

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

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

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

Location: Rockville, Maryland

Date: Friday, September 22, 1995

Work Order No.: NRC-322

Pages 14693-14868

ORIGINAL

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

TR01
0/1

00009

9509260014 750922
PDR ADOCK 05000424
T PDR

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 ATOMIC SAFETY AND LICENSING BOARD

5 HEARING

6 -----X

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

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

14 Friday, September 22, 1995
15 Hearing Room T 3B45
16 Two White Flint North
17 11545 Rockville Pike
18 Rockville, Maryland

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

21 BEFORE:

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

25
NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 APPEARANCES:2
3 On behalf of the NRC:4
5 CHARLES A. BARTH, ESQ.

6 JOHN HULL, ESQ.

7 MITZI A. YOUNG, ESQ.

8 of: Office of the General Counsel

9 U.S. Nuclear Regulatory Commission

10 Washington, D.C. 20555

11 (301) 504-1589

12
13 On behalf of the Licensee:14
15 ERNEST L. BLAKE, JR., ESQ.

16 DAVID R. LEWIS, ESQ.

17 of: Shaw, Pittman, Potts & Trowbridge

18 2300 N Street, N.W.

19 Washington, D.C. 20037

20 (202) 663-8474

21
22
23
24
25
NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 APPEARANCES: (cont.)

2
3 JAMES E. JOINER, ESQ.

4 JOHN LAMBERSKI, ESQ.

5 WILLIAM WITHROW, ESQ.

6 of: Troutman Sanders

7 Nationsbank Plaza, Suite 5200

8 600 Peachtree Street, N.E.

9 Atlanta, Georgia 30308-2216

10 (404) 885-3360

11
12 On behalf of the Intervenor:

13
14 MICHAEL D. KOHN, ESQ.

15 STEPHEN M. KOHN, ESQ.

16 MARY JANE WILMOTH, ESQ.

17 of: Kohn, Kohn & Colapinto, P.C.

18 517 Florida Avenue, N.W.

19 Washington, D.C. 20001

20 (202) 234-4663

21
22
23
24
25
NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
1						
2						
3	Pierce Skinner			14700	14715	14706
4	Edward Tomlinson			14707	14718	14708
5				14709	14724	14710
6				14710	14725	14713
7						14718
8						14724
9	Darl S. Hood	14754	14766			14774
10	David Matthews		14781			14794
11	Pierce Matthews		14795			14795
12			14797			14802
13			14804			14806
14			14807			14809
15			14810			14811
16			14812			14818
17			14819			14823
18			14823			14826
19			14824			14836
20			14826			14838
21			14837			14840
22			14839			14846
23			14845			14852
24			14849			14855
25			14862			14862

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
Staff II-73	Photo, pneumatic circuitry	14705	
Board 10	Sheet 2, engine schematic	14716	14716
BOARD EXHIBIT 10 BOUND FOLLOWING PAGE 14716			
Staff II-74	Photo, bolted flange	14732	
Staff II-5	Memo, Casto		14736
Staff II-10	Inspection report		14736
Staff II-72			
thru II-75	Photos		14736
STAFF II-75 BOUND FOLLOWING PAGE 14735			
STIPULATION BOUND FOLLOWING PAGE 14741			
Staff II-42	Attachment A	14758	14758
Staff II-43	Attachment B	14758	14758
Staff II-44	Attachment C	14758	14758
STAFF II-42 THROUGH 44 BOUND FOLLOWING PAGE 14758			
Staff II-45	Attachment D	14759	14764
Staff II-46	Attachment E	14760	14764
Staff II-47	Attachment F	14760	14764
Staff II-48	Attachment G	14761	14764
Staff II-49	Attachment H	14761	
Staff II-50	Attachment I	14762	14764
Staff II-51	Attachment J	14762	14764
INT II-269	Report of Interview	14787	14790

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

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

(9:00 a.m.)

1
2
3 CHAIRMAN BLOCH: Hearing will come to order.
4 Mr. Kohn, is your brother well this morning?

5 MR. MICHAEL KOHN: He said he'll be here.

6 CHAIRMAN BLOCH: Okay, after we closed last
7 evening, we got a report from Mr. Michael Kohn off the
8 record that his brother had arrived from California with
9 one hour's sleep in 30 hours, and so we rearranged the
10 schedule today so that we'd start at 1:00 p.m. And this
11 morning we're going to handle procedural matters.

12 Oh, are we not -- oh, I see, we're not
13 finished with the witnesses yet? I'm sorry about that.
14 The other members of the Board have just been informed of
15 this change in schedule, but the reason that they weren't
16 informed is that they weren't around. Sorry about that.
17 We're up to -- continuation of redirect.

18 MS. YOUNG: Judge Bloch, before we begin, we
19 had a request from the Board of the Staff yesterday to
20 identify whether any of the individuals that were
21 indicated as being interviewed in the memo to Bruno Yorick
22 had testified in this proceeding, and three of them have.
23 One of the instrument technicians did, and the two
24 engineers did.

25 CHAIRMAN BLOCH: Okay, you're going to share

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 their names with the Intervenor? I take it you don't want
2 it on the public record? Or do you care?

3 MS. YOUNG: I didn't have a chance to talk to
4 the region about that.

5 CHAIRMAN BLOCH: I don't think there's any
6 reason to have it on the public record if you share the
7 names with the Intervenor.

8 MS. YOUNG: And GPC.

9 CHAIRMAN BLOCH: And with GPC, yes. We also
10 said after we were off the record last night that we would
11 appreciate it if Mr. Skinner were to check further with
12 EG&G to see if they could tell him what happens when the
13 EG&G dew point instrument involved in this proceeding is
14 run with zero flow or with flow less than the prescribed
15 half a cubic foot per minute.

16 WITNESS SKINNER: I've attempted to call EG&G
17 twice this morning, and at this time, I have not been able
18 to contact them. I plan on calling as soon as I get a
19 further chance this morning.

20 CHAIRMAN BLOCH: Thank you. I had not even
21 thought that they'd be in action before 9:00 a.m., but I
22 guess some companies are. Ms. Young?

23 MS. YOUNG: Thank you.

24 Whereupon,

25

PIERCE SKINNER

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 EDWARD TOMLINSON

2 were recalled as witnesses by the Staff, and after having
3 been previously duly sworn, resumed the witness stand,
4 were examined and testified as follows:

5 REDIRECT EXAMINATION (continued)

6 MS. YOUNG: Mr. Tomlinson, in addressing a
7 number of questions from the Board and Intervenor
8 yesterday, you indicated that there were pictures that you
9 wanted to refer to. At least one was marked as an exhibit
10 of the Staff's yesterday. Was there any other picture
11 you'd like to share with the Board to explain --

12 WITNESS TOMLINSON: Yes, there is.

13 MS. YOUNG: -- your position with respect to
14 the configuration of the control cabinet?

15 WITNESS TOMLINSON: There is, and it's a
16 picture of the pneumatic logic for the diesel generator
17 control system.

18 MR. MICHAEL KOHN: Excuse me, Your Honor. I
19 don't understand why this is part of redirect.

20 MS. YOUNG: This is part of redirect because
21 there was a number of times in trying to respond to your
22 questions -- he says I have pictures I would like to refer
23 to. You said you don't need to do that. Just -- I'll
24 change the question. These are things that he tried to
25 give during the cross that you cut off, and we're allowed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 to follow up.

2 CHAIRMAN BLOCH: The objection is overruled.
3 They're relevant to the cross without prejudice to
4 objections on specific pictures.

5 MR. MICHAEL KOHN: May I ask when this picture
6 was made?

7 MS. YOUNG: You want to follow up on our
8 redirect with your recross of those questions?

9 MR. MICHAEL KOHN: No, I haven't seen this
10 picture before, to my knowledge. That's why I'm asking.

11 MS. YOUNG: You hadn't seen the one yesterday
12 either and you didn't ask that question.

13 MR. MICHAEL KOHN: Well, yesterday I didn't --

14 CHAIRMAN BLOCH: That doesn't bar him from
15 asking now. When was --

16 MS. YOUNG: The pictures were taken at the
17 same time when Mr. Tomlinson took a site visit. But you
18 can pursue that with the witness also.

19 MR. MICHAEL KOHN: Well, Your Honor, yesterday
20 I was under the impression when -- that these were the
21 pictures that were originally shown to the Board. Now I
22 realize that's not the case. And I think that this is
23 documentation that if Staff wanted in evidence would allow
24 Intervenor the adequate time to prepare the proper cross
25 examination for pictures such like -- such as this, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 should have been preferred well before the panel
2 testified.

3 And I don't believe these documents were also
4 included in the documents listed that the witnesses
5 reviewed as -- in preparing their testimony. And it is
6 simply --

7 CHAIRMAN BLOCH: What relief are you seeking?

8 MR. MICHAEL KOHN: I'm seeking that the --
9 either the panel not testify about these pictures; or if
10 they do, that we're going to have to take a recess so
11 Intervenor can figure out how much time he needs for
12 technical considerations of this new material, and
13 possibly --

14 CHAIRMAN BLOCH: These are images of the plant
15 itself, and the subject is whether the plant itself will
16 perform in certain ways.

17 MR. MICHAEL KOHN: Yes, I understand, Your
18 Honor. But the problem is, I'm not a -- I don't have the
19 technical expertise myself to look at this and figure out
20 what's going on. So I could not respond to it. I do not
21 know what other documentation we may want to have had here
22 present to respond to it. I don't know if there is
23 additional research -- library research we would have
24 wanted to have done.

25 That's the problem on a technical matter. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 can cause a lot of down time just in trying to figure out
2 how to respond.

3 CHAIRMAN BLOCH: The Board is not going to
4 exclude the best evidence of what we're talking about. If
5 you have a motion for cause for some kind of a late
6 calling of a witness, by all means prepare it. But we'll
7 not sustain that objection.

8 MS. YOUNG: And Judge Bloch, I believe Mr.
9 Mosbaugh has seen at least some of these pictures before.

10 MR. MICHAEL KOHN: Not this picture, that's
11 certain.

12 CHAIRMAN BLOCH: Presumably has seen this area
13 of the plant.

14 MS. YOUNG: And the design has not been
15 changed since he was employed there.

16 CHAIRMAN BLOCH: So at any rate, maybe it
17 would be helpful given the status of these photographs if
18 the witnesses were asked to identify what they are.

19 MS. YOUNG: Certainly. We'll have to mark
20 them also.

21 MR. MICHAEL KOHN: Your Honor, I think also I
22 asked the NRC Staff if they could produce all the
23 documents the witnesses would be relying on in their
24 testimonies and had reviewed in preparation for their
25 testimony.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MS. YOUNG: No, you did not.

2 MR. MICHAEL KOHN: I thought I did so over the
3 phone.

4 MS. YOUNG: No.

5 MR. MICHAEL KOHN: And --

6 MS. YOUNG: This is a demonstrative aid. It's
7 not something that's being relied on for their testimony
8 except to the extent that in trying to respond to a
9 question you asked, the witness wanted to refer to the
10 specific configuration of this system and you did not
11 allow him to do that. And if you don't want to address
12 the specifics of the plant, then why argue about the
13 contention?

14 WITNESS TOMLINSON: Mitzi, may I interject
15 here for a moment?

16 MS. YOUNG: No.

17 (Laughter.)

18 MR. MICHAEL KOHN: Well, I object to the
19 witness' interjecting in legal arguments.

20 CHAIRMAN BLOCH: Well, unfortunately, in this
21 type of proceeding we permit the technical experts to say
22 things because sometimes they're more helpful than the
23 lawyers.

24 MS. YOUNG: We haven't even marked the
25 document for identification yet, so Mr. Tomlinson's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 comment --

2 CHAIRMAN BLOCH: Mr. Tomlinson, I take it your
3 sense is that there's something important you want to tell
4 us right now?

5 WITNESS TOMLINSON: Well, I'm just trying to
6 clear up a little confusion. This picture, or a similar
7 picture, appears in NUREG 1410. The only reason I'm
8 bringing it up now is that this is much clearer than the
9 picture in 1410.

10 CHAIRMAN BLOCH: Thank you.

11 MS. YOUNG: I think I'd like marked for
12 identification -- request that this photo be marked for
13 identification as Staff II-73.

14 CHAIRMAN BLOCH: Granted, subject to your
15 describing it.

16 MS. YOUNG: II-73.

17 CHAIRMAN BLOCH: II-73, granted.

18 (Whereupon, the above-referenced
19 document was marked as Staff Exhibit
20 II-73 for identification.)

21 MS. YOUNG: And if Mr. Tomlinson, you could
22 describe what's depicted in this picture and the
23 orientation of the picture?

24 WITNESS TOMLINSON: All right. The
25 orientation of the -- what we have here is a photograph of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 the pneumatic control system logic circuitry. This is
2 located in the upper right-hand rear corner of the control
3 panel. And this picture is taken from floor level. This
4 is approximately seven feet in height.

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: Okay, could you describe it
7 so that the people on the Commission will know which the
8 top of the picture is?

9 WITNESS TOMLINSON: The top of the picture is
10 the top of the control panel.

11 CHAIRMAN BLOCH: Well, they would know what
12 that is if they knew what this was.

13 WITNESS TOMLINSON: I'm sorry, I don't
14 understand.

15 MS. YOUNG: Maybe I can help. Judge Bloch, I
16 think the picture should be held so that the piping --

17 WITNESS TOMLINSON: Oh, I'm sorry.

18 MS. YOUNG: The picture should be held
19 vertically so that the piping is on the bottom half of the
20 picture and that the white cabinet and components are on
21 the top half.

22 WITNESS TOMLINSON: I apologize. I should
23 have said that. Yes, so you hold it vertically. The
24 extreme right edge is the door frame in the back of the
25 panel. The top of the picture is the top of the panel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: The top of the picture is
2 brighter than the bottom of the picture.

3 WITNESS TOMLINSON: Yes.

4 CHAIRMAN BLOCH: And Mr. Tomlinson, is this a
5 fair and accurate picture of this portion of the control
6 panel?

7 WITNESS TOMLINSON: Yes, it is.

8 REDIRECT EXAMINATION (continued)

9 MS. YOUNG: Now Mr. Tomlinson, if you could
10 just explain what's depicted in this picture as compared
11 to Staff II-72, which was marked yesterday.

12 WITNESS TOMLINSON: Well, that's just a --
13 it's another picture of the internals of the control
14 panel. The one we showed yesterday of was of the left-
15 hand side of the panel showing the filter, the regulator
16 and the headers that the pneumatic regulator feeds. And
17 that's very close to the very bottom of the panel. And
18 then from those pneumatic headers, lines come over and
19 feed the logic circuitry, which is shown in the other
20 picture.

21 The primary purpose of this picture is really
22 to put in perspective what this logic circuitry looks like
23 and to show that -- and actually the distances between
24 logic elements is really quite short. And also that --
25 it's up in the upper right-hand corner where heat rises.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 This is going to be in the hottest part of the cabinet or
2 panel.

3 MS. YOUNG: So does Staff II-73 extend above
4 Staff II-72? How do the two relate in terms of physical
5 coordinates?

6 WITNESS TOMLINSON: All right, if you were
7 standing -- you would have to be standing in the opening
8 for the rear door, or the only door really, of the control
9 panel which is in the rear. The first photograph that we
10 put in as an exhibit yesterday would be taken looking down
11 and to your left. The second photograph which we
12 introduced this morning would be taken looking up and to
13 your right.

14 What you have in there is the motherboard and
15 the tubes or -- yeah, numerous tubing coming out of the
16 bottom of it. That's the motherboard.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: On the front edge, there are
19 apparently circular protrusions?

20 WITNESS TOMLINSON: I believe those are just
21 set screws. They're socket head set screws.

22 CHAIRMAN BLOCH: They're on the motherboard,
23 is that right?

24 WITNESS TOMLINSON: They are on the
25 motherboard, yes, sir.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: What's the gauge? Is it a
2 thermometer?

3 WITNESS TOMLINSON: Oh, yes, that's a
4 thermometer. The thermometer is approximately an inch and
5 a quarter, inch and a half in diameter.

6 REDIRECT EXAMINATION (continued)

7 MS. YOUNG: Where are the logic elements
8 located?

9 WITNESS TOMLINSON: The logic elements are the
10 vertical -- are in the vertical alignment. And you can
11 see essentially three in there above the motherboard.
12 Well, they're actually attached to the motherboard. There
13 are circuits -- air passages in the motherboard that
14 connect the logic boards.

15 MS. YOUNG: Does the tubing as depicted in
16 Staff II-72 going from the regulator traveled to the logic
17 elements that are depicted in Staff II-73?

18 WITNESS TOMLINSON: Would you repeat that,
19 please?

20 MS. YOUNG: Does the tubing that's depicted in
21 Staff II-72 coming out of the regulator, the black object
22 at the bottom of II-72 --

23 WITNESS TOMLINSON: Yes?

24 MS. YOUNG: -- extend to the logic circuitry
25 in the motherboard in above on Staff II-73?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: The tubing coming out of
2 the regulator feeds the header, which is in the vertical
3 alignment in the II-72. And from there, from that header,
4 lines would go out to feed the pneumatic control
5 circuitry.

6 MS. YOUNG: So do those lines extend off to
7 the right from what's pictured in II-72 generally
8 speaking?

9 WITNESS TOMLINSON: Generally speaking, yes.
10 They tend to go up and over. But yes, they would go from
11 left to right.

12 MS. YOUNG: And when you --

13 BOARD EXAMINATION

14 ADMINISTRATIVE JUDGE MURPHY: They go up near
15 the top of the cabinet and then go over to the right side
16 of the cabinet?

17 WITNESS TOMLINSON: That is my recollection;
18 yes, sir. Now, I would like to add something here. The
19 II-72 shows one header. There are other headers on the
20 right-hand side of the control panel.

21 REDIRECT EXAMINATION (continued)

22 MS. YOUNG: Now you indicated in responding to
23 questions from the Board and Mr. Kohn that it was your
24 belief that free water would not be selectively deposited
25 in the pneumatic lines after the regulator.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: Yes.

2 MS. YOUNG: Do these pictures further
3 illustrate your position on that matter?

4 WITNESS TOMLINSON: I believe they do. We
5 would have to -- in order for free water to get into the
6 pneumatic logic, it would first have to pass through the
7 regulator and then into these headers and would have to
8 flood the headers and water is going to flow into the
9 lowest lines that it comes to. It is not going to
10 selectively pick out a line that is going over to a
11 specific port in the pneumatic control logic.

12 MS. YOUNG: Now you indicated that these
13 pictures were similar to those in NUREG. May I ask you to
14 look at Appendix J at page 33 and 34? And this has
15 previously been marked as GPC Exhibit II-167, I believe.

16 WITNESS TOMLINSON: Figure J-5 in the upper
17 right-hand corner, you see the control pneumatics.

18 MS. YOUNG: I'm sorry, I didn't hear your
19 answer.

20 WITNESS TOMLINSON: In figure J-5 of NUREG
21 1410 --

22 MS. YOUNG: And page number, please?

23 WITNESS TOMLINSON: Page number is J-34, and
24 the picture to the right -- as a matter of fact, those
25 pictures are almost identical to the photographs that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 have just put into evidence. There's slightly different
2 orientation, but they're basically identical.

3 MS. YOUNG: They're very similar to Staff II-
4 72 and Staff II-73?

5 WITNESS TOMLINSON: Yes, they are. II-73
6 shows a more clear picture of the pneumatic logic.

7 MS. YOUNG: Mr. Tomlinson, do you still have a
8 copy of your testimony in front of you?

9 WITNESS TOMLINSON: Yes, I do.

10 MS. YOUNG: Could you turn to your statement
11 of professional qualifications, which was marked as Staff
12 II-71?

13 WITNESS TOMLINSON: I have it.

14 MS. YOUNG: Now you've described your
15 experience prior to testifying in this proceeding. Is
16 there any correction you want to make to your statement of
17 professional qualifications?

18 WITNESS TOMLINSON: Can I have a moment to
19 look this over, please? Yes, there is. In the third
20 entry which shows the dates 1975 to 1981, that should be
21 1975 to 1977. The way it's currently set up, it looks
22 like I had two jobs at the same time.

23 MS. YOUNG: And the reason for this change?

24 WITNESS TOMLINSON: Excuse me?

25 MS. YOUNG: The reason for this change that it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 wasn't previously made before?

2 WITNESS TOMLINSON: The reason for making the
3 change now?

4 MS. YOUNG: Yes.

5 WITNESS TOMLINSON: As it's shown, it's
6 incorrect. It would indicate that I was employed two
7 places at the same time.

8 MS. YOUNG: Were you previously aware of this
9 mistake?

10 WITNESS TOMLINSON: No, I was not.

11 BOARD EXAMINATION

12 ADMINISTRATIVE JUDGE MURPHY: Mr. Tomlinson?

13 WITNESS TOMLINSON: Yes, sir?

14 ADMINISTRATIVE JUDGE MURPHY: Did you take any
15 pictures of the area where the 250 pound line to the
16 control panel takes off from the three inch 250 pound
17 supply line from the receiver?

18 WITNESS TOMLINSON: I did not, sir; but we do
19 have those pictures. Mr. Skinner had pictures taken, and
20 we do have those.

21 ADMINISTRATIVE JUDGE MURPHY: I guess I'd like
22 to see that one.

23 MS. YOUNG: We may need to take a break so Mr.
24 Skinner can get it if they're in the room.

25 ADMINISTRATIVE JUDGE CARPENTER: Can you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 identify the location of that fitting?

2 CHAIRMAN BLOCH: Well, wouldn't it be easier
3 to do that with the picture?

4 ADMINISTRATIVE JUDGE CARPENTER: We have a
5 whole set of pictures that the Licensee provided.

6 MR. MICHAEL KOHN: Intervenor -- just tell us
7 where to look for those pictures.

8 MS. YOUNG: The Board only has a copy of
9 those.

10 ADMINISTRATIVE JUDGE CARPENTER: I withdraw my
11 question.

12 CHAIRMAN BLOCH: Do you have enough pictures
13 to make it an exhibit, Mr. Skinner?

14 WITNESS SKINNER: I only have one picture of
15 that specific --

16 CHAIRMAN BLOCH: Only one picture?

17 WITNESS SKINNER: Yes, sir. We did not make
18 extra --

19 CHAIRMAN BLOCH: Okay, off the record.

20 (Whereupon, the proceedings went off the
21 record from 9:25 a.m. until 9:28 a.m.)

22 CHAIRMAN BLOCH: Staff has told me that Staff
23 rests. We're going to defer getting the picture Judge
24 Murphy is interested in until later in the day. Mr. Kohn,
25 recross?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

REXCROSS EXAMINATION

1
2 MR. MICHAEL KOHN: First, gentlemen, can you
3 tell me in addition to these pictures what other documents
4 you reviewed or looked at in preparation of your testimony
5 today?

6 WITNESS TOMLINSON: I believe I have all the
7 documents you've listed.

8 MR. MICHAEL KOHN: And yesterday.

9 WITNESS TOMLINSON: With the possible
10 exception of some handbooks that I looked at. But --

11 WITNESS SKINNER: I assume you're directing
12 that question primarily to Mr. Tomlinson? I'd like to
13 identify -- all that I've looked at would just about be
14 every exhibit in this hearing.

15 MR. MICHAEL KOHN: Did --

16 CHAIRMAN BLOCH: That won't be necessary.

17 MR. MICHAEL KOHN: Your Honor, I'm going to
18 show the witness a diagram of the engine control panel
19 schematic, sheet one of nine, 09-500-78021, it looks like.

20 CHAIRMAN BLOCH: And how are we going to
21 identify it for the record?

22 ADMINISTRATIVE JUDGE MURPHY: Is that an
23 exhibit already?

24 MR. MICHAEL KOHN: No, it isn't, Your Honor.

25 CHAIRMAN BLOCH: So we need to give it an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 exhibit number. Go off the record.

2 (Whereupon, the proceedings went off the
3 record from 9:30 a.m. until 9:34 a.m.)

4 CHAIRMAN BLOCH: You'll have to mark it as an
5 exhibit.

6 MR. MICHAEL KOHN: I'd like to mark this as
7 Intervenor's II-269, which is sheet one of nine, engine
8 control panel schematic 09-500-08021.

9 CHAIRMAN BLOCH: Okay, and if I understand
10 correctly, Board Exhibit 10 contains sheet two.

11 MR. MICHAEL KOHN: That is correct.

12 CHAIRMAN BLOCH: So rather than marking it as
13 you suggest, let's include it -- let's also call it Board
14 Exhibit 10. We'll now have a two sheet Board Exhibit 10,
15 and we will bind it into the transcript at this point with
16 you to provide the copies at the next break.

17 (Whereupon, the above-referenced
18 document was marked as Board Exhibit
19 10 for identification.)

20 (Whereupon, the above-referenced
21 document, previously marked as Board
22 Exhibit 10 for identification, was
23 received in evidence.)

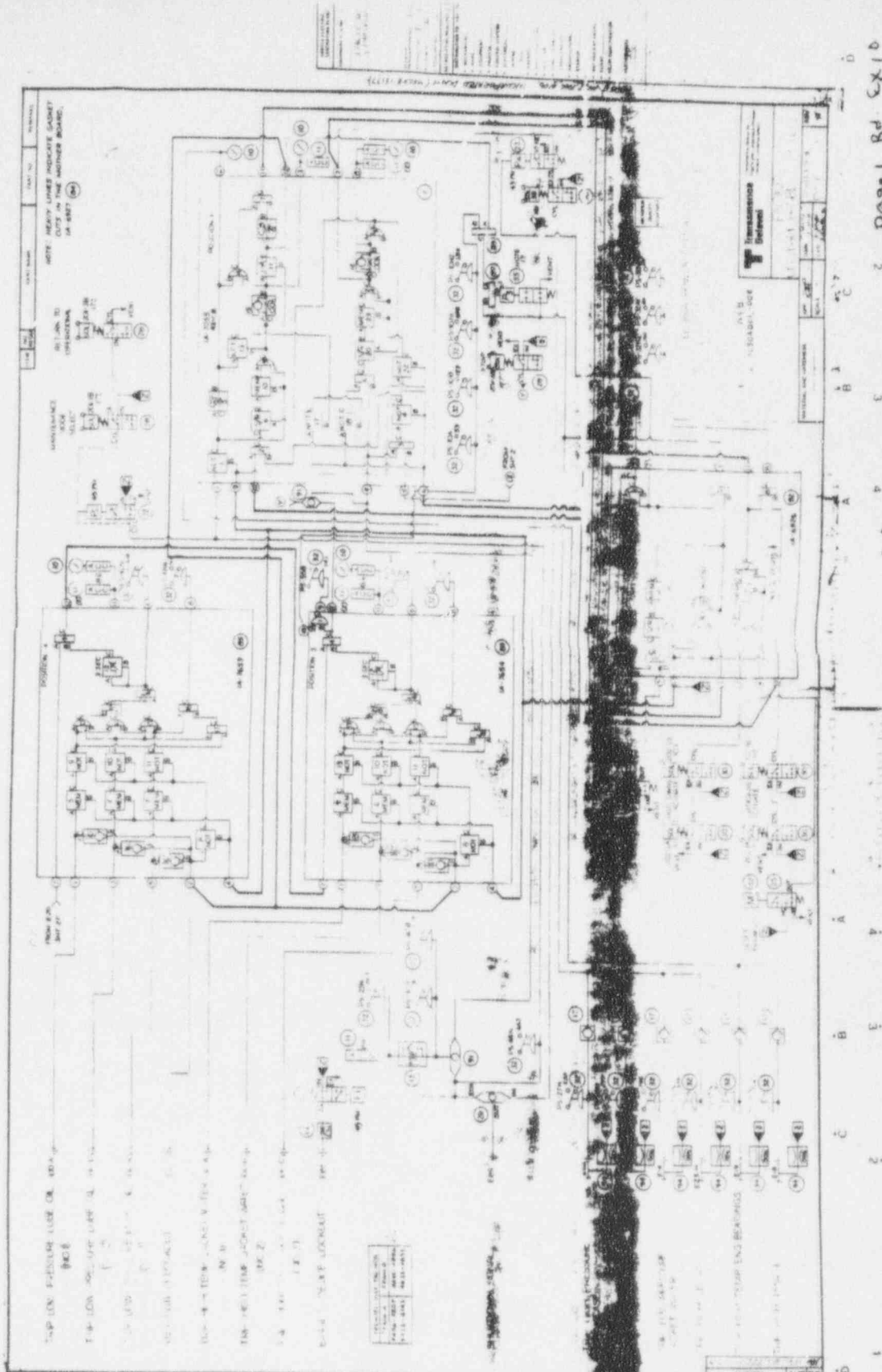
24 MR. BLAKE: Are you really going to bind into
25 the transcript this two feet by three feet item?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005



TOP END FUEL OIL LINE
 (PK 2)
 F-14 LOW OIL...
 F-15 LOW OIL...
 F-16 LOW OIL...
 F-17 LOW OIL...
 F-18 LOW OIL...
 F-19 LOW OIL...
 F-20 LOW OIL...
 F-21 LOW OIL...
 F-22 LOW OIL...
 F-23 LOW OIL...
 F-24 LOW OIL...
 F-25 LOW OIL...
 F-26 LOW OIL...
 F-27 LOW OIL...
 F-28 LOW OIL...
 F-29 LOW OIL...
 F-30 LOW OIL...
 F-31 LOW OIL...
 F-32 LOW OIL...
 F-33 LOW OIL...
 F-34 LOW OIL...
 F-35 LOW OIL...
 F-36 LOW OIL...
 F-37 LOW OIL...
 F-38 LOW OIL...
 F-39 LOW OIL...
 F-40 LOW OIL...
 F-41 LOW OIL...
 F-42 LOW OIL...
 F-43 LOW OIL...
 F-44 LOW OIL...
 F-45 LOW OIL...
 F-46 LOW OIL...
 F-47 LOW OIL...
 F-48 LOW OIL...
 F-49 LOW OIL...
 F-50 LOW OIL...
 F-51 LOW OIL...
 F-52 LOW OIL...
 F-53 LOW OIL...
 F-54 LOW OIL...
 F-55 LOW OIL...
 F-56 LOW OIL...
 F-57 LOW OIL...
 F-58 LOW OIL...
 F-59 LOW OIL...
 F-60 LOW OIL...
 F-61 LOW OIL...
 F-62 LOW OIL...
 F-63 LOW OIL...
 F-64 LOW OIL...
 F-65 LOW OIL...
 F-66 LOW OIL...
 F-67 LOW OIL...
 F-68 LOW OIL...
 F-69 LOW OIL...
 F-70 LOW OIL...
 F-71 LOW OIL...
 F-72 LOW OIL...
 F-73 LOW OIL...
 F-74 LOW OIL...
 F-75 LOW OIL...
 F-76 LOW OIL...
 F-77 LOW OIL...
 F-78 LOW OIL...
 F-79 LOW OIL...
 F-80 LOW OIL...
 F-81 LOW OIL...
 F-82 LOW OIL...
 F-83 LOW OIL...
 F-84 LOW OIL...
 F-85 LOW OIL...
 F-86 LOW OIL...
 F-87 LOW OIL...
 F-88 LOW OIL...
 F-89 LOW OIL...
 F-90 LOW OIL...
 F-91 LOW OIL...
 F-92 LOW OIL...
 F-93 LOW OIL...
 F-94 LOW OIL...
 F-95 LOW OIL...
 F-96 LOW OIL...
 F-97 LOW OIL...
 F-98 LOW OIL...
 F-99 LOW OIL...
 F-100 LOW OIL...

NUCLEAR REGULATORY COMMISSION
 Docket No. 50-424/425-OLA-3 EXHIBIT NO. 10
 In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Owner BP&E
 Identified Received Rejected Reporter SP
 Date 9/22/95 Witness SCIENCE & TECHNOLOGY

page 18 of 10

1 CHAIRMAN BLOCH: I think what we'll do is be
2 binding it in in three or four segments, which will have
3 to be marked as to how they orient with each other.

4 MS. YOUNG: Board Exhibit 10 was reduced to 8
5 1/2 by 11 size by the reporter.

6 CHAIRMAN BLOCH: Can it be read?

7 MS. YOUNG: They didn't use the --

8 CHAIRMAN BLOCH: Can it be read?

9 MS. YOUNG: -- the folded over page.

10 CHAIRMAN BLOCH: Can it be read in the reduced
11 form?

12 MS. YOUNG: It's not super legible, but you
13 can see it. Did you look at the transcript?

14 CHAIRMAN BLOCH: I have not examined that part
15 of the transcript, no.

16 MS. YOUNG: It is reduced. It's not what you
17 gave them. Basically half the size of what you gave them.

18 CHAIRMAN BLOCH: I think what we ought to do
19 is provide an 8 x 14 and ask the reporter to bind it in
20 that way -- bend it over. I also would like to ask on the
21 record that the reporting service not change exhibits
22 without asking permission from the Board.

23 MR. MICHAEL KOHN: Would you look at the note
24 in the upper right-hand corner? It says heavy lines
25 indicate gasket cuts in the motherboard. Do you see that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: I see it.

2 MR. MICHAEL KOHN: Does that indicate that
3 some of the paths through the system are cuts in gaskets?

4 WITNESS TOMLINSON: Yeah, I imagine so -- yes,
5 that's what it says.

6 MR. MICHAEL KOHN: So the way the air flows
7 through the system is through tiny gaps in the gaskets?

8 WITNESS TOMLINSON: I will not agree that it's
9 through tiny cuts in the gasket. I have no idea what the
10 size is. I would assume --

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: What's your favorite
13 adjective? What adjective would you apply to the size?

14 WITNESS TOMLINSON: Adequate.

15 CHAIRMAN BLOCH: You wouldn't? Okay.

16 RECROSS EXAMINATION (continued)

17 MR. MICHAEL KOHN: Do you know the size of
18 these cuts?

19 WITNESS TOMLINSON: No, sir; I don't.

20 MR. MICHAEL KOHN: So how can you predict how
21 a water/air mixture might flow through the gasket cuts?

22 MS. YOUNG: Mr. Kohn, is this following up on
23 my redirect?

24 MR. MICHAEL KOHN: It certainly is.

25 MS. YOUNG: I don't think I asked a question

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 about a gasket or leaks to the gasket.

2 MR. MICHAEL KOHN: No, you asked about
3 selective flow.

4 MS. YOUNG: Within the system, not outside of
5 the system. Are you talking about leaks from inside the
6 tubing, outside the tubing?

7 CHAIRMAN BLOCH: The objection is overruled.
8 Let's continue with this.

9 WITNESS TOMLINSON: Please repeat the
10 question.

11 MR. MICHAEL KOHN: How can you determine how
12 two phase flow is going to react in these gasket cuts?

13 WITNESS TOMLINSON: I cannot address two
14 phased flow and there's nothing in my testimony that I
15 recall that addresses two phased flow. Do you care to
16 talk about air?

17 MR. MICHAEL KOHN: Do you see the memory
18 elements in the box headed Position Four on the top of the
19 top left-hand side?

20 WITNESS TOMLINSON: Memory element?

21 MR. MICHAEL KOHN: Yes, memory element five,
22 six, seven.

23 WITNESS TOMLINSON: Those are on board 1A-
24 7653.

25 MR. MICHAEL KOHN: Correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: Yes.

2 MR. MICHAEL KOHN: Do you see the memory
3 elements on the board below it?

4 WITNESS TOMLINSON: I do.

5 MR. MICHAEL KOHN: That's 1A-7654?

6 WITNESS TOMLINSON: Yes.

7 CHAIRMAN BLOCH: In our picture these memory
8 elements are more towards the center than the left.

9 MR. MICHAEL KOHN: If you look towards the
10 right, there's 1A-7055 Rev. B, it looks like, or Rev. 8.

11 WITNESS TOMLINSON: What was that again,
12 please?

13 CHAIRMAN BLOCH: Where on the right?

14 MR. MICHAEL KOHN: The right-hand side between
15 the last two boards we were looking at.

16 WITNESS TOMLINSON: Yes, I see it.

17 MR. MICHAEL KOHN: Do you see memory elements
18 on that board?

19 WITNESS TOMLINSON: I do.

20 MR. MICHAEL KOHN: And I believe you
21 previously testified that you do not know how the memory
22 elements would respond -- how they work internally?

23 MS. YOUNG: Objection, asked and answered.

24 CHAIRMAN BLOCH: Overruled. Overruled. We
25 need it for context.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: Yes, I said previously I
2 do not know what the internal workings of these
3 pneumatical logic devices are.

4 MR. MICHAEL KOHN: Does that also apply to the
5 not devices?

6 WITNESS TOMLINSON: Yes, it would. I have
7 never taken any of these devices apart.

8 MR. MICHAEL KOHN: So it would apply to all
9 the devices?

10 WITNESS TOMLINSON: It would apply to all of
11 the devices.

12 MR. MICHAEL KOHN: So you have no idea how any
13 of these devices are sensitive internally to the effects
14 of air and water?

15 MS. YOUNG: Objection, asked and answered.
16 And again, I don't see how this is within the scope of the
17 Staff's redirect. In particular, this drawing was
18 identified in the prefiled testimony. Mr. Kohn could have
19 addressed questions about this drawing in his initial
20 cross. He chose not to.

21 CHAIRMAN BLOCH: Mr. Kohn, it appears that
22 you're trying to address an important point and I'm
23 willing to allow you to continue on the understanding that
24 you believe it truly is an important point.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: Where are we?

2 CHAIRMAN BLOCH: That question has been
3 answered.

4 MR. MICHAEL KOHN: So if water entered the --
5 any of the logic boards we've been looking at, you can't
6 really address the selective effect of that water?

7 CHAIRMAN BLOCH: Mr. Kohn, the testimony was
8 not about selective effect. It was that the water could
9 not show up selectively in different lines.

10 MR. MICHAEL KOHN: Your Honor, you have to
11 understand how it flows through the devices if you're
12 going to know where it might selectively show up.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Is that true, Mr. Tomlinson?
15 Do you have to know how the water flows -- water or air
16 mixture or air would go through these devices to know how
17 the water would show up if there were water? Is there any
18 relevance at all to the need to know how water would flow
19 through the logic boards to know whether or not the water
20 would show up differentially in the different parts of the
21 system?

22 WITNESS TOMLINSON: I believe my whole premise
23 here is that in order for the diesel malfunctions in the
24 1990 time frame to occur as Mr. Mosbaugh has indicated in
25 his testimony, that the water would have to selectively

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 pick out the appropriate line in this pneumatic logic and
2 probably exclude all others. And my whole premise there
3 is that that's not credible.

4 CHAIRMAN BLOCH: So do you know whether or not
5 the effects that he is concerned about could have occurred
6 because a fluid moved in different rates of speed because
7 of the openings and orifices in the structure of the
8 elements?

9 WITNESS TOMLINSON: I cannot answer that
10 question absolutely. I have some thoughts on what would
11 happen if water got into the particular line that it would
12 have had to have been in to have caused the problems that
13 Mr. Mosbaugh has indicated.

14 CHAIRMAN BLOCH: So if I understand, generally
15 you're saying that you haven't studied in detail the
16 particular elements, so you don't know if differential
17 rates of flow could account for the situation Mr. Mosbaugh
18 is talking about?

19 WITNESS TOMLINSON: No, I have looked at that.
20 And principally, I have looked at it with respect to the
21 orifices in the system through which the slug of water
22 would have to flow. And yes, on a general basis, my
23 conclusion is that the water would not -- it would flow
24 more rapidly through the larger orifices in this circuit.
25 And it's the smallest orifice that it actually -- the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 timing circuit -- or in the timing circuit.

2 And the flow through that, I believe, would be
3 delayed or slowed down because of the size of it. It
4 would be slowed down through all of the orifices. But
5 that being the smallest one, .006 orifice, it would see
6 the most effect.

7 CHAIRMAN BLOCH: Mr. Kohn, would you continue?

8 RE CROSS EXAMINATION (continued)

9 MR. MICHAEL KOHN: The orifices are not the
10 only elements the path would flow through, correct?

11 WITNESS TOMLINSON: That's correct.

12 BOARD EXAMINATION

13 CHAIRMAN BLOCH: More importantly, they're not
14 the only restrictions of the flow that would occur, are
15 they?

16 WITNESS TOMLINSON: The only other
17 restrictions you would have would be in the other elements
18 themselves. But they're sized to carry the air flow. And
19 what I'm trying to point out is they are not orifices.
20 They do -- all elements have some resistance to flow, but
21 it's the orifices in this circuit that would control what
22 happens as a function of time.

23 CHAIRMAN BLOCH: Well, do you know whether or
24 not the different elements have different effects on
25 restricting flow?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: I really can't answer that
2 question accurately.

3 CHAIRMAN BLOCH: That means you don't know.

4 WITNESS TOMLINSON: Yes, sir.

5 RECROSS EXAMINATION (continued)

6 MR. MICHAEL KOHN: Do you know what bubble or
7 froth flow is?

8 WITNESS TOMLINSON: Excuse me?

9 MR. MICHAEL KOHN: Bubble or froth flow?

10 WITNESS TOMLINSON: I don't have any idea what
11 you're talking about.

12 MR. MICHAEL KOHN: Do you know what plug flow
13 is?

14 WITNESS TOMLINSON: Did you say slug?

15 MR. MICHAEL KOHN: Plug, p-l-u-g.

16 WITNESS TOMLINSON: C-l-u-g?

17 MR. MICHAEL KOHN: P as in Paul. Plug flow.

18 WITNESS TOMLINSON: No, sir; I have no idea
19 what that is.

20 MR. MICHAEL KOHN: Do you know what stratified
21 flow is?

22 WITNESS TOMLINSON: I have an idea of what it
23 would be, yes.

24 MR. MICHAEL KOHN: Do you know under what
25 conditions stratified flow would occur?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 ADMINISTRATIVE JUDGE CARPENTER: Stratified
2 flow of what?

3 MR. MICHAEL KOHN: Of gases or fluids.

4 ADMINISTRATIVE JUDGE CARPENTER: Which?

5 MR. MICHAEL KOHN: Air and water.

6 ADMINISTRATIVE JUDGE CARPENTER: That's a gas
7 and a fluid.

8 MR. MICHAEL KOHN: Yes, do you know how
9 stratified flow would work with respect to -- excuse me --
10 what conditions stratified flow would occur in with
11 respect to --

12 CHAIRMAN BLOCH: Mr. Kohn, the record right
13 now has no evidence that there ever would be stratified
14 flow.

15 MR. MICHAEL KOHN: Well, we're asking about
16 the witness' knowledge, and we're looking at selective
17 deposition --

18 CHAIRMAN BLOCH: Generally we ask about
19 knowledge of things that are in our record.

20 MS. YOUNG: And in particular, I believe --

21 MR. MICHAEL KOHN: Well, this is a background
22 question.

23 MS. YOUNG: -- Mr. Kohn conducted voir dire of
24 Mr. Tomlinson when he first cross examined him. And I
25 guess I don't understand why he's going into these areas

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 again now.

2 CHAIRMAN BLOCH: He just said that he's not an
3 expert in fluidics and the record's open on that. You
4 have no problem with demonstrating that. So just
5 continue, please.

6 MR. MICHAEL KOHN: Now do you have any
7 knowledge of anular flow?

8 CHAIRMAN BLOCH: Mr. Kohn, there's nothing in
9 our record about anular flow.

10 MR. MICHAEL KOHN: I think we can submit into
11 the record definitions of --

12 CHAIRMAN BLOCH: No, the definition won't help
13 us. We have to know that there's something that might
14 happen called anular flow, and no expert has ever said
15 there would be anular flow.

16 MR. MICHAEL KOHN: Your Honor, the witness has
17 testified about selective deposition. And how can the
18 witness testify competently about that if the witness does
19 not know how water and air flow through a system? You
20 have to --

21 CHAIRMAN BLOCH: He already has testified that
22 he doesn't know about fluidics. And he's testified about
23 several different forms of flow that he doesn't know
24 about.

25 MR. MICHAEL KOHN: This is not fluidics. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 is two phased flow.

2 CHAIRMAN BLOCH: He also testified that he
3 doesn't know about two phased flow.

4 MR. MICHAEL KOHN: Then I think --

5 CHAIRMAN BLOCH: Then you have all the
6 arguments you need to make if he has to know that in order
7 to be able to testify about what he's testifying about.
8 And if there's a counter argument, you'll have to address
9 that.

10 MS. YOUNG: And Judge Bloch, I think Mr. Kohn
11 has mischaracterized Mr. Tomlinson's testimony in part.
12 He talked about selective deposition in various lines to
13 sensors, not just through the sensors themselves.

14 MR. MICHAEL KOHN: This would apply to lines
15 as well. And I guess -- Your Honor, I think there is
16 testimony about the effects of two phased flow in the
17 record from Mr. Mosbaugh. And --

18 CHAIRMAN BLOCH: The witness already said that
19 he doesn't know about two phased flow.

20 MR. MICHAEL KOHN: All right, can you look at
21 Exhibit -- Staff Exhibit II-73?

22 WITNESS TOMLINSON: Yes.

23 MR. MICHAEL KOHN: If you look at the edge of
24 the motherboard that you were referring to earlier, --

25 WITNESS TOMLINSON: I see it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: The edge near where the
2 temperature gauge is, yes.

3 MR. MICHAEL KOHN: First, you want to change
4 your testimony with respect to that gauge being a
5 temperature gauge?

6 WITNESS TOMLINSON: You are quite correct. I
7 believe it's a pressure gauge.

8 MR. MICHAEL KOHN: Thank you. And the tubes
9 attaching to the bottom of the motherboard --

10 WITNESS TOMLINSON: Excuse me?

11 CHAIRMAN BLOCH: He hasn't finished the
12 question yet.

13 MR. MICHAEL KOHN: Are the tubes attached to
14 the bottom of the motherboard referred to as the bulkhead?

15 ADMINISTRATIVE JUDGE CARPENTER: Did you say -
16 - ask whether the tube is referred to --

17 MR. MICHAEL KOHN: No, the tube -- the
18 location of where the tubes are attached to the
19 motherboard, is that referred to as the bulkhead?

20 WITNESS TOMLINSON: I really don't know what
21 you would call it. Are you trying to define --

22 CHAIRMAN BLOCH: That's okay, that's an
23 answer.

24 MR. MICHAEL KOHN: Are there vents in the side
25 of the panel?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS TOMLINSON: Are there vents in the
2 side of the panel? You mean the control panel?

3 MR. MICHAEL KOHN: Yes, at the top.

4 WITNESS TOMLINSON: Not that I'm aware of. To
5 be quite honest with you, I didn't inspect the top of the
6 panel very closely.

7 MR. MICHAEL KOHN: Well, did you testify that
8 the top would be the hottest part of the panel?

9 WITNESS TOMLINSON: Unless the laws of physics
10 have been rescinded, yes, heat rises.

11 MR. MICHAEL KOHN: Do at the top it would be
12 the hottest whether or not there were vents?

13 WITNESS TOMLINSON: Yes, it would. Other than
14 the heater itself.

15 CHAIRMAN BLOCH: Please try to assure that
16 what you ask about -- not only assure the accuracy of the
17 testimony but has something to do with the final point
18 you're trying to prove.

19 MR. MICHAEL KOHN: No further questions.

20 CHAIRMAN BLOCH: Mr. Blake?

21 MR. BLAKE: None.

22 CHAIRMAN BLOCH: Ms. Young?

23 MS. YOUNG: I don't have any questions, but
24 I'd like to move some exhibits into evidence.

25 CHAIRMAN BLOCH: Please proceed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MS. YOUNG: And I'm not sure what the status
2 of the Board's request regarding additional picture was
3 because this panel would have to testify about it, I
4 assume. Would they have to be recalled, or should we take
5 the break to do that?

6 CHAIRMAN BLOCH: We can do that after the
7 break or in fact, since Mr. Skinner's going to be on the
8 subsequent panel, it could be done then. Any person can
9 testify that that's a fair picture of the control areas
10 providing that he's seen it.

11 MS. YOUNG: And that panel doesn't start until
12 1:00, correct?

13 CHAIRMAN BLOCH: That's correct.

14 MS. YOUNG: It might be appropriate to have it
15 close to this portion of the transcript, but it's up to
16 you.

17 CHAIRMAN BLOCH: Sure, we'll take a recess to
18 do that. Well, is the witnesses going to be needed for
19 the exhibits you're going to put in right now?

20 MS. YOUNG: No.

21 CHAIRMAN BLOCH: The witnesses are getting
22 ready to leave. They're not needed for the exhibits?

23 MS. YOUNG: No, they've already been marked.

24 CHAIRMAN BLOCH: All right, I'd like to excuse
25 the panel for now. Thank you. Do you want the recess

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 now?

2 (The witnesses were excused.)

3 MS. YOUNG: Yes, please.

4 CHAIRMAN BLOCH: We'll take a ten minute
5 break.

6 (Whereupon, the proceedings went off the
7 record from 9:57 a.m. until 10:15 a.m.)

8 CHAIRMAN BLOCH: We'll go back on the record.

9 MS. YOUNG: Mr. Skinner, have you located the
10 picture Judge Murphy asked you about?

11 WITNESS SKINNER: Yes, I have.

12 MS. YOUNG: I'd like to have it marked as
13 identification as Staff II --

14 CHAIRMAN BLOCH: Granted, subject to the
15 description.

16 MS. YOUNG: I didn't give it a number. 74.

17 CHAIRMAN BLOCH: That's the number granted.

18 (Whereupon, the above-referenced
19 document was marked as Staff Exhibit
20 II-74 for identification.)

21 MS. YOUNG: He didn't let me finish.

22 CHAIRMAN BLOCH: You had finished, but you
23 hadn't finished. Let's go on.

24 MS. YOUNG: And Mr. Skinner, could you
25 describe that picture and how you physically should orient

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 it beginning with that first?

2 WITNESS SKINNER: Okay. The correct
3 orientation of this picture is that it is horizontal
4 picture. The left side of the picture is lighter than the
5 right side. The right side of the picture shows a bolted
6 flange on a three inch line in the upper portion of the
7 picture coming out of the top of the three inch elbow. It
8 shows a 3/8 inch tubing coming out, down and to the right
9 side of the picture.

10 CHAIRMAN BLOCH: So that the vertical portion
11 is towards the left, and the horizontal portion of the
12 white piping is in the middle of the picture, is that
13 correct?

14 WITNESS SKINNER: That's correct.

15 CHAIRMAN BLOCH: And the fuzzy, out of focus
16 pipe is on the left side -- darker than the area we're
17 concerned about?

18 WITNESS SKINNER: That's correct.

19 CHAIRMAN BLOCH: Thank you.

20 ADMINISTRATIVE JUDGE MURPHY: Can you locate
21 this assembly for us on the diesel?

22 WITNESS SKINNER: Yes, sir. There is a
23 picture in NUREG -- this particular section of the piping
24 is located to the left side of the picture where the
25 ladder is going up to a platform on the left side of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 diesel as shown. This particular piping is about deck
2 level at the rear platform on the diesel.

3 ADMINISTRATIVE JUDGE MURPHY: Deck level on
4 the rear platform, is that what you said?

5 WITNESS SKINNER: Yes, sir.

6 CHAIRMAN BLOCH: Am I correct in believing
7 it's underneath the platform where it can't be seen?

8 WITNESS SKINNER: It's slightly beneath the
9 platform, yes, sir.

10 CHAIRMAN BLOCH: Well enough beneath so you
11 can't see it?

12 WITNESS SKINNER: You can't see it in this
13 picture very -- and it takes some effort to get a good
14 photograph of it.

15 ADMINISTRATIVE JUDGE MURPHY: Would you guess
16 that that's what -- eight, ten feet above the floor of the
17 diesel building?

18 WITNESS SKINNER: I would say it's ten to 12
19 feet above the floor of the diesel building.

20 ADMINISTRATIVE JUDGE MURPHY: Thank you.

21 CHAIRMAN BLOCH: I'm sorry, did you say above
22 the floor of the diesel building?

23 WITNESS SKINNER: Above the floor of the
24 diesel building.

25 CHAIRMAN BLOCH: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 ADMINISTRATIVE JUDGE MURPHY: Okay, after the
2 3/8 inch line leaves the tap off from the three inch line,
3 it goes back down into the trench and then over into the
4 control panel, correct?

5 WITNESS SKINNER: That's correct.

6 ADMINISTRATIVE JUDGE MURPHY: Thank you.

7 MS. YOUNG: Now Judge Bloch, since this
8 picture from the NUREG I don't believe is part of any
9 exhibit thus far, we may have to mark it. So I request
10 that it be marked as Staff II-75.

11 CHAIRMAN BLOCH: Granted. And for ease of
12 reference, it could be bound in right here.

13 (Whereupon, the above-referenced
14 document was marked as Staff II-75
15 for identification.)

16 MS. YOUNG: We'll just have to make copies and
17 provide those later.

18 CHAIRMAN BLOCH: Thank you.

19 MS. YOUNG: Okay, the Staff doesn't have any
20 more questions for this panel. We'd just like to move in
21 the exhibits and requesting receipt in evidence of Staff's
22 II-5; II-10, which are the Casto memo and the inspection
23 report; and Staff II-72, 73, 74, and 75, which are the
24 various photos we've been showing this morning.

25 CHAIRMAN BLOCH: They are all granted and

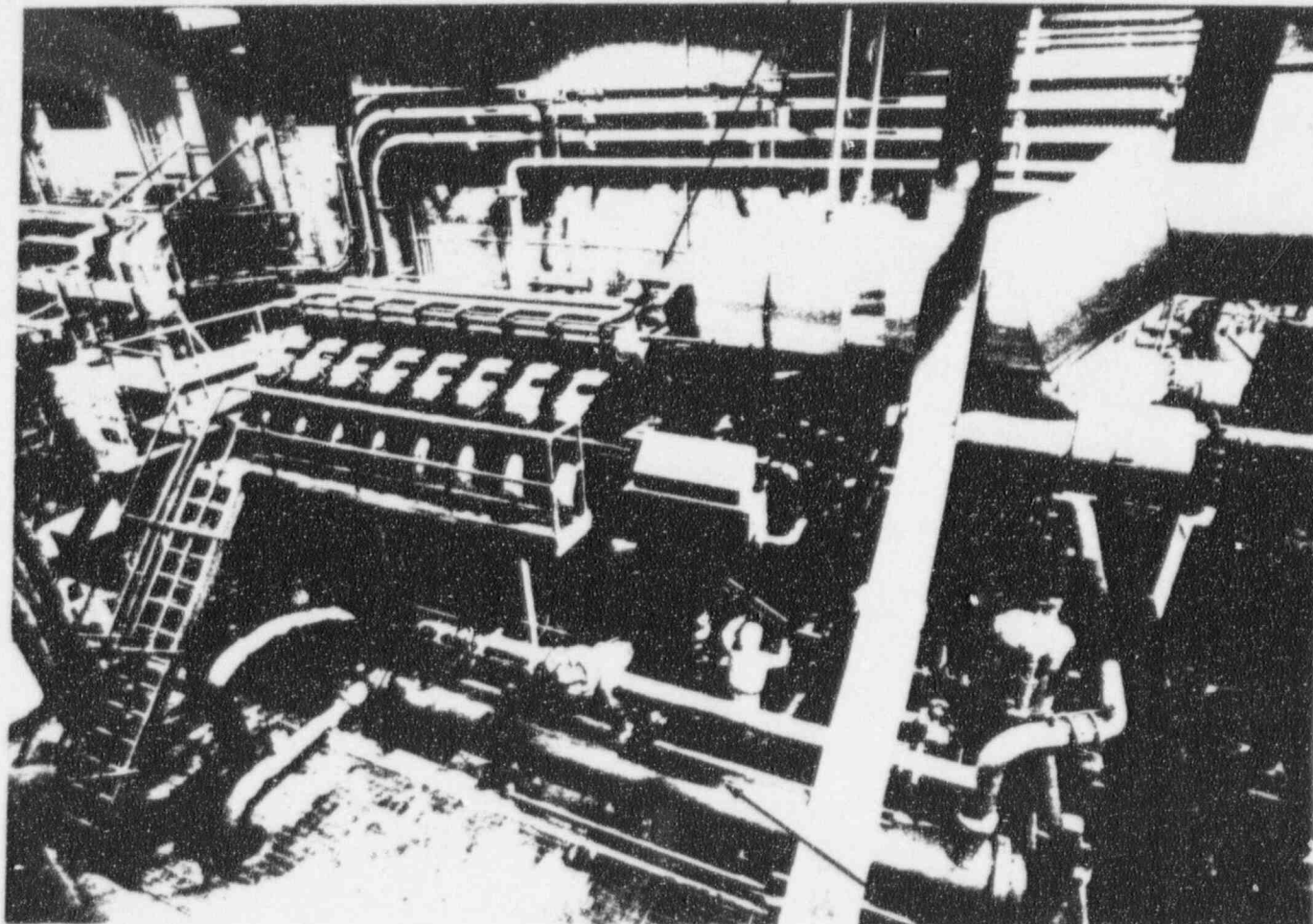
NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

Jacket water
temperature
sensor header



Jacket water Hx

Figure 3.4 Diesel Generator

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3

EXHIBIT NO. II - 75

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

Staff Applicant Intervenor Other

Identified Received Rejected Reporter SL

Date 9/22/95 Witness

1 admitted. Mr. Kohn, questions based only on the exhibits?

2 (Whereupon, the above-referenced
3 document, previously marked as Staff
4 Exhibit II-5 for identification, was
5 received in evidence.)

6 (Whereupon, the above-referenced
7 document, previously marked as Staff
8 Exhibit II-10 for identification,
9 was received in evidence.)

10 (Whereupon, the above-referenced
11 documents, previously marked as
12 Staff Exhibits II-72, 73, 74 and 75
13 for identification, were received in
14 evidence.)

15 MR. MICHAEL KOHN: No, Your Honor.

16 CHAIRMAN BLOCH: Mr. Blake? It's my pleasure
17 to excuse the panel. Thank you.

18 (The witnesses were excused.)

19 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
20 did you get a chance to try or not?

21 WITNESS SKINNER: No, sir; I did not.

22 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

23 CHAIRMAN BLOCH: Before we go into the motions
24 portion of this morning's session, the Board would like to
25 call people's attention once again to the summary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 disposition on air quality which sets forth the issues on
2 this area. A lot of what we've been doing is background.
3 It's conceivably relevant if there were a
4 misrepresentation in order to explain the severity of the
5 misrepresentation, but it's not directly relevant since
6 there is no issue concerning root cause.

7 And we want the parties to be very aware of
8 the scope set forth in the summary disposition decision.
9 The Board doesn't think we've changed that scope.

10 ADMINISTRATIVE JUDGE CARPENTER: That we've
11 been liberal shouldn't be misinterpreted. We haven't set
12 any tight boundaries, but pretty soon it's going to be
13 let's look at the issues again. Just want everybody to be
14 very well aware that whatever my hypothesis might be or
15 anybody else's hypothesis is not an issue in this
16 proceeding.

17 CHAIRMAN BLOCH: Mr. Kohn, you have motions?

18 MR. MICHAEL KOHN: Yes, Your Honor.

19 Intervenor is going to start moving to admit documents
20 into the record. And I think the best way to proceed is
21 to mark them at this time. The first ones we'll go
22 through would be the documents that were previously
23 identified in the --

24 CHAIRMAN BLOCH: I take it that you haven't
25 been able to comply with the Board's directions that when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 groups of documents are to be marked, there to be a page
2 handed to the reporter so we don't have to read it all?

3 MR. MICHAEL KOHN: Well, they haven't been --
4 we have -- the group I was going to start with are the
5 ones that were the subject of the joint stipulation of the
6 parties. But they haven't been formally identified on the
7 record. They are identified in the Joint Stipulation
8 which I think was bound into the record early on in the
9 proceeding. And --

10 CHAIRMAN BLOCH: Well, I guess the difficulty
11 is that since then -- are you moving for all of them to be
12 admitted?

13 MR. MICHAEL KOHN: No, because a lot of them
14 have already been admitted. And I have a list of the ones
15 that we would be seeking admission. I could go over that
16 list, or I can -- it is on -- in our computer, so I can
17 reformat it any way that would be most beneficial to --

18 CHAIRMAN BLOCH: Well, the most important
19 thing is that the description of the documents be included
20 so that we know what's being identified. The step -- the
21 way this could be done fastest is for you to distribute
22 the copies and then hand to the reporter and to the
23 parties the description which includes the names of each
24 of the documents, the numbers you're assigning.

25 MR. MICHAEL KOHN: Okay, the parties and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 court reporter, with respect to the first category of
2 documents, and the Board, should all have copies.

3 CHAIRMAN BLOCH: Just the -- the court
4 reporter has them too?

5 MR. MICHAEL KOHN: Yes.

6 MS. YOUNG: The problem has been because the
7 first 130 that were identified in the stipulation weren't
8 really physically marked in the proceeding. We don't
9 have a record cite for where these things were marked, and
10 that's what he's trying to cure now.

11 CHAIRMAN BLOCH: Right, so --

12 MS. YOUNG: And every time we do a list, we
13 get into the same problem.

14 CHAIRMAN BLOCH: Can't we do it by handing
15 something to the reporter rather than doing it orally?
16 Would it take long to take a recess to do that?

17 MR. MICHAEL KOHN: No, it wouldn't take long,
18 Your Honor.

19 CHAIRMAN BLOCH: Okay, let's take a brief
20 recess while you prepare that list.

21 (Whereupon, the proceedings went off the
22 record from 10:20 a.m. until 12:36 p.m.)

23 CHAIRMAN BLOCH: I understand that the parties
24 have reached a first round stipulation on marking and
25 admission of exhibits. Who is prepared to present that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 for the record?

2 MR. MICHAEL KOHN: Intervenor can do that,
3 Your Honor. We have prepared a list of exhibits to be
4 admitted. It is a three page document dated September 22,
5 1995 at the top headed Intervenor's First List of Exhibits
6 To Be Admitted. There are five items that are crossed out
7 on the document. Those items are not subject to being
8 admitted. And it's my understanding that all the parties
9 agree to the list as stated, and there's also -- you will
10 notice an asterisk next to some documents.

11 And the asterisk denotes that the exhibits are
12 to be admitted only to the extent discussed on the record.

13 CHAIRMAN BLOCH: All right, pursuant to the
14 stipulation of the parties, this three page stipulation
15 shall be adopted by the Board so that each of the
16 documents there shall be marked as indicated and shall be
17 admitted in evidence. And it's my understanding that the
18 reporter already has received these documents months ago.

19 MR. MICHAEL KOHN: The reporter has received
20 most of them. There are two or three we've added to this
21 list that they will receive today.

22 CHAIRMAN BLOCH: Okay, we'll receive them
23 today. All right, two or three? How many will they
24 expect to receive? All right, but it will be complete by
25 the end of the day. And if there are any difficulties in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

September 22, 1995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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

INTERVENOR'S FIRST LIST OF EXHIBITS TO BE ADMITTED

Int. II-1	Mosbaugh PQs
Int. II-2	Bockhold ltr "Accuracy of Information" 2/16/88
Int. II-3	Anonymous Allegation Dilution Valves, 1/7/90
Int. II-5	May 1990 performance pay program survey
Int. II-5A	Enhancing NRC Communication and key principles of Nuclear personnel
Int. II-10	NUREG-1410 diag DG Air System, pg 3-47
Int. II-12* ¹	Vogtle Diesel Air Dryer Vendor Manual
Int. II-13*	Bockhold's OI Testimony 6/22/93, pp 47-49
Int. II-20*	4-7-90 IIT Transcript Doc. 205
Int. II-24	Final COA Response Ltr 4/9/90
Int. II-29	Mosbaugh 4/30/90 memo to Bockhold Diesel Start Statements
Int. II-31	PRB Meet, 5/10/90
Int. II-33	Bockhold Action Item 5/24/90

¹ "*" denotes that the exhibit is to be admitted only to the extent discussed on the record.

Int. II-40 Fax of draft COA from Birmingham, 4/7/90, 08:47

Int. II-49 "White Paper" answering OSI team's questions,
8/16/90

Int. II-55 LER 90-006, 4/19/90

Int. II-60 NRC ltr acknowledging payment of CP & NOV, 3/13/95

~~Int. II-61 Revn of 6/29 ltr~~

Int. II-61 Blue Sheet for LER 90-006 rev 0

Int. II-62 6/29 LER 90-006 rev 1, final w/cover ltr

Int. II-67 8/30/90 ltr

Int. II-67A SONOPCO Project statement; Proj 024311

Int. II-75* 12-10-91 Supplemental letter McCoy to Murley

Int. II-80* War Room Unit 1 Refueling Outage Log, pp. 75-79

Int. II-82A IIT telecon 4/11/90 (IIT Doc 233)

Int. II-91 Draft COA response ltr w/SSPI table, 4/6/90

Int. II-93 Executive Summary Diesel Operability

~~Int. II-94 (NRC LER 90-006) Table 22, 4/4/90 (2 party ver)~~

~~Table 49~~

Int. II-109 Sect 3.3.3 of NUREG-1410 pp 3-21 to 3-22

Int. II-110 NUREG-1410, pp J-25&26

Int. II-95* White Papers

Int. II-34A IIT Tr 4/6/90, pp 2, 4-9 (IIT Doc 203)

Int. II-41* Cash's 4/7/90 typed list of DG starts, marked by
Cash

~~Int. II-42 Base System Listing from wordprocessor~~

Int. II-43* Slide presentations docs 4153

Int. II-43A* Bockhold's OI Interview/93

Int. II-44 NRC ltr summarizing 4/9/90 meeting, 5/14/90

Int. II-54 List of starts, Table 1 (DG 1A) and Table 2 (DG 1B), 2 pp

Int. II-64A NOV, 5/9/94

Int. II-64B Site to corporate items status, 6/15/90

~~Int. II-66 Hairston Phone logs, April July 1990~~

Int. II-86 NUREG-1410 App J, pp 8-13

Int. II-87* GPC's responses to Int. 5th set of Interr. dated 7-22-94

Int. II-101 GPC's 2.206 Petition Response Sect III.3, pp 1-11, 4/1/91

Int. II-102* '90 Phone Log (Shipman/McCoy)

Int. II-105* Reply to NOV, 7/31/94

Int. II-110B GPC's Corrective Actions Ltr for SAE, 5/14/90

Int. II-123* Plant Outage Log

Int. II-125 4/6/90 Fax: Status of Correct Actions

~~Int. II-237 Correspondence on 7/90 start air valve problem,~~

Int. II-237 Excerpt tape 218

AGREE . EX

1 providing all of the exhibits --

2 MR. MICHAEL KOHN: We have copies of them all.

3 CHAIRMAN BLOCH: You have?

4 MR. MICHAEL KOHN: Have them all.

5 CHAIRMAN BLOCH: All right, so this
6 stipulation, which has now been adopted by the Board shall
7 be bound into the transcript at this point to record the
8 action of this Board.

9 MR. BLAKE: Judge Bloch?

10 CHAIRMAN BLOCH: The Board would like to have
11 a copy of the stipulation.

12 MR. BLAKE: There were several other items
13 that I can report to the Board on that I would need to do
14 at some point and can do now. One of those is that on
15 Board Exhibit 11, which was the calibration document that
16 we recently provided to the Board and the Board made its
17 own exhibit, you indicated -- had a couple of questions on
18 the second page of that document.

19 One of the questions that you had, Judge
20 Bloch, was did we know who had circled things on it or
21 handwritten words on it -- the words that I see are "as
22 found" and "as left," for example. And we do not know.
23 This is the way the document was when it was retrieved by
24 the attorneys from the plant site.

25 We simply do not know who -- and this is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 way the document is found in the plant records. We don't
2 know when it was done or who did it, so I can't offer any
3 help. The second question that you had was what did we
4 know about this procedure which is referred to in the top
5 paragraph of text.

6 That's not a plant procedure. It's a
7 procedure either Alnor or GE -- we believe EG&G
8 calibration apparently procedure which they use. We don't
9 have any copies of it, so we can't help you on that one as
10 well.

11 CHAIRMAN BLOCH: Well, if any party obtains a
12 copy, we would receive it.

13 MR. BLAKE: All right. The second area of
14 questions that I can report on had to do with the Alnor VP
15 2466 and particular measurements that were taken with it
16 between -- in fact, including March 29, 1990 through the
17 first -- early in April period.

18 And specifically, you asked whether or not
19 since there were two measurements taken with -- two sets
20 actually of measurements taken with that instrument on the
21 29th, could we determine which one came first and which
22 one came second. I can tell you what the results of our
23 investigation are, and then you can decide whether or not
24 we need to do it as a matter of evidence beyond my report.

25 We looked at both maintenance work orders.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Neither of them gives a specific time on that day when the
2 measurements were taken, although both maintenance work
3 orders indicate that they were taken -- that the
4 measurements were taken on the 29th.

5 We however believe that the measurements that
6 were taken that were in spec were taken during the day
7 shift because the individual who signed for having taken
8 them --

9 MR. MICHAEL KOHN: Your Honor, Intervenor
10 objects as prejudicial. This is testimony of an attorney.
11 Are they -- and I think it is prejudicial. They believe
12 this individual's on a day shift. There's no way for
13 Intervenor to assess --

14 MR. BLAKE: I've said I would give my report
15 and if somebody wanted to do it from an evidentiary
16 standpoint --

17 MR. MICHAEL KOHN: Yes, what I'm saying, as I
18 understand it, the report is based on a belief at this
19 time. So I think that there is -- that the report should
20 be truncated simply saying that the documentation does not
21 indicate the time.

22 MR. BLAKE: Okay, there's a pretty clear --

23 CHAIRMAN BLOCH: Yeah, I don't feel that the
24 report is going to prejudice this Board, and if Intervenor
25 would like to follow up, he can ask for appropriate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 discovery. So Mr. Blake, you may continue.

2 MR. BLAKE: I mean, I'll make available --
3 Intervenor already has these documents, I believe. I'm
4 not coming up with anything here that he doesn't have
5 available and couldn't draw the same conclusion. The
6 individual who took the measurements that we believe were
7 on the day shift's name was Masters, and he signed off on
8 the maintenance work order after taking them.

9 And there was a night shift person who was
10 Loriman, and he took the other set. Those were the ones
11 that were high on that day and the other ones were low.
12 So that's how we get to what we believe occurred that day.
13 And these documents, I'm happy to have Intervenor review
14 if he doesn't have his own copies here, but these -- I
15 don't want to believe are new.

16 Now, the second date that you were interested
17 in was April the 2nd. And on April the 2nd, we looked at
18 the maintenance work order, and it didn't indicate -- on
19 this one, we were trying to find out whether or not the
20 measurement taken on April the 2nd, which was a good set
21 of measurements, was taken with the 2466.

22 We were unable to determine that from a review
23 of the maintenance work order.

24 CHAIRMAN BLOCH: Unable to discover what?

25 MR. BLAKE: Unable to confirm whether or not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 it was the Alnor 2466. But, being diligent and
2 resourceful, we went beyond the maintenance work order and
3 confirmed, which is contrary to our position what we'd
4 like to have found, but we did think that from the
5 traveler -- the 2466's traveler, it would appear that it
6 was that instrument that was used to take the April 2nd
7 measurements.

8 And those were in spec measurements. So,
9 that's the results of our review of the documents in the
10 records, and what anybody wants to use or stipulate to
11 that or -- after looking at the documents or do something
12 from an evidentiary standpoint, you can. One of them
13 would have supported the position and the other one would
14 appear not to unless it was an intermittent failure.

15 CHAIRMAN BLOCH: Now am I correct in
16 understanding that it was on April 6th that someone
17 declared that the calibration period for that instrument
18 could be extended?

19 MR. BLAKE: I don't remember the answer now,
20 but somebody can probably confirm that. I think it was
21 March the 6th, I'm informed.

22 CHAIRMAN BLOCH: On March the 6th?

23 MR. BLAKE: March the 6th or 7th.

24 CHAIRMAN BLOCH: Oh, all right. So then the
25 extension expired on April 6th?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. BLAKE: Well, I think on the 7th as well.

2 CHAIRMAN BLOCH: Right. Now, there's a page
3 we asked for. Did you find the page? The page that we
4 couldn't read which had a line which seemed to be what the
5 --

6 MR. BLAKE: Yeah, we're still -- we're in
7 touch with GE, which is where we got that document, to see
8 if they could more carefully -- if the one that they have
9 there -- if more carefully reproduced, would do better.
10 We have another document that shows what the language is.
11 And we have a little better copy that I can distribute to
12 everybody to see if everybody can read it.

13 We're pretty confident we know what it says,
14 and I can distribute that. But we're still trying to see
15 if we can even get a better document from GE, which was
16 the source of this document in the first place.

17 CHAIRMAN BLOCH: It occurs to me that there
18 could be an entry in the company books showing the nature
19 of that expenditure, too. You spent about \$800 for a
20 repair. I don't know what detail goes into the books, but
21 it could be enough to allow someone looking at it to know
22 why it spent.

23 MR. BLAKE: Could well be, but I think this
24 particular language which was a notation made by Alnor is
25 the single most important thing for everybody.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: It would be more direct, yes.
2 ADMINISTRATIVE JUDGE MURPHY: That's what I
3 was after.

4 MR. MICHAEL KOHN: Your Honor, I'd like
5 Georgia Power to indicate whether they have also obtained
6 additional documents from any of the vendors, GE, Alnor,
7 EG&G, etc.

8 MR. BLAKE: Whatever it is we've gotten and
9 whatever the sources have been for documentation which is
10 responsive to your discovery request we're compiling and
11 we'll provide to you.

12 MR. MICHAEL KOHN: Well, Intervenor's problem
13 is that there are documents concerning these devices have
14 been admitted into the record or are subject to admission
15 into the record or subject to being made Board exhibits.
16 And in order for Intervenor to fairly have an opportunity
17 to determine what documents should be considered with it,
18 the full scope of documents are going to have to be made
19 available.

20 MR. BLAKE: Let me try to cut this short. I'm
21 informed that in fact whatever documents we've received
22 are included within the scope of your request, so you'll
23 be getting them.

24 MR. MICHAEL KOHN: Thank you, sir. And the
25 last issue is, I think with respect to the traveler for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 the Alnor, does Georgia Power have an objection to having
2 that marked as an exhibit and admitted into the record?

3 MR. BLAKE: No, no I don't particularly for
4 this purpose alone. I don't know about other purposes,
5 and we might have to have somebody questioned about to
6 know about how good it is or how good it isn't. But yes,
7 we can provide copies for the record.

8 CHAIRMAN BLOCH: So, does it need to be marked
9 as an exhibit?

10 MR. BLAKE: Yes, it would need to be. But I'd
11 prefer not to now. The sheet that I'm looking at says
12 sheet three of three. I don't know exactly what that
13 means, but I'll talk with Mr. Kohn about coming up with an
14 exhibit to be able to cover this for him.

15 MR. MICHAEL KOHN: Thank you.

16 CHAIRMAN BLOCH: Is there any other business
17 at this moment?

18 ADMINISTRATIVE JUDGE MURPHY: Did we get our
19 pictures back, Ms. Young?

20 CHAIRMAN BLOCH: Let the record reflect that
21 we're talking about pictures that were part of the record.

22 MS. YOUNG: I don't believe they're part of
23 the record, Judge Bloch.

24 CHAIRMAN BLOCH: Oh, these are the pictures
25 from Licensee. Excuse me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MS. YOUNG: I don't know how the Board would
2 like best to proceed, but Mr. Skinner does have a report
3 from talking to the dew point test instrument facility.

4 CHAIRMAN BLOCH: I would appreciate hearing
5 that report.

6 WITNESS SKINNER: Yes, sir. I contacted the
7 EG&G representative that I spoke to the first time back in
8 August the 30th this morning about 10:00. I asked him
9 specifically what would be the effect of now flow through
10 the EG&G instrument. He stated that the EG&G instrument
11 would reach the dew point of whatever air was trapped
12 inside of the sensor itself at that time.

13 I further asked him do the instruments
14 normally come into the calibration facility with or
15 without flow meter attached. He said 99.95% of the
16 instruments come in without the flow meter attached. He
17 specifically looked up the record for VP 1114, which is
18 the EG&G instrument that we have the calibration data on.

19 His last record was a 1994 record in his
20 computer, and it indicated no evidence that the flow meter
21 came in with it attached. I also asked him associated
22 with the flow meter if it did not come in with the flow
23 meter, would the flow meter that was subsequently used at
24 the facility -- the type, accuracy or other properties of
25 the flow meter affect the dew point measurements.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 He said no, as long as the dew point flow was
2 maintained within 0.5 to 5 SCFH. I also asked him should
3 a technician experienced with another type of flow meter
4 such as an Alnor be able to pick up this instrument and
5 use it without significant problems or training, assuming
6 that the technical manual was not available. He said this
7 was a fairly simple instrument to use, and any experienced
8 technician should be able to use it without any
9 significant training.

10 I asked him what he thought if a flow meter
11 was used to take dew point readings and the dew point
12 readings indicated high and subsequently, after a flow
13 meter was attached to the instrument, the measurements
14 indicated they were in the specification of the procedure
15 that was being used, why would that be high.

16 He said the only reason he could think of was
17 -- first of all we went into a scenario where we were
18 reading dew points in the -100° Centigrade readings. He
19 said if it went into that area, the sensitivity of the
20 EG&G instrument is not sufficient to read to that low a
21 level. And if you were trying to read something with that
22 low a dew point reading, it would in fact read high.

23 That it would probably read around -40° or -60°
24 Centigrade. So, that would not be an effect. Other than
25 that, he said the only thing that he could foresee would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 be that the dew point instrument did not have any flow
2 through it and basically they were reading -- or
3 potentially reading the air that was trapped in the
4 sensor.

5 Other than that, he would have expected the
6 flow to be reading accurate.

7 CHAIRMAN BLOCH: So the one part of my message
8 wasn't completely communicated. I was interested in what
9 would happen if there was some flow but it was less than a
10 half of a cubic foot per --

11 WITNESS SKINNER: Okay, we also discussed
12 that. I forgot I had that on a different piece of paper.
13 We discussed if the flow was in fact less than 0.5
14 standard cubic feet per hour what would be the effect of
15 the reading. He basically stated that the effect would be
16 either correct because it could in fact read with a flow
17 slightly less than 0.5 SCFH, or it could become completely
18 incorrect and would be without some indication of -- that
19 he was in the correct flow.

20 He could say that was really a not reliable
21 reading.

22 CHAIRMAN BLOCH: I guess what I'm hearing is
23 that less than .5, it's going to be somewhere between room
24 humidity and accurate?

25 WITNESS SKINNER: That would be basically it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 because -- well, it would be not necessarily room
2 humidity, but whatever was trapped in the instrument
3 itself.

4 CHAIRMAN BLOCH: Right, whatever was trapped.
5 Between what was trapped and accurate, because it --

6 WITNESS SKINNER: I asked him also if he had
7 any experience with individuals using these instruments
8 successfully with no flow meter. He said the lab people
9 in his facility can pretty much adjust the instruments
10 without a flow meter, but it takes a very experienced
11 person to do that.

12 He said some people could possibly do it. But
13 not knowing the experience level of the people, it would
14 be hard to define that.

15 CHAIRMAN BLOCH: Thank you very much, Mr.
16 Skinner. Are there any questions for Mr. Skinner based on
17 his report? Mr. Kohn?

18 MR. MICHAEL KOHN: Assuming they haven't -- is
19 there anything else that they told you that would have
20 been of interest other than the Board -- what issues the
21 Board was looking at?

22 WITNESS SKINNER: Not that I know of.

23 MR. MICHAEL KOHN: Nothing further.

24 CHAIRMAN BLOCH: Mr. Blake, any questions?

25 MR. BLAKE: No, sir.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: Staff? Thank you very much.
2 Is there any other matters to be handled before the 1:00
3 calling of the witnesses?

4 MS. YOUNG: I'd like to request we go off the
5 record for one brief moment.

6 CHAIRMAN BLOCH: Let's do that. We'll go off
7 the record.

8 (Whereupon, the proceedings went off the
9 record from 12:55 p.m. until 1:00 p.m.)

10 CHAIRMAN BLOCH: I'd like to welcome Mr.
11 Stephen Kohn back with us. Hope you're feeling well, sir.

12 MR. STEPHEN KOHN: A little exhausted.

13 CHAIRMAN BLOCH: Well, you look like your
14 ebullient self.

15 CHAIRMAN BLOCH: Ms. Young, your witnesses --
16 would you call them for me, and then I'll swear them?

17 MS. YOUNG: I'd like to call to the stand Mr.
18 David Matthews, Mr. Darl Hood, and Mr. Pierce

19 CHAIRMAN BLOCH: And would the witnesses
20 identify themselves for the record by their position at
21 the NRC?

22 WITNESS HOOD: My name is Darl Hood. I am a
23 senior project manager in NRR.

24 WITNESS MATTHEWS: My name is David B.
25 Matthews. I'm the director of project directorate 2-1 in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 the Office of Nuclear Reactor Regulation.

2 WITNESS SKINNER: My name's Pierce Skinner.
3 I'm employed in Region 2 of the NRC as Chief of Reactor
4 Projects, Section 3B.

5 Whereupon,

6 DARL S. HOOD

7 DAVID B. MATTHEWS

8 PIERCE SKINNER

9 were called as witnesses by the Staff, and after having
10 been first duly sworn, assumed the witness stand, were
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 MS. YOUNG: Okay, gentlemen, do you have
14 before you a copy of a document entitled Testimony of
15 David B. Matthews, Pierce H. Skinner, and Darl S. Hood on
16 the Diesel Generator Issue?

17 WITNESS HOOD: Yes.

18 WITNESS SKINNER: Yes, I do.

19 MS. YOUNG: And the document consists of 11
20 pages. And appended to it as Attachment A is the
21 professional qualifications for David B. Matthews
22 consisting of two pages.

23 WITNESS MATTHEWS: Yes.

24 MS. YOUNG: And as Attachment B, the
25 professional qualifications of Pierce H. Skinner,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 consisting of one page?

2 WITNESS SKINNER: That's correct.

3 MS. YOUNG: And as Attachment C, the
4 professional qualifications of Darl S. Hood, consisting of
5 two pages?

6 WITNESS HOOD: That's correct.

7 MS. YOUNG: And were these documents either
8 prepared by you or under your direction and supervision?

9 WITNESS HOOD: Yes.

10 WITNESS SKINNER: Yes.

11 WITNESS MATTHEWS: Yes.

12 MS. YOUNG: And do you have any changes you
13 wish to make to these documents?

14 WITNESS MATTHEWS: I would have one possible
15 clarification to make with regard to this document. And
16 the clarification comes about by virtue of the testimony
17 that we've heard in this proceeding in recent days. At
18 the time this document was drafted and submitted as
19 prefiled testimony, it was true and correct to our belief.
20 And it also relates to documents that at the time they
21 were issued were true and correct to our belief.

22 The subject matter that I'm speaking of is
23 with regard to the violation B that was imposed by the NRC
24 in May and then later rescinded in the subsequent modified
25 NOV that the NRC issued. That's discussed in detail in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 this testimony, the basis for the rescinding being our
2 consideration -- the Staff's consideration of the evidence
3 we had available to us to date.

4 Since that time and since the filing of this
5 testimony, there's been evidence brought forth in this
6 hearing which would cause us to form a belief that the
7 violation with regard to air quality as stated in the
8 original and the subsequent NOV -- we do believe it
9 occurred as stated, namely that there was incomplete
10 information provided on the April 9, 1990 correspondence
11 with regard to air quality.

12 MS. YOUNG: Are you just addressing the
13 Staff's testimony at page nine, question eight?

14 WITNESS MATTHEWS: Yes.

15 MS. YOUNG: And when you say the violation
16 occurred, are you really talking about the NRC issuing
17 another NOV, or are you talking about the correspondence
18 being incomplete?

19 WITNESS MATTHEWS: I should confine my
20 comments to the correspondence on April 9th as being our
21 belief that the correspondence was incomplete.

22 MS. YOUNG: And when you say it was
23 incomplete, in what respect?

24 WITNESS MATTHEWS: Incomplete in respect of
25 the fact that we are now aware that evidence exists that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 an additional reason for the high dew point readings
2 existed, that additional reason being misuse of the
3 instrument.

4 MS. YOUNG: When you say misuse, are you
5 referring to testimony in this proceeding concerning
6 technicians being unfamiliar with the EG&G back up
7 instrument?

8 WITNESS MATTHEWS: Yes, yes. And the GE
9 instrument as well.

10 MS. YOUNG: Are there any other corrections or
11 clarifications you want to make to your testimony or your
12 statement of professional qualifications?

13 WITNESS MATTHEWS: Not for me.

14 WITNESS HOOD: No.

15 WITNESS SKINNER: No.

16 MS. YOUNG: And with that modification, do you
17 believe that the testimony that you prefiled is true and
18 correct to the best of your knowledge and belief,
19 including the appended statement of professional
20 qualifications?

21 WITNESS MATTHEWS: I do.

22 WITNESS SKINNER: I do.

23 WITNESS SKINNER: I do.

24 MS. YOUNG: Judge Bloch, I request that we
25 mark for the record Attachment A to this testimony as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Staff Exhibit II-42.

2 CHAIRMAN BLOCH: Granted.

3 (Whereupon, the above-referenced
4 document was marked as Staff Exhibit
5 II-42 for identification.)

6 MS. YOUNG: Attachment B as Staff II-43.

7 CHAIRMAN BLOCH: Granted.

8 (Whereupon, the above-referenced
9 document was marked as Staff Exhibit
10 II-43 for identification.)

11 MS. YOUNG: And Attachment C as Staff II-44.

12 CHAIRMAN BLOCH: Granted.

13 (Whereupon, the above-referenced
14 document was marked as Staff Exhibit
15 II-44 for identification.)

16 MS. YOUNG: And I request that the testimony
17 with the attached statement of professional qualifications
18 be received in evidence and bound into the transcript as
19 if read.

20 CHAIRMAN BLOCH: Granted.

21 (Whereupon, the above-referenced
22 documents, previously marked as
23 Staff Exhibits II-42, 43 and 44 for
24 identification, were received in
25 evidence.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

UNITED STATES OF AMERICA

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
) Docket Nos. 50-424-OLA-3
GEORGIA POWER COMPANY, *et al.*) 50-425-OLA-3
)
(Vogtle Electric Generating Plant) Re: Licensee Amendment
Units 1 and 2) (Transfer to Southern Nuclear)
)

TESTIMONY OF DAVID B. MATTHEWS, PIERCE H. SKINNER,
AND DARL S. HOOD ON THE DIESEL GENERATOR ISSUE

Q1. Would you each please state your name, job title, employment affiliation, and professional qualifications.

ANSWER

My name is David B. Matthews. I am employed by the U.S. Nuclear Regulatory Commission (NRC) as the Director of Project Directorate II-1 in the Office of Nuclear Reactor Regulation (NRR). My education and professional qualifications are summarized in Attachment A.

My name is Pierce H. Skinner. I am employed by Region II of the NRC as the Chief of Reactor Projects, Section 3B. My education and professional qualifications are summarized in Attachment B.

My name is Darl S. Hood. I am employed by the NRC as a Senior Project Manager within Project Directorate II-2 of the Division of Reactor Projects I/II. I serve as Project Manager for the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle). My education and professional qualifications are summarized in Attachment C.

Q2. What is the purpose of your testimony?

ANSWER

Our testimony is to present the NRC Staff's position with respect to allegations that senior Georgia Power Company managers intentionally provided incomplete, inaccurate or misleading information to the NRC regarding diesel generator (DG) testing and reliability after the March 20, 1990 Site Area Emergency (SAE) at Vogtle.

Q3. Please describe your responsibilities with respect to Vogtle as they relate to the diesel generator issue in this proceeding.

ANSWER

(Matthews) From March 1988 through mid-1994, I was the Project Director responsible for directing the NRC's licensing reviews, safety analyses, and safety oversight for Vogtle. These duties were performed in close coordination with NRC Region II personnel who have primary responsibility for inspection and day-to-day operational oversight at Vogtle. As part of these duties, I managed the final NRC review and approval of GPC's application for an operating license for Vogtle Unit 2. As the principal NRR manager responsible for Vogtle, I participated in the NRC response to the March 20, 1990, Site Area Emergency (SAE). In addition, I have been the Chair of the Vogtle Coordinating Group (VCG) since its establishment in July 1991.

(Skinner) I am responsible for the NRC's inspection program at Vogtle. I am directly involved with the NRC's regulatory oversight functions and day-to-day activities at this facility. I direct the efforts of the NRC's resident staff at Vogtle and make frequent visits to the site near Augusta, Georgia, and GPC Corporate offices in

Birmingham, Alabama, in order to communicate regulatory perspective to the licensee, communicate NRC management expectations to NRC field personnel, and independently assess GPC's activities. As the NRC Region II coordinator between GPC and Region II since March 1991, I have reviewed most correspondence associated with Vogtle since that time. I also represent Region II as a member of the VCG.

(Hood) I became Project Manager for Vogtle in August 1990. In this position, I am the principal contact for GPC regarding licensing activities involving NRR. I manage safety analyses performed by NRR and the issuance of license amendments. As Project Manager, I am aware of most NRC activities relating to Vogtle, correspondence with the licensee, allegations submitted to NRC, petitions filed pursuant to 10 C.F.R. § 2.206, and hearing matters. I have been a member of the VCG since it was formed.

Q4. What was the purpose of the VCG?

ANSWER

The VCG was originally established in July 1991 to function as a central coordinating point, as needed, for activities underway in various NRC offices related to Vogtle. These activities included the evaluation of a 10 C.F.R. § 2.206 petition (and supplements) filed by Marvin Hobby and Allen Mosbaugh. The VCG was reconfigured, in September 1993, to review information collected by the NRC Office of Investigations (OI) in its ongoing investigation of Case No. 2-90-020R. This investigation concerned allegations that senior GPC managers intentionally provided incomplete, inaccurate or misleading information to the NRC regarding the testing and reliability of DGs at Vogtle. The VCG was to develop, for management consideration, a determination of whether enforcement

action was warranted with respect to the alleged wrongdoing. The VCG was comprised of NRR, Region II and Office of Enforcement personnel and included the members of this hearing panel.

The VCG reviewed the evidence collected by OI's investigation, as well as other information the NRC identified regarding the allegations, and prepared a detailed analysis of the evidence regarding the allegations being investigated by OI. Vogtle Coordinating Group Analysis, dated February 9, 1994 (VCG February 9 Analysis) (Attachment D). This effort included review of the pertinent GPC submittals and the time-consuming task of listening to selected audio tape recordings made by Allen Mosbaugh, the Intervenor.

Q5. What were the findings of the VCG with respect to the OI Report dated December 17, 1993?

ANSWER

The VCG February 9 Analysis included a comparison of the OI and VCG conclusions for each matter in the OI Report and a comparison of each OI conclusion with the conclusion reached by the VCG. Based on an evaluation of the evidence, the VCG identified a number of instances where GPC failed to provide to the NRC information that was complete and accurate in all material respects. Specifically, the VCG concluded that:

- The information obtained and presented by GPC to the NRC during the April 9, 1990 presentation and letter was inaccurate with respect to the number of successful DG starts. The correct number of consecutive successful starts without problems or failures was 12 for the 1B DG, rather

than the 19 that GPC reported to NRC on April 9. The inaccuracy was caused by (1) the failure of the General Manager, George Bockhold, Jr., in directing the Unit Superintendent, Jimmy Paul Cash, to collect DG start information and in assessing what Mr. Cash gave him, before providing the information to the NRC; and (2) the failure of Mr. Cash in performing and reporting his count to ensure that the data was what Mr. Bockhold had wanted.

- Inaccurate information was provided to the NRC in Licensee Event Report (LER) 90-006, dated April 19, 1990, with respect to the number of consecutive successful DG starts subsequent to completion of the "comprehensive test program" (CTP). This inaccuracy was caused by: (1) Mr. Bockhold's agreement to use the term CTP in the LER when the term failed to adequately identify when the reported count of consecutive successful DG starts began; (2) the General Manager - Plant Support, William Shipman, and the Vogtle Technical Support Manager, John Aufdenkampe, agreeing to the use of the term CTP in the preparation of the April 19 LER in light of the differing interpretation given that term by the Acting Vogtle Assistant General Manager - Plant Support, Allen Mosbaugh; and (3) Mr. Mosbaugh's failure to resolve his concern about the accuracy of the DG start counts prior to issuance of the April 19 LER.
- Inaccurate and incomplete information was provided to the NRC in the June 29, 1990 cover letter to the revised LER, in three instances with respect

to clarifying the DG starts count reported in the April 9 letter, and providing reasons for the error in the April 19, 1990, LER: (1) GPC failed to include information regarding the April 9, 1990, letter after being made aware that the letter failed to include information to clarify the April 9, 1990, DG start counts and despite the letter's stated purpose, in part, to provide this clarification; (2) GPC erroneously attributed DG start record keeping practices as a reason for the difference between the DG starts reported in the April 19, 1990, LER and the June 29, 1990, LER revision; and (3) GPC failed to state that the difference between the DG start counts in the April 19, 1990, LER and the June 29, 1990, letter was due to personnel errors.

- GPC failed to provide complete and accurate information to the NRC in the August 30, 1990, letter in two instances regarding the reasons for the April 9 errors: (1) the August 30, 1990 letter inaccurately stated that the errors in the April 9, 1990, letter and presentation and the April 19, 1990, LER were caused, in part, by confusion in the distinction between a successful start and a valid test, even though Mr. Bockhold had admitted that Mr. Cash was not confused about the distinction when he collected the data; and (2) the August 30, 1990, letter was incomplete in attributing the error in the April 9, 1990 letter and presentation and the April 19, 1990 LER to an error by the individual who performed the count in that the letter failed to also identify personnel errors by Mr. Bockhold that also contributed to the problem.

- GPC failed to provide complete information regarding control of DG air quality (i.e., dew point) in the April 9, 1990 letter to the NRC by only stating that initial reports of high dew points were attributed to faulty instrumentation. The letter failed to state that high dew points for Vogtle Unit 1 were also attributable to system air dryers occasionally being out of service for extended periods and to system repressurization following maintenance.

In addition, the VCG concluded that (1) there was a reasonable basis for the information submitted by GPC in its April 1, 1991 response to the 10 C.F.R. § 2.206 petition and allegation of Messrs Mosbaugh and Hobby regarding whether or not the Senior Vice President, Mr. George Hairston participated in the April 19 phone call; and (2) there was insufficient evidence to conclude that GPC exhibited a poor attitude toward the NRC. However, the VCG found that the performance by GPC during the period between April 9 and August 30, 1990, regarding matters in the allegations was seriously deficient.

Q6. What action did NRC take regarding the matters discussed in the OI Report and VCG's February 9, 1994, analysis?

ANSWER

The NRC concluded that there were five examples of a failure of GPC officials on a number of occasions from April 9 to August 30, 1990, to provide the NRC with information that was complete and accurate in all material respects.

Based on this conclusion, on May 9, 1994, the NRC issued to GPC a Notice of Violation and Proposed Imposition of Civil Penalties (NOV) (Attachment E) identifying

the five violations as constituting a Severity Level II problem, and issued three Demands for Information (DFIs) concerning the performance of Mr. C.K. McCoy (Attachment F), Mr. George Bockhold (Attachment G), and Messrs. Greene, Frederick, Majors and Horton (Attachment H). The DFIs requested information concerning the performance failures of these individuals to enable the NRC to determine whether additional enforcement actions should be taken with respect to their individual performances. In addition, these individuals were given the opportunity to submit separate responses to the DFIs.

Q7. Did the NRC receive responses to the NOV and DFIs?

ANSWER

Yes. The NRC received three GPC letters, dated July 31, 1994, with attachments, that forwarded GPC's Reply to Notice of Violation and Proposed Imposition of Civil Penalties; EA 93-304 (NOV Response), and GPC's response to the DFIs concerning Messrs. Bockhold, Greene, Frederick, Majors, and Horton. By letters dated August 1, and 17, 1994, respectively, GPC submitted a response to the DFI regarding Mr. McCoy and corrections to its July 31 NOV Response. The NRC also received individual DFI responses from the six individuals.

Q8. Was the VCG involved with the NRC's review and assessment of the responses to the NOV and DFIs?

ANSWER

Yes. The VCG evaluated GPC's NOV Response and the GPC and individual responses to the DFIs and forwarded its November 4, 1994, conclusions and recommendations (Attachment I) to NRC management. The VCG concluded that, with the exception of Violation B (regarding air quality), the violations occurred as stated in the NOV. With respect to air quality, the VCG determined that the April 9, 1990, letter was not intended to present historical information concerning air quality and that it was reasonable to present information contemporaneous with the event.

Q9. What action did the NRC take after considering the November 4, 1994, VCG evaluation?

ANSWER

After reviewing the VCG's November 4, 1994 evaluation, and supplemental responses provided by GPC and Mr. Bockhold, dated February 1, 1995, the NRC, on February 13, 1995, issued a Modified Notice of Violation and Proposed Imposition of Civil Penalties (Modified NOV) (Attachment J) and forwarded copies to the individuals identified in the DFIs (see Attachment J). This Modified NOV contained four examples wherein 10 C.F.R. § 50.9(a) was violated and the aggregate of these examples represented a Severity Level II problem. As part of the Modified NOV, the NRC imposed a \$200,000 civil penalty. The Appendix to the Modified NOV also provided the NRC's evaluation and conclusions with respect to Violation B. The NRC concluded that, except for the violation associated with air quality, the violations occurred as described in the NOV.

The NRC also concluded that the Severity Level II designation and a \$200,000 civil penalty remained appropriate for the problem represented by the remaining violations.

The NRC concluded in the Modified NOV that the associated performance failures occurred as stated in the NOV and DFIs. After careful consideration as to whether additional actions should be taken with regard to these individuals, the NRC considered that the actions taken by GPC, the lessons learned by GPC and the individuals as a result of being exposed to the NOV and DFI process, would result in GPC and the individuals conforming their conduct to avoid being the subject of similar NRC enforcement action. The NRC further recognized certain acknowledgments by Mr. Bockhold in letters dated August 5, 1994, and February 1, 1995, regarding his performance with respect to matters cited in the NOV, his request for certain training, and his commitments to complete this training and notify the NRC if he should be nominated for a line management position over licensed activities at any nuclear power plant. The NRC, therefore, concluded that no further action would be taken regarding these individuals. The NRC also issued letters to each of the individuals providing them a copy of the Modified NOV to emphasize the seriousness with which the NRC views the violations and associated performance failures.

Q10. What overall conclusion, if any, did the NRC Staff reach regarding the allegations that senior GPC managers intentionally provided inaccurate, incomplete or misleading information to the NRC regarding diesel generator testing and reliability after the SAE?

ANSWER

The NRC Staff concluded that inaccurate and incomplete information was provided to the NRC by GPC managers regarding the diesel generator testing after the SAE, and to this extent, the allegation is partially substantiated. These deficiencies resulted from the performance failures by various GPC managers who were notified of problems but failed to take steps necessary to assure that the requirements of 10 C.F.R. § 50.9 were met. The NRC Staff did not conclude that GPC intentionally provided inaccurate, incomplete or misleading information. Therefore, the allegation that senior GPC managers intentionally provided inaccurate and incomplete information to the NRC was not substantiated.

David B. Matthews

Staff Exh. II-42

U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Education:

Graduated from University of Virginia
Bachelor of Science in Electrical Engineering
Graduated from Cornell University
Master of Science Degree

Experience

1988 - Present

Project Director, Project Directorate II-1

Office of Nuclear Reactor Regulation,
U.S. Nuclear Regulatory Commission (NRC)

Responsible for nuclear safety oversight, and management of safety analyses and licensing reviews, for twelve nuclear units operated by four utilities located in the Southeast. I had similar duties in two prior assignments (from March 1988 to October 1994) as a Project Director with regulatory oversight responsibilities for the nuclear units operated by Georgia Power Company (Vogtle 1 and 2, Hatch 1 and 2) and the units operated by Southern Nuclear Company (Farley 1 and 2)

Since July of 1991, chaired an inter-office coordinating group (Vogtle Coordinating Group or VCG) established to coordinate activities underway throughout the agency related to the Vogtle site

1985 - 1989

Chief, Emergency Preparedness Branch, NRC

Responsible for directing and overseeing the NRC's licensing and inspection of nuclear reactor emergency planning and preparedness programs, served as the NRC's primary point of coordination with the Federal Emergency Management Agency (FEMA) regarding their responsibilities for the review of offsite (state and local government) emergency planning and preparedness surrounding nuclear plants nationwide

1981 - 1985

Section Chief, Emergency Preparedness Licensing Section, NRC

Responsible for the directing the review and onsite evaluation of the emergency plans and programs implemented by NRC reactor licensees in response to requirements imposed following the accident at Three Mile Island

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-42
 In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter SP
 Date 9/22/95 Witness HOOP / MATTHEWS / SELINGER

- 1980 - 1981 Section Leader, Physical Security Section, NRC
Responsible for directing the review of physical security plans and programs implemented at nuclear power reactors licensed by the NRC
- 1975 - 1980 Plant Protection Analyst, NRC
Responsible for the review and onsite evaluation of security programs and equipment at NRC licensees authorized to possess and use high-enriched uranium and plutonium
- 1972 - 1975 Project, Design, and Applications Engineer
Westinghouse Electric Corporation
Responsible for design, marketing, and installation of electronic security equipment and systems for sensitive government sites (in the U.S. and abroad), airports, prisons, commercial nuclear reactors, and nuclear fuel fabrication facilities

Pierce H. Skinner

Staff Exh. II-43

U.S. Nuclear Regulatory Commission
Atlanta, Georgia 30323

Education: Robert E. High School, Montgomery, Alabama
Various Military and Civilian Technical Courses

Experience:

1991 - Present Section Chief, Division of Reactor Projects
Responsible for the oversight of Georgia Power Company's
Nuclear Facilities: Hatch and Vogtle

1987 - 1991 Senior Resident Inspector, Oconee Nuclear Station
Responsible for the NRC inspection program at this three unit
nuclear facility

1983 - 1987 Senior Resident Inspector, Catawba Nuclear Station
Responsible for the NRC inspection program during preoperational
testing and initial startup of this two unit nuclear facility.

1980 - 1983 Operations Inspector, Region II
Performed inspections as directed by Regional Management

1977 - 1980 Startup Supervisor, Mississippi Power & Light Co.
Responsible for establishing the startup test program for Grand
Gulf Nuclear Station

1968 - 1977 Chief/Shift Nuclear Test Engineer
Responsible for nuclear submarine propulsion plant testing on
overhauled nuclear submarines in a private shipyard.

1959 - 1967 U. S. Navy
Qualified Reactor Operator/Technician on an operating submarine
and EOOW watchstander and instructor at a U. S. Navy prototype,
also served as an Atomic Energy Commission representative on the
oversight staff at the prototype

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-43
In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter SP
Date 9/22/95 Witness HOOD / MATTHEWS / SKINNER

Darl S. Hood

Staff Exh. II-44

U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Education: Graduated from North Carolina State University, Raleigh,
North Carolina
Bachelor of Science degree in Nuclear Engineering

Experience

1976 - Present Project Manager, U. S. Nuclear Regulatory Commission
Principal plant assignments in this capacity have been for Westinghouse's standard reference design RESAR-414; Midland Plant, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2 (from late December 1984 to August 1990); and Vogtle Electric Generating Plant, Units 1 and 2 (from August 1990 to present)

1969 - 1976 Assistant Project Manager, Nuclear Power Systems Division of Combustion Engineering, Inc., Windsor, Connecticut
Responsible for licensing support for Duke Power Company's proposed Cherokee Units 1, 2, and 3 and Thomas L. Perkins Units 1, 2, and 3

Project Engineer, Safety and Licensing Department, Combustion Engineering, Inc., Windsor, Connecticut.
Responsible for licensing support of nuclear power plants.

1966 - 1969 Nuclear Safety and Radiation Analysis Engineer, Nuclear Division of Martin Marietta Corporation, Baltimore, Maryland
Analyze the hazard potential of nuclear systems for space applications

1965 - 1966 Nuclear Quality Control Engineer, Electric Boat Division of General Dynamics, Groton, Connecticut

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-O, A-3 EXHIBIT NO. II-44
In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2
 Staff Applicant Intervenor Other
 Identified Received Rejected Reporter SD
Date 9/22/95 Witness Hood/MATTHEWS/SKINNER

1963 - 1965

Aeronautical Engineer, Nuclear Propulsion and Power
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Huntsville, Alabama

Analyze radiation hazards to crew during planned space flights using nuclear propulsion and radioisotopic power sources.

1963 - 1965

Signal Corps, U. S. Army

Began as a Second Lieutenant and finished as a Captain

1962 - 1963

Norfolk Naval Shipyard, Portsmouth, Virginia
Design Engineer

1 MS. YOUNG: Now gentlemen, we need to identify
2 for the record the other exhibits that were appended to
3 your testimony.

4 WITNESS MATTHEWS: I can do that.

5 MS. YOUNG: Do you have included with your
6 testimony or a document before you that's labeled
7 Attachment D, which is a February 9, 1994 memo from David
8 Matthews to Tom Murley transmitting Vogtle coordinating
9 group analysis --

10 WITNESS MATTHEWS: Yes.

11 MS. YOUNG: -- consisting of approximately 50
12 pages in total?

13 WITNESS MATTHEWS: That's correct.

14 MS. YOUNG: Including two enclosures,
15 enclosure one being a VCG -- a Vogtle coordinating group
16 analysis of evidence and conclusions; and enclosure two
17 being a management organization chart?

18 WITNESS MATTHEWS: Yes, there are two charts.
19 And that enclosure and those two charts are what
20 constitutes the 50 pages.

21 MS. YOUNG: Okay. And Judge Bloch, I'd like
22 to request that we mark for the record this Attachment D
23 as Staff Exhibit II-45.

24 CHAIRMAN BLOCH: Granted.

25 (Whereupon, the above-referenced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 document was marked as Staff Exhibit
2 II-45 for identification.)

3 MS. YOUNG: And gentlemen, do you also have
4 appended to your testimony an Attachment E, which is a May
5 9, 1994 notice of violation letter -- captioned a notice
6 of violation and proposed imposition of civil penalties
7 and demands for information, which consists of 14 pages,
8 including a six page NOV?

9 WITNESS MATTHEWS: Yes, that's correct.

10 MS. YOUNG: And Judge Bloch, I'd like to
11 request that we mark Attachment E as Staff II-46.

12 (Whereupon, the above-referenced
13 document was marked as Staff Exhibit
14 II-46 for identification.)

15 MS. YOUNG: I'd like to also have marked for
16 the record, which is Attachment F to the testimony as
17 Staff II-47 a May 9, 1994 demand for information regarding
18 Ken McCoy.

19 CHAIRMAN BLOCH: Granted.

20 (Whereupon, the above-referenced
21 document was marked as Staff Exhibit
22 II-47 for identification.)

23 MS. YOUNG: Consisting of eight pages. I'd
24 like to have marked as Attachment G -- which is Attachment
25 G to the testimony -- have it marked as Staff Exhibit II-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 48, a May 9, 1994 letter transmitting a demand for
2 information concerning George Bockhold, which consists of
3 13, 14 pages in total.

4 CHAIRMAN BLOCH: Also granted.

5 (Whereupon, the above-referenced
6 document was marked as Staff Exhibit
7 II-48 for identification.)

8 MS. YOUNG: And Attachment H to the testimony,
9 I'd like to have marked -- request that it be marked as
10 Staff Exhibit II-49. That's a demand for information
11 regarding Thomas Green, Georgie Frederick, Harry Majors,
12 and Michael Horton.

13 CHAIRMAN BLOCH: Granted.

14 (Whereupon, the above-referenced
15 document was marked as Staff Exhibit
16 II-49 for identification.)

17 MS. YOUNG: Included with the back of that
18 document --

19 ADMINISTRATIVE JUDGE MURPHY: Ms. Young, have
20 we ever used that exhibit before in the hearing?

21 MS. YOUNG: Yes, you're correct. That's
22 already been identified and received in evidence.

23 ADMINISTRATIVE JUDGE MURPHY: And what was the
24 exhibit number?

25 MS. YOUNG: Staff II-49.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 ADMINISTRATIVE JUDGE MURPHY: Oh, same exhibit
2 here. Okay, thank you.

3 CHAIRMAN BLOCH: And it is the same exhibit.
4 We didn't mark something else with that --

5 MS. YOUNG: No, you didn't mark anything else.
6 It's my mistake. I'd like to request that Attachment I to
7 the testimony be marked as Staff Exhibit II-50. That's the
8 November 4, 1994 Vogtle coordinating group evaluations,
9 conclusions and recommendations document.

10 CHAIRMAN BLOCH: Granted. This of course is
11 something that could have been done with the document I
12 had suggested, but let's continue.

13 (Whereupon, the above-referenced
14 document was marked as Staff Exhibit
15 II-50 for identification.)

16 MS. YOUNG: I'm almost done. And as
17 Attachment J to the testimony, I'd like to have it marked
18 as Staff Exhibit II-51, the modified notice of violation
19 and proposed imposition of civil penalties transmittal
20 letter and NOV dated February 13, 1995.

21 CHAIRMAN BLOCH: Granted.

22 (Whereupon, the above-referenced
23 document was marked as Staff Exhibit
24 II-51 for identification.)

25 MS. YOUNG: One moment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS MATTHEWS: Attached to my copy of that
2 document, Mitzi, are correspondence to each of, I believe,
3 five individuals that I don't believe are referred to in
4 the document that you identified as Exhibit II-51. So,
5 whether those need to be identified as separate exhibits,
6 I'll leave to you.

7 CHAIRMAN BLOCH: Yeah, at the back of that
8 document are several responses to demands for information.
9 The first document appears to be five pages plus an
10 appendix. Following that, their responses to demands for
11 information. And there are -- there's a two page letter,
12 another two page letter -- there appear to be six two page
13 letters consisting of responses to demands for
14 information.

15 WITNESS MATTHEWS: And all of those documents
16 we identified in our testimony as being represented by
17 Attachment J.

18 MS. YOUNG: Yes, that's correct. I believe
19 this is the NRC correspondence to the individuals that
20 demands for informations were made on. There is one other
21 possible confusion here. I need to check for one moment.

22 CHAIRMAN BLOCH: The Board believes that II-51
23 may have been marked previously. There's no problem with
24 marking it twice.

25 MR. BLAKE: Did you mean previously marked as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 an Intervenor Exhibit? Our records indicate it had
2 previously been marked as an Intervenor exhibit.

3 CHAIRMAN BLOCH: Oh, is that right?

4 ADMINISTRATIVE JUDGE MURPHY: I have it as
5 being marked both as an Intervenor exhibit and a Staff
6 exhibit.

7 MR. BLAKE: 145 was the Intervenor number.

8 CHAIRMAN BLOCH: Well, which of these was 145?

9 MR. BLAKE: 51.

10 ADMINISTRATIVE JUDGE MURPHY: 51. And it
11 included all of those responses for demands.

12 MS. YOUNG: While we're still off the record,
13 there was a document inadvertently --

14 CHAIRMAN BLOCH: We never went off the record,
15 did we? No, do you want to go off the record now?

16 MS. YOUNG: Please.

17 CHAIRMAN BLOCH: Off the record.

18 (Whereupon, the proceedings went off the
19 record from 1:19 p.m. until 1:22 p.m.)

20 MS. YOUNG: Judge Bloch, I request the
21 admission of Staff Exhibits 45, 46, 47, 48, 50, and 51, I
22 think with 49 previously being received, at this time.

23 CHAIRMAN BLOCH: Granted. We think 51 may
24 have been received as Intervenor's II-145 also.

25 (Whereupon, the above-referred to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 documents, previously marked as
2 Staff Exhibits Nos. II-45, II-46,
3 II-47, II-48, II-50, and II-51 for
4 identification, were received into
5 evidence.)

6 ADMINISTRATIVE JUDGE MURPHY: Ms. Young, I
7 kind of lost track. Does 51 also include all of the
8 responses to demands for information, too? All of those
9 enclosures?

10 MS. YOUNG: It's not responses. It's the
11 letter the NRC sent out regarding the demands for
12 information. The responses are from the individuals.

13 ADMINISTRATIVE JUDGE MURPHY: Oh, it says
14 "response to demand."

15 MS. YOUNG: So the subject matter in the
16 letter is --

17 ADMINISTRATIVE JUDGE MURPHY: Okay. This --

18 MS. YOUNG: -- "This letter is regarding the
19 response you sent to the NRC in response" --

20 ADMINISTRATIVE JUDGE MURPHY: Okay. I
21 understand.

22 MS. YOUNG: -- "to the request for demand for
23 information."

24 ADMINISTRATIVE JUDGE MURPHY: I was just
25 reading the title.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: Are the witnesses ready for
2 cross examination?

3 MS. YOUNG: Yes, they are.

4 CHAIRMAN BLOCH: Mr. Stephen Kohn?

5 MR. STEPHEN KOHN: Thank you, Your Honor.

6 CHAIRMAN BLOCH: I will announce, for the
7 record, that the estimated time of cross examination is
8 approximately two days.

9 MR. STEPHEN KOHN: Your Honor, I think it will
10 be done in one day, because I think there's going to be a
11 lot of overlap in those areas that are identified.

12 CHAIRMAN BLOCH: Well, don't disappoint us.
13 We were looking forward to two days.

14 MR. STEPHEN KOHN: Okay. Good.

15 (Laughter.)

16 Well, then, my original estimate of one week
17 to Mr. Blake I guess we'll move to --

18 (Laughter.)

19 CROSS EXAMINATION

20 MR. STEPHEN KOHN: I would just like to start
21 my first question to Mr. Hood, and then the other members
22 of the panel can answer.

23 Mr. Hood, just tell me, what -- I know there's
24 regs. and other definitions of it, but to you, your
25 working concept, what does "wilfulness" mean?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS HOOD: "Wilfulness" means -- the
2 textbook definition of "wilful" means with intent.

3 MR. STEPHEN KOHN: With intent?

4 WITNESS HOOD: Yes.

5 MR. STEPHEN KOHN: To you, is wilfulness with
6 a specific intent, or can it be wilfulness if it was just
7 with, say, a grossly negligent action?

8 WITNESS HOOD: It can be both.

9 MR. STEPHEN KOHN: So this Board should find
10 wilfulness on behalf of representatives or managers of
11 Georgia Power, if instead of having a specific intent to
12 do wrong, they just did the wrong with a wilful disregard
13 or a careless disregard?

14 MR. BLAKE: I have an objection to that
15 question. The first was just sort of in your everyday
16 doing business, what do you think about this word. That's
17 one thing. But then, when he shifts it to say, "If this
18 Board should find," which I understand to mean in a legal
19 determination X, "then what is your view," should we
20 understand that to be why, and I think that draws -- asks
21 for a legal conclusion.

22 CHAIRMAN BLOCH: Well, I'd prefer that you
23 stick to interpreting the language of the report. If
24 they've used language in the report about wilfulness, that
25 would be fine. But, otherwise, it does become a legal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 issue.

2 MR. STEPHEN KOHN: Okay. Fine.

3 Now, --

4 MS. YOUNG: Did you withdraw the question,

5 because --

6 MR. STEPHEN KOHN: I withdraw the question.

7 MS. YOUNG: -- because you didn't have a

8 reference in the report?

9 MR. STEPHEN KOHN: No. And I may come back to
10 it. But his original answer stands. I --

11 CHAIRMAN BLOCH: Once he withdraws the
12 question, he doesn't have to give a reason.

13 MR. STEPHEN KOHN: So I'm just going to move
14 on, and I may come back, but I'm just going to move on for
15 now. I understand there probably was a legal conclusion
16 in the way I framed that second question.

17 Would you please look at your Exhibit
18 Number 50, Staff II-50?

19 WITNESS HOOD: All right.

20 MR. STEPHEN KOHN: And, Mr. Hood, then -- and
21 just looking -- if you go to page 1, there is a discussion
22 on violation A. Okay?

23 WITNESS HOOD: Yes.

24 MR. STEPHEN KOHN: Now, my question is fairly
25 -- and you were a member of the Coordinating Committee.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS HOOD: That's correct.

2 MR. STEPHEN KOHN: And did you participate in
3 all of the meetings of the Coordinating Committee, or did
4 you miss some meetings?

5 WITNESS HOOD: I don't recall missing any. I
6 could have. It would not have been very many, if any.

7 MR. STEPHEN KOHN: How many meetings did the
8 Coordinating Committee have?

9 WITNESS HOOD: Oh, geez. We met -- I cannot
10 give you an exact number. I can only give you a feel. I
11 would say we probably averaged on about three days a week
12 over a period of many months.

13 MR. STEPHEN KOHN: Okay.

14 CHAIRMAN BLOCH: Mr. Hood, if you could, you
15 could imagine the microphone to be a bit like a lollipop,
16 you could be almost close enough to lick it.

17 WITNESS HOOD: Okay.

18 MR. STEPHEN KOHN: And if I can start --
19 Mr. Matthews, can you just describe your attendance and
20 participation in the meetings. Were you at all of the
21 meetings, or most?

22 MR. MATTHEWS: Similar to the EG&G estimate we
23 heard, I was probably at 99.95 percent of all of the
24 meetings.

25 MR. STEPHEN KOHN: Okay. And Mr. Skinner?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 WITNESS SKINNER: The same thing, other than
2 some of the meetings I attended was by telecon from the
3 regional office.

4 MR. STEPHEN KOHN: Okay. And when you would
5 discuss or make a conclusion that's reflected in this
6 report and other documents, would you have a formal vote
7 on that, or would you -- in other words, to say okay, you
8 know, materiality on violation A. Would you vote on it,
9 or how would that decision be reached? And, Mr. Hood, if
10 you would like to start?

11 WITNESS HOOD: Everyone's view was expected to
12 be given and solicited, and on many, if not most, matters
13 we did vote.

14 MR. STEPHEN KOHN: And were records of those
15 votes kept?

16 WITNESS HOOD: Kept, no. We -- we made
17 records at the time, but I don't know that we kept them.

18 MR. STEPHEN KOHN: Okay. And can anyone else
19 on the panel -- does anyone on the panel have records of
20 the votes on each of the different matters that were voted
21 upon?

22 MR. MATTHEWS: My recollection is that there
23 were records kept of some of the votes, and we did that by
24 the mechanism of having contemporaneous notes prepared at
25 direction of counsel to ensure that when we moved from one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 day to the next that we would be able to maintain
2 continuity as to what our deliberations had reached at the
3 end of one day and on to the next.

4 MR. STEPHEN KOHN: Were these deliberations
5 transcribed by a Court Reporter?

6 MR. MATTHEWS: No.

7 MR. STEPHEN KOHN: Just someone just took
8 notes?

9 MR. MATTHEWS: Correct.

10 MR. STEPHEN KOHN: And were those notes later
11 typed up?

12 MR. MATTHEWS: I believe they were
13 contemporaneously typed.

14 MR. STEPHEN KOHN: Who did the contemporaneous
15 typing?

16 MR. MATTHEWS: Whatever individual I would
17 choose to be the selected individual to sit at the
18 keyboard that day.

19 MR. STEPHEN KOHN: And would the minutes or
20 the contemporaneously typed notes of each meeting, would
21 they then be distributed to the members of the committee?

22 MR. MATTHEWS: They were available, my
23 recollection is, on a commonly used machine.

24 MR. STEPHEN KOHN: And are those documents
25 still in existence?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: Yes.

2 MR. STEPHEN KOHN: And who has them? Who
3 possesses them?

4 MR. MATTHEWS: I know that I have a copy.

5 MR. STEPHEN KOHN: Your Honor, at this time, I
6 would ask that those documents be produced. I think it
7 would facilitate the cross examination and an
8 understanding of the way this panel reached its decisions
9 on various matters.

10 MS. YOUNG: What's the probative value of the
11 notes that were taken during deliberations?

12 MR. STEPHEN KOHN: I'm interested in each of
13 these -- of the panel members' opinions and their
14 assessments on materiality, on wilfulness, on whether
15 there was or was not a violation, so I can examine the
16 bases for their individual opinions and their collective
17 opinions.

18 MS. YOUNG: But you don't have all of the
19 individual members of the VCG here, and the issue in this
20 proceeding is whether Georgia Power was or was not
21 complete and accurate in communications to the NRC.

22 MR. STEPHEN KOHN: Well, I understand. But
23 now, Exhibit 50 and an earlier version of this are now in
24 evidence, and I'd like to do cross examination on the
25 bases of these documents. And since the bases of these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 documents, in a large part, are part of the discussions
2 these individuals had --

3 MS. YOUNG: I don't think that the testimony
4 of the witnesses leads you to that conclusion. I think
5 you're mischaracterizing the testimony.

6 MR. STEPHEN KOHN: They codify votes taken.

7 MS. YOUNG: They said "some votes."

8 CHAIRMAN BLOCH: Mr. Kohn --

9 MS. YOUNG: I don't understand the probative
10 value of that.

11 CHAIRMAN BLOCH: -- my understanding is that
12 the basis for these documents are facts, and I'm not
13 certain at all whether there's any relevance to the
14 deliberative process by which the conclusions were
15 reached, because our job is to look at the facts that are
16 the basis for that document and decide whether to reach
17 the same or a different conclusion. We're not going to be
18 influenced by votes. Why are the votes relevant?

19 MR. STEPHEN KOHN: Okay. So I'd like to,
20 then, clarify the Board's understanding. The Coordinating
21 Committee made determinations, reached conclusions,
22 ultimate conclusions on a variety of issues. Say, for
23 example, materiality. Now, the facts that they relied on
24 are one thing, but then this -- the Coordinating Committee
25 and this Exhibit 50, and other exhibits that have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 introduced through this panel, said, "We find it
2 material." That goes -- that crosses the line, just from
3 a presentation of facts and into an opinion of an issue,
4 of a final issue.

5 Now, if that opinion has no probative value to
6 this Board, fine. But if that opinion does have any
7 probative value, and their opinion on materiality, their
8 opinion on wilfulness, if it has any probative value to
9 this Board, I think I should be able to do a full cross
10 examination on that matter.

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: I'm not -- I'm pretty
13 confident that their opinion is -- well, I guess, no, it
14 could have probative value. Let me ask another question,
15 though, of the panel. Will the notes contain arguments
16 that were important to one or more of the members that are
17 not reflected in the final report?

18 MR. MATTHEWS: I will take a stab at that, in
19 that it was a deliberative process that was being recorded
20 contemporaneously -- again, primarily to provide
21 continuity from one day to the next. Certainly, there
22 were instances where a contrary view or, I should say,
23 competing views were expressed and documented.

24 CHAIRMAN BLOCH: So if I understand it
25 correctly, there would be some additional understanding of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 the finished document by looking at some more of the
2 process by which it was derived, is that correct?

3 MR. MATTHEWS: I can't believe that it would
4 shed light on the finished document, by virtue of the fact
5 that the finished document represents views supported by
6 the group as a whole.

7 MS. YOUNG: In addition, Judge Bloch, the
8 staff did assert its deliberative privilege consistently
9 throughout this proceeding with respect to predecisional
10 information, and Mr. Kohn's question goes to probing
11 behind individual opinions of individual members of the
12 VCG when the issue in this proceeding, and the Staff's
13 testimony in this proceeding, is what the collective
14 thoughts of the coordinating group were, not all of the
15 steps that they -- and opinions that were held, whether
16 one was held Monday and changed Thursday, and then was
17 reaffirmed Friday. That's not probative in terms of what
18 their testimony is.

19 I think this counsel is entitled to probe
20 behind today what the bases were for the ultimate
21 conclusions reached in final Staff documents. He is not
22 entitled to probe behind intermediate positions,
23 preliminary observations. That's not probative for the
24 issues in this proceeding. That's predecisional
25 information that's protected.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Your Honor, I just wanted
2 to address that -- two levels. One is just looking on the
3 face of Exhibit 50, it's stamped "predecisional
4 information." The Staff has made a selective disclosure
5 of predecisional information, and I don't think that's
6 appropriate. If they wanted to withhold all of their
7 predecisional information, that's one thing. But they
8 just can't pick predecisional information they like and
9 submit that.

10 The second is, and this will give you an
11 example of how I'd like to use this. A conclusion is
12 reached, say, that this violation was not wilful. Now,
13 let's assume there was a vote on that, and the vote was
14 three to two. The opinions, the way two of those members
15 -- and this is hypothetical -- of the Coordinating
16 Committee evaluated the facts, and thought that there may
17 be wilfulness, is highly probative, a) to the weight that
18 should be given to the final report, and b) to the
19 opinions of the NRC Staff that are being offered into
20 evidence, highly probative. So it's highly probative, and
21 there was a waiver of the predecisional.

22 I'd like to know, not only collectively, but
23 how each of these individuals made their own findings
24 related to the major issues of this proceeding.

25 CHAIRMAN BLOCH: Predecisional information, of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1223 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 course, is protected but can be waived. The protection
2 can be waived. Under the regulations of the NRC, counsel,
3 does this Licensing Board have the authority to waive it,
4 or must it be done by the office that's responsible?

5 MR. STEPHEN KOHN: I'd have to review those
6 regs. specifically. But I think if this Board were to
7 order or request that the NRC turn it over, the NRC could
8 then say, "Well, we think this should be approved by some
9 other authority." But we're just asking this Board to
10 request that they turn that material over.

11 And then, if the NRC Staff objects because of
12 your lacking authority, or they need an additional group
13 to look that through, then I think we can cross it. But
14 since I think there's a very strong likelihood that the
15 NRC Staff would produce it if you asked, I don't think we
16 would necessarily have to reach that issue.

17 MS. YOUNG: Judge Bloch, I think what we have
18 here is an attempt to derail this proceeding. This
19 testimony was prefiled with these attachments back in
20 April of 1995. Intervenor could have sought the opinions
21 of dissenting members of the VCG. I even think that there
22 is a Board order on the relevance of dissenting opinions,
23 in terms of release of predecisional information. They
24 chose not to.

25 They chose to sit on their rights, and with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 this panel here, individuals who they can ask about the
2 basis for their conclusion, and, most importantly, the
3 facts on which they base their conclusions, they should
4 proceed with that, not with an open-ended discovery into
5 who thought what on September 9th, and who changed their
6 mind on October 1st. That's not probative for this
7 proceeding.

8 CHAIRMAN BLOCH: Mr. Kohn, is this an untimely
9 discovery request?

10 MR. STEPHEN KOHN: No. I think we actually
11 did make a discovery request and asked for this type of
12 information.

13 MS. YOUNG: And it was denied.

14 MR. STEPHEN KOHN: Yeah. But we had asked for
15 it previously. I think now on the basis of the
16 proceedings, and the basis of my brief voir dire of the
17 witnesses and the type of material that they have now
18 identified, if I'm renewing my old request or I'm making a
19 request here, but we did make the request.

20 CHAIRMAN BLOCH: Our rule is that if it's
21 denied, you have 10 days to move for reconsideration, and
22 this is not a timely motion for reconsideration.

23 MR. STEPHEN KOHN: I wouldn't necessarily view
24 this as a motion for reconsideration, because I do not
25 believe that those specific documents that they have now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 identified were specifically identified by Staff as having

2 --

3 CHAIRMAN BLOCH: All right. Then, it -- so
4 you didn't know they existed?

5 MR. STEPHEN KOHN: Not the contemporaneous
6 typed notes of the meeting. I think our discovery was
7 probably for all --

8 CHAIRMAN BLOCH: There's no reason why you
9 couldn't have requested that. You certainly suspected
10 that for a long time.

11 MS. YOUNG: And, in addition, Intervenor has
12 several FOIA requests pending with respect to anything
13 associated with Vogtle and enforcement actions, and among
14 those requests was identification of any notes and things
15 taken by the coordinating group.

16 MR. STEPHEN KOHN: That's a standard request.
17 I --

18 MS. YOUNG: Yeah. So whether you know of the
19 existence or not, I'm not sure you're accurately
20 representing.

21 CHAIRMAN BLOCH: Is the agency slow in acting
22 on that FOIA request, or is it --

23 MR. STEPHEN KOHN: Yes.

24 CHAIRMAN BLOCH: -- within time?

25 MS. YOUNG: I can't address the promptness

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 with respect to FOIAs come in, and fee waiver
2 determinations had to be made, and documents have to be
3 collected and placed in the public document room. I think
4 the counsel for Intervenor, through their alter-ego, is
5 currently involved in some litigation concerning FOIA
6 requests directly related to this proceeding.

7 So there have been many things that are going
8 on here, but obviously it's not an investigation of what
9 the Staff's opinions were in terms of the facts that are
10 important for this Licensing Board to rule on in this
11 proceeding.

12 CHAIRMAN BLOCH: Counsel, we're going to
13 proceed without those notes. But if, in fact, there's an
14 untimely response from the agency, and you have cause
15 based on the documents when you receive them, we'll
16 receive a motion from you at that time.

17 MR. STEPHEN KOHN: Thank you, Your Honor.

18 CHAIRMAN BLOCH: What I mean by untimely is
19 under the statutory limitation on the amount of time that
20 the agency has to respond.

21 MR. STEPHEN KOHN: Okay. And we can -- we'll
22 review that. Thank you very much, Your Honor.

23 CHAIRMAN BLOCH: Hold on a second. Okay.
24 Let's continue.

25 MR. STEPHEN KOHN: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CROSS EXAMINATION (Continued)

2 MR. STEPHEN KOHN: Now, Mr. Matthews, if you
3 could just tell me -- I'm, again, not looking for a -- the
4 legal definition of wilfulness, but if you can just tell
5 me what your working definition, in your own mind, is of
6 wilfulness when you've discussed it in documents or talked
7 about it among the Coordinating Committee. Just your own
8 opinion.

9 MR. MATTHEWS: My recollection is that
10 wilfulness, as a term, was not used extensively in the
11 Coordinating Committee. We did have discussions at the
12 beginning of our deliberations with regard to distinctions
13 between something I would refer to as careless disregard
14 and deliberate intent, with those two terms generally
15 being referred to, as I understand it in my agency, as
16 wilful violations.

17 So I guess my working knowledge is one that it
18 would be with intent, and that intent could be either very
19 specific, which I think would be the phrase with
20 "deliberate intent," or it could be broader in that it was
21 a careless disregard in the face of having information to
22 the contrary with regard to something that you were
23 prepared to submit.

24 MR. STEPHEN KOHN: And this was discussed
25 among the members of the Coordinating Committee at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 beginning of the Coordinating Committee's deliberation
2 process?

3 MR. MATTHEWS: Yes, and during the course of
4 it, because, as you know, the Coordinating Committee did
5 make determinations using those terms.

6 MR. STEPHEN KOHN: And did anyone hold a
7 differing opinion as to what wilfulness was?

8 MS. YOUNG: Objection. That's predecisional
9 information. What's the relevance of a dissenting opinion
10 regarding whether wilfulness existed in this collected
11 information?

12 MR. STEPHEN KOHN: I'm attempting to get the
13 understanding of the members of this Coordinating
14 Committee. I just want to get their understanding. So
15 I'm just asking this witness if he knew if anyone else had
16 a different understanding.

17 MS. YOUNG: Your question is going to before
18 decisions were made, and the Staff has asserted its
19 privilege on the deliberations that went into the final
20 positions that were --

21 MR. STEPHEN KOHN: Your Honor, the -- and
22 maybe we can get a ruling on this. Exhibit 50, on its
23 face, is stamped "predecisional information."

24 MS. YOUNG: And it does not reflect views held
25 prior to the publication of the document. They reflect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 the views -- not preliminary views, not tentative views,
2 not interim views. It represents the collective views of
3 the VCG at that date.

4 MR. STEPHEN KOHN: And also, Exhibit 45 is
5 stamped "predecisional information."

6 CHAIRMAN BLOCH: Okay. The question is not
7 whether the information that's in the record is
8 predecisional. It's whether that means that they waived
9 other --

10 MR. STEPHEN KOHN: Yes.

11 CHAIRMAN BLOCH: -- claims for predecisional
12 information.

13 MR. STEPHEN KOHN: And I'd like -- if you can,
14 I'd like a ruling on that -- on their objection on that
15 and whether there has been a waiver.

16 CHAIRMAN BLOCH: Ms. Young?

17 MS. YOUNG: Yes.

18 CHAIRMAN BLOCH: The purpose of the
19 predecisional privilege is to protect the agency employees
20 from potential embarrassment at the comments that they may
21 have made prior to a final decision?

22 MS. YOUNG: That's correct. A fish bowl
23 effect.

24 CHAIRMAN BLOCH: And while I was at the
25 Department of Energy, I issued a decision in a case called

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Miller v. Chevalier, in which we decided that you could
2 waive that privilege with respect to senior officials who
3 are participating in an important process, because it's
4 unlikely that in an official process they would be
5 embarrassed by having their views released. Do you really
6 think that this type of information would be embarrassing
7 to the individuals or the agency?

8 MS. YOUNG: No, embarrassment is not the only
9 criteria. Obviously, there are decisions made based on
10 numerous discussions. I think these witnesses have made
11 it clear that the VCG met over numerous days. Going into
12 what they thought early in the period versus later in the
13 period versus the final decision is not probative in terms
14 of the position taken in this proceeding. It's not the
15 Staff's preliminary position that is of interest; it is
16 the Staff -- the ultimate position of the VCG, which
17 formed a basis of the notice of violation that was issued
18 and then eventually modified.

19 CHAIRMAN BLOCH: Does Georgia Power have a
20 comment on this dispute?

21 MR. BLAKE: I think Ms. Young's last -- and I
22 endorse as well -- the preceding comments she made about
23 what's predecisional and what's significant about it. I
24 endorse both of those.

25 I do want to make one observation, that if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Intervenor chooses ultimately to take advantage of the
2 Board's offer on the motion to uncover these at some later
3 date, at least one of the positions we'll take will be
4 that our fate, our destiny in this proceeding ought not be
5 tied to what some other portion of the agency does in the
6 Freedom of Information Act response. I didn't want to let
7 the day go without just alerting you to that, Judge.

8 CHAIRMAN BLOCH: Thank you. On reflection --
9 the Board will call us into conference if they disagree
10 with me. On reflection, I don't think that the views of
11 people in developing this document are relevant to this
12 proceeding. The important thing is the document itself
13 and the reasoning and the facts on which it is based, so
14 we will not permit questions on the process by which this
15 document has been produced.

16 MR. STEPHEN KOHN: Your Honor, I'd just like
17 to do an immediate reconsideration on this within my 10-
18 day period and state that although the -- I understand
19 exactly what you're saying. But I think you have to just
20 weigh on the other side Intervenor's ability to impeach
21 findings on this document, because although they make a
22 conclusion on a final date, "This is what we find," if
23 we're going to probe that and impeach that, the best
24 evidence we can have of impeaching it is their prior
25 deliberations, to see how they got there, whether other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 people held differing views.

2 CHAIRMAN BLOCH: Counsel, I disagree. We have
3 an enormous record that in many respects is more complete
4 than the record that the group itself relied on. And you
5 can impeach their findings with the facts, and that's
6 really what is going to be most crucial here. So the
7 motion for reconsideration is denied.

8 MR. STEPHEN KOHN: Thank you, Your Honor.

9 Okay. And, Mr. Skinner, if I could just ask
10 you the same question. Just what was your working -- just
11 your working understanding of wilfulness at the time you
12 participated in the Coordinating Committee deliberations?

13 WITNESS SKINNER: My working understanding was
14 described by Mr. Matthews, I believe.

15 CHAIRMAN BLOCH: I'm sorry. I couldn't hear
16 that at all.

17 WITNESS SKINNER: My working knowledge of
18 wilfulness was described by Mr. Matthews in his response.

19 MR. STEPHEN KOHN: I would like now to show --
20 to provide to the panel and to the Board a document, which
21 I'd ask to be marked as Intervenor's Exhibit 269, which is
22 also OI Exhibit 23. It's a five-page document.

23 CHAIRMAN BLOCH: And it's entitled "Report of
24 Interview with David B. Matthews," and the motion to mark
25 is granted.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Thank you, Your Honor.

2 (Whereupon, the above-referred to
3 document was marked as Intervenor's
4 Exhibit No. II-269 for
5 identification.)

6 And, Mr. Matthews, if you'd be so kind as to
7 look at the first three pages of this exhibit. And, for
8 the record, the first three pages are, as identified by
9 the Chairman, the Report of Interview. And the last two
10 pages are a memorandum for file by D. B. Matthews.

11 And if you can look at the first three, which
12 purports to be a summary of an interview that a Mr. Larry
13 Robinson had with you on or about September 24, 1991. And
14 if you could please look at that and just tell me if this
15 summary accurately describes what you said at that
16 interview.

17 CHAIRMAN BLOCH: And we'll be in recess for 12
18 minutes while the --

19 MR. STEPHEN KOHN: Thank you.

20 CHAIRMAN BLOCH: -- document is read. Off the
21 record.

22 (Whereupon, the proceedings were off the
23 record from 1:48 p.m. until 2:00 p.m.)

24 CHAIRMAN BLOCH: In the off-the-record
25 conversation, Georgia Power explained that it received

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 another copy of a part of Exhibit 201, a customer service
2 order, with a number on the top right of 600585. It's
3 GPC II-201.

4 And there's an additional page that was
5 received today from the Alnor Company on which the right
6 side is more legible as compared to the original document
7 submitted where the left side was more legible. So we'll
8 complete this document by including this additional page
9 in the amended exhibit. That is so ordered.

10 MS. YOUNG: Judge Bloch, the Staff has no
11 objection, but it would note that in the bottom left
12 corner of the document there is a notation that's not on
13 the original page provided with GPC 201.

14 CHAIRMAN BLOCH: And what is that notation?

15 MS. YOUNG: I don't know. The 4,000 is
16 written in the bottom left corner.

17 CHAIRMAN BLOCH: That says, "Insured value,
18 \$4,000."

19 MR. BLAKE: It was on --

20 ADMINISTRATIVE JUDGE MURPHY: It was on the
21 other copy.

22 MR. BLAKE: It just -- it was cut off a little
23 bit at the bottom.

24 ADMINISTRATIVE JUDGE MURPHY: It's on my copy.

25 CHAIRMAN BLOCH: The Board's understanding is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 that the other pages show that a repair was done, and they
2 show the dollar value of the repair. But we still don't
3 know what repair that was.

4 MR. BLAKE: A very modest correction to your
5 description was that this document we got from GE, which
6 is who our contract is with, rather than directly from
7 Alnor.

8 CHAIRMAN BLOCH: Okay.

9 MR. BLAKE: I don't think Alnor has this
10 particular document in its files, because they sent us
11 what they had which we'll be given out in response to
12 discovery. I think they also sent it to the NRC and
13 didn't include this page. That's the first people we went
14 to to see if we could correct this.

15 CHAIRMAN BLOCH: Okay. So let's continue with
16 the witness panel. Mr. Kohn?

17 MR. STEPHEN KOHN: Thank you.

18 Mr. Matthews, have you had identified --

19 CHAIRMAN BLOCH: Mr. Kohn, you are equidistant
20 to two microphones.

21 MR. STEPHEN KOHN: Okay. Thank you.

22 Have you had an opportunity to review the
23 Report of Interview written by Mr. Larry Robinson?

24 MR. MATTHEWS: Yes, I have.

25 MR. STEPHEN KOHN: And does that Report of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Interview accurately reflect what occurred during your
2 interview with him?

3 MR. MATTHEWS: To the best of my recollection
4 at this time, yes, it does.

5 MR. STEPHEN KOHN: Okay. And attached on
6 pages 4 and 5 of that exhibit is a two-page memo that
7 purports to be written by you. Did you write this
8 document?

9 MR. MATTHEWS: Yes, I did.

10 MR. STEPHEN KOHN: And approximately when did
11 you write that document?

12 MR. MATTHEWS: I have reflected on that
13 before, and I believe the best conclusion I came up with
14 was some time at the end of that week in which Wednesday,
15 April 11th was in the middle of the week. A conference
16 call on April 12th was on a Thursday. So I have to think
17 that I documented it very contemporaneously.

18 MR. STEPHEN KOHN: Okay. So that would have
19 been in April of 1990?

20 MR. MATTHEWS: Yes.

21 MR. STEPHEN KOHN: Your Honor, at this time,
22 Intervenor would move for the admission of Exhibit 269.

23 CHAIRMAN BLOCH: Granted.

24 (Whereupon, the above-referred to
25 document, previously marked as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Intervenor's Exhibit No. II-269 for
2 identification, was received into
3 evidence.)

4 MR. STEPHEN KOHN: Okay. And now, looking at
5 the first page of Exhibit Intervenor II-269, and looking
6 at the third paragraph, there is a discussion of what I
7 assume is your recollection of what occurred during that
8 briefing on April 9, where it says, "He" -- and I'm
9 looking at the middle of the third paragraph. And if you
10 can see that, where it says, "He," which I assume would be
11 you, Matthews, "asked Bockhold how he could equate the
12 successful start data in his presentation to Reg. Guide
13 1.108 terminology." Do you see that?

14 MR. MATTHEWS: Yes.

15 MR. STEPHEN KOHN: Can you just tell the
16 Board, to the best of your recollection, the question you
17 asked and how Mr. Bockhold responded?

18 MR. MATTHEWS: My recollection is that I, upon
19 observing and hearing Mr. Bockhold recite the successful
20 start data -- namely, the 18 and 19 -- and the listing of
21 diesel starts that were used in that presentation, that I
22 inquired of him if he could please draw a comparison for
23 me between his use of that terminology and the number
24 shown, and terms that the NRC were much more familiar with
25 in assessing diesel generator performance -- namely, valid

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 starts and their successes or failures.

2 MR. STEPHEN KOHN: And to the best of your
3 recollection, what was Mr. Bockhold's response?

4 MR. MATTHEWS: I have a very clear
5 recollection of this. We didn't count them that way.

6 MR. STEPHEN KOHN: And then what happened?

7 MR. MATTHEWS: There was no further response
8 from Mr. Bockhold, nor further questioning by me, that I
9 recall.

10 MR. STEPHEN KOHN: And in this statement it
11 says, again in the third paragraph, it says, "Matthews
12 stated that he never got a responsive answer from GPC."
13 Do you see that?

14 MR. MATTHEWS: Right.

15 MR. STEPHEN KOHN: What did you mean by that?

16 MR. MATTHEWS: What I just explained to you.

17 MR. STEPHEN KOHN: And what wasn't responsive
18 about that answer?

19 MR. MATTHEWS: That he did not draw a
20 comparison between the terminology and statistics or data
21 provided in terms that the NRC was more familiar with.

22 MR. STEPHEN KOHN: Okay. Now, when he made
23 that statement to you, was that an aside conversation or
24 --

25 MR. MATTHEWS: No, that was a direct

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 conversation.

2 MR. STEPHEN KOHN: Okay. Would other persons
3 who were in attendance -- were they in a position to have
4 heard your question and his answer?

5 MR. MATTHEWS: This was in the context of a
6 briefing by Georgia Power to the NRC Staff in the Region 2
7 offices. So it was heard by, I presume, everybody that
8 was a participant in that conference.

9 MR. STEPHEN KOHN: Okay. And that would
10 include Mr. Hairston and Mr. McCoy?

11 MR. MATTHEWS: Presuming they were there. My
12 recollection with regard to the exact attendees at that
13 meeting is not -- probably at this point in time is hazy.

14 MR. STEPHEN KOHN: Okay. But it would be your
15 testimony that if other parts of the record demonstrate
16 they were there -- in other words, in terms of who was
17 speaking in the room, the volume, and all of that -- it
18 would be reasonable to infer that they would have heard
19 your question?

20 MR. MATTHEWS: Yes.

21 MR. STEPHEN KOHN: Thank you.

22 Now, at that time, during that meeting, were
23 you aware that there had been some problems and failures
24 in some of the tests?

25 MR. MATTHEWS: I don't believe that prior to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 that meeting that I was aware that there were failures or
2 problems, beyond the failures that occurred on the diesel
3 in question, that contributed to the site area emergency.

4 MR. STEPHEN KOHN: Okay. Thank you.

5 And now, I'd like you to turn to page 4 of
6 this exhibit, which is the --

7 MR. MATTHEWS: I'd like to amend that as well,
8 to say that it's my recollection that I knew that there
9 was a (quote) "troubleshooting" activity that went on
10 subsequent to those failures, during which GPC attempted
11 to determine the cause of those failures. So knowing that
12 there was a troubleshooting period, it wouldn't have
13 surprised me that there might have been sensor failures
14 during that period. But, well, I'll just leave it at
15 that. It wouldn't have surprised me if there had been,
16 but I didn't have any specific knowledge.

17 MR. STEPHEN KOHN: Did you obtain a copy of
18 the -- of Georgia Power's response to the confirmation of
19 action letter, the letter that came out after that meeting
20 on April 9th?

21 MR. MATTHEWS: Yes.

22 MR. STEPHEN KOHN: When you read that letter,
23 did you think that --

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: Sorry. About when did you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 receive that letter?

2 MR. MATTHEWS: I suspect that I would have had
3 it in my hand prior to any discussion with the region on
4 making a decision on restart, which was initiated the
5 morning of April 12th. So some time between the time that
6 it was received by the NRC and April 12th, I would have
7 had that letter in my hand.

8 CROSS EXAMINATION (Continued)

9 MR. STEPHEN KOHN: At the time you got that
10 letter, up until the time you participated in the restart
11 decision, were you aware of any inaccuracies in that
12 letter?

13 MR. MATTHEWS: No.

14 MR. STEPHEN KOHN: And when the 18 and 19
15 numbers were used in that letter, with the terminology
16 that surrounded them -- consecutive, successful -- did you
17 have any reason to doubt the accuracy?

18 MR. MATTHEWS: No.

19 BOARD EXAMINATION

20 CHAIRMAN BLOCH: Mr. Matthews, in that letter,
21 there is language "without problems or failures." You're
22 familiar with that language?

23 MR. MATTHEWS: Yes, I am.

24 CHAIRMAN BLOCH: Do you recall whether that
25 language was used by anyone at the April 9th meeting?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: I have thought about this
2 question as well on many occasions, given that I was a
3 participant in that meeting. And on reflection, although
4 I knew that there were, potentially, problems and failures
5 other than the failures that contributed to the event that
6 reflected failures or problems with the sensors, not
7 unlike that which occurred on the day of the event, I did
8 not -- I was never made aware, nor do I think I drew any
9 conclusion, that the problems or failures occurred during
10 the course of the 18 and 19 starts that were reflected in
11 the meeting.

12 In other words, I assumed, as I think many
13 others did -- but I'll speak for myself -- that the
14 representation made by Mr. Bockhold that the 18 and 19
15 were consecutive successful starts, without problems or
16 failures. I have no recollection of him explicitly
17 stating that they were without problems or failures during
18 the course of the meeting, but I came away with that
19 inference.

20 CHAIRMAN BLOCH: And I take it from what
21 you've said that you don't recall any NRC person asking a
22 question about problems and failures.

23 MR. MATTHEWS: No, I don't recall any NRC
24 person asking that question.

25 CHAIRMAN BLOCH: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CROSS EXAMINATION (Continued)

2 MR. STEPHEN KOHN: And also, do you have any
3 recollection if at the 4/9/90 meeting, the briefing, the
4 question of dew points came up, or moisture?

5 MR. MATTHEWS: I have no recollection of a
6 discussion on dew points or moisture.

7 MR. STEPHEN KOHN: Are any of the other
8 members of this panel -- were any of the other members of
9 the panel present during the 4/9 briefing?

10 WITNESS SKINNER: I was not.

11 WITNESS HOOD: I was not.

12 MR. STEPHEN KOHN: Okay. If you could now
13 turn to, again, the memo that you wrote, personal files,
14 Mr. Matthews, the one -- pages 4 and 5 of this exhibit.

15 MR. MATTHEWS: Yes, I have it.

16 MR. STEPHEN KOHN: Okay. Can you first just
17 tell me why you wrote this memo?

18 MR. MATTHEWS: I think it could be inferred
19 from the context of this memo and the documentation
20 recorded here, but -- but I'll explain my thinking on it.
21 And my recollection, again, was that I wrote this memo at
22 the conclusion of the meetings discussed here, and is --
23 it may be clear from the memo itself. This was an
24 instance where I had established a position that was
25 distinctly at odds with the position held by the remainder

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 of the NRC.

2 I felt it important, because I thought, one,
3 given that it was the restart of a nuclear unit, that it
4 would be significant that an individual staff member had
5 taken such a position, and that it may be called into
6 question, or there may be further discussions about how
7 the conclusions were arrived at -- my personal conclusions
8 and the overall agency decision -- as far as I was aware
9 of them. And I thought it was a good idea to make a
10 contemporaneous record of that event.

11 MR. STEPHEN KOHN: Now, in Mr. Robinson's
12 notes regarding when you expressed your differing opinion,
13 it says -- and I'm looking on page 2 of the Report of
14 Interview, second-to-the-last paragraph -- it says,
15 "Matthews said that no one disagreed with his issue, but
16 no one supported it strongly either." Do you see that?

17 MR. MATTHEWS: Yes, I do.

18 MR. STEPHEN KOHN: Now, does that mean --
19 could you just describe, what does that mean? What did
20 you -- in other words, what happened when you stated your
21 position? What does it mean, "No one disagreed, but no
22 one supported it strongly either"?

23 MR. MATTHEWS: Understand that the issue is
24 one that may be subject for interpretation, "his issue."
25 Okay? And I think it's fairly expressed by Mr. Robinson

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 above, but I just want to make it clear. My issue was
2 that I felt that there was a significant problem with
3 regard to communication with GPC, and I think it -- it
4 extended to the degree that I felt like it reflected a
5 safety attitude that would be cause for concern. So
6 that's my issue, okay, not my dissent on restart. All
7 right?

8 And with regard to that issue that
9 communications were a problem with GPC, and the fact that
10 there could be circumstances where those communications
11 were so flawed or incomplete that it could have a safety
12 impact, I don't believe that there was anybody on the
13 conference call that didn't agree with me that there was a
14 communication problem.

15 There may be some dissent or lack of full
16 support for my view, in terms of what the safety
17 implications of that would be. But I don't believe
18 anybody disagreed with me that there was a communication
19 problem at the Vogtle site, and particularly with the NRC,
20 both the on-site representatives, the regional interface,
21 and with me and my staff. Okay? So, in that regard, no
22 one disagreed with it.

23 However, I don't think anybody felt it
24 possibly as strongly as I did, insofar as its, one,
25 potential safety implications, and, two, its relationship

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 to a decision on restart.

2 MR. STEPHEN KOHN: And can you just explain to
3 the Board what are the potential safety implications of
4 this type of communication problem?

5 MR. MATTHEWS: There could be many, but the
6 ones that -- that came to mind to me, and that prompted me
7 to raise the concern to the level that I did, is fairly
8 accurately described by Larry in his -- Larry Robinson in
9 his investigator's note.

10 I felt the lack of forthrightness, candid
11 expression of circumstances that I had seen in my day-to-
12 day interaction at the site may not have a direct safety
13 implication, as long as routine operations were conducted
14 in a safe manner.

15 But if we were to find, either by happenstance
16 by virtue of equipment failure, or other errors committed
17 on site, in a (quote) "emergency situation," and we were
18 dependent upon the site to provide us with up-to-date,
19 accurate, complete information, in order to allow us to --
20 to conduct -- carry out our responsibilities for public
21 health and safety, I know for myself I would find myself
22 wanting independent confirmation of information shared.

23 I probably would take a harder look and have
24 higher expectations for independent confirmation, knowing
25 that the information was coming through the channel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 primarily of the general manager level, before I suggested
2 or -- or recommended NRC agency action in response to that
3 information. And in that -- in that instance, I would
4 view that to have a safety impact.

5 MR. STEPHEN KOHN: Now, at the time you wrote
6 this memo, you had no idea that there were material false
7 statements, both at the presentation and in the response
8 to the confirmation of action letter, isn't that correct?

9 MR. MATTHEWS: That's correct.

10 MR. STEPHEN KOHN: Since you didn't have that
11 type of factual data, were the concerns being expressed in
12 your memo here more based upon just a perception of the
13 way they are communicating to you, or was it based on
14 specific factual instances, or was it based on both?

15 MR. MATTHEWS: It depends on what you mean by
16 "specific."

17 MR. STEPHEN KOHN: In other words, the
18 specific factual instance was there was a specific
19 communication that either you learned about or was given
20 to you, that you later determined wasn't either accurate
21 or complete.

22 MR. MATTHEWS: I have no instances that I
23 could recall that included that level of specificity, so
24 --

25 MR. STEPHEN KOHN: This was more based upon

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 your perception of the way they were communicating?

2 MR. MATTHEWS: Or not communicating, yes.

3 MR. STEPHEN KOHN: Okay. Now, I'd like you to
4 look --

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: May I clarify that? Was the
7 entire problem that you saw with Mr. Bockhold?

8 MR. MATTHEWS: No, but I would have to say
9 that with regard to my interaction, which started in 1988,
10 with the site, I would have to say that it was -- my
11 concerns were dominated by the communication difficulty
12 with Mr. Bockhold. But I don't think they were exclusive.
13 I felt that he had a -- to use a popular phrase -- a
14 chilling effect on communication on site with our
15 residents, and with me and my staff.

16 I pointed to Darl, but he was not the PM at
17 that time. I had two previous PMs, one who was involved
18 with the licensing of Vogtle Unit 2, and during that
19 period in time, although the construction organization in
20 GPC was primarily responsible, we were doing -- they were
21 doing pre-operational testing, which we were monitoring,
22 and Mr. Bockhold was taking more and more of an active
23 role in our interaction leading up to the licensing of
24 Unit 2.

25 So I had that background, as well as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 information relative to communication on site at levels
2 below Mr. Bockhold that was troublesome.

3 CHAIRMAN BLOCH: And were you aware of any
4 attempt to make other officials of Georgia Power aware of
5 this difficulty you perceived with Mr. Bockhold?

6 MR. MATTHEWS: Any attempt by whom?

7 CHAIRMAN BLOCH: By any NRC official.

8 MR. MATTHEWS: I believe that I was not alone
9 in my concern with regard to communication, and my
10 recollection is that this subject was a source of I want
11 to say continuing discussion among primarily the regional
12 staff, which would be at the branch chief level,
13 overseeing the resident inspectors; the division director
14 level, which would have been Luis Ruiz, I believe, at that
15 time; and at Stew Ebnetter's level, and that there had been
16 communication with management at GPC about this problem.

17 CHAIRMAN BLOCH: And the people that may have
18 received those communications included whom?

19 MR. MATTHEWS: That I would be hard-pressed to
20 tell you, because --

21 CHAIRMAN BLOCH: Do you believe --

22 MR. MATTHEWS: -- I just don't recall.

23 CHAIRMAN BLOCH: Do you believe it was people
24 to whom -- one or more persons to whom Mr. Bockhold was
25 responsible?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: Yes.

2 CROSS EXAMINATION (Continued)

3 MR. STEPHEN KOHN: Okay. In looking at your
4 memo, and this is page 4 of Exhibit 23, which is your
5 memo, I'm looking at the first page, the first paragraph,
6 the second sentence, in which you wrote, "The genesis of
7 these concerns is attitudes reflected by senior management
8 (Assistant General Manager, General Manager, Vice
9 President, Vogtle Project) at GPC dating back to
10 prelicensing activities for Unit 2."

11 MR. MATTHEWS: Correct.

12 MR. STEPHEN KOHN: Okay. Now, when you said
13 "general manager," that was Mr. Bockhold you were
14 referring to?

15 MR. MATTHEWS: That's correct.

16 MR. STEPHEN KOHN: And then you have Assistant
17 General Manager. Who is that?

18 MR. MATTHEWS: My recollection, at that time
19 it was Mr. Skip Kitchens.

20 MR. STEPHEN KOHN: And when you said Vice
21 President, Vogtle Project, who would that be?

22 MR. MATTHEWS: Mr. Ken McCoy.

23 MR. STEPHEN KOHN: Okay. Now, in regards to
24 Mr. Hairston, did you interact with him?

25 MR. MATTHEWS: Let me think about that. No, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 would have to say my interactions with Mr. Hairston would
2 have been infrequent.

3 MR. STEPHEN KOHN: Okay. And so you had more
4 frequent interaction with the three persons identified in
5 your parentheses then?

6 MR. MATTHEWS: And most predominantly the
7 general manager.

8 MR. STEPHEN KOHN: Okay. Now -- excuse me
9 just one minute.

10 MR. MATTHEWS: Sure.

11 MR. STEPHEN KOHN: Now, did you notice any
12 change in communications or this attitude that you've
13 testified about when SONOPCO took over any form of
14 responsibilities related to Unit 2?

15 MR. MATTHEWS: That's not a clear question in
16 my mind with regard to Unit -- the unit being --

17 MR. STEPHEN KOHN: Or then, just -- did you
18 notice when the SONOPCO team came in, did you notice any
19 changes in -- or in the attitudes, vis-a-vis
20 communications with NRC?

21 MR. MATTHEWS: To be honest, I can't even
22 equate the SONOPCO involvement to a specific date or
23 timeframe, so I'd have to answer no.

24 MR. STEPHEN KOHN: How about a Mr. Paul Rice?
25 Do you know who he is?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: Oh, yes, I know Mr. Paul Rice.

2 MR. STEPHEN KOHN: And who was he?

3 MR. MATTHEWS: Mr. Paul Rice was a Vice
4 President, I believe of Southern Company Services. I'm
5 not sure. He may have had several titles. But he was the
6 Vice President of Construction for Vogtle, and, in that
7 regard, he probably also was an officer of GPC.

8 MR. STEPHEN KOHN: And how you compare, say,
9 his communications with the communications of Bockhold --
10 in other words, how would you compare his communications
11 to the communications that you saw after Unit 2, after he
12 left? Excuse me just one moment.

13 Okay. Yeah. I'm looking for your observation
14 on the change when Mr. Rice had responsibilities for
15 Unit 2, and then when Mr. -- and how that changed when
16 Mr. Bockhold took over responsibilities for Unit 2.

17 MR. MATTHEWS: A hyperbolic statement comes to
18 mind, 180 degrees. Mr. Rice was what I would view to be a
19 model manager insofar as the NRC's expectations of
20 forthrightness and communication with the NRC.

21 MR. STEPHEN KOHN: Did you --

22 BOARD EXAMINATION

23 ADMINISTRATIVE JUDGE MURPHY: Was Mr. Rice a
24 GPC employee?

25 MR. MATTHEWS: That's -- I'd have to defer to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 somebody else on that. My recollection is if he was Vice
2 President for Construction of Unit 2, that he likely was a
3 GPC officer, yes.

4 ADMINISTRATIVE JUDGE MURPHY: And was it your
5 understanding that Mr. Bockhold was a GPC employee?

6 MR. MATTHEWS: Yes.

7 MR. STEPHEN KOHN: Your Honor, and maybe the
8 parties can reach a stipulation, but it was our
9 understanding that Rice was a GPC person coming from GPC,
10 whereas Bockhold would have been, although a GPC person,
11 also a SONOPCO person. But Rice comes from the GPC.

12 MR. MATTHEWS: Let me clarify where I may have
13 introduced this confusion. Mr. Rice then moved to
14 Southern Company in an officer position, after he
15 construction duties for Unit 2 were completed, and that
16 was the source of my confusion. There's also the
17 confusion is that Georgia Power is a wholly-owned
18 subsidiary of Southern Company, and --

19 CHAIRMAN BLOCH: I believe that the question
20 of whether Mr. Bockhold is a SONOPCO person is still a
21 matter of proof.

22 MR. MATTHEWS: Yes, and I don't have any
23 opinion on that.

24 CROSS EXAMINATION (Continued)

25 MR. STEPHEN KOHN: Okay. Now, in this second

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 sentence of the first page of your memo, "The genesis of
2 these concerns is attitudes reflected," etcetera, what do
3 you mean by that? What were these attitudes, reflected
4 where? Do you have any instances you can testify to?
5 What's the basis for that statement?

6 CHAIRMAN BLOCH: I'm sorry. Could we slow
7 down? What's the citation you're using?

8 MR. STEPHEN KOHN: Okay. This is on page 4 of
9 the exhibit, which is the first page of Mr. Matthews' memo
10 to file.

11 CHAIRMAN BLOCH: Okay. Thank you. I don't
12 want to slow the hearing down, but if you slow down enough
13 so I can find the citation.

14 MR. STEPHEN KOHN: The first paragraph, second
15 sentence, and I'm just asking for your factual basis for
16 that second sentence that begins with the words, "The
17 genesis."

18 MR. MATTHEWS: I'm satisfied with the factual
19 basis as expressed in the memorandum that you have in
20 front of you.

21 MR. STEPHEN KOHN: Okay.

22 MR. MATTHEWS: You know, if you'd like me to
23 repeat that, I will, but --

24 MR. STEPHEN KOHN: No. That's --

25 MR. MATTHEWS: -- I think it's fairly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 explicit.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: Mr. Matthews, the principal
4 question you were asked about the change from Mr. Rice to
5 Mr. Bockhold was about communication styles.

6 MR. MATTHEWS: That's correct.

7 CHAIRMAN BLOCH: Was there also any difference
8 in safety consciousness that you observed?

9 MR. MATTHEWS: That's hard to distinguish,
10 given that Mr. Rice's responsibility was bringing Unit 2
11 into a fully completed construction status. Therefore, he
12 did not have operational responsibility.

13 CHAIRMAN BLOCH: But he would have had safety
14 responsibility.

15 MR. MATTHEWS: Oh, of course. But my comments
16 with regard to Mr. Bockhold are in a realm associated with
17 day-to-day operations. My comments with regard to Mr.
18 Rice would -- and my only experience with him would be in
19 the context of ensuring competent construction of the
20 site. So there is a comparison there.

21 I'd have to say based on my communication with
22 Mr. Rice, and my direct observation of his daily, on
23 occasion, meetings with his what we call punch list staff
24 -- namely, as they were working off items to be completed.
25 The attentiveness that he imparted to each of the problems

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 brought to him would have indicated to me a very high
2 safety consciousness.

3 One area that I recall that I was particularly
4 impressed with was I believe that his pre-op testing
5 coordination with the site was an area where he had a war
6 room, as we call it. And as pre-op tests would come up
7 for completion, he would go through the results of the
8 previous day's tests personally and understand what
9 problems had been encountered, what was the schedule for
10 fixing them, when would it be rescheduled.

11 In other words, it was a mixture of management
12 oversight, but detailed -- individual detailed involvement
13 where needed. It, you know, gave me anyway a great deal
14 of confidence with regard to the way in which the facility
15 was being constructed.

16 CHAIRMAN BLOCH: Was the consequence of that
17 that the pre-op tests were carefully documented?

18 MR. MATTHEWS: That was one of the
19 consequences of that, certainly.

20 CHAIRMAN BLOCH: Thank you.

21 CROSS EXAMINATION (Continued)

22 MR. STEPHEN KOHN: Now, again, on the first
23 paragraph, this is page 4 of Exhibit 269, in the first
24 paragraph, the second-to-the-last sentence, where you say,
25 "A subsequent meeting on this issue with GPC upper

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 management was required," do you remember who in GPC upper
2 management attended this meeting?

3 MR. MATTHEWS: No, and I have read this
4 sentence over again very recently, and just at the break,
5 and I don't have a current recollection of that particular
6 meeting.

7 MR. STEPHEN KOHN: Okay. Would that -- when
8 you used the word "GPC upper management" --

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: Hold on a second, please.
11 Before we get into the meaning, do you know for sure that
12 the meeting ever took place?

13 MR. MATTHEWS: Well, I have to think that at
14 the time that I was documenting this series of events,
15 that I would have only recorded it here if it had been
16 uppermost in my mind.

17 CHAIRMAN BLOCH: Okay. Because the language
18 is that the meeting was required. That could have been a
19 statement by you that it was needed, not that it took
20 place. Are you sure that it's a statement that it took
21 place?

22 MR. MATTHEWS: Let me read it again and see.

23 MR. STEPHEN KOHN: And just -- Your Honor, if
24 you'll look at the last sentence of that paragraph, just
25 calling your attention to the subsequent sentence.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: Okay. Thank you. That makes
2 it clearer.

3 MR. STEPHEN KOHN: Okay.

4 MR. MATTHEWS: I'm certain this meeting took
5 place.

6 CROSS EXAMINATION (Continued)

7 MR. STEPHEN KOHN: Now, when you used the --
8 and I understand this is -- in the law, this is past
9 recollection recorded. You don't really have a -- in
10 other words, you don't have an independent memory, but you
11 believe that what's written here is accurate, that at the
12 time you wrote it, you would have known, correct?

13 MR. MATTHEWS: Yes, sir.

14 MR. STEPHEN KOHN: Okay. Now, when you used
15 the phrase "GPC upper management," would you have used
16 that -- in what context would that have been?

17 MR. MATTHEWS: I believe it would have been in
18 -- if I read this in context, that would have been
19 management at a level above the general manager.

20 MR. STEPHEN KOHN: So, essentially, you were
21 calling to their attention problems that you had observed
22 with the general manager? Is that what was happening?

23 MR. MATTHEWS: It's not clear that it was just
24 the general manager. I believe it says, "This was very
25 similar to attitudes reflected during an enforcement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 conference held in early 1989." That could have extended
2 to the responsiveness of the general manager and members
3 of his staff, to the extent they participated in that
4 enforcement conference.

5 MR. STEPHEN KOHN: Okay. And now, and just
6 getting the date of this -- what we're calling the
7 subsequent meeting identified in the second-to-the-last
8 sentence, if you'll look at the last sentence, it says,
9 "The meeting was held prior to the staff's recommending
10 that the Commission authorize full power operations."
11 Seeing that, can you give us an estimate of the date of
12 this meeting?

13 MR. MATTHEWS: No. I would just be
14 speculating. I could certainly find that out by virtue of
15 identifying when we had authorization of full power at
16 Unit 2, and it would be between the date I identified
17 there and that date. But I don't have any specific
18 recollection.

19 MR. STEPHEN KOHN: Okay. Is there anyone else
20 on the panel who might be able to give us, on the basis of
21 this document, give us an idea of the date of that
22 meeting, if it was held prior to the Staff's
23 recommendation for full power?

24 WITNESS SKINNER: I cannot.

25 WITNESS HOOD: No, I'm sorry. I can't.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Okay. Now, you used the
2 phrase in this paragraph that you became alarmed. What
3 did you mean by that? What does it mean to you? What
4 does that mean, "I became alarmed"? What does that mean?

5 MR. MATTHEWS: Well, how about by way of
6 explaining that term I recite the circumstances
7 surrounding this October 31, 1989, meeting.

8 MR. STEPHEN KOHN: Okay.

9 MR. MATTHEWS: That meeting was a meeting
10 called at my request. It was consistent with a pattern of
11 meetings that I had established when I became a Project
12 Director. I had the good fortune when I got my assignment
13 as Project Director that I was responsible for only two
14 utilities -- one was Duke Power Company, which operated, I
15 believe, seven units, and one was Georgia Power Company,
16 which operated four units.

17 By virtue of only having two utilities, I felt
18 that it was not only beneficial but efficient use of my
19 staff and my resources to set up periodic what I phrased
20 "interface meetings" with each of those utilities. I
21 believe I was the first Project Director to do this, and
22 it stemmed from my feeling that -- you might recall, in
23 1988, the NRC was reorganized to eliminate the Office of
24 Inspection and Enforcement, and introduced the concept
25 into NRR of much more daily oversight of operational

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 activities at the plant.

2 So in accepting that responsibility, one of
3 the things I did was establish these periodic interface
4 meetings. In attendance at those meetings were a -- my
5 counterpart from the region. Many times --

6 MR. STEPHEN KOHN: And who would that be? Who
7 is your counterpart in the region?

8 MR. MATTHEWS: It would have been -- at that
9 time, it was Mr. Al Herdt, who was the Chief of the
10 Reactor Projects Branch 2. I believe, at that time, it
11 included whoever at that point was the section chief in
12 Region 2, who would have been I believe Mr. Skinner's
13 predecessor, or one or two removed. It included the
14 senior residents from each of the sites that were
15 responsible -- I mean, that -- each of the sites under the
16 responsibility of that given utility, and it included each
17 of the project managers that worked for me.

18 These interface meetings had as --

19 MR. STEPHEN KOHN: Who from Georgia Power
20 would attend the GPC ones?

21 MR. MATTHEWS: They would be representatives
22 from each site, and my recollection is we rotated among
23 the sites. And I cannot recall -- at this point, I cannot
24 recall who all of the participants were. The particular
25 meeting on October 31st was a meeting at Vogtle, even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 though it would have had Hatch representatives there.

2 I believe that the significance of the
3 meeting, as appreciated by Georgia Power, at least at Ken
4 McCoy's level, was such that Ken McCoy made it a clear
5 expectation that senior management on site be involved in
6 these meetings, and he himself came over from Birmingham.

7 MR. STEPHEN KOHN: And when you say "senior
8 manager," would that include Mr. Bockhold?

9 MR. MATTHEWS: That would include Mr.
10 Bockhold.

11 MR. STEPHEN KOHN: And Mr. Kitchens?

12 MR. MATTHEWS: I believe Mr. Kitchens.

13 MR. STEPHEN KOHN: Okay. Go on. And you were
14 saying?

15 MR. MATTHEWS: Anyway, I don't recall how long
16 the meeting lasted before my alarm began to show, but it
17 wasn't very long. It may have been only an hour when the
18 opportunity was given to Georgia Power after I stated the
19 purposes of these meetings, to provide their perspectives
20 on issues germane -- particularly in this instance, it was
21 at the Vogtle phase of the meeting. We would then turn to
22 Hatch.

23 Their perception of the problems faced by
24 Vogtle, the major activities underway, the expected
25 activities in the near and distant future for which there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 might be some regulatory involvement or need for
2 regulatory involvement -- understand, I had responsibility
3 for licensing reviews and amendment reviews, as well as
4 operational oversight. So that opportunity was given, and
5 that purpose was announced well in advance of this
6 meeting.

7 When I turned to Mr. Bockhold to provide that
8 kind of information and insight, I got about five to 10
9 minutes of discussion and no response from his staff.

10 Now, understand, I don't recall exactly how
11 many of these meetings we had had. I don't believe we had
12 ever had one at Vogtle, so this was a first. I believe we
13 had had one at Hatch, okay, in which the environment was
14 completely different. And, in particular, my recollection
15 is that Hatch -- the Vice President and the General
16 Manager both combined forces to present a briefing on what
17 is generally referred to in GPC as their 10 problems,
18 which is the issues that they confront or discuss with
19 their Board of Directors.

20 Now, understand, there is no regulatory
21 obligation for them to do this, but it was something that
22 a pattern had been established. I felt that when I got to
23 Vogtle that, frankly, this group of people from the NRC
24 which was now, what, seven or eight strong, had made a
25 trip for nothing in terms of enforcing and enhancing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 communication.

2 At which point I said that, frankly, this was
3 a waste of time if there is not going to be any
4 information shared beyond what was just shared, which was
5 very little, and that I was prepared to have my staff get
6 back on a plane and go back to Washington, at which point
7 Mr. McCoy quickly took chairmanship of the meeting. It
8 had been in Mr. Bockhold's hands.

9 He proceeded to tell Mr. Bockhold if he would
10 please get the viewgraphs that they had just recently
11 presented to the Board of Directors and bring them to the
12 meeting for him, and he proceeded to stand up and present
13 that information to me and the assembled staff. And I
14 don't recall that Mr. Bockhold said another word the rest
15 of the meeting.

16 MR. STEPHEN KOHN: So they actually had this
17 information there and available?

18 MR. MATTHEWS: Oh, yes. Well, at the
19 uppermost in their mind. But, I mean, that -- that's what
20 I meant by alarmed.

21 MR. STEPHEN KOHN: Okay.

22 MR. MATTHEWS: When I saw that happen, I
23 became alarmed.

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: Mr. Matthews, if I hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 correctly, the communication you then got from Mr. McCoy
2 was satisfactory. Did that still keep you concerned also
3 about Mr. McCoy?

4 MR. MATTHEWS: No. In fact, that was a great
5 step forward as far as I was concerned, in terms of my
6 appreciation of Mr. McCoy's desire to ensure that
7 communication was open with the NRC. He subsequently made
8 more than one visit to my office to attempt to convey
9 similar information in the future.

10 CHAIRMAN BLOCH: Did he also show that he
11 understood the need to hold Mr. Bockhold responsible to
12 live up to that level of communication?

13 MR. MATTHEWS: It wasn't apparent to me,
14 either at that time or subsequently.

15 CROSS EXAMINATION (Continued)

16 MR. STEPHEN KOHN: Given what happened at that
17 meeting where you just described, do you know if
18 Mr. Hairston was ever briefed about that interaction?

19 MR. MATTHEWS: I have no information about
20 that.

21 MR. STEPHEN KOHN: Given Mr. Hairston's
22 position at the time, would you have expected him to have
23 been briefed about what Mr. Bockhold did at that meeting?

24 MR. MATTHEWS: Yes. And I need to amend my
25 response. I seem to recall -- and I'm hazy on this, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 I'd have to check the transcript. But when Mr. Hairston
2 testified last week, I thought he made reference to one of
3 those interface meetings. Whether it was that one in
4 particular, but that's just a faint recollection I have.

5 MR. STEPHEN KOHN: Okay.

6 MR. MATTHEWS: But I still say I don't
7 believe, you know, that I -- certainly, contemporaneously
8 I had an expectation that would happen, but I had no
9 confirmation that such a conversation ever took place.

10 MR. STEPHEN KOHN: And were these quarterly
11 meetings?

12 MR. MATTHEWS: They were established as a
13 quarterly meeting when we first developed them. The
14 thought was that we would do it frequently enough to
15 ensure that communication that needed to get communicated
16 got communicated. We -- they evolved into being twice a
17 year, because we found that -- you know, we found a
18 natural frequency that allowed the information to be
19 useful and contemporaneous.

20 MR. STEPHEN KOHN: And just to clarify the
21 record, were these meetings -- these interface meetings --
22 set up at the request of Georgia Power? Were they the
23 ones who wanted it or --

24 MR. MATTHEWS: No. This was my initiative.

25 MR. STEPHEN KOHN: Okay. Now, also in this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 same paragraph, after you used the word "alarmed," you
2 have -- you used the phrase, "The General Manager" -- "an
3 attitude reflected by the General Manager toward open
4 communication with the NRC and the" -- and then you used
5 the words "apparent disdain for regulatory involvement
6 with ongoing plant activities or problem resolution."
7 What did you mean by "apparent disdain"?

8 MR. MATTHEWS: I could only infer from his
9 reaction to what I thought was an atmosphere that I had
10 created for open communication. I could only infer that
11 his reaction to that was prompted -- and this is an
12 assumption on my part -- by a disdainful attitude. This
13 was just not worth his time.

14 MR. STEPHEN KOHN: Okay. So your opinion here
15 that he had a disdain is essentially based upon your
16 observation of his conduct, not he said to you the actual
17 words?

18 MR. MATTHEWS: Correct. That's why I used the
19 word "apparent."

20 MR. STEPHEN KOHN: Okay. Now, did you ever
21 notice a time when this apparent disdain -- I mean, in
22 events that occurred after that -- was this apparent
23 disdain again reflected, or did he change his ways?

24 MR. MATTHEWS: I thought it was, again,
25 reflected on April 9, 1990.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: And did you ever discuss
2 this apparent disdain concept with any other
3 representative, any other members of the NRC?

4 MR. MATTHEWS: Certainly.

5 MR. STEPHEN KOHN: Did any of them share an
6 opinion as to whether they agreed with you or disagreed
7 with you?

8 MR. MATTHEWS: Again, I don't recall
9 individual discussion. I do recall sharing my views with
10 my counterparts in the region, and sharing them with my
11 boss and his boss, and my view -- my recollection is that
12 the -- there were individuals in the region who were if
13 not equally, at least certainly aware of the relationship
14 with the NRC in Mr. Bockhold's -- the only word I can come
15 up with is "attitude."

16 MR. STEPHEN KOHN: Okay. So, essentially,
17 your perception of his disdain was not something just
18 uniquely held by you.

19 MR. MATTHEWS: It may have been more strongly
20 held by me. You'd have to ask the participants involved
21 in the region. But it certainly wasn't uniquely held by
22 me.

23 MR. STEPHEN KOHN: Okay. Now, coming down --
24 you reference another meeting in this paragraph. You just
25 talked about the October 31, 1989, meeting. You then say,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 "This was very similar to the attitudes reflected during
2 an enforcement conference held in early '89 to discuss an
3 event." Can you tell us what that event was and what
4 you're referencing?

5 MR. MATTHEWS: No, I can't. I just do not
6 have a contemporaneous recollection.

7 MR. STEPHEN KOHN: Okay.

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Hold on a second.

10 Mr. Matthews, you could have a partial recollection of the
11 meeting without knowing what the event was. Do you have
12 any recollection of what happened at the meeting?

13 MR. MATTHEWS: No, I have no contemporaneous
14 recollection.

15 CHAIRMAN BLOCH: Okay.

16 CROSS EXAMINATION (Continued)

17 MR. STEPHEN KOHN: So the concept here about
18 hot functional testing and operator error, that doesn't
19 jog your memory to what occurred at that meeting?

20 MR. MATTHEWS: Not with any specificity.

21 MR. STEPHEN KOHN: Okay. And would there be
22 an NRC document, an event, either a transcript or a
23 summary of this enforcement conference, do you know?

24 MR. MATTHEWS: There certainly would be a
25 record, okay, and to what extent that record -- what it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 includes, I wouldn't know.

2 Pierce, are you familiar with what a record --
3 what record would be kept?

4 WITNESS SKINNER: The records that we would
5 probably have, I don't know the specific one, would
6 probably be at least the meeting notes where -- who was at
7 the meeting, if there was a slide presentation provided by
8 the power company. Those would be attached. If it was an
9 enforcement conference, it would reference the inspection
10 report that was issued that generated the enforcement
11 conference, and then there would be a subsequent
12 correspondence to identify what occurred following the
13 enforcement conference.

14 MR. STEPHEN KOHN: And that would probably be
15 in the PDR, that --

16 WITNESS SKINNER: That would all be in the
17 PDR.

18 MR. STEPHEN KOHN: Okay.

19 CHAIRMAN BLOCH: This would be a good time for
20 our break. We'll take a 10-minute break.

21 MR. STEPHEN KOHN: Thank you, Your Honor.

22 (Whereupon, the proceedings were off the
23 record from 2:54 p.m. until 3:07 p.m.)

24 CROSS EXAMINATION (Continued)

25 MR. STEPHEN KOHN: Mr. Matthews, calling your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 attention to the second paragraph of your -- of the first
2 page of your memo, which is the fourth page of the
3 exhibit, Exhibit 269, page 4, you're referencing an April
4 4, 1990, meeting, or a briefing regarding an Assistant
5 General Manager. Who was that Assistant General Manager?

6 MR. MATTHEWS: My recollection at this time is
7 that the Assistant General Manager in question was Skip
8 Kitchens.

9 MR. STEPHEN KOHN: Okay. And if you'll look
10 at the letter, you say, "The allegation extended to the
11 issue of the overall operating philosophy of plant
12 management." When you used that phrase, were you just
13 talking about the people at Vogtle, or were you also
14 considering Vogtle's corporate management in Birmingham?

15 MR. MATTHEWS: Well, we weren't talking about
16 management per se. We were talking about operating
17 philosophy. And if you say --

18 MR. STEPHEN KOHN: But then it says "of plant
19 management."

20 MR. MATTHEWS: Well, I see, of plant
21 management. I think that would extend throughout the
22 organization.

23 MR. STEPHEN KOHN: Okay.

24 MR. MATTHEWS: But my recollection of that is
25 that I am --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 BOARD EXAMINATION

2 CHAIRMAN BLOCH: It would extend throughout
3 what?

4 MR. MATTHEWS: The organization.

5 CROSS EXAMINATION (Continued)

6 MR. STEPHEN KOHN: So that would include --

7 MR. MATTHEWS: Let me clarify. I think I'm
8 just reciting an allegation that had been received by OI,
9 and that that allegation, okay, was an extensive one.

10 MR. STEPHEN KOHN: Okay. So this one in the
11 second paragraph, you don't have direct first-hand
12 knowledge, you're just conveying that you knew of another
13 allegation?

14 MR. MATTHEWS: I might make a clarification.
15 It was one allegation, and it says, "Directed towards the
16 Assistant General Manager at Vogtle, relating to actions
17 taken by him in his capacity." The word "actions" that
18 I'm speaking of really was just one specific action.
19 Okay? I was using "actions" in the general term, in terms
20 of his -- his decision process, and what he did about it,
21 and what he did in the aftermath as actions. But it was
22 one -- particularly one allegation was the focus of this
23 --

24 MR. STEPHEN KOHN: Okay. And this is I think
25 to -- and correct me if I'm wrong -- this would be the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 dilution (phonetic) valve --

2 MR. MATTHEWS: Yes.

3 MR. STEPHEN KOHN: -- issue?

4 CHAIRMAN BLOCH: Sorry. That's dilution.

5 MR. STEPHEN KOHN: Dilution.

6 (Laughter.)

7 The dilution valve issue?

8 MR. MATTHEWS: Yes.

9 MR. STEPHEN KOHN: Now, were you in the
10 hearing room when Mr. Skip Kitchens testified?

11 MR. MATTHEWS: No, I was not.

12 MR. STEPHEN KOHN: Okay. And I would ask the
13 other panel members, were any of the other panel members
14 here when Mr. Kitchens testified?

15 WITNESS SKINNER: Yes, I was.

16 WITNESS HOOD: I was.

17 MR. STEPHEN KOHN: Okay. And do you remember
18 him being asked questions about whether he had ever
19 learned about the findings of the OI investigation related
20 to the dilution valve, how that had been communicated to
21 him? Do either of you remember those questions?

22 WITNESS HOOD: Yes, I recall that his answer
23 was there was considerable delay before he learned that.

24 MR. STEPHEN KOHN: And what do you think of
25 that? What's your opinion about that delay and what that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 says about communications and management attitudes of
2 Plant Vogtle?

3 MS. YOUNG: Objection. I don't know what
4 relevance that has to this proceeding.

5 CHAIRMAN BLOCH: Overruled.

6 WITNESS SKINNER: Would you repeat the
7 question, please?

8 MR. STEPHEN KOHN: I'm just asking for his
9 opinion when you heard that testimony from Mr. Kitchens
10 about that delay and his learning about OI's findings,
11 what his opinion was about that, as it relates to
12 management attitudes.

13 WITNESS HOOD: I recall being a little
14 surprised by it. That was about the only opinion I recall
15 having at the time.

16 MR. STEPHEN KOHN: Okay. And Mr. Skinner, did
17 you --

18 WITNESS SKINNER: I would have to go back and
19 review Mr. Kitchens' testimony to bring that back to my
20 memory.

21 MR. STEPHEN KOHN: Okay.

22 CHAIRMAN BLOCH: Mr. Kohn, I'm not sure from
23 the question whether it was Mr. Kitchens who delayed or
24 the NRC who delayed.

25 MR. STEPHEN KOHN: No. I think it was -- was

NEAL R. GROSS

COURT REPORTERS AND TR

1323 RHODE ISLAND AV

WASHIN'

1 GPC management who had had the report and the findings and
2 never told Mr. Kitchens about it.

3 CHAIRMAN BLOCH: Well, could you clarify it
4 with the witness?

5 MR. BLAKE: Or maybe with a little evidence,
6 like record evidence.

7 MS. YOUNG: And, again, I don't see the
8 relevance, Judge Bloch.

9 MR. STEPHEN KOHN: The --

10 MR. BLAKE: And whether or not it was within
11 that timeframe or not.

12 MS. YOUNG: I mean, the particular issues that
13 are an issue in this proceeding and it has to do with
14 communications regarding diesel generators. Here we go
15 again down the path of looking into ancillary matters that
16 were in the 2.206 petition or indirectly --

17 CHAIRMAN BLOCH: Well, there's an issue here
18 in this testimony about communications and climate of
19 management attitude, and I think --

20 MS. YOUNG: It's not in his testimony. This
21 is an exhibit offered by Intervenor that he is using to
22 ask Mr. Matthews about. It wasn't part of the prefiled
23 testimony.

24 CHAIRMAN BLOCH: But this is the only
25 opportunity they have to talk to Staff witnesses. It's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 legitimate area of inquiry.

2 MS. YOUNG: And is it legitimate to ask, what
3 is your expectation with respect to how soon Mr. Kitchens
4 would have been told?

5 CHAIRMAN BLOCH: Well, I -- what I'm trying to
6 say is I do think we need facts on which to relate this.
7 I don't think it's irrelevant, but I don't see that we
8 have the facts to understand what's happening.

9 MS. YOUNG: But don't we have to also examine
10 whether those facts are within the scope of the
11 proceeding? And every issue that comes before the NRC, or
12 every investigation that comes before the NRC, with
13 respect to Georgia Power, is not in this proceeding.

14 CHAIRMAN BLOCH: Well, if there were, on
15 April 4, 1990, delay on the part of Georgia Power
16 management in response to a legitimate enforcement
17 concern, that's directly contemporaneous with this. It's
18 not the substance of it that concerns me; it's whether or
19 not it's indicative of a management attitude.

20 MS. YOUNG: Yes.

21 CHAIRMAN BLOCH: And it's contemporaneous, and
22 I do consider it part of --

23 MS. YOUNG: I agree with you it's from the
24 same period. It wasn't in the petition to intervene.
25 That's the problem. This is a new issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. BLAKE: I think we can all agree what you
2 just surmised from this can't be true.

3 CHAIRMAN BLOCH: Well, it may not be, but that
4 was what they were offering --

5 MR. BLAKE: We'll talking about an internal
6 NRC briefing of OI. It had nothing to do with Georgia
7 Power knowing anything at this point, and it's on a
8 preliminary findings and --

9 CHAIRMAN BLOCH: The point is well taken.

10 MR. BLAKE: -- investigation.

11 CHAIRMAN BLOCH: The point is well taken.

12 MR. STEPHEN KOHN: Your Honor, I'm going to
13 move on to another area. I'm going to go back and look at
14 Mr. Kitchens' testimony. And if it's appropriate to come
15 back, I'll come back to the witness. But based upon --

16 CHAIRMAN BLOCH: If it's in Mr. Kitchens'
17 testimony, you may not need to come back to the witness.

18 MR. STEPHEN KOHN: Yeah. I'm going to look at
19 it and see if I need to ask this panel any questions.

20 CHAIRMAN BLOCH: Mr. Blake, thank you for
21 clarifying the meaning of this.

22 MR. STEPHEN KOHN: Now, I want to call your
23 attention next to the third paragraph, again on page 4,
24 Mr. Matthews.

25 MR. MATTHEWS: Repeat your citation again.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Okay. This would be page 4
2 of Exhibit 269, and it's the first page of your memo to
3 files. And I'm now going down to the third paragraph
4 regarding the April 9th meeting.

5 MR. MATTHEWS: I have that.

6 MR. STEPHEN KOHN: Now, in the second sentence
7 you state, you wrote, "During this meeting, I saw
8 instances" -- with an "s" -- "of the general manager being
9 non-responsive to NRC questions and a reflection of a
10 disdainful attitude towards NRC involvement that I have
11 seen on previous occasions." Do you see that?

12 MR. MATTHEWS: Yes, I do.

13 MR. STEPHEN KOHN: Okay. So when you said
14 "instances," did you mean that -- in more than one
15 occasion at that meeting he exhibited this attitude?

16 MR. MATTHEWS: That's my recollection.

17 MR. STEPHEN KOHN: And today, do you remember
18 on which parts of his presentation you would have viewed
19 him as being either non-responsive or having a disdainful
20 attitude?

21 MR. MATTHEWS: At this point in time, no, I
22 don't. I do have a vivid recollection of the answer and
23 response that I got to my question, but I don't recall
24 specifically the remainder of the give and take in that
25 meeting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Was Mr. Hairston -- if he
2 was at that meeting -- I believe the record would show he
3 was -- but if he was in attendance, would he have been in
4 a position to observe Mr. Bockhold's non-responsive and
5 disdainful attitude?

6 MS. YOUNG: I object to the question. The
7 answer is obvious.

8 MR. STEPHEN KOHN: Well, it's --

9 MS. YOUNG: It's argued by the counsel at this
10 point, Judge Bloch.

11 CHAIRMAN BLOCH: I agree. Ask -- we don't
12 make -- we've clarified with your brother that we've
13 stopped making arguments in questions. If there really is
14 a reason for an answer, we can ask for it.

15 MR. STEPHEN KOHN: Thank you.

16 Now, you say in your next sentence there, "I
17 raised this point in a subsequent discussion held among
18 NRC personnel."

19 MR. MATTHEWS: Yes.

20 MR. STEPHEN KOHN: When you raised that point
21 in the subsequent discussion, did the NRC personnel that
22 you raised it with, did any of them agree with you?
23 Disagree with you? Or what was their response?

24 MR. MATTHEWS: I don't have a current
25 recollection of that discussion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: And now, turning to the
2 last page of this exhibit, which is page 2 of your memo,
3 and it's the first sentence there, the first full sentence
4 which begins with, "I reached a conclusion that the
5 overall management attitude reflected in the preceding
6 events was one that did not reflect an appropriate safety
7 consciousness and could lead to non-conservative decisions
8 in response to off-normal events at Vogtle." Do you see
9 that?

10 MR. MATTHEWS: Yes, sir.

11 MR. STEPHEN KOHN: Okay. First, what's the
12 meaning of "off-normal events"? Can you define that?

13 MR. MATTHEWS: Events that would be other than
14 routine in the day-to-day operation of a nuclear power
15 plant.

16 MR. STEPHEN KOHN: Such as the site area
17 emergency?

18 MR. MATTHEWS: That would be an extreme
19 example.

20 MR. STEPHEN KOHN: And can you just give me
21 some examples of less extreme off-normal events?

22 MR. MATTHEWS: Any events that would prompt
23 the plant to enter their abnormal operating procedures or
24 their emergency operating procedures.

25 MR. STEPHEN KOHN: Okay. And when you use the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 phrase "could lead to non-conservative decisions," is the
2 concept of non-conservative decisions a term of art within
3 the NRC? Is it a phrase that has a generally accepted
4 meaning?

5 MR. MATTHEWS: I'd be hard-pressed to say
6 generally accepted. It's a term that's used frequently,
7 and I think, you know, it -- in some regards, it's a
8 pejorative term in that it's non-conservative, it has a
9 negative connotation with it.

10 MR. STEPHEN KOHN: Okay. And just tell -- and
11 just to clarify the record, what is your understanding of
12 the -- of what a non-conservative decisionmaking process
13 means?

14 MR. MATTHEWS: One that would not give
15 appropriate consideration to the safety implications of a
16 course of action, and appropriate in that instance would
17 be the more safe course of action.

18 MR. STEPHEN KOHN: And then you said, and this
19 is, again, coming back -- you said, "Do not reflect an
20 appropriate safety consciousness." Can you just explain
21 what you meant by the phrase "appropriate safety
22 consciousness"?

23 MR. MATTHEWS: It's going to come back to a
24 definition that relies upon the term "non-conservative."
25 I believe an inappropriate safety consciousness would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 one that may place continued operation of the plant,
2 albeit at a degraded condition or with a reduction in
3 margin and safety, at a premium and not give appropriate
4 weight to actions which might put the plant in a safer
5 condition.

6 MR. STEPHEN KOHN: And would that also mean
7 that the management at Plant Vogtle put the generation of
8 electricity over certain safety considerations?

9 MR. MATTHEWS: That's a large leap for me to
10 make. That's not one I'm prepared to make.

11 MR. STEPHEN KOHN: Okay. Then you stated that
12 -- you used the phrase again in this same sentence,
13 "overall management attitude."

14 MR. MATTHEWS: Correct.

15 MR. STEPHEN KOHN: What did you mean by that,
16 overall management attitude?

17 MR. MATTHEWS: I had a perception that -- that
18 this attitude was one that was not confined solely to
19 Mr. Bockhold. My perception was that there was -- and I
20 didn't have a lot of concrete examples, as I've shared
21 before and with my management. But my perception was that
22 this was an environment or an attitude that was shared
23 among more than just one manager at Vogtle.

24 MR. STEPHEN KOHN: And --

25

BOARD EXAMINATION

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 ADMINISTRATIVE JUDGE MURPHY: Can I just
2 clarify? Are you talking about the management at the
3 plant, at this stage of the game?

4 MR. MATTHEWS: Primarily.

5 ADMINISTRATIVE JUDGE MURPHY: Thank you.

6 CROSS EXAMINATION (Continued)

7 MR. STEPHEN KOHN: And would that also include
8 the persons in Birmingham responsible for the management
9 at the plant?

10 MR. MATTHEWS: Not directly. I think the only
11 concern that I had with regard to management beyond
12 Mr. Bockhold -- the best way I can put it is -- is what I
13 perceived to be their lack of decisive action to address
14 this problem on site.

15 MR. STEPHEN KOHN: In other words, they
16 weren't supervising Bockhold appropriately, is that what
17 you're saying? Or what?

18 MS. YOUNG: Mr. Kohn, when you asked about the
19 persons in Birmingham, what timeframe are you asking
20 about?

21 MR. STEPHEN KOHN: 1990.

22 MS. YOUNG: Who was in Birmingham in 1990 that
23 had responsibilities for oversight of Vogtle?

24 MR. STEPHEN KOHN: In Vogtle, I understand
25 that Mr. McCoy was the Vice President, and that he

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 reported to Mr. Hairston, who reported to Mr. McDonald.

2 MS. YOUNG: And he was located in Birmingham
3 at that time?

4 MR. STEPHEN KOHN: I think all three of them
5 were in Birmingham.

6 MR. MATTHEWS: I'm not sure whether they had
7 relocated their operations to Birmingham at that time, so
8 my answer was more related to upper management over
9 Mr. Bockhold, not necessarily confined to Birmingham or
10 SONOPCO or the SONOPCO project. I just was not aware, and
11 it wasn't in my consciousness as to what the
12 organizational delineation was during these events.

13 MR. STEPHEN KOHN: Okay. So now --

14 BOARD EXAMINATION

15 CHAIRMAN BLOCH: Mr. Matthews, let me --
16 you're pretty well familiar with the record in this case,
17 aren't you?

18 MR. MATTHEWS: Yes, sir.

19 CHAIRMAN BLOCH: Are there examples in our
20 record of a lack of safety consciousness that come to
21 mind?

22 MR. MATTHEWS: You know, I think I would have
23 to spend some time and think about that. That's an
24 enormous question, insofar as the size of the record is
25 concerned.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: I'll come back to that. So
2 if you want to think about it, we can.

3 MR. MATTHEWS: I will.

4 CROSS EXAMINATION (Continued)

5 MR. STEPHEN KOHN: Okay. Just to clarify,
6 what would have -- so when you used the phrase "overall
7 management attitude," you were referring specifically to
8 the management attitude at Plant Vogtle, correct? Or
9 who --

10 MR. MATTHEWS: No. I believe I extended that
11 to include my concerns about management attitude and
12 philosophy, as reflected by what I perceived to be a very
13 either ineffective or slow response, as I could perceive
14 it, to respond to the concerns that were being made aware
15 to -- to GPC management at this time about the conditions
16 on site. So I think I'd have to extend it beyond the
17 general manager.

18 MR. STEPHEN KOHN: Okay.

19 MR. MATTHEWS: And, frankly, it was somewhat
20 surprising to me. I had not faced a situation before
21 where those kind of concerns had been expressed to upper
22 management, that there wasn't decisive action taken.

23 MR. STEPHEN KOHN: Okay.

24 MR. MATTHEWS: Or maybe there had been, but it
25 wasn't based on my perception.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Now, as I understand it, on
2 page -- on this final page, you did not concur with the
3 decision to allow the restart of Unit 1?

4 MR. MATTHEWS: That's correct.

5 MR. STEPHEN KOHN: And that was based solely
6 upon your observation of the management attitudes you had
7 observed?

8 MR. MATTHEWS: When you insert the word
9 "solely," you know, I --

10 MR. STEPHEN KOHN: Or primarily.

11 MR. MATTHEWS: I would have to say primarily,
12 yes.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Well, do you recall other
15 grounds?

16 MR. MATTHEWS: Well, I'm just -- you know,
17 again, I'd have to reflect on that, in terms of what my
18 thinking was contemporaneously with those events. Given
19 that I was made aware of the progress of an ongoing OI
20 investigation that did relate to a question of compliance
21 with tech. specs., now you could argue that -- that that
22 would reflect a poor management philosophy. It also had
23 to do with individual operator action.

24 So I think I'd say it was primarily management
25 attitude, but certainly it was reflected by individual

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 performance. In other words, that same attitude was
2 evidenced by individual performance, or at least what I
3 was aware of was individual performance that was lacking.
4 So I think it had -- it's hard for me to delineate it into
5 one box or another. I think it was --

6 CHAIRMAN BLOCH: On April 12th, were you aware
7 that Mr. Chaffee had requested on April 10th additional
8 information on successful starts?

9 MR. MATTHEWS: I cannot recall. I'm trying to
10 recall his participation in the April 12th conference
11 call. And at that point in time, either he or Mr.
12 Kendall, who I think may have been a participant, but I'm
13 not certain -- no, it was not Mr. Kendall, excuse me. It
14 was Mr. Lazarus who was on his team who represented the
15 NRC Staff in Region 1.

16 I'm trying to recall. I just don't have an
17 immediate recollection as to whether or not they shared
18 anything about that request. I don't believe they did.

19 CHAIRMAN BLOCH: Do you know whether or not on
20 April 12th they shared accurate information with the group
21 considering restart concerning the number of starts at the
22 plant?

23 MR. MATTHEWS: I don't believe they shared any
24 information on that conference call with regard to the
25 number of successful starts.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: Okay. Thank you.

2 MR. STEPHEN KOHN: And for the Board's
3 information, I'm going to move into another area. If the
4 Board has any other questions at this time they wanted to
5 ask on Exhibit 269, I'm going to be going into another
6 area.

7 ADMINISTRATIVE JUDGE CARPENTER: Thank you.
8 I'd like to ask Mr. Matthews, I believe you've testified
9 that you had some conversations with Mr. McCoy about the
10 difficulties you were having in developing a sound, safe
11 working relationship with Mr. Bockhold, with safety as a
12 priority. Is that a fair statement, that you did talk to
13 Mr. McCoy about that area?

14 MR. MATTHEWS: Yeah, but I don't know that it
15 was as succinct as you just described it. I think it was
16 more related to difficulties that I was having, and my
17 staff was having, and the region staff was having in
18 obtaining information from Mr. Bockhold. I don't believe
19 I extended those conversations to raising a concern with
20 regard to safety consciousness or safety attitude.

21 CHAIRMAN BLOCH: Do you know whether Mr. McCoy
22 understood what you were communicating?

23 ADMINISTRATIVE JUDGE CARPENTER: Were you
24 forthright or circumspect?

25 MR. MATTHEWS: I believe I was very forthright

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 in that we weren't getting the information we felt we
2 needed, and I did share that I had a concern that if
3 circumstances were such that time was of the essence for
4 us to get accurate information, I was concerned about
5 whether it would be provided as promptly as it needed to
6 be.

7 ADMINISTRATIVE JUDGE CARPENTER: Can you
8 recall, in general, what Mr. McCoy's response was?

9 MR. MATTHEWS: My recollection is he was
10 responsive to my concern. He recognized that there were
11 -- as he shared it with me and my recollection is -- and I
12 can't put this in a point in time, but it was during the
13 -- I would say the late spring or early summer, that he
14 was working on this problem at Vogtle, and it was part of
15 his initiative, because, you understand, he was new to
16 that organization as well and had been brought in by
17 Mr. McDonald, and, therefore, was in the throws of
18 establishing his own oversight responsibilities with
19 Vogtle. So I remember it coming back in the context of,
20 "I have some work to do there."

21 CHAIRMAN BLOCH: Late spring or early summer
22 of what year?

23 MR. MATTHEWS: 1990.

24 ADMINISTRATIVE JUDGE CARPENTER: How new was
25 Mr. McCoy?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: I don't have that information.

2 ADMINISTRATIVE JUDGE CARPENTER: You don't
3 recall roughly?

4 MR. STEPHEN KOHN: Your Honor, we understand
5 that Mr. McCoy was hired in or about June of 1988 and put
6 on to that project.

7 WITNESS HOOD: There was testimony in phase 1
8 of this hearing to that effect, if --

9 ADMINISTRATIVE JUDGE CARPENTER: But still,
10 Mr. Matthews, you had the feeling that he was still trying
11 to establish his policies and having --

12 MR. MATTHEWS: That's correct.

13 ADMINISTRATIVE JUDGE CARPENTER: -- trouble
14 doing so.

15 MR. MATTHEWS: That's correct.

16 ADMINISTRATIVE JUDGE CARPENTER: So you found
17 him sympathetic to your concerns?

18 MR. MATTHEWS: By his representations to me,
19 yes.

20 ADMINISTRATIVE JUDGE CARPENTER: But he told
21 you to be patient?

22 MR. MATTHEWS: He didn't say, "Be patient."
23 But, you know, he would reestablish his commitment to
24 ensure that these communications were going to improve.

25 ADMINISTRATIVE JUDGE CARPENTER: But he did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 understand that you had a concern that was valid?

2 MR. MATTHEWS: I wanted -- you cannot, I don't
3 believe, assess somebody's level of understanding by
4 virtue solely of their words to you. And, therefore, I
5 had to have some question about his depth of
6 understanding, given what I saw to be a lack of
7 improvement.

8 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

9 CROSS EXAMINATION (Continued)

10 MR. STEPHEN KOHN: I just need to followup. I
11 understood that you had a discussion with Mr. McCoy about
12 Mr. Bockhold in or about the time of this incident in
13 October of '89. Maybe following that. I'm just trying to
14 get the time. You said late spring/early summer --

15 MR. MATTHEWS: Well, that was subsequent
16 discussions. But they were -- my interaction with plant
17 management, including people at Mr. McCoy's level, was
18 very frequent.

19 MR. STEPHEN KOHN: Okay. So --

20 MR. MATTHEWS: So I can't identify a specific
21 meeting where this took place. It was clearly obvious
22 about my concerns about Mr. Bockhold, given the events
23 that transpired in October of 1989.

24 MR. STEPHEN KOHN: Okay. So would you have
25 had a communication with McCoy about your concerns about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Mr. Bockhold in or about October 31, '89? That was the
2 day of that meeting when you became alarmed.

3 MR. MATTHEWS: As a distinct discussion
4 separate from the events that transpired on October 1st?

5 MR. STEPHEN KOHN: Yes.

6 MR. MATTHEWS: No, I don't believe I did. But
7 it's very hard for me to recall at this juncture.

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Mr. Matthews, do you know
10 whether by April 9, 1990, Mr. McCoy understood the nature
11 of your concerns about Mr. Bockhold?

12 MR. MATTHEWS: No, I don't have any
13 information that would say that he understood, maybe --
14 that he understood the depth of my concerns. I believe he
15 was aware of my and the region's concerns that we had a
16 communication difficulty with -- with the Vogtle site, and
17 that's the extent of what I would view to be his
18 understanding of this problem.

19 CHAIRMAN BLOCH: Well, did he know that your
20 concern about a communication difficulty was that it was
21 centered in what Mr. Bockhold was doing with respect to
22 the NRC?

23 MR. MATTHEWS: I believe he did.

24 ADMINISTRATIVE JUDGE MURPHY: Mr. Matthews,
25 were you the primary NRR executive that interacted with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Georgia Power during --

2 MR. MATTHEWS: Yes, sir.

3 ADMINISTRATIVE JUDGE MURPHY: -- this time
4 period?

5 MR. MATTHEWS: Yes, sir.

6 ADMINISTRATIVE JUDGE MURPHY: Do you have any
7 sense for your involvement with Georgia Power management
8 as compared to the region's involvement -- you know, the
9 region executive management involvement? Who would be
10 your counterpart in the region that would be --

11 MR. MATTHEWS: My direct counterpart in the
12 region, in terms of the extent of our responsibilities,
13 would have been what is called the Chief of the Reactor
14 Projects Branch. And that was, at that time, Mr. Al
15 Herdt. He is not a direct counterpart of mine insofar as
16 he is not a member of the senior executive service. So
17 there -- pardon? Mr. Skinner was pointing out that there
18 was a section chief responsible for oversight of Georgia
19 Power as well, and Mr. Herdt's responsibilities extended
20 to the Duke Power Company as well. That's why I've listed
21 him as my (quote) "counterpart."

22 ADMINISTRATIVE JUDGE MURPHY: So you were
23 probably the senior NRC executive that had routine
24 involvement with GPC?

25 MR. MATTHEWS: Well, that's hard to say

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 because we share this oversight responsibility with the
2 region. I would say insofar as my executive position and
3 my -- the level of my responsibility, it was probably
4 shared with the Division of Reactor Projects, and that
5 person I believe at that time was Luis Ruiz. Okay. He
6 was a senior executive that had -- let's put it this way.
7 Our authorities were very parallel. Okay? Mr. Herdt's
8 authorities would not extend to the same degree that mine
9 would have.

10 An example would be if a utility were to ask
11 for something we call a notice of enforcement discretion,
12 basically special permission to do something, I would be
13 expected to make a determination, as would Mr. Ruiz.

14 CHAIRMAN BLOCH: Mr. Matthews, should we
15 assume that in 1990 you had much the same kind of
16 personality that you have today, or was there a
17 substantial change in between?

18 MR. MATTHEWS: I would think that you would --
19 that might be something you could ask other people who
20 have been associated with me over that period of time.
21 But I think in terms of my -- my view of it, you're
22 dealing with somebody who -- who has essentially the same
23 personality today as I had back in 1990.

24 CHAIRMAN BLOCH: Thank you.

25 MR. STEPHEN KOHN: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CROSS EXAMINATION (Continued)

2 MR. STEPHEN KOHN: Calling your attention to
3 your Exhibit 50, which is the Vogtle coordinating group
4 response, and if you -- and I'm really just pegging a date
5 here. If you'll look at page 31 of that exhibit --

6 ADMINISTRATIVE JUDGE CARPENTER: Can you tell
7 me where we are in the cross examination plan, just so I
8 can follow along?

9 MR. STEPHEN KOHN: We're actually now on --
10 and I haven't been moving in order, but we are -- I'm
11 going to be beginning what's numbered number 2 of the
12 cross examination plan.

13 MS. YOUNG: Mr. Kohn, the exhibit number
14 again?

15 MR. STEPHEN KOHN: 50.

16 MR. MATTHEWS: Is that Attachment I to the
17 Staff's testimony?

18 MR. STEPHEN KOHN: Yes.

19 MR. MATTHEWS: Thank you.

20 MR. STEPHEN KOHN: And just if you look down
21 to the second-to-the-last paragraph, it says, I believe in
22 the second-to-the-last sentence, it says, "In addition,
23 GPC identified a meeting on May 8, 1990, with respect to
24 Vogtle managers to address concerns expressed by the NRC
25 in that timeframe."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: Let me read the whole
2 paragraph, and then if you'll direct my attention to the
3 part --

4 MR. STEPHEN KOHN: Sure.

5 MR. MATTHEWS: Okay. We've read that.

6 MR. STEPHEN KOHN: Okay. And now, what I'm
7 trying to do is get in a timeframe with this May 8 -- is
8 it your understanding that that May 8 meeting that's
9 referenced here was the meeting that occurred after a
10 meeting you attended with senior management from Georgia
11 Power in which that phrase "cavalier cowboy" was used?

12 MR. MATTHEWS: My recollection is by reading,
13 I believe a transcript of this May 8th meeting, that it's
14 -- it's hard to infer anything else, but what it was an
15 outgrowth of an April 30, 1990, meeting that GPC had with
16 the NRC.

17 MR. STEPHEN KOHN: Okay. And how do you know
18 that that meeting occurred on April 30th?

19 MR. MATTHEWS: I was asked by a congressional
20 staff member to research the date of that meeting, and I
21 did it with regard to my personal logs and concluded that
22 it was April 30th.

23 CHAIRMAN BLOCH: I can't hear all of what
24 you're saying.

25 MR. MATTHEWS: Pardon?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: You're so soft spoken I'm
2 having difficulty --

3 MR. MATTHEWS: I'm sorry. In fact, I even
4 have a -- one of my co-witnesses has a sign here that says
5 "speak loud."

6 (Laughter.)

7 I researched it personally and determined that
8 was the date of that meeting.

9 MR. STEPHEN KOHN: And that was based upon,
10 what, a contemporaneous note that you had made in a
11 calendar or something?

12 MR. MATTHEWS: I can't recall.

13 MR. STEPHEN KOHN: Okay.

14 MR. MATTHEWS: I did research it and conclude
15 that it was April 30th.

16 MR. STEPHEN KOHN: Okay. Now, my question is,
17 why -- did anything occur between April 9th and April 30th
18 that caused NRC to want to hold that April 30th meeting?

19 MR. MATTHEWS: Yes.

20 MR. STEPHEN KOHN: And what was that?

21 MR. MATTHEWS: A series of internal NRC
22 meetings that were responsive or in response to my and the
23 region's expressed concerns about the attitudes and
24 communication problems reflected at Vogtle.

25 MR. STEPHEN KOHN: And did that series -- was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 that the series of meetings initiated by your -- the
2 concerns you raised to Mr. Taylor?

3 MR. MATTHEWS: Yes, it was.

4 MR. STEPHEN KOHN: And those concerns were
5 raised shortly after the April 12, 1990, meeting?

6 MR. MATTHEWS: My recollection, it was on
7 April 12, 1990.

8 MR. STEPHEN KOHN: That you met with
9 Mr. Taylor?

10 MR. MATTHEWS: That's correct.

11 MR. STEPHEN KOHN: And who was in attendance
12 on that 4/30 meeting?

13 MR. MATTHEWS: I'll just start listing names.

14 MR. STEPHEN KOHN: Sure.

15 MR. MATTHEWS: Dr. Murley, myself, Jim
16 Partlow, Joe Cento, Jim Sniezac, Stew Ebnetter, Ben Hayes.

17 BOARD EXAMINATION

18 ADMINISTRATIVE JUDGE MURPHY: Was Ebnetter
19 there in person, or was he by phone?

20 MR. MATTHEWS: Yes.

21 CHAIRMAN BLOCH: That means one of two things.

22 MR. MATTHEWS: I'm sorry. Yes, he was there
23 in person. And my recollection is -- and I will look at
24 this list because Darl is writing the names down to ensure
25 that it's complete. From GPC, I recall Mr. Hairston,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Mr. McDonald, and Mr. McCoy.

2 CROSS EXAMINATION (Continued)

3 MR. STEPHEN KOHN: And if you could look over
4 the list that Mr. Hood is writing down to see if there's
5 anyone you didn't mention.

6 MS. YOUNG: What document have you referred
7 him to?

8 MR. STEPHEN KOHN: It's just a list that the
9 witness has written out contemporaneous to his recitation.

10 MR. MATTHEWS: I believe that Steve Varga, who
11 was my Division Director, was also in attendance.

12 MR. STEPHEN KOHN: And do you know who made
13 the -- why -- who made the decision from -- who from
14 Georgia Power would attend?

15 MR. MATTHEWS: I have no idea who made that
16 decision.

17 MR. STEPHEN KOHN: And do you know if there
18 was any decision made specifically to invite or not invite
19 Mr. Bockhold to this meeting?

20 MR. MATTHEWS: He wasn't there. That's the
21 only knowledge I have.

22 MR. STEPHEN KOHN: Okay. And now, just tell
23 us, what happened at this meeting?

24 MR. MATTHEWS: In terms of sequence of events,
25 I believe that Dr. Murley announced that the purpose of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 this meeting was to share some feelings held by the NRC
2 regarding communication problems and attitudes reflected
3 by the Vogtle plant that caused us concern with regard to
4 their management of the facility and their interaction
5 with the NRC.

6 MR. STEPHEN KOHN: And can you remember the --
7 did you give them concrete examples of instances, or was
8 it generally a discussion of just general attitudes?

9 MR. MATTHEWS: I believe we were very careful
10 not to identify particular instances, and a lot of that
11 had to do with not wanting the meeting to resort to
12 did/did not kind of argumentative behavior. We were
13 reflecting a synthesis or an overall view that there were
14 problems at Vogtle, and that we felt they needed to
15 address them and address them quickly.

16 So some of it would have been obvious by
17 virtue of what had transpired in the previous spring, or
18 that -- you know, that immediately preceding period of
19 time. They were aware that there was an ongoing
20 investigation with regard to activities of the Assistant
21 General Manager and the dilution valve event.

22 So I have to think that -- my recollection is
23 we did not particularize events as it were, and more were
24 focusing on the level of concern that the NRC held at that
25 time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 BOARD EXAMINATION

2 CHAIRMAN BLOCH: Mr. Matthews, you said one of
3 the areas you took up at the meeting was with regard to
4 their management of the facility.

5 MR. MATTHEWS: Right.

6 CHAIRMAN BLOCH: Could you tell me what you
7 think was communicated about management of the facility as
8 distinguished from purely communication problems?

9 MR. MATTHEWS: Yes, and very clearly it was --
10 I'll have to take authorship of the phrase "cowboy
11 cavalier attitude." I shared it with Mr. Sniezac, who was
12 quick to put it on the table when we got in the meeting,
13 and he said, after Mr. Murley made a somewhat formal
14 presentation, Mr. Sniezac said, "The reason you're here is
15 that my staff tells me that that plant is being operated
16 with a cowboy cavalier attitude towards safety."

17 CHAIRMAN BLOCH: Well, I guess if I heard
18 that, I might think that what you meant was that it was
19 the way I talked about it, rather than what I did.

20 MR. MATTHEWS: I don't believe that's what was
21 communicated. I don't believe that's what was heard on
22 the part of the management of GPC.

23 ADMINISTRATIVE JUDGE MURPHY: Was this a
24 public meeting?

25 MR. MATTHEWS: No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D. C. 20005

1 ADMINISTRATIVE JUDGE MURPHY: And it wasn't
2 transcribed?

3 MR. MATTHEWS: No.

4 I don't feel I've been responsive to your
5 question.

6 CHAIRMAN BLOCH: No, you have. I was
7 reflecting on testimony that I heard at the hearing, I
8 think from Mr. Hairston, in which I wasn't sure whether or
9 not he really understood what the management concerns
10 were. So the -- if you can tell me more about what was
11 said about management, it would help me to understand what
12 the management of Georgia Power knew at that time.

13 MR. MATTHEWS: My recollection is -- and,
14 again, it has been almost six years now -- my recollection
15 is of phrases such as cut corners, play close to the edge
16 with regard to tech. specs., namely, if there is -- I
17 think we were very specific about our concern that -- that
18 there not -- that there might not be strict tech. spec.
19 adherence, that there might be interpretations of tech.
20 specs. in a creative way, so as not to have to take the
21 action indicated through -- I keep coming back to the word
22 "creative interpretations of tech. specs."

23 And this was reflected primarily by Mr.
24 Sniezac with my occasional support. And, again, he -- Mr.
25 Sniezac's desire at this point was not to particularize

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 his concern. Again, one, there was an ongoing
2 investigation; and, two, he was fearful that individual
3 circumstances would prompt them to identify a specific
4 event and provide a defense, when he just wanted to lay on
5 the table what the perceptions of the NRC management was.

6 CHAIRMAN BLOCH: Was there any concern at that
7 time about the depth or thoroughness of root cause
8 investigations at the site?

9 MR. MATTHEWS: No, I don't recall that was
10 identified as a concern.

11 CHAIRMAN BLOCH: And -- I can't think of what
12 I was going to ask, so let's continue.

13 CROSS EXAMINATION (Continued)

14 MR. STEPHEN KOHN: At that 4/30 meeting, did
15 you, or to your knowledge, did anyone from the NRC know
16 that there may have been material false information
17 contained in the oral presentation from 4/9, the
18 confirmation of action letter response on 4/9, or the LER
19 that was signed out on 4/19?

20 MR. MATTHEWS: No.

21 MR. STEPHEN KOHN: Had any -- to your
22 knowledge, either you or anyone from the NRC, learned that
23 in or about 4/9 -- 19, and maybe some time before and some
24 time after, but definitely on that day, some concerns had
25 been raised by individuals employed at Plant Vogtle

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 relating to the veracity of those three documents?

2 MR. MATTHEWS: I'm going to say no, because,
3 as you noticed by I think one of the attachments to one of
4 the exhibits, I believe had I had any indication of that,
5 it would have been contributory to the briefings that I
6 gave my management. And I didn't document that anywhere.
7 So I don't think it would have been the kind of thing that
8 I would have overlooked had I become aware of it.

9 I think I -- I was listing at times, for my
10 management's review, what I would view to be anecdotal
11 data, anecdotal in the sense that I was pulling
12 information from many sources, project managers, resident
13 inspectors, to try to focus my management's attention on
14 the issues at hand. And I didn't -- my recollection is I
15 didn't make any contemporaneous notes or documentation,
16 and I was fairly meticulous about that. So its absence
17 would tell me that there wasn't a knowledge on my part of
18 that.

19 CHAIRMAN BLOCH: Mr. Kohn, we have 10 minutes
20 until Dr. Carpenter departs.

21 MR. STEPHEN KOHN: Ten minutes until?

22 CHAIRMAN BLOCH: Dr. Carpenter departs and we
23 stop for the day.

24 MR. STEPHEN KOHN: Okay. Thank you.

25 Now, just to jump ahead a little -- I'm going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 to go back to this meeting, but I just want to jump ahead.
2 You're aware of the 6/29/90 letter signed out by
3 Mr. Hairston, that there was a notice of violation issued
4 on -- this was the LER revision cover letter?

5 MR. MATTHEWS: If that's the one you're
6 speaking of, yes, I'm aware of that letter.

7 MR. STEPHEN KOHN: Do you think that the way
8 Georgia Power dealt with that letter was reflective of the
9 type of cowboy cavalier attitude that you had criticized
10 Georgia Power in this 4/30 letter -- 4/30 meeting?

11 MR. MATTHEWS: I'd have to review that letter
12 again to say. I've never looked at it from that
13 perspective.

14 MR. STEPHEN KOHN: Okay. And we will get back
15 to that.

16 CHAIRMAN BLOCH: You might want to do that
17 over the weekend.

18 MR. MATTHEWS: Okay. I will do that.

19 MR. STEPHEN KOHN: And, in fact, I'd ask you
20 to look at both the 6/29 letter and the 8/30/90 letter,
21 which -- and those would be the two letters that I think
22 both are referenced in the notice of violation, and they
23 are extensively discussed in the -- in the exhibits which
24 are attached.

25 MR. MATTHEWS: I'm very familiar with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 letters.

2 MR. STEPHEN KOHN: Okay. And when we come
3 back, I'm going to ask you whether you think the way that
4 they dealt with those two letters was reflective of the
5 type of attitude you had seen before the 4/30 meeting.

6 CHAIRMAN BLOCH: Mr. Matthews, while you're
7 writing out things to reflect on, we were talking about
8 whether or not safety consciousness has been reflected in
9 our record. You might want to think about that one also.

10 MR. MATTHEWS: I will.

11 CHAIRMAN BLOCH: Another subject I'd love you
12 to reflect on is that we heard testimony that after the
13 April 9th presentation, there was no detailed discussion
14 with Mr. Bockhold to find out what his source of
15 information was and what he thought the error was. And
16 I'd love you to reflect on whether you find it credible
17 that the people who worked so closely with Mr. Bockhold
18 didn't ask him that question.

19 MR. MATTHEWS: I'll reflect on that.

20 MR. STEPHEN KOHN: Okay. Thank you.

21 Now, going back to the 4/30 meeting, you
22 referenced that Mr. -- and forgive me if I mispronounce
23 it --

24 MR. MATTHEWS: Would you give me just a
25 moment, please?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. STEPHEN KOHN: Oh, sure. I'm sorry.

2 MS. YOUNG: Judge Bloch, your question was
3 with respect to GPC employees who worked with Mr.
4 Bockhold, correct.

5 CHAIRMAN BLOCH: Yes. I'm talking in
6 particular about Mr. McCoy and Mr. Hairston.

7 MR. MATTHEWS: Okay.

8 MR. STEPHEN KOHN: Okay. Now, you mentioned
9 comments by Mr. Sniezac.

10 MR. MATTHEWS: Yes, sir.

11 MR. STEPHEN KOHN: Was he the senior NRC
12 representative at this meeting?

13 MR. MATTHEWS: Yes, he was.

14 MR. STEPHEN KOHN: And what position did he
15 hold?

16 MR. MATTHEWS: The Deputy Executive Director,
17 I believe his title is, of Nuclear Reactor Regulation and
18 Research and Regional Operations.

19 MR. STEPHEN KOHN: Okay. Now, based upon your
20 recollection and your observation of the attendees at this
21 meeting, did anyone from the NRC side, orally or through
22 body language, communicate to the three representatives of
23 Georgia Power who were in attendance, that they maybe did
24 not agree with the assessment or summary that Mr. Sniezac
25 had presented?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. MATTHEWS: If I could use a word, the
2 communication was collegial. I don't believe there was
3 any inference that anybody from Georgia Power could take
4 away from this meeting that this was not a collegial-held
5 view of the NRC.

6 MR. STEPHEN KOHN: Okay.

7 BOARD EXAMINATION

8 CHAIRMAN BLOCH: Could I ask in specific about
9 Mr. Ebnetter, since we have had some testimony that he
10 didn't say anything at the meeting. Was there any reason
11 to believe that Mr. Ebnetter disagreed with what was being
12 said by the others?

13 MR. MATTHEWS: Not by my recollection.

14 CHAIRMAN BLOCH: Do you recall whether or not
15 he said anything that indicated he agreed with it?

16 MR. MATTHEWS: I just do not recall.

17 CHAIRMAN BLOCH: Okay.

18 CROSS EXAMINATION (Continued)

19 MR. STEPHEN KOHN: And I'd like to call your
20 attention to what's been introduced as Georgia Power
21 Exhibit 183. And that's the transcript of -- from
22 tape 99.

23 ADMINISTRATIVE JUDGE MURPHY: Have you got
24 another identification?

25 MR. STEPHEN KOHN: Hairston Exhibit B from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 rebuttal testimony of Hairston. And we're going to be
2 giving the witness a copy.

3 CHAIRMAN BLOCH: Off the record.

4 (Whereupon, the proceedings were off the
5 record briefly.)

6 MR. STEPHEN KOHN: I just learned -- I just
7 was informed by my co-counsel that this has now been
8 subject to an updated version of this transcript. Exhibit
9 183 is a substitute from what was --

10 CHAIRMAN BLOCH: All right. So pass to
11 something else, and you can come back to that on Monday.

12 MR. STEPHEN KOHN: Okay. Tuesday.

13 CHAIRMAN BLOCH: Tuesday.

14 MR. STEPHEN KOHN: Now, after Mr. Sniezac gave
15 his summary or gave his view -- as I understand, Mr. --
16 Dr. Murley spoke first, and then Mr. Sniezac. Do you
17 recall who spoke next or what happened next?

18 MR. MATTHEWS: My recollection was that GPC
19 management began to respond to his observations.

20 MR. STEPHEN KOHN: Okay. And can you tell us
21 what that response to his observations was with as much
22 detail as possible, and, if necessary, breaking it up
23 person by person?

24 CHAIRMAN BLOCH: In three minutes?

25 MR. STEPHEN KOHN: Well, okay. That's too big

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 of a question. Okay.

2 MR. MATTHEWS: I'll start down that road.

3 MR. STEPHEN KOHN: Okay. Why don't you start
4 and we can come back.

5 MR. MATTHEWS: Okay.

6 MR. STEPHEN KOHN: Well, let's start -- okay.

7 Actually, I'm -- that's -- let me just move on to another
8 question. I'm going to come back to that question.

9 That's probably a good one to reflect on. The --

10 MR. MATTHEWS: Let me add it to my list.

11 MR. STEPHEN KOHN: Okay. I'm going to come
12 back to this, but were you ever -- after this meeting, the
13 4/30 meeting, did anyone ever come back to you and tell
14 you what Georgia Power was doing in response to that
15 meeting?

16 MR. MATTHEWS: No.

17 MR. STEPHEN KOHN: Were you aware of that --
18 the meeting that occurred in or about May 8, 1990, which
19 there was the transcript when Mr. -- you know, when
20 Mr. Hairston testified? Were you aware that meeting
21 happened?

22 MR. MATTHEWS: No.

23 MR. STEPHEN KOHN: Did anybody inform you that
24 at that -- at either that meeting or any subsequent
25 discussion held at Georgia Power, that Mr. Bockhold

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 expressed an opinion that they -- that Georgia Power does
2 not have a cowboy attitude?

3 MR. MATTHEWS: Let's be careful. I maybe --
4 when I answer no, I'm speaking within the timeframe
5 following the April 30th meeting and extending through to,
6 let's say, the departure of Mr. Bockhold from the site.

7 MR. STEPHEN KOHN: Okay.

8 MR. MATTHEWS: Okay? I certainly know, based
9 on the record in this hearing, and my review as part of
10 Vogtle coordinating group, of the occurrence of these
11 meetings and conversations that you're now making
12 reference to.

13 MR. STEPHEN KOHN: Okay.

14 MR. MATTHEWS: So when I said no, it was in
15 the timeframe immediately following that. It was a --
16 frankly, there was a long silent period in terms of
17 communication back to the NRC, with the exception, I
18 think, of a visit by Mr. McCoy, along the lines of wanting
19 to enhance communication.

20 MR. STEPHEN KOHN: And about when did that
21 meeting for McCoy happen?

22 MR. MATTHEWS: I cited that as being late
23 spring, early summer.

24 MR. STEPHEN KOHN: Okay. Okay. I think the
25 clock mitigates against further questioning.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 CHAIRMAN BLOCH: I'd like to dismiss the
2 witnesses for the day, and thank you for your testimony.
3 We'll look forward to hearing from you again on Tuesday at
4 9:00.

5 Are there any procedural matters to be handled
6 in the absence of Judge Carpenter? There being no cry,
7 the Board is adjourned until Tuesday at 9:00. No. Mr.
8 Blake, you were going to say something?

9 MR. BLAKE: Only that insofar as this panel is
10 concerned, if I could just get an assessment. We still
11 think we might complete them on Tuesday, is that a --

12 MR. STEPHEN KOHN: I'm hoping, but I think
13 this panel will be on all day Tuesday, if not with me with
14 other questions.

15 MR. BLAKE: Well, we certainly have some more
16 -- I had not anticipated that much, and I now anticipate
17 some amount of cross of this panel that I hadn't
18 anticipated.

19 MS. YOUNG: What's your estimate?

20 MR. BLAKE: I don't have an estimate yet,
21 because they're not done -- Mr. Kohn is not done with his
22 cross, and all of my questions so far are prompted by the
23 panel's responses today.

24 But the reason that I asked that, and insofar
25 as an estimate for the next one, I'm really reaching to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 find out whether or not there is any prospect that we
2 won't complete by next Friday in anybody's view. And if
3 we are, if there is that prospect that it might still be a
4 day or so, I would like the Board to reconsider whether or
5 not we take two weeks off before we come back to complete.

6 CHAIRMAN BLOCH: If it's only going to be a
7 day or two, we'll see whether we can arrange for this
8 room, or even another one if it's necessary.

9 MR. BLAKE: I just didn't want the time to go
10 without at least alerting people that that's what I'll be
11 asking for if -- if for some reason we don't complete it
12 next week.

13 ADMINISTRATIVE JUDGE MURPHY: Let's not take
14 that as license, though, that we're going beyond the end
15 of next week.

16 MR. BLAKE: No, I clearly do not, Judge
17 Murphy. Thank you.

18 CHAIRMAN BLOCH: I'd like to express our
19 appreciation for the work of the Reporters in this
20 proceeding, and I also would like to request that we have
21 the Monday transcript as a day transcript, as we always
22 do, because it's going to be important both to the Staff
23 and for the Board -- well, for all of the parties to
24 review the questions we've left the witnesses with.

25 We are in recess until 9:00 a.m. on Tuesday.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 (Whereupon, at 4:03 p.m., the proceedings in
2 the above-entitled matter were adjourned.)
3

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

C E R T I F I C A T E

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: GA POWER CO. ET AL.
VOGTLE UNITS 1 & 2

Docket Number: 50-424/425-OLA-3

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Scott Dildine

SCOTT DILDINE
Official Reporter
Neal R. Gross and Co., Inc.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005