

S-116A

GPC II 116A
(Staff Version)

Tape 172
DOCKETED
6/19/90
USNRC

1 BOCKHOLD: I--I--I--I'm not sure how his attorney put this together. There are
 2 multiple memoranda associated with the FAVA issue. You know, there is a whole big
 3 quality concern file associated with the FAVA issue. My specific ~~question is~~ ^{question is} is there
 4 other issues that need to be brought out. (inaudible) that there are other quality/technical
 5 issues that Allen may be concerned about, (inaudible) know what those are. I'd like him
 6 to tell me or -- and if he doesn't feel comfortable telling me, I'd like him to definitely
 7 tell you guys.

8 MOSBAUGH: I guess, my first question, George, was going to be why you
 9 called this meeting. And I guess you explained that and it's really focused on technical
 10 aspects (inaudible) -

11 BOCKHOLD: I--I--other thing, let me tell you that John's [John Rogge of NRC]
 12 management has basically told him that if it gets into the management type issues, not
 13 technical issues, he needs to leave. The purpose of the meeting is not to get into
 14 management issues, (inaudible) other issues associated--

15 MOSBAUGH: That was my second question was areas beyond technical. And
 16 I'm having a little trouble drawing the line between what is a technical issue and what
 17 is a management issue because sometimes they overlap. So -- I don't know if John
 18 knows what that line is either. Where we cross the line. I guess I should not discuss
 19 management issues. I guess I should also say that I am under the advice of my attorney
 20 not to discuss issues associated with this filing [DOL complaint]. I am prepared to

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NUCLEAR REGULATORY COMMISSION STAFF
 Docket No. 50-424 + 425-019-3 EXHIBIT NO. II-116A
 In the matter of Dr. Town/Vogtle
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter WJW
 Date 8-9-95 Witness MOSBAUGH

1 discuss issues in a technical nature -- that would be like hardware, or that kind of thing.
2 Probably --one, just as a beginning -- first issue would be the FAVA quality concern.

3 VOICE: We agreed to have that (inaudible)

4 MOSBAUGH: Maybe John would like to look at that.

5 (pause)

6 MOSBAUGH: There are a number of submittals associated (inaudible) file
7 (inaudible)

8 BOCKHOLD: Various people in the NRC have seen portions of that file. I'm
9 not sure that the NRC has reviewed the whole file (inaudible) whole list of things in
10 there.

11 VOICE: Allen, have you seen the file?

12 MOSBAUGH: I have not. I tried to look at it last Friday to get a
13 piece of information out of it and I was unable to get it.

14 VOICE: (inaudible) denied access to you or just not available (inaudible).

15 MOSBAUGH: It was off-site with Troutman-Sanders.

16 VOICE: Okay.

17 MOSBAUGH: And I don't know if it is here today (inaudible).

18 VOICE: I have to ask (inaudible). My question (inaudible) memorandum
19 (inaudible) missing documents (inaudible).

20 MOSBAUGH: My discussion of memorandum is separate and different from the
21 FAVA quality concern.

22 VOICE: (inaudible)

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[APPROXIMATELY 1/5 THROUGH SIDE A]

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

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

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MOSBAUGH: Failures between the 20th of March and now.

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

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

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21

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

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MOSBAUGH: The technical concern is that the machine has seen -- experienced additional failures.

1 BOCKHOLD: Any more than that?

2 MOSBAUGH: I guess I would say I have a management concern (pause) about
3 the handling of that information.

(Pause)

4 BOCKHOLD: The technical concerns about -- you know, it did experience
5 additional failures those were documented and (inaudible) that kind of stuff. Is there a
6 concern now about the engine operability? or --

7 MOSBAUGH: I will -- I think the NRC has had concerns about the engine
8 operability. I think we have had concerns about the engine operability.

9 BOCKHOLD: I guess my question again is (inaudible) the technical concerns
10 (inaudible).

11 MOSBAUGH: I think the technical concern would be the reliability of the
12 machine. We have taken steps (inaudible) to make changes and improve that reliability
13 by various actions we have taken. I acknowledge that.

14 BOCKHOLD: So you think it's reliable now; but it maybe wasn't reliable a
15 month ago. Is that what you're saying?

16 MOSBAUGH: Yeah, I think that -- I can't. You know, I'm a little bit out of the
17 picture, George, as far as, you know, what exactly the status of what all the work is, at
18 the moment, you know, as far as changing out switches and the Part 21s on the switches
19 and the Part 21s on the air solenoids and those things, to say exactly what we have out
20 there now, you know. But there were certainly periods before we took those actions
21 when those conditions existed.

22 BOCKHOLD: (Inaudible.)

23 ROGGE: (Inaudible.)

1 BOCKHOLD: (Inaudible) history of failures (inaudible).

2 MOSBAUGH: You know, with respect to the management issue, George, why
3 haven't we sent in the revised LER yet?

4 BOCKHOLD: The answer to that is, we're revising the LER completely and
5 (inaudible) added information about all the failures and what we've done. We revised
6 it with those numbers (inaudible) it not be appropriate. I believe that John has advised
7 the [NRC] Resident, but I'm not sure (inaudible) in the past about the numbers in
8 the LER (inaudible). Okay.

9 MOSBAUGH: (Inaudible) this particular LER revision, correcting the
10 information, has been sitting at corporate for over a month.

[Beeper alarms]

11 BOCKHOLD: (inaudible) [Returns phone call] OK. Good. Thanks.
12 Great. Good-bye. Okay. Any others now?

13 MOSBAUGH: Another memorandum I gave you related to diesel air quality.

14 BOCKHOLD: Er - Kenny had Mike Horton working for you at that time.
15 You know, we discussed that with Cooper people (inaudible) give us feedback on it.

16 MOSBAUGH: Well you're -- you stayed at the meeting and met with
17 myself and Mike and some of the diesel engineers. After that (inaudible) and I still do
18 not believe that we have an adequate understanding of the air quality history on those
19 machines over the past years and the potential for that poor air quality to have an effect
20 on the machines and the aero-pneumatic system and the sensor.

21 ROGGE: Diesel air quality (inaudible) diesel? The control air?

22 MOSBAUGH: It is both the starting air and the control air from the top of the
23 receiver. My concern would be water on the control air (inaudible).

1 ROGGE: (inaudible) What's the problem (inaudible) component (inaudible)?

2 MOSBAUGH: High humidity -- high dew point.

3 BOCKHOLD: Anything else?

4 MOSBAUGH: Why? Let me say that I think -- there are other concerns

5 I have that are of a management nature and there are some other concerns I have that are
6 of a technical nature, but I'm not fully prepared to discuss those at this time.

7 BOCKHOLD: When will you be fully prepared to discuss the technical concerns?

8 MOSBAUGH: I just haven't had enough time to gather facts in my spare
9 time and draw conclusions.

10 BOCKHOLD: Well, what things do you question at this time when you say you
11 have other concerns? I'd like to know what the other potential concerns are, especially
12 associated with the technical area.

13 MOSBAUGH: George, I haven't had much time to prepare for a meeting like
14 this.

15 BOCKHOLD: Why I would think that if they were real concerns (inaudible).

16 MOSBAUGH: I believe most all of the concerns that I had, George, are
17 things that I have brought forth and have brought forth in the time frames that they
18 occurred. That is true of the FAVA quality concerns, that is true of the diesel
19 memorandum; I brought all issues like that forth immediately upon becoming
20 aware of the problem, and on accessing the problem, and developing an opinion that it
21 was a problem.

22 BOCKHOLD: And you were part of the team that was supposed to address
23 and correct some problems and issues. And on diesel air quality, you were

1 part of that meeting and you didn't express an opinion or anything- - -

2 MOSBAUGH: Oh, I certainly -- I certainly expressed an opinion in that
3 meeting, George.

4 BOCKHOLD: -- that, that, that diesel air quality was insufficient (inaudible) --

5 MOSBAUGH: I most cert ----

6 BOCKHOLD: Or that the diesel was inoperable.

7 MOSBAUGH: I most certainly expressed a concern then.

8 BOCKHOLD: Okay, but you're not prepared now to talk about other concerns
9 (inaudible).

10 MOSBAUGH: I -- I can only say (inaudible) have other concerns, and
11 some of them are management issues, some of them are technical. It's a little hard for
12 me to understand where the division is. For example, is the compliance with the
13 Technical Specification a technical issue or a management issue? It's hard for me to
14 know where the division is. Some people would say, well, its a hardware problem, it
15 involves the interpretation of what the requirement is.

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(EXCERPTS CONTINUE ON P. 26)

1 (Pause in tape.)
[SIDE B, APPROXIMATELY 15½ THROUGH TAPE]

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

5 JOHN ROGGE: Okay.

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

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

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

18 JOHN ROGGE: Uh-huh.

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

25 JOHN ROGGE: Okay. Do you believe it was

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

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

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

21 A.L. MOSBAUGH: Yeah.

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

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

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

7 JOHN ROGGE: -- and disregards that.

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

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

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

13 JOHN ROGGE: Yes.

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

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

[LINES 18 - 25 DELETED]

1 [LINES 1 - 2 DELETED]

2 [APPROXIMATELY 30% THROUGH SIDE B]

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

10 (Inaudible.)

11 VOICE: It will probably be (inaudible).

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

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

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

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

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

22 (Inaudible.)

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

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

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

3 (Inaudible) four weeks ago (inaudible).

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

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

8 JOHN ROGGE: I appreciate that. :

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

11 J.G. AUFDENKAMPE: Are you leaving --
12 (Inaudible.)

13 JOHN ROGGE: Don't ask that.
14 (Inaudible.)

15 JOHN ROGGE: They have your number.
[DOOR CLOSSES]

16 A.L. MOSBAUGH: Independent
17 confirmation.

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

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

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

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

1 my understanding. -- okay

2 JOHN ROGGE: (Inaudible) careless
3 disregard.

MOSBAUGH: Well, okay.

JOHN ROGGE: Okay, air quality now.

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

6 JOHN ROGGE: Okay. What are they?

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

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

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

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

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

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

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

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

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

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

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

20 A.L. MOSBAUGH: Right.

21 JOHN ROGGE: To make it look like --

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

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

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

9 JOHN ROGGE: (inaudible) lot of problems ;
10 going on (inaudible).

11 MOSBAUGH: He understands the
12 issue. They all understand the issue. They all --
(inaudible)

13 the words materially false have been used, you
14 know.

15 JOHN ROGGE: With him or by you?

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

22 JOHN ROGGE: That's one document.

23 MOSBAUGH: Yeah.

24 JOHN ROGGE: What was the other one.

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

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

5 A.L. MOSBAUGH: Same sort, it's similar. Again, they're
6 phrased in different ways. And --

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

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

(PAUSE)

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

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

20 JOHN ROGGE: Well, (inaudible) do you come
21 to the correct answer with (inaudible) information and . . .

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

25 JOHN ROGGE: Uh-huh.

1 A.L. MOSBAUGH: Okay. So a decision was
2 being made based on information that was provided.
3 The essence of the issue was how reliable are --

4 JOHN ROGGE: (Inaudible.)

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

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

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

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

7 JOHN ROGGE: (Inaudible.)

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

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

5 JOHN ROGGE: (Inaudible) overheads.

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

8 JOHN ROGGE: Did you see the overheads ;
9 before the meeting or did you see a meeting notice
10 after that included the overheads (inaudible)
11 back?

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

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

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

21
22 JOHN ROGGE: Sometimes they change (inaudible) --
23 Sometimes people will have extra overheads and
24 they are waiting for the question and if the
25 question doesn't occur, then they blow right past it.

1

MOSBAUGH: He handed them out as his presentation.

2

3

ROGGE: Okay. (inaudible) packet. (inaudible)

4

Yeah. Alright.

5

MOSBAUGH: Now, whether he used each and every one of them, I

6

couldn't say because I --

7

ROGGE: (inaudible)

8

MOSBAUGH: --Somebody else would have to say. You know, get

9

somebody that went to the meeting and go "did he

10

show this one?"

11

ROGGE: (inaudible) every issue has got more overhead in

12

case (inaudible) asks a question on it. Then you

13

can smile and say (inaudible), then you have to hand

14

those out.

15

MOSBAUGH: Yeah

16

ROGGE: It's a matter of being prepared. Alright, that was

17

the air quality issue. Do you want to clarify

18

another issue?

19

MOSBAUGH: No. Air quality and diesel starts. I just wanted

20

to let to you know what was behind the--

21

ROGGE: Oh, oh, alright

22

* * *

23

[EXCERPTS CONTINUE P. 46, LINE 1]

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

5 JOHN ROGGE: (inaudible)

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

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

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

21 JOHN ROGGE: (Inaudible.)

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

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

15 JOHN ROGGE: Okay.

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

20 JOHN ROGGE: Such as transposing a
21 number.

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

1 senior engineer, or operations person.

2 JOHN ROGGE: (inaudible)

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

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

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

13 JOHN ROGGE: Its not (inaudible) opinion up till then.
14 (inaudible) is very clear.

15 A.L. MOSBAUGH: Right

16 JOHN ROGGE: I --

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

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

3 JOHN ROGGE: Was there any gain that resulted as a result
4 of (inaudible) being slow?

5 A.L. MOSBAUGH: Probably.

6 JOHN ROGGE: What kind (inaudible) would that effect
7 (inaudible).

8 A.L. MOSBAUGH: When you say slow, you mean slow in
9 corrections?

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

17 A.L. MOSBAUGH: That may be the -- presentation to the
18 Commissioners.

19 JOHN ROGGE: As a toss-up, or . . . you don't have
20 any knowledge, you're just speculating; (inaudible)
21 is what your saying that would be a key event -- that
22 presentation to the Commissioners? I agree. That's a key
23 event.

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

1 likely.

2 JOHN ROGGE: Well, highly likely is different
3 than yes. With purpose. (pause)
4 Even though I am just fact gathering -- have you
5 seen these numbers (inaudible) IIT report (inaudible)

6 A.L. MOSBAUGH: I've browsed the IIT; but
7 I don't recall seeing it. (inaudible)

8 JOHN ROGGE: All right. Anything else?

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

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