

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: Tuesday, September 26, 1995

Work Order No.: NRC-322

Pages 14869-15099

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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) : Southern Nuclear)
 12 : ASLBP No.

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

14 Tuesday, September 26, 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

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I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
1						
2						
3	Darl Hood					14875
4	David Matthews					14879
5	Pierce Skinner					14888
6	By Mr. S. Kohn		14875			14892
7			14882			14898
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24	By Mr. Blake		15083			15070
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E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>IDENT</u>	<u>REC'D</u>
Int-II-270	M&TE Traveler	14877	
EXHIBIT INTERVENOR-II-270 BOUND INTO THE TRANSCRIPT			
FOLLOWING PAGE 14877			
GPC-II-183A	Revised Version of Side A		
	of Tape 99	14945	14946
Int-II-271	Document: 10-28-94		
	Robinson to Milhoan	15035	15049

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P R O C E E D I N G S

9:02 a.m.

1
2
3 CHAIRMAN BLOCH: Good morning. The hearing
4 will come to order. Mr. Kohn, if you would like to begin.

5 WITNESS SKINNER: Your Honor, before we begin
6 I would like to add something to my previous testimony, if
7 I may.

8 CHAIRMAN BLOCH: Certainly.

9 WITNESS SKINNER: Last week, at the close of
10 the hearing, we were provided a M&TE traveler for Vogtle
11 instrument 2466, which is the Alnor instrument, and in
12 reviewing that traveler it appears that that instrument
13 was used to take data on the 2B diesel generator, on the
14 2nd of April, and that data indicated that it was in
15 specification, and in going back and reviewing the results
16 of this, it appears that the information that was obtained
17 with this instrument on 3-29 was probably a valid reading
18 on the dew point.

19 I had previously said that I did not know for
20 sure whether it was valid or invalid, but I think that
21 this latest information that was provided, and that we
22 have reviewed, indicates that the instrument was probably
23 functioning correctly on 3-29, and that the power readings
24 on the 1A receivers were probably actual readings.

25 BOARD EXAMINATION

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1 CHAIRMAN BLOCH: I take it that you are in the
2 same place I am in, and that is that if this instrument
3 started malfunctioning, and later required a repair, we
4 don't know what the nature of the malfunction was.

5 WITNESS SKINNER: That is correct.

6 MS. YOUNG: Judge Bloch, just for clarity of
7 the record, has the traveler been marked as an exhibit?

8 WITNESS SKINNER: No. It was not.

9 MS. YOUNG: So we probably should do that.

10 WITNESS SKINNER: It's not a very clear copy
11 of the traveler, either.

12 MS. YOUNG: Do you know what he is referring
13 to?

14 MR. MICHAEL KOHN: I didn't hear what has been
15 mentioned.

16 CHAIRMAN BLOCH: Off the record.

17 (Whereupon, the proceedings were taken off the
18 record at 9:06 a.m.)

19 MS. YOUNG: He revised an answer based on --

20 CROSS-EXAMINATION BY INTERVENOR

21 CONTINUED FROM PREVIOUS DAY

22 MR. STEPHEN KOHN: Mr. Matthews, if you
23 remember when we broke yesterday you were given some
24 homework assignments?

25 WITNESS MATTHEWS: Yes.

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1 MR. STEPHEN KOHN: -- to review, and have you
2 been able to complete those?

3 WITNESS MATTHEWS: Yes.

4 MR. STEPHEN KOHN: Okay. Can you tell us the
5 results.

6 WITNESS MATTHEWS: I was given several
7 homework assignments.

8 CHAIRMAN BLOCH: While Mr. Matthews speaks it
9 occurred to me that I didn't mean to exclude the other
10 panel members from answering these also.

11 So they may want to reflect on your answers as
12 you give them. If they have knowledge that occurs that is
13 important for 1990, I would love to hear their opinions as
14 well.

15 WITNESS MATTHEWS: Okay. Again, if you would
16 be more specific because I believe Judge Bloch asked me
17 several questions to consider as well as questions raised
18 by yourself.

19 MR. STEPHEN KOHN: Yes. We don't have a copy
20 of the transcript for Friday yet. So it is a little
21 difficult to -- if someone has a copy of that I would like
22 to look over their shoulder.

23 Your Honor, if we could -- could we go off the
24 record for a moment.

25 CHAIRMAN BLOCH: Let's go off the record.

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1 (Whereupon, the proceedings were taken off the
2 record at 9:07 a.m.)

3 MR. STEPHEN KOHN: Your Honor, we have made
4 copies of what we believe to be the traveler, the M&TE
5 traveler that Mr. Skinner had identified, and I would like
6 to have it marked for the record, if possible, as
7 Intervenor 270.

8 CHAIRMAN BLOCH: Granted. Describe it,
9 please.

10 (Whereupon, the above referenced
11 document was marked as Intervenor's
12 Exhibit No. II-270 for
13 identification.)

14 MR. STEPHEN KOHN: Which is a M&TE traveler,
15 three pages. In the top left hand corner it says, "I.D.
16 No. P-2466. Date of last calibration, 9-7-89."

17 I understand that the "V" didn't come up very
18 good. It should be "VP-2466," but the "V" didn't come in
19 the photocopier.

20 MS. YOUNG: Can you distribute it as you are
21 having it identified, so we can follow.

22 CHAIRMAN BLOCH: And this exhibit also may be
23 bound into the transcript at the place that was reserved.
24 Off the record.

25 (Whereupon, the proceedings were taken off the

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1 record at 9:11 a.m.)

2 MR. STEPHEN KOHN: And in the top -- so it is
3 "I.D. No. VP-2466." Description: "Alnor dew pointer,"
4 and it is a three page document, and Mr. Skinner, just for
5 the record, is this a copy -- what has now been marked as
6 Intervenor 270 -- of what you had described earlier?

7 WITNESS SKINNER: Yes. It is.

8 MR. STEPHEN KOHN: And can you point out in
9 this exhibit what you were referring to by page number and
10 other identifying information?

11 WITNESS SKINNER: Yes. If you look on page
12 three at line item six, it identifies the MWO as 29000813,
13 and that particular MWO is also referenced on
14 demonstrative A4 on the 2B diesel generator.

15 About two-thirds of the way down on the page
16 there is a blank where the instrument used should be
17 identified.

18 MR. STEPHEN KOHN: And again, it is your
19 understanding that the instrument referred to here was the
20 VP-2466?

21 WITNESS SKINNER: That is correct.

22 MR. STEPHEN KOHN: And for the 4-2-90 reading?

23 WITNESS SKINNER: Yes.

24 BOARD EXAMINATION

25 ADMINISTRATIVE JUDGE MURPHY: Mr. Skinner, did

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I.D. NUMBER A-2446	DESCRIPTION Alnor Dipointer
DATE OF LAST CALIBRATION 9-7-89	CALIBRATION DUE DATE 3-7-90 extended to 4-7-90

PACKAGE # (MWO# OR SUR#)	CAT #	TAG #	PROCEDURE #	PRINT NAME	DATE
1. 18905013-02		12420K4502		Tprestifilippi	11-10-89
2. 18905008-02		12420K4501		"	"
3. 28905878-02		22420K4502		"	"
4. 28905876-02		22420K4051		"	"
5. 28905890		2240364002K01		W.A. Seuling	11-16-89
6. 18905007		1240364001K01		B Bowyer	11-20-89
7. "		↓ K02		"	"
8. 28905890		22420K4501		G Reeves	11-23-89
9. 18905001		12420K4502		"	"
10. 28905890		2240364002K01		D Palmer	12-5-89
11. "		↓ K02		"	"
12. 28905890		22420K4501	SCL00402	D Whitten	12-7-89
13. 28905890		22420K4302	"	"	"
14. 18906283		12420K4501		D. Knox	12-13-89
15. 18906284		12420K4502		P. Knox	12-13-89
16. 18906290		12420K502	SCL00402	D Thares	1-2-90
17. 18906286		12420K501	"	"	"
18. 28905890		2240364002K01	SCL00166	"	1-3-90
19. "		↓ K02	"	"	"
20. 28905890		22420K4501	SCL00402	"	"

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-270

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

Staff Applicant Intervenor Other

Identified Received Rejected Reporter SD

Date 9/26/95 Witness SKINNER / MATHEWS / HOOP

ID NUMBER VP 2466	DESCRIPTION A/ner Deuprinter
DATE OF LAST CALIBRATION 9789	CALIBRATION DUE DATE 3-7-90 extended to 4-7-90

PACKAGE# (MNO# OR SURV#)	TAG#	PROCEDURE#	PRINT NAME	DATE
1. 25900660	224036400 K01	SCL00166	OTkney	1-23
2. "	" K02	↓	"	"
3. 19000146	22420K4501	SCL00402	OTkney	1-23
4. 19000147	↓ 4502	"	"	"
5. 29000085	22420K4501	SCL00402	WSevigny	1-24
6. 29000086	22420K4502	"	"	"
7. 29000130	22420K4501	SCL00402	WSevigny	2-19
8. 29000131	22420K4522	SCL00402	"	"
9. 29000132 19000468	11720K4501		Un'ol'per	2-19
10. 19000469	22420K4502		"	"
11. 19000470	224364002 K01		P Kney	2-19
12. "	↓ K02			
13. 19000475	001 K01			
14. "	↓ K02			
15. 19000550	22420K4501	SCL00402	OTkney	2-19
16. 19000551	" 502	"	"	"
17. 19000552	22420K4501		P Kney	2-19
18. 19000553	↓ 502			
19. 19000554	22420K4502	SCL00402	L (K)AS	2-22
20. 29000551, 29000552	22420K4501, 502		Ferris	3-19

ID NUMBER	DESCRIPTION
VP-2464	ALUMINUM JAW PINTER
DATE OF LAST CALIBRATION	CALIBRATION DUE DATE
9-7-89	3-7-90 extended to 4-7-90

PACKAGE# (PROB OR SURV#)	TAG#	PROCEDURE#	PRINT NAME	DATE
1. 29000560	224036402K01, K02		B. Benjer	3-25
2. 190001857	12430K4501	SCL 00402	R.F. Colpitts	3/2/90
3. 190001258	12430K4502			
4. 29000752	2242K4501	SCL 00402	M. Wilkins	3-23-90
5. 29000753	2242K4502	"	"	"
6. 29000813	2240364002K01	SCL 00166	ED. ERHEITS	2/2/90
7.				
3. 19001517	12420K501		G. Goshwin	4-4-90
9. 190038	12420K502		"	"
10. 19001251	12430K401K01		D. Thomas	4-5-90
11.	K02			
12.	12430K401 K01			4-6-90
13.	K02			
14.				
15.				
16.				
17.				
18.				
19.				
20.				

1 the NRC look at whether or not any of these people that
2 used this instrument had the qualifications to use it?

3 Did you look at training or a qualification
4 program for the use of the dew point instruments?

5 WITNESS SKINNER: We have looked at
6 qualifications and training of INC technicians. I do not
7 know whether we specifically looked at the specific
8 training for dew point instruments, and this particular
9 instrument.

10 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
11 I am not familiar with these M&TE travelers. Looking at
12 sheet three, I see this line six, April the 2nd, 1990,
13 entry.

14 I don't see a 3-29 entry. Is that on some
15 other piece of paper.

16 WITNESS SKINNER: In reviewing this over the
17 weekend I tried to correlate quite a few of the
18 demonstrative aid number 4 items that were identified as
19 using the VP-2466 instrument, and there are quite a few
20 that are missing.

21 Either the traveler did not identify all work
22 items associated with it or there must be additional
23 travelers that we do not have copies of.

24 I don't know which the case may be.

25 ADMINISTRATIVE JUDGE CARPENTER: That is why I

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1 was curious. This traveler seems to go all the way back
2 to 11-10-89.

3 I suppose there was a sudden hiccup in the
4 recording of this traveler.

5 WITNESS SKINNER: There is also a lot of
6 information on these three pages that is unreadable due to
7 the poor quality of the copy.

8 So on some of them I cannot discern whether
9 they were on the demonstrative aid number four or not.

10 ADMINISTRATIVE JUDGE MURPHY: Well, I guess as
11 long as we are here we might as well get on the record:
12 What is the purpose of the traveler?

13 WITNESS SKINNER: My understanding of the
14 purpose of the traveler is such that if they use a
15 traveler on all pieces of M&TE equipment and what they do
16 is if that M&TE equipment is subsequently identified to be
17 out of calibration, then they can go back and review the
18 work items that were performed using this piece of M&TE
19 equipment, and then make a determination as to whether or
20 not the out-of-calibration condition would effect the
21 previous readings taken.

22 ADMINISTRATIVE JUDGE MURPHY: So are the
23 entries made on the traveler when the instrument is signed
24 out?

25 WITNESS SKINNER: It is my understanding that

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1 is when the entries are made. They identify the work
2 order that they are going to preform and the date of that
3 work order, that they check out the instrument.

4 ADMINISTRATIVE JUDGE MURPHY: You did not
5 identify the work order that, on which the instrument was
6 used on the 29th of March, on this traveler?

7 WITNESS SKINNER: Excuse me?

8 ADMINISTRATIVE JUDGE MURPHY: On this traveler
9 you didn't find the work order for the 29th. Even though
10 you didn't find the 29th.

11 WITNESS SKINNER: That is correct. I did not.

12 ADMINISTRATIVE JUDGE MURPHY: You didn't find
13 the work order or the date?

14 WITNESS SKINNER: I did not.

15 ADMINISTRATIVE JUDGE MURPHY: Thank you.

16 CHAIRMAN BLOCH: Mr. Skinner, there is no
17 indication of going back and doing anything about prior
18 readings after this instrument was found to be defective.
19 Is there?

20 WITNESS SKINNER: I have not identified
21 anything of that nature yet.

22 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
23 I confess I am confused. What piece of paper is it that
24 tells you and perhaps us, that the Alnor, this particular
25 Alnor was used on March the 29th, 1990?

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1 WITNESS SKINNER: The piece of paper that says
2 it was used on March 29th, 1990 would be the MWO. In
3 addition to using the M&TE traveler they also are required
4 generally to identify on the MWO or on the work procedure
5 that they are using, the specific pieces of test equipment
6 and the calibration due dates on them.

7 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

8 ADMINISTRATIVE JUDGE MURPHY: And the MWO was
9 identified on demonstrative exhibit 4. Right?

10 WITNESS SKINNER: Yes, sir.

11 MS. YOUNG: Judge Murphy and Judge Carpenter,
12 I believe also that MWO is an exhibit in these
13 proceedings, sort of appended to Mr. Briney's testimony,
14 PC-155.

15 ADMINISTRATIVE JUDGE CARPENTER: Thank you.
16 Mr. Skinner, as another preliminary matter, have you had a
17 chance to make a phone call to EG&G since last week?

18 ADMINISTRATIVE JUDGE MURPHY: We got that
19 report.

20 ADMINISTRATIVE JUDGE CARPENTER: You do?
21 Thank you.

22 CROSS-EXAMINATION

23 MR. STEPHEN KOHN: I would like to show you a
24 copy of Intervenor demonstrative aid number 4. Which I
25 believe would be in the books to your left there as

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1 Intervenor 169.

2 WITNESS MATTHEWS: At what point would you
3 like us to respond to questions posed at an earlier --

4 MR. STEPHEN KOHN: We will do the dew point
5 thing first.

6 WITNESS MATTHEWS: Okay.

7 MR. STEPHEN KOHN: Do you have that in front
8 of you?

9 WITNESS SKINNER: I have a copy of
10 demonstrative aid number 4 in front of me.

11 MR. STEPHEN KOHN: Okay, and as I understand
12 it, based on what you have just testified, and the
13 traveler you have seen, and your knowledge, could you look
14 at page 2 of that exhibit.

15 MS. YOUNG: May I ask that the panel needs
16 another copy or is it enough that only Mr. Skinner can see
17 it?

18 MR. STEPHEN KOHN: It is also in the exhibit
19 book at 169.

20 WITNESS MATTHEWS: We are having trouble
21 finding 160. We have got 170 to end, but I don't have --

22 MR. STEPHEN KOHN: Do we have another copy of
23 160? Do we have another copy we can share with the panel?

24 Okay, and if you have the traveler in front of
25 you, and again, on page 3, and if you can look at the

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1 second page of demonstrative aid 4, which concerns the
2 diesel 1A readings, and if you look there at the entry for
3 4-5-90, which is the first entry on the top of page 2, and
4 it mentions, it gives you a MWO number right after the
5 date, of 19001651, and if you look at page 3 of the
6 traveler under the point for line 10 on page 3, do you see
7 that MWO reference on line 10?

8 WITNESS SKINNER: No. The MWO on line 10 on
9 my copy appears to be 1451 rather than 1651.

10 WITNESS MATTHEWS: I see 1051.

11 MR. STEPHEN KOHN: Do we have a better copy?
12 Would you have a better copy? Does -- we read that as --
13 does Georgia Power have a better copy here of this
14 traveler.

15 WITNESS MATTHEWS: The consensus at this table
16 is that it is a 6.

17 MR. STEPHEN KOHN: Okay. It is 1651. Okay,
18 and if you look at line 10 on the traveler there, that
19 would be 1651 for the MWO. Correct?

20 WITNESS SKINNER: That is correct.

21 MR. STEPHEN KOHN: Okay, and that would match,
22 if you look at page 2 of the demonstrative aid, that would
23 match the entry for 4-5-90, which is also -- the last four
24 digits of that MWO are 1651. Correct?

25 WITNESS SKINNER: That is correct.

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1 MR. STEPHEN KOHN: And if you go over to the
2 date on line 10 of the traveler, it is 4-5-90, consistent
3 with the demonstrative aid. Correct?

4 WITNESS SKINNER: Yes.

5 MR. STEPHEN KOHN: And if you look then, at
6 the demonstrative aid for 4-6-90, it continues with the
7 same MWO. Correct? On the demonstrative aid.

8 WITNESS SKINNER: Yes.

9 MR. STEPHEN KOHN: And then that is reflected
10 on line 12 of the traveler, page 3. Correct?

11 WITNESS SKINNER: Yes.

12 MR. STEPHEN KOHN: For the readings there.
13 Now, based upon the information that you have through this
14 traveler, the information you have on the demonstrative
15 aid, and any of the other information you have obtained
16 through your position and monitoring this hearing, would
17 it be safe to assume that the readings on 4-5 and 4-6 that
18 are on page 2 of demonstrative aid number 4, were also
19 accurate readings or valid readings?

20 WITNESS SKINNER: Not necessarily. No.

21 MR. STEPHEN KOHN: And if you could look at
22 Intervenor exhibit 2-217, and we will provide the
23 witnesses with a copy of 2-217.

24 If you can look at the first page of 2-217,
25 and if you see there on the very first paragraph, the

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1 entry for 6:18, excuse me, the time is 6:18.

2 It is for 4-6. Do you see the very first
3 entry on there?

4 WITNESS SKINNER: Yes.

5 MR. STEPHEN KOHN: And this is concerning the
6 1A diesel. Correct?

7 WITNESS SKINNER: That is correct.

8 MR. STEPHEN KOHN: And based upon your
9 knowledge of this document and the preceding, are they
10 here talking about the VP-2466 Alnor?

11 WITNESS SKINNER: It appears they are talking
12 about the Alnor.

13 MR. STEPHEN KOHN: Now, if you look at the
14 first line where it says, "1A diesel." Do you see where
15 it says, "Dew point did not change during the night read
16 plus 85 degrees."

17 Do you see that?

18 WITNESS SKINNER: Yes.

19 MR. STEPHEN KOHN: And now look at
20 demonstrative aid number 4 for 1A. Again, on the second
21 page of demonstrative aid number 4, and look at the
22 reading for 4-6-90.

23 Do you see that? The reading for 4-6-90: 85?

24 WITNESS SKINNER: Yes.

25 MR. STEPHEN KOHN: And do you note how that

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1 did not, do you see how that did not change, the next set
2 continues to be the same?

3 WITNESS SKINNER: Yes.

4 MR. STEPHEN KOHN: And to be 85?

5 WITNESS SKINNER: Yes.

6 MR. STEPHEN KOHN: And what occurred next,
7 after they took that reading? According to exhibit 217,
8 and if you see, it says, "Took U2, turbine building, air
9 compressor, dew points; read negative, 80 degrees
10 Fahrenheit."

11 Do you see that?

12 WITNESS SKINNER: Yes.

13 MR. STEPHEN KOHN: On the basis of these
14 documents, does that look like the next thing that was
15 done with that Alnor?

16 WITNESS SKINNER: It appears that. Yes.

17 MR. STEPHEN KOHN: Okay, and that negative 80
18 degrees reading is what you would expect on the instrument
19 air and the turbine building. Correct?

20 WITNESS SKINNER: I do not know. I have never
21 looked at dew points in the turbine building.

22 MR. STEPHEN KOHN: Okay. Does anyone on the
23 panel know that answer?

24 WITNESS MATTHEWS: No.

25 WITNESS HOOD: No.

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1 MR. STEPHEN KOHN: Okay. If this reading, the
2 negative 80 degree Fahrenheit, was what you would expect
3 in the turbine building, would that provide you with an
4 additional indication that the Alnor was working properly
5 on that day?

6 WITNESS SKINNER: It may have, but I am not
7 sure that it would have. I would have to know a lot more
8 information about the Alnor, and whether or not there is a
9 difference in how the instrument reads at a higher
10 pressure versus a lower pressure as far as the dew point
11 is concerned.

12 You are using the dew point on two different
13 pressure systems.

14 MR. STEPHEN KOHN: Okay. Thank you. Now, Mr.
15 Matthews, the --

16 BOARD EXAMINATION

17 CHAIRMAN BLOCH: Just a second. I am still
18 looking at 217. I see two other things. One is that near
19 the end of that entry on 6-18 it says, "Per engineer Ken
20 Stokes, could possibly take a day and a half to get dew
21 point down."

22 To me it appears that Mr. Stokes at that time
23 at least, believed that the reading was real. Do you draw
24 that inference as well?

25 This is still on April 6th.

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1 WITNESS SKINNER: You are talking about the
2 reading on 217?

3 CHAIRMAN BLOCH: Correct.

4 WITNESS SKINNER: It appears that way. Yes,
5 sir.

6 CHAIRMAN BLOCH: The other thing that concerns
7 me is it says, "Operation says blown down continually
8 lasts since last night." Does that indicate a feed and
9 bleed to you?

10 WITNESS SKINNER: That would indicate a feed
11 and bleed to me.

12 CHAIRMAN BLOCH: And would it surprise you
13 that they have done several hours of feed and bleed and
14 the dew point is still -- if the dew point were still as
15 high as 80 to 85?

16 WITNESS SKINNER: It would be extremely
17 surprising if that occurred.

18 CHAIRMAN BLOCH: Is there any physical
19 explanation of how that could occur, other than the
20 deficiency in the dew point instrument?

21 WITNESS SKINNER: The only other potential
22 that I could think of would be is if they were feeding and
23 bleeding the instrument or the receiver with the dryer
24 turned off, which is a potential --

25 CHAIRMAN BLOCH: Or malfunctioning, I guess.

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1 WITNESS SKINNER: Or malfunctioning.

2 MR. BLAKE: Could you ask him whether or not
3 there was any evidence of that?

4 BOARD EXAMINATION

5 CHAIRMAN BLOCH: Was there any evidence,
6 either that it was or was not turned off?

7 WITNESS SKINNER: Not that I am aware of.

8 MR. BLAKE: Or malfunctioning.

9 BOARD EXAMINATION

10 CHAIRMAN BLOCH: Okay. Was there any evidence
11 that it was or was not malfunctioning?

12 WITNESS SKINNER: Same answer.

13 CHAIRMAN BLOCH: Mr. Kohn, today seems slower
14 than usual.

15 CROSS-EXAMINATION

16 MR. STEPHEN KOHN: Okay. We are trying to
17 work through that document, there.

18 Mr. Matthews, I remember one of the questions,
19 I think, that I asked for homework was to look at the
20 types of concerns that were raised in the 4-30 meeting
21 that you participated in with Mr. Hairston, Mr. McCoy, and
22 Mr. McDonald, and to see whether the types of attitudes
23 that you were critical of in that meeting were reflected
24 again in the 6-29 letter, and the 8-30 letter.

25 Do you remember that question?

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1 WITNESS MATTHEWS: Yes.

2 MR. STEPHEN KOHN: Okay, and have you had an
3 opportunity to reflect on that?

4 WITNESS MATTHEWS: Yes. I have.

5 MR. STEPHEN KOHN: Okay, and if you could
6 provide your answer.

7 WITNESS MATTHEWS: I would have to answer that
8 that attitude that was being discussed, I think we have
9 generally referred to it as a, "cowboy, cavalier
10 attitude," was in part reflected in the responses.

11 I think you asked specifically about the 6-29
12 letter and the 8-30 letter.

13 MR. STEPHEN KOHN: Yes, and when you say, "in
14 part," can you explain your answer?

15 WITNESS MATTHEWS: Yes, and I have to define
16 my terms in that cavalier, as I used it during that time,
17 and I think would be generally accepted by those that were
18 using that term, denotes something that would be on the
19 order of a dismissal of important matters or an off-hand
20 way of dealing with issues.

21 I used the phrase earlier, I think, "the
22 disdain." Some people might use the word, arrogant when
23 it comes to communicating information.

24 My view is that there were elements of that
25 kind of attitude reflected in the way in which the 6-29

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1 letter and the 8-30 letter were developed, and the way
2 that they were finally communicated.

3 MR. STEPHEN KOHN: Okay. Were there other
4 problems independent of the types of issues raised in the
5 4-30 meeting, which you felt were reflected, attitudinal
6 problems, reflected in the 6-29 and 8-30, 1990 letters?

7 WITNESS MATTHEWS: No. I don't believe there
8 was attitudinal problems. There were definitely problems
9 with regard to the content of those letters, and their
10 lack of completeness and accuracy, but I have shared with
11 you what I believe to be the only inference I can make
12 from an attitudinal standpoint.

13 BOARD EXAMINATION

14 CHAIRMAN BLOCH: Mr. Matthews.

15 WITNESS MATTHEWS: Yes.

16 CHAIRMAN BLOCH: Obviously, all of the people
17 attached to this proceeding have thought a lot about what
18 the cause of the problems in those letters might be.

19 I see it as possible that the letters were
20 written to give plausible explanations, and that the real
21 problem is that they didn't take the care to find out what
22 actually happened so they could just make a clean breast
23 of exactly what happened.

24 Is that another explanation other than an
25 attitudinal problem?

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1 WITNESS MATTHEWS: Well, that in itself, I
2 think reflects an attitudinal problem.

3 CHAIRMAN BLOCH: You would call that -- is
4 that what you are calling --

5 WITNESS MATTHEWS: That is what I referred to
6 when I used the phrase, "off-handed" or "dismissal." My
7 feeling is that they were not dealt with, with the care
8 and seriousness that they needed to be dealt with.

9 CHAIRMAN BLOCH: And I ask you to reflect on
10 whether or not it is plausible that they didn't know
11 precisely what happened on April 9th, when they were
12 writing these subsequent letters.

13 Does that seem plausible to you?

14 WITNESS MATTHEWS: We, as a panel, discussed
15 this, and I will give my view. I think it is
16 representative of the panel, but certainly they will chime
17 in.

18 If you look at the period following let's say
19 the May 8th or May 14th time frame, when it became clear
20 or it should have become clear to upper management -- not
21 only Bockhold, but above him -- that there were errors in
22 the April 9th letter, and we think that it is credible or
23 plausible, as you used it, that Mr. Hairston may not have
24 engaged in a personal conversation with Mr. Bockhold to
25 get to the bottom of why those errors occurred, or Mr.

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1 Cash.

2 We think it is less plausible that Mr. McCoy,
3 who was involved closely, particularly in terms of
4 detailed involvement in the communication on April 19th,
5 that he didn't examine or have a conversation that
6 examined, in detail, Mr. Bockhold's methods or the way in
7 which those letters were prepared.

8 CHAIRMAN BLOCH: Do you know whether or not
9 these people spent substantial informal time together?
10 Coffee, lunch, that kind of thing.

11 WITNESS MATTHEWS: I don't have any personal
12 knowledge of that. It would just be a speculation on my
13 part.

14 CHAIRMAN BLOCH: A speculation about Mr.
15 Hairston, is that based on some knowledge of his
16 personality or what would that be based on?

17 WITNESS MATTHEWS: It would be based on my
18 observation, I think, and possibly subsequent observation
19 on the part of my co-witnesses, that Mr. Hairston, given
20 his position in the company, manages through delegation to
21 a great degree.

22 Therefore I think, from what I have heard in
23 terms of his testimony, much of which I sat through, I
24 think his expectation was that he was asking for
25 information to be developed by his staff, and he had an

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1 expectation that they would do it accurately.

2 CHAIRMAN BLOCH: How do you see the one time
3 that Mr. Hairston got involved with the details, which was
4 what happened with the operator during the March 20th site
5 area emergency?

6 Is that just an aberration for Mr. Hairston?

7 WITNESS MATTHEWS: I have dealt with George
8 for quite awhile, beginning in the late 1980s, and I think
9 George fights the desire at times to get his hands dirty
10 with on-site issues because it is something that he has a
11 natural talent for, and I think it was an aberration.

12 I think from a managerial standpoint he tries
13 to manage at a much higher level than that, but on
14 occasion he wants to talk to the people involved, and I do
15 think it was an unusual circumstance.

16 I don't think that is routine from my
17 observation of how he manages.

18 CHAIRMAN BLOCH: Do the others witnesses want
19 to comment on what Mr. Matthews has just said?

20 WITNESS HOOD: Not on that point, but on the
21 previous point where you said about the communication
22 between Mr. Bockhold and Mr. McCoy.

23 I believe, as far as I know, the practice of a
24 morning call between the site and Mr. McCoy was in place
25 at that time.

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1 So I think that is part of our reasoning, as
2 to why it is much more difficult for us to imagine that
3 there would not have been some kind of communication
4 between Mr. Bockhold and Mr. McCoy on this point.

5 CHAIRMAN BLOCH: Mr. Skinner, do you have a
6 comment?

7 WITNESS SKINNER: The comment I have would
8 probably much coincide with Mr. Matthews comments, other
9 than I think that Mr. Hairston does have a tendency
10 whenever he can get involved in the intimate details of an
11 activity, to try and get involved in it.

12 CHAIRMAN BLOCH: I take it that none of the
13 three of you have knowledge of whether there are or are
14 not informal relationships among these three people.

15 WITNESS SKINNER: I do not.

16 WITNESS MATTHEWS: I don't have any knowledge
17 about that.

18 WITNESS HOOD: I am sorry. I didn't catch the
19 question.

20 CHAIRMAN BLOCH: Do you know whether or not
21 there are informal, outside of work or outside of work
22 duties relationships among these three people: Mr. McCoy,
23 Mr. Bockhold, and Mr. Hairston?

24 WITNESS HOOD: No. I don't believe so.

25 CHAIRMAN BLOCH: That is you don't believe

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1 there are such relationships?

2 WITNESS HOOD: I don't know of any, and I was
3 just trying to remember if I have heard anything in the
4 course of this hearing to that effect, and nothing comes
5 to mind.

6 CHAIRMAN BLOCH: Okay. I was thinking even of
7 things like sitting around and having coffee together. Do
8 you know whether or not that happens?

9 WITNESS SKINNER: I do not know.

10 WITNESS HOOD: No. I don't know of anything.
11 I can conjecture, of course, you would think that that
12 sort of thing would probably occur from time to time, but
13 I don't know of any specific examples I could give you of
14 that.

15 CHAIRMAN BLOCH: Mr. Kohn.

16 CROSS-EXAMINATION

17 MR. STEPHEN KOHN: This is for Mr. Matthews,
18 and then for the rest of the panel. Mr. Matthews, were
19 you here when Mr. Hairston testified that he viewed
20 himself as having a hands-on type of management style?

21 WITNESS MATTHEWS: I don't specifically recall
22 that comment.

23 MR. STEPHEN KOHN: Does anyone else on the
24 panel recall that comment?

25 WITNESS HOOD: Yes.

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1 WITNESS SKINNER: Yes. I recall that.

2 MR. STEPHEN KOHN: And also, starting with Mr.
3 Matthews, and then to the rest of the panel.

4 Do you remember when Mr. Hairston was
5 questioned, a long time ago, about his involvement in the
6 6-29 letter, and how because he felt there was a potential
7 -- that there had been a miscommunication to the NRC, that
8 he became personally involved in that matter?

9 MS. YOUNG: Do you have a record citation for
10 that?

11 MR. STEPHEN KOHN: No. Does anyone on the
12 panel remember that testimony?

13 WITNESS SKINNER: I would need to review it to
14 call it back to mind, and I don't recall that.

15 WITNESS MATTHEWS: Yes, and I have trouble
16 distinguishing between what I have observed and those
17 transcripts that I have read, and I have read most of
18 those transcripts.

19 So I would need a more specific citation to
20 give you a response.

21 BOARD EXAMINATION

22 CHAIRMAN BLOCH: What I recall about that is
23 that Mr. Hairston seemed to say that he became aware that
24 there was difficulty getting a consistent number.

25 Do you recall that?

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1 WITNESS MATTHEWS: I do recall Mr. Hairston
2 saying that.

3 WITNESS HOOD: I recall that.

4 MR. STEPHEN KOHN: You recall Mr. Hairston's
5 testimony on that?

6 WITNESS HOOD: I believe so. I think I do.

7 MR. STEPHEN KOHN: What do you remember him
8 testifying on that issue?

9 WITNESS HOOD: In part it is like Judge Bloch
10 said, that there was problems in getting a consistent
11 number.

12 MR. STEPHEN KOHN: And then what happened?
13 How did Mr. Hairston react to that?

14 WITNESS HOOD: He couldn't understand what was
15 going on at the site and he was quite angry when he kept
16 getting -- the numbers kept shifting on him.

17 WITNESS MATTHEWS: Let us consult for just a
18 second.

19 MR. STEPHEN KOHN: Hold on. No. No. I
20 object.

21 MS. YOUNG: Well, I object to asking the
22 witnesses about the record when you don't have the
23 transcript citation of what you are referring to because
24 you are going on their impressions, and their
25 recollections of testimony, which may or may not be

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1 accurate, and to have a good record in this proceeding I
2 think it is important to stay to what the testimony of
3 record is.

4 CHAIRMAN BLOCH: First of all, let's stop the
5 communication --

6 MR. STEPHEN KOHN: -- to the panel consulting.

7 CHAIRMAN BLOCH: Let's for a moment stop the
8 consultation because we were talking about recollection,
9 but there was an objection to why we are doing this
10 without finding it in the transcript, and if you wait for
11 a moment, the Board thinks it can find it.

12 WITNESS HOOD: I need to clarify my answer. I
13 believe that in the interest --

14 ADMINISTRATIVE JUDGE MURPHY: Mr. Hood, I need
15 you to get closer to the microphone.

16 MS. YOUNG: All of the witnesses need to speak
17 up louder.

18 WITNESS HOOD: I think the events to which I
19 referred may have occurred at some different time frame.

20 CHAIRMAN BLOCH: This will probably take about
21 three or four minutes. Why don't we have the witness --
22 why don't you go on with the witness, and then we will
23 find the citation in the transcript as you are doing that.

24 MR. STEPHEN KOHN: Okay.

25 MS. YOUNG: Judge Bloch, did you rule on my

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1 objection in terms of whether Mr. Kohn has to modify his
2 question in any respect?

3 CHAIRMAN BLOCH: We are going to find the
4 transcript citation. He is going to go on to another
5 subject right now.

6 CROSS-EXAMINATION

7 MR. STEPHEN KOHN: Now, Mr. Matthews, are you
8 aware that Mr. Hairston was directly involved in drafting
9 the 6-29 letter?

10 WITNESS MATTHEWS: I believe, based on my
11 review of the evidence collected by OI that Mr. Hairston
12 and Mr. McCoy participated in drafting some language that
13 was included in an early draft of the 6-29 cover letter.

14 MR. STEPHEN KOHN: And Mr. Skinner, what is
15 your knowledge based upon your participation in this
16 proceeding and the entire record of Mr. Hairston's
17 involvement in drafting the 6-29 letter?

18 WITNESS SKINNER: I think I recall the same
19 information that Mr. Matthews is discussing.

20 MR. STEPHEN KOHN: And Mr. Hood?

21 WITNESS HOOD: Same.

22 MR. STEPHEN KOHN: And we will start with Mr.
23 hood. What is your recollection of Mr. Hairston's
24 involvement in ordering that quality assurance audit,
25 known as the Frederick Audit, that was incorporated in the

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1 6-29 letter, or referenced.

2 WITNESS HOOD: What is my understanding of his
3 involvement with that?

4 MR. STEPHEN KOHN: Yes. With ordering it or
5 requiring it.

6 WITNESS HOOD: That he and Mr. Shipman,
7 sometime in the May time frame, placed a call to Mr.
8 Mosley, because Mr. Ajluni was out of town, and requested
9 that an audit be performed, and Mr. Hairston's testimony
10 is that he wanted to know why we were having trouble
11 coming up with the correct number, and he wanted to know
12 what the correct number was.

13 MR. STEPHEN KOHN: Now, did Mr. Hairston
14 delegate that task, i.e., the communication with Mosley or
15 did he do it himself?

16 WITNESS HOOD: Say that again.

17 MR. STEPHEN KOHN: I mean, did Mr. Hairston
18 gets hands-on, personally involved, in assigning that task
19 to Mr. Mosley or did he delegate it through the chain of
20 command?

21 WITNESS HOOD: Well, the phone call, I think
22 denotes that he is personally involved in requesting that
23 action.

24 I think that was the initial request, and I
25 suspect there was a formal follow up with the initiation

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1 of that request once Mr. Ajluni returned.

2 CHAIRMAN BLOCH: Off the record.

3 (Whereupon, the proceedings were momentarily
4 taken off the record.)

5 MR. STEPHEN KOHN: And Mr. Matthews, do you
6 agree with Mr. Hood's testimony?

7 WITNESS MATTHEWS: Not entirely because one, I
8 am not certain of the time frame when that audit was
9 requested; and two, it is not clear to me that Mr.
10 Hairston was personally involved in the discussion with
11 the on-site person who undertook that audit.

12 I do know that both he and Mr. Shipman were
13 involved in deciding on who that audit ought to be done
14 by, but I don't recall his personal involvement.

15 MR. STEPHEN KOHN: And Mr. Skinner.

16 WITNESS SKINNER: My recollection is basically
17 the same as Mr. Matthews. I don't recall specifically
18 that Mr. Hairston was on the phone with Mr. Mosley or
19 whether it was Mr. Shipman or the combination.

20 MR. STEPHEN KOHN: And now, the -- do you
21 remember reviewing tapes or another testimony of Mr.
22 Majors in which he testified about words and sentences
23 being, "Hairston designed" or a "Hairston-McCoy designed
24 sentence," vis a vis the 6-29 letter?

25 We can start with you, Mr. Skinner.

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1 WITNESS SKINNER: Yes. I remember that.

2 MR. STEPHEN KOHN: And did that testimony give
3 you any indication as to the level of involvement Mr.
4 Hairston had in the 6-29 letter?

5 WITNESS SKINNER: Yes.

6 MR. STEPHEN KOHN: And what was your
7 conclusion on the basis of that testimony as to the extent
8 of his involvement?

9 WITNESS SKINNER: My conclusion was that he
10 was basically, definitely involved in the development of
11 the wording used in the cover letter.

12 MR. STEPHEN KOHN: Okay, and Mr. Matthews,
13 would you agree or disagree with Mr. Skinner's testimony?

14 WITNESS MATTHEWS: All of which preceded in
15 response to that question or just this one about the --

16 MR. STEPHEN KOHN: Just this one about his
17 response to Mr. Major's testimony about Hairston's
18 involvement in the 6-29 letter?

19 WITNESS MATTHEWS: Yes.

20 MR. STEPHEN KOHN: Okay. Mr. Hood?

21 WITNESS SKINNER: Excuse me. You said Mr.
22 Major's testimony, and earlier you had said Mr. Major's
23 tape.

24 MR. STEPHEN KOHN: Both.

25 WITNESS SKINNER: Okay. I do not recall the

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1 testimony of Mr. Major. I do recall the transcript of the
2 tape.

3 MR. STEPHEN KOHN: Okay.

4 WITNESS MATTHEWS: And my answer was in that
5 context.

6 MR. STEPHEN KOHN: Okay.

7 WITNESS HOOD: I feel the tape is a more
8 reliable source of evidence and we tend to place more
9 reliance on that, and yes, we do generally accept the
10 premise that Mr. Hairston was involved with the drafting
11 of those statements.

12 MR. STEPHEN KOHN: Okay, and did Mr. Hairston,
13 I will begin with you, Mr. Hood, did Mr. Hairston have any
14 responsibility for supervising Mr. Bockhold?

15 WITNESS HOOD: Yes.

16 MR. STEPHEN KOHN: Mr. Matthews?

17 WITNESS HOOD: He is in that line of command.
18 It is not a direct connection or excuse me, it is not an
19 immediate connection, but he is in that chain.

20 MR. STEPHEN KOHN: So therefore, problems with
21 the supervision of Mr. Bockhold would also rest upon Mr.
22 Hairston's shoulders?

23 WITNESS HOOD: Yes.

24 MR. STEPHEN KOHN: Mr. Matthews?

25 WITNESS MATTHEWS: Yes.

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1 MR. STEPHEN KOHN: Mr. Skinner?

2 WITNESS SKINNER: I guess. You would have to
3 qualify that as far as I am concerned. I mean, the
4 problem of anyone working for Georgia Power Company under
5 Mr. Hairston would rest on his shoulders since he is
6 responsible for all activities at the facility.

7 MR. STEPHEN KOHN: Okay.

8 WITNESS MATTHEWS: And I would respond
9 similarly.

10 MR. STEPHEN KOHN: Now, would Mr. Hairston
11 have any additional responsibilities than just his
12 responsibility as being one of the major vice presidents,
13 additional responsibilities for supervising a plant
14 manager as opposed to a, you know, a system engineer.

15 That is for you, Mr. Skinner.

16 WITNESS SKINNER: Would you re-ask that
17 question please.

18 MR. STEPHEN KOHN: In other words, would the
19 type of involvement and responsibility that Mr. Hairston
20 would have -- given his position in 1990 -- for
21 supervising employees, be the same for his responsibility
22 for supervising a plant manager versus his responsibility
23 for supervising a system engineer?

24 CHAIRMAN BLOCH: Are you sure --

25 MR. STEPHEN KOHN: I just want to clarify Mr.

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1 Skinner's response.

2 MS. YOUNG: I think you asked the question
3 wrong. I am going to object to the question as extremely
4 vague. Maybe you can simplify it and get an answer.

5 BOARD EXAMINATION

6 CHAIRMAN BLOCH: The question is: Isn't Mr.
7 Hairston -- doesn't Mr. Hairston have a stronger
8 supervisory responsibility for his plant manager than he
9 would for ordinary people working at the plant?

10 WITNESS SKINNER: That is correct.

11 CROSS-EXAMINATION

12 MR. STEPHEN KOHN: Now, in regards to the 6-29
13 letter, is it your understanding -- we can start with Mr.
14 Hood -- that come 6-29, by that day Mr. Hairston knew that
15 incorrect information was contained in the 4-19 LER?

16 WITNESS HOOD: I believe the evidence is that
17 by that date Mr. Hairston had made calls to Mr. Ebnetter to
18 the effect that there were inaccuracies that needed
19 correcting, and they had laid out a plan to make those
20 corrections.

21 So yes, he knew there were corrections that
22 needed to be made.

23 MR. STEPHEN KOHN: In the 4-19 LER. Now, what
24 about in regards to the 4-9 COAR letter? On 6-29 did Mr.
25 Hairston, in your opinion, know there were inaccuracies in

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1 that letter?

2 WITNESS HOOD: You are talking now the 6-29
3 time frame?

4 MR. STEPHEN KOHN: Yes. On 6-29. Not before.
5 I am talking about the moment prior to his signing the 6-
6 29-1990 letter.

7 In your opinion, did Mr. Hairston know that
8 there were inaccuracies in the 4-9 COAR letter?

9 WITNESS SKINNER: Would you give us an exhibit
10 to that 6-29 letter, please?

11 MR. STEPHEN KOHN: Sure.

12 CHAIRMAN BLOCH: Take a 10 minute recess while
13 we are doing this.

14 MR. STEPHEN KOHN: Okay. It is exhibit 62.

15 (Whereupon, the proceedings were recessed at
16 9:58 a.m., for 10 minutes.)

17 CHAIRMAN BLOCH: Mr. Kohn.

18 MR. STEPHEN KOHN: I think the last question
19 was on June 29, 1990, in the time frame I am talking about
20 as just prior to Mr. Hairston signing what has been
21 introduced as Intervenor exhibit 2-62, which is the June
22 29th letter, did Mr. Hairston know that the 4-9 COAR
23 letter contained an inaccuracy?

24 WITNESS HOOD: The letter states that the
25 purpose of this letter, of the June 29th letter, is to

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1 clarify the information, to clarify the April 9 letter.

2 So, yes.

3 MR. STEPHEN KOHN: Okay, and Mr. Matthews, the
4 same questions. On June 29th, is it your understanding
5 that Mr. Hairston at that time knew of the inaccuracies in
6 the 4-19 and the 4-9 NRC correspondence?

7 WITNESS MATTHEWS: By virtue of having signed
8 this letter, yes.

9 MR. STEPHEN KOHN: Mr. Skinner?

10 WITNESS SKINNER: Same answer.

11 MR. STEPHEN KOHN: Okay.

12 MR. STEPHEN KOHN: Given the fact that, and
13 you also understand, this is for the panel, that Mr.
14 Hairston's name was the -- he was the signer of both the
15 4-9 and the 4-19 correspondence with the NRC. Correct?

16 I mean, that is on the record, and you are all
17 aware of that.

18 WITNESS HOOD: Yes. He is the principal
19 contact at that time for correspondence with the NRC.

20 MR. STEPHEN KOHN: Okay. Given the fact that
21 he signed those two letters, and given the fact that on
22 June 29th he knew those two letters contained material
23 false statements or reasonably may contain false
24 statements.

25 Shouldn't Mr. Hairston have discussed this

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1 matter with his plant manager for Plant Vogtle? Mr. Hood.

2 I am only looking for a yes or no on that, and
3 you can explain.

4 WITNESS HOOD: Mr. Hairston was not the direct
5 supervisor for Mr. Bockhold. Mr. McCoy was in between
6 those two positions.

7 I think a fairer statement may be that Mr.
8 Hairston may have expected Mr. McCoy to have done that. I
9 don't think Mr. Hairston, himself, may necessarily have
10 had to make that discussion.

11 MR. STEPHEN KOHN: I have a question following
12 that up. If you had signed a correspondence to an
13 official government agency, which you then learned
14 contained a false statement, which may be highly
15 embarrassing to you, would you attempt to communicate with
16 the individual or individuals who were responsible for
17 that embarrassment, and try to figure out what happened,
18 and straighten it out so it would never happen again?

19 MS. YOUNG: Objection to the relevance of that
20 question in this proceeding. The issue is not what Mr.
21 Hood would have done.

22 CHAIRMAN BLOCH: Granted.

23 MR. STEPHEN KOHN: Mr. Matthews, do you
24 believe that Mr. Hairston, given his position and his
25 obligations, under all of the regulations that you are

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1 aware of, had any -- should have discussed the material
2 false statements that were in the two correspondences that
3 he had signed out, the 4-9 letter, and the 4-19 letter.

4 Should he have discussed that with Mr.
5 Bockhold, his plant manager?

6 WITNESS MATTHEWS: With regard to what I
7 understood to be his knowledge in the late June time
8 frame, after having received the audit report, I would
9 have expected him to have a conversation with Mr.
10 Bockhold, given his position.

11 Although, as I already testified earlier
12 today, I find it -- I do find it plausible that he didn't
13 -- given the organizational arrangement.

14 MR. STEPHEN KOHN: Okay.

15 BOARD EXAMINATION

16 CHAIRMAN BLOCH: Mr. Matthews, in light of the
17 discussions about the problems with Mr. Bockhold, wasn't
18 there a special reason to have asked him about what was
19 happening here?

20 WITNESS MATTHEWS: In my opinion, yes.

21 CROSS-EXAMINATION

22 MR. STEPHEN KOHN: And Mr. Skinner, the same
23 question that I asked Mr. Matthews. I can repeat it if
24 you need, and the same follow up that Judge Bloch asked.

25 WITNESS SKINNER: I would like you to repeat

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1 it, please.

2 MR. STEPHEN KOHN: Okay. Given Mr. Hairston's
3 responsibilities, and his managerial relationship to Mr.
4 Bockhold, would it have been reasonable for Mr. Hairston
5 to discuss the inaccuracies that were contained in the
6 April 9th and April 19th NRC correspondence with Mr.
7 Bockhold?

8 WITNESS SKINNER: I guess that would be, well,
9 first of all, let me say, yes it would be reasonable.

10 My follow up response would be, my opinion
11 would be, that I would think that the first avenue for the
12 follow up would be via Mr. McCoy, following up with Mr.
13 Bockhold, and potentially subsequent follow up by Mr.
14 Hairston with Mr. Bockhold, depending on what kind of
15 information he received from Mr. McCoy based on his
16 discussion with Mr. Bockhold.

17 MR. STEPHEN KOHN: And with Judge Bloch's
18 follow up question, given the specific problems with Mr.
19 Bockhold, which were previously identified, for example,
20 at the 4-30-90 meeting, do you think there was any
21 particular reason that Mr. Hairston should have had a
22 discussion with Mr. Bockhold about these two inaccuracies?

23 WITNESS SKINNER: Again, my opinion would be
24 that that would depend entirely on what previous
25 conversation he may have had with Mr. Bockhold concerning

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1 the 4-30 information.

2 I have no idea what additional conversations
3 that he may have had subsequent to the 4-30 meeting with
4 the NRC.

5 MR. STEPHEN KOHN: Now, and this is for you
6 Mr. Skinner, we can just go up and down the line.

7 If Mr. Hairston knew the reason why there was
8 an inaccuracy in the 4-9 COAR letter, would he have had
9 any reason whatsoever -- and if he knew that because of
10 his knowledge of what went into the presentation -- would
11 he have had any reason whatsoever to discuss this matter
12 further with Mr. McCoy or Mr. Bockhold?

13 WITNESS SKINNER: Have you got some kind of
14 reference that you can show me where it identifies that he
15 knows this?

16 I mean, you are using the term "if." I would
17 assume this is postulation on your part?

18 MR. STEPHEN KOHN: What I am doing, I am
19 asking hypothetically because I am looking for an
20 explanation of action, and isn't it -- in other words, if
21 he already knew, would there have been any reason for him
22 to have asked?

23 WITNESS SKINNER: No.

24 MR. STEPHEN KOHN: Now, just following up
25 that, isn't it a fact that Hairston didn't ask those

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1 questions, and isn't it a fact that the audit that he
2 tasked, on the face of the audit, if you read the audit
3 says, "narrow-scoped audit."

4 In other words, there never was an audit to
5 determine the real root cause. There was just a narrow-
6 scoped audit.

7 Don't those facts indicate to you that maybe
8 Mr. Hairston already knew the answer to the question prior
9 to June 29th, and wasn't looking for reconfirmation?

10 WITNESS SKINNER: I don't think I can respond
11 to that question. I don't have enough information to make
12 that judgment.

13 MR. STEPHEN KOHN: Okay. Mr. Matthews,
14 looking at the failure or the fact that Mr. Hairston
15 didn't ever talk to Cash, talk to Bockhold, task a broad-
16 scoped audit, in fact, as you know, in other words, it was
17 a narrow-scoped audit; given that type of conduct, doesn't
18 that tend to indicate that maybe Mr. Hairston already knew
19 what the real cause of the problems were in the 4-9 and 4-
20 19 NRC correspondence?

21 I am not saying that you believe it, but
22 doesn't it tend to show that?

23 WITNESS MATTHEWS: Based on my review of the
24 evidence in this case, which has been close and extensive,
25 I can't draw that inference.

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1 MR. STFPHEN KOHN: Do you think he just made a
2 mistake and didn't do an in-depth investigation?

3 WITNESS MATTHEWS: Who?

4 MR. STEPHEN KOHN: Mr. Hairston?

5 WITNESS MATTHEWS: It is hard for me to
6 respond to that question.

7 MR. STEPHEN KOHN: On 6-29-90 --

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Hold on just a second, let me
10 this slightly differently. Do you think that the final
11 audit report was consistent with the original directions
12 that Mr. Hairston gave to Mr. Mosley?

13 WITNESS MATTHEWS: No. I don't, and that was
14 some of the difficulty I had in responding.

15 CHAIRMAN BLOCH: Do you think that Mr.
16 Hairston would have noticed the difference between what he
17 asked for and what he got?

18 WITNESS MATTHEWS: Based on my understanding
19 of what he asked for, the audit report could, on its
20 surface, have given the appearance of answering that
21 question.

22 I think if he had examined it closer,
23 possibly, he would have detected the disparity. I don't
24 take a great deal of cognizance of the phrase, "narrow-
25 scoped."

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1 I believe our judgments on that audit and the
2 answers it did and didn't give, were based on its actual
3 content.

4 I don't think we took any note of the phrase,
5 "narrow-scoped," as indicating that it therefore was
6 necessarily deficient or less than it should have been.

7 I think by reading the audit we determined
8 that it didn't determine what we would be -- what would be
9 the full explanation of why the mistakes were made.

10 CHAIRMAN BLOCH: Does anyone else differ from
11 that?

12 WITNESS SKINNER: No.

13 WITNESS HOOD: No.

14 CHAIRMAN BLOCH: And --

15 WITNESS HOOD: The --

16 CHAIRMAN BLOCH: Yes. Are you going to expand
17 on that?

18 WITNESS HOOD: I assumed I was going to be
19 asked also and I --

20 ADMINISTRATIVE JUDGE MURPHY: Do you want to
21 get closer to the mike, please.

22 WITNESS HOOD: I assumed I was going to be
23 asked the same question, and my thoughts were that Mr.
24 Hairston's actions were not that unreasonable.

25 What he did do was order an independent audit.

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1 So rather than personally intervene himself, and try to
2 get an answer, like he did in the case of the operator
3 where he went to the control room, he in a sense worked
4 through channels, if you will.

5 he took the -- he called for an audit and that
6 is not an insignificant action at all.

7 CHAIRMAN BLOCH: Do you think it is reasonable
8 to reach conclusions as to why the initial count of starts
9 was wrong, without first finding out or reconstructing how
10 that count was constructed?

11 WITNESS MATTHEWS: Is that directed toward an
12 individual or --

13 CHAIRMAN BLOCH: The whole panel. Yes.
14 Anyone who wants to answer.

15 WITNESS MATTHEWS: My view is that it is not
16 reasonable to answer the question why something occurred
17 without finding out how it occurred, and so therefore, I
18 think that should have been something that Georgia Power
19 looked into.

20 CHAIRMAN BLOCH: Does anyone else disagree
21 with that?

22 WITNESS SKINNER: No.

23 WITNESS HOOD: I have no disagreement with
24 that.

25 CHAIRMAN BLOCH: Now, do you think that when

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1 Mr. Hairston looked at the report, that he would have
2 noticed that there were conclusions reached about how the
3 errors came up, without an explanation of how the initial
4 count was made?

5 WITNESS HOOD: I do believe that, and I
6 believe that the testimony of Mr. Majors, attributing
7 certain phrases, certain passages, of the June 29th letter
8 to Mr. Hairston, sort of reflect that.

9 That is probably what happened.

10 CHAIRMAN BLOCH: That the changes that Mr.
11 Hairston made in the letter implied to you that he
12 understood that they hadn't documented how the first count
13 was made.

14 I am just trying to restate what I think you
15 just said.

16 WITNESS HOOD: No. Not so much that point,
17 but that they hadn't documented it that he was aware of
18 that.

19 What I meant to say was that when Mr. Hairston
20 ordered the audit he intended for that audit to determine
21 why we were having trouble getting the correct numbers,
22 and why were having trouble counting.

23 So he was looking for an explanation in the
24 audit. He got an audit that had all kinds of explanations
25 in it, along with other statements about being limited

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1 scope and whatnot, and I think he focused on the
2 explanations that were there, and it sounded reasonable to
3 him, and that is what he used as a basis for the statement
4 he appears to have drafted.

5 I see explanations.

6 CHAIRMAN BLOCH: So you think that he was not
7 aware of any analytical deficiency in the audit report?

8 WITNESS HOOD: Would you repeat that, please.

9 CHAIRMAN BLOCH: Is it your belief that Mr.
10 Hairston was not aware of any analytical deficiency in the
11 report in that it never found out how the first count was
12 made?

13 WITNESS HOOD: I don't know that he was of
14 that mind set or cognizant of that point at that point in
15 time that no one had gone back and talked to Mr. Bockhold
16 and Mr. Cash about the original numbers.

17 CHAIRMAN BLOCH: So you think he just didn't
18 notice that that was missing?

19 WITNESS HOOD: I think he saw an explanation
20 of -- to his mind he thought he saw an explanation of why
21 the numbers were not correct, and that is what influenced
22 him to give the explanation that he did in the letter.

23 CHAIRMAN BLOCH: So Mr. Hood, do you think he
24 believed that that was an adequate explanation of why it
25 was not correct, and he therefore didn't notice any

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1 deficiencies in analysis?

2 WITNESS HOOD: I am getting too far out in
3 speculation now to what -- trying to look into his mind.

4 I don't know that there is evidence in this
5 record for me to really support doing that.

6 CHAIRMAN BLOCH: Thank you. That is certainly
7 a reasonable way to reach a conclusion, that there is no
8 evidence on that.

9 Anyone else on the panel?

10 WITNESS MATTHEWS: If I could, I would like to
11 refresh my memory by looking at the audit report before I
12 would respond.

13 CHAIRMAN BLOCH: People would provide it,
14 please.

15 MR. STEPHEN KOHN: I think it is attached to
16 exhibit 62. Intervenor 62. No, no. I am sorry. It is
17 not. I am wrong on that.

18 (Pause.)

19 WITNESS MATTHEWS: I am prepared to respond.

20 MR. STEPHEN KOHN: Okay, please.

21 WITNESS MATTHEWS: Refreshing my memory by
22 reading the audit report, which I have done several times,
23 but it is helpful recently. Would you repeat your
24 question?

25 MR. STEPHEN KOHN: That's a good question.

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1 Can we have the court reporter read it back.

2 (Whereupon, the proceedings went off the
3 record at 10:32 a.m. in order for the court reporter to
4 play back the last question.)

5 WITNESS MATTHEWS: Would you restate that for
6 me, then?

7 CROSS-EXAMINATION

8 MR. STEPHEN KOHN: Yes. I think what the
9 question is, and it was coming from Judge Bloch,
10 originally, is that do you think that the audit, if Mr.
11 Hairston had read the audit, would he reasonably have
12 known of the limitations in that audit?

13 WITNESS MATTHEWS: My answer to that is yes.

14 MR. STEPHEN KOHN: And are you aware by
15 looking at that, that the audit did not include a review
16 of the control logs?

17 WITNESS MATTHEWS: I would have to look again.
18 Well, there is a problem in that it did review what is
19 referred to as the shift supervisor's log, which we have
20 generally referred to as being one of the control room
21 logs.

22 Although, there is another log, known as the
23 control log. So, it did review the shift supervisor's
24 log, which is one of the control logs.

25 MR. STEPHEN KOHN: Do you find it strange that

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1 it did not review the control log, given the role that the
2 control log played in Mr. Cash's count?

3 WITNESS MATTHEWS: Well, I don't know that I
4 can offer an opinion on whether I find it strange or not.
5 I think it should have.

6 MR. STEPHEN KOHN: Mr. Skinner, when you
7 learned that this audit did not include a review of the
8 control log, did you find that at all troubling?

9 WITNESS SKINNER: I don't know what you are
10 using as your definition for "troubling." I found it
11 basically -- my expectations would have been that they
12 would have used all of the control room logs to perform
13 their audit.

14 MR. STEPHEN KOHN: I mean, how could Mr.
15 Hairston write a letter on June -- this is for you, Mr.
16 Skinner -- on June 29th, 1990, purporting to explain a
17 problem or problems he was attempting to explain without
18 either the audit team or him personally having reviewed
19 those control logs.

20 How can that explanation be given?

21 WITNESS SKINNER: Would you say that again,
22 please.

23 MR. STEPHEN KOHN: In other words, how could
24 anybody in a position of authority from Georgia Power
25 communicate an explanation to the NRC about why there were

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1 problems in the numbers in the April 9th and the April
2 19th correspondence with the NRC without having had
3 somebody review the control logs.

4 How could that explanation be given.

5 MS. YOUNG: Judge Bloch, I am going to object
6 to the question as argumentative. Obviously the
7 explanation was given. So to ask the witness how could
8 they --

9 MR. STEPHEN KOHN: How could a credible
10 explanation be given?

11 MS. YOUNG: It is not --

12 CHAIRMAN BLOCH: I will allow the question.

13 MR. STEPHEN KOHN: How could a credible
14 explanation be given without having had somebody audit or
15 review the control logs?

16 Is it conceivable?

17 WITNESS HOOD: It is --

18 MR. STEPHEN KOHN: It is to Mr. Skinner, and
19 then --

20 WITNESS SKINNER: In my review of this I guess
21 I would take into consideration that Mr. Hairston did, in
22 fact, have an audit performed.

23 The audit does provide him information that he
24 passed on to the NRC in his 6-29 correspondence. Now the
25 quality of that specific audit may be questionable, as far

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1 as him using that as the final authority for him to make a
2 decision or the ultimate authority for him to make that
3 decision.

4 MR. STEPHEN KOHN: Well, cutting to the chafe,
5 isn't it a fact that not having analyzed the control log
6 was a material omission by Georgia Power in that
7 correspondence, and made the correspondence completely
8 misleading?

9 Mr. Skinner, if you can.

10 MS. YOUNG: I am going to object to the form
11 of the question. Could you ask them separately, please.

12 MR. STEPHEN KOHN: Okay. The first one.
13 Wasn't the failure to include a review of the control log
14 in the audit report, and then by reference to the June
15 29th letter, wasn't that a material omission in regards to
16 the communication Georgia Power gave on June 29th, 1990,
17 to the NRC explaining these problems?

18 WITNESS SKINNER: Without additional
19 information I don't think I could conclude that that was a
20 material omission.

21 I think that there is other information that
22 could have been provided. It would provide the same type
23 of material.

24 MR. STEPHEN KOHN: What log did Mr. Cash
25 primarily rely on? Didn't he use the control log?

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1 WITNESS SKINNER: That is correct.

2 MR. STEPHEN KOHN: And if he used the control
3 log, and the audit report was having anything whatsoever
4 to do with an explanation for the problem, how can you
5 explain the problem without reviewing the log that you are
6 blaming the problem on.

7 MR. BLAKE: I have got an objection now. This
8 is really getting argumentative.

9 CHAIRMAN BLOCH: It is getting repetitive,
10 too.

11 MR. STEPHEN KOHN: Okay. Mr. Matthews, can
12 you answer the earlier question I asked.

13 WITNESS MATTHEWS: You would have to repeat
14 it. I can't keep track.

15 MR. STEPHEN KOHN: Okay. Okay. Was the
16 failure to evaluate or mention, in an analytical way, the
17 control log in the audit report, a material omission
18 committed by Georgia Power?

19 WITNESS MATTHEWS: I have difficulty with the
20 form of the question. The phrase, "material omission"
21 doesn't have meaning for me in the context you are using
22 it.

23 CHAIRMAN BLOCH: Witnesses objection is
24 sustained.

25 WITNESS MATTHEWS: I would prefer you ask me a

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1 direct question instead of using a legal phraseology.

2 CHAIRMAN BLOCH: He is not a legal expert.

3 MR. STEPHEN KOHN: I understand that. When
4 did you learn, Mr. Matthews, that the audit report did not
5 evaluate the control logs?

6 WITNESS MATTHEWS: The first time I read it.

7 MR. STEPHEN KOHN: And the first time you read
8 it and realized that, at that time did you know of the
9 reliance Mr. Cash had had on those logs?

10 WITNESS MATTHEWS: Yes.

11 MR. STEPHEN KOHN: And what was your reaction
12 upon learning that the audit report didn't analyze the
13 logs which Mr. Cash primarily relied upon.

14 MS. YOUNG: I am going to object to the
15 question. We have got a problem with foundation. I think
16 the record shows that Mr. Cash used both the shift
17 supervisor's log, and the unit one control log.

18 Mr. Kohn is asking questions loosely in terms
19 of control logs, and the answers are going to be non-
20 responsive.

21 CHAIRMAN BLOCH: It is important enough that
22 we can be precise.

23 MR. STEPHEN KOHN: Yes, and the control log, I
24 am looking at the control log that was not identified when
25 I used the phrase, and we will call it the unit control

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1 log.

2 When you realized the two, that Cash had
3 relied upon the unit control log, and that the audit
4 report did not contain an analysis of the unit control
5 log, what was your reaction?

6 WITNESS MATTHEWS: That is was incomplete.

7 MR. STEPHEN KOHN: And Mr. Hood, the same
8 questions.

9 WITNESS HOOD: I believe you asked earlier how
10 this could credibly occur, and I was just going to comment
11 that I feel that the explanation that is on the record is
12 the explanation that was given by Mr. Frederick.

13 In that doing an audit, his mind set was to do
14 an independent audit, and that he therefore did not -- I
15 think this was in the context of not going back and just
16 talking to Mr. Cash or Mr. Bockhold as part of that audit,
17 and so I guess to respond to your question as to how that
18 could credibly occur, that is my understanding of the
19 record.

20 MR. STEPHEN KOHN: Are you aware, Mr. Hood, of
21 a tape that has been introduced into evidence in which Mr.
22 Frederick is identified as stating that he was looking at
23 all the logs, including the unit control log?

24 Do you remember that tape?

25 WITNESS HOOD: Are we talking about for the

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1 purposes of the audit now?

2 MR. STEPHEN KOHN: Yes. When he was in the
3 very beginning, right at the time the audit was first
4 tasked, he had a conversation which included Mr. Mosbaugh
5 and in that conversation --

6 CHAIRMAN BLOCH: I think, Mr. Kohn, it is
7 important enough to make a citation.

8 MR. STEPHEN KOHN: I am sorry, Your Honor. We
9 usually -- I can get this a lot quicker. We are a little
10 delayed.

11 BOARD EXAMINATION

12 CHAIRMAN BLOCH: While Mr. Kohn is looking for
13 that transcript, I have a question about the Fredirick
14 audit. I'm puzzled that it took Mr. Fredirick apparently
15 a couple of weeks to do the audit because he tracked down
16 all of the supplemental sheets that were being circulated
17 around the plant, where we have some testimony that the
18 official plant records would have contained all of those
19 forms because copies were filed there. Do you have any
20 understanding as to why it was done that way?

21 WITNESS MATTHEWS: When you say "why it was
22 done that way," what --

23 CHAIRMAN BLOCH: Well, why didn't Mr.
24 Fredirick just go to the records vault and get all of the
25 sheets and be able to do the report in two or three days,

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1 rather than doing it in two weeks?

2 WITNESS MATTHEWS: Okay. It's my
3 understanding at that time that the sheets were generated
4 primarily by the operators when they started the diesel.
5 And they basically sent the -- through the normal mail
6 system, through the various areas that the sheets had to
7 go. And they would wind up in the document control and --

8 CHAIRMAN BLOCH: My understanding was that
9 there were two copies, but I could be wrong. Do you know
10 whether or not there were two copies, one that went to
11 document control and one that went on the roof?

12 WITNESS MATTHEWS: One that went to document
13 --

14 CHAIRMAN BLOCH: Was there only one copy? I'm
15 under the misapprehension that there were actually two
16 copies. One went directly to document control and one
17 that was circulated. Is that wrong?

18 WITNESS MATTHEWS: My understanding is there's
19 two copies also. One of them goes to Kenny Stokes, and
20 the other one went to document control.

21 CHAIRMAN BLOCH: So if they had just gotten
22 the stuff from document control, they wouldn't have had to
23 figure out where everything was lying in the routing
24 system. They would have had a complete set quickly,
25 wouldn't they?

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1 WITNESS MATTHEWS: That's correct. That's
2 assuming that the travel from the control room to document
3 control was fairly expeditious, rather than took a long
4 period of time to get there, which we found I believe at
5 that time that it was not unusual for a document being
6 generated in the control room to take one to two weeks
7 before it ever reached its final destination.

8 CHAIRMAN BLOCH: On that, I thought that there
9 was a person who signed off at the time the sheets were
10 generated. There was some testimony about there being a
11 person who was responsible for taking them to document
12 control, wasn't there?

13 WITNESS MATTHEWS: There was a person, I
14 believe, that was responsible for signing it that it had
15 been sent to document control --

16 CHAIRMAN BLOCH: All right. And those were
17 specifically signed --

18 WITNESS MATTHEWS: -- to be hand-delivered.

19 CHAIRMAN BLOCH: I see. How would they be
20 sent if not hand-delivered?

21 WITNESS MATTHEWS: Excuse me?

22 CHAIRMAN BLOCH: How were they sent? What did
23 that sign-off actually mean that it was sent to document
24 control?

25 WITNESS MATTHEWS: To my understanding, that

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1 was meant -- that just meant that the person responsible
2 put it into the mail system and the general delivery of
3 the mail took it from there to get it to document control.

4 Then to get it from document control into the
5 actual file that it belongs in is still another process in
6 addition to that.

7 CHAIRMAN BLOCH: So it could be that the other
8 forms were actually a better way to go about the audit
9 than trying to get it from document control?

10 WITNESS MATTHEWS: Well, they would probably
11 be a combination. I would guess that the -- in going to
12 document control, the forms in the document control
13 facility could be in several locations.

14 One would be in the file itself. One would
15 also be in a pending file for material that had not yet
16 been filed because it takes a definite prescribed period
17 of time to -- from all the documents they get into a
18 document control facility to sort those documents and put
19 them in the appropriate file for each of the documents.

20 CHAIRMAN BLOCH: Thank you.

21 MR. BLAKE: Judge Bloch, I'm not sure that
22 your recollection is correct. And I've been trying to
23 sort out with others what the recollection is. Obviously
24 the record will best speak for itself.

25 I've thought about it. I can tell you that --

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1 CHAIRMAN BLOCH: If you were able to find this
2 and clarify it on cross, that would be terrific.

3 MR. BLAKE: We can try or try to do it with
4 Mr. Skinner. My problem with the theory that you recall
5 is it has to go, we can all agree it has to go, to Mr.
6 Stokes for his evaluation at the bottom of that completion
7 sheet on each of them.

8 And it doesn't make sense to me that a copy of
9 it would immediately go to document control, only a
10 partially completed document. It doesn't make sense. So
11 that's why I really question the sort of premise.

12 I do recall rather precisely that a copy went
13 immediately to document control of each of the unit
14 control logs. And I think we can talk about a yellow copy
15 and an original. One of those went directly. And I think
16 each night somebody testified and they had to sign that
17 they had done that sort of thing before they went away.

18 I'm just not sure that we aren't mixing apples
19 and oranges.

20 CHAIRMAN BLOCH: You think the completion
21 sheets were not completed until Mr. Stokes signed them.
22 And, therefore, they wouldn't --

23 MR. BLAKE: Yes. I'm confident that that's
24 the case. Mr. Stokes had to do his bottom and make some
25 evaluations and some judgments. And I just question

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1 whether or not -- we'll see if we can find some
2 references.

3 MS. YOUNG: Judge Bloch, we've got testimony
4 from a lot of different people, Mr. Webb, Mr. Fredirick
5 and Mr. Stokes, about how diesel generator recordkeeping
6 went on. I do believe the testimony of record shows the
7 log was updated as of May 2nd.

8 So if they were looking for starts in the
9 April 1990 time frame, the information should have been in
10 both document control and in the diesel generator start
11 log.

12 CHAIRMAN BLOCH: We're talking now about the
13 completion sheets.

14 MS. YOUNG: The completion sheets would be the
15 updated log.

16 CHAIRMAN BLOCH: Okay.

17 MS. YOUNG: And that would have been as of May
18 2nd, which means it would have been in existence with Mr.
19 Fredirick conducted his audit in June.

20 CHAIRMAN BLOCH: Thank you.

21 Mr. Kohn, have you found it?

22 MR. STEPHEN KOHN: No. I'm just going to move
23 on to another area and hope to find it at a break.

24 CROSS-EXAMINATION

25 BY MR. STEPHEN KOHN:

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1 Q Now, Mr. Matthews, in your 4-30 meeting with
2 Mr. Hairston, Mr. McCoy, and Mr. McDonald, was the issue
3 raised that managers at Georgia Power don't always take
4 conservative actions?

5 A That certainly was one of the subjects.

6 Q What did you mean by "conservative actions"?
7 What does that mean?

8 A Well, I believe I testified on Friday -- my
9 recollection is that I testified extensively about what is
10 the meaning of non-conservative. Is it helpful for me to
11 then go on to explain --

12 Q Okay. Non-conservative. In looking at the
13 June 29th, 1990 letter, specifically Mr. Hairston's
14 involvement, do you believe that the way he dealt with
15 that in totality was an example of non-conservative
16 decision-making?

17 A I have a little difficulty with the question
18 by virtue of the fact that my definition to you of
19 non-conservative and my working knowledge of it pertains
20 more to operating philosophy than it does to issues
21 related to correspondence and communication with the NRC.
22 So I have a little trouble with the question given that
23 it's kind of mixing apples and oranges in my mind.

24 Q Okay. Well, what about: What type of
25 standard do you apply to the type of conduct an individual

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1 in Mr. Hairston's position should apply when signing a
2 letter to the NRC?

3 A Well, the straightforward answer would be true
4 and accurate to the best of his belief.

5 Q Now, in getting there, true and accurate, it
6 also must be complete, complete, true, and accurate.

7 CHAIRMAN BLOCH: Let the record show that Mr.
8 Matthews shook his head up and down.

9 WITNESS MATTHEWS: No. That was more in a
10 pensive shake.

11 CHAIRMAN BLOCH: Oh. Sorry about that.

12 WITNESS MATTHEWS: I was not necessarily
13 agreeing. I said true and accurate to the best of his
14 belief.

15 BY MR. STEPHEN KOHN:

16 Q Did it also have to be complete?

17 A In that the lack of completeness could make it
18 inaccurate, yes.

19 Q Thank you.

20 Now, in getting there, in analyzing a manager
21 who signs a letter, in analyzing them; in other words, the
22 goal you want for them is to have true and accurate
23 correspondence, what type of conduct do you look for
24 within the management to ensure that the end product in
25 correspondence to the NRC is true and accurate?

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1 A That he has a reasonable belief that it is
2 indeed true and accurate.

3 Q Okay. And I'll ask the question again. What
4 type of conduct do you look for in a manager to ensure
5 that there really is a reasonable belief? Do you just
6 take their word for it or do you look at objective
7 indicators in terms of like the types of steps they look
8 at? What do you look at? What are your bases?

9 Okay. I withdraw the question. How do you
10 analyze the reasonableness? What's your standard for
11 analyzing that reasonableness?

12 CHAIRMAN BLOCH: Mr. Kohn, it seems to me
13 we're talking about an area which involves the reasonable
14 man standard. And I think you're asking a question that
15 goes beyond ability to answer.

16 They're going to decide based on their
17 judgment of what's reasonable. And there's no way to
18 explain that.

19 MR. STEPHEN KOHN: Well, Your Honor, what I'm
20 getting at is there may not be a formula. But when he was
21 discussing the operational conduct, they were looking for
22 conservative type of judgments.

23 CHAIRMAN BLOCH: You look at things like care
24 and accuracy, and you make a judgment as to what's
25 reasonable. I don't see you're going to get anywhere with

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1 the witnesses about that.

2 MR. STEPHEN KOHN: Okay. Thank you.

3 BY MR. STEPHEN KOHN:

4 Q Now, going back to the 4-30 meeting, did you
5 also raise a concern --

6 CHAIRMAN BLOCH: Hold on a second, please.

7 (Pause.)

8 CHAIRMAN BLOCH: Let's continue.

9 MR. STEPHEN KOHN: Thank you.

10 BY MR. STEPHEN KOHN:

11 Q Actually, before, I'm going to get back to the
12 4-30 meeting, but just one other question on these issues
13 you've been testifying on. You testified that because
14 McCoy was the direct supervisor of Mr. Bockhold, you would
15 have expected McCoy to ask certain questions that perhaps
16 Mr. Hairston would not have asked him.

17 Is that a correct summation of the testimony?

18 A No. I believe I had an additional facet, and
19 that was given Mr. McCoy's involvement in some of the
20 events that were in question.

21 Q So it would be based on both his involvement
22 and his supervisory responsibility?

23 A Correct.

24 Q Now, would you expect given those two factors
25 that Mr. McCoy would have communicated his own personal

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1 knowledge or information he had learned through
2 discussions with Mr. Bockhold to Mr. Hairston?

3 A On a continuous basis? In what time frame?
4 Surrounding what event?

5 Q In the time frame of April, May, and June '90
6 surrounding the matters contained in the June 29th letter.

7 MR. STEPHEN KOHN: I would like the witness to
8 answer without consulting with another witness, Your
9 Honor.

10 WITNESS MATTHEWS: I need you to restate that
11 question.

12 MR. STEPHEN KOHN: Okay. But can the witness
13 answer prior to consulting with another witness?

14 CHAIRMAN BLOCH: Counsel is trying to get
15 independent judgments at this point. It would be better
16 not to confer --

17 MR. STEPHEN KOHN: Thank you.

18 CHAIRMAN BLOCH: -- or if you want to confer,
19 you might ask permission, and it could be granted.

20 WITNESS MATTHEWS: That's fine. I will do
21 that.

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

23 BY MR. STEPHEN KOHN:

24 Q The question is: In the time period of April,
25 May, and June 1990, on the matters that are discussed in

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1 the June 29th letter, which is Intervenor's 62, the June
2 29th letter signed by Mr. Hairston, those matters, would
3 you have expected Mr. McCoy to have communicated matters
4 that he had learned either directly from Mr. Bockhold
5 about these incidents or that he knew by his own
6 independent knowledge to Mr. Hairston?

7 A That's difficult for me to speculate on what
8 level of communication they had established by means of
9 their working relationship.

10 Q Would you expect that if communications were
11 proper, were working as you'd like to see them work,
12 people were talking like you'd like to see it, that that
13 type of communication between McCoy and Mr. Hairston would
14 have occurred?

15 A Well, I think I could confine my answer. If
16 there was information known to Mr. McCoy that would shed
17 light on or would call into question communications that
18 Mr. Hairston was making to the NRC, I would have expected
19 him to make Mr. Hairston aware of any concerns he had
20 heard about that.

21 Q And if Mr. Hairston through his management
22 style had failed to ensure that that type of communication
23 was going on, would you think there was a performance
24 problem with Mr. Hairston?

25 A This is a hypothetical question?

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1 Q Yes.

2 A Yes.

3 Q Okay. Thank you.

4 Now, going back to the 4-30-90 meeting, in
5 which we have discussed that at some length, did you raise
6 or someone on the NRC side raise the issue that the NRC
7 didn't feel comfortable or had a problem with the open and
8 complete communication between Vogtle people and the NRC?

9 A Yes.

10 Q And can you describe your best recollection of
11 how that came up at the meeting and what was discussed on
12 that point?

13 A At the risk of being repetitive because I
14 believe we covered this on Friday --

15 Q I'm only looking for now the concern about
16 open and complete communications between NRC and Vogtle
17 people.

18 A I think it was stated almost verbatim as you
19 just described it. We had a concern that there was not
20 open and complete communications with the NRC.

21 Q Okay. At that 4-30 meeting, when the NRC
22 expressed their concerns to the Georgia Power management,
23 what was the reaction of Mr. McDonald?

24 A Was this concerns of the broad nature that we
25 have been talking about or just the question that you just

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1 asked me?

2 Q Of the broad nature. In other words, I think
3 your testimony was Dr. Murley began with a summary of the
4 concerns and then another representative of the NRC there
5 summarized it and used the phrase "cavalier cowboy."

6 Then I think after that -- and correct me if
7 I'm wrong -- the testimony was that Georgia Power
8 responded or gave you some feedback back. How did the
9 Georgia Power people react to that criticism?

10 A Understand this is a result of just my present
11 recollection.

12 Q Yes.

13 A I believe that Mr. McDonald was receptive to
14 the concerns that were expressed, even to the point of
15 identifying that he himself had reservations periodically
16 about whether he was receiving sufficient information from
17 the site and whether or not the site was acting
18 sufficiently -- I don't know what word he used, whether it
19 was "conservative" or "cautious" -- in the face of events.

20 He made specific reference to a very recent
21 event that had occurred with regard to what's referred to
22 as a rod drop event. And, as I understand his recitation,
23 he was concerned on two points.

24 One, the site was reluctant to stop and ask
25 for help when they should. And he was surprised: one,

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1 that he didn't get notified when the event occurred, there
2 was not a stop-put on the activity and that, instead of,
3 as I understand it, starting over with regard to the
4 process of re-start and pulling rods, they did an
5 immediate analysis and continued to pull rods according to
6 that prearranged schedule and did not assess the
7 consequence of the individual rod drop.

8 BOARD EXAMINATION

9 CHAIRMAN BLOCH: Is the rod drop the same
10 thing as a mispositioned rod?

11 WITNESS MATTHEWS: No.

12 CHAIRMAN BLOCH: No.

13 WITNESS MATTHEWS: And he just shared that
14 that was indicative to him of some concerns he shared
15 with. And it was the type of thing that he viewed that he
16 and his management team were continually working on to
17 attempt to ensure that Vogtle operated consistent with
18 their philosophy. And he allied or paralleled his views
19 on that with the NRC's views.

20 CROSS-EXAMINATION

21 BY MR. STEPHEN KOHN:

22 Q This incident that you're talking about, did
23 anyone at the meeting refer to that as a hot scram
24 recovery?

25 A That's not my -- that terminology doesn't ring

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1 a bell with me.

2 Q Now, what about Mr. Hairston? Do you remember
3 anything that he said?

4 A Mr. Hairston I recall responded in a much more
5 emotional way in the sense that he was I think sincerely
6 shocked at what he heard in the sense that he said -- the
7 only phrase I remember him saying is, "I hear you. I've
8 been working hard to work with the site. When I first
9 took over in 1988, I wasn't happy with things at the site
10 in terms of their unwillingness to ask for help" is a
11 phrase I remember.

12 In terms of the communication that he needed
13 to hear about at the site, that when he -- and, again,
14 this is a hazy recollection, but I seem to recall he said
15 something to the effect that when he first went on site,
16 it was like pulling teeth to get them to describe the
17 problems that he needed to focus on, in spite of them
18 telling him, telling the site, that that's the kind of
19 information he needed to hear.

20 But then I remember the most dramatic point
21 was him just saying that "We've heard you. We intend to
22 take your criticism to heart" and that "Never again do I
23 ever want to be called to Washington under these
24 circumstances for this topic. And my commitment to you is
25 that there won't be any reason to do that."

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1 Q And are you aware that when Mr. McCoy briefed
2 individuals on site, he stated that "Pat and George really
3 defended us in this thing"?

4 A By virtue of having read a transcript of that
5 tape, I am aware that that's the statement he made.

6 Q Did Pat and George defend Vogtle at that
7 meeting?

8 A Yes.

9 Q How so?

10 A In the sense that he believes that their heart
11 is in the right -- they both believe that their heart is
12 in the right place. They have an adequate safety
13 consciousness. They want to do the right thing, that they
14 viewed that these problems were aberrations, that they
15 were confident that the plant staff was skilled and that
16 George Bockhold, in spite of his sometimes difficult style
17 with regard to communication, was dedicated to safe
18 operation of the plant.

19 So, in that regard, yes, they definitely
20 provided their view of the site.

21 Q And you read the transcript that you're
22 referring to. Do you remember when Mr. Bockhold in that
23 transcript -- I may have a copy here if you need it --
24 said to the employees of Plant Vogtle words to the effect
25 that "We don't have a cowboy attitude. We don't cut

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1 corners. We make good decisions"? Do you remember within
2 the tape he made that communication to the employees?

3 A I'd like to have a copy of that transcript
4 provided to me.

5 MR. STEPHEN KOHN: Sure. I'm going to show
6 the witness a copy of GPC Exhibit II-183A, Page 10.

7 CHAIRMAN BLOCH: Is this a good time for our
8 break?

9 MR. STEPHEN KOHN: Sure.

10 CHAIRMAN BLOCH: Ten minutes starting now.

11 (Whereupon, the foregoing matter went off the
12 record at 11:10 a.m. and went back on the
13 record at 11:22 a.m.)

14 BY MR. STEPHEN KOHN:

15 Q Mr. Matthews, have you had an opportunity to
16 look at Page 10 of Exhibit --

17 MR. STEPHEN KOHN: Oh, excuse me. I'm sorry,
18 Your Honor. I've been informed by NRC staff that the
19 revised version of this exhibit has not been officially
20 marked and introduced into the record.

21 And they have copies. NRC staff I believe has
22 copies to distribute to the Board.

23 CHAIRMAN BLOCH: They have been distributed.

24 MR. STEPHEN KOHN: Okay. And I'd like marked
25 for the record as GPC Exhibit II-183A a document which is

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1 27 pages in length. In the top left-hand corner, it
2 states, "Words in bold reflect differences from GPC
3 II-183." And it is a revised version of Side A of Tape
4 99.

5 MR. BLAKE: Showing some degree of cooperation
6 here.

7 CHAIRMAN BLOCH: The motion to mark is
8 granted.

9 (Whereupon, the aforementioned
10 document was marked for
11 identification as GPC Exhibit Number
12 II-183A.)

13 CHAIRMAN BLOCH: And I take it also that since
14 it's in agreement, that it's accepted into evidence.

15 MR. STEPHEN KOHN: Yes. That's my
16 understanding. Thank you, Your Honor.

17 CHAIRMAN BLOCH: So that is done.

18 (Whereupon, the aforementioned
19 document, having previously been
20 marked for identification as GPC
21 Exhibit Number II-183A, was received
22 in evidence.)

23 MR. STEPHEN KOHN: Okay.

24 CROSS-EXAMINATION

25 BY MR. STEPHEN KOHN:

1 Q Could you please, Mr. Matthews, again just
2 calling your attention to Page 10 of that exhibit --

3 A Yes.

4 Q Have you had a chance to read at least the
5 first paragraph of Mr. Bockhold's comments to employees at
6 Georgia Power?

7 A Yes.

8 Q And when is the first time you learned that
9 Mr. Bockhold made these statements to employees of Georgia
10 Power?

11 A I couldn't recall when the first time is that
12 I read any transcript of this particular tape, but I
13 believe it was when I first started reviewing evidence in
14 this case.

15 Q Is the message that Mr. Bockhold communicated
16 to employees at the plant on or about May 8, 1990 in this
17 transcript, specifically that first paragraph, consistent
18 with the type of message you would have wanted to hear
19 communicated to employees as a result of your 4-30
20 meeting?

21 A Well, I need to -- well, I'll put it this way:
22 No. But to be fair about it, I took the liberty of
23 reading other pages of that transcript. And, while that
24 may have been his summary statement, he did go on to
25 delineate areas of concern that he volunteers.

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1 And I believe he went on for about, at least
2 in the transcript pages, two or three more pages with
3 regard to events that had transpired starting in the
4 1987-1988 time frame at Vogtle that he believes could have
5 contributed to the NRC's view of their performance.

6 Q In 1990, at any time in 1990, were you aware
7 that Mr. Bockhold in the presence of Mr. McCoy informed a
8 group of Georgia Power employees the statement that "We
9 don't have a cowboy attitude" was --

10 MR. BLAKE: Judge Bloch, I have a problem with
11 this sort of selective reading out of a transcript where
12 the witness has tried in a fair way to say -- I don't
13 think I can even look at this one sentence. You've got to
14 look at several pages worth.

15 And when we do this -- let me just finish, if
16 I can. This transcript and its meaning are going to be
17 the subject of argument by each of us in our findings.

18 Mr. Matthews was not there for this. He can't
19 interpret what Mr. Bockhold did at that. He does have an
20 impression of this and a whole lot more which lead to his
21 understanding of George Bockhold. And I think it's fair
22 to ask him, "Did you take this into account in arriving at
23 your determination? Was your determination made a part of
24 the staff's?"

25 But to try to trot through now individual

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1 specific sort of snip-it sentences or phrases or clauses I
2 think is: one, very time-consuming; and, two,
3 inappropriate.

4 CHAIRMAN BLOCH: In light of opposing
5 argument, could you restate that question so I can see how
6 it relates to the argument?

7 MR. STEPHEN KOHN: Yes, Your Honor. What --

8 MR. BLAKE: Thank you, Judge Bloch.

9 MR. STEPHEN KOHN: Just what I would like to
10 probe with this witness is when he learned in terms of
11 time that these types of comments were made to the
12 employees at Vogtle in response to the 4-30 briefing. I
13 think that's probative because this witness over time has
14 formed an opinion.

15 And I believe that if he knew back in 5-8,
16 1990 that statements like this were made, his opinion as
17 it molded over time may have been different. So I'm
18 actually --

19 CHAIRMAN BLOCH: The basis is missing because
20 the witness stated that he had to understand that in
21 context with other statements in the same briefing.

22 MR. BLAKE: And, in fact, that very question
23 was asked and answered. Mr. Matthews tried, and he
24 doesn't remember precisely what the time frame was.

25 CHAIRMAN BLOCH: So you can continue, but

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1 let's see what questions you have.

2 MR. STEPHEN KOHN: Okay. Thanks.

3 BY MR. STEPHEN KOHN:

4 Q When you first read Mr. Bockhold's comments as
5 contained in Exhibit II-183A -- and I know you testified
6 -- is the first time you heard or read these when you got
7 it from a tape?

8 A Well, no. I either read a tape transcript or
9 listened to a tape while reading a tape transcript.

10 Q And that would have been --

11 A It's the first time that I would have been
12 aware that these comments were made.

13 Q And that would have been some years after the
14 comments were made?

15 A Yes.

16 Q In looking at the comments Mr. Bockhold made
17 in this tape, did they to you reflect any performance
18 problems or attitude problems with Mr. Bockhold?

19 A Yes.

20 Q Can you tell me what they are?

21 A In a nutshell, my view was that while doing
22 what I think is a reasonable job of expressing the
23 concerns that the NRC expressed, what I inferred was an
24 attitude that was still one -- I guess you would call it a
25 defensive posture, that while these concerns were

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1 expressed, this really isn't an accurate assessment of
2 Vogtle. But you could argue that that's just so much
3 posturing.

4 If you look at that one paragraph you pointed
5 me at, he starts off explaining, "We are not this way. We
6 don't have this attitude." But then he does go on to
7 explain circumstances that reasonable people might
8 disagree on but that at least some people could infer are
9 reflective of those kind of attitudes.

10 So I think there was just a note of -- I don't
11 know what word to describe other than what I did -- you
12 know, maybe recalcitrance to want to admit to that there
13 might be some substance to the concerns.

14 Q And did you listen in terms of this tape, Tape
15 99? Did you go on and listen to the B side of the tape,
16 99B, in which employees discussed their impressions of
17 what Mr. Bockhold said and what they got out of the
18 meeting?

19 A I would have to have my recollection refreshed
20 by looking at that transcript to know whether I had
21 listened to it or not.

22 Q Did you make any independent assessment? In
23 other words, at the time in 1990, did the NRC make any
24 independent assessment as to the impact of this meeting
25 and how this may have trickled down to the troops over at

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1 Plant Vogtle?

2 A I personally did not.

3 Q Okay. And we may come back to 99B depending
4 on -- I'd now like you to look at a document, your
5 document --

6 BOARD EXAMINATION

7 CHAIRMAN BLOCH: Let me ask a more general
8 question. Did the NRC obtain feedback or data with which
9 to evaluate whether there had been an adequate response to
10 the cavalier cowboy attitude meeting?

11 WITNESS MATTHEWS: The events of 1990 started
12 to move very quickly in one regard. And that is that, in
13 addition to the observations made by NRC management to the
14 site, we also are in receipt of allegations, extensive
15 allegations, that were reflective of these same kinds of
16 concerns.

17 And those, the concerns that NRC management
18 and staff felt, and those allegations combined to raise a
19 general level of concern that prompted the initiation of
20 what we've referred to as the operational safety
21 inspection in August. So there was a great deal of
22 activity. We also made a very expeditious reassignment of
23 a new senior resident inspector.

24 So there were channels and avenues of enhanced
25 oversight that we were using to keep an eye on what was

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1 going on at Vogtle.

2 CHAIRMAN BLOCH: Did the OSI effort allay the
3 NRC's fears or did it intensify them?

4 WITNESS MATTHEWS: Well, I would have to say
5 that it intensified them to some degree in that the OSI
6 confronted some of the same communication problems and
7 attitudinal issues.

8 But at the same time I'd have to say that it
9 allayed them to some degree in that some of the underlying
10 technical issues that were the initial source of concern
11 were found to have been resolved generally in a safe
12 manner. And that, of course, was one of the objectives of
13 the OSI, was to go down and address those issues.

14 So I think the NRC felt better for having gone
15 and looked and determined that indeed we were of the view
16 that the plant was still -- was being operated in a safe
17 manner. But we were left with lingering concerns with
18 regard to attitude, the approach to off-normal events and
19 communications.

20 CHAIRMAN BLOCH: Do the other panel members
21 have a comment on that?

22 ADMINISTRATIVE JUDGE MURPHY: Excuse me. Just
23 left with lingering concerns after the OSI?

24 WITNESS MATTHEWS: Yes.

25 CHAIRMAN BLOCH: Do the other panel members

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1 wish to comment on that?

2 WITNESS SKINNER: I think my comment would be
3 based on the historical information that I have read over
4 the past, but I think that you might want to consider
5 directing this question to Mr. Ruiz, who was in the charge
6 of the OSI investigation group that went down.

7 CHAIRMAN BLOCH: Mr. Hood, any comment?

8 WITNESS HOOD: I was just thinking as Mr.
9 Matthews was talking, in the time span that he has
10 covered, I believe the boron dilution event was also a
11 factor in that time span and that I think to some degree
12 that was also shaping the NRC's thinking.

13 WITNESS MATTHEWS: You must be referring to
14 the resolution of that event because the event occurred in
15 1988.

16 WITNESS HOOD: Yes, I am referring to the
17 staff's review of that event or that 1988 event is what's
18 ongoing about that time frame in the earlier part of the
19 1990 time frame and through the August or so, so along
20 that way when we were getting some disturbing feedback as
21 the result of an OI investigation and we went through a
22 very lengthy enforcement action on that issue and
23 ultimately reached a resolution of the matter.

24 CHAIRMAN BLOCH: I take it the incident you're
25 referring to has also been called the dilution valve

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1 incident on our records?

2 WITNESS HOOD: Yes.

3 CHAIRMAN BLOCH: Thank you.

4 Mr. Kohn?

5 MR. STEPHEN KOHN: Thank you.

6 CROSS-EXAMINATION

7 BY MR. STEPHEN KOHN:

8 Q At the 4-30 meeting, were direct references to
9 performance problems of Mr. Bockhold ever discussed, Mr.
10 Matthews? In other words, did his name come up?

11 A Whether it came up explicitly or whether it
12 was obvious by its absence, I can't recall. But I do know
13 there was discussion with regard to the site and decisions
14 made by Georgia Power -- and this is now discussions
15 primarily led by McDonald and Hairston -- as to why they
16 decided to place their confidence in George when they took
17 over responsibility in the 1988 time frame.

18 Q What did they say about that decision?

19 A They felt like they needed to sustain
20 continuity with regard to knowledge of the plant and
21 knowledge of the staff. They were facing a very
22 challenging period given that they were bringing Unit 2 on
23 line and that the operating organization was going to have
24 to expand to include another unit.

25 And while they recognized some of what we were

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1 talking about, they certainly had been made aware and
2 admitted to being made aware that there was communication
3 difficulties on site, particularly between Mr. Bockhold
4 and the resident, that, notwithstanding those
5 difficulties, they felt that it was very important to
6 them.

7 And they had given what I would -- the phrase
8 I think they used is they had focused on this issue in
9 making a decision to retain Mr. Bockhold as plant manager
10 during this transition period and decided that he was an
11 appropriate choice for continuing those responsibilities
12 when the Southern nuclear project started to look at
13 possible personnel changes.

14 Q And did anyone from the NRC at that time give
15 Georgia Power any feedback regarding whether they should
16 keep Mr. Bockhold on as plant manager?

17 A No.

18 Q Now, would you please turn to your exhibit,
19 Staff Exhibit II-50, which is the 4-9, 1994 coordinating
20 group report?

21 A I have that.

22 Q And I'd like you to turn to Page 32. And if
23 you can look at the third paragraph, second sentence,
24 which states, "A major concern raised is the failure by
25 GPC and Bockhold to recognize Bockhold's performance

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1 failures"? Do you see that?

2 A Yes.

3 Q And is it true to state that as of November
4 1994 Georgia Power supervisors above Mr. Bockhold had
5 still failed to appropriately recognize Mr. Bockhold's
6 performance failures?

7 A Well, I don't know whether they had --
8 personally had recognized his performance failures or not.
9 This statement refers on based on our responses to the
10 demands for information and their reply to the NOV that
11 there was no recognition contained therein of performance
12 failures on Mr. Bockhold's part. I can't tell you what
13 their personal appreciation was.

14 Q Okay. Well, this says, "A major concern
15 raised is the failure by Georgia Power Corporation"; right
16 -- that's what GPC means -- and Bockhold to recognize
17 Bockhold's performance failures"; correct?

18 A That's what that says.

19 Q Now, when you say "GPC," are you referring to
20 those individuals in GPC below the plant manager level or
21 above the plant manager level? Who is GPC?

22 WITNESS HOOD: Can we agree that GPC is
23 Company, not Corporation?

24 MR. STEPHEN KOHN: Company. I'm sorry.

25 WITNESS MATTHEWS: I believe the context of

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1 this is GPC's response to the NOV and to the demands for
2 information. Those responses were signed, I believe, by
3 Mr. McCoy and Mr. Bockhold in the event that we're talking
4 about his individual response.

5 MR. STEPHEN KOHN: Yes.

6 WITNESS MATTHEWS: And they're representing
7 the company's position in that regard. I have to infer
8 from that that means the company is all inclusive.

9 MR. STEPHEN KOHN: Yes, sir.

10 BY MR. STEPHEN KOHN:

11 Q And that would mean Mr. McCoy and Mr. Coy's
12 supervisory chain, which would include Mr. Hairston;
13 correct?

14 A It would not exclude them.

15 Q And when you obtained the NOV response written
16 by Mr. McCoy, would you have expected that Mr. Hairston,
17 given his involvement in these matters and his
18 responsibilities over Mr. McCoy to have thoroughly
19 reviewed that or did you just think McCoy wrote it up on
20 his own without getting input from other managers?

21 A I don't know that I drew an inference as to
22 who may have reviewed these responses.

23 Q Okay. Now, in the next line following that,
24 you said that "This failure; i.e., the failure to
25 recognize Bockhold's performance problems, has significant

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1 implications for public health and safety." Do you see
2 that?

3 A Yes, I do.

4 Q What did you mean by -- what type of
5 implications would this failure to recognize Bockhold's
6 performance failures have for public health and safety?

7 A Exactly what's stated in the remainder part of
8 the sentence.

9 Q Then that sentence speaks for itself. Now, if
10 GPC had failed to recognize Mr. Bockhold's performance
11 failures, wouldn't it be safe to assume there may be other
12 managers and individuals for whom they failed to recognize
13 those performance failures?

14 A We weren't offering an opinion on any other
15 performance failures.

16 Q Well, I understand the narrow scope of your
17 review and the narrow scope of this report, but I'm asking
18 you to break from that a little and just give me your
19 opinion, which is: If they couldn't recognize it in
20 Bockhold, isn't it safe to assume that they probably
21 couldn't recognize it in others?

22 MR. BLAKE: Excuse me, but I don't know if
23 there's any evidentiary basis. Is there? Can you cite me
24 another instance?

25 CHAIRMAN BLOCH: Let's slow down. What I'd

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1 like to do is ask the panel to interpret its own language.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: What is the meaning of "Such
4 errors will be repeated"?

5 WITNESS MATTHEWS: My view of that is that its
6 errors the likes of which we have seen as documented in
7 the original NOV.

8 CHAIRMAN BLOCH: "The likes of which." Does
9 that mean errors by the same people or could it happen
10 with other people also?

11 WITNESS MATTHEWS: I believe we were talking
12 in this context about needing to take actions against the
13 individuals or -- I shouldn't say "against" -- needing to
14 take actions with these individuals to ensure that the
15 performance failures that had been identified weren't
16 repeated and were confined to these individuals.

17 CHAIRMAN BLOCH: Okay. Now what I'd like to
18 do is to pursue a question I asked you to reflect on over
19 the weekend, which has to do with what I consider possibly
20 related to this, although it might not be, and that is
21 whether or not there is adequate deficiency paper at the
22 plant and adequate attention to root cause.

23 As the first instance of this, I'd like to
24 talk about the company's response to the Wyle Report
25 identifying spawlings and fouling of Calcon sensors. Do

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1 you consider the follow-up on the Wyle Report to have been
2 adequate?

3 WITNESS MATTHEWS: I myself am not very
4 familiar with the events that transpired following the
5 receipt of the Wyle Report. So I would prefer to defer to
6 one of my co-witnesses on that.

7 WITNESS SKINNER: I can address the activities
8 associated with the Wyle Report, I believe.

9 CHAIRMAN BLOCH: Maybe I can shorten the
10 question a bit. We understand that there were corrections
11 made in plant procedures so that from that time forward
12 the problems were at least addressed, maybe not
13 completely, but they were addressed.

14 My concern about whether they followed up
15 adequately is in identifying the cause of what had
16 happened so that you could find out whether there were
17 additional problems that needed to be addressed other than
18 just the technical ones.

19 Let me make it clearer. There were problems
20 that might have occurred as a result of improper handling
21 of the swage locks. And, as I understand it, there was no
22 subsequent inquiry into how that happened or how
23 widespread it might be.

24 Is that your understanding as well?

25 WITNESS SKINNER: I don't recall any

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1 information that came up in this hearing that would
2 support that, yes.

3 CHAIRMAN BLOCH: That would support there
4 having been a follow-up on that?

5 WITNESS SKINNER: That there was any kind of
6 follow-up on it.

7 CHAIRMAN BLOCH: Does that represent a problem
8 in your mind?

9 WITNESS SKINNER: Not necessarily. Okay? I
10 guess it would entirely depend upon my own opinion as to
11 what would be a reasonable effort in order to address the
12 problems that were identified in the Wyle Report. Okay?

13 And in my opinion, a reasonable effort would
14 be to correct the procedure, correct the instrument
15 itself. I don't think it would be reasonable to go back
16 and --, excuse me -- in addition to that, perhaps train
17 individuals or bring this particular type of problem to
18 their attention, but to go back and look at every
19 swage-like fitting in the plant. I don't think that that
20 would really be a reasonable --

21 CHAIRMAN BLOCH: Well, I wasn't thinking of
22 that so much as a possible inquiry into who it was who was
23 responsible for the problem and whether they were
24 adequately trained and whether the procedures that were
25 being used had been adequate.

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1 The reason for doing that is to find out
2 whether there was a general problem with professionalism
3 in the people who were dealing with those installations
4 and whether there was a problem with the way procedures
5 were being written.

6 WITNESS SKINNER: With the exception of the
7 procedures, I don't think there's anything that we have
8 identified in this hearing that would say that those types
9 of corrective actions were implemented.

10 CHAIRMAN BLOCH: Well, do you see there being
11 a problem of not going into that depth to look at the root
12 cause of the problem that occurred with the Calcons?

13 WITNESS SKINNER: I don't particularly see a
14 problem by not going to that depth, no, sir.

15 CHAIRMAN BLOCH: Do you know whether or not
16 there was a general problem with the professionalism of
17 the people who were tightening the swage locks?

18 WITNESS SKINNER: I would have assumed --
19 again, this is my opinion -- that if a general problem
20 existed with personnel tightening swage lock fittings,
21 that it would have shown up in more than just one area of
22 the plant. I think it would have shown up in a lot more
23 activities being performed throughout the plant.

24 CHAIRMAN BLOCH: Well, it might have, but was
25 the trending in 1990 adequate to have determined that?

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1 WITNESS SKINNER: I have not gone back and
2 looked at trending in the 1990 time frame.

3 CHAIRMAN BLOCH: Do you know if anyone thought
4 about that?

5 WITNESS SKINNER: No, sir, I do not.

6 CHAIRMAN BLOCH: I mean, our record doesn't
7 show that anyone was even concerned about whether the
8 swage lock tightening problem might be something happening
9 throughout the whole plant. Isn't that right?

10 WITNESS SKINNER: If I recall, I believe that
11 there is a swage lock fitting tool that is generally used
12 -- and I don't know if it was in use at that particular
13 time -- for tightening swage lock fittings.

14 CHAIRMAN BLOCH: So you would expect if that
15 was being used properly that the problem that was
16 identified by Wyle with the spawlings would not have
17 occurred, wouldn't you?

18 WITNESS SKINNER: You would think that if the
19 fitting itself was a type of fitting that would be -- that
20 the tool itself would be used on. If it was just a
21 fitting that was being screwed into a component, such as
22 the Calcon device, then that type of tool would not
23 provide any use to the individual doing that work.

24 CHAIRMAN BLOCH: Could you explain more? Why
25 would the tool have not been useful in that type of work?

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1 WITNESS SKINNER: Well, in installing a line
2 fitting-type swage lock fitting into basically a threaded
3 portion of the fitting, then you would not really have any
4 kind of measurement. The measurement itself generally is
5 between the nut on the swage lock fitting and the line
6 fitting itself so that you have a physical gap.

7 When you were just putting a fitting into a
8 component, you normally do not have a gap associated with
9 that. You do not have two parallel surfaces to measure
10 between.

11 CHAIRMAN BLOCH: And is that a satisfactory
12 engineering arrangement that there's no way to check the
13 installation?

14 WITNESS SKINNER: That would be a satisfactory
15 arrangement or satisfactory use of that type of fitting,
16 but then if there's any kind of expectations or any kind
17 of thought that that fitting would cause spawlings and
18 these spawlings would get into the interior of the device
19 that you're putting it into, then the device should be
20 taken apart and make sure that there's no spawlings in
21 there after the device is put in there, as they
22 subsequently did.

23 CHAIRMAN BLOCH: When they did this, they
24 changed the fitting so we would have matched fittings and
25 there would be less likelihood of spawlings in the future.

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1 Is that correct?

2 WITNESS SKINNER: Yes, there should be less
3 likelihood of spawlings in the future using that method of
4 installing the test -- or the piece of tubing into the
5 fitting.

6 CHAIRMAN BLOCH: Do you have an opinion as to
7 whether the use of the non-matched materials was an error
8 in engineering in the first place?

9 WITNESS SKINNER: No, sir, I don't.

10 CHAIRMAN BLOCH: With respect to the trending
11 of the Calcon failures, is it your understanding that
12 there was a failure in properly trending the Calcon
13 failures prior to the March 1990 event?

14 WITNESS SKINNER: Would you state your
15 question again, please?

16 CHAIRMAN BLOCH: Is it your understanding that
17 Georgia Power did not adequately trend Calcon sensor
18 failures prior to the March 1990 event?

19 WITNESS SKINNER: That's my understanding,
20 yes. I don't think they had a trending program in effect
21 at that time that would identify the Calcon switch
22 failures.

23 CHAIRMAN BLOCH: Okay. Now, subsequent to the
24 March 1990 event, Georgia Power identified a calibration
25 problem with the high-temperature jacket water sensors.

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1 Is that correct?

2 WITNESS SKINNER: Yes.

3 CHAIRMAN BLOCH: In your opinion, did they
4 pursue adequate engineering analyses to determine that the
5 new procedure for calibrating those sensors was adequate?

6 WITNESS SKINNER: When you --

7 CHAIRMAN BLOCH: If you need to look at the
8 documents before you make a judgment, we could defer the
9 answer.

10 WITNESS SKINNER: I'd like to defer the
11 answer, then, on that.

12 CHAIRMAN BLOCH: So I'd like you to review
13 what they knew about the calibration problem and then the
14 procedure that they accepted to determine whether they
15 were adequately careful in accepting a new procedure for
16 calibration.

17 WITNESS SKINNER: Okay.

18 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
19 while we're on the same subject, if you could help me with
20 my ignorance, how is it that a plant like Vogtle cannot
21 have a trending program? Is trending not an issue in the
22 standard review plan? Is trending not an issue in setting
23 up technical specifications?

24 WITNESS SKINNER: There are no technical
25 specifications that I'm aware of that cause for trending

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1 programs at facilities. There is also not to my knowledge
2 anything in a standard review plan that addresses
3 trending.

4 There is a requirement that the -- well, I
5 don't want to say "requirement." I'm not sure that it's a
6 requirement. There is an expectation of the NRC that
7 licensees will trend failures. And I believe that's in
8 Appendix B. In one of the Appendix B's, it implies that
9 you trend failures.

10 CHAIRMAN BLOCH: In order to find root cause,
11 you'd need to be able to have some knowledge of the
12 history of the plant, wouldn't you?

13 WITNESS SKINNER: Yes, but the trending
14 program is such that you would identify major components
15 and major pieces of equipment to conduct trending on. To
16 try to trend every piece of component or every piece of
17 material in the plant I don't believe is a feasible
18 activity at a nuclear facility. There's just entirely too
19 many components.

20 Most utilities now basically are using a
21 computer program to trend in which if a failure occurs and
22 some people have it 5 or maybe 10 failures occur on a
23 component or a piece of equipment, it will then kick out
24 of the computer, at least an indication to the cognizant
25 engineer that he should go back and review this particular

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1 component or the piece of equipment to make a
2 determination as to whether there's something occurring.

3 But until -- licensees in the most recent past
4 have implemented such a computer program. Generally in
5 the early part of 1980 it was done by hand. And they
6 definitely did not trend very many activities associated
7 with the facility.

8 WITNESS MATTHEWS: I might add this
9 landscape's changed dramatically in the last few years
10 with the advent of the maintenance rule. I think most of
11 Mr. Skinner's comments were germane to the 1990 time
12 frame. You would not find the same circumstance out at
13 most of the plants today.

14 ADMINISTRATIVE JUDGE CARPENTER: It doesn't
15 give you a warm fuzzy feeling. But I assume, Mr. Skinner,
16 what you are describing currently depends on somebody
17 filling out deficiency cards faithfully?

18 WITNESS SKINNER: Well, they don't necessarily
19 use a deficiency card as far as the trending program is
20 concerned. Many utilities use the maintenance work
21 authorization itself and the information that is entered
22 into the computer based on the maintenance work
23 authorizations.

24 ADMINISTRATIVE JUDGE CARPENTER: For the
25 reason that the computer can search through that big

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1 volume of paper?

2 WITNESS SKINNER: That's correct.

3 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

4 CHAIRMAN BLOCH: A few more things in this
5 area of root cause. We noticed that the procedure for
6 calibrating the Calcon sensor was for a long time an
7 electrical procedure. Does it surprise you that it was as
8 long a period of time as it was before that procedure was
9 supplemented with something specific for a pneumatic
10 transducer?

11 WITNESS SKINNER: Yes. It would have
12 surprised me that they were using basically a mechanical
13 procedure to perform activities on an electrical piece of
14 equipment.

15 CHAIRMAN BLOCH: Okay. Now, when --

16 WITNESS SKINNER: I'm sorry. I had it the
17 other way around. Okay.

18 CHAIRMAN BLOCH: Okay. We understood. It was
19 electrical procedures on a mechanical piece of equipment.

20 WITNESS SKINNER: Right.

21 CHAIRMAN BLOCH: And with respect to the
22 alleged defective dew point instrument, does it surprise
23 you that there appears to have been no follow-up to see if
24 there were any implications for other plant records
25 related to that deficiency?

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1 WITNESS SKINNER: For dew point, it would not
2 surprise me, no, sir.

3 CHAIRMAN BLOCH: Could you explain? I'd like
4 an understanding.

5 WITNESS SKINNER: Dew point. Basically I
6 would have expected that if a piece of equipment was
7 suspected as being a faulty piece of equipment there would
8 be very little reason to go and review a lot of documented
9 past historical readings to determine whether or not those
10 documents were basically out of specifications as far as
11 the procedure is concerned.

12 I would think the more appropriate thing there
13 would be to check the system itself for any indications of
14 moisture or any indication of rust or anything of this
15 nature, check the filters as they did and make a
16 determination based on that that there was no effect in
17 the past, even though they may have had high dew point.

18 CHAIRMAN BLOCH: Well, of course, depending on
19 what the reason for the failure of the instrument was, you
20 might not need to check further at all. Isn't that
21 correct?

22 WITNESS SKINNER: That's correct.

23 CHAIRMAN BLOCH: So, without knowing what the
24 reason for the failure was, how do you know that you
25 didn't have to check instrument errors?

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1 WITNESS SKINNER: They normally check
2 instrument error on a routine basis.

3 CHAIRMAN BLOCH: No. I mean, how do you know
4 that you didn't have to verify that the readings that had
5 been taken on instrument error were faulty?

6 WITNESS SKINNER: Well, I would have assumed
7 that basically they would have done the very same thing on
8 any piece of equipment. I mean, as far as they would have
9 gone back and checked instrument error as well as checking
10 --

11 CHAIRMAN BLOCH: But the instrument alleged to
12 have been defective was also used on instrument error,
13 wasn't it?

14 WITNESS SKINNER: It's my understanding yes,
15 it was.

16 CHAIRMAN BLOCH: And I don't see any
17 indication that they did check anything about the
18 instrument error system as a result of the failure of that
19 dew point instrument.

20 WITNESS SKINNER: I don't know whether they
21 did or not, but I understood your question to be a very
22 general question as to what they would do for any piece of
23 equipment found basically out of service.

24 CHAIRMAN BLOCH: You see, my problem is that
25 once again they didn't really find the root cause of the

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1 failure. So they couldn't follow it through to find out
2 the full implications.

3 Do you see the problem?

4 WITNESS SKINNER: Yes.

5 CHAIRMAN BLOCH: And they also said later that
6 there might have been a problem of -- I guess the problem
7 of improper use was limited to the EG&G instrument. Is
8 that correct?

9 WITNESS SKINNER: It's my understanding the
10 improper use was the initial use of the EG&G and also the
11 GE instrument that -- the rental instrument that they
12 obtained.

13 CHAIRMAN BLOCH: Which was similar to the
14 EG&G; is that right?

15 WITNESS SKINNER: I don't think we know for
16 sure what kind of piece of equipment the GE equipment was.
17 So I don't know whether it was similar or not to EG&G.

18 CHAIRMAN BLOCH: Do we know how it was
19 improperly used?

20 WITNESS SKINNER: No, sir, I don't.

21 CHAIRMAN BLOCH: So, then, do we also have a
22 gap in our record as to whether that should have been
23 followed up further?

24 WITNESS SKINNER: I don't recall anything in
25 the record that addresses that GE instrument other than

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1 the fact that the readings were out-of-spec low and there
2 was a question on how to use it.

3 CHAIRMAN BLOCH: My understanding is that
4 there were other out-of-spec low readings other than by
5 that one instrument. Is that correct?

6 WITNESS SKINNER: Excuse me.

7 CHAIRMAN BLOCH: Is it correct that if you
8 looked at the agreed exhibit, the Demonstrative Exhibit 4,
9 that there are other out-of-spec low readings that are
10 unexplained?

11 WITNESS SKINNER: I don't know if they're all
12 unexplained. There are some that I believe were
13 unexplained, but there are some explanations for some of
14 the out-of-spec readings low.

15 CHAIRMAN BLOCH: Where there are no
16 explanations for out-of-spec readings low, would that
17 raise questions as to the possible training of the
18 technicians?

19 WITNESS SKINNER: Well, on Demonstrative Aid
20 4, it may basically just raise questions as to whether or
21 not all documentation that was needed to respond to that
22 was available. I don't know that it would raise questions
23 on the ability of the individuals.

24 CHAIRMAN BLOCH: Well, can you get an
25 out-of-spec low reading if you use the instrumentation

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1 properly?

2 WITNESS SKINNER: You should not be able to,
3 no.

4 CHAIRMAN BLOCH: So doesn't that indicate some
5 problem in either training or procedures if they got
6 out-of-spec low readings?

7 WITNESS SKINNER: Well, I believe they
8 attribute some of the out-of-spec low readings to
9 malfunctions on the dryer. And it depends entirely on
10 whether they were taking a reading, and I would assume
11 also in the system.

12 CHAIRMAN BLOCH: How could a malfunction of a
13 refrigerant dryer cause an out-of-spec low reading?

14 WITNESS SKINNER: The only thing I can refer
15 to is on Demonstrative Aid 4 on the 1-22-90 reading, where
16 they read 15 and 16 degrees and then the comment section
17 says, "Noted out of spec. Took readings on freon side of
18 dryer. ΔT only 1 to 2 degrees F. ΔP low." And whether
19 or not that would affect that reading I don't know.

20 So I have -- that's the only information that
21 I've got on it.

22 MS. YOUNG: What page were you reading from,
23 Mr. Skinner?

24 WITNESS SKINNER: This is Demonstrative Aid 4.

25 CHAIRMAN BLOCH: And the exhibit number on

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1 that is? The exhibit number on Demonstrative Aid 4 is?

2 MS. YOUNG: One sixty-nine.

3 WITNESS SKINNER: One sixty-nine.

4 CHAIRMAN BLOCH: One sixty-nine. And the page
5 number is?

6 WITNESS SKINNER: It's the fifth page in.

7 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
8 Judge Bloch asked several questions in which he used the
9 word "training." Are you aware of the testimony by the
10 INC technicians that there is no formal training program?

11 As far as I heard, there is no formal training
12 program for these routine surveillance measurements that
13 INC makes because there are too many of them, if my memory
14 serves me accurately.

15 Do you recall that testimony?

16 WITNESS SKINNER: I recall that testimony, I
17 think, with respect -- yes, I do recall that testimony.

18 ADMINISTRATIVE JUDGE CARPENTER: Now, the
19 training apparently is an apprenticeship on the job if you
20 go with somebody who has been doing it and learn from them
21 how to do it. Is that your impression also?

22 WITNESS SKINNER: That would be my impression
23 from the information that I've heard in this hearing. The
24 impression I've got from my knowledge of the training that
25 is conducted at the facility -- and I have not

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1 specifically looked at Vogtle's. So I don't -- I'm not
2 speaking specifically for Vogtle but generally here I'm
3 speaking.

4 As INPO provides the prescribed training for
5 the INC technicians and all the other various personnel at
6 the plant, this program basically identifies the training
7 required for the INC personnel that they have to receive.
8 And it also provides the on-the-job training that they are
9 required to receive.

10 The training does not consist of every piece
11 of test equipment and every piece of equipment on the
12 facility, only the training that is identified by INPO
13 that would require some formal training.

14 So there is definitely a lot of pieces of
15 equipment and a lot of test equipment that the INC
16 technician would be expected to become familiar with, the
17 process of his initial education and also his on-the-job
18 training.

19 CHAIRMAN BLOCH: To clarify the record, are
20 you talking about a time subsequent to 1990?

21 WITNESS SKINNER: I believe I am, but I'm not
22 exactly positive when the INPO accreditation program
23 became effective. But I believe it was before 1990.

24 CHAIRMAN BLOCH: Oh, before 1990?

25 WITNESS SKINNER: Yes, sir.

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1 CHAIRMAN BLOCH: Good.

2 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
3 did you hear in the testimony before us that Vogtle is
4 actively complying with the INPO recommendations?

5 WITNESS SKINNER: I don't recall that in the
6 testimony, no, sir.

7 ADMINISTRATIVE JUDGE CARPENTER: Well, you
8 just said "It's news to me. It's reassuring." I would
9 have thought if they were following such guidelines they
10 would have been inclined to communicate it.

11 Do you have any knowledge that they are, in
12 fact --

13 WITNESS SKINNER: I know they are today.

14 ADMINISTRATIVE JUDGE CARPENTER: You know they
15 are today?

16 WITNESS SKINNER: Yes, sir, but I don't know
17 if 1990 there was -- that was the case or not.

18 ADMINISTRATIVE JUDGE CARPENTER: Thank you
19 very much.

20 CHAIRMAN BLOCH: Mr. Skinner, returning to the
21 procedure, the electrical procedure, we had some testimony
22 that there is no use of deficiency paper to ascertain
23 problems with procedures. Do you recall that?

24 WITNESS SKINNER: Yes, sir.

25 CHAIRMAN BLOCH: I have some concern that when

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1 a procedure is found defective, perhaps seriously
2 defective, such as the use of an electrical procedure for
3 a pneumatic problem, that I would want some kind of a
4 verification that the engineer who did that didn't make
5 similar mistakes.

6 Would that be a concern to you as well that
7 the person who wrote that procedure might have been not
8 firing on all fours?

9 WITNESS SKINNER: Well, I recall that
10 testimony a little bit but not too much of it. But,
11 again, I can speak in generalities about procedures,
12 rather than specifics.

13 Procedures that an engineer would generally
14 develop would also be reviewed by an independent
15 individual as a second reviewer. And then that procedure
16 after it is initially written and reviewed would go
17 through an approval process. So that process should
18 remove most technical problems or widespread technical
19 problems. I'll put it that way.

20 If the process is correctly in use at the
21 facility, if an individual is using the procedure and he
22 cannot use the procedure, he's required to stop what he is
23 doing and get the procedure changed in order to make the
24 procedure useable. He's not authorized by any process to
25 deviate from that procedure without getting it changed or

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1 violate that procedure.

2 If he cannot use the procedure, the routine is
3 basically to stop the work and get the procedure
4 corrected. Then if the procedure basically needs to be
5 completely rewritten, it would be revised.

6 And the same revision process would be used as
7 the original process was, and that would be to rewrite the
8 procedure, have it reviewed, and then have it processed
9 and reviewed and approved by an authorized reviewer or
10 approver of the facility.

11 CHAIRMAN BLOCH: Do you know when the addendum
12 was written that made it possible to apply the electrical
13 procedure to the pneumatic device?

14 WITNESS SKINNER: No, sir, I don't.

15 CHAIRMAN BLOCH: I take it that any time
16 prior to the time that dum was written, that there
17 was a general failure to follow the procedure you have
18 just outlined of stopping and not doing any further work
19 until the procedure is changed?

20 WITNESS SKINNER: Well, procedures also are
21 written to the level of the individual performing the
22 activity. So if the level of the individual performing
23 the activity is such that he does not need or the people
24 performing the activity does not need an in-depth
25 procedure or a detailed procedure, they can get by with

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1 much less detail in a procedure than someone who is
2 unfamiliar with using the equipment.

3 CHAIRMAN BLOCH: Well, I take it that any
4 technician taking that electrical procedure would know
5 that you cannot detach the electrical leads.

6 WITNESS SKINNER: Especially when they don't
7 exist.

8 CHAIRMAN BLOCH: So I take it that anyone who
9 was using that procedure prior to the time the addendum
10 was written should have stopped and said, "This procedure
11 must be changed"?

12 WITNESS SKINNER: That would have been my
13 feeling in that time, yes.

14 CHAIRMAN BLOCH: That would raise a question
15 as to whether they were following the very important
16 procedure, that you don't use a procedure that's not
17 applicable.

18 And the other thing you told -- I'm sorry.
19 The witness did not answer, but that's okay. It was an
20 oratorical comment.

21 ADMINISTRATIVE JUDGE CARPENTER: Do you
22 understand how these INC technician and, in particular,
23 the INC supervisor could have repeatedly manipulated this
24 Q-class equipment, these Calcon sensors, with a nonsense
25 procedure that had application whatever and NRC has not

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1 taken any umbrage at those people at all for failing to
2 live up to their commitments? It's not an isolated
3 incidence. This is over and over again.

4 WITNESS SKINNER: I cannot speak for the
5 facility in 1990. No, sir.

6 ADMINISTRATIVE JUDGE CARPENTER: I'm asking:
7 How could NRC look at Appendix I of NUREG-1410, which
8 shows the history of the INC performance, without taking
9 some action?

10 Perhaps I'm unaware of it. That's why I'm
11 asking the questions. I've never seen an NOV for that.

12 WITNESS SKINNER: I've --

13 ADMINISTRATIVE JUDGE CARPENTER: Do you follow
14 my question?

15 WITNESS SKINNER: I'm not sure.

16 ADMINISTRATIVE JUDGE CARPENTER: I look at
17 Appendix I, which shows a history. And we have testimony
18 that one of the contributing factors was this generic
19 electrical temperature switch calibration procedure which
20 was being applied to a pneumatic transducer by people who
21 had no training whatsoever in the peculiarities of the
22 Calcon sensors that went on and on. And I'm just
23 surprised that NRC didn't think there was some corrective
24 action called for.

25 WITNESS SKINNER: Well, to speak to corrective

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1 action, I need to speak to corrective action in total for
2 NUREG-1410, rather than just Appendix I. The NRC
3 basically had a large program established right after the
4 NUREG was issued. They identified various weaknesses
5 associated with the findings of the NUREG.

6 NRR as well as Region II went back and
7 reviewed these various weaknesses and these areas to
8 assure that these areas were corrected by the licensee.
9 There were several activities associated with the NUREG
10 that wound up -- from NRR, if I recall correctly, they
11 issued information notices associated with the subject
12 matter.

13 There were numerous inspection reports
14 conducted or numerous inspections conducted at the
15 facility based on each of the weaknesses identified in the
16 NUREG-1410 also.

17 So, without going back and reviewing all of
18 this particular information, I can't address specifically
19 the activities that were taken with regard to Appendix I.

20 ADMINISTRATIVE JUDGE CARPENTER: Thank you.
21 So there's not something that I don't know.

22 CHAIRMAN BLOCH: Mr. Skinner, just I think one
23 more area before we take our break for lunch. In response
24 to my concern about whether a specific procedure writer
25 could be a problem in the plan, you outlined a system of

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1 reviews where there were two subsequent reviews after a
2 procedure was written that were to assure that the
3 procedure was properly done.

4 That provides some assurance, but with respect
5 to the Calcon sensor procedure, where electrical procedure
6 was used for a pneumatic device, it would raise problems,
7 wouldn't it, with the whole review system?

8 WITNESS SKINNER: I don't believe there was an
9 actual procedure. I think that was just a data sheet that
10 they attached to an MWO. So it wouldn't really classify,
11 I don't believe, as a procedure itself, but it would raise
12 a question as to whether at that time they were using a
13 data sheet that should have been perhaps reviewed to
14 determine whether or not a procedure would have been more
15 appropriate to be developed, rather than just a data
16 sheet.

17 CHAIRMAN BLOCH: I see. So they were using a
18 data sheet, instead of a procedure or in place of a
19 procedure?

20 WITNESS SKINNER: That's my understanding,
21 yes, sir.

22 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
23 do you recall Mr. Briney's testimony, to which there was
24 an attachment, a document that was a generic calibration
25 for electrical temperature switches? Do you recall that

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1 document?

2 WITNESS SKINNER: I recall Mr. Briney talking
3 about an RER that --

4 ADMINISTRATIVE JUDGE CARPENTER: What's an
5 RER?

6 WITNESS SKINNER: Request for engineering
7 review I believe is what they identified it as. And that
8 was an attached document to the maintenance work orders
9 for the calibration of the Calcon devices. And that was
10 primarily to put the orifice, the appropriate size
11 orifice, into the system to help perform the calibration.

12 CHAIRMAN BLOCH: We'll take our lunch break
13 now until 2:00 o'clock.

14 MR. BLAKE: Judge Bloch, can I get a sense for
15 the timing now of the remainder for this panel? And this
16 has not been a hectic day to this point.

17 CHAIRMAN BLOCH: Mr. Kohn, do you have an
18 estimate on timing?

19 MR. BLAKE: Yes. I think that we'll be
20 finished by the end of the day, maybe before, but
21 definitely I'm almost certain by the end of the day.

22 CHAIRMAN BLOCH: Mr. Blake, do you have an
23 estimate on your own?

24 MR. BLAKE: Yes. Less than a half-hour is my
25 estimate.

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1 CHAIRMAN BLOCH: That's infinitely longer than
2 anything you've ever done before.

3 MR. BLAKE: Yes.

4 CHAIRMAN BLOCH: Ms. Young, do you have an
5 estimate?

6 MS. YOUNG: No.

7 MR. BLAKE: Okay.

8 CHAIRMAN BLOCH: So we'll take our break.

9 (Whereupon, a luncheon recess was taken at
10 12:20 p.m.)
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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (2:05 p.m.)

3 CHAIRMAN BLOCH: Good afternoon. Mr. Kohn?

4 MR. STEPHEN KOHN: I think, if my memory
5 serves me well, that the witness was reviewing a document
6 to answer a Board question. Am I right on that?

7 CHAIRMAN BLOCH: Was it a Board question?

8 WITNESS MATTHEWS: There was a Board question
9 remaining at the end of last Friday.

10 MR. STEPHEN KOHN: Oh, last Friday. Oh, okay.
11 I'm sorry, I didn't understand your question. And do you
12 remember what that Board question was, and can you answer
13 it?

14 WITNESS MATTHEWS: Well, I tell you what. Why
15 don't I just rely on the record from last Friday's
16 hearing.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Well, to keep things
19 together, would you like to comment on anything that went
20 on between me and Mr. Skinner?

21 WITNESS MATTHEWS: No.

22 CHAIRMAN BLOCH: Okay. And is that also true,
23 Mr. Hood --

24 WITNESS HOOD: I'm sorry, what is the
25 question?

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1 CHAIRMAN BLOCH: Whether as I was talking with
2 Mr. Skinner whether there was anything important that came
3 up for you that was different from what Mr. Skinner was
4 saying.

5 WITNESS HOOD: No.

6 CHAIRMAN BLOCH: Okay, thank you. Now, let's
7 progress.

8 WITNESS MATTHEWS: At two different points in
9 last Friday's examination by the Board, the question was
10 asked in my transcript references 14838 --

11 Chairman Bloch: Are there examples in our
12 record of a lack of safety consciousness that come to
13 mind?

14 And I believe that was repeated at the end of
15 the day at 14860.

16 "Mr. Matthews," -- again Chairman Bloch:
17 "While you're writing out things to reflect on, we were
18 talking about whether or not safety consciousness has been
19 reflected in our record. You might want to think about
20 that one also."

21 And I researched the information that I had
22 available to me at the time of the events leading up to
23 the 4/30 meeting that I had shared with my management on
24 several occasions preceding the 4/30 meeting. Those
25 occasions started with I believe a meeting on the 11th of

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1 April and in some form or another were repeated on the
2 12th, the 13th, the 17th -- different days with my
3 management.

4 That information consisted, as I reflected, as
5 I shared on Friday, of information that had come to light
6 from many different sources -- resident inspectors,
7 regional staff, my own personal involvement. And I
8 compared that list of information and the research I had
9 done with my knowledge of the record. And I didn't do
10 this extensively, because as I shared on Friday, that
11 record is a very extensive record.

12 As it turns out, information shared very
13 recently in the form of an exhibit attached to Mr.
14 Hairston's most recent testimony and again -- and has been
15 entered as an exhibit just today, namely information
16 contained on tape 99, which is the recitation of the May
17 8th meeting among GPC employees -- within that information
18 was contained I believe -- and we'll check my numbers --
19 five references to events.

20 And those five references to events are common
21 to a portion of the information that I relied upon. And
22 I'll just real quickly recite those five -- if it is that
23 number -- events. And I believe they were also mentioned
24 -- and I will for completeness, after I'm done with my
25 first list here, Mr. Hairston I think also identified some

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1 of these same events in his testimony given in Augusta,
2 Georgia on August 16th.

3 And I don't have extensive knowledge of the
4 details of these events, but I am aware of the
5 circumstances.

6 CHAIRMAN BLOCH: Doesn't it say that because
7 those matters are collateral to our concern in the
8 proceeding it really wasn't what I was asking about, and
9 I'd rather not go into the details of those events --

10 WITNESS MATTHEWS: Fine.

11 CHAIRMAN BLOCH: -- because they're not part
12 of the proceeding. What I was more interested in was the
13 nature of the things I inquired into with Mr. Skinner.
14 Things that are directly related either to the dew point
15 instruments, how they were read, whether they were found
16 defective, or to the Calcon sensors which we've had
17 extensive testimony about.

18 And I was asking your opinion as to whether
19 any of those showed a lack of conservatism or a lack of
20 safety consciousness in following through and assuring
21 that things were done in a safe manner.

22 WITNESS MATTHEWS: Okay, and I can respond to
23 that. I did misunderstand.

24 CHAIRMAN BLOCH: And I obviously
25 miscommunicated. I'm sorry I set you -- your mind

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1 whirring on a much more interesting chase, I'm sure, than
2 the one I intended.

3 WITNESS MATTHEWS: And it wasn't worry, it was
4 just effort expended in examination of the record.

5 CHAIRMAN BLOCH: Whirring, w-h-i-r-r. Not
6 worrying.

7 WITNESS MATTHEWS: Oh, whirring. Okay, thank
8 you. Yes, it was whirring. With regard to the events
9 more at issue that have been examined in this record, I
10 don't believe that any of them rise to the level of
11 significance that I and I think others in the NRC ascribed
12 to the events that I was just about ready to cite to you
13 as raising concern about safety consciousness.

14 I'll extend that to say certainly the kind of
15 events we've talked about here buttress in our examples of
16 the same kind of communication problems that were common
17 to the issues we talked about in the 4/30 meeting. And
18 there's been many examples in the record of those kind of
19 difficulties in terms of communication.

20 But in terms of safety consciousness, I don't
21 believe that the kind of events you've been discussing
22 here or we've been discussing here rise on the same scale
23 as the ones that prompted the 4/30 meeting and were the
24 source of our primary concern.

25 CHAIRMAN BLOCH: To be clear, none of the

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1 events I'm talking about has overriding safety
2 significance or could cause an accident at the plant. It
3 was more the approach to the records and the determination
4 of root cause that concerned me. Apparently these are not
5 of equal concern to you.

6 WITNESS MATTHEWS: They were not of equal
7 concern to the events that prompted the concerns we had in
8 1990. Okay, they are of concern to me personally.

9 CHAIRMAN BLOCH: Are these consistent -- are
10 they consistent with the same kinds of problems in the
11 more major events?

12 WITNESS MATTHEWS: There is an overlap from
13 one perspective, and that is -- in fact, it relates to a
14 question you asked me on Friday that I might want to
15 expand on a little here. And that is this issue of you'll
16 -- I think you used the phrase root cause determination.
17 I might phrase it as a willingness to get to the bottom of
18 things with regard to their implications that would extend
19 beyond the immediate issue at question.

20 Okay, there were instances of the few that I
21 were going to cite to you here that were referred to in
22 that May 8th meeting where the utility responded to the
23 immediate -- I'll say crisis or off normal event. But in
24 my view, didn't then step back and assess the longer term
25 implications of how they had responded in my view to

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1 ensure that they wouldn't find themselves in that
2 circumstance or a related circumstance again.

3 So -- and I think there were -- I think there
4 were three events that I can think of that prompted the
5 April 30th discussion that had that quality to them. But
6 they weren't reviewed -- they weren't viewed by the
7 utility with the significance that the NRC viewed them,
8 both by virtue of the utility not feeling compelled to
9 communicate to us fully about them and two, they weren't
10 viewed with the significance, I don't believe, by GPC
11 management -- or at least some levels of GPC management
12 that would have allowed them to be examined more closely
13 for -- as you would put it, root cause.

14 CHAIRMAN BLOCH: I rather like your way of
15 putting it, getting to the bottom of things. Because one
16 of the things that concerns me about root cause is a lot
17 of the witnesses have talked about finding "the root
18 cause." And I'm really concerned about seeing what
19 antecedent events might cause other problems in the plant,
20 even if there are five of them, not just one.

21 And that's what I was concerned about in terms
22 of following through on, for example, bad swage lock
23 fittings. How did it get to be that way and what does it
24 say about the rest of the plant? On that one, I take it
25 you agreed with Mr. Skinner, meaning that not following

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1 through on the level of professionalism or workmanship in
2 the swage lock fittings after the Wiley report doesn't
3 much concern you?

4 WITNESS MATTHEWS: No, I would put it more in
5 the context it is an example of not completely following
6 through on symptoms that could give rise to problems down
7 the road. So, I think it would concern me, but I view it
8 as other examples of the same kind of attitude that I saw
9 with more -- with regard to more significant events.

10 CHAIRMAN BLOCH: Mr. Skinner, did I overstate
11 your position on those swage lock fittings?

12 WITNESS SKINNER: Yes, sir; I think you did.
13 I don't believe I said that this problem would not concern
14 me. Okay, because it would concern me. I think any
15 problem that occurs at the facility would concern me. But
16 I don't --

17 CHAIRMAN BLOCH: Okay, the concern I had in
18 terms of getting to the bottom of things is whether the
19 same level of -- I'm not sure what the problem is, because
20 it wasn't looked into, but professionalism, workmanship,
21 supervision, elsewhere with the same personnel could cause
22 problems elsewhere in the plant.

23 That's what concerned me that they didn't
24 track down. But I thought in our dialogue you said you
25 were satisfied that they did enough about the Wiley

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1 report.

2 WITNESS SKINNER: I don't know all the things
3 that they did in fact do with the Wiley report, so I can't
4 really respond to that.

5 CHAIRMAN BLOCH: But how about the specific
6 area about supervision?

7 WITNESS SKINNER: I'm not aware of anything
8 that they did with regard to the fittings or any
9 corrective actions they took with respect to that.

10 CHAIRMAN BLOCH: And in your opinion, should
11 they have at least thought in depth about that?

12 WITNESS SKINNER: I don't know about thought
13 in depth. Well, a supervisor of the problem should have
14 thought in depth about that and his corrective action
15 could -- and he could have done that for all I know. And
16 the corrective action could have been something as simple
17 as making sure all of his personnel were aware that this
18 type of activity occurred and called their attention to
19 it.

20 CHAIRMAN BLOCH: That would help for the
21 future.

22 WITNESS SKINNER: Right.

23 CHAIRMAN BLOCH: But I'd also -- even with
24 that, I'd still be concerned that the same kind of
25 workmanship had occurred elsewhere.

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1 WITNESS SKINNER: Well again, I don't think
2 that you can go back to that depth of inspection for every
3 error or mistake that occurs at a facility.

4 CHAIRMAN BLOCH: I think that's right. And to
5 decide whether to go into that depth, I guess someone has
6 to assess how bad the professionalism was in the workers
7 who caused the sprawlings on the swage locks. Isn't that
8 the relevant consideration to decide how much in depth
9 you'd go into the incident?

10 WITNESS SKINNER: Could you repeat that again,
11 please?

12 CHAIRMAN BLOCH: How bad was the -- wouldn't
13 you have to consider how bad was the error of the
14 craftsman who caused the sprawlings? Isn't that the first
15 step in deciding how much depth to go into in pursuing
16 that?

17 WITNESS SKINNER: Yes, I think that would be
18 one of the first steps that you'd have to consider.

19 CHAIRMAN BLOCH: And do you have an opinion as
20 to whether it was something that might just have happened
21 routinely, or whether that showed pretty bad workmanship?

22 WITNESS SKINNER: I don't think that it would.

23 CHAIRMAN BLOCH: Yes?

24 WITNESS SKINNER: I don't really know on that
25 -- good response to that.

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1 CHAIRMAN BLOCH: Okay. And as Judge Murphy
2 suggested to me, you'd also want to know whether there
3 were opportunities for the same kind of lack of
4 professionalism to cause problems elsewhere in the plant.
5 But I guess I'd worry that if it was bad enough
6 craftsmanship, I'd worry there's always an opportunity for
7 that to show up somewhere.

8 WITNESS SKINNER: Well, I think along that
9 line if there was bad enough craftsmanship, it would show
10 up in numerous other places other than just be isolated to
11 this event, and it would show up in other work activities.

12 CHAIRMAN BLOCH: Yeah, but the reason we found
13 out about this one is because there was a site area
14 emergency. It could be that it was elsewhere in the plant
15 but that you weren't finding it out because it wasn't
16 being challenged. How would it show up? You'd expect
17 routine inspections to find it.

18 WITNESS SKINNER: I wouldn't expect routine
19 inspections to identify this type of problem.

20 CHAIRMAN BLOCH: Okay, so you'd expect that if
21 there was a craftsmanship problem, it would be dealt with
22 by the routine inspection problem process?

23 WITNESS SKINNER: Yes, and I also expect that
24 it would show up in other activities if it was a
25 professional problem.

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1 CHAIRMAN BLOCH: QA/QC would probably show it
2 up too, wouldn't it?

3 WITNESS SKINNER: Excuse me?

4 CHAIRMAN BLOCH: You'd expect QA/QC programs
5 to show that kind of thing up?

6 WITNESS SKINNER: Yes, I would. I would
7 expect the QC program to show that kind of thing, not
8 necessarily QA program.

9 CHAIRMAN BLOCH: QC, thank you.

10 MR. BLAKE: Judge Bloch, I waited until you
11 were done, but I feel I really need to make an observation
12 for the record. And I would urge you tomorrow just to
13 take a look at this portion of the transcript and look at
14 the adjectives that you used and the leading nature of the
15 questions that you asked -- how bad would this, or would
16 you say that you didn't have any interest in this -- these
17 kinds drive a witness.

18 And it takes a fair amount of courage on the
19 NRC Staff, and I appreciate the courage that they're
20 showing in saying even to you sitting up above them
21 looking down at them and asking -- gee, that isn't really
22 what I meant, or I know that's not -- and I just urge that
23 you take a look and rethink. That's all.

24 CHAIRMAN BLOCH: My expectation, particularly
25 with these witnesses, is that they're not going to be

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1 reluctant to challenge me. I'm really not trying to push
2 them around, but to get to the heart thinking about what
3 these issues are.

4 MR. BLAKE: Simply the physical setting and
5 the fact that you're the judge -- I'd urge particular
6 sensitivity on your part, even with these. If it had been
7 our witnesses, I think they'd have probably been more
8 intimidated.

9 MR. STEPHEN KOHN: I just want to make an
10 objection to the objection and my own comment, which is --

11 MR. BLAKE: No objection.

12 MR. STEPHEN KOHN: -- which is in watching the
13 demeanor of these witnesses on the stand, I don't think
14 that in any way they've been influenced by the leading
15 questions or demeanor -- been forthwith them. I don't
16 think that your concern is beared out by their demeanor.

17 MR. BLAKE: Well I appreciate your
18 observation.

19 CHAIRMAN BLOCH: I'm done.

20 CROSS EXAMINATION (continued)

21 MR. STEPHEN KOHN: Calling your attention, Mr.
22 Matthews, to Staff Exhibit II-50 --

23 CHAIRMAN BLOCH: You've now wandered from the
24 microphone.

25 MR. STEPHEN KOHN: Okay, Staff Exhibit II-50,

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1 page 32.

2 WITNESS MATTHEWS: Yes.

3 MR. STEPHEN KOHN: And I want to go back to
4 that second sentence on the third paragraph which reads,
5 "A major concern raised is the failure by GPC and Bockhold
6 to recognize Bockhold's performance failures." Okay, and
7 do you -- and I'm focusing my questions on that statement
8 and understand it within a context. Are you with me?

9 WITNESS MATTHEWS: Yes.

10 MR. STEPHEN KOHN: Okay. And now what I want
11 you to do is look at that but essentially go beyond the
12 specific findings of this report, because my -- I'm using
13 this as just a point of departure. Okay, I understand
14 through this sentence you have identified a specific
15 failure by GPC.

16 And you've identified it as it relates to Mr.
17 Bockhold, correct?

18 WITNESS MATTHEWS: Yes.

19 MR. STEPHEN KOHN: Okay. Now, did you look at
20 that failure by GPC and analyze the root cause of their --
21 of GPC's failure to recognize Bockhold's performance
22 failures?

23 WITNESS MATTHEWS: No.

24 MR. STEPHEN KOHN: Okay.

25

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1 CHAIRMAN BLOCH: And have you a professional
2 opinion about that?

3 WITNESS MATTHEWS: I mean, I have an
4 observation, but whether it goes to a reason, I don't
5 know. My observation is that there seemed to be -- I'll
6 use the word some myopia or blindness to his performance
7 failures on the part of GPC management that I saw
8 reflected in the evidence that we reviewed and my own
9 personal dealings with this issue over the period of time
10 that we're talking about.

11 CROSS EXAMINATION

12 MR. STEPHEN KOHN: And essentially that myopia
13 or what we're looking at is the basis of GPC's failure --
14 isn't it true that that could have impacted reasonably on
15 GPC's upper level management -- I'm talking about Bockhold
16 -- on their supervision of employees such as Mr. Kitchens?

17 CHAIRMAN BLOCH: I don't understand the
18 question.

19 MR. STEPHEN KOHN: In other words, if GPC
20 failed to recognize Bockhold's performance failures -- and
21 I understand in your report you maybe didn't analyze it
22 this way, but I'm just asking -- if they failed to
23 recognize Bockhold's performance failures, isn't it also -
24 - wasn't there also a risk that these same managers failed
25 to recognize Mr. Kitchens' performance failures?

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1 MS. YOUNG: Mr. Kohn, could you give us more
2 specificity in terms of what performance failures of Mr.
3 Kitchens you're referring to?

4 MR. STEPHEN KOHN: Well, specifically the one
5 that comes to my mind is the whole delusion valve incident
6 and their failure to --

7 CHAIRMAN BLOCH: Dilution.

8 MR. STEPHEN KOHN: Dilution valve incident and
9 the way they handled that internally.

10 MR. BLAKE: We're not trying that issue, and
11 yet we're going to characterize it as a grand failure on
12 somebody's part. Is that where we are?

13 MR. STEPHEN KOHN: Yes.

14 MR. BLAKE: Well, I'm not going to
15 characterize it that way. And we're not trying it.

16 MR. STEPHEN KOHN: Well, there was a notice of
17 --

18 MR. BLAKE: It's an inappropriate basis.

19 MR. STEPHEN KOHN: No, there was a notice of
20 violation, there was an OI report, --

21 MR. BLAKE: And we're not trying all that
22 stuff.

23 MR. STEPHEN KOHN: -- and there was no
24 disciplinary action taken against this individual. And we
25 are getting to the heart of one of the issues in this

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1 proceeding, which is the confidence of upper level
2 management.

3 MR. BLAKE: Well, we may be getting there, but
4 that's not the issue in this proceeding.

5 CHAIRMAN BLOCH: A difficulty for me is that
6 we have allegations of misrepresentations. And it is
7 difficult for me to assess the implications generally of
8 what took place with the misrepresentations. On the
9 narrow issue of whether or not misrepresentations have
10 significance elsewhere, I would permit the question.

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

12 MS. YOUNG: Well, Judge Bloch, --

13 MR. BLAKE: Can you define the scope again for
14 me, Judge Bloch?

15 MS. YOUNG: Judge Bloch, Mr. Kohn was not here
16 for the Board's rulings on the limited issues associated
17 with the dilution valve matter.

18 CHAIRMAN BLOCH: We'll take a brief recess.

19 (Whereupon, the proceedings went off the
20 record from 2:25 p.m. until 2:30 p.m.)

21 CHAIRMAN BLOCH: Mr. Kohn, we have
22 deliberated, and you may inquire further into the nature
23 of the myopia -- alleged myopia, or the basis for the
24 belief that there was a problem about supervising Mr.
25 Bockhold. But you may not inquire into collateral matters

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1 such as the dilution valve.

2 We'll be able to know if you inquire further
3 into what happened, what the scope of the problem for the
4 plant might be. And we can do that as a matter of
5 findings. But you don't have to inquire into the
6 collateral issues as a part of this proceeding.

7 CROSS EXAMINATION

8 MR. STEPHEN KOHN: Thank you. In that
9 sentence, when you said a major concern raised is the
10 failure by GPC and Bockhold to recognize Bockhold's
11 performance failures -- okay, in that sentence, do you
12 believe that this failure could have overflowed to other
13 areas of GPC's supervision of the activities at Plant
14 Vogtle?

15 WITNESS MATTHEWS: Yes, it could have
16 overflowed.

17 MR. STEPHEN KOHN: Okay. And given the nature
18 of the Vogtle coordinating group evaluation and what you
19 were tasked to do, was an analysis of that potential
20 overflow part of your duties?

21 WITNESS MATTHEWS: I don't think I can respond
22 because of your use of the word "an analysis" of the
23 overflow. Certainly that wasn't even a term used in that
24 time frame, so that was not a facet of our duties.

25 MR. STEPHEN KOHN: Okay. And can you explain

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1 exactly what were the -- what was the scope of the mission
2 of the Vogtle coordinating group which you were the chair
3 of, correct? You were the chair of that group?

4 WITNESS MATTHEWS: Yes, I was the chair of
5 that --

6 MR. STEPHEN KOHN: And can you explain exactly
7 what the scope of that group's mission was?

8 WITNESS MATTHEWS: In order to get it
9 accurately rendered, I'd like to refer to the charter that
10 --

11 MR. STEPHEN KOHN: Okay, I don't have a -- was
12 that one of your exhibits? I don't think it was.

13 WITNESS MATTHEWS: All I know is it was
14 produced in discovery.

15 MR. STEPHEN KOHN: If maybe counsel for NRC
16 can assist? I don't think that charter --

17 CHAIRMAN BLOCH: Well, on page one of -- I
18 don't know if you want more than this, but Staff Exhibit
19 II-50 on page one in the introduction does say something
20 about the scope. Is it broader than that that you're
21 thinking of something else, Mr. Matthews?

22 WITNESS MATTHEWS: Let me get that and I'll
23 respond.

24 CHAIRMAN BLOCH: It's the second to last
25 sentence in the introduction.

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1 WITNESS MATTHEWS: Well, that's an accurate
2 rendering of the smaller task that we had following the
3 issuance of an NOV and proposed civil penalty and the
4 receipt of Georgia Power and individual responses. In
5 other words, the task that we were set about that resulted
6 in the production of Exhibit II-50, that task is
7 adequately described by the cited sentence, Judge Bloch.

8 I inferred from his question a broader
9 question, and I don't know whether that is accurate or
10 not. Do you want to repeat the question?

11 MR. STEPHEN KOHN: No. I understand -- my
12 question was actually a little broader. I think it did go
13 to the basis of your entire responsibilities with the
14 coordinating group, not just what you did through your
15 November 4, 1994 thing Now, --

16 MS. YOUNG: Mr. Kohn, you might want to refer
17 the witness to the intro of Staff Attachment D, Staff II-
18 45, which is the initial report.

19 MR. STEPHEN KOHN: Okay, and if you could
20 please look at Staff Exhibit II-45, the introduction
21 there.

22 WITNESS MATTHEWS: And I'll reply in a similar
23 manner. With regard to the immediate effort of producing
24 the coordinating group analysis of evidence and
25 conclusions during this time frame, that's an accurate

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1 rendering of what our charter was. But the Vogtle
2 coordinating group has been in existence, I believe, since
3 1991.

4 CHAIRMAN BLOCH: Well perhaps that can be
5 obtained in the next break. Is that possible? There's a
6 document that you --

7 WITNESS MATTHEWS: I don't know whether that's
8 his question or not.

9 MR. STEPHEN KOHN: I would like to see that
10 charter.

11 MS. YOUNG: The document was produced in
12 discovery and the charter does not go back to 1991. The
13 charter that's cited in the intro of Staff II-45 is a
14 September of '93 document, which is why I had suggested
15 that you direct the witness' attention to that.

16 MR. STEPHEN KOHN: I think the witness said he
17 thought there was something -- something that was beyond
18 that.

19 WITNESS MATTHEWS: No.

20 MS. YOUNG: Yeah, but it wouldn't be within
21 the scope of the issues in this proceeding.

22 WITNESS MATTHEWS: I directed my attention to
23 the first paragraph of the cover page as opposed to
24 directing my attention to the first paragraph of the
25 enclosure. So let me read that again. My view is that

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1 paragraph is a full representation of the mission that the
2 Vogtle coordinating group had with regard to the events
3 that are at subject in this hearing.

4 MR. STEPHEN KOHN: Okay, and can you just
5 identify for the record exactly what paragraph you're
6 referring to?

7 WITNESS MATTHEWS: I'm looking at an
8 unnumbered page, but since it's followed by page two, I'd
9 have to infer that it's page one of Enclosure 1 to a
10 February 9, 1994 memorandum from me, as chairman of the
11 Vogtle coordinating group, to Thomas Murley, the Director
12 of Office of Nuclear Reactor Regulation.

13 CHAIRMAN BLOCH: Yes, and that is Staff II-45.

14 MR. STEPHEN KOHN: Thank you very much. Now
15 again, this -- and again, focus on that second sentence of
16 the third paragraph on page 32.

17 WITNESS MATTHEWS: You'll have to wait until I
18 get that again.

19 MR. STEPHEN KOHN: Sure.

20 WITNESS MATTHEWS: Is that Staff Exhibit II-
21 50?

22 MR. STEPHEN KOHN: Yes.

23 WITNESS MATTHEWS: All right, I'm there.

24 MR. STEPHEN KOHN: Okay. And is it your
25 opinion that the failure of GPC to recognize Bockhold's

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1 performance failures could be indicative of a much larger
2 corporate culture problem, vis-a-vis holding managers
3 accountable?

4 WITNESS MATTHEWS: It could be.

5 MR. STEPHEN KOHN: And --

6 BOARD EXAMINATION

7 CHAIRMAN BLOCH: Well, do you think it is?

8 WITNESS MATTHEWS: Well, he asked me in my
9 opinion if it could be, and I --

10 CHAIRMAN BLOCH: Well, I understand that. But
11 anything could be, so it doesn't get us very far.

12 WITNESS MATTHEWS: You know, I really have
13 only formed opinions in the light of the events that
14 transpired in this regard. The coordinating group drew
15 conclusions about the validity of the allegations and the
16 findings made by OI and our own review of the evidence,
17 and we were -- we concluded this with regard to their view
18 of Mr. Bockhold's performance failures.

19 And we didn't step beyond to draw an inference
20 with regard to Georgia Power's -- the likelihood of
21 Georgia Power making a similar performance failure with
22 regard to any other people.

23 CROSS EXAMINATION (continued)

24 MR. STEPHEN KOHN: Now, let me just follow up
25 with that. I'm now looking at Georgia Power management

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1 above the plant manager level. Do you believe that but
2 for the OI investigation and the NRC Staff investigations
3 into Mr. Mosbaugh's allegations that Mr. McCoy, Green,
4 Frederick, Majors, and Horton -- ie., those people who
5 were subject of the DFI, ever would have been held
6 accountable for their performance problems by Georgia
7 Power?

8 WITNESS SKINNER: I don't believe that those
9 performance problems would have necessarily come to light.

10 MR. STEPHEN KOHN: And in addition, but for
11 the OI investigation, Mr. Mosbaugh's allegations, and the
12 subsequent NRC Staff investigations, would the alleged
13 performance failure of Mr. Cash in counting the original
14 start count, would that have ever come to light through
15 the GPC channels?

16 WITNESS SKINNER: No, I don't believe they
17 would have.

18 MR. STEPHEN KOHN: Now I'd like to call your
19 attention to -- again, we're on Staff Exhibit II-50, page
20 13. Actually, the bottom of page 12, last paragraph on
21 page 12 and the top of page 13. And if you can look at
22 that, and I'm now looking -- and also have in front of you
23 your prefiled testimony -- page five of your prefiled
24 testimony.

25 MS. YOUNG: Mr. Kohn, what was the number of

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1 the first exhibit you referred him to?

2 MR. STEPHEN KOHN: This is again -- I'm still
3 on Staff Exhibit II-50, and I'm on pages -- the bottom of
4 12 and the top of 13 on II-50; and I'm also asking the
5 witness at the same time to open to his testimony on page
6 five.

7 WITNESS MATTHEWS: Particular portion of page
8 five?

9 MR. STEPHEN KOHN: That would be page five,
10 the middle paragraph that begins with the words
11 "Inaccurate information was provided."

12 WITNESS MATTHEWS: I have that in front of me.

13 MR. STEPHEN KOHN: Okay. Now, I notice on
14 Exhibit 50, pages 12 and 13, a performance failure is
15 identified for Mr. Mosbaugh that he failed to clarify the
16 start point of the D count. And in the testimony, the
17 performance failure is that he did not resolve his concern
18 about the accuracy of the start counts.

19 Was there a change in position between the
20 time that Exhibit 50 was written and your testimony
21 regarding exactly what Mr. Mosbaugh's performance failures
22 were?

23 WITNESS MATTHEWS: Not that I'm aware of.

24 MR. STEPHEN KOHN: So is your testimony on
25 page five incomplete?

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1 WITNESS MATTHEWS: Point to me on the words
2 that you --

3 MR. STEPHEN KOHN: On page five --

4 WITNESS MATTHEWS: No, I've got the words on
5 page five.

6 MR. STEPHEN KOHN: Oh, okay.

7 WITNESS MATTHEWS: Point to me the words
8 you're pointing at with regard to page 12.

9 MR. STEPHEN KOHN: Okay, if you look on page
10 13 -- for example, on page 13, the last sentence of the
11 first paragraph which is the paragraph immediately above
12 restatement of violation E where it says specifically
13 they, and the persons identified as they would have been
14 Shipman, Aufdenkampe, Mosbaugh -- they failed to clarify
15 the start point for the D count. Do you see that?

16 WITNESS MATTHEWS: Yes.

17 MR. STEPHEN KOHN: In that report, and then --
18 I'm asking you is that concern about Mr. Mosbaugh is not
19 referenced in your actual testimony regarding what Mr.
20 Mosbaugh's actual failure was. And I'm just asking for
21 you to explain that.

22 WITNESS MATTHEWS: If there was a --

23 CHAIRMAN BLOCH: I don't understand the
24 question.

25 MR. STEPHEN KOHN: Well, if I can clarify it -

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1 - in other words, in the coordinating committee November 4
2 report, Mr. Mosbaugh is criticized for having failed to
3 clarify the start point of the D count, correct?

4 WITNESS MATTHEWS: That's correct.

5 MR. STEPHEN KOHN: But in fact, on tape 58,
6 Mr. Mosbaugh did give his definition of the comprehensive
7 test program, isn't that true?

8 WITNESS MATTHEWS: That's correct.

9 MR. STEPHEN KOHN: So therefore, on tape 58,
10 Mr. Mosbaugh did attempt to clarify the start point of the
11 D count once the phrase comprehensive test program was
12 added to the document, correct?

13 WITNESS MATTHEWS: Say it again.

14 MR. STEPHEN KOHN: Therefore, on April 19,
15 1990, Mr. Mosbaugh did attempt to clarify the start point
16 for the D count after the term comprehensive test program
17 was inserted into the document.

18 WITNESS MATTHEWS: Correct.

19 MR. STEPHEN KOHN: So therefore, the
20 performance problem cited on page 13 at the top here,
21 Shipman and Aufdenkampe may have had that problem, but not
22 Mr. Mosbaugh, because he did attempt to clarify the start
23 point, isn't that correct?

24 WITNESS MATTHEWS: With regard to the
25 recitation on page 13, we are speaking collectively when

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1 we say they failed to clarify the start point. I think --
2 I'll look to my other witnesses to confirm whether their
3 perception is the same, but with regard to the fact that
4 they failed to clarify the start point for the D count, I
5 think that phrasing was selected to identify that this
6 didn't get resolved prior to the issuance of the April
7 19th LER.

8 No clear understanding on the part of
9 management and the people who signed that piece of
10 correspondence was established at the time that it went
11 out.

12 MR. STEPHEN KOHN: Well, Mr. Mosbaugh provided
13 an understanding from his perspective of where the
14 comprehensive test plan would have commenced, isn't that
15 true?

16 WITNESS MATTHEWS: And I'm agreeing with you.

17 CHAIRMAN BLOCH: Mr. Kohn, you're speaking
18 across purposes because you're focusing on what he tried
19 to do, and the statement on page 13 deals with results,
20 not attempts.

21 WITNESS MATTHEWS: And in that regard, I think
22 it's probably better stated on page five of the Staff
23 testimony.

24 BOARD EXAMINATION

25 CHAIRMAN BLOCH: Mr. Matthews, I'd like you,

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1 if you would, to tell me what you think it is that Mr.
2 Mosbaugh should have done that he didn't do.

3 WITNESS MATTHEWS: When he had this concern,
4 he failed to pursue it sufficiently aggressively enough in
5 my view to ensure that it got straightened out before a
6 signature was added to that document and it was forwarded
7 to the NRC.

8 CHAIRMAN BLOCH: So in your opinion, what
9 would you have had him do that he didn't do?

10 WITNESS MATTHEWS: I believe I would have had
11 him had yet an additional conversation beyond the one that
12 was held at a higher level.

13 CHAIRMAN BLOCH: Thank you.

14 WITNESS HOOD: I believe the evidence is of
15 Mr. Shipman if at any time in the process Mr. Mosbaugh had
16 given him a clear statement that the data didn't support
17 their action, that he would have stopped the process. I
18 think that goes to the point.

19 CHAIRMAN BLOCH: And so that when Mr. Mosbaugh
20 said he didn't know where the comprehensive test program
21 started, that wasn't enough to show that there was a
22 deficiency in the expression of -- in the letter?

23 WITNESS HOOD: It's hard to say what Bill
24 Shipman inferred from Mr. Mosbaugh's comment that the
25 comprehensive test program would have begun with the under

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1 voltage test. Certainly that was a much later point in
2 time, and if Mr. Shipman had looked at the data, he could
3 have realized from that that there was not that number of
4 starts.

5 But I don't know how closely Bill was involved
6 with looking at the numbers, if he was just acting on the
7 input from others and relying on them as opposed to
8 looking at the data himself.

9 CHAIRMAN BLOCH: So you wanted a more precise
10 communication that would have linked up the definition of
11 comprehensive test program to the number of starts in some
12 way?

13 WITNESS HOOD: That certainly would have been
14 helpful.

15 CHAIRMAN BLOCH: Or do you have something --

16 WITNESS HOOD: Or a statement that looked --
17 we've looked at the data and the data doesn't support our
18 action. A clear statement like that, and we'd have had a
19 -- we may not have been here today.

20 CROSS EXAMINATION (continued)

21 MR. STEPHEN KOHN: Well prior to the insertion
22 of the phrase comprehensive test program, didn't Mr.
23 Mosbaugh in fact clearly communicate to Mr. Shipman and
24 Mr. Stringfellow that the document they had did contain a
25 real problem?

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1 WITNESS SKINNER: Repeat that question,
2 please.

3 MR. STEPHEN KOHN: It's directed to Mr. Hood.
4 Mr. Hood, do you need me to repeat it?

5 WITNESS HOOD: Yes, please.

6 MR. STEPHEN KOHN: Okay. Prior to the
7 insertion of the phrase comprehensive test program, didn't
8 in fact Mr. Mosbaugh along with Mr. Aufdenkampe clearly
9 communicate that there was a false statement in the draft
10 LER that did not contain that phrase?

11 WITNESS HOOD: Mr. Mosbaugh had tried
12 previously on several occasions to make various points
13 about there being inadequacies in the submittals.

14 MR. STEPHEN KOHN: And didn't they
15 specifically use the word, either Mr. Aufdenkampe or Mr.
16 Mosbaugh or collectively both, didn't they say material
17 false statement? They just didn't say an inaccuracy,
18 isn't that the case?

19 WITNESS HOOD: Yes, I believe Mr. Aufdenkampe
20 used that statement in his comments to Mr. Shipman in a
21 phone call earlier that day.

22 MR. STEPHEN KOHN: And Mr. Mosbaugh
23 communicated to incorporate the statement that if the
24 document is saying there were no problems and failures,
25 that just isn't true, isn't that correct?

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1 WITNESS HOOD: That's correct.

2 MR. STEPHEN KOHN: And isn't it a fact that
3 the term comprehensive test program was inserted into that
4 document in part to address the concern that Mr. Mosbaugh
5 had raised, isn't that true?

6 WITNESS HOOD: I don't know that I can make
7 that leap. There are some strong suggestions that that
8 may be the case.

9 MR. STEPHEN KOHN: Strong suggestions that
10 that may be the case. And isn't it true that once that
11 phrase was inserted, at that point Mr. Mosbaugh no longer
12 had a basis to have specific information that there was a
13 material false statement in the document because he didn't
14 know where the definition precisely and didn't know where
15 the starting point was?

16 WITNESS HOOD: It changed his ability to use
17 the data that he had.

18 MR. STEPHEN KOHN: And isn't it true that Mr.
19 Mosbaugh was told by Mr. Shipman --

20 CHAIRMAN BLOCH: One second. Mr. Hood is very
21 soft spoken, and I wasn't sure if he finished what he --

22 WITNESS HOOD: It changed his -- I'm sorry,
23 did you not hear my answer?

24 CHAIRMAN BLOCH: I heard your answer, but I
25 wasn't sure if you were finished.

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1 WITNESS HOOD: Yes, I was finished.

2 CHAIRMAN BLOCH: Okay.

3 WITNESS HOOD: We need you to get closer to
4 the microphone.

5 WITNESS HOOD: My last answer was it changed
6 his ability to use the data that he had.

7 MR. STEPHEN KOHN: Okay. And isn't it true
8 that on the last call that Mr. Mosbaugh had with Mr.
9 Shipman, isn't it a fact that Mr. Shipman informed Mr.
10 Mosbaugh that the basis that had just been come up with,
11 ie. the comprehensive test program basis, that that number
12 Mr. McCoy had communicated to the NRC?

13 WITNESS HOOD: That's a true statement.

14 MR. STEPHEN KOHN: And isn't it true that it
15 would be reasonable for Mr. Mosbaugh, given the statements
16 Shipman made communicating that McCoy had informed Ken
17 Brockman what was meant by this and what the numbers
18 meant, that Mr. Mosbaugh at that point -- his basis for
19 objecting had been eroded?

20 WITNESS HOOD: Yes, it is. But I still stand
21 by my original statement that had a clear, concise
22 statement been made to Mr. Shipman and that -- what's
23 called Call B, that -- looked at the data or that, you
24 know, we just can't go forward with this until we get --
25 go out and check it again or something to that effect, Mr.

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1 Shipman's testimony is that he would have stopped the
2 process.

3 BOARD EXAMINATION

4 CHAIRMAN BLOCH: Mr. Hood, I'm not sure -- I
5 just want to check with you -- I'm not sure if after the
6 communication about the NRC being told what comprehensive
7 test program means -- I'm not sure if Mr. Mosbaugh any
8 longer knew that the communication was false. Could you
9 clarify that in your mind?

10 WITNESS HOOD: No, I can't. I certainly agree
11 that the data that had been collected by Mr. Webb and
12 brought to them did not match the change that had been
13 made in the documentation. The basis for the data had
14 changed, and the new starting point now -- comprehensive
15 test program that nobody seemed to understand what that
16 meant.

17 And the data that Mr. Mosbaugh had from Mr.
18 Webb didn't have a start point. Mr. Webb had gone out, as
19 I understand his testimony, and just collected data from
20 starting at March 20th.

21 CHAIRMAN BLOCH: Now since Mr. Mosbaugh wasn't
22 told what definition was given to the NRC, do you think it
23 was unreasonable on his part not to be more aggressive?

24 WITNESS HOOD: That's a tough call. And we
25 did not cite -- the Vogtle coordinating group did not cite

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1 Mr. Mosbaugh with a performance failure to the extent that
2 we would issue some kind of demand for information. We
3 don't see it in the light -- in that level of light. I
4 think we suggested what we are saying is that he was part
5 of a communication that had a clear indication come out of
6 that that there was a problem.

7 It could have -- it had the potential of
8 stopping the process. And there were a number of reasons
9 why it didn't work. And Mr. Kohn has just recited a
10 number of those reasons why Mr. Mosbaugh was under a
11 severe impediment from doing that. And I don't refute
12 that.

13 I'm merely making the point that if that had
14 happened for whatever reason and there was a clear
15 articulation of a problem, I don't think that any evidence
16 that somehow in the process would have churned forth
17 anyway. And I think the evidence seems to be to the
18 contrary.

19 CHAIRMAN BLOCH: Is it your point of view that
20 instead of accepting Mr. Shipman's statement that the NRC
21 had been told the definition that he should have pinned
22 Mr. Shipman down on exactly what the NRC was told?

23 WITNESS HOOD: Well, I don't think we said
24 that. Certainly if that had happened it could have
25 resulted in a different outcome. But --

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1 CHAIRMAN BLOCH: Is there something else he
2 should have done after Mr. Shipman said that the NRC given
3 the definition other than trying to pin him down on
4 exactly what was said?

5 WITNESS HOOD: That's a tough one to try to
6 answer. Trying to second guess it from his perspective,
7 I'm limited in my ability to do that; but it does seem
8 that his ability to refute the circumstances under the
9 conditions at the time, he was not in a position to do
10 that. The ground rules had just been shifted on him,
11 changing the start point and getting a statement that the
12 NRC understood what was doing on, it just kind of left him
13 out in the dark.

14 So it's hard to -- it's hard from that
15 perspective to criticize him from anything that he did or
16 didn't do at that point, and I don't think that we -- as I
17 say, I don't think that we did that. We didn't view that
18 as some kind of serious performance failure on his part.
19 We certainly did not issue a -- we didn't see it in the
20 same light as we saw other performance failures where we
21 issued a demand for information.

22 CHAIRMAN BLOCH: But was it reasonable for Mr.
23 Mosbaugh to have believed that Mr. Shipman cared about
24 plant safety and to have accepted his statement that a
25 reasonable explanation had been given to the

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1 WITNESS HOOD: Would you repeat that, please?

2 CHAIRMAN BLOCH: Was it reasonable for Mr.
3 Mosbaugh to have believed that Mr. Shipman cared about
4 plant safety and that therefore he could trust that a
5 reasonable definition had been given to the NRC?

6 WITNESS HOOD: I don't see that Mr. Mosbaugh
7 had any other choice at that point. He didn't know what
8 information had given to the NRC. So yeah, I think he had
9 to accept that statement at face value.

10 CHAIRMAN BLOCH: So in the testimony on page
11 five, in the first full bullet, the last sentence, where
12 it says number three, should there be any modification of
13 that or should it stand the way it is?

14 WITNESS HOOD: I'm sorry, where are you?

15 CHAIRMAN BLOCH: On page five of your
16 testimony -- the panel testimony. It's the fifth line up
17 from the bottom of the page where it says number three.
18 Should there be any change in number three? If you'd
19 like, you can think about that over a break.

20 MS. YOUNG: And Judge Bloch, I hope you
21 address this question to the other members of the panel,
22 because so far Mr. Hood's been doing all the talking.

23 CHAIRMAN BLOCH: Absolutely. If other people
24 want to comment on it, we certainly will invite that.
25 We'll take a ten minute break. We'll be back at ten

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1 after.

2 (Whereupon, the proceedings went off the
3 record from 3:00 p.m. until 3:13 p.m.)

4 CHAIRMAN BLOCH: So the question I had
5 addressed to Mr. Hood was about conclusion number three on
6 page five.

7 WITNESS HOOD: The question was do we need to
8 change that, and the answer is no, we don't. Our thinking
9 is that Mr. Mosbaugh in his position had an obligation to
10 understand that document before he concurred in it. And
11 the fact that someone said the NRC understood this and
12 that and the other was not a sufficient reason. It did
13 not negate his obligation to understand the document
14 before he concurred in it.

15 CHAIRMAN BLOCH: Thank you. And the others
16 agree with that?

17 WITNESS MATTHEWS: Yes, we do.

18 CROSS EXAMINATION (continued)

19 MR. STEPHEN KOHN: And where did Mr. Mosbaugh
20 concur in that statement? Where in the record is it that
21 he actually concurred with the wording in that LER?

22 WITNESS HOOD: Mr. Mosbaugh was, as I
23 understand it, was Mr. Aufdenkampe's immediate supervisor.
24 And within that line of management, in a document that was
25 to be signed by Mr. Hairston, I believe, so he had an

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1 obligation if he didn't understand the document to
2 understand it before he let it go forward.

3 MR. STEPHEN KOHN: And just out of -- well,
4 what was his -- in terms of his letting it go forward,
5 where in the record is it that Allen at that time -- at
6 that point in the process was the one who let it go
7 forward?

8 WITNESS HOOD: Allen had the ability to stop
9 it by expressing a concern. And the record is clear that
10 he had a concern. If he at that point had insisted on
11 understanding it in a way that made sense to him, some
12 deficiencies in that document would had to have come to
13 light it seems to me.

14 MR. STEPHEN KOHN: Well, isn't it a -- when he
15 pushed it, he was told that McCoy had communicated with
16 the NRC about the basis, correct?

17 MR. BLAKE: Asked and answered. We're going
18 around in circles again here.

19 MR. STEPHEN KOHN: No, it's just a foundation
20 question.

21 MR. BLAKE: It's still repetitive, cumulative,
22 foundation or not.

23 CHAIRMAN BLOCH: Why don't you go -- we all
24 understand that, so just go to the question that you want
25 to ask.

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1 MR. STEPHEN KOHN: And then did you ever
2 determine what McCoy had in fact communicated to Brockman
3 on the 19th?

4 WITNESS HOOD: No, I did not myself determine
5 that. But I still say that irrespective of what he told -
6 - what Brockman and Hairston or whoever -- excuse me,
7 Brockman and McCoy had discussed, Allen should have
8 understood the document himself and he should have
9 resolved his concerns. And that's what this statement is
10 saying.

11 MR. STEPHEN KOHN: And was Mr. Mosbaugh
12 invited on the -- was he invited to participate in that
13 earlier conference call in which the phrase comprehensive
14 test program was developed by McCoy and Bockhold?

15 WITNESS HOOD: You say was he invited?

16 MR. STEPHEN KOHN: Yeah, was he one of the
17 invited participants in that call or did he just come in
18 accidentally at the end of it?

19 WITNESS HOOD: I think his testimony is that
20 he came in later.

21 MR. STEPHEN KOHN: And that's beared out by
22 the contemporaneous tapes?

23 MS. YOUNG: Objection to the question. The
24 record will speak for itself. Unless you're just testing
25 Mr. Hood's recollection of what the record says. Would

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1 you like to refer him to something in evidence?

2 MR. STEPHEN KOHN: No, this witness has
3 testified that Mr. Mosbaugh was in a position to pull it
4 back, and I'm establishing this witness' knowledge if he
5 was even invited to the meeting that came up with the
6 term.

7 MS. YOUNG: But I believe the --

8 CHAIRMAN BLOCH: Let me clarify.

9 MS. YOUNG: -- testimony has been on the later
10 call and not the first call. So what's the relevance of
11 your question?

12 BOARD EXAMINATION

13 CHAIRMAN BLOCH: Let me ask a couple of
14 questions, because I think that you're not questioning the
15 basis for the Staff's determination. Mr. Hood, am I
16 correct that you do not know any formal action that Mr.
17 Mosbaugh was required to take that approved the final
18 wording of this document?

19 WITNESS HOOD: That's correct.

20 CHAIRMAN BLOCH: Am I also correct that your
21 concern is that he was important enough in the process
22 that you believe he should have spoken up?

23 WITNESS HOOD: Yes.

24 CHAIRMAN BLOCH: And that doesn't depend on
25 whether he was invited to participate at all, does it?

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1 WITNESS HOOD: No, it's independent of that.
2 The fact is he was there doing call B.

3 CHAIRMAN BLOCH: And he had an opportunity to
4 speak up, in your opinion?

5 WITNESS HOOD: Yes.

6 CHAIRMAN BLOCH: I think that's all he's
7 saying, Mr. Kohn.

8 CROSS EXAMINATION (continued)

9 MR. STEPHEN KOHN: Okay. And did he speak up
10 in call B?

11 WITNESS HOOD: Yes, he said that -- I think he
12 indicated that on call B that the comprehensive test
13 program should have included the -- started with the under
14 voltage test.

15 MR. STEPHEN KOHN: Now --

16 CHAIRMAN BLOCH: You're getting repetitious
17 because the witness has also stated that. He's stating
18 that he did something but not enough.

19 MR. STEPHEN KOHN: Okay. Now my next question
20 is, at the time you did your testimony here, were you
21 aware of what we're calling the -- what occurred at that
22 meeting known as the back stabbing meeting? In other
23 words, a meeting in which -- do you know which meeting I'm
24 referring to?

25 WITNESS HOOD: That was -- I have some vague

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1 recollection of that.

2 MR. STEPHEN KOHN: And just to refresh your
3 recollection maybe a little more, if you can look at --
4 and I'll show you a copy of Intervenor's Exhibit II-133
5 which puts a time and a place to that. This was the
6 exhibit used when Mr. Mosbaugh was questioned. Here's
7 another copy.

8 Were you present during Mr. Mosbaugh's
9 testimony as to this -- as to his recollection of what
10 occurred in this meeting, what I'm calling the back
11 stabbing meeting?

12 WITNESS HOOD: Yes.

13 MR. STEPHEN KOHN: And Mr. Matthews, were you?

14 WITNESS MATTHEWS: Not that I recall.

15 MR. STEPHEN KOHN: Mr. Skinner, were you?

16 WITNESS SKINNER: Yes, I was.

17 MR. STEPHEN KOHN: Okay. And at the time you
18 did your testimony or submitted your testimony on April --
19 when this testimony was done, which I'm sure is on the
20 document, were you aware of this meeting, Mr. Hood -- that
21 this meeting had occurred, this back stabbing meeting?

22 WITNESS HOOD: You'll have to help me with the
23 date here. I think I recall -- I think I was aware of
24 that to -- I guess my answer is I think I was, and I
25 can't remember exactly the source of which I was aware of

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1 that, whether or not it was from tapes I had heard or
2 whether or not it was by virtue of in the discovery
3 process that this I think had been discussed during a
4 deposition or some such thing.

5 But I cannot remember the source by which I
6 was aware of that.

7 BOARD EXAMINATION

8 CHAIRMAN BLOCH: Mr. Hood, when you prepared
9 your testimony, had you already read Mr. Mosbaugh's
10 testimony?

11 WITNESS HOOD: Yes, I believe so.

12 CHAIRMAN BLOCH: I think there's some mention
13 of it in his testimony.

14 MS. YOUNG: I think Mr. Hood just misspoke,
15 Judge Bloch.

16 CHAIRMAN BLOCH: Oh.

17 MS. YOUNG: I believe testimony in this
18 proceeding was prefiled simultaneously. He would not have
19 read it.

20 WITNESS HOOD: I should -- yeah, I think
21 you're right, Counselor. Thank you.

22 CROSS EXAMINATION (continued)

23 MR. STEPHEN KOHN: But based upon that
24 recollection from counsel, do you know whether on the date
25 you submitted your prefiled testimony you were aware of

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1 what we're calling this back stabbing meeting?

2 MS. YOUNG: That question was asked and
3 answered.

4 CHAIRMAN BLOCH: I think it's fair in light of
5 the developments that changed his memory of what was
6 happening.

7 MS. YOUNG: He indicated that he may have
8 become aware through depositions. That was asked and
9 answered.

10 CHAIRMAN BLOCH: I just allowed the question.

11 WITNESS HOOD: I believe I stand by my
12 previous answer that I believe I was aware of the back
13 stabbing meeting, but I don't remember the source of it.

14 MR. STEPHEN KOHN: Okay. And Mr. Skinner,
15 were you aware of that incident?

16 WITNESS SKINNER: I don't recall.

17 MR. STEPHEN KOHN: You don't recall? And Mr.
18 Matthews, at the time when you were preparing your
19 testimony and swearing to it, were you aware of that
20 incident?

21 WITNESS MATTHEWS: I don't recall.

22 MR. STEPHEN KOHN: And I'd also like to
23 refresh your recollection. There's another document which
24 has been admitted as Intervenor's Exhibit 134, which is --
25 which are Mr. Mosbaugh's notes of the second meeting in

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1 which he testified to I think at the same time as this one
2 in which he alleged that Mr. Bockhold said if you can't
3 conform and accept, you need to get out.

4 If you can look at that again to refresh your
5 recollection as to testimony in this proceeding. And Mr.
6 Skinner, I'll start with you. Do you know if you were
7 aware of this meeting, the "if you can't conform and
8 accept, you need to get out" meeting, at the time you
9 filed your prefiled testimony?

10 WITNESS SKINNER: I don't recall this either.

11 MR. STEPHEN KOHN: Mr. Matthews?

12 WITNESS MATTHEWS: No, I don't recall.

13 MR. STEPHEN KOHN: Mr. Hood?

14 WITNESS HOOD: What is the question, please?

15 MR. STEPHEN KOHN: The question is, at the
16 time that you filed your prefiled testimony, were you
17 aware of Mr. Mosbaugh's allegations regarding what was
18 said to him at a meeting in or about February 7, 1990?
19 And the notes of that meeting to help refresh your
20 recollection are being provided for you, and they've been
21 introduced as Exhibit 134 -- Intervenor's Exhibit 134.

22 WITNESS HOOD: This last document you handed
23 us?

24 MR. STEPHEN KOHN: Yes, yes.

25 CHAIRMAN BLOCH: Take your time to familiarize

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1 yourself if you'd like before you answer.

2 WITNESS HOOD: I don't believe that I've seen
3 this. I mean, it may have been here in the hearing, but I
4 don't know that I have seen it. And I don't think it
5 would have been part of my understanding of this event.

6 MR. STEPHEN KOHN: Okay. So at the time you
7 did your testimony, Mr. Hood, if I can -- you were -- you
8 think you were aware of the meeting -- of the back
9 stabbing meeting, but this other meeting referenced in
10 2/7/90, you have no recollection of being aware of that?
11 Is that correctly summarize your testimony?

12 WITNESS HOOD: I'm having a little problem
13 here. I've listened to a number of tapes and I know
14 events that were unfolding, but I'm having trouble
15 relating those discussions to what you're talking about
16 now.

17 WITNESS HOOD: I'm having a little trouble.
18 Are you talking about now?

19 MR. STEPHEN KOHN: It may help --

20 WITNESS HOOD: I know the difficulties
21 Mr. Mosbaugh was going through at the time with
22 Mr. Bockhold and his performance evaluations, and in
23 connection with -- in another meeting there was an
24 organizational change being talked about, and the need to
25 downsize, if you will, and -- but it's hard for me to put

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1 those in perspective and relate those to these documents
2 or --

3 MR. STEPHEN KOHN: Okay. To assist, there are
4 no tapes of these two meetings. These meetings occurred
5 before Mr. Mosbaugh started taping. Would that help
6 refresh -- if that statement is true, would that help
7 refresh your recollection as to whether you know of these
8 meetings prior to signing your testimony?

9 WITNESS HOOD: You're saying these meetings --

10 MR. STEPHEN KOHN: These two meetings --

11 WITNESS HOOD: -- were not taped.

12 MR. STEPHEN KOHN: -- were not taped.

13 WITNESS HOOD: Okay. Then I must be thinking
14 about an entirely separate matter.

15 MR. STEPHEN KOHN: Okay. So if the record
16 supports the finding that neither of these meetings were
17 taped, then it would be fair to say that you were unaware
18 of these two meetings and what was discussed in them at
19 the time you submitted your testimony?

20 CHAIRMAN BLOCH: Could you consider each of
21 them separately before you answer, please?

22 WITNESS HOOD: Can I ask, what is the date of
23 Exhibit 133?

24 MR. STEPHEN KOHN: 1 January 1990.

25 WITNESS HOOD: I don't think I can answer the

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1 question. I don't know if I was aware of this or not. I
2 really don't.

3 MR. STEPHEN KOHN: Okay. That's fine. And
4 now I'd like to show you a document which I'm -- I'd like
5 the Board to mark as 271, and I'll pass it out first.

6 MS. YOUNG: 271?

7 MR. STEPHEN KOHN: 271, II-271.

8 And, for the record, I'd like to have marked
9 as Intervenor II-271 a nine-page document, dated October
10 28, 1994, from Larry Robinson, through James Fitzgerald,
11 to a Mr. Milhoan. And this was the document that was
12 originally stapled to the prefiled testimony of Staff
13 Exhibit II-50, but at the request of Counsel for Staff was
14 physically removed from that document at the beginning of
15 yesterday's proceeding.

16 CHAIRMAN BLOCH: It may be marked.

17 (Whereupon, the above-referred to
18 document was marked as Intervenor's
19 Exhibit No. II-271 for
20 identification.)

21 MR. STEPHEN KOHN: And to each of the
22 witnesses on the panel, have any of you ever seen this
23 document before?

24 WITNESS HOOD: Yes, I have.

25 WITNESS SKINNER: Yes, I have.

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1 WITNESS MATTHEWS: Yes.

2 MR. STEPHEN KOHN: And, Mr. Skinner, in what
3 context did you see this document or review it?

4 WITNESS SKINNER: I saw this document when it
5 was initially issued.

6 MR. STEPHEN KOHN: And that was in or about
7 October 28, 1994?

8 WITNESS SKINNER: That's correct.

9 MR. STEPHEN KOHN: Did you have an opportunity
10 to review this document prior to approving the contents of
11 what's -- of Staff Exhibit II-50, which is the November 4,
12 1994, report?

13 WITNESS SKINNER: Would you say that again,
14 please?

15 MR. STEPHEN KOHN: In other words, did you
16 have Intervenor II-271, had you reviewed that document
17 prior to approving the wording contained in Staff Exhibit
18 II-50, which is the November 4, 1994, coordinating group
19 report?

20 WITNESS SKINNER: I don't know whether I
21 reviewed it before that time or not.

22 MR. STEPHEN KOHN: In looking at the
23 document --

24 WITNESS SKINNER: Excuse me. Let me correct
25 something. When you say review, I have read this

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1 document. I have not necessarily reviewed it.

2 MR. STEPHEN KOHN: Okay. Did you take into
3 consideration any of the statements made in Intervenor II-
4 271 when you were finalizing your opinion as to whether to
5 support or not support or change wording in Staff Exhibit
6 II-50?

7 WITNESS SKINNER: No, I did not.

8 MR. STEPHEN KOHN: Okay. And, Mr. Matthews,
9 the same questions for you. Did you have this in your
10 possession, Exhibit II-271, before you approved the
11 contents of Staff Exhibit II-50?

12 WITNESS MATTHEWS: I can't answer conclusively
13 when you phrase it that way. I can't -- when you say
14 "before I approved the contents of," I was a participant
15 in developing the contents of, and that was something that
16 took place over many, many weeks. So --

17 MR. STEPHEN KOHN: Okay. Well, did you obtain
18 document II-271 on or about October 28, 1994?

19 WITNESS MATTHEWS: Yes.

20 MR. STEPHEN KOHN: And the date of the
21 Coordinating Committee group evaluation, which is Staff
22 Exhibit II-50, is dated November 4, 1994 --

23 WITNESS MATTHEWS: Correct.

24 MR. STEPHEN KOHN: -- correct? So you had an
25 opportunity to take information that was contained in

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1 Intervenor II-271 and either modify, change, or amend your
2 -- the conclusions that are contained in Staff Exhibit II-
3 50?

4 WITNESS MATTHEWS: I had that opportunity.

5 MR. STEPHEN KOHN: And, Mr. Skinner, did you
6 have that opportunity also?

7 WITNESS SKINNER: I'm sure I did, but I don't
8 recall specifically.

9 MR. STEPHEN KOHN: Okay. And, Mr. Hood, the
10 same question. Did you obtain Intervenor II-271 on or
11 about October 28, 1994?

12 WITNESS HOOD: Yes.

13 MR. STEPHEN KOHN: And did you have an
14 opportunity to use the facts or opinions contained in that
15 document prior to November 4, 1994?

16 WITNESS HOOD: There was an opportunity to do
17 that, yes.

18 MR. STEPHEN KOHN: Were there any meetings of
19 the coordinating group between October 28, 1994, and
20 November 4, 1994? This is for any of the witnesses.

21 WITNESS MATTHEWS: I'm certain there were.

22 MR. STEPHEN KOHN: And was Exhibit II-271 --
23 did any person or member of the coordinating group bring
24 up the fact that Mr. Larry Robinson had issued Exhibit 271
25 to -- at a meeting of the coordinating group? This is for

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1 any member of the board who may have a recollection, or
2 the panel.

3 WITNESS MATTHEWS: My recollection is that its
4 existence was known and that several members read the
5 document.

6 MR. STEPHEN KOHN: And Mr. Larry Robinson had
7 personally interviewed many of the persons directly
8 involved in the incidence and matters that you discussed
9 in your November 4, 1994, report, correct?

10 WITNESS MATTHEWS: Certainly.

11 MR. STEPHEN KOHN: And, in fact, he conducted
12 many -- had you -- and this is for each member of the
13 board. Had any member of the board gone out and conducted
14 interviews of Georgia Power officials or witnesses in
15 preparation for the November 4, 1994, report?

16 WITNESS MATTHEWS: Had any of the Vogtle
17 coordinating group?

18 MR. STEPHEN KOHN: Yes, to your knowledge.

19 WITNESS MATTHEWS: No.

20 WITNESS HOOD: No.

21 WITNESS SKINNER: No.

22 MR. STEPHEN KOHN: Was there any discussion as
23 to whether the insight that Mr. Robinson memorialized in
24 Exhibit 271 should be considered prior to finalizing your
25 report dated November 4, 1994?

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1 WITNESS SKINNER: Could you repeat that
2 question again, please?

3 MR. STEPHEN KOHN: Was there any discussion
4 among the members of the coordinating group -- and, at
5 this point, my question is very broad. It could be formal
6 discussion at a meeting or informal discussion that you
7 may have had one on one with another member. Was there
8 any discussion among the members of the coordinating group
9 that the insights that Mr. Robinson had memorialized in
10 Exhibit 271 should be reviewed by the coordinating group,
11 in any capacity, prior to the issuance of the November 4,
12 1994, report?

13 WITNESS MATTHEWS: I don't have any
14 recollection that there were any discussions with regard
15 to any need to review this document or consider its
16 content before the issuance of our report.

17 WITNESS SKINNER: I don't have any
18 recollection of that either, other than what Mr. Matthews
19 has said.

20 MR. STEPHEN KOHN: Mr. Hood?

21 WITNESS HOOD: No. My recollection is that
22 the Vogtle coordinating group had been asked about its
23 views, and OI has also been asked to provide its views.
24 And this was just the result of that request, both
25 independently providing their views, their assessments.

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1 MR. STEPHEN KOHN: Now, I'd like to call your
2 attention specifically to page 8 of Exhibit 271. And I'm
3 looking at page 8, and it's numbered paragraph 6, which is
4 the first paragraph there. It begins with the words
5 "page 4," and ends with the word "concerns," that whole
6 section. And my question -- we'll begin with Mr. --

7 WITNESS HOOD: Could you permit us time to
8 read this, please?

9 MR. STEPHEN KOHN: Sure. We'll begin with
10 Mr. Skinner. Mr. Skinner, did you read this paragraph
11 numbered 6 at any point prior to filing your prefiled
12 testimony in this proceeding?

13 WITNESS SKINNER: Yes, I did.

14 MR. STEPHEN KOHN: And, Mr. Matthews, had you?

15 WITNESS MATTHEWS: Yes.

16 MR. STEPHEN KOHN: Mr. Hood, have you?

17 WITNESS HOOD: I'm sorry. The question was --

18 MR. STEPHEN KOHN: Did you?

19 WITNESS HOOD: -- did I --

20 MR. STEPHEN KOHN: Did you -- had you read
21 this paragraph 6 here, numbered paragraph 6 on page 8 of
22 Intervenor's identified Exhibit 271, had you read that
23 prior to submitting your prefiled testimony in this
24 proceeding?

25 WITNESS HOOD: Yes.

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1 MR. STEPHEN KOHN: Mr. Skinner, it states here
2 on number 6, at the very end of it, Mr. Robinson wrote
3 that, "It is understandable that Mr. Mosbaugh was hesitant
4 to continue to confront his management with these
5 concerns." Do you see that?

6 WITNESS SKINNER: Yes, I do.

7 MR. STEPHEN KOHN: Did you ever ask
8 Mr. Robinson to further explain what he meant by
9 "hesitant" in this paragraph?

10 WITNESS SKINNER: No, I have not.

11 MR. STEPHEN KOHN: Did you ever ask
12 Mr. Mosbaugh why he may have been hesitant to confront his
13 management prior to submitting the testimony?

14 WITNESS SKINNER: No, I have not.

15 MR. STEPHEN KOHN: Mr. Matthews, prior to
16 submitting your testimony, did you ever question
17 Mr. Robinson as to why Mr. Mosbaugh may have been hesitant
18 to confront his management with these concerns?

19 WITNESS MATTHEWS: No.

20 MR. STEPHEN KOHN: And had you ever asked
21 Mr. Mosbaugh why he was -- why he may have been hesitant
22 to confront his management with these concerns?

23 WITNESS MATTHEWS: No.

24 MR. STEPHEN KOHN: And, Mr. Hood, the same two
25 questions, I'll repeat them if you need.

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1 WITNESS HOOD: It's not necessary. No to both
2 questions.

3 MR. STEPHEN KOHN: Thank you. And are you
4 aware that Mr. Mosbaugh was submitted for a deposition in
5 this proceeding?

6 WITNESS HOOD: He was submitted --

7 MR. STEPHEN KOHN: I mean, he was deposed by
8 both NRC Staff and Georgia Power in this proceeding.

9 WITNESS HOOD: Yes.

10 WITNESS MATTHEWS: Yes.

11 WITNESS SKINNER: Yes.

12 MR. STEPHEN KOHN: And did either of you
13 request that Mr. Mosbaugh be questioned on this issue as
14 part of those depositions?

15 WITNESS SKINNER: I don't recall. We did
16 request that Mr. Mosbaugh be asked some questions. To my
17 knowledge, I don't recall specifically what those
18 questions were.

19 WITNESS HOOD: Same answer.

20 WITNESS MATTHEWS: I don't recall specifically
21 what those questions were, with the exception that I know
22 that we didn't ask this question to be pursued.

23 MR. STEPHEN KOHN: Do you believe that if an
24 individual in Mr. Mosbaugh's capacity at that plant, and
25 holding his position, had a legitimate basis to be

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1 hesitant about raising a potential safety concern with his
2 management, would that flag for you a major problem at
3 Plant Vogtle? Mr. Skinner?

4 WITNESS SKINNER: Ask that question again.

5 MR. STEPHEN KOHN: Sure. If, in fact --

6 CHAIRMAN BLOCH: You can ask it in a slightly
7 more subdued tone.

8 MR. STEPHEN KOHN: Sure.

9 (Laughter.)

10 It's late in the day. What can I say?

11 Okay. If, in fact, an Assistant Plant Manager
12 had a basis for being hesitant for raising a safety
13 concern at a nuclear power plant, would that flag for you
14 a major potential problem in communications at that plant?

15 WITNESS SKINNER: I think it would, if I
16 understood what these bases were you were referring to.

17 MR. STEPHEN KOHN: And did the NRC Staff --
18 strike that. If you'd just answer the limited question
19 that I asked Mr. Skinner.

20 WITNESS MATTHEWS: Without limited -- please
21 repeat it again.

22 MR. STEPHEN KOHN: Sure. Well, I don't need
23 to repeat it again. I think the answer is pretty
24 straightforward.

25 WITNESS MATTHEWS: Maybe not.

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1 MR. STEPHEN KOHN: If an Assistant Plant
2 Manager was hesitant to raise a concern, would it be
3 important to discover the full basis for that hesitation?

4 WITNESS SKINNER: I don't think that's quite
5 --

6 MR. STEPHEN KOHN: It's not the same question.

7 WITNESS SKINNER: -- the same question you
8 asked.

9 MR. STEPHEN KOHN: So -- but it --

10 WITNESS MATTHEWS: Is that the question that
11 you're asking me now?

12 MR. STEPHEN KOHN: Yes. I'd like -- yeah.
13 Yeah.

14 WITNESS MATTHEWS: I don't think his hesitancy
15 alone would be reflective of a significant problem.

16 MR. STEPHEN KOHN: And if an individual in
17 that capacity was hesitant, would that flag for you a
18 potential communications problem at that facility?

19 WITNESS MATTHEWS: Not necessarily.

20 MR. STEPHEN KOHN: Now --

21 BOARD EXAMINATION

22 CHAIRMAN BLOCH: I'm sorry. Are you sure
23 there wouldn't be a communications problem either with
24 respect to the person who didn't raise the issue or with
25 respect to the other people?

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1 WITNESS MATTHEWS: Well, let's -- you know, it
2 comes to the meaning of the word "hesitancy." I mean, as
3 somebody who has raised some issues at several levels
4 above his management on occasions in my career at the NRC,
5 if you were to ask me, was I hesitant at those times? You
6 bet. I was very hesitant. Did I pursue it and raise the
7 issue irrespective, because that was my responsibility and
8 the oath of office that I took? Yes, I did raise it. So
9 hesitancy is not the issue, in my view.

10 CROSS EXAMINATION (Continued)

11 MR. STEPHEN KOHN: Well, aren't there rules
12 and regulations that require an atmosphere of a free flow
13 of information at nuclear power plants?

14 CHAIRMAN BLOCH: I'm sorry, Mr. -- I don't
15 know of such rules and regulations. Do you want to refer
16 to them?

17 MR. STEPHEN KOHN: 10 CFR 50.7, and there is
18 an IE bulletin interpreting that that requires -- that
19 encourages the free flow of information. I don't have
20 that IE bulletin or that -- excuse me -- the Office of
21 Enforcement bulletin number.

22 MS. YOUNG: Is it your representation that
23 that regulation was in effect in 1990?

24 MR. STEPHEN KOHN: It was. But, Your Honor,
25 I'll -- that's legal. I'll withdraw the question, because

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1 it will go to argument anyway.

2 And, Your Honor --

3 CHAIRMAN BLOCH: Free flow of information is
4 what this section stands for?

5 MR. STEPHEN KOHN: 10 CFR 50.7, and it's
6 interpreted by a bulletin that I don't have in front of
7 me, which specifically says words to that effect. And I
8 can provide the Board with a source -- with the citation
9 for that bulletin tomorrow morning.

10 CHAIRMAN BLOCH: You can --

11 MR. STEPHEN KOHN: I just don't have it.

12 CHAIRMAN BLOCH: -- advise us. If it's legal
13 material, you can cite it.

14 MR. STEPHEN KOHN: Yeah. And that's what I'm
15 just going to rely on. I don't need to pursue it with the
16 witness.

17 And, Your Honor, at this point, I'd like to
18 move in Exhibit 271.

19 MR. BLAKE: I'm going to object to 271. 271,
20 on its face, is an internal NRC memorandum from
21 Mr. Robinson, and it includes a large number of not
22 factual statements, but conclusions and opinions by,
23 apparently, Mr. Robinson, including the very opinions in
24 paragraph 6, which have been the subject of questioning.

25 Mr. Robinson is not here to sponsor this

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1 document. There is no cross examination of the opinions
2 and expressions indicated in here, and I don't believe
3 this internal memorandum satisfies the exemption for
4 Government reports which was previously utilized in this
5 proceeding.

6 CHAIRMAN BLOCH: Mr. Kohn?

7 MR. STEPHEN KOHN: Well, at this point, since
8 it's my understanding that a document can only be used as
9 it was used in the examination, I would be offering this
10 document for a limited purpose, which was it's my position
11 that the opinions and ideas reflected in Exhibit 271
12 should have been fully evaluated by the Coordinating
13 Committee in their report that has been admitted as
14 Exhibit II-50. So I'm actually going to be using this
15 document, 271, to impeach Exhibit II-50.

16 MR. BLAKE: Judge Bloch, my view is he already
17 has that.

18 CHAIRMAN BLOCH: Yes, Mr. Blake?

19 MR. BLAKE: My view is -- and I didn't object
20 to some of the questions along that line. I think he
21 already has that. That is, he has pointed out there was
22 an internal document that these gentlemen may or may not
23 have taken into account, and the degree to which they took
24 it into account is reflected in the response to their
25 questions. That doesn't go, however, to the truth of the

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1 matter in this document or the ability to cite it if it
2 were allowed as evidence.

3 CHAIRMAN BLOCH: The motion to admit it into
4 evidence is granted only to the extent that this document
5 may be found to exist.

6 (Whereupon, the above-referred to
7 document, previously marked as
8 Intervenor's Exhibit No. II-271 for
9 identification, was received into
10 evidence.)

11 After that, you've asked questions about
12 whether it was considered. I don't think you need
13 anything more than that in evidence, that it exists.

14 MR. BLAKE: I have no objection to that.

15 MR. STEPHEN KOHN: So, Your Honor, so as I
16 understand your ruling, is -- that this document is
17 admitted for the limited purpose that it existed, i.e.,
18 that there was a nine-page document from Larry Robinson
19 that existed prior to --

20 CHAIRMAN BLOCH: Correct.

21 MR. STEPHEN KOHN: -- but the contents cannot
22 be --

23 CHAIRMAN BLOCH: No, because you've got
24 evidence as to whether it was -- what these people said
25 they did or did not consider out of it, and that's all you

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1 need.

2 MR. STEPHEN KOHN: Okay. Thank you, Your
3 Honor.

4 Mr. Matthews, you have testified to your
5 subjective understanding of your requirement to raise
6 concerns, even if you might be hesitant.

7 WITNESS MATTHEWS: Did I characterize it that
8 way?

9 MR. STEPHEN KOHN: You just talked -- well,
10 you testified --

11 WITNESS MATTHEWS: I don't believe I did. I
12 think it's very objective. That's an obligation of my
13 office.

14 MR. STEPHEN KOHN: But you testified I think
15 how you may have felt hesitant but you had pursued it
16 anyway. I think you --

17 WITNESS MATTHEWS: I did describe that there
18 was hesitancy involved whenever you have a tough decision
19 to make.

20 MR. STEPHEN KOHN: Okay. Had you ever been
21 called in to an NRC meeting and been accused of
22 backstabbing?

23 MS. YOUNG: I object to the relevance of that
24 question.

25 MR. STEPHEN KOHN: I think it's extremely

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1 relevant. This witness just placed a standard of conduct,
2 and I want to know his -- his basis for that standard, how
3 it relates to the reasonableness of Mr. Mosbaugh, or I'd
4 ask that -- that his testimony be struck in its entirety.

5 MS. YOUNG: But I think you established
6 through this witness that they didn't rely on that
7 information in giving their testimony.

8 CHAIRMAN BLOCH: He has only answered
9 questions without -- which have not been objected to. So
10 striking the testimony already given is not appropriate.

11 MR. STEPHEN KOHN: Okay.

12 CHAIRMAN BLOCH: I don't see the relevance of
13 whether he ever has been accused of backstabbing as to the
14 question of whether that would intimidate Mr. Mosbaugh.
15 So I will not allow that question.

16 MR. STEPHEN KOHN: Okay. Your Honor, if I
17 just may argue just a touch more, is the witness provided
18 testimony in response to one of my questions about how he
19 understood, both himself and his expectations of people
20 who work for him in the NRC, not to be hesitant for
21 raising a concern.

22 WITNESS MATTHEWS: I believe that was in
23 response to a question by Judge Bloch.

24 MR. STEPHEN KOHN: Okay.

25 CHAIRMAN BLOCH: He didn't say that they

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1 shouldn't be hesitant. He said if they are hesitant, they
2 should act anyway.

3 MR. STEPHEN KOHN: That's right. And now I
4 wanted to probe a little further to see that if they were
5 hesitant, and if they had been warned about backstabbing
6 in some of these other matters related in these two
7 exhibits, if they then still should continue to pursue.

8 CHAIRMAN BLOCH: It would be more difficult.
9 I don't understand why you have to pursue that.

10 MR. STEPHEN KOHN: All right.

11 Now, this is for the panel, but I'll start
12 with Mr. Matthews. After 4/19/90, who at Plant Vogtle
13 continued, in an effort to verify the accuracy of the 4/19
14 LER, immediately after the 4/19 incident?

15 WITNESS MATTHEWS: Now, again, I'm having
16 trouble with your terms.

17 MR. STEPHEN KOHN: Okay. On 4 -- as we know,
18 on April 19th, the LER was signed out, correct? Who at
19 Plant Vogtle continued to attempt to make sure that that
20 LER was accurate after April 19th?

21 MS. YOUNG: I'm going to object to the
22 question, because I think you're asking it wrong. You
23 said, "Who attempted to make sure the LER was accurate"?

24 MR. STEPHEN KOHN: Or to verify the accuracy
25 of the LER.

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1 BOARD EXAMINATION

2 CHAIRMAN BLOCH: Well, why don't we first
3 establish a basis. Do you know if there was anyone at
4 Plant Vogtle, after the April 19th LER was issued, who
5 continued to be concerned about its accuracy?

6 WITNESS MATTHEWS: Yes.

7 CROSS EXAMINATION (Continued)

8 MR. STEPHEN KOHN: And who was that?

9 WITNESS MATTHEWS: I know of at least one
10 person.

11 MR. STEPHEN KOHN: And who is that?

12 WITNESS MATTHEWS: That was Allen Mosbaugh.

13 MR. STEPHEN KOHN: And did he act reasonably,
14 in your opinion, after 4/19/90, to try to assure -- ensure
15 or verify the accuracy of that LER?

16 WITNESS MATTHEWS: If not diligently.

17 BOARD EXAMINATION

18 CHAIRMAN BLOCH: Sorry. I couldn't hear with
19 the --

20 WITNESS MATTHEWS: If not diligently. That,
21 yes, he did act reasonably.

22 CHAIRMAN BLOCH: Reasonably, but not
23 diligently?

24 WITNESS MATTHEWS: And --

25 CHAIRMAN BLOCH: Oh, and.

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1 WITNESS MATTHEWS: I said if not diligently,
2 so I was replacing reasonably with yes, and diligently.

3 CROSS EXAMINATION (Continued)

4 MR. STEPHEN KOHN: And weren't those actions
5 undertaken by Mr. Mosbaugh a reasonable response to
6 whatever unresolved concern he may have had on 4/19/90?

7 WITNESS MATTHEWS: Reasonable response?

8 MR. STEPHEN KOHN: In other words, as I --

9 WITNESS MATTHEWS: Excuse me. I need some
10 clarification. If you'd ask that a different way.

11 MR. STEPHEN KOHN: Okay. Well, as I see it,
12 on 4/19/90, Mr. Mosbaugh had two choices. He could
13 confront his supervision without a foundation or a basis,
14 or he could start researching and come up with what the
15 basis was, and if there was a basis, then bring it to
16 their attention.

17 And my question for you, wasn't Mr. Mosbaugh's
18 option or choice to research the basis for a potential
19 concern, document it, and then raise it, in a very
20 expeditious period of time -- about 10 days? Wasn't that
21 a reasonable response to the concern he had on the 19th?

22 WITNESS MATTHEWS: No.

23 MR. STEPHEN KOHN: And, Mr. Skinner, would you
24 like to comment on that?

25 WITNESS SKINNER: I agree with Mr. Matthews.

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1 I also say, no, I think it should have been done on 4/19,
2 rather than subsequent to 4/19.

3 WITNESS MATTHEWS: And I'd like to clarify
4 that this is not to indicate that I have any problem with
5 his pursuit of the issue subsequent to 4/19. I just
6 believe that both were required.

7 MR. STEPHEN KOHN: Between 4/19 and
8 Mr. Mosbaugh writing his first memo on this matter, which
9 I believe the record would show to be 4/30/90, do you know
10 of any other individual employed by Georgia Power who also
11 -- who pursued any concerns whatsoever related to the
12 accuracy of the April 9th COAR letter or the April 19th
13 LER?

14 WITNESS SKINNER: No, I don't.

15 WITNESS MATTHEWS: Not with any certainty.
16 There was always some suspicion based on the evidence that
17 OI had collected that efforts might have continued beyond
18 4/19 on the part of other staff members who had been
19 assigned the responsibility to review diesel generator
20 starts. Whether that activity ceased on 4/19, I don't
21 know.

22 MR. STEPHEN KOHN: Mr. Hood, do you know of
23 any?

24 WITNESS HOOD: No, I don't.

25 MR. STEPHEN KOHN: And isn't it a fact that on

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1 4/19, a variety of individuals at Plant Vogtle knew or had
2 been alerted to the potential, both at corporate and at
3 the plant site, that the 4/9/90 letter may have had or did
4 have a problem? Mr. Skinner?

5 WITNESS SKINNER: I believe that's correct,
6 yes.

7 MR. STEPHEN KOHN: Mr. Matthews?

8 WITNESS MATTHEWS: I believe there were more
9 than one individual.

10 MR. STEPHEN KOHN: Mr. Hood?

11 WITNESS HOOD: I think you're correct.

12 MR. STEPHEN KOHN: And isn't it true that the
13 NRC should have issued performance failures for every
14 single person who had -- was alerted to that problem and
15 failed to act on it? Isn't that correct, Mr. Skinner?

16 WITNESS SKINNER: I would not draw that
17 conclusion, no.

18 MR. STEPHEN KOHN: Mr. Matthews?

19 WITNESS MATTHEWS: You know, I can only answer
20 that the NRC issued and raised concerns about performance
21 failures on those individuals who we felt the evidence
22 would show had knowledge of the errors in the 4/9 letter
23 and didn't take sufficient actions to ensure that the
24 information was corrected in subsequent correspondence.

25 MR. STEPHEN KOHN: Well, in looking through

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1 the documents, I don't see any reference in any NRC report
2 or document to being critical of Georgia Power employees
3 for failing to take action on the 4/9 letter, between the
4 period of 4/9/90 and April 30, '90.

5 WITNESS MATTHEWS: Did you ask me that
6 question specifically?

7 MR. STEPHEN KOHN: That's the time period I'm
8 interested in.

9 WITNESS MATTHEWS: Well, then, reask the
10 question --

11 MR. STEPHEN KOHN: Okay.

12 WITNESS MATTHEWS: -- and I'll reanswer it.

13 MR. STEPHEN KOHN: Okay. Are you aware that
14 between 4/9/90 and 4/30/90, individuals employed by
15 Georgia Power, other than Mr. Mosbaugh, were alerted to
16 the fact that there could be a material false statement,
17 or just an inaccurate statement, in this -- the April 9th
18 COAR letter?

19 WITNESS MATTHEWS: I can't recall at this
20 time. I would have to research that.

21 MR. STEPHEN KOHN: Mr. Skinner, can you
22 recall?

23 WITNESS SKINNER: I don't fully recall, no.

24 MR. STEPHEN KOHN: Mr. Hood, can you recall?

25 WITNESS HOOD: No.

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1 CHAIRMAN BLOCH: We'll take a copy-obtaining
2 break, 10 minutes.

3 (Whereupon, the proceedings were off the
4 record from 3:58 p.m. until 4:11 p.m.)

5 MR. STEPHEN KOHN: In regards to the last
6 question I asked, I'd like to show the witnesses a copy of
7 tape -- exhibit -- tape number 57, which is GPC 1. I've
8 asked NRC Staff if they have an extra copy. If not, they
9 can review mine and -- okay. Then, you have a copy in
10 front of you of it? And the pages I'd like to call your
11 attention to is beginning with on page 50, lines 19
12 through 22, and see if that refreshes your recollection as
13 to whether at least Mr. Stringfellow and Mr. Aufdenkampe
14 were aware, on no later than 4/19/90, of the potential
15 misstatement in the 4/9 COAR letter.

16 WITNESS MATTHEWS: Well, we have refreshed our
17 memory with regard to those periods. Would you ask your
18 question again, irrespective of us being refreshed here?

19 MR. STEPHEN KOHN: Well, in or about 4 -- on
20 or before 4/9 -- 4/19/90 --

21 CHAIRMAN BLOCH: I think you'd better reask
22 the question. You've now asked it about three ways. The
23 question won't --

24 MR. STEPHEN KOHN: I just have to come up with
25 a new question based upon a similar basis. Just on

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1 4/19/90, isn't it a fact that a number of individuals who
2 are employed for Georgia Power either were made aware or
3 acknowledged that they were aware of the problem with the
4 4/9/90 COAR letter?

5 WITNESS MATTHEWS: I think the difficulty with
6 your question is the phrase "the" -- that they were aware
7 of "the" problem with the April 9th letter.

8 MR. STEPHEN KOHN: Or potential problems with
9 an inaccuracy, the potential inaccuracy in that letter
10 related to the phrase "18 and 19 consecutive successful
11 starts with no problems or failures."

12 WITNESS MATTHEWS: Our review of the evidence
13 supports the fact that there were people on site who had
14 reason to question the accuracy of the information
15 contained in the April 9, 1990, letter.

16 MR. STEPHEN KOHN: And there also were people
17 in Birmingham corporate who had reason to question that
18 accuracy.

19 WITNESS MATTHEWS: I don't have any
20 information regarding --

21 MR. STEPHEN KOHN: Okay.

22 WITNESS MATTHEWS: -- people in corporate.

23 MR. STEPHEN KOHN: Then, if you can look at
24 Exhibit 57 --

25

BOARD EXAMINATION

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1 CHAIRMAN BLOCH: Okay. Just a second. I just
2 want to clarify. You're saying that on April 19th that
3 was true, is that correct?

4 WITNESS MATTHEWS: I felt --

5 CHAIRMAN BLOCH: You didn't specify --

6 WITNESS MATTHEWS: -- felt he was specifying
7 the period leading up to April 19th.

8 MR. STEPHEN KOHN: No, no.

9 WITNESS MATTHEWS: Maybe I need him to be more
10 accurate.

11 CROSS EXAMINATION (Continued)

12 MR. STEPHEN KOHN: On April 19th --

13 WITNESS MATTHEWS: Okay. On April 19th.

14 MR. STEPHEN KOHN: -- did individuals in
15 corporate -- were individuals in corporate aware --

16 CHAIRMAN BLOCH: Wait. Before we get to the
17 individuals in corporate, the answer, I think, on the
18 first branch of the question is indeterminate as to the
19 date on which those people knew.

20 MR. STEPHEN KOHN: That's right.

21 WITNESS MATTHEWS: It was subsequent to
22 April 9th. I can say that.

23 BOARD EXAMINATION

24 CHAIRMAN BLOCH: Okay. And you don't know
25 about -- is there any special significance for the 19th in

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1 whether or not they knew about the --

2 WITNESS MATTHEWS: No.

3 CHAIRMAN BLOCH: Okay.

4 CROSS EXAMINATION (Continued)

5 MR. STEPHEN KOHN: And in regards to
6 corporate, isn't it true that Mr. Stringfellow was made
7 aware of the problem or potential problem with the 4/9
8 COAR letter regarding the phraseology "no failures or
9 problems have occurred in any of these starts"?

10 WITNESS MATTHEWS: He had a basis to know that
11 questions were being raised.

12 MR. STEPHEN KOHN: And specifically, that's
13 the 4/9 COAR letter. We're not talking about the LER,
14 correct?

15 WITNESS MATTHEWS: That's correct.

16 MR. STEPHEN KOHN: And also, Mr. Shipman had a
17 basis to know that questions were being raised about that,
18 isn't that true?

19 WITNESS MATTHEWS: Can you point me to some
20 reference on that point?

21 MR. STEPHEN KOHN: Yes. If you'd please look
22 at page 58, the bottom, and it's line 23; and page 59, the
23 top.

24 WITNESS MATTHEWS: I'd like a chance to read
25 that.

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1 MR. STEPHEN KOHN: Sure.

2 CHAIRMAN BLOCH: I guess because of an earlier
3 statement by the Chairman, the record should reflect that
4 the witnesses are conferring right now.

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

7 WITNESS MATTHEWS: Okay. We've reviewed this.

8 MR. STEPHEN KOHN: Okay. And does that
9 refresh your recollection as to whether Mr. Shipman was
10 aware that there were problems with what was contained in
11 the 4/9 COAR letter?

12 WITNESS MATTHEWS: I think it could
13 potentially raise questions in his mind about the 4/9
14 letter.

15 MR. STEPHEN KOHN: And also, in Mr. Shipman's
16 mind about the 4/9 oral presentation about the accuracy of
17 statements made in that presentation.

18 WITNESS MATTHEWS: It could. But it's not
19 clear by this discussion to me, and I don't believe to my
20 co-witnesses, that he is not all -- that he has not been
21 made aware -- only made aware that the 4/19 information
22 that they had been reviewing in draft form, that there is
23 questions about it.

24 MR. STEPHEN KOHN: Well, Mr. Shipman -- if you
25 look at page 58, he is extremely cognizant that what is in

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1 the LER is what George wrote and took and told Ebnetter.
2 So he -- so Mr. Shipman is quite cognizant that what's in
3 that draft LER that they're about to change through
4 inserting a new phraseology, he is extremely cognizant
5 that that's exactly what was communicated to the NRC
6 orally on 4/9, and in writing on 4/9, isn't that correct?

7 WITNESS MATTHEWS: That's correct. But he is
8 sitting on 4/19, trying to assess information in a draft
9 that is expected to be accurate as of 4/19.

10 MR. STEPHEN KOHN: But isn't it true that on
11 4/9, Mr. Shipman received information, not just through
12 these four lines you're looking at, but through this
13 entire conversation, that there was probable cause or a
14 reasonable basis that the information that had been
15 transmitted on 4/9 to the NRC by Georgia Power was not
16 accurate? Isn't that true?

17 WITNESS MATTHEWS: Do you mean 4/19?

18 MR. STEPHEN KOHN: That what had been
19 transferred on --

20 WITNESS MATTHEWS: You said on 4/9, and I
21 don't think you meant on 4/9.

22 MR. STEPHEN KOHN: No, I didn't. In other
23 words, on 4/19, Mr. Shipman, at this point, had probable
24 cause or a reasonable basis to suspect that there had been
25 inaccurate information transferred to the NRC on 4/9,

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1 isn't that true?

2 WITNESS MATTHEWS: I don't believe, based
3 solely on this transcript, that you can reach that
4 conclusion.

5 MR. STEPHEN KOHN: Okay.

6 BOARD EXAMINATION

7 CHAIRMAN BLOCH: Okay. May I ask, do you
8 assume that he did or did not know on the 19th what the
9 language in the letter of the 9th was?

10 WITNESS MATTHEWS: I would have to say it's --
11 my thought is that he was generally familiar with the
12 letter in that time. In other words, he was generally
13 familiar on 4/19 with what the language in the 4/9 letter
14 was.

15 CHAIRMAN BLOCH: I notice at the bottom of
16 page 59 that he is wondering about whether the failure
17 that Mr. Mosbaugh has told him about is a valid failure,
18 thinking that he could tell the NRC, apparently, that it
19 wasn't a valid failure, if that was the case. Do you
20 think that on the 19th he realized that the word "valid"
21 had not been used on the 9th?

22 WITNESS MATTHEWS: I think he was -- you know,
23 I really don't know, but I -- I feel like, based on my
24 review of the evidence, that he was probably -- this was
25 the first time that the phrase "valid" had been introduced

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1 and that -- that that was not the terminology that was
2 used on 4/9.

3 CHAIRMAN BLOCH: So is it possible to read
4 what he is doing as looking for an out, a way of rewording
5 things so that what was said on the 9th would not be
6 considered to be false?

7 WITNESS MATTHEWS: It's possible. But, again,
8 because the focus of this discussion is a draft of the
9 4/19 LER, I can't say for sure that his focus was the 4/9
10 letter and trying to make it (quote) "right" in its being
11 reconstructed in the 4/19 timeframe.

12 CHAIRMAN BLOCH: So if I understand correctly,
13 your concern is not that he didn't know what was in the
14 4/9 letter, but that he might not have been focusing on
15 that on the 19th.

16 WITNESS MATTHEWS: I think my -- my view of
17 reading this is that he was focused on the problem Allen
18 has raised with regard to the accuracy of the 4/19 LER.
19 Yeah. Mr. Skinner points out to me that and what they're
20 discussing, of course, is Shipman attempting to resolve
21 what has been up to this point in time George Hairston's
22 concern about the accuracy of the phrasing "greater than
23 20 starts" in the draft LER. And I guess that lends
24 support to my view that Mr. Shipman's focus was this LER
25 and its accuracy.

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1 CROSS EXAMINATION (Continued)

2 MR. STEPHEN KOHN: And I'd now like to turn
3 your attention to page 72, and the bottom of 72 and the
4 top of 73, on line 25, where Mr. Aufdenkampe states,
5 "Atlanta -- what Birmingham is thinking now is that they
6 made a material false statement in the April 9th letter."
7 Do you see that? And then, Mr. Mosbaugh says, "That would
8 be a good thing for them to think about."

9 Now, do you have any basis whatsoever to
10 challenge the veracity of Mr. Aufdenkampe's comment that
11 Birmingham is now thinking that they made a material false
12 statement in the 4/9 letter? In other words, that
13 Birmingham, the corporate office, was focusing on that.
14 Any basis to challenge Aufdenkampe's observation?

15 WITNESS MATTHEWS: I have neither a basis to
16 challenge it, nor support it. I don't believe I have any
17 recollection of evidence that Birmingham viewed that they
18 made a material false statement in the 4/9 letter.

19 MR. STEPHEN KOHN: Now, did any of the other
20 panelists want to comment?

21 CHAIRMAN BLOCH: Does anything in the record
22 tell us what Mr. Aufdenkampe was thinking about when he
23 made that statement?

24 MR. STEPHEN KOHN: I think the record is
25 voluminous on this, and it just -- if you'll continue

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1 locking on page 73, they mention McCoy, Hairston, McDonald
2 are reviewing this now. And then, "I'm calling back into
3 Hairston's office," is what Mr. Mosbaugh says, "as soon as
4 we get the operator."

5 I think in the context of this and all of the
6 testimony on this, I think we've gone over it extensively.
7 I don't think we need to do that again.

8 CHAIRMAN BLOCH: Then why did we start?

9 MR. STEPHEN KOHN: No. I just wanted to --

10 MR. BLAKE: I can't imagine. I can't imagine,
11 and I'd be delighted to move on here.

12 MR. STEPHEN KOHN: Now, my question is, did
13 the Coordinating Committee ever undertake to review any
14 performance failures of any members of Georgia Power who
15 may have learned of the false statement in the April 9th
16 COAR letter, yet failed to take any action whatsoever
17 about that?

18 WITNESS MATTHEWS: I believe we considered, as
19 part of our review, possible performance failures on the
20 part of individuals of GPC.

21 MR. STEPHEN KOHN: But I'm talking about
22 performance failures related to having learned of a
23 potential false statement in the 4/9 letter or 4/9
24 presentation and not having taken any action to correct it
25 in a timely fashion. That's the type of performance.

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1 WITNESS MATTHEWS: I will repeat my answer,
2 yes.

3 MR. STEPHEN KOHN: So you evaluated
4 Mr. Shipman's conduct on that issue?

5 WITNESS MATTHEWS: Yes.

6 MR. STEPHEN KOHN: And Mr. Stringfellow's
7 conduct?

8 WITNESS MATTHEWS: Yes. And Mr. Aufdenkampe's
9 conduct, and Mr. Mosbaugh's conduct.

10 MR. STEPHEN KOHN: Do you find it strange that
11 prior to Mr. Mosbaugh raising the concern about the
12 inaccuracy again after 4/30/90, when he raised it with
13 Bockhold and through his management in a memo, no one else
14 was raising that concern?

15 WITNESS MATTHEWS: Do you have a basis that
16 you can point me to?

17 MR. STEPHEN KOHN: Yes. The basis --

18 WITNESS MATTHEWS: That no one else was
19 concerned?

20 MR. STEPHEN KOHN: Well, no one else -- I
21 don't think there's any evidence on this record that any
22 other person pursued potential problems with the 4/9
23 presentation, the 4/9 COAR, until Ms. Mosbaugh wrote his
24 memo on 4/30/90.

25 MS. YOUNG: I object to that question as not

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1 having a foundation. I believe the record shows that at
2 least the NRC IIT asked about the counts that were shared
3 on April 9th.

4 MR. STEPHEN KOHN: I'm talking about Georgia
5 Power employees.

6 MS. YOUNG: That's not the way you asked the
7 question.

8 MR. STEPHEN KOHN: Well, I'm talking
9 specifically about --

10 CHAIRMAN BLOCH: Please rephrase it.

11 MR. STEPHEN KOHN: Yeah. Is it strange to you
12 that not one Georgia Power employee, except for
13 Mr. Mosbaugh, pursued the concern that there may have been
14 a false statement made in the 4/9/90 COAR and the 4/9/90
15 oral presentation?

16 WITNESS MATTHEWS: Well, that's presuming that
17 they didn't or weren't aware or took no action. I don't
18 have any evidence of other people's actions in this
19 timeframe. I do have evidence of the actions taken by
20 Mr. Mosbaugh.

21 MR. STEPHEN KOHN: And you don't have evidence
22 of other people's action in that timeframe because the
23 Coordinating Committee didn't look into it, correct?

24 WITNESS MATTHEWS: I guess we looked into all
25 of the evidence we had available. We didn't have, as a --

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1 as an assignment, to investigate this case.

2 BOARD EXAMINATION

3 CHAIRMAN BLOCH: Is it the case that OI didn't
4 look into that question? So, therefore, the Coordinating
5 Committee didn't either?

6 WITNESS MATTHEWS: I don't recall whether OI
7 looked into that question or not.

8 CROSS EXAMINATION (Continued)

9 MR. STEPHEN KOHN: If -- and I know this may
10 call for speculation. But I'd just like to know your
11 response --

12 WITNESS MATTHEWS: Let me clarify that answer.

13 MS. YOUNG: And could the other members of the
14 panel -- the rules here I think Chairman Bloch didn't tell
15 you. If you disagree with an answer or need to supplement
16 an answer, you should speak up.

17 CHAIRMAN BLOCH: I would encourage that.
18 That's correct.

19 WITNESS MATTHEWS: You know, my -- my view is
20 that OI investigated allegations that had been brought to
21 them with regard to their phrasing -- of course, because
22 of the phrasing in the allegation in their charter as
23 wrongdoing, but we'll generally use the phrase
24 "performance failures." And they brought forward the
25 performance failures that they identified, and we looked

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1 at the same evidence that OI collected, with some
2 additional information that had been made available, as I
3 recall, in the early stages of this action.

4 And together, in evaluating that evidence, we
5 reached a conclusion with regard to what we determined to
6 be performance failures. So in terms of the evidence that
7 was available and collected by OI with some additions that
8 we were aware of, that is our record basis for evaluating
9 Georgia Power's performance.

10 MR. STEPHEN KOHN: Now, I have a question, and
11 we're going to the issue of willfulness now. Let's -- I'm
12 asking you to assume that the material communicated in
13 4/9/90 oral presentation by Mr. Bockhold was willfully
14 done. In other words, they knew it wasn't accurate, and
15 they said it anyway. Okay?

16 WITNESS MATTHEWS: I've got a difficulty with
17 the use of the word "willful." I don't think that's
18 sufficiently specific for me to respond to a question.

19 MR. STEPHEN KOHN: Okay. Thank you.

20 WITNESS MATTHEWS: I think it's --

21 MR. STEPHEN KOHN: Yeah.

22 WITNESS MATTHEWS: -- that term is fraught
23 with confusion and misinterpretation.

24 MR. STEPHEN KOHN: Okay. Well, let me just
25 rephrase. Let's assume that members of corporate in

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1 Birmingham knew that --

2 CHAIRMAN BLOCH: Counsel, are you sure it has
3 to be this complicated, what you're going to -- in order
4 to set up the final question?

5 MR. BLAKE: Well, if it's a hypothetical, I
6 don't understand what we're going to get out of it. And
7 if it's not, I'm going to want to know the record basis
8 for assumptions that don't sound very good to me about
9 what people at corporate in Birmingham knew.

10 MR. STEPHEN KOHN: Okay. Then, let me
11 rephrase.

12 Did you -- when you were reaching your
13 determinations as to the deliberateness or willfulness or
14 careless disregard of these actions, did you evaluate
15 that? Did you weigh the evidence to make a determination
16 about willfulness?

17 WITNESS MATTHEWS: Again, that was not a term
18 used by the coordinating group, as I recall, in any of its
19 deliberations.

20 MR. STEPHEN KOHN: Okay. This is -- okay. So
21 -- and I just may be wrong in this. So the Coordinating
22 Committee did not evaluate the evidence in light of
23 whether there were willful violations?

24 WITNESS MATTHEWS: You'd have to -- not -- not
25 with regard to that term.

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1 MR. STEPHEN KOHN: Okay. Fine. So as I --
2 and that's just not quite what my understanding was, and
3 I'd like to thank you for correcting me. So the
4 Coordinating Committee did not make any findings regarding
5 whether any individuals willfully committed a wrongful
6 act?

7 CHAIRMAN BLOCH: Well, the report speaks for
8 itself. It used other language.

9 MR. STEPHEN KOHN: Okay. Now -- and I may be
10 wrong. So it's your best recollection that the word
11 "willful" does not -- you did not use that term at all in
12 your report, in your two reports?

13 WITNESS MATTHEWS: I don't -- I would have to
14 ensure the accuracy of my response by looking at those
15 reports in detail, but --

16 CHAIRMAN BLOCH: Actually, the easiest way to
17 do that would be if we had a machine copy, and then we
18 could learn very quickly --

19 WITNESS MATTHEWS: I think you'll find the
20 word in there because it may have been used by OI. That's
21 the only answer I can give. And we do cite some OI
22 conclusions, but that's a speculation on my part.

23 MR. STEPHEN KOHN: Okay.

24 WITNESS MATTHEWS: Before I answer
25 conclusively, I'd have to review my report. My

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1 recollection is that the term "willful" was not used in
2 any of the coordinating group's deliberations or
3 conclusions.

4 MR. STEPHEN KOHN: Okay. I'd now like you to
5 look at your report, Staff Exhibit II-50. And if you can
6 look at --

7 WITNESS MATTHEWS: Mr. Hood was just reminding
8 me that, you know, you may recall my testimony of last
9 week where I describe that there is a spectrum of terms,
10 and that a subset of those terms constitutes, I believe
11 you'll find in some of our agency records, something
12 referred to in the regulations as "willful conduct."

13 But irrespective of that, this group, of which
14 we were members, okay, did not draw conclusions in terms
15 of whether or not individual actions were deemed willful
16 or not willful.

17 MR. STEPHEN KOHN: Okay. Thank you. That
18 actually helps clarify the record for me and eliminates a
19 lot of questions. So thank you.

20 But if you could please now look at Staff
21 Exhibit II-50.

22 CHAIRMAN BLOCH: Okay. What page?

23 MR. STEPHEN KOHN: Page 29. And I'd like to
24 call your attention to the last paragraph on page 29,
25 about 60 percent down, the sentence that reads, "The

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1 attitudes exhibited by GPC and Bockhold in their responses
2 show a lack of concern for the NRC requirement for
3 completeness and accuracy of information," that sentence.

4 WITNESS MATTHEWS: Yes.

5 MR. STEPHEN KOHN: When you say -- and this
6 is, again -- and I'd like to poll the entire panel, and,
7 Mr. Matthews, we can start with you. When you say, "The
8 attitudes" --

9 WITNESS MATTHEWS: Excuse me. Before I
10 respond, I'd like to read the entire paragraph.

11 MR. STEPHEN KOHN: Oh, please.

12 CHAIRMAN BLOCH: We've all read it. Counsel,
13 do you think you really need the question?

14 MR. STEPHEN KOHN: I do, Your Honor.

15 WITNESS MATTHEWS: We've read that.

16 MR. STEPHEN KOHN: Thank you. My question is
17 -- my first question is, is the -- when you made the
18 reference to the attitudes exhibited by GPC and Bockhold,
19 when you used the word "attitudes," do the attitudes that
20 you saw in the responses of GPC and Bockhold identified
21 here, were they -- your criticism here, was that similar
22 to the criticisms you had back in 1990 of the cavalier
23 attitude?

24 In other words, was this a reflection of the
25 cavalier attitude? Or is this a whole different type of

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1 attitudial (sic) criticism?

2 CHAIRMAN BLOCH: Attitudinal.

3 MR. STEPHEN KOHN: Attitudinal. Thank you.

4 WITNESS MATTHEWS: I think, in part, it's a
5 continuation of the same kind of attitudinal concerns that
6 -- that I and others in the NRC had during the 1990
7 timeframe.

8 MR. STEPHEN KOHN: Okay. And, again, did you
9 evaluate whether the concern reflected in this specific
10 communication to the NRC identified here --

11 WITNESS MATTHEWS: The concern reflected?

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

14 MR. STEPHEN KOHN: In other words, the concern
15 that you have that the attitudes exhibited by GPC and
16 Bockhold in their responses show a lack of concern. In
17 other words, the Coordinating Committee is expressing a
18 concern here. Do you follow me?

19 WITNESS MATTHEWS: Yes.

20 CHAIRMAN BLOCH: You don't have a question
21 yet.

22 MR. STEPHEN KOHN: Okay. No. And is --
23 again, my question is similar to the one I had asked you
24 earlier. Did the Coordinating Committee limit its review
25 in this matter just to the material that Georgia Power was

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1 submitting in response to the NOV and DFIs? Or did the
2 Coordinating Committee look at other responses of Georgia
3 Power which may also have incorporated such a lack of
4 concern?

5 CHAIRMAN BLOCH: The question relates to the
6 word "responses." Does it mean anything more than the
7 response to the DFI and the NOV?

8 WITNESS MATTHEWS: We confined our attention,
9 in developing this evaluation, to the material submitted
10 by GPC in direct response.

11 MR. STEPHEN KOHN: Okay. So, again, there
12 could have been --

13 WITNESS SKINNER: Let me also respond. We
14 also went back and reviewed the previous information that
15 we had reviewed for the original information that we had
16 used at that time.

17 MR. STEPHEN KOHN: Do you mean in terms of
18 like their response to the 2.206 petition?

19 WITNESS MATTHEWS: No. No.

20 WITNESS SKINNER: I'm talking about --

21 WITNESS MATTHEWS: He meant all of the
22 evidence that had come before that we had reviewed
23 certainly was -- again, could be considered as part of the
24 basis for our evaluation of these responses.

25 MR. STEPHEN KOHN: So this attitude of a lack

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1 of concern that you were critical of could have been also
2 exhibited in other correspondence with the NRC, but you
3 just did not review it?

4 MS. YOUNG: Objection to the question.
5 Anything is possible.

6 MR. STEPHEN KOHN: Well --

7 CHAIRMAN BLOCH: I think it's better not to
8 ask "could have."

9 MR. STEPHEN KOHN: Okay. Let me just say,
10 based upon Georgia Power's responses that you evaluated in
11 drawing this conclusion, and given your management
12 authority and your experience within the industry, would
13 it be reasonable to conclude that the types of
14 deficiencies you identified in these responses were -- may
15 have also been reflected in other documents Georgia Power
16 had filed with the NRC but were not subject to the type of
17 rigorous review these were?

18 BOARD EXAMINATION

19 CHAIRMAN BLOCH: Let's try that slightly
20 differently. Were you concerned that the problems in the
21 response to the NOV were symptoms of a broader problem?

22 WITNESS MATTHEWS: Well, yes, we were.
23 Otherwise, I don't believe we would have undertaken to
24 initiate these actions. If we thought that it was solely
25 confined to this activity, there would have been no

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1 purpose for enforcement.

2 MR. STEPHEN KOHN: Thank you very much, Your
3 Honor.

4 CHAIRMAN BLOCH: That's okay. In the morning,
5 you asked shorter questions.

6 (Laughter.)

7 MR. STEPHEN KOHN: I think I even asked better
8 ones last Friday. I have to sleep less is my thing.

9 CROSS EXAMINATION (Continued)

10 MR. STEPHEN KOHN: Now, can you please turn to
11 page 8 of your report? And this is, again, Exhibit 50,
12 page 8. And I'm calling your attention to the last
13 paragraph, which is the paragraph before there is a
14 deleted paragraph.

15 WITNESS MATTHEWS: Say that again. I'm lost.

16 MR. STEPHEN KOHN: Okay. Page 8 of Exhibit
17 50.

18 WITNESS MATTHEWS: I'm there.

19 MR. STEPHEN KOHN: And go to the very last
20 paragraph.

21 WITNESS MATTHEWS: That's not blacked out.

22 MR. STEPHEN KOHN: Yeah, that's not blacked
23 out.

24 WITNESS MATTHEWS: Okay.

25 MR. STEPHEN KOHN: And you see here that GPC

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1 is suggesting that information that is not strictly
2 required by 10 CFR 50.73 should be held to a more lenient
3 standard than the 10 CFR 50.9 requirements. Do you see
4 that?

5 WITNESS MATTHEWS: Yes.

6 MR. STEPHEN KOHN: And you're rejecting tha ?

7 WITNESS MATTHEWS: Yes.

8 MR. STEPHEN KOHN: Now, my question is, when
9 GPC made this proposition to you, did you view it as just
10 like posturing of lawyers and like a legal posturing, or
11 did you take this as a serious argument by the corporate
12 staff, that this is how they thought these rules should be
13 interpreted?

14 WITNESS MATTHEWS: I don't recall we drew a
15 conclusion one way or the other. We dealt with it on its
16 face. It was offered, and we rejected it.

17 MR. STEPHEN KOHN: Was there any inquiry as to
18 whether any members of Georgia Power had ever -- were
19 under the mistaken impression that -- that this more
20 lenient standard that was being advocated here applied in
21 the regulatory context in, say, 1990?

22 WITNESS MATTHEWS: Inquiry by whom?

23 MR. STEPHEN KOHN: By you into Georgia Power.
24 In other words, was this an argument they were just
25 postulating, and was there any indication that they really

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1 thought this was what the regulations meant?

2 WITNESS MATTHEWS: I don't recall having
3 developed a view on that.

4 MR. STEPHEN KOHN: Okay. Now, one moment,
5 Your Honor.

6 CHAIRMAN BLOCH: Would it be helpful to have a
7 brief recess?

8 MR. STEPHEN KOHN: Yes, Your Honor.

9 CHAIRMAN BLOCH: All right. At the end of it,
10 we would hope that you could ask questions in your usual
11 rapid-fire method.

12 MR. STEPHEN KOHN: Okay. Thank you.

13 CHAIRMAN BLOCH: We'll wait why you do your
14 research.

15 (Whereupon, the proceedings were off the
16 record from 4:45 p.m. until 4:48 p.m.)

17 MR. STEPHEN KOHN: And, Mr. Skinner, I'm going
18 back to you here. And if you remember your testimony
19 earlier today about how much you'd expect dew points to go
20 down, dew point ratings, after a feed and bleed. Do you
21 remember that?

22 WITNESS SKINNER: I remember discussing that,
23 yes.

24 MR. STEPHEN KOHN: Okay. And so my question
25 is, when you opened the three-quarter inch valve to do the

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1 feed and bleed, are you -- do you know what the actual air
2 flow rate is when that happens?

3 WITNESS SKINNER: No, I do not.

4 MR. STEPHEN KOHN: And have you ever done a
5 calculation on how fast the dew point could be brought
6 down once you're doing a bleed and feed?

7 WITNESS SKINNER: No, I have not.

8 MR. STEPHEN KOHN: Okay. And --

9 WITNESS SKINNER: But I do know that it
10 requires, according to the FSAR, about an hour and a half
11 to go from a depressurized receiver to a fully charged
12 receiver at 250 pounds.

13 MR. STEPHEN KOHN: Okay. That's -- I think
14 that's filling it.

15 WITNESS SKINNER: That's correct.

16 MR. STEPHEN KOHN: Okay.

17 BOARD EXAMINATION

18 ADMINISTRATIVE JUDGE CARPENTER: Mr. Skinner,
19 do you know, when they do a feed and bleed, how much they
20 reduce the pressure on -- each time they bleed it?

21 WITNESS SKINNER: There's generally two
22 different methods of performing a bleed and feed that I'm
23 aware of. One of them is that they open the drain valve
24 until such time as the compressor kicks on, and which is
25 at 230 -- approximately 230 pounds, maybe 225. I don't

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1 recall the exact number. But then they throttle down
2 slightly on the drain valve, such that the compressor will
3 actually be just about in equilibrium with the amount of
4 pressure being bled off as that that is being charged in
5 with the compressor.

6 CHAIRMAN BLOCH: It's continuous. You've got
7 the bleed valve open, and you're continually making up
8 what you --

9 WITNESS SKINNER: That's correct. Other
10 operators go down and basically open the valve rapidly
11 until the pressure drops down to 230, or whatever the
12 compressor kicks on at, and then they shut the valve and
13 let the valve -- let the compressor cycle, and continue to
14 do that several times.

15 ADMINISTRATIVE JUDGE CARPENTER: Is that
16 pressure reduction controlled by a concern that the diesel
17 still remain operable?

18 WITNESS SKINNER: Yes, sir.

19 ADMINISTRATIVE JUDGE CARPENTER: And that's
20 where the 230, approximately, comes from?

21 WITNESS SKINNER: That's correct.

22 ADMINISTRATIVE JUDGE CARPENTER: Thank you.

23 CROSS EXAMINATION (Continued)

24 MR. STEPHEN KOHN: Okay. And I'm going to
25 show the witness Exhibit -- Intervenor's II-217, if I may

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1 approach. Just on the basis of the questions I've asked
2 you, do you have any reason to question the validity of
3 this comment here that says, "Per Engineer K. Stokes,
4 could possibly take a day and a half to get the dew point
5 down"?

6 WITNESS SKINNER: No, I have no reason to
7 question it.

8 MR. STEPHEN KOHN: Okay. Thank you.

9 MS. YOUNG: What document did you just show
10 the witness?

11 MR. STEPHEN KOHN: That was Intervenor II-217,
12 the first page.

13 And do you know the actual method used to
14 conduct feed and bleed in 1990, during this time period?

15 WITNESS SKINNER: No, I do not.

16 MR. STEPHEN KOHN: And there is more than one
17 method that could have been employed, are you aware of
18 that?

19 WITNESS SKINNER: I just mentioned two. Yes,
20 I'm aware of that.

21 MR. STEPHEN KOHN: Okay. Nothing further,
22 Your Honor.

23 CHAIRMAN BLOCH: Would it be productive for
24 Licensee to start now, or should we begin in the morning?

25 MR. BLAKE: I can start now and fill the time.

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1 I won't complete, but I can certainly take advantage of
2 the hearing time.

3 CHAIRMAN BLOCH: I hope you're using the time
4 and not filling it.

5 CROSS EXAMINATION (Continued)

6 MR. BLAKE: Mr. Matthews, let me start with
7 some questions of you on the supplementation or change
8 that you made in your testimony at the beginning. Your
9 counsel asked whether or not there was any change or
10 modification or supplementation that you wanted to make,
11 and you talked about the air quality and what I understood
12 to be the Staff's position on air quality.

13 WITNESS MATTHEWS: Yes.

14 MR. BLAKE: Was the only change that you made
15 to your position on this topic that Georgia Power should
16 have stated that the initial reports of higher than
17 expected dew points were the result of faulty
18 instrumentation and the misuse of backup instrumentation?
19 Was that the change? Is that what you said should have
20 occurred?

21 WITNESS MATTHEWS: That was the only change
22 that I believe we considered appropriate.

23 MR. BLAKE: And have you made any
24 determination through an investigation or interviews, or
25 otherwise, that the addition of this phrase would have had

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1 any effect on the restart decision?

2 WITNESS MATTHEWS: I've done no -- no
3 investigation, review, or even deliberation on that point.

4 BOARD EXAMINATION

5 CHAIRMAN BLOCH: Mr. Blake, I have a question
6 in this area.

7 I thought I understood, but please correct me
8 if I'm wrong, that there was one receiver which was found
9 to have been high because the dryer was off. Is that
10 correct?

11 WITNESS SKINNER: There was one receiver on
12 Unit 2 -- the 2A diesel generator was found to be high
13 because the dryer was off. That's correct.

14 CHAIRMAN BLOCH: Well, why didn't that also
15 need correction, as well as the misuse of the dew point
16 instrument? Why wouldn't you have --

17 WITNESS MATTHEWS: The purpose of this letter
18 was the Unit 1 condition, because they were asking for --

19 CHAIRMAN BLOCH: Okay. Thank you. That
20 clarifies it.

21 Well, let me just -- hadn't the IIT been told
22 that all eight receivers were high because of a dew point
23 problem, because of the instrumentation problem? Do you
24 recall that, that the IIT was told that all eight
25 receivers were high and they thought it was all because of

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1 a defective instrument?

2 WITNESS SKINNER: I don't recall that
3 specifically, that the IIT was told that information. I
4 remember that --

5 CHAIRMAN BLOCH: Well, let me see if I can
6 refresh -- since I can't find it, let me see if I can
7 refresh your recollection. I thought that was the basis
8 on which everybody agreed that the instrument was
9 defective, that you couldn't get eight high receivers all
10 at the same time. Does that refresh your recollection
11 about the statement to the IIT?

12 WITNESS SKINNER: Yes, sir, it does. But I
13 don't recall the specific IIT area where that was
14 identified at, as far as a transcript, whether it was --

15 CHAIRMAN BLOCH: I believe it was April 2nd.
16 We'd have to check, but I believe it was an April 2nd
17 statement by Mr. Bockhold.

18 MR. BLAKE: Wait, Judge. I really think we're
19 confused now.

20 CHAIRMAN BLOCH: Yeah. Well, it couldn't have
21 been April 2nd. That's after -- it must have been
22 April 9th.

23 MR. BLAKE: Maybe we could collectively review
24 this and --

25 CHAIRMAN BLOCH: Maybe we can review it

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1 overnight. But I think there was a statement to the IIT
2 -- I believe it was also on April 9th -- in which all
3 eight receivers were high. And if I recall correctly,
4 Mr. Bockhold said at that time that the preliminary
5 indication was due to faulty instruments, but he was
6 gathering information about that.

7 And then, I don't recall anything after that
8 where he got back to the NRC and said, "Well, one of them
9 really was high." So you may just want to check into
10 whether that's the case.

11 MR. BLAKE: I think that would have been about
12 the April 6th timeframe that you're talking about, rather
13 than April 9th. And I think there is, in fact, indication
14 in an IIT transcript subsequent to that. I think it might
15 even have been the one day that Mr. Kitchens was there
16 saying, "One of them continues to be high."

17 CHAIRMAN BLOCH: Okay. That's great. If you
18 can just -- let's relieve the Staff of the assignment, and
19 if you can just tell me the one day -- the cite to the IIT
20 transcript, that will completely clear that one up.

21 MR. BLAKE: Okay. I think that was April 9th,
22 and the reason Mr. Kitchens was there was because
23 Mr. Bockhold was off at the meeting. I can doublecheck
24 that, but that's my recollection.

25 CHAIRMAN BLOCH: I wasn't aware of that cite,

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1 and that's very helpful.

2 CROSS EXAMINATION (Continued)

3 MR. BLAKE: Mr. Matthews --

4 WITNESS MATTHEWS: Yes, sir

5 MS. YOUNG: Mr. Blake, excuse me for a second.

6 I think if the Board refers to GPC's NOV response, there
7 is a short discussion that puts many of the IIT transcript
8 discussions in sequence from April 2nd, 6th, and 9th.

9 CHAIRMAN BLOCH: It could be there, but it
10 wasn't the source of the question. I remember looking at
11 the IIT transcript, and I don't think I ever saw the IIT
12 change that Mr. --

13 MS. YOUNG: I'm not disputing your
14 recollection. I'm saying a good place of finding the
15 sequence of IIT communications is also in the NOV
16 response, where it indicates there were a number of calls
17 and it identifies the transcripts. Then, you have to go
18 back to the GPC testimony where those transcripts are
19 actually appended.

20 MR. BLAKE: The IIT transcript that I was
21 talking about, Judge Bloch, was indeed on April 9th. And
22 it was pages 4 and 5, and Mr. Kitchens was -- it's Ward
23 Exhibit C, which was GPC 61.

24 CHAIRMAN BLOCH: That's very helpful. Thank
25 you.

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1 MR. BLAKE: Okay, Mr. Matthews. Enough rest.
2 You testified that there had been evidence brought forth
3 in this proceeding which had caused you to form the belief
4 that a violation with regard to air quality, as stated in
5 the original or subsequent NOV, occurred as stated.

6 WITNESS MATTHEWS: Yes, sir.

7 MR. BLAKE: Did Violation B take issue with
8 the reference to faulty instrumentation?

9 WITNESS MATTHEWS: No.

10 MR. BLAKE: Wasn't the thrust of Violation B
11 that GPC should have discussed prior high dew points and
12 their causes?

13 WITNESS MATTHEWS: Yes.

14 MR. BLAKE: And the NRC withdrew the violation
15 because it later determined that GPC didn't intend to
16 provide a historical discussion of dew point data,
17 correct?

18 WITNESS MATTHEWS: With regard to those
19 additional two factors, yes.

20 MR. BLAKE: And that that information wasn't
21 necessary for a restart decision, the historical data?

22 WITNESS MATTHEWS: I'd have to refer to the
23 NOV before I could answer that.

24 MR. BLAKE: You haven't changed your mind on
25 these points, have you, or the NRC hasn't?

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1 MS. YOUNG: I think the witness just told you
2 he needs to refer to the NOV.

3 MR. BLAKE: I'm trying to get beyond it,
4 because I'm willing to rely on the NOV which is in the
5 record.

6 MS. YOUNG: But the witness needs it to answer
7 the question.

8 WITNESS MATTHEWS: If you're asking me whether
9 or not I --

10 MR. BLAKE: My next question, do you mean?

11 MS. YOUNG: He'd need it to answer the
12 question about the NOV.

13 MR. BLAKE: He might have to see that for the
14 next question, but he --

15 CHAIRMAN BLOCH: He did. He viewed it and --

16 MR. BLAKE: Now, he has?

17 CHAIRMAN BLOCH: Yes.

18 MR. BLAKE: Well, with that clue, maybe --

19 (Laughter.)

20 CHAIRMAN BLOCH: He wants to see it before he
21 says whether he changed his mind.

22 MR. BLAKE: It's your own exhibit, the Staff
23 Exhibit 51.

24 Are you able to provide that? Okay.

25 You might want to read on up -- carrying over

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1 to page 3 as well, Mr. Matthews.

2 CHAIRMAN BLOCH: Off the record.

3 (Whereupon, the proceedings were off the
4 record from 5:00 p.m. until 5:02 p.m.)

5 MR. BLAKE: You haven't changed your position
6 on these points, have you -- that is, with regard to
7 historical data or only recent data and its importance?

8 WITNESS MATTHEWS: No. Those statements are
9 still valid.

10 MR. BLAKE: Now, when the 4/9 letter referred
11 to the initial reports of higher than expected dew points,
12 wasn't this a reference to the March 29th measurement?

13 WITNESS MATTHEWS: Well, you know, that's
14 maybe a question that GPC could answer. Initial reports
15 is not clear and never has been.

16 MR. BLAKE: Hasn't the Staff accepted that at
17 least GPC's position was that it was referring to the 3/29
18 measurement?

19 WITNESS MATTHEWS: I believe that that's
20 correct.

21 MR. BLAKE: And was the 3/29 reading taken
22 with any sort of backup instrumentation?

23 WITNESS MATTHEWS: No, the 3/29 reading was
24 taken with the Alnor.

25 MR. BLAKE: So did backup instrumentation play

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1 any role in the initial high readings that were taken?

2 WITNESS MATTHEWS: No, it did not.

3 MR. BLAKE: After the site area emergency, did
4 you, Mr. Matthews, or --

5 WITNESS MATTHEWS: One moment, please. Go
6 ahead, Mr. Blake.

7 MR. BLAKE: Okay. After the site area
8 emergency, Mr. Matthews, did you or other senior managers
9 at NRC, and particularly in NRR, attempt to keep
10 yourselves informed about the investigations of the site
11 area emergency and corrective actions being taken on site?

12 WITNESS MATTHEWS: Yes.

13 MR. BLAKE: And did you speak with Mr.
14 Brockman or Mr. Chaffee about the various investigations
15 and the post-event activities that were taking place on
16 site?

17 WITNESS MATTHEWS: It would not have been my
18 practice to speak with Mr. Chaffee, given that we set up
19 the incident investigation teams as independent inquiries,
20 irrespective of the region or -- or NRR management.

21 MR. BLAKE: Did you feel that you and other
22 members of NRR management were being kept at least
23 apprised of what was being learned on site?

24 WITNESS MATTHEWS: Oh, yes.

25 MR. BLAKE: And so you received briefings, or

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1 in some other form, became aware of what they were
2 learning on site and the activities on site?

3 WITNESS MATTHEWS: Generally.

4 MR. BLAKE: Did you receive copies of
5 documents that were provided to the IIT or the AIT?

6 WITNESS MATTHEWS: No. Again --

7 MR. BLAKE: That is, not contemporaneously.
8 Only subsequently, did you have a chance to review those?

9 WITNESS MATTHEWS: That's correct. Let me
10 clarify that, you know, our focus, as was the region, was
11 primarily on the recovery activities associated with the
12 event, and the readiness of Vogtle to restart. The IIT's
13 primary focus was not recovery but what had contributed
14 and led up to the event. So --

15 MR. BLAKE: To some -- I'm sorry. Go ahead.

16 WITNESS MATTHEWS: So, basically, regional and
17 NRR management's primary focus was the condition of the
18 plant and the testing and events that transpired
19 subsequent to 3/20, insofar as the condition of the plant
20 to restart. That was the decision in front of us, and the
21 IIT was pretty much a wholly separate activity.

22 MR. BLAKE: But necessarily, to some extent,
23 those events are linked.

24 WITNESS MATTHEWS: They are.

25 MR. BLAKE: That is, what led up to it, and

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1 what actions are taken to cure those before they can start
2 up the plant again or --

3 WITNESS MATTHEWS: That's correct.

4 MR. BLAKE: And to that extent, you felt that
5 you were being kept informed about what was occurring and
6 what, subsequent to the site area emergency, at least of
7 significance, were occurring?

8 WITNESS MATTHEWS: That's correct. That's why
9 I believe there was IIT representation, at least by phone,
10 in the 4/9 meeting, and in the decision to restart
11 conversation on 4/12.

12 MR. BLAKE: Now, you attended the meeting with
13 Mr. Taylor relative to your April '90 memorandum to the
14 file?

15 WITNESS MATTHEWS: Yes.

16 MR. BLAKE: In fact, you prompted that
17 meeting?

18 WITNESS MATTHEWS: I requested that meeting.

19 MR. BLAKE: Is there a difference between
20 prompting and requesting, or --

21 WITNESS MATTHEWS: Well --

22 MR. BLAKE: -- was it as a result of your
23 concerns and your advocating that that meeting took place?

24 WITNESS MATTHEWS: Again, I believe it's very
25 -- I believe that there's a very clear difference between

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1 requesting and prompting.

2 MR. BLAKE: Okay.

3 WITNESS MATTHEWS: My concerns would not
4 necessarily have prompted a meeting with Mr. Taylor. When
5 I expressed them, okay, I then -- when Mr. Ebnetter decided
6 that he was going to approve restart of the plant, I
7 distinctly remember asking him to delay the communication
8 of that decision to Georgia Power until I have had an
9 opportunity to discuss that decision with Mr. Taylor. So,
10 yes, there is a definite difference between prompt and
11 request.

12 MR. BLAKE: And, in fact, the request
13 indicates even greater strength on your part -- commitment
14 -- to ensure that your concerns were understood by NRC
15 management.

16 WITNESS MATTHEWS: Yes.

17 MR. BLAKE: And did Mr. Riaz attend that --

18 WITNESS MATTHEWS: No.

19 MR. BLAKE: -- session? Mr. Zimmerman?

20 WITNESS MATTHEWS: No.

21 MR. BLAKE: Do you think they were aware of
22 what occurred there, to the best of your knowledge?

23 WITNESS MATTHEWS: If they are, it would be
24 only in a general sense.

25 MR. BLAKE: Was the meeting memorialized in

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1 any way?

2 WITNESS MATTHEWS: I believe the sole way was
3 the actions that transpired and my document to the record
4 that you've seen in evidence.

5 CHAIRMAN BLOCH: Is this a natural break?

6 MR. BLAKE: I'd like to carry just through the
7 remaining line. I don't think it will take that long,
8 Judge Bloch.

9 Do you believe, Mr. Matthews, that you were
10 fairly vocal in expressing your views to NRC's upper
11 management in this timeframe, particularly concerning
12 Vogtle's management or communication deficiencies?

13 WITNESS MATTHEWS: When you say "this
14 timeframe" --

15 MR. BLAKE: Yeah. I meant --

16 WITNESS MATTHEWS: -- can you be more
17 specific?

18 MR. BLAKE: Well, let's talk specifically
19 about the spring of 1990.

20 WITNESS MATTHEWS: I would even extend it
21 further back than that, starting in the fall of '89.

22 MR. BLAKE: Okay. So from the fall of '89
23 through the spring of 1990, you'd agree that you were
24 quite vocal in expressing your views about what you saw as
25 perceived deficiencies?

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1 WITNESS MATTHEWS: Yes.

2 MR. BLAKE: And you testified that NRC's
3 management considered and responded to your concerns,
4 correct?

5 WITNESS MATTHEWS: I think the events will
6 demonstrate that they considered and responded to my
7 concerns most -- in their strongest form, after the
8 April 12th conference call.

9 MR. BLAKE: And you're chairman of the
10 coordinating group?

11 WITNESS MATTHEWS: Yes.

12 MR. BLAKE: And did you express your views
13 freely during that peer review process in the coordinating
14 group sessions?

15 WITNESS MATTHEWS: Yes, I did.

16 MR. BLAKE: And do you think they were fully
17 considered?

18 WITNESS MATTHEWS: At all times.

19 MR. BLAKE: And so your views have been fully
20 taken into account in the NRC's positions presented in
21 this proceeding?

22 WITNESS MATTHEWS: Yes, I believe they have.

23 MR. BLAKE: I don't have any more questions.
24 This is a logical breaking spot for I think this evening,
25 Judge Bloch, and I will probably shift to another area

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1 tomorrow morning.

2 CHAIRMAN BLOCH: Oh. I thought you meant you
3 had no more questions, period.

4 MR. BLAKE: No. But I -- I don't think it's
5 going to take long. They're very responsive witnesses.

6 CHAIRMAN BLOCH: We'll take a break until 9:00
7 a.m. See you then.

8 (Whereupon, at 5:10 p.m., the proceedings in
9 the above-entitled matter were adjourned, to reconvene at
10 9:00 a.m., the following day.)

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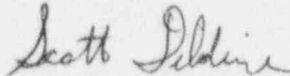
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: GA POWER CO. ET AL.
VOGTLE UNITS 1 & 2

Docket Number: 50-424/425-OLA-3

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



SCOTT DILDINE
Official Reporter
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