

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: Friday, September 8, 1995

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

HEARING

-----X

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

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

Friday, September 8, 1995
Hearing Room T 3B45
Two White Flint North
11545 Rockville Pike
Rockville, Maryland

The above-entitled matter came on for hearing,
pursuant to notice, at 9:00 a.m.

BEFORE:

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

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
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E X H I B I T S

2	<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
3	GPC-II-183	Trans. of Tape 99 Side A	13439	13440
4	GPC-II-184	Memo 01-02-91: Mr. Shipman		
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P-R-O-C-E-E-D-I-N-G-S

(9:04 a.m.)

1
2
3 CHAIRMAN BLOCH: The hearing will come to
4 order.

5 Welcome back, Mr. Hairston. Only because it
6 has been a long time, let me remind you again that the
7 testimony you're about to give should be the truth, the
8 whole truth, and nothing but the truth, and it is subject
9 to possible penalty for perjury. Do you understand?

10 THE WITNESS: Yes, sir.

11 WHEREUPON,

12 GEORGE W. HAIRSTON, III

13 was recalled as a witness by Counsel for the Licensee and,
14 having been previously duly sworn, resumed the witness
15 stand, was examined and testified as follows:

16 MR. BLAKE: Good morning, Judge Bloch. This
17 will be Mr. Hairston's I think fifth appearance here. And
18 I've talked to the other parties and the Board -- talked
19 about trying to get him through by 1:00 when he has to
20 leave today. I understand that he could go until 1:15,
21 pressing his schedule, but I appreciate the cooperation of
22 the other parties and the Board on the schedule.

23 He is here today to be examined by the parties
24 on the limited subjects that were raised by the Board in
25 its questioning during his last appearance, as well as to

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1 present some rebuttal testimony in two discreet areas,
2 which have previously been distributed. I'd like to carry
3 him through that rebuttal testimony, get it into the
4 record, and then make him available for examination by the
5 other parties.

6 DIRECT EXAMINATION

7 BY MR. BLAKE:

8 Q Mr. Hairston, do you have before you a
9 document entitled "Rebuttal Testimony of W.G. Hairston,
10 III," dated August 23, 1995, and comprised of some 10
11 pages?

12 A No.

13 Q Do you now have the document?

14 A I do now.

15 Q Were you involved in the preparation of this
16 document?

17 A Yes, I was.

18 Q And can you describe your involvement?

19 A I was briefed on the two issues, drafts were
20 prepared, I made some changes to the drafts, and approved
21 the document as it stands.

22 Q And are there any corrections that you want to
23 make to the document?

24 A No.

25 Q As the document has been completed, is it true

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1 and accurate, to the best of your knowledge and belief?

2 A Yes.

3 Q And do you accept it as your testimony in this
4 proceeding?

5 A Yes.

6 MR. BLAKE: Judge Bloch, I'd ask that this
7 document, the rebuttal testimony of Mr. Hairston, be
8 accepted into evidence and physically incorporated into
9 the record just a though read.

10 CHAIRMAN BLOCH: Granted.

11 BY MR. BLAKE:

12 Q Mr. Hairston, do you also have before you
13 three additional documents which bear the legends in the
14 upper right-hand corner Hairston Exhibits B, C, and D?
15 The first is a transcription of a tape comprised of 27
16 pages, and it's of tape number 99, side A. The second is
17 indicated to be Hairston Exhibit C, and it's an internal
18 company memorandum from Mr. Shipman to Vogtle employees,
19 dated January 2, 1991, a two-page document. And the third
20 is Hairston Exhibit D, is an excerpt from a publication.
21 It appears to be page 4 from this publication, and it's
22 entitled at the top "Meet Your Inspectors," by Herb
23 Beacher. Do you have those documents?

24 A Yes, I do.

25 Q And are you familiar with these documents?

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WASHINGTON, D.C. 20005

August 23, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

REBUTTAL TESTIMONY OF

W. G. HAIRSTON, III

REBUTTAL TESTIMONY OF W. G. HAIRSTON, III

1 Q. PLEASE STATE YOUR NAME AND POSITION.

2 A. My name is W. G. Hairston, III. I am an Executive Vice President of the
3 Georgia Power Company, and the Chief Executive Officer of the Southern Nuclear
4 Operating Company.

5 Q. HAVE YOU TESTIFIED PREVIOUSLY IN THIS PROCEEDING?

6 A. Yes, I have testified previously on four occasions in this proceeding. I
7 presented prefiled testimony in January 1995 on transfer of control issues, presented
8 prefiled testimony on April 20, 1995, on diesel generator reporting issues, and was
9 cross-examined by Intervenor July 13, 1995, concerning diesel generator reporting
10 issues. I also addressed Licensing Board questions on August 16, 1995. My
11 professional qualifications were appended to my prior, prefiled testimony on diesel
12 generator reporting issues and were admitted into evidence as GPC Ex. II-19.

13 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

14 A. The purpose of this rebuttal testimony is to respond to two issues raised in the
15 Pre-Filed Testimony of Allen L. Mosbaugh. More specifically, my rebuttal testimony
16 addresses: (1) Mr. Mosbaugh's testimony concerning a 1990 Southern System
17 employee survey (beginning at page 2) and (2) Mr. Mosbaugh's testimony about
18 concerns that the NRC raised in 1990 (page 7).

1 SURVEY RESULTS AND WILLINGNESS OF
2 VOGTLE EMPLOYEES TO EXPRESS OPINIONS AND CONCERNS

3 Q. ON PAGE 10 OF HIS RETYPED, PREFILED TESTIMONY, MR. MOSBAUGH
4 REFERS TO "A SURVEY THAT JOE FARLEY SENT OUT TO ALL NUCLEAR
5 PERSONNEL AT VOGTLE IN THE SPRING OF 1990." PLEASE IDENTIFY THIS
6 SURVEY.

7 A. In 1990, The Southern Company administered a Performance Pay Plan Survey.
8 This survey was sent to employees in all the Southern System companies, not just
9 nuclear personnel at Vogtle. (Similar surveys were conducted in other years.) This
10 survey, among many questions, included a few which sought to determine whether
11 employees in The Southern System felt free to express opinions. These questions
12 were not designed to determine whether nuclear employees in the System felt
13 comfortable in identifying and reporting conditions adverse to safety at the plants.
14 Rather, they sought to determine whether System employees in general felt free to
15 express opinions which differed from those of System management on any matter.
16 For example, a nuclear employee, in responding to the questions, might answer them
17 as they relate to non-nuclear issues such as pay, promotion and personnel issues.

18 Q. DO YOU AGREE WITH MR. MOSBAUGH'S CHARACTERIZATION OF THE
19 RESULTS OF THE 1990 SURVEY?

20 A. No. Mr. Mosbaugh does not adequately explain the questions and the
21 responses, which reflect varying degrees of agreement and disagreement. Question

1 51 of 1990 survey asked employees whether they agreed or disagreed with the
2 statement, "In general, employees are afraid to voice an opinion that management
3 doesn't want to hear." This statement was worded in a manner that sought an
4 employee's opinion of how other employees generally felt. Item 65 of the 1990
5 survey asked employees whether they agreed or disagreed with the statement, "In
6 general, I am afraid to voice an opinion that management doesn't want to hear." This
7 statement was worded in a manner which would elicit each employee's own opinion
8 of how he or she personally felt. In response to these questions, employees were
9 asked whether they strongly agreed, agreed, lightly agreed, slightly disagreed,
10 disagreed, or strongly disagreed.

11 Q. WHAT WERE THE RESPONSES FOR VOGTLE EMPLOYEES?

12 A. The 1990 responses from Vogtle employees are shown in the table below:

51. In General, Employees are Afraid to Voice an Opinion that Management Doesn't Want to Hear	
	1990
Strongly Agree	30
Agree	22
Slightly Agree	22
Slightly Disagree	13
Disagree	10
Strongly Disagree	4

65. I am Afraid to Voice an Opinion that Management Doesn't Want to Hear	
	1990
Strongly Agree	16
Agree	16
Slightly Agree	20
Slightly Disagree	12
Disagree	25
Strongly Disagree	11

19 Q. DO YOU HAVE ANY OBSERVATIONS FROM THIS DATA?

20 A. Yes. There is a big difference between what employees felt about themselves
 21 versus what they felt about others. A majority of employees (52%) agreed or
 22 strongly agreed that employees were afraid to voice an opinion that management
 23 doesn't want to hear. When employees were asked in 1990 whether they were
 24 personally afraid to express an unpopular opinion, significantly fewer (32%) of the

1 responding employees agreed or strongly agreed. This response is probably a more
2 accurate measure, because the question asks for personal knowledge. Again, these
3 responses do not necessarily address the willingness of nuclear employees to identify
4 and report technical deficiencies or conditions adverse to safety, but could relate to
5 the willingness of employees to express opinions on any matter. Further, the
6 identification of deficiencies are not a voicing of an opinion that management doesn't
7 want to hear -- it's a part of each worker's routine responsibilities.

8 Q. MR. MOSBAUGH TESTIFIED THAT HE WAS TOLD BY MANAGEMENT THAT
9 VOGTLE'S RESPONSES WERE THE WORST IN THE COMPANY AND THE WORST IN
10 NUCLEAR. DO YOU BELIEVE THIS TESTIMONY IS ACCURATE.

11 A. No. Any such statements would have been untrue. With respect to questions
12 51 and 65, the 1990 responses (reflecting slightly agree, agree, and strongly agree)
13 for different Southern Company sections are shown below

14	COMPANY	QUESTION 51	QUESTION 65
15	Southern Company	75	50
16	SONOPCO	74	50
17	Plant Vogtle	73	52
18	Plant Hatch	77	56
19	Plant Farley	80	52
20	Georgia Power	75	50

1 Q. DO YOU THINK THESE RESPONSES INDICATE THAT AN INTIMIDATING
2 ATMOSPHERE EXISTS AT PLANT VOGTLE OR IN THE VOGTLE PROJECT?

3 A. No. Obviously, I would like the number of employees indicating reluctance to
4 express unpopular opinions to be lower (in fact, zero). I believe that even in the best
5 workplace there will always be some percentage of employees who are too timid to
6 express opinions, particularly with respect to management choices, such as staff
7 selection and sizing, promotion practices, and strategic plans. I also believe that the
8 surveys are part of the Southern System's efforts to foster a more "worker
9 participatory" environment or to "empower" workers in identifying new approaches
10 to tasks.

11 More importantly, my personal opinion is that the employees at Vogtle and in
12 the Vogtle Project are professionals who would raise concerns and express opinions
13 freely. Our employees know that conditions adverse to nuclear safety are things that
14 management wants to hear about, and to have addressed and resolved.

1 NRC'S 1990 CONCERNS

2 Q. ON PAGE 10 OF HIS RETYPED PREFILED TESTIMONY, MR. MOSBAUGH
3 ASSERTS THAT THERE WERE NRC CRITICISMS THAT PLANT VOGTLE "CUT
4 CORNERS, WAS CAVALIER, COWBOY, DID NOT FOLLOW PROCEDURES, AND WAS
5 NOT OPEN WITH NRC COMMUNICATIONS." DO YOU HAVE ANY COMMENT ON
6 THIS TESTIMONY?

7 A. Yes. In early May 1990, I and other Georgia Power executives were called to
8 Washington to meet with NRC representatives. The NRC expressed concerns about
9 Plant Vogtle operations in a frank exchange of perceptions.

10 Q. WHAT ACTIONS DID YOU TAKE IN RESPONSE TO THIS MEETING?

11 A. We initiated meetings with the various Vogtle managers and other employees
12 to inform them of the NRC's perceptions and to request their personal commitment
13 to change those perceptions. As we viewed it, it is better to know about your
14 potential problems than to be unaware of them. One of the key efforts was to
15 articulate at these meetings the fundamental principles of nuclear professionals so
16 that no one would fail to understand our expectations for reactor (core) safety and
17 for soliciting assistance when addressing technical issues. We recognized that the
18 NRC's perception had some merit based on historic events, including the Site Area
19 Emergency, and my own observations of the organization when I became involved

1 with Georgia Power nuclear operations in 1988. Intervenor's Exhibit II-5A is the
2 outline that was prepared for the meetings. As that exhibit shows, all of the NRC's
3 concerns were listed at the top of the outline, as unflattering as they were, to make
4 sure the managers and employees understood and appreciated those concerns.

5 Mr. Mosbaugh secretly taped recorded at least one of the meetings (NRC Tape
6 99, OI Exhibit 74, pp. 1-29). A transcript of the recording which was prepared under
7 Mr. McCoy's direction is attached hereto as Hairston Exhibit B, GPC Exhibit II-__.

8
9 Q. WHAT ACTIONS, IF ANY, DID GEORGIA POWER CARRY OUT TO ADDRESS
10 THESE NRC CONCERNS?

11 A. Several meetings were held to go over the NRC's specific concerns and to give
12 some of the reasons for the concerns. We wanted to convey our standards of
13 nuclear professionalism and operational safety. Mr. McCoy and I also recognized that
14 there was a clear need for more and clearer communication between Vogtle
15 management and NRC management. In addition to requesting the commitment of the
16 managers and employees at these meetings to work to earn the respect of the NRC
17 and to change the NRC's perceptions, we emphasized the need to continue to
18 improve communication with the NRC. Our own managers, in turn, met with their
19 functional groups and informed their staffs of the NRC's perceptions and concerns.

20 We also recognized that, in order to improve communication with the NRC, we
21 needed to improve frankness within our own organization. During the Summer of
22 1990, we held several meetings with the managers for a direct -- no holds barred --

1 talk about the vital need for open, straightforward and clear communications within
2 our own organization. One was at the Pinnacle Club on the evening of July 11, 1990
3 at which management explained its view of employment opportunities at the plant,
4 and several employees raised concerns about employment practices, such as lateral
5 transfers between plants. Later, on July 24, a follow-up meeting was held at the
6 Holiday Inn. As with the earlier July meeting, the purpose of this meeting was to
7 increase communications between the various areas in our organization, set a
8 standard of professionalism in acknowledging our problems, and further develop a
9 team attitude.

10 In early January, 1991, Mr. Shipman (who was then the General Manager at
11 the plant) reinforced the need for open communications in a letter to all Vogtle
12 employees. He specifically addressed Mr. Mosbaugh's termination and the
13 "fundamental responsibility of each employee" to identify issues which might
14 adversely affect safety or health. A copy of this letter is attached hereto as Hairston
15 Exhibit C, GPC Exhibit II-__.

16 With respect to communications with the NRC, we began a routine of meeting
17 with our counterparts at the NRC periodically to ensure that our communication
18 channels were working well. Licensing managers also initiated periodic "interface"
19 meetings with their NRC counterparts in order to share information and to solicit the
20 NRC's views about Georgia Power's plans, such as for Technical Specification
21 changes. In December, 1990, the plant newspaper, entitled the "Vogtle Voice"
22 included an article which explained the mission of the NRC and highlighted the

1 Resident Inspectors. A copy of this article, which included the site and Atlanta phone
2 numbers of the NRC, is attached as Hairston Exhibit D, GPC Exh. II-___. Through
3 example, we demonstrated the "community of interest" in full, open, complete and
4 accurate communication between ourselves and with the NRC.

[BEGIN TAPE NO. 99, SIDE A.]

VOICE: [Inaudible.]

VOICE: [Inaudible.]

McCOY: Like I said, I want this to be a discussion. What I'm going to do is and what George is going to do, we're going to talk about a couple of things first, [inaudible.] And I think the most effective way to really get to the bottom of this issue is to have some interaction with the group [inaudible] operations [inaudible.] [Inaudible] interaction session was the most important part of this.

There's really two reasons that we're doing this. One is that there are some key points that have been reemphasized within industry in the last year or two and I want to stress those things and I think it would be [inaudible.] The second part that we're going to talk about is [inaudible] implications [inaudible.] So I want to get those back out in front of you.

The most important thing is that Pat McDonald, George Hairston and myself got called to Washington last week. We really weren't told what we were coming up there for, except they wanted to discuss Vogtle. It was Dr. Murley, head of NRR, who asked us to come up there. It was a high level meeting and when we got up there, basically what they said was [inaudible.] Basically what they said was we want to tell you what our perception of Vogtle is. And so I want to come back and I will tell you about what that was a little later. To start with, I think all [inaudible.] We have

NUCLEAR REGULATORY COMMISSION
 Docket No. 50-424/425-OLA-3 EXHIBIT NO. II 183
 In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter S. Morgan
 Date 9/8/95 Witness Hairston

common words that we use to communicate our principles and we live by them.

The first is the concept of respect and responsibility for the reactor core. The one thing that makes us different than any other plant who generate electricity is responsibility that every one of us has that work here with regard to the reactor core. I know this is motherhood and apple pie. But, if you ever lose sight of that, and damage to the core, you know, everything else that we've done is for naught. And that's the one that really separates us from other types of power plants. Look at the results of that at Chernobyl and TMI, and a number of close calls where people who have forgotten that primary responsibility to handle that.

So that's what it's all about. That's why we have high level competent people and have put so much money [inaudible] effort and the training, because of this responsibility. We don't have to put that kind of effect into running fossil plants. And we don't [inaudible.] But it's different. And that is the difference. [Inaudible.] I picked out a quote out of the C.E.O. meeting that Zack Pate made last year to all the CEOs, you all have probably all read that speech. There are copies of it floating around here. [Inaudible.]

The quote was if you put a professional who is thoroughly imbued with a great respect and sense of responsibility to the reactor core, that is for reactor safety, and all of his decisions and actions are based on this grave responsibility, and that's the

essence of it. The second concept [inaudible] I want to talk about is related [inaudible.] The first one is like the motherhood statement. The second was is how you carry out that responsibility. And the way that I found most effective to always think about that, and different people have a different twist on this, but I think that you all need to understand my way of thinking, because when I talk to you and George talks to you, we have a common way of describing this, we will communicate much more clearly.

The concept I use is what I call the margin of core damage or the margin of reactor safety. What that means to me is that every time we do something with the plant, the first question we ask is does this change the margin to core damage. Another way to say it is does this change the risk of a core damaging event occurring. And almost everything we do does that, however remote it may be.

If we take a diesel down for PM, we are changing the risk that in a loss of off-site power or station blackout, that the risk now that the other diesel won't run is higher and the risk of core damage is higher. If we take -- I'm trying to think of something not related to equipment. If we make a decision that we're going to run a special test associated with finding a loose part in the steam generator and we want to do a particular line up or something like that out of the normal line up for the system. Ninety percent of the time that has an effect on the risk that has been thought out before. And that's what we're always evaluating.

Now, that's not to say that we don't take risks -- we take risks every day. But in our business, the consequences of core damage are so immense that we really have to focus on that in every decision we make. And that's why -- that's what we get paid for. And that's not to say that I don't want you to take risks. I do want you to take risks. I understand it has to be done. I have to do it. But when we make those decisions, let's get the appropriate involvement.

If it is a procedure change, you know, we've had some examples. George has talked about some of these where we've done things without procedures or without appropriate reviews. We've had things where we have made decisions that, in hindsight, affected the risk in the plant and the management here in the plant didn't participate or didn't know about it. We want to participate in this if it's not an emergency or it's not an urgent kind of thing. We're all in this thing together.

If you guys screw up down here and damage the core, my career is ended, as well as yours. I want to participate if we're going to make a significant decision. And, you know, we talk the key problems, that we want to talk about every morning in our morning call-key problems. And if key problems come up during the day, we want to know about them.

We've set up a mechanism to do that with our duty manager and manager in corporate. We've got to reach a common understanding of what the key problems are. And I guess one of the definitions is that if there is something that changes in the plant

that is -- that effects this margin of safety significantly, then, you know, we want to know about it.

Another thing is, of course, if there's something that jeopardizes or significantly changes the ability of the plant to make power, change power levels or shut down or whatever, we want to know about that. That's a key problem [inaudible.] Other things that are key problems are things where we may get exposure from the outside looking in at us that we need to be aware of. If I get a call from the NRC Regional Administrator or something like that and he says to me, hey, what about those dropped rods you had last night [inaudible.]

I need to know about this and be ready to discuss it, there's a lot of things. The last item of the three that I want to talk about is into that area. That is what I call getting help or getting involvement from other people. And that's a principle that we have just got to sign up to, that we can't be of the mindset that we're going to handle all our problems ourselves and that sort of thing.

Our business -- the decisions, the key decisions that we make are so important financially and from a risk point of view, to not get all of the available help and information that we reasonably can before we make key decisions isn't the way to run this kind of an outfit and that's a key principal.

When I talk about help, I'm talking about, you know, if we -- if we're going to go work on a piece of equipment and you have the least -- and it's something that is significant to

operation of the plant. If you have the least bit of a feeling that we may not -- don't have the complete knowledge in that area or there's somebody else who is more knowledgeable about it and might improve our success rate dealing with that, then we ought to get those people here to help us or call them and talk to them and ask, you know, if it would be of benefit for them to come help us.

Likewise, where we have experienced management up through our chain, and most of our managers up through our chain have had some broad experience, we've really been working to try and make that better, but to discuss problems with the appropriate levels of management is an opportunity and the kind of thing that we -- when we talk about discussing problems, really what we're trying to do is ask questions, because the questions are really what makes them think have we addressed all the aspects of this before we go reach our conclusions on this.

And what we talk about -- I've heard Pat McDonald talk about a value-added concept. If you can't add some value in your job to the decisions that are being made and the work that's that's going on, then, you know, why are you there. And the way we add value is from a perspective that each of us have, when we talk about a problem, if we can add something, it may be a different twist, a different angle or something we've seen in another plant or something like that, or its a particular item we thought of.

Again, it goes back to that concept. We're all in this thing together and, you know, we ought to take maximum advantage. Those are the three principles. Now I want to talk about the

perception [inaudible] that may exist on some of these principles. We went up to this meeting, like I say, and they specifically asked to talk to Pat McDonald, George Hairston and myself.

And we didn't really know why Tom Murley called Pat McDonald and he said we want you to come up here, we need to talk to you, and really didn't want to talk on the telephone. George Hairston and I got up there a little early and talked to Steve Varga, one of our managers over our project in NRR. He didn't really have a whole heck of information, he had some insight. But it was very obvious that it was the top level of NRC management.

We got to the meeting. The people that were there were Tom Murley, Jim Sniezac, Steve Varga, Jim Partlow, Dave Matthews from NRR, Ben Hayes from OI, the Office of Investigation. And then from the Region, Stew Ebnetter, the Regional Administrator, and Al Herdt, who is over the project [inaudible.] It was a high level group of management and they specifically didn't have any of the people from the plant and they didn't have any of the people that deal directly with the plant in Washington or in the region.

We weren't quite sure why that was, but I'll tell you later. Murley started off the meeting by saying I don't want to -- you know, we're not up here to talk about any specific events, any problems; he said, but what we're here to do is to tell you what our staff's perception of you is. And that's the whole purpose of this meeting, so you clearly understand what we think about you. And he proceeded to do that. And he led off and then the others

chipped in and we basically just listened, and then had some discussion, and I'll talk about that a little bit later.

What I did when I got out of that meeting, the first thing is after my ears turned back white and -- I left that meeting and my ears were red I was so pissed off. But, you know, it really -- it really hurt to get that kind of criticism. And I know you guys don't like to hear it and you'll probably leave this meeting with your ears red a little bit, but that's the way it ought to be.

But once I got out and I cooled out, I went and sat down and I tried to write down the exact words I heard. You know, I wanted to go back and think about this thing and reconstruct it. So this is their perception of us. Whether it's real or not in a lot of ways doesn't matter in our relationship with the NRC at that time. The perception is real as far as they are concerned.

They're going to write our SALP report come September. It isn't too far away and they're going to write that report completely on their perception. So we got to work on that. Now, here are the things I wrote down. They said we're concerned that Vogtle may cut corners. [Inaudible.] We're concerned -- they said Vogtle -- Vogtle people are cocky, they don't always follow procedures or ask for help when needed. One guy at some point in the discussion there, I won't tell who it was, said "enough of that discussion, I'll just cut through the bullshit and tell you what my people say; my people say the people down at Vogtle have a cowboy cavalier attitude."

Another comment was they don't always take conservative actions. Another comment was we don't feel comfortable that we get open and complete communication with the people at Vogtle. And then a kind of summary level comment somebody else said is, if I had to sum it up, I'd just say you've got an attitude problem. And those are their exact quotes the best I could remember that I wrote down.

Now, we had some discussion after that and let me tell you that Pat and George really defended us in this thing. They stood up for Vogtle. Specifically they said it's our opinion that Vogtle is a good performer and they've made steady improvements over the last several years. The facts show that, but we hear what you say and we're going to go back and sit down and think about it. We've heard you, but it hurts and we don't really agree.

We think that we've got a strong team there and we're making improvements, we know we're not perfect. That's the reaction that our management had. Now, when we got back to Birmingham, I went and sat down, after I had written down my comments and all, with Pat and George and said this is what I want to do, I want to go talk to people and be completely open and candid with them about what went on, and that's the corrective action.

So the only way to solve this problem is for everybody, key people that know what the problem is, and I've got confidence that we've got good people. They know when we've got problems, they'll solve them. And they agreed with that, that's the only

action that the plant will take. But we've got to understand this thing. We've got to do some thinking about how we tackle it.

George, do you want to talk about, you know -- I asked to George to think about this after I talked to him and are there specific things that may have contributed to this perception and examples [inaudible.]

BOCKHOLD: Okay. You know, I, of course, was very aggravated when I heard this. I believe that fundamentally we are not cavalier. We don't have a cowboy attitude. We are concerned about nuclear safety. We do not cut corners. I believe we make good decisions.

But at the same point we have a history of events that might give the NRC that impression. Let me give you a flavor for those events. I'll start as far as back and '87 and, in the NRC's mind, '87 is not a long time ago. To a lot of us here, it seems like ancient history. But '87 is not a long time ago.

We had the world's worst record on reactor trips in '87, for example. We start out with that and we made some -- you know, we worked on that and we got a little bit better. Our reactor trip record today is not that good, okay. Just look at that facts. And NRC has a division called AEOD and they look at those facts all the time.

In 1989, last year, we're all proud. We had a great year. Following a short startup, good run in the summertime, really good experience with the units and that kind of stuff; got good pay for performance and said what a good year we had in 1989.

But if you look at approximately a year ago in February/March of 1989, we was going for a full-power license on Unit 2.

We, in the plant, just prior to that full-power license, had an RHR check valve problem where people did not use the procedure. They made up a procedure on shift and it ended up being an event similar to, as the NRC might describe it, an inter-system LOCA. We could be pressurizing and were pressurizing the refueling water storage tank from reactor coolant system. And that was a big deal event to those folks.

This year, most recently, we had Black Tuesday, declaring a site area emergency. And being without electricity to the emergency buses, even for a very short period of time is a big deal. And an IIT team, that is going to bring the microscope back on plant Vogtle. Just in the outage what types of things did we have? We almost had a classic. We had a couple of spray valve problems that put the operations crew in an unusual configuration, where we ended up with an excessive pressurizer cool down. Okay.

We tried to cool the RCS when we shouldn't have, okay, and we ended up with a pressurized cool down event. Maintenance and repair of the spray valve. Left a bushing out. QC was there and that kind of stuff. In going to mid-loop, we ran tygon tube. Engineering helped us run that tygon tube. It went over a hump like it wasn't suppose to. It had a kink in it. The main procedure for the tygon tube wasn't real clearly thought out because we had that space and we got some air back into tygon tube.

So the level in the reactor coolant system tygon tube indication dropped. We didn't really know where the level was. It turns out that on that specific day, I was talking about Black Tuesday to the Region. And as I almost do every day, I listened to the morning phone call before going to the meeting, so I knew the plant status to ask my questions. Nobody told me about the tygon tube. NRC residents picked that up by reading logs and they weren't communicated about the tygon tube problem.

I heard it from the NRC, Ken Brockman had this tygon tube problem, "what happened, George?" Well, George didn't know. Okay. There's obviously a perception problem there. I think another event I'd like to talk about is the OI investigation. And I think we did things technically correct, but we didn't communicate the best. Way back in 1988, we were going to add chemicals at mid-loop, we didn't communicate with the NRC the best we could have.

And then this thing drags on. And internally in our own organization I believe we had some allegations amongst various people in this organization and we weren't working the best as a team that we should have. We ended up with an OI investigation. It took a lot of time and I'm sure, you know, as Ken said, Ben Hayes from OI was a part of this group. I'm sure that OI investigation reflected back on the perceptions.

What that does is give you a flavor of the types of events that other people could say, gee, Vogtle might have these things, cutting corners, cavalier, that type of thing. They would

add those events up and they would get that perception of us. And, again, I don't believe that we act that way. I think we make considered decisions, but we really need to be very careful about our communication with those decisions, with the NRC, with our own management, with each other, such that, you know, we don't give this perception to our regulator.

I think each of us has to think about how we can improve our perception. That puts the mirror back on me. And I say what do I do that might give somebody this perception? George Bockhold's management style, his communications style is when he deals with a problem, I believe I intently listen to the people telling me their expertise about the problem, their opinion about the problem, but I listen very quickly.

I hear the various experts, but I don't take a lot of time. I make decisions quickly. In some respects, that's a strength. That's something that has helped me a lot in my career. In some respects, that could be a detriment because I can easily be accused of being arrogant, too quick to make decisions, not considering all aspects of events. So I got to be careful with how I make decisions and make sure that I consider everything. I believe I do, but I need to give the perception that I am considering everything.

Each of us has to reflect on how you do business and how your management style, your communications style can really help us get rid of this perception. To be best, besides having the best performance record, forced outages, least amount of money

[inaudible], best capacity factor; we have to be perceived by the outside world, regulator, INPO, that we are the best. Perceptions are important.

So I ask you all to think about it and help me work on it.

MCCOY: You know we're all in this business because we want to be. If we didn't really have a driving force, we wouldn't be in this business. We're not here because this is the place you get rich in life. We're not here because this is a place where it's an easy job. Every one of us is dedicated and really is here. And I know what drives me a lot is the desire to be proud of the organization or the job we do and that sort of thing.

That's what -- when I do self-analysis of why I'm here, that's what I really boil down to. I'm here because I'm proud of what we do. I think it's important and I'm proud to be a part of it. I absolutely believe we have a team here on Vogtle that we can all be proud to be associated with and, you know, we've got the opportunity, you all have heard me say this before, to be the top plant [inaudible.]

I'm proud to be associated with Vogtle. It really hurts to have to go through this kind of criticism and self-analysis but the way that we get through that is to really talk about it and think about it and so forth. So what I'd like to ask you to do now, you all have heard this, you're probably pretty upset by hearing it the first time, I know I was, but I'd like to hear your reactions and thoughts.

VOICE: [Inaudible.] Ken, --

VOICE: Well, I think we --

VOICE: [Inaudible.]

McCOY: Right. We talk about that business of do we really get to the root cause of things, because we have a number of repeat events that have occurred and so forth, and [inaudible.] I think if I understand it right, Glenn's kind of got the lead in terms of getting the training on root cause analysis and we've got a group of people going through that and we're trying to get better in that area, using all the techniques that have been developed to really be sure that when we have a problem, a significant problem, that we really get to the bottom of it.

Now, the other side of that is that I think that, you know, the procedures that we already have in place are some of the best around in the industry. I know I've heard George Hairston beating on Jack Woodard at Farley about he needs to look at the event procedures that we have over here and they're better than the ones that they do down there.

So I don't think we're completely screwed up in that area John, but I think there is room for improvement and we've recognized that, but that does give a perception. I've had that said to me that, hey, you know, you guys keep having the same problems.

VOICE: I sort of have a question to bring up or a confession to make, whatever, but some of the events that came out in my mind (inaudible) were some that were associated with reactor

criticality, start up problems. I think it would be [inaudible.] So I go back to this rod drop [inaudible] and I'm convinced right now that my attitude is we should never have taken the reactor critical without procedural guidance. [Inaudible.] I still believe I should have put the rods on the bottom, but from that standpoint right now I'm not sure that there has been any communication to the plant staff as to what management thinks is 100 percent right decision.

And I understand both sides of the discussion and I believe from the instant they started pulling the rods back out, everything was done properly. But I don't agree with that first decision.

MCCOY: Well --

VOICE: And so I have a calibration problem.

MCCOY: Well, I have a confession to make there, too. I do, too. I was down here, as you know, the morning after that. I happened to be down here at the plant and I went to the morning meeting and I heard the item discussed. George and I came back over to his office. We sat down and talked about it. And I heard the report as it was described, although initially I got some information that was bad as it turned out. My initial reaction was, yeah, that's probably what I would have done if I been there, just exactly what they did.

Now, the initial report that I got was that, you know, we were doing physics testing. We were under a physics procedure. That the rods dropped, the power level came down and settled out on

sub-critical multiplication, and that after about eight or ten minutes, after discussion with the Westinghouse people, the reactor engineer and so forth, the shift superintendent, the shift supervisor made the decision to restore the conditions back to the known condition where they had previously been.

It turned out that wasn't quite the case and so at least in retrospect, you know, I've changed my position a little bit based on further information. As I understand it now, and this is the point that probably is most important to me, was that the decision was made in a pretty fast manner based on the desire to avoid hitting the P6 set point. And in less than two minutes, we were pulling Group B back out -- to go back to critical and return to power before we reached it.

The reason that changes my perception of what should have been done is because I have -- you know, you go back and talk about conservative decision-making, reactivity and that sort of thing. I've always had a philosophy about the reactor is if I don't -- if I'm not sure or I don't have time to think about and think through all the aspects of where I am, then there's always a way to put the reactor in a safe condition, quickly.

And I think in this case, in retrospect, the wiser decision would have been, you know, put the rods on the bottom and start over, after having time to think about it. But that's second-guessing and, like I say, I confess my initial reaction was that I would have probably done the same thing.

Now, you know, we had a lot of people look at that and technically, there wasn't anything wrong with that decision in retrospect. What bothers me about it is that it was in a very sensitive area, one that we've had a lot of emphasis and training on, that sort of thing, and the decision was made quickly without getting all the input. And I just have to say that I don't believe anybody can in less than a minute really think through all the implications of something like that and talk to enough people to feel comfortable. So that's the criticism that I have of that event.

That's an example. I'm sure that's one of the things that, you know, contributes to this perception. I heard some what I considered inappropriate comments from the NRC and one of the comments I heard was that somebody described it as a fast scram recovery for those that were in the Navy. That was bull. That pissed me off, but, you know, that was a perception somebody had.

VOICE: [Inaudible] people at Vogtle had an attitude. Did they give any details about that.

VOICE: Well, the way I took that, because that was one of the last statements. What I think that they were trying to say by that, Charles, was that all of these things up here that they talked about previously, being cocky, not asking for help and all of that. It could be summed up by saying it's not a problem of knowledge or technical competence of whatever. It's an attitude problem and I've heard people use that, there's a song out about

attitude adjustment, [inaudible] country music [inaudible.] But anyway I think that's the context there [inaudible.]

BOCKHOLD: We talked a lot about these are the NRC's perceptions and I hear arguments on why the perceptions aren't right or things like that. But I guess the basic question is do we agree with these perceptions.

McCOY: I think that there's some fire there. I think there's more smoke than there is fire. I think there is, like I say, you know, I can go back and look at some of these events and the ones that bother me the most are the ones where we've had people either fail to get help when they needed it or try and do something without a procedure or without consulting with the expertise and management that they had available. Those are the ones that bother me the most. Those are the ones that I think we got the biggest real exposure of having a real problem with.

There are some perceptions here, too, you know, we've had some personalities. I think I said I would tell you why the people they invited to this thing. The conclusion that I came to, this was based on a statement that Dr. Murley made. He said -- in his opening remarks, he said, you know, there's some personality issues that we, you know, we're aware of here and that sort of thing. But he said putting personalities aside, this is the general perception also.

Based on that, I think that they intentionally didn't bring any of the people from the plant or any of the people that are directly associated with Vogtle, in the Region or NRR to that

meeting. They were all at the higher levels and that's the reason I think they asked us to go up there, was that they thought that there might be some personality kind of issues that either side wanted to talk about.

And at the end of the meeting, they kind of opened it up to that and basically what Pat McDonald said is we're not here to talk about personalities. We play with the hand we're dealt and that sort of thing; that, you know, your perception is what's important. He also reiterated that he had complete confidence in our team here at Vogtle and the direction that we were on and Stew Ebnetter that morning chipped in and said, "yes, we've seen consistent improvement at Vogtle." You know, so we got that support.

But I think there have been some perceptions based on some personalities and that sort of thing and I attribute part of the heavy smoke that's out of proportion maybe to the real fire here to some of our dealings in the past and we've got to work on that.

So I have got to communicate completely openly and clearly with Ken Brockman, our Region guy in Atlanta, on what's going on down here and that sort of thing. Every time he gets a phone call from whatever source or he gets called into Stew's office in the Region or something, and says "how come that tygon tubing thing happened down there Vogtle? Here we got this Information Notice out on mid loop and all that and you guys told

me that Vogtle implemented all this stuff." And he says "what tygon tubing", you know.

Our stock goes way down with Brockman when that happens. Same thing happens with the resident and the resident gets a phone call from Washington and says -- and I tell you this morning I stopped by after the morning meeting and talked with Russ Starkey.

VOICE: Doug.

MCCOY: Doug Starkey. But anyway, Doug, to me, is very open, straightforward and refreshing to go in and talk to him. One of the things he said this morning was that I spent a lot of time yesterday on the telephone trying to calm down people in Washington about the loose part in the steam generator. He said, you know, he said I'm comfortable with the actions that you all are taking. The Region is comfortable that you're taking a careful considered approach on that, doing the right thing, but somehow there's a perception up there that there's big exposure here and Georgia Power is not taking conservative actions on this thing.

And I think we have got to work through the Region. They are our hope. They're the people that really know us and they are -- I think Stew Ebnetter is a pretty strong Regional Administrator, I'm getting into personalities here a little bit. But I think he's [inaudible] best we've had in an awful long time in the Region. And when he tells us something or whatever, I put a lot of credibility in that. So I think our best hope is to build our relationship to ensure those people really have confidence in us

and they have the ammunition to defend us. I believe they will if we're open with them, candid, and that sort of thing.

Harvey, let me ask you something that just occurred to me. You guys in startup and construction, on Unit 2 in particular, somehow established a very high credibility perception with the NRC as evidenced by the all ones in the SALP report which you got. What did you see different about that arrangement and what exists here.

HANDFINGER: We had a lot more NRC people. And one of the things [inaudible] they call, we call.

MCCOY: What?

HANDFINGER: They call, we call.

MCCOY: Okay.

HANDFINGER: [Inaudible.]

MCCOY: Yeah. What you're saying is you really responded to them.

HANDFINGER: Very aggressively responded to them. I think we do a lot of that here. But we don't have as many NRC people that down here [inaudible] we had on the startup [inaudible.] So we had [inaudible] one-hour [inaudible.] So we don't see that many NRC people down here that we can build those relationships. They came down one time and we took them over [inaudible,] took them over to the training building and then they had a question about an MOV. We showed them an MOV and how it worked [inaudible.] We don't get that many opportunities to do that. (Inaudible.)

AUFDENKAMPE: Harvey, with respect to that, the, the inspectors that come in on periodic audits are generally happy with our performance. [Inaudible] tell you that. The residents, I would say as a whole, are generally not happy [inaudible.]

MOSBAUGH: Let me. I'd add one more thing, because I think I can answer your question, Ken, in a single word. Paul Rice. Paul Rice understood the regulatory arena. He understood which areas were sensitive and he was very sensitive. And if he had the slightest inkling of a problem in a particular area, he was immediately on that area and making sure that actions were taken and making sure that he was communicating with the NRC.

And I saw that in the entire time that he was here; saw that in the security area, a special a task force that we had there. And Paul Rice's credibility with the NRC is excellent. And the way he managed that is, could be our model or, should be our model perhaps.

MCCOY: Yeah. I agree. There's no question that Paul had high credibility with the NRC. But you've got to establish that credibility, you've got to earn it.

MOSBAUGH: That's right.

MCCOY: [Inaudible.]

MOSBAUGH: Yeah, but it's not just communication. It's that Paul would not if there was an inkling of a problem or a miscommunication or anything, he would immediately rectify it or immediately take action.

MCCOY: I understand. That's a good point, and certainly in the position we're in now, we need to be proactive. A lot of you guys know people at Calloway. I don't know if you saw the last inside NRC or not [inaudible] the NRC. Calloway SALP, they got all ones. I don't know what they're doing, but obviously they've come a long way. I remember when they were in big trouble with a number of trips any problems they had early in start up. Remember that? Those of you who have personal friends there. I know Gary Randolph, the Plant Manager pretty well. I thought I'd give him a call to see how they came from where they were to where they are today [inaudible.]

VOICE: [Inaudible.]

MCCOY: Well, a long of it is the things we set up here [inaudible.] [Inaudible] go out here [inaudible] a lot of advice from them. They have a good record. They're almost as good as we are.

VOICE: [Inaudible]

MCCOY: Yeah. To me, yeah. There's a perception here. There's a comment they made about don't ask for help when needed, and cocky. Those two things go together in people's perception and I've heard this from other sources, not just from the NRC. There is a -- and I could see this personally, too. When I came in two years ago, in the operation here at Vogtle, it was almost like this was a separate company from Georgia Power. And I think I -- you guys know this better than I do because I didn't have direct interface with it, but I heard so many stories when I first got

here that I think I have a perception of why [inaudible] that was true.

But the previous environment that had existed was one of, in the operations area anyway, one of not a lot of outside help coming from the corporate or whatever. If you needed help, you had to get it yourself, down here or whatever. What really came out of the corporate office or that sort of thing was people coming down to "take names and kick ass". They were here to check on you so to speak and we've had to change that concept. That was, one of the things that I know when I first arrived at Georgia Power is Pat McDonald spent an awful lot of time in the corporate office [inaudible,] but their job was to oversee what was going on at the plants and to make corrections when necessary, whatever area they were involved in, that sort of thing.

And I can remember some sessions that Pat had with the group up there, that were pretty tough sessions because, he told 'em, basically you're here to support the plant. That's your whole job. If you can't support the plant, you don't need to be here; you need to get out of town. And some people didn't like that. They thought they were supposed to set the policies in whatever department they were responsible for and all that sort of thing.

So I know how, I think, some of that involvement got there. The other thing was I think the concept that existed in management at that time. You got the responsibility, sink or swim [inaudible.] And that's different from the purpose we have today. We're in this thing together. Our whole purpose is we exist for --

with our organization to provide the support to make the Plant perform and that sort of thing. That's one element.

A second element is that I think that we have probably brought together here a very large number of young aggressive bright people. We didn't staff this plant with any experienced people from other nuclear plants and so forth, as most typical organizations have. And it's kind of like someone on shift last night. One of them almost described word-for-word the words that were used by the Russian when he went to the IAEA meeting in Vienna after Chernobyl and said basically the problem was that Chernobyl was our best plant. They had the best operating record and the guys there had gotten cocky. And they thought they could do everything themselves. They thought they could do things without procedures.


And I think to some degree we have a little bit of those things. I realize this is a tough criticism but I'm talking about myself included because I'm a part of this thing and I fully accept complete responsibility for that too. But these, [Inaudible] these incidents we've had where people have decided to go ahead and do something without a procedure or write a quick procedure or whatever, when there was not an emergency and not an urgent situation. Those are the kinds of things that I'm talking about.

The other element, getting back to Harvey's basic question, is that a number of times we have gotten into problems on pieces of equipment where we had to call the tech rep in and we

didn't do it until either we had the problem several times and
tried to fix it

[END TAPE NO. 99, SIDE A.]

Interoffice Correspondence

Georgia Power 

DATE: January 2, 1991
RE: Open Communication
FROM: W. B. Shipman
TO: Vogtle Employees

Recent news reports have focused on litigation between Allen L. Mosbaugh, a former employee at this plant, and Georgia Power Company. In a Department of Labor (DOL) proceeding, Mr. Mosbaugh contends that he was placed on administrative leave and subsequently terminated from employment as a result of his engaging in "protected activity," including submission of safety concerns to the Nuclear Regulatory Commission. In that litigation, Georgia Power denies these assertions; Mr. Mosbaugh was terminated from employment after it was learned that he had surreptitiously tape recorded conversations with other plant workers and with NRC personnel over a substantial period of time. Georgia Power Company, therefore, intends to vigorously defend the DOL action brought by Mr. Mosbaugh.

I want to emphasize to all Vogtle employees that Georgia Power's concern about Mr. Mosbaugh's surreptitious conduct is because of its negative effect on open communications at this plant, and not because of his raising of safety issues. Open and frank communications are essential in our industry. When Georgia Power learned that Mr. Mosbaugh had concerns that he had not disclosed, he was directed to submit his concerns to the NRC in July, 1990. No adverse action was taken as a result of the submission of these or other concerns. Indeed, Mr. Mosbaugh had been selected and assigned to Senior Reactor Operator training and was enrolled in the "Manager in Training" program at the time that his secret tape recording became known.

Georgia Power is fully cooperating with the NRC's review of Mr. Mosbaugh's concerns and allegations. Interviews of plant personnel and review of documents have been conducted and additional interviews may be requested by the NRC. Employees are reminded that Georgia Power encourages individuals to cooperate with the NRC in its investigations, even though individuals have a legal right to decline to be interviewed. Employees also are reminded that they have the right to have a lawyer, co-worker or friend of his/her choice at any on-site or off-site interview with governmental investigators. If requested, management will arrange for an attorney to confer with you before an interview and to represent you during the interview. This will be at no cost to you. At no time are you restricted from your communications with NRC personnel.

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II 184

In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2

Staff Applicant Intervenor Other

Identified Received Rejected Reporter J Mangover

Date 9/8/95 Witness Hairston

92 PROJECT
NO7352

Page Two

I encourage and request all of you to maintain openness in your communications and to promptly report and help resolve any concerns about safety or operational issues. In addition to your "chain of command" reporting of concerns, the Quality Concerns Program (telephone number 1-800-225-2055) will accept anonymous allegations (numerous drop boxes exist throughout the plant, or the concerns can be submitted by telephone or personally by contacting Bill Lyon--Quality Concerns Coordinator). The Nuclear Regulatory Commission Resident Inspectors were recently highlighted in the Vogtle Voice and also may be contacted (extension 4116). The NRC also maintains an off-site telephone number, 301/951-0550 (call collect).

Please remember, the identification of issues which may adversely affect safety or health is a fundamental responsibility of each employee. In any complex human endeavor, such as running these plants, technical deficiencies or weaknesses may be identified. Only by your identification of such problems can they be resolved and help assure our foremost goal -- safe operation of the Vogtle Electric Generating Plant.



WBS/tdm

Meet your inspectors

by Herb Beecher

Who is the Nuclear Regulatory Commission (NRC)? Why are NRC residents on site? In this article, we will answer these questions and introduce you to our resident inspectors.

The resident inspector program originated after the Three Mile Island (TMI) accident. The NRC regulates the civilian use of nuclear materials in the United States to protect the public health and safety and the environment. This mission is accomplished through:

- the licensing of nuclear facilities and the possession, use and disposal of nuclear materials,
- the development and implementation of requirements governing licensed activities, and
- the inspection and enforcement activities to assure compliance with these requirements.

A site resident's responsibilities include:

- Establishing NRC presence on-site on a daily basis.
- Being thoroughly familiar



Doug Starkey



Brian Bonser

with site and facility characteristics, licensee procedures, and licensee and contractor personnel.

- Being aware of day-to-day site activities.
- Responding to site events to serve as the initial NRC observer.
- Communicating on a daily basis with Regional management and the Nuclear Reactor Regulation's (NRR) licensee project manager.
- Performing inspection programs and writing monthly reports.
- Acting as a point-of-contact for local media, government officials and the public, as needed.
- Evaluating the licensee performance.

Vogtle has three resident inspectors on site. They are Brian Bonser, Robert "Doug" Starkey and Pete Balman.

Brian is a graduate of Georgia Tech and holds a bachelor's degree in chemical engineering

and a master's degree in industrial management. He has 16 years of experience in the nuclear industry, the last 5 1/2 with the NRC. Brian is married and has two children.

Doug holds a bachelor's degree in business from Mississippi College and a certificate in nuclear studies from Memphis State University. His experience includes 6 1/2 years in the nuclear field, the last four being with the NRC. Doug is married and has two children.

Pete holds a bachelor's and master's degree in nuclear engineering from Georgia Tech. He has spent the past five years with the NRC. Pete is married and enjoys jogging in his spare time.

The NRC inspectors are here to ensure Vogtle is operated in a safe manner and that public health and safety are not jeopardized. If you have a concern, please contact either your supervisor or call the NRC at (404) 554-9901 or site ext. 4116. □



Pete Balman

1 A Yes, I've read them.

2 Q And are you prepared to answer questions about
3 them?

4 A Yes.

5 MR. BLAKE: Judge Bloch, I would ask that
6 these three documents, Hairston Exhibits B, C, and D, be
7 marked for identification as GPC Exhibits II-183, 184, and
8 185, and be accepted into evidence.

9 CHAIRMAN BLOCH: Granted.

10 (Whereupon, the above-referred to
11 documents were marked as GPC
12 Exhibits Nos. II-183, II-184, and
13 II-185 for identification, and were
14 received into evidence.)

15 MR. BLAKE: I have no more questions for
16 Mr. Hairston. He is available.

17 MR. KOHN: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. KOHN:

20 Q Mr. Hairston, would you please turn to what's
21 been marked as Hairston Exhibit B, and I just noticed on
22 my copy I don't have a GPC Exhibit Number. Do we have
23 those numbers?

24 CHAIRMAN BLOCH: They were just provided.

25 MR. KOHN: Oh, I'm sorry. I'm sorry.

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1 CHAIRMAN BLOCH: That one is 184 -- no, 183.
2 And you can infer the other two.

3 MR. KOHN: Okay.

4 MR. BLAKE: Stephen, I should also say I've
5 talked to Mr. Hairston, and he is prepared to do his part
6 in terms of expediting today.

7 BY MR. KOHN:

8 Q Now, I just have a question. Is there or was
9 there, do you know, ever a Hairston Exhibit A?

10 MR. BLAKE: I'm prepared to answer that. It
11 was his qualifications.

12 MR. KOHN: Okay. And they were introduced
13 earlier.

14 BY MR. KOHN:

15 Q Now, could you please turn to Hairston
16 Exhibit B? Would you please turn to page 8? And if
17 you'll look at the last paragraph, and this is Mr. McCoy
18 talking, he outlines specific criticisms that the NRC had
19 communicated to you, Mr. McDonald, and Mr. McCoy, and
20 these continue on page 9, specifically that Vogtle cut
21 corners, that Vogtle people are cocky, that they don't
22 always follow procedures, the cowboy cavalier attitude,
23 not taking conservative actions, and an attitude problem.
24 Is that also your recollection of what the NRC
25 communicated during that meeting?

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1 A I don't remember the cut corners, but I think,
2 in total, that's probably a good summary of what the NRC
3 communicated.

4 Q Okay. Now, cutting up to, again, on page 8,
5 the first full paragraph, Mr. McCoy is discussing how he
6 felt at the end of the meeting. He says his ears were
7 read, and I -- "I was pissed off" when he left the
8 meeting. Do you see that on the third line of the second
9 paragraph?

10 A Yes.

11 Q Did you feel the same way?

12 A My recollection is when I walked out of the
13 meeting, that I never, you know, wanted to be in a
14 situation where I was called back and -- and told that --
15 those things about one of my plants.

16 Q My question is, were you pissed off? Or is
17 that only something that Mr. McCoy felt?

18 A Well, I don't know what he meant by that. I
19 probably would not have articulated it that way.

20 Q But did you feel that way?

21 A I feel like it was a painful thing to have
22 said to you. That would connote that, you know, I was
23 ticked off or something at the people for saying it, and I
24 don't think that's what -- I don't think that's what Ken
25 meant by that.

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1 Q Now, coming down again on page 8 to some of
2 the specific criticisms that were aired, starting with
3 "Vogtle may cut corners," did you institute any form of
4 quality assurance audit to make determinations of who was
5 cutting corners, when they were cutting corners, why they
6 were cutting corners?

7 A As a result of this?

8 Q Yes.

9 A No.

10 Q And going down to the next phrase, "they don't
11 always follow procedures," did you institute any form of
12 quality assurance audit or investigation into who wasn't
13 following procedures, why they weren't following
14 procedures, what procedures weren't being followed, and
15 corrective actions which should be taken in regards to
16 past actions where people had not followed procedures?

17 A Did I institute something?

18 Q Yes.

19 A No.

20 BOARD EXAMINATION

21 CHAIRMAN BLOCH: May I ask, at the meeting,
22 did the NRC people provide any particulars about specific
23 things that had gone wrong or offered to make available
24 further information about things that had gone wrong?

25 THE WITNESS: My recollection is no. The tone

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1 of the meeting -- and, again, this was some five years ago
2 -- as I recall, was just, you know, not to come up and
3 point fingers at specific events or specific people, but
4 to give us a flavor for what the NRC, some of the people
5 at the NRC, how they felt about Vogtle. And it was a very
6 general -- my recollection is, general discussion, and it
7 didn't have anything to do with, you know, we're going
8 through these three events. So, you know, our response to
9 it was broader than going to just put in a program or run
10 an audit.

11 CHAIRMAN BLOCH: But did it occur to you that
12 one way to go about this would be to roll up your sleeves
13 and find out everything you could about what it was that
14 had created this impression, so that you could undue that?

15 THE WITNESS: I think the -- the backdrop or
16 the history at this point, this was May of '90, and the
17 events that -- I believe that were behind this were well
18 documented. And I believe there were things other than
19 events that were behind it -- just perceptions, maybe
20 interchanges. So I -- I did not take it as that there
21 were any events that were not known and had not been fully
22 looked at. It was more a summary of the start-up history
23 of that unit.

24 CROSS EXAMINATION (Continued)

25 BY MR. KOHN:

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1 Q And looking on page 9, the very first line
2 where it says that "Vogtle doesn't always take
3 conservative actions," who was it at Vogtle who didn't
4 always take conservative actions?

5 A Again, this was just a general comment. My
6 recollection was that there was no specific event that
7 came to their mind. It was a general comment that was
8 given to us.

9 Q I just want to know -- and I understand your
10 testimony to Judge Bloch's questions, but just given your
11 knowledge, who was it at Plant Vogtle who didn't take
12 conservative actions?

13 A Again --

14 Q Who were the people?

15 A Again, this was a general summary comment, a
16 perception comment, that was given us. And my
17 recollection of the meeting, it was not intended to point
18 fingers at any one person or event. It was a perception
19 comment.

20 Q Okay. Now --

21 BOARD EXAMINATION

22 CHAIRMAN BLOCH: Is it your impression,
23 Mr. Hairston, that the impressions were connected to
24 reality, or that they existed apart from reality?

25 THE WITNESS: I thought that, when I walked

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1 out of the meeting, I sort of understood why some of the
2 things could be said. I believed that where we were at
3 that particular point in time was to some degree than it
4 had been characterized, although I did understand, you
5 know, where some of the comments were coming from. I
6 think Ken has articulated, you know, there was smoke,
7 there's got to be fire. There may not be as much fire as
8 -- as was given out at the meeting, but -- but there was
9 some basis for what was being said.

10 You know, I go back to, you know, my analogy
11 of just sometimes hitting the treetops and not getting
12 down and looking at the -- the roots. I think that may
13 have come from the environment they came out of. I
14 couldn't totally align myself with the comments, but there
15 was enough alignment there that I could understand exactly
16 what they were saying and could, in my mind, to some
17 degree understand why they were saying it.

18 CHAIRMAN BLOCH: Is this the kind of thing
19 that you would hope that your audit program would discover
20 for you, without having to have it come from the NRC?

21 THE WITNESS: My feeling is that this went
22 beyond some programmatic look at something, that this was
23 an overall impression that some of the people within the
24 NRC had. My recollection is the regional administrator
25 did not join in to any large degree in this, and actually

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1 had said there had been quite a bit of improvement.

2 So I -- you know, I really attached a lot of
3 history to this. And when you're looking at, you know,
4 the things that happened in startup, I really do believe
5 it was not meant to be any single event. It was just a
6 perception.

7 CROSS EXAMINATION (Continued)

8 BY MR. KOHN:

9 Q Now, when did you become aware that Mr. McCoy
10 was pissed off after hearing this criticism?

11 A That terminology?

12 Q Yes. Or -- and what that -- the emotion that
13 that terminology defines.

14 A I probably became aware of the terminology
15 that he used when I read this transcript.

16 Q Okay.

17 A I never -- as I was associated with him after
18 that and the talks we had coming back, and once we got
19 back, and what we intended to do, I would not have
20 characterized McCoy in that way. I tend to think that was
21 just some terminology that he was trying to make a point
22 to the people that, you know, he wasn't very happy about
23 hearing this.

24 Q Now, on page 9, in the first -- the second
25 paragraph, the first sentence, Mr. McCoy says that "Pat

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1 and George," and I assume that's Pat McDonald and
2 yourself, George Hairston, correct, the Pat and George
3 here?

4 A You know, I -- I -- it could be me. It could
5 be George Bockhold.

6 Q Well, in terms of the meeting you had with the
7 NRC, weren't the only three people in attendance
8 Mr. McDonald, yourself, and Mr. McCoy?

9 A We're talking about in the second paragraph?

10 Q The second paragraph.

11 A On page 9?

12 Q Yeah. And you can put it in the context, you
13 can look at page 8 and look at the context of what he's
14 saying.

15 A Yeah. I think that would be me.

16 Q Okay. And Mr. McCoy says that "Pat and George
17 really defended us in this thing." Would you agree with
18 that characterization of your conduct at that meeting with
19 the NRC?

20 A I could see where he would articulate it that
21 way. I would have said that we tried to point out the
22 areas of improvement to give a balanced view of what was
23 being said in the meeting. I probably -- I'm not sure I
24 would have used the word "defended us." That's the words
25 he chose.

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1 Q Now, also, the second sentence there says,
2 "They," which would be yourself and Mr. McDonald, "They
3 stood up for Vogtle." Would you agree with that
4 characterization of your conduct at the meeting?

5 A I would say that we tried to give a balanced
6 view of where Vogtle was in May of 1990.

7 Q Okay. And given your position with the
8 company at the time --

9 A And I would -- I would add, if you read on in
10 that paragraph, I think Ken is trying to qualify what he
11 said there. "They have made steady improvements over the
12 last several years."

13 Q Yeah. And go down to the very last sentence
14 in that paragraph. "We've heard you, but it hurts, and we
15 really -- and we don't really agree." Is it -- was
16 Mr. McCoy truthful when he characterized your and
17 Mr. McDonald's general comments and actions in that
18 meeting as not agreeing with the criticism that the NRC
19 was giving to you?

20 A My recollection of the meeting was not whether
21 you agree or disagree. It was one they gave us their
22 perception, we gave them some of our perceptions, and we,
23 you know, took what they had to say and wanted to go back
24 and see what it all meant. We took it as -- just as they
25 said. This was some of the perceptions that some of the

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1 people in the NRC had at that time.

2 Q Okay. Well, did you agree that Vogtle cut
3 corners?

4 A I would not have characterized it the way it
5 was characterized there. Again, I think in looking back,
6 at the time I saw enough maybe in the '88, '88/'89
7 timeframe, early in that timeframe, that I could see where
8 some of the perception had come from.

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: Mr. Hairston, do you know
11 whether that NRC meeting was either transcribed or
12 recorded?

13 THE WITNESS: I really don't think so, but I
14 don't remember. I don't -- just trying to visualize it, I
15 don't recall the -- there being a recorder there.

16 CROSS EXAMINATION (Continued)

17 BY MR. KOHN:

18 Q Okay. If you can look at page 10, and look at
19 where Mr. Bockhold commences his part of this
20 presentation. I'm looking at the very first paragraph of
21 what Mr. Bockhold said. Were you aware that Mr. Bockhold
22 was very aggravated when he heard the criticisms from the
23 NRC?

24 A I don't really recall any reaction that George
25 had.

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1 Q Now, at this time, you were Mr. Bockhold's
2 second-line supervisor and Mr. McCoy's first-line
3 supervisor, correct?

4 A Ken was between McCoy and I.

5 Q Okay.

6 A George and I.

7 Q And as I understand your testimony, you were
8 not aware that Bockhold, the Plant Manager, was very
9 aggravated about these criticisms, and that McCoy was
10 pissed off about the criticisms? You just weren't aware
11 of that?

12 A I believe I testified that I wouldn't
13 characterize the terminology you've placed on McCoy as --
14 my opinion of McCoy is very concerned about this
15 perception that the NRC had and wanted to go do something
16 about it. And I didn't have any direct, that I remember,
17 conversation at the time with George Bockhold, so I could
18 not, you know, testify to his state of mind.

19 Q You never discussed those NRC criticisms about
20 Plant Vogtle with the Plant Vogtle Plant Manager?

21 A I said I just don't remember.

22 Q Now, if an employee of yours became very
23 aggravated, or very pissed off, or just pissed off, when
24 they heard criticism coming from the NRC, is that the type
25 of mature, professional conduct you look for in an

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1 employee at an atomic energy facility?

2 A Well, it depends on what they were pissed off
3 and aggravated at. If they were pissed off and aggravated
4 because the NRC had a perception like that, and that's not
5 the perception they wanted the NRC to have, they wanted
6 the NRC to have a -- a perception that they were very in
7 tune to safety, that -- that they were very conservative
8 in their decisionmaking, I can sure see where, you know,
9 that would lead to some frustration. And I would expect
10 them to be aggravated and -- and, to use your terminology,
11 pissed off.

12 Q Well, I think that's Mr. McCoy's terminology,
13 based upon the --

14 A But, I mean, that does not --

15 Q -- exhibit you put into evidence.

16 A But in my saying that, I'm not saying that
17 they were pissed off at the NRC. I mean, I -- I would
18 expect them to be very upset that our regulator talked to
19 us and had that perception of us. I know I was.

20 Q Okay. Have you ever had any specific training
21 in regards to accepting criticism from the NRC, or from
22 whistleblowers? In other words, how you should react if
23 someone -- if someone gives a very strong criticism to
24 your atomic energy facilities, the appropriate emotional
25 response that you should feel and articulate?

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1 MR. BLAKE: Can we have one question at a
2 time? That one is to two different -- entirely different
3 situations --

4 MR. KOHN: Let me --

5 MR. BLAKE: -- one of which is within his
6 testimony, the other which is not.

7 CHAIRMAN BLOCH: You know of such a course,
8 sir? A course that teaches you how to feel?

9 MR. KOHN: Your Honor, I don't know of a
10 course that teaches you how to feel, but I do think that
11 there should -- if there isn't such a course, that there
12 should be a course on how to accept criticism from
13 regulators, and how to communicate that to employees.

14 CHAIRMAN BLOCH: Why don't you ask the
15 question, see if you can make it as realistic as possible.

16 MR. KOHN: I'll move on, Your Honor.

17 BY MR. KOHN:

18 Q Now, again, looking at page 10, and, again, at
19 Mr. Bockhold, his first paragraph, are you aware that this
20 meeting, this discussion that's transcribed here, is being
21 communicated to a large number of employees at Plant
22 Vogtle?

23 A I'm aware that this -- this discussion is in
24 front of a number of employees.

25 Q Okay. Now, if you'd notice Mr. Bockhold, he

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1 states in response to the NRC criticism, it says it right
2 here, that "Fundamentally, we are not cavalier, we don't
3 have a cavalier attitude. We are concerned about nuclear
4 safety, we do not cut corners, and I believe we make good
5 decisions." Do you see those comments?

6 A Yes, I do.

7 Q Do you believe that your plant manager was
8 communicating an appropriate message to your employees in
9 response to the NRC criticism by making these statements?

10 A I think when you read this whole transcript,
11 in toto, and you understand that comments were made from a
12 historical perspective, people are talking about how they
13 feel like they are today. You know, you look back at some
14 words and you say, well, you know, maybe we should have
15 said something a little bit better.

16 But I think if you look at all -- the whole
17 interchange, it -- you know, where Ken is talking about
18 the protection of the core safety and articulating that we
19 must get help on problems, I -- I think when you read the
20 thing in total, I think it communicates that, no, we're
21 not satisfied with this perception that the NRC has got,
22 and we've got to go out and do something about it.

23 You know, I -- I hate to say what George was
24 thinking here. I think he is talking about today, you
25 know, in May of 1990. That's his feeling.

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1 Q Would you agree that in May of 1990, the
2 assessment of Mr. Bockhold, as expressed in his -- on
3 page 10 in his first paragraph of comments to the Vogtle
4 employees, was an accurate assessment of the attitudes and
5 atmosphere of Plant Vogtle?

6 MR. BLAKE: I have an objection to the
7 question. This isn't -- the statements here are not
8 attitudes. They're this man's description of what he --
9 how he thought they were working. And it has got to be
10 read in the entire context, as the witness has said. I
11 think it's quite unfair to ask specific questions about
12 one sentence, one phrase, one clause, without taking into
13 account what the witness has observed, Judge Bloch.

14 CHAIRMAN BLOCH: Overruled.

15 Do you want to repeat your question?

16 MR. KOHN: Yes.

17 BY MR. KOHN:

18 Q Mr. Hairston, do you believe that the
19 paragraph, the first paragraph that Mr. Bockhold
20 articulates to his employees on page 10 of this exhibit,
21 correctly describes the atmosphere and attitudes that
22 existed at Plant Vogtle as of May of 1990?

23 A I believe that adequately describes Vogtle in
24 May of 1990.

25 Q Okay. Thank you.

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1 Now, looking again at page 9, and I'm looking
2 at the last two lines on page 9, rolling up to the first
3 two on page 10 -- and I had a little trouble understanding
4 this, and the one sentence I was looking at specifically
5 was the very last sentence that begins on the bottom of
6 page 9, which is, "And they agreed with that. That's the
7 only action that the plant will take."

8 And what I'm -- my question is, is the only
9 action that Vogtle took, in response to the criticisms
10 that you heard from NRC, was to conduct this meeting and
11 whatever sub-meetings occurred as a result? And then, I'm
12 assuming the Holiday Inn and Pinnacle Club meetings as
13 followups. Is that the only action that occurred?

14 A Let me go back --

15 Q And you can look at this. That's how I read
16 it, but I may be misreading it.

17 A I read that in a very broad sense. If you go
18 back up to the next-to-the-last paragraph on page 9, it
19 says I've written down my comments and all with Pat. We
20 got back to Birmingham. I went and sat down, after I had
21 written down my comments and all with Pat and George, and
22 said, "This is what I want to do. I want to talk to
23 people, be completely open and candid with them, about
24 what went on, and that's the corrective action.

25 So the only way to solve this problem is for

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1 everybody, key people that know what the problem is, and
2 I've got confidence that we've got good people, they know
3 when we've got problems; they'll solve them. And they
4 agreed with that. That's the only action that the plant
5 will take, but we've got to understand this thing. We've
6 got to do something about how we tackle it."

7 I read that in a very, very broad corrective
8 action. One, to understand the NRC's perception and
9 communicate that to as many people, and certainly all of
10 the key people, at the plant. And that I think what's
11 being said here is that this is not going to be some quick
12 fix that you go out and put a program in it.

13 This is something that people have to
14 internalize and -- and understand, and that everything
15 they do every minute of every day is subject to somebody
16 having an opinion about. And so I read this in a -- the
17 corrective action being very broad, because it involves a
18 broad view of things, and it involves a lot of people. So
19 I don't know what more I can say than that.

20 Q Okay. But the specific corrective action that
21 was agreed upon was for Mr. McCoy to travel to Plant
22 Vogtle and make a presentation which we see transcribed on
23 this -- in this tape. That was the specific corrective
24 action, in terms of -- of an action to happen.

25 A I can't remember whether that was the specific

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1 action or not.

2 Q Okay. Were the NRC criticisms ever put in
3 writing?

4 BOARD EXAMINATION

5 CHAIRMAN BLOCH: Wait just a second. Do you
6 know of any other corrective actions?

7 THE WITNESS: Well, I go back -- this was a
8 broad summary of people's perceptions. And, you know, I
9 think our action had to be broad, and so we wanted to get
10 the word out, make sure everybody understood it, but the
11 backdrop of all of this was the fundamental philosophies
12 that Ken was talking about, was conservative
13 decisionmaking, and margins of core safety, and -- and
14 getting people involved when you've got a problem.

15 CHAIRMAN BLOCH: I understand what you thought
16 the meetings would accomplish. I just asked, is there any
17 other corrective action?

18 THE WITNESS: Well, I think, really, restating
19 the whole philosophy that we stand for and this openness,
20 and it wasn't just go down there and "here's what the NRC
21 thinks about us." It was, you know -- you know, "Here is
22 what we stand for, and we've got to stand for it every
23 day." And it -- it is everybody. And so I see the
24 corrective action as broader than just a meeting. The
25 meeting was -- was something where you -- you articulate

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1 what you stand for, the principles you stand for, and you
2 articulate, "Here's what the NRC said," and there is this
3 gap. And we must close this gap.

4 CHAIRMAN BLOCH: Mr. Hairston, did you have
5 any concern for how you would know afterwards whether or
6 not the remedy had worked?

7 THE WITNESS: I think that's what we were
8 trying to articulate at the meeting. We had seen this
9 continuous improvement on the attitudes, and how people
10 approached problems, and how many people got involved in
11 problems, and it was something we monitored every day. I
12 mean, you're talking about the fundamental principles that
13 you operate the plant in.

14 You're not talking about the corrective action
15 program or the work control program. You're talking about
16 the principles that were embodied in running the plant,
17 and that's something that every -- every report that was
18 given, every incident that came along, how it was treated.
19 That's an assessment we were making every day -- you know,
20 everything that came along. So to say was there this
21 quick fix that we could go in and put, that didn't align
22 itself with, one, the meeting or what we were trying to do
23 after the meeting.

24 CHAIRMAN BLOCH: But don't I understand you
25 correctly that you thought most of what the problem was

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1 that the NRC had seen was already solved by the time they
2 told you about it?

3 THE WITNESS: I think a good bit of it was. I
4 really do. As -- and in my previous testimony I've talked
5 about meetings that I went to and things that went on, and
6 what I thought I saw going on in the '90 timeframe. And
7 yet the biggest problem that we had was the -- it didn't
8 matter what we thought and where we thought we were. We
9 had a regulator that had articulated this was their
10 perception. And whether it was reality or just a
11 perception you have to deal with it the same way.

12 And my recollection of our discussions -- Pat,
13 Ken, and I -- was that's what we were talking about. You
14 know, we can sit up here and defend ourselves forever.
15 But, you know, this is how they feel about us, or at least
16 some of the people in that room. And it was in -- against
17 that backdrop that we went out to really renew the
18 fundamental principles.

19 And if you look at what Ken was trying to hit
20 at in here were really not programs and, you know, this
21 event, even though he gave some examples of what he
22 thought had led up to some of these, he was talking about
23 principles. That's what I walked away from the meeting
24 with.

25 ADMINISTRATIVE JUDGE MURPHY: Mr. Hairston,

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1 I've got a couple of questions. First of all, your
2 Exhibit B, do you know what date that was?

3 THE WITNESS: My recollection is this is in
4 May of '90, and I -- I don't remember whether it was the
5 middle of May, but I believe it was within a few short
6 weeks of when this meeting transpired.

7 MS. YOUNG: Judge Murphy? I'm sorry.

8 ADMINISTRATIVE JUDGE MURPHY: Let's go back.

9 MS. YOUNG: Judge Murphy, excuse me for a
10 moment. As Mr. Hairston has been testifying this morning,
11 the Staff was trying to determine the date, because other
12 exhibits that were marked as tapes we tried to write in
13 the date, or the tape as it was entered. And I retrieved
14 the original tapes that Mr. Mosbaugh took, and the date
15 recorded on the tape is May 8, 1990.

16 ADMINISTRATIVE JUDGE MURPHY: May 8th?

17 MR. KOHN: Yeah. And that's consistent with
18 the Intervenor's understanding of the date.

19 ADMINISTRATIVE JUDGE MURPHY: And the meeting
20 with the NRC was?

21 THE WITNESS: My recollection, it was very
22 early in May.

23 ADMINISTRATIVE JUDGE MURPHY: It was before
24 this?

25 THE WITNESS: Yes.

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1 ADMINISTRATIVE JUDGE MURPHY: Did you have any
2 other meetings similar -- employee meetings similar to
3 this one that was on May 8th, prior to May 8th?

4 THE WITNESS: I'm sorry. I --

5 ADMINISTRATIVE JUDGE MURPHY: Okay. Let me
6 say it again. This meeting on May 8th was a meeting that
7 company management had with employees, I gather, at Plant
8 Vogtle. Is that right?

9 THE WITNESS: I think there was a cross-
10 section of people there, managers and others.

11 ADMINISTRATIVE JUDGE MURPHY: Were there other
12 meetings similar to that in the early -- earlier 1990 time
13 period?

14 THE WITNESS: Oh, earlier --

15 ADMINISTRATIVE JUDGE MURPHY: I mean --

16 THE WITNESS: We --

17 ADMINISTRATIVE JUDGE MURPHY: -- did you have
18 one in January? Did you have one in February or March?
19 April?

20 THE WITNESS: There were periodic meetings
21 with management. I think there were periodic meetings
22 with employees, where we were articulating what we were
23 trying to get done. But specifically, you know, who was
24 there and what was said, I really don't recall.

25 ADMINISTRATIVE JUDGE MURPHY: So you don't

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1 remember whether or not similar kinds of concerns were
2 raised at meetings with your employees, or Plant Vogtle
3 employees, prior to the meeting with the NRC?

4 THE WITNESS: I don't --

5 ADMINISTRATIVE JUDGE MURPHY: The management
6 meeting with the NRC.

7 THE WITNESS: No, I don't recall anything that
8 would have had this breadth to it. You know, we could
9 have talked about an incident or something like that, but
10 I guess I was a little bit -- not a little bit -- I was
11 surprised at the depth of the NRC's comments. I was
12 not --

13 ADMINISTRATIVE JUDGE MURPHY: Surprised in
14 what way?

15 THE WITNESS: Well, I was not totally
16 surprised at some of the feeling behind the comments, but
17 the way it was articulated, and who was there. I would
18 say that I was taken back a little bit. Although on one
19 hand I sort of could understand where they were coming
20 from, in a -- in a general sense, I felt that maybe what
21 was said there overstated the reality of the situation.

22 But we talked about that, and not, you know,
23 in our actions, worrying about reality versus perception,
24 that we had to go deal with.

25 ADMINISTRATIVE JUDGE MURPHY: Well, you said

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1 you were surprised by the depth of their comments. Did
2 you come away with a feeling that they had a good sense
3 for what was going on at Plant Vogtle?

4 THE WITNESS: No, I --

5 ADMINISTRATIVE JUDGE MURPHY: Generally?

6 THE WITNESS: -- I think my sense was that
7 their comments were, for the May of 1990 time period, were
8 much too critical. I thought many of them were based on
9 history. I could see some -- some bases, but I thought
10 the depth and breadth of the comments did not exactly
11 reflect my opinion of Vogtle at that time, or probably nor
12 the region's.

13 ADMINISTRATIVE JUDGE MURPHY: Well, what --

14 THE WITNESS: The people that did most of the
15 talking in this meeting were NRR and headquarters people.
16 There was not a lot of comment from the regional people,
17 as I recall, that -- that added much to these negative
18 comments.

19 ADMINISTRATIVE JUDGE MURPHY: What I'm trying
20 to understand is what motivated you to have these meetings
21 with your employees and management, after the NRC meeting,
22 that you didn't -- weren't motivated to have prior to the
23 NRC meeting.

24 THE WITNESS: Well, I believe I testified I
25 would not articulate, in May of '90, that Vogtle had all

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1 of these problems, to the degree and depth that the NRC in
2 that meeting articulated them. So that would tell you
3 why --

4 ADMINISTRATIVE JUDGE MURPHY: They didn't have
5 them in May of 1990 is what you said.

6 THE WITNESS: Right, to this degree and depth.
7 But -- but the problem was, that was our regulator. And
8 whether I agreed with it or not, that's what they told us,
9 and so we felt like we needed to get that word out to a
10 broad group of people at the plant. We felt that it was
11 very important for how the regulator felt about us to be
12 understood at the plant, and we felt like that would, in
13 itself, be motive enough, you know, to be very, very
14 careful in how we are communicating with people. And so
15 it's in that vein that we had the meeting.

16 CHAIRMAN BLOCH: I just have a quick question.
17 If I am hearing you correctly, if there was important
18 substance to what the NRC was communicating, that there
19 was a real problem in May of 1990, they didn't really
20 communicate that very well so that you could understand
21 it, is that correct?

22 THE WITNESS: My recollection of the meeting
23 was here is our view that goes back over time, and many of
24 the people that were there did not deal with us on a day-
25 to-day basis. Stew Ebnetter was at that meeting, and my

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1 recollection was that Stew said very little. He did
2 acknowledge that there had been significant improvement at
3 Vogtle, and Stew did not stand up and -- and I would say
4 ditto the things that were said by the management at
5 headquarters.

6 CHAIRMAN BLOCH: I'm listening as closely as I
7 can. I'm really trying to hear what you're saying. What
8 I'm hearing is that if there was a serious problem in May
9 of 1990, that that problem wasn't communicated to you so
10 that you understood it. You keep telling me that
11 Mr. Ebnetter didn't speak up, which suggests to me that you
12 think he was more in touch with reality than the people
13 criticizing him.

14 THE WITNESS: My recollection of the meeting
15 was, "We're not going to get up here and talk about" --
16 this is the NRC. "You know, here are the -- the five
17 examples. We want you to know what our perception is, and
18 we want it to be an open meeting, and we just, you know,
19 want to let it come off the top of our head. Here are the
20 things that come to our mind when -- when Vogtle is talked
21 about."

22 And I took it as to mean over a period of time
23 in history. I did not take it to mean that -- that this
24 is the way it is in May of 1990. Many of those people
25 hadn't had much experience with Vogtle in '90, but that

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1 was their perception over time. And I considered it very
2 important from the standpoint that that was the perception
3 of the regulator, and it -- you know, it wasn't one that
4 you needed to argue about reality and perception. It's
5 something, if they thought that, then we had to go do
6 something about it, and not do anything different if it
7 was real.

8 ADMINISTRATIVE JUDGE CARPENTER: Since we've
9 interrupted you, Mr. Hairston, turn back to page 10 of
10 this Exhibit B, please. I accept Mr. Blake's admonition
11 that it's inappropriate to pick a phrase or a word, or
12 what have you, out of context and talk about it. But
13 let's look at that first paragraph where Mr. Bockhold over
14 and over and over denies that the NRC had any reason to be
15 critical. "No cowboy attitude. We're concerned about
16 safety. We don't cut corners. I believe we made good
17 decisions." I mean, that's a good pep talk.

18 But then, I turn the page, to page 11, and I
19 look at the first full paragraph -- and as you say, this
20 is history -- but people made up a procedure on shift, and
21 the last sentence says, "That was a big deal event to
22 those folks." And my question is, why wasn't it a big
23 deal event to Georgia Power, or SONOPCO, or somebody? Why
24 is he telling the troops, "That was a big deal event to
25 them, and we've got to be careful what we do because of

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1 them," rather than displaying a commitment to being
2 conservative and making your words about foundation of the
3 operation as safety? That attitude just doesn't seem
4 compatible.

5 THE WITNESS: Well --

6 ADMINISTRATIVE JUDGE CARPENTER: And I'm being
7 assertive, and I'm really asking a question. Did it
8 clarify your perceptions of these words?

9 THE WITNESS: And, again, you know, you have
10 people that are talking off the -- obviously, this is not
11 a script he's following. And if you read the first
12 paragraph, where he says, "I believe we're fundamentally
13 not cavalier," and then you go -- look at the rest of
14 page 10. Then, he starts reciting a history that's not
15 very complimentary, and he continues with the reactor
16 trips, and then the check valve, and then the site area
17 emergency, and then an event we had on the pressurizer.

18 You know, what he -- what he is saying here
19 is, no, he doesn't believe that -- that Vogtle can be
20 characterized as not making safe decisions. However, when
21 you look back in time over our performance, there are many
22 things that point up reasons why the NRC has articulated
23 what they've articulated. And he spends two -- two pages
24 going back over the history where the people that are in
25 that room will know these events. They lived them.

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1 And so, you know, I think that it's -- it's
2 sort of like if you say, "You're bad," and you believe,
3 no, you're not fundamentally bad, you may not be perfect,
4 you say, "No, we're not bad, but we have made mistakes."
5 And he is going through all of the things that come to his
6 mind. What that does is give you a flavor of the types of
7 events that other people could say, gee, Vogtle might have
8 these things, cutting corners, cavalier, that type of
9 thing. They would add those events up, and they would get
10 that perception of us.

11 And, again, I don't believe that we acted that
12 way. I think we may have considered -- considered
13 decisions, but we really need to be very careful about our
14 communication of these decisions with NRC, with our own
15 management, with each other, such that, you know, we don't
16 give the perception -- that perception to our regulator.

17 So I -- you know, I think he was being --

18 ADMINISTRATIVE JUDGE CARPENTER: Excuse me for
19 interrupting. Tell me exactly where you're reading from.

20 THE WITNESS: I was reading the bottom of
21 page 12 and the top of page 13.

22 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

23 THE WITNESS: But, you know, it -- I go back,
24 you can look at different paragraphs in here and talk
25 about them. But if you read this whole transcript, I

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1 think you walk away with we are trying to -- that Ken and
2 George are trying to reemphasize fundamental principles,
3 and the principles of talking and being open to the NRC,
4 and that we may see events differently, these events that
5 happen.

6 However, when you start adding them up, you
7 understand why people have the feelings they have about
8 us. So I think, you know, every time I've read this
9 document, I have to go and read the whole thing.

10 I don't -- I don't know what more I can say.
11 I think there was -- I guess I would summarize by saying I
12 believe that -- that we -- Pat, Ken, and I -- felt like
13 there had been a lot of progress made from how it was in
14 '87/'88 timeframe, and that many of these events had --
15 had occurred during that timeframe, and that I -- I don't
16 think any of us, at that time, would have said, "We're
17 perfect. We're where we need to be." But there had been
18 progress made.

19 And I think that's what Stew Ebnetter said, my
20 recollection was, "These people have been improving." And
21 -- and I really -- I know that's sort of long, but that's
22 my recollection. I was not at this meeting where George
23 and Ken was, so I -- I can't read in what the body
24 language was, what was the inflections were in their
25 voices. And I think when you read it in total, you come

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1 away with what I've said.

2 ADMINISTRATIVE JUDGE CARPENTER: Well,
3 Mr. Hairston, I enjoy the seminar format we've had just
4 with a few witnesses, but -- but thinking of our schedule
5 today, but I am concerned that it may appear on the total
6 record that there's a pattern of not being able to
7 distinguish between a regulator -- I'm regulated by the
8 Internal Revenue Service. And when I talk to them, and
9 they explain the Code to me, I listen. Period.

10 But NRC's posture I don't believe is exactly
11 the same. By and large, I don't believe the NRC takes an
12 adversary posture. But the IIT team came to Vogtle and
13 worked damn hard, practically around the clock, to help
14 understand and to help you get restarted, and wrote an
15 excellent report.

16 So why Mr. Bockhold still takes this posture
17 before the employees, that was a big deal to them, not a
18 big deal to us. And we are responsible for safe
19 operation; NRC is not, according to Chairman Pallidino.
20 That philosophy that, yes, these people are looking over
21 our shoulder. But by and large, they have experience,
22 both educational and observation at other plants, that's
23 useful to us, and we need to be open with them in our own
24 self-interests, and that's what I don't hear.

25 THE WITNESS: Well, when I read this, when I

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1 read this and I -- my recollection of the discussions of
2 this, that is exactly what I hear.

3 ADMINISTRATIVE JUDGE CARPENTER: Well, I'll
4 read more carefully. Thank you.

5 CROSS EXAMINATION (Continued)

6 BY MR. KOHN:

7 Q Now, a couple of follow-ups, just
8 specifically. This event, this discussion happened on May
9 8, 1990, as -- early May. Isn't it a fact that just about
10 that time, you learned that the Plant Vogtle had committed
11 perhaps one of the worst acts embodying a cavalier
12 attitude, i.e. the false statements in the LER, and the
13 false statements in the confirmation of action letter,
14 that you learned that just about this time, just after
15 getting this criticism from the NRC, correct?

16 A I certainly don't believe I'd characterize it
17 the way you characterized it. I -- I learned that we had
18 an error in the LER some time in the middle of May.

19 Q And that perception that you wanted so badly
20 to communicate to the NRC, that you are improving, that
21 these are past events, that you've become better, all of a
22 sudden right here in May of '90, you're told that, at a
23 minimum, there certainly were non-conservative actions
24 taken, vis-a-vis language placed in an LER, and a
25 confirmation of action response letter. Now you learned

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1 this, right then and there, correct?

2 A That was a pretty long "I've learned."

3 BOARD EXAMINATION

4 CHAIRMAN BLOCH: I think the question is, did
5 you see any connection between that event and the advice
6 you had been given by the NRC?

7 THE WITNESS: Not really at that time. I was
8 notified that we had made an error in the count number,
9 and I picked up the phone and called the regional
10 administrator, which is what I would have done a year
11 before, or two years before, or 10 years before. My
12 actions weren't any different than -- than what I would
13 have done my whole career. And I -- I guess -- I guess I
14 didn't make the tie that -- that you're -- you're making.

15 CHAIRMAN BLOCH: Well, in particular, you
16 didn't want to find out whether or not the problem came
17 from a cowboy cavalier attitude.

18 THE WITNESS: I'm sorry. Would you repeat?

19 CHAIRMAN BLOCH: You weren't going to find out
20 how the problem arose, so there was no way for you to find
21 out whether it arose from a cowboy cavalier attitude.

22 THE WITNESS: Was that --

23 CHAIRMAN BLOCH: Isn't that right? You didn't
24 even look into how the problem arose?

25 THE WITNESS: I -- I don't believe that's

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1 correct.

2 CHAIRMAN BLOCH: Well, did you find out how
3 the numbers were assembled the first time?

4 THE WITNESS: I asked for an independent audit
5 to be done of why we couldn't get the right numbers.

6 CHAIRMAN BLOCH: And the audit didn't cover
7 anything about how it was done the first time, did it?

8 THE WITNESS: The mechanics, no, it did not.

9 CHAIRMAN BLOCH: And you never --

10 THE WITNESS: They did not talk to it.

11 CHAIRMAN BLOCH: And if I understand the
12 record correctly, you never asked Mr. Bockhold, who was
13 the man who stood up and made the presentation at the NRC,
14 how it happened that the numbers weren't right.

15 THE WITNESS: I never asked --

16 CHAIRMAN BLOCH: That's right.

17 THE WITNESS: -- George. That's correct.

18 CROSS EXAMINATION (Continued)

19 BY MR. KOHN:

20 Q Now --

21 BOARD EXAMINATION

22 ADMINISTRATIVE JUDGE CARPENTER: Since we're
23 in that area, I just want to ask one followup. Do you
24 really think that the fundamental problem was that the
25 numbers weren't right?

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1 THE WITNESS: In the May timeframe?

2 ADMINISTRATIVE JUDGE CARPENTER: Yeah.

3 THE WITNESS: In the May/June timeframe,
4 that's exactly what I thought is that we had a -- an error
5 in a start count number.

6 ADMINISTRATIVE JUDGE CARPENTER: Did you have
7 any sense that the NRC was concerned about that error?

8 THE WITNESS: Absolutely not. I talked to
9 Stew Ebnetter twice, and not once on either one of those
10 phone calls did Stew say, "George, we based the restart on
11 those numbers." I mean, I was concerned that we had
12 provided a wrong number. I was very concerned.

13 But in my discussion with Stew in May, and my
14 discussion in June, there was no sense from Stew that --
15 that this was something that he gave any heightened
16 sensitivity to. As a matter of fact, in June, I believe
17 it was in June, we had a discussion about when you have
18 correspondence and it's -- it's generated by the staff,
19 how difficult it is to bring it all together sometimes.
20 In one of those two conversations, he was very
21 sympathetic.

22 But the point -- and I'm not trying to throw
23 this off on Stew. I mean, we had an obligation to give a
24 correct number to the NRC, and a correct LER. But there
25 was no sense, from my discussions with Stew, or -- and my

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1 checking back with Ken and Bill on their discussions with
2 Brockman, that at that point in time that number had any
3 -- that hearing that number had any special significance
4 to them at that point in time. And I'm only basing that
5 on my conversation with Stew -- my conversation with Stew
6 and my checking with -- with the people that were talking
7 to Brockman.

8 And -- and Stew never, in my conversations
9 with him, said, "You know, George, this is exactly what we
10 were talking about when we were up in Washington in May."
11 There was never a connection like that or a -- in Stew's
12 mind, that he communicated to me.

13 CHAIRMAN BLOCH: But if I heard you correctly
14 about your reaction to the May meeting, that didn't
15 surprise you, because it seems like Mr. Ebnetter didn't
16 have the same view as the other people who were concerned
17 about Vogtle.

18 THE WITNESS: I would say that what -- Stew
19 was pretty quiet, my memory of the meeting, and my
20 recollection is that he had basically said there had been
21 a lot of improvement. I don't believe that Stew would
22 have said that Vogtle is where they need to be. I --

23 CHAIRMAN BLOCH: So given that background, why
24 would you think that his not getting upset about the
25 numbers would be a barometer of whether other people at

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1 the NRC would get upset about the numbers?

2 THE WITNESS: Well, my rationale for calling
3 Stew was he was the decisionmaker. He was the guy that --
4 that said, "Okay. I'm satisfied with where the plan is."
5 And I know that Stew had a lot of input, not just the
6 Licensee, but people inside the NRC, but he was the
7 decisionmaker.

8 I don't at all mean to make light of our
9 obligation to provide correct information. What I'm
10 trying to do is discuss the perception of that error, at
11 that point in time, with the people I communicated with.

12 CHAIRMAN BLOCH: Well, isn't he the
13 decisionmaker the same way the plant manager is -- that
14 is, he makes the decision until you say no?

15 THE WITNESS: He makes his decision based on
16 the information that -- in part, that we gave him, yes.

17 CHAIRMAN BLOCH: I'm saying, once your plant
18 manager makes a decision, ordinarily that's it. But your
19 responsibility is that you must sometimes overrule him,
20 isn't that right?

21 THE WITNESS: That's correct.

22 CHAIRMAN BLOCH: And doesn't Mr. Ebnetter have
23 the same relationship?

24 THE WITNESS: Yes, that's correct.

25 ADMINISTRATIVE JUDGE CARPENTER: You responded

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1 to a question about whether you ever spoke to Mr. Bockhold
2 about what was the problem in the May timeframe. Did you
3 ever speak to him about what was the problem? Is there
4 agreement -- is it clear in your mind that the problem was
5 Mr. Bockhold's presentation on April 9th, that's the root
6 cause of this?

7 THE WITNESS: I'm -- the root cause of --

8 ADMINISTRATIVE JUDGE CARPENTER: Of the
9 distress in the confirmation of action letter, with the
10 LER, and the many draft revisions of the LER, all relate
11 back to the April 9th presentation by George Bockhold.

12 THE WITNESS: I would not say that George's
13 presentation on April 9th was the root cause. I think the
14 -- the work that was done that led up to what was
15 presented on April 9th, that's where the problem occurred.
16 Am I -- do I understand the --

17 CHAIRMAN BLOCH: Mr. Bockhold managed and
18 directed and presented that work, didn't he? So how could
19 the problem not rest with the presentation on the 9th by
20 George Bockhold?

21 THE WITNESS: Well, I mean, I think that's
22 where the information was presented, and it -- a lot of it
23 stemmed from that, but I think what caused that was the
24 work that -- that was done on getting the number to begin
25 with, which was before the 9th.

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1 CHAIRMAN BLOCH: And you never found out how
2 that work was done or supervised, did you?

3 THE WITNESS: In detail, in that time period,
4 no.

5 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

6 THE WITNESS: I did ask our independent QA
7 group to go down, and I believe I've testified to this,
8 find out why we couldn't get the right number.

9 CHAIRMAN BLOCH: Yes. But you never asked
10 them what happened in the first incident.

11 THE WITNESS: No, I did not go into that kind
12 of detail. I did get their report. I did read their
13 report. I did, at the time, think I understood their
14 report. And I thought, in my mind --

15 CHAIRMAN BLOCH: I just misspoke the record, I
16 think. You may have asked them, at some point, to find
17 out the cause, but their report never did. Do you recall
18 whether or not at one point the first communication asked
19 that they find out what happened?

20 THE WITNESS: I -- as I've testified before, I
21 believe that what I asked them to do was go find the right
22 number and tell me why we could not get the right number.
23 And when I read the report, I -- in my mind, I thought it
24 had answered that question for the information that I had
25 at that time.

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1 ADMINISTRATIVE JUDGE CARPENTER: Mr. Hairston,
2 I don't want to belabor all of this, so I'll thank the
3 Intervenor for allowing me to interrupt. But it all goes
4 back to whether each diesel run is the same, and whether
5 there are different kinds of diesel runs, in the minds of
6 the regulators. And they started counting in April, and
7 they were still counting in July or August, or whenever,
8 and nobody ever said, "Maybe counting isn't the problem."

9 But that's enough out of me. We haven't been
10 able to communicate about the fact that it wasn't as
11 formulated to the -- instructions to the QA, just make
12 another count, rather than look at what philosophically
13 caused the problem. But -- I'm testifying now, but that's
14 -- that's the way I see it at this point, when I
15 originally asked you about whether calling it runs rather
16 than starts wouldn't be helpful. Why hasn't it changed
17 today what --

18 THE WITNESS: Well, let --

19 ADMINISTRATIVE JUDGE CARPENTER: But I've
20 taken far too much time from the Intervenor.

21 THE WITNESS: Let me just respond to that. I
22 think I have testified extensively prior about what I
23 consider to be the errors that were made, and what was and
24 was not enough. So I don't -- I don't think I -- I just
25 said, "Well, it was always the count." I mean --

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1 ADMINISTRATIVE JUDGE CARPENTER: That's all
2 you ever learned, that it was the count.

3 CHAIRMAN BLOCH: He said he didn't always say
4 that.

5 ADMINISTRATIVE JUDGE CARPENTER: Okay.

6 CHAIRMAN BLOCH: We will certainly be studying
7 your testimony very carefully.

8 Let's take our 10-minute break now.

9 (Whereupon, the proceedings were off the
10 record from 10:15 a.m. until 10:25 a.m.)

11 CHAIRMAN BLOCH: The hearing will come to
12 order. Mr. Kohn?

13 MR. KOHN: Thank you, Your Honor.

14 CROSS EXAMINATION (Continued)

15 BY MR. KOHN:

16 Q In regards to the NRC criticisms made at that
17 May meeting, no policy changes were made at Plant Vogtle,
18 isn't that correct?

19 A That's correct.

20 Q And no procedure was either added or changed,
21 isn't that correct?

22 A That's my recollection.

23 Q And not one personnel change or action
24 occurred, in terms of admonishing somebody or -- for a
25 mistake they had personally made.

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1 A I don't recall anything like that.

2 Q And there was never a human resource or human
3 relations type investigation or inquiry into the
4 atmosphere and attitude problems identified by NRC?

5 MR. BLAKE: Objection. There was never, or
6 immediately on the heels of this?

7 BY MR. KOHN:

8 Q Yeah. As a result, as a direct -- as a result
9 of the NRC criticisms, you did not initiate some form of
10 human resources investigation or inquiry into the
11 existence or reasons for the cavalier cowboy-type
12 attitude?

13 A No.

14 Q And, in fact, that type of cavalier attitude
15 continued at Plant Vogtle throughout the 1990 time period,
16 isn't that true?

17 A No, that's not true.

18 Q And isn't it true that the way that Georgia
19 Power and Plant Vogtle addressed Mr. Mosbaugh's
20 allegations regarding problems in the LER and the
21 confirmation of action letter, from May all the way
22 through the August 30th filing with the NRC, was a
23 reflection of the continued existence of the cowboy
24 cavalier-type attitude?

25 A No, that's not -- that's not my belief.

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1 Q And isn't it true that when OI came and
2 investigated Mr. Mosbaugh's allegations, Georgia Power
3 continued to have a cowboy cavalier-type attitude towards
4 that investigation?

5 A I wasn't there in August, and I wasn't privy
6 to interviews. But nothing that I heard that came out of
7 the August timeframe would -- would lead me to believe
8 that.

9 Q Okay. But you were privy to Mr. McCoy's OI
10 interview, because you wrote the response to the demand
11 for information on behalf of Mr. McCoy, isn't that true?

12 A Well, Mr. McCoy's interview --

13 Q With OI.

14 A -- with OI was not done in August of '90.

15 Q Yeah. I'm talking about --

16 A You just jumped --

17 Q Okay.

18 A -- from a question in August of '90 to
19 something several years later.

20 Q Okay. My question is -- my general question
21 was Georgia Power's attitude toward the OI investigation
22 into Mr. Mosbaugh's allegations again demonstrated the
23 cavalier-type attitude the NRC had been critical of, isn't
24 that correct?

25 A That's not my belief.

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1 Q And you did have access and review Mr. McCoy's
2 OI testimony in preparation for you responding on behalf
3 of Georgia Power concerning the demand for information the
4 NRC filed on Mr. McCoy, isn't that --

5 MR. BLAKE: Objection. Outside the scope.

6 CHAIRMAN BLOCH: I have a different objection,
7 Mr. Kohn. I think you're using the witness for argument.
8 I don't think you're trying to obtain information from him
9 for the record. And you're going to have plenty of
10 opportunity for argument. I don't really think you
11 believe he's going to agree with you on anything you're
12 saying, so I'd rather we got on to productive areas.

13 MR. KOHN: Okay. Well, then, Your Honor, just
14 for the record, I was going to identify for the record an
15 exhibit, as Intervenor 236, which an excerpt from
16 Mr. McCoy's OI interview, which is OI Exhibit 29. And the
17 pages that I was going to show the witness and ask him
18 about in substance were pages 88 through 93.

19 CHAIRMAN BLOCH: Well, do you have questions
20 other than, does this show a cowboy cavalier attitude?

21 MR. KOHN: That's -- all my questions are
22 concerning whether those comments continued to reflect the
23 existence of a cowboy cavalier-type attitude.

24 CHAIRMAN BLOCH: Well, if you think they do, I
25 would suggest you just argue it to us. But do you want to

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1 have that exhibit marked and --

2 MR. KOHN: Yes.

3 CHAIRMAN BLOCH: -- and admitted?

4 MR. KOHN: Yes. Okay. The --

5 MR. BLAKE: Presumably with the same ground
6 rules that we established yesterday.

7 MR. KOHN: Yeah. Yeah, we have copies here,
8 if that's the ground rules.

9 MR. BLAKE: That's only a part of the ground
10 rules.

11 MR. KOHN: Okay.

12 MS. YOUNG: Judge Bloch?

13 MR. KOHN: Your Honor, if I can identify it
14 for the record, Intervenor's proposed Exhibit 236.

15 CHAIRMAN BLOCH: Please do.

16 MR. KOHN: Intervenor's proposed Exhibit 236
17 is a -- are excerpts from the OI interview of Mr. McCoy,
18 which was previously marked by OI as OI Exhibit 29. The
19 actual document consists of the two -- the first two pages
20 are just the cover page of the OI interview, then there's
21 contained page 3, which just is for context, we're not
22 relying on page 3. We then have pages 88 through 94,
23 which are the last pages of that exhibit, and 94 is only
24 for his signature which appears on it. And those parts of
25 this transcript we would be relying on are comments made

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1 between pages 88 and 93. And I would move for the
2 admission of Intervenor 236.

3 CHAIRMAN BLOCH: Granted, subject to the right
4 to supplement, and also the possible calling of Mr. McCoy
5 in the future.

6 MR. KOHN: Okay.

7 (Whereupon, the above-referred to
8 document was marked as GPC Exhibit
9 No. II-236 for identification, and
10 was received into evidence.)

11 MS. YOUNG: Judge Bloch, the Staff would just
12 like to interrupt for a question. When you say possible
13 calling of McCoy, I was trying to understand whether the
14 Board's previous ruling was done with the recognition
15 that, in part, Mr. Hairston was here because Mr. McCoy
16 could not be, and whether the Board was going to be
17 limiting the questions they would have asked. What is
18 your impression of what Mr. McCoy did, or what Mr. McCoy
19 was thinking?

20 CHAIRMAN BLOCH: My statement was only that we
21 don't want to preclude the possibility that Mr. McCoy
22 might later speak to us. We know it's not likely at the
23 present time, but --

24 MS. YOUNG: Well, can we ask Georgia Power for
25 a status on Mr. McCoy? Maybe off the record.

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1 MR. BLAKE: I think that's a fair -- I think
2 that's a fair -- a current status.

3 MR. KOHN: Should we go off the record?

4 CHAIRMAN BLOCH: All right. Let's go off the
5 record.

6 (Whereupon, the proceedings were off the
7 record from 10:33 a.m. until 10:35 a.m.)

8 BY MR. KOHN:

9 Q And, again, if you could please look at your
10 Exhibit B, which is the tape transcript. And I believe
11 you testified that it was your impression that many of the
12 events that had troubled the NRC were history, were older
13 events.

14 Now, look on page 11, the second full
15 paragraph where it references Black Tuesday. That was an
16 event that occurred -- the site area emergency on -- in
17 1990, correct?

18 A Yes.

19 Q And then, if you go down in that same
20 paragraph, the last line in which they talk about the
21 incident of an excessive pressurizer cool down, that event
22 occurred in 1990, isn't that correct?

23 A I really don't remember the date of that.

24 Q And going to the last paragraph on this page,
25 third line, in which you're talking about a left -- a

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1 bushing out, comparing maintenance and the repair spray
2 valve incident where a bushing was left out and QC was
3 there. Do you see that incident?

4 A The last line of that page?

5 Q No, the third line of the last paragraph,
6 where it says, "Maintenance and the repair of a spray
7 valve, left a bushing out. QC was there, and that kind of
8 stuff." Do you see that? That incident occurred in 1990,
9 isn't that true?

10 A I really don't -- don't have the date of that.

11 Q And then, coming down, the incident concerning
12 the tygon tube. That occurred in 1990, didn't it?

13 A Again, I don't know whether it was '89 or '90.

14 Q And going on to page 12, where they're talking
15 about this -- where it says, "So the level in the reactor
16 coolant system tygon tube indication dropped, we didn't
17 really know where that level was." That incident occurred
18 in 1990, didn't it?

19 MR. BLAKE: Judge Bloch, I don't know how
20 productive this is. It strikes me, my reading of it, as
21 good as yours or as good as Mr. Kohn's who is reading it,
22 it's all the same incident we're talking about,
23 apparently, and the witness doesn't recall.

24 CHAIRMAN BLOCH: The witness has already said
25 he doesn't know when this incident was.

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1 BY MR. KOHN:

2 Q And going to the second paragraph on page 12,
3 where they're referencing an OI investigation, do you see
4 that?

5 A Yes.

6 Q That OI investigation occurred in 1990, isn't
7 that true?

8 A Just reading the paragraph is all of the
9 information I have, it looks like to me it occurred in
10 1988.

11 Q You're aware that the OI investigation into
12 that mid-loop -- adding chemicals to the mid-loop
13 incident, that OI investigation occurred in 1990, isn't
14 that -- don't you remember that?

15 A I don't remember whether it was '89 or '90.

16 Q Okay.

17 A I know the event happened in '88.

18 Q Now, you provided testimony regarding two
19 meetings which occurred, one at a -- at the Pinnacle Club
20 on July 11, and the Holiday Inn on July 24, 1990, correct?

21 A I'm not sure that I attached the dates to
22 those, but one was at the Pinnacle Club, and there was
23 another one at the Holiday Inn in the July -- June/July
24 1990 timeframe.

25 Q And, in fact, the -- well, if you look at

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1 page 9 of your testimony, just so we can track down the
2 date --

3 A Page 9 of --

4 Q Page 9 of your prefiled testimony. It says
5 there that the Pinnacle Club was on the evening of
6 July 11, and at the Holiday Inn -- that's on line 2 -- and
7 that the Holiday Inn event was on July 24th.

8 A Right. I thought you meant earlier testimony.

9 Q Oh, okay. My question is, were there
10 attendance sheets taken for these meetings?

11 A I would seriously doubt it.

12 Q Okay. Now, your recollection of who was
13 present and what was said at these meetings is not very
14 good, isn't that true?

15 A I have a general recollection of, you know,
16 who was there and what was said. But, you know, that's --
17 that's about it.

18 Q Okay. And, in fact, an example of what I
19 would consider a recollection problem of what actually
20 occurred at these meetings was that you thought Mr.
21 Mosbaugh had attended the July 24th Holiday Inn meeting
22 and sat across the table from you, when, in fact, it was
23 the Pinnacle Club meeting that he had attended, isn't that
24 true?

25 A You know, I -- I just have general

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1 recollections that both meetings were -- there were
2 managers there. I remember -- my recollection is that I
3 saw Allen at both, but that's five -- five years old.

4 Q So it's very -- it's a very high -- it could
5 be that Mr. Mosbaugh only attended the one, and you just
6 don't remember?

7 A My belief is that since it was for all of the
8 managers, he was probably at both. But, I mean, that's
9 just my belief, because of how the meeting was structured.

10 MR. KOHN: Okay. Your Honor, I'm going to
11 show the witness a document, and I'm not going to be
12 introducing it through this witness since he wasn't a
13 participant in the conversation, and I'm going to ask that
14 this document be marked as Intervenor Exhibit 237. It's a
15 recently done, typed, partial transcript from tape 218,
16 side B, and the tape was done 7/25/90. And I'm just going
17 to -- and I'm just having this marked for identification,
18 Your Honor.

19 CHAIRMAN BLOCH: Granted. Except -- yeah, it
20 should be marked -- what is the number you're giving it?

21 MR. KOHN: 237, Your Honor, Intervenor II-237,
22 for identification purposes.

23 CHAIRMAN BLOCH: Granted.

24 (Whereupon, the above-referred to
25 document was marked as GPC Exhibit

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1 No. II-237 for identification.)

2 BY MR. KOHN:

3 Q And I would just like you to look at this
4 transcript, and my question is, if this turns out to be an
5 accurate transcript of the conversation that Mr. Mosbaugh
6 had with Mr. Horton, in or about July 25, 1990, would that
7 indicate to you that your recollection that he attended
8 the Holiday Inn presentation may not be correct?

9 A I don't even know whether we're talking about
10 the same meeting. The dates look close. The meeting at
11 the Holiday Inn, my recollection, was lunch in -- in the
12 afternoon. This is talking about at night. I don't know
13 whether there was another meeting or -- or what. I could
14 not testify beyond the shadow of a doubt that -- you know,
15 who was there and who wasn't there. I know it was
16 supposed to be all of the managers, and my belief is that
17 it was in the afternoon.

18 Q Okay. Thank you.

19 CHAIRMAN BLOCH: May I ask on the accuracy of
20 this transcript -- I notice that in the third line it
21 says, "I had something I had to go do with church." Is
22 that a capital C? Or is it with a church, or with the
23 church? I mean, what -- is that a person?

24 MR. KOHN: No, no. That meant a church, a
25 religious institution.

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1 CHAIRMAN BLOCH: Okay.

2 BY MR. KOHN:

3 Q Now, you also provided testimony in an exhibit
4 -- through an Exhibit C to your testimony. This is the
5 memo that Mr. Shipman sent to all employees regarding open
6 communications.

7 A Yes.

8 Q Okay. And looking at the third paragraph of
9 that memo, the third sentence of that paragraph, where it
10 says, "Employees are reminded that Georgia Power
11 encourages individuals to cooperate with the NRC in its
12 investigations." Do you see that phrase?

13 A Yes.

14 Q Isn't it a fact that Georgia Power was upset
15 when the NRC attempted to interview employees at their
16 homes?

17 A That's a general question. The only thing
18 that comes to my mind, and it's a very vague recollection,
19 is that there was some attempt by OI to interview
20 employees without counsel when OI had been told by those
21 employees that they wanted counsel for an interview. And
22 it was our understanding that once that fact had been
23 established, that employees should not be attempted to be
24 interviewed without counsel.

25 And that's my general recollection of anything

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1 where Georgia Power would have been upset. It's just a
2 pure fairness issue.

3 Q Were you aware that Mr. McCoy gave testimony
4 that he was upset that attempts had been made to contact
5 individuals off site?

6 A I --

7 CHAIRMAN BLOCH: Wait. The witness has given
8 a context as to what he believes it is, and you haven't
9 specified whether or not Mr. McCoy was upset about the
10 same thing, the attempt to see people without counsel when
11 they had said they had counsel.

12 MR. KOHN: Your Honor, and I -- I just don't
13 -- I don't recollect the exact context that Mr. McCoy put
14 that -- his answer, which I think was fairly long, when he
15 was questioned on that matter, I think both by myself and
16 by NRC staff. So I'm just asking this to see if that was
17 -- if he heard about that testimony or had an opinion on
18 that testimony.

19 THE WITNESS: You know, I may have read that
20 in testimony, but I -- I really don't recollect it. I
21 just have that general recollection of that issue, and it
22 seems like that was in the '91, '92, or '93 timeframe.

23 MR. BLAKE: Let's straighten out the record
24 here, now that we've goobered it up. You've got to be
25 more specific in what testimony you were talking about,

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1 and then let's find out from Mr. Hairston the testimony he
2 thinks he is talking about, so there is no subsequent
3 question about whether Mr. Hairston has read Mr. McCoy's
4 testimony in this proceeding, lest there be down the road
5 some --

6 MR. KOHN: Well, I think that's -- I mean, I'm
7 done with my questioning on this. I think it's fair for
8 redirect.

9 MR. BLAKE: Let's just straighten it out at
10 this point in time.

11 MR. KOHN: I don't have that transcript in
12 front of me, and I'm --

13 THE WITNESS: Are we talking about
14 depositions?

15 MR. KOHN: No, we're talking about live
16 testimony before this proceeding.

17 THE WITNESS: Oh, I have no knowledge of
18 anything McCoy has ever testified in this proceeding. I
19 thought you were talking about --

20 MR. KOHN: Okay.

21 THE WITNESS: -- in depositions with the --
22 the NRC OI. It seems like we were on that a while ago.

23 MR. KOHN: Okay.

24 THE WITNESS: Excuse me for not following the
25 question.

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1 CHAIRMAN BLOCH: I shared the same error,
2 thinking that he was talking about an OI interview.

3 BY MR. KOHN:

4 Q Okay. If you would please look at Intervenor
5 Exhibit Number 24, which, for the record, is the April 9,
6 1990, COAR letter.

7 A Is it in these books?

8 Q It should be, under Number 24.

9 A Okay. I have it.

10 Q Okay. And would you please turn to page 3 of
11 the exhibit? And if you can look at numbered paragraph 4,
12 which is the paragraph that talks about GPC has reviewed
13 air quality. Do you see that paragraph?

14 A Yes, I do.

15 Q Okay. And if you could please look at that
16 entire paragraph and read that to yourself.

17 A Okay.

18 Q Okay. And my question is, based on what you
19 know now, in terms of any briefing you received, any
20 information you've received, up until today's date, do you
21 believe -- if you saw this statement in a draft of a COAR
22 response regarding the events of April -- of the site area
23 emergency in early April 1990, that you were going to
24 submit today to the NRC, what would you do?

25 MR. BLAKE: I object. I object to the breadth

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1 of the question. I object to the fact that it's outside
2 the scope of the Board's questioning. It's not in his
3 rebuttal either.

4 CHAIRMAN BLOCH: Where is the scope on this?

5 MR. KOHN: Your Honor, the scope is two-fold.

6 One is it's a determination as to the cavalier attitude,
7 and I'm -- I want to test this witness as -- on his
8 responses to this significant paragraph, as to the
9 continuing existence of a cavalier cowboy-type attitude.

10 In addition, it also relates to questions that
11 we would have asked Mr. McCoy had he been available.

12 CHAIRMAN BLOCH: How many tests will there be?

13 MR. KOHN: Tests? If you'll look at --

14 CHAIRMAN BLOCH: You want to test him on this
15 one paragraph. How many other tests --

16 MR. KOHN: That's it. That's the test, and --
17 but if you look at my cross examination plan, paragraph 4,
18 I have almost outlined the questions verbatim that I'm
19 going to do in paragraph 4. And, in fact, I can rephrase
20 it just reading right from the plan, so you'll see where
21 I'm going.

22 CHAIRMAN BLOCH: Rephrase the question and --

23 MR. KOHN: Okay.

24 CHAIRMAN BLOCH: -- we'll allow this one test.

25 MR. KOHN: Thank you.

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1 BY MR. KOHN:

2 Q Based on what you know now, if you saw this
3 statement, i.e. paragraph 4 on page 3, in the final draft
4 of the COAR, what would you do?

5 MR. BLAKE: I object. And I don't think it
6 even follows what the creative representation was, which I
7 do give him credit for, because I thought it was an
8 interesting link. But I don't think that this question
9 fits the bill. What would he do today about -- that
10 doesn't strike me as a test of what the -- whether there
11 was a cavalier attitude in --

12 MR KOHN: I'm talking about a cavalier
13 attitude then and today.

14 MR. BLAKE: Well, that's a sizeable extension
15 of the scope.

16 BOARD EXAMINATION

17 CHAIRMAN BLOCH: Hold on a second. Well,
18 Mr. Hairston, does this -- does the -- in your opinion,
19 does this paragraph show adequate care in a communication
20 to the NRC? Did you think it did -- if you had seen it in
21 1990, would you have thought it would have showed adequate
22 care?

23 THE WITNESS: For what I knew in 1990, it
24 seems like I've already testified about this before, and I
25 -- you know, what I knew was that there were some faulty

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1 instruments, and there had been some initial reports that
2 the dew points were higher, and that had been resolved.
3 And so based on what I knew in 1990, what I personally
4 knew, I didn't see any problem with the paragraph.

5 CHAIRMAN BLOCH: Do you know today? Strike
6 that. I'm not sure how this test works, Mr. Kohn.

7 CROSS EXAMINATION (Continued)

8 BY MR. KOHN:

9 Q If I may ask -- if I can just ask, based on
10 what you know now, do you believe that this was an
11 appropriate communication to the NRC?

12 A Based on what I know now, I'd go off and spend
13 a lot more work looking at this paragraph to see if -- I
14 know there has been a lot of questions asked and a lot of
15 allegations made about this particular paragraph, and I'm
16 probably not a very knowledgeable expert in this area
17 right now, and I would spend some time to make sure that
18 what this paragraph was conveying was, you know,
19 reflective of what was going on.

20 Q Okay. And, consequently, isn't it a fact that
21 in 1990, because no one spent that type of time and care
22 really fact-checking and reviewing the accuracy of this
23 paragraph, that is a reflection of the cavalier attitude
24 that existed at Plant Vogtle in 1990?

25 A Again, I'm not exactly an expert on this line

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1 of the -- of the hearing, but, no, I -- from what I know,
2 I wouldn't conclude that.

3 Q So from what you know today, you see nothing
4 wrong with the type of review, fact-checking, that
5 occurred on this paragraph in the April 1990 time period?

6 MR. BLAKE: I object. I object to the
7 characterization. I object that that's what the witness's
8 testimony is. He has been quite clear. He says there had
9 been questions raised about it, he didn't recognize them
10 at the time, but clearly today he would do a lot of
11 checking before he released the paragraph. How much more
12 do we get out of this, Judge Bloch?

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Do you have an opinion as to
15 whether the checking that was initially done on this
16 paragraph was adequate?

17 THE WITNESS: I really don't have a lot of
18 knowledge about the checking that was initially done on
19 this paragraph. This issue really sort of came up, you
20 know, in my mind, about a year ago, where it really got
21 developed. And, you know, at that point, my recollections
22 of this issue were, you know, pretty much what I've --
23 what I've stated. And I don't really know a lot about,
24 you know, how it was drafted, and I'd have to go back and
25 get into that to be able to answer the question.

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1 CROSS EXAMINATION (Continued)

2 BY MR. KOHN:

3 Q Okay. Now, based on what you know today, was
4 this statement complete and accurate in all material
5 respects?

6 A You know, I would have to go back and look at
7 the context -- the questions that generated this, and what
8 -- you know, what -- what all of the factual information
9 is behind it, and I have not done that.

10 Q Did Georgia Power intend to do that and
11 correct any prior responses or information provided to the
12 NRC?

13 A I -- it's my understanding this issue was one
14 of the issues in the Notice of Violation that we responded
15 to the NRC, and I realize there are a million different
16 nuances that come out of this issue, but I -- I feel like
17 the NRC has asked us the questions, we've responded to
18 their questions about this, and this issue is adequately
19 resolved at this time between us and staff.

20 Q Okay. Today --

21 A And I would say that -- I would add to that
22 there have been special inspections by the NRC staff on
23 this issue that are all tied in to my saying that I
24 believe this issue is resolved with the staff. I'm not
25 sure I know all of the issues that have come up in this

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1 hearing, so I can't deal with those.

2 Q Now, even if staff today is satisfied with the
3 resolution -- strike that.

4 Now, you were questioned before the Board in
5 August regarding your opinion of Mr. Ward. I think,
6 actually, you gave an opinion that Mr. Ward was, in your
7 opinion, a main expert on the Calcon sensors. Do you
8 remember that testimony?

9 A It seemed like to me that somebody asked me --
10 my testimony was about if we had to do a presentation and
11 we could use a diesel expert, and I believe I -- I believe
12 I -- I said that I felt that Louis was about as expert a
13 person as we had. That's my recollection of my testimony,
14 without looking at it.

15 Q And would you be surprised to learn that
16 Mr. Ward was not aware of some of the central mechanisms
17 which were part of the Calcon sensors and how -- and
18 understanding how they worked?

19 MR. BLAKE: Let's have a more specific
20 reference to what we're talking about. We all know here,
21 but I don't think that's a fair --

22 CHAIRMAN BLOCH: Objection sustained.

23 MR. KOHN: A more specific reference --

24 MR. BLAKE: What you're talking about that he
25 didn't know. A central --

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1 CHAIRMAN BLOCH: Show a portion of the
2 transcript, or something of that kind.

3 MR. KOHN: I do have a portion of Mr. Ward's
4 testimony, which I can show the witness.

5 MR. BLAKE: That would be --

6 MR. KOHN: Unfortunately, we don't have the
7 page numbers for you to look at.

8 MR. BLAKE: I don't think that's important. I
9 recall -- I think we all recall what you're talking about.
10 Is it the spacers?

11 MR. KOHN: Yes.

12 MR. BLAKE: Okay. Well, I at least recall.
13 It was Judge Carpenter's question, and I recall the
14 answer.

15 BY MR. KOHN:

16 Q And if you can just look at -- I'm providing
17 the witness the four pages from Mr. Ward's testimony, some
18 of which I have highlighted, which the witness can or
19 cannot avoid. If you could just look at those, and my
20 question is -- I'll ask you the question when you're done
21 reviewing that.

22 CHAIRMAN BLOCH: Okay. We're going to take a
23 10-minute break while you do that.

24 ADMINISTRATIVE JUDGE CARPENTER: Give you a
25 chance to read it. Could the Board share in this reading?

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1 CHAIRMAN BLOCH: Yeah. We're going to take a
2 10-minute break.

3 (Whereupon, the proceedings were off the
4 record from 10:59 a.m. until 11:10 a.m.)

5 CHAIRMAN BLOCH: The hearing will come to
6 order.

7 MR. KOHN: Thank you, Your Honor. I would
8 just like the record to reflect that what the witness has
9 been shown is from the transcript of the hearing, page
10 8011, line 22, through 8015, line 15, which is an excerpt
11 from the testimony of Mr. Ward.

12 MR. BLAKE: I take it this is not a violation
13 of the sequestration order.

14 ADMINISTRATIVE JUDGE CARPENTER: I was just
15 about to ask the same question.

16 CHAIRMAN BLOCH: I don't think so. I think
17 the purpose of the sequestration order is to allow
18 questioning of one witness about what another witness has
19 said.

20 BY MR. KOHN:

21 Q Okay. And my question is, upon -- are you
22 troubled in any way, given -- as to what Mr. Ward
23 testified to about his knowledge of how the Calcon sensors
24 worked when he commenced the testimony on page 8011?

25 A There is nothing in this testimony that

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1 surprises me.

2 Q So you're not surprised that he wouldn't have
3 known about the -- that principle of operation of the
4 switch?

5 A I mean, to take an instrument apart and ask
6 how it's put -- how it's made, you know, I don't know when
7 the last time he would have looked at the switch and what
8 he knew in '90. But there's nothing in my reading this
9 that -- that surprises me or gives me any cause for
10 concern for a given individual. He's supposed to be a
11 diesel expert.

12 Q Okay. Now, given the fact that he is a diesel
13 expert, and given all of the controversy in issues that
14 concerned the Calcon sensors, wouldn't you expect that he
15 would have been fully up to speed on exactly how those
16 mechanisms work?

17 A Five years after the fact, when something was
18 put in front of him in a hearing, and this is his
19 response, no, that doesn't surprise me.

20 Q And did he have any follow --

21 BOARD EXAMINATION

22 CHAIRMAN BLOCH: Excuse me. If I understand
23 you, he would have been surprised if it happened in 1990,
24 though?

25 THE WITNESS: You know, if he had been working

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1 on the switches, I believe I characterized him as being a
2 pretty knowledgeable diesel person. I'm not sure I could
3 take a turbocharger apart, if I was a knowledgeable diesel
4 person, and know every part that was in it without a
5 drawing. Typically, when you disassemble something, you
6 know, you have drawings, and -- and so having something
7 taken apart in front of him, you ask about this component
8 or that component, you know, when he probably hadn't
9 looked at it in a while, that -- that does not surprise
10 nor concern me.

11 CROSS EXAMINATION (Continued)

12 BY MR. KOHN:

13 Q Okay. And were you aware that Mr. Ward had
14 responsibility over the determination of the root cause
15 and following up on the failure -- concerning the Calcon
16 failures, and following up on the Calcon situation with
17 Wiley?

18 A I think he -- I'm aware that he was one of the
19 lead people.

20 Q Okay. And now, do you remember testifying
21 before the Board, again in regards to the Calcon sensors,
22 that by June of 1990, Plant Vogtle understood how the
23 sensors worked, but prior to June you hadn't?

24 MR. BLAKE: Can we have a reference?

25 MR. KOHN: The reference I have is -- this is

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1 not -- again, I'm only going to give you an approximate
2 page on this.

3 MR. BLAKE: Okay.

4 MR. KOHN: It's our page 11582. And if you'd
5 like -- you know, you can look over my shoulder, if you'd
6 like.

7 MR. BLAKE: I don't need to look over your
8 shoulder. If you just show it to the witness, it might
9 help.

10 MR. KOHN: Okay. And I'm going to read -- I'm
11 just -- to make the record clear, I'm going to read to you
12 what -- your prior testimony and see if you remember that.
13 "In my opinion, by June of" --

14 MR. BLAKE: I'd prefer that you just it to
15 him, so that he can look at the -- a little before and a
16 little after.

17 MS. YOUNG: Would you give the Staff time to
18 locate that, too?

19 MR. KOHN: Sure. And a word search could be
20 --

21 CHAIRMAN BLOCH: What is the date?

22 MR. KOHN: This is --

23 MR. BLAKE: August 16th, I believe.

24 CHAIRMAN BLOCH: Okay.

25 MR. KOHN: Here you go. And if you can look

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1 here. And I'm showing the witness -- the question was,
2 question, "Other people are just as bad?" And his answer
3 was, "Other people are not reporting it." That's how it
4 begins. And then, the answer goes on for like two
5 paragraphs. That's where it appears on the actual
6 transcript.

7 THE WITNESS: I remember this testimony, where
8 we're talking about the -- all of the failures that were
9 in the NUREG, and what was behind what I was saying here
10 is I really believed it was sort of late in May before we
11 finally sort of understood all of the calibration aspects
12 of what I've testified I thought the problem was, and it
13 was May before I think we really got to the bottom of the
14 calibration issue and really understood how to do that.

15 BY MR. KOHN:

16 Q Okay. And looking at your testimony, what you
17 stated was, "It is, in my opinion, by June of '90, we sort
18 of understood these sensors. And even though they were
19 quoted as being pieces of junk, they really weren't pieces
20 of junk. You just had to know how to maintain them and
21 how to calibrate them."

22 A Right.

23 Q That was your understanding. Now, are you
24 aware that after June of 1990, Plant Vogtle continued to
25 experience a high rate of Calcon sensor failures?

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1 A I don't know what's high. I know we've had
2 some -- some failures.

3 MR. KOHN: Well, there are -- I think the
4 public record was shown. I have a demonstrative aid on
5 this, which I'll -- okay. I'm going to mark a
6 demonstrative aid as Intervenor Exhibit 238. Your Honor,
7 if I may do that for purposes of identification. And that
8 would be a one-page document entitled "Post-OL Vogtle
9 Units 1 and 2 Calcon Sensor Failures."

10 CHAIRMAN BLOCH: Granted.

11 (Whereupon, the above-referred to
12 document was marked as GPC Exhibit
13 No. II-238 for identification.)

14 MR. KOHN: And --

15 MR. BLAKE: Have you seen this demonstrative
16 aid, Judge Bloch?

17 CHAIRMAN BLOCH: Pardon?

18 MR. BLAKE: Have you seen this demonstrative
19 aid?

20 CHAIRMAN BLOCH: I don't think so.

21 MR. KOHN: No, I'm going to -- this is based
22 on one earlier provided by the -- we put in a change on
23 it.

24 MR. BLAKE: Earlier provided what?

25 MR. KOHN: And, Your Honor, also for the

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1 record, I'm going to show -- I'm going to provide the
2 Board -- we don't have enough color copies, but I'll
3 provide the witness and the Board with a color copy. I
4 provided the other parties with -- the others are in black
5 and white.

6 BY MR. KOHN:

7 Q And I'd like you to review this demonstrative
8 aid, and ask you if you looked at the numbers for 1990,
9 '91, and '92? Does that roughly comport with your
10 understanding of the number of Calcon failures which
11 occurred in those three years?

12 A I have no way of putting any number on it.

13 MR. BLAKE: He has no way, nor do I. And is
14 -- does -- this odd use of something called a
15 demonstrative aid. I don't know who created this. I
16 don't know what its purpose is. There has been no -- I
17 don't know that everything that it relies on is in
18 evidence, or that there is agreement between the parties
19 on it. I don't know why it stops in '92. I don't know a
20 lot of things about this.

21 But before -- I guess we're not going to get
22 far with this witness in any event. But before it's used
23 with other witnesses, I think we're deserving of some
24 additional discussion on this, Judge Bloch.

25 CHAIRMAN BLOCH: Is the inspection report in

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1 evidence?

2 MR. KOHN: I believe that inspection report is
3 a marked exhibit of the Intervenor. I can doublecheck
4 that. I do not know if it has been formally admitted or
5 not.

6 CHAIRMAN BLOCH: Is all of the data in NUREG
7 1410?

8 MR. KOHN: What happened is that the data
9 comes from both of those sources, and the reason for there
10 not being certain information on this, specifically '93
11 and '94, that -- that data just wasn't contained.

12 MR. BLAKE: Well, the NUREG, obviously, was
13 written in 1990, and that would be for prior --

14 CHAIRMAN BLOCH: The demonstrative aid,
15 Mr. Blake, of course has no more value than the data, and
16 we understand that. It's just like argument of counsel.
17 It has no independent meaning of its own.

18 BY MR. KOHN:

19 Q Did you ever --

20 MS. YOUNG: Excuse me, Judge Bloch. But the
21 parties still will be entitled to find out the basis --

22 CHAIRMAN BLOCH: Oh, yes.

23 MS. YOUNG: -- for the demonstrative aid.
24 Will we be given an opportunity to do that?

25 CHAIRMAN BLOCH: If they don't provide a

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1 basis, it just won't be considered.

2 MR. KOHN: Just for the basis -- the basis is
3 stated on the face of the document. It lists the NRC
4 inspection report and the page numbers.

5 CHAIRMAN BLOCH: If it relies on an exhibit
6 that's not in evidence, then it also is not relying on
7 evidence.

8 MS. YOUNG: Yeah, I don't believe pages 19
9 through 115 of the NUREG have been placed in evidence.
10 I'm just not certain. I know that the Staff marked it as
11 an exhibit, as II-10, inspection report 9412, and that was
12 bound in the transcript on July 20th.

13 MR. KOHN: I understand that. And I also
14 understand that if -- that this witness, since he doesn't
15 have the knowledge -- the -- the basis for this
16 information that's going to be used in the future will be
17 done through other witnesses who do have the knowledge.
18 So I don't think --

19 CHAIRMAN BLOCH: Let's move on.

20 MR. KOHN: Yeah, exactly.

21 BY MR. KOHN:

22 Q So my question -- but you were aware that
23 after June of '90 there were Calcon failures, correct?

24 A It seems like over the last five years, I've
25 heard of several. But whether they were of the Calcon

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1 temperature switches, or the pressure switches, or the
2 vibration switches, I don't --

3 Q And as you --

4 A -- I don't have any specific recollection.

5 Q And as you learned about these continued
6 failures in the Calcon sensors, did you develop a concern
7 that maybe after June of '90 Plant Vogtle did not know how
8 to properly maintain or calibrate them?

9 A No, I haven't had that concern. As a matter
10 of fact, just the opposite. I may be getting a report
11 confused, but I think the report just came in on this
12 issue, where this issue has been resolved with staff. I
13 may be wrong, but it seems like --

14 CHAIRMAN BLOCH: But the question relates to
15 the '92 time period. 1990 -- no, I'm sorry, in the --

16 BY MR. KOHN:

17 Q Yeah. The time period this question relates
18 to is anything as you obtained information after June '90.
19 So if you learned of a failure in July of '90.

20 A I have no memory of any specific thoughts I
21 had on any of the specific things that I was told. I
22 don't even remember what I was told. I just remember
23 periodically there was a problem with an instrument. I
24 certainly don't remember these numbers or
25 characterizations of what kind of instrument it was.

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1 MR. KOHN: One moment, Your Honor. I think
2 the Intervenor may be done with its cross. Your Honor,
3 the Intervenor rests.

4 CHAIRMAN BLOCH: Staff?

5 MS. YOUNG: I just have a few follow-up
6 questions, mainly based on the cross this morning, so I
7 don't have a written plan.

8 CHAIRMAN BLOCH: Okay.

9 MS. YOUNG: It's very pretty if --

10 CHAIRMAN BLOCH: Do you expect it to take
11 about a half hour at the most?

12 MS. YOUNG: Approximately.

13 CHAIRMAN BLOCH: Okay.

14 CROSS EXAMINATION (Continued)

15 BY MS. YOUNG:

16 Q Good morning again, Mr. Hairston. It's a
17 pleasure to see you.

18 A You don't have log sheets over there, do you?

19 Q They're in hiding. They're in hiding.

20 MR. KOHN: Somebody played a bad practical
21 joke and opened the exhibit book up to the log sheets.

22 THE WITNESS: I was getting ready to step on
23 my bifocals.

24 BY MS. YOUNG:

25 Q One of the things I wanted to explore with you

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1 first was tape 99, which is appended to your testimony as
2 Exhibit B. Did you listen to this tape before testifying
3 today?

4 CHAIRMAN BLOCH: You're not being amplified as
5 well as yesterday, so if you could just speak up.

6 MS. YOUNG: Sure.

7 BY MS. YOUNG:

8 Q I'm sorry. Could you hear me?

9 A Yes.

10 Q Tape 99.

11 A You're talking about Exhibit B?

12 Q Yes.

13 A No, I have -- I have not -- I don't believe
14 I've listened to any part of this, certainly not recently.
15 I've read it twice, but I've not -- I've not listened to
16 the tape.

17 Q So in preparing your testimony, you didn't
18 listen to the tape in any effort to identify voices of GPC
19 employees that you're familiar with?

20 A My -- basically, what I've done relative to
21 the tapes, other than the couple that were on the 19th,
22 has just been really to read transcripts.

23 Q So in considering the comments that are
24 recorded on tape -- the transcript of tape 99, you were
25 not influenced in any way by the voices that don't have an

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1 identifier, a name beside them, the statements made in
2 those?

3 A Nothing jumps out at me. You may want to
4 point -- point me to something.

5 Q If you turn to page 18 at the bottom. There's
6 a question or a statement by a voice that's only a couple
7 of lines long, the next-to-the-last paragraph, and a
8 response by an individual that indicates that it's an
9 attitude problem. That was the gist of the concerns that
10 they heard from the NRC.

11 A Yeah. I think that comes from what maybe Ken
12 had said earlier. It seems like back on page maybe 8 --
13 somebody may want to help me with it, but -- oh, here it
14 is. It's the bottom of page 8. This is Ken, I think,
15 really sort of trying to reflect what was said. He said,
16 "One guy, at some point in the discussion there -- I won't
17 tell who it was -- said enough of that discussion. I just
18 cut through the bullshit and" -- that's a quote --

19 CHAIRMAN BLOCH: It's okay.

20 THE WITNESS: You ain't supposed to say that
21 in Alabama. "And tell you what my people say. My people
22 say the people down at Vogtle have a cowboy cavalier
23 attitude."

24 I really -- I think when I read this, and I
25 saw it, I think it was relating back to what Ken had

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1 summarized, and I didn't attach anything more to it than
2 that.

3 BY MS. YOUNG:

4 Q Okay. So you don't know whether this is
5 Mr. McCoy again speaking at --

6 A No, I don't.

7 Q It seems to be an attitude problem that was
8 identified, and that he understood that to be the case.

9 A Well, I think an attitude problem in the broad
10 sense. I mean, a lot of what -- when you say cocky and
11 cavalier and cowboy, I think you're -- you're talking
12 about a demeanor, and it was sort of in that vein that I
13 took the comment.

14 Q And on the next page, where Mr. Bockhold has a
15 statement on 19, where Mr. Bockhold states that the -- I
16 guess the basic question is, do we agree with these
17 perceptions?

18 A Right.

19 Q Is it your understanding that Mr. Bockhold did
20 not agree with the NRC's criticism?

21 A No, I -- you know, I was really thinking about
22 my earlier testimony on this. And it's sort of hard to
23 articulate what -- what I was trying to say, but I think
24 -- I think it's like what Ken is saying. It's like you've
25 got degrees. If you have good on the left hand and bad on

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1 the right hand, you know, I think what we're talking about
2 is -- is degrees.

3 And I think Ken really sums it up in the --
4 right there after what George Bockhold said on page 19 at
5 the top. He says, "I think that there is some fire there.
6 I think there is some smoke, more smoke than fire."

7 I think there is, like I say, you know, I can
8 go back and look at some of these events, and the ones
9 that bother me the most are the ones where we had people
10 either fail to get help when they needed it or try to do
11 something without a procedure, or that I consulted with
12 expertise that management had available. Those are the
13 ones that bothered me the most. Those are the ones I
14 think that we got the biggest real exposure of having a
15 real problem with.

16 And I think -- you know, I think what was
17 going on in this meeting was the shock of "here's what the
18 NRC said," and I think what George was trying to say is
19 there is truth in what they were saying, by listing all of
20 those examples. And certainly, I think that's what Ken is
21 saying here.

22 I think what we're looking at -- George was
23 not trying to say, "No, we're perfect, we're good." And
24 certainly, I don't think Ken was trying to say that. I
25 think they were just maybe trying to make a point that,

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1 you know, that's the perception, and we're probably not as
2 bad as they've described it. But, man, if you look at
3 this history, where there's smoke, there's fire, and we've
4 got a lot of work we've got to do.

5 And that's what I was trying to say, Mitzi, a
6 while ago. And I know that, you know, you asked me did I
7 believe -- agree with -- with George's characterization.
8 Well, I agreed with it, because if you -- if you read that
9 as everything is bad, then he was trying to say, no,
10 everything is not totally bad. You know, I agreed with it
11 from that context.

12 Q You attended the meeting with the NRC that was
13 held prior to this transcript?

14 A Yes, I did.

15 Q Do you recall whether that happened on
16 April 30, 1990?

17 A Oh, I don't remember whether it was the last
18 of April. I remember it as being the first of May, you
19 know, first or second day in May. It could have been the
20 last of April.

21 Q And if you were asked -- could you identify
22 who the participants were at the meeting? And I'll refer
23 you to page 7 of the transcript to see if Mr. McCoy's
24 recitation --

25 A That's it.

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1 Q -- captures these people.

2 A Without me looking back, I -- I remember that
3 Murley was sort of the head, and that -- my recollection
4 is that Partlow was there, Ben Hayes was there, Stew was
5 there, and I -- this is just my recollection. I believe
6 Mr. Matthews was there. I believe Mr. Matthews or Varga
7 -- one was there. And I believe Sniezac was there. There
8 may have been one or two others, and I -- that's my
9 recollection. Now, what page was that on?

10 Q Page 7 of your Exhibit B.

11 A I know that there were -- there were six or
12 seven, eight people. Murley, Sniezac, Varga, Partlow,
13 Matthews, Ben Hayes, and then Ebnetter. I -- I'm not -- I
14 don't remember Al being there. I think he could have been
15 there. But that -- that list pretty much reflects who I
16 remember being there. Murley was sort of the head guy. I
17 mean, he was sort of chairing the meeting.

18 Q Okay. And Mr. Murley at that time was the
19 Director of Nuclear Reactor Regulation for the NRC,
20 otherwise known as NRR?

21 A I think that was his title. He had sort of a
22 -- quite a bit of the chain of command. You went
23 Matthews, Varga, Partlow, Murley, Sniezac, Hayes was over
24 here. You know, so it was pretty much a large number of
25 the chain of command of the headquarters.

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1 CHAIRMAN BLOCH: The witness, of course, was
2 gesturing to a diagram in the air.

3 BY MS. YOUNG:

4 Q Well, you were describing the hierarchy in
5 ascending order, I believe.

6 A Yes.

7 Q Okay. And Mr. Sniezac worked for the EDO?

8 A I believe he was -- wasn't he the Deputy -- I
9 think he may have been the Deputy or something like that.
10 But he was there. I remember him there.

11 Q And what senior GPC officials were present?

12 A My recollection was it was Pat and myself.

13 Q Pat -- try to give last names for the record.

14 A Pat McDonald, Ken McCoy, and myself. I
15 remember the three of us being there.

16 Q Now, did Mr. Ebnetter participate by telephone,
17 or was he physically present?

18 A I really -- he could have been on the phone,
19 you know, by conference call maybe. He may have been. I
20 -- I just have a recollection of him trying to give a
21 little bit of current -- 1990 current perspective to the
22 issue, but not a lot. I don't recall him saying a whole
23 lot.

24 Q Okay. So Mr. Murley primarily did the
25 talking?

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1 A Sniezac did some talking, I remember that.

2 And Mr. Murley did, Dr. -- is it Dr. Murley?

3 Q Yes.

4 A Dr. Murley. I don't remember Stew saying very
5 much, and I don't remember Partlow saying a lot. I really
6 -- you know, it's so hazy. I do remember Sniezac was the
7 one that I think sort of cut to the chase and sort of did
8 something in summary. And Dr. Murley summarized what -- a
9 lot of what he had heard, but I don't remember exactly who
10 said what to who.

11 Q Well, based on the participants, the number of
12 participants and -- NRC participants, and those who did a
13 lot of the talking at the meeting, would you say that the
14 meeting was led primarily by NRC headquarters staff?

15 A Oh, yeah, I definitely do. Yes.

16 Q And it was NRC headquarters staff that
17 primarily voiced concerns about GPC's activities over this
18 historical period you referred to?

19 A That's my recollection. We sort of had a feel
20 for where we were in the region with Stew, because we had
21 met with him a lot. And, really, we really appreciated
22 them getting -- I mean, it was painful, it was very
23 painful, but I remember us really being appreciative of
24 the fact that they were that open and candid with that
25 number of people there. You know, it was like they were

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1 putting their cards on the table, and -- and I appreciated
2 it. It was painful.

3 Q And when you testified before the Board in
4 July, I believe you talked about having -- you used the
5 word very often, your "antennae" up with certain things
6 going on at GPC facilities. In particular, in 1990, do
7 you think your antennae was appropriately tuned to the
8 condition of communications going on between GPC and NRC
9 in the 1990 timeframe and prior?

10 A Yeah. And we had really talked a lot about
11 that. You know, you asked what other meetings we had had.
12 We had meetings on that. And I personally did a lot of
13 sort of doublechecking on that. You know, I would go by
14 and talk to the resident who -- I believe the residency
15 changed in that -- the 1990 timeframe from Rogge to Brian
16 Bosner.

17 I can remember talking with Dave Matthews,
18 people in the region, just sort of doublechecking that
19 they felt like they were getting a, you know, good -- just
20 day-to-day communications, talked to the resident. I
21 really remember talking a lot more with Brian Bosner.

22 Q Now, was this after May 1990? May 8, 1990?

23 A Yeah. I think Brian sort of came in right --
24 right in that time period, May or June. And I had met
25 Rogge and talked with him. I knew Brian. He had worked

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1 at another plant, or at least had been at another plant,
2 so I knew him and felt --

3 Q Maybe my question was too broad. I was trying
4 to get a feel for where your antennae was tuned prior and
5 on the day of the meeting with the NRC, whether it was
6 April, the end of April or the beginning of May 1990.

7 A It was definitely up for communications. We
8 had been talking about this before May.

9 Q So were you surprised in any way by the NRC's
10 comments?

11 A I was not surprised with the -- what surprised
12 me was the depth of their comments.

13 Q Now, when you say "depth," do you mean
14 intensity?

15 A Intensity. I think, in my mind, that's the
16 first time I had ever heard the cowboy cavalier thing. I
17 think Dave and I had talked about communications, and that
18 is something you always talk about.

19 Q And you're referring to Dave Matthews again?

20 A Yes, Dave Matthews. And I -- knowing the
21 history that had gone on, it wasn't surprising to have
22 some negative perceptions. What was surprising was -- was
23 the intensity and how they were verbalized. I mean, they
24 were very -- the words that were chosen were pretty
25 negative.

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1 Q Now, I think you said that this issue --

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: I just want to follow up on
4 that. So isn't it the case that prior to the meeting,
5 your antennae didn't give you the full information about
6 what was happening in the minds of the NRC?

7 THE WITNESS: In the minds of NRR.

8 CHAIRMAN BLOCH: NRR.

9 THE WITNESS: NRR. If you had asked me at
10 that time, I would have -- you know, prior to May, I would
11 have said that Vogtle is probably held in a little bit
12 higher esteem by the region that has watched them, you
13 know, over the last year --

14 CHAIRMAN BLOCH: That's getting repetitious.
15 You said that.

16 THE WITNESS: Yeah. Other than the -- than
17 NRR.

18 CHAIRMAN BLOCH: And did you think there was
19 any need to change for the future so that you'd be more
20 closely aware of what NRR was thinking?

21 THE WITNESS: Yeah. I think the -- the
22 problem you have at NRR, you don't have a lot of
23 interaction. The executives don't have a lot of
24 interaction at NRR. Like, in the region, you're just
25 interacting all of the time, and we instituted -- and I

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1 think it was this same time period -- quarterly meetings
2 with Dave Matthews and -- to really go through what
3 problems we were working on, and at the same time have --
4 and Dave, in my memory, came to a lot of those meetings
5 after this, to see what kind of problems, you know, we may
6 have at NRR. And those meetings, I believe, continue
7 today. They may be twice a year instead of quarterly.

8 I think, in our mind, you know, the NRR tends
9 to hear about a plant when something happens, and so there
10 is not a -- a neutralizing effect of when things go well,
11 just by design, and there had been a lot of things happen
12 over the history that had just built up. And this meeting
13 was sort of looked at as a relief valve for that, for them
14 to communicate that to us. And I tell you what, it
15 relieved.

16 CROSS EXAMINATION (Continued)

17 BY MS. YOUNG:

18 Q Well, do think the NRC was only venting at
19 that meeting?

20 A No, I think -- in my opinion, the people at
21 NRR were telling us how they felt. I mean, I didn't walk
22 out of there and think that they had overstated it in
23 their mind. I did not think that way. I felt like it was
24 a very candid meeting.

25 Q And when you spoke about the quarterly

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1 meetings in responding to a question from Judge Bloch, do
2 you remember whether those meetings were instituted at the
3 request of someone in NRR, or whether it was a GPC idea?

4 A I really don't. I know that Ken and
5 Mr. Matthews had worked -- Mr. Beckham had worked on that
6 concept, and I think it started back along in that period
7 of time. And I know that they took extra special meaning,
8 you know, in the '90, '91 timeframe, and -- but I couldn't
9 tell you exactly when they started.

10 Q Okay. Now, I think you had --

11 A We did start making sure that, you know, we
12 called our counterparts, and I'd go by and see Mr. Ebnetter
13 more often, just to -- to make sure the antennas were
14 working. And, you know, you asked a direct question, how
15 is the communication going? You know, have you heard
16 anything negative? And --

17 Q Now, Mr. -- your communications with the NRC
18 are primarily with Stew Ebnetter?

19 A Yeah, I'd say that. I mean, I talk to Dave,
20 and Dave I think feels free to call me if there's
21 something that we would have a mutual interest in. But
22 typically, you know, the NRR works on licensing issues,
23 and so my day-to-day, you know, contact is really with the
24 region.

25 Q And Mr. McCoy's day-to-day contacts would have

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1 been with whom?

2 A Well, Ken probably has more of a contact with
3 NRR because he has got the licensing aspects, but Ken has
4 both. But he probably works more with NRR than I do.

5 Q And Mr. Bockhold's day-to-day contacts with
6 the NRC would have been with whom?

7 A Or with the resident. I know that Mr.
8 Matthews would come down a lot to the site. Some of the
9 other people in the region would come to the site. But,
10 typically, the plant manager works with the resident.

11 Q And Mr. Bockhold would have attended meetings
12 with the NRC here at headquarters on licensing issues?

13 A He may have attended some. Many of the
14 licensing issues are -- you have licensing engineers that
15 come up and work through that, and I -- I really couldn't
16 give you a specific example.

17 Q Would Mr. --

18 A There may have been.

19 Q Would Mr. Bockhold have interacted in any
20 significant extent with Mr. Matthews, who was the Project
21 Director at that time for Vogtle?

22 A Probably at the site. And he could have run
23 into him up in -- in Washington.

24 Q Do you know --

25 A I know that Dave -- just prior to that, Unit 2

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1 was getting licensed, and there were a lot of people
2 spending a lot of time at the site. So I would think that
3 George ran into Dave more at the site than up in
4 Washington.

5 Q Do you know why Mr. Bockhold was not at the
6 late April or early May meeting with the NRC, if, in part,
7 the NRC had a concern about the way communications were
8 going at the site, and the head person at the site was
9 Mr. Bockhold?

10 A Well, I don't -- you know, we're trying to
11 think back how the meeting was set up. I think they
12 wanted to talk to the executives, such that there wouldn't
13 be any ying-yang, or really getting down in the swamp, you
14 know, argument. They -- they wanted to communicate their
15 feelings, and they really -- I mean, it wasn't one of
16 these things that, you know, "Here is why I feel this
17 way," you know?

18 It was sort of just a clear-the-air meeting,
19 and I -- and I don't know whether it was our idea not to
20 bring George, or whether the NRC -- I don't think they
21 limited us any, but we wanted to -- we really wanted to
22 bring the people that didn't inhibit anything. And I
23 think that if they're talking about the plant, that if the
24 plant manager had been there, it may have inhibited
25 something.

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1 Q Yeah. Now, during the meeting, do you recall
2 when the NRC was expressing its concerns, whether you and
3 the other senior GPC officials present listened intently,
4 or whether you interrupted and defended actions that you
5 believe had taken place at Vogtle that were contrary to
6 what the NRC was describing?

7 A I would not characterize it as interrupting.
8 Of course, all of you all listened to Pat and me testify,
9 so I'll let you draw your own conclusions. But I would
10 say that -- as I articulated a little bit ago, that --
11 that we tried to give our perspective of -- where it
12 wasn't just a one way.

13 I did not walk out of there thinking that
14 Dr. Murley thought that we had interrupted and been
15 disruptive to the meeting. I mean, I would be surprised
16 if -- if somebody characterized it that way.

17 Q No. I was just trying to understand if you
18 were vigorous in your defense of employees at the site
19 during the meeting.

20 A We must not have been very vigorous, because I
21 don't have a vivid recollection of -- other than saying
22 that, you know, we feel like there has been a lot of
23 improvement, and maybe tried to articulate how that had
24 come about.

25 Q I'd like to --

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1 A I mean, I really don't recall much that we
2 said. I recall mostly what they said.

3 Q I'd like to refer you to page 9 of Exhibit B,
4 which is GPC II-183, the second paragraph. If you could
5 just read that quickly. I believe this is Mr. McCoy
6 speaking again.

7 A Yeah. He -- he is -- I think he is
8 summarizing -- remember, he has already said what the NRC
9 said, and he was pretty specific in that, and he is just
10 saying that, you know, he -- he is using the word
11 "defended us" and "stood up for us." I mean, that may be
12 how he characterized it. The way I would characterize my
13 memory is that we just tried to give a perspective of
14 where we thought we were.

15 I would point you to the last sentence, "The
16 facts show that, but we hear what you say and we're going
17 to go back and sit down and think about it. We've heard
18 you, but it hurts, and we really don't agree." I don't
19 think I would have characterized our leaving that meeting
20 telling Murley that we did not agree. I think we would
21 have characterized it as we gave him our perspective of
22 where we thought Vogtle was.

23 BOARD EXAMINATION

24 CHAIRMAN BLOCH: Mr. Hairston, you've been
25 describing this mostly in terms of attitudes. Did anyone

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1 from Vogtle make an effort to find out the facts that may
2 have led to those attitudes?

3 THE WITNESS: I guess -- and, again, I'm
4 thinking back five years ago. My -- my opinion was the
5 facts were known. They were all of the events that had
6 been well documented and well talked about, and I wouldn't
7 say that we went out and -- and went back and asked those
8 participants to, you know, "Tell me exactly what you were
9 talking about. Give me examples." It wasn't that kind of
10 a meeting.

11 It was the kind of a meeting where you want a
12 general assessment. You know, you've looked at all of the
13 history of operations and what is your general assessment.
14 So --

15 CHAIRMAN BLOCH: Yeah. But what makes a tone
16 of a meeting is partly all of the people who are there.
17 And if he had wanted to find out more details, and had
18 asked, I guess we don't know whether the tone would have
19 been the same, do we?

20 THE WITNESS: Well, you know, all I can give
21 you is my -- is my read, and it --

22 CHAIRMAN BLOCH: I mean, I would have wanted
23 to know everything about why these people are -- have such
24 a buzz. I would have wanted to know everything about the
25 people they interacted with, the incidents that occurred.

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1 I would have wanted to really think about everything that
2 they had thought about, and it sounds like that's not what
3 happened.

4 THE WITNESS: Well, all -- Judge Bloch, all I
5 can give you is my recollection, and I -- I cannot tell
6 you that there were not questions that -- well, what's the
7 basis of this? My general recollection was, "Let's don't
8 get here and play who shot John. We want to tell you,
9 just give you a general status of where we think you are."
10 And --

11 CHAIRMAN BLOCH: There's another group of
12 questions that you might have asked. I don't know if you
13 asked these. Did you ask, what would you do to fix it?

14 THE WITNESS: I just can't remember all of the
15 conversation that well. I -- I'm sure that, you know,
16 there was rationale given for some of it. You know,
17 again, I just --

18 CHAIRMAN BLOCH: I understand. Can you give
19 me your best recollection?

20 THE WITNESS: -- my feeling was it was not to
21 go and rehash events, and it wasn't anything that we
22 didn't know about or they didn't know about. It was when
23 you look back on our history in the -- in the totality,
24 NRR did, here is some of the feelings that people up there
25 had.

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1 CHAIRMAN BLOCH: Well, it sounds like they had
2 a different perspective, didn't they, like they saw these
3 things differently than you saw them?

4 THE WITNESS: Oh, I -- I think NRR saw them
5 different, to some degree, than Stew Ebnetter saw them.
6 But what was important was to understand what they saw,
7 and it wasn't -- you know, I don't think, even though we
8 tried to give some balance to what our perception was, I
9 think it was important to just get their feelings.

10 CHAIRMAN BLOCH: Well, what they're feeling
11 and what they saw might be different, right?

12 THE WITNESS: I guess that's a possibility. I
13 didn't get the feeling that -- that what they said had
14 been, you know, made bigger than how they really felt. I
15 mean, I walked away feeling that, God, these people feel
16 this way.

17 CROSS EXAMINATION (Continued)

18 BY MS. YOUNG:

19 Q In response to questions from Judge Bloch, you
20 indicated that you weren't really sure of any one on one
21 attempts to determine the basis of the NRC concerns stated
22 during the April/May meeting with you and Mr. McDonald and
23 Mr. McCoy. Do you have any recollection whether Mr. McCoy
24 ever told you he pursued matters, either with Mr.
25 Matthews, Mr. Sniezac, Mr. Murley?

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1 A I recall going by and talking to Steve Varga
2 before the meeting. And you know, Steve didn't have a lot
3 of insight, as I recall, you know, what was going to be
4 said in the meeting. I had known Steve a long time. I
5 had talked to Steve. I think Steve knew -- Steve Varga
6 knew what we stood for, and I think -- you know, I went
7 back and I talked with Stew.

8 And you know, it wasn't the type of thing
9 well, here's what you ought to go look for. It was just
10 this thing of it's important to know how they've digested
11 this five years of history. And I'm telling you, I really
12 believe it had a bigger effect us doing that than going to
13 prove why they felt that way and it really wasn't true.
14 You know, you get into the events, and you start trying to
15 prove something one way or another.

16 And that wasn't what the issue was -- in my
17 mind, in my mind.

18 Q Now you stated many times you think there was
19 a distinction between the nature of the comments you were
20 hearing from headquarter's employees and the comments that
21 you had either heard from Stew Ebnetter during that
22 meeting, prior to that meeting, or after that meeting.

23 A In degrees.

24 Q Degrees, okay. Did you ever hear Stew Ebnetter
25 in that meeting disagree with any of the comments that

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1 were being made about poor attitudes on the part of GPC?

2 A No, I remember -- and it's just sort of vague
3 -- that Stew was -- if I could use the term, and I will
4 use this very loosely, was as supportive as I would have
5 expected Stew to be of Vogtle. You know, he basically --
6 my recollection was he said that, you know, Vogtle has
7 really been improving --

8 Q Now, was he talking about the operating
9 history, or was he talking about attitudes at the
10 facility?

11 A I think he -- well, all this is, you know,
12 wrapped up in one and the same. It's your attitude about
13 how you operate -- your philosophy of your operate. And I
14 think Stew was talking about where we were in May of '90.
15 You know, we just had a major event there, and I think he
16 was talking about where we had been and where we had come
17 from.

18 Q So do you think the meeting was held because
19 the NRC no longer had any concerns about poor attitudes
20 persisting at Vogtle?

21 A Oh, no. I mean, I think NRR -- those people
22 at NRR really felt that way.

23 Q Because again, trying to understand if you see
24 any distinction between improvement in an operational
25 history, but still the remnants of a short cut attitude,

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1 whether it be cowboy or cavalier, however you wanted to
2 describe it, as indicated in this tape transcript.

3 A I don't recall Stew Ebnetter adding any
4 negative comments. All I recall him doing is -- in a
5 setting like that, at least sort of trying to give his
6 perspective that Vogtle was improving. And I'm not
7 talking about performance indicators. I'm talking about
8 in how they approached things, how the plant's operated,
9 the material condition of the plant, the communication.
10 That's broad improvement.

11 Q If there were problems -- well, would Mr.
12 Ebnetter interact with Mr. Bockhold, for example, in terms
13 of level of communications?

14 A Stew would go to the plant occasionally and
15 would see George. But, I would say Stew's interaction
16 with George was minimal. Stew -- the way I understand Mr.
17 Ebnetter is he takes a lot of input from his people that
18 are assigned, the project management at NRR and in the
19 region and the resident -- he tends to get a lot of
20 different information before he draws conclusions.

21 Q And would Mr. McCoy interact often with Mr.
22 Ebnetter?

23 A More so than George, just whenever he was at
24 the plant or Ken may have been in the region. I don't
25 recall times where Ken would have called Mr. Ebnetter. We

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1 tried to sort of use a pecking order that, you know, Ken
2 would basically try to talk to Brockman, and I would talk
3 to the deputy or to Mr. Ebnetter.

4 BOARD EXAMINATION

5 CHAIRMAN BLOCH: Mr. Hairston, I'm trying to
6 think of what was going on here. Was any of the NRC's
7 concern related in any way to how deficiencies or problems
8 were resolved at the plant?

9 THE WITNESS: I don't any examples like that
10 given. I think their -- and again, I'm just trying to
11 remember back -- I think most of their comments were event
12 driven. You know, the bigger events -- NRR was very
13 involved in Vogtle in its first year of operation in '87
14 and the years right prior to that because they licensed
15 it. And then Unit 2 was -- I believe was licensed in '89.

16 And so NRR had a real presence in the Vogtle
17 arena due to the Unit 2 not having its license. And so
18 there was a lot more interaction due to that than you
19 would have if you just had two operating units there.

20 CHAIRMAN BLOCH: And Mr. Hairston, did any of
21 the concern of the NRC have to do with the trending of
22 previous events and finding out patterns and solving
23 patterns?

24 THE WITNESS: I don't recall any of that
25 coming up.

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1 CROSS EXAMINATION (continued)

2 BY MS. YOUNG:

3 Q Is it possible, in terms of understanding the
4 intensity of the criticisms or concerns that the NRC was
5 expressing in April 1990, that you, as a senior GPC
6 official, may not have been as familiar as those below
7 you? And I'm thinking of either Mr. McCoy or Mr.
8 Bockhold.

9 A Well, I think George probably knew more of the
10 history in '87. I was not there until May of '88.

11 Q Did you hire Mr. Bockhold?

12 A No, Mr. Bockhold was there prior to me coming
13 to Georgia Power Company. I was not elected an officer
14 of Georgia Power Company until May of '88.

15 Q And what about Mr. McCoy, did you hire him?

16 A I did not. I agreed in the hiring of Ken.
17 It's my recollection that Mr. McDonald recommended he be
18 hired, and he was actually elected by the Georgia Power
19 Company board of directors.

20 Q So both Mr. Bockhold and Mr. McCoy may have
21 been more familiar with ongoing problems, or at least
22 historical events at Vogtle than you were at the time of
23 April/May 1990?

24 A I think that's true, just due to our -- Ken
25 and I came on at the same time. I think he came on in

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1 June. But you know, Ken did that every day, and he was
2 working on Vogtle every day. I think Ken would not have
3 known near as much about '87 or early '88 time frame as
4 obviously George did, because George was there when those
5 events happened.

6 Q Okay. Did you ever, ever hear either reports
7 from Mr. Bockhold or Mr. McCoy that there was a certain
8 amount of antagonism between the operating organizations -
9 - maybe I misspoke -- between the technical support side
10 of Plant Vogtle and the operations side of Plant Vogtle in
11 1990?

12 A That was a lot of what we talked about at the
13 July meeting. Not so much talking about us communicating
14 with NRC, but us being able to communicate with each
15 other. And I think, you know, in '87 and '88 there was
16 not the best communications between the departments. I
17 think that improved with time. '89 was better, '90 was
18 better. And it's just continued to improve.

19 Q Now, do you think any impairment in
20 communications between those two organizations would have
21 also had an impact on communications between Plant Vogtle
22 and the Nuclear Regulatory Commission?

23 A Absolutely. I believe I've testified here
24 earlier I told the people at Vogtle that, you know, this
25 is not an issue of us communicating with NRC. This is an

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1 issue of us communicating with each other. Because if we
2 can't communicate with each other, whether it's the
3 hearings we're having right here today, or whether it's
4 something else, then you know, we're not going to have
5 adequate communication with NRC.

6 Q And would --

7 BOARD EXAMINATION

8 CHAIRMAN BLOCH: Do you know whether there
9 were problems in communication between technical support
10 and operations that interfered with the dispositioning of
11 paper?

12 THE WITNESS: No specific examples. I just
13 know that there weren't what I would call a teamwork
14 approach. And when you don't have that, you can have
15 things slip through the cracks. And it would not surprise
16 me if that had happened.

17 CHAIRMAN BLOCH: Did your auditing group have
18 anything to do with assessing --

19 THE WITNESS: Communications?

20 CHAIRMAN BLOCH: -- communications or the
21 effect of communications on the problems at the plant?

22 THE WITNESS: I really -- I'd have to go back
23 and look at the audit reports.

24 CHAIRMAN BLOCH: Do you know if during 1990
25 there were any audit reports on the adequacy of the

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1 dispositioning of deficiency paper?

2 THE WITNESS: I think you asked me that
3 before, and I really --

4 CHAIRMAN BLOCH: Oh, if I'm getting
5 repetitious, I'm sorry about that.

6 THE WITNESS: I really don't remember without
7 going back and looking.

8 CHAIRMAN BLOCH: Judge Carpenter sustained
9 your objection.

10 (Laughter.)

11 CROSS EXAMINATION (continued)

12 BY MS. YOUNG:

13 Q I think Mr. Kohn asked you whether the cowboy
14 or cavalier attitude that had been described by the NRC
15 continued throughout 1990, and you responded no. Could
16 you explain why your answer is no?

17 A Well, it goes back -- you know, you're talking
18 about gradations of a label that's been put on somebody.
19 In my opinion, Vogtle from '88 to '90 had really made some
20 progress in the areas we were working in. I saw a lot of
21 things where they were asking for additional help. You
22 know, cavalier is the thing that -- you know, I know the
23 answer. You know, I don't need any help.

24 And you know, problems would come up, and you
25 know, I'd ask well have we got a tech rep on the way --

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1 yeah, the tech rep's in the air. You know, so it may just
2 be little things that I'm relating to, but I just saw a
3 general approach to -- that seemed like the people working
4 better together, trying to use all the available
5 expertise. If you notice, in Ken's comment, he
6 keeps going back to this using all the available expertise
7 and what some of the real problems were. I think we had
8 improved in that area.

9 Q And would you trace any of those improvements
10 to any individual actions taken by either Mr. Bockhold or
11 Mr. McCoy?

12 A Yeah, you know, what we're talking about --
13 and I testified a little bit about this earlier -- you
14 know, we're talking attitude. And some people call it
15 culture, some people call it behavior. But the one thing
16 we know is attitude and culture cannot be changed
17 overnight. All the people that study it -- you can change
18 people's behavior, but you can't change their attitudes
19 overnight.

20 And my sense was that the values and the
21 culture we were trying to manage in -- that George and Ken
22 were working on them, and they redoubled their efforts
23 after this. I can recall me having discussions with Ken
24 on where he thought we were on the values and the
25 principles. And he would talk about his discussions with

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1 George. And remember, I talked about George coming out of
2 the construction culture with the rest of the staff?

3 And so, to some degree, George had to change
4 his view. And I can recall them talking, and I'm asking
5 well, is George, you know, supporting this -- I hate to
6 call it cultural change -- and my sense was that George
7 was being as supportive as one could be when he was having
8 to make some of the same transitions as everyone else.

9 And what you basically were talking about --
10 the values and the culture. And I had a lot of
11 discussions with Ken about that. And Ken felt that George
12 was supporting what Ken was trying to do -- George
13 Bockhold.

14 Q Okay, Mr. Bockhold left the Vogtle site in
15 what month in 1990, do you remember?

16 A It was toward the end of 1990.

17 Q Do you know if there any improvement in the
18 openness of communications or either in more steadiness in
19 making decisions at the plant after his departure?

20 A I think a lot of the work that George did was
21 the breaking of the ground. You know, the ground was sort
22 of hard. And I think he broke the ground. Bill Shipman
23 came in and sowed the seeds, and those seeds came up when
24 Bill Shipman came in. And my opinion -- I've been
25 associated with Vogtle for seven years -- Bill Shipman had

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1 more to do with --

2 MR. STEPHEN KOHN: Your Honor, Your Honor?

3 I'm just going to -- Your Honor, I'm just going to pose an
4 objection. I think the witness' initial answer to this
5 was probative, but know he's discussing Bill Shipman's
6 performance as plant manager, which I think is beyond the
7 scope of this phase of this proceeding.

8 MR. BLAKE: He just put in Calcon sensor
9 things for '92?

10 CHAIRMAN BLOCH: Overruled.

11 MS. YOUNG: I think I asked -- I did ask Mr.
12 Hairston a question about whether he thought there was an
13 improvement after Mr. Bockhold left. And if Mr. Shipman
14 assumed the --

15 CHAIRMAN BLOCH: The objection is overruled.

16 BY MS. YOUNG:

17 Q Mr. Shipman became plant manager?

18 A Yes. We sent Bill down it seems like in late
19 '90 or early '91. I may get these dates off a little bit,
20 but Bill just has a way about him. And I think George
21 plowed a lot of the ground, and I really believe that Bill
22 sowed a lot and reaped a lot.

23 Q Do you believe the same amount of progress
24 could have been reached if Mr. Bockhold had remained as
25 plant manager -- general manager?

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1 A As fast?

2 Q Yes.

3 A Probably not.

4 Q And would you say that would be in part due to
5 a difference in management style between Mr. Shipman and
6 Mr. Bockhold?

7 A I would say style at that point in time. When
8 Bill went in, his style just was what the plant needed.
9 And I don't think that's a knock on George. And think you
10 just have different styles, and different styles can be
11 more effective in different environments.

12 Q Okay, I think in testifying in July you
13 indicated that part of the problems that were being looked
14 into --

15 CHAIRMAN BLOCH: Well, let me ask, are we
16 almost done?

17 MS. YOUNG: About 20 minutes.

18 CHAIRMAN BLOCH: 20 minutes? Okay, out of
19 consideration for Mr. Hairston's schedule, we'll take a
20 five minute break.

21 (Whereupon, the proceedings went off the
22 record from 12:13 p.m. until 12:20 p.m.)

23 CHAIRMAN BLOCH: Ms. Young?

24 CROSS EXAMINATION (continued)

25 BY MS. YOUNG:

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1 Q Mr. Hairston, you were just describing
2 differences in style and a different man for the time
3 between Mr. Shipman and Mr. Bockhold. Did any of the
4 concerns that the NRC express in April or May of 1990 play
5 any role in Mr. Bockhold's departure in the fall of '90 or
6 whenever it was?

7 A No.

8 Q When you were answering questions posed by the
9 Board in July, you mentioned that the July 1990 OSI
10 inspection you believed in part was due to a -- basically
11 a personality conflict between Mr. Bockhold and someone
12 else at the NRC.

13 A I don't believe I said that. OSI?

14 Q OSI or maybe I'm thinking of the May meeting.
15 The NRC criticisms of GPC's communications were in part
16 due to personality conflicts between Mr. Bockhold and
17 someone who had a very similar personality as his --

18 A Yeah, I think -- I would say it would be more
19 George. I probably overstated, but you know, when --
20 George can just come across as being a little arrogant.
21 He's really not if you get to know him. But I think that,
22 you know, there are a lot of meetings you're in with NRC
23 that you really don't need to come across that way.

24 And I think that was a part of it. And you
25 know, I shouldn't say arrogant. I should have just said

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1 style, style.

2 Q Forceful?

3 A Well, just sometimes how you convey something.
4 I don't feel -- I didn't mean to imply that that was the
5 reason we're in Washington.

6 Q Well, did you have any particular NRC employee
7 in mind? Were you thinking of a headquarters employee or
8 a resident employee?

9 A I'm not so sure how well George got along with
10 Rogge.

11 Q And that was the --

12 A And let me tell you, that --

13 Q -- resident inspector at that time?

14 A Yeah. And it is just absolutely essential
15 that you get along with your resident. I mean, you know,
16 and John was -- wasn't it John? I believe it was John
17 Rogge. He was pretty forceful in how he articulated
18 things, and I just think those two people didn't
19 communicate as well as they needed to due to personality.

20 BOARD EXAMINATION

21 ADMINISTRATIVE JUDGE CARPENTER: Or did they
22 communicate very clearly with each other?

23 THE WITNESS: Well, you know, I think what you
24 get into when you get in with -- and you know, I didn't
25 observe it. I just saw what I thought was the byproducts

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1 of it. Judge, I really think that -- remember I was
2 talking about this hearing? I think you had both of them
3 doing a lot of talking, or maybe George doing a lot of
4 talking and not hearing.

5 And I'm not so sure that John wasn't a little
6 bit inclined that way. And I don't think this was major,
7 but I think it could have helped the situation. If you
8 don't have good communication with your resident, you're
9 just -- you're starting at a big disadvantage.

10 CROSS EXAMINATION (continued)

11 BY MS. YOUNG:

12 Q So would you say Mr. Shipman would do better
13 in that regard in terms of understanding and his self
14 interest to get along with the resident staff?

15 A Yeah, but what happened is you also got Brian
16 Bosner. And I'm going to tell you -- that guy, when you
17 sit and you talk to him, he listens to you. And then when
18 he says something to you, you know, you want to listen to
19 him. And it -- it's just style. And you're talking about
20 totally -- two totally different styles with the NRC
21 changing and our changing.

22 I think that had a lot to do with Bill's
23 success was his ability to communicate with Brian Bosner.

24 Q So that would have improved communications
25 between GPC and the NRC?

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1 A Certainly.

2 Q And then also the change to Mr. Shipman would
3 have improved communications internally at Plant Vogtle?

4 A I think you would label Bill as a very good
5 communicator.

6 Q Now, an example of Mr. Bockhold's style, I
7 think, is at page 13 of the tape transcript we were
8 looking at earlier. And apparently it's his own
9 description of his style.

10 A Yes.

11 Q Do you see those two paragraphs in the middle?

12 A Yes.

13 Q Do you recall this section, or do you need
14 time to read it?

15 A No, I've read it several times.

16 Q And it talks about my style being -- being
17 accused of being arrogant, making quick decisions, not
18 carefully listening to people. And he indicates at the
19 bottom of the second full paragraph from the page he
20 thinks he does those things. That he really listens, but
21 he has to do better about giving the impression that he's
22 listening.

23 Would you agree with that comment?

24 A I'd agree with most of it. I think that when
25 you tend to listen quick, you have a tendency to miss

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1 something. And I think that although later on over here,
2 you can see what he's really heading at -- he and Ken,
3 towards the end, they're saying you know, notwithstanding
4 all this, we really got to go look at ourselves and our
5 styles.

6 And I think that -- I think he or George is
7 really trying to tell the people that you know, he's got a
8 weakness here. And it's not as much as a testimony or
9 it's not as plain as you'd like it, but I think that's his
10 purpose in talking about this.

11 Q Had you ever been informed that Mr. Rogge had
12 difficulty getting information from Mr. Bockhold back in
13 1990 or prior?

14 A I'm not sure I'd characterize it the way you
15 did. I think I was aware that our communication with the
16 NRC on site wasn't as good as it should be.

17 Q Were you ever told by either Mr. McCoy or Mr.
18 Bockhold that -- or otherwise made aware that the NRC had
19 threatened to terminate those quarterly interface meetings
20 that you referred to earlier due to problems with
21 communications at Vogtle?

22 A I don't remember that. I may have been told
23 that, but all that sort of runs together back there.

24 Q Yeah. Is that something Mr. McCoy may have
25 more familiarity with than you --

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1 A Yes, yes.

2 Q -- due to the nature of his position?

3 A Yes. It was my recollection that Ken went to
4 those meetings. Or at some point, he started going to
5 them.

6 Q So you don't recall that the NRC may have
7 explained to either Mr. McCoy or Mr. Bockhold that the
8 reason that they were -- suggested that the meetings end
9 was Mr. Bockhold's refusal to discuss the top ten problems
10 at the site with them?

11 A No, I don't recall that. But I do recall me
12 telling all my plant managers that they -- every time we
13 revised that list, they're going to take that list and
14 they're going to sit down with the resident and they're
15 going to go through that list with the resident. And it
16 would be about that same time period of May of '90.

17 Q And I believe you testified --

18 A Every time we revise it, and that's my
19 position today.

20 Q And I believe you testified in July about
21 having difficulties getting the management at Vogtle to
22 identify what the top ten problems were?

23 A No, that was early on. That was like on '88.
24 By '90, we had a good top ten list, and many of the top
25 ten that were originally there were knocked off by '90.

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1 BOARD EXAMINATION

2 CHAIRMAN BLOCH: Mr. Hairston, I'm a little
3 puzzled about how it is that you don't recall a possible
4 incident where the NRC might have threatened to cut off
5 meetings that you were having. It sounds like the kind of
6 thing you'd get directly involved in. You just don't have
7 any recollection of that?

8 THE WITNESS: No. I mean, it was articulated
9 that way, but I don't know whether it was stated that way
10 at the time. But yet, I'm aware that we had communication
11 problems with the NRC in '88, '89, and '90 and were
12 working on them.

13 CHAIRMAN BLOCH: Maybe you could help get Mr.
14 Hairston keyed in here. Was this before or after the May
15 meeting?

16 MS. YOUNG: This was prior to -- my question
17 went to prior to the May meeting.

18 THE WITNESS: Would this have been like '89?

19 MS. YOUNG: '88.

20 THE WITNESS: Something -- I know that we had
21 -- all I remember is we had some communication problems at
22 the site with the NRC.

23 CROSS EXAMINATION (continued)

24 BY MS. YOUNG:

25 Q Now, did you personally participate in the

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1 quarterly meetings?

2 A I really think the only one I've participated
3 in -- or maybe a couple were ones that were held in
4 Birmingham.

5 Q So again, Mr. McCoy might have known more of
6 the details associated with any problems at the meeting?

7 A Yeah, he and Tom basically worked with Dave
8 and the people in the region to -- Tom Beckham -- to come
9 up with the agenda. And it was meant to be a project
10 meeting.

11 Q And Mr. -- you said Tom. If you'd give his
12 name.

13 A Mr. Beckham.

14 Q And where did he work?

15 A Hatch.

16 ADMINISTRATIVE JUDGE CARPENTER: I missed the
17 reference to this thing you're talking about. Where could
18 I read about it?

19 MS. YOUNG: I don't believe there is a
20 reference. I was trying to understand if -- to test Mr.
21 Hairston's recollection of problems regarding
22 communications that were ongoing at Vogtle prior to the
23 May 1990 meeting that's transcribed in the tape.

24 ADMINISTRATIVE JUDGE CARPENTER: I missed how
25 you're aware that NRC took that posture.

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1 MS. YOUNG: Well, I have an NRC employee here
2 in the room assisting me with the questions, Judge
3 Carpenter --

4 (Laughter.)

5 ADMINISTRATIVE JUDGE CARPENTER: Thank you for
6 the clarification.

7 MS. YOUNG: -- who participated in those
8 quarterly meetings and will be testifying in this
9 proceeding if the Board wants to pursue this matter
10 further.

11 ADMINISTRATIVE JUDGE CARPENTER: I assume
12 someday we'll see that individual in a flash.

13 (Laughter.)

14 MS. YOUNG: How long? Not long. Mr.
15 Hairston, do you recall testifying in July and responding
16 to questions from the Board that you weren't sure who
17 inserted the no problems wording in the April 9th letter?

18 MR. BLAKE: I don't mean to interrupt, but I
19 think all of these were on August 16th. You keep
20 referring to July, and I keep trying to keep it within the
21 scope. And I look back, and I find it within the scope,
22 and it just happened to be August 16th.

23 MS. YOUNG: I meant August every time I've
24 asked you a question up to now. The only responding --
25 trying to ask you questions about what you told the Board

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1 in that session.

2 THE WITNESS: I think it was August. I
3 remember that.

4 BY MS. YOUNG:

5 Q Have you ever been made aware, or do you today
6 recall, that it was Mr. Bockhold who gave corporate office
7 approval to include that terminology in the letter?

8 A That specific terminology?

9 Q Yes.

10 A No, I don't think I've heard that.

11 Q If --

12 A I think I testified I thought it was probably
13 the writer, just you know, as they were trying to word
14 smith what the letter was going to be, it reflected what
15 was presented in the meeting.

16 Q But Mr. Bockhold did the presentation at the
17 meeting, correct?

18 A Yes.

19 Q And it would have been logical for someone
20 writing the letter to check with him, and is this okay to
21 characterize what you said or what you mean, would you
22 agree?

23 A That would be logical, but I believe that a
24 letter may have been drafted by the corporate people.

25 Q Well, if I told you that there was either

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1 testimony before OI or testimony in this proceeding that
2 indicated Mr. Bockhold gave approval to that terminology,
3 would that allay any of your concerns about how that
4 information was inserted?

5 A No, I testified I really didn't know how it --
6 how that phrase got inserted.

7 Q Another thing you've talked about today with
8 the Board is the scope of the QA audit. And we've had
9 testimony from several other individuals employed by GPC
10 or Southern Nuclear about what they thought the audit was
11 supposed to do. And testifying today, you indicated that
12 you wanted to know why we couldn't get the numbers
13 correct.

14 Do you think in instructing the auditors, you
15 made that clear or people who carried out your
16 instructions understood that task?

17 A I really do. I mean, I sort of select the
18 third number I'd seen, and I went down and it seems like
19 Bill and I chased down somebody. The manager was out, and
20 we chased down somebody in the group, and I said look, I
21 want the right number. I may have put a couple of
22 adjectives on it -- and I want to know why we can't get
23 the right number.

24 And I may have said it a little different way,
25 but that was the context of the two things I asked for.

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1 Q Would you think that your instructions had
2 been followed out or either understood appropriately if an
3 individual involved with the audit came to the
4 understanding only that they would get the correct number
5 and that's it?

6 A I don't believe that's -- I mean, if you read
7 the report that we got back -- I mean, the report
8 indicates that they went to look at what the problem was,
9 why we couldn't get a number. Now whether the report
10 figured that out or not, I mean, if you read the report, I
11 mean, you sort of get the conclusion that they did find
12 the right number and come up with at least a reason why we
13 weren't getting the right number.

14 Q Well, there's been testimony in this
15 proceeding by at least Mr. Ajluni and Mr. Fredericks as to
16 reasons why they didn't go behind the initial genesis of
17 the count. And I believe both individuals -- and counsel
18 and the Board will correct me -- stated that the purpose
19 wasn't to find out why mistakes had been made originally;
20 the purpose was to get the correct information so it could
21 go to the NRC.

22 Would you say that was consistent with your
23 directions?

24 A Well, it was consistent with half of it. And
25 I don't believe that Ajluni or Fredericks was the one I

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1 talked to. It seemed like both of them were out of
2 pocket, and that there was another person on staff --

3 CHAIRMAN BLOCH: I think that's consistent
4 with the record.

5 THE WITNESS: And Bill. It seems like Bill
6 was standing there. We were on a phone call.

7 BY MS. YOUNG:

8 Q Bill who?

9 A Bill Shipman. And so, you know, to see what I
10 said, you'd have to talk to me, Bill, or the person I
11 talked to. And I'm not -- I can't remember the person's
12 name, but it was somebody on staff. But I clearly
13 remember saying let's find out what the number is and why
14 can't we get the right number.

15 Q Do you recall whether it was a Mr. Mosely that
16 you spoke to directly?

17 A That name rings a bell, yes. I believe that's
18 the correct name.

19 Q And Mr. Mosely actually performed the audit,
20 is that correct? Mr. Fredericks was his supervisor?

21 A That name rings a bell from somewhere, and I
22 really can't remember the names. But it was somebody on
23 staff of SAER. I just remember when I came up with it, I
24 wanted to see Ajluni, and he was gone. And then the site
25 supervisor was gone. Maybe I've been better served to

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1 have wait until the manager was available and talk to the
2 manager, but I was --

3 Q I'm not trying to suggest. I'm trying to
4 understand --

5 A -- impatient.

6 Q -- what your instructions were versus what
7 people testified that they understood the purpose of the
8 audit was. Can you turn to page six of your testimony?
9 You have an answer there in response to a question about
10 an intimidating atmosphere existing at Vogtle. And it
11 seems to be based on 1990 survey data. Is that correct?

12 A It's on page six of my prefiled testimony?

13 Q Yes, your rebuttal testimony.

14 A Okay. Okay, I'm on page six. What was the
15 question?

16 Q Is this answer based on your review of the
17 1990 survey data?

18 A Based on the review of the survey data for
19 that question.

20 Q So I'm trying to just --

21 A And there were a lot of questions, you know,
22 about other things.

23 Q Well, the question is kind of open ended. It
24 says an intimidating atmosphere exists at Plant Vogtle.
25 That kind of indicates the present. I'm trying to

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1 understand was this answer trying to explain the status of
2 things in 1990?

3 A Yes.

4 Q Or was this answer going to current times at
5 the site?

6 A '90.

7 Q And the basis for your opinion that there was
8 an intimidating atmosphere in 1990 is based on your
9 personal observations of activities at the plant?

10 A Yeah, and on the survey as it related to, you
11 know, the answers that were given from other plants and
12 other departments in the Southern Company.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Sorry, I don't understand how
15 the survey shows you anything about whether it was
16 intimidating or not at the plant.

17 THE WITNESS: Well, if you look at the second
18 question where it asks, "Am I afraid to raise concerns,"
19 it doesn't appear that the Vogtle response is any -- is
20 way out of kilter with the rest of the general response of
21 the Southern Company.

22 CHAIRMAN BLOCH: That's true. So how does
23 that tell you whether or not there's intimidation at
24 Vogtle?

25 THE WITNESS: It's just one indicator.

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1 CROSS EXAMINATION (continued)

2 BY MS. YOUNG:

3 Q So the last paragraph, where you indicate my
4 personal opinion, employees at Vogtle are professional who
5 would raise concerns and express opinions freely, that's
6 based on your personal observations as well as
7 interpretation of the survey data?

8 A Yes.

9 Q Returning again to the May 8th meeting that's
10 transcribed and the exhibit attached to your testimony,
11 Exhibit B, do you think at the time of that meeting you
12 were intimately familiar with the attitudes at Plant
13 Vogtle?

14 A I think I had a good feel. Intimate is
15 probably a -- I'm not sure you'd characterize it as
16 intimate. I think, you know, your plant manager typically
17 would maybe have that feeling. I think I had interacted
18 enough with Vogtle at that point to have a good opinion of
19 where they were.

20 Q But besides the plant manager, would Mr. McCoy
21 also be someone more familiar with the state of attitudes?
22 Do you think that an employee attending the May 1990
23 meeting would come away with the understanding that there
24 was really no problem at Vogtle except for what was in the
25 NRC's mind?

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1 A You know, I testified just awhile ago -- I
2 mean, if you read that in total, I think you recognize
3 that we've had a bunch of problems down there. We've got
4 a bunch of things we've got to work on. And in addition,
5 the NRC has got this -- this is their view. And so I
6 think -- you know, it's not just this is only the NRC's
7 view and we don't have any problems. I do not get that
8 from reading that transcript.

9 Q So would you say the purpose of the meeting
10 was to boost employee morale?

11 A I wouldn't have said that.

12 Q Would you say the purpose of the 8th meeting
13 was to change employee attitudes?

14 A No. You're not going to change an attitude in
15 one meeting. I think it was one of the things along the
16 way -- you know, people need to hear feedback. And I'm
17 going to tell you, those people were told what we were
18 told. As I read what was said here, it wasn't -- you
19 know, sugar coated. It was pretty well articulated, I
20 think, what was said in that meeting.

21 Q Would you say the purpose of the meeting was
22 to begin some self evaluation about attitudes and behavior
23 that may improve communications?

24 A And how they can be perceived. You may be
25 meaning to say this and give this attitude, but you know,

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1 if you don't do it in the right way, then you may be
2 sending a different message and attitude.

3 Q So in your opinion, was Georgia Power in 1990
4 trying to be responsive to NRC concerns?

5 A I absolutely believe so. And -- well, yes.

6 MS. YOUNG: No further questions.

7 CHAIRMAN BLOCH: Mr. Kohn?

8 MR. STEPHEN KOHN: Yes.

9 CHAIRMAN BLOCH: Could you make an estimate of
10 time first?

11 MR. STEPHEN KOHN: Three minutes.

12 CHAIRMAN BLOCH: You can increase that by 50%.

13 MR. STEPHEN KOHN: Thank you.

14 CROSS EXAMINATION

15 BY MR. STEPHEN KOHN:

16 Q Did you undertake any review as to how the
17 employees who attended that May meeting actually
18 interpreted the remarks?

19 A I really don't have any recollection. I can
20 tell you that when we've had meetings like that, because
21 I've had -- not that kind of meeting, but I've had some
22 meetings recently, and my mode is to come back a week or
23 so later and ask what the reaction was. And so, I think
24 it's very probable that, you know, I asked Ken, you know,
25 what -- you know, days afterward what he felt like the

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1 reaction was to the meetings they had.

2 Q Okay, other than that --

3 A And I just -- I don't have a specific
4 recollection of that.

5 Q Was there any program instituted, any
6 systematic attempt, say, to survey the employees after
7 that -- hold some interviews with employees after that,
8 get human relations involved with some one on one
9 discussions to see what the real impact of that meeting
10 was on employee perceptions and behavior?

11 A No, there was not a program put in
12 specifically for that. One of the things that we were
13 stressing is that the management get out and talk to the
14 employees. And Ken would go out and talk to the
15 employees. And when I was there and when Pat was there --
16 I am not much for these surveys where you know, you get a
17 lot better feel for where somebody stands by looking them
18 face to face in the eye and asking them what they stand
19 for and, you know, what they think a meeting meant.

20 We just never have done a lot of that kind of
21 thing at the local level.

22 Q Well, I have a question. If the survey result
23 said that a certain portion of the employees (depending on
24 how you read the survey), 50% or 25%, whatever the
25 percentage is, would be afraid to raise concerns to their

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1 managers and you were aware of the results of this survey,
2 wouldn't it have been appropriate to try to get some
3 neutral force in there to interview or debrief these
4 people, like from human relations or --

5 A Well, I certainly know of that technique and
6 have talked extensively through my career with other
7 executives that have used that technique. And they bring
8 in consultant upon consultant and never seem to improve
9 anything. I tend to think you're better off if you get
10 out and talk to your own people and listen to what they
11 have to say, and let that be a part of the day to day
12 operation of you running your program.

13 It's just like talking to the NRC. I mean, if
14 we only talk to them through the Towers-Perrin Survey,
15 we're going to be not having very many communication with
16 them for a long time.

17 Q Did you discuss the option of say bringing in
18 a professional consultant with Mr. Bockhold?

19 A No.

20 Q Or with anybody?

21 A No, I do not believe in using consultants.

22 Q Now you mentioned a Mr. Brian Bosner?

23 BOARD EXAMINATION

24 CHAIRMAN BLOCH: I'm sorry, your answer really
25 was limited to this human relations area, right?

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1 THE WITNESS: Yeah. I mean, you know, if it's
2 technical or -- but I'm talking about where you come in
3 and do these attitude things.

4 (Laughter.)

5 If you want to know what's --

6 CHAIRMAN BLOCH: No, I just want to clarify
7 that it was limited to that. It sounded like you're --

8 THE WITNESS: Ya'll hit a hot button with me.

9
10 CHAIRMAN BLOCH: No consultants anywhere is
11 what I thought I heard you say.

12 THE WITNESS: It really has to do with this
13 attitude thing. That has been tried a lot in our
14 industry, and they never can get their arms around it.

15 CROSS EXAMINATION (continued)

16 BY MR. STEPHEN KOHN:

17 Q Brian Bosner? You testified that he was a
18 resident at a plant prior to coming to Plant Vogtle. Do
19 you remember which plant that was?

20 A I didn't -- I think I said that he had worked
21 at a plant, and then I clarified it and said that he had
22 inspected a plant. I can't remember whether he was a
23 resident or whether he was one of the site Atlanta
24 inspectors that went -- it just seems like to me he spent
25 some time at Farley. And I -- at Farley. Farley Nuclear

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1 Plant. Did I say something wrong?

2 Q In the survey results, 16% of the employees
3 strongly agreed that they were afraid to voice an opinion
4 that management doesn't want to hear. And this is on page
5 four of your testimony. Another 16% said they agreed with
6 that statement that they were afraid. That's getting you
7 to about 32%. And another 20% said they slightly agreed.

8 A You're talking about question 65?

9 Q Yeah. What program did you initiate to find
10 out what concerns at least 32% of your employees may have
11 that they're afraid to communicate with their management?

12 MR. BLAKE: I'm sorry, but your time's up.
13 Just kidding.

14 (Laughter.)

15 THE WITNESS: Can I answer that one?

16 MR. BLAKE: Sure, go ahead.

17 THE WITNESS: Again, there was no program.
18 This is the thing that we were trying to go out and talk
19 with the employees about. You know, we've run the
20 articles and posted the letters on concerns and what you
21 can do with them. But what we were trying to do is really
22 not have some fancy program to solve something like this,
23 but really through a culture change to have people to
24 where they'll bring a concern and voice it.

25 And you're not going to do that through a

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1 survey or some program.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: But you said you believe in
4 talking to people. You didn't go to talk to any people
5 about this? I mean, you could have asked five of the
6 employees in for a focus group.

7 THE WITNESS: Actually, I was going to -- we
8 had some focus group meetings. But I can't remember what
9 was covered by when. I mean, we have done all those
10 things. But I hate to sit up here and give that as an
11 answer and me not remember whether that was what was
12 talked about in there. We've had focus groups, we've had
13 --

14 CHAIRMAN BLOCH: Do you know whether you
15 ascertained what Mr. Kohn was asking, that is whether
16 there were any serious concerns that people were not
17 raising because they were afraid?

18 THE WITNESS: Well, I know that we've -- you
19 know, we've reiterated every chance -- if you look at Bill
20 Shipman's letter, which was -- it was early '91 -- it's in
21 the exhibit here. It was one of the things we were trying
22 to do is say hey, you know, if you've got a concern, make
23 sure you tell us. And I know I've had conversations with
24 employees and asked them look, if you've got a concern
25 that you -- do you think in general people would not raise

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1 it? And people -- the response they've given to me
2 is, if we've got a concern, we're going to bring it to
3 your attention. It's -- you know, this is our plant as
4 much as it is yours.

5 CHAIRMAN BLOCH: If I'm hearing you correctly,
6 there was no strategy designed in order to try to find out
7 whether there were concerns that people were not raising.
8 Am I correct about that?

9 THE WITNESS: Where we went out and polled a
10 large number of people?

11 CHAIRMAN BLOCH: Any strategy that would have
12 a chance of eliciting in a confidential way or a revealed
13 way, or maybe just personal relationships from yourself,
14 you know, that there was no strategy to find out if there
15 were important concerns that were not being told to
16 management.

17 THE WITNESS: Well, I don't think there was a
18 given strategy. I think when you look at what we did over
19 the whole time period in talking to employees and the
20 articles that have been written and the letters that have
21 been written, that it was something -- that there wasn't
22 one program, it was something that we continuously tried
23 to do.

24 And so, I can't say that here was the -- a
25 program that dealt with that in 1990. I think it's

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1 something that as I talked to people, Ken talked to
2 people, Pat talked to people -- it was something we were
3 always talking about. We were talking about problems. We
4 weren't going out here talking about how great everybody
5 was. You know, well, what do you think the top ten
6 problems are?

7 Now let me tell you, all these problems were
8 not equipment problems. You go back and look at the list,
9 at any given point in time, 30 or 40% of the problems can
10 be people problems -- procedure problems.

11 MR. STEPHEN KOHN: I have nothing further,
12 Your Honor.

13 CHAIRMAN BLOCH: Staff? Mr. Blake?

14 MR. BLAKE: One minute.

15 CHAIRMAN BLOCH: You have two. (Laughter.)

16 Oh, sorry about that. I thought you meant you had only
17 one minute of examination.

18 MR. BLAKE: No questions. I'll use the two
19 minutes sometime later.

20 CHAIRMAN BLOCH: Mr. Hairston, thank you for
21 your testimony, and you're excused. Do we have business
22 after Mr. Hairston leaves?

23 (The witness was excused.)

24 MR. BLAKE: We do have some items, at least
25 that we can pass out or talk about.

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1 CHAIRMAN BLOCH: Well, maybe what we ought to
2 do is have our lunch break and come back. Would people
3 prefer to finish it now?

4 MR. BLAKE: I think we could do it more
5 swiftly so that people could get away if we could go off
6 the record and talk about these topics.

7 CHAIRMAN BLOCH: All right, let's go off the
8 record.

9 (Whereupon, the proceedings went off the
10 record from 12:54 p.m. until 1:01 p.m.)

11 MR. BLAKE: What I've handed out, Judge Bloch,
12 is a schematic diagram --

13 CHAIRMAN BLOCH: Okay, now just --

14 MR. BLAKE: -- of the engine control panel.
15 And what I was pointing out to the parties --

16 CHAIRMAN BLOCH: Okay, if you could, the
17 purpose of these notes is not that it's part of the
18 record. It's a briefing. But I think so that the record
19 will be clear and we can understand what's happening, if
20 we could have one copy to be bound in at this point so
21 that we'll know what you're referring to in the record.

22 MR. BLAKE: Are we going to mark this as a
23 Board Exhibit?

24 CHAIRMAN BLOCH: Yeah, what would be the Board
25 exhibit number now, do we know? Okay, Board Exhibit 10

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1 consists of a schematic diagram of control logic and on
2 the diesel generator. And it's for the purpose of helping
3 the Board and parties to understand some of the general
4 features of these aspects of the diesel generator.

5 (Whereupon, the above-referenced
6 document was marked as Board Exhibit
7 10 for identification.)

8 *****BIND IN HERE*****

9 MR. BLAKE: Judge Bloch, just to orient
10 everybody, in the bottom left, that's where the starting
11 air pressure -- this is the 250 pound air -- is coming
12 into the control system. It comes in in two separate
13 lines. It then comes together in about the middle of the
14 diagram, maybe a little toward the right. And again, I'm
15 way down at the bottom. And you see it going through what
16 has been described many times as this filter, and then the
17 regulator, which takes it to 60 pound.

18 That's right at the bottom of the diagram now.
19 If you go back to the left again, between where it enters
20 the starting air pressure and the filter and regulator, --

21 CHAIRMAN BLOCH: Okay, if I understand
22 correctly, the filter is numbered 19 and the regulator is
23 labeled 20?

24 MR. BLAKE: Exactly. If you go back to where
25 the two separate supplies have a tap off that runs toward

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1 each other on the schematic, and you look and you follow
2 that line up, it goes through a valve, and then goes to a
3 gauge. Now, between the valve and the gauge is a little
4 tap off that shows a little valve. That is the tap off
5 that we're talking about. It's just to the right of the
6 number 40 in a circle on each of the two lines.

7 That's really the only value of this
8 schematic, to aid the Board in one more way of
9 understanding where this moisture was picked up. That, in
10 addition to the photographs that we provided.

11 ADMINISTRATIVE JUDGE CARPENTER: The gauge
12 you're referring to is number six, or am I lost?

13 MR. BLAKE: The gauge is actually number nine.
14 I think the Board should reflect, Judge Carpenter, that
15 Judge Bloch is showing you how to read the schematic.

16 CHAIRMAN BLOCH: Thank you, Mr. Blake.

17 ADMINISTRATIVE JUDGE CARPENTER: You think
18 we're not in trouble?

19 (Laughter.)

20 MR. BLAKE: That's really all I had, Judge, on
21 this topic. And maybe we could go off the record and
22 discuss the other items. If there's any need to put
23 something more on, we can.

24 CHAIRMAN BLOCH: Is there another matter for
25 us to take up at this time? I guess, are we going to

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1 supply the reporter?

2 MR. BLAKE: One of us just has to make a
3 couple of copies.

4 MS. YOUNG: So are there any schedule
5 discussions we should have?

6 CHAIRMAN BLOCH: I think we had a schedule
7 discussion before. Were you here for it?

8 MS. YOUNG: Yes, but I don't believe I
9 understood when the Staff would be testifying based on
10 that projection.

11 CHAIRMAN BLOCH: Oh, we haven't projected to
12 the Staff yet.

13 MR. BLAKE: I believe the Staff would follow.
14 It would be like the 20th or the 21st, depending upon how
15 long Hill and Ward take. And my schedule had Hill and
16 Ward coming on the 19th, which I understood was the first
17 day in that next week.

18 MS. YOUNG: So I just want to get an
19 understanding. Intervenor plans on calling no more
20 witnesses?

21 MR. STEPHEN KOHN: No, I think we may want to
22 call a witness or two.

23 MS. YOUNG: Well, when will we get notice of
24 such things?

25 MR. STEPHEN KOHN: For the schedule, is we

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1 would call those witnesses before NRC Staff testifies. Is
2 that my -- is that the understanding?

3 MR. BARTH: When are you going to tell us
4 about this?

5 MR. STEPHEN KOHN: Okay, I think early next
6 week we can inform the parties. I think we have a fairly
7 good idea right now who we might need to call.

8 MR. BLAKE: I'm feeling more flexibility in
9 our providing timely information given this development
10 that --

11 MR. STEPHEN KOHN: Well, it's just that my
12 brother, who is not here now, is much more in tune with
13 that specific question.

14 CHAIRMAN BLOCH: Okay, so the beginning on
15 Wednesday when we come together, we'll get a report on the
16 witness list for Intervenor?

17 MS. YOUNG: And there's some discovery
18 activities that may or may not transpire between now and
19 then?

20 MR. BLAKE: Right. We owe a response to a
21 motion that Intervenor has filed by the end of the work
22 day on Monday.

23 CHAIRMAN BLOCH: And there was in the work
24 some kind of an explanation of the '95 incident. Is there
25 a date on that? Am I understanding correctly? You were

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1 going to explain what your view of it is?

2 MR. BLAKE: No, I don't remember that. I
3 thought the next item of business was to talk with Mr.
4 Stokes.

5 CHAIRMAN BLOCH: We specifically said he
6 wasn't going to be questioned about the '95 incident
7 though, just about his prior testimony.

8 MR. BLAKE: His prior testimony in view of the
9 '95 incident. And then there was the discussion if
10 Intervenor wanted to do something about the '95 incident,
11 they were going to file a motion. That's my recollection.

12 MS. YOUNG: That's the Staff's recollection
13 also.

14 CHAIRMAN BLOCH: Well, I remember being handed
15 a stack of documents, and I said I -- rather than not have
16 them now, I would rather have them with some kind of an
17 explanation of what the company's view of the incident is.
18 It seems to me that's an organized way to go about this.
19 If the company doesn't want to do it, I'm not going to
20 require it. But we only --

21 MR. BLAKE: Gee, the only thing that I would
22 know to do is -- we don't have anything written on this
23 area, and nothing in preparation. If I've missed out,
24 I've just plain misunderstood.

25 CHAIRMAN BLOCH: I thought it would help us to

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1 know whether or not it was important enough to include in
2 the hearing.

3 MR. BLAKE: If you think you need that, I
4 think Mr. Stokes, when he's here, is the best person --
5 he's, I think, one of the people we would go to to get
6 such an explanation. And if you want to do it as a
7 separate matter in some say, Judge Bloch, --

8 CHAIRMAN BLOCH: No, if the examination can
9 include that, that would be -- but I thought we were going
10 to have a threshold question of whether or not it was
11 relevant to this proceeding. And I thought that was going
12 to be addressed by getting the company's report, and there
13 was going to be some discovery, and then we'd decide
14 whether or not it really was part of the proceeding.

15 MS. YOUNG: Judge Bloch, I'm not sure if
16 that's what at least the attorneys for GPC and the Staff
17 had in mind at the time. I think GPC was providing the
18 documents -- if I'm thinking about those three accordion
19 files -- as part of their responsibilities under
20 McGuire/North Anna to talk about, you know, keeping the
21 Board informed of information that may or not be material
22 to issues in controversy, and that they were going to
23 distribute that so that information was available on the
24 docket.

25 But decisions about whether that issue and the

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1 technical aspects of that issue were in this proceeding
2 would be delayed until some motion by Intervenor for some
3 late admission of a contention issue, additional bases,
4 what have you. So I was never under the impression that
5 there was going to be any technical presentation that
6 would precede that.

7 CHAIRMAN BLOCH: Is Intervenor going forward
8 with any discovery on this issue or not?

9 MR. STEPHEN KOHN: Yeah, I believe if it
10 hasn't -- I believe we do intend to. I believe it may
11 have been --

12 MS. YOUNG: But you got copies of the
13 documents that Judge Bloch is referring to. Michael
14 received them, I think.

15 MR. BLAKE: I had simply told everybody that
16 what we had in the way of documentation about this, we'd
17 provide; and that's what I did was distribute it. That
18 was not only what had been picked up in February and
19 March, but what had been picked up subsequently when this
20 came up over that weekend when they looked at all the
21 other -- the same T in each of the other systems, and that
22 also was included in that documentation.

23 And I was distributing it for everybody. But
24 not with an idea that it would be on the record.

25 CHAIRMAN BLOCH: Well, maybe that package

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1 would be manageable if you were to take out a few of the
2 resolutions to put them in the front in a short memo? I
3 mean, there must be -- obviously if that's the
4 documentation, there's some resolution of what the
5 significance of the matter is, I assume, whether it has
6 safety significance?

7 MR. BLAKE: Yeah, I had not tried to manage
8 the documentation as a presentation at all. I was giving
9 everybody what we had, which was the raw data as we came
10 by it. And that's what I thought everybody wanted.

11 CHAIRMAN BLOCH: The parties want to proceed
12 in this way, it's okay with the Board.

13 MR. BLAKE: It's like a response. If I had
14 gotten a discovery request -- well, what was the
15 documentation related to, you know, this is what I would
16 have provided.

17 MS. YOUNG: And I believe Intervenor did file
18 a discovery request, which a cover letter on August 30th
19 specifically stated that it excluded the 1995 issue.
20 Because it understood that the Staff was going to be
21 evaluating it through inspections and research, and that
22 GPC was looking at it.

23 CHAIRMAN BLOCH: Is Staff planning a report on
24 it?

25 MS. YOUNG: The Staff has inspection

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1 activities associated with it. Again, if you remember my
2 comments in Augusta, we have our own ongoing day to day
3 regulatory responsibilities independent of the hearing.

4 CHAIRMAN BLOCH: I know. The question is, how
5 are we efficiently going to decide whether or not to
6 include the issue while we still are in hearing, rather
7 than --

8 MS. YOUNG: Once this --

9 MR. BLAKE: Well, I don't want to leave any
10 doubt in my -- I don't believe it is includeable as
11 Georgia Power's position. I think Intervenor thinks it is
12 or will argue that it is, and I think once we get their
13 argument we'll respond to it. And the Staff will be able
14 to respond to it. And you'll have some focus for your
15 decision making.

16 CHAIRMAN BLOCH: Okay.

17 MS. YOUNG: And the Staff, when it gets an
18 inspection report, will distribute that as a Board
19 notification.

20 MR. BLAKE: And in order to assist you, you'll
21 have had -- if you want them, you know, this documentation
22 that what -- what it's all about, and you will have heard
23 from Johnston, and you will have heard from Stokes. So
24 you'll have a sense for the significance.

25 CHAIRMAN BLOCH: I'm satisfied with that way

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1 of proceeding.

2 MR. BLAKE: I have other items.

3 CHAIRMAN BLOCH: Yes, other items?

4 ADMINISTRATIVE JUDGE MURPHY: How long are
5 these going to take, Mr. Blake?

6 MR. BLAKE: I would say five or ten minutes.
7 I know I said it right at a time where you don't know
8 whether to -- that's what I think.

9 MS. YOUNG: Is this like the in camera ten
10 minutes?

11 CHAIRMAN BLOCH: You told us ten minutes when
12 we went into the in camera session, and it lasted an hour
13 and a half. But let's try it this time.

14 MR. BLAKE: That was somebody else's ten
15 minutes.

16 CHAIRMAN BLOCH: Let's go off the record and
17 do that.

18 (Whereupon, the proceedings were adjourned at
19 1:12 p.m.)

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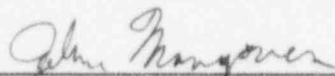
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: GA POWER CO. ET AL.
VOGTLE UNITS 1 & 2

Docket Number: 50-424/425-OLN-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.



JOHN MONGOVEN
Official Reporter
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