

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

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

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

Location: Rockville, Maryland

Date: Wednesday, September 13, 1995

Work Order No.: NRC-322

Pages 13583-13825

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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

Wednesday, September 13, 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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1 APPEARANCES:

2

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On behalf of the NRC:

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JOHN MULL, ESQ.

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MITZI A. YOUNG, ESQ.

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of: Office of the General Counsel

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U.S. Nuclear Regulatory Commission

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On behalf of the Licensee:

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ERNEST L. BLAKE, JR., ESQ.

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DAVID R. LEWIS, ESQ.

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1 APPEARANCES: (cont.)2
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12 On behalf of the Intervenor:13
14 MICHAEL D. KOHN, ESQ.

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
1	William F. Kitchens					
2						
3	By Licensee	13589				13612
4	By Intervenor		13596		13809	13616
5			13652		13811	13624
6			13655		13815	13637
7			13669			13646
8			13672			13653
9			13674			13668
10			13677			13673
11			13689			13681
12			13701			13694
13			13709			13715
14			13719			13722
15			13736			13739
16			13748			13749
17			13749			13754
18	By the Staff		13752			13764
19			13755			13780
20			13765			13790
21			13777			13802
22			13781			13804
23			13787			13811
24			13805			13815
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E X H I B I T S

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<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
GPC II-239	Kitchens, Exhibit A	13591	13591
GPC II-240	Kitchens, Exhibit B	13591	13591
GPC II-186	GPC II-239, re-marked	13605	
GPC II-187	GPC II-240, re-marked	13605	
Int II-239	OI report, 3/19/91	13621	
Int II-240	Demonstrative Aid B	13814	

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P R O C E E D I N G S

Time: 9:00 a.m.

1
2
3 CHAIRMAN BLOCH: Good morning. I presume you
4 are Mr. Kitchens?

5 THE WITNESS: Yes, sir.

6 CHAIRMAN BLOCH: Kindly identify your full
7 name and present position for the record.

8 THE WITNESS: My name is William F. Kitchens.
9 I go by Skip Kitchens. My present position is I'm
10 Assistant General Manager, Plant Support for Georgia Power
11 at Plant Vogtle.

12 CHAIRMAN BLOCH: As you undoubtedly know, this
13 is a meeting of the Atomic Safety and Licensing Board for
14 the Vogtle Amendment. The testimony that you are about to
15 give should be the truth, the whole truth and nothing but
16 the truth, and the testimony is subject to possible
17 penalties for perjury. Do you understand?

18 THE WITNESS: Yes, sir, I do.

19 CHAIRMAN BLOCH: I'm Judge Bloch; Judge
20 Carpenter, Judge Murphy.

21 WHEREUPON,

22 WILLIAM F. KITCHENS

23 WAS CALLED AS A WITNESS AND, HAVING FIRST BEEN DULY SWORN,
24 ASSUMED THE WITNESS STAND, WAS EXAMINED, AND TESTIFIED AS
25 FOLLOWS:

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1 DIRECT EXAMINATION BY THE LICENSEE

2 BY MR. BLAKE:

3 Q Mr. Kitchens, would you just move that mike
4 closer to you, and speak right into it. Do you have
5 before you a copy of a document entitled "Rebuttal
6 Testimony of W.F. Kitchens" and dated August 18, 1995?

7 A Yes, I do.

8 Q Were you involved in the preparation of this
9 document?

10 A Yes, sir, I was.

11 Q Can you describe that involvement?

12 A . . . part, I actually wrote parts of this
13 document, and there's some parts of it where drafts were
14 made of me by the law firm, and I made corrections to
15 them. I have reviewed this and corrected the entire thing
16 to make it as accurate as it can be.

17 Q With those corrections and edits from you, is
18 it true and correct, to the best of your knowledge and
19 belief?

20 A Yes.

21 Q Do you adopt it as your testimony in this
22 proceeding?

23 A Yes, I do.

24 MR. BLAKE: Judge Bloch, I would ask that the
25 rebuttal testimony of Mr. Kitchens comprised of 10

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1 typewritten pages dated August 18th be accepted into
2 evidence and be physically incorporated into the record,
3 just as though read.

4 CHAIRMAN BLOCH: Granted.

5 [INSERT: Rebuttal Testimony of William F.
6 Kitchens]

7 BY MR. BLAKE:

8 Q Mr. Kitchens, do you also have before you two
9 other documents attached to that --

10 CHAIRMAN BLOCH: I'm sorry. I need to explain
11 to Mr. Kitchens what that's about. You understand that
12 when we bind your testimony into the transcript, it's the
13 same as saying it out loud in court in this hearing.
14 Thank you.

15 THE WITNESS: Yes, sir.

16 BY MR. BLAKE:

17 Q Do you also have before you, Mr. Kitchens, two
18 documents, one a one-page document which in the upper
19 righthand corner says "Kitchens Exhibit A," and it is your
20 professional qualifications statement; and the second in
21 the upper righthand corner says "Kitchens Exhibit B," and
22 it is a three-page document, performance appraisal for you
23 done apparently in January of -- or February of 1990? Do
24 you have those documents?

25 A Yes, I have those documents.

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August 18, 1995

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	Docket Nos. 50-424-OLA-3
)	50-425-OLA-3
GEORGIA POWER COMPANY,)	
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.F. KITCHENS

1 REBUTTAL TESTIMONY OF W.F. KITCHENS

2 Q. PLEASE STATE YOUR NAME AND POSITION.

3 A. My name is W.F. Kitchens. I am Assistant General Manager,
4 Plant Support, Plant Vogtle, Georgia Power Company.

5 Q. WHAT POSITION DID YOU HOLD IN 1990?

6 A. In 1990, I was employed by Georgia Power Company as Assistant
7 General Manager, Operations at Plant Vogtle.

8 Q. WHAT ARE YOUR PROFESSIONAL QUALIFICATIONS IN THE NUCLEAR
9 FIELD?

10 A. My professional qualifications are attached hereto as Exhibit
11 A.

12 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY NOW BEING
13 PROVIDED?

14 A. The purpose of this rebuttal testimony is to respond to three
15 issues raised in the Prefiled Testimony of Allen L. Mosbaugh:
16 (1) Mr. Mosbaugh's testimony concerning a January 1990
17 meeting with George Bockhold that I attended; (2) Mr.
18 Mosbaugh's testimony concerning alleged intimidation by Mr.
19 Bockhold of members of the Plant Review Board; and (3) issues
20 relating to dewpoint readings and air quality.

JANUARY 1990 TEAM BUILDING MEETING

1
2 Q. ON PAGES 8-9 OF MR. MOSBAUGH'S RETYPED PREFILED TESTIMONY, HE
3 DESCRIBES A MEETING THAT HE ATTENDED WITH YOU AND MR. BOCKHOLD
4 IN JANUARY 1990. COULD YOU EXPLAIN THE REASON THAT THE
5 MEETING WAS CALLED AND WHAT HAPPENED AT THAT MEETING?

6 A. Yes. In January, 1990, Mr. Bockhold requested that we meet to
7 have a "team building" meeting to improve communications
8 between my organization (operations) and Mr. Mosbaugh's
9 organization (plant support). This meeting was requested by
10 Mr. Bockhold and scheduled in advance. While Mr. Mosbaugh
11 says in his prefiled testimony that the meeting occurred on
12 January 19, 1990, my daytimer indicates that this meeting was
13 scheduled for January 12, 1990. My recollection is that the
14 meeting took place on January 12.

15 Mr. Bockhold said that he had called the meeting because
16 he had received outside feedback that the operations
17 organization (which I headed) was not working well together
18 with the plant support organization (which Mr. Mosbaugh
19 headed). The meeting lasted 30 to 45 minutes. Mr. Bockhold
20 asked both me and Mr. Mosbaugh to provide candid feedback
21 about each other, both positive and negative. Mr. Mosbaugh
22 and I also provided both positive and negative feedback to Mr.
23 Bockhold.

1 Q. MR. MOSBAUGH SAYS, ON PAGE 8 OF HIS RETYPED PREFILED TESTIMONY
2 THAT DURING THAT MEETING, "BOCKHOLD PROCEEDED TO EXPLAIN TO ME
3 THAT THE ORGANIZATION WOULD NOT TOLERATE BACKSTABBING." DO
4 YOU HAVE ANY COMMENT ON THIS TESTIMONY?

5 A. I do not recall Mr. Bockhold's use of the word "backstabbing"
6 at that meeting, although I see that Mr. Mosbaugh's notes
7 apparently taken at that meeting do include that term.

8 Q. DO YOU AGREE WITH MR. MOSBAUGH'S PERCEPTION THAT COMMENTS MADE
9 AT THAT MEETING WERE IN REFERENCE TO MR. MOSBAUGH'S
10 "CONTACTING THE NRC AND ALLEGING THAT YOU HAD WILLFULLY
11 VIOLATED THE DILUTION VALVE TECH. SPEC," AS ALLEGED ON PAGE 8
12 OF MR. MOSBAUGH'S RETYPED PREFILED TESTIMONY?

13 A. No. I recall no mention of the dilution valve technical
14 specification issue at that meeting; Mr. Mosbaugh's notes
15 confirm my recollection. In fact, as I recall it, Mr.
16 Bockhold's criticism was directed as much toward me as it was
17 toward Mr. Mosbaugh. I specifically recall that Mr. Bockhold
18 called me "pig-headed" at that meeting. Mr. Bockhold said
19 that I was stubborn and that I could improve by being more
20 willing to keep an open mind. I left that meeting with the
21 belief that Mr. Bockhold had raised a significant issue about
22 my performance and that it could affect my career if I failed
23 to address that issue. Mr. Mosbaugh's notes also indicate
24 that Mr. Mosbaugh and I expressed our own criticisms of Mr.

1 Bockhold at that meeting. This was a very candid exchange of
2 views.

3 In addition, at the time of this meeting, I did not know
4 that Mr. Mosbaugh had made allegations to the NRC. I recall
5 I became aware of the OI investigation into the dilution valve
6 issue on February 7, 1990, so there was no way I could have
7 known that Mr. Mosbaugh was the alleger in January. I did not
8 learn that Mr. Mosbaugh was the alleger on the dilution valve
9 issue until several months later.

10 Q. WAS THIS PERFORMANCE ISSUE DISCUSSED AT ANY OTHER TIME?

11 A. Yes. I pursued this performance issue further with Mr.
12 Mosbaugh after the meeting. We discussed how we could improve
13 the communications between our organizations. I suggested
14 that we attend each others' staff meetings. While I attended
15 several plant support staff meetings, Mr. Mosbaugh did not
16 attend any operations staff meetings. This effort was
17 recognized by Mr. Bockhold in my annual Performance Appraisal
18 later in 1990. He wrote that Mr. Mosbaugh and I had achieved
19 "peaceful coexistence" and that our organizations "worked
20 effectively together," but that more cooperation was required
21 in this regard. A copy of this Performance Appraisal is
22 attached hereto as Exhibit B.

23 Q. ON PAGES 8-9 OF MR. MOSBAUGH'S RETYPED PREFILED TESTIMONY, HE
24 SAYS THAT MR. BOCKHOLD "WAS TRYING TO INTIMIDATE" HIM FROM

1 PURSUING HIS CONCERN ABOUT DILUTION VALVES. DO YOU HAVE ANY
2 COMMENT ON THAT TESTIMONY?

3 A. I perceived no attempt by anyone at that meeting to intimidate
4 Mr. Mosbaugh. This was simply a frank and open discussion
5 with the intent of improving the communication, cooperation,
6 and performance of the nuclear organization.

7 **ALLEGED INTIMIDATION OF MEMBERS OF THE**
8 **PLANT REVIEW BOARD BY MR. BOCKHOLD**

9 Q. ON PAGE 9 OF MR. MOSBAUGH'S RETYPED PREFILED TESTIMONY, HE
10 SAYS THAT MR. BOCKHOLD INTIMIDATED AT LEAST ONE MEMBER OF THE
11 PLANT REVIEW BOARD. DO YOU HAVE ANY COMMENTS ON THIS
12 TESTIMONY?

13 A. Yes. Mr. Bockhold attended a PRB meeting on March 1, 1990 at
14 which time he briefed the board on what he perceived its
15 responsibilities to be. Mr. Bockhold told the PRB members
16 that his presence at PRB meetings should not intimidate them,
17 and that he wanted open and candid discussions by all meeting
18 attendees. He also said that PRB recommendations were very
19 valuable, and that they would lose their value if only "yes
20 men" sat on the board. He asked the PRB members to discuss
21 his briefing with their PRB alternate members, and to ensure
22 that these alternate members felt comfortable with speaking
23 their minds in Mr. Bockhold's presence.

1 Q. ON PAGE 10 OF MR. MOSBAUGH'S RETYPED PREFILED TESTIMONY, HE
2 ASSERTS THAT AT THAT TIME "PEOPLE WERE AFRAID TO RAISE
3 UNPOPULAR ISSUES." DO YOU HAVE ANY COMMENTS ON THIS
4 TESTIMONY?

5 A. Yes. There was no fear on the PRB or, to the best of my
6 knowledge, elsewhere at Plant Vogtle. As chairman of the PRB
7 during the time at issue, I am not aware of any occasion where
8 any individual failed to make a comment or vote as he wished
9 because of any pressure or intimidation. Personnel who worked
10 for me frequently brought issues and concerns to my attention,
11 and I felt no hesitancy about taking such concerns to Mr.
12 Bockhold. During PRB meetings, it was not uncommon that
13 there would be differing points of view. Mr. Mosbaugh's
14 assertion that people were afraid to speak up makes no sense
15 given the fact that there were many varying opinions expressed
16 at PRB meetings. In fact, sometimes when there were
17 dissenting opinions recorded at PRB meetings, I would ask Mr.
18 Bockhold to attend PRB meetings so that he could hear the
19 members' differing views first hand.

1 PROVIDING DEWPOINT DATA TO THE NRC

2 Q. MR. MOSBAUGH ASSERTS ON PAGES 90-92 OF HIS RETYPED PREFILED
3 TESTIMONY THAT GEORGIA POWER PROVIDED INCOMPLETE AND
4 INACCURATE INFORMATION TO THE NRC IN RESPONSE TO THE NRC'S
5 REQUEST FOR A TABLE OF DEWPOINT RESULTS. SPECIFICALLY, HE
6 CONTENDS THAT INTERVENORS' EXHIBIT II-82 (GPC EXHIBIT II-57)
7 IS NOT ACCURATE AND COMPLETE. WHAT WAS YOUR ROLE IN
8 RESPONDING TO THE NRC'S QUESTIONS ON AIR QUALITY FOLLOWING THE
9 MARCH 20, 1990 SITE AREA EMERGENCY?

10 A. As the Assistant General Manager - Operations, I assisted in
11 addressing questions raised by the NRC's IIT concerning air
12 quality. With regard to Intervenor's Exhibit II-82, I was
13 involved in a conference call with members of the NRC's IIT on
14 April 9, 1990 (IIT Document 206). A copy of the relevant
15 portions of the transcript of that conference call has been
16 admitted as GPC Exhibit II-61 (Ward Ex. C).

17 Q. WHAT TRANSPIRED DURING THE APRIL 9, 1990 CONFERENCE CALL?

18 A. During that call I advised the IIT of the latest dewpoint
19 measurements. I told the IIT that all of the air receivers
20 were in specification except for one, for which the
21 measurement was 60.9° F. I told the IIT that I believed that
22 a possible reason why the dewpoint was high on that one air
23 receiver was because the air dryer had been inadvertently

1 turned off. As a follow-up, Mr. Chaffee asked about the
2 "history of these air dryers," and then asked to be provided
3 "information that addresses the air-dryer performance on" the
4 Unit 1 air dryers. Mr. Chaffee explained that he needed "the
5 information that shows us to what extent air poor quality
6 [sic] might have had an impact on the operation of the Unit 1-
7 A diesel." He suggested that maybe we could just give him a
8 "table of these surveillance results over the past couple of
9 years." I suggested that I could have somebody look up the
10 dewpoint readings over the last year of preventive maintenance
11 ("PM") work orders. I left the conversation with the
12 understanding that this was acceptable -- that I was to
13 provide to the IIT with monthly PM dewpoint measurement
14 information the year prior to the March 1990 Site Area
15 Emergency.

16 Q. MR. MOSBAUGH HAS STATED THAT "APPARENTLY" YOU HAD COMPLETED A
17 COMPILATION OF DEWPOINT MEASUREMENTS AT THE TIME OF YOUR
18 DISCUSSIONS WITH THE IIT. (Tr. 10518) IS HE CORRECT?

19 A. No, I do not believe so. The discussions with the IIT were in
20 the morning of (9:02 a.m.) Monday, April 9. I expressly told
21 Mr. Chaffee that I didn't have the data, but only a list of PM
22 work orders (IIT 206, page 8, lines 6-9). The monthly PM dew-
23 point measurements were obtained after these discussions.

24 Q. WHAT INFORMATION DID YOU PROVIDE TO THE IIT?

1 A. I provided the IIT with a table of dewpoint measurements for
2 the 1A diesel generator going back to March 1989. This table
3 has been admitted as GPC Exhibit II-57 (Bockhold K).

4 Q. WHY DID THE LIST OF DATA INCLUDE DATA FROM APRIL 8, AND WHY
5 DID IT NOT INCLUDE DATA FROM APRIL 5-7?

6 A. We omitted the April 5-7 data for two reasons. We did not
7 believe the dewpoint readings taken on April 5-7 because the
8 readings for all eight air receivers were outside the
9 acceptable range at the same time. We did not believe these
10 readings were accurate. There was some concern whether the
11 instruments were giving accurate readings, and whether we were
12 using the measurement instrumentation correctly. There was no
13 point to giving the NRC dewpoint information that we did not
14 believe to be correct.

15 Moreover, I believed at the time that the NRC was fully
16 aware of the out-of-specification readings for the air
17 receivers, and also that NRC knew that we questioned our
18 measurement equipment. This is confirmed by the transcript of
19 the April 9, 1990 conference call with the IIT. (GPC Exhibit
20 II-61) During that call, Mr. Chaffee of NRC, apparently
21 referring to a phone call he received on Saturday, April 7,
22 said that what he "heard later that day [Saturday] was that
23 you had gotten a new instrument, but when you did testing with
24 it, you got negative numbers, which didn't make any sense.
25 So, you were going to go get another instrument for measuring

1 the air quality from Hatch, and I don't know -- have you
2 gotten that instrument and used it, or are you still waiting
3 for it?" Tr. 3-4. To me, this shows that Mr. Chaffee knew of
4 the high readings obtained prior to the first new instrument.
5 Mr. Ward replied that we had received another instrument from
6 the V.C. Summer plant that was "identical or similar to the
7 [instrument] we originally had and all of the numbers that
8 were reported Sunday were in the range of 36 to 45 degrees."
9 Id. at 4. This exchange illustrates that Mr. Chaffee had been
10 informed about the out-of-specification numbers and knew about
11 our concern with the instrumentation.

12 Q. MR. MOSBAUGH IMPLIES THAT THERE WAS SOME IMPROPER "PICKING
13 AND CHOOSING" OF DATA TO BE INCLUDED IN DEWPOINT MEASUREMENTS
14 PROVIDED TO THE NRC, RESULTING IN A LESS THAN COMPLETE AND
15 ACCURATE SET OF DATA. (TR. 10520) DO YOU HAVE ANY COMMENTS
16 ON HIS VIEW?

17 A. Mr. Mosbaugh is incorrect. I explained to Mr. Chaffee that I
18 would endeavor to provide the NRC with the monthly PM results
19 that show dewpoints (IIT 206, Tr. 7-9) for the last year. To
20 me, the results showed the dewpoints over the requested period
21 of time and was responsive.

1 Q Are you familiar with these documents?

2 A Yes.

3 Q And prepared to answer questions about them?

4 A Yes.

5 MR. BLAKE: Judge Bloch, I would ask that
6 these two documents, Mr. Kitchens' qualifications and the
7 performance appraisal of Mr. Kitchens, a three-page
8 document from 1990, be marked as GFC Exhibits II-239 and
9 240, 239 being Kitchens A and 240 being Kitchens B, and be
10 accepted into evidence.

11 CHAIRMAN BLOCH: Granted.

12 MR. BLAKE: Do you want them just bound right
13 in? They're only four pages, along with the testimony at
14 this point?

15 CHAIRMAN BLOCH: Yes, let's do that.

16 (WHEREUPON, the documents referred
17 to were marked as Licensee's Exhibit
18 No. II-239 and Licensee's Exhibit
19 No. II-240 for identification and
20 received into evidence.)

21 [INSERT EXHIBITS GPC II-239 AND GPC II-240]

22 MR. BLAKE: I have no other questions of Mr.
23 Kitchens. There is one area that Mr. Kitchens, I believe,
24 could respond to which resulted from a prior question that
25 you asked, Judge Bloch; but before I ask him or go into

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William F. Kitchens
Professional Qualifications

EDUCATION

Bachelor of Engineering Science, Georgia Tech, 1974

Master of Engineering (Nuclear), University of Virginia,
1976

CERTIFICATIONS

Senior Operator's License from USNRC, Plant Vogtle Unit 1,
1986

Senior Operator Instructor Certification from USNRC, Plant
Vogtle, 1983

Registered Professional Engineer, State of Georgia, 1979

EXPERIENCE

20 Years Nuclear Power Plant Experience:

Assistant Engineer, Virginia Electric & Power Company,
Richmond, VA., 1974-75

Plant Engineer, Florida Power & Light Co., St. Lucie Plant,
1976-79

Plant Engineer, Georgia Power Co., Plant Hatch, 1979

Sr. Plant Engineer/Plant Engineering Supervisor, Georgia
Power Co., Plant Vogtle, 1979-83

Operations Superintendent/Operations Manager, Georgia Power
Co., Plant Vogtle, 1983-89

Assistant General Manager - Operations, Georgia Power Co.,
Plant Vogtle, 1989-91

Assistant General Manager - Support, Georgia Power Co.,
Plant Vogtle, 1991-Present

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-CLA-3 EXHIBIT NO. II - 186

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

Staff Applicant Intervenor Other

Identified Received Rejected Reporter SD

Date 9/13/95 Witness W. F. Kitchens

Performance Appraisal

Page 1 of 3

Georgia Power

Employee Name (Last, First, Middle) Kitchens, William F.	Employee No. 51752	Current Job No./Title Ass't. General Manager - Operations
Division/Department Operations	Annual Review Date 01/90	Location Nuclear Plant Vogtle

Organizational Plan - 90% of each Goal Weight

Goal

When possible, four acceptable levels of performance should be described for each goal.

See attached.

4.6

Skip's hard work, ability, expertise, attitude and perspective directly enabled us to achieve impressive performance. See attached for specific ratings.

- Goals Clearly Exceeded by a Wide Margin
- Goals More Than Fully Achieved
- Goals Fully Achieved
- Goals Met Minimally
- Goals Achievement Clearly Below Expected Level

10% - Provide management leadership as Ass't. General Manager - Operations

When possible, four acceptable levels of performance should be described for each goal.

This accountability will be rated by the General Manager based on communication, leadership and teamwork skills displayed. Special attention will be paid to inter-departmental and site/corporate areas to observe these skills.

Skip and Allen achieved peaceful coexistence and their organizations worked effectively together. To achieve complete synergy, more effort will be required.

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-187

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

Staff Applicant Intervenor Other

Identified Received Rejected Reporter SD

Date 9/13/95 Witness W. F. Kitchens

- Goals Clearly Exceeded by a Wide Margin
- Goals More Than Fully Achieved
- Goals Fully Achieved
- Goals Met Minimally
- Goals Achievement Clearly Below

Appraisal

Name (Last, First, Middle)
Kitchens, William F.

Employee No.
51752

Annual Review Date
01/90

Overall Performance Rating **4.9**

- Goals Clearly Exceeded by a Wide Margin Goals More Than Fully Achieved Goals Fully Achieved Goals Met Minimally Goals Achievement Clearly Below Expected Level

Strengths

We achieved impressive performance and record-setting startup. Skip is the key manager who's mindset kept our attention on all the details enabling us to manage our complex tasks. Skip is a very effective manager because of hard work, ability, expertise, attitude and perspective. Of my manager direct reports, Skip deserved and received my highest overall performance rating.

Developmental Needs

Skip can improve his management style by occasionally applying broad management principles to better achieve organizational synergy. Effective corrective action and holding subordinates fully accountable can improve our performance.

Future Recommendations

Excellent candidate for future promotion.

Developmental Goals	Action Steps	Target Completion Date	Person Responsible
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- Continued experience in his current position will improve his General Manager Skills.
- Complete the INPO Senior Manager course in 1990.

Goals for the Review Period (This section to be completed at the beginning of the Review Period.)

The employee has been presented goals for the review period and these goals have been discussed in relation to department and/or organizational goals.

Employee Signature <i>W F Kitchens</i>	Date 2/20/90	Reviewer (Immediate Supervisor)	Date
Employee Signature <i>W F Kitchens</i>	Date 2/20/90		
Reviewer (Immediate Supervisor) <i>A. Sockhold</i>	Date 2/26/90		
Reviewer (Second Level Supervisor) <i>C. K. Hill</i>	Date 3/6/90		

The Performance Appraisal has been reviewed with the employee and approved by the endorser (second level supervisor).

Employee Name (Please type or print)	Emp. No.	Date
Reviewer (Immediate Supervisor)	Emp. No.	Date

1989 YEAR END PERFORMANCE

GOAL NO.	INDICATOR	VALUE	LEVEL	
NG-1	INPO RATING	2	4	26
NG-2	NUCLEAR SAFETY SAIF RATING	1.66	4	12
NG-3	PLANT RELIABILITY EQUIVALENT AVAILABILITY	91.966	5	26
NG-4	UNPLANNED AUTOMATIC REACTOR TRIPS	2	5	6
NG-5	INDUSTRIAL SAFETY LOST TIME ACCIDENTS	0	5	6
NG-6	RADIATION EXPOSURE COLLECTIVE MANREMS	30.52	5	6
NG-7	O & M BUDGET	-19.66	5	16
NG-8	CAPITAL BUDGET	-12.38	5	2

1 it, I'll give everybody the page cite, and then you can go
2 back and take a look at it, and during a break I can show
3 him the same portion of the transcript.

4 The question occurred on transcript page 9908.
5 This was during my cross-examination of Mr. Mosbaugh, and
6 it had to do with procedure 00350C, and more specifically
7 any connection between the writing up of a deficiency card
8 and the reportability to the NRC.

9 You asked whether or not the procedure
10 indicated something, and I said, I think Mr. Mosbaugh
11 indicated that's the way he reads it; and I indicated that
12 I could have a witness appear and talk to this, but I
13 won't do it until after a break, if you want to hear an
14 answer.

15 Again, that page number was 9908 for the Board
16 and the parties.

17 ADMINISTRATIVE JUDGE MURPHY; You don't happen
18 to know what date that was, do you?

19 MR. BLAKE: I do know what date it was, July
20 19.

21 MS. YOUNG: Mr. Blake, this was something -- a
22 question was raised before licensee prepared their
23 rebuttal testimony. It wasn't included in the rebuttal
24 testimony?

25 MR. BLAKE: Right.

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1 MS. YOUNG: But you wish to supplement it
2 today?

3 MR. BLAKE: Right. By the way, is the staff's
4 testimony ready yet?

5 MS. YOUNG: On air quality?

6 MR. BLAKE: Yes.

7 MS. YOUNG: No, it is not.

8 MR. BLAKE: I have no more questions of Mr.
9 Kitchens.

10 MS. YOUNG: Mr. Bloch, I think it would
11 appropriate to take that break now so we can all look at
12 this information, so it's all part of his rebuttal rather
13 than something that trails in the middle, unless
14 intervenor objects.

15 CHAIRMAN BLOCH: How much time do you think
16 this will take?

17 MR. BLAKE: When I looked -- I think, if you
18 just look at two pages, it's sufficient for everybody to
19 get the context and know what it was about, and I could
20 show it to him at the same time.

21 CHAIRMAN BLOCH: We'll take a brief recess in
22 place.

23 (WHEREUPON, the proceeding was off the record
24 briefly at 9:09 a.m. and resumed at 9:14 a.m.)

25 CHAIRMAN BLOCH: The hearing will come to

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1 order. Mr. Blake, you may ask some questions on the
2 meaning of 4.1.7.2 or thereabouts.

3 MR. BLAKE: Thank you, Judge Bloch.

4 BY MR. BLAKE:

5 Q Mr. Kitchens, have you had a chance to look at
6 that portion of the transcript and the procedure?

7 A I've read this portion of the transcript, but
8 not the procedure that you just gave me that Mr. Kohn has,
9 but now I'll look at it.

10 Q Thank you.

11 CHAIRMAN BLOCH: You talking about 4.1.7.1
12 that was mentioned, but it's possible that there's another
13 section that also relates to deficiency cards.

14 BY MR. BLAKE:

15 Q Are you familiar with these procedures?

16 A Yes, I'm familiar with these procedures and
17 both of the two steps he just mentioned, 4.1.7.1 and
18 4.1.7.2.

19 Q Can you address then the relationship between
20 the necessity or obligation to initiate a deficiency card
21 and NRC reportability from these procedures?

22 A Yes, sir.

23 Q Go ahead, please.

24 A In this procedure, 350-C, the purpose of this
25 procedure as stated back in the front is for maintenance

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1 work, establishes the controls for maintenance activities.
2 This particular step, 4.1.7.1, and 4.1.7.2 are simply
3 screening steps. They are steps that, when a work request
4 tag -- and, remember, this procedure is the one that was
5 in effect in 1990, and this procedure would have someone
6 who initiated a work request tag.

7 That WRT or work request tag would be screened
8 by the shift supervisor, according to this procedure, for
9 a couple of things those two steps point out. One of them
10 is to determine if it's reportable to the NRC, and
11 specifically immediate notification.

12 The second thing is its effect on plant
13 operations. Those two things are screened initially. We
14 do have another procedure, 150-C, that gave the
15 instructions for when a deficiency card is required.
16 There's many other reasons given in that procedure or many
17 other circumstances by which you would initiate a
18 deficiency card.

19 I believe step 4.1.7.1 was simply an
20 administrative check or screen, if you will, to ensure
21 that some corrective maintenance of something that's
22 broken or needs repair that has been reported to ensure
23 that condition isn't reportable to the NRC.

24 MR. BLAKE: Just by way of record, that's
25 Board Exhibit 6, the procedure 150. I don't have anymore

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1 questions of this witness, Judge Bloch, and he's available
2 for cross-examination.

3 CHAIRMAN BLOCH: Mr. Kohn.

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

5 Intervenor will not be crossing on this area until later.

6 CROSS-EXAMINATION BY THE INTERVENOR

7 BY MR. MICHAEL KOHN:

8 Q Mr. Kitchens, in Exhibit A to your testimony
9 you indicated that you switched between the Assistant
10 General Manager for Operations to the Assistant General
11 Manager for Plant Support in 1991. Can you tell me why
12 that change occurred?

13 A Well, my supervisor or my boss came and told
14 me that he wanted me to switch jobs, to rotate to the
15 Assistant General Manager of Plant Support position. I
16 had previously been in the Assistant General Manager of
17 Plant Operations position.

18 Q Were you told why you were rotating?

19 A I don't recall any specific reason why I was
20 rotated.

21 Q Did you view this as a disciplinary action or
22 as anything else?

23 MR. BLAKE: I object unless there is some
24 proffer or indication of relevance to the testimony and to
25 this proceeding. This is a 1991 switch.

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1 CHAIRMAN BLOCH: Mr. Kohn?

2 MR. MICHAEL KOHN: Well, first off, it would
3 be relevant, because the Exhibit A has been put in as to
4 his background and, therefore, questions regarding --

5 CHAIRMAN BLOCH: The objection is overruled.

6 THE WITNESS: Do you want me to answer the
7 question?

8 CHAIRMAN BLOCH: Yes, please.

9 THE WITNESS: The answer is, no, I do not view
10 it as a disciplinary action. The reason that I didn't is
11 this same rotation has occurred at both the other two
12 nuclear plants in the Southern Company. That is, a person
13 who was in Assistant General Manager, Plant Operations,
14 and a person in -- but was switched to Assistant General
15 Manager, Plant Support. It is a normal rotation that our
16 company has done. It was done in this same time frame at
17 Hatch and at Farley.

18 BY MR. MICHAEL KOHN:

19 Q Did you receive any counseling or any other
20 disciplinary activities that you would attribute this
21 switch to?

22 A No.

23 Q Calling your attention to your testimony
24 concerning the meeting you had with Mr. Mosbaugh and Mr.
25 Bockhold where there's been discussion about back stabbing

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1 being written on a white board, do you actually recall
2 what date that meeting occurred or are you just relying on
3 other documentation to support that?

4 A Would you repeat that question?

5 Q Yes. Do you know -- Do you have an
6 independent knowledge of what date the meeting occurred or
7 is it just something that you realize it occurred in
8 January, but you would have to actually look at some other
9 documentation to know?

10 A You're referring to the meeting that's
11 described in the first part of my document here?

12 Q Yes.

13 A No. I don't actually recall the specific date
14 that that meeting occurred. I believe it occurred on
15 January 12th, and it was so written in my Daytimer that it
16 occurred on January 12.

17 Q If the meeting was rescheduled, it may not
18 have necessarily been reflected in your Daytimer. Is that
19 correct?

20 A That's correct.

21 Q When did you learn that Mr. Mosbaugh was the
22 alleged to the NRC concerning the dilution valve incident?

23 A I don't recall exactly when I learned, but it
24 was after Mr. Mosbaugh's employment with Georgia Power
25 Company was terminated.

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1 Q When did you first speculate that Mr. Mosbaugh
2 may be associated with the OI investigation?

3 A I guess I can't answer that. I don't know the
4 answer to that.

5 Q It's my understanding that there was
6 discussions at the plant in or about the time the office
7 investigation was coming to the site as to who initiated
8 the investigation. Do you recall -- Do you have any
9 recollection of those discussions?

10 A No, I don't.

11 Q Were you aware that there were rumors around
12 site as to an investigation being initiated by OI and who
13 was the source of that investigation?

14 A Rumors? Would you ask that question again,
15 please?

16 Q Yes. Were you aware that there were rumors --
17 Did you hear rumors at or about the time the OI
18 investigation concerning dilution valves was commencing as
19 to the source of the allegations?

20 A I don't recall any rumors. I believe that the
21 first time that I knew what the -- that there was an OI
22 investigation and what the subject of it was was on
23 February 7, 1990. I believe sometime before that, perhaps
24 two or three days before that, I knew there was going to
25 be -- that someone from OI was coming to the plant, but I

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1 did not know what their topic of discussion was or why.

2 Q Now it's my understanding that the resident
3 inspector on site was starting before the OI investigation
4 to look into the dilution valves. Do you recall that?

5 A No, I don't.

6 Q So on the bottom on line 9 of your prefiled
7 testimony on page 4, the several months you're referring
8 to after January, you're now telling me is nine months?

9 MR. BLAKE: Objection. I haven't heard any
10 nine month answer. He said it was after Mr. Mosbaugh was
11 dismissed. Is that what you're adding up?

12 MR. MICHAEL KOHN: Yes.

13 THE WITNESS: Yes, sir. I did not learn that
14 Mr. Mosbaugh was the allegor about the dilution valve
15 issue for several months, however long it was until after
16 Mr. Mosbaugh's employment was terminated with Georgia
17 Power.

18 CHAIRMAN BLOCH: Could you look for a second
19 at the testimony and see if in fact there was an earlier
20 time that you had in mind when you wrote the testimony?
21 It just says several months, and it's almost a year you're
22 talking about, nine months.

23 THE WITNESS: Sir, I don't remember when I
24 knew, but I know that it was after Mr. Mosbaugh was
25 terminated, and I believe it was in association with some

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1 documents -- I don't recall what they were -- that came
2 out after that time frame. It may have been a year.

3 BY MR. MICHAEL KOHN:

4 Q Before Mr. Mosbaugh was terminated, were you
5 aware that he had contacted the NRC?

6 A Yes.

7 Q When did you first become aware that Mr.
8 Mosbaugh was involved? Let me withdraw that. What was
9 Mr. Bockhold's response to learning of an OI investigation
10 into the dilution valve incident?

11 A I don't understand that question.

12 Q Did you observe Mr. Bockhold, and was he
13 irritated by the investigation? Do he think it had any
14 merit? Did he give you any feedback about it?

15 A At what time frame, before or after the
16 interviews with OI? I don't understand that question.

17 Q In or about the time the interviews were going
18 to commence or had commenced, did you get feedback from
19 Mr. Bockhold about the frivolous nature of the
20 investigation?

21 A I think I said earlier that a few days, maybe
22 even as less as two or three days or a week before the
23 investigator came to the plant site initially, I remember
24 being told that there was an OI investigation or someone
25 was going to come from OI to interview some people; and I

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1 remember talking with George Bockhold and, I believe,
2 Allen Mosbaugh, and George got asked -- I believe George
3 asked Allen or asked someone to give us the -- to tell us
4 what the -- you know, get out the procedures that NRC
5 would have, what is OI.

6 The first time I ever remember ever even
7 hearing about OI was during this time, and I remember
8 asking, you know, what is the procedure that they use, you
9 know, why are they coming. I don't recall there being any
10 speculation or excitement about it, just that I think we
11 were told that there was going to be someone from the OI
12 coming to the site, but we didn't know what it was about
13 or who they wanted to talk to at that particular time.

14 Mr. Mosbaugh -- I don't remember -- I mean Mr.
15 Bockhold -- I don't remember any specific things I could
16 tell you.

17 CHAIRMAN BLOCH: I'm just going to urge that
18 if the question is what was Mr. Bockhold's reaction to OI,
19 and you don't recall that, it would save time if you just
20 said I don't recall that.

21 THE WITNESS: Yes, sir.

22 BY MR. MICHAEL KOHN:

23 Q Is that your answer? You do not recall it?
24 Let me rephrase the question. Do you -- After you learned
25 what the scope of the OI investigation was going to be,

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1 did you get any feedback from Mr. Bockhold as to whether
2 he felt this investigation was unwarranted or ridiculous?

3 A I don't recall getting any feedback from Mr.
4 Bockhold in that regard.

5 Q Now at this -- You did have an opportunity to
6 look at Mr. Mosbaugh's notes of the backstabbing meeting,
7 if I might refer to it that way.

8 A Yes.

9 Q Was there anything in the notes that you
10 believed was inaccurate? If you need to look at them, it
11 would be Intervenor's Exhibit 2-133, which I can make
12 available.

13 A Yes, I would like to look at that, please.

14 MR. BLAKE: Judge Bloch, while the witness is
15 reviewing that document, let me point out, Ms. Young has
16 corrected us on the exhibit numbers, and she's right. The
17 two exhibits this morning that were attached to Mr.
18 Kitchens' testimony should be numbered 186 and 187, Roman
19 Numeral II-186 and 187 for GPC exhibits.

20 CHAIRMAN BLOCH: And the numbers that you
21 erroneously gave were?

22 MR. BLAKE: Well, the reason that they were
23 given was because the index to the last --

24 CHAIRMAN BLOCH: I don't need a reason. I
25 just want to know so I can make sure the reporter knows.

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1 MR. BLAKE: I think it was 239 and 240.

2 CHAIRMAN BLOCH: So please make -- Mr.
3 Reporter, please make the changes.

4 MS. YOUNG: Actually, the reason is important,
5 because the reporter indicated the wrong number for the
6 documents in the index. So we have an error in our
7 transcript.

8 MR. BLAKE: If you look at the Friday,
9 September 8, transcript in the index, it says that the
10 last GPC exhibit number was 238. Those actually should
11 have been -- The last three should have been Intervenor
12 exhibits 236, 237 and 238 in that index, and that's what
13 led us astray, and we all ought to know at least that
14 correction.

15 CHAIRMAN BLOCH: The index is wrong, but the
16 transcript is right?

17 MR. BLAKE: I think the transcript is also
18 wrong. I'm informed that it's wrong.

19 ADMINISTRATIVE JUDGE MURPHY: So say again,
20 what are the exhibit numbers?

21 MR. BLAKE: For today, GPC-186 and 187 are the
22 correct numbers for the two GPC exhibits today.

23 CHAIRMAN BLOCH: Mr. Reporter, we ask that the
24 reporting firm correct the transcript from Friday to have
25 the correct exhibit numbers, both in the index and in the

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1 transcript.

2 (WHEREUPON, the Exhibits previously
3 marked Licensee Exhibits No. II-239
4 and No. II-240 were remarked as
5 Licensee Exhibits No. II-186 and No.
6 II-187.)

7 BY MR. MICHAEL KOHN:

8 Q Mr. Kitchens, have yo now had an opportunity
9 to review the document?

10 A Yes.

11 Q Is there anything in the notes which you have
12 any independent recollection of as being inaccurate?

13 A No, there's nothing in the --

14 CHAIRMAN BLOCH: Hold on a second. I'm sorry.
15 To clear this up, do we know whether someone actually
16 spoke the wrong word?

17 MR. BLAKE: No, the words are correct. When
18 you take a look at the transcript, you see Mr. Kohn
19 referring to his own -- to the transcript page numbers
20 13485, and you see Mr. Kohn referring to Intervenor's
21 Proposed Exhibit 236 and then --

22 CHAIRMAN BLOCH: I didn't want to be asking
23 the reporting firm to do something that wasn't their
24 responsibility, but apparently it is. Okay.

25 MR. BLAKE: Looks like it's theirs.

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1 CHAIRMAN BLOCH: Sorry, Mr. Kohn. Could you
2 repeat the question?

3 BY MR. MICHAEL KOHN:

4 Q You -- If I understand it, now you've had an
5 opportunity to look at Intervenor's Exhibit II-133, and
6 are you able to find anything in there that you believe
7 was inaccurate?

8 A No, I don't see anything that's inaccurate,
9 but I would like to clarify one thing. I believe there
10 may be some annotations in some parts of these notes that
11 didn't come from that meeting on January 12.

12 Q Which part are you referring to, the very top
13 of the page?

14 A At the very top of the page where it has mid-
15 year commendable, now NI. It's got some numbers, 117, and
16 staff meeting 122. All of that, I don't recall being part
17 of this meeting. On the second page, there's a thing on
18 the bottom, scope of work and work burden, my memo. I
19 don't believe that was a topic of discussion at the
20 January 12th meeting, but the other notes in here, I have
21 no reason to believe there's any inaccuracies or anything
22 in there.

23 Q Now when you transferred from -- or this
24 rotation from acting General Manager -- Excuse me,
25 Assistant General Manager of Operations to Assistant

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1 General Manager of Support, did that in any way change
2 your reporting relationship?

3 A What do you mean by my reporting relationship?

4 Q Did you continue to report to Mr. Bockhold?

5 A No, sir. When that occurred, Mr. Bockhold
6 wasn't the --

7 Q Excuse me, to the General Manager?

8 A Yes, I continued to report to the General
9 Manager.

10 Q And is -- It's my understanding then that both
11 of those positions are at the same level in the company.
12 Correct? Assistant General Manager, Plant Support;
13 Assistant General Manager for Operations?

14 A If you mean by levels, they have the same
15 reporting relationship and the same pay grade, that's
16 correct.

17 Q Right. Is anyone subordinate? Is the
18 Assistant General Manager for Support subordinate to the
19 Assistant General Manager for Operations?

20 A No.

21 Q And if you would look at page 2 of
22 Intervenor's Exhibit II-133, it indicates that Mr.
23 Mosbaugh is to be subordinate to you. Is that correct?

24 A Apparently, that's what Mr. Mosbaugh thinks or
25 thought when he wrote these notes down. That was not what

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1 I think or thought.

2 Q If that fact was communicated to Mr. Mosbaugh,
3 do you think that could be viewed as intimidating from a
4 General Manager saying you're now going to be subordinate
5 to someone who Mr. Mosbaugh had indicated may have
6 violated technical specifications?

7 A I don't know how to answer that question.
8 Will you ask it again? I don't understand the question.

9 Q If the discussion occurred, and it was told to
10 Mr. Mosbaugh that he was now going to be subordinate to
11 you, when in fact, according to the organization chart and
12 his pay scale, he was not subordinate to you, do you
13 believe Mr. Mosbaugh could perceive that type of
14 communication as intimidating?

15 MR. BLAKE: May I just ask, is this a
16 hypothetical or there some record evidence that he was
17 told that other than this note, which he took down, which
18 was his understanding?

19 MR. MICHAEL KOHN: You correctly stated the
20 record.

21 THE WITNESS: So this is a hypothetical
22 question?

23 BY MR. MICHAEL KOHN:

24 Q Yes.

25 A And since you said could feel intimidated, I

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1 would say the answer to that is yes, he could.

2 CHAIRMAN BLOCH: I don't recall Mr. Mosbaugh
3 testifying that this is what happened, but I'm looking for
4 it in the transcript.

5 BY MR. MICHAEL KOHN:

6 Q Again, hypothetically, if you had raised an
7 allegation of potential criminal wrongdoing against a high
8 level manager at a nuclear plant, and a general manager
9 called you into a meeting --

10 CHAIRMAN BLOCH: Mr. Kohn, are you sure that
11 this isn't one that I could answer, too?

12 MR. MICHAEL KOHN: I think you could, Your
13 Honor. So I won't ask it.

14 BY MR. MICHAEL KOHN:

15 Q In the 1990 time frame, did your staff
16 meetings occur at the same time as Mr. Mosbaugh's staff
17 meetings?

18 A I'm not sure of that.

19 CHAIRMAN BLOCH: Sometimes the microphone
20 picks up thoughts.

21 MS. YOUNG: Only good thoughts.

22 BY MR. MICHAEL KOHN:

23 Q Is there -- or do you remember any form of
24 conflict in trying to attend the staff meetings based on
25 the scheduling between yours and Mr. Mosbaugh's staff

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1 meetings?

2 A Yes.

3 Q Do you recall that the staff meetings were
4 occurring at the same time?

5 A I don't recall if they were exactly at the
6 same time, sir. They may have been or overlapping, but I
7 recall I had to go out of my way to attend some of Allen's
8 staff meetings, because of the scheduling. Yes, it took
9 some effort on my part to attend some of his staff
10 meetings.

11 CHAIRMAN BLOCH: Mr. Kohn, meetings don't
12 occur. They're scheduled by the people who hold them. So
13 if they are at the same time, that's a problem.

14 BY MR. MICHAEL KOHN:

15 Q Do you recall Mr. Mosbaugh stopping by your
16 office after this backstabbing meeting to discuss plant
17 operations with you?

18 A No.

19 Q Is that you don't recall or you don't recall -
20 - Let me rephrase that. You can't remember what happened
21 back then or do you have a firm recollection of Mr.
22 Mosbaugh not visiting your office?

23 A I don't recall that Mr. Mosbaugh visited my
24 office to discuss plant operations following the meeting,
25 the team building meeting.

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1 Q Well, did Mr. Mosbaugh ever or occasionally
2 drop by your office?

3 A Yes.

4 Q On page 4 of your prefiled testimony, you make
5 reference to your 1990 annual performance appraisal, and
6 you mention the fact that peaceful coexistence, the
7 phraseology in your performance appraisal, indicated that
8 there was some -- It was a recognition of improvement with
9 your relationship with Mr. Mosbaugh. If the same language
10 appeared in Mr. Mosbaugh's appraisal, would you also give
11 it the same interpretation, that it was a recognition of
12 improvement in the relationship?

13 A Yes.

14 Q If my recollection serves me correctly, you --
15 I deposed you sometime in 1994 with respect to this
16 licensing matter. Is that correct?

17 A I don't remember the date, but you did depose
18 me within the last couple of years associated with this
19 licensing matter.

20 Q Do you recall during that time me asking you
21 whether you were aware of any OI or NRC findings
22 concerning willfulness on the part of yourself with
23 respect to the dilution valve incident, and you indicating
24 that not until very recently had you ever heard about it?

25 A The last part of your question threw me. What

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1 do you mean ever heard about it? I don't understand the
2 question.

3 Q Isn't it true that the first time you learned
4 of an NRC finding of willfulness on your part associated
5 with the dilution valve was in or about the time the
6 notice of violation for the diesel start count, the April
7 9th and April 19th letters was issued?

8 A I've seen the transcript from that -- or from
9 the deposition. Maybe I should look at it again, if we
10 have that.

11 MR. BLAKE: Maybe he has, but we don't have
12 it. I've never seen a transcript of it. I don't think
13 one exists.

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Mr. Kitchens, do you recall
16 when you first learned that OI thought you had committed a
17 willful violation with respect to the dilution valve
18 matter?

19 THE WITNESS: Yes, sir. I don't recall
20 exactly, but I can tell you the time frame of that.

21 CHAIRMAN BLOCH: Great. When was that?

22 THE WITNESS: It was approximately, as I
23 recall, in late April of the same year that I had to give
24 this deposition. I guess it would have been last year.
25 Is that correct?

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1 MR. MICHAEL KOHN: 1994.

2 CHAIRMAN BLOCH: Sometimes just asking the
3 question directly does more.

4 MR. BLAKE: It may be that he's recalling an
5 OI interview of some sort, but I don't believe any
6 transcript exists. I don't think it was ever ordered.

7 THE WITNESS: I did not see a transcript.
8 What I did see was some notes that, I believe, Mr.
9 Lamberski had taken of my deposition. There was not a
10 transcript. You are right, sir.

11 BY MR. MICHAEL KOHN:

12 Q And you reviewed those notes prior to
13 testifying today?

14 A I reviewed those notes only after the
15 deposition or after they were sent. I have not reviewed
16 them in preparation for today.

17 Q Can you - If I understand it, you learned
18 about the OI findings in the dilution valve when a packet
19 of information was sent to you by Mr. Domby?

20 A Let me make sure I'm answering the right
21 question. I knew there was an OI investigation, and I had
22 an NRC enforcement conference and all that in the previous
23 years; but I thought you asked me when did I know that an
24 OI report had said there was a willful violation of the
25 tech specs. That was when I received some information

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1 from Mr. Dobby, I believe, in late April of '94.

2 Q Had you ever received any counseling or other
3 form of disciplinary action associated with the OI
4 conclusion of willfulness on your part?

5 A No.

6 Q How about anything having to do with your
7 actions associated with the opening of the dilution
8 valves?

9 A I didn't open the dilution valves.

10 Q I didn't mean to indicate you opened them.
11 Associated with your participation and consent in opening
12 the dilution valves, your involvement with that issue?

13 A What is the question again?

14 Q Did you receive any form of counseling or
15 disciplinary action associated with whatever role you had
16 with the opening of the dilution valves?

17 A No.

18 Q Were you aware that the company received a
19 \$100,000 fine associated with the opening of the dilution
20 valves?

21 A Yes.

22 Q When did you first become aware of that?

23 A I don't recall when I first became aware of
24 that. It was when the fine was announced by the NRC.

25 Q Have you given any thought as to why there

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1 would be such a delay between the -- after the OI report
2 was issued and when you would learn about its findings?

3 A Have I given any thought?

4 Q Yes.

5 A Yes.

6 Q And what's your best -- What's your conclusion
7 as to what accounted for the delay?

8 A When the NRC was investigating this matter
9 that you're calling associated with the dilution valves, I
10 requested a copy of the OI report and was told by the NRC
11 I could not have it, that that was not something I could
12 have. The way that I found out that there was a report of
13 willfulness was almost a side way in some information Mr.
14 Dombay sent me that listed that case as one where there was
15 a disagreement between the NRC staff and OI.

16 The NRC staff did not believe there was
17 willfulness in this case, although OI did. Simply because
18 it was listed as a reference in a report led me to know
19 that OI must have believed it was willful. Otherwise,
20 they wouldn't have listed it as a case of the NRC staff
21 disagreeing with OI.

22 Q Were you told you could not have a copy of the
23 OI report after it was formally issued?

24 A I don't know the answer to that.

25 CHAIRMAN BLOCH: What was the date it was

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1 formally issued, Mr. Kohn?

2 THE WITNESS: I don't know the answer to that.

3 MR. MICHAEL KOHN: The report is dated March
4 1991.

5 CHAIRMAN BLOCH: Well, we know it wasn't
6 released then.

7 MR. MICHAEL KOHN: And a portion of the -- I
8 received the report through FOIA, to the best of my
9 recollection, somewhere in '91 or '92.

10 CHAIRMAN BLOCH: Continue.

11 BOARD EXAMINATION

12 ADMINISTRATIVE JUDGE CARPENTER: Mr. Kitchens,
13 can you give us a reference to this staff view that it was
14 not willful? Where could we read that?

15 CHAIRMAN BLOCH: Do you know what group that
16 was of the staff, if it was a formal report?

17 THE WITNESS: No. Well, I guess there's two
18 things in response to your question that I could say. The
19 first one is, again, it's only by inference, because this
20 was listed in a report from the NRC saying there was a
21 disagreement between the staff and OI.

22 I believe that the staff did not find
23 willfulness, because I received a letter from the NRC
24 after they did this investigation, and I believe it was on
25 December 31st of '91, 1991. I received a letter stating

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1 that they could not -- I don't have the letter with me.
2 So I can't quote from it, but a letter basically did say
3 they did not find any willfulness, and no action was taken
4 against me.

5 ADMINISTRATIVE JUDGE CARPENTER: Do you recall
6 who signed the letter?

7 THE WITNESS: No, sir, I don't.

8 ADMINISTRATIVE JUDGE CARPENTER: Do you recall
9 from what office in NRC it was sent from?

10 THE WITNESS: It was sent from Region 2 of
11 NRC.

12 MS. YOUNG: Judge Carpenter?

13 ADMINISTRATIVE JUDGE CARPENTER: Yes?

14 MS. YOUNG: Staff's recollection is that a
15 proposed notice of violation and imposition of civil
16 penalty was issued to Georgia Power regarding the dilution
17 valve matter on December 31, 1991. We believe that's what
18 Mr. Kitchens is referring to.

19 THE WITNESS: I was referring to also I
20 received a letter personally from the office of NRC Region
21 2, because, see, there was also enforcement action pending
22 against me; and the enforcement action against me was
23 nothing. They took no action. I actually had an
24 enforcement conference on my license, and the letter I got
25 from the NRC said that they were not able to substantiate

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1 that a willful tech spec violation occurred. That was for
2 me.

3 There was two enforcement conferences. One
4 was for me personally, and one was for the company. The
5 company, I believe, received a violation and a fine, as
6 has been alluded to. I received no type of -- anything
7 from the NRC.

8 BY MR. MICHAEL KOHN:

9 Q Did you know that the plant was at mid-loop
10 when you approved the opening of the dilution valves?

11 MR. BLAKE: Judge Bloch, only the Board -- I'm
12 going to interpose an objection here and at least get an
13 understanding from the Board on how much they are going to
14 allow in this area. The reference as to a dilution valve
15 appears solely in the context of how much Mr. Kitchens
16 might have known during the context of this meeting back
17 in January of 1990.

18 We're now going into rather exquisite detail
19 in the entire dilution valve history and Mr. Kitchens'
20 involvement in it. We're now asking a technical question
21 about what did you know about mid-loop operation or not.
22 If the Board thinks it needs to hear this, I will back
23 off, obviously, but I don't think it's properly within the
24 scope of this man's testimony.

25 CHAIRMAN BLOCH: What's the relevance, Mr.

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1 Kohn?

2 MR. MICHAEL KOHN: It goes to Mr. Kitchens'
3 and Mr. Bockhold's conduct the meeting, if they knew how -
4 - Understanding what their personal involvement is, I
5 think, is relevant, and I'm only looking at --

6 CHAIRMAN BLOCH: This is way after that
7 meeting.

8 MR. MICHAEL KOHN: But the facts would have
9 been known at the time of the meeting.

10 CHAIRMAN BLOCH: Which facts?

11 MR. MICHAEL KOHN: That Mr. Kitchens knew the
12 plant was at mid-loop.

13 CHAIRMAN BLOCH: Are you going to get anything
14 more than is in the memorandum from Mr. Kitchens to Mr.
15 Bockhold?

16 MR. MICHAEL KOHN: Yes. There's only three
17 issues that we'll be looking at, Your Honor.

18 CHAIRMAN BLOCH: All right. If it has to do
19 with the state of mind at that time, we're willing to
20 entertain it.

21 BY MR. MICHAEL KOHN:

22 Q Mr. Kitchens, were you -- Did you know that
23 the Unit 1 control log showed that Unit 1 was in Mode 5
24 loop filled condition between -- at the time the dilution
25 valves were open?

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1 A You're referring to in the -- in October of
2 1988 dilution valves being open?

3 Q Correct, sir.

4 A When I approved those to be open to add the
5 chemicals, I assumed that we were at mid-loop. Yes. I'm
6 not sure that I knew exactly what was in what log, but
7 yes, I assumed we were at mid-loop when that happened,
8 when I gave that approval.

9 Q And isn't it also true that the reason the
10 valves were open was because of scheduling pressure, that
11 if they were not open, 100-plus hours of critical path
12 time would be needed?

13 A That is not true. It actually took us longer
14 critical path time for adding the chemicals than it would
15 have, had we said, sorry, we can't do that, and went on.

16 CHAIRMAN BLOCH: Is this a good time for our
17 break, Mr. Kohn?

18 MR. MICHAEL KOHN: Yes, Your Honor.

19 CHAIRMAN BLOCH: Take a ten-minute recess.

20 (WHEREUPON, the proceeding was recessed
21 briefly at 9:54 a.m. and resumed at 10:11 a.m.)

22 MR. MICHAEL KOHN: Your Honor, at this point
23 Intervenor would like to mark as Intervenor's II-239 NRC
24 OI report 2-90-001 dated March 19, 1991. The last page of
25 the report is page 44. It goes from a cover sheet and

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1 pages 1 through 44.

2 CHAIRMAN BLOCH: And it is, according to the
3 title, Vogtle Electric Generating Plant: Alleged
4 Intentional Violation of a Technical Specification by a
5 Vogtle Operations Manager. Motion to mark is granted.

6 (WHEREUPON, the document referred to
7 was marked as Intervenor's Exhibit
8 No. II-239 for identification.)

9 BY MR. MICHAEL KOHN:

10 Q Mr. Kitchens, during the break I had asked
11 your counsel to ask you to look at page 25, paragraph 43,
12 to see if that refreshed your recollection about 100 hour-
13 plus -- 100-plus hours of critical path time would be
14 needed if the chemical cleaning were to be done at loops
15 full. Were you able to refresh your recollection about
16 that?

17 A Yes. I guess I'm going to have to do some
18 explaining here. If we went into the refueling outage and
19 decided to do the -- You know, if up front we had planned
20 to do the chemical cleaning either at mid-loop or with
21 loops filled, the chemistry people took a look at this to
22 say which is the best way to do it from a schedule point
23 of view.

24 Now the question you had asked me earlier --
25 you asked me did I know we were at mid-loop, I believe, or

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1 some question like that, and I responded, I assumed that
2 we were. The situation I was in was we're already here at
3 mid-loop. We can't go back and decide we're going to put
4 chemicals in when the RCS is full. It's too late; you're
5 already here.

6 Our options would have been not to add
7 chemicals at all, which would have added no time to the
8 critical path -- We don't have to do that. There's no
9 requirement to do it. Some plants don't do it -- or to
10 add chemicals at mid-loop. That was the decision I was
11 forced to make or to give approval to do.

12 The reason that we add these chemicals is to
13 lower the radiation exposure in the reactor coolant
14 system. There's no requirement to do it. Had we decided,
15 sorry, we can't do that, we would have went on. There
16 would have been no time added to the critical path.

17 Q The other option would have been to fill back
18 up and add them at that time. Correct?

19 A I didn't even think of that option. I'm not
20 sure that that would have been an option, because we would
21 have had to fill back up, run reactor coolant pumps again.
22 It's not something we would have considered, I don't
23 believe.

24 Q And did you view opening the valves while you
25 were at mid-loop to be something that may not be

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1 permissible under technical specifications?

2 A Maybe you can be more specific with the
3 question.

4 Q Yes. Let me --

5 A Back in 1988?

6 A Yes. When you are looking at the application
7 of technical specifications, are you supposed to generally
8 give them a conservative interpretation?

9 A Yes.

10 Q And under a conservative interpretation, and
11 under verbatim compliance of that technical
12 specifications, would you have been allowed -- or should
13 the -- are the valves allowed to be opened?

14 A In October of 1998, my answer would have been,
15 yes.

16 Q Eighty-eight.

17 A In October of 1988, I did a review of this
18 when it came up, and I believed it was okay to do. I now
19 don't believe that it would be okay to do that, based on
20 the fact that the NRC gave us a violation, but in October
21 of 1988 I believed it was okay to open those valves, so
22 long as they were not open for anymore than 15 minutes.
23 That was my belief, and I believed we were being
24 conservative, because we put a five-minute time frame on
25 those valves.

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CHAIRMAN BLOCH: But what was the 15 minutes based on?

THE WITNESS: Fifteen minutes was based on some advice that I received from the Assistant Operations Manager who told me that that was the definition, plus the FSAR assumed 15 minutes for operator time. I looked in the FSAR when I was consulted about doing this in 1988, and it seemed consistent -- The FSAR and what just the Deputy Operations Manager told me were consistent, and I believed that that was acceptable to do.

CHAIRMAN BLOCH: Now am I right in understanding that this was an unplanned addition of chemicals at that point?

THE WITNESS: No, sir. This was a planned addition of chemicals at that point. It was planned to be done at this point. The issue of tech spec compliance came up, though, at this point.

CHAIRMAN BLOCH: So it was planned to be done at mid-loop?

THE WITNESS: Yes. It was planned to be done at mid-loop, and I believe the paragraph 43 and 44 that Mr. Kohn asked me to read clearly shows that.

CHAIRMAN BLOCH: And so when you say planned, it was part of what was called the Frag. Net?

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1 THE WITNESS: Yes. It was part the outage
2 schedule, Frag Net or schedule, as you would. That was
3 the way -- Before the outage started, it was planned to do
4 it that way. The chemistry personnel thought that was the
5 best way to do it.

6 CHAIRMAN BLOCH: Is there a review of the
7 outage plan by engineers?

8 THE WITNESS: Yes.

9 BY MR. MICHAEL KOHN:

10 Q And the tech specs specifically state that,
11 given the condition of the plant, the dilution valves had
12 to be closed, locked, and tagged per procedure. Is that
13 correct?

14 A Say the question again. Again, you're leaning
15 and you're -- I don't understand.

16 Q The technical specification at issue with
17 respect to the opening of the dilution valves required
18 that when the plant was at mid-loop, those valves had to
19 be closed, locked, and tagged per procedure. Is that
20 correct?

21 A I'd like to look at the tech spec. I don't
22 believe the tech specs say anything about procedures in
23 them. Can I see a copy of the 1980 version of the tech
24 spec?

25 CHAIRMAN BLOCH: Mr. Kohn, we need to know

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1 where the cross is going on this. This could be done
2 after excusing the witness or it could be done in the
3 presence of the witness.

4 MR. MICHAEL KOHN: Your Honor, I think -- I
5 can do it with the witness present.

6 CHAIRMAN BLOCH: Because the ruling was to
7 limit it to the knowledge of these people at the meeting.

8 MR. MICHAEL KOHN: Your Honor, the relevance
9 would be if Mr. Kitchens had personal knowledge, had
10 reviewed the tech spec, knew that it said it had to be
11 closed, locked and tagged, and with that knowledge opened
12 the dilution valve.

13 I think that, when Mr. Mosbaugh --

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Mr. Kitchens, had you
16 reviewed the tech spec that said it had to be closed,
17 locked and tagged?

18 THE WITNESS: Again, that's a very general
19 question, but yes, sir, I had reviewed that tech spec.

20 CHAIRMAN BLOCH: Prior to the action?

21 THE WITNESS: Yes, just prior to the action.
22 This -- Can I just take a minute to explain what occurred?

23 CHAIRMAN BLOCH: Yes, I guess so. We've
24 gotten into it.

25 THE WITNESS: In 1988 we had planned to add

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1 chemicals to the reactor coolant system at mid-loop, as
2 I've just testified. That was part of the plan. There
3 was a big discussion of whether we should add them prior
4 to draining down or at mid-loop, and again this was a
5 chemistry and health physics issue.

6 The reason you do it is to try to clean out
7 the reactor coolant system to lower dose levels when
8 you're doing maintenance in the area. We decided to do it
9 at mid-loop. Apparently -- I say apparently, because I'm
10 not aware of anyone bringing this up as a technical
11 specification issue during the planning process, the
12 procedure writing, any of that. It was done, planned, but
13 when it came time to do it, the people on shift, the
14 operators on shift -- one shift opened the valves to add
15 chemicals, and the next shift came in and questioned it.
16 Can we really do this by the tech specs?

17 I happened to come by the control room that
18 morning, and they asked me. Can we do this by the tech
19 specs? It looks like we started to do what we planned,
20 and I said, hold it, time out, I'll get back to you. I
21 believe I got back with them a couple of hours later and
22 said, yes, I approve you to do that.

23 I did so after reviewing the tech spec, after
24 reviewing the final safety analysis report, after
25 discussing it with several other people, including this

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1 Deputy Operations Manager and the shift superintendent,
2 and I made a mistake. I said, yes, it's okay to open this
3 for up to five minutes.

4 We did so, I believe, two or three times
5 subsequently to that. It was a mistake that I made in
6 concurring with that. I now agree, and I believe I made a
7 mistake, but I did so. I thought it was okay to do. I
8 really believed it was sufficient. However, the decision
9 that was before me was whether we add the chemicals or
10 not. It wasn't -- There's no decision really for filling
11 back up and doing all that. We would add more dose by the
12 delay than not to, but I made the decision -- or I
13 concurred with the decision, and we received a violation
14 for it, and I will not do that again.

15 CHAIRMAN BLOCH: I'm not sure how much more we
16 can milk out of this, Mr. Kohn. Wait, Judge Carpenter
17 thinks he can milk something from it.

18 BOARD EXAMINATION

19 ADMINISTRATIVE JUDGE CARPENTER: No. I'm not
20 milking anything. Mr. Kitchens, in making your judgment,
21 what risk were you putting the reactor to by this five or
22 15 minute violation of the tech spec? What could happen
23 if you open the valves?

24 THE WITNESS: During the two-hour or so time
25 frame that I studied this before getting back to the

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1 control room people, I actually looked and did a quick
2 calculation to look at how much water we would put in the
3 reactor coolant system and, basically, how much we would
4 dilute the reactor coolant system.

5 As I recall, it would have been diluted by less
6 than one part per million for leaving the valves open for
7 five minutes. So it was my belief there was no safety
8 significance to doing this at that time, and since that
9 time we have asked for and gained a tech spec change that
10 allows us to do this under administrative control each
11 time. So now there's no question. Nobody has to ask.
12 It's just okay to do. Our tech specs allow us to do that.

13 The fact that I did some review and we
14 subsequently did a thorough review and gained tech spec
15 approval, in my opinion, shows there was no real safety
16 significance, but I was wrong in allowing this to happen,
17 because administratively NRC has ruled --

18 ADMINISTRATIVE JUDGE CARPENTER: I understand.
19 You need approval before, not after.

20 THE WITNESS: Yes, sir.

21 ADMINISTRATIVE JUDGE CARPENTER: I thank you
22 for your testimony, because I asked the same question of
23 Mr. Bockhold, and he wasn't aware of all this review or
24 tech spec change; but I guess he had left before that
25 occurred. Is that correct?

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1 THE WITNESS: I believe that is correct. I
2 believe that is correct.

3 ADMINISTRATIVE JUDGE CARPENTER: Thank you
4 very much.

5 BY MR. MICHAEL KOHN:

6 Q Mr. Kitchens, the NRC was not consulted about
7 opening the dilution valves prior to your decision to open
8 them, were they?

9 A Was NRC consulted? You mean as in asked for
10 their opinion or approval?

11 Q Yes. Was it resident consulted?

12 A The resident was not consulted directly.

13 CHAIRMAN BLOCH: I'm sorry. He was consulted
14 indirectly?

15 THE WITNESS: I believe the resident was at
16 the morning meeting that we had where we discussed doing
17 this. That was a discussion that this was being held, and
18 the outage people asked why aren't we adding chemicals,
19 and I said, because I got it on hold; I'm not sure we can
20 do that. I believe a resident inspector was in that
21 meeting and knew that we were discussing doing it.

22 BY MR. MICHAEL KOHN:

23 Q Would you look at page 25 of the OI report
24 paragraph 39? Does that refresh your recollection that
25 the resident was not advised either during the planning

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1 phase or at the time of the actual conduct of introduction
2 of the hydrogen peroxide?

3 A No. All that does is say that -- what Mr.
4 Rogge testified to. We have actually three resident
5 inspectors at our plant.

6 CHAIRMAN BLOCH: Mr. Kohn, what we're
7 interested in is the state of mind at this meeting. I
8 think we've got enough on it. Let's get on.

9 MR. MICHAEL KOHN: Your Honor, Intervenor is
10 calling for the admission of II-239 as essential
11 background information to place the witness's testimony in
12 perspective as to what the findings were.

13 MR. BLAKE: I think I'm going to object unless
14 it -- only to the extent those couple of paragraphs, 43
15 and 44, be used to refresh his memory about what was
16 stated in the factual -- What I don't want to see in
17 findings are a whole bunch of references to this Office of
18 Investigations report.

19 We're not putting in the subsequent
20 enforcement action. We're not putting in subsequent NRC
21 staff or company discussion of this. This, if it is
22 allowed at all, Judge Bloch, should be very limited.

23 MR. MICHAEL KOHN: Your Honor, Georgia Power
24 has the opportunity and right to supplement and put what
25 other documents they think should be considered with this.

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1 We had that -- We looked at that rule earlier. The
2 question is whether this document constitutes relevant
3 evidence of facts concerning the opening of the dilution
4 valve; and rather than --

5 CHAIRMAN BLOCH: But the only facts with
6 respect to the dilution valve that are in controversy have
7 to do with this meeting.

8 MR. MICHAEL KOHN: Yes, Your Honor, and the
9 witness's testimony today as to events that occurred which
10 are contradicted by the facts contained in this report.

11 CHAIRMAN BLOCH: Georgia Power was willing to
12 limit it to the paragraphs you referred to.

13 MR. MICHAEL KOHN: I didn't refer to all the
14 paragraphs. The witness testified that operations -- or
15 he didn't know that there was any issue associated with
16 the dilution valves. The report indicates that this was
17 discussed with Operations, and Operations knew about it
18 well before the event.

19 MR. BLAKE: Judge Bloch, this topic was ruled
20 on by the Board in the scope decision, the large scope
21 proceeding, dilution valves, the incident, whether Mr.
22 Mosbaugh, the company was technically correct. All of
23 this stuff was tried to be put in and was ruled out.

24 Now you've allowed it for a very limited
25 purpose, which I understood.

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1 CHAIRMAN BLOCH: We're overarguing. I just
2 want Ms. Young to have a chance to comment.

3 MS. YOUNG: The staff joins in GPC's
4 objections with respect to the admission of the entire
5 document. I think the Board and the parties have become
6 accustomed to the practice that a document, particularly
7 one that's lengthy, is only admitted to the extent that we
8 have testimony elicited from the witness.

9 This issue in particular should be restricted
10 to that, given that the dilution valve issue in general is
11 not a part of this proceeding. It was only a limited
12 purpose examination that was allowed up to now.

13 CHAIRMAN BLOCH: This is a collateral matter,
14 and we're allowing the paragraphs that were used with the
15 witness solely for the purpose of credibility with respect
16 to the meeting that took place in which the word
17 backstabbing was allegedly used.

18 Let's continue with another topic.

19 MR. MICHAEL KOHN: Additional paragraph that
20 Intervenor also seeks admission is paragraph Number 44
21 with respect to the witness's answer.

22 MR. BLAKE: Do you have another copy of the
23 exhibit?

24 CHAIRMAN BLOCH: Take a moment to read it.

25 MS. YOUNG: Judge Bloch, Staff has read the

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1 paragraph, and either I didn't follow the examination
2 closely or believe that it may be a point that the
3 Intervenor was trying to demonstrate that was not elicited
4 through this witness. So it may require additional
5 questions of the witness, but based on the examination
6 thus far, I don't think this paragraph automatically comes
7 in under his previous motion.

8 CHAIRMAN BLOCH: We'll allow a few additional
9 questions to establish whether the witness had knowledge
10 of this.

11 BY MR. MICHAEL KOHN:

12 Q Mr. Kitchens, if you would look on page 26 of
13 the OI report, paragraph 44, about the middle of the
14 paragraph it's talking about how Operations was going to
15 deal with the opening of the dilution valves, and it says
16 Operation had shrugged this valve opening problem off by
17 saying that they (Operations) would handle it by putting
18 these chemical add valves into an LCO, declaring them
19 inoperable, opening them long enough to inject the
20 chemicals, and then closing them, and then closing out the
21 LCO. Were you aware of Operations' planned handling of
22 this technical specification -- excuse me, of the opening
23 of the dilution valves?

24 A No, I was not aware prior to the outage of
25 that what the plan was and the information that's in 44.

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1 I was not aware of that.

2 Q You were the Operations Manager at that point,
3 weren't you?

4 A That's correct.

5 MR. MICHAEL KOHN: Intervenor calls for the
6 admission of paragraph 44 and the conclusions contained on
7 page 29 under the heading "Conclusions."

8 MR. BLAKE: I object, based on the witness's
9 testimony. The witness says he did nothing. He could
10 have asked you or me about this paragraph, then moved for
11 its admission.

12 MR. MICHAEL KOHN: It goes to the general
13 credibility of the witness, that planning sessions are
14 going forward, that Operations had a plan on how to deal
15 with the technical specification, and the witness --

16 CHAIRMAN BLOCH: The only sentence in the
17 conclusion that's relevant is the last sentence in the
18 first paragraph. Isn't that correct?

19 MR. MICHAEL KOHN: The last sentence in the
20 first paragraph and the second paragraph, that the opening
21 of the valves also violated GPC procedures.

22 MR. BLAKE: You're now jumping to the
23 conclusions and admitting that, Judge Bloch?

24 CHAIRMAN BLOCH: I haven't done anything yet.

25 MR. BLAKE: Good.

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1 CHAIRMAN BLOCH: So what is the argument about
2 admitting the conclusion?

3 MR. BLAKE: Well, if you go to the conclusions
4 of this OI report and admit it, I don't know but what
5 we'll clearly have to determine whether or not we then
6 need to somehow get the NRC staff's ultimate in, the
7 notice of violation, with how they differed with OI,
8 whether or not we need to put in Georgia Power's what I
9 understand to be massive submittal back in this time
10 frame.

11 Why do we get into all this, Judge Bloch?
12 Don't we really have what the Board wanted, which is the
13 state of mind of this witness insofar as this event played
14 any role in his thoughts in January and February 1990? I
15 don't want to have to reargue the technical pros and cons
16 of this dilution valve subject.

17 MS. YOUNG: In addition, I believe Mr. Kohn
18 has already elicited from this witness that OI made a
19 finding of intentional violation on the part of Mr.
20 Kitchens in terms of his involvement in dilution valves.
21 So I don't see what need there is for the admission of the
22 conclusion here.

23 CHAIRMAN BLOCH: I believe we have the
24 foundation of the OI finding in our record and, given that
25 this is a collateral matter, we will not admit this

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1 conclusion. We, of course, ruled different with respect
2 to OI conclusions on another matter.

3 BOARD EXAMINATION

4 ADMINISTRATIVE JUDGE CARPENTER: Before we
5 leave this fascinating subject, going back to this meeting
6 between Mr. Bockhold, Mr. Mosbaugh and yourself,
7 apparently this so called dilution valve opening issue was
8 in some way present in your mind at the meeting? You felt
9 that was part of the agenda for the meeting?

10 THE WITNESS: No, sir. I don't recall this
11 dilution valve issue being a part of the meeting. I don't
12 believe it was discussed in the meeting. I don't believe
13 it was a part of my frame of mind at this meeting.

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Let me follow up just a bit
16 on that. If the subject was communications between
17 Operations and Engineering, isn't this incident one in
18 which you could say that more cooperation and
19 communication could have occurred?

20 THE WITNESS: Yes.

21 CHAIRMAN BLOCH: So how could it not be part
22 of the meeting?

23 THE WITNESS: Well, there's hundreds, if not
24 thousands, of different subjects that could have been a
25 part of the meeting. I think Mr. Bockhold wanted this to

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1 be an overview of the meeting. In the fall of the
2 previous year, we had -- this issue had come up, and we
3 had dispositioned it with --

4 BOARD EXAMINATION

5 ADMINISTRATIVE JUDGE CARPENTER: Which issue
6 is that?

7 THE WITNESS: This issue on the dilution
8 valves had come up. It was sent to the Plant Review
9 Board, and the Plant Review Board, including Mr. Mosbaugh,
10 voted unanimously that this was not a reportable event.

11 I did not believe Mr. Mosbaugh had anymore
12 concerns or questions about that item. I thought it was
13 put to bed in January of 1990. He did not come back to me
14 after the deficiency card had been dispositioned. The
15 interpretation from Birmingham had come down, etcetera. I
16 thought it was resolved, this particular one.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: So as you were being told
19 about the lack of cooperation between yourself and Mr.
20 Mosbaugh, what kinds of issues came to mind as you were
21 sitting in the meeting, if you can remember?

22 THE WITNESS: I really don't remember specific
23 issues. The notes that Mr. Mosbaugh has here kind of
24 point to some that probably were in there. I don't
25 remember any specific issues, sir, of which ones that we

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1 discussed and came up with.

2 CHAIRMAN BLOCH: Was it general in that there
3 was -- Did you accept Mr. Bockhold's judgment that there
4 was a general problem of inadequate communication between
5 you and Mr. Mosbaugh?

6 THE WITNESS: Yes. I didn't need Mr. Bockhold
7 to tell me that, but the fact that Mr. Bockhold was my
8 boss and he had now called a meeting to discuss that made
9 it even more important for me.

10 CHAIRMAN BLOCH: To what extent, as you sat
11 there, did you think that what you had been doing
12 contributed to the problem?

13 THE WITNESS: You mean what did I think at the
14 time?

15 CHAIRMAN BLOCH: If you can remember.

16 THE WITNESS: I think at the time I recall
17 feeling like I was getting chewed out by my boss, and I
18 remember feeling sort of defensive, like, mmmh, why
19 doesn't he know what all these things that Allen is doing.
20 I remember feeling kind of defensive.

21 One thing that Mr. Bockhold did to try to get
22 us to talk was this approach where he said, you know, I
23 would like for each of you to say something critical of
24 me, and I want each of you to say something positive about
25 me, and then I will say something about each of you, and I

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1 want, Allen, you to say something negative and positive
2 about Skip and, Skip, you to say something negative and
3 positive about Allen.

4 These notes seem to reflect that, but they
5 don't reflect any of the positives. I noticed that. They
6 only reflected the negatives and the criticisms that we
7 gave of one another, but that was the tone of the meeting.
8 It wasn't, hey, we got this one problem here today. It
9 was a general you guys need to be talking together, we as
10 a team need to communicate better, we need to have better
11 teamwork, and he basically let me know, and I thought he
12 had let Mr. Mosbaugh know, that he was expecting better
13 teamwork and communications between us and among us.

14 CHAIRMAN BLOCH: Now either through that
15 process or through subsequent reflection, what did you
16 come to understand to be your role in practices that were
17 hurting the plant?

18 THE WITNESS: That's a hard question, but I
19 believe it takes two people to have -- If you have a
20 miscommunication or if you don't have communications, it
21 takes -- between two people, it takes two people to do
22 that. I believe, in reflection, there are things I could
23 have done that would have made our teamwork better and
24 that would have made our communications with each other
25 better.

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1 CHAIRMAN BLOCH: I can understand the issue
2 better if you could just give me one or two examples of
3 what you mean.

4 THE WITNESS: Do you want one or two examples
5 of what I could have done better to make teamwork?

6 CHAIRMAN BLOCH: Yes, because I still don't
7 know what was happening at the plant about lack of
8 teamwork that was somehow affecting operations enough for
9 the General Manager to call this meeting.

10 THE WITNESS: I'm still a little bit confused.
11 You just want to know what was going on at the plant?

12 CHAIRMAN BLOCH: No.

13 THE WITNESS: What I could have done to make
14 it better?

15 CHAIRMAN BLOCH: I know why you're not hearing
16 this. It's not an easy question to hear. I want to know
17 what you decided was your role in not communicating with
18 Engineering as you should have been doing.

19 THE WITNESS: Well, I think my role as
20 Assistant General Manager of Plant Operations was to
21 operate and maintain the plant and to -- We couldn't do
22 that very effectively just with operations and maintenance
23 and the people that worked for me. We needed the support
24 of the Engineering, the technical support staffs. We
25 needed better teamwork within the whole group.

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1 I think I could have gone further to try to
2 bring Allen and/or some of his other people into some
3 decisions that were made.

4 CHAIRMAN BLOCH: Okay. Which ones?

5 THE WITNESS: Lots of them.

6 CHAIRMAN BLOCH: A few. Was one of them the
7 dilution valve issue?

8 THE WITNESS: One of them could have been the
9 dilution valve issue.

10 CHAIRMAN BLOCH: What are some others?

11 THE WITNESS: Probably a lot of the issues
12 associated with work scope or priority of work that we did
13 during refueling outages or work that we did on line or
14 not on line. We probably should have gotten better input
15 from some of the support people first rather than just
16 making a decision that we want to go do this, and then go
17 and tell them, we want your support for this.

18 I'm not getting any --

19 CHAIRMAN BLOCH: It was things like the
20 dilution valve where you were going to do something in
21 Operations where it would be smart to check it first with
22 Engineering?

23 THE WITNESS: Yes, sir.

24 CHAIRMAN BLOCH: Thank you.

25 BY MR. MICHAEL KOHN:

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1 Q Friction was arising because from time to time
2 Engineering would be ultimately playing the role of
3 looking over Operations' shoulders, because they would be
4 seeing paperwork generated that they thought may indicate
5 a violation or some other problem. Didn't that cause some
6 friction?

7 A I don't understand or I don't know what you're
8 talking about.

9 Q Well, let's take the incident of the dilution
10 valve. Didn't the Engineering Department under Mr.
11 Mosbaugh say, it looks like we have a technical violation
12 here?

13 A I'm not aware of anybody in Engineering who
14 thought it was a technical violation.

15 Q You're not aware of Mr. Mosbaugh's --

16 CHAIRMAN BLOCH: I take it, you're answering
17 as of in 1990?

18 THE WITNESS: No, sir. I'm answering as of
19 1989, 1988-1989.

20 CHAIRMAN BLOCH: Sorry. Thank you. At the
21 time of the event.

22 THE WITNESS: -- of 1988 when we did this
23 dilution chemical cleaning. In 1989 when it came up again
24 as an issue.

25 CHAIRMAN BLOCH: Thank you.

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1 BY MR. MICHAEL KOHN:

2 Q And it came up again as an issue because Mr.
3 Mosbaugh asked for a special meeting with the PRB and
4 requested that a DC be written?

5 A I'm not aware of Mr. Mosbaugh requesting a DC
6 be written.

7 Q Do you recall Mr. Mosbaugh asking for a
8 special meeting with Mr. Bockhold about the dilution
9 valves?

10 A No. I recall that Allen and I and George
11 Bockhold met on the dilution valves. I am not aware that
12 it was at Allen Mosbaugh's request.

13 Q Do you know at whose insistence a deficiency
14 card was written concerning the opening of the dilution
15 valves?

16 A Deficiency card was written by me after we had
17 the meeting with Mr. Bockhold, because I sensed that Allen
18 Mosbaugh didn't think what we did was right. Nobody
19 directed me to do it. I did it.

20 Q Based on what Mr. Mosbaugh told you during the
21 meeting?

22 A Yes.

23 CHAIRMAN BLOCH: Which meeting are we
24 referring to? Is this the same meeting in which there was
25 a discussion of backstabbing?

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1 MR. MICHAEL KOHN: No, Your Honor.

2 BY MR. MICHAEL KOHN:

3 Q Do you recall writing a memo on or about
4 September 15, 1990 associated with the dilution valve
5 issue?

6 MR. BLAKE: What's the date?

7 MR. MICHAEL KOHN: September 15, 1990. It was
8 marked during Mr. Bockhold's testimony.

9 THE WITNESS: I remember preparing a memo
10 during that time frame, either to bring to this meeting or
11 after the meeting, one of the two; and that memo was the
12 basis for the deficiency. I believe it was actually
13 attached to the deficiency to give a description of what
14 had occurred.

15 CHAIRMAN BLOCH: Mr. Kohn, for the record we
16 do need a description of the document number. We need the
17 number.

18 MR. BLAKE: Did you get an answer to your
19 question, Judge Bloch?

20 MR. MICHAEL KOHN: Intervenor has got to ask
21 the witness to look at --

22 CHAIRMAN BLOCH: It's earlier than that
23 meeting?

24 MR. MICHAEL KOHN: Yes. It was September 15,
25 1989. I think we may have mentioned 1990 before. I want

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1 to correct the record on that, and that would be
2 Intervenor's II-234. I'm going to show the witness a copy
3 of that now.

4 CHAIRMAN BLOCH: If it's already in the
5 record, is showing him a copy and asking further going to
6 help?

7 MR. MICHAEL KOHN: Just to identify the
8 meeting that he was referring to.

9 THE WITNESS: Is there a question?

10 BY MR. MICHAEL KOHN:

11 Q Yes. Is this memo concern the meeting you had
12 with Mr. -- First, did you have your meeting -- This
13 meeting on September 15 -- Excuse me. The memo on
14 September 15, 1989 was prepared in preparation of your
15 meeting. Is that correct?

16 A I'm not sure if this was prepared in
17 preparation for the meeting or after the meeting with Mr.
18 Bockhold, but it was about the same time frame. Yes, sir.

19 Q Was this memorandum prepared before or after
20 the deficiency card was written?

21 A I believe it was prepared before, because I
22 believe I stapled this to the deficiency card. I believe
23 that I did. I believe this was part of the deficiency. I
24 may be mistaken.

25

BOARD EXAMINATION

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1 CHAIRMAN BLOCH: Mr. Kitchens, I asked you
2 questions about what you thought your problem had been in
3 the interface. Could you give us a couple of examples of
4 what you thought Engineering's problem had been?

5 THE WITNESS: Can I ask a clarification there?

6 CHAIRMAN BLOCH: Yes. This is back -- This is
7 not in the 1989 frame. This is at the alleged
8 backstabbing meeting.

9 THE WITNESS: I'm very confused. One of the
10 clarifications I needed was you used the term engineering,
11 and I think Mr. Kohn used the term engineering.

12 Engineering is one of the departments that at the time
13 we're talking about worked for Mr. Mosbaugh. There were
14 other departments that worked for Mr. Mosbaugh.

15 CHAIRMAN BLOCH: What did you see --

16 THE WITNESS: When you say engineering, do you
17 mean Mr. Mosbaugh?

18 CHAIRMAN BLOCH: I mean Mr. Mosbaugh. What
19 did you see as the difficulty created for your operations
20 by the alleged noncooperation of Mr. Mosbaugh and his
21 group? Groups.

22 THE WITNESS: I really am not aware of any
23 noncooperation by the groups who worked for Mr. Mosbaugh,
24 but pretty much during the time frame that he acted as
25 Assistant General Manager for Support I came to have a

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1 relationship where the supervisors who worked for Mr.
2 Mosbaugh just pretty much worked with me to try to get
3 things done.

4 If I asked Mr. Mosbaugh for something and it
5 didn't happen, and I asked him twice and it didn't happen,
6 I would ask his subordinate who I thought was working on
7 it, and usually I would get something to happen.

8 So I'm not aware that there was any
9 noncooperation with the whole group. It was mostly
10 between Mr. Mosbaugh and myself, probably.

11 CHAIRMAN BLOCH: And between just Mr. Mosbaugh
12 and yourself, what did you see Mr. Mosbaugh's problem with
13 you?

14 THE WITNESS: In what time frame are we
15 talking about? 1990?

16 CHAIRMAN BLOCH: Well, you were sitting at the
17 alleged backstabbing meeting.

18 THE WITNESS: Yes sir.

19 CHAIRMAN BLOCH: What did you think he had
20 done to deserve this situation where the two of you were
21 on the carpet?

22 THE WITNESS: Well, I'm not sure, from looking
23 at Mr. Mosbaugh's notes, which exact ones that I said. I
24 believe I gave something critical of Mr. Mosbaugh and also
25 something good about Mr. Mosbaugh, but I believe I was the

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1 person who said that he wouldn't accept responsibility.

2 Allen had great difficulty in actually
3 accepting that he was accountable for something.

4 CHAIRMAN BLOCH: Could you give an example of
5 that?

6 THE WITNESS: Yes, sir. I'm not trying to get
7 --

8 CHAIRMAN BLOCH: I know that. I'm asking you.

9 THE WITNESS: One of the examples is this
10 diesel count issue. Mr. Mosbaugh had the Licensing
11 Department and the Engineering Department working for him.
12 They were the two who made the counts of it. They're the
13 departments who wrote the --

14 CHAIRMAN BLOCH: Was this meeting in January
15 of 1990?

16 THE WITNESS: This meeting is in January of
17 1990, but you're asking me for --

18 CHAIRMAN BLOCH: I'm asking in that meeting
19 what you thought Mr. Mosbaugh had done to be there with
20 you? What was the communication problem he had in January
21 of 1990?

22 THE WITNESS: Again, it was -- There was no
23 one thing, but if you want to know what my opinion of why
24 he was there and not just me by myself getting chewed out
25 by my boss, I think his inability to be accountable and

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1 accept responsibility and to get things done.

2 CHAIRMAN BLOCH: Well, I'm asking you what
3 kind of incidents you may have had in mind at that time
4 and said, I understand why he's here, because he's done at
5 least those three things.

6 THE WITNESS: I don't remember all the time
7 frames, sir. Everything goes -- five years ago.

8 CHAIRMAN BLOCH: We know when the diesel count
9 was. That was afterwards.

10 THE WITNESS: The diesel count was afterwards,
11 but that was very typical of what I'm talking about.
12 Things that people in his department were responsible for,
13 he would often blame Maintenance or Operations.

14 CHAIRMAN BLOCH: You can't remember specific
15 things, but you have a distinct recollection that there
16 was a general problem of failing to follow through and be
17 responsible?

18 THE WITNESS: Yes.

19 CHAIRMAN BLOCH: If while you testify some
20 specific examples come to mind, please try to remember to
21 speak up about that.

22 THE WITNESS: Yeah. I can tell you some
23 examples. I'm not real sure of the time frame. But one
24 of the examples that I believe that I would use had to do
25 with us meeting a design change for instrument air valve

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1 in the turbine building.

2 We had an instrument air valve in the turbine
3 building that that single valve if it shut would cause a
4 plant trip. And that had occurred. We had a failure of
5 that valve at one point. And we had had a reactor trip.
6 That was the instrument air to the turbine building valve.
7 I asked Allen if he would look at that, get a design
8 change made for that so that wouldn't happen again.

9 There's many different ways you could approach
10 that. In the meantime we caution tagged that valve open.
11 We made a procedural change to make that valve be able to
12 stay open.

13 After a matter of months went by, I was able
14 to get a temporary modification put on that valve. And
15 later, by working directly with the Birmingham design
16 people, I got it made into a permanent change.

17 But that's just an example of something that
18 would have helped me a lot had Allen taken it on himself
19 to get that design change done.

20 CHAIRMAN BLOCH: You asked him to do it, and
21 he just --

22 THE WITNESS: That's correct. I asked him to
23 do it. I personally asked him for help on it. I sent him
24 E-mail messages and memos asking to do it and of him not
25 doing it, I finally got it done with, as I say, working

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1 with some of his people and with the Birmingham.

2 That's one example. I probably could come up
3 with others.

4 CHAIRMAN BLOCH: And your memory is that that
5 was not an isolated example?

6 THE WITNESS: I don't believe that was an
7 isolated example.

8 CHAIRMAN BLOCH: Mr. Kohn?

9 FURTHER CROSS-EXAMINATION

10 BY MR. MICHAEL KOHN:

11 Q What leads you to believe that Mr. Mosbaugh
12 was involved with his people not getting this resolved?

13 A I don't understand the question.

14 Q Well, what leads you to believe that the delay
15 was associated with Mr. Mosbaugh's people not working or
16 doing the job timely?

17 A Well, I asked Mr. Mosbaugh to get this task
18 done, and he didn't. I do not know. I mean, I could go
19 into his organization and find out who's not doing what,
20 but, you know, that's a matter of his accountability
21 whether or not he would accept doing that.

22 He didn't tell me, "No. We're not going to do
23 that." He said, "Okay." And that was it. I did not go
24 in to find out whether it was personally Mr. Mosbaugh who
25 didn't follow through or someone in his organization that

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1 didn't follow through.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: I take it he wasn't giving
4 you any interim reports on this request?

5 THE WITNESS: That's correct.

6 FURTHER CROSS-EXAMINATION

7 BY MR. MICHAEL KOHN:

8 Q You discuss FAVA in your testimony on Page 5.
9 Starting at Line 13, you're talking about intimidation of
10 PRB members. Aren't you aware that there was a PRB member
11 who was intimidated?

12 A I couldn't --

13 CHAIRMAN BLOCH: I didn't hear the end of the
14 question. Who wasn't what?

15 MR. MICHAEL KOHN: Who was intimidated.

16 THE WITNESS: Would you ask the question
17 again?

18 BY MR. MICHAEL KOHN:

19 Q Aren't you aware that there was at least one
20 member of the PRB who was voting on the FAVA issue and
21 that one member was intimidated?

22 MR. BLAKE: Would you agree to change that to
23 "alternate member"?

24 MR. MICHAEL KOHN: An alternate member voting
25 at that meeting.

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1 THE WITNESS: I am now aware there was an
2 alternate member who during an interview said that he felt
3 intimidated by Mr. Bockhold's presence.

4 BOARD EXAMINATION

5 ADMINISTRATIVE JUDGE CARPENTER: Is it your
6 testimony that at the time of the meeting you weren't
7 aware of that?

8 THE WITNESS: At the time of what meeting,
9 sir?

10 ADMINISTRATIVE JUDGE CARPENTER: Of the PRB
11 meeting in question.

12 THE WITNESS: Of the PRB meeting in question,
13 I'm not sure I was even at that PRB meeting in question.
14 I can't answer that question.

15 ADMINISTRATIVE JUDGE CARPENTER: I was just
16 struck when you said "later" you became aware.

17 THE WITNESS: I became aware of -- later I
18 believe there was a quality concern or some type of review
19 done. And everyone that was at the PRB was interviewed.
20 And I believe one alternate member said, "Yeah. I felt a
21 little uneasy because Mr. Bockhold was in there," "felt
22 intimidated," whatever the word is. But I did not know
23 this at the time.

24 I'm not aware of anyone at any of the PRB
25 meetings or I believe to be intimidated who didn't vote

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1 the way they would have voted or given their opinions.

2 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

3 FURTHER CROSS-EXAMINATION

4 BY MR. MICHAEL KOHN:

5 Q And who is the PRB member that you're
6 referring to?

7 A I'm not referring to any PRB members.

8 CHAIRMAN BLOCH: Alternate member.

9 THE WITNESS: Okay. I believe that the
10 alternate member -- and I don't know this for sure, but I
11 believe the alternate member was Gus Williams.

12 BY MR. MICHAEL KOHN:

13 Q And did anyone bring to your attention the
14 fact that he was, in fact, intimidated to the point where
15 he changed his vote?

16 A Could you ask the question again?

17 MR. BLAKE: I'd like to have also an
18 evidentiary basis for that.

19 MR. MICHAEL KOHN: Intervenor's Exhibit 231,
20 Page 8.

21 MR. BLAKE: Can you wait for a minute, please?

22 (Pause.)

23 MR. BLAKE: I'm sorry. I don't even have a
24 copy of 231. If you give me just a moment?

25 (Pause.)

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1 CHAIRMAN BLOCH: This would appear to be a
2 good time for a break. We'll take our 10 minutes now.

3 (Whereupon, the foregoing matter went off the
4 record at 10:56 a.m. and went back on the
5 record at 11:13 a.m.)

6 CHAIRMAN BLOCH: The hearing will come to
7 order. We'll acknowledge returning three minutes late for
8 a Board conference. Let's continue.

9 BY MR. MICHAEL KOHN:

10 Q Mr. Kitchens, I think you left off with a
11 question pending, whether you were aware that Mr. Williams
12 had probably changed his vote due to pressure from Mr.
13 Bockhold concerning a PRB meeting.

14 A No, not aware of that.

15 Q And, as the Chairman of the PRB, is that some
16 factual information that should have been brought to your
17 attention if it had, in fact, occurred?

18 A I don't know the answer to that.

19 Q I'm going to show you Intervenor's Exhibit 231
20 at Page 8.

21 MR. MICHAEL KOHN: And I note for the record
22 that I believe the pages after the cover page indicate
23 it's Exhibit 131. It is 231.

24 BY MR. MICHAEL KOHN:

25 Q And on Page 8 you'll see that there is an

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1 answer. There is a "2" on the left-hand column, a
2 question. And Mr. Williams is being asked whether he felt
3 any undue pressure to force the vote early of the PRB.
4 You can read the answer. He goes on to say that had
5 George not been there, he would have probably voted no.

6 And you are aware that Mr. Williams voted yes
7 at the PRB meeting. Is that right?

8 A I'm not aware of what Mr. Williams voted at
9 the PRB meeting.

10 Q Now, if Mr. Williams voted yes and changed his
11 vote to no, do you think that's factual information that
12 should have been brought to your attention as Chairman of
13 the PRB?

14 A I still don't know the answer to that
15 question. I don't know. I'd have to look back and see
16 what procedurally that we had. As a member of management
17 at Plant Vogtle, I would want to know that, yes, but your
18 question was as Chairman of the PRB, should I know that.
19 I don't know the answer to that, sir.

20 Q Would you like to -- would a root cause
21 investigation or analysis of the activities of Mr.
22 Bockhold at the PRB be something that should be considered
23 if it did turn out that PRB members felt intimidated?

24 CHAIRMAN BLOCH: I'm sorry. Counsel, I didn't
25 understand the question.

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1 BY MR. MICHAEL KOHN:

2 Q Could the intimidation of PRB members be
3 something adverse to quality at the plant?

4 A Yes.

5 Q And should a root cause investigation or
6 analysis follow?

7 A I don't know by what you mean by "root cause
8 investigation or analysis."

9 Q A determination of how to reconfigure the PRB
10 or how to address this issue to make sure it didn't happen
11 again later on.

12 A Well, I think, in part, that was done. I know
13 Mr. Bockhold came to a PRB meeting on March the 1st and
14 specifically addressed this issue of people being possibly
15 intimidated by his presence at the PRB. And I think that
16 was partially an action on his part to make sure that
17 people understood that they shouldn't be, they shouldn't
18 change their vote or their feeling or their comments
19 simply because he might be at a PRB meeting.

20 Q And do you think Mr. Bockhold was the right
21 person to do that at the PRB?

22 A If Mr. Bockhold is the person that someone
23 alleged intimidated him, I think he would need to be
24 there. If someone else told them that and it was
25 secondhand information, it doesn't appear to me that would

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1 be quite as effective.

2 Q Well, are you aware that Mr. Bockhold never
3 met with Mr. Williams to discuss his intimidation?

4 A I'm not aware if Mr. Bockhold ever met with
5 Mr. Williams. No, I'm not aware of that.

6 Q And when Mr. Bockhold addressed the PRB, Mr.
7 Williams wasn't in attendance, was it? It was only the
8 regular voting members at that time?

9 A I believe that is correct. I do remember that
10 Mr. Bockhold asked the voting members to also talk with
11 their alternates. And if any of their alternates felt
12 that they would be intimidated by his presence, that we
13 should pick someone else to be an alternate member.

14 Q Did you consider instituting procedural
15 guidelines to allow alternate members to voice their
16 concerns in such a way that Mr. Bockhold would learn of it
17 in a manner that would not be intimidating to the PRB
18 members?

19 CHAIRMAN BLOCH: Mr. Kohn, is that a
20 rhetorical question?

21 MR. MICHAEL KOHN: Okay.

22 THE WITNESS: I do not understand what --

23 CHAIRMAN BLOCH: I'm sorry. If I raise some
24 question about it, you don't have to answer it. I didn't
25 like the question. I was just making a statement for the

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1 Board more than anything else.

2 BY MR. MICHAEL KOHN:

3 Q Mr. Kitchens, if Mr. Bockhold was not present
4 at a PRB meeting, isn't it true there would not be a
5 single person to which everyone in the room reported up
6 to, that it would be you and maybe -- you and Mr. Mosbaugh
7 were the two assistant general managers and only half the
8 PRB members would report to one and the other half would
9 report to another?

10 A In the 1990s time frame, that's correct or
11 that's a good approximation of it anyway.

12 Q And so bringing Mr. Bockhold to attend the PRB
13 meeting and address the PRB do you believe could have the
14 effect of having PRB members attempt to march in line to a
15 single person whom they knew they were ultimately
16 responsible to?

17 CHAIRMAN BLOCH: Mr. Kohn, we'll take notice
18 that that could be.

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

20 BY MR. MICHAEL KOHN:

21 Q It's my understanding that you were involved
22 with a review of the NOV response concerning the diesel
23 generators. Is that correct?

24 MR. BLAKE: Objection. I don't believe this
25 was in the scope of his prefiled testimony?

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1 MR. MICHAEL KOHN: You are correct, but these
2 are cross-examination questions that are stemming from Mr.
3 McCoy. And we've chosen this witness to ask the questions
4 to.

5 MR. BLAKE: Cross-examination questions of Mr.
6 McCoy? That doesn't satisfy me. Cross-examination on
7 what?

8 MR. MICHAEL KOHN: On --

9 CHAIRMAN BLOCH: Are you saying it's within
10 the scope of Mr. McCoy's testimony, he's requesting to be
11 able to use this witness to address this issue?

12 MR. BLAKE: What examination of Mr. McCoy that
13 he now would have a right to cross-examine Mr. McCoy on?

14 MR. MICHAEL KOHN: On dew point --

15 CHAIRMAN BLOCH: I don't know the answer. I'd
16 like him to answer it.

17 MR. MICHAEL KOHN: Dew point is used. Mr.
18 McCoy was not subject to cross-examination by intervenor
19 with respect to dew point issues. And the testimony
20 concerning the NOV I'm going to get into was the prepared
21 cross-examination of Mr. McCoy. We have chosen Mr.
22 Kitchens as the person to ask these questions of.

23 MR. BLAKE: I simply don't recall that Mr.
24 McCoy put in testimony which intervenor was not allowed to
25 cross-examine on. I believe when Mr. McCoy appeared and

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1 filed testimony, he was allowed to be examined. But I
2 will double check.

3 MR. MICHAEL KOHN: The issue --

4 MR. BLAKE: I simply don't recall.

5 MR. MICHAEL KOHN: The issue of dew point had
6 not been resolved. And we were not allowed to
7 cross-examine Mr. McCoy with respect to issues related to
8 dew point.

9 MR. BLAKE: I don't think he put in any
10 testimony in there. That's my problem. That's what I
11 need to go back and look at.

12 CHAIRMAN BLOCH: In any event, this sounds
13 like a matter that needs to be resolved between the
14 parties. This witness apparently is not prepared on this
15 subject at this time anyway. So it doesn't seem to me it
16 would accomplish your purpose.

17 MR. MICHAEL KOHN: Your Honor, the witness
18 would be prepared on this subject. There was nothing --

19 MS. YOUNG: Judge Bloch, I believe Mr.
20 Kitchens' testimony includes information on dew point
21 reports to the NRC.

22 MR. BLAKE: And I'm not going to have a
23 problem with him cross-examining on Mr. Kitchens'
24 testimony.

25 MS. YOUNG: I'm not sure I understood Mr. Kohn

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1 correctly, whether he was saying he had information he
2 would like to develop as part of intervenor's direct case
3 on the issue using Mr. McCoy and because Mr. McCoy is
4 unavailable he can't do that or whether he was really
5 talking to cross-examining, addressing cross-examination,
6 of Mr. McCoy on previous testimony.

7 CHAIRMAN BLOCH: Mr. Kohn, we're talking about
8 VII, the cost plan. Is that right?

9 MR. MICHAEL KOHN: Yes and --

10 CHAIRMAN BLOCH: And I'd like to know whether
11 there was a supervisory relationship between this witness
12 and the individual mentioned in the second paragraph.

13 MR. MICHAEL KOHN: My notes are different from
14 yours. I may have to look at the cross file.

15 CHAIRMAN BLOCH: Why don't we stick to the
16 scope of the witness' testimony and proceed with the
17 cross-examination plan? Oh, I see. Have you finished
18 with VII already?

19 MR. MICHAEL KOHN: No. I haven't started with
20 VII.

21 CHAIRMAN BLOCH: But you were going to start
22 with VIII first? Why don't you do VII first? Then we'll
23 see whether VIII is appropriate or not.

24 MR. MICHAEL KOHN: Your Honor, I'd like to
25 maybe get the Board's ruling because skipping around and

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1 trying to do this piecemeal may be very difficult for
2 intervenor.

3 What Mitzi's recollection is is correct that
4 intervenor -- when Mr. McCoy testified the first time, it
5 was understood that intervenor was doing the
6 cross-examination on his testimony and also the scope of
7 our case or our case in chief, our direct exam of Mr.
8 McCoy.

9 We did not have the opportunity to ask any
10 questions of Mr. McCoy with respect to dew point issues
11 because there was a pending motion to strike that portion
12 of the testimony. And I believe the record firmly states
13 that we would have that opportunity.

14 Subsequent, of course, unfortunately, Mr.
15 McCoy has --

16 CHAIRMAN BLOCH: That was prior to the
17 decision on the scope motion, which it was then decided
18 you have the opportunity.

19 MR. MICHAEL KOHN: Right. And then Mr. McCoy
20 is now unavailable. And it was, I believe, discussed on
21 the record that intervenor would have the opportunity to
22 identify other persons to question on the issues that they
23 would have questioned Mr. McCoy.

24 Mr. Kitchens is the person that we have
25 identified for a substantial portion of the examination we

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1 had planned for Mr. McCoy.

2 MR. BLAKE: Judge Bloch, I'd like now to
3 address this. Initially what he said was
4 cross-examination on Mr. McCoy's. And my recollection is
5 becoming firmer that Mr. McCoy did not put in air quality
6 testimony, which he was precluded from cross-examining. I
7 believe he's cross-examined on all that Mr. McCoy put in.

8 To the extent that he's talking about his
9 intention to call Mr. McCoy as one of his witnesses; that
10 is, as an adverse witness, which Ms. Young identified to
11 him -- and that's not what he's talking about.

12 It's really a heck of a note to hear now for
13 the first time that he intends to ask Mr. Kitchens about
14 this. Even adverse witnesses are entitled to some notice,
15 as are we, when they're going to be called and what the
16 subject matters are and how much detail intervenor plans
17 to get into and in what particular areas.

18 I really regret not having gotten some notice
19 and having been able to provide Mr. Kitchens with some
20 notice of his examination beyond his prefiled rebuttal
21 testimony. I just plain think it's wrong. And I hate to
22 see Mr. McCoy's absence being taken advantage of this way.

23 I hope that Mr. Kitchens -- I'm not going to
24 oppose questions that go beyond the scope of his testimony
25 to the extent this man is able to ask them because I want

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1 to get this record closed and get on with it, but I think
2 it's wholly inappropriate to raise it for the first time
3 now and alert him without ever having indicated what the
4 man was going to be questioned about.

5 He is correct that Mr. McCoy could have been
6 called as an adverse witness and that he can't be now
7 because of his physical situation.

8 CHAIRMAN BLOCH: Now, if I understand
9 correctly, your position is that you very strongly feel
10 that you've been taken advantage of but you want to waive
11 that objection anyway.

12 MR. BLAKE: That's correct because I want to
13 get the record behind us to the extent the man is able to
14 answer the questions.

15 MS. YOUNG: Judge Bloch, I can understand Mr.
16 Blake's concern, but I do believe that other GPC witnesses
17 that were part of the rebuttal case were asked questions
18 that extended beyond the confines of their rebuttal
19 testimony.

20 We, the staff in particular, asked questions
21 concerning witnesses' role in the preparation of the
22 correspondence that has been an issue in this case, the
23 April 9th letter, the April 19th LER, and so on.

24 Mr. Kitchens I believe was involved in these
25 PRB meetings associated with some of those

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1 correspondences. So the staff may also pursue questions
2 along that line with Mr. Kitchens.

3 MR. BLAKE: To the extent -- I'm sorry.

4 MS. YOUNG: And Mr. Blake, if I recall, at the
5 time the questions were first raised also objected, but
6 those objections were overruled. Whether this is exactly
7 identical to the issues that the intervenor seeks to raise
8 I won't argue, but I think there has been some latitude to
9 go beyond the rebuttal testimony.

10 CHAIRMAN BLOCH: My understanding is the
11 objection has been withdrawn. So Mr. Kohn may continue.

12 MR. BLAKE: Just to add, it will make me feel
13 no better if the staff also goes beyond the scope of the
14 testimony.

15 MR. MICHAEL KOHN: All right.

16 BY MR. MICHAEL KOHN:

17 Q Mr. Kitchens, my understanding is that the PRB
18 did review the NOV response.

19 A Which NOV are you talking about on this?

20 Q The NOV response filed in 1994 concerning the
21 diesel start count and the air quality issues.

22 A That's right. In 1994 we had a violation for
23 an NOV that we responded to that the PRB reviewed prior to
24 it being sent in to the NRC.

25 Q And did Mr. Domby --

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BOARD EXAMINATION

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CHAIRMAN BLOCH: Before you continue, what was the purpose of the PRB review?

THE WITNESS: The PRB? The Plant Review Board normally looks at --

CHAIRMAN BLOCH: In this specific case how did you look on the job of reviewing this document, the NOV response?

THE WITNESS: We looked on it as part of the PRB's normal duties in looking at responses to provide a multidisciplinary review to ensure that the response is correct and is thorough.

CHAIRMAN BLOCH: So how much time did the PRB take to review such a document?

THE WITNESS: I believe this particular PRB meeting was approximately 30 minutes, I believe.

CHAIRMAN BLOCH: And how much in advance of the meeting had the members received the document to read and understand it?

THE WITNESS: I don't recall exactly, but it was, I believe, a couple of days.

CHAIRMAN BLOCH: And do you consider that the PRB did a thorough job in reviewing that NOV response?

THE WITNESS: Yes.

CHAIRMAN BLOCH: Mr. Kohn?

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1 FURTHER CROSS-EXAMINATION

2 BY MR. MICHAEL KOHN:

3 Q Was Mr. Dombey present during the PRB
4 deliberations?5 MR. BLAKE: Objection. Now we're going to get
6 in -- now I'm doubly annoyed, Judge Bloch. Now we're
7 getting into counsel's involvement, directly into
8 counsel's involvement. Please instruct Mr. Kohn not to
9 get into this topic.10 MR. MICHAEL KOHN: Your Honor, this is a
11 business function. The PRB is required to operate
12 according to technical specifications. Who attends a
13 meeting does not cloak a business function with some
14 attorney-client communications barrier. I'm not sure what
15 the objection is.16 MR. BLAKE: I don't think that whether or not
17 it's a business function or it isn't a business function
18 plays one iota of role in attorney-client privilege
19 communications.20 Obviously I would hope that most functions
21 that attorneys played are in the normal role of business,
22 normal course of business. And the fact that somebody is
23 involved in a business function when the attorney is there
24 or communicating with them doesn't detract one iota from
25 its still being privileged.

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1 MS. YOUNG: Judge Bloch, I'm not sure whether
2 I understand Mr. Blake is saying he can't answer the
3 question because it's attorney-client privilege
4 information as to whether Mr. Domby was present.

5 MR. BLAKE: No. I'm not going to -- I'm just
6 saying where we're headed. And I can't believe that this
7 is going to stop here. I want the instruction up front.

8 MS. YOUNG: So you're not objecting to the
9 pending question?

10 MR. BLAKE: No.

11 MS. YOUNG: You're objecting to inquiring
12 behind what those communications were?

13 MR. BLAKE: Absolutely because I can't believe
14 we're going to stop with just whether or not Mr. Domby
15 attended the meeting.

16 CHAIRMAN BLOCH: What's the relevance of the
17 line on Mr. Domby's presence?

18 MR. MICHAEL KOHN: To show that Georgia Power
19 did not adequately review the NOV response with the
20 inference and that the factual information needed to
21 adequately review it was not presented to the PRB and that
22 the PRB could not perform its technical requirements.

23 CHAIRMAN BLOCH: Right now all you need for
24 that is that Mr. Domby was present. Is that correct?

25 MR. MICHAEL KOHN: Yes. I am intending to not

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1 inquire as much as I can. And to the extent that an
2 objection is raised, I think I should be able to
3 reformulate the question. And we should be able to get
4 through this. I don't want to necessarily --

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: The question so far is not
7 objected to. So, Mr. Kitchens, was Mr. Domby present at
8 that PRB meeting?

9 THE WITNESS: This is the PRB meeting in 1994.
10 Is that where we got the notice of violation on the diesel
11 start?

12 CHAIRMAN BLOCH: Correct.

13 THE WITNESS: Yes.

14 CHAIRMAN BLOCH: You did a better job with the
15 question that I did. He was present?

16 THE WITNESS: Yes, Mr. Domby was present.

17 FURTHER CROSS-EXAMINATION

18 BY MR. MICHAEL KOHN:

19 Q Did Mr. Domby provide the draft of the NOV
20 response to the PRB?

21 MR. BLAKE: Objection. That's a
22 communication. And we're just starting down the slippery
23 slope.

24 CHAIRMAN BLOCH: Because it's only weakly
25 relevant here, I don't understand why we need to allow it.

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1 BY MR. MICHAEL KOHN:

2 Q Do you know how the NOV was drafted, the draft
3 that you got at the PRB?

4 A Again, I don't understand that.

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: Do you know who drafted the
7 PRB?

8 THE WITNESS: Do I know who drafted it? No,
9 sir, I don't.

10 CHAIRMAN BLOCH: I'm sorry. Who drafted the
11 NOV response? I mean, I know the process by which it was
12 drafted.

13 THE WITNESS: No, sir. I do not know who
14 drafted it or what response, what process was used to
15 draft that response.

16 CHAIRMAN BLOCH: Thank you.

17 FURTHER CROSS-EXAMINATION

18 BY MR. MICHAEL KOHN:

19 Q How did the site verify or review the NOV
20 response?

21 A Is there a --

22 Q It's a little --

23 A -- question there? I don't understand it.

24 MR. BLAKE: Yes, a question now going beyond
25 the PRB.

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1 BY MR. MICHAEL KOHN:

2 Q With respect to the PRB's approval of the NOV
3 response, can you tell me how persons at the site verified
4 or reviewed the content of the NOV response prior to the
5 PRB meeting?

6 A I can only --

7 CHAIRMAN BLOCH: He said he doesn't know the
8 process. That's the witness' testimony.

9 MR. MICHAEL KOHN: Of preparation. I'm asking
10 him now if he knows the process of reviewing --

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: Do you know the process of
13 verification of facts in the NOV?

14 THE WITNESS: No, sir. I'm only aware of the
15 process of the PRB reviewing it. I do not know who else
16 reviewed it, what the process was, who else verified it.

17 FURTHER CROSS-EXAMINATION

18 BY MR. MICHAEL KOHN:

19 Q Was the PRB responsible for verifying facts
20 contained in the NOV response?

21 A Yes. To the best of their ability, the PRB
22 normally verifies such things.

23 Q Was there --

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: What does that mean, if

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1 anyone knows that there's something wrong, that it would
2 be --

3 THE WITNESS: Yes, sir. If anyone during
4 their review knows there's something wrong, they're
5 expected to say it and to get it corrected, to bring their
6 comments. If they disagree with something in there based
7 on their knowledge and experience, they should just say
8 so.

9 We didn't task the PRB to go do an independent
10 verification of the accuracy of everything in that
11 response. That's not normally what we task the PRB to do.

12 CHAIRMAN BLOCH: So it would either be that
13 someone knows that something is wrong in a communication
14 or that they suspect strongly enough to ask that a
15 particular area be reviewed?

16 THE WITNESS: Yes.

17 FURTHER CROSS-EXAMINATION

18 BY MR. MICHAEL KOHN:

19 Q Are you aware of any other PRB meetings
20 attended by Mr. Dombey?

21 MR. BLAKE: Objection. What's its relevance
22 for materiality here?

23 CHAIRMAN BLOCH: I agree, Mr. Kohn. What's
24 the relevance of materiality?

25 MR. MICHAEL KOHN: Simply to demonstrate the

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1 unusual nature of this particular PRB review.

2 MR. BLAKE: Again, only to look to --

3 CHAIRMAN BLOCH: Being unusual doesn't prove
4 anything.

5 MR. MICHAEL KOHN: Okay. I'll withdraw the
6 question.

7 BY MR. MICHAEL KOHN:

8 Q I'm going to ask you to look at Intervenor's
9 Exhibit 2-105, which I think should be opened up in front
10 of you in the book. Is this the document you reviewed?
11 Or you reviewed an earlier draft of this document is my
12 understanding.

13 CHAIRMAN BLOCH: What's the document, Mr.
14 Kohn?

15 MR. MICHAEL KOHN: Intervenor's 2-105.

16 THE WITNESS: And did you ask: Is this the
17 document or an earlier draft of this document? Could it
18 be the one that we reviewed at the PRB?

19 MR. MICHAEL KOHN: Yes.

20 THE WITNESS: I believe it is, although I do
21 believe there may be some attachments and parts of letters
22 that were not reviewed by the PRB. The essence, reply to
23 notice of violation, I believe is similar to or either the
24 same one the PRB reviewed.

25

BOARD EXAMINATION

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1 CHAIRMAN BLOCH: Did the PRB make any changes?

2 THE WITNESS: I believe we did, sir, but I
3 don't recall. I'll have to go get the PRB minutes to see.
4 I know there were some questions. And I believe there
5 were some comments that resulted in changes, but I'm not
6 sure.

7 FURTHER CROSS-EXAMINATION

8 BY MR. MICHAEL KOHN:

9 Q There is discussion in this notice of
10 violation response. And on Page 10 under "Reason for the
11 Denial" is a bracket that says "I.e., specific reports of
12 higher than expected dew points refer to reports of
13 measurements that had been taken during the recovery from
14 the site area emergency."

15 Does the phrase "reports of measurements"
16 refer to reports of measurements known to Georgia Power
17 management or is it limited to reports of measurements
18 Georgia Power management identified to the NRC in early
19 April?

20 A I don't know. I don't know the answer to
21 that.

22 Q Well, is it your understanding that the April
23 9 letter when it talks about reports of higher than
24 expected dew point readings referred to all of the higher
25 than expected dew point measurements since the site area

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1 emergency or was it limited to specifically one dew point
2 measurement told to the NRC?

3 MR. BLAKE: Judge Bloch, what a way to start
4 on the April 9 letter, which we've been around for a lot.
5 We don't know whether the witness played any role,
6 certainly not even close to anything he's testified about
7 today.

8 I don't know whether he had an involvement in
9 the April 9 letter. I don't know whether he knows what
10 that language is. It's a heck of a way to jump into it by
11 now referring him to this.

12 ADMINISTRATIVE JUDGE CARPENTER: Mr. Blake, if
13 we may, can we find out?

14 BOARD EXAMINATION

15 ADMINISTRATIVE JUDGE CARPENTER: Did you have
16 any involvement in drafting of the April 9, 1990 letter of
17 the NRC?

18 THE WITNESS: No, sir.

19 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

20 FURTHER CROSS-EXAMINATION

21 BY MR. MICHAEL KOHN:

22 Q Would you like to look at the April 9 letter?

23 MR. BLAKE: Judge Bloch?

24 CHAIRMAN BLOCH: If he had no role, I don't
25 understand the point of it. In addition --

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1 MR. MICHAEL KOHN: Your Honor, he had a role
2 in reviewing the NOV response. I want to know what this
3 language meant in the NOV response.

4 MR. BLAKE: And he's looked at it and said, "I
5 don't know. I don't remember about this particular
6 sentence."

7 MR. MICHAEL KOHN: And I'd like to also note
8 that Mr. Kitchens in his prefiled testimony in our
9 rebuttal covers his reports to the NRC about higher than
10 expected dew point. It is within his knowledge.

11 CHAIRMAN BLOCH: So what's the question?
12 Let's repeat, hear it again so I can hear its relevance.

13 MR. MICHAEL KOHN: Okay.

14 BY MR. MICHAEL KOHN:

15 Q Were the higher than expected dew points
16 referred to in the April 9th letter limited to the one dew
17 point reading told to the NRC of the 60 and 80 degrees or
18 did it include all the high dew point readings after the
19 site area emergency?

20 CHAIRMAN BLOCH: Do you know the answer to
21 that question?

22 THE WITNESS: I don't know the answer. I
23 don't know.

24 MR. MICHAEL KOHN: Okay.

25 CHAIRMAN BLOCH: You can't ask beyond the

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1 witness' knowledge.

2 BY MR. MICHAEL KOHN:

3 Q Would you turn to Intervenor's Exhibit 24?

4 A Exhibit 24?

5 Q And if you would look at Page 3 of 4 of this
6 exhibit, first, can you identify this as the April 9, 1990
7 letter? And you have seen this letter before, I assume?

8 A Yes, I've seen this before. This is an April
9 9th, 1990 letter, confirmation of actions.

10 BOARD EXAMINATION

11 CHAIRMAN BLOCH: Do you recall, Mr. Kitchens,
12 whether in the review of the NOV anyone reviewed,
13 discussed, or brought to the table this April 9th letter?

14 THE WITNESS: Yes. I remember discussing this
15 April 9th letter. It was one of the items that was listed
16 in the NOV.

17 CHAIRMAN BLOCH: And so, actually, we're
18 looking at the letter when you were looking at the
19 response?

20 THE WITNESS: Yes, sir, I looked at this
21 letter when I did my review of the response to the notice
22 of violation. I've looked at this letter as part of my
23 review, yes.

24 CHAIRMAN BLOCH: Okay. Mr. Kohn?

25 MR. MICHAEL KOHN: I'm going to point the

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1 witness to the statement which says on Page 3 of 4 of this
2 exhibit under Paragraph 4, the second sentence, "Initial
3 reports of higher than expected dew points related to the
4 faulty instrumentation."

5 FURTHER CROSS-EXAMINATION

6 BY MR. MICHAEL KOHN:

7 Q And my question is: Can you tell me what dew
8 points are being referred to here? Is it all of the dew
9 points after the site area emergency that were out of
10 specification high?

11 A I don't know.

12 CHAIRMAN BLOCH: Well, just ask it generally.
13 He says he doesn't know what the dew points are they
14 referred to.

15 BY MR. MICHAEL KOHN:

16 Q Reading that language, can you give me your
17 interpretation of what the language means?

18 MR. BLAKE: Judge Bloch, objection.

19 CHAIRMAN BLOCH: It's not relevant, Mr. Kohn.

20 BY MR. MICHAEL KOHN:

21 Q You are aware that dryers were alleged to be
22 found out of service following the site area emergency?

23 A Yes, I'm aware that a dryer, an air dryer, was
24 found out of service, I believe, on Unit 2 sometime
25 shortly after the site area emergency.

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1 Q Was there a root cause analysis performed to
2 ascertain how come and for how long this dryer was turned
3 off and who was responsible for turning it off?

4 A I do not know.

5 Q You're not aware of one?

6 A I'm not aware of a root cause analysis.

7 BOARD EXAMINATION

8 ADMINISTRATIVE JUDGE CARPENTER: Would you
9 expect there to be one?

10 THE WITNESS: No, not if it was an isolated
11 case, sir. We didn't do a root cause analysis for every
12 time there was a problem. So no, as far as I --

13 CHAIRMAN BLOCH: If you didn't do a root cause
14 analysis, how would you know it was an isolated case?

15 THE WITNESS: Because we went back and -- one
16 of the things -- when we found that out of commission and
17 turned off, one of the things we did was go back and look
18 at: Did -- have we been doing PMs on this thing?

19 We started doing PMs about the middle of 1988.
20 And we knew if we went out to do the PMs and we found them
21 turned off, it would show. And it did, in fact, show.
22 When we did the review, we found where there was a broken
23 one, et cetera.

24 We looked back enough to see: Is this a real
25 common occurrence or not? And we thought it's not a

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1 common occurrence that dryers are being turned off
2 inadvertently.

3 CHAIRMAN BLOCH: Couldn't someone turning off
4 a dryer inadvertently be a sign of a personnel problem at
5 the plant?

6 THE WITNESS: Yes.

7 CHAIRMAN BLOCH: So, unless you did a root
8 cause analysis, you wouldn't know the scope of that
9 personnel problem, would you?

10 THE WITNESS: That is correct.

11 CHAIRMAN BLOCH: And you wouldn't know if
12 there was a procedure problem?

13 THE WITNESS: That's correct.

14 CHAIRMAN BLOCH: And you wouldn't know if
15 there was a training problem?

16 THE WITNESS: Right.

17 FURTHER CROSS-EXAMINATION

18 BY MR. MICHAEL KOHN:

19 Q On April 9th, did you know whether the turning
20 off of the dryer was a recurring problem?

21 A On April the 9th I had information to -- about
22 the fact that we did -- that we had been doing PMs on the
23 air dryers. And it looked to me from that information
24 that it was not a chronic problem of having air dryers
25 turned off.

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1 I don't know if that's an answer to your
2 question or not. I did not believe it was a chronic
3 problem. I believed in this case it was an isolated case.

4 Q Well, did you know if it was an isolated case
5 to the one dryer or all four dryers?

6 A We only -- to my knowledge, we only found one,
7 one out of spec.

8 Q Were you aware that Mr. Mosbaugh found another
9 dryer out of service?

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

11 Q You hadn't heard about another dryer, the 1A,
12 being turned off?

13 A No.

14 MR. BLAKE: Is there some record evidence that
15 Mr. Mosbaugh found a dryer out of service?

16 CHAIRMAN BLOCH: The Board is not aware of
17 that. Is there record evidence of that?

18 MR. MICHAEL KOHN: That Mr. Mosbaugh had a
19 report about the 1A diesel dryer being turned off, out of
20 service?

21 CHAIRMAN BLOCH: That's on the record?

22 MR. MICHAEL KOHN: Excuse me. That 2A had
23 both dryers off.

24 CHAIRMAN BLOCH: That is on the record.

25 BY MR. MICHAEL KOHN:

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1 Q Were you aware that Mr. Mosbaugh had received
2 a report that two dryers were turned off?

3 MS. YOUNG: Excuse me. Judge Bloch, could we
4 have the record citation? I'm not --

5 MR. MICHAEL KOHN: Tape 41, I believe.

6 CHAIRMAN BLOCH: Page 841?

7 MR. MICHAEL KOHN: Tape 41, whatever exhibit
8 that would correspond to.

9 CHAIRMAN BLOCH: And is that in evidence?

10 MR. MICHAEL KOHN: Yes.

11 CHAIRMAN BLOCH: And what page of Tape 41?

12 MR. MICHAEL KOHN: Page 2, Lines 3 and 4? It
13 should be GPC Exhibit 2-55, I believe.

14 MR. BLAKE: Is that the Bockhold exhibit?

15 MR. MICHAEL KOHN: That's the right tape and
16 the right exhibit number. It may be the wrong citation,
17 though, line citation.

18 CHAIRMAN BLOCH: I'm at Exhibit 27, Page 2 of
19 2.

20 MR. MICHAEL KOHN: Exhibit 57.

21 CHAIRMAN BLOCH: You said Tape 41?

22 MR. MICHAEL KOHN: Tape 41.

23 CHAIRMAN BLOCH: Well, it's marked Exhibit 27.
24 When I say "marked," I'm talking about the copy given us
25 by the staff of the tapes. And where is it on this?

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1 MR. MICHAEL KOHN: I'm pulling out my exhibit,
2 Your Honor.

3 CHAIRMAN BLOCH: Go off the record.

4 (Whereupon, the foregoing matter went off the
5 record at 11:48 a.m. and went back on the
6 record at 11:50 a.m.)

7 CHAIRMAN BLOCH: The citation is?

8 MR. MICHAEL KOHN: Georgia Power Exhibit 55A,
9 Bockhold Exhibit I-1 at Page 10, Lines 3, 4, and 5 --
10 excuse me -- Lines 1 through 5.

11 CHAIRMAN BLOCH: What's the question?

12 MR. MICHAEL KOHN: Whether the witness was
13 aware that both dryers had been turned off, had been found
14 turned off.

15 THE WITNESS: Yeah. I'm aware that the air
16 receiver itself was found to be out of spec. You know,
17 there's two different air dryers that provide -- I don't
18 recall whether I knew that it was one or both of the --
19 the air receiver that where we needed to were out of spec.
20 Whether it was just one or two, I don't recall.

21 BY MR. MICHAEL KOHN:

22 Q Now, when you --

23 BOARD EXAMINATION

24 CHAIRMAN BLOCH: I'm sorry. Mr. Kitchens, do
25 you interpret this section of the transcript to mean that

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1 there was one receiver out of spec with two air dryers off
2 or do you think --

3 THE WITNESS: I don't have -- I don't know
4 what you're looking at. I have no idea when you're
5 talking about the transcript.

6 CHAIRMAN BLOCH: Mr. Kohn, please show him the
7 transcript. I think we should try not to be inhospitable
8 enough to have discussions about things without showing it
9 to the witness.

10 The question I asked was whether you interpret
11 this discussion to say that there's just one receiver out
12 of spec but that both dryers were off.

13 THE WITNESS: I don't know. In reading this,
14 I would interpret it to say that both dryers were turned
15 off all in the PM and that that's the way they were found.

16 CHAIRMAN BLOCH: That's two dryers from one
17 receiver. Is that dryer?

18 THE WITNESS: Two dryers. I don't know
19 whether that -- whether --

20 CHAIRMAN BLOCH: Is there more than one dryer
21 for a receiver?

22 THE WITNESS: No.

23 CHAIRMAN BLOCH: So it had to be two dryers to
24 two receivers?

25 THE WITNESS: No. There's a dryer for each

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1 receiver.

2 CHAIRMAN BLOCH: So if there were two dryers
3 turned off, then there would be two receivers out of spec.
4 Is that right?

5 THE WITNESS: That's a possibility, but it
6 doesn't necessarily have to be that the receiver is out of
7 spec because the dryer was turned off.

8 ADMINISTRATIVE JUDGE CARPENTER: Wouldn't that
9 depend on whether or not the compressor had run?

10 THE WITNESS: Yes, sir.

11 CHAIRMAN BLOCH: Would you be concerned about
12 concluding that the instruments are defective because all
13 eight receivers show high without pursuing why these two
14 dryers were off?

15 THE WITNESS: I don't understand the question.

16 CHAIRMAN BLOCH: Well, if you don't know why
17 those dryers were off, it would create the possibility,
18 wouldn't it, that other dryers were off also?

19 THE WITNESS: Or that -- yes, or that other
20 dryers could have been off. I believe that we found these
21 two to be turned off during this time frame and turned
22 them back on.

23 CHAIRMAN BLOCH: So in that case how do you
24 decide whether or not the others had been off and that
25 that's why the readings were high?

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1 THE WITNESS: Well, I guess I don't know how
2 to answer your question. What we do is on a monthly basis
3 we go out and check these things. And we had indications
4 from the previous months that they were all in spec.

5 All of a sudden to have all eight of them not
6 be in spec was unusual. And they would not be normal to
7 believe that.

8 CHAIRMAN BLOCH: And so one reason that it
9 could be out of spec is that the instruments aren't
10 working properly. Is that right?

11 THE WITNESS: That's one reason. Another
12 reason could be that they all had high moisture in them,
13 but we didn't -- we had no reason to believe that they all
14 had high moisture.

15 CHAIRMAN BLOCH: Well, until you track down
16 the reason that those two dryers were off, then you really
17 wouldn't have any reason to believe that they're off --
18 excuse me. Strike that.

19 Without pursuing the question of how those two
20 dryers were off, how could you conclude that all the
21 dryers weren't off?

22 THE WITNESS: I can't conclude that other than
23 what people found when they went out and looked at them.
24 They found two of them off. They found the other ones on.

25 CHAIRMAN BLOCH: Wouldn't you be more

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1 comfortable about the source of the high readings if you
2 knew why those two were off?

3 THE WITNESS: Perhaps. I'm not sure that I
4 can draw that conclusion.

5 FURTHER CROSS-EXAMINATION

6 BY MR. MICHAEL KOHN:

7 Q On April 9th you did not know whether the
8 turning off of the dryer was a reoccurring problem or not,
9 did you?

10 A On April 9th I asked to find out what the
11 trend had been. In other words, I asked for information
12 on work orders to say whether or not we had been doing the
13 PMs properly; that is, monthly, as we had wanted to do and
14 what the readings were, whether or not we were passing
15 them.

16 I got enough information -- initially on April
17 the 9th someone gave me, either on April 9th or slightly
18 before then, some compilation that said, "Yeah, we've been
19 doing that. And this was what passed. And this was what
20 didn't pass." I believe I had some information like that
21 on April the 9th when I talked with the incident
22 investigation team on the phone.

23 Q But do you recall telling the IIT team that
24 you didn't know whether the turning off of the dryers was
25 a recurring problem or not?

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1 A No. My best answer is no, I don't recall
2 discussing it as a recurring problem with the IIT.

3 MR. MICHAEL KOHN: I'm going to call the
4 witness' attention to IIT transcript of April 9, 1990 at
5 Page 6. I believe it is an exhibit to Mr. Bockhold's
6 testimony, April 9, IIT transcript.

7 CHAIRMAN BLOCH: Is that IIT 206?

8 MR. MICHAEL KOHN: That sounds correct, Your
9 Honor.

10 CHAIRMAN BLOCH: The page number?

11 MR. MICHAEL KOHN: Page 6, Lines 3 through 6
12 and Mr. Kitchens' response at Line 7.

13 THE WITNESS: Are you asking that of me? I
14 need to see a copy of it to read it.

15 CHAIRMAN BLOCH: Did you give an exhibit
16 number?

17 MR. MICHAEL KOHN: No, I did not, Your Honor.

18 MS. YOUNG: I believe it's Ward C, GPC 2-61.

19 MR. MICHAEL KOHN: The witness has that in
20 front of him.

21 BY MR. MICHAEL KOHN:

22 Q If you would look at Page 6, Line 7, your
23 response? Does that indicate to you that at the time you
24 had your discussion with the IIT on April 9 that you did
25 not know whether or not turning off the dryer was a

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1 recurring problem?

2 A I'm sorry. Page 6, Line 7?

3 Q Yes.

4 A I'm on Page 6, Line 7. I don't see whether
5 that has anything to do with it.

6 CHAIRMAN BLOCH: Off the record.

7 (Whereupon, the foregoing matter went off the
8 record briefly at 12:02 p.m.)

9 CHAIRMAN BLOCH: This cross-examination will
10 be continued after lunch, 1:30.

11 (Whereupon, a luncheon recess was taken at
12 12:02 p.m.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (1:34 p.m.)

3 CHAIRMAN BLOCH: Mr. Kohn?

4 BY MR. MICHAEL KOHN:

5 Q Mr. Kitchens, you should have in front of you
6 the April 9, 1990 transcript of the IIT, Ward Exhibit C,
7 GPC Exhibit 61. Do you have that?

8 A Yes, I do.

9 Q And would you look at Page 6, Line 7? And you
10 will see in response to the IIT, you say, "I don't know."
11 And it's my understanding the IIT was asking you whether
12 there was any evidence to substantiate whether or not
13 there were any recurring problems with turning the dryers
14 off. And do you believe your response "I don't know" was
15 referring --

16 CHAIRMAN BLOCH: I'm suffering from *deja vu*.
17 We did this this morning.

18 MR. MICHAEL KOHN: No. We took a lunch break
19 as we were about to do that.

20 CHAIRMAN BLOCH: I remember these questions.
21 No? Go on.

22 MR. MICHAEL KOHN: Actually, Your Honor, I
23 think you do remember the questions. We just didn't get
24 the responses.

25 CHAIRMAN BLOCH: Well, let's continue.

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1 BY MR. MICHAEL KOHN:

2 Q Is that how you read your response on Line 7,
3 that you were not able at that point to determine whether
4 there was a reoccurring problem or not?

5 A That's correct. During this telephone
6 conversation on April the 9th I did not know at that time
7 whether or had not formed an opinion of whether it was a
8 recurring problem.

9 And when I was asked "Is this just basically a
10 one-time occurrence?" I said, "I don't know." And I later
11 said, "I don't have the history in front of me for the
12 Unit 2 one."

13 And also later in the conversation I agreed to
14 provide some information for the last year on Unit 1, I
15 believe the A diesel. And also in looking at the rest of
16 the data, I believe I later came to a feeling that it was
17 a one-time occurrence.

18 But I believe during this phone call I did not
19 have the actual data. And so I said the answer was I
20 didn't know at that time. And that was true.

21 Q And following April 9, isn't it also true that
22 you're not aware of any root cause investigation to
23 determine whether there was a recurring problem?

24 A I'm not aware of any formal root cause
25 investigations. I do think that we tried to get to the

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1 bottom of it. We asked and looked and found that we
2 believe that we left the breaker shut off after a PM.

3 But if your -- I guess the nature of the
4 question is I think we tried to find out what happened and
5 determine whether or not it was a recurring problem or one
6 we needed to take further action on.

7 We looked up some additional data and -- but
8 as far as did we document it on our formal root cause
9 corrective action procedure, to the best of my knowledge,
10 we did not.

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: Would you expect that all
13 instances of dryers being turned off from the past would
14 be documented in some way?

15 THE WITNESS: In 1990 time frame I wouldn't.
16 I don't think I would expect that, sir.

17 CHAIRMAN BLOCH: So how could you find out
18 from your documents, then, whether or not there was a
19 continuing pattern?

20 THE WITNESS: Well, again, what -- when this
21 gentleman asked this question on the telephone call and I
22 agreed to provide him information, it did two things.

23 Number one, it was to determine were we
24 routinely checking to find out did we have problems with
25 the air. That is, did we on a monthly basis do the PMs,

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1 and in which case I think if we had a -- at least my
2 thinking at that time was if it was a serious recurring
3 problem, we would find it on some of the PMs, like we
4 found this one that was discussed in here. We went out to
5 take a dew point. And it was 60.9, which is out of spec.
6 And the reason was it was off.

7 We went out. We went back and found a year's
8 worth of PMs. I believe we looked at all of them, all of
9 them, "them" being the air dryers or the receivers. And I
10 believe I -- the information on the 1A was provided to the
11 IIT, as they requested in this phone call.

12 I guess to get to your question, we looked at
13 enough PMs to see that we checked it and didn't find a
14 whole -- you know, a recurring trend of finding the
15 receivers being off.

16 CHAIRMAN BLOCH: But I needed clarification
17 because a few moments ago you said you don't think in 1990
18 you would have found it on the documents. What did you
19 mean by that?

20 THE WITNESS: I don't understand that, your
21 question, again.

22 CHAIRMAN BLOCH: Well, I may have
23 misunderstood you, but you said you were going to look at
24 the documents to find out whether or not dryers were
25 turned off. And then I asked you: Would you have

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1 expected in 1990 that that would be indicated in the
2 documents? And I think you said no.

3 THE WITNESS: All right. What I said no to
4 was it asked "Was a formal root cause investigation done?"
5 And I thought that you asked me would I have expected
6 that. And my answer was no. But a root cause
7 investigation is different than doing a routine PM.

8 CHAIRMAN BLOCH: Okay. Now, the question I
9 tried to ask was "Why would you expect that the documents
10 that the plant kept would necessarily show if a dryer was
11 left off?"

12 THE WITNESS: I don't know if we could -- I
13 can 100 percent say we would have documents to go show
14 that a dryer was turned off. I would expect there would
15 be some documentation of that.

16 CHAIRMAN BLOCH: Okay. And why?

17 THE WITNESS: I can't say 100 percent that it
18 would.

19 CHAIRMAN BLOCH: Why would you expect that
20 there would be?

21 THE WITNESS: There would be what?

22 CHAIRMAN BLOCH: Documentation showing that a
23 dryer was found left off.

24 THE WITNESS: When they do the dryers -- when
25 they are -- well, if the dryer was out of specification,

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1 when they -- one of the things they do is some corrective
2 actions to get it back into specification.

3 There is some PM documentation for doing that.
4 There is also some operator actions that they do to do
5 that. And we could probably find that in some of the
6 plant documentation.

7 CHAIRMAN BLOCH: So what kind of document
8 would you look for it on?

9 THE WITNESS: On the -- what I would look for
10 was to see was there a recurring trend on a monthly basis
11 when we checked the air receivers to find out were they in
12 spec or not and --

13 CHAIRMAN BLOCH: You're talking about the dew
14 point readings? Is that what you're saying?

15 THE WITNESS: Yes, sir. One of the results if
16 they were -- what I had intended is if we found a lot of
17 times that they were out of spec when we check them, it
18 could be one of the causes would have been that the dryers
19 were turned off. We didn't find a lot of times when the
20 -- when they were out of spec.

21 So, right or wrong, my thinking, my logic, was
22 if on a monthly basis I can show that we've been taking
23 the dew point readings and they've been in spec fairly
24 consistently, that this is not a recurring or significant
25 problem of just having the breakers off of the dryer.

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1 CHAIRMAN BLOCH: Well, can a dryer be left off
2 without resulting in a high dew point reading?

3 THE WITNESS: Yes, probably.

4 CHAIRMAN BLOCH: Tell me: How could that
5 happen?

6 THE WITNESS: Well, it depends on the time
7 frame that you're talking about. Probably -- and also
8 depending on the weather conditions. But for -- if a
9 dryer was turned off and the dryer -- and the compressor
10 didn't cycle on, in the meantime you took a reading, I
11 would expect it would still be a low dew point that would
12 have been in the vendor-recommended range of 32 to 50 if
13 the dryer was working properly when it was on.

14 But there could be a time period after which
15 someone turned the dryer off, if there's still good
16 quality air in there, irregardless of --

17 CHAIRMAN BLOCH: So if an engineer or a
18 maintenance worker were to find the dryer off, what would
19 you expect him to do having seen it off?

20 THE WITNESS: In -- back in 1990 --

21 CHAIRMAN BLOCH: Yes.

22 THE WITNESS: -- what I would ask him to do
23 was report it to the control room and initiate actions to
24 check what the dew point is, turn the dryer on, try to
25 determine if they could find out why it was not on.

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1 CHAIRMAN BLOCH: Under what plant procedure
2 would they do that?

3 THE WITNESS: I don't know right off hand
4 which -- what plant procedure they would do that.

5 CHAIRMAN BLOCH: Was it just out of general
6 knowledge? Anyone who sees the dryer off should know that
7 they should follow through and make sure that the dew
8 point is okay and that the control room knows about it?

9 THE WITNESS: I think it would be general
10 knowledge for someone who found it off, an operator or an
11 engineer, as you ask, to tell the control room they found
12 it off.

13 And I would expect the control room, the
14 supervisors in the control room would know to go in and
15 check and make sure that they had good clean air in the
16 system. You might not have if the dryer has been off.

17 CHAIRMAN BLOCH: Now, with the 1A dryers,
18 which may have both been off -- is that right? It's the
19 1A that there may be -- is it the 1A or the 2A? 2A dryers
20 --

21 THE WITNESS: I believe it's the 2A that we
22 found off in 1990.

23 CHAIRMAN BLOCH: Okay. And do we know how
24 long they were off?

25 THE WITNESS: I don't know off from right now

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1 today.

2 CHAIRMAN BLOCH: So do we know how many people
3 may have walked by while the dryer was off without
4 noticing it?

5 THE WITNESS: I don't know.

6 CHAIRMAN BLOCH: So based on that, how would
7 we expect that anyone would do anything if they saw a
8 dryer off?

9 THE WITNESS: I think there's two different
10 things. One is you asked: If they saw it off, what would
11 they do? If they didn't see it and they walked by it,
12 they wouldn't know it was off. And they wouldn't have
13 reported it.

14 CHAIRMAN BLOCH: Well, is it hard to notice
15 that a dryer is off?

16 THE WITNESS: On these particular dryers, you
17 have to look for it to see that the dryer is off.

18 CHAIRMAN BLOCH: I take it that there is a lot
19 of personnel who know how to look for it, though, when
20 they walk by? Aren't there?

21 THE WITNESS: There are now.

22 CHAIRMAN BLOCH: There weren't at that time?

23 THE WITNESS: Since then we've had some
24 specific training on knowing when the dryer is on and when
25 the dryer is off.

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1 CHAIRMAN BLOCH: So in those days there
2 weren't too many people who knew how to recognize that?

3 THE WITNESS: I would imagine that there
4 weren't near as many people as there are today. I believe
5 that the operators knew. And I'm sure that the engineers
6 who are responsible for this equipment knew. But I think
7 now it's a little bit more widespread in that we have done
8 some training on that. We actually made some pictures to
9 show the on and off button.

10 And that sounds funny for me to say, but this
11 thing is not in a real close place where you can look at
12 that breaker. You have to go look at it to tell.

13 CHAIRMAN BLOCH: Mr. Kohn?

14 FURTHER CROSS-EXAMINATION

15 BY MR. MICHAEL KOHN:

16 Q What role would Mr. Stokes play in following
17 up or being knowledgeable on whether the dryers were
18 turned off, specifically the 2A dryer after the site area
19 emergency?

20 A I don't understand. What role would Mr.
21 Stokes play?

22 Q Yes. Would he be the person who would be
23 responsible or would be knowledgeable of whether or not
24 that was true that the dryer had, in fact, been turned
25 off?

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1 A He may.

2 Q Well, who else? If he didn't know, who else
3 would know?

4 A The person who found it off might know. I
5 don't understand your question.

6 BOARD EXAMINATION

7 CHAIRMAN BLOCH: He may have been trying to
8 ask the following question: Would you expect that Mr.
9 Stokes would generally know whether or not the dryers were
10 on or off?

11 THE WITNESS: The answer to that question
12 would be no. I don't believe he on a daily basis had a
13 duty to go and check the dryers to be on and off.

14 FURTHER CROSS-EXAMINATION

15 BY MR. MICHAEL KOHN:

16 Q Would you expect him to know -- if a dryer had
17 been found turned off, is he the person this report would
18 be made to?

19 A I would expect that if we -- that if
20 operations or someone found the dryer turned off, there's
21 a high likelihood they would consult with Mr. Stokes or
22 they would have consulted with him during that time, yes.

23 But I don't know of any requirement for them
24 to do so, but I believe there's -- it's highly probable
25 they would have consulted him and told him about it and

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1 got him involved.

2 Q And other than Mr. Stokes, who is there a high
3 probability would have been consulted about the 2A dryers
4 being turned off?

5 A The shift supervisor for Unit 2, whoever that
6 may have been. I would have expected them to have gotten
7 a report that the dryer was turned off.

8 Q Do you know after the site area emergency
9 whether Mr. Stokes went out into the field to take dew
10 point measurements or assist in the taking of dew point
11 measurements?

12 A No, I don't know.

13 Q And when did you first become aware that --
14 first, you are aware that there is such a device as the
15 EG&G dew-all for taking dew point measurements?

16 A Is that a question or a comment?

17 Q Yes.

18 A I don't understand, sir.

19 Q Are you familiar with a piece of test
20 equipment commonly referred to VP1114, which is an EGG dew
21 point measuring device?

22 A Only vaguely.

23 Q When did you first become knowledgeable that
24 the EGG had been used in the field to obtain dew point
25 measurements?

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1 A I don't know.

2 Q Did you know about the -- you previously
3 testified that you received work orders. Did you receive
4 the work orders in which the EGG device had been used?

5 A I guess -- I don't know about the EGG device.
6 I had some work orders. And I believe I gathered some
7 data to show what the end result of using these dew point
8 meters were. If some of them were EG&G, whatever you
9 said, that may be. I do not know what models we used or
10 what models we had to use.

11 So I don't mean to avoid your question. I
12 really don't know about the types of instruments that we
13 used.

14 Q It's my understanding on April the 9th that
15 you told the NRC in the IIT transcript that there was no
16 air quality problem. Correct?

17 A I'm not sure that I said that. I mean, I may
18 have said that in one specific instance. But to take it
19 out of context, I specifically said "I don't know" earlier
20 when you asked me a question.

21 So I definitely didn't tell them that there
22 was no problem with the breakers being turned off. I said
23 "I don't know." So I did not tell them there was no
24 problem with the air quality overall.

25 Q Were you involved in the determination of

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1 whether or not there was an air quality problem prior to
2 April 9th?

3 A Again, I don't understand the question.

4 Q Why don't you tell me, then, what your
5 understanding is of when the first high dew point
6 measurements were taken? I believe they were on -- I'm
7 referring to March 28-March 29 time frame.

8 To help us, let's look at Intervenor's
9 Demonstrative Aid Number 4 and --

10 CHAIRMAN BLOCH: How is he going to look at
11 it?

12 MR. MICHAEL KOHN: I'll show it to the
13 witness, Your Honor.

14 BY MR. MICHAEL KOHN:

15 Q And I'm going to show you on Diesel 1A on the
16 very bottom, there's a 3-29-90 --

17 CHAIRMAN BLOCH: First you have to explain to
18 the witness what Demonstrative Aid Number 4 is. You all
19 know that. He doesn't.

20 BY MR. MICHAEL KOHN:

21 Q Demonstrative Aid 4 is an agreed-to document
22 which sets forth all the dew point measurements taken and
23 various data associated with the measurements taken on all
24 the diesel generators for a significant period of time.
25 And what I'm going to call your attention to is the March

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1 29, 1990 entry, which I will show you.

2 MS. YOUNG: Mr. Kohn, for the record, are you
3 referring to Intervenor 2-169?

4 MR. MICHAEL KOHN: Yes.

5 MS. YOUNG: So that the document you've been
6 handed is dated July 13th, 1995?

7 THE WITNESS: It's dated July 11th, 1995. It
8 says "Demonstrative Aid Number 4, Revised 7-11-95" on it.

9 CHAIRMAN BLOCH: Now the witness has been
10 handed the correct document.

11 THE WITNESS: Now it says "Revision 7-13-95."

12 MR. MICHAEL KOHN: Thank you.

13 BY MR. MICHAEL KOHN:

14 Q And you look at the last entry on the first
15 page of the document. It says "March 29, 1990 80 and
16 60-Degree Dew Point readings." When do you believe you
17 became knowledgeable of those dew point readings?

18 A I don't know exactly when I became
19 knowledgeable. I probably became knowledgeable that we
20 had out of spec dew point readings some times close to the
21 point when they took them, within a day or two. When the
22 issue came up, I was consulted about it is all.

23 Q Now, if you would follow the -- can you tell
24 me why no dew point measurements were taken between March
25 29, 1990 and April 5th, 1990?

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1 A No, I can't.

2 Q Can you tell me -- starting with the April 5,
3 1990 entry on Diesel 1A going down to the April 8th entry,
4 can you tell me what you currently recollect occurring
5 which led you to believe there was a faulty instrument?

6 A I believe that what I recollect occurring is
7 our INC personnel took these dew point readings. And they
8 reported back to me that they had a faulty instrument. I
9 also recall we got another instrument and possibly even a
10 third instrument that we borrowed from somewhere else.

11 And I believe that eventually and sometime
12 down in the later time frame we did have an instrument
13 that they knew how to use properly that we thought was
14 reading right. And then that's the data that we went with
15 when we finally got a good reading instrument.

16 Q What INC personnel told you they had a faulty
17 instrument?

18 A I don't remember the name of the INC personnel
19 that told me that.

20 Q What do you know of what steps were taken to
21 determine whether or not the instrument was faulty?

22 A I don't remember.

23 Q Were you satisfied that you had a faulty
24 instrument?

25 A Yes.

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1 Q And what did you base your determination of a
2 faulty instrument on?

3 A The staff that reported to me that was
4 responsible for using and obtaining these instruments
5 reported they had a faulty instrument.

6 Q Did they report they had a faulty instrument
7 or did they give you factual data which you considered to
8 be indicative of a fault instrument?

9 A I don't believe they gave me any data. I
10 think they told me that they had a -- they either had a
11 bad instrument or "We're not using it properly." They
12 said, "We're getting bad readings. Don't believe them."

13 Q And were you involved in the follow-up
14 activities to determine the root cause of the bad
15 readings?

16 A I don't recall being involved in that.

17 Q And can you tell me what type of follow-up
18 activities you would expect to occur to pinpoint whether
19 or not the instrument was defective?

20 A Probably to continue to trend the parameters
21 using a good instrument, probably to try to check through
22 the M&TE program, the instrumentation that we did have, to
23 see what was wrong with it.

24 Q And are you aware of anyone in the M&TE
25 program determining that you had a faulty instrument?

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1 A I'm not aware of it.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: Do you know, Mr. Kitchens, if
4 the instrument was faulty, how many of the prior readings
5 that you were relying on about in-spec dew points might
6 also have been faulty?

7 THE WITNESS: I don't know of any prior
8 readings that were faulty.

9 CHAIRMAN BLOCH: Do you know whether they were
10 made with the same instrument?

11 THE WITNESS: I don't know, sir. I may have
12 known back in 1990, but I do not know now.

13 FURTHER CROSS-EXAMINATION

14 BY MR. MICHAEL KOHN:

15 Q Did you become knowledgeable that a second
16 Georgia Power plant verified dew point instrument was
17 being used?

18 A I'm not sure if I knew that was a second
19 Georgia Power instrument or where the instrument came
20 from. I knew that we were obtaining an instrument from
21 somewhere else outside of our plant. But I don't recall
22 that I knew the details of if it came from another plant
23 or not.

24 During the telephone call that you referred to
25 earlier, there is a reference in here from Mr. Lewis

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1 Sumner who -- or Lewis Ward, who says that we got one from
2 the V. C. Summer station, but I did not know where we were
3 borrowing the dew point instruments from.

4 Q At that point in time did you know that not
5 only had you obtained one from the V. C. Summer plant but
6 you had a second backup instrument and were obtaining high
7 out of specification dew point readings off the second
8 Georgia Power backup instrument?

9 A I don't know. I may have known that. I don't
10 recall if I knew that we used two or three instruments. I
11 don't recall.

12 Q And that on April 9th you committed to
13 providing NRC with a list of dew point readings. Wouldn't
14 you at that point have been aware of the use of more than
15 one test instrument?

16 A No. I see no reason I would even know what
17 instruments were used.

18 Q Did you review the source documentation
19 concerning; that is, the PMs, work orders, to determine
20 what dew point readings were obtained?

21 A I do not believe that the I looked at the PMs
22 or work orders or the source documents, as you call them.
23 I believe someone did that for me.

24 Q Are you saying that you were not aware of the
25 scope of high dew point readings obtained between April

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1 5th and April 9th, 1990 on all four receivers using the
2 EGG device?

3 A Again, I don't know how to answer that
4 question. I'm not sure I even knew there was an EGG
5 device. And I don't recall the scope of my knowledge of
6 which devices that we used during that time frame.

7 Q Can you tell me what documentation that you
8 know Georgia Power relied upon to determine that the
9 instrument was defective, the air dew point instrument
10 referred to in the April 9th letter?

11 A I don't know.

12 Q I'm going to call your attention to
13 Intervenor's Exhibit 36, which is Georgia Power's
14 company's response to Intervenor 7, the request for
15 interrogatories. I have opened the --

16 CHAIRMAN BLOCH: Mr. Kohn, is this an exhibit?

17 MR. MICHAEL KOHN: Yes, it is, Intervenor's
18 Exhibit 36.

19 BY MR. MICHAEL KOHN:

20 Q I've opened two pages of that exhibit for you
21 to look at. The first is Page 4, which is the responses.
22 And the second is a Page 7, which follows much later. And
23 it is the question. So we can see the question and the
24 response.

25 And with respect to 3A, you were asked to

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1 "Identify each and every piece of faulty equipment
2 believed to be responsible for higher than expected
3 readings." And you helped provide the answer to that
4 response. Is that correct?

5 A Yes.

6 Q And you only identified VP2466. Is that
7 correct?

8 A Yes.

9 Q And you are aware that that is an Alnor
10 device; correct?

11 A Right.

12 Q At the time you answered this response, were
13 you aware of an EGG device that was giving higher than
14 expected dew point readings?

15 A No. I don't know. I don't recall being aware
16 of an EGG device giving higher than expected dew points.

17 Q And I assume your response to 3B also is
18 correct that you have no idea who authored the statement
19 in the April 9th letter that higher than expected dew
20 point readings were attributed to faulty instrumentation?

21 A That's correct. It's the same as I answered
22 earlier today. I don't know who wrote that.

23 Q Did you attempt to determine who wrote it?

24 A Yes.

25 Q And with response to Interrogatory 3C, you

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1 state that the only document Georgia Power is aware of is
2 a document identified as Deposition Exhibit 44, Bates
3 Number 46072, which corresponds to GPC Exhibit 52 Bockhold
4 F, which I'm going to show you. Did you see this document
5 prior to April 9, 1990?

6 A I don't recall seeing this document prior to
7 April 9th, 1990.

8 Q Do you recall seeing this document prior to
9 today?

10 A I'm not certain that I've seen it prior to
11 today, but I believe that I have seen this document.

12 Q Did you rely on this document to determine the
13 air quality was or was not satisfactory?

14 A Since I don't remember this document, it's
15 very hard for me to say that I relied on it to determine
16 that air quality was --

17 CHAIRMAN BLOCH: Mr. Kohn, which document are
18 you referring to as "this document"?

19 MR. MICHAEL KOHN: GPC Exhibit 52 Bockhold F.

20 CHAIRMAN BLOCH: Thank you.

21 BY MR. MICHAEL KOHN:

22 Q Do you believe you were in a position on April
23 9, 1990 to tell the NRC IIT whether or not you had
24 satisfactory air quality if you had not looked at the
25 underlying documentation and had no knowledge of an EGG

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1 device giving high readings?

2 MR. BLAKE: I have an objection to that. The
3 man says he doesn't remember what he knew at that point in
4 time. He's now said it several times over. And to
5 characterize his testimony as "In view of the fact that
6 you didn't know" I think is inappropriate.

7 MR. MICHAEL KOHN: Your Honor, I specifically
8 asked the witness with response to Interrogatory Response
9 3A whether he was aware of any other device, specifically
10 EGG. And he said no.

11 MR. BLAKE: Look, our position is well-known
12 on this. We have never believed that the EG&G instrument
13 was faulty. We didn't know how to use the instrument.
14 That's different than saying it was a faulty instrument.

15 I don't have a problem with our discovery
16 response. I don't have a problem with this witness'
17 answers. And I don't why this characterization would be
18 made of his prior responses today.

19 CHAIRMAN BLOCH: What's the question, Mr.
20 Kohn?

21 MR. MICHAEL KOHN: Whether the witness
22 believes he had adequate basis to state to the NRC on
23 April 9th, 1990 that the plant had satisfactory air if he
24 was unaware of the EGG readings.

25 THE WITNESS: Again, I don't know how to

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1 answer that because I didn't make -- I didn't write the
2 letter or send a letter on April 9th, 1990. I don't know
3 how I could answer that. If I had, I would have been --
4 if I didn't know about the EG&G at that time, I might
5 could answer it.

6 But that's so -- it's a double hypothetical
7 question. I don't understand it.

8 MR. MICHAEL KOHN: My question is not
9 hypothetical. My question is based on your April 9th
10 communication with the IIT before the 4-9 letter was sent
11 out. You told the IIT that you had satisfactory air.

12 MR. BLAKE: Please put the statement in front
13 of him.

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Would you like to say what
16 the basis was for the statement of satisfactory air?

17 MR. BLAKE: Can we put the statement --

18 CHAIRMAN BLOCH: Your testimony; right? Do
19 you believe it was an adequate basis?

20 THE WITNESS: I didn't say it has satisfactory
21 air. And if you want --

22 CHAIRMAN BLOCH: Mr. Kohn, where in the
23 transcript are you relying on? At Page 7, Line 23, you
24 say "We haven't had poor air quality." Is that what
25 you're referring to, Mr. Kohn?

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1 MR. MICHAEL KOHN: Yes, Your Honor.

2 THE WITNESS: Yeah. Let me -- I can address
3 -- you want to know why I said we didn't have poor air
4 quality. If you read this whole thing in context, we had
5 some particular problems with air.

6 But based on the last year's worth of trends
7 in data that we -- that I had looked at -- I did not have
8 the readings during this phone call, but I had the -- I
9 believe I had a list of which -- what -- when we did the
10 PMs and when they passed. And based on that, as I say, we
11 haven't had poor air quality.

12 It's been within the recommended vendor's
13 recommendation pretty much for the last year, up until
14 March 31st, when we reported a failure, which we now don't
15 really believe that there was a failure because of the
16 instrument.

17 I only see one failure over the last 12 months
18 during a PM. I didn't mean to see globally we've never
19 ever, no matter what, ever had an air quality -- air being
20 out of spec. And I think you'll be taking that out of
21 context.

22 I just meant overall based on the review of
23 the work orders I had seen up to then, the results of
24 them, I did not see that as being that poor air quality
25 was a trend or an adverse chronic problem.

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1 CHAIRMAN BLOCH: Now, Mr. Kohn, you have some
2 arguments you may want to make to us. Be careful of
3 what's important to ask of the witness.

4 FURTHER CROSS-EXAMINATION

5 BY MR. MICHAEL KOHN:

6 Q On the testimony you just read, you indicated
7 that because of "the instrument." Were you referring to
8 the Alnor instrument or were you referring to more than
9 one instrument?

10 A I don't know.

11 Q Based on the fact that you were going to have
12 a communication with the IIT and you state on Page 4 of
13 this transcript that "Let me give you the status today on
14 the dew points for all the diesel generators." Do you
15 believe you had a responsibility to have known about the
16 EGG device and been prepared to discuss that with the IIT?

17 A No.

18 BOARD EXAMINATION

19 CHAIRMAN BLOCH: Let me ask: How did you
20 prepare yourself to know what the readings had been before
21 you spoke to the IIT?

22 THE WITNESS: I had -- based on reading this
23 and looking at other documents, I believe that I had
24 someone give me a list of dates and whether or not we did
25 the PMs on those dates and whether or not they passed.

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1 At the time of this phone call, I believe I
2 had information for about a year back saying whether or
3 not we did -- number one, did we do the PM because that
4 could be a problem if we weren't checking it; and, number
5 two, when we checked it, if it passed. I believe I had
6 that information.

7 I'm not sure that I knew what I was going to
8 be asked about in this phone call, first off. I do not
9 normally participate in the IIT phone calls. This was a
10 day -- I was on the phone call because Mr. Bockhold was
11 not there on April the 9th, 1990. And he asked me if I
12 would sit in on the phone call in his absence. And I did.

13 I don't remember making any great preparations
14 or I did -- you know, they asked for some information.
15 And we said we would provide it. And I believe we -- that
16 I later provided it or had someone make a list for the 1A
17 diesel generator going back for about a year on --

18 CHAIRMAN BLOCH: Did you have to have a reason
19 to believe that somehow the way that the data was
20 collected was resulting in a comprehensive set of all the
21 dew point measurements?

22 THE WITNESS: I don't know about
23 comprehensive, but, yes, sir, I thought this would -- by
24 asking have we checked these on a monthly basis and have
25 they passed; that is, have the surveillances, the checking

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1 of the dew point, passed within the vendor-recommended
2 limits, I thought that would be a good check.

3 As far as comprehensive, I don't think I could
4 say from that check that there -- that I check every day
5 of the year. I only check those days in which the PM was
6 done. I thought that was a good trend to look at.

7 CHAIRMAN BLOCH: Okay. So there may have been
8 other days that readings were taken, but you hadn't
9 checked into those. Was there some reason that you
10 limited it to the PMs?

11 THE WITNESS: The PMs were a known time when
12 we went and checked the dew point readings. So if you
13 want to know about what -- you know, whether or not we're
14 checking dew point readings, which we wanted to be doing
15 monthly, and what the results were, the easiest thing to
16 do would be go and have someone pull up all the PMs or the
17 work orders for the PMs and say which ones passed, which
18 ones didn't, and which ones we didn't do.

19 I was afraid maybe we weren't doing them, that
20 we were missing doing them. And so to find out did we
21 miss any as well as what the results were was very
22 important to me.

23 FURTHER CROSS-EXAMINATION

24 BY MR. MICHAEL KOHN:

25 Q I'm going to call your attention to Georgia

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1 Power Exhibit 53 Bockhold K. It should be in the book
2 next to you.

3 Q Do you have that document in front of you?

4 A I have a document that says Exhibit 57,
5 Georgia Power's Response to NRC's First Set of
6 Interrogatories. Would that be it?

7 Q You were testifying that when you were
8 speaking with the IIT, that you had a document that gave
9 you the date of the PMs, and information about the
10 readings. Is this the document you were referring to?

11 A I don't believe this is the document.

12 Q How does this document differ than the one you
13 were referring to?

14 A I believe that -- I'm trying to look for it in
15 the transcript from the telephone call, but I don't
16 believe I actually had numbers. I think I just had a --
17 the months and whether they passed or not during the phone
18 call. And when they asked for the actual numbers, or what
19 I thought they were asking for was for a year's worth of
20 PM numbers, I believe I had this made up. And as a result
21 of this phone call, I believe this Exhibit 57, Bockhold
22 Ex. K, was made up for me right -- some time after the
23 telephone call on April 9th and before some time the next
24 day.

25 Q On page 4, you do give a dew point reading of

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1 60.9 degrees.

2 A Right. If you look on page 7, I was answering
3 a question from Mr. Chaffee, and I say in there, "I can
4 just give you the PM results that showed the dew points
5 when we've taken them during the PMs, and we do a monthly
6 PM for them, and they basically have all -- maybe one or
7 two -- not" -- I meant to say, or I think I said, "didn't
8 pass." But I said "passed in the last -- since October of
9 '88."

10 I don't believe that I actually had the
11 numbers or the results of the PMs. I believe I just had a
12 summary of which PMs were done, which ones weren't, and
13 which ones weren't -- which ones failed.

14 Q You say you have PM results that showed the
15 dew points. Wouldn't that require that the dew points
16 would have to be identified by a number value?

17 A Right. And I can give them that.

18 Q And isn't that what Georgia Power Exhibit 57
19 is, it gives you the work order number, the date, and just
20 the dew points?

21 A That's right, and that's what I had provided
22 for them. I had had someone go and actually get the
23 numbers, the dew points out, and talk with them.

24 Q Isn't this the -- essentially the document
25 that you had in front of you, based on your review now of

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1 the transcript?

2 A I don't believe I had this document in front
3 of me when we had this telephone call. I believe I had --
4 I believe I made this document, or had someone make it, as
5 a result of the telephone call.

6 Q On page 4 --

7 BOARD EXAMINATION

8 CHAIRMAN BLOCH: Hold on a second.

9 Mr. Kitchens, if you had in front of you, as you say, a
10 document which just showed passed on failed, that's what
11 you're saying?

12 THE WITNESS: That's what I -- yes, sir,
13 that's what I think that I had.

14 CHAIRMAN BLOCH: Okay. Now, your statement
15 is, "Maybe one or two passed in the last," and you meant
16 one or two failed.

17 THE WITNESS: Right.

18 CHAIRMAN BLOCH: You used the word "passed."
19 Why would you say "one or two" if there was a document in
20 front of you that had "passed and failed" on it, and you
21 could easily see whether there was one or two?

22 THE WITNESS: I don't know. I mean, I -- you
23 know, looking at -- even looking at this document here,
24 for one thing, there's a gap between March of '89 and June
25 of '89.

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1 CHAIRMAN BLOCH: Well --

2 THE WITNESS: It also depends on whether or
3 not you called the March 16, '89, failures. They're
4 actually good readings from a quality point of view, but
5 they're outside the vendor recommendation. They may have
6 called those failures or passes, I don't know.

7 I honestly don't -- you know, it's awful hard
8 to remember exactly what I had in front of me. But based
9 on my review since that time, I believe that this was made
10 up and typed by my secretary as a result of the request by
11 IIT on here. That's my belief anyway.

12 CROSS EXAMINATION (Continued)

13 BY MR. MICHAEL KOHN:

14 Q On page 4 of the April 9 IIT transcript, on
15 line 22, you mention 60.9 degrees.

16 A Right.

17 Q Where did you obtain that number from?

18 A That was from the 1A receiver that didn't
19 pass.

20 Q And did you have the PM to obtain this number?

21 A I don't think that I had the PM to obtain that
22 number.

23 Q And how did you -- where did you get this 60.9
24 Fahrenheit number from?

25 A Well, the 60 -- I don't know where I got the

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1 number from. Someone either told me that number, or it
2 was on some of the documents that I had at that particular
3 time. But that's the one that -- that was out. I mean,
4 that's -- that's the one on unit 2A I remember that we
5 had.

6 Q Based on your statement on lines 17 and 18
7 that you're prepared to give the status of dew point
8 readings for all of the diesel generators, do you believe
9 you would have had either the work orders or a synopsis of
10 the content of the work orders in front of you?

11 A Well, either in front of me or someone gave me
12 the status, something -- you know, I got this information,
13 and -- as of the status of that particular day that all
14 eight of the receivers were in spec. except for this one.
15 And there was -- you know, if there's one out of spec., it
16 occurs to me I would ask somebody, "How bad is it?" and
17 they'd tell me it's 60.9. Now, I don't know the answer to
18 what exact documents I had in front of me when I did this.

19 Q Is there any reason that you can think of, in
20 providing a chart to the NRC to document all -- to
21 document the history of out of spec. dew points, to
22 exclude high out of spec. readings, just totally to
23 exclude them? Is there any reason you can think of doing
24 that?

25 A To exclude high out of spec. readings. Do you

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1 mean readings where the dew point was higher than
2 50 degrees Fahrenheit?

3 Q Yes.

4 A Do you mean just to exclude them, period?

5 Q Yes.

6 A No, I don't know of any reason for why we
7 would do that.

8 Q And you are aware that that's what you did
9 when you submitted GPC Exhibit 57, Bockhold K?

10 A No, I don't know that.

11 Q Were you aware that there were high out of
12 specification dew point readings obtained between, if
13 you'd look at the work orders -- the dates 3/31/90 and
14 4/8/90. Were you aware that there were more -- there was
15 more than one dew point instrument obtaining high out of
16 specification readings during that time period?

17 A I am aware that -- of that, and I'm also aware
18 that we didn't believe what those readings were because we
19 thought we had faulty instrumentation and/or we didn't
20 know how to use the instrumentation. I'm also aware that
21 the NRC knew about that, and it's documented in the
22 telephone call that we had.

23 But the readings that -- that I asked for were
24 what were the official PM numbers, what did -- when we
25 went out and documented what's on the PM, what do you

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1 trend, this is the number that came back. And I believe
2 this is the number after I&C personnel thought they got a
3 good reading, they got good instruments, and everybody was
4 trained to do it. They said, "This is the -- if you
5 really want to know what the air quality is, it's 34 and
6 33." That's what I believe that -- that they gave me.

7 BOARD EXAMINATION

8 CHAIRMAN BLOCH: Mr. Kitchens?

9 THE WITNESS: And we did not go in and list
10 every single number they got during the troubleshooting.

11 CHAIRMAN BLOCH: Mr. Kitchens, were there any
12 procedures being done on the dryers before those final
13 readings were taken that could have explained the
14 reduction in dew points in the dryers -- I mean, in the
15 receivers? Excuse me.

16 THE WITNESS: I -- I don't know.

17 CHAIRMAN BLOCH: Do you know whether or not
18 they were being either fed and bled or blown down during
19 that period?

20 THE WITNESS: I think during this period, I
21 know some of the receivers were being blown down, and the
22 one on unit 2 that had the bad reading, we obviously
23 turned its dryers back on, or dryer back on, and --

24 CHAIRMAN BLOCH: And do you know whether or
25 not all of them were being fed and bled?

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1 THE WITNESS: I don't know.

2 CHAIRMAN BLOCH: So if they were being fed and
3 bled, what confidence would you have that the in spec.
4 readings meant that the earlier readings were wrong?

5 THE WITNESS: Only the confidence that I have
6 in -- in my people, in the people that reported what the
7 numbers were.

8 CHAIRMAN BLOCH: Please listen carefully. If
9 you're doing a procedure, feed and bleed, to reduce the
10 humidity, and you finally get dew points that are in
11 spec., what does that say about what the dew points were
12 before you did the feed and bleed?

13 THE WITNESS: I'm not -- I'm really not sure I
14 -- if I know how to answer that.

15 CHAIRMAN BLOCH: It says nothing, doesn't it?
16 It doesn't say anything about the earlier readings, if you
17 were feeding and bleeding during that time period, does
18 it, unless you know how much you can reduce it through the
19 feed and bleed?

20 THE WITNESS: Reduce it or increase it.

21 CHAIRMAN BLOCH: Oh, does feed and bleed
22 increase the dew point reading?

23 THE WITNESS: It depends on how -- on what the
24 reading is at the outlet of the dryer during the time
25 you're during the feed and bleed.

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1 CHAIRMAN BLOCH: Okay. So, in other words,
2 you can't tell at all from the final reading what the
3 initial reading was if feed and bleed was going on in
4 between?

5 THE WITNESS: If you were feeding and bleeding
6 and changing it, or even just changing from one date to
7 another, the readings would -- could be different. Yes,
8 sir, that's correct.

9 CHAIRMAN BLOCH: So I'm correct that the final
10 readings don't show anything about whether the initial
11 readings were correct or incorrect?

12 THE WITNESS: Right.

13 CHAIRMAN BLOCH: If there was feed and bleed
14 going on.

15 THE WITNESS: That's right. That would
16 complicate it even more.

17 CROSS EXAMINATION (Continued)

18 BY MR. MICHAEL KOHN:

19 Q Earlier I asked you whether you could --
20 whether it's your understanding that the NRC was -- let me
21 rephrase it. In the April 9th letter, when there's a
22 reference to higher than expected dew point readings,
23 whether that reference referred to all of the high dew
24 point readings between the site area emergency and
25 April 9th, or a specific reading, based on your testimony

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1 now, can you tell me whether that statement referred to
2 all of the high readings? Is that what you were
3 communicating to the NRC?

4 A I have no knowledge of what we -- of why
5 someone wrote that in the memo or the letter to the NRC.
6 I did not prepare -- I wasn't involved in preparing it to
7 the best of my knowledge.

8 Q Now, let's look at your Bockhold Exhibit K,
9 GPC Exhibit 57. Was the second reading of 80 and 60
10 degree Fahrenheit with respect to MWO number 19001513 a
11 valid high reading?

12 A I would imagine that we logged that as a valid
13 high reading, and that's the reason this shows up on --
14 you know, on this chart. I mean, it depends on what you
15 mean by valid, etcetera, but this was on a different work
16 order. And I think the people who made this up for me
17 probably took the -- the last reading or the reading that
18 they thought was the most appropriate off of that work
19 order to list it on here.

20 Q And the one underneath it, 19000899, there is
21 an initial reading of March 9, 1990, of 61 -- 66 degrees
22 Fahrenheit. Do you believe those to be valid high
23 readings?

24 A I do not know. I mean, I don't know, if I
25 believe they are now or if I believed them back in 1990, I

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1 really don't know.

2 Q And if you would look at the first one, MWO
3 number 19001651, dated 4/8/90, and I'm going to refer you
4 to the demonstrative aid number 4, if you would --
5 Intervenor II-169. And if you would find -- you'll find
6 that reading or that MWO on page 2 of the exhibit,
7 starting at the top, and you'll see readings of 86 and 66,
8 78 and 77, 83 and 85, for 4/5/90. And then, on 4/6/90, 85
9 and 85, etcetera. Do you see those readings?

10 A I don't see anything. I don't have that work
11 order in front of me.

12 CHAIRMAN BLOCH: He's not showing you the work
13 order. He's showing you Intervenor Exhibit 169.

14 MR. MICHAEL KOHN: So you're oriented, we are
15 looking at work order 19001 --

16 CHAIRMAN BLOCH: Sorry about that.

17 BY MR. MICHAEL KOHN:

18 Q You're looking at the entry for the work order
19 19001651, and do you see there a host of readings in the
20 high 80s and 70 degree range for a period of three days?

21 A Right. I see those.

22 Q Okay. Those would be official dew point
23 readings contained in that MWO. Can you tell me why they
24 would be excluded from your Exhibit 57, from GPC
25 Exhibit 57?

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1 A I'll give you the same answer as I gave a
2 while ago. When the NRC asked us for this information, I
3 think they wanted to know what the real dew point readings
4 were, and I think they knew that we had been struggling
5 for several days to try to -- to use the instruments
6 provided and get a good instrument reading, and I believe
7 we gave what we thought was the -- the first time or the
8 time we really got a good reading, we listed what the
9 reading was on the list that I gave to -- or that I had
10 given to the IIT.

11 We didn't go in and list all of the other
12 readings that were in question, and all of the readings
13 that initiated this whole round of questions to start
14 with. That's -- that's the only way -- the only thing
15 that I know to -- the reason we would not have put that on
16 there. We didn't believe the readings.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Mr. Kitchens, were you
19 supervising I&C? I mean, were you above I&C at the time
20 you were a manager?

21 THE WITNESS: I was a manager that -- I&C
22 worked for me, yes.

23 CHAIRMAN BLOCH: And when your technicians
24 enter data on plant records, is that their certification
25 that they believe it to be accurate?

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1 THE WITNESS: In this case, it doesn't
2 necessarily certify they believe it to be accurate, but
3 that is what they got. Now, in some cases, people take
4 data to certify they believe it to be accurate, but I
5 think they also sometimes take data and they actually log
6 exactly what it is.

7 CHAIRMAN BLOCH: So --

8 THE WITNESS: If they don't believe the
9 instrumentation is working right, then they should
10 annotate it or say so, take some corrective actions, and
11 not -- not just leave it alone.

12 CHAIRMAN BLOCH: Well, do you know whether any
13 of the MWOs were annotated with the suspicion of the
14 technician that it was not accurate?

15 THE WITNESS: No, not -- not for certain.

16 CHAIRMAN BLOCH: And did you satisfy yourself
17 at a later time that the procedures that were being used
18 were adequate, even though the instruments weren't being
19 used properly?

20 THE WITNESS: I don't understand. The
21 procedures that were being used?

22 CHAIRMAN BLOCH: Do you think that there were
23 some technicians who went into the field and used improper
24 methods to use an instrument, and then they recorded it on
25 a plant document? Did that concern you?

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1 THE WITNESS: Yes, it didn't concern me that
2 they recorded these on a plant document, if that's what
3 they got. What concerned me was making sure that we had
4 good instruments and that they knew how to use the
5 instruments.

6 CHAIRMAN BLOCH: Well, what did you think when
7 you found out that there were people out there using
8 instruments without knowing how to use them?

9 THE WITNESS: Well, I asked the -- the
10 maintenance manager and the I&C personnel to try to get to
11 the bottom of it, to learn, you know, how to use it and
12 what to do. But I did not get involved into the details
13 that I learned how to use one of these things myself.

14 CHAIRMAN BLOCH: But how did you know that
15 there weren't other times that people were going out into
16 the field and using instruments without knowing how to?

17 THE WITNESS: I can't say that I -- that I
18 know that. But when I have indications where there is a
19 problem, that's when I need to take corrective action.

20 CHAIRMAN BLOCH: But do you see that there's a
21 problem with plant records, if you don't know whether
22 people were using things improperly in the past? If a
23 technician can go out in the field and use an instrument
24 and incorrectly, and write down the result without an
25 annotation, doesn't that give you general concern about

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1 the whole program?

2 THE WITNESS: It gives me general concern
3 about the whole program if they don't know -- if they
4 aren't proficient and qualified to use the equipment that
5 they have, yes.

6 CHAIRMAN BLOCH: So did you inquire about
7 that, how that came about?

8 THE WITNESS: I believe that I did. But,
9 again, this is -- this is over five years ago.

10 CHAIRMAN BLOCH: And you don't recall how it
11 came about?

12 THE WITNESS: I don't recall how it came
13 about. I do recall this being an area of discussion. I
14 recall us getting a -- one or more instruments from
15 another plant. I do recall us discussing whether or not
16 we'll use our own technicians or contract technicians.
17 But I really don't remember all of the details of this
18 ALNOR versus EG&G. I really don't.

19 At the time, I probably knew about it. I
20 mean, I probably got involved to some extent. But I
21 believe that we finally got an instrument that was working
22 right, and some of our people knew how to use it. In
23 subsequent months and years, we've had training on it, it
24 seems to have worked well, it seems to -- that we are able
25 to do this since that time. So I'm not concerned about it

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1 at the present time.

2 CHAIRMAN BLOCH: Do you recall anything about
3 the absence of a flow control device in the first use of
4 an instrument?

5 THE WITNESS: Again, I don't remember the
6 details of what the problems were with this instrument.

7 CHAIRMAN BLOCH: Do you recall whether the
8 difficulty in using the instrument was ever related to the
9 amount of error that might be caused through that
10 difficulty? In other words, you might have a problem
11 using an instrument, but it may only have a five percent
12 difference, where the difference is much larger than that
13 in the plant records. Did you ever quantify the problem
14 that you found?

15 Okay. Did you ever quantify the amount of
16 error that would have been produced through the type of
17 mistake that the technicians were believed to have made?

18 THE WITNESS: Since I don't know what the type
19 of the mistake that the technicians may have made, I can
20 only say no, I don't -- I don't know about that. I don't
21 -- I'm not able to answer your question.

22 CHAIRMAN BLOCH: Do you know whether at the
23 end of a calibration period of an instrument you send it
24 back to find out what the calibration of the instrument
25 was?

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1 THE WITNESS: We -- yes, we normally do that.

2 CHAIRMAN BLOCH: And if the instrument in
3 question, which was believed to be defective, was not sent
4 back, what should I conclude from that?

5 THE WITNESS: Well, if the instrument is
6 defective or believed to be defective, and you -- then you
7 would put it somewhere, either have it repaired, thrown
8 away, but you wouldn't just go and continue to use it.

9 CHAIRMAN BLOCH: No. But why wouldn't you
10 send it back to find out if it was properly calibrated or
11 not? That would have told you 100 percent whether or not
12 this was a defective instrument, wouldn't it?

13 THE WITNESS: Yeah. Well, maybe we should
14 have done that. I wish we had have --

15 CHAIRMAN BLOCH: But the only time that you
16 didn't send one back, that I know of, in plant practice is
17 this particular instrument, and I don't understand that.
18 Could you help me understand why it is that in this case
19 you didn't send it back when it was the general practice
20 to send them back?

21 THE WITNESS: No, I can't help you with that.

22 CHAIRMAN BLOCH: Mr. Kohn?

23 CROSS EXAMINATION (Continued)

24 BY MR. MICHAEL KOHN:

25 Q You state in your testimony on page 9, lines

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1 12 through 14, that, "There was no point in giving the NRC
2 dew point information that we did not believe to be
3 correct." Did you believe the 80 and 60 degree Fahrenheit
4 readings to be correct, contained in Bockhold --

5 A Yes.

6 Q -- Exhibit K?

7 A I believe they -- at that time, I believe that
8 they were the best readings we had, and I -- and as far as
9 I knew, I would have accepted them to be correct, at least
10 from the point of view of that's what started us off in
11 looking at this thing.

12 Q Now, looking at --

13 CHAIRMAN BLOCH: Mr. Kohn, if we take a break
14 now, how much more time do you have left?

15 ADMINISTRATIVE JUDGE CARPENTER: As you
16 recall, the original estimate was an hour. It has been an
17 hour.

18 CHAIRMAN BLOCH: We nervously watched counsel
19 flipping through five pages.

20 MR. MICHAEL KOHN: If we take a break, I think
21 I can prune this down.

22 CHAIRMAN BLOCH: Yes. You still haven't
23 answered the question.

24 MR. MICHAEL KOHN: A half hour.

25 CHAIRMAN BLOCH: All right. We'll take a 10-

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1 minute break.

2 (Whereupon, the proceedings were off the
3 record from 2:35 p.m. until 2:52 p.m.)

4 BY MR. MICHAEL KOHN:

5 Q If you would look at Intervenor's Exhibit II-
6 105. If you would look at page 11, the second paragraph,
7 last sentence. It states in the NOV response that, "The
8 initial reports of higher than expected dew points arose
9 on April 6." Didn't you previously testify, after I
10 showed you demonstrative aid 4, that you would have known
11 about initial reports of higher than expected dew points
12 within a day of March 29, 1990?

13 CHAIRMAN BLOCH: Okay. Let's slow up. After
14 we found the document, and we've gone to page 11, now
15 we're ready to hear what the paragraph and line is.

16 MR. MICHAEL KOHN: Last paragraph, first
17 sentence, on page 11.

18 CHAIRMAN BLOCH: Now, what was the question?

19 BY MR. MICHAEL KOHN:

20 Q Do you recall previously testifying that you
21 would have been aware of initial reports of higher than
22 expected dew points on or about March 29, 1990?

23 A Yes.

24 Q And, therefore, when in the NOV response it
25 says, "The initial reports of higher than expected dew

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1 points arose on April 6," that would be incorrect,
2 wouldn't it? The initial reports would have been known to
3 you on March 29, 1990.

4 A It may have been known to me on April 6th. I
5 really don't remember exactly when they were known to me.
6 I would think that when we got higher than -- than normal
7 dew points, I would have known about it within a few days.
8 I mean, I don't have any reason to -- to know when I found
9 out about the -- when the dew points were high.

10 I believe the readings also that we had, on
11 the 29th, initially we didn't suspect those to be in
12 error. We took action to try to -- thinking those were
13 really bad data, or not bad data, but the dew points were
14 high and we took action to try to correct them.

15 Q Well, are you saying --

16 BOARD EXAMINATION

17 CHAIRMAN BLOCH: Hold on just a second. Do
18 you know whether or not you took action after the bad dew
19 points?

20 THE WITNESS: I don't know. And I don't know
21 which bad dew points that you're -- you're talking about,
22 but the --

23 CHAIRMAN BLOCH: The ones on April 6th.

24 THE WITNESS: On April 6th, I don't -- I don't
25 know. I could look that up, but I do not know what

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1 action, if any, we took right now.

2 CHAIRMAN BLOCH: If you took action, that
3 would have been conservative, right?

4 THE WITNESS: Right.

5 CHAIRMAN BLOCH: And would it also suggest
6 some doubt as to whether it was a real reading or a
7 defective reading?

8 THE WITNESS: By taking action on --

9 CHAIRMAN BLOCH: Yes.

10 THE WITNESS: -- on something on the diesels,
11 do you mean?

12 CHAIRMAN BLOCH: Yes.

13 THE WITNESS: It possibly could.

14 CROSS EXAMINATION (Continued)

15 BY MR. MICHAEL KOHN:

16 Q If you would look at the prior paragraph,
17 between March 29 and April 3, as a followup to the IIT
18 request, Georgia Power tested the air quality for moisture
19 and conducted a review of the control air filters. And
20 then it goes on to state that, "GPC stated that based upon
21 tests done, the quality of air was satisfactory and air
22 quality was not considered the root cause of the 1A diesel
23 trip on March 20, 1990."

24 The fact that there was high dew point
25 readings taken in between the March 28 and April 3

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1 timeframe, do you believe there is a -- that it's a
2 material misrepresentation to state in the NOV response
3 that between these timeframes air quality was
4 satisfactory?

5 A Again, I don't understand the question. I
6 don't know how to answer that question.

7 Q March 28 -- we can call your attention to
8 Bockhold Exhibit -- GPC Exhibit 49, Bockhold Exhibit C.
9 And in this transcript, which I will show you, Mr.
10 Bockhold on page 96 states that he will find out what the
11 last dew point was, when it was, and will take a dew point
12 and will add that into some parallel path and testing
13 modes.

14 MR. BLAKE: What is the document you're
15 showing the witness?

16 MR. MICHAEL KOHN: GPC 49, Bockhold C.

17 MR. BLAKE: And what is it?

18 MR. MICHAEL KOHN: April 28th IIT transcript,
19 March -- thank you.

20 MR. BLAKE: And was Mr. Kitchens involved?
21 Hello? Was Mr. Kitchens involved?

22 MR. MICHAEL KOHN: I don't know if he was or
23 wasn't.

24 MR. BLAKE: Well, can we start with that,
25 Judge, before we just put documents in front where the

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1 witness had no prior involvement, and just ask him to
2 interpret now. I don't know how probative --

3 CHAIRMAN BLOCH: Why are we going into that
4 statement by Mr. Bockhold? You had the list, right? And
5 isn't the March 29th data not present on the list?

6 MR. MICHAEL KOHN: It is present on
7 Mr. Kitchens' list. It's just dated under March 31.

8 CHAIRMAN BLOCH: Oh.

9 MR. MICHAEL KOHN: Rather than March 29. So
10 this is relevant because --

11 CHAIRMAN BLOCH: Well, you don't have to ask
12 him about a transcript that he wasn't present at. If you
13 already have --

14 MR. MICHAEL KOHN: My question goes with
15 respect to the NOV response. That transcript portion was
16 attached to the NOV response as the basis for this
17 statement, and I'm now going through whether the basis for
18 the statements in the NOV response represent a material
19 misrepresentation.

20 CHAIRMAN BLOCH: Well, you have a statement
21 from the witness about this event in the end of March,
22 right?

23 MR. MICHAEL KOHN: Yes, sir.

24 CHAIRMAN BLOCH: So what else do you need to
25 show that that wasn't considered? You don't need to get

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1 each witness to agree with you.

2 MR. MICHAEL KOHN: Okay.

3 CHAIRMAN BLOCH: They're unlikely to, as a
4 matter of fact, but --

5 MR. MICHAEL KOHN: Your Honor, I guess the
6 reason this is coming up is because this exhibit I don't
7 believe was questioned. We were -- and, therefore, with
8 the prior rulings as to what goes in, as to what was
9 discussed, so I'm trying to discuss the portions of the
10 exhibit that we want to cite to in the -- in the
11 proceeding. And this is an exhibit signed by Mr. McCoy,
12 who obviously we cannot question on.

13 So I chose Mr. Kitchens because he was part of
14 the NOV response review for the PRB and should have an
15 adequate basis to respond to these questions, so that is
16 why I'm pursuing this line, to show inadequacies in the
17 NOV response. If we can cite to the content of the NOV
18 response, it would certainly alleviate a large line of
19 questioning without individually pointing them out to the
20 witness.

21 MR. BLAKE: Well, that would have been a fine
22 proposal, and if there are specific areas in here, rather
23 than take the witness' time, rather than taking
24 everybody's time, to just simply refer him to a spot and
25 say, "Are you familiar with this? Do you know anything?"

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1 And if he says, "No, I don't remember, I don't know," you
2 know, holy cow, just tell us what it is he wants to cite
3 --

4 CHAIRMAN BLOCH: Just ask him whether he is
5 familiar with the different areas of the NOV response.
6 You don't have to ask any other questions other than that.

7 MR. MICHAEL KOHN: Okay.

8 BY MR. MICHAEL KOHN:

9 Q Are you familiar with page 10, starting under
10 GPC response to violation B, through page 14, the last
11 sentence of the NOV response? Have you reviewed it
12 before?

13 A I believe that I reviewed this over a year
14 ago, but I have not seen it since that time. It's pretty
15 lengthy. I'd have to read it to talk about it. I'm not
16 familiar with it right now, but I believe I've probably
17 reviewed this as part of my review of this.

18 CHAIRMAN BLOCH: That's adequate. We're not
19 going to ask you any more questions. You're just
20 identifying things for use.

21 THE WITNESS: Okay.

22 BY MR. MICHAEL KOHN:

23 Q And is it your statement that the entire
24 contents of pages 10 through 14 are true and accurate to
25 the best of your knowledge at this time?

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1 A Do you want me to take the time to read them?
2 I have not read these in over a year, since --

3 Q Yes, sir.

4 CHAIRMAN BLOCH: They are representations to
5 the NRC. Do you really need this witness's statement that
6 they're true and accurate?

7 MR. MICHAEL KOHN: No, Your Honor. If it's
8 understood that Intervenor will be citing to factual
9 information contained in pages 10 through 14, then I don't
10 -- I don't have to do that.

11 CHAIRMAN BLOCH: Okay. What's next?

12 BY MR. MICHAEL KOHN:

13 Q On page 9, line 11 -- at lines 15 through 16
14 of your testimony, you state that you believe at the time
15 the NRC was fully aware of the out of specification
16 readings, and you go on to cite your basis for that
17 belief, I believe, on page 9, lines 18, to page 10, line
18 11. Other than your basis for the belief stated in this
19 portion of your testimony, do you have any other basis?

20 A Any other basis for what?

21 Q To believe that the NRC was fully aware of the
22 out of specification readings.

23 A Well, during -- during this timeframe that
24 we're talking about, we had NRC inspectors at the diesels
25 almost constantly there, observing, watching. I mean, I

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1 can't prove that they would have know what the readings
2 were, but I'd be very surprised if at least one or more
3 NRC inspectors didn't observe some of these readings
4 actually being taken.

5 I do believe, based on reading this
6 transcript, that Mr. Chaffee and others knew that -- of
7 the out of spec. readings, too. So I would point toward
8 that as being my main basis for it, but it is my feeling
9 that the NRC knew we had gotten out of spec. readings for
10 the -- on this air receiver and were -- were dealing with
11 a faulty, or what we thought might be a faulty instrument
12 during that time.

13 Q On page 9 of your testimony, on line 24,
14 you're discussing Mr. Chaffee's comments, and he says,
15 "You got negative numbers, which didn't make any sense."
16 And on page 10, you go on to say that that statement shows
17 that Mr. Chaffee knew of high readings obtained prior to
18 the first new instrument. Can you tell me how negative
19 numbers, which didn't make any sense, would infer that
20 Mr. Chaffee was aware of high readings?

21 CHAIRMAN BLOCH: Mr. Kohn, does it matter? We
22 know Mr. Chaffee was aware of high readings, don't we?

23 THE WITNESS: I have to read this over and
24 see. I think he was aware of high readings and low
25 readings. I can go back through this transcript and read

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1 it, if you'd like.

2 MR. MICHAEL KOHN: Your Honor, I don't think
3 that's the case. I think the record supports that
4 Mr. Chaffee was aware of an initial high reading
5 identified by Mr. Hunt that was not -- and that following
6 that, the next high reading -- that he was told of
7 negative numbers but was never told of another high
8 reading until the April 8 reading for the 2A receiver.
9 That is our understanding of the status of the record.

10 BOARD EXAMINATION

11 CHAIRMAN BLOCH: Is Mr. Kohn's understanding
12 inconsistent with yours, Mr. Kitchens? Do you know
13 what --

14 THE WITNESS: Yes, sir. It's inconsistent
15 with mine.

16 CHAIRMAN BLOCH: And in what way?

17 THE WITNESS: I believe that Mr. Chaffee knew
18 that we had recently got high readings on the -- doing
19 these air -- these dew point readings, and he knew that we
20 were pursuing trying to find out what the issue and what
21 the problem was. I think he had heard from a previous
22 phone call that he had on Saturday that I wasn't -- wasn't
23 a participant in, that we had actually got some negative
24 readings with one of the instruments. So, obviously, we
25 weren't using it right, or -- or it wasn't working right.

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1 I believe that he knew we had high readings also.

2 In fact, if you want to read on page 5 of the
3 transcript, he says, "Will the following questions" --

4 CROSS EXAMINATION (Continued)

5 BY MR. MICHAEL KOHN:

6 Q Which transcript, please?

7 A Sorry. Official transcript of proceedings of
8 April 9, 1990, telephone call that I was in with the IIT,
9 and it mentions this 60.9 degree reading. Mr. Chaffee
10 mentions it. I believe he knew, but I -- I mean, I can't
11 read his mind. But I believe that the NRC knew of the
12 high readings we had initially got also. That's -- the
13 answer to your question was I believe my -- my view of it
14 is different than Mr. Kohn's.

15 Q You keep on saying you believe. My question
16 is, what is the basis for your belief, other than the
17 statement contained in the April 9, 1990, IIT transcript?

18 A In the April transcript, we talk about a
19 couple of the points, and there is a high reading on
20 there. But I also believe that the whole issue came about
21 because of the high -- the initial high readings that we
22 got. I -- I can't answer any more.

23 Q My question --

24 A It was a long time ago.

25 Q The initial high readings were on March 29,

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1 1990. What factual information do you have to support
2 that anyone in the IIT was told of another high dew point
3 reading between April -- March 29, 1990, and your
4 communication with the IIT on April 9, 1990?

5 MR. BLAKE: I object. Asked and answered.
6 The witness has said the NRC was there. He thought they
7 were there for all of the tests. He thought they were
8 around the diesels. He thought they knew. He thought Mr.
9 Hunt knew. He thought other people knew. There was no
10 reason for him to believe that some communication with the
11 NRC wouldn't have let Mr. Chaffee know it. That's the sum
12 and substance. He doesn't have ideal -- doesn't have
13 specifics.

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Is that the case, that you
16 have no -- you don't know of any specific communications
17 of these people, you're relying on their presence on the
18 site?

19 THE WITNESS: Yes, sir. Right now, here
20 today, I can't tell you of a piece of paper that's written
21 down on.

22 CROSS EXAMINATION (Continued)

23 BY MR. MICHAEL KOHN:

24 Q Well, isn't it true that the IIT left the site
25 on April 2, 1990?

1 A I do not know when the IIT left the site, sir.

2 Q If the IIT left the site on April 2, 1990,
3 would that affect your debate -- your belief that they
4 would have known if they weren't there?

5 A No, sir. I believe they had daily telephone
6 calls back with the site, and I also believe they had
7 regional inspectors who stayed at the site during --
8 during that time.

9 Q And you were aware that these telephone calls
10 were transcribed, correct?

11 A No. At the time, I was not aware that
12 telephone calls were transcribed.

13 Q But later you became aware that the telephone
14 calls were transcribed?

15 A Yes.

16 Q And you're not aware of any transcribed
17 telephone call associated with the IIT, other than this
18 April 9th transcript, that has any references to higher
19 than expected dew points, are you, between March 28 and
20 April 9?

21 A I have not read any transcript from the IIT
22 except this one we're talking about right now, and the one
23 you gave me earlier that -- by mistake, that I only saw
24 the front page of. Otherwise, I've never seen any
25 transcript from any of the IIT telephone calls. So I

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1 guess the answer is no. If -- if what I said isn't --
2 doesn't make sense, please ask the question again.

3 Q In your opinion, if the IIT asked Mr. Bockhold
4 and Mr. Bockhold agreed to take high dew point readings --
5 excuse me -- to take dew point readings after March 28,
6 1990, and high dew point readings were obtained the next
7 day, and four days later the NRC is told that the dew
8 point readings indicated that air quality was
9 satisfactory, when, in fact, the dew point readings
10 indicated that the air quality was 60 and 80 degrees
11 Fahrenheit, would you consider that to be a material false
12 statement?

13 A I'd have to know a lot more than what -- the
14 context it's in, that kind of stuff. I don't believe I
15 can answer that question. I don't know what Mr. Bockhold
16 knew when he said that.

17 Q If, in fact, the only dew point reading that
18 was taken during that time demonstrated that the air
19 quality was not satisfactory, would a statement to the NRC
20 stating that you took air quality readings during that
21 period, and that air quality was satisfactory, would that
22 constitute, in your mind, a misrepresentation to the NRC?

23 CHAIRMAN BLOCH: Are we talking now about
24 Mr. Bockhold's statement?

25 MR. MICHAEL KOHN: Yes.

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1 CHAIRMAN BLOCH: Why does this witness's
2 opinion on that matter?

3 MR. MICHAEL KOHN: Only to the extent that the
4 documentation with respect to that series of events was
5 part of the NOV response, and as the -- it shows --

6 CHAIRMAN BLOCH: But can't you make the
7 argument that you just made in a question to the Board
8 without the witness's answer?

9 MR. MICHAEL KOHN: I have no further
10 questions, Your Honor.

11 CHAIRMAN BLOCH: Is Staff prepared to begin?

12 CROSS EXAMINATION (Continued)

13 BY MS. YOUNG:

14 Q Good afternoon, Mr. Kitchens.

15 A Hi.

16 Q It's a pleasure to speak to you, I think on
17 the fifth anniversary of Mr. Mosbaugh turning over his
18 tapes to the NRC.

19 A All right.

20 (Laughter.)

21 Q Whether we should celebrate, I guess we'll
22 wait another day to find that out.

23 One of the last exchanges you had with
24 Intervenor's counsel was whether you had reviewed IIT
25 transcripts before testifying today. And I just want to

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1 be clear, because my understanding of your responses that
2 you gave him regarding your role as a PRB member, looking
3 at the NOV response, was that you did look at the writeup
4 of the NOV and the documents appended with that package.
5 Do you recall that?

6 A Right.

7 Q Okay. And looking at the --

8 CHAIRMAN BLOCH: I'm sorry. The witness
9 didn't answer

10 MS. YOUNG: He said, "Right."

11 THE WITNESS: What I looked at was the
12 document that we provided -- the actual NOV, Notice of
13 Violation. There were some attachments that I have not
14 looked at, or did not look at as part of that review, and
15 some that I did look at as part of that review.

16 BY MS. YOUNG:

17 Q Do you remember, in looking at the NOV
18 response, whether you looked at IIT transcripts?

19 A I don't recall. If I did, I -- I don't
20 remember it, or I don't remember that it was an IIT
21 transcript.

22 Q Mr. Kohn has directed your attention to
23 pages 11 through 14 of that NOV response, and in there at
24 least three different IIT transcripts are cited -- one for
25 March 28th, April 3rd, and April 6th. Could it be that

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1 you had looked at those transcripts at the time that you
2 participated in the review of the NOV response?

3 A That's possible.

4 Q I believe also the April 9th IIT transcript is
5 identified there on page 12.

6 A The April 9th one being the one that -- where
7 I was a participant, yes, I've seen that one.

8 Q So do you have any recollection today whether
9 you had looked at that at the time that you participated
10 in the review of the NOV response?

11 A No, ma'am. I don't remember if I did before
12 or after or as during the review of this. I honestly
13 don't remember what -- which ones of those I looked at.
14 And if --

15 BOARD EXAMINATION

16 CHAIRMAN BLOCH: Mr. Kitchens, you said to me
17 before -- this is Judge Bloch -- that PRB members may have
18 had about two days to look over these documents. Do you
19 know, is that right?

20 THE WITNESS: As I recall, we had a couple of
21 days, maybe even a little bit longer for -- I think we may
22 have gotten one document, and then we may have gotten some
23 attachments or the letter. So, yes, it was a couple of
24 days. Yes, sir.

25 CHAIRMAN BLOCH: I take it that during that

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1 time, you had other work to do?

2 THE WITNESS: Yes. I did not just spend two
3 full days reviewing.

4 CHAIRMAN BLOCH: About how much time do you
5 estimate that you did take reviewing the document and the
6 attachments?

7 THE WITNESS: Maybe -- it was -- this will be
8 an estimate. I mean, it's just a guess on my part,
9 probably three or four hours total.

10 CROSS EXAMINATION (Continued)

11 BY MS. YOUNG:

12 Q Now, I think in responding to a question,
13 again, about your work as a PRB member reviewing that
14 transmission, you indicated, I think to Judge Bloch, that
15 you probably wouldn't disagree with information in
16 documents that came before you as a PRB members, unless
17 you knew something specifically was wrong. Do you recall
18 testifying to that this morning?

19 A Yes, or something similar to that.

20 Q Okay. Now, in looking at the NOV response,
21 would you have paid particular attention to any incidents
22 that you had been involved in in terms of trying to
23 provide GPC with assistance on whether that package was
24 okay for submittal to the NRC?

25 A I would have to look through this again to

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1 answer -- to try to refresh my memory. In general, that's
2 what I do, and I think other PRB members do, is you -- is
3 I would try to review it. And those areas where I was
4 familiar with this, I would try to especially review those
5 areas that I had any -- either any involvement or
6 knowledge or -- or -- in, and try to especially review
7 those.

8 I would try to review the entire thing, read
9 it, anyway, but there are some areas where I may have
10 thought other members of the PRB had more knowledge than
11 me. I didn't -- I didn't go and try to verify each and
12 every statement or sentence in there, but I tried to read
13 it over. Where I had questions, where things didn't make
14 sense, I would annotate that, or if there was some
15 question where I thought, you know, maybe this isn't
16 right, or something needs to be added, I annotated it to
17 discuss it.

18 I don't remember the specific areas that I
19 concentrated on, but probably you're right, there's
20 probably some paragraphs or some portions where I may have
21 spent more time reviewing than on other ones. I don't
22 remember which ones they are.

23 Q And would that general practice or approach to
24 a document before the PRB be something that you followed
25 in 1990, say, for example, with respect to diesel

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1 generator start counts?

2 A Yes, that would be a general approach, and my
3 way of describing how we would have done it also in 1990.

4 Q And in your experience, do most PRB members
5 really participate based on their direct knowledge, rather
6 than going or attempting to do individual research to
7 determine whether something is accurate or complete?

8 A I think it depends on what the item is. But I
9 think normally more people would tend to go on their own
10 knowledge and experience. Often times, a PRB member will
11 ask someone else on their staff to review it for them,
12 that may have had more knowledge or experience or maybe
13 more technical expertise on something. And sometimes
14 members of the PRB bring comments in that actually were
15 comments from a member of their staff.

16 But we don't -- we don't really expect each
17 PRB member to be a complete expert on every single thing
18 that's brought before the Board.

19 Q And did you view your role as Chairman of the
20 PRB, at least during some of the meetings held in 1990, as
21 any different in that regard? Were you under any
22 different obligation to determine whether information that
23 passed before the PRB was accurate or complete?

24 A No, I would say that I viewed it very
25 similarly, to try to get things reviewed properly.

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1 Sometimes we would ask for people outside of the PRB to
2 review them, or during a PRB review somebody might say --
3 or ask a question, did so-and-so have a chance to look at
4 this? But I think the way I've described it of people
5 reviewing it based on their own knowledge, experience, and
6 expertise, was probably the same in 1990.

7 Q Now, do you recall ever reading the NOV
8 response package after it was submitted to the NRC?

9 A This NOV response that was submitted in July
10 of 1994?

11 Q Yes.

12 A No, I don't recall reading it after we sent --
13 after it was sent to the NRC.

14 Q So if you had not read it, you wouldn't be
15 able to tell us whether you identified any differences
16 between the draft you were considering at the meeting and
17 the actual package that was submitted to the NRC, either
18 in terms of the --

19 A I did not review it and see if anything had
20 changed from the draft the PRB had seen, or that the PRB's
21 comments had all been incorporated.

22 Q Now, do you remember whether there were any
23 specific comments in terms of the completeness of the
24 document?

25 A No, I don't remember any specific comments. I

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1 believe there were some comments, but I don't remember
2 what they were. I don't remember the nature of the
3 comments, but I believe the PRB may have had comments on
4 that draft that we saw.

5 Q And if there were comments on the draft, would
6 those have been memorialized in meetings -- excuse me --
7 minutes of that meeting?

8 A They would have probably been summarized, but
9 we do have a -- basically, just a form that the PRB
10 secretary writes each comment on, and then there's a place
11 on the side of that form they write how it was resolved --
12 was that comment incorporated or not, and how it was
13 incorporated.

14 So, basically, to answer you, it's sort of a
15 tracking scheme we've developed now to try to make sure
16 each comment gets resolved before it goes to the general
17 manager for his final approval on whatever it may be. I
18 don't -- I don't remember the resolution of any comments
19 that we may have had, but I -- I would imagine that would
20 have been done in a similar way.

21 Q Now, is there also a file in which documents
22 that have come before the PRB are maintained?

23 A I don't --

24 Q Either as part of the meeting minutes or some
25 separate system?

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1 A I don't believe there is a file of everything
2 that has come before the PRB. I believe the meeting
3 minutes and the notes that I mentioned of -- of actions
4 and PRB comments, I believe those are kept by the NSAC
5 group. But I don't believe they keep everything that was
6 submitted. Realize, sometimes a package we get might be
7 this high of paper.

8 CHAIRMAN BLOCH: The witness is indicating
9 about how many feet?

10 THE WITNESS: About maybe a foot or 18 inches.
11 Because sometimes there is a lot of procedures and design
12 changes in those, and it would be massive if they kept a
13 copy of every single one of those. I think they -- I
14 think we probably keep in our file just summaries of the
15 questions and comments.

16 BY MS. YOUNG:

17 Q So if an individual believes that information
18 that was actually transmitted to the NRC was different in
19 some respect than what the PRB had intended, there
20 wouldn't be a way to go back and track the previous
21 version of the document?

22 A It depends on what the document is, but it
23 could be a document -- if someone didn't keep their own
24 particular copy of the draft, it was different, I believe
25 it may be that what you said is true; we might not be able

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1 to tell. It depends on what the document is.

2 Q In preparing for your testimony today, did you
3 review any documents?

4 A Yes.

5 Q Could you just describe those for us?

6 A Okay. The -- let's see, the handwritten notes
7 of the team building meeting in January of 1990 that was
8 also shown to me here as an exhibit. I don't know the
9 number of the -- whatever it is. But if you know what I
10 mean, that was the handwritten set of notes that
11 apparently Mr. Mosbaugh wrote that, in part at least, had
12 to do with the team -- the so-called team building
13 meeting.

14 Q That's Intervenor II-133, two-page notes?

15 A Handwritten. Yes, I reviewed that. I also
16 reviewed this IIT telephone conference of April 9, 1990,
17 transcript, the one that we just got through talking about
18 where I was a participant on that telephone call.

19 And I reviewed a transcript, apparently, of a
20 tape that Mr. Mosbaugh had made on April 10, 1990, that --
21 where there was discussions about the dew point readings.
22 I believe that was -- whatever Int. Exhibit 25 means.
23 That's -- I think that's also one that --

24 Q Could you give us the tape number?

25 A I'm sorry. I didn't have the tape number.

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1 One last thing that I reviewed was the list of
2 air receiver dew point measurements that -- that I believe
3 I had made up, and on April 9th of 1990, that we also saw
4 Exhibit 82 of something. But that's the -- where it shows
5 the unit 1, diesel generator 1A dew point readings for
6 approximately one year.

7 I guess that would be GPC Exhibit 57, Bockhold
8 Ex. K. Those were the only documents that I really looked
9 at, in addition to I read over again my prefiled -- I
10 guess you call that testimony, the document that I
11 presented here today. I read that also and made sure that
12 it was correct.

13 Q Okay. You just indicated that you believe
14 Bockhold Exhibit -- excuse me, GPC Exhibit II-57 or
15 Bockhold Exhibit K was prepared on April 9, 1990. I
16 thought, from listening to your testimony this morning,
17 you had indicated it was prepared some time after April 9,
18 1990.

19 MR. BLAKE: That's not a correct
20 characterization of his testimony. What he indicated was
21 after the telephone call, he thought he then went back and
22 got the numbers.

23 MS. YOUNG: I'm only addressing what he just
24 told me now.

25 MR. BLAKE: I understand.

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1 MS. YOUNG: So if he could just clarify it
2 without your assistance. He probably can do it just as
3 well.

4 MR. BLAKE: I think you could also take a look
5 at transcript pages 8 and 9, where it is specifically
6 discussed. But go ahead.

7 MS. YOUNG: I'll get to that.

8 MR. BLAKE: Thank you.

9 THE WITNESS: I believe that -- and I say I
10 believe, but this is the best that I can remember, and
11 also get from these -- all of these papers, I believe that
12 I -- I had that prepared for me after -- some time after
13 this telephone call with the IIT members on April 9th, and
14 some time before the conversation on April 10th that I
15 just told you I had reviewed a transcript of, because
16 during that transcript I alluded to the fact that I had a
17 list made up.

18 So some time in there. It was either the 9th
19 or the 10th. I would imagine I had that made up on the
20 9th, because the telephone call was early in the morning,
21 like at 9:00.

22 BY MR. MICHAEL KOHN:

23 Q Do you think the tape you're referring to is
24 tape 41, which was, I believe, Bockhold Exhibit --

25 A If you show it --

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1 Q -- I-1?

2 MR. MICHAEL KOHN: What exhibit number? He
3 probably has it in front of him.

4 MS. YOUNG: It's GPC Exhibit II-55A.

5 THE WITNESS: No, this wouldn't be it. This
6 one was on April 10, 1990. This one right here says
7 April 11, 1990.

8 MS. YOUNG: Can we go off the record for a
9 moment?

10 CHAIRMAN BLOCH: Off the record.

11 (Whereupon, the proceedings were off the
12 record from 3:30 p.m. until 3:34 p.m.)

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: So could you describe the
15 document that you used to review?

16 THE WITNESS: Yes, sir. One other document
17 that I reviewed prior to giving this testimony today was
18 what I believe was a transcript of a -- a recording made
19 by Mr. Mosbaugh on April 10, 1990. At the top it was --
20 it listed large conference room, admin. building (Int.
21 Ex. 25).

22 MR. BLAKE: That may narrow it down.

23 (Laughter.)

24 CHAIRMAN BLOCH: It may be E-X-H, right?

25 THE WITNESS: It could very well be, yes, sir.

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1 Could be.

2 MR. BLAKE: I think you can show him that,
3 Michael. It does appear to be maybe your Intervenor
4 Exhibit 25.

5 THE WITNESS: This is it. It says tape
6 number 40 at the top. Someone asked for the tape number.

7 MR. MICHAEL KOHN: 25.

8 CROSS EXAMINATION (Continued)

9 BY MS. YOUNG:

10 Q Mr. Kitchens, would that have been a
11 conversation that involved the IIT, or just internally
12 with GPC?

13 A It appears to be an internal meeting with
14 Georgia Power. It appears to be a meeting with the plant
15 staff or the management team at Georgia Power. That's
16 what it appears to me to be.

17 Q I'd like you to turn to page 8 of the April 9,
18 1990, transcript, which I believe is --

19 A All right.

20 Q -- Ward C, GPC II-61. You indicated to
21 Mr. Kohn this morning that you believe you did not have
22 Bockhold K, which was the one-page listing of unit 1A --

23 A Yes.

24 Q -- dew point readings, at the time this
25 conversation took place. Do you recall that testimony?

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1 A Yes, I do.

2 Q And you also indicated that you only had a
3 list indicating which readings passed the criteria, and
4 which ones failed it. Is your testimony at the top half
5 of page 8 what you were referring to?

6 A Yes, ma'am. The reason that I believe I
7 didn't have that list is because, as I said right here, I
8 don't have the data. I have a list of all of the work
9 orders where we did it, and which ones passed and which
10 ones failed. And, you know, that's why we were thinking
11 it might have been an instrumentation problem.

12 And also, later on, I say I'll be glad -- when
13 he asked about giving some data, I said, "I'll be glad to
14 give you the -- I can just have somebody look up the
15 actual numbers from all of these, you know, what the
16 actual dew point numbers were that were obtained for back
17 in that period, and, you know, furnish that for you for
18 the A train diesel or for both of them."

19 So I believe I didn't have the actual numbers,
20 at least not all of them, or I wouldn't have said those
21 words.

22 Q And you were just reading from page 9 of the
23 transcript?

24 A Yes, ma'am, page 8 and page 9.

25 Q Now, do you have any recollection today of the

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1 actual date that list, Bockhold K, was provided to the
2 IIT?

3 A No.

4 Q Do you think it was the same day?

5 A Let me explain why I think it occurred. I
6 don't have any recollection of -- of, you know,
7 physically, actually making this document. I did have
8 some recollection of providing some data and getting some
9 people to make a list for me.

10 I believe this happened -- that I probably had
11 this list made on April 9th, because this transcript shows
12 that, at least I believe what I saying was I didn't have
13 the final list, or I didn't have a list with all of the
14 numbers on it, and I promised I would give it for the IIT.
15 And then, the next day, on this other document that we
16 just talked about on the transcript, I believe -- I
17 believe this was a meeting with at least Mr. Bockhold and
18 Mr. Mosbaugh, and I were there. I don't see anybody
19 else's name on the transcribed page.

20 But this is -- this -- if this document is
21 correct and it was on April 10th, that we had a meeting on
22 -- some time on April 10th saying, "Again, yesterday we
23 talked about what the results from the PMs were. I made
24 one up, got it to Herb yesterday, 1A diesel for the past
25 year, and all of the PMs. We missed two months in the

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1 earlier year, starting last" --

2 If you read this and you look at that list, if
3 you read what I'm saying and you hold that list in your
4 hand, it sounds like on -- on April 10th, I must have had
5 this list.

6 Q And you were reading from page 2 of
7 Intervenor II-25A?

8 A Right. That's correct.

9 Q Or Joint Exhibit 25A, excuse me.

10 A Right. Tape number 40.

11 So I don't really remember when I had this
12 made up. But when someone asked me, when did I think it
13 was made, I believe it was made on April 9th, or possibly
14 early on April 10th, because I don't think I actually had
15 that list made when I had the phone call with IIT. I may
16 have had a draft of it; I don't know. I think I did, and
17 I think I did have it by the time this meeting occurred,
18 which it supposedly happened on April 10th.

19 Therefore, I deduced some time late in the
20 afternoon of the 9th, or possibly the morning of the 10th,
21 is when I had this document made up. It's a deduction on
22 my part. I don't remember making it -- having it made up
23 or making it up.

24 Q Do you recall whether the IIT's concern about
25 air quality was limited to the 1A diesel?

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1 A Well, I know -- all I remember is on this
2 particular telephone call -- and, again, I did not
3 participate in very many of the meetings with the IIT, or
4 telephone calls. This particular one I did. I believe I
5 helped provide data, but I usually gave it to Mr.
6 Bockhold, or, as you heard me read, that guy's name Herb,
7 Herb Beacher, is who I would give the data to.

8 This particular case was where I interfaced
9 directly with the IIT because Mr. Bockhold wasn't around.
10 And it appeared to me from this transcript when I asked
11 him specifically, I said -- let me see where I can find --

12 Q And be sure to indicate for the record which
13 transcript you're referring to.

14 A Yes, ma'am. Just a second. Okay. Again,
15 this is at GPC Exhibit 61, Ward Ex. C.

16 Q Yes.

17 A Am I getting close? On page 6, starting on
18 line 12, we had been talking about getting some data that
19 Mr. Chaffee asked for, and he got back into, you know,
20 closed loop communication and he wanted to say -- he says,
21 "Okay. I'm going to make a statement here. I'm not sure
22 if it's true, and I don't think we've seen or have been
23 given the information on the dry performance. If I'm
24 wrong, then disregard the following.

25 Please provide us that information that

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1 addresses the air performance on the particular unit 2" --
2 oh, I see, that's right. That was unit 2 that had the
3 problem, not unit 1A. We really wanted the unit 1. So I
4 say, "Is what you need the actual dew point measured
5 during the PMs for, say, the past year?" And Mr. Chaffee
6 says, "We just need the information that shows us to what
7 extent air quality might have had an impact on the
8 operation of the unit 1A diesel."

9 So I believe the reason that I only put the 1A
10 diesel on that list that I gave to Herb was based on that.
11 I thought he only wanted the 1A diesel data. I believe I
12 could have given data for all of the other diesels, but we
13 didn't.

14 Q You don't believe NRC asked for that
15 information?

16 A I don't know of the NRC asking for that
17 information. That is, for information for the dew point
18 measurements for the other diesels.

19 Q Yes.

20 A I am not aware of them asking for that. That
21 doesn't mean they didn't, but I do not know of such a
22 request.

23 Q Does it seem reasonable to you that the NRC
24 would have limited its focus on the 1A diesel, given the
25 time period which these conversations are being held?

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1 A Well, this is -- I believe the answer I would
2 say is, yes, kind of tentatively. But I believe they were
3 trying to determine the root cause for a failure of the 1A
4 diesel, and they were trying to determine whether air
5 quality could have been a contributor to that. So it
6 wasn't surprising to me that he really wanted to know
7 about 1A the most. That would be the -- the one in
8 question that we had the problem with.

9 Q And in terms of GPC summarizing information,
10 or providing information to the NRC, in April of 1990,
11 with respect to air quality, do you think it also would be
12 reasonable to restrict those summaries to information
13 about the 1A diesel?

14 A I think it depends on what you're looking for.
15 If you're really trying to -- to show and determine a
16 cause for this particular failure that we had, I would say
17 yes. Earlier, though, we talked about is there -- could
18 there be a personnel issue or a procedure, I believe,
19 associated with this. Then, I would say it's not
20 reasonable to just look at unit 1 or 1A, because that
21 could also apply to the other diesels.

22 I would have said if we wanted to see if there
23 is a trend going on here, we could look at all of them,
24 and he would get more data to find out if there is an
25 adverse trend or not.

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1 Q Yeah. Perhaps my question was too vague for
2 you. I was thinking more in terms of GPC's submission of
3 information about air quality in the April 9, 1990,
4 letter, and I believe Intervenor asked you a question
5 about this document. I'd like -- if you have the exhibit
6 on the table, please pull it out --

7 A Okay.

8 Q -- and look at page 3. It's Intervenor
9 Exhibit 24.

10 A This is the April 9, 1990, confirmation of
11 action letter?

12 Q Yes.

13 A Yes, ma'am, I have that.

14 Q Look at page 3, paragraph 4. There's a
15 paragraph --

16 A Well, this particular -- you know, this letter
17 -- and, again, this is the one that I've said several
18 times in here I don't believe I was a part of drafting
19 this letter.

20 Q No, I understand.

21 A But since the main -- the diesel that didn't
22 start, you know, on March 20th was the 1A diesel, and it
23 talked about it several times, I would have thought that
24 primarily we would have been talking about the 1A diesel
25 there. But I don't know what people meant when they wrote

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1 this -- this paragraph. I mean, I can't say if -- you
2 know, why the -- do you mean item number 4?

3 Q Yes.

4 A Probably, you know, it's only a guess, and any
5 of you can guess as good as me, but probably whoever wrote
6 this was going right down from -- we're trying to
7 determine root causes for why the 1A diesel had starting
8 problems during the loss of off-site power on March 20th,
9 and that would be just 1A. That's the only one that
10 failed.

11 Q So in terms of the NRC getting information to
12 enable it to decide whether to allow permission for GPC to
13 restart unit 1, in your estimation, it would have been
14 reasonable to provide information about air quality and
15 unit 1A?

16 A Yes, I think that would be reasonable.

17 Q What about air quality information about
18 unit 1B?

19 A Well, again, depending on what the nature of
20 the question is, why someone is asking if they think -- if
21 someone is inquiring to find out is there a -- you know,
22 is there a problem with deterioration of our starting air
23 system, or control air -- control air, because of there
24 being moisture in it, it could apply to either one.

25 If they're really just wanting to say, did the

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1 1A diesel not start that particular day, it would only be
2 the 1A diesel.

3 Q I'm sorry. I said unit 1B. I meant diesel
4 generator 1B. Is your answer the same?

5 A Yes. I was assuming you meant diesel
6 generator 1B.

7 Q Thank you.

8 A I didn't give a definitive answer because I --
9 I really believe it depends on what the nature of the
10 question, why someone would ask it for. And so --

11 CHAIRMAN BLOCH: Sounds like a very lawyerly
12 approach, but now I'm not sure what we're getting from
13 further stuff on this. Can we continue?

14 MS. YOUNG: I don't have any more questions.

15 CHAIRMAN BLOCH: Okay.

16 BY MS. YOUNG:

17 Q I believe also either this morning or this
18 afternoon you indicated to Intervenor's counsel that you
19 believe that the IIT was informed about a high dew point
20 reading in March of 1990. And you specifically referred
21 to a 60.9 reading, which was discussed in the transcript
22 of the April 9th IIT meeting.

23 A Right. The 60.9 reading I believe was on --
24 is the one on the unit 2 diesel that we also discovered
25 the air receiver being off.

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1 Q Do you recall what date that occurred?

2 A What date, what, that we found the 60.9
3 reading?

4 Q Yes.

5 A No, I don't recall the date.

6 Q If you could look at Intervenor's II-169,
7 which was the demonstrative aid 4. That's still on the
8 table. And look at the entry for diesel generator 2A in
9 the March/April '90 timeframe.

10 A Okay. I see that.

11 Q Is the 60.9 that you're referring to on page 4
12 of the April 9, 1990, transcript the reading that's
13 indicated here as occurring on April 8, 1990, on unit 2 --
14 on the 2A diesel?

15 A Yes, ma'am.

16 Q Now, do you believe Mr. Chaffee was informed
17 of that reading before this phone call?

18 A Probably not. If we -- if we -- I got this
19 reading on April 8th, and this phone call was on the -- at
20 9:00 in the morning on the 9th, he probably did not know
21 about the -- about that.

22 Q So I believe you had referred earlier, in
23 answering a question from Mr. Kohn, to page 5 of that
24 transcript where Mr. Chaffee repeats that reading, and
25 indicated you thought he was aware of it prior to the

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1 call. I just wanted to clarify your testimony on this
2 point.

3 A Okay.

4 Q So you agree that the transcript here, at
5 least 4 to 5, indicates that you're the first one to
6 mention the 2A reading of 60.9 degrees?

7 A Yes. I -- on that phone call, I mentioned
8 that, and also he -- he later on mentioned it.

9 Q And that reading was not referring to any 61
10 degree reading that occurred on March 9, 1990, on the 1A,
11 if you'd turn back to the first page of II-169.

12 A I'm sorry. I don't understand that.

13 Q Turn back to the first page of the
14 Intervenor's demonstrative aid.

15 A All right.

16 Q There's a 61 degree reading on March 9, 1990.

17 A Okay. That's for, it looks like, diesel
18 generator 1A, right?

19 Q The 60.9 that you mentioned in the transcript
20 of the April 9, 1990, phone call had nothing to do with
21 any March 9, 1990, high reading on the 1A diesel generator
22 air receiver. Is that correct?

23 A Let me look at it just for a second. I -- I
24 believe that you are correct. I believe that was
25 referring to the 60.9 reading on the 2A diesel. That

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1 would be the most logical thing. In here, I talked about
2 unit 2, 60.9, and I believe it was referring to the unit 2
3 number.

4 Q So it was a result of the exchange with the
5 IIT that the focus was brought back to the 1A diesel
6 during this phone call, 1A diesel generator, would you
7 agree?

8 A Yes.

9 CHAIRMAN BLOCH: Counsel, I'd like to suggest
10 a 10-minute break. It could be our last 10-minute break
11 for the day. Let's go off the record.

12 (Whereupon, the proceedings were off the
13 record from 3:53 p.m. until 4:06 p.m.)

14 CHAIRMAN BLOCH: Good afternoon. Ms. Young?

15 CROSS EXAMINATION (continued)

16 BY MS. YOUNG:

17 Q Mr. Kitchens, are you familiar with plant
18 equipment operator round sheets?

19 A I'm generally familiar with them, yes.

20 Q And have you ever in your duties as head of
21 operations for Vogtle looked at those round sheets in
22 order to determine whether certain activities took place
23 at the plant?

24 MR. BLAKE: Is this tied to the testimony?

25 MS. YOUNG: Yes. And the cross this morning

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1 by Intervenor's counsel.

2 MR. BLAKE: I frankly don't have any
3 recollection of its either appearing in his testimony
4 about anything based on round sheets or the Intervenor
5 asking questions about round sheets.

6 THE WITNESS: Would you ask the question
7 again?

8 MS. YOUNG: I don't remember it due to your
9 counsel's interruption. What I'm trying to find out is if
10 you've ever reviewed those round sheets to determine what
11 activities took place at the plant.

12 THE WITNESS: When I was the operations
13 manager, I would have an opportunity to review some of
14 them; but I did not as a normal practice review all the
15 round sheets.

16 BY MS. YOUNG:

17 Q I'd like to show you one that's been marked as
18 an exhibit in the proceedings. It's been marked as Staff
19 II-4, and it's a round sheet for April 30, 1990, but
20 it's -- this was executed on the form that I believe is
21 used throughout the plant during the PEO rounds, the plant
22 equipment operator rounds. And if you could turn to page
23 seven of 29 of that sheet -- package. Staff II-4.

24 Do you see the entry at the top of the page
25 talking about air receivers and air dryers blown down

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1 until moisture free?

2 A Yes.

3 Q Do you know whether the plant equipment
4 operator initialling that part of the sheet would have
5 checked to see if the air dryer was on as part of that
6 process?

7 A I don't know.

8 Q Do you believe if the plant equipment operator
9 observed that the air dryer was in the off position that
10 they would note it here on the round sheet?

11 A Yes, I do. I believe that some of the plant
12 equipment operators probably did check that on their
13 rounds and would have annotated it, but I have no reason
14 to -- you know, since that was not a specific item -- line
15 item on here, my initial answer is I don't know
16 specifically if someone looked at the breaker or the
17 little switch for the air dryer.

18 Q Do you recall whether there was ever a
19 determination made as to why the dryer was left off?

20 A You mean the Unit 2 dryer that was left off --

21 Q Yes.

22 A -- that we found left off in the early April
23 1990 time frame?

24 Q Yes, that's what I'm asking.

25 A It's my recollection that we thought it was

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1 left off during or just following a PM, or the periodic
2 maintenance, where maintenance went out and worked on the
3 air dryer. And what they do is in addition to taking the
4 dew point readings, is they also did some cleaning of the
5 condensers and things like that where they would turn them
6 off momentarily. And I believe -- it's only my
7 recollection -- I believe that we thought that was the
8 reason that those were left off was they were not turned
9 on -- back on afterwards.

10 Q Well, is the switch in a location where
11 someone walking by it could accidentally bump it off?

12 A Well, the switch is actually in a location
13 where someone doing this PM can accidentally turn it off,
14 yes, ma'am. And in fact, we have put a cover over this
15 switch just to prevent that from happening anymore.

16 Q Do you remember when that was done?

17 A I think it was done recently, within the last
18 year or so. I do not believe it was done in the 1990, but
19 I think it was done within the last few months or a year.

20 BOARD EXAMINATION

21 CHAIRMAN BLOCH: Could someone walking by have
22 brushed against the switch accidentally?

23 THE WITNESS: No, sir; I do not believe it's
24 in a position where someone just walking by, just in a
25 position where someone has to get to to do this

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1 maintenance check, and a maintenance person could
2 accidentally brush against it. And we believe that
3 happened some months ago or some time ago.

4 CROSS EXAMINATION (continued)

5 BY MS. YOUNG:

6 Q I'd like to take you back to the team
7 building, back stabbing meeting, as it's been called
8 today. You indicated you reviewed Mr. Mosbaugh's notes of
9 the meeting. Did you make any notes from the meeting
10 yourself?

11 A I don't remember if I took any notes. I can't
12 find them.

13 Q Now at the bottom of page two of your
14 testimony, you indicate that both you and Mr. Mosbaugh
15 gave Mr. Bockhold both positive and negative feedback.
16 Can you recall any of the statements you gave Mr.
17 Bockhold today?

18 A For Mr. Bockhold?

19 Q Yes. I believe you discussed with Judge Block
20 concerns about Mr. Mosbaugh. I'd like to know what you
21 had to -- had in mind with respect to Mr. Bockhold in this
22 time frame.

23 A I believe that the feedback that I gave Mr.
24 Bockhold on the -- as far as the criticism or things he
25 could do better was related to him making decisions,

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1 sometimes not making compromises or not trying to please
2 both Allen and I or two different people. I'm not sure
3 how that's worded, but there's something similar to that
4 on the notes that Mr. Mosbaugh made.

5 I think that was my comment to Mr. Bockhold on
6 the -- as far as the criticism when he asked to say
7 something positive and negative, I believe that my
8 negative was that sometimes he needed to just decide on
9 things more quickly or more definitively.

10 Q Do you remember Mr. Bockhold having any
11 reaction to that observation?

12 A I don't remember specifically. I think he
13 took it well and -- I mean, he was the one facilitating
14 this meeting, if you want to call it facilitating, since
15 he was our boss. He did not -- I don't remember that he
16 got mad or angry about it. But I believe he drew himself
17 in and offered us to give him feedback to try to build the
18 team, but I do not recall any specific reaction to that
19 feedback to Mr. Bockhold.

20 CHAIRMAN BLOCH: I just want to let the
21 reporter know that anytime he can't hear anything, don't
22 gesture, even if it's me. It doesn't matter who it is,
23 stop us immediately.

24 BY MS. YOUNG:

25 Q Now you just indicated that one of your

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1 concerns was Mr. Bockhold acted too slowly in making
2 decisions?

3 A Ma'am, I guess I can put it a better way. My
4 feedback to him was associated with sometimes there would
5 be -- something would come up, and we would need to make a
6 decision, and I felt like that Mr. Bockhold sometimes
7 tried to please both sides, or if there was two or three
8 parties that all wanting to do a certain thing or make a
9 certain decision, that sometimes he would try to make a
10 decision that was in the middle.

11 And sometimes that would not be a good
12 decision, in my opinion. And even if a decision was to do
13 what I recommend or not, sometimes he would take a third
14 option that I believe he thought was a compromise that
15 would make the situation better and make both sides feel
16 good about it. And I guess my feedback was sometimes when
17 you do that, the best decision doesn't come out because
18 you did in some ways make a compromise for both sides.

19 Q Now, did these compromises occur with respect
20 to disagreements between operations and technical support
21 at the time Mr. Mosbaugh was head of that organization?

22 A Sometimes.

23 Q And were your comments at the meeting
24 addressing Mr. Bockhold's way of resolving disagreements
25 between you and Mr. Mosbaugh, or were you referring to an

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1 earlier period when perhaps Mr. Green might have been in
2 that responsibility?

3 A I was referring primarily to the situation at
4 hand with the -- between Allen Mosbaugh and me and George,
5 as I recall anyway.

6 Q And was -- if you were to characterize Mr.
7 Bockhold's management style, what would you say?

8 A I would say he's enthusiastic and high energy.
9 He's a promoter style of person who would, once an action
10 plan is made, he would try to promote that and get -- gain
11 people's by in so that they would also be enthusiastic to
12 do something like he would do. But I would say he's
13 very -- he was a very high energy person and positive.

14 Q And how would you characterize his
15 interpersonal skills in terms of dealing with people who
16 disagreed with him?

17 A On an individual basis like, you know, one on
18 one, I would say that George had good interpersonal skills
19 normally. He was able to get along with people. But
20 sometimes, I think his interpersonal skills
21 organizationally were somewhat confrontational with, you
22 know, say our organization versus construction or some
23 other outside organization.

24 I don't think he meant for it to be, but
25 because of his style and way of presenting things,

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1 sometimes I think he could be confrontational with others.

2 Q Did his style play any role in your estimation
3 in the difficulties you and Mr. Mosbaugh were having in
4 terms of working as a team at Plant Vogtle in 1990 or '89,
5 the period leading up to that meeting?

6 A Yes.

7 Q How so?

8 A Well, I think that -- I guess I'd have to
9 say -- I'd almost have to answer that yes to anyone who
10 would have been our supervisor at that time, because just
11 like I say, it takes two people to have a miscommunication
12 or to not have good teamwork among two people. I think
13 their boss has a big impact on it.

14 I guess my feelings were that sometimes rather
15 than making a decision that would make one or the other of
16 us unhappy or not think we were doing the right thing, so
17 to speak, he would make a decision that was, you know,
18 somewhat of a compromise. And that didn't really help,
19 you know, either of us to know well gee, what direction
20 should be really be heading in.

21 I don't know that that was a big part of it,
22 but it probably -- because he was our boss, I'm sure it
23 probably helped some and maybe hurt some also in our
24 relationship.

25 Q Before the meeting that was held in January of

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1 1990, had Mr. Bockhold given you or Mr. Mosbaugh any
2 guidance in how to work better together?

3 A I don't recall us having any meetings together
4 to do that. I don't know what he may have talked with
5 about with Mr. Mosbaugh. I think in the earlier part of
6 1989, when I first became the assistant general manager of
7 plant operations, and I guess -- I think it was in March
8 of '89 time frame, he did establish my accountabilities --
9 goals and accountabilities.

10 And he specifically put one thing on there to
11 be leadership -- that is, to foster teamwork and
12 communications. And so, at that time, he did explain to
13 me what his expectations were, that I was not to only be a
14 leader over the plant operations, but to try to
15 demonstrate leadership and teamwork. But that was not in
16 a context specifically of working with Mr. Mosbaugh.

17 Q Did Mr. Bockhold normally conduct appraisals
18 of senior managers as a group as transpired in January of
19 1990, reviewing you and Mr. Mosbaugh in one sitting?

20 A No, Mr. Mosbaugh would normally do an
21 individual.

22 Q Mr. Bockhold?

23 A I mean -- sorry, Mr. Bockhold would normally
24 do that, you know, with an individual, one on one. And I
25 didn't particularly view the meeting that we had in

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1 January, team building meeting, as specifically a
2 performance review. But since he was talking about our
3 performance, I did take very much -- take that very
4 seriously.

5 Q I'd like to focus on your testimony about --

6 BOARD EXAMINATION

7 ADMINISTRATIVE JUDGE CARPENTER: Before you
8 leave that, may I?

9 MS. YOUNG: Certainly.

10 ADMINISTRATIVE JUDGE CARPENTER: What reaction
11 did you have to this writing on the blackboard, naming the
12 back stabbing? What did you get out of that?

13 THE WITNESS: I don't recall there being any
14 back stabbing written on a board.

15 ADMINISTRATIVE JUDGE CARPENTER: So you didn't
16 get anything out of it?

17 THE WITNESS: So I mean, I can't respond to
18 your question. I don't remember that happening.

19 ADMINISTRATIVE JUDGE CARPENTER: Thank you.
20 You must have been sitting the other direction.

21 CROSS EXAMINATION (continued)

22 BY MS. YOUNG:

23 Q I'd like to turn you now to your testimony
24 about the PRB and whether Mr. Bockhold's presence had any
25 effect on the deliberations that took place. As chairman

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1 of the PRB, did you feel it was improper for the general
2 manager to attend PRB meetings?

3 A No.

4 Q Why not?

5 A Well, the general manager has the PRB -- the
6 way we have it set up at our plant, the PRB is an advisory
7 board to the general manager. And sometimes things would
8 come up before the PRB where they would be very important
9 items for us to review, or sometimes there might be
10 disagreements or technical differences of opinion on items
11 before the PRB.

12 And I think by -- there was a few times when
13 Mr. Mosbaugh would actually come to the meeting or I would
14 suggest that he come because I think he could get
15 something out of hearing people's views firsthand versus
16 just getting a report from me.

17 MR. BLAKE: I think you just --

18 BY MS. YOUNG:

19 Q You meant Mr. Bockhold, correct?

20 A Yes. At some plants, the general manager is
21 the chairman of the plant review board. In fact, it is
22 that way at our plant.

23 Q Today, the general manager is the chairman of
24 the PRB?

25 A Right.

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1 Q Do you know when that change occurred?

2 A I think that change occurred in 1994. It has
3 been within the last year or so.

4 Q Are you still a member of the PRB?

5 A Yes.

6 Q And in the meetings you attended where Mr.
7 Bockhold was present, did you ever observe any PRB members
8 being reluctant to express their views in Mr. Bockhold's
9 presence?

10 A No.

11 Q Did you ever witness anyone disagreeing with
12 Mr. Bockhold during those meetings?

13 A Yes.

14 Q Did that happen frequently?

15 A Mr. Bockhold didn't attend the PRB meetings
16 frequently, as in weekly; but when he attended the
17 meetings, I would say that people did speak openly and I
18 don't think there was a lot of his discussion. He usually
19 asked questions or would just sit there, but I do recall a
20 time or two when he would make a statement or answer a
21 question from someone and it would be contrary to somebody
22 else's views.

23 Q Well, in the meetings that you participated
24 with Mr. Bockhold, did Mr. Bockhold direct the meetings,
25 or did you, as PRB chairman, direct the meetings?

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1 A In the PRB meetings that I attended where
2 George Bockhold came, I conducted the meetings as the
3 chairman during the time I was the PRB chairman. And he
4 usually came -- a couple of times, he came at my request
5 because we would have a non-unanimous decision -- you
6 know, a recommendation to him that wouldn't be unanimous.

7 And he would come at my request to tell the
8 board what he was going to do. You know, if it was a
9 split vote of -- even though we always got a majority vote
10 one way or another, he would come at my request because I
11 wanted the people who had perhaps a differing view to hear
12 why he was planning to do whichever way he was going to
13 go. So he would normally come as a guest or a technical
14 advisor, whatever you might want to call it, not as the
15 leader who ran the meetings.

16 Q Well, when there was disagreement, did you
17 ever witness Mr. Bockhold trying to steer the result in
18 one direction or the other?

19 A In the PRB meetings?

20 Q Yes.

21 A No.

22 BOARD EXAMINATION

23 CHAIRMAN BLOCH: Mr. Kitchens, just a couple
24 words about Mr. Bockhold's personality. Does he have a
25 strong personality?

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1 THE WITNESS: What do you mean by strong?

2 CHAIRMAN BLOCH: Do other people perceive him
3 as having strength of conviction and determination?

4 THE WITNESS: Yes, I think so.

5 CHAIRMAN BLOCH: Does he sometimes get
6 impatient with people who can't support their opinions?

7 THE WITNESS: I think -- yes, yes.

8 CHAIRMAN BLOCH: Does he have the kind of
9 personality where if someone is somewhat meek they might
10 be reluctant to speak up?

11 THE WITNESS: Yes, they could be.

12 CHAIRMAN BLOCH: Okay, no more questions.

13 CROSS EXAMINATION (continued)

14 BY MS. YOUNG:

15 Q Do you recall this morning being asked
16 questions about the feelings of intimidation by an
17 alternate PRB member which you stated you believe was Mr.
18 Gus Williams?

19 A I was asked who did I think it was.

20 Q Yes.

21 A I still don't know for sure.

22 Q Oh, you don't know for sure?

23 A Somebody asked me that, and I told them that's
24 who I thought it was.

25 Q So to your recollection, no PRB member in 1990

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1 expressed any concerns to you directly that they could not
2 fully perform their function as a PRB member due to the
3 presence of Mr. Bockhold?

4 A That's correct. No PRB member or alternate
5 member expressed concern to me about performing their
6 duties while Mr. Bockhold would be in a meeting.

7 Q Are you aware of any NRC finding with respect
8 to whether a PRB member was intimidated by Mr. Bockhold in
9 1990?

10 A Yes, ma'am, I am. There was a special team
11 inspection that I believe occurred in August of 1990 that
12 I have read a report of, and I believe that team looked
13 into that issue and addressed it.

14 Q I'd like to refer you to Intervenor Exhibit
15 II-83. Hopefully it's somewhere near you. If not, I have
16 to provide you a copy. For the record, that's the
17 November 1, 1991 inspection report, 9019 Supplement 1.
18 It's a summary of an inspection conducted in August of
19 1990. Could you turn to pages 20 -- or review pages 20
20 and 21? And as you're doing that, could you tell me, was
21 this the inspection report you were referring to?

22 CHAIRMAN BLOCH: Just to keep the record
23 clear, the 20's and 21's are at the top center of the page
24 and beneath the upside down fax line. I don't seem to
25 have 21. I have 20. Oh, this is one of those exhibits

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1 where I have only the even pages. I can look on with
2 Judge Murphy. It's okay.

3 BY MS. YOUNG:

4 Q Have you had a chance to look at those pages,
5 Mr. Kitchens?

6 A I only have page 20, and 21's not in this
7 book.

8 Q Look's like the Staff will have to share its
9 copy.

10 A Well, let me just look at 21 right quick. To
11 answer your question earlier, --

12 Q Yes.

13 A -- yes, this is the inspection I was referring
14 to.

15 MR. MICHAEL KOHN: The witness now has all the
16 pages.

17 THE WITNESS: Yes, I do.

18 MS. YOUNG: And when will the Board have all
19 the pages?

20 BY MS. YOUNG:

21 Q Did you have a chance to get to the conclusion
22 yet?

23 A Yes.

24 Q Okay. Do you see the conclusion, page 21,
25 that the inspection concluded that the member did not

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1 change his vote in response to pressure from the general
2 manager?

3 A That's correct. That's the way I understood
4 it also, that the NRC had found that the -- this
5 particular person didn't actually change his vote due to
6 the pressure.

7 Q And you believe that finding is consistent
8 with your experience in terms of the operations of the
9 PRB?

10 A Yes.

11 Q I believe you stated earlier that you weren't
12 involved with the April 9th letter preparation. Do you
13 remember the first time you saw that letter?

14 A No, I don't remember the first time I saw the
15 letter.

16 Q Were you involved with the April 19th LER
17 preparation, either review or preparation?

18 A I believe that I was, through once again the
19 plant review board's review of that LER.

20 Q Do you recall chairing two PRB meetings
21 associated with the LER on April 18th and April 19, 1990?

22 A I'd have to look at the dates, but yes, I
23 recall I was at -- I was chairman of PRB for two meetings
24 in which this LER was discussed. I believe there was
25 maybe one other meeting that Mr. Green chaired on this

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1 LER.

2 Q I'd like to show you a copy of GPC Exhibits 28
3 and 29, which are Aufdenkampe Exhibits B and C. And they
4 are meeting minutes for the April 18th and April 19th PRB.

5 MR. BLAKE: Judge Bloch, I take it the scope
6 opposition is not going to go very far at this juncture.
7 You've squashed me fairly --

8 CHAIRMAN BLOCH: Well, why is it within the
9 scope?

10 MS. YOUNG: This individual was involved in
11 the preparation of the LER. The Staff just wanted to ask
12 a few questions with respect to his expectation of the
13 verification efforts in terms of what the PRB -- how it
14 reviews documents. It falls into the testimonies already
15 given.

16 CHAIRMAN BLOCH: I'll allow the question.

17 BY MS. YOUNG:

18 Q Just let me know when you're almost ready to
19 respond to a question.

20 A I'm ready.

21 Q Would you look at that GPC Exhibit II-28? I
22 think that's the April 18th --

23 A Yes.

24 Q -- meeting minutes. There was a comment on
25 the PRB sheet about to state the number rather than the

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1 word several. Do you remember that being discussed at the
2 PRB meeting?

3 A Vaguely, yes, I do.

4 Q Vaguely. Do you recall whether the
5 discussions that you participated in -- whether it was
6 important to be consistent with the April 9th letter or to
7 provide an accurate count of diesel generator starts in
8 the April 19th LER?

9 A I'm sorry, I didn't understand that about --
10 would you ask me again, please?

11 Q Certainly. Let me give you a little more
12 background, because I'm trying to do this quickly in the
13 time we have left. There was an April 9th letter, which I
14 showed you a copy of before, that had a paragraph
15 describing successful starts on the diesel generators 1A
16 and 1B as of April 9th.

17 The LER contained similar wording from the
18 April 9th letter and through various versions, the
19 description of starts changed. At one point in the April
20 18th PRB meeting, the language was that the machines had
21 been started several times. And my question to you is
22 whether your recollection of those discussions was that it
23 was important to change the word several back to the
24 number of starts? What was the reason? In other words,
25 what was the reason why several was being changed back to

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1 the number of starts?

2 A I don't remember the reason. It shows here
3 that Mike Lackey had that comment should state number of
4 starts rather than several, but I really don't remember
5 the reasoning that was given.

6 Q Okay. In terms of your general review of
7 documents before the PRB and people raising concerns about
8 the accuracy of information, is it your belief that the
9 PRB's role was to ensure that information being provided
10 to the NRC was accurate?

11 A Yes, it's my belief.

12 Q So would it make sense for Georgia Power
13 employees to try to get the correct number of diesel
14 generator starts consistent with the PRB's concerns?

15 A Yes, it would.

16 Q Do you think the PRB would have been
17 influenced at all by any need for corporate offices of GPC
18 to be consistent with what was stated in previous
19 correspondence to the NRC?

20 A That's a hard one to answer. I think
21 generically yes, we were influenced by corporate. I
22 don't know about the part about being consistent, but to
23 try to put things in a consistent way would probably be
24 a -- something we would want to do. But the answer I
25 guess would be yes, we could be influenced by corporate in

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1 that they had also review of the LER's at that time and
2 still do.

3 It doesn't appear to me that particular
4 comment came from corporate though, since it says it was
5 Mike Lackey's comment. But I don't know where it came
6 from.

7 Q So do you have any recollection of any need
8 discussed during a PRB meeting to consistently state the
9 numbers 18 and 19 again to the NRC which had been
10 previously provided in the April 9th letter?

11 A I don't remember that.

12 Q I have one more area for you, and it's going
13 back again to the discussions of April 9th about dew point
14 readings and air quality. There are a number of
15 statements made by you in the April 9th transcript, which
16 is I believe GPC II-61, that Vogtle did not have poor air
17 quality at that time. Could you just explain for us why
18 out of spec dew point readings would not be an indication
19 of poor air quality?

20 A I think that out of spec dew point readings
21 could be an indication of poor air quality, but I also
22 believe based on the information that I had in hand that
23 the -- that this did not appear to be a pervasive or a
24 chronic problem. At the point that I was in this
25 conversation, you know, I said I do not believe we have an

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1 air quality problem unless there's one associated with the
2 vendor's recommendation.

3 The reason I said that was it appeared to me
4 that we were being fairly consistent, at least for the
5 last year, in meeting the vendor's recommendation for air
6 quality. And I didn't mean to imply that we never were
7 outside of that acceptance criteria, but I only meant that
8 I think in general it did not appear to me that we had a
9 serious trend or a problem in being able to maintain air
10 quality.

11 Q So satisfactory air quality could be found
12 even if the there were a few out of spec high readings?

13 A For a few out of spec high readings, of course
14 that's always a judgement call. But in general, I would
15 say yes, most of the out of spec readings that I saw for
16 that last year, there was even a couple of them where we
17 took corrective maintenance -- you know, something was
18 wrong and we fixed something. The one that we already
19 discussed on Unit 2, it appeared that we had a personnel
20 problem associated with having turned them off or left
21 them off in some way.

22 But I would say that for that particular air
23 receiver or that particular diesel generator, if it had
24 a -- was outside the spec on air, then it would be a
25 problem for that diesel generator. But in the overall

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1 context, I believe we were trying to find out was this a
2 chronic and pervasive item that we've had for a long
3 period of time and never had them in spec, and could that
4 have led to problems in the starting air system or control
5 air system that may have contributed to the March 20th --

6 Q So you think the focus was more than just what
7 has transpired in March and April of 1990 in terms of dew
8 point readings?

9 A The focus -- I don't understand what you mean.

10 Q Well, in terms of reaching the conclusion
11 about air quality being satisfactory or not --

12 A You mean on April the 9th when I was on the
13 phone call?

14 Q Yes.

15 A This was just a short term conclusion based on
16 looking at the data for the past year on all the diesel
17 generators and determining that we had consistently done
18 the PM checks and consistently been within specification.
19 That didn't mean we were 100%. But the focus during this
20 April 9th was primarily on seeing did we have a chronic
21 problem that we had to go address, you know, right away is
22 what my feeling of the focus was.

23 And also, was this a problem that we should be
24 looking at associated with the root cause investigation or
25 the investigation that the IIT was doing.

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1 Q Was part of the basis for that conclusion that
2 some of the out of spec readings in the April 5th through
3 8th time frame were not valid readings?

4 A Well, not only -- it's probably partially
5 that, but we did not -- at least I was given to believe
6 that those weren't valid readings. And also, the unit was
7 not, you know, up and running at that time. But you know,
8 yes, I believe that some of the readings -- the bad
9 readings that we got in that April 5th time frame weren't
10 reliable readings. I did not have confidence in them
11 because people told me not to have confidence in them.

12 Q And can you tell me whether satisfactory air
13 quality is the same thing as perfect within spec dew point
14 readings?

15 A As defined by who, I guess? I can't tell you
16 that.

17 Q No out of spec readings.

18 A If there was no out of spec readings, we would
19 have no deficient condition. I mean, there would be
20 nothing else from an operations and maintenance point of
21 view you would want to do other than continue to have it
22 even be better and better. But I don't know what perfect
23 means.

24 Q A perfect dew point reading record, I'm trying
25 to ask you. To be satisfactory, does your dew point

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1 reading record have to be perfect -- perfectly within
2 spec?

3 A Once again, for right now, today, if we went
4 out and took them, it wouldn't be satisfactory to me to
5 find one of them out of spec. For that particular diesel,
6 it wouldn't be satisfactory. But if you told me we've
7 done PM's for four years and only two of them have ever
8 been out, I would say that's satisfactory.

9 Can we do better? Can we make none of them
10 ever be out? But I don't believe, you know, on a -- if
11 you do 100 of these checks and two of them find a problem,
12 that's the reason we do the PM's to determine when there's
13 a problem. So I guess my answer is I didn't deem in April
14 1990 this to be a problem, simply because the number of
15 times we were outside the acceptance criteria was very low
16 compared to the number of readings that we had taken.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Mr. Kitchen? Judge Bloch.
19 Do you know whether or not there's any way that a dew
20 point can be out of spec if the dryer is left on and is
21 functioning properly?

22 THE WITNESS: No.

23 CHAIRMAN BLOCH: That is, you don't know?

24 THE WITNESS: I don't know of any way. I
25 could maybe dream one up, but I don't know, and I haven't

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1 thought of that.

2 CHAIRMAN BLOCH: Should we assume that if it's
3 out of spec the dryer was probably left off?

4 THE WITNESS: Left off or not functioning
5 properly, yes, sir. It could be either of those.

6 CHAIRMAN BLOCH: And do you know what kinds of
7 malfunctions the dryers have had?

8 THE WITNESS: Off the top of my head, no.

9 CHAIRMAN BLOCH: I mean, it's possible that a
10 perfect record is real easy, isn't it? I mean, from what
11 you've told me, I don't know. Maybe a perfect record is
12 just as simple as making sure the dryers are always on.

13 THE WITNESS: Well, we've actually had
14 failures of the dryers and we've had failures of the
15 compressors. I mean, I don't know what you mean by a
16 perfect record.

17 CHAIRMAN BLOCH: So a perfect record is not
18 possible? It's not just a matter of keeping the dryers
19 on?

20 THE WITNESS: In my opinion, you couldn't just
21 keep the dryer -- you would have to keep the dryers on to
22 have a good record and to try to do what's right.

23 CHAIRMAN BLOCH: Ms. Young?

24 CROSS EXAMINATION (continued)

25 BY MS. YOUNG:

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1 Q Could the out of spec readings also occur if
2 the air receivers had been opened for maintenance and air
3 from the room had entered them?

4 A Yes, I believe that after we had done
5 maintenance on the diesels, they often were out of spec
6 because we had not yet purged them with air that had been
7 dried.

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Mr. Kitchens, on that one, --
10 this is Judge Bloch again. Is there some kind of a
11 procedure that says you shouldn't take a dew point reading
12 until after you've purged them and think they're dry?

13 THE WITNESS: I don't know the answer.

14 CHAIRMAN BLOCH: Does it make any sense to
15 make a dew point reading before you think it's dry?

16 THE WITNESS: No, you might want to take
17 readings until it gets in spec to see if you're doing any
18 good.

19 CHAIRMAN BLOCH: So if you had them out of
20 spec because you hadn't yet gotten the air dry, you'd
21 expect a series of readings until you found that you were
22 in spec, is that right?

23 THE WITNESS: Yes, sir, that seems right.

24 CHAIRMAN BLOCH: So if the last reading from
25 an MWO is out of spec, it wouldn't be attributed to the

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1 receiver being left open, is that right?

2 THE WITNESS: I'm not following you.

3 CHAIRMAN BLOCH: Well, we're talking about
4 whether or not leaving the receiver open might result in
5 high dew point readings. And the question is, if that
6 happened, wouldn't you then just have -- the MWO would
7 have a series of readings until you got it straightened
8 out?

9 THE WITNESS: It could. I mean, that would be
10 reasonable.

11 CHAIRMAN BLOCH: Okay, let's continue. Unless
12 this -- how much more time?

13 MS. YOUNG: I think one or two more questions.

14 CHAIRMAN BLOCH: Okay.

15 MS. YOUNG: Your question prompted something.
16 I'm going to have to skip back to a subject matter.

17 CROSS EXAMINATION (continued)

18 BY MS. YOUNG:

19 Q This morning in responding -- or this
20 afternoon, to questions from Intervenor's counsel, you
21 mentioned that the diesel generator start issue was an
22 example of Mr. Mosbaugh failing to follow through. Do you
23 recall that testimony?

24 A You mean the count of the diesel generators?

25 Q Yes.

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1 A Right, that's correct.

2 Q Yes. You recall that testimony this morning?
3 Do you recall being involved or either giving the
4 observation that if the number of diesel generator starts
5 was not correct, it should come out of the LER draft?

6 A I believe in the second PRB meeting that we
7 had that issue came up again about because of the first
8 meeting, the comment you brought up, was to add the number
9 of starts in there. In the second meeting, someone
10 questioned is this correct or not. And I remember stating
11 to Allen and to John Aufdenkampe to get it correct or
12 either just take the numbers out.

13 And the reason I asked them to do it is I felt
14 that was part of their normal job. And writing LER's was
15 a part of the job of Mr. Aufdenkampe, who was responsible
16 for that. And doing the diesel counts, the official
17 counts were kept by the system engineer who worked for --
18 also for Allen. So you know, it just seemed strange to me
19 that he won't accept responsibility for getting the counts
20 on the diesel wrong. That's the reason I mentioned that.

21 Q Did you notice after the LER was issued that
22 the terminology in describing the count had changed from
23 what the PRB had reviewed during the April 19, 1990
24 meeting?

25 A No, I had not noticed.

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1 Q Okay. Did you -- just to refresh your
2 recollection, do you recall reading the phrase
3 "comprehensive test program" or "comprehensive test to the
4 control systems?"

5 A I recall reading that in the context of
6 reading the notice of violation response and all of that
7 that I was asked about earlier only.

8 Q You don't recall being concerned about that
9 phraseology in April of 1990 after the LER was issued?

10 A No, I don't recall being concerned about that.

11 Q Okay.

12 A Or being notified, or even knowing about that,
13 to be honest.

14 Q Do you even recall hearing the term used on
15 the site in 1990? April of 1990, to be specific -- the
16 comprehensive test program.

17 A The comprehensive test program? I don't
18 recall that.

19 Q So do you feel that you as a PRB member played
20 any role in GPC's failure to provide accurate information
21 on April 19th in the LER?

22 A Yes.

23 Q Why?

24 A I wish that I had followed up more strongly on
25 the request to have the information checked and verified

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1 and made correct. I mean, we asked that. It's a shame we
2 didn't get it correct. But I always feel if we provide
3 wrong information, I feel responsible for that.

4 Q And would you have felt under any obligation
5 to understand what test period was being described by use
6 of the phrase comprehensive test program in order to make
7 sure that the information was accurate?

8 A Yes, yes, right. That's -- yes, I do believe
9 that. I also believe part of the discussion in either one
10 or both PRB's was trying to define what the period of
11 testing was, whether you included the maintenance tests,
12 whether they were valid, invalid. There was some
13 discussion about that, and it seemed somewhat confusing.
14 And that was where I thought the source of the problem
15 was, and that's why I asked to have the numbers verified
16 again so that we would be absolutely correct.

17 Q Do you recall whether it was generally known
18 in the PRB that Jimmy Paul Cash had collected the start
19 count information that was being used as a baseline for
20 the count provided in the LER?

21 A I don't recall. It may be, but I don't
22 remember that.

23 (Whereupon, the proceedings went off the
24 record from 4:55 p.m. until 4:57 p.m.)

25 CHAIRMAN BLOCH: The Board has ascertained

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1 during the break that Mr. Kohn has about 20 minutes of
2 examination. Mr. Blake has said he has some, but he wants
3 to waive it at this time of the day. Mr. Kitchens said he
4 could continue, that he has no problem continuing to
5 testify right now, and so we are continuing without a
6 break.

7 RE CROSS EXAMINATION

8 BY MR. KOHN:

9 Q Mr. Kitchens, your counsel has provided you a
10 copy of Georgia Power Exhibit 1, which is tape 57 --
11 Mosbaugh tape 57. And I'm going to ask you to look at
12 page 15 of this transcript. First, have you reviewed this
13 tape transcript before?

14 A No, I sure don't think I've ever seen this
15 before.

16 Q All right, the tape indicates that Mr.
17 Mosbaugh did not attend the discussion about the diesel
18 start count on the April 19th LER and walked into the PRB
19 meeting late. And on top of 15, specifically asked, "Did
20 you correct the diesel starts? I had given John,"
21 referring to Mr. Aufdenkampe, "a comment on those diesel
22 starts." And on page 16, on line five, you indicate that
23 John picked it up as an action item.

24 Do you recall Mr. Mosbaugh raising that issue
25 during the PRB?

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1 A What is the issue that he raised?

2 Q That the diesel start -- whether to correct
3 the diesel starts.

4 A I don't specifically remember it being Mr.
5 Mosbaugh; but yes, I remember it coming up in the PRB
6 after they had put the numbers in that this may not be the
7 correct count. I do remember that coming up in the PRB.

8 CHAIRMAN BLOCH: Mr. Kohn, before you
9 continue with this witness, I'm inclined to allow it
10 because Mr. Mosbaugh's reputation is at stake here in
11 part, but I ask you to consider whether or not your record
12 isn't quite adequate with respect to this issue from other
13 witnesses.

14 BY MR. MICHAEL KOHN:

15 Q As the chair of the PRB, what did you do to
16 assure that Mr. Aufdenkampe picked up the action item?

17 A I just assigned it to him to verify the starts
18 before proceeding on with the LER.

19 Q And was a PRB action item issued?

20 A I don't know. Mr. Aufdenkampe would be the
21 one to ask.

22 Q Don't you have the PRB minutes in front of you
23 still?

24 A I have the PRB minutes in front of me.

25 Q And can you determine that a PRB action item

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1 was not issued for the 4/19 meeting?

2 A I can't determine that from this document you
3 have here.

4 Q Is there any notation about an action item?

5 A Where?

6 Q You are familiar with the PRB minutes record
7 keeping, correct?

8 A Right.

9 Q And action items are normally logged in the
10 PRB minutes, correct?

11 A I'm not sure that's correct. I'm not sure
12 they're always logged in the PRB minutes. They sometimes
13 are and they sometimes aren't. I think it's up to the --

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Do you know if there's a
16 principle -- it's whoever what?

17 THE WITNESS: The secretary of the PRB or the
18 tech support manager at that time would assign -- was in
19 charge of also the action item tracking system and they
20 would assign action items as requested by the PRB
21 chairman.

22 RECROSS EXAMINATION (continued)

23 BY MR. MICHAEL KOHN:

24 Q As chairman, did you follow up on the action
25 item to make sure it was incorporated?

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1 A No.

2 Q Did you follow up to see if the action item
3 had ever been resolved?

4 A I don't recall if I did or not. I may have,
5 but I don't remember.

6 Q I'm going to show you a document previously
7 marked as Intervenor's Demonstrative Aid Number 13. I
8 don't have the exhibit number, but I do have copies. In
9 this --

10 CHAIRMAN BLOCH: Have you marked it yet?

11 MR. MICHAEL KOHN: I think it was previously
12 marked on Mr. Mosbaugh's cross.

13 CHAIRMAN BLOCH: What number is it?

14 MR. MICHAEL KOHN: That I don't have.

15 MS. YOUNG: Judge Bloch? I have a note that
16 it was received. I don't have a note that it was marked.

17 CHAIRMAN BLOCH: It may be bound in after --

18 MS. YOUNG: July 6.

19 CHAIRMAN BLOCH: That can happen if it's bound
20 in.

21 MS. YOUNG: July 6th, at transcript 8283.
22 Check that.

23 CHAIRMAN BLOCH: I suggest that for ease, we
24 should mark it at this point. So let's have the next
25 Intervenor's exhibit number. Mr. Reporter?

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1 MR. MICHAEL KOHN: I believe it should be 210.
2 No, 240.

3 CHAIRMAN BLOCH: Okay, Demonstrative Aid
4 Number 13 --

5 MS. YOUNG: Just for clarity of the record,
6 could we renumber this because we're going to have two
7 Demonstrative Aid 13's, and one document that was
8 withdrawn.

9 CHAIRMAN BLOCH: 13B?

10 MS. YOUNG: That might help.

11 MR. MICHAEL KOHN: We can call it 13B, Your
12 Honor. I think for the record -- I think the earlier one
13 was withdrawn, but the documents are obviously very
14 different. So from the transcript, we should be able to
15 tell which one we are referring to.

16 CHAIRMAN BLOCH: We'll call this one 13B. I
17 would note that on my copy -- well, it's a one page -- and
18 it's Unit 1A train diesel generator. And I'd note that at
19 the bottom of my page, the last three lines are totally
20 illegible. The other lines above that that are not black
21 are readable, but they're not illegible.

22 MR. MICHAEL KOHN: We will pass new color
23 copies out to the Board tomorrow if that is satisfactory,
24 Your Honor.

25 CHAIRMAN BLOCH: Well, the important thing is

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1 also that it be in the record in a readable form.

2 MR. MICHAEL KOHN: We will provide a color
3 copy for it to be bound into the official transcript.

4 CHAIRMAN BLOCH: Okay. So let's continue.

5 MR. MICHAEL KOHN: Mr. Kitchens --

6 CHAIRMAN BLOCH: I order that it be marked.

7 (Whereupon, the above-referenced
8 document was marked as Intervenor's
9 Exhibit II-240 for identification.)

10 BY MR. MICHAEL KOHN:

11 Q On the April 9, 1990 IIT discussions, which is
12 Board C, GPC Exhibit 61, you state on page eight about --
13 on line seven -- do you have that in front of you?

14 A Yes.

15 Q Okay. You make reference to a March 16, 1989
16 dew point failure. Do you see that? Looking at
17 Intervenor Demonstrative Aid 4, which is marked as
18 Intervenor's II-169, can you determine that the -- your
19 reference to a March 16, 1989 failure is in error and you
20 were actually referring to a May failure?

21 A I can't determine. I mean, I said March of
22 1989, and the one thing I say here is as a matter of fact,
23 that one failure, if I'm reading this right, was March
24 16th of '89. And that is a little confusing to people who
25 may have given me that list -- may not have known if being

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1 below the acceptance criteria which is in the good
2 direction on this particular thing would have passed.

3 And I kind of am guessing here, but I'm
4 guessing that's why I said if I'm reading this right, that
5 it was out of spec. It was actually out of spec low on
6 the 16th. The answer to your question is no, I don't know
7 if I --

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: I'm sorry, what does it mean
10 for it to be out of spec low?

11 THE WITNESS: Just drier air.

12 CHAIRMAN BLOCH: Is there any way that can
13 happen?

14 THE WITNESS: Well, with the equipment that we
15 have, probably not. I mean, I don't know. I can't answer
16 that.

17 CHAIRMAN BLOCH: So if it doesn't mean drier
18 air, what does it mean?

19 THE WITNESS: I don't know.

20 CHAIRMAN BLOCH: Wouldn't it indicate that the
21 instrument was used wrong?

22 THE WITNESS: That could be possibly be that
23 the instrument was used wrong or the instrument was
24 faulty. It could possibly mean that.

25 RECROSS EXAMINATION

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1 BY MR. MICHAEL KOHN:

2 Q Calling your attention back to Demonstrative
3 Aid Number 13B, this document indicates in black the
4 readings that were contained in the list you provided to
5 the NRC. And in red, it contains data that's contained in
6 work orders that was excluded from your list. And do you
7 notice that there's a 5/18/89 reading that was excluded
8 from your list?

9 A I notice there's a 5/18 reading that on this
10 demonstrative aid says it was not on the list that I
11 provided to the --

12 Q Okay. And now --

13 A I'm just repeating back what you said, but
14 yes, because you wanted me to do that.

15 Q Would it surprise you that had all the data on
16 these -- of these work orders been included on the list
17 that there would be a period of nine months where you
18 could not determine whether or not your air quality was
19 satisfactory? Does that sound like your understanding of
20 the air quality?

21 A Again, I don't understand your question.

22 Q All right, if you would look at the entry on
23 10/4/88, 17 and 12 degrees -- 17.1 and 12.6 degree
24 Fahrenheit readings, would you state that those readings
25 are not -- could not be accurate?

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1 A This also would say -- it's my understanding
2 that we didn't --

3 CHAIRMAN BLOCH: I'm sorry, can you actually
4 see the reading on 10/4/88?

5 THE WITNESS: Yes.

6 MR. MICHAEL KOHN: He has a color copy.

7 CHAIRMAN BLOCH: What is the color of that
8 portion?

9 MR. MICHAEL KOHN: Blue.

10 THE WITNESS: It's blue.

11 MS. YOUNG: Can we --

12 CHAIRMAN BLOCH: The xerox won't pick up the
13 blue, that's the problem.

14 MR. BLAKE: Judge Bloch, I really have to
15 wonder. Maybe you understand where we're going, but I
16 don't understand that this is follow up to the Staff's
17 cross, and I don't know what is coming at this point. I
18 don't know where Demonstrative Aid 13 came from. I don't
19 know whose piece of paper this is, whether or not it's
20 been verified by anybody, or whether or not it's accurate.

21 And now it's being the basis for questions at
22 a point in time when we're not even sure it's appropriate
23 recross.

24 CHAIRMAN BLOCH: Well, so let's ask the
25 relevance.

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1 MR. MICHAEL KOHN: Your Honor, the witness
2 testified about his list on redirect and about the fact
3 that --

4 MR. BLAKE: Not on redirect. There hasn't
5 been any redirect.

6 MR. MICHAEL KOHN: Excuse me, on cross of NRC,
7 and indicated that the data he had showed it was
8 consistent with the last few years, and he could determine
9 the dew point trends based on the data he had available.

10 CHAIRMAN BLOCH: Now is all of this available
11 from the record?

12 MR. MICHAEL KOHN: Yes, Your Honor.

13 CHAIRMAN BLOCH: So if that's true, why do you
14 need the witness?

15 MR. MICHAEL KOHN: Your Honor, -- well, we've
16 accomplished to have the exhibit marked, and I guess
17 that --

18 MS. YOUNG: I'm not sure we gave the 200
19 number though.

20 CHAIRMAN BLOCH: I thought we did when I said
21 it was ordered.

22 MS. YOUNG: The reporter didn't get it.

23 CHAIRMAN BLOCH: 240? He had said 210. I
24 guess that's the problem.

25 MR. MICHAEL KOHN: And I amended it to 240.

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1 CHAIRMAN BLOCH: That's how it should be
2 marked. It's marked, it's not in evidence. Can we -- are
3 you done now?

4 MR. MICHAEL KOHN: Can you tell me who was on
5 the board of the PRB at the time the NOV response was
6 reviewed?

7 CHAIRMAN BLOCH: Do you have a document that
8 has that?

9 THE WITNESS: I would have to say no, and I
10 would have to look up the PRB minutes. I don't know.

11 MR. MICHAEL KOHN: We can substitute the
12 record with that, Your Honor. I do not know -- we do not
13 have a document.

14 CHAIRMAN BLOCH: So how are you going to
15 supplement the record?

16 MR. MICHAEL KOHN: Georgia Power would have to
17 provide it.

18 MR. BLAKE: That's what I thought we were
19 headed towards. Are we done with the witness?

20 CHAIRMAN BLOCH: Is this the only matter
21 that's left?

22 MR. MICHAEL KOHN: This appears to be the only
23 matter that's left, Your Honor.

24 CHAIRMAN BLOCH: All right, so he would like
25 to have the list of PRB members present at the NOV. Is

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1 that something he could have gotten in discovery? What's
2 the situation with that?

3 MR. MICHAEL KOHN: No, Your Honor.

4 CHAIRMAN BLOCH: Is that what you're asking
5 for?

6 MR. BLAKE: Can we finish the witness?

7 MR. MICHAEL KOHN: Yes.

8 CHAIRMAN BLOCH: The witness may be -- oh, I
9 see. Let's finish the witness. We'll finish the witness
10 and then handle that. Mr. Blake?

11 MS. YOUNG: The Staff has no further
12 questions.

13 MR. BLAKE: No.

14 CHAIRMAN BLOCH: Mr. Kitchens, good luck on
15 catching your plane. Thank you for helping us.

16 THE WITNESS: Thank you.

17 ADMINISTRATIVE JUDGE CARPENTER: Thank you for
18 your patience.

19 THE WITNESS: Yes, sir.

20 (The witness was excused.)

21 CHAIRMAN BLOCH: So we have one last matter
22 today, and that has to do with -- well, maybe at least one
23 -- and it has to do with the list of witnesses -- the list
24 of members of the PRB at the time of the NOV, is that what
25 you're asking?

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1 MR. MICHAEL KOHN: Yes, Your Honor.

2 CHAIRMAN BLOCH: And you don't have a document
3 that indicates that?

4 MR. MICHAEL KOHN: No. I guess the best thing
5 would be the minutes of the PRB meeting that would list
6 the attendees.

7 CHAIRMAN BLOCH: And why is that important?
8 This is in terms of late discovery, I take it?

9 MR. MICHAEL KOHN: Well, it goes to the
10 witness' testimony as to the function of the PRB, and I
11 think we can show with that list that the only person on
12 the PRB who had any -- who would have known facts would
13 have been Mr. Kitchens. Everyone else was off the PRB and
14 out of the plant, so the review would have been limited to
15 Mr. Kitchens.

16 MR. BLAKE: Well, I don't understand what the
17 good cause is yet.

18 ADMINISTRATIVE JUDGE CARPENTER: If so. So if
19 he were --

20 MR. MICHAEL KOHN: It goes to the function of
21 the PRB and that if the PRB does not have anyone with
22 knowledge of the events, then its review is meaningless,
23 and it was not performing its function. And because
24 there's no independent source of factual information. The
25 data was not prepared by the PRB, it came from a lawyer in

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1 a package given a short period of time.

2 CHAIRMAN BLOCH: And how does that go to the
3 issues before us, which are whether or not the
4 representations to the NRC were willfully or recklessly
5 false?

6 MR. MICHAEL KOHN: Continuing pattern, because
7 we believe we can show that the content of the NOV
8 response repeated the same false information that was
9 being done in 1990, so it shows a current state of mind of
10 the company, irrespective of who is in power currently or
11 who was actually at the plant site.

12 CHAIRMAN BLOCH: Staff's advice?

13 MS. YOUNG: I'm sorry, I didn't hear all the
14 arguments, but I thought the Board had already ruled in
15 addressing the admissibility of Intervenor testimony on
16 how far Intervenor would be allowed to probe behind the
17 accuracy or of statements in the NOV response. And that
18 would have happened after discovery had closed in this
19 proceeding. That would have happened the first couple of
20 weeks.

21 CHAIRMAN BLOCH: The ruling we had was of
22 attorney-client privilege.

23 MS. YOUNG: No, I'm referring to concerns that
24 GPC raised initially in moving to strike portions of
25 Intervenor's testimony, complaints about providing --

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1 Intervenor having the opportunity to provide additional
2 opportunities to show other false statements by GPC. And
3 I thought the Board had ruled on that sometime at the
4 beginning of this phase of the hearing.

5 CHAIRMAN BLOCH: We may have.

6 MS. YOUNG: And that would have occurred after
7 the discovery --

8 CHAIRMAN BLOCH: -- more recently. Do you
9 remember what that ruling was?

10 MR. MICHAEL KOHN: Yes, the more recent rule
11 concerned the --

12 CHAIRMAN BLOCH: I know what the more recent
13 rule was, but I want to know if we recall what the
14 original rule was?

15 MS. YOUNG: No. And that's my difficulty in
16 helping you now. But I thought that ruling happened after
17 discovery had closed.

18 CHAIRMAN BLOCH: All right, if either -- if
19 the parties can come up with that tomorrow morning, that
20 will be helpful. We won't rule on this matter now. The
21 order of witnesses tomorrow is Mr. Stokes first, is that
22 right, and then Mr. Bockhold?

23 MR. BLAKE: Mr. Stokes and then Mr. Chenault.

24 CHAIRMAN BLOCH: Chenault.

25 MR. MICHAEL KOHN: I guess Intervenor would

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1 prefer, if it doesn't create an inconvenience, for Mr.
2 Bockhold to go for our consistency -- we started him. And
3 I don't think we're going to get more than two witnesses
4 done tomorrow anyway. And it's my understanding Mr.
5 Chenault and Mr. Bockhold were both planning to be present
6 here tomorrow.

7 CHAIRMAN BLOCH: Do the other parties have a
8 response to this proposal?

9 ADMINISTRATIVE JUDGE MURPHY: The original
10 order was Kitchens, Stokes, Chenault and Bockhold.

11 MR. MICHAEL KOHN: Correct.

12 CHAIRMAN BLOCH: And what the Intervenor is
13 proposing that it be changed to be Kitchens, Stokes, and -
14 -

15 ADMINISTRATIVE JUDGE MURPHY: No, Kitchens,
16 Bockhold.

17 CHAIRMAN BLOCH: Stokes, Bockhold.

18 ADMINISTRATIVE JUDGE MURPHY: No, Kitchens,
19 Bockhold.

20 MR. BLAKE: I don't understand what you're
21 saying, Judge Bloch.

22 CHAIRMAN BLOCH: Let's go off the record.

23 (Whereupon, the proceedings went off the
24 record from 5:20 p.m. until 5:21 p.m.)

25 CHAIRMAN BLOCH: The witnesses tomorrow will

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1 be first Mr. Stokes and then Mr. Chenault. Any other
2 necessary matters?

3 MR. BLAKE: I have one document to pass out,
4 which would be Georgia Power's 4th Supplemental Response
5 to Mr. Mosbaugh's 3rd set of interrogatories and request
6 for documents. And it is an item that was referred to at
7 transcript page 12,850. Intervenor has pointed out to us
8 that an interrogatory response they believe to be
9 incorrect, and we've confirmed that that was the case and
10 have corrected it in this document.

11 CHAIRMAN BLOCH: Being no further business, we
12 are adjourned until 9:00 a.m.

13 (Whereupon, the proceedings were adjourned at
14 5:22 p.m., to be reconvened Thursday, September 14, 1995
15 at 9:00 a.m.)

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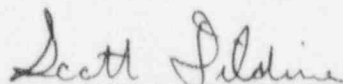
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: GA POWER CO. ET AL.
VOGTLE UNITS 1 & 2

Docket Number: 50-424/425-OLA-3

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



SCOTT DILDINE
Official Reporter
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