 (Laughter.)

15 CHAIRMAN BLOCH: I didn't strike it either.

16 BY MR. BARTH:

17 Q And I would like a yes or no answer, if you
18 please, sir.

19 A Do I remember being called? No, I don't
20 remember if I was called or not.

21 Q Do you remember completing your work and
22 thinking I should take this over to Mr. Bockhold when you
23 were in the service building?

24 A No, I do not remember that. I don't remember
25 leaving the service building at this point.

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1 Q Is there -- you testified that you saw a paper
2 on Mr. Kohn's desk -- on Mr. Cash's desk similar to a pad
3 that Mr. Kohn has -- he was writing on this. Do you
4 recall this testimony?

5 A Yes, sir; a tablet type paper.

6 Q Was there any other paper which was
7 distinguishable by color on that desk of Mr. Cash?

8 A That I remember, no.

9 Q What are the colors of the copies of the
10 completion sheets?

11 A If they came out of a normal xerox, they would
12 be white.

13 Q If they did not come out of the normal xerox
14 but they came off of the form, would they not be yellow?

15 A Completion sheets? No, sir. If they came off
16 the form, they would be white.

17 Q How about the diesel control logs themselves?
18 How about the copies of those sheets? What color are
19 they?

20 A Now are you talking about the hourly logs that
21 the PEO takes, the running logs -- are you talking about
22 the standby completion check lists? Are you talking about
23 13145? All those would be white.

24 Q There is a -- how about the unit control log?

25 A The unit control log has a white cover sheet

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1 with a yellow back sheet. The yellow back sheet is put
2 into files in the operations area. I didn't see a yellow
3 back sheet on Mr. Cash's desk that day. I think I saw
4 unit control logs that were copies. I saw the form, and I
5 remember that form.

6 Q His control log yellow sheets, were they
7 physically maintained on the premises, do you recall?

8 A Well, they're maintained in the control room
9 log book until the sheet is completed. Once the sheet is
10 completed, the unit shift supervisor is expected to tear
11 it out and put it in the shift clerk's out box.

12 The shift clerk is then responsible for taking
13 those sheets, and when she gets enough of them, sending
14 them up to the service building. She keeps them in an
15 office area in a stack based upon how many she gets and
16 when she decides that the moon's at the right point. I
17 don't know what causes a decision to be made. But she
18 sends a bunch of things off.

19 They go up into the operations area where it
20 used to be a senior clerk would take those log sheets and
21 would put them into a file by month, by sequential number.
22 And they are kept in a file cabinet. And that file
23 cabinet has moved. In 1990, it was in one location.
24 Right now, it's in a different location than I've seen it
25 three or four times. And I have occasion to use those

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1 from time to time.

2 Q Do you recall where it was in 1990?

3 A No, sir. It was in the operations area within
4 ten to 15 feet of Mr. Cash's office.

5 Q Close to Mr. Cash's office?

6 A Well, 40 feet. The office area is big. There
7 are file cabinets all over the place up there.

8 Q Do you know whether Mr. Cash used the copies
9 of the unit control log sheets prior to the 6th of April
10 in the course of his business?

11 A For counting diesel starts?

12 Q For any of his business purposes.

13 A Do I know exactly? I can't say for sure if he
14 did or didn't.

15 Q Do you ever recall seeing copies of those
16 yellow sheets in his office?

17 A In his own possession, in his office? No, I
18 can't recall a single time in my life that I ever saw
19 those sheets specifically in his office.

20 Q But the yellow sheets are within 40 feet --
21 was there special access to the cabinet where these sheets
22 were kept?

23 A There is a key lock. Shift clerk -- you've
24 got to get permission from the senior clerk to get into
25 them. I can get into them any time I want.

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BOARD EXAMINATION

1
2 CHAIRMAN BLOCH: Do you know how long that
3 they're kept in that file?

4 THE WITNESS: Oh, I've seen back to two years.
5 There may be more. I don't know.

6 MR. BARTH: As the critique team leader, did
7 Mr. Cash provide you with information in relation to
8 diesel starts? I'll refine it.

9 THE WITNESS: No, sir.

10 MR. BARTH: I should be more complete. How
11 about diesel testing?

12 THE WITNESS: No, sir.

BOARD EXAMINATION

13
14 CHAIRMAN BLOCH: I'd just like to clarify.
15 The completion sheet yellow copies were kept in a single
16 file in the control room?

17 THE WITNESS: I don't think that there's a
18 yellow copy of completion sheet at this point in the
19 history of Plant Vogtle.

20 CHAIRMAN BLOCH: Okay, it happened later.

21 THE WITNESS: No, the yellow copy has to do
22 with the unit control log.

23 CHAIRMAN BLOCH: Okay, but there were no
24 copies kept of the completion sheets in the unit -- in the
25 control room or anywhere. There's no regular file of

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1 completion sheets?

2 THE WITNESS: Now wait. Man, this is in the
3 document control --

4 CHAIRMAN BLOCH: All right, do you know
5 whether or not there is a single place that you can always
6 go to get copies of completion sheets, rather than
7 tracking the ones down that are being routed around the
8 plant?

9 THE WITNESS: Diesel completion sheets?

10 CHAIRMAN BLOCH: Yes.

11 THE WITNESS: Yes, sir. If I wanted to do
12 that, I could go to document control right now and get
13 every single thing that was done within the past 48 hours.

14 CHAIRMAN BLOCH: Now do you know if that was
15 true in 1990?

16 THE WITNESS: It should have been true. The
17 same -- the shift clerk at midnight transmits all
18 documents to document control. Okay, if you completed a
19 surveillance the previous day, all those things get
20 entered on a transmittal sheet, and they get sent to
21 document control on top of what gets routed all around,
22 okay? And that's the normal process for doing things --
23 normal process.

24 Human error can be introduced. If the shift
25 supervisor is holding something open for day because he

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1 didn't get a PEO to sign one sheet of paper, he'll sit on
2 it until that PEO comes back in and signs it, and then it
3 goes the next day.

4 CHAIRMAN BLOCH: So you could go to the
5 document control center and get all the completion sheets
6 for a particular period of time just by asking them, is
7 that right?

8 THE WITNESS: If you knew what to ask for,
9 yes, sir. See, there's a 14980, there's a 13145 --

10 CHAIRMAN BLOCH: Okay, if you knew what you
11 were looking for, they could give it to you?

12 THE WITNESS: Yes, sir.

13 CROSS EXAMINATION (continued)

14 BY MR. BARTH:

15 Q Following the Chairman's question very
16 quickly, were there any changes in the procedure that you
17 know of since 1990 -- since March 20, 1990?

18 A Yes, sir.

19 Q And what are those changes in the procedures
20 for these completion sheets?

21 A Well now, for the completion sheets -- you're
22 talking exactly completion sheets?

23 Q Yes.

24 A If you show me a form, I could show you the
25 difference between 1990 and today. I know we've got --

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1 CHAIRMAN BLOCH: I think your question is too
2 general. You don't want every change in the form. You
3 want something else.

4 BY MR. BARTH:

5 Q I believe you testified to Judge Bloch that
6 these completion sheets were done at the end of the shift,
7 that the clerk had to sign off that they had been shipped
8 to the right place?

9 A Yes, sir.

10 Q Was that also true in 1990, to the best of
11 your knowledge?

12 A To the best of my knowledge, I think we had
13 the shift clerk do it. I don't know if the shift clerk
14 had to sign off, because see, I wasn't licensed at that
15 point. Or I had just gotten my license. I had never
16 stood shift, okay? So I don't know what was exactly in
17 the procedures at that point in time. And I had never
18 completely reviewed and done one myself.

19 BOARD EXAMINATION

20 CHAIRMAN BLOCH: Okay, if I hear you right,
21 you also didn't know the practices at that point in time,
22 is that right?

23 THE WITNESS: Not the exact practices.

24 CHAIRMAN BLOCH: What did you know about the
25 practices, if you didn't know the exact ones?

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1 THE WITNESS: I knew that we were having
2 problems -- what did I know of the practices? The
3 practices that I knew of was that the shift clerk was
4 supposed to get a copy of something to the diesel
5 engineer. And that was the test that had just been run.

6 CHAIRMAN BLOCH: And that was in effect in
7 1990?

8 THE WITNESS: I believe that that was in
9 effect somehow in 1990. It was either the shift clerk or
10 document control.

11 CHAIRMAN BLOCH: And do you also know whether
12 or not that was generally done?

13 THE WITNESS: I wasn't on shift. I can't tell
14 you for sure.

15 ADMINISTRATIVE JUDGE CARPENTER: Mr. Eckert,
16 are you testifying from sufficient knowledge that in 1990
17 those were the practices?

18 THE WITNESS: No, sir. No, this is my
19 recollection. I never --

20 ADMINISTRATIVE JUDGE CARPENTER: You're
21 putting in the record now what seems to be what you sort
22 of guess rather than what you know, is that right?

23 THE WITNESS: Yes, sir.

24 ADMINISTRATIVE JUDGE CARPENTER: When it's a
25 guess, and that's fine, be sure to call it a guess.

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1 THE WITNESS: Okay.

2 ADMINISTRATIVE JUDGE CARPENTER: Because we've
3 heard testimony otherwise.

4 CHAIRMAN BLOCH: Can you make clear for us
5 where we should draw the line as to what you've been
6 guessing at and what you knew in terms of --

7 THE WITNESS: This last part?

8 CHAIRMAN BLOCH: -- the completion sheets and
9 the movement of them?

10 THE WITNESS: My previous testimony on
11 completion sheet had to do with the time period when I was
12 on shift. That time period started in late 1990. And I
13 know that subsequently, somewhere between '90 and '92, we
14 put into practice signature requirements such that when I
15 was required to run that surveillance, I gave a copy to
16 the shift clerk. She was supposed to make a copy, send it
17 off to document control, and send a copy to the shift
18 engineer.

19 And I was supposed to sign that it had
20 actually gone to the system engineer at some time during
21 that period. That is my recollection of how I had to run
22 surveillances at some point during that period.

23 CROSS EXAMINATION (continued)

24 MR. BARTH: I will show you a copy of Staff
25 Exhibit 2-21, which is the Vogtle procedure 13145-1. This

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1 is a diesel generator system engineer unit shift
2 supervisor's completion sheet. I would like you to tell
3 me, are these the sheets that we've been discussing, so we
4 can have a clear record?

5 CHAIRMAN BLOCH: We won't have a clear record
6 unless you mark the exhibit. What is the exhibit number?

7 MR. BARTH: 2-21.

8 CHAIRMAN BLOCH: Thank you.

9 THE WITNESS: The sheet that I'm talking to is
10 similar to this sheet but different. The sheets I'm
11 talking about had been revised. And down at the bottom,
12 we added on a signature or something for the shift clerk
13 to show that she had made a copy and sent it. There's a
14 shift clerk entry, 3/24/90. Okay, but I think that the
15 format was even changed a little bit to have her sign off
16 in a little bit different way; yes, sir.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Okay, the record's now a
19 little confused. You said at first there was no entry for
20 the shift clerk, and then I think you saw that there was
21 one, is that correct?

22 THE WITNESS: Yeah, I just noticed that on
23 this one there is an entry for the shift clerk. And the
24 purpose of that shift clerk entry was to make sure that
25 she had sent a copy to the diesel system engineer. I

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1 think that the form that I ended up being involved in was
2 just formatted slightly different. And it may not have
3 been.

4 CROSS EXAMINATION (continued)

5 BY MR. BARTH:

6 Q What's the date of the shift clerk's signature
7 on the particular one you have since there are lots of
8 those?

9 A On this one? 3/24/90.

10 Q 3/24/90. And --

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: Can you tell the date of the
13 event that's being reported on?

14 THE WITNESS: 3/24/90.

15 CHAIRMAN BLOCH: Same day?

16 THE WITNESS: Yes, sir. That's what it looks
17 like to me.

18 CROSS EXAMINATION (continued)

19 BY MR. BARTH:

20 Q To the best of your knowledge and ability,
21 should a count of diesel starts be able to be made from
22 these sheets?

23 A What type of a start?

24 Q I'll withdraw the question.

25 ADMINISTRATIVE JUDGE CARPENTER: Oh, I like

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1 the question.

2 MR. BARTH: Dr. Carpenter can probably ask it
3 better than I can.

4 BY MR. BARTH:

5 Q Let me ask you one more question. I'm almost
6 done. Did Mr. Cash provide you, in the capacity of
7 critique team leader, with any information regarding
8 diesels?

9 A I don't think so, sir. I mean, I don't think
10 I talked to Mr. Cash at all, because the diesel problems
11 were on the other unit, okay? And our unit had to do with
12 a different set of problems that caused the trip -- some
13 voltage relays that were not properly set up.

14 Q You had a counterpart for Unit 1, was that
15 correct, as a critique team leader? Or did they only have
16 a critique team for Unit 2?

17 A There was a Unit 1 critique team leader, yes.

18 Q And do you know if Mr. Cash provided them with
19 any information regarding starts?

20 A No, sir. I was not involved with Unit 1, and
21 those guys were busy.

22 MR. BARTH: I think we have no more questions.
23 It's been an interesting afternoon. I thank you kindly
24 for your patience.

25

BOARD EXAMINATION

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1 CHAIRMAN BLOCH: Mr. Eckert, I have a question
2 or two. Was it one of the critique team's jobs to find
3 out if mistakes had been made at Vogtle that contributed
4 to the site area emergency?

5 THE WITNESS: That's a broad question, sir.
6 But --

7 CHAIRMAN BLOCH: Yes, I know that. But you
8 were an expert in root cause, right?

9 THE WITNESS: If mistakes had been made at
10 Vogtle with respect to the site area emergency --

11 CHAIRMAN BLOCH: That contributed to the site
12 area emergency. Was that one of the things you were doing
13 when you were looking for root cause, trying to find
14 mistakes that had been made at Vogtle?

15 THE WITNESS: On Unit 2?

16 CHAIRMAN BLOCH: Yes.

17 THE WITNESS: Yes, I was looking on Unit 2.
18 The site area emergency occurred on Unit 1.

19 CHAIRMAN BLOCH: Okay. So, I just wanted to
20 know about the practice of what you were doing. So you
21 were looking for mistakes that might have been made at
22 Vogtle with respect to Unit 1, is that right?

23 THE WITNESS: No, sir. I was on Unit 2. The
24 other unit --

25 CHAIRMAN BLOCH: On Unit 2, all right.

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1 THE WITNESS: Yes, sir.

2 CHAIRMAN BLOCH: What were you looking for as
3 a critique team leader on Unit 1?

4 THE WITNESS: Well, it was a little bit
5 abnormal that this unit went down the way it went down,
6 Unit 2. I was involved on Unit 2 because we had a reactor
7 trip. And any time you have a reactor trip, you do an
8 event critique to find the cause -- the root cause, any
9 broadness issues so that you can find similar problems in
10 different areas, and then fix them all so it doesn't occur
11 again. That's the real goal of a critique.

12 CHAIRMAN BLOCH: All right, so you're trying
13 to fix any mistake that might have led to a trip on Unit
14 2?

15 THE WITNESS: You don't want a trip to occur
16 again. Yes, sir.

17 CHAIRMAN BLOCH: Now does that include
18 personnel errors?

19 THE WITNESS: On Unit 2? Yes, sir.

20 CHAIRMAN BLOCH: Does it include procedure
21 errors?

22 THE WITNESS: If they were involved and you
23 find that the procedure was in error; yes, sir.

24 CHAIRMAN BLOCH: And is that your
25 understanding of what was required by the root cause

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1 procedures at Vogtle also?

2 THE WITNESS: Yes, sir.

3 CHAIRMAN BLOCH: That you should look for
4 mistakes and clear them up?

5 THE WITNESS: Yes, sir.

6 CHAIRMAN BLOCH: Thank you. Is there further
7 cross by Mr. Kohn?

8 CROSS EXAMINATION

9 BY MR. MICHAEL KOHN:

10 Q Did Mr. Cash tell you he was preparing a list
11 of starts for Mr. Bockhold?

12 A No, sir.

13 Q From the sum and substance of your
14 communications with Mr. Cash, were you able to deduce that
15 he was preparing a list of starts for Mr. Bockhold?

16 A I didn't immediately. Subsequently I did.

17 Q What do you mean subsequently you did?

18 A Yes, I deduced. Not in the conversation, but
19 shortly thereafter that it was probably from Mr. Bockhold
20 or something else.

21 CHAIRMAN BLOCH: Meaning within the hour
22 shortly thereafter?

23 THE WITNESS: Yes, sir.

24 BY MR. MICHAEL KOHN:

25 Q Did you have a subsequent conversation --

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1 after you had your conversation with Mr. Cash, did you
2 speak with somebody else about the start -- counting
3 starts for Mr. Bockhold or preparing a list of starts for
4 Mr. Bockhold?

5 A On that day?

6 Q Yes.

7 A No, sir; not that I remember.

8 Q Now, can you tell me -- you mentioned that in
9 commenting that Mr. Cash may have lied to you. Do you
10 recall saying that?

11 MR. BLAKE: I have an objection to that being
12 a serious question. It was in the context of --

13 MR. MICHAEL KOHN: I understand. In the
14 context of --

15 MR. BLAKE: He said he was on the phone.

16 THE WITNESS: I don't think Mr. Cash lied to
17 me. I don't. At any point in time.

18 MR. BLAKE: Mr. Eckert, I want you to wait
19 when I interpose an objection until the ruling is made
20 before you answer, please.

21 THE WITNESS: I apologize.

22 CHAIRMAN BLOCH: Mr. Kohn, you know how I feel
23 about impugning someone's character. So, if there is some
24 basis in the record, I'd want to know that before you ask
25 a question that infers that he had someone lied. Is there

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1 something in the record that you want to direct the
2 witness to?

3 MR. MICHAEL KOHN: Yes.

4 CHAIRMAN BLOCH: Well, show him --

5 MR. MICHAEL KOHN: What happened today. I
6 can't show him that.

7 MR. BLAKE: Well, the context, Judge Bloch, in
8 all fairness, was you know, I saw Mr. Cash -- he told me
9 he was making up this list. Now, he could have lied to
10 me, but you know, that's what he told me. Also in the
11 context of Bockhold, it was -- he was on the phone.

12 CHAIRMAN BLOCH: Okay, I didn't remember that
13 he said that Mr. Cash lied.

14 MR. BLAKE: He used that language in that
15 context. It's not a serious --

16 MR. MICHAEL KOHN: I understand.

17 CHAIRMAN BLOCH: He's done a lot of that kind
18 of thing of saying anything else could have happened.

19 MR. MICHAEL KOHN: Okay.

20 BY MR. MICHAEL KOHN:

21 Q Now, do you like Mr. Cash?

22 A Yes, sir.

23 Q Can you tell me what was on Mr. Bockhold's
24 desk besides the diesel testing slides?

25 MR. BLAKE: -- I am going to impose an objection

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1 at this juncture. Is this follow up to the Staff's cross?
2 And if so, what particular area?

3 MR. MICHAEL KOHN: Yes, it is.

4 MR. BLAKE: We've been over what's on the
5 desk, and I just don't recall what the Staff's question
6 was that leads to this. You need to go back into it
7 again.

8 CHAIRMAN BLOCH: Well, I know the Staff asked
9 questions about it. But since you had already covered it,
10 I don't think they're asking questions about it expands
11 the scope. There was nothing that they asked that had to
12 do with something else on the desk that I remember.

13 MR. MICHAEL KOHN: They discussed what was on
14 Mr. Bockhold's desk, and I'm asking a follow up question.

15 CHAIRMAN BLOCH: All right, well let's allow
16 the one question. Do you recall anything else on Mr.
17 Bockhold's desk at the time you saw the slide?

18 THE WITNESS: Yes.

19 BY MR. MICHAEL KOHN:

20 Q What else do you recall being on his desk?

21 A A brown box that most people would call an in
22 box. It was made of wood.

23 Q Okay.

24 A Okay. And it was packed about this high with
25 papers. Is that what you'd like to say -- stacks?

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1 CHAIRMAN BLOCH: This high was an expansive
2 gesture.

3 THE WITNESS: Yeah, it was about 12 inches
4 this high. And those are the things that I remember.
5 There might have been more.

6 BY MR. MICHAEL KOHN:

7 Q But do you recall if his desk was -- had
8 nothing else on it particularly but the diesel testing
9 slide and the in box -- is that general recollection?

10 A There were other things on his desk. He had
11 his name plate, he had -- I don't know, normal
12 paraphernalia on a desk.

13 Q Documents. Let's limit it to documents. Any
14 other documents?

15 A To say for sure documents, I'm not going to
16 say I saw other documents.

17 Q Can you tell me -- you said that you had a
18 conversation with Mr. Chestnut. Did you volunteer the
19 information, or was Mr. Chestnut asking you questions
20 which led you to volunteer the information?

21 A I volunteered.

22 Q Okay. And what subject matter was Mr.
23 Chestnut questioning you on? Did Mr. Chestnut come in and
24 talk to you about subjects?

25 A No.

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1 Q You went and sought Mr. Chestnut out?

2 A No.

3 Q Can you tell me how you met with Mr. Chestnut?

4 A Mr. Chestnut was the technical support
5 manager. He and I had occasion to talk weekly. Sometimes
6 more frequently, sometimes less frequently. We were also
7 personal friends. And it came up in a conversation,
8 either amongst personal friends or about some work related
9 item, that I felt I had some information that might be
10 pertinent to what was going on.

11 Q Did you think it might help Georgia Power?

12 MR. BLAKE: Objection.

13 MR. MICHAEL KOHN: Did you --

14 MR. BLAKE: I don't know what "it" is. I
15 don't know where we're going with this.

16 MR. MICHAEL KOHN: You said you were meeting
17 with Mr. Chestnut to discuss, if my recollection is
18 correct --

19 CHAIRMAN BLOCH: I'm sorry, I don't recall
20 Staff asking anything about Mr. Chestnut. Am I wrong
21 about that?

22 MR. BLAKE: They never did. But in the course
23 of the questioning, Mr. Chestnut -- he said subsequently
24 he mentioned on one occasion some years later, he doesn't
25 remember when, that -- something about having seen this on

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1 Cash's desk.

2 CHAIRMAN BLOCH: All right, let's continue.

3 MR. BLAKE: That's where we were.

4 BY MR. MICHAEL KOHN:

5 Q You said that there were five items that you
6 were discussing with Mr. Chestnut. Do you recall stating
7 that?

8 A The five was in reference to a number of items
9 that we were discussing, five being an example of many,
10 not just five specific. No, I do not remember the five
11 specific items.

12 Q Did you know that Mr. Chestnut was involved
13 with resolving this diesel issue with respect to any OI
14 investigation or something else?

15 A Did I know? Did he tell me? No. Did I know?
16 Well, a manager in his position was probably involved to
17 some extent. Did I know? I guess that because he was
18 that manager I could infer that that was occurring.

19 CHAIRMAN BLOCH: I'm sorry, but the time
20 frames are a little confused here, aren't they? We're
21 talking about in April 9th to 12th, right?

22 MR. BLAKE: No, not even close.

23 CHAIRMAN BLOCH: April 5th?

24 MR. BLAKE: Years later. A year later. It
25 could have been a year, it could have been two years was

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1 the prior testimony -- something like that. Charles tried
2 to elicit some definition on the time frame, and the
3 witness said he couldn't tie it down to whether or not it
4 was a year or two years prior to --

5 CHAIRMAN BLOCH: I don't know what we're
6 getting into that for.

7 MR. MICHAEL KOHN: Now, was Mr. Cash's office
8 usually disorganized?

9 MR. BLAKE: Objection, asked and answered.
10 The whole -- we've over Mr. Cash's office and his desk.

11 MR. MICHAEL KOHN: Your Honor, I have a series
12 of --

13 CHAIRMAN BLOCH: He said the opposite of that.
14 He said that there was usually no paper in it.

15 MR. BLAKE: On the desk, he said it was
16 normally clear, and this one day it was quite --

17 MR. MICHAEL KOHN: That's why I'm asking the
18 question.

19 CHAIRMAN BLOCH: Let's continue.

20 BY MR. MICHAEL KOHN:

21 Q Was Mr. Cash's desk usually disorganized?

22 A You mean with papers strewn about it the way
23 that it was that day?

24 Q Well, what would you consider -- you used the
25 term that Mr. Cash's office was -- was Mr. Cash's office

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1 usually disorganized?

2 A No. Mr. Cash's office on this day was
3 disorganized.

4 Q But usually it was organized?

5 A To a different extent of organization, yes.

6 Q And is that --

7 CHAIRMAN BLOCH: Does that mean more
8 organized?

9 THE WITNESS: More organized. I'm not going
10 to say organized. That says -- it goes too far.

11 MR. MICHAEL KOHN: Now can you tell me why you
12 remembered that the document Mr. Cash was working on was
13 left justified?

14 THE WITNESS: Because that's the way I saw it.

15 MR. MICHAEL KOHN: Well, isn't there another
16 reason you remembered it was left justified?

17 MR. BLAKE: If there's another reason, then
18 confront the witness with whatever the reason is. We went
19 over this down in Augusta, Georgia.

20 CHAIRMAN BLOCH: Suggest a reason. Suggest
21 the reason if you think there's a reason.

22 MR. MICHAEL KOHN: I want to --

23 MR. BLAKE: I don't think the Staff asked any
24 questions about left justified either.

25 CHAIRMAN BLOCH: It's getting -- it's very

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1 repetitious. So if you have -

2 MR. MICHAEL KOHN: Your Honor, it isn't
3 repetitious. And I'd like to just continue, if I may.

4 MR. BLAKE: Well, I have an objection.

5 CHAIRMAN BLOCH: I'd like to -- if you have a
6 suggestion on what the reason was, confront the witness
7 with it.

8 BY MR. MICHAEL KOHN:

9 Q Isn't it -- in 1993, didn't you tell the
10 Office of Investigations the reason you could remember it
11 was left justified was because Mr. Cash's office was
12 usually disorganized?

13 A Yeah, and this listing was more normal than
14 Jimmy Paul's normal type of writing messages.

15 Q I'm talking about Mr. Cash's office was
16 usually disorganized. Don't you recall telling that to
17 OI?

18 A Yeah, I remember saying that.

19 Q And today, you just said Mr. Cash's was
20 usually not disorganized, isn't that true?

21 A Hold on, wait a second. We're taking things
22 out of context.

23 CHAIRMAN BLOCH: Yeah, I don't think he said
24 that. He said that it was usually more organized that it
25 was this day. He never said it was organized. And he in

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1 fact made a limitation on what he said. He said it was
2 more organized. He used other language, and I asked him
3 that to straighten out what he meant.

4 So if you like the way we talk, he was even
5 more disorganized on this day than he usually was.

6 MR. MICHAEL KOHN: Well, I'd just like to note
7 an objection for the record that when this line of
8 questioning was coming up, I was interrupted repeatedly,
9 and there was almost gesture -- joking as to what the
10 witness' prior testimony was. And it did interfere with
11 this line of cross examination. I'd just like to put that
12 on the record.

13 CHAIRMAN BLOCH: I'm not sure. What are you
14 noting? What happened? I don't understand what you said.

15 MR. MICHAEL KOHN: I was attempting to cross
16 examine the witness as to what his recollection was of the
17 desk, and there was much gesturing, and Mr. -- the record
18 will speak for itself.

19 CHAIRMAN BLOCH: There was an objection, yeah.

20 MR. MICHAEL KOHN: Okay.

21 MR. BLAKE: I, while we're making things for
22 the record, would like a citation to the -- what you've
23 represented to be the witness' prior testimony to OI.

24 MR. MICHAEL KOHN: His OI statement, page
25 three.

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1 MR. BLAKE: Page three? Thank you.

2 BY MR. MICHAEL KOHN:

3 Q Now you stated that you were rarely in Mr.
4 Cash's office prior to April of 1993, is that true?

5 A In my definition of rarely, yes. I was in his
6 office infrequently. I was in his office when I needed to
7 be for short periods of time.

8 Q And so do you really know if his office was
9 usually disorganized or not based on your infrequent
10 visits?

11 A Yes, I do. I had to go by his office every
12 single day when I went to my desk.

13 Q Do you think Mr. Cash would normally write a
14 document on a piece of paper that was not left justified?

15 A In this fashion, I feel that the document that
16 he presented was more well organized than what I expected.

17 Q Now, can you tell me what was more well --
18 why did you expect Mr. Cash to have a list that would be
19 less organized than a one column that may be a date and
20 another column with an entry next to it? You expected Mr.
21 Cash to produce something less organized than that?

22 A I'm not going to say I expected. I'm going to
23 say that I've seen previous notes from Jimmy Paul to me
24 giving me direction. And based upon what I had seen in
25 the past, none of those were as well organized as what I

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1 saw on his desk that day format wise.

2 Q Okay. Well then, do you believe Mr. Cash
3 would take the time to make such a well organized document
4 unless he was given the instruction on how to prepare the
5 document?

6 A You're asking me to answer something I don't
7 know that I would --

8 Q Well, based on your -- you now testified that
9 Mr. Cash's normal thing was to scribble things down on
10 notes, correct, is that --

11 A To me, that's true. To me.

12 Q And so if he was making a list for himself,
13 you would expect it to be just some scribble on a piece of
14 paper, correct, not some time consuming effort to write
15 detailed information down?

16 A I would expect -- what I saw on his desk I did
17 not expect to be as organized as it was. Okay, that is
18 not Jimmy Paul's normal style.

19 Q So then would you infer from that that the
20 documentation Mr. Cash was preparing was something for
21 other than what Mr. Cash would personally use it for?

22 A I don't know.

23 BOARD EXAMINATION

24 CHAIRMAN BLOCH: Mr. Eckert, based on your
25 knowledge of Mr. Cash, was the existence of an organized

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1 document sufficiently unusual that you would think he
2 probably didn't do it all on his own?

3 THE WITNESS: Well, you're asking me to take -
4 -

5 CHAIRMAN BLOCH: If you don't know, just say
6 that.

7 THE WITNESS: I don't know.

8 CHAIRMAN BLOCH: That's fine.

9 MR. MICHAEL KOHN: In early 1990 -- well, let
10 me say in 1989/1990 time frame, were you in a manager
11 training program?

12 M. BLAKE: Objection. I don't think that's
13 within the scope of the Staff's cross.

14 MR. MICHAEL KOHN: We're getting into when he
15 -- when he was on shift, and this is the background
16 information necessary to elicit that information.

17 CHAIRMAN BLOCH: You're getting into when he
18 was on shift? For what purpose?

19 MR. MICHAEL KOHN: He testified as to what he
20 -- knowledge of the procedures when he was on shift. I'm
21 trying to determine, if I can, when he was actually on
22 shift.

23 CHAIRMAN BLOCH: But his procedures when he
24 was on shift was well after the 1990 incident, weren't
25 they?

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1 MR. MICHAEL KOHN: Well, that's what I'm
2 trying to find out, Your Honor.

3 CHAIRMAN BLOCH: Oh, all right. I thought he
4 had already stated the dates.

5 MR. BLAKE: He's previously testified to that.

6 CHAIRMAN BLOCH: Yeah, he has. The date's in
7 the record, I'm sure of it.

8 MR. MICHAEL KOHN: What -- do you recall when?

9 CHAIRMAN BLOCH: The end of 1990.

10 MR. MICHAEL KOHN: When did you get out of
11 management in training?

12 MR. BLAKE: I have an objection. My initial
13 objection was to this being outside the scope of the
14 Staff's cross, which is the opportunity now. The
15 explanation was I'm going to get in to find out when he
16 was on shift. Then there was a ruling made. Everybody
17 else remembers that he's testified when he went on shift,
18 and it was subsequent to the --

19 CHAIRMAN BLOCH: To what's the relevance of
20 this, Mr. Kohn?

21 MR. MICHAEL KOHN: Exactly. If he's testified
22 to it, I have the right to cross him about that testimony,
23 and that's what I'm trying to do now, Your Honor.

24 CHAIRMAN BLOCH: Well, you have a reason to
25 question the answer. Let's continue.

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1 BY MR. KOHN:

2 Q When did you end your manager in training
3 program?

4 A I believe that I corrected my background
5 information that I submitted with my rebuttal testimony to
6 state that I had got out of manager in training in October
7 of 1990. And if somebody could check that?

8 Q So, when did you enter?

9 MR. BLAKE: Is that probative?

10 BY MR. MICHAEL KOHN:

11 Q Let me rephrase the question. When did you
12 get your license?

13 A I received my license -- I don't know the
14 exact date. February or March of 1990.

15 Q And then you went on shift after you received
16 your license, correct?

17 A No, sir.

18 Q What did you do?

19 A I went and I was LLRT coordinator for the
20 outage. And I did back shift work.

21 Q You were on shift in operations?

22 A I was a shift worker in operations department,
23 yes.

24 Q Starting at the end of February or March of
25 1990, correct?

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1 A No, because I was on day shift part of that
2 time also. Not on shift. I was not assigned to a single
3 crew performing shift work.

4 Q And when the LLRT was over during the outage,
5 what did you do then?

6 A I worked in day shift in operations until
7 after the outage was over. And part of that time, I
8 believe I was even a shift outage coordinator for a week
9 or so. And then after that, I went back into shift as a
10 manager in training in operations department on shift.
11 And I was put in to observe the control room at that
12 point.

13 Q So after February, you were getting on shift
14 experience in operations?

15 A No, not on shift. In May --

16 CHAIRMAN BLOCH: Let's change the question.
17 After February, you were getting experience in operations,
18 is that correct?

19 THE WITNESS: Yes, sir.

20 BY MR. MICHAEL KOHN:

21 Q And some of the experience was on shift?

22 A Not as an on shift crew person. Some of it
23 was during the night time. The shift crew was working one
24 schedule, and we were working a different schedule.

25 Q So you were physically in, observing what the

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1 process was, and with the purpose of learning as much as
2 you could in your training, correct?

3 A That's a very wide question. With respect to
4 operating the plant, no. With respect to running local
5 leak rate tests, yes. For that period.

6 Q And the local leak rate tests would run for a
7 week or so during the outage?

8 A Oh, no, sir. Local leak rate tests would
9 take four day. You have 80 to 100 of them during an
10 outage. Some of them you can't do during certain phases.
11 The outage lasts 28 days. You've got to get them all done
12 in 28 days. It's not a week evolution.

13 Q But you were up in power by April 12th,
14 correct? You were going up in power by April 12th, so --

15 CHAIRMAN BLOCH: Mr. Kohn, you think this is
16 worth your time I assume? Because if it's not worth your
17 time, it's not worth ours. While Mr. Kohn is looking at
18 his notes, Mr. Eckert, I assume that Mr. Cash's office is
19 in the secure area, is that correct?

20 THE WITNESS: Yes.

21 CHAIRMAN BLOCH: Thank you.

22 MR. MICHAEL KOHN: Do you know if Mr. Cash was
23 disciplined?

24 MR. BLAKE: Objection, no such --

25 CHAIRMAN BLOCH: Sustained. He's got no

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1 reason to comment on that. I don't think he does. I
2 mean, do you really have something to tie it into this
3 witness' experience and knowledge?

4 MR. BLAKE: How about his prepared testimony?
5 How about the Staff's cross? How about something else as
6 well?

7 MR. MICHAEL KOHN: Yes, I was just tying it
8 into -- his general statements about Mr. Cash led me to
9 believe that he may have known he was disciplined.

10 CHAIRMAN BLOCH: Why would that matter?

11 MR. MICHAEL KOHN: No further questions.

12 CHAIRMAN BLOCH: Staff?

13 MR. BARTH: We have no further questions, Your
14 Honor.

15 CHAIRMAN BLOCH: Mr. Blake?

16 MR. BLAKE: None.

17 CHAIRMAN BLOCH: Well, Mr. Eckert, thank you
18 very much. You're excused.

19 THE WITNESS: And the 44 people coming to a
20 meeting that I'm running tomorrow night at 6:00 appreciate
21 it. Thank you.

22 ADMINISTRATIVE JUDGE CARPENTER: Thank you for
23 being so forthright.

24 CHAIRMAN BLOCH: Have we any further business
25 this evening before we adjourn?

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1 MR. BLAKE: Can I take five minutes and see
2 whether or not we can take more advantage of the time
3 before 5:00 to do some procedural items and put some
4 things in the record? If I could just have five minutes
5 to see whether or not it's doable?

6 CHAIRMAN BLOCH: You want to take a break
7 before we do that?

8 MR. BLAKE: Yes.

9 ADMINISTRATIVE JUDGE CARPENTER: Let's take
10 ten.

11 MR. BLAKE: Ten is fine. I can talk with the
12 other counsel and see what else --

13 CHAIRMAN BLOCH: Ten minute break. And if you
14 need more time at the end of the ten minutes, we'll be
15 willing to allow that too.

16 (Whereupon, the proceedings went off the
17 record at 4:10 p.m.)

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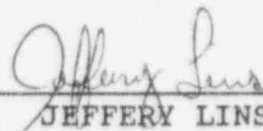
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: GA POWER CO. ET AL.
VOGTLE UNITS 1 & 2

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

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



JEFFERY LINS
Official Reporter
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