

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: Wednesday, September 6, 1995

Work Order No.: NRC-322

Pages 13073-13219

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1 UNITED STATES OF AMERICA
 2 NUCLEAR REGULATORY COMMISSION

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4 ATOMIC SAFETY AND LICENSING BOARD

5 HEARING

6 -----X

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

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

14 Wednesday, September 6, 1995

15 Hearing Room T 3B45

16 Two White Flint North

17 11545 Rockville Pike

18 Rockville, Maryland

19 The above-entitled matter came on for hearing,
 20 pursuant to notice, at 8:30 a.m.

21 BEFORE:

22 PETER B. BLOCH Chairman
 23 JAMES H. CARPENTER Administrative Judge
 24 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	Thomas E. Webb	13093		13159		13092
4	By Intervenor		13096			13107
5	By Staff		13143			13111
6	By Intervenor		13169			13118
7			13174			13121
8			13177			13125
9	By Staff		13179			13126
10			13186			13129
11			13193			13134
12			13194			13139
13			13200			13144
14			13208			13146
15			13214			13147
16			13216			13149
17						13172
18						13176
19						13178
20						13185
21						13192
22						13193
23						13199
24						13207
25						13216

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E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
	Prefiled rebuttal, Webb		13094
4	GPC II-169 Webb Exhibit A	13096	13096
5	GPC II-170 Webb Exhibit B	13096	13096
6	GPC II-171A Webb Exhibit C,	13161	13168
7	through T Project pages		

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

9:00 a.m.

1 CHAIRMAN BLOCH: Hearing will come to order.

2 Our first witness please.

3 MR. BLAKE: Judge Bloch, I do have a copy of
4 the original of the Dixon notes which I want to provide to
5 you.

6 CHAIRMAN BLOCH: Let the record reflect that
7 we have received the Dixon notes.

8 (Whereupon, the documents marked as
9 Dixon notes were received in
10 evidence.)

11 CHAIRMAN BLOCH: We could have an argument to
12 begin with this morning.

13 Mr. Kohn, would you like to begin?

14 MR. MICHAEL KOHN: Yes, we're referring to the
15 request for admissions argument?

16 CHAIRMAN BLOCH: Correct.

17 MR. MICHAEL KOHN: And reading over our
18 motion, just to make clear what we are seeking, on the
19 first page of the motion it says for each admission
20 identify Intervenor request that specific admissions be
21 introduced into evidence along with its corresponding
22 reference from the OI Report. To be clear, what we're
23 really looking for, it should say for each admission

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1 identify Intervenor request that responses to specific
2 admissions be introduced into evidence along with its
3 corresponding reference from OI Report. With that
4 clarification, that is what --

5 CHAIRMAN BLOCH: The principle argument made
6 by Georgia Power is I understand it is that there is no
7 effect to be given to a refusal to admit?

8 MR. MICHAEL KOHN: In this case Mr. Ajluni
9 said in his testimony that he had extensively reviewed and
10 verified all these statements and so it's not -- the fact
11 is Mr. Ajluni was up on the stand and we had the
12 opportunity to confront him with this and that's why we
13 agreed to submit this in lieu of doing that.

14 CHAIRMAN BLOCH: All right, but now with
15 respect to the denials, the refusals to admit, they've
16 asked that you have in evidence the supporting materials.

17 MR. MICHAEL KOHN: The supporting materials
18 and the statement as to why they are denying it. In other
19 words that constitutes the factual admittance.

20 CHAIRMAN BLOCH: Okay, you that as, it's not
21 binding, but you want it to be in evidence?

22 MR. MICHAEL KOHN: Yes.

23 CHAIRMAN BLOCH: Mr. Blake?

24 MR. BLAKE: I cannot for the life of me
25 understand why arguments and pleadings are now going to be

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1 made evidence. I think in my mind there is a distinct
2 difference between the two, and I just don't get it. And
3 I don't know how to provide you, Judge Bloch, with a more
4 sensible legal sounding argument on this topic. But you
5 have the written pleadings from the parties.

6 I really have nothing more to add to what I
7 thought was a responsive, wholly responsive, pleading to
8 their request. And now you decide, you know, what's
9 appropriate as evidence and what isn't. And I understand
10 that admissions are, and our position is that denials are
11 not, and the argument attached to those denials is not.
12 And I don't think it's appropriate.

13 CHAIRMAN BLOCH: How about the evidence
14 referred to in the denials, they can have that in
15 evidence?

16 MR. BLAKE: No. No. The denials themselves
17 are what constitute the evidence, and the additional
18 documentation that attaches either to an admission or to a
19 denial is so that you understand what's being admitted or
20 denied.

21 In the case of admissions, when you make that
22 in evidence, the single statement "admit" in our
23 responsive pleading is meaningless. You need to know what
24 are they admitting to. So then they asked, and I thought
25 sensibly enough, they needed to have the OI statement that

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1 we're admitting to that ought to be attached. We also
2 said make sure that the statement that is referenced is
3 also there so that the people who follow this record will
4 understand what the admission was. None of that goes to
5 the denials at all. I don't think they have any part as
6 an evidentiary part of this proceeding.

7 CHAIRMAN BLOCH: With respect to the denials,
8 I take it that if Mr. Ajluni were on the stand they could
9 show him each of the documents and say is this what you
10 relied on and then they could move it into evidence,
11 couldn't they?

12 MR. BLAKE: I don't understand how that would
13 become evidence.

14 CHAIRMAN BLOCH: They were documents
15 considered relevant to the questions being asked at the
16 time they were asked, are they now irrelevant?

17 MR. BLAKE: I think if they are denials and
18 the Board doesn't rule that they're appropriate as
19 evidence, they are in fact irrelevant. There are, remain
20 some irrelevant things, some things that are not material,
21 some things are not appropriate for evidence in the
22 proceedings.

23 CHAIRMAN BLOCH: Have you limited your
24 objection to the things that you consider irrelevant at
25 this point with respect to the denial documents?

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1 MR. BLAKE: I'm not sure that I understand
2 your question.

3 CHAIRMAN BLOCH: They've moved for certain
4 documents cited in the denials to be in evidence. I take
5 it, if they're not relevant, they shouldn't be in
6 evidence. But you haven't limited your objection just to
7 irrelevant documents, have you?

8 MR. BLAKE: No. I just think it's wholly
9 inappropriate. What is the basis, what is the purpose of
10 the proffer of those documents to say that we were wrong
11 in our denial? Well, let's assume that we were wrong, is
12 that a matter of evidence that the Board is now going to
13 weigh?

14 See, I don't understand the scope of the
15 proceeding when you start getting into accepting into
16 evidence discover pleadings for the purpose of what they
17 stated in the course of discovery. It strikes me that
18 that's a different proceeding. It's some sort of
19 proceeding about did they play the game right, or were
20 they right in their discovery responses. I don't think it
21 has anything to do with whether or not this company said
22 appropriate things to the NRC in 1990, which is what the
23 proceeding is about. And I think we get way off track and
24 we take up additional time and we burden the record with
25 additional materials. I really can't follow it better.

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1 CHAIRMAN BLOCH: Mr. Barth, have you a
2 comment?

3 MR. BARTH: Your Honor, this was raised by you
4 in Augusta, and since then we have taken a look at the
5 rules to perhaps give better answers. The denial of
6 request for admission does nothing more than preclude the
7 fact denied from being conclusive and being accepted as
8 evidence.

9 When the denial is made Mr. Kohn then has the
10 opportunity, assuming it is relevant, to prove that that
11 fact is correct and true, as you do any other factor
12 matter in controversy under 2.743. There's no magic
13 applied to any of the underlying documents or denial or --
14 of the denial. If Georgia Power Company denies a request
15 for admissions, it's up to Mr. Kohn to prove that they are
16 wrong in their denial as he would prove any other fact
17 that's in controversy.

18 CHAIRMAN BLOCH: Should he be allowed to have
19 the documents that were cited in the denial?

20 MR. BARTH: If -- yes, he can use that, but he
21 has to use that as you would any other ordinary piece of
22 evidence. You'd have to find a witness, you have to
23 introduce it, and you have to --

24 CHAIRMAN BLOCH: The witness was here. He was
25 going to do that.

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1 MR. BARTH: He has to do that. There is no
2 witness doing that now, Your Honor. I'm saying that when
3 Georgia Power makes a denial, it is upon Mr. Kohn to prove
4 that they're wrong, if he feels that he has a legitimate
5 reason, as he does any other piece of evidence in the
6 whole thing.

7 CHAIRMAN BLOCH: And in your view, I recall
8 one time we said that it's very difficult to show a course
9 of misrepresentation and that it might be necessary to see
10 subsequent things and to see whether there is a pattern.
11 And your view is the proof that the denials may have been
12 in error a part of this case?

13 MR. BARTH: Not unless Mr. Kohn wishes to put
14 it in by putting the witness on and putting evidence in to
15 show the denial was improper.

16 I somehow feel, Judge Bloch, that we're not
17 communicating and, if so, it's my fault and not your's.

18 CHAIRMAN BLOCH: Well, he wouldn't have to put
19 a witness on to prove anything. There's no requirement
20 that you prove things through witnesses. You can do it
21 through documents, can't you?

22 MR. BARTH: No, because he can't get a
23 document in without a witness sponsoring it somehow. You
24 cannot have a lawyer walk in and say here is a bunch of
25 documents, take them.

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1 CHAIRMAN BLOCH: If we take that point of
2 view, we're going to have a fairly pointless ritual. Mr.
3 Ajluni is going to be called back, each document will be
4 presented to him, and he'll be asked did you rely on this,
5 is this an authentic document and he'll say yes.

6 MR. BARTH: That doesn't prove anything for
7 Mr. Ajluni to say I relied upon this stack of documents
8 does not prove the fact.

9 CHAIRMAN BLOCH: Are they genuine documents
10 that were used by you in the course of your work for
11 Georgia Power to make a response to the Board?

12 MR. BARTH: And Ajluni will say yes, but that
13 does not prove the underlying fact. We know what Ajluni's
14 denial is of. He has looked at these papers and for the
15 power company he thinks certain denials is the factual
16 representative of the Company.

17 CHAIRMAN BLOCH: Is it your contention, Mr.
18 Kohn, that Mr. Ajluni improperly relied on the documents
19 that he saw? What are you going to contend with these
20 documents?

21 MR. MICHAEL KOHN: The denials can be viewed
22 as admissions in the reverse. If you look at the fact, if
23 they say we deny it because of X, Y and Z, they are
24 admitting to what they believe to be X, Y and Z, and we
25 are using the denials for that purpose. We are using the

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1 statements that -- if Georgia Power in 1994 when filing
2 these admissions states, we don't believe this to be the
3 case, and that has specific weight. They had four years,
4 they completed NOV responses. It's not something written
5 haphazardly.

6 Pleadings are admissible, contrary to Mr.
7 Blake's statements. I have admitted pleadings in numerous
8 cases. In this case in Phase One we admitted pleadings
9 for the SEC proceeding. there is no rule that pleadings
10 are not admissible evidence, of course they are. They are
11 statements made by Georgia Power Company. They're
12 binding. Not only are they admissible under the most
13 stringent rules of evidence, in Federal District Courts
14 they are admissible.

15 This is a relaxed proceeding. They go to show
16 the intent and the disingenuous nature of Georgia Power's
17 responses, in trying to maneuver through a complicated set
18 of facts, will deny these on this basis and then later at
19 the hearing well maybe we're not really denying these
20 anymore. And I think the changing of what they believe
21 the evidence to be has weight, and that's for the Board to
22 decide, not for the parties, not for me to decide, not for
23 Mr. Blake to decide, it's for the Board to decide that
24 evidence should go in and the Board should give it
25 whatever weight it thinks appropriate on any particular

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1 fact or findings that we have identified and as we argue
2 it in the briefs.

3 CHAIRMAN BLOCH: Mr. Blake, brief rebuttal?

4 MR. BLAKE: Yes, brief. I think that Mr.
5 Kohn's argument about pleadings and the purpose for their
6 admissions is appropriate here, and I think it's the one
7 that the Board needs to focus on.

8 My earlier argument was that you cannot now
9 say there is an issue about whether we were right in 1994.
10 That's not the issue in this proceeding. It's something
11 that you have to contend with as a judge in order to get
12 on with the proceeding and have it run smoothly and make
13 sure that the parties are appropriately applying the
14 rules. That's not an issue in the proceeding unless there
15 is some new basis added or some new contention added.
16 That's what he'd like, and that's what he shouldn't be
17 allowed to do by this vehicle.

18 The reason for pleadings is because they
19 provide some factual information or go to the credibility
20 of some witness or in a variety of ways. Certainly they
21 become useful in proceedings, and we've used them here. I
22 didn't want my prior statements to be misunderstood. But
23 that's what I think we're talking about. It really boils
24 down to a scope question.

25 And whether or not we're now talking about

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1 whether they can argue that Georgia Power wasn't honest in
2 1994 in some pleadings or they inappropriately answered on
3 admission based on this pleading and the document is
4 before them, I don't think that's an issue here. I think
5 it's a procedural item that the Board has to cope with,
6 but it's not an issue in this proceeding, it's not an
7 evidentiary topic, and it ought not be allowed. And I
8 wish you'd go over that with Mr. Barth again and ask him
9 whether or not he thinks that's an appropriate issue
10 because I don't think he understood the prior question
11 when you asked it of him.

12 CHAIRMAN BLOCH: What do you see the
13 limitation to the scope of being able to prove that there
14 is a pattern of misrepresentation?

15 MR. BLAKE: I don't know for sure what that
16 bounds are temporally. That's really what you're asking
17 me is temporally.

18 CHAIRMAN BLOCH: I thought it was primarily
19 subject matter, that if it was related to the subject
20 matter, that is either the successful starts matter, or
21 the letters following it, or to the moisture problem, then
22 if there were intentional misstatements to the NRC, you'd
23 expect that to be seen both contemporaneously with those
24 events --

25 MR. BLAKE: Yes.

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1 CHAIRMAN BLOCH: -- and subsequently at any
2 time. Now, that I think is in the scope of the proceeding
3 as I understand it.

4 MR. BLAKE: Well, you certainly have extended
5 the proceeding to include the notice of violation and
6 responses to it. If somehow now you're talking about all
7 documents in this proceeding, I mean every pleading in
8 this proceeding then would go into evidence. Because
9 everything presumably deals with what's within the scope
10 of this proceeding. There would be no bounds --

11 CHAIRMAN BLOCH: Concerning the pattern that's
12 right, except that they of course are going to have to
13 file their findings first and at that point you'll know
14 what their theory is and you'd be able to rebut it.

15 MR. BLAKE: Well, gosh, I don't think that's
16 the way to now try to determine what ought to be
17 appropriate evidence at this juncture in the proceeding.

18 CHAIRMAN BLOCH: Well, I'm just not sure how
19 you lay the limits. Let's set the limits on arguments
20 that there is a pattern of misrepresentation that
21 continues. I don't know how you say that in 1994 it's
22 outside the scope of following up on prior
23 misrepresentations, if that's the allegation, and I think
24 it is. I don't know that it will be proven, but I think
25 that's what the allegation is.

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1 Mr. Barth, do you have a final comment?

2 MR. BARTH: Two very short, Your Honor. Mr.
3 Kohn has referred to pleadings in the Federal Courts being
4 admissable, but there only two pleadings in Federal
5 Courts, there's a complaint and an answer. There are no
6 other pleadings. Every other thing is a filing. And we
7 use the word "pleading" very very loosely. It's not
8 precise. We don't use it. We use every piece of paper --
9 file here is a pleading, just not in the Federal Courts.
10 So the analogy to the pleadings in the Federal Courts does
11 not hold.

12 The second rule, 36B, specifically provides
13 for dignity to be given to admissions. It makes the facts
14 submitted conclusive in the case. It does not provide for
15 reverse admissions, the denials reverse admission. It
16 doesn't provide for that at all. When the denial is made
17 Mr. Kohn is left in the same position as though he had
18 never made any request for admission at all.

19 CHAIRMAN BLOCH: Well, I understand that.

20 MR. BARTH: He's left with I have a fact here
21 they have not admitted.

22 CHAIRMAN BLOCH: I understand that, but I
23 understand that he wants to say it's part of a pattern of
24 not telling the whole truth to the NRC. Is that within
25 the scope as you understand it?

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1 MR. BARTH: I think that if he could prove
2 that it would go to the character and the integrity of the
3 licensee and that is permissible to be proven. I think
4 that that is not proven by taking these underlying
5 documents that have been denied as evidence. That it
6 would be proven by showing that those documents ordinarily
7 prove the facts are so clear and convincing that the
8 Company could not have made a denial in good faith. He
9 does that by proving those facts as though he had never
10 made a request for admission.

11 CHAIRMAN BLOCH: And of course he could use
12 the documents and he could also use other facts that were
13 not considered by the Company in order to attempt to show
14 that there was a misstatement at that time. The documents
15 show the foundation the Company relied on.

16 MR. BARTH: But that's what happens in the
17 courts, when the denial comes you're left with nothing.
18 You've got to go prove your case on your own, and that's
19 what he has to do when this denial is made. He's left
20 with nothing. He has no bridge, he has no advantage, no
21 disadvantage. He's simply left with a fact in
22 controversy. They denied that Dr. Carpenter is the judge.
23 He's left with that. He's left with nothing, so he's go
24 to go prove, as ordinary proof, that Dr. Carpenter is a
25 judge.

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1 CHAIRMAN BLOCH: Okay, we're going to take
2 this issue under advisement. Let's continue with the
3 witness.

4 MR. MICHAEL KOHN: Your Honor, might I add two
5 more sentences to the argument?

6 CHAIRMAN BLOCH: No. There's got to be an end
7 to everything great.

8 MR. MICHAEL KOHN: I understand. I have a
9 cross examination plan, but I have it hand-copied and if I
10 could make a photocopy here.

11 CHAIRMAN BLOCH: Why don't we do the direct
12 ritual first.

13 MR. MICHAEL KOHN: Okay.

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Would you please identify
16 yourself for the record, sir?

17 MR. WEBB: My name is Thomas Evan Webb.

18 CHAIRMAN BLOCH: And your position at Georgia
19 Power?

20 MR. WEBB: I am and have been a licensing
21 engineer since 1986.

22 CHAIRMAN BLOCH: Okay. And this is a hearing
23 of the Atomic Safety and Licensing Board, and I'd like to
24 advise you that the testimony you are about to give should
25 be the truth, the whole truth and nothing but the truth,

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1 and that the testimony is subject to possible penalties
2 for perjury. Do you understand?

3 MR. WEBB: Yes, sir.

4 CHAIRMAN BLOCH: Thank you.

5 Whereupon,

6 THOMAS E. WEBB

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

10 DIRECT EXAMINATION

11 BY MR. BLAKE:

12 Q Mr. Webb, this is Mr. Blake, all right. They
13 all come in mics so it's a little hard to determine, but
14 you'll get used to the voices unfortunately. Do you have
15 before you a document that on the first page is dated
16 August 14th 1995 and bears the caption "Prefiled rebuttal
17 testimony of Thomas E. Webb on diesel generator reporting
18 issues?"

19 A Yes, sir, I do.

20 Q And is that document comprised of some 15
21 pages?

22 A Yes, sir, it is.

23 Q Were you involved in the preparation of this
24 document?

25 A Yes, sir, I was.

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1 Q And can you describe your involvement?

2 A I was involved with the drafting, the review,
3 answering questions and compiling all this information.

4 Q Is it complete and accurate to the best of
5 your knowledge and belief?

6 A Yes, sir, it is.

7 Q Are there any corrections that you need to
8 make to it?

9 A No, sir.

10 Q Do you adopt it as your testimony in this
11 proceeding?

12 A Yes, I do.

13 MR. BLAKE: Judge Bloch, I'd ask that the
14 rebuttal testimony of Mr. Webb be accepted into evidence
15 and physically incorporated into the record just as
16 thought read?

17 CHAIRMAN BLOCH: Mr. Webb, do you understand
18 that the testimony in your written document is the same as
19 if you had said it aloud in this hearing room?

20 THE WITNESS: Yes, sir, I understand.

21 CHAIRMAN BLOCH: Motion is granted.

22 (Whereupon, the document marked as
23 Prefiled rebuttal testimony of
24 Thomas E. Webb was received in
25 evidence.)

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1 BY MR. BLAKE:

2 Q Mr. Webb, do you have attached to your copy of
3 the document two other one-page documents, the first of
4 which bears the caption in the upper right-hand corner
5 "GPC Exhibit II-" and feel in the "169" there if you would
6 there, "Webb Exhibit A, summary of professional
7 qualifications of Thomas E. Webb," and the second one-page
8 document "GPC Exhibit II-170 Webb Exhibit B, do you have
9 those two documents?

10 A No, I don't have them here.

11 Q Okay. I'll provide you with a copy.

12 (Whereupon, the witness is proffered the
13 documents.)

14 THE WITNESS: Thank you.

15 BY MR. BLAKE:

16 Q Do you now have a copy of those two documents,
17 the first one being a summary of your professional
18 qualifications and the second one indicated as Webb
19 Exhibit B?

20 A Yes, sir.

21 Q Are you familiar with those documents?

22 A Yes, I am.

23 MR. BLAKE: Judge Bloch, I would ask that GPC
24 Exhibit II-169 and GPC Exhibit II-170 be marked for
25 identification as those GPC exhibit numbers?

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1 CHAIRMAN BLOCH: Granted.

2 (Whereupon, the documents were
3 marked as GPC Exhibit II-169 and GPC
4 Exhibit II-170 for identification.)

5 CHAIRMAN BLOCH: And for ease of reference
6 they be bound in also.

7 BY MR. BLAKE:

8 Q Mr. Webb, are you prepared to answer questions
9 about these two documents, that is your qualifications and
10 the document which has the handwritten legend "ALM
11 rewrite?"

12 A Yes, sir.

13 MR. BLAKE: I would ask that they be admitted
14 into evidence as well, Judge Bloch.

15 CHAIRMAN BLOCH: Granted.

16 (Whereupon, the documents marked as
17 GPC Exhibit II-169 and GPC Exhibit
18 II-170 were received in evidence.)

19 MR. BLAKE: I have no more questions of Mr.
20 Webb. He is available for cross.

21 CROSS EXAMINATION

22 BY MR. MICHAEL KOHN:

23 Q Mr. Webb, I notice that in your testimony you
24 refer to a lot of documents that are not attached as
25 exhibits, a lot of various drafts of LERs and things of

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WASHINGTON, D.C. 20005

August 14, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

PREFILED REBUTTAL TESTIMONY

OF

THOMAS E. WEBB

ON

DIESEL GENERATOR REPORTING ISSUES

PREFILED REBUTTAL TESTIMONY OF THOMAS E. WEBB

1 Q: PLEASE STATE YOUR FULL NAME.

2 A: My name is Thomas Edmund Webb.

3 Q: WHAT ARE YOUR PROFESSIONAL QUALIFICATIONS?

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

6 Q: WHAT POSITION DID YOU HOLD IN 1990?

7 A: In 1990 I held the same position which I hold now, which
8 is Senior Engineer in the Nuclear Safety and Compliance
9 (NSAC) group in the Technical Support Department of the
10 Vogtle Electric Generating Plant.

11 Q: WHAT WERE YOUR RESPONSIBILITIES IN THAT POSITION AND TO
12 WHOM DID YOU REPORT?

13 A: My responsibilities encompassed regulatory/licensing
14 assistance to the Plant, including the preparation of
15 Licensee Event Reports ("LERs") for submittal to the NRC
16 pursuant to 10 CFR § 50.73. My supervisor at the time
17 was Mr. Rick Odom who, in turn, reported to John
18 Aufdenkampe.

19 Q: WHAT WAS YOUR INVOLVEMENT IN THE PREPARATION OF THE APRIL
20 19, 1990 LER ASSOCIATED WITH THE MARCH 20, 1990 SITE AREA
EMERGENCY EXPERIENCED?

2 A: I prepared various drafts for review and approval by my
3 supervisor and by the Vogtle Plant Review Board ("PRB").

4 Q: MR. MOSBAUGH STATES THAT YOU RECOUNTED TO HIM "THE
5 HISTORY OF HOW GPC PERSONNEL KNEW THE LER WAS
6 QUESTIONABLE BEFORE IT WAS SIGNED OUT." (ALLEN MOSBAUGH
7 RETYPED PREFILED TESTIMONY AT 37). PLEASE DESCRIBE THE
8 HISTORY OF EFFORTS IN PREPARING THE LER.

9 A: Shortly after the March 20, 1990 event, Mr. Odom directed
10 me to prepare a draft LER for the event. I completed the
11 first draft and submitted it for review to my "acting"
12 supervisor, Mr. Mehdi Sheibani, and Mr. Aufdenkampe. On
13 or about April 9, 1990, Mr. Aufdenkampe instructed me to
14 include a Unit 1 Diesel Generator-related statement about
15 starts which Georgia Power had previously provided the
16 NRC in the April 9, 1990 confirmation of action response
17 letter (McCoy Exh. K; GPC Exh. II-13). On April 10, I
18 completed another draft of the LER, received additional
19 comments from him, and on April 11, 1990 completed a
20 third draft of the LER. This draft was telecopied to Mr.
21 Norman "Jack" Stringfellow in the Vogtle Project office
22 in Birmingham and submitted to the PRB.

23 Q: WAS THIS DRAFT LER APPROVED?

24 A: No. The PRB members reviewed this draft during the April
25 12, 1990 PRB meeting and returned it to me with

1 instructions to rewrite it so that the LER would be no
2 longer than eight pages; the draft which I had submitted
3 was substantially longer than that.

4 Q: DID YOU SUBMIT ANOTHER DRAFT LER TO THE PRB?

5 A: Yes. On April 13, 1990, I completed a fourth draft of
6 the LER and submitted it to Mr. Aufdenkampe. Mr.
7 Aufdenkampe had additional comments, including a comment
8 to the effect that the "18 and 19 starts" language in the
9 draft LER might not be correct. At my suggestion, the
10 draft was revised to read "Since 3-20-90, DG1A and DG1B
11 have been started several times and no failures or
12 problems have occurred during any of these starts." This
13 was incorporated in the fifth draft which I sent to Mr.
14 Stringfellow. On April 16 I received comments on this
15 fifth draft from the corporate office which did not
16 concern the diesel generator starts statement. On April
17 17, 1990, I completed the sixth draft of the LER,
18 received additional comments from Mr. McCoy (via Mr.
19 Aufdenkampe) and completed the seventh draft of the LER.
20 This, also, I forwarded to Mr. Stringfellow.

21 On April 18, 1990, the PRB reviewed the seventh
22 draft of the LER and approved it by unanimous vote
23 subject to a number of comments. The minutes of this PRB
24 meeting (No. 90-59) are attached to Mr. Aufdenkampe's
25 testimony as Exhibit B (GPC Exh. II-28).

1 Q: MR. MOSBAUGH INDICATES THAT ON APRIL 19 THE PRB EXPRESSED
2 CONCERN ABOUT THE DIESEL STARTS NUMBERS (ALLEN MOSBAUGH
3 RETYPED PREFILED TESTIMONY AT 53). DID ANY OF THE
4 COMMENTS FROM THE EARLIER APRIL 18 PRB PERTAIN TO DIESEL
5 GENERATOR STARTS STATEMENT?

6 A: Yes. One of the various PRB comments on April 18 was
7 that the word "several" in the seventh draft should be
8 replaced with the actual number of starts. After the PRB
9 meeting, I initiated a review of diesel generator start
10 data and, upon completion that same day, concluded that
11 21 and 23 starts should be used in lieu of 18 and 19,
12 respectively. I reached this conclusion by adding
13 additional starts without problems or failures occurring
14 after April 9, 1990 to the numbers of starts identified
15 in the April 9 letter. I identified these additional
16 starts by reviewing the control room logs for the period
17 April 10 through the morning of April 18, inclusive, and
18 by speaking to Mr. Ken Stokes. Mr. Stokes informed me of
19 one additional start on the 1B diesel generator on April
20 18th. I incorporated the PRB comments into the eighth
21 draft of the LER, sent a copy of it to Mr. Stringfellow,
22 and submitted it to Mr. George Bockhold, the Plant

1 General Manager, who approved it without comment. The
2 revised statement read:

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

11 Q: WAS THIS APRIL 18 DRAFT LER SENT TO THE NRC?

12 A: No. Although it had been approved by the site, further
13 comments were received from the corporate office.

14 Q: WHAT WERE THE CORPORATE OFFICE COMMENTS RELATED TO DIESEL
15 GENERATORS?

16 A: On April 19, Mr. Aufdenkampe received several comments.
17 One comment from the corporate office was to verify the
18 "more than twenty times each" language in the eighth
19 draft. I was directed by Mr. Odom to verify the "more
20 than twenty times each" language. I, and, I believe, Mr.
21 Herb Beacher (another employee in the NSAC group) then
22 reviewed the control room logs for the period of March
23 20, 1990 through April 18, 1990, inclusive. The control
24 room logs consisted of the Unit Control Log and the Shift
25 Supervisor Log. I knew the Engineering Support
26 Departments' Diesel Start Log was not up-to-date because
27 there was a lag in the log updating. I also did not have
28 available the individual diesel generator start sheets
29 (i.e., the "Completion Sheets" from procedure 13145),

1 which are supposed to be filled out by operators for each
2 start.

3 Q: DID YOU DEVELOP ANY DOCUMENTATION OF THE STARTS?

4 A: Yes, I developed a list of all the documented starts.
5 The list identified some starts which had experienced
6 problems or failures. My efforts began in the early
7 afternoon of April 19th (around lunch time) and continued
8 until after normal quitting time. During the process, I
9 was periodically contacted by Messrs. Odom and
10 Aufdenkampe, and they requested my completed list.
11 Basically, the list included the date and time of a start
12 and would note any problems annotated in the control room
logs.

14 Q: WHAT DID YOU DO WITH YOUR LIST?

15 A: I delivered my list to Mr. Odom who, I believe, then
16 provided the list to Mr. Aufdenkampe or Mr. Mosbaugh late
17 in the afternoon of April 19, 1990.

18 Q: IS THE LIST YOU PREPARED THE SAME AS GPC EXHIBIT 71?

19 A: Yes, GPC Exhibit II-71 is a photocopy of my original
20 list. However, some of the information shown on GPC
21 Exhibit II-71 is not my handwriting and was not on the
22 list delivered to Mr. Odom, including the information in
23 red ink and in black ink on the original of the document

1 identified as GPC Exhibit II-71. The line near the top
2 of the page is crossed out in pencil, probably by me.

3 Q: DID YOU PERSONALLY VERIFY THE FINAL LER STATEMENT
4 CONCERNING DIESEL GENERATOR STARTS WHICH REFERRED TO THE
5 "COMPREHENSIVE TEST PROGRAM" OF THE CONTROL SYSTEMS?

6 A: No. While I thought that I was tasked by Mr. Odom to
7 verify the diesel start statement in the LER which had
8 been approved by the PRB, no one ever got back to me to
9 further review the LER wording after I compiled my list.

10 Q: MR. MOSBAUGH HAS TESTIFIED THAT HE FIRST SAW THE TEXT OF
11 THE FINAL LER 90-006 A DAY OR SO AFTER IT WAS SENT TO THE
12 NRC. (ALLEN MOSBAUGH RETYPED PREFILED TESTIMONY AT 53).
13 WHEN DID YOU FIRST OBTAIN AND REVIEW A COPY OF THE FINAL
14 LER WHICH HAD BEEN SIGNED BY MR. HAIRSTON AND SENT TO THE
15 NRC?

16 A: On April 20, 1990. As I recall, Mr. Mosbaugh was with me
17 when I first reviewed the telecopy of the final LER from
18 the corporate office on April 20th. I was surprised to
19 see words similar to "subsequent to the test program"
20 inserted into the LER. I wasn't sure what it meant.
21 This phrase, I thought, could cause the LER statement to
22 be incorrect, since I recalled identifying on April 19th
23 only about 10 or 11 starts following the return to
24 operability of the diesel engines. I recall Mr. Mosbaugh

1 looking over my shoulder as I read the final LER. I said
2 something to the effect of "Oh, [expletive]. That's
3 wrong. What does 'subsequent to the test program' mean?"
4 In response to my question Mr. Mosbaugh said, in effect,
5 that he knew the LER statement appeared to be wrong, but
6 he also said he did not know what the statement
7 "subsequent to the test program" meant.

8 Q: DID YOU REVISE THE LER?

9 A: After I had informed Mr. Mosbaugh that the LER appeared
10 to be incorrect, I also informed Mr. Odom, I believe. On
11 or about April 30, 1990, Mr. Odom informed me that the
12 LER would be revised to reflect a current diesel
13 generator statement. At that time, I first received two
14 hand-written sets of diesel generator starts data from
15 Mr. Mosbaugh. One set was entitled "DG1A Start History
16 for March and April," Intervenor Exhibit II-150, which
17 had been prepared by Mr. Stokes. The second set of data
18 was entitled "DG1B" (GPC Exhibit II-70) and had been
19 prepared by Mr. Mosbaugh. I prepared a draft revision.

20 Q: DID YOU DEVELOP AND SUBMIT TO THE PRB A REVISION TO LER
21 90-006?

22 A: Yes. Based upon comments and review by my supervisor and
23 manager of two drafts, a third revision was prepared and
24 this one was submitted to the PRB on May 8, 1990. It

1 stated:

2 After the 3-20-90 event, the control systems of
3 both engines were subjected to a comprehensive test
4 program which culminated in control logic tests on
5 3-30-90 for DG1A and 3-27-90 for DG1B. Subsequent
6 to this test program, DG1A and DG1B have been
7 started 11 times each (through 4-19-90) and no
8 failures or problems have occurred during any of
9 these starts. These included an undervoltage start
10 test without air roll which was conducted on 4-6-90
11 and DG1A started and loaded properly.

12 Q: WHEN DID THE PRB APPROVE THIS DRAFT REVISION TO THE LER?

13 A: On May 8, 1990, the PRB approved, with comment, the draft
14 revision. Mr. George Frederick asked for clarification
15 concerning the meaning of the "comprehensive test
16 program". Mr. Allen Mosbaugh provided a rewrite of the
17 revision to address Mr. Frederick's comment. A copy of
18 his wording, with "ALM rewrite" annotated at the top, is
19 attached hereto as Exhibit B. This fourth draft revision
20 was given to George Bockhold. Mr. Bockhold returned this
21 draft with a comment. The comment stated: "Include both
22 the successful starts as of 4/19 and 5/14." This was
23 written on a "Post-It" sticker and sent to me through Tom
24 Greene on or about May 14, 1990. The fifth draft
25 revision only partly incorporated his comment and stated,
26 in part, that "DG1A had been successfully started 15
27 times and DG1B had been successfully started 14 times as
28 of 5-14-90, with no start failures." I sent this draft
29 revision to Jack Stringfellow in the corporate office.

1 Q: MR. MOSBAUGH HAS TESTIFIED THAT YOU TOLD HIM THAT THE LER
2 REVISION WAS "PUT ON A SHELF" IN THE CORPORATE OFFICE.
3 (ALLEN MOSBAUGH RETYPED PREFILED TESTIMONY AT 38). WAS
4 THERE A DELAY IN THIS LER REVISION'S APPROVAL BY THE
5 CORPORATE OFFICE?

6 A: Yes. It was unusual for any NRC-related report to go up
7 to corporate and not be looked at for several weeks. As
8 part of keeping track of work in progress, I called the
9 corporate office to learn the status of the revision. I
10 was told that the revision had been "put on a shelf" but
11 that it was at that time back in the review process. The
12 fifth draft revision, with a cover letter, was sent from
13 the corporate office to the site for Mr. Bockhold's
14 approval on June 11th. Mr. Bockhold approved this
15 revision with a comment to update the diesel generator
16 start numbers through June 11th. This was done, and the
17 red-lined revision was sent back to the corporate office.

18 Q: HAD THE CORPORATE OFFICE SUGGESTED SUBSTANTIVE REVISIONS
19 DURING THIS DELAY?

20 A: No. The fifth draft revision was simply put into
21 corporate form and the cover letter developed.

22 Q: WHAT DID THE DRAFT COVER LETTER OF JUNE 11, 1990 SAY?

23 A: It simply stated that the revision was necessary to
24 correct the information related to the number of

1 successful Diesel Generator starts subsequent to the
2 comprehensive test program as discussed in the original
3 report and Georgia Power's April 9, 1990 letter (ELV-
4 01516).

5 Q: WHAT DID THE DRAFT LER REVISION STATE AFTER UPDATING
6 THROUGH JUNE 11, 1990?

7 A: The pertinent language stated:

8 From 3-20-90 to 6-11-90, there were 14 valid tests
9 of DG1A with no valid failures. During this same
10 period, there were 11 valid tests of DG1B with one
11 valid failure, which occurred following
12 installation of new jacket water temperature
13 switches. A report of this failure will be
14 submitted as Technical Specifications Special
15 Report #1-90-04.

16 This was the language approved by Mr. Bockhold on June
11, 1990.

18 Q: WHY WAS THERE A CHANGE TO "VALID TESTS" AND "VALID
19 FAILURES" FROM THE ORIGINAL, APRIL 19 LER WHICH DISCUSSED
20 STARTS WITHOUT PROBLEMS OR FAILURES?

21 A: As I viewed it, the number of starts without problems or
22 failures as of May 14 or June 11 was meaningless. So the
23 revised draft LER revision of June 11, 1990 adopted our
24 standard practice for reporting diesel generator
25 failures, which was to count "valid" tests and failures,
26 pursuant to Reg. Guide 1.108. (At that time we did not
report some problem starts that we now call nonvalid

1 failures.) The June 11 revision (i.e. fifth draft
2 revision) reflected current, updated information although
3 it changed the criteria for counting starts. I thought
4 this change in criteria was appropriate.

5 Q: WAS A SIXTH DRAFT REVISION PREPARED AND APPROVED?

6 A: Yes. Between June 12th and June 21st a sixth draft
7 revision was prepared and approved by the PRB. This
8 sixth draft contained no "start count" numbers, but
9 incorporated information obtained from Wyle Laboratories,
10 which had performed testing on the Calcon temperature
11 sensors.

12 Q: WAS THERE A SEVENTH DRAFT REVISION?

13 A: Yes, the corporate office, specifically Harry Majors,
14 sent a seventh draft revision, and a draft cover letter
15 to the site. The PRB reviewed this draft LER revision
16 and added comments. The "start count" language in this
17 seventh draft, which had been PRB-approved with comments,
18 stated:

19 As of 6-7-90, DG1B had received 11 valid tests
20 with one failure, and DG1A had received 16
21 valid tests with no failures.

22 There were a number of cover letter drafts sent to the
23 site from the corporate office on June 28 and June 29,
24 1990. The site does not generally review cover letters,
25 which are developed by the corporate office. I provided

1 these cover letter drafts to Mr. Aufdenkampe.

2 Q: WHAT WAS YOUR INVOLVEMENT IN REVIEWING THE LER REVISION
3 COVER LETTER, DATED JUNE 29, 1990?

4 A: Based upon my review of a transcript of a conversation
5 recorded by Mr. Mosbaugh, I participated in discussions
6 concerning the cover letter. Mr. Mosbaugh refers to some
7 of my participation in his retyped prefiled testimony (at
8 57). We were using the LER revision as a vehicle to
9 clarify the April 9 letter as well as to correct the
10 original LER. My understanding was that correcting the
11 original LER was required by NUREG 1022.

12 Q: MR. MOSBAUGH MAINTAINS THAT THE LER COVER LETTER WAS
13 WILLFULLY FALSE (ALLEN MOSBAUGH RETYPED PREFILED
14 TESTIMONY AT 55). DID YOU THINK THAT THE JUNE 29, 1990
15 LER COVER LETTER CLARIFIED THE INFORMATION RELATING TO
16 THE NUMBER OF SUCCESSFUL DIESEL STARTS IN THE APRIL 9
17 LETTER?

18 A: Yes. The April 9th letter is specifically referenced in
19 the cover letter, and Page 6 of the LER revision, third
20 paragraph, updates diesel generator start information to
21 the current time. Although the April 9th letter did not
22 use Regulatory Guide terminology such as "valid test", it
23 was our practice to report valid failures; we are
24 expected to maintain our surveillance frequency based

1 upon the number of valid tests and number of valid
2 failures. Tests and failures that were not "valid" have
3 no bearing on that surveillance frequency. So, to me,
4 the LER revision used defined phrases from a regulatory
5 compliance perspective, and provided more useful
6 information. In addition, the cover letter and the April
7 9th letter begin their "counts" after March 20, 1990.

8 lamberjm\licamend.pro\reb-test.dg\webb.r2

SUMMARY OF PROFESSIONAL QUALIFICATIONS
THOMAS E. WEBB

Education and Special Training

- 1995 Advanced Root Cause Training - one day course
by vendor on root cause identification
techniques
- 1991 Engineering Training - ten week training
course on Vogtle Electric Generating Plant
systems and control room operations
- 1988 Institute of Nuclear Power Operations Root
Cause Training - three day course on root
cause identification
- 1975 Bachelor of Science, Nuclear Engineering -
University of Florida
- 1972 Associate of Arts - St. Johns River Junior
College

Experience

- 1986 - Present Senior Engineer - Georgia Power Company,
Vogtle Electric Generating Plant, Waynesboro,
Georgia - nuclear operations experience,
including drafting reports for submittal to
state and federal agencies, performing root
cause analysis on events at two-unit
pressurized water reactor nuclear plant, and
evaluating reports for the plant's Operational
Experience Program
- 1980 - 1986 Construction Engineer - Georgia Power Company,
Vogtle Electric Generating Plant, Waynesboro,
Georgia - nuclear plant construction
experience, including design, procurement and
installation of temporary water, air and gas
systems, and procurement and installation of
permanent plant piping and pipe supports.
- 1975 - 1980 Variety of employment positions, including
well-logging engineer, teacher and retail
management

ALM rewrite

Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. In addition, the control systems for both engines were subjected to a comprehensive test program. After completion of the control logic test sequence, an under voltage test was performed. Including the under voltage test each engine has been successfully started eleven times with no start failures.

1 that nature, is that true?

2 A Is it true that I referred to them?

3 Q Yes, and they're not attached as exhibits?

4 A That's true, yes, sir.

5 Q Okay. And did you carefully study those

6 documents in preparing this exhibit?

7 A Yes, I did.

8 Q Did you have a complete set, to your
9 knowledge, of every draft and every document used to
10 prepare either the April 9th letter in the April 19th LER
11 and the revision to the LER?

12 MR. BLAKE: I have an objection, and I my
13 objection I believe goes to, this document, this prefiled
14 testimony describes Mr. Webb's involvement in the
15 preparation of the April 19th LER and the June 29th
16 revision to the LER. It does not talk about his
17 involvement in preparation of the April 9th letter. I
18 believe that's outside the scope.

19 MR. MICHAEL KOHN: I'll rephrase the question.

20 BY MR. MICHAEL KOHN:

21 Q Excluding the April 9th letter, did you review
22 all the other drafts that I have mentioned?

23 A Yes, sir, I did.

24 Q And do you have those with you?

25 A No, I don't.

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1 MR. MICHAEL KOHN: Your Honor, there is a
2 procedural problem which is the witness now identifies
3 various drafts. There is no exhibits. I have a very
4 difficult time in figuring out how to question the witness
5 when I don't know what draft he is referring to other than
6 his oral testimony.

7 MR. BLAKE: I'm surprised at the difficulty
8 given the months we have been in this proceeding, the
9 months prior to that in discovery. These drafts are well
10 known to Intervenor. I think it's a procedural--

11 CHAIRMAN BLOCH: What is the problem, the drafts are
12 identified specifically, aren't they?

13 MR. MICHAEL KOHN: Chronologically in time,
14 but I don't have the documents that go with them so how am
15 I supposed to cross examine the witness on a document that
16 I don't have?

17 CHAIRMAN BLOCH: Let me have an example?

18 MR. MICHAEL KOHN: Okay. Just on bottom of
19 page three for example, right here, page 13 for example
20 the question at five and six "Yes, between June 12th and
21 June 21st, the sixth draft revision was prepared and
22 approved by the PRB." And then it goes on to say
23 "Contains no start count numbers." I'm not sure what
24 document the witness is referring to.

25 CHAIRMAN BLOCH: I think that there is a

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1 problem in there not being an identification of a specific
2 exhibit number which would lead to possible confusion as
3 to what the witness actually referred to.

4 MR. BLAKE: I'm one surprised, and I take it
5 the representation from the Intervenor is that they don't
6 have these documents, they don't have the drafts.

7 MR. MICHAEL KOHN: I do not -- whether I have
8 the drafts and whether I'm looking at the right draft, I
9 don't know, that's the problem. I don't know necessarily
10 if I made copies and have every single draft that the
11 witness is referring to, all the originals obviously are
12 in Atlanta, and I cannot say whether a draft I have in
13 front of me is the exact draft he was using. I couldn't
14 prepare questions based on speculation as to what draft
15 that I was talking about.

16 And he talks about seven, eight drafts and
17 none of them are identified except for maybe one which was
18 the -- only the prior exhibits are identified.

19 CHAIRMAN BLOCH: How much difficulty would it
20 be for Licensee to assemble a set so we can have them
21 copied?

22 MR. BLAKE: I don't know, but I can tell you
23 the difficulty is greater instantaneously than it would
24 have been if I had been extended the mere courtesy of
25 having had Mr. Kohn ask yesterday, the day before, a week

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1 ago, two weeks ago when the testimony was received.

2 CHAIRMAN BLOCH: You had the testimony for two
3 weeks.

4 ADMINISTRATIVE JUDGE MURPHY: Are these
5 exhibits, are these drafts all exhibits, Mr. Blake?

6 MR. BLAKE: I don't believe all of them are
7 exhibits, Judge Murphy. And if now we need to take
8 hearing time in order to go off and compile them --

9 CHAIRMAN BLOCH: Is there any way to fill --
10 while that's being done is there a way or are we just
11 going to have to recess?

12 MR. BLAKE: Mr. Kohn would have to answer
13 that. I have no further business with the witness.

14 MR. MICHAEL KOHN: Your Honor, there's areas I
15 can cover while that's being done. And also, if Mr.
16 Bockhold is available, we could also begin with Mr.
17 Bockhold and pick up with Mr. Webb.

18 CHAIRMAN BLOCH: Which would you prefer, Mr.
19 Kohn?

20 MR. MICHAEL KOHN: I would prefer picking up
21 with Mr. --

22 CHAIRMAN BLOCH: Well, if you can do Mr. Webb
23 for enough time and then come back to the drafts, that
24 would be helpful. But I don't want you just filling in
25 time, making up questions to do that.

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1 MR. MICHAEL KOHN: Well, let me go forward
2 with Mr. Webb and cover as much as we can. If they
3 produce the documents --

4 CHAIRMAN BLOCH: Before you do that.
5 Do you have an estimate on how much time it
6 may take to get the documents?

7 MR. BLAKE: I don't, but I'll undertake to get
8 an estimate.

9 CHAIRMAN BLOCH: Are they conveniently at
10 hand?

11 MR. BLAKE: I don't know the answer to that
12 either.

13 MR. MICHAEL KOHN: The other thing is when the
14 documents are obtained, it is conceivable that Mr. Webb,
15 we could do -- it's difficult because there is a lot of
16 exhibits, but I wouldn't even object to recalling him at
17 that time just to cover should there be questions that
18 arise when I start looking at these documents as to what I
19 thought they were. And we could --

20 CHAIRMAN BLOCH: You're going to need a recess
21 after you get the documents, is that the problem?

22 MR. MICHAEL KOHN: Yes, that is the problem.

23 CHAIRMAN BLOCH: How much time do you have for
24 Mr. Webb that doesn't involve the documents?

25 MR. BLAKE: I don't understand the natural

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1 giving of time here, Judge Bloch. These documents, my
2 understanding is, were all available through the discovery
3 period, they've all been gone over, and the confusion
4 about whether they're specific or aren't it seems to me it
5 would be pretty quick to resolve once you look at them.

6 CHAIRMAN BLOCH: Well, let's see, for example
7 I notice that on April 10th there were at least two drafts
8 referred to on lines 17 through 20. Does everyone know
9 which the first draft is and which the second draft is, is
10 that all agreed on?

11 MR. BLAKE: Well, presumably the first one
12 referred to is Exhibit B. And it sounds like the second
13 one is wholly described in the testimony. It's Exhibit B
14 with a Bockhold comment on it, handwritten on it. Those
15 don't seem to me to involve a lot of time or effort to
16 understand.

17 MR. MICHAEL KOHN: Without the hard copy, they
18 have fax lines on it establishing sometimes exact date and
19 time things were sent, it's just an impossibility to read
20 through something and have someone refer to a seventh
21 draft and the first draft and the fifth draft if you don't
22 have the drafts in front of you. And it's not -- if you
23 look at the scope of the witness' testimony first, I'm
24 hard pressed to see why it's rebuttal. He's testifying
25 about their process in preparing the drafts. That should

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1 have been in their case in chief.

2 So, one, I am going to be perfectly honest,
3 I'm a little ticked after calling this witness as
4 rebuttal, he should have been called in their case in
5 chief.

6 Second, now they come up with a set of
7 testimony that doesn't stand on its own weight. In order
8 to understand the testimony --

9 CHAIRMAN BLOCH: The problem I've got is, if
10 you had looked at this promptly when you received it, we
11 wouldn't have this last minute problem.

12 MR. MICHAEL KOHN: Your Honor, that's not --
13 the process is not to review and look at all testimony
14 promptly when it's received. I received it during the
15 hearing in the middle of preparing cross examination of
16 other witnesses. I had a hard enough time preparing --
17 there just hasn't been the luxury in this proceeding to
18 date to sit around and say what's all the problems looking
19 at this testimony.

20 CHAIRMAN BLOCH: Okay, we're going to take a
21 brief recess.

22 (Whereupon, at 9:32 a.m., a recess until 9:35
23 a.m.)

24 MR. BLAKE: Judge Bloch, I'm informed that the
25 documents we believe are at the office that we have here

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1 locally that we're using to support the hearing. And
2 they're enroute and they will be brought down now. We
3 just requested them.

4 CHAIRMAN BLOCH: We do want to permit the
5 Intervenor to examine them. For one thing it has been the
6 practice in this proceeding that we refer, that we do have
7 exhibit numbers or refer to attached exhibits in all of
8 the filings, so I don't think Intervenor should have
9 anticipated that in looking at a filing he would find that
10 he would have to start doing research to figure out which
11 documents were being referred to. The testimony is
12 important testimony, it relates to important points in
13 this case, so if Intervenor needs to have time to study
14 those exhibits, it's going to be permitted.

15 Now, how much honest cross do you have that
16 doesn't depend on the documents?

17 MR. MICHAEL KOHN: Your Honor, we can proceed,
18 and I think we can get a substantial portion, Your Honor,
19 most of it. Everything I have prepared did not look at --
20 I didn't have the documents so the questions I have are
21 based on not looking at the documents, so I am prepared to
22 go forward with Mr. Webb. And if the documents come and I
23 have lunch to look at them, that may well resolve the
24 whole matter.

25 CHAIRMAN BLOCH: So you have a couple of hours

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1 before we get to the documents?

2 MR. MICHAEL KOHN: No.

3 ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn, is
4 it more accurate that even if your questions do cover the
5 documents, if you review the documents and no questions
6 arise, no questions will arise?

7 MR. MICHAEL KOHN: That's correct.

8 CHAIRMAN BLOCH: Now, I'm also slightly
9 concerned that once you get he documents some of the
10 questions you are about to ask will have been answered by
11 the documents. Are we going to be spinning our wheels by
12 --

13 MR. MICHAEL KOHN: No.

14 CHAIRMAN BLOCH: All right, let's proceed.

15 ADMINISTRATIVE JUDGE MURPHY: Excuse me.

16 Georgia Power, are you going to relate the testimony to
17 the documents, are you going to try and provide us some
18 kind of a reference to each of these documents so that
19 when we look through the testimony we'll be able to go to
20 the correct exhibit then? Are you going to have to amend
21 this testimony?

22 MR. BLAKE: I hadn't anticipated having to
23 amend it, Judge Murphy. I understand your suggestion and
24 hope over a break --

25 ADMINISTRATIVE JUDGE MURPHY: There are so

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1 many references to drafts, different drafts, so we need
2 some way to make the record clear which document we're
3 talking about when in fact we get them. All I'm
4 suggesting is that it may take you a little bit of time to
5 make sure that you've related the documents to the
6 testimony.

7 MR. BLAKE: We may try to have one of the
8 attorneys do it and double check it with Mr. Webb so that
9 we don't take up hearing time and try to do it and provide
10 an annotated copy of his testimony for the record which we
11 could go over with him for example during the lunch hour.
12 But I think we'll be able to cure this problem.

13 ADMINISTRATIVE JUDGE MURPHY: Okay, thank you.

14 BY MR. MICHAEL KOHN:

15 Q Now, there's another five percent of the
16 transcript. I said now and I said there's another five
17 percent of the transcript. Mr. Webb, at some point in
18 early April did you receive information which led you to
19 conclude that the start count information contained in the
20 April 9th letter may not be correct?

21 A No, sir, I didn't receive that information
22 until the afternoon of April the 19th.

23 Q There was some information you received on
24 April 13 which indicated that the same start count
25 information contained in the April 9th letter may not be

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1 correct as it was being used in the April 19th or used in
2 the draft of the LER, si that correct?

3 A I received it. I commented that it might not
4 be correct, but I didn't have information that it might be
5 correct.

6 Q You commented that it might not be correct?

7 A I had received a comment from Mr. Aufdenkampe
8 that it might not be correct.

9 Q Well, did you comment on it? Mr. Aufdenkampe
10 is not your direct line supervisor, is he?

11 A He was at that time.

12 Q Okay. And Mr. Aufdenkampe told you that
13 number of starts -- you knew that that number of starts
14 came from the April 9th letter didn't you? You prepared
15 that draft, you knew that number of starts that you put in
16 that draft in the LER came from the April 9th letter?

17 A That's right.

18 Q Okay. So when Mr. Aufdenkampe told you they
19 may not be correct, did you get on the phone with
20 corporate?

21 A I don't recall if I got on the phone with
22 corporate or not. I wouldn't think I would have because
23 they would have no more information than what I had.

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: Mr. Webb, you say you think

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1 you would have, is that right?

2 THE WITNESS: I think I would not have talked
3 to anyone at the corporate office.

4 CHAIRMAN BLOCH: Because they would have more
5 information?

6 THE WITNESS: They would have no more
7 information than what I had.

8 BY MR. MICHAEL KOHN:

9 Q They wouldn't have more information on the
10 April 9th draft? You didn't prepare that, did you?

11 A Well, you were speaking about the draft of the
12 LER, not the April 9th draft.

13 Q Yes, but follow my line here, the draft of the
14 LER you pulled the numbers out of the April 9th letter,
15 right, correct?

16 A That's right.

17 Q All right. So when Mr. Aufdenkampe told you
18 that the numbers you pulled out of the April 9th letter
19 may not be correct, you knew that the people who put
20 together the April 9th letter were corporate, didn't you?

21 A No, I didn't know that.

22 Q Well, did you put it together? Did you put
23 together the April 9th letter?

24 A No, I didn't.

25 Q Well, if you didn't, was there anyone else at

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1 the site who would have had that responsibility, wouldn't
2 that have been your responsibility, if it was going to be
3 done at the site?

4 A Not necessarily. There could have been other
5 people at the site besides me.

6 Q But you're not aware of anyone at the site who
7 put together the April 9th letter, are you?

8 A At that time I didn't know who put together
9 that letter.

10 Q So you didn't know where the 18 and 19 numbers
11 came from?

12 A Other than being in the letter from April 9th,
13 I didn't know.

14 Q But now you know that they might not be
15 correct so did you think that maybe corporate needed to
16 know that they might be correct?

17 A At this time the focus was the LER so we
18 wanted to make sure the LER was correct. And the April
19 9th letter was not being worked on at this time.

20 Q Well, it had already been sent out. Didn't
21 you think that you had an obligation to make sure that
22 they knew that the facts in the April 9th letter may not
23 be correct as soon as possible?

24 A No, if there was a mistake in the letter, we
25 would have to correct that obviously, but unless there was

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1 a significant mistake there was no need to correct it as
2 soon as possible.

3 Q Well, do you think the start count information
4 contained in the April 9th letter was a significant
5 mistake?

6 A When it says 18 and 19 starts?

7 Q Yes.

8 A No, it didn't seem to matter if it was 12 or
9 19\8 or 19 or 25 or 87, it didn't really matter, it's just
10 a number of no safety significance.

11 Q So you didn't even have to put that statement
12 in the April 9th letter, is that your position?

13 A I don't know why the April 9th letter put that
14 in there to start with, so I can't say.

15 Q And whose decision would it be as to whether
16 the April 9th letter needed to be corrected or not?

17 A Management.

18 Q Well, you're on the phone with Mr.
19 Stringfellow all the time, aren't you?

20 A At that time I spoke with him on a regular
21 basis.

22 Q Like daily?

23 A Probably not daily.

24 Q And were there other contacts you had in the
25 corporate office besides Mr. Stringfellow, regular

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1 contacts?

2 A Yes, there were.

3 Q And who were they?

4 A Paul Herman, Amy Streetman, Jim Bailey.

5 Q And between all of those persons and Mr.

6 Stringfellow, do you think you had daily communications
7 with corporate?

8 A Almost every day.

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: Mr. Webb, this is Judge
11 Bloch. I'd like to direct your attention to page four of
12 your testimony, line six through 12 which we have pretty
13 much talked about just now with Counsel. If I understand
14 your testimony, when you heard that the 18 and 19 starts
15 language might not be correct, you changed the draft, is
16 that correct?

17 THE WITNESS: Yes, sir.

18 CHAIRMAN BLOCH: After that it seems to have
19 gotten away from you, isn't that correct, the draft was
20 changed back to use numbers that might still have been
21 wrong?

22 THE WITNESS: No, sir, not that they might
23 have been wrong, but that one person thought, Mr.
24 Aufdenkampe thought, that it might not be correct.

25 CHAIRMAN BLOCH: Did you ever ask him his

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1 basis for believing that?

2 THE WITNESS: I can't recall.

3 CHAIRMAN BLOCH: What is your obligation to
4 assure that documents that you come in contact with that
5 go to the NRC are true and correct?

6 THE WITNESS: My obligation is to come up with
7 correct information. And, if I find something that's
8 incorrect, I either change it or I report it to my
9 supervision.

10 CHAIRMAN BLOCH: And, if someone tells you
11 it's incorrect, can you afford to not find out the basis
12 of it and fulfill your obligation?

13 THE WITNESS: I think we may be drifting away.
14 We were talking about the LER revision in the April 9th
15 letter which had already been sent out, which I had no
16 involved, popped into this conversation, Judge, and I --

17 CHAIRMAN BLOCH: You say that when the
18 revisions were made subsequently you were convinced that
19 Mr. Aufdenkampe's statement had nothing to do with the
20 numbers that were being sent in the subsequent LER?

21 THE WITNESS: I'm not sure I understand your
22 question.

23 CHAIRMAN BLOCH: Well, when the LER was sent
24 in, what numbers were included, do you remember that?

25 THE WITNESS: Not offhand, no, sir. I don't

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1 believe there --

2 CHAIRMAN BLOCH: Wasn't it at least 18 do you
3 remember saying at least 18?

4 THE WITNESS: It may have said that.

5 CHAIRMAN BLOCH: Now, without knowing the
6 basis for Mr. Aufdenkampe's statement that the April 9th
7 letter was incorrect, how would you know whether the data
8 that was actually sent in was correct?

9 THE WITNESS: Because we verified those start
10 numbers on April 19th prior to the LER being submitted.

11 CHAIRMAN BLOCH: Verified in what way, do you
12 know?

13 THE WITNESS: I went back and looked at log
14 books and tabulated a listing of starts.

15 CHAIRMAN BLOCH: Okay, thank you.

16 Mr. Kohn?

17 BY MR. MICHAEL KOHN:

18 Q I understand what actually happened is you
19 took the numbers out of the draft for the April 19th LER,
20 correct?

21 A Which numbers?

22 Q The 18 and 19 in this April 13th time frame?

23 A I --

24 MR. BLAKE: I don't believe you stated that
25 correctly, Michael. Would you just start over again?

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1 BY MR. MICHAEL KOHN:

2 Q Your testimony says, "At my suggestion, the
3 draft was revised to read" --

4 A What page, please?

5 Q Page 4 starting at line 9. "At my suggestion,
6 the draft was revised to read 'Since 3/20/90 DG1A and 1B
7 have been started several times and no failures or
8 problems have occurred during any of these starts.'" So
9 you made the suggestion on how to reword it to take out
10 the 18 and 19 start language, correct?

11 A That's correct.

12 Q And your basis for removing it was?

13 A My manager told me to.

14 Q Your manager told you to because it might not
15 be correct?

16 A That was the way I understood it at the time,
17 yes sir.

18 Q All right. Now, on page 5 of your testimony,
19 after a PRB meeting, looking at where you use the word
20 several, looking at line 7 on page 5, you see the word
21 several in the seventh draft? We're referring to that
22 language that you created, right?

23 A That's right.

24 Q And then you go on to say on April 18th you
25 went and came up with 21 and 23 starts should be used in

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1 lieu of 18 and 19. And the way you did that is you got
2 the April 9th numbers and just added some additional
3 starts to them, is that correct?

4 A That's correct.

5 Q Well, at the time, you had already known that
6 the start numbers were suspect, right?

7 A No, I didn't.

8 Q You didn't know that the April 9th letters may
9 not be correct?

10 A You're making the assumption that might be
11 correct and are not correct are the same thing.

12 Q So then someone in between told you they were
13 correct?

14 A No, nobody told me that they weren't correct.

15 Q Mr. Aufdenkampe told you, and you had
16 discussion with him on the 13th, that numbers may not be
17 correct, right?

18 A That's true.

19 Q Did someone now at a later point in time,
20 you're putting that same numbers in that your boss told
21 you may not be correct, did someone tell you before you
22 re-entered them in the LER that the April 9th numbers are
23 now believed to be correct?

24 A Somehow I got that impression that they were
25 correct. Mr. Aufdenkampe had seen all these revisions,

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1 including the one from the April 13th where he said it
2 might not be correct. And I assume at this time he was
3 taking ownership for those numbers of 18 and 19. And we
4 took those numbers and added the starts from April 9th to
5 come up with 21 and 23.

6 Q Well, how do you know the impetus to put in
7 the April 9th numbers didn't come from Mr. Stringfellow or
8 all those other people? Why are you just assuming it's
9 Mr. Aufdenkampe?

10 A Well, Mr. Aufdenkampe gave me the direction
11 initially to take those numbers and use them. And then a
12 few days later he gave me the indication they may not be
13 correct. And it looks like I omitted something in here
14 where I got an indication that they were correct and we
15 should be using them as a basis for starting our counts.
16 But I didn't include that in this testimony.

17 Q You don't include where you got that
18 indication from, do you, in your testimony?

19 A That's right. I don't.

20 Q So, where did you get it from?

21 A I don't recall but I must have been given
22 information that it was correct or that we should use
23 these numbers as being correct.

24 Q Or you wouldn't have put them back in, would
25 you have?

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1 A That's true.

2 Q Unless you got that?

3 A That's true.

4 Q And anyone who told you that they were correct
5 would have been telling you a false statement, wouldn't
6 they?

7 A Could you repeat that?

8 Q Anyone who told you on April 18th or 19th when
9 you're reusing the April 9th data, anyone who told you to
10 reuse it because it was correct, would have told you a
11 false statement, wouldn't they have?

12 A I don't know.

13 Q Well, you now know that the April 9th data was
14 not correct, isn't that true?

15 A That's true.

16 Q So, anyone who told you that it was correct
17 was making a false statement back then, isn't that true?

18 A At the time I wouldn't have known that.

19 Q But now you know it?

20 A Yes sir.

21 Q But you don't know who told you that now, do
22 you?

23 A No sir, I can't recall.

24 ADMINISTRATIVE JUDGE CARPENTER: Mr. Webb, if
25 I could intrude. This is Judge Carpenter.

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BOARD EXAMINATION

1
2 ADMINISTRATIVE JUDGE CARPENTER: You don't
3 have any sort of diary or what have you, some pieces of
4 paper, which might be of help to you in refreshing your
5 memory as to who told you that those numbers were correct?

6 THE WITNESS: I have a chronology that I wrote
7 several years ago and I don't have a copy of that with me
8 now, though.

9 ADMINISTRATIVE JUDGE CARPENTER: Did it strike
10 you, this reversal, that someone caused this reversal in
11 your mind?

12 THE WITNESS: Did it strike me what, sir?

13 ADMINISTRATIVE JUDGE CARPENTER: Mr.
14 Aufdenkampe expressed some doubts about the accuracy of
15 these numerical values and a few days later someone else
16 said to you that they were accurate. And that didn't
17 strike you as something out of the ordinary, that Mr.
18 Aufdenkampe was in error?

19 THE WITNESS: I'm assuming that Mr.
20 Aufdenkampe is the man who told me later on the 18th to
21 start with April 9th, 18 and 19 starts, the April 9th
22 letter, and go from there. But I can't resolve exactly
23 that it was him, sir.

24 ADMINISTRATIVE JUDGE CARPENTER: Let's don't
25 assume. If you don't remember, you don't remember.

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1 Well, you don't think your diary would have
2 made a note of that?

3 THE WITNESS: I'm not sure. I'd have to see
4 that -- that listing that I made up earlier. A chronology
5 I made up in 1990 of these events and I don't have a copy
6 of it with me.

7 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

8 BY MR. MICHAEL KOHN:

9 Q On page 5 of your testimony --

10 CHAIRMAN BLOCH: Just a second. Do we not
11 have that? It sounds like it would help the witness to
12 answer questions if he had his own notes.

13 MR. BLAKE: We've asked the people at the
14 office to bring along the documentation related to Mr.
15 Webb's testimony. If it's in there, this is another
16 document that has been made available and used as a
17 chronology made up during, I think, the OSI time frame.
18 And I think Intervenors as well is familiar with this
19 chronology. They even have a copy with them. But we
20 don't have a copy with us.

21 BY MR. MICHAEL KOHN:

22 Q Mr. Webb, before I asked you the question
23 today as to who told you to reuse those numbers, had
24 anyone else asked you that question?

25 A Which question?

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1 Q Who told you to reuse the numbers from the
2 April 9th presentation in the LER as a basis for the start
3 count?

4 A I don't believe anybody has asked me that.

5 Q Now, on page 5 you say, in the seventh draft--
6 Let me back up. You're given the responsibility to put in
7 start count numbers back into the LER, correct? That's
8 what the PRB assigned that action item and Mr. Aufdenkampe
9 assigned it to you, right?

10 A Are you referring to the PRB meeting of April
11 the 18th?

12 Q Yes.

13 A That's correct.

14 Q And you are aware that just putting the number
15 of starts in without -- just by stating the number of
16 starts without problems or failures were meaningless and
17 that it was really inappropriate to use. That you should
18 have used valid start information instead. You knew that,
19 didn't you, on April 18th?

20 A I had a personal feeling that it was more
21 appropriate to use valid tests and valid failures but that
22 was not what was written in the letter from April 9th and
23 we wanted to use the information that had been in the
24 letter from April 9th.

25 Q So that was the motivation back when you were

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1 redoing the draft. And if I understand what you're
2 telling me, if it was up to you, you would have used the
3 valid start numbers in the draft you were working on but
4 you used the information contained in the April 9th letter
5 because that's what someone else wanted?

6 A That's correct.

7 Q And who's the someone else that wanted that?

8 A John Aufdenkampe.

9 Q I'm a little confused now. Mr. Aufdenkampe
10 originally told you not to use the April 9th letter
11 because the start count may be incorrect. Now you're
12 saying he's the one who wanted you now to reuse it because
13 why?

14 A No, that was not the testimony.

15 Q I'm sorry.

16 A He didn't say to reuse the letter. He said
17 they want to use the same term. So, reask the question.

18 Q Did Mr. Aufdenkampe tell you the exact
19 terminology to use?

20 A He directed me to use information from the
21 April 9th letter regarding diesel starts.

22 BOARD EXAMINATION

23 CHAIRMAN BLOCH: He not only told you to use
24 the word successful starts but to use the information from
25 the April 9th letter?

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1 THE WITNESS: Yes sir.

2 CHAIRMAN BLOCH: This was subsequent to the
3 time that he told you that he thought there was a problem
4 with the April 9th figures?

5 THE WITNESS: No, he had -- he had previously
6 told me to use the information from the April 9th letter.
7 And after that, he came back and said that 18 and 19 may
8 not be correct and we substituted the word several starts
9 after that.

10 BY MR. MICHAEL KOHN:

11 Q And then you were given the responsibility to
12 come up with the number of starts and on your own you
13 could have put in a number of valid successful starts.

14 CHAIRMAN BLOCH: He went through that. He
15 said he would have done that on his own.

16 It's a good time for a break unless you're in
17 the middle of something so burning?

18 MR. MICHAEL KOHN: No, it's fine, Your Honor.

19 CHAIRMAN BLOCH: We'll take a ten minute
20 break.

21 (Whereupon, at 10:00 a.m. a brief recess until
22 10:12 a.m.)

23 BY MR. MICHAEL KOHN:

24 Q Were you asked to verify the more than 20
25 times each language contained in the draft of the April

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1 19th LER?

2 ADMINISTRATIVE JUDGE CARPENTER: Mr. Kohn, if
3 there are references to his prefiled testimony, it might
4 be helpful.

5 BY MR. MICHAEL KOHN:

6 Q On page 6 you start talking about, "One
7 comment from the corporate office was to verify the more
8 than 20 times each." Were you tasked with verifying that
9 statement? A Yes, I was.

10 Q On what date?

11 A April 19th.

12 Q And who gave you the assignment to verify it?

13 A Mr. Rick Odom.

14 Q And did Mr. --

15 CHAIRMAN BLOCH: If it's already in the
16 testimony, you don't have to ask the question. You can
17 ask additional things.

18 BY MR. MICHAEL KOHN:

19 Q Did you verify it?

20 A Yes, I did.

21 Q And when did you verify it?

22 A On the afternoon of April the 19th.

23 Q You verified that the April 19th LER with the
24 numbers greater than 20 was accurate?

25 A I verified that we had more than 20 starts,

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1 yes sir.

2 Q Without problems or failures?

3 A No, we had had some with problems and
4 failures.

5 Q So then, did you verify the statement more
6 than 20 times each without problems or failures?

7 A I verified that that was incorrect.

8 Q You verified it was incorrect?

9 A On April 19th, in the afternoon.

10 Q And did you tell Mr. Odom that you verified
11 that it was incorrect?

12 A Yes, I gave him a list of diesel starts to
13 back up that.

14 Q Did you hear that Mr. Odom had been involved
15 with a phone conversation with Mr. Aufdenkampe and
16 corporate where it was reported back that corporate was
17 reviewing it to see if it was a material false statement?

18 A No, I didn't hear that.

19 Q And what did you do after you gave this list
20 to Mr. Odom?

21 A I checked back with him later in the afternoon
22 to ask what he had done with the list and he said he had
23 given it to the man down the hall. Which I assumed at
24 that time was Allen Mosbaugh or John Aufdenkampe since
25 they had both been down the hall that afternoon.

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1 Q You said later that afternoon. What time?

2 A I believe it was after 4:00 o'clock but I'm
3 not certain.

4 BOARD EXAMINATION

5 CHAIRMAN BLOCH: How precise is that time?

6 Just give us the complete measure of the fuzziness of your
7 memory.

8 THE WITNESS: I would say it was probably 3:45
9 -- no, I would say 4:00 plus or minus an hour. Between
10 3:00 o'clock and 5:00 o'clock.

11 CHAIRMAN BLOCH: Thank you.

12 BY MR. MICHAEL KOHN:

13 Q You gave it to Mr. Odom?

14 A I gave the list of diesel starts to Mr. Odom,
15 yes sir.

16 Q And how long did you have your conversation
17 with Mr. Odom? I assume when you gave him the list,
18 that's when you told him that you couldn't verify it?

19 A That I couldn't verify that the statement of
20 more than 20 starts with no problems or failures?

21 Q Right.

22 A Yes sir.

23 Q Now, it was corporate who wanted to verify the
24 greater than 20 starts, right?

25 A I believe that's where the comment came from.

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1 Q Are you aware, then, that there would have
2 been a communication back with corporate to say that they
3 could not verify those numbers?

4 A I believe that there should have been such a
5 conversation, yes.

6 Q And would you be surprised if such a
7 conversation did not occur?

8 A I would be surprised, yes sir.

9 Q So, if corporate had --

10 CHAIRMAN BLOCH: Could we slow down just a
11 second.

12 BOARD EXAMINATION

13 CHAIRMAN BLOCH: Do you recall -- I'd like to
14 tell me as much as you can recall about how you
15 communicated to Mr. Odom that you thought that the count
16 was incorrect.

17 THE WITNESS: Mr. Odom and Mr. Herb Beacher,
18 and myself, had worked up this list on the afternoon of
19 April the 19th to show the number of diesel starts and the
20 times, the dates and the times, and any problems that
21 might have occurred during these starts. And we made up
22 this list based on control room logs. When we finished
23 that list, presented it to Mr. -- Mr. Beacher and I
24 presented it to Mr. Odom.

25 CHAIRMAN BLOCH: Was there any chance that Mr.

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1 Odom did not understand what you were telling him?

2 THE WITNESS: I don't believe so. I think he
3 understood it.

4 CHAIRMAN BLOCH: Continue.

5 BY MR. MICHAEL KOHN:

6 Q And what time of the day did you start getting
7 the data on the diesel starts?

8 A It was between 12:00 and 1:00 o'clock, to the
9 best of my recollection.

10 Q So, if Mr. Odom told Mr. Mosbaugh late on the
11 afternoon that you haven't started getting that data yet,
12 would that be true?

13 A I don't know.

14 CHAIRMAN BLOCH: The testimony is he started
15 getting it about 12:00 or 1:00. Whether or not Mr.
16 Aufdenkampe knew that, we don't know right now.

17 THE WITNESS: Odom.

18 BY MR. MICHAEL KOHN:

19 Q You have no understanding of when Mr. Odom --
20 Let me rephrase it.

21 To whom Mr. Odom gave the list or what he did
22 with it after -- you have no -- Let me rephrase it.

23 You do not know how long Mr. Odom sat on the
24 list before he did something with it, do you?

25 A I believe there's a period of about a half and

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1 hour to an hour between the time I originally gave him the
2 completed list and the time I went back to his office and
3 asked him what he had done with it. And he replied, "I
4 gave it to the man down the hall." And Mr. Mosbaugh's
5 office was down the hall. Mr. Aufdenkampe's office was in
6 the next building, however, Mr. Aufdenkampe had been in
7 the building and down the hall for most of the afternoon.
8 So, I wasn't sure if he -- he either gave it to Mr.
9 Aufdenkampe or Mr. Mosbaugh but they were both my managers
10 so I knew that it was at the right place.

11 Q When the final wording of the LER came back to
12 the site on April 20th, your testimony on page 9 at the
13 top says that you said something, "oh ---" and I assume
14 it's some profane statement, correct?

15 A It was.

16 Q And that's because as soon as you saw it, you
17 knew there was something wrong with it?

18 A It appeared to be wrong. But there was a
19 statement in there that said words to the effect of
20 subject to the comprehensive test program. I didn't know
21 what that meant. But other than that, it appeared to be
22 wrong.

23 Q And, although you didn't know what it meant,
24 in your mind a reasonable interpretation of the subsequent
25 to the test program meaning would have indicated that

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1 there would not have been enough starts, correct?

2 A Without that phrase and considering the
3 comprehensive test program, the statement appeared to be
4 wrong but I couldn't be sure because I didn't know what
5 that phrase meant.

6 Q But the common understanding that you had at
7 the time when you first looked at that LER and saw the
8 subsequent to the test program language in it, you said I
9 assume something like oh shit or something like that,
10 correct?

11 A I can't remember what I said.

12 MR. BLAKE: I'm going to object. This is in
13 his testimony. It's at the top of page 9. There's a
14 quote around it. Why is this being asked now for the
15 second or third time?

16 CHAIRMAN BLOCH: I've read it. I'm a little
17 confused about what we're doing.

18 BOARD EXAMINATION

19 CHAIRMAN BLOCH: Mr. Webb, was there any
20 definition you could give to comprehensive test program
21 that would make that number correct?

22 THE WITNESS: Not at that time, sir. It was
23 the first time I had seen it. I didn't know what that
24 phrase meant.

25 CHAIRMAN BLOCH: But did anything occur to you

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1 that might rescue the count and say, oh, if I take it that
2 way, it must be correct?

3 THE WITNESS: Not at that time it didn't, no
4 sir.

5 CHAIRMAN BLOCH: And since then, has it?

6 THE WITNESS: Well, based on what I've been
7 told the comprehensive test program means, it still
8 doesn't make that count correct, no.

9 CHAIRMAN BLOCH: Thank you.

10 MR. MICHAEL KOHN: Thank you, Your Honor, for
11 asking that question. You made my job easier.

12 CHAIRMAN BLOCH: Anything to speed it up.

13 MR. BLAKE: Thank you.

14 CHAIRMAN BLOCH: Mr. Webb, while counsel is
15 reflecting, I'd just like to ask you something about plant
16 records. Are you pretty familiar with the diesel records?

17 THE WITNESS: Which records, sir?

18 CHAIRMAN BLOCH: Well, diesel records in
19 general?

20 THE WITNESS: Diesel start records?

21 CHAIRMAN BLOCH: Yes.

22 THE WITNESS: I know what they look like. I
23 know where they're located.

24 CHAIRMAN BLOCH: Do you know what the
25 completion sheets look like

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1 THE WITNESS: Yes sir.

2 CHAIRMAN BLOCH: And do you know where they're
3 located?

4 THE WITNESS: I know where copies of them are,
5 yes sir.

6 CHAIRMAN BLOCH: Where are the copies located?

7 THE WITNESS: Behind the system engineer's
8 desk.

9 CHAIRMAN BLOCH: So, is there a complete set
10 kept there at all times? That's the diesel systems
11 engineer's desk?

12 THE WITNESS: Yes sir.

13 CHAIRMAN BLOCH: Is there also another set int
14 eh plant records full?

15 THE WITNESS: To the best of my knowledge, I
16 think the originals go in there.

17 CHAIRMAN BLOCH: The originals go there. So,
18 if you wanted to get a set for a certain time period,
19 could you just go there and get the complete set?

20 THE WITNESS: To the records vault?

21 CHAIRMAN BLOCH: Yes.

22 THE WITNESS: Yes sir, I believe I could.
23 Although I've never done that.

24 CHAIRMAN BLOCH: All right. Thank you.

25 BY MR. MICHAEL KOHN:

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1 Q On page 9 of your testimony, you talk about
2 that you informed Mr. Odom of the problem with the April
3 19th LER that you had read on April 20th, correct?

4 A That's correct.

5 Q Can you tell me how did Mr. Odom respond when
6 you told him that?

7 A He didn't know what the phrase "subsequent to
8 the test program" meant either.

9 Q Well, did he agree with you that it looked
10 like there was a problem?

11 A He -- As I recall, he had the same feeling
12 that I had, that it looked like there was a problem. But
13 we couldn't be sure because we didn't know what that
14 phrase meant, "subsequent to the test program."

15 Q And did you get on the phone with corporate to
16 find out what the definition was?

17 A No, I told Mr. Odom that Mr. Mosbaugh was
18 aware of it and I believe he was going to be taking care
19 of it.

20 Q Mr. Mosbaugh was aware of the definition or
21 that--

22 A Was aware that those words were in the LER.

23 Q Mr. Mosbaugh said he didn't know what the
24 definition was. Are you saying you had no communication
25 with corporate to find out what the wording meant?

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1 A No, I'm not saying that.

2 Q Did you have a communication with corporate
3 between April 20 and April 30th as to what the meaning of
4 that phrase meant?

5 A I can't recall if I did or not.

6 Q Are you aware of anyone at the site taking any
7 activity between April 20 and April 30th, other than
8 what's reflected in what occurred in April 30th in your
9 testimony on page 9, line 11?

10 CHAIRMAN BLOCH: Mr. Kohn, the question is far
11 too broad. You just asked him if they took any activity.
12 You didn't say what kind of activity.

13 BY MR. MICHAEL KOHN:

14 Q Are you aware of anyone taking any action to
15 revise the LER or define the comprehensive test program
16 between April 20 and April 30 other than what's stated on
17 your testimony on page 9?

18 A I don't recall any action.

19 Q And are you aware that this April 30 action
20 that you're discussing on line 11 on page 9 was the action
21 initiated by Mr. Mosbaugh?

22 A No, I was not.

23 CHAIRMAN BLOCH: I need the page citation for
24 the last question.

25 MR. MICHAEL KOHN: Page 9, line 11.

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1 BY MR. MICHAEL KOHN:

2 Q The fact that you received two handwritten
3 sets of diesel generated starts from Mr. Mosbaugh when you
4 had your communication with Mr. Odom, that didn't prompt
5 you to believe that Mr. Mosbaugh was the reason the LER
6 was now being looked at?

7 A I was told that Mr. Mosbaugh had some
8 information on diesel starts that I should take and use in
9 preparation of a revised LER.

10 Q And that was on the 30th?

11 A That's right.

12 Q Prior to April 30th, had anyone told you that
13 Mr. Cash had a typed list of diesel starts available?

14 A I don't recall hearing that.

15 BOARD EXAMINATION

16 CHAIRMAN BLOCH: Did they ever tell you that
17 he had a list of any kind available?

18 THE WITNESS: That Mr. Cash had a list?

19 CHAIRMAN BLOCH: Yes.

20 THE WITNESS: I can't recall exactly when I
21 heard that Mr. Cash had developed a list that went into a
22 letter for April 9th. I don't recall if it was before
23 April the 30th or after.

24 CHAIRMAN BLOCH: And can you recall any
25 scuttlebutt about how the data for the April 9th letter

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1 was developed? Was it known around the plant what
2 happened?

3 THE WITNESS: Not to my knowledge, no sir.

4 CHAIRMAN BLOCH: And was there any speculation
5 about that?

6 THE WITNESS: Well, by April the 19th we
7 realized that those numbers were wrong. And at that time,
8 I believe we started to speculate as to how it might have
9 been developed but it was only speculation.

10 CHAIRMAN BLOCH: Did anyone ask the people who
11 had presented the stuff to the NRC what happened? Do you
12 know, was Mr. Bockhold ever asked, well, how'd that
13 happen?

14 THE WITNESS: I don't know, sir. I didn't ask
15 Mr. Bockhold.

16 CHAIRMAN BLOCH: And you never got any direct
17 information that you considered reliable about what Mr.
18 Bockhold was relying on?

19 THE WITNESS: That's true.

20 ADMINISTRATIVE JUDGE CARPENTER: Following
21 along the same line. Were you aware in that same time
22 period, around April the 19th or April the 30th, that what
23 the source of this language, comprehensive test program,
24 was? Who generated those words?

25 THE WITNESS: No sir. The only definition I

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1 recall getting was --

2 ADMINISTRATIVE JUDGE CARPENTER: No, no. I
3 didn't ask your definition. I asked you who owned the
4 words?

5 THE WITNESS: I don't know.

6 ADMINISTRATIVE JUDGE CARPENTER: You never
7 heard the genesis of this magic words?

8 THE WITNESS: I don't believe I ever know
9 exactly who put those words or came up with them for the
10 first time.

11 BY MR. MICHAEL KOHN:

12 Q On page 9, line 11 and 12 -- actually, 11
13 through 13 states, "Mr. Odom informed me that the LER
14 would be revised to reflect a current diesel generator
15 statement." I don't know what you mean by that statement.
16 Can you tell me what you meant by that?

17 A That means we would show the number of starts
18 up to the current date.

19 Q Did Mr. Odom tell you who made that decision?

20 A I don't recall that he did, no sir.

21 Q Do you know why that decision was made or who
22 made it?

23 A No, I don't.

24 Q On page 10, line 25, you reference the fact
25 that Mr. Bockhold's comments are only partially

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1 incorporated. What's your understanding as to why all his
2 comments were not incorporated?

3 A At this moment I can't recall the basis of why
4 only -- it was only partly incorporated. I would have to
5 look into my records a little more and try to uncover
6 that.

7 MR. MICHAEL KOHN: And Georgia Power will make
8 those records available?

9 MR. BLAKE: I don't know what he meant by
10 records. I have before me the chronology that I think he
11 earlier referred to that I can make available to him.

12 THE WITNESS: The previous revisions is what I
13 would have to take a look at.

14 MR. BLAKE: And that we're trying to compile
15 at this moment.

16 BY MR. MICHAEL KOHN:

17 Q On page 11, lines 14 through 17 indicate that
18 Mr. Bockhold indicated that he wanted to change the number
19 of diesel starts that was going to be included in the
20 revised LER. Do you know why Mr. Bockhold wanted to do
21 that?

22 A No, I don't know why although it was customary
23 for us to update to the current time whenever we do
24 reports.

25 Q Well, then do you think the corporate office

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1 would be surprised if the number of starts were updated
2 and they changed?

3 A No, they shouldn't be surprised.

4 Q And would Mr. Bockhold -- I guess I'll cover
5 that with Mr. Bockhold.

6 On page 13 of your testimony, you indicate
7 that corporate changed the LER and took out all the start
8 count numbers, is that correct?

9 A Where on page 13?

10 Q Line 8.

11 A I believe that's referring to no change in
12 start count numbers but I believe I would have to look at
13 that revision to be sure.

14 Q So the start count numbers may have been in
15 this draft. I was having difficulty reading your
16 testimony. When you say the sixth draft contained no
17 start count numbers, are you indicating that there may
18 have actually been start count numbers?

19 A Yes, I think this is an editorial error here.
20 It should probably read contain no change to start count
21 numbers but I would have to look at the draft to be sure.

22 Q And on the same page you talk about a seventh
23 draft. I guess to get the date you're going to need to
24 look at that document as well?

25 A It depends on your question.

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1 Q What was the date the seventh draft revision
2 was prepared?

3 A It may or may not be in the documents.

4 Q Do you have any independent recollection at
5 this point or is there something that could refresh your
6 recollection?

7 A I believe it was June the 28th because we -- I
8 remember the cover letters coming the last two days before
9 the LER Rev went out which was June the 28th and the 29th.
10 And because this came with a cover letter on it, I'm
11 assuming it was the 28th.

12 MR. MICHAEL KOHN: No further questions.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Mr. Webb, page 10, the post
15 it's note from Mr. Bockhold still intrigues me. When you
16 get the comments back, what is your job? What do you do
17 then?

18 THE WITNESS: To resolve and incorporate them
19 if necessary.

20 CHAIRMAN BLOCH: So wouldn't you expect that
21 if you got a post it note from Mr. Bockhold, you would
22 revise and incorporate it?

23 THE WITNESS: Yes sir, ordinarily I would.

24 CHAIRMAN BLOCH: And do you have any
25 recollection of why you didn't?

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1 THE WITNESS: Well, I believe I partly did, at
2 least. The reason why it would have been partly rather
3 than wholly, I can't recall. I'm going to have to go back
4 and look at that revision to understand it.

5 CHAIRMAN BLOCH: Would you have taken a note
6 if someone higher in the organization than Mr. Bockhold
7 had called you about it?

8 THE WITNESS: Could you repeat that?

9 CHAIRMAN BLOCH: If the reason that you didn't
10 make the change suggested by Mr. Bockhold was that someone
11 else called you about it, would you expect that to be in
12 your notes?

13 THE WITNESS: I would expect that any reason
14 for not incorporating Mr. Bockhold's comments, I would
15 have a note in there, yes sir.

16 CHAIRMAN BLOCH: Staff?

17 MR. HULL: Your Honor, is Mr. Kohn going to be
18 going again on his cross after he has an opportunity to
19 look at the draft LERs?

20 CHAIRMAN BLOCH: The very question that was on
21 my mind.

22 MR. MICHAEL KOHN: Yes, Your Honor, I
23 indicated that there was at least three areas that he
24 didn't have the answers to at this point that I may
25 probably will want to inquire about.

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1 CHAIRMAN BLOCH: Does the Staff want to wait?

2 MR. HULL: I think it would be more orderly,
3 Your Honor.

4 CHAIRMAN BLOCH: I noticed there was a wince
5 in the room at that thought. Is there anything you know
6 that you're going to ask that you could clear up by asking
7 it now?

8 MR. MICHAEL KOHN: The three areas, let me see
9 if I can identify the three areas and see if that's
10 helpful to the Staff possibly.

11 MR. BLAKE: One of those is who told you or
12 would there be anything in these drafts that would aid you
13 in determining who told you after the PRB meeting that you
14 ought to be comfortable continuing to use the 18 and 19
15 given the earlier Aufdenkampe pause that we know of on
16 about April the 13th. So that's one of the areas, right,
17 Michael?

18 MR. MICHAEL KOHN: Yes.

19 MR. BLAKE: The second is why was Bockhold's
20 comment only partly incorporated into the fifth draft of
21 the LER. That's number two.

22 And number three is did the sixth draft of the
23 LER contain no start count numbers or should the testimony
24 have been more properly, we were dealing with Wyle
25 Laboratory results, changes, at that point, that we

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1 weren't changing the numbers.

2 Those are the three. Do we really need to
3 wait for all of those to have any questions from the
4 Staff?

5 Maybe that's helpful, John.

6 MR. MICHAEL KOHN: There's also a date of the
7 seventh draft. I don't think that's --

8 CHAIRMAN BLOCH: I note that some of the items
9 on the cross plan you could handle now. There's no
10 question about that.

11 MR. HULL: Well, it's just it's a little
12 awkward to have to do a cross examination when Mr. Kohn's
13 cross exam isn't complete because he hasn't looked at
14 various drafts yet.

15 CHAIRMAN BLOCH: I agree. But for the
16 efficiency of the hearing, for us to sit around and wait
17 until the documents come doesn't seem very --

18 MR. MICHAEL KOHN: I think the documents have
19 arrived. I saw the documents arriving. It's my
20 understanding.

21 MR. BLAKE: Yes. They have and I have the
22 chronology that I can show to Mr. Kohn, or Mr. Webb, to
23 see if that helps him on any of these.

24 CHAIRMAN BLOCH: Why don't we just take a
25 recess so people can look at them?

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1 MR. BLAKE: We're trying to compile them.

2 CHAIRMAN BLOCH: You're still compiling?

3 MR. BLAKE: If you want to take -- Yes. We
4 brought a whole stack of stuff and we're hopeful that --

5 CHAIRMAN BLOCH: Why don't you start with the
6 Board questions and let's see whether we can go from
7 there.

8 CROSS EXAMINATION

9 BY MR. HULL:

10 Q Mr. Webb, my name is John Hull. If you have
11 any difficulty understanding any of my questions, please
12 don't hesitate to ask me to repeat it or rephrase it.

13 I first wanted to ask you a series of
14 questions that the Board had formulated earlier in this
15 proceeding and which have been asked to other GPC
16 witnesses. Bear with me for a moment while I get that.

17 Were you personally involved with the review
18 or preparation of any of the following communications with
19 the NRC in 1990? One, Georgia Power's April 9, 1990
20 presentation to NRC at the NRC Region II offices held in
21 connection with Georgia Power's request for approval to
22 restart Vogtle Unit 1?

23 A No, I was not.

24 Q Were you personally involved in Georgia
25 Power's preparation and submittal of a letter dated April

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1 9, 1990 requesting approval to restart Vogtle Unit 1?

2 A No, I was not.

3 Q Were you personally involved with the review
4 or preparation of Georgia Power's April 19, 1990 LER
5 concerning the March 20, 1990 site area emergency?

6 A Yes, I was.

7 Q With respect to the April 19, LER, when did
8 you learn or suspect, if at all, that the portions of such
9 communications relating to diesel generator starts or
10 diesel instrument air quality were false or misleading?

11 A On the afternoon of April the 19th.

12 Q And that was due to the examination of diesel
13 logs which you performed that afternoon?

14 A Yes sir.

15 Q Was there any other basis --

16 CHAIRMAN BLOCH: Hold on just one second.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Was it also due to the
19 statement by Mr. Aufdenkampe?

20 THE WITNESS: The one from April the 13th? No
21 sir, that was just an opinion. That was not a statement
22 of fact.

23 BY MR. HULL:

24 Q And to clarify, I may have misspoke myself,
25 you looked at diesel control logs on the afternoon of

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1 April 19? Is that how you would characterize what you
2 looked at?

3 A Control logs and shift supervisor logs.

4 Q What steps did you take to determine why such
5 statements were false or misleading? Again, referring to
6 the April 19 LER.

7 A After we had compiled a list on the 19th, we
8 turned those -- that list over to Mr. Odom. And I checked
9 back with him a little later that afternoon to ascertain
10 that he had passed the information on to his supervisors.

11 Q You learned that he had?

12 A Yes sir.

13 Q But you weren't sure if he was referring to
14 Mr. Aufdenkampe or Mr. Mosbaugh?

15 A That's correct.

16 Q What personal responsibility, if any, did you
17 have for such false or misleading statements or for the
18 failure to promptly correct such false or misleading
19 statements?

20 A It's part of my job to make it right.

21 Q So, you feel you did have personal
22 responsibility for what had gone out in the April 19 LER?

23 A I had a responsibility to get the best
24 information to my supervisors and managers as I could
25 possibly give them.

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1 Q Looking back in hindsight, do you feel there's
2 anything you could have done on the afternoon, late
3 afternoon, of April 19 to have prevented the LER from
4 going out that day?

5 A I had no reason to think when I left that day
6 that there was anything else to be done.

7 BOARD EXAMINATION

8 BY CHAIRMAN BLOCH: Mr. Webb, did you feel
9 that in April 1990 if you knew that something being sent
10 out was incorrect, that there was an open invitation to go
11 to higher ups in the company and tell them about that?

12 THE WITNESS: Yes, I did.

13 CHAIRMAN BLOCH: Did you consider doing that?

14 THE WITNESS: I didn't think anything was
15 wrong at that time.

16 BY MR. HULL:

17 Q If I understand that last answer, at the time
18 you left the site on April 19, you didn't feel there was
19 anything wrong with the LER at that point?

20 A No sir, I knew that the -- that the
21 information regarding diesel starts had been turned over
22 to either Mr. Aufdenkampe or Mr. Mosbaugh. And it would
23 be their charge to take it -- take it from there.

24 Q Do you recall when on the afternoon of April
25 19 that you left the site?

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1 A Probably between 4:30 and 5:00.

2 Q And, do you know how long after you had
3 verified through Mr. Odom that Mr. Aufdenkampe or Mr.
4 Mosbaugh had your list, how long after that it was that
5 you left?

6 A Probably a few minutes after that. But I
7 can't be certain.

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Is it plant procedure after
10 you've worked on an LER and it's issued, to give you a
11 copy so you know what went out?

12 THE WITNESS: After it goes out, yes sir.

13 CHAIRMAN BLOCH: So, when did you receive that
14 copy?

15 THE WITNESS: The 20th, early in the morning.

16 CHAIRMAN BLOCH: And at that point, did you
17 review it to see whether the problem that you knew about
18 had been straightened out?

19 THE WITNESS: Yes, I did.

20 CHAIRMAN BLOCH: And what happened then?

21 THE WITNESS: I informed my supervisor and
22 Allen Mosbaugh who was there with me at the time.

23 BY MR. HULL:

24 Q At the time you left the site on April 19,
25 what did you think the LER was going to look like at that

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1 point in terms of the number of starts it was reporting?

2 A I didn't know. I didn't know what to think.

3 Q So, you were assuming, then, that either Mr.
4 Mosbaugh or Mr. Aufdenkampe would relay your information
5 on up the chain and that the letter would be corrected
6 accordingly? I'm sorry, the LER would be corrected
7 accordingly?

8 A That would be the normal chain of events, yes
9 sir.

10 Q And did you then learn on April 20 that that
11 in fact had not taken place?

12 A No, I only knew that the LER appeared to be
13 incorrect.

14 Q Did you know what the correct start count was
15 on April 19 based on your exam of the control logs and the
16 shift supervisor logs?

17 A I had a number based on review of those logs.
18 But, again, we didn't know if that number was correct
19 either since all the diesel starts were not necessarily
20 logged into those logs.

21 Q What were the numbers that you thought were
22 correct based on your review of the logs on that day?

23 A I don't recall but it's over 20 each, I know.

24 Q I'm going to go back now to the earlier set of
25 questions I was asking you. Were you personally involved

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1 with the review or preparation of the June 29, 1990 cover
2 letter for Revision 1 to LER 90-006?

3 A No, corporate personnel prepared all those --
4 those letters.

5 Q Were you personally involved with the review
6 or preparation of Georgia Power's August 30, 1990 letter
7 to the NRC correcting the April 9, 1990 letter?

8 A No, I wasn't.

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: There was an answer before
11 that I'm concerned about the record on. You said "no,
12 comma, corporate personnel did that," isn't that correct?

13 THE WITNESS: Yes sir.

14 CHAIRMAN BLOCH: I was concerned that the way
15 you punctuated it the way you said it, the record could
16 say "no corporate personnel did it.

17 THE WITNESS: You're correct.

18 BY MR. HULL:

19 Q If you turn now to page 3 of your prefiled
20 testimony. You discuss there your first draft of the
21 April 19, 1990 LER, is that correct?

22 A Yes sir.

23 Q Do you recall when you submitted that first
24 draft for review?

25 A I believe it was around April 7th, maybe April

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1 8th. It could be as late as April 9th.

2 Q And do you recall who you gave that first
3 draft to to review?

4 A It went to Mr. Sheibani who was my acting
5 supervisor at the time.

6 Q It went only to him?

7 A Well, he looked at it initially and then he
8 also gave it to Mr. Aufdenkampe.

9 Q And did you eventually get some feedback from
10 either Mr. Sheibani or Mr. Aufdenkampe regarding that
11 first draft?

12 A Yes sir.

13 Q And who gave you the feedback?

14 A Mr. Aufdenkampe.

15 Q And do you recall when you got this feedback
16 from Mr. Aufdenkampe?

17 A On or about April 9th.

18 Q And, you may have covered this earlier, but
19 what was the feedback you got from Mr. Aufdenkampe on
20 April 9?

21 CHAIRMAN BLOCH: That's on page 3.

22 MR. HULL: All right.

23 BY MR. HULL:

24 Q This feedback was that he wanted you to
25 incorporate the diesel start count information from the

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1 April 9 letter?

2 A Yes sir.

3 Q Was there any other feedback he gave you at
4 that time that you can recall?

5 A Yes, I recall there was a variety of
6 information in the original LER draft that included
7 emergency response to the event, problems we've had with
8 the emergency response. And most of that information was
9 deleted.

10 Q You make a reference in your prefiled --
11 MR. BLAKE: I don't think the witness was
12 completed.

13 BY MR. HULL:

14 Q I'm sorry. Go ahead.

15 A There were some other areas regarding the
16 event that were deleted from the LER at that point.

17 Q You make a reference in your prefiled
18 testimony to the length of the first draft having been cut
19 back. Is that what you're referring to here?

20 A Actually, the draft that first went to the PRB
21 was 16 pages long and it was cut back after that time.

22 Q Do you recall the information that was deleted
23 from that draft per the PRB comments?

24 A Not offhand, no sir.

25 Q Did your first draft have any statements

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1 regarding diesel starts, and if so, what were they?

2 CHAIRMAN BLOCH: It might be better handled if
3 we had the documents.

4 MR. BLAKE: I was thinking the same thing
5 myself.

6 ADMINISTRATIVE JUDGE CARPENTER: Do you have a
7 time estimate when these documents are going to be
8 available?

9 MR. BLAKE: Yes. I'm told that during the
10 next break we'd hope to have them all lined up so that we
11 would be able to minimize Mr. Webb's time to go through
12 and do it. We could take a break on the hour or whenever
13 it's convenient.

14 CHAIRMAN BLOCH: It's almost that now. But,
15 are they ready?

16 MR. BLAKE: My estimate about 15 minutes ago
17 was about 15 minutes.

18 CHAIRMAN BLOCH: All right. So, the question
19 is--

20 MR. BLAKE: It must be close.

21 CHAIRMAN BLOCH: The question is whether
22 there's something discrete you can handle now, Mr. Hull,
23 before you get the documents?

24 MR. HULL: I think I'd rather wait to see the
25 documents.

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1 CHAIRMAN BLOCH: Let's take our recess now.
2 We'll come back together again after people have had a
3 chance to examine the documents.

4 (Whereupon, the hearing was recessed at 10:58
5 p.m. to reconvene this same day.)
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1 CHAIRMAN BLOCH: The board has a couple of
2 residual motions to rule on. First, we examined the --
3 Mr. Lamberski's notes concerning Esther Peterson, and --
4 Esther Dixon, and we concluded that there was no material
5 that required protection because it's attorney's work
6 product and would reveal the workings of Mr. Lamberski's
7 mind.

8 So we have asked that the -- that Georgia
9 Power release the entire notes to the parties. On the
10 admissions question, there are certain admissions that
11 Georgia Power has stated are acceptable to it that they
12 consider that they are truly admissions, and those
13 admissions will be admitted into evidence -- may be used
14 by Intervenor.

15 In addition, Georgia Power has asked that
16 certain materials be included in the record for the
17 purpose of explaining and understanding the request, and
18 those portions may be cited for the completeness of the
19 record. With respect to the third category where Georgia
20 Power states that it's denying or refusing to admit, we
21 understand the difficulty that Georgia Power has about
22 knowing how to counteract the case which isn't presented
23 in greater detail than it's being presented with.

24 We do think it's within the scope of the
25 admitted contention to show that the way in which denials

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1 were made could be part of a pattern of misrepresentation.
2 But we don't have the foggiest notion of what the pattern
3 is that Intervenor sees.

4 And as a prerequisite to our granting any
5 motions about the documents that have to do with denials
6 or refusals to admit, we think it's necessary that there
7 be further showing of good cause demonstrating what the
8 evidence is that Intervenor intends to really on, so that
9 everyone will know what's in contest about those denials.
10 And there will be an opportunity to rebut that if
11 necessary by Georgia Power.

12 We'll adjourn until we find the documents here
13 and the light if fixed.

14 MR. BLAKE: Judge Bloch, I want to express my
15 disappointment about the Esther Dixon notes ruling. I
16 understand your ruling, and we obviously have a different
17 view than you do, not of attorney work product -- not that
18 doctrine. And we obviously knew what were in the notes
19 and whether or not there were any mental impressions of
20 Mr. Lamberski in there. But as well, of attorney-client
21 materials and what constitutes attorney-client.

22 I would like to be able to delay one day,
23 until tomorrow, in providing these to the other parties.
24 I would -- I need to consult further with the client about
25 what additional steps we conceivably could take, even at

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1 this juncture, on that ruling. We're terribly concerned
2 that it might provide some precedential law of the case as
3 we've used the rule in this proceeding.

4 We want to proceed very cautiously before we
5 turn it over. So, if you would allow me at least a day to
6 consult and further think about this, I would appreciate
7 that.

8 CHAIRMAN BLOCH: Mr. Kohn?

9 MR. MICHAEL KOHN: It's my recollection that
10 the -- that Georgia Power already sought reconsideration,
11 and I think it's pretty extraordinary to just deny the
12 access at this point. We have no objection to obtaining
13 the notes on the condition that we not release them until
14 Georgia Power makes some final determination as to what
15 they're doing, but we would like the opportunity now to
16 start reviewing them.

17 MR. BLAKE: I want to react just at least in
18 one way to refresh the board. My recollection is that
19 the Board's original ruling was that these were protected.
20 And then there was a motion for reconsideration with
21 regard to what the standard was. And therefore, while
22 this ruling disappoints me -- I don't know about surprise,
23 but at least it disappoints me -- I think you've signaled
24 before, Judge Bloch, that we'd have this difference in our
25 legal interpretation of how to apply attorney-client

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1 privilege.

2 I'm disappointed that Intervenor doesn't think
3 we could wait one day for this important -- this is a big
4 deal. Attorney-client privilege is -- I think everybody
5 recognizes a big deal. And I really would hope that Mr.
6 Kohn would rethink whether he really would resist one
7 day's delay in reviewing what are a couple of pages of
8 notes.

9 CHAIRMAN BLOCH: The motion for the delay is
10 granted. We recognize that we are placing a limitation on
11 a Supreme Court doctrine on attorney-client privilege, and
12 if Georgia Power wishes to seek another remedy about that,
13 that's something that we would permit. We recognize that
14 if we were to dispose the document before Georgia Power
15 seeks that other remedy, that that's irreparable --
16 there's no way around it. So the motion is granted.

17 MR. BLAKE: Thank you, Judge.

18 CHAIRMAN BLOCH: Does Staff need to comment
19 about what we've just ruled?

20 MS. YOUNG: So you're granting a one day stay
21 of your ruling basically?

22 CHAIRMAN BLOCH: Yes, one day stay.

23 MS. YOUNG: And --

24 CHAIRMAN BLOCH: And -- yes.

25 MS. YOUNG: Do you apply the criteria of 10

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1 CFR 2.788 in making that decision?

2 CHAIRMAN BLOCH: Irreparable injury and --
3 what are you referring to?

4 MS. YOUNG: Those four items there.

5 MR. BLAKE: I've repressed it, so I can't
6 help.

7 MS. YOUNG: The Staff doesn't object to a one
8 day delay. I just was trying to find out the basis for
9 the Board's ruling. Irreparable harm is one of the
10 elements in 2.788.

11 CHAIRMAN BLOCH: It's the standard elements
12 for denial of -- for granting and denying stays in most
13 agencies in the government. And there's a four-prong
14 standard, as I recall?

15 MR. BLAKE: Yeah, it's the Virginia Petroleum
16 --

17 CHAIRMAN BLOCH: So that's what we were
18 relying on. And the injury here obviously is greater than
19 the delay for a day.

20 MS. YOUNG: But there are two other factors in
21 that test. That's the only reason I raised the question -
22 - whether you had actually ruled on those or --

23 CHAIRMAN BLOCH: I haven't spoken to them, but
24 the ruling stands for the next day. We'll adjourn until
25 we have a time.

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1 (Whereupon, the proceedings went off the
2 record from 1:50 p.m. until 3:10 p.m.)

3 CHAIRMAN BLOCH: We have now been supplied
4 with copies of the exhibits -- all of the exhibits
5 referred to in the testimony of Thomas E. Webb. And we
6 have also determined that the order of business right now
7 will be first for Georgia Power to be formally admitting
8 this new version of the testimony, and then we'll complete
9 the cross by Intervenor, and then the Staff will go.

10 Mr. Blake?

11 REDIRECT EXAMINATION

12 BY MR. BLAKE:

13 Q Mr. Webb, do you have before you your rebuttal
14 testimony, but with handwritten word revised above the
15 date on the first page, August 14, 1995?

16 A Yes, I do.

17 Q And can you describe for me how this
18 testimony's been revised?

19 A It was revised to add exhibit numbers to many
20 of the other documents that were referred to in the
21 original testimony.

22 Q And are all of those exhibit numbers that have
23 been added a GPC II-171 with a letter, with the exception
24 of the one insert on page six at line 19 where there's a
25 reference to what's been previously admitted as an exhibit

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1 in this proceeding?

2 A That looks to be correct, sir.

3 Q Okay, and if you look at the Exhibit 171
4 that's been added now to your testimony, is this a
5 compilation of various drafts of your testimony and
6 references in your proceeding?

7 A It is a compilation of that and some other
8 comments to the LER and the revised LER from 1990.

9 Q Comments on drafts of the LER and drafts of
10 the revised LER?

11 A Yes, sir.

12 Q Now, are you familiar with these documents?

13 A Yes, I am.

14 Q And you're prepared to answer questions about
15 them?

16 A Yes, I am.

17 MR. BLAKE: Okay, I want to go through, Judge
18 Bloch, as quickly as I can for the record and identify
19 these documents. What's been added to Mr. Bockhold's
20 testimony, which was previously described -- Webb's
21 testimony which was previously described are just these
22 inputted -- revised on the first page, it's inserts to
23 cites.

24 His Webb Exhibits A and B remain exactly as
25 they were before, and what's been added is a new Webb

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1 Exhibit C, which I would like to have marked as GPC
2 Exhibit II-171-A through T. And I want to mark that --
3 identify those for the record.

4 CHAIRMAN BLOCH: The motion is granted, and
5 that will -- and we'll identify them for fully for the
6 record.

7 (Whereupon, the above-referenced
8 documents were marked as GPC
9 Exhibits II-171-A through T for
10 identification.)

11 MR. BLAKE: All right.

12 MS. YOUNG: And Mr. Blake, you were referring
13 to Mr. Webb's testimony? You said Mr. Bockhold.

14 MR. BLAKE: Yes, I was, and I hopefully
15 corrected that. I certainly meant Mr. Webb.

16 MR. MICHAEL KOHN: Mr. Blake, you also said as
17 Webb Exhibit C. Should we disregard the C.1 whatever?

18 MR. BLAKE: No, no; I'm going to identify
19 those now, I think. They're all Webb Exhibit C, but it's
20 numbers 1 through 20. C-1 is a draft document which is
21 comprised of project pages. And I think this is the
22 easiest way to do it. Project pages 057719 through 057734
23 -- otherwise, it's just a draft of the LER.

24 ADMINISTRATIVE JUDGE MURPHY: And that's
25 Exhibit 171-A, right?

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1 MR. BLAKE: That's correct.

2 ADMINISTRATIVE JUDGE MURPHY: Let's identify
3 it as Exhibit 171-A. It's --

4 MR. BLAKE: Rather than Exhibit C-1?

5 ADMINISTRATIVE JUDGE MURPHY: -- a lot easier
6 in the transcript and in the index.

7 MR. BLAKE: All right. They are both titles,
8 but I'll refer hereafter --

9 ADMINISTRATIVE JUDGE MURPHY: You can use C-1
10 as identifying it, but make sure you identify it as the
11 exhibit.

12 MR. BLAKE: All right, Judge. The second
13 document is again a draft document. This would be GPC
14 Exhibit II-171-B. And it has -- it's comprised of project
15 numbers 057704 through 057718. The third document is a
16 draft of an LER, but the first page on this one is a
17 telecopy transmittal sheet. This would be GPC Exhibit II-
18 171-C. And it's comprised of project pages 057672 through
19 057688.

20 The next document is GPC Exhibit II-171-D. It
21 too is a draft of the LER, and it's comprised of project
22 pages 057664 through 057671. The next document is II-171-
23 E. It too is a draft of the LER. It's comprised of
24 project pages 057656 through 057663. The next document is
25 GPC Exhibit II-171-F. It too is a draft of the LER. It

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1 is comprised of project pages 057637 through 057645.

2 The next document is GPC II-171-G. It too is
3 a draft of the LER. It's comprised of project pages
4 057629 through 057636. The next document is also a draft
5 of the LER. It's GPC Exhibit II-171-H. It is comprised
6 of project pages 057621 through 057628.

7 The next document is as well a draft of the
8 LER. This document also has a transmittal -- telecopy
9 transmittal sheet as its first sheet, followed by the
10 draft of the LER. It is GPC Exhibit II-171-I, and it's
11 comprised of project pages 057612 through 057620.

12 The next document is GPC Exhibit II-171-J. It
13 is also a draft of the LER. It's comprised of project
14 pages 057604 through 057611 -- at least the copy I have
15 has a blank sheet at the end of it which bears no project
16 number. The next document is GPC Exhibit II-171-K. It is
17 a draft of the LER. But before the draft of the LER,
18 there are two pages of PRB comment review sheets, and the
19 first page is an LER -- a sign off sheet for a PRB
20 meeting.

21 There's the legend title, LER1-90-6. And it
22 would be GPC Exhibit II-171-K and bears the project
23 numbers 057585 through 057595. The next document --

24 CHAIRMAN BLOCH: Mr. Blake, at this point,
25 I've got two loose pages that don't seem to be marked.

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1 Are they part of something? Where does it say the exhibit
2 number? Oh, I see; it's labeled on the corner. Okay,
3 please continue.

4 MR. BLAKE: The next document is the two pages
5 that Judge Bloch was referring to. Actually the next
6 document is just a one page document. It is an extract
7 from apparently a typed version of a draft of the LER. It
8 is GPC Exhibit II-171-L, Webb Exhibit C-12. It bears the
9 project number 057514. It's a typed page with some
10 handwritten changes as well on it.

11 MR. HULL: That's the LER revision, right?

12 MR. BLAKE: Correct.

13 MR. HULL: Draft of the LER revision?

14 MR. BLAKE: Correct, yes. The next document
15 is GPC Exhibit II-171-M. It is as well as draft of the
16 LER revision. One page document typed with some
17 handwritten notes or inserts on it, and it bears project
18 number 057512. The next document is GPC Exhibit II-171-N.
19 It is another draft of the LER revision. It has, in
20 addition to the LER revision itself, a front page titled
21 Sign Off Sheet as its front page -- first page.

22 And it bears project numbers 057506 through
23 057505 -- stumped me for the moment. This document I may
24 come back to, Judge Bloch. It's the first one I've
25 noticed where the pages are not numbered in sequence. I

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1 thought the project numbers was going to be the cure.

2 CHAIRMAN BLOCH: Might be good to take a
3 slight break from this. And why I'd like to take a break
4 is that just living through what we're doing, it seems to
5 me that in the future whenever possible -- and this time,
6 I know it was a rush and it wasn't possible -- we should
7 file as a part of any pre-filed testimony or as a separate
8 page an index to multiple documents that contain
9 everything that we're saying so that we don't have to say
10 it aloud.

11 It's an extension on the written testimony
12 rule. But we should be able to just hand something to the
13 reporter and say granted, that's the identification. So
14 let's continue.

15 MR. BLAKE: Okay, Judge Bloch, we've confirmed
16 that they are sequentially numbered, just not in the same
17 order. (Laughter.) This document, which is GPC Exhibit
18 II-171-N, is also a draft of the revised LER, and it has a
19 front cover sheet for signatures. And the document -- the
20 LER document itself has pages one of eight through eight
21 of eight in the right order behind this signature first
22 page.

23 The project page numbers that appear in this
24 document run from 057503, which happens to be on document
25 page six of eight, through 057511, which is on page five

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1 of eight. And -- but those numbers are sequential in the
2 document.

3 THE WITNESS: Mr. Blake, if I could clarify.
4 The clerk who went to make these copies, I told her that
5 was out of order and she needed to put the first three
6 pages in the back in order to keep the LER itself in
7 order. And she did what I asked her to do, but if you
8 would look at those project numbers down at the bottom,
9 you'll see that they're out of order. It never occurred
10 to me --

11 MR. BLAKE: Okay, I appreciate that
12 confession.

13 (Laughter.)

14 THE WITNESS: It never occurred to me somebody
15 would use those little numbers down at the bottom rather
16 than the bigger numbers up at the top. Sorry about that.

17 MR. BLAKE: Thank you, Mr. Webb.

18 MR. BLAKE: The next document, Judge Bloch, is
19 GPC Exhibit II-171-O. It is a one page document. It's
20 one page out of the revised LER -- a draft of the revised
21 LER, which has some changes indicated on it. And it is
22 project page 057495. The next document is GPC II-171-P.
23 It is also a one page document.

24 This document shows copies of two notes, maybe
25 written on yellow note pads or something of that order at

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1 one point, and it bears -- and these two notes have been
2 copied onto this one page document. And it's project page
3 057494. The next document, GPC Exhibit II-171-Q, is
4 another draft of the revised LER with the one page
5 signature sheet attached in the front.

6 And it bears project pages 057485 through
7 057493. The next document is GPC Exhibit II-171-R. It is
8 a one page document. It's a draft of the LER revision, or
9 one page out of the LER revision showing changes which
10 were being made. It is project page 057447. GPC Exhibit
11 II-171-S, the next document, is a draft of the original
12 LER. And -- excuse me.

13 I'm corrected to point out that on the first
14 page of this document under the title, it bears the legend
15 LER-1-90-6 Rev. 1 Rewrite. And that -- this is one of the
16 signature pages again. Behind it is a draft of what
17 apparently is, according to the front page, a draft of the
18 LER revision. This document is comprised of project pages
19 057419 through 057427.

20 The final document is GPC Exhibit II-171-T.
21 It is a draft of the LER revision, along with as its first
22 page an apparent draft cover letter, which would show that
23 Mr. W.G. Hairston, III would be its signatory. And it
24 bears project pages 057397 through 057406. Mr. Webb, have
25 I misrepresented any of these as you've followed along, or

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1 do you agree with the basic description of these
2 documents?

3 THE WITNESS: Yes, sir; I agree.

4 MR. BLAKE: Okay, thank you. Judge Bloch, I'd
5 ask that this GPC Exhibit 171 be accepted into evidence,
6 but not be physically incorporate in the record. It's
7 just too thick. I would ask that the revised Webb
8 testimony be physically incorporated into the record just
9 as though read, along with Webb Exhibits A and B, as was
10 done earlier today before the revisions.

11 CHAIRMAN BLOCH: Granted.

12 MR. BLAKE: And I hope all of that has now
13 been accepted into evidence. That's my --

14 CHAIRMAN BLOCH: Granted also.

15 (Whereupon, the above-referenced
16 documents, previously marked as GPC
17 Exhibits II-171-A through T for
18 identification, were received into
19 evidence.)

20 MR. BLAKE: Yeah, thank you. And I apologize
21 to the Board and the parties for the delay.

22 MR. MICHAEL KOHN: Your Honor, I just wanted
23 to clarify one thing, as my questioning will not deal with
24 the issues already raised by NRC Staff but will be limited
25 to my direct.

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REVISED

August 14, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

PREFILED REBUTTAL TESTIMONY

OF

THOMAS E. WEBB

ON

DIESEL GENERATOR REPORTING ISSUES

PREFILED REBUTTAL TESTIMONY OF THOMAS E. WEBB

1 Q: PLEASE STATE YOUR FULL NAME.

2 A: My name is Thomas Edmund Webb.

3 Q: WHAT ARE YOUR PROFESSIONAL QUALIFICATIONS?

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

6 Q: WHAT POSITION DID YOU HOLD IN 1990?

7 A: In 1990 I held the same position which I hold now, which
8 is Senior Engineer in the Nuclear Safety and Compliance
9 (NSAC) group in the Technical Support Department of the
Vogtle Electric Generating Plant.

11 Q: WHAT WERE YOUR RESPONSIBILITIES IN THAT POSITION AND TO
12 WHOM DID YOU REPORT?

13 A: My responsibilities encompassed regulatory/licensing
14 assistance to the Plant, including the preparation of
15 Licensee Event Reports ("LERs") for submittal to the NRC
16 pursuant to 10 CFR § 50.73. My supervisor at the time
17 was Mr. Rick Odom who, in turn, reported to John
18 Aufdenkampe.

19 Q: WHAT WAS YOUR INVOLVEMENT IN THE PREPARATION OF THE APRIL
20 19, 1990 LER ASSOCIATED WITH THE MARCH 20, 1990 SITE AREA
EMERGENCY EXPERIENCED?

1 A: I prepared various drafts for review and approval by my
2 supervisor and by the Vogtle Plant Review Board ("PRB").
3

4 Q: MR. MOSBAUGH STATES THAT YOU RECOUNTED TO HIM "THE
5 HISTORY OF HOW GPC PERSONNEL KNEW THE LER WAS
6 QUESTIONABLE BEFORE IT WAS SIGNED OUT." (ALLEN MOSBAUGH
7 RETYPED PREFILED TESTIMONY AT 37). PLEASE DESCRIBE THE
8 HISTORY OF EFFORTS IN PREPARING THE LER.

9 A: Shortly after the March 20, 1990 event, Mr. Odom directed
10 me to prepare a draft LER for the event. I completed the
11 first draft, ^(WEBB EXH. C, GPC EXH. II-171A) and submitted it for review to my "acting"
12 supervisor, Mr. Mehdi Sheibani, and Mr. Aufdenkampe. On
13 or about April 9, 1990, Mr. Aufdenkampe instructed me to
14 include a Unit 1 Diesel Generator-related statement about
15 starts which Georgia Power had previously provided the
16 NRC in the April 9, 1990 confirmation of action response
17 letter (McCoy Exh. K; GPC Exh. II-13). On April 10, I
18 completed another draft of the LER, ^(GPC II-171B) received additional
19 comments from him, and on April 11, 1990 completed a
20 third draft, ^(GPC II-171C) of the LER. This draft was telecopied to Mr.
21 Norman "Jack" Stringfellow in the Vogtle Project office
22 in Birmingham and submitted to the PRB.

23 Q: WAS THIS DRAFT LER APPROVED?

24 A: No. The PRB members reviewed this draft during the April
25 12, 1990 PRB meeting and returned it to me with

1 instructions to rewrite it so that the LER would be no
2 longer than eight pages; the draft which I had submitted
3 was substantially longer than that.

4 Q: DID YOU SUBMIT ANOTHER DRAFT LER TO THE PRB?

5 A: Yes. On April 13, 1990, I completed a fourth draft ^(GPC II-171D) of
6 the LER and submitted it to Mr. Aufdenkampe. Mr.
7 Aufdenkampe had additional comments, including a comment
8 to the effect that the "18 and 19 starts" language in the
9 draft LER might not be correct. At my suggestion, the
10 draft was revised to read "Since 3-20-90, DG1A and DG1B
11 have been started several times and no failures or
12 problems have occurred during any of these starts." This
13 was incorporated in the fifth draft ^(GPC II-171E) which I sent to Mr.
14 Stringfellow. On April 16 I received comments on this
15 fifth draft from the corporate office ^(GPC II-171F) which did not
16 concern the diesel generator starts statement. On April
17 17, 1990, I completed the sixth draft ^(GPC II-171G) of the LER,
18 received additional comments from Mr. McCoy (via Mr.
19 Aufdenkampe) ^(GPC II-171H) and completed the seventh draft ^(GPC II-171I) of the LER.
20 This, also, I forwarded to Mr. Stringfellow.
21 On April 18, 1990, the PRB reviewed the seventh
22 draft of the LER and approved it by unanimous vote
23 subject to a number of comments ^(GPC II-171J). The minutes of this PRB
24 meeting (No. 90-59) are attached to Mr. Aufdenkampe's
25 testimony as Exhibit B (GPC Exh. II-28).

1 Q: MR. MOSBAUGH INDICATES THAT ON APRIL 19 THE PRB EXPRESSED
2 CONCERN ABOUT THE DIESEL STARTS NUMBERS (ALLEN MOSBAUGH
3 RETYPED PREFILED TESTIMONY AT 53). DID ANY OF THE
4 COMMENTS FROM THE EARLIER APRIL 18 PRB PERTAIN TO DIESEL
5 GENERATOR STARTS STATEMENT?

6 A: Yes. One of the various PRB comments on April 18 was
7 that the word "several" in the seventh draft should be
8 replaced with the actual number of starts. After the PRB
9 meeting, I initiated a review of diesel generator start
10 data and, upon completion that same day, concluded that
11 21 and 23 starts should be used in lieu of 18 and 19,
12 respectively. I reached this conclusion by adding
13 additional starts without problems or failures occurring
14 after April 9, 1990 to the numbers of starts identified
15 in the April 9 letter. I identified these additional
16 starts by reviewing the control room logs for the period
17 April 10 through the morning of April 18, inclusive, and
18 by speaking to Mr. Ken Stokes. Mr. Stokes informed me of
19 one additional start on the 1B diesel generator on April
20 18th. I incorporated the PRB comments into the eighth
21 draft of the LER, ^(GPC II-171K) sent a copy of it to Mr. Stringfellow,
22 and submitted it to Mr. George Bockhold, the Plant

1 General Manager, who approved it without comment. The
2 revised statement read:

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

11 Q: WAS THIS APRIL 18 DRAFT LER SENT TO THE NRC?

12 A: No. Although it had been approved by the site, further
13 comments were received from the corporate office.

14 Q: WHAT WERE THE CORPORATE OFFICE COMMENTS RELATED TO DIESEL
15 GENERATORS?

16 A: On April 19, Mr. Aufdenkampe received several comments.
17 One comment from the corporate office was to verify the
18 "more than twenty times each" language in the eighth
19 draft. ^(Springfellow EXH. B, GPC EXH. II-25) I was directed by Mr. Odom to verify the "more
20 than twenty times each" language. I, and, I believe, Mr.
21 Herb Beacher (another employee in the NSAC group) then
22 reviewed the control room logs for the period of March
23 20, 1990 through April 18, 1990, inclusive. The control
24 room logs consisted of the Unit Control Log and the Shift
25 Supervisor Log. I knew the Engineering Support
26 Departments' Diesel Start Log was not up-to-date because
27 there was a lag in the log updating. I also did not have
28 available the individual diesel generator start sheets
(i.e., the "Completion Sheets" from procedure 13145),

1 which are supposed to be filled out by operators for each
2 start.

3 Q: DID YOU DEVELOP ANY DOCUMENTATION OF THE STARTS?

4 A: Yes, I developed a list of all the documented starts.
5 The list identified some starts which had experienced
6 problems or failures. My efforts began in the early
7 afternoon of April 19th (around lunch time) and continued
8 until after normal quitting time. During the process, I
9 was periodically contacted by Messrs. Odom and
10 Aufdenkampe, and they requested my completed list.
11 Basically, the list included the date and time of a start
12 and would note any problems annotated in the control room
13 logs.

14 Q: WHAT DID YOU DO WITH YOUR LIST?

15 A: I delivered my list to Mr. Odom who, I believe, then
16 provided the list to Mr. Aufdenkampe or Mr. Mosbaugh late
17 in the afternoon of April 19, 1990.

18 Q: IS THE LIST YOU PREPARED THE SAME AS GPC EXHIBIT 71?

19 A: Yes, GPC Exhibit II-71 is a photocopy of my original
20 list. However, some of the information shown on GPC
21 Exhibit II-71 is not my handwriting and was not on the
22 list delivered to Mr. Odom, including the information in
 red ink and in black ink on the original of the document

1 identified as GPC Exhibit II-71. The line near the top
2 of the page is crossed out in pencil, probably by me.

3 Q: DID YOU PERSONALLY VERIFY THE FINAL LER STATEMENT
4 CONCERNING DIESEL GENERATOR STARTS WHICH REFERRED TO THE
5 "COMPREHENSIVE TEST PROGRAM" OF THE CONTROL SYSTEMS?

6 A: No. While I thought that I was tasked by Mr. Odom to
7 verify the diesel start statement in the LER which had
8 been approved by the PRB, no one ever got back to me to
9 further review the LER wording after I compiled my list.

10 Q: MR. MOSBAUGH HAS TESTIFIED THAT HE FIRST SAW THE TEXT OF
11 THE FINAL LER 90-006 A DAY OR SO AFTER IT WAS SENT TO THE
12 NRC. (ALLEN MOSBAUGH RETYPED PREFILED TESTIMONY AT 53).
13 WHEN DID YOU FIRST OBTAIN AND REVIEW A COPY OF THE FINAL
14 LER WHICH HAD BEEN SIGNED BY MR. HAIRSTON AND SENT TO THE
15 NRC?

16 A: On April 20, 1990. As I recall, Mr. Mosbaugh was with me
17 when I first reviewed the telecopy of the final LER from
18 the corporate office on April 20th. I was surprised to
19 see words similar to "subsequent to the test program"
20 inserted into the LER. I wasn't sure what it meant.
21 This phrase, I thought, could cause the LER statement to
22 be incorrect, since I recalled identifying on April 19th
23 only about 10 or 11 starts following the return to
24 operability of the diesel engines. I recall Mr. Mosbaugh

1 looking over my shoulder as I read the final LER. I said
2 something to the effect of "Oh, [expletive]. That's
3 wrong. What does 'subsequent to the test program' mean?"
4 In response to my question Mr. Mosbaugh said, in effect,
5 that he knew the LER statement appeared to be wrong, but
6 he also said he did not know what the statement
7 "subsequent to the test program" meant.

8 Q: DID YOU REVISE THE LER?

9 A: After I had informed Mr. Mosbaugh that the LER appeared
10 to be incorrect, I also informed Mr. Odom, I believe. On
11 or about April 30, 1990, Mr. Odom informed me that the
12 LER would be revised to reflect a current diesel
13 generator statement. At that time, I first received two
14 hand-written sets of diesel generator starts data from
15 Mr. Mosbaugh. One set was entitled "DG1A Start History
16 for March and April," Intervenor Exhibit II-150, which
17 had been prepared by Mr. Stokes. The second set of data
18 was entitled "DG1B" (GPC Exhibit II-70) and had been
19 prepared by Mr. Mosbaugh. I prepared a draft revision. ^(GPC II-171L)

20 Q: DID YOU DEVELOP AND SUBMIT TO THE PRB A REVISION TO LER
21 90-006?

22 A: Yes. Based upon comments and review by my supervisor and
23 manager of two drafts, ^(GPC II-171L and II-171M) a third revision ^(GPC II-171N) was prepared and
this one was submitted to the PRB on May 8, 1990. It

1 stated:

2 After the 3-20-90 event, the control systems of
3 both engines were subjected to a comprehensive test
4 program which culminated in control logic tests on
5 3-30-90 for DG1A and 3-27-90 for DG1B. Subsequent
6 to this test program, DG1A and DG1B have been
7 started 11 times each (through 4-19-90) and no
8 failures or problems have occurred during any of
9 these starts. These included an undervoltage start
10 test without air roll which was conducted on 4-6-90
11 and DG1A started and loaded properly.

12 Q: WHEN DID THE PRB APPROVE THIS DRAFT REVISION TO THE LER?

13 A: On May 8, 1990, the PRB approved, with comment, the draft
14 revision. Mr. George Frederick asked for clarification
15 concerning the meaning of the "comprehensive test
16 program". Mr. Allen Mosbaugh provided a rewrite of the
17 revision to address Mr. Frederick's comment. A copy of
18 his wording, with "ALM rewrite" annotated at the top, is
19 attached hereto as Exhibit B. This fourth draft revision^(GPC II-1710)
20 was given to George Bockhold. Mr. Bockhold returned this
21 draft with a comment. The comment stated: "Include both
22 the successful starts as of 4/19 and 5/14." This was
23 written on a "Post-It" sticker and sent to me through Tom
24 Greene on or about May 14, 1990.^(GPC II-171 P) The fifth draft
25 revision^(GPC II-171 Q) only partly incorporated his comment and stated,
26 in part, that "DG1A had been successfully started 15
27 times and DG1B had been successfully started 14 times as
28 of 5-14-90, with no start failures." I sent this draft
29 revision to Jack Stringfellow in the corporate office.

1 Q: MR. MOSBAUGH HAS TESTIFIED THAT YOU TOLD HIM THAT THE LER
2 REVISION WAS "PUT ON A SHELF" IN THE CORPORATE OFFICE.
3 (ALLEN MOSBAUGH RETYPED PREFILED TESTIMONY AT 38). WAS
4 THERE A DELAY IN THIS LER REVISION'S APPROVAL BY THE
5 CORPORATE OFFICE?

6 A: Yes. It was unusual for any NRC-related report to go up
7 to corporate and not be looked at for several weeks. As
8 part of keeping track of work in progress, I called the
9 corporate office to learn the status of the revision. I
10 was told that the revision had been "put on a shelf" but
11 that it was at that time back in the review process. The
12 fifth draft revision, with a cover letter, was sent from
13 the corporate office to the site for Mr. Bockhold's
14 approval on June 11th. Mr. Bockhold approved this
15 revision with a comment to update the diesel generator
16 start numbers through June 11th. This was done, and the
17 red-lined revision ^(GRC II-171R) was sent back to the corporate office.

18 Q: HAD THE CORPORATE OFFICE SUGGESTED SUBSTANTIVE REVISIONS
19 DURING THIS DELAY?

20 A: No. The fifth draft revision was simply put into
21 corporate form and the cover letter developed.

22 Q: WHAT DID THE DRAFT COVER LETTER OF JUNE 11, 1990 SAY?

23 A: It simply stated that the revision was necessary to
correct the information related to the number of

1 successful Diesel Generator starts subsequent to the
2 comprehensive test program as discussed in the original
3 report and Georgia Power's April 9, 1990 letter (ELV-
4 01516).

5 Q: WHAT DID THE DRAFT LER REVISION STATE AFTER UPDATING
6 THROUGH JUNE 11, 1990?

7 A: The pertinent language stated:

8 From 3-20-90 to 6-11-90, there were 14 valid tests
9 of DG1A with no valid failures. During this same
10 period, there were 11 valid tests of DG1B with one
11 valid failure, which occurred following
12 installation of new jacket water temperature
13 switches. A report of this failure will be
14 submitted as Technical Specifications Special
15 Report #1-90-04.

6 This was the language approved by Mr. Bockhold on June
17 11, 1990.

18 Q: WHY WAS THERE A CHANGE TO "VALID TESTS" AND "VALID
19 FAILURES" FROM THE ORIGINAL, APRIL 19 LER WHICH DISCUSSED
20 STARTS WITHOUT PROBLEMS OR FAILURES?

21 A: As I viewed it, the number of starts without problems or
22 failures as of May 14 or June 11 was meaningless. So the
23 revised draft LER revision of June 11, 1990 adopted our
24 standard practice for reporting diesel generator
25 failures, which was to count "valid" tests and failures,
26 pursuant to Reg. Guide 1.108. (At that time we did not
7 report some problem starts that we now call nonvalid

1 failures.) The June 11 revision (i.e. fifth draft
2 revision) reflected current, updated information although
3 it changed the criteria for counting starts. I thought
4 this change in criteria was appropriate.

5 Q: WAS A SIXTH DRAFT REVISION PREPARED AND APPROVED?

6 A: Yes. Between June 12th and June 21st a sixth draft
7 revision ^(GPC II-171S) was prepared and approved by the PRB. This
8 sixth draft contained no "start count" numbers, but
9 incorporated information obtained from Wyle Laboratories,
10 which had performed testing on the Calcon temperature
11 sensors.

12 Q: WAS THERE A SEVENTH DRAFT REVISION?

13 A: Yes, the corporate office, specifically Harry Majors,
14 sent a seventh draft revision, and a draft cover letter
15 to the site ^(GPC II-171T). The PRB reviewed this draft LER revision
16 and added comments. The "start count" language in this
17 seventh draft, which had been PRB-approved with comments,
18 stated:

19 As of 6-7-90, DG1B had received 11 valid tests
20 with one failure, and DG1A had received 16
21 valid tests with no failures.

22 There were a number of cover letter drafts sent to the
23 site from the corporate office on June 28 and June 29,
24 1990. The site does not generally review cover letters,
25 which are developed by the corporate office. I provided

1 these cover letter drafts to Mr. Aufdenkampe.

2 Q: WHAT WAS YOUR INVOLVEMENT IN REVIEWING THE LER REVISION
3 COVER LETTER, DATED JUNE 29, 1990?

4 A: Based upon my review of a transcript of a conversation
5 recorded by Mr. Mosbaugh, I participated in discussions
6 concerning the cover letter. Mr. Mosbaugh refers to some
7 of my participation in his retyped prefiled testimony (at
8 57). We were using the LER revision as a vehicle to
9 clarify the April 9 letter as well as to correct the
10 original LER. My understanding was that correcting the
11 original LER was required by NUREG 1022.

12 Q: MR. MOSBAUGH MAINTAINS THAT THE LER COVER LETTER WAS
13 WILLFULLY FALSE (ALLEN MOSBAUGH RETYPED PREFILED
14 TESTIMONY AT 55). DID YOU THINK THAT THE JUNE 29, 1990
15 LER COVER LETTER CLARIFIED THE INFORMATION RELATING TO
16 THE NUMBER OF SUCCESSFUL DIESEL STARTS IN THE APRIL 9
17 LETTER?

18 A: Yes. The April 9th letter is specifically referenced in
19 the cover letter, and Page 6 of the LER revision, third
20 paragraph, updates diesel generator start information to
21 the current time. Although the April 9th letter did not
22 use Regulatory Guide terminology such as "valid test", it
23 was our practice to report valid failures; we are
 expected to maintain our surveillance frequency based

1 upon the number of valid tests and number of valid
2 failures. Tests and failures that were not "valid" have
3 no bearing on that surveillance frequency. So, to me,
4 the LER revision used defined phrases from a regulatory
5 compliance perspective, and provided more useful
6 information. In addition, the cover letter and the April
7 9th letter begin their "counts" after March 20, 1990.

8 lamberjm\licamend.pro\reb-test.dg\webb.r2

SUMMARY OF PROFESSIONAL QUALIFICATIONS
THOMAS E. WEBB

Education and Special Training

- 1995 Advanced Root Cause Training - one day course by vendor on root cause identification techniques
- 1991 Engineering Training - ten week training course on Vogtle Electric Generating Plant systems and control room operations
- 1988 Institute of Nuclear Power Operations Root Cause Training - three day course on root cause identification
- 1975 Bachelor of Science, Nuclear Engineering - University of Florida
- 1972 Associate of Arts - St. Johns River Junior College

Experience

- 1986 - Present Senior Engineer - Georgia Power Company, Vogtle Electric Generating Plant, Waynesboro, Georgia - nuclear operations experience, including drafting reports for submittal to state and federal agencies, performing root cause analysis on events at two-unit pressurized water reactor nuclear plant, and evaluating reports for the plant's Operational Experience Program
- 1980 - 1986 Construction Engineer - Georgia Power Company, Vogtle Electric Generating Plant, Waynesboro, Georgia - nuclear plant construction experience, including design, procurement and installation of temporary water, air and gas systems, and procurement and installation of permanent plant piping and pipe supports.
- 1975 - 1980 Variety of employment positions, including well-logging engineer, teacher and retail management

ALM rewrite

Numerous sensor calibrations (including jacket water temperatures), special pneumatic leak testing, and multiple engine starts and runs were performed under various conditions. In addition, the control systems for both engines were subjected to a comprehensive test program. After completion of the control logic test sequence, an under voltage test was performed. Including the under voltage test each engine has been successfully started eleven times with no start failures.

1 CHAIRMAN BLOCH: Okay, so we will treat the
2 Staff's questioning as separate and subsequent.

3 MR. MICHAEL KOHN: Yeah, in other words, I did
4 have questions generated from what they had already asked.

5 CHAIRMAN BLOCH: I understand. You'll do that
6 later.

7 MR. MICHAEL KOHN: Thank you.

8 CROSS EXAMINATION

9 BY MR. MICHAEL KOHN:

10 Q I'd like to call your attention to the
11 document marked as Webb Exhibit 171-S. And previously, I
12 asked you on -- I believe looking at page 13 of your
13 prefiled testimony whether this draft contained start
14 count numbers or not, and do you recall stating that you
15 thought it did contain start count numbers?

16 A Yes, sir. The memory I had was that it did
17 contain start up numbers. But obviously when you look at
18 this now, the start numbers are not there, so the original
19 testimony stands correct as it was.

20 Q Thank you. Can you tell me why all the start
21 count numbers were taken out at this date?

22 A No, I don't know why. And I can't recall why
23 they would have been taken out.

24 Q Were you troubled by the fact that all the
25 sudden all the start numbers were taken out in the draft?

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1 A I'm only troubled by the fact that today I
2 can't recall why they were taken out.

3 Q All right, I'd like to call your attention to
4 Georgia Power Exhibit II-171-J. And on the very top of
5 this document, there's a comment. And if you could -- I
6 can't read what it says. It looks like PND or something,
7 comments from -- I have no -- or whatever it is. Can you
8 translate that for me?

9 A I believe that says PRB comments from TEW --

10 Q Thank you.

11 A -- which is me.

12 Q And I'd like now to call your attention to
13 Georgia Power Exhibit 171-Q. And I believe we had a
14 question we wanted you to look at as to why Mr. Bockhold's
15 changes were only partially made. I think this was the
16 document we were referring to, is that correct?

17 A Yes, it is.

18 Q And have you looked at this document or other
19 documents to figure out the answer to that question?

20 A I wasn't able to find any information in the
21 file that would explain that to me, but knowing what it --
22 his comments were, he asked that the diesel starts be
23 updated for April 19th and for the current day, which I
24 believe was May 11th or May 14th. And actually, what we
25 did is we incorporated his comments showing diesel starts

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1 up to May -- I think it's May the 14th -- whatever that
2 current day was at that time.

3 In NUREG 1022, when you revise an LER, you're
4 directed to give current information. If information is
5 passed or especially corrective actions -- if they're
6 being completed, you're supposed to say what you've done
7 and what happened. You don't want to give old information
8 when you submit a revised LER. And looking at what this
9 says and what Mr. Bockhold's comments were, I'm -- I think
10 what probably happened is I probably went to him and told
11 him we didn't need to put that April 19th information in
12 there.

13 Q And so Mr. Bockhold then would have agreed
14 with you and said we don't need to put it in?

15 A Apparently he did. He signed it okay, G.
16 Bockhold, 5/14/90.

17 Q Now I notice that this -- these are the PRB
18 meeting cover sheet. I don't know if I'm referring to it
19 -- that's the right -- is that what this first page is of
20 Exhibit Q?

21 A Yes.

22 Q All right.

23 A A sign off sheet.

24 Q Sign off sheet. And this indicates that the
25 PRB approved the attached draft or is supposed to indicate

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1 that?

2 A Yes, it does.

3 Q And Mr. Mosbaugh signed off on this PRB
4 comment sheet as -- for meeting 50-66, is that correct?

5 A That's correct.

6 Q And meeting 50-66, according to GPC Exhibit
7 37, Aufdenkampe Exhibit K, occurred on May 8, 1990. Were
8 you aware of that fact?

9 A That the PRB meeting was on May 8th?

10 Q Yes.

11 A I believe I was, yes.

12 Q Now -- so there has now been, if I understand
13 it, a subsequent change to the final approved PRB LER
14 revision one signed by Mr. Mosbaugh, which he did not
15 approve or see, correct -- to the best of your knowledge?

16 A I don't know if he saw it or not.

17 Q You know that he was no longer on the PRB at
18 that time?

19 A As of May the 14th?

20 Q As of -- yes.

21 A No, I don't know if he was or not.

22 BOARD EXAMINATION

23 CHAIRMAN BLOCH: Mr. Webb, do I understand
24 correctly -- this is Judge Bloch. Sorry about that.

25 THE WITNESS: I didn't see your mouth.

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1 CHAIRMAN BLOCH: It's probably beneath the
2 screen. My understanding is that you said that if you
3 filed an account of starts to the NRC and then you revise
4 it, that the way you interpret the regulations, you're
5 prohibited from going back and stating the correct count
6 for the earlier period.

7 THE WITNESS: No, you're certainly not -- not
8 able to do that. I mean, -- let me say that again. You
9 certainly are able to do that if you wish, but rather than
10 giving two sets of numbers, it would look to be -- maybe
11 not conflicting information, but confusing information to
12 give two sets of numbers. Whenever we've changed our
13 LER's in the past, we update our LER's to give current
14 information -- the most recent information that we could
15 get.

16 And putting in one set of numbers for April,
17 another set of numbers for May, and the LER revision went
18 out in June, that could be a third set of numbers
19 potentially.

20 CHAIRMAN BLOCH: So how would you ever make it
21 clear that you had the wrong number the first time?

22 THE WITNESS: Use the cover letter. The LER -
23 - our practice is to use the LER itself to give the
24 current correct information right then, right now. And if
25 we have changes that we think need to be explained or

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1 described, the cover letter is the vehicle for that.

2 CHAIRMAN BLOCH: Thank you.

3 CROSS EXAMINATION (continued)

4 MR. MICHAEL KOHN: And on April 19th, did you
5 -- do you know if they used the current numbers as of
6 April 19th for the diesel start count?

7 CHAIRMAN BLOCH: In the cover letter, right?

8 BY MR. MICHAEL KOHN:

9 Q No, when the original April 19 final LER went
10 out, did they use the actual current diesel start count,
11 or did they use some other numbers?

12 A Well, I believe it said that each diesel was
13 started more than 18 times each. So that would have been
14 more than -- or that would have been the current
15 situation. Each diesel had been started more than 18
16 times each.

17 Q And if they -- so if I understand it, would
18 there be any logic in using language in a final LER going
19 out to refer to the diesel start count on April 9th when
20 you already know you had additional starts? Shouldn't you
21 have discarded that basis and used a new count?

22 A Are you speaking of a -- if we should have don
23 it at a certain date or as a theoretical question?

24 Q As of April 18th, April 19th, there was
25 verification to --

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1 CHAIRMAN BLOCH: Mr. Kohn, I'm having trouble
2 understanding the question because it seems so obvious.
3 What are you really asking? That you shouldn't use a
4 wrong count as part of another count? I mean, that's
5 obvious.

6 MR. MICHAEL KOHN: No, Your Honor. I'm trying
7 to indicate that you should not -- that on the 19th they
8 were using the diesel data from the April 9th, and I'm
9 asking the witness --

10 CHAIRMAN BLOCH: And if it was wrong, and it
11 was an incorrect basis, you wouldn't want to take that and
12 add something else to it, right?

13 MR. MICHAEL KOHN: It's my understanding that
14 they didn't add anything else to it. They were just using
15 that data on the 9th. That was their --

16 CHAIRMAN BLOCH: And if they were doing that,
17 that's also obviously wrong. You don't need a witness to
18 say something about that.

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

20 BY MR. MICHAEL KOHN:

21 Q Now can you tell me whether -- looking at GPC
22 Exhibit 171-Q, whether the numbers originally approved by
23 Mr. Mosbaugh and signed off by the PRB by Mr. Mosbaugh
24 were 11 starts, and that the numbers were then changed in
25 the document attached to Exhibit Q to refer to 14 times?

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1 A That's right. The general manager asked that
2 they be changed. And since he has prerogative, he took
3 the advisement of the PRB and took the LER and made
4 changes as he found necessary, as he's allowed to do.

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: Is he allowed to do that --
7 sorry, this is Judge Bloch. He's allowed to do that
8 whether or not he's correct?

9 THE WITNESS: If he knows he's wrong, he won't
10 do it. But --

11 CHAIRMAN BLOCH: Well, what if you know he's
12 wrong and he doesn't?

13 THE WITNESS: I would tell him he was wrong.

14 CHAIRMAN BLOCH: Would you tell someone else
15 too?

16 THE WITNESS: Well, we're not talking right
17 and wrong. We're talking about a difference here in what
18 kind of numbers you want to count and when you want to
19 start and when you want to stop.

20 CHAIRMAN BLOCH: Was it clearly explained
21 where he was starting and stopping?

22 THE WITNESS: I believe so.

23 CHAIRMAN BLOCH: Which page are we looking at
24 in Q?

25 THE WITNESS: Page six of eight.

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1 CHAIRMAN BLOCH: And the section that's
2 handwritten, is that the one?

3 THE WITNESS: Yes, sir; those were the
4 comments that the general manager wanted added.

5 CHAIRMAN BLOCH: And these numbers are correct
6 with that basis, is that your testimony?

7 THE WITNESS: Yes, sir.

8 CHAIRMAN BLOCH: Thank you.

9 CROSS EXAMINATION (continued)

10 BY MR. MICHAEL KOHN:

11 Q Was it the practice to change the underlying
12 documentation to a PRB cover sheet without going back and
13 issuing a new PRB cover sheet?

14 A If the general manager decided it needs to go
15 back to PRC, it would have had a new cover sheet added and
16 gone back to the PRB to review again. But it's common
17 practice that if the comments are not substantial or
18 insignificant or clarify information that's already in the
19 LER, it does not go back to the PRB for rereview.

20 Q This leaves -- the document, Exhibit Q, leaves
21 the impression that Mr. Mosbaugh, at the meeting
22 identified, approved the attached document, correct?

23 A Not with me it doesn't. You also have Exhibit
24 P, which has Mr. Bockhold's comment to add extra
25 information, which has been added.

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1 Q I'd like to call your attention to Exhibit
2 171-D. And I notice on the top it says JGA comments,
3 4/13/90, a.m.

4 A That's correct.

5 Q And that would refer to Mr. Aufdenkampe?

6 A Yes, it does.

7 Q And then on project page 057669, I see the
8 numbers 18 and 19 are circled.

9 A Yes, they are.

10 Q Are those Mr. Aufdenkampe's comments?

11 A I believe they are, yes.

12 Q And this is the time that Mr. Aufdenkampe
13 identified to you that these numbers were suspect?

14 A He had the comment that they may not be
15 correct.

16 MR. MICHAEL KOHN: No further questions.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Staff? Well, I actually have
19 one question. Mr. Webb, Judge Bloch.

20 THE WITNESS: Yes, sir?

21 CHAIRMAN BLOCH: Were you at all familiar with
22 the amount of time it took to retrieve documents from the
23 central repository in 1990 -- the document repository at
24 Vogtle?

25 THE WITNESS: Yes, I went there on a regular

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1 basis to get documents.

2 CHAIRMAN BLOCH: Okay, about how long would it
3 take to get documents from the repository?

4 THE WITNESS: It would depend on the document,
5 how much paper it was, how it was filed. It could take
6 anywhere from -- let's see, for me, I was in the
7 administration building, and this was in the next
8 building. To go there, get documents, and to come back
9 might take anywhere from 20 minutes to over an hour.

10 CHAIRMAN BLOCH: Okay, but you'd never take
11 days to get a set of documents from them?

12 THE WITNESS: It would have to be a big set of
13 documents to take days.

14 CHAIRMAN BLOCH: So with a big set, you might
15 get it in two or three days?

16 THE WITNESS: That sounds reasonable.

17 CHAIRMAN BLOCH: Okay, thank you.

18 CROSS EXAMINATION

19 BY MR. HULL:

20 Q Mr. Webb, I'd first like to take you back to
21 an answer you gave me earlier today about the first draft,
22 which has now been marked as GPC Exhibit II-171-A. When
23 Mr. Aufdenkampe told you to incorporate into the LER draft
24 the information from the April 9 letter, did you go back
25 at that point and look at the April 9 letter and determine

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1 what the basis for the information was in there?

2 A No, sir.

3 Q Could you explain why you did not?

4 A I didn't feel a need to look at the basis for
5 something that had already been submitted to the NRC.

6 Q So you just assumed it was correct?

7 A Yes, I did.

8 Q Do you recall any discussions you may have had
9 with Mr. Aufdenkampe at this point about the basis for the
10 information in the April 9 letter?

11 A Do you mean April 9th or on April 13th when I
12 got his comments here on Exhibit A?

13 Q Okay, on April 13 when you got his comments.

14 A I don't remember any conversations with him.
15 If he said that he thought it was suspect or he thought
16 there was a problem with it and we agreed to use more than
17 20 times or just say several starts, that -- I would have
18 put the issue to bed right there for the purposes of
19 getting this LER moving again.

20 Q And I believe you testified earlier that you
21 thought you had submitted your first draft to Mr.
22 Aufdenkampe either on April 7, 8, or 9, is that correct?

23 A Let's see. On or about April 9th, yes, sir.

24 Q And so it was on April 13 that Mr. Aufdenkampe
25 told you to use the information that was contained in the

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1 April 9 letter?

2 A That's correct.

3 Q Do you recall any interactions you may have
4 had with Mr. Aufdenkampe or anyone else between April 9
5 and April 13 about the diesel start counts?

6 A Other than what's in my testimony, no, sir.

7 Q In GPC Exhibit II-171-A, if you'd turn please
8 to -- I'm not sure it has a page number. It's project
9 page 057730.

10 A What number?

11 Q It's 92 Project, page 057730. Do you have
12 that page, Mr. Webb?

13 A Yes, sir.

14 Q There is a reference there in paragraph 7,
15 which is down at the bottom of that page, to valid
16 failures and valid tests. Does that information there
17 have anything to do with following the Reg. Guide 1.108
18 terminology, as you had planned to do at one point?

19 A It's information that's required by our tech.
20 specs., and also by Reg. Guide 1.108.

21 Q Was this information kept in subsequent drafts
22 of the LER, to your recollection?

23 A It should have been, because it's required
24 information for a special report.

25 Q Now, Mr. Webb, let me take you back for a

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1 second to an answer you gave a few minutes ago. I think
2 you may have been confused. I wanted to clear it up. You
3 said that Mr. Aufdenkampe didn't tell you to put in the
4 information from the April 9 letter until April 13. But
5 in your prefiled testimony, you indicate it was April 9
6 that Mr. Aufdenkampe told you to do that.

7 A Oh, okay. I must have been mistaken. It must
8 have been April 9th.

9 Q So you're sure that your prefiled testimony is
10 correct on that point?

11 A Yes, sir. I guess I need to look at my -- at
12 the testimony closer when you're asking me questions. I'm
13 trying to keep up with it, but I'm not fast enough.

14 Q I'm focusing now on page 3 of your prefiled
15 testimony.

16 A All right.

17 Q And lines about 13 through 15, you indicate it
18 was April 9 that Mr. Aufdenkampe approached you about
19 incorporating the language from the April 9 letter?

20 A Yes, sir.

21 CHAIRMAN BLOCH: Just a second. Mr. Webb, if
22 you do need to look at your testimony -- this is Judge
23 Bloch. If you do need to look at your testimony, take
24 your time. The problem isn't that you're not fast enough.
25 It's that you're too fast. If you need to look at

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1 something, take your time to look at it.

2 THE WITNESS: All right. Thank you.

3 BY MR. HULL:

4 Q I noticed you say in your prefiled testimony
5 "on or about April 9," so I guess it could have been
6 April 10 that he talked to you?

7 A It could have been, yes, sir.

8 Q Now, continuing on page 3 of your prefiled
9 testimony, you refer to Mr. Aufdenkampe's instruction to
10 include in your next draft a statement regarding the
11 diesel starts which GPC had made to the NRC in a letter
12 dated April 9, 1990. Is the information about the diesel
13 starts that you put into your next draft, would that be
14 reflected in Exhibit B, GPC II-171B? And let me try to
15 help you, it's page -- it looks like it's page 10 of
16 Exhibit B.

17 A Thank you. It looks like that's the first
18 page it shows up on these drafts.

19 Q And is that the sentence that begins, "Since
20 3/20/90, DG 1A has been started 18 times"?

21 A Yes, sir.

22 Q Turn to page 4 of your prefiled testimony,
23 please. You state that you submitted a fourth draft of
24 the LER to Mr. Aufdenkampe for review on April 13, 1990.
25 Do you see that there on page 4?

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1 A Yes, sir.

2 Q Did you take Mr. Aufdenkampe's comment to mean
3 that the April 9 letter contained a material false
4 statement?

5 A You're referring to his comments that 18 and
6 19 may be incorrect?

7 Q Yes.

8 A No, I didn't.

9 Q Did you take that -- his comments to mean that
10 the April 9 letter was in error?

11 A No, I didn't.

12 Q Can you explain your answer, please?

13 A Well, he merely expressed an opinion without
14 any -- any information to the -- to back it up or to
15 explain why he thought it was his opinion, so I -- it was
16 something that I didn't -- didn't dig into any further
17 than that.

18 Q Well, why didn't you dig into it any further
19 if you just regarded it as an opinion of Mr.
20 Aufdenkampe's?

21 A Because if he didn't like it, we needed to
22 change it, so I found some words that he liked, which was
23 "several starts."

24 Q Well, didn't you think it would be prudent, at
25 that point, to go back into the control log to try to find

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1 out what the actual number of starts had been?

2 A We could have done that, but the control logs
3 don't contain all of the diesel starts.

4 Q What are the other source documents you would
5 need to determine that?

6 A The only one I know would be the diesel start
7 sheets.

8 Q Did you make any effort to determine where the
9 diesel start sheets were at that point?

10 A All through this time period, up to April
11 19th, we made efforts to find the diesel start sheets, and
12 we were unable to obtain all of them.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: I'm sorry. I don't
15 understand the answer. You told me where to find them.

16 THE WITNESS: If we can find copies of the
17 original and document control after they have been filed,
18 but that's often several weeks after the event.

19 CHAIRMAN BLOCH: It takes weeks to have it
20 filed there?

21 THE WITNESS: Yes, sir. That was the
22 situation in 1990.

23 ADMINISTRATIVE JUDGE CARPENTER: Has it
24 changed in 1995?

25 THE WITNESS: It's improved at least somewhat.

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1 ADMINISTRATIVE JUDGE CARPENTER: I'm sorry. I
2 didn't hear you.

3 THE WITNESS: It has improved at least
4 somewhat, yes, sir.

5 CROSS EXAMINATION (Continued)

6 BY MR. HULL:

7 Q Now, do you recall any discussion that you had
8 with Mr. Aufdenkampe regarding verification of the 18 and
9 19 numbers which he had told you might be incorrect?

10 A I'm sorry. Could you repeat that, please?

11 Q Do you recall any discussions that you had
12 with Mr. Aufdenkampe regarding verification of these 18
13 and 19 start numbers, which he had told you may be
14 incorrect?

15 A No, sir, I can't recall any specific
16 conversations.

17 Q And you don't recall any discussions with
18 Mr. Aufdenkampe about this, either on April 13 or any
19 other date?

20 A No, just that we agreed to come up with the
21 phraseology of -- to say "several starts" rather than say
22 "18 and 19."

23 Q And you didn't think it was prudent at that
24 point to review the start logs or otherwise investigate
25 how those numbers were arrived at?

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1 A No, I didn't think it was germane to getting
2 out the LER.

3 Q Did you have any basis for use of the term
4 "several starts"?

5 A Well, we felt that 18 or 19 was probably the
6 right number, but even if it wasn't, we knew we had that
7 -- close to that many, and we had had more since that
8 date, since April 9th.

9 Q And, again, at this point, were you simply
10 assuming that the information in the April 9 letter was
11 correct, so you didn't see any need to try to verify those
12 numbers?

13 A I didn't see a need to verify the numbers from
14 the April 9th letter as of April 13th, no, sir. Because
15 even if it was an incorrect number, it was -- it was
16 insignificant and not a safety issue, and it was something
17 that we certainly would want to correct in time, but it
18 was not a -- it was not important, obviously.

19 Q Prior to the April 19 LER's issuance, did you
20 ever speak to Mr. Cash about diesel starts?

21 A I don't recall speaking to Mr. Cash back in
22 that timeframe.

23 Q Do you recall in that timeframe if anybody
24 ever told you that Mr. Cash had prepared a list for Mr.
25 Bockhold for use in his April 9 presentation?

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1 A I don't know. They may have, but I don't
2 recall it.

3 Q Again, on page 4 of your prefiled testimony,
4 you state that at your suggestion, the draft LER was
5 revised to state that since 3/20/90, the 1A and 1B diesels
6 have been started several times with no failures or
7 problems. Do you see that on page 4?

8 A Yes, sir.

9 Q Apart from the fact that this is what was
10 stated in the April 9 letter, did you have any independent
11 basis for stating that since 3/20/90, the 1A and 1B
12 diesels have been started several times with no failures
13 or problems?

14 A No, sir. Generally, information that goes to
15 the NRC is regarded as gospel.

16 Q And do you recall what date you made this
17 suggestion that this language be put into the LER? I
18 don't know. You may be able to tell from reference to
19 these various GPC 171 exhibits.

20 A From my testimony, it looks like it was some
21 time between the 13th and the 16th.

22 Q Would looking at any of these exhibits or --
23 well, strike that.

24 Let me ask you, have you today reviewed GPC
25 Exhibits II-171, A through T?

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1 A Yes, I have.

2 Q And do any of those exhibits help you pin down
3 this particular date, as to when you made the suggestion?

4 A I believe that item E may be an indicator,
5 although the date is -- up in the upper right-hand corner
6 is copied very badly, and it's -- it's not that readable.

7 Q You're referring here to GPC Exhibit II-171E?

8 A That's correct.

9 Q Is there another copy or an original of this
10 document that might show this date?

11 A We'll take a look.

12 Q Mr. Webb, at the time you made this
13 suggestion, do you recall if you spoke to anyone other
14 than Mr. Aufdenkampe about it?

15 A I may have spoken to my supervisor, Rick Odom,
16 but I don't recall.

17 Q I take it, then, you don't recall calling
18 anybody at corporate about your suggestion at this point?

19 A I don't recall that, no.

20 Q Now, other than not specifying the start
21 numbers that had -- the 18 and 19 numbers that had been
22 used in the April 9 letter, isn't your suggested revision
23 to the LER providing the same start information previously
24 given by GPC to the NRC in that April 9 letter?

25 A Do you mean assuming that 18 and 19 is the

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1 same as saying "several"?

2 Q Other than substituting the word "several" for
3 the word -- for the numbers 18 and 19, wasn't your
4 suggested revision simply repeating what would already --
5 had already been stated to the NRC in the April 9 letter?

6 A That's a fair assumption, yes, sir. It looks
7 to be very similar.

8 Q And I guess I was a bit puzzled as to your
9 terming it as a suggested revision, since Mr. Aufdenkampe
10 had already told you to do this when he gave you his
11 comments regarding the first draft of the LER back on
12 April 9 or 10. Is that correct?

13 A To -- to do what, sir?

14 Q To use the information that was contained in
15 that April 9 letter in your draft LER.

16 A Yes.

17 Q So your suggested revision on April 13 wasn't
18 really anything new, you were just changing the 18 and 19
19 numbers to the general term "several," is that correct?

20 A That's correct.

21 MR. BLAKE: Mr. Hull, on GPC 171E, that date
22 appears to be 4-13-90 p.m., on a better copy that we have
23 of that document.

24 MR. HULL: Thank you.

25 BY MR. HULL:

1 Q Mr. Webb, does that help you pin down that
2 date at all?

3 A Typically, my practice was to put the date on
4 the copy as it came off of the printer, so that's probably
5 the date that it was written, yes, sir.

6 Q Now, in your discussion with Mr. Aufdenkampe,
7 and I believe you said you may have already also spoken to
8 Mr. Odom about it, regarding your suggested revision, do
9 you recall if the overriding concern at that point was
10 simply to stay consistent with the start information given
11 in the April 9 letter?

12 A Well, having been told previously on April 9th
13 to use that information in -- I know I was trying to stick
14 with it as much as I could.

15 Q And so when Mr. Aufdenkampe told you that the
16 18 and 19 numbers might not be correct, you just simply
17 changed that to "several" and left the rest as it was, is
18 that right?

19 A That's right.

20 Q Do you agree now that your suggested revision
21 of the LER on or about April 13 really did not further the
22 goal of providing complete and accurate information to the
23 NRC in that LER?

24 A No, I don't want to make that assumption.

25 Q In hindsight now, looking back on the events

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1 that took place in April of 1990, and knowing what you
2 know now, do you agree that the wiser course at that point
3 would have been to go back and look at the shift
4 supervisor log, the diesel control log, whatever logs you
5 needed in order to come up with the actual number of
6 starts?

7 A If I had known now what I know -- if I had
8 known then what I know now, I probably would have camped
9 out in that building for 30 days and counted them myself.

10 CHAIRMAN BLOCH: That would have saved us a
11 lot of time.

12 BY MR. HULL:

13 Q Would you turn to page 5 of your prefiled,
14 please?

15 ADMINISTRATIVE JUDGE CARPENTER: Mr. Hull, if
16 I could just ask one follow-up question.

17 MR. HULL: Sure.

18 BOARD EXAMINATION

19 ADMINISTRATIVE JUDGE CARPENTER: Mr. Webb,
20 with regard to this using the descriptive term "several"
21 rather than some specific numerical value, were you ever
22 told that a numerical value was important in the LER, and,
23 in particular, that any particular numerical value was
24 important?

25 THE WITNESS: No, sir. I was told in --

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1 around April 9th that we wanted to use the same
2 information as had been in the letter of April 9th. But I
3 wasn't told that we wanted to keep those numbers the same
4 and just use those numbers and don't use anything else,
5 no, sir.

6 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

7 CROSS EXAMINATION (Continued)

8 BY MR. HULL:

9 Q You had referred a while ago, Mr. Webb, to the
10 information in the April 9 letter as being gospel, since
11 it had, in fact, been sent to the NRC. But you'll agree
12 with me, I think, that at that point, you were really
13 working on the April 19 LER, correct?

14 A That's correct.

15 Q And you had an obligation in the April 19 LER
16 to submit information that was accurate and complete, to
17 the best of your knowledge, is that right?

18 A That's right.

19 Q Do you feel, in the April 19 LER, that you had
20 an obligation to correct any errors that may have been in
21 the April 9 letter?

22 A I certainly wouldn't want to repeat any
23 incorrect information, if that's what you mean.

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: The witness's testimony was

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1 he thought that the correction should be in the cover
2 letter. Is that correct?

3 THE WITNESS: I believe what I said, sir, is
4 that if we thought that explanation for a revision
5 existed, that the cover letter would be the place to
6 convey why it was being changed.

7 CHAIRMAN BLOCH: But not the LER. You
8 wouldn't explain it in the LER.

9 THE WITNESS: No, we wouldn't explain it. We
10 would just give the correct information. Any explanation
11 should go up front in the cover letter.

12 CROSS EXAMINATION (Continued)

13 BY MR. HULL:

14 Q Do you recall having any discussions with
15 Mr. Aufdenkampe or Mr. Odom about what the cover letter to
16 the April 19 LER should say?

17 A No, sir, I didn't.

18 Q Did it cross your mind, in April 1990, that
19 perhaps the cover letter to the April 19 LER should say
20 something about the information in the April 9 letter?

21 A No, it didn't.

22 Q Now, independent of your activities with
23 respect to drafting the LER, when you were told by
24 Mr. Aufdenkampe that the information regarding start
25 counts in the April 9 letter may not have been correct,

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1 did you feel any personal obligation yourself to try to
2 clarify or correct that information in the April 9 letter?

3 A No, I didn't. I took Mr. Aufdenkampe's
4 opinion and treated it as an opinion, and we went forward
5 with that.

6 Q Well, who do you think would have been
7 responsible for correcting any misinformation that may
8 have been in the April 9 letter?

9 A Well, if Mr. Aufdenkampe had misgivings about
10 it, and he wanted me to correct it, he would have told me
11 so.

12 Q Well, did you ever followup -- this up with
13 Mr. Aufdenkampe at any time before the April 19 LER was
14 issued as to whether his concerns about that information
15 had been allayed or not?

16 A I don't recall.

17 Q Now, on page 5 of your prefiled testimony, you
18 reference an April 18, 1990, PRB comment to replace the
19 word "several" in the draft LER with the actual number of
20 starts. Did you receive any instructions or clarification
21 from the PRB, or others, on what to do in response to this
22 comment?

23 A Yes, sir. The PRB member who had the comment
24 said we had more than 20 starts and we ought to say so, so
25 that was what -- that was what went into the next

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1 revision, the next draft of the revision.

2 Q Who was that PRB member?

3 A Michael Lackey.

4 Q I'm sorry. Could you spell the last name?

5 A Michael Lackey, L-A-C-K-E-Y.

6 Q Do you recall if anyone other than Mr. Lackey
7 had comments in this April 18 PRB meeting about this?

8 A I'd have to look at the PRB minutes to be
9 sure, but I don't know.

10 Q Is the control room log review that you
11 performed on April 18 in response to this PRB comment, was
12 that the first time that you had looked at any start logs
13 since beginning your work on drafting the LER?

14 A I believe it was, yes, sir.

15 Q And did the logs that you reviewed on April 18
16 consist of the unit control log and the shift supervisor
17 log?

18 A I can't recall if it had both of them, but it
19 should have been. I should have used both logs, yes, sir.

20 Q I ask the question because on line 16 on
21 page 5, you simply refer to a review of the control room
22 logs. But then, later on, when you testify about
23 reviewing logs on April 19, you specify that it was the
24 unit control log and the shift supervisor log. Do you
25 have a recollection of not reviewing the same thing on

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1 April 18 versus April 19?

2 A Well, no. There is a clarification here
3 needed, I think. There is two sets of control room logs.
4 One is called control log, and the other one is called the
5 shift supervisor log. They are both located in the
6 control room. So if you look at control room logs, you're
7 looking at both of those logs.

8 Q So we should read your testimony on page 5,
9 when you say "control room logs," that could include
10 either or both, correct?

11 A It should include both, yes, sir.

12 Q And you also reference on April 18 having
13 spoken to Ken Stokes. Was that the first time that you
14 had spoken to Ken Stokes about diesel starts since
15 beginning your work on drafting the LER?

16 A No, I believe I had spoken to him before that
17 time.

18 Q And do you recall what information you had
19 obtained from Ken Stokes before that time?

20 A Generally, whenever there is a diesel failure,
21 I call him and try to get information as to whether the
22 failure was valid or non-valid, and look back at the
23 history to count the number of valid starts and valid
24 failures, because we were required to report the number of
25 valid failures in the last 20 valid starts and in the last

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1 100 valid starts.

2 Q Do you recall when you had this particular
3 conversation with Mr. Stokes?

4 A No. But I believe it was in the first draft
5 that came out around April 9th, so it was probably before
6 then.

7 Q And you recall at some time before then, you
8 were speaking to Mr. Stokes about diesel failures and
9 whether they were valid or non-valid?

10 A Yes, sir.

11 Q Do you recall any other particulars about that
12 conversation?

13 A No. No, I don't.

14 Q Now, when you spoke to Mr. Stokes on April 18
15 about the diesel starts, was he -- did he provide you any
16 information which had revised the information he gave you
17 earlier when you spoke to him about this?

18 A Well, yes. There had been more diesel starts
19 since April 9th, or whenever it was, to whenever the
20 period was I talked to him. Apparently, it was before
21 April 9th, and the control room logs are generally
22 current, or there is copies available up to within the
23 last couple of days, so I would have probably called him
24 to ask him if there had been any starts the last couple of
25 days that may not be in the logs, or that may not be in

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1 the copies of the logs that I had access to.

2 Q Now, at this time, you would have had access
3 to the original logs, wouldn't you?

4 A Yes, sir. You can go into a control room and
5 look at those original logs.

6 Q And do you recall whether you looked at the
7 originals on April 18th?

8 A I looked at copies.

9 Q Why didn't you go to the originals?

10 A I had xerox copies, which I thought was a
11 reasonable facsimile.

12 Q Now, are the -- would the original records be
13 more -- likely be more up to date than the copies?

14 A The original control room logs are a current
15 ongoing document, and you can get up-to-date information
16 from them, yes, sir.

17 Q So that would have been an alternate source,
18 then, of up-to-date information, going to the original
19 logs versus going to Ken Stokes?

20 A It could have been, yes, sir, although Ken
21 Stokes generally knows all of the diesel tests that take
22 place, and the control room logs don't -- at that time,
23 didn't list all of the diesel starts.

24 BOARD EXAMINATION

25 ADMINISTRATIVE JUDGE CARPENTER: Mr. Hull, if

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1 I may intrude, in these conversations with Mr. Stokes on
2 April 18th, did Mr. Stokes have any remarks to make about
3 the wonderful 18 and 19 numbers, or not? Was it a topic
4 of conversation, or not?

5 THE WITNESS: I don't recall. I don't recall,
6 sir.

7 ADMINISTRATIVE JUDGE CARPENTER: It didn't
8 come up, or --

9 THE WITNESS: It's possible. It may have come
10 up. I just don't recall it.

11 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

12 CROSS EXAMINATION (Continued)

13 BY MR. HULL:

14 Q Now, on April 18, you only reviewed records
15 going from April 10 up until, I believe, the morning of
16 April 18, is that correct?

17 A That's correct.

18 Q Now, do you recall if you felt that there were
19 any starts missing in those records that you looked at on
20 April 18?

21 A No, I had no reason to think that there were
22 missing starts.

23 Q And when you spoke to Ken Stokes on April 18,
24 he was able to confirm that no starts were missing in
25 those April 10 to 18 records?

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1 A I don't believe I asked him that question. I
2 believe what I would probably have asked him, if there had
3 been any starts the last one or two days that I wouldn't
4 have -- that I did not have copies of the logs for. I
5 wouldn't have asked him to tell me what -- what had
6 happened in the last eight days. I wouldn't have expected
7 him to recall that -- that information off the top of his
8 head.

9 Q Now, what documents would Ken Stokes have
10 referred to if you had asked him for up-to-date
11 information on April 18?

12 MR. BLAKE: I have an objection to the
13 question. He has already said that he didn't think he
14 asked Mr. Stokes that question. Now the question is, if
15 you had asked him that, what documents would he have used?
16 I think that's inappropriate and not very probative.

17 CHAIRMAN BLOCH: Mr. Hull, do you have a
18 different question?

19 MR. HULL: Let me try to rephrase it, Your
20 Honor.

21 BY MR. HULL:

22 Q You've testified that you did speak to
23 Mr. Stokes on April 18 about diesel starts, correct?

24 A That's correct.

25 Q And did you -- the purpose of talking to

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1 Mr. Stokes on April 18 was to get up-to-date information
2 on the diesel starts from him, correct?

3 A That's right.

4 Q And what records would Ken Stokes have looked
5 at to give you that up-to-date information from, you know,
6 this -- just the past couple of days, as of April 18?

7 A He probably would have had no written records.

8 Q What would have been the source of his -- or
9 the basis for his updated information?

10 A If there had been diesel tests in the last day
11 or two, the system engineer would have known if there had
12 been tests or not, so I considered that reliable
13 information.

14 Q And did he tell you about any tests that had
15 taken place, say April 16 through 18, on the diesels?

16 A In my testimony on page 5, line 18, it says,
17 "Mr. Stokes informed me of one additional start."

18 Q And do you recall if he referred to any
19 written notes when he gave you that information, or was he
20 -- or a list of starts? Do you recall what the source of
21 that information was?

22 A No, I can't. I can't recall.

23 Q And do you recall whether you had talked to
24 him by phone or in person on April 18?

25 A It was by phone.

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1 CHAIRMAN BLOCH: Mr. Hull, is this a good
2 breaking point?

3 MR. HULL: Sure.

4 CHAIRMAN BLOCH: We'll take a 10-minute
5 recess.

6 (Whereupon, the proceedings were off the
7 record from 4:25 p.m. until 4:40 p.m.)

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

9 BY MR. HULL:

10 Q Mr. Webb, the records review that you
11 performed on April 18 was limited to the control room logs
12 dated between April 10 and April 18, is that correct?

13 A Yes, sir.

14 Q And the only other data that you used on
15 April 18 was information from Mr. Stokes, correct?

16 A That's correct.

17 Q Now, did you limit your review on April 18 to
18 that particular subset of records because you were still
19 assuming that the 18 and 19 numbers contained in the
20 April 9 letter were correct?

21 A Yes, I -- yes, I did.

22 Q Mr. Webb, I'm showing you what was previously
23 marked and admitted as Staff Exhibit II-24. You might
24 want to take a moment to just look through that, but the
25 question pending is, is that what you reviewed on April

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1 18?

2 A On April 18th, I would have reviewed this log,
3 and also the shift supervisor log.

4 Q And, again, you may want to take a moment to
5 review Staff II-24. But do you recall if there was any
6 information in the shift supervisor's log which would not
7 have been reflected in Staff II-24?

8 A I don't recall.

9 Q Can you take a moment, please, to just go
10 through that exhibit, then, and tell whether there is any
11 independent information in the shift supervisor log that
12 you recall?

13 MR. BLAKE: Judge Bloch, I object. How many
14 times have we been through these logs? And the logs stand
15 on their own. And whether or not there is something
16 extra, or there isn't, is going to be a subject for the
17 parties to be able to -- I think each one of us could now
18 say whether there is or there isn't. How probative and
19 how worthwhile and how necessary is it now to have this
20 witness take the time to go back through the log and try
21 to make that determination?

22 CHAIRMAN BLOCH: Mr. Hull, it does seem a bit
23 repetitious. Could you explain?

24 MR. HULL: Well, Your Honor, he has testified
25 in the prefiled that he reviewed the control room logs

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1 between April 10 and April 18, inclusive. That's what
2 Staff Exhibit II-24 is. And rather than just go on his
3 memory of what he saw, I think it prudent to have him at
4 least thumb through the exhibit, and if he -- if his
5 recollection is refreshed that there is some independent
6 information in the shift supervisor's log, he can tell us
7 that.

8 MR. BLAKE: Well, let's assume there is. Or
9 let's assume there isn't. What is the difference for this
10 witness now? How probative, meaningful, important,
11 significant, necessary is it?

12 CHAIRMAN BLOCH: That's a good question,
13 Mr. Hull. What do you think?

14 MR. HULL: Well, if I didn't think it was
15 probative, I wouldn't have asked the question, Your Honor.
16 But it's --

17 CHAIRMAN BLOCH: I'm asking for an
18 explanation, though.

19 MR. HULL: I just want to see if there is any
20 difference between those two sets of records that he can,
21 you know, describe for us.

22 THE WITNESS: I only have one set of records
23 here, so I can't tell you what the differences might be.

24 CHAIRMAN BLOCH: Well, without further
25 explanation of why it matters, I think we should pass on

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1 to something else.

2 BY MR. HULL:

3 Q Mr. Webb, on April 18, what did you consider
4 to be a successful start?

5 A What did I consider to be a successful start?
6 I don't recall having a good idea or a definitive idea of
7 what a successful start is by itself, without calling it a
8 valid test or a maintenance run, or some other criteria.
9 You have to figure -- start with the criteria before the
10 test, and then run your test, and if it meets the
11 criteria, you can call it a successful start, I suppose.

12 CHAIRMAN BLOCH: Mr. Webb, had you thought at
13 the time that you were writing these documents about what
14 the NRC would understand was the meaning of a successful
15 start?

16 MR. BLAKE: Judge Bloch, I'm thinking in -- in
17 asking that question, are you aware that the term
18 "successful start" does not appear in the document that he
19 was drafting, as opposed to the April 9th letter in which
20 he had no -- played no role?

21 CHAIRMAN BLOCH: Strike the question.

22 BY MR. HULL:

23 Q The references you just gave, Mr. Webb, to the
24 valid tests, valid failures, and that sort of thing, are
25 you referring to the Reg. Guide, I believe it's 2-108,

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1 terminology?

2 A 1.108, sir.

3 Q 1.108.

4 A Yes, sir, I was.

5 Q And that was how you had typically described
6 -- would describe starts in 1990, using that terminology?

7 A And calling them valid or non-valid starts,
8 valid and non-valid failures.

9 Q Do you recall how you reached your counts of
10 21 and 23 as you report on page 5 of your prefiled
11 testimony?

12 A No, I don't.

13 Q So unless we took the time to have you go
14 through Staff II-24, you would not be able to specify how
15 you came up with those particular counts?

16 A That's correct.

17 Q Mr. Webb, I'm handing you now for review what
18 was previously marked as GPC Exhibit II-71.

19 BOARD EXAMINATION

20 CHAIRMAN BLOCH: Well, let's see if we can try
21 a little shortcut. Before you do that, Mr. Webb, do you
22 still believe that those counts were accurate?

23 THE WITNESS: Which counts?

24 CHAIRMAN BLOCH: The 21 and 23? Mr. Hull,
25 help me out, the numbers you just --

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1 MR. HULL: 21 and 23, yes, Your Honor.

2 THE WITNESS: I believed that they were
3 accurate at the time. I believe the following day --

4 CHAIRMAN BLOCH: No, I know you believed that
5 at that time. The question is, with the information you
6 now have, do you still believe that 21 and 23 were
7 accurate counts?

8 THE WITNESS: Oh. No, certainly not, because
9 we know that the 18 and 19 weren't correct, and it was
10 partially based on that.

11 CHAIRMAN BLOCH: Does that handle your
12 problem, Mr. Hull?

13 CROSS EXAMINATION (Continued)

14 BY MR. HULL:

15 Q Well, Mr. Webb, let me have you look at your
16 -- well, first, let me ask you, is what I've handed you
17 and what was marked as GPC Exhibit II-71, is that a copy
18 of a diesel start list that you made on April 19?

19 A Yes, it is.

20 Q And there's various handwriting that's
21 contained on that exhibit. There is some writing in red,
22 and there is some in black. Can you distinguish for us
23 what writing is yours and what writing is not yours?

24 A I believe that the scratch-out on the top of
25 the front sheet is my scratch-out, but the other written

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1 in, either pencilled or penned in writing on this copy
2 that I have here, doesn't appear to be mine.

3 Q Now, if you'd focus for a minute on the second
4 page of what you have there. It has DG 1B at the top.

5 A That's right.

6 Q The first entry there is dated 3/21/90. Is
7 that your writing?

8 A Yes, it is.

9 Q And the 2156, is that your writing?

10 A Yes, it is.

11 Q And the 2156 is the -- refers to the military
12 version of the time of day, correct?

13 A That's right.

14 Q Now, the entry next to there, "failed to
15 start," is that your writing?

16 A Yes, it is.

17 Q Now, just focusing on the comments on that
18 right-hand side of the page, going down the page, what is
19 the first comment there which is not your writing?

20 A "High jacket H₂O enunc."

21 Q Now, on the first page of this exhibit or
22 document, for the DG 1A starts, you came up with a total
23 of 32, is that correct?

24 A Yes, that's correct.

25 Q And can you explain the difference between the

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1 21 starts that you got for the diesel 1A on April 18 with
2 the 32 starts you got for 1A on April 19?

3 A On April 19th, we used logs going back to
4 March 20th. And on April 18th, we used logs going back to
5 April 10th.

6 Q And you do not list any problems with the
7 diesel 1A starts on that first page, is that correct?

8 A That's correct.

9 Q Now, on diesel 1B, looking at your list of
10 April 19, you list 27 starts, is that correct?

11 A Yes, sir.

12 Q And how many of those 27 starts, according to
13 the list that you prepared, had problems or failures?

14 A Three of them. The one on the 21st at 2156,
15 one on the 22nd at 1106, and a third one on the 23rd at
16 1730.

17 Q Now, on page 6 of your prefiled testimony, you
18 reference a direction that you received from Mr. Odom on
19 April 19 to verify the "more than 20 times each" language
20 in the draft LER. Do you see that?

21 A Yes.

22 Q And you prepared this list, this April 19
23 list, in response to that direction, correct?

24 A That's correct.

25 Q And the log review that you did on April 19,

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1 in response to Mr. Odom's direction, that was the first
2 time that you had looked at any diesel start logs between
3 March 20 and April 10, is that correct?

4 A I believe so, yes, sir.

5 Q Let me go back, Mr. Webb, for a moment to an
6 earlier answer you gave about the 21 and 23 starts that
7 you came up with on April 18. Is it accurate to say that
8 you simply added starts that occurred between April 10 and
9 April 18 to the numbers 18 and 19, as contained in the
10 April 9 letter?

11 A To the best of my knowledge, that's how I did
12 it, sir.

13 Q Now, when you were looking at records on
14 either April 18 or April 19, had anyone told you to try to
15 determine whether there were a particular number of
16 consecutive successful starts?

17 A No, sir.

18 Q Do you recall at some later point being asked
19 to determine whether there was a particular number of
20 consecutive successful starts on either the 1A or 1B
21 diesel?

22 A Later than what?

23 Q Later than your counts on April 18 and
24 April 19.

25 A I can recall some conversations, probably in

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1 the summer of 1990, when we were -- I was asked if there
2 was ways to come up with 18 or 19 numbers from different
3 starts or different failure times, and I think we may have
4 -- I may have looked at that at that time and tried to see
5 if there was a way to come up with those kind of numbers.
6 But I can't recall exactly who did it or when it was done.

7 Q And do you recall who had asked you to do
8 that?

9 A I know one fellow who asked me was George
10 Fredirick. He was in charge of putting together some
11 diesel information, I believe, when the OSTI team was
12 there in August of 1990, and he called me into his office
13 one day and asked if I could explain how he got certain
14 numbers of starts, and if I could justify saying we had 11
15 numbers here or 14 or 15 or 18 or 19.

16 Q And were you able to answer his questions in
17 that regard?

18 A I think I was able to answer and show how we
19 came up with every number except for 18 and 19 from
20 April 9th.

21 Q Now, do you recall any contact with
22 Mr. Fredirick in the June 1990 timeframe when he was
23 preparing his audit?

24 A I don't recall speaking with him then.

25 Q I'd like to show you now what was previously

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1 marked as GPC Exhibit II-18, and that's McCoy Exhibit P,
2 the August 30, 1990, letter.

3 Do you have a copy form that you can show him?

4 A I have that letter.

5 Q If you'd turn to Table 2 of that letter. Do
6 you have that Table 2, sir?

7 A Yes, sir. I've got it.

8 Q You'll see there that there is a start
9 identified as start number 136, and it's identified as a
10 problem start. Do you see that?

11 A I see 136, yes, sir.

12 Q Under the column marked "success," the word
13 "no" appears, is that correct?

14 A That's right.

15 Q Now, looking at the list that you prepared on
16 April 19, did you identify start 136 as a problem on your
17 April 19 list?

18 A I need to look at that list again. No, sir,
19 it's not on my list from the 19th.

20 Q And if we look at your April 19 list, does
21 start 136 correspond to the start listed under the heading
22 "DG 1B" for the date of 3/24/90?

23 A On hindsight, that would be my best guess.

24 Q And I believe you previously testified that
25 the notation that appears to the right of that entry on

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1 your April 19 list is not your writing, correct?

2 A That's correct.

3 Q Do you recognize whose writing that is?

4 A Would you like my opinion or --

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: Well, the question was, do
7 you recognize the handwriting?

8 THE WITNESS: I believe I do.

9 CHAIRMAN BLOCH: Well, then, whose is it?

10 THE WITNESS: I believe it's Allen Mosbaugh's.

11 CROSS EXAMINATION (Continued)

12 BY MR. HULL:

13 Q And do you recall ever discussing this April
14 19 list with Mr. Mosbaugh?

15 A No, I don't believe so.

16 Q Now, on this April 19 list, can you tell us
17 why you did not view that start, start 136, as a problem
18 start?

19 A I was working off of the logs, and if there
20 was information -- if I didn't see information in the logs
21 identifying it as a problem, then I wouldn't have listed
22 it on here.

23 Q If in the logs it was noted that a high jacket
24 water enunciator alarm had been received on that start,
25 would you agree that that would indicate a problem start?

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1 A Based on the way I gathered the information
2 for this, it -- I would have included it here and would
3 have called it a problem start on this list.

4 Q And would you have counted it in the number of
5 starts that you were counting?

6 A I -- this list shows all of the starts,
7 whether they had problems or not. So, yes, I would have
8 counted it.

9 Q Would you have included that start in a count
10 of consecutive successful starts without problems and
11 failures?

12 MR. BLAKE: I'd like to interpose an
13 objection. I think the witness's testimony is he wasn't
14 asked to do that. I don't know why his answer would be
15 particularly probative one way or the other.

16 CHAIRMAN BLOCH: Mr. Hull, that seems to be
17 well taken. I struck my own question on the subject.

18 BY MR. HULL:

19 Q Mr. Webb, would you have included start 136 as
20 a start without a problem or a failure?

21 A If I had --

22 Q Would you have counted it as a start without a
23 problem or a failure?

24 A If I had been asked to do that, and there was
25 no information to show that it had a problem -- problems

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1 or a failure, I would have included it as one, sure.

2 Q And if the record -- if the log indicated that
3 a high jacket water alarm had been received on that start,
4 you would not have considered it to be a start without a
5 problem or a failure, correct?

6 A You say if the log had showed it?

7 Q Yes.

8 A Well, going back to my 1990 frame of mind, a
9 water enunciator -- I probably would have considered that
10 a problem, yes, sir.

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: Well, before you -- Mr. Hull?
13 If you thought you would have, it's also
14 possible it would be in the log and you didn't notice it,
15 is that possible?

16 THE WITNESS: It's possible, sure.

17 CHAIRMAN BLOCH: I mean, you and I both make
18 mistakes, don't we?

19 THE WITNESS: Sure. Yes, sir. I do.

20 CROSS EXAMINATION (Continued)

21 BY MR. HULL:

22 Q Now, Mr. Webb, do you happen to recall whether
23 you had been instructed on April 19 to verify the language
24 in the LER at that point about a certain number of starts
25 having taken place without any problems or failures?

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1 A That's right.

2 Q And do you recall who had given you that
3 instruction?

4 A Let me look back in my testimony here. It's
5 in there. Mr. Rick Odom.

6 Q And your April 19 list simply totals all of
7 the starts that you were able to find in the logs,
8 correct?

9 A That's correct.

10 Q And you did not subtract out any of the starts
11 that had problems or failures, correct?

12 A No, I tried to put everything in those logs on
13 this list.

14 Q But weren't your instructions to verify that
15 the language in the LER about the starts without problems
16 or failures, weren't you supposed to verify that?

17 A That's right.

18 Q Well, if you included all of these starts --
19 for instance, the 3/21/90 start -- failed to start, why
20 would you have included that in the 27 total if you were
21 trying to come up only with starts without problems or
22 failures?

23 A I didn't say I was trying to come up with
24 starts without problems or failures. I wanted to get a
25 complete list. This is a complete list, as taken from the

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1 control room logs.

2 Q So what was the -- did you give a verbal count
3 to either Mr. Aufdenkampe or Mr. Odom on April 19 after
4 you had completed this list?

5 MR. BLAKE: I object. The witness has covered
6 this ground. He said precisely he didn't talk with
7 Mr. Aufdenkampe. He gave it to Mr. Odom. Mr. Odom later
8 reported to him that he had given it to the big fellow,
9 something or other, down the hall. This is all a matter
10 of record, including pointing out to Mr. Odom that it
11 didn't validate it, it didn't verify it. And he expected
12 that information got passed along as well.

13 CHAIRMAN BLOCH: My recollection is the same
14 as Mr. Blake's. I think we may be reaching a natural
15 breaking point. Do you have something you want to finish
16 on this subject, Mr. Hull?

17 MR. HULL: We can take a break, Your Honor.

18 CHAIRMAN BLOCH: Well, the break we're going
19 to take will be until tomorrow morning. We want to take a
20 break until 8:30.

21 I would like to request that the Staff
22 consider whether they'd like to follow up on some
23 statements that Mr. Eckert made about a particular
24 signature on the completion sheets and what its meaning
25 was. I'd like to see if this witness knows the meaning of

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1 that signature, because there is some question as to how
2 long it takes for documents to get places.

3 We'll adjourn until 8:30 in the morning. Are
4 there any objections?

5 (Whereupon, at 5:05 p.m., the proceedings in
6 the above-entitled matter were adjourned, to reconvene at
7 8:30 a.m., the following day.)

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C E R T I F I C A T E

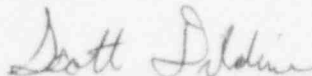
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: 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.



SCOTT DILDINE
Official Reporter
Neal R. Gross and Co., Inc.

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