UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS

In the Matter of:)
INVESTIGATIVE INTERVIEW OF)
ALLEN MOSBAUGH (CLOSED))

1701 Kings Court
Grovetown, Georgia

November 4, 1993

The above-entitled interview commenced, pursuant to notice, at 10:15 a.m.

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EXHIBIT 6

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APPEARANCES:

For the Nuclear Regulatory Commission:

Mr. Larry L. Robinson
Investigator
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

For Mr. Mosbaugh:

Mr. Stephen M. Kohn (via telephone)
Kohn, Kohn & Colapinto
517 Florida Avenue, N.W.
Washington, D.C. 20001

PROCEEDINGS

[10:15 a.m.]

MR. ROBINSON: For the record, this is an interview of Mr. Allen Mosbaugh. The date is November 4th, 1993. The time is 10:15 a.m. The place is at Mr. Mosbaugh's house in--mailing address of Grovetown, Georgia. Persons present at the interview are Mr. Mosbaugh, OI Investigator Larry L. Robinson, and Mr. Mosbaugh's attorney, Mr. Stephen Kohn. Mr. Kohn is present in this interview--

MR. KOHN: Hello.

MR. ROBINSON: Mr. Kohn is present in this interview by means of a conference caller. He is in his office in Washington, D.C. And I will ask Mr. Kohn a couple questions regarding his attachment by conference call.

Mr. Kohn, are you taping this conversation?

MR. KOHN: I'm--the conversation is not being taped and I'm the only one present in my office and there's no one else who can overhear this conversation. So it's just me. If anyone enters the room, I'll immediately notify you and tell them to leave.

MR. ROBINSON: Thank you.

MR. KOHN: The other thing is, if at some point Allen thinks he needs to consult with me or if I need to consult with Allen, what we would appreciate is, if either

Allen or I, you know, speak up if then we can have--you know, make this a private line and Allen and I can consult as may be necessary.

MR. ROBINSON: We will go off the record and you will be permitted consultation at any time.

MR. KOHN: Okay. Thank you.

MR. ROBINSON: You're welcome.

MR. KOHN: And I--you know, I don't anticipate I'll have much to say. I'll just sit back and listen.

MR. ROBINSON: Okay.

MR. KOHN: But if I do, you'll hear me chime up.

MR. ROBINSON: Fine.

Mr. Mosbaugh, do you have any objections to being sworn to your testimony here?

MR. MOSBAUGH: No, not at all.

[Witness is duly sworn by Mr. Robinson.]

MR. KOHN: Hello?

MR. ROBINSON: Can you hear us all right, Mr. Kohn?

MR. KOHN: Excuse me?

MR. ROBINSON: Can you hear us all right?

MR. KOHN: Yeah, I can hear you. Every once in a while it kind of goes blank. I don't know if that's just no one's talking.

MR. ROBINSON: I just swore Allen Mosbaugh to his

testimony. Did you hear any of that?

MR. KOHN: No.

MR. ROBINSON: I hope we don't have technical problems here.

The purpose of the interview today, Mr. Mosbaugh, as I've discussed briefly with you prior to going on the record is to--is to supplement the information that you've already provided in the investigation of allegations of false statements to the NRC by employees of Georgia Power Company regarding the emergency diesel generator testing. And I'll be--the questions may not seem to be contiguous in nature because they are regarding specific areas of the evidence already collected in this--in this matter. And I will--I'll, as best I can, point you to the areas being talked about.

- - - - -

ALLEN MOSBAUGH

Having Been First Duly Sworn, was Examined and Testified as Follows:

EXAMINATION

BY MR. ROBINSON:

Q Just as a starting point, with respect to the oral presentation that was made to the NRC on April 9th, 1990, what was your involvement in either the preparation or the review or the participation in that oral presentation?

A I had no activity. I did nothing. I was not involved in the preparation of that presentation. In fact, I don't believe I even knew it was going to occur. So I had no involvement in the preparation of that or in the materials. I had not involvement in the presentation itself. I--it occurred in Atlanta in the NRC offices, and I did not go to Atlanta, and, like I said, I did not even know it was going to occur. So I had no involvement in the presentation. The first I knew that it had occurred was when Mr. Bockhold -- I believe it was on the next day, on April the 10th -- had a staff meeting and described how he had made a presentation in Atlanta. And he passed out--I believe he passed out transparencies of what he had presented, and he also passed out the April 9th letter that was given to the NRC in a response to the Confirmation of Action--

Q I'll show you a--

A --that he had--that Georgia Power had given the NRC the day before. That was on the 9th. I would--I would want to add about that that I believe that it is a little unusual that I was not involved in the preparation of that material. That was unusual--

Q Was the--

A --the reason being was that given--if you recall my responsibilities at that time, I was the assistant

general manager of plant support. And so the technical support division, which had the site licensing responsibilities, was under me. And they routinely prepared the NRC correspondence or as a minimal would prepare drafts of all NRC correspondence. I was the vice chairman on the plant review board. And the plant review board would review all NRC correspondence and would review that--it was our--it was a stated--it was, let me say, an unofficial requirement of the PRB to review all NRC correspondence and do that prior to it going out so we could get a multidisipline review of that, and that was routinely done.

In this case, I'll state that the April 9th presentation and the letter were not reviewed by the PRB, you know, prior to it going out or being signed. The groups that had responsibility for the testing of the diesels and -- they reported to me and they were being supplemented by a few people from corporate that we had asked for, such as Ken Burr. But all the engineering staff, the diesel system engineer, they reported to me. So, you know, the people that--the special tests that were being developed were under my purview. So all these activities were really under my responsibility, you know, the correspondence with the NRC, the testing. Also, I was participating in the critique of the site area emergency. And I think by that time Mr. Bockhold had made all the managers members of the critique

team. I think the original critique team had been disbanded by the 9th of April and the managers were all put on the critique team. And I was one of those managers, so I guess at that point I was on the critique team. So, really, I think the line responsibility for almost everything associated with that presentation and that follow-up letter came up through me. And for my not to have been involved in it was unusual, was quite unusual. So I'll add those -- that facts in there, too.

Q So the first time--

MR. KOHN: Oh, excuse me. If I can just interrupt. Al, if you could hit your--every once in a while you fade out. If you could just hit that machine.

[Witness complies.]

THE WITNESS: I think the machine has--must have a threshold mike or something, Steve.

MR. KOHN: Okay.

THE WITNESS: I'll just try to talk louder.

MR. KOHN: Yeah. If you can just keep the voice up 'cause you guys--every once in a while you fade down. So if you can keep the voices up a little, that'll be appreciated.

THE WITNESS: Okay.

MR. KOHN: Thanks.

BY MR. ROBINSON:

Q And I'll show you a copy of the letter to the NRC dated April 9th, 1990, signed by Mr. Hairston, which was published on the same day as the oral presentation. Does that appear to be an accurate copy of that letter?

A Yes.

Q And your statement was, I believe, that you never saw that letter or any of the presentation materials until the--at least the day after the letter was published and the presentation was made, when Mr. Bockhold had a staff meeting?

A Yeah. That's correct. On April the 10th was the first time I saw this and the--and the transparency information.

Q Between April 10th and April 19th, when the Licensee Event Report regarding the site area emergency was due, did you at any point in time ask Paul Kochery to provide you with a listing of diesel starts from the control room logs or the diesel logs or anywhere?

A After I saw this letter, a couple of paragraphs in it seemed to me to possibly be incorrect. And I began investigating to try to determine if those paragraphs were incorrect. One of those paragraphs had to do with some statements about air quality and another paragraph had to do with statements about diesel starts, so in that period between the 10th and the 19th I did start to--at first--what

I did first was the air quality. And then after that I started to try to gather what information there was about the diesel starts. I believe toward the end of that period I did go to Mr. Kochery and I asked him--well, I indicated to him the sections in the COA letter that I thought were inaccurate and that I was seeking some information and what he--and asked him what he had. And he said that he had a list of--a tabulation of some diesel starts. And I asked him for that, and I believe--I'm not sure if he had prepared it or if Kenny Stokes had prepared it, but he gave me that list. And I don't know--I don't know if that list was complete 'cause I didn't at that time bounce it off of the--of a source document. Okay. This was a list written on white paper and it had some dates and it had a notation about diesel start and a start attempt or whatever and maybe a few comments about what had happened.

Q Was this a handwritten list or--

A Yeah, this was handwritten--

Q --a typed?

A This was a handwritten list. And so he gave me--he gave me that list. I looked at it in his office. This conversation between myself and Kochery occurred in his office, and he gave me a copy of that or I made a copy from his copy. I can't recall which. And--

Q I'm going to--

A --it was not--it was not fully up to date.

Q Okay.

A It didn't run through the date that I was talking to him. It included information from March and a little bit of information into April.

Q It did have some information into April?

A Yeah.

Q I'm going to be--I'm going to show you a typewritten document, and it's identified for the record in the upper right-hand corners with the numbers 05-180-90. And I recognize that the list you got from Mr. Kochery was handwritten, but I'll ask you if -- one, if you have ever seen this typewritten list and, two, if this appears to you to be a typewritten version of what Mr. Kochery gave you?

A I think I've seen this. I think I may have seen this in some--in an exhibit maybe Georgia Power produced at some point. But this is definitely not the list from Kochery. Okay. This is not that list at all. This is very detailed. And this--the list that I got from Kochery was just a listing of starts, start by start, one line for each start. Okay. You know, this has for a particular day the time started, when it was timed to the grid, when it was loaded to 7600 kilowatts, when it was unloaded, you know. No, this is not the list. Okay.

Q Did Kochery tell you where he got the data for his

list?

A Well, I--I'm--I believe that what I was told about the list was that either Kochery had written it up or Stokes had written it up for him. And I'm not sure.

Q And when I say where he got, you're not sure whether it came from control logs or diesel test sheets or --

A It may have--I don't believe they got it from logs. Now, I don't know that for sure. But I believe what they got it was that they--they were intimately involved in each of these starts, so I think they just made it from firsthand knowledge.

Q And what did you do with this list?

A Well, as soon as I saw the list--because most of the information was from March, you could immediately see that the entries from March, around March the 22nd and March the 23rd, were showing that the diesel had tripped.

Q The B diesel?

A The B diesel, you know,, the Unit 1 B diesel. You know, so you could see that it tripped, and there might have been a notation on there that it had tripped from a particular sensor on high pressure or high temperature or whatever. And so it was immediately apparent to me that there had been, quote, problems and failures of the one B diesel since the event, the site area emergency, on 3/20.

And that was in direct contradiction with the statements that I had read in the Confirmation of Action letter, which said there were no problems or failures.

Q At this point in time when you--when you obtained this list from Mr. Kochery, were you also involved in the--in the PRB approval for the upcoming LER?

A Yeah. I think this was--

MR. KOHN: If you can just keep your voices up.

MR. ROBINSON: Okay.

THE WITNESS: Yeah. I think this was about the same time because this was like at the end of that interval you were referring to. And this--

BY MR. ROBINSON:

Q That interval being between April 10th and April 19th?

A Right. And so this was like, maybe, 17th, 18th, 19th, you know, the last few days there. And so, yes, at the same time that I saw this list was the same time that the final drafts of the LER were going through the PRB. And there were several drafts.

Q And when you first realized that--I mean, was this the first time you realized that there had been failures of or problems with the B machine after March 20th?

A I think so. I think this is the first time that I--I guess it was the first time that I knew that something

had been said about the no problems or failures and that I had firsthand knowledge or data or whatever, evidence that there were problems or failures, you know, contrary to the words that are in the 4/9 letter.

Q And when you realized this, what did you do?

A Well, the first thing I--the first thing I did was I tried to look at it and say, well, is it possible that the words still could be true in the 4/9 letter despite this information. Okay. And so I figured I needed to look into it a little further, you know, to make sure that there wasn't some way I was misinterpreting and jumping to a conclusion. So--and so I was suspicious that it was incorrect. I didn't have absolute proof positive that it was, and I continued to ask questions. I think the next thing that I can remember after that was that we were on the phone, that after that I was on the phone with John Aufdenkampe and Jack Stringfellow on the 19th of April.

Q On April 19th?

A Yeah.

Q And this is the conversation that is on NRC Tape Number 57, which is dated--this tape was dated April 19th, 1990, when received from Mr. Mosbaugh and subsequently numbered by the NRC as Tape Number 57. For purposes of correlating this to the review of evidence by NRC enforcement and OGC and NRR, this tape was also referred to

as Exhibit Number 36.

What took place on your phone call with Mr. Stringfellow? Who-all was on it?

A Well, I was--I was in John Aufdenkampe's office, and he was--he was calling--I had entered his office and he was calling Jack Stringfellow, and he and Jack were trying to resolve certain last-minute comments and corrections on the LER, and they were--there was a lot of changing of the wording being discussed. And -- so in our conversation we got around to talking about--talking about the comments and the statement about the starts of the diesels. And I think John started that conversation off and explained to Jack Stringfellow that he was having--he was having trouble with that. And so then a conversation pursued about the--discussing the kind of trouble that John Aufdenkampe was having with that, and John ends up, you know, saying with me present -- and then I chimed in about some of the trips and problems that I knew about. And John ends up saying that we think this is basically a material false statement.

Q And for the record to--in order to help refresh your memory regarding this tape, I've provided a transcript of Tape Number 57, or Exhibit 36 as I--and this is a transcript that you and I have been over in which you identified the voices and the names of callers and I--you

know, you can take a minute to refresh your memory regarding what went on there.

A Yeah. Well, it looks like the section I was just describing starts on page 90. And, you know, John says here--the next page, root cause: no comment. The next page on the 20 starts--and I clearly remember Stringfellow's reaction there, you know, and the way he said it: yeah, yeah, yeah. You know, he was--he was really excited.

Q About that issue?

A About that issue. Okay. And John said, I'm struggling with that, you know. And Stringfellow says, you struggle with that one, yeah. He says, I'm trying to verify that still. And that calmed Stringfellow down a little bit. And then John says, we think that's basically a material false statement. And then Stringfellow says, really.

Q Right at this point do you recall how John was trying to get that verified?

A Yeah. John had--John had Rick Odom and then for Rick Odom was Tom Webb. And Tom Webb was out--I believe at that time I think he was out in the control room. And I think there's some discussions in some of this transcript where we have an interruption of this Stringfellow conversation and John calls Odom and Odom indicates that at that very moment Webb is out, trying to verify this from the control room logs. And so Webb's out, trying to look at the

actual control room logs to, you know, verify that this isn't a material false statement.

Q About what time of day do you recall this first conversation taking place?

A Now, I recall it being, you know, somewhere around noontime. And I can't remember if it, you know, would have been right before noon or right after noon for sure, but it was around noontime or early afternoon.

Q And when Mr. Aufdenkampe told Mr. Stringfellow that he thought it was basically a material false statement, how did--how did Mr. Stringfellow respond?

A Well, John said we. And he was speaking for me and him because we had had a few conversations, I think, where we had, you know, mentioned about the various trips that we both knew about. And, yeah, Stringfellow, again, you know: really. You know, I mean, again, very excited, intently interested.

Q What did Stringfellow do with this information?

A Well, what he did is--and, you know, I wasn't in Birmingham where Jack Stringfellow was, but--

Q What did he say he was going to do?

A From the--from the course of the conversation and the events and the calls that followed, I think it is clear what he did do with it. He took this information to his boss, Bill Shipman.

Q And what makes you say that?

A Well, Shipman called me back shortly after this and said something about, well, you were talking to Jack Stringfellow; you and John, I guess, were talking to Jack Stringfellow about this. So, yeah, Shipman related back to me that he was knowledgeable about our previous conversation with Stringfellow.

Q And from that conversation with Shipman was there a definite indication to you that Shipman was aware that there were failures or problems after March 20th?

A Well, yeah. Let me--let me step back to--and add some additional information on the previous question--

Q Okay.

A --because I see in the transcript here it says, well, as soon we get off the phone, I'm going to run back in there and tell him what you told me. And he's talking about Bill Shipman. And I'm on page 91. So yeah, there's indication in here that he was--you know, that he's saying he's going to discuss this with Shipman. And then, of course, in the follow-up call that I got from Shipman, he indicates, well, you were just talking to Jack Stringfellow.

Now, for your next question, indications that Shipman knew, yeah, the indications that Shipman knew are extremely clear. And, you know, maybe if I could refresh my memory with Mr. Shipman's--

Q Certainly.

A --call I can refer to specific pages of things that were said on that call, because what happened is after the call completed with Mr. Stringfellow--well, let me add another piece of information because there were actually two segments to the call with Mr. Stringfellow. One--and in the middle they were interrupted by a call that I described, to Odom. Okay. In the second--

Q Where Mr. Aufdenkampe called--

A --where we come back--yeah, Aufdenkampe calls Odom and he talks to Odom and when we find out that Webb is in the control room, trying to verify from logs and so forth. Then we get back on the phone. We hang up with Odom and we get back on the phone with Stringfellow. And Stringfellow's had a--had an opportunity in this period of time to digest what he's just heard. And so that's the first thing he says. He says, oh, it just dawned on me what Al was saying a minute ago. This is on page 96. In other words, if we say and no failures or problems have occurred in any of these starts, you're saying that's not true. Okay. And then John says, yes, I'm saying that's not true. And then I remember so clearly what Stringfellow says. He says, oh, wonderful, you know, is the way he responded. And then Aufdenkampe says--and right here it is. Here's the recognition clearly from both Aufdenkampe and Stringfellow

that now they know that they had previously made a false statement to the NRC 'cause Aufdenkampe says, which is telling you--it's telling you something else, I imagine, because you know we--this has been written to the NRC once already. And he's referring to the 4/9 correspondence. And then Stringfellow, he knows the same thing, too. He said, yes, I know; that's exactly what I was thinking.

Q For purposes of assisting in the record, from now on, if you could, please, when you are quoting from the tape or from the transcript, if you could just indicate that's a quote.

A Yeah. That's a quote that I just said, and that's page 96, and that's about line 7 through 18.

Q Okay.

A So--you know, so both John and Jack Stringfellow really acknowledged at this point that they know that what was said to the NRC before, you know, was false. Okay. So--and with that I think that's pretty much the end of that--of that conversation.

Q With Stringfellow?

A With Stringfellow. And then about the next thing that happens--and now I'm back where I left off--was I got beeped by Bill Shipman, and so I called Bill Shipman back from my office. And now I've left John Aufdenkampe's office, and I'm in my office. And let me briefly look at

that section. Yeah. Okay. So I called Bill Shipman back. And the reason why I'm calling Bill Shipman and I believe the reason why Bill Shipman called me is I think I was the duty--the duty supervisor, duty manager that week. And Bill Shipman was frequently my counterpart. He was the corporate duty person. And the duty person, you know, reports--there's a chain of--

MR. KOHN: Al, if you could talk up a little.

THE WITNESS: Yeah. There's a formal chain of reporting for the duty people from the duty person on site to the duty person on--in corporate, which I think at this time was Bill Shipman and then from Bill Shipman down to the executives, okay, was the way that worked. And there was a very formal communication chain that was utilized for that. And so Shipman called me and again there with this air of excitement. You know, the first thing Shipman says to me is help, help. And so he starts talking to me and he says that he's trying to get Mr. Hairston's questions answered. And that's just on page 100 here at line 23. Shipman: here we are; we're trying to get all this Hairston questions answered. Okay? So he's acting for Mr. Hairston. And so he starts asking me if I could help him on two different things. And I indicate that I can. And the second thing that he wants me to work on for him is the diesel start.

BY MR. ROBINSON:

Q The first thing being what the plant equipment operator did when he first came upon--

A When he first entered the room, which really wasn't related--isn't related here to the diesel start numbers and so forth.

Q Okay. Regarding the second issue that Mr. Shipman needed your help on?

A Yeah. And page 104, line 8, Bill Shipman: okay, and the other question we've been trying to get an answer to is to reassure George that we had more than 20 valid starts since, you know, March 20th, like we say in the LER.

Q And when he refers to George, who would he be referring to?

A He's referring George Hairston because that's who he said right in the very beginning he was trying to get George Hairston's questions answered. So we start talking about that and, you know, the very first thing here is that--the very first thing Shipman says--I tell him there were failures. Okay? And then Shipman says on page 104, line 17, and I quote: yeah, the problem we got, Allen, is the data that's in the LER is what George--and now here he means George Bockhold--wrote and took and told to the -- Ebnetter last Monday in Atlanta.

Q And who is Ebnetter?

A Ebnetter is the director of Region II, NRC. And

Ebnetter is the one that this formal presentation for restart was made to. And, you know, he's referring to the 4/9/90 presentation that George Bockhold made and then followed up with the writte letter. And, you know, I respond to him, well, if anybody said there weren't failures, that's just not true. And so with that, you know, Bill Shipman recognizes that they made a false statement on 4/9. And then--and I give him the specific dates and times of these trips that I had found out about from that Kochery list. And those were the ones from April 22nd and 23rd, those problems and trips.

Q March. March 22nd and--

A I'm sorry. March 22nd and March 23rd.

Q Right.

A Yeah, on the B diesel. And then the next thing that I sensed from Shipman is that -- you know, he--the first thing he said to me, well, is--well, there's a problem here Allen; there's a problem because we already told the NRC this once. And the next thing I sense is that he's trying to figure out how to work around this problem by rewording, by changing the wording. And on page 105, you know, Bill Shipman says--line 18: see, because I could--we could solve the problem that's created by that information by saying no valid failures. Well, you know, right here he's just acknowledged that there was a problem, that the

information we told him was false, and I told him that if anybody said that that wasn't true. And now he's figuring out a way that if we said no valid failures he could make it true or, you know, he's trying to figure how we could--how they could interpret or change the wording or whatever to make true what they had falsely said before. And, you know, it's kind of like the beginning of a cover-up, you know, figure out how we can make this sound like something else other than what it was. And so I think I--you know, I tell him about a second trip at that time. And then the next thing Bill Shipman says, which, you know, indicates that he knew it was wrong--you know, he says on page 106, line 5: how the world did this get through the PRB. Okay?

Q And how did it, to your knowledge, get through the PRB?

A Well, when this LER was first drafted, it didn't have any words in it about any number of times that the diesel had been successfully--that the diesel had been started without trips or failures. It didn't have anything. And then I think it was on about the--April the 18th, there was--there was a meeting and there was a comment made in that meeting that we needed to put some specific--

Q PRB meeting?

A Yeah, in a PRB meeting. There was comment that was that we needed to put some specific number of times that

it was started in that LER 'cause in the beginning it didn't have any.

Q Do you recall who made that comment or who suggested that?

A I--yeah. I think it was Lackey. I think it was Mike Lackey. And so it was--it was determined then that Aufdenkampe's group would figure out what an appropriate number was. Okay. And what happened was that Aufdenkampe then, I guess, got with Odom and Webb and they made a--made an addition to it. And they took the April 9th letter, which said there had been 18 and 19 starts, and they added to that information the number of starts that they knew or they thought had happened between April the 9th and April the 19th. And they thought that was two starts. Now, it turns out that also is incorrect, but that was what they thought. They thought there had been two more starts since then.

Q And at this point in time are you aware that there had been any effort on the part of Webb or Odom or Stokes or anyone to verify a control log number of starts? Because I know that on the phone calls of April 19th Webb is actually out there. Was this the first time that Webb had tried to do any verification like that--

A This--

Q --to your knowledge?

A Yeah. As far as I know, I believe that effort was on the 19th, as far as I know.

Q So the addition of the two starts was just a--maybe a feeling that they've had at least two starts between--

A Now, maybe--

Q --the 9th and the 19th?

A I don't know. Yeah. I don't know why that--why they found out that there were two because there were--when you get the actual logs, in reality, you find out there were six. Okay? But, you know, they thought there were two. Okay. And they expressed that knowledge and they stated that and so they added two to the 18.

Q And they were--I think they used the terminology greater than--

A Yeah.

Q --20 starts in the--

A More than 20 each, yeah, or something like that. So they added the two and so they came up with 20. And so for the PRB review, then, the next day, which I think happened on the 19th in the morning--I think it was the 19th. They added--they had added that and come up with the 20. Okay. And so then I arrived late to the PRB meeting where they had the new verbiage in the LER and they were--when I entered the room--

MR. KOHN: Allen, if you could just talk up a little more.

THE WITNESS: Okay. When I entered the room, they were about ready to take the vote on it. And since I hadn't seen it or participated in the discussion, I abstained from that vote.

BY MR. ROBINSON:

Q So this would have been on the morning of the 19th?

A I think--you know, I'm having trouble remembering if it was like the eighth--the morning of the 18th or 19th, but it seems like it was the 19th.

Q Did there come a point in--obviously from the phone call that came from Mr. Stringfellow and Mr. Shipman there and -- like you say, in the noon time frame on the 19th, there was an--there was an effort to verify whether there were greater than 20 starts or not?

A Yes, yes.

Q And do you remember whether the request came from corporate to do that verification early on the 19th or late on the 18th or is that asking too much to--for you to recall?

A Yeah, I--no, I can't remember when it came. And I'm really not sure if the initiation was from corporate or from site. I know that at some point there was an

initiation to do that from corporate. Okay. But I can't remember those particulars.

Q You were--you -- pick up where you were, I guess, with--I guess with Shipman's phone call.

A Yeah. I guess in the middle--you know, in the middle of that phone call with Shipman, when we started--when he started about how the world did this get through the PRB, at that point I realized that Stringfellow was also on that call. And that wasn't unusual because of the way the speaker phones were used. You really don't know who is on the call and -- unless they speak. They may well--others may well have been present in the room. So, you know, I really can't even say who-all was on this call 'cause it was a speaker phone call. And in the middle of it Shipman spoke up--or I'm sorry, Stringfellow spoke up when I thought I was talking to just Shipman. So anyway--so, you know, then as we talked over these things, you know, Shipman, you know, further indicated to me that he knew that this was incorrect. At some point he makes the statement that well, it just sound likes this whole statement needs to be stricken. And that's kind of a quote from page 107 on line 20. And he asked me, well, did I have any better information. And I said, no, this is--you know, this is the best that I have; I don't know that I, you know, can get anything else and--

Q And the information that you had at that time was still that handwritten list that had been provided to you by Kochery?

A Yes, yeah.

Q Which was either prepared by Kochery or Stokes--

A Right.

Q --to your knowledge?

A Right. And the other thing that I'll add about, quote, my information is that I had been talking to people, Aufdenkampe and Stringfellow and so forth, and, you know, nobody challenged the information either. You know, we didn't have anybody saying, oh, no, that's not true, you know, when we said this is a false statement. So, yeah, I had a set of information that led me to believe that the statements were false and yet in the course of the rest of my conversations nobody was presenting any information, you know, to the contrary either.

Q So that--

A So that's my information, that I don't have any better information than this when I said that to Bill Shipman.

Q To the best of your recollection today, when was the ending date of the starts on that list that you had in front of you? I think you said earlier that it would--may have been sometime up into April--

A Well, I can--

Q Do you think it was at least through April 9th? Do you recall that?

A Well, I--Bill Shipman made reference in the course of the conversation, of this conversation we're talking about it. He made reference to that list and whereas I can't remember, you know, how far that went up through, Shipman made a statement about that.

Q Do you think--I mean, had you faxed this list to Shipman?

A I was under the impression from his comment that he must have seen or had this list. And let me see if I can find you what he said about it. And I don't know if he was--I don't know if he was confused because he made a statement to me, something about, you know, remember when we were talking about that the other day. And to this day I don't remember the conversation that he was talking about, so I don't know if he had me confused with somebody else. But let me see if I can find that section 'cause that may shed some light.

I believe Mr. Shipman said that could--something about that Kochery list that went--only went through the 13th. Yeah. There it is right there.

Q Quote that comment.

A Yeah. Page 107. Okay. And this is me speaking

at line 6: yeah, I--you know, what I have here is there was a tabulation made of diesel activities, you know, early on by Kochery, and that's where I'm getting this information from. And what I'm referring to--their information is that there were these trips and problems. And I believe these--I believe this tabulation was provided to the Chaffee team. Then Shipman says, well, I think people have been reviewing the diesel generator log, but what's--would only as we talked the other day that--and this is that other day conversation that I can't remember -- that only went through the 13th. Okay. And that has to be the 13th of April. Okay. So--but I don't remember him talking to me about this. So maybe he was--thought he was talking to--maybe he talked to somebody, but I don't think it was me. But -- so, you know, trying to answer your question, that's as much as I remember about a date that that list, you know, went to. And you know--

Q And did--you didn't make any comment back to him on the fact that your list, the list that you had in front of you, just went through the 13th, then; right?

A Oh, yeah, I do. Yeah -- I say yeah. This data picks up--this data picks up on the 13th. I do not know what--

Q There is a list--the two documents, typewritten documents that I showed you this morning which you said were

definitely not a typewritten version of the Kochery list?

A Excuse me. Two documents?

Q Well, it's one document. I'm sorry.

A Okay.

Q The one--the one document that I identified with the IIT code number. That document started on March the 12th or March the 13th with counts. It only went through March 22nd or March 23rd on both diesels. You're thinking that the list you had in--

A Oh, yeah. Here. Let me--yeah. Yeah, you're right. You--you just--yeah. See, Shipman says that only went through the 13th. Okay? Now, I think he must mean the 13th of April.

Q Logically that--when he's talking about going through that date, you would--you would think that --

A Yeah.

Q -- because if it just went through the 13th of March, those -- that list would not be useful to you?

A Yeah, yeah. And then my--I think my comment here is this data picks up on the 13th. And I think--I think what I mean there--and I was trying--I was having trouble understanding what I--what I meant with that because I think what I mean is, like you said, that that list picked up on March the 13th, the Kochery list.

Q But you--

A But it is not this list.

Q It was not--and when you say this list, it's not list that I identified as 05-180-90?

A Absolutely. There's no question whatsoever. This is a detailed list and the list I had was not detailed at all. It was just line per--one line entry per start.

Q Do you recall what you did with this list?

A I think I took it over to Aufdenkampe's office. I may have had it with me, you know, during these conversations, and I think I probably had it with me when--in some of the later conversations of the day maybe over in Aufdenkampe's office. But I cannot put my hands on that document now.

Q Do you remember if you gave it back to Kochery or if you kept it?

A I think I made a copy of it from Kochery's. And so, no, I don't think I took his original and gave his original back.

Q Oh, I see. You think that when you went to Kochery to get it--

A Right.

Q --you just took a copy of what he had?

A I don't know if--you know, either I went to the xerox machine maybe and copied it or he had more than one copy. Okay? But I didn't take his only copy. I

just--that's just not the way I normally did things.

Q And in reality for the purposes of the usefulness of this list, it was primarily for purposes of pointing out the failures or the problems on March 22nd and 23rd as opposed to perhaps being a comprehensive list of starts through April 19th?

A Yeah. I don't think it went through the--I don't believe it went through the 19th.

Q But you think it went past April 9th?

A Well, I know that--I guess--see, I'm thinking that--I think that when Shipman said here, you know, that list, you know -- and I had just had mentioned the Kochery list -- and he said, as we talked the other day, okay, went only through the 13th. Shipman, you know, may have been talking about a copy of this list that he had that went through the 13th.

MR. ROBINSON: And I'll ask--I'll ask you, Mr. Kohn--Mr. Kohn?

MR. KOHN: Yeah.

MR. ROBINSON: Are you aware of the list that Allen and I are discussing right now?

MR. KOHN: I don't have a copy of it in front of me.

MR. ROBINSON: Do you think you have a copy of it anywhere?

MR. KOHN: I don't know. Mike would know and unfortunately he's not here.

MR. ROBINSON: Okay. If you have a copy of that list, I would--I would appreciate having a copy of it.

MR. KOHN: All right. And can you identify for me once again.

MR. ROBINSON: It's--well, it would be a handwritten list of diesel starts that was provided to Mr. Mosbaugh by Mr. Kochery. I can't--it's in a simpler, less descriptive format than the document that I've identified here as 05-180-90.

MR. KOHN: What's the date on it?

MR. ROBINSON: I don't know whether there's a date on it or not.

THE WITNESS: Yeah. It's--I don't believe it was a dated document. It's on plain paper, not letterhead of some kind. It's handwritten. It's probably no more than two, at max three pages. And it just has handwritten line entries and it has a date and a time and then a brief description of a diesel start and what happened. And there's probably no more than 10 or 20 entries, you know, on it.

MR. KOHN: Al, do you know if you gave that to Mike?

THE WITNESS: No. I don't think I--I don't have

it. And I don't think I--I don't think I ever had it in the course of identifying documents in all these proceedings.

MR. KOHN: The one place it may be is in that wall of documents that Troutman and Sanders has. You know, there's thousands and thousands of pages there. And this could easily be there.

MR. ROBINSON: Okay. I don't know. We'll--

MR. KOHN: Larry, I--

MR. ROBINSON: Yeah?

MR. KOHN: Do you know about your document production to us?

MR. ROBINSON: I--obviously I know that there's been document production both ways in the course of the license amendment hearing. I'm not--

MR. KOHN: They have a--I have not seen it and, Al, I think you have. I know Mike went down and looked at it. But they've produced an entire--what they say is an entire wall full of documents. And I don't see any problem. Larry, if at some point if you wanted to look through those documents.

MR. ROBINSON: Okay.

MR. KOHN: You know, this might--you know, you may not have the time or anything, but there's a lot of stuff that they've produced that, you know, you're open to review.

MR. ROBINSON: All right. Thank you. If--yeah,

if I need to do that--

MR. KOHN: I don't know what you want to do--

MR. ROBINSON: If I need to do that--

MR. KOHN: --but it's there in a wall in Troutman and Sanders' office.

MR. ROBINSON: Okay. If I need to do that, I'll do that.

BY MR. ROBINSON:

Q Allen, continue with your phone call to Mr. Shipman--

A Okay.

Q --or yes--

A Yeah. Well --

Q Mr. Shipman called you; am I correct?

A Yeah. He beeped me initially.

Q Right.

A And so, you know, the--you know, kind of the way it ended up was, you know, Mr. Shipman said, you know, it sounds like this whole statement needs to be stricken. He asked me if I had any better information. I said, no, this is the best that I've got, but I'll continue to look. And then we kind of ended up saying that--well, if you find anything call us back; I'll be in Mr. Hairston's office. And he gave me Mr. Hairston's office telephone number. And on page 108 on line 22 Mr. Shipman says: okay, Jack and I

are going to leave here and walk down to Mr. Hairston's office--

MR. KOHN: Can you hold for one moment?

[Pause]

MR. ROBINSON: Did somebody just walk in up there--

MR. KOHN: Okay. Someone just knocked on my door. Everything's okay. You can go back on the record.

MR. ROBINSON: Okay. We have been on the record the whole time. Did anybody walk into your office?

MR. KOHN: No one heard anything. Someone just knocked on the door. I went out--

MR. ROBINSON: All right.

MR. KOHN: --and told them that I couldn't be disturbed.

MR. ROBINSON: All right.

MR. KOHN: And nobody heard anything.

BY MR. ROBINSON:

Q Go ahead.

A Okay. [Reading] Going to leave here and walk down to Mr. Hairston's office to go over his comments and what we've been able to do with those and to try to, you know, finish beating out what he wants to do to this thing. So if you want -- you know, if you find somebody and want to call back, you might just call down there.

Okay. And then he gives me Hairston's office number. And then I--as duty manager, I give him a brief plant status on some testing we're doing. And that's the end of the conversation.

MR. ROBINSON: Okay. It's now 11:18. We're going to go off the record for a five-minute break. We're now off the record.

[Off the record 11:18 - 11:24 a.m.]

MR. ROBINSON: Okay. It is now 11:24 a.m. and we're back on the record.

BY MR. ROBINSON:

Q After--Mr. Mosbaugh, after you terminated your conversation with Mr. Shipman and Mr. Stringfellow, what did you do at that point?

A Well, I had told Mr. Shipman that what I had was the best information there was. I said, but I would--I would verify if possible--and I would talk to Kochery. And so after I got off the phone with Kochery--

Q With Shipman.

A I'm sorry. With Shipman -- I went about to do the things that he had asked me to do. And one of those things was to get a conference call with the operators about what the operators first saw when they entered the diesel room, and then I believe I went over and talked to Paul Kochery. And I don't remember exactly what order that was in.

Q You mean the conference call with the operators and talking to Paul Kochery?

A Yeah, yeah.

Q I believe the tapes will reflect that the conference call with the operator was arranged--we hear the conference call with the operator at the beginning of the next tape. So we're still on Tape 57, or Exhibit 36, at this point.

Did you have a conversation with Mr. Kochery at the end of Tape 57?

A Yeah. It looks like I have conversation after I get off the phone with Shipman with Kochery. And it looks like--it looks like Kenny Stokes was in Kochery's office at the same time, so I think I walked over to Kochery's office. And the statement that--on page 109 on line 24, I think this is the beginning of that conversation. [Reading] Do you--do we have any idea how many valid starts we've had? If we're going to speak in terms of valid failures, then we need to speak in terms of valid starts.

Q And this is you speaking at this time?

A And this is my speaking. And then I say--you know, I'm talking about afterwards. This is on page 110 at line 6 and then 5--or line 4 and then 5. [Reading] Since 3/20 do we have any idea because you haven't gotten any of the paperwork from operations?

And what that means is that -- the data sheets that filled out that go back to the diesel engineer to be assessed as to whether they're valid or not. And I guess, you know, now--see, Shipman has brought up the point with me that we could solve the problem created by this information by using--by sticking the word in there "valid" now. Okay? Well, you know, just to get the big picture here, there were--there were virtually no valid tests and no valid starts in all of this period of time. Okay. In fact, up until April the 19th I think there may have been--between 3/20 and April 19th I think there may have been one valid start on Diesel A and two valid starts on Diesel B. Okay. So nobody that knew anything about diesel terminology, okay--and obviously all these managers knew this terminology. Shipman knew it. He started to use those words to solve the problem. Okay. So anybody that knew anything about diesel terminology, you know, should have known that we weren't talking about valid starts. Okay.

And I think in the course of the conversation with Mr. Shipman I tell him that. I tell him, I--we haven't assessed these for being valid or not. But yet they were trying to, you know, introduce those words in there now because they knew they had made a previous false statement. So, you know, based on that I start asking Kochery about that. And so I state up in that conversation, you know, on

line 14, page 110: the problem is if we speak in terms of valid failures then we may have to say no valid fai es out of blank valid tests. You know, we had to use the consistent, you know, set of terminology. And so basically then I asked--I think I asked Kochery about the data, about the list. And on page 111, you know, I say, see, I got this information from--Kochery says, see, I got these -- information from the logs. So I think we do have here the indication that that list that Kochery was telling me about it that he got it from the log. And I asked, did you compile this from the operations control log or the diesel; do they have a separate log, a diesel log? And Kochery says, control room log, regular log. Okay. So I think we do have an answer to the question here that that Kochery list was compiled from a cont-ol log. Okay.

Q Right.

A Out of this conversation, you know, what I get is I--you know, I've gone back, as I told Shipman I would, and talked to Kochery and Stokes. I've tried to get into the valid issue here. And we've realized that, you know, they're--you know, if we have to use a consistent set of terminology, valid tests and valid starts, well, there just weren't very many. Okay? And so that's--you know, I've convinced myself that that's not an appropriate way out of this problem like Mr. Shipman was trying to do. And, you

know, I've discussed with him -- you know, basically going back and talking to Kochery and Stokes, you know: is there any better information than this. And I leave this conversation, you know, with a feeling, that yeah, this list that I--he had given me is the best information there is. And so that's the verification, you know, that I did going back and talking to Kochery and discussing the valid issue with him.

You know, I--the transcript isn't, you know, complete and inaudible in a number of those instances there, so--did you want to keep going with--

Q Let me ask you this specific question at this point in time. I know from reviewing the tapes that you talked to Jimmy Paul Cash about when he started his count of diesel starts. Did you ever--do you recall ever having a conversation with Cash about the specifics of how he arrived at his numbers?

A Well, that's a--that's an interesting question 'cause I've thought about that. You know, the time frame we're in now is after April the 30th. Okay. And--or is that the time you're in?

Q The time frame--is that--that's the time frame that you're thinking you may have had a conversation with Cash about this issue?

A Yeah. I think there might--

Q Right.

A I think also there may also have been a brief conversation with Cash on the 19th. He may have popped into Aufdenkampe's office for a brief period of time. but I can tell you this: with the discussion on the 19th that I have a vague recollection of and the conversations that I had with him like in the beginning of May after I gave the letter to Bockhold, stating that I thought there was false information given to the NRC, I was assigned at that later time to discuss--you know, to verify the information with Cash. And he never gave me anything detailed. Okay. It was just generalities and, like, well, it's up to you. And, you know, I was supposed to--I was supposed to work with him. But he never, you know, other than saying he looked at the logs, getting into--you know, handing me a list, saying, okay, this is how I counted it. You know, I mean, Jimmy Paul Cash is an SRO operations superintendent, you know.

Q And he never gave you a letter?

A He, you know, in his position and with his training, you know, should pay great attention to detail. You know, if he was going to provide information, you know, for an important NRC presentation he would have had a very detailed list, you know, line by line, double- checked, you know, and everything. And when I--when I talked to him on all the occasions I remember, he never produced--you know,

he never produced a list that he had used. You know -- and you have to realize I was challenging information that he had provided to Bockhold. And I'm referring now to the information provided in the 4/9 letter and transparencies. He never produced anything.

Q He was uncooperative with you?

A Well, I won't say he was uncooperative, but he never produced anything that he had done, you know, out of that effort. He never gave me, you know, details. He never--he never went over with me start by start, you know, and saying, well, I consider that one to be a success, you know, and, well, you may be--and you're list--'cause I gave him a copy--I had given Bockhold a copy of my tabulation that I made for Bockhold on April the 30th. And I showed Cash the same tabulation and was assigned to work with him on this, and I never--you know, we never--he never got into the details with me. He never provided any lists that he had provided. You know, he didn't give me, you know, the logs that he had highlighted or, you know, however he went about getting this information. He never gave me anything.

MR. KOHN: Hold one moment. David Colapinto's entered the room--if you wait one second.

[Brief pause]

MR. KOHN: Okay. He has left the room. He was not able to hear anything.

MR. ROBINSON: Okay. Thank you.

MR. KOHN: You can go back on.

MR. ROBINSON: Okay.

MR. KOHN: I'm sorry for that.

BY MR. ROBINSON:

Q So did you ever have a discussion with Cash about the criteria that he used to judge what was a successful start and what wasn't?

A No. He never--he never indicated to me any criteria. I don't recall him ever indicating to me--you know, I don't recall any detailed discussion with him. The discussions were brief. He verified with me that he had compiled this information for Bockhold. He never gave me any of the stuff he provided Bockhold. And he pretty much just left it up to me, you know -- you know, like--it was almost like, well, whatever you say. And he didn't give me the criteria.

And I'll--one other thing: you have to realize that at the time, let's say, of 4:30 on, you know, some of the--I had given Bockhold, you know, now, at that time the memo that said both the--you know, referred to all of the information we had given to the NRC in previous--you know, and that's the 4/9 and the 4/19. And now by 4/19, you know, we were--we had introduced, you know, some new terminology about the comprehensive test program. And, again, in that

time frame nobody gave me any of those--you know, again, we're talking basis. Nobody, you know, talked about basis.

Q And are you--I mean, are you pressing them for this information and asking them for it?

A No. I--no, I was not--I wasn't, well, tell me--you know, tell me what the definition, you know, is. I think, you know, we can--we can get into the whole chronology of what happened, you know, with that -- you know, with that definition. I think that's a little step ahead--

Q Right.

A --of where you may want to go to from now, but--

Q Let me--while we're still--and while we're still on April 19th and in the phone calls on April 19th, the list that you had from Kochery, the handwritten list, was that just for the one B diesel or was it for both diesels?

A I think it--I think he had a list for both of them.

Q The reason I ask that question is that there apparently was a problem on the A diesel on March 30th.

A Yes.

Q And you talked about the problems on the B diesel on March 22nd and March 23rd to Mr. Shipman and Mr. Stringfellow. Were you concerned about the problem on the A diesel on March 30th or do you recall that being on your

list?

A At that time I was not aware of the problem on the 30th where the diesel tripped due to a CALCON switch. And I--at that time I was not aware of it and was not concerned about it.

Q So if this list that you had from Kochery was both the A and the B diesel and the B diesel went through, shall we say, April 13th or into early April, the A diesel list probably went through that period of time, too, didn't it?

A I couldn't say for certain, but it might. That might make some sense.

Q So a--but the way--

A But I don't know.

Q --I understand your testimony is is that regardless of what was on those lists or that list at that point in time on April 19th you were not aware of a problem on the A diesel?

A That's correct. And I wasn't concerned about it 'cause I didn't know about it.

MR. ROBINSON: Let the record reflect we're going to go off the record for the court reporter to change tapes. It's now 11:42.

[Off the record momentarily]

MR. ROBINSON: And it's now 11:43 and we're back on the record.

BY MR. ROBINSON:

Q Okay. You can continue with the sequence of events that happened on April 19th after you--the phone call in your office to Mr. Shipman and Mr. Stringfellow and your conversation with Mr. Kochery.

A Right. Well, after that now I see another conversation pick up here on page 118.

Q And let the record reflect this is still page 118 of the transcript of tape number 57 or Exhibit Number 36.

A And at this point I believe I'm back over with Aufdenkampe.

Q Okay.

A Probably in Aufdenkampe's office. I was just talking to Kochery, and it's over in the same building. And so I come in and it -- again, based on the transcript here, it appears that now at this point I may have that list, okay, because the first thing I say on line 18 to John is, here's the trips. Okay? And then John says, yeah, I got them; Rick just talked to me about the trips. Okay? Meaning Rick Odom.

Okay. And it's also -- it's also possible -- it's also possible that I may have -- when I was with Kochery, I may have, you know, picked up that copy. I don't know. You know, maybe like the first time I may have see it and--when I just visited Kochery, I, you know, actually got the copy

from him. I'm not sure. But it looks like I just gave this to -- you know, I probably handed that list to John and said here's the trips. Okay? That's what I'm remembering.

Q But even in the first phone call --

A I had already seen it.

Q -- that you had with Stringfellow --

A Yeah, I had already seen it.

Q Oh. So --

A Okay? I can't be sure if I actually had the copy then or if I had maybe just seen it written down, a notation about them. Okay? I can't be real sure about it, and I'm not sure those details, you know, are that important, but John says, well, he got them.

Okay. And now on line 22 John says, there's two of them, and then I say, yeah, there's two trips: one on the 22nd and one on the 23rd. And then John says Atlanta--what Birmingham is thinking now is that they may--is that they may made a material false statement in the April 9th letter.

Q Do you remember if John was referring to a separate list when he was talking to you there, an Odom list?

A That I got them?

Q No. It sounded like he may have been referring to a separate list.

A He says, yeah, I got them, okay; Rick just talked to me about the trips. It's possible that what he was -- I got them. Okay? I don't think he -- see, it says I got them. He's not talking about what . have given him then. Okay?

Q Yeah.

A He's talking about something that's separate that he had. And he may have had at that time the Webb-Odom list.

Q If there ever is such a thing.

A If there is such a list. Okay. But he had some independent -- I believe he had -- is indicating he had some independent knowledge of the trips at that point. I guess that's what I can be sure of. And he knows that there were two of them, and it also appears to me that he may have had a separate call with Birmingham since I was there. You have to realize I'd probably been gone for an hour or so.

Q Okay.

A Okay? And because he's saying Birmingham is thinking that they made a material false statement in the April 9th letter, I don't think he had -- he's saying Birmingham is thinking. Okay? It seems like he may have had a separate call, just, you know --

Q Yeah, as opposed to the calls that you and he were both on where --

A That we just participated on. Okay?

Q Yeah. Okay.

A And so, you know, I say, well, that would be a good thing for them to think about, and then John says, who'd he say. McCoy, Hairston, and McDonald are reviewing this now. So I think that he's probably had a separate call. Okay? And I think with that statement maybe he's talked to Stringfellow again. Stringfellow would be a likely person to have that additional call from. They called frequently. And it would appear to me, you know -- I interpret those words as indication, probably from Stringfellow, that they've indicated that McCoy, Hairston, and McDonald are -- they're all reviewing that right now.

Q Okay.

A Okay? And that's page 119, line 5 and 6.

Q All right.

A And then I say, well, I'm going to call back into Hairston's office as soon as we get the operator, and -- you know, that's the other thing I was working on. And then, you know, I start a brief conversation about--you know, about using the words valid, and -- I think Odom's present here, too, okay, because right at the bottom of this page Odom's talking also. And also I believe -- based on this line 5 and line 6 it would appear that Odom may have been present on this call as well -- the additional call.

Q Do you remember if -- when you went back into Aufdenkampe's office and started talking to him about the trips and he confirmed that he had something that indicated the trips from Odom, do you recall if Odom was there at the time?

A Odom was either there or he was on the speaker phone with him.

Q Okay. Okay. You know, I don't -- that's right. I don't -- well, I don't have the tape with me today, so we --

A Yeah, you might be able to --

Q From the transcript of the tape we can't tell at this time whether Odom was there or whether he was on a -- on the call with Aufdenkampe.

A But from John's words here it would appear to me that what I'm saying was probably a follow-up call: who'd he say; McCoy, Hairston, and McDonald are reviewing this now. That comment is not made to me, okay, 'cause I'm -- I wasn't a party to anything where anybody said McCoy, Hairston, and McDonald are reviewing this now. Okay?

Q Yeah, that's some -- that comment was not made to --

A That was not made to --

Q -- you on any phone call that you had been on earlier.

A Earlier, right. So --

Q I mean, Aufdenkampe's making that comment to you but -- yeah.

A No, I think Aufdenkampe is making that comment to Odom, who is either on the speaker phone or present.

Q Oh, okay.

A Okay. He starts talking to me and I said -- he -- you know, at first -- he starts off, saying that Birmingham thinks they made a material false statement. Okay. He's saying that me to me, I believe. And then I say, well, that'd be a good thing for them to think about, and then he says, who'd he say. Okay? And I think that comment is directed to Odom for verification.

Q Okay.

A Because I think Odom participated. Okay? McCoy, Hairston, and McDonald are reviewing this now. Okay? And I think that comment is directed toward -- toward -- to Odom.

So, you know, then I say a little bit about valid, and then we have a little further discussion about the statement, and on page 120 -- Odom speaks on page 120. John says, it's misleading; Odom says, it's not wrong; it says March 20th. I say, hold on; read it again. And so -- then finally Odom says, I agree; I see what you're saying now.

Q Okay.

A And so there's a little bit of an argument, and

Odom, I don't think, was viewing the words; he was viewing them in some different way, but it appears that he comes around and, you know, then agrees.

Okay. Then -- now we find out a little bit here about the status of the Odom-Webb effort. And on page 121, line 21, Odom says, I'm not getting -- I haven't started getting that data. Okay? And --

Q Do you know what data he would've been talking about?

A That data is the effort of sending Webb into the field for the control room log review.

Q Okay.

A And then I say, hold it; well, if Tom's getting the total starts history, he should concentrate on the B machine and get the start information. So we're talking about the Tom Webb effort.

Q And Odom is Webb's supervisor; is that correct?

A Odom is Webb's supervisor, yeah. And John says we don't have the logs -- well, and then we start talking about the valid again, and, you know, I chime in and says, but the letter doesn't use the word valid. Okay? I think some of the people have introduced the word valid into this, but, of course, we know one of this -- one of the statements that were used used the word valid. And, like I said, anybody that knew anything about this, you know, knew that, you

know, we didn't have enough valid starts to attest to anything, okay, and that we only had one or -- one or two. So I said you can use the word valid in the LER, but you'll have to change the numbers. Okay?

Q And you're just talking to Aufdenkampe and Odom then?

A Aufdenkampe and Odom. And now I see Tom Webb. And, you know, again, I don't know if he's come into the room -- he may have come into the room or he's been added on to the speaker phone conversation.

And Webb says, do you feel like we should -- I think we should do one of two things; just tell me what you think. We need to get rid of the statement in the LER about how many failures or how many tests you've got altogether or else correct the misconception that we generated on April 9th. I don't know if we should try to continue the misconception that we started nine days ago.

Q This is just Webb talking to you and Aufdenkampe and Odom?

A And Odom, yeah.

Q All right.

A Well, I guess, you know, this shows that you've got a number of people -- a fairly large number of people, you know: myself, Stringfellow, Shipman, Odom, Webb, you know, all with the mind set -- with the interpretation that

we made a false statement nine days ago or whenever on 4/9 and that what we're putting I this LER is a continuation of that false statement.

Odom says, I don't have all the control logs is my problem right now. He's got days missing; he can go and look right now at what I've got and what starts on the days missing. And so he's saying he has logs, but he has an incomplete set.

Q Okay.

A At this point I think Gus Williams gets involved. Now, Gus Williams kept control room logs because he did reviews for performance -- plant performance, thermal performance. So he kept a set of control room logs, so he gets involved now because he might be a potential source of getting some control room logs.

Well, anyway, you know -- and that tape then just ends with discussions, and it's clear that, you know, different people have some sets of logs, but nobody's completed the review of the logs and still Tom Webb is working on this.

MR. ROBINSON: Okay. It's now 11:59 a.m. We're going to go off the record again for a short break.

[Recess, 11:59 a.m. - 12:09 p.m.]

MR. ROBINSON: It's now 12:09 and we're back on the record.

BY MR. ROBINSON:

Q Mr. Mosbaugh, after your conversations with Mr. Aufdenkampe and Mr. Odom and Mr. Webb and Mr. Williams about the status of the start counts and the fact that that hadn't been completed yet, what happened next in the sequence of events on April 19th?

MR. KOHN: Larry, I lost you.

MR. ROBINSON: Okay.

THE WITNESS: We'll speak up. I guess, you know, what hadn't been completed -- and let me give you my perspective on this. I brought evidence, facts that said this is false, okay, you know, what we said on 4/9 is false, okay, to the variety of people that we discussed's attention. Okay? And that went all the way up to the top in Southern nuclear, to their -- through various people in various and subsequent conversations. That the information in the April 9th letter and what we were about to say in the LER was false because of the presence of certain problems and trips and specific information that I gave on this.

Now, the verification, if you will -- you know, I had those facts. You know, I had those dates, those times, what tripped the diesel, okay, what the -- what had tripped on, high this, low pressure this, and so forth. And the verification that needed to be done at that point was to prove that it wasn't false. Okay? You know, to prove --

you know, prove that it's true. The information is -- you have to understand, information's on the table that this -- that these statements are not correct. Okay?

Now, the effort to prove that it was correct was on -- or could still be correct in the presence of those facts, is still ongoing. Okay?

BY MR. ROBINSON:

Q Okay.

A So what went on after that last conversation where we left off, I proceeded doing the job I told Bill Shipman I was going to do, and that was to get the operator on the phone and verify what he first saw when he entered the diesel room. And so I do that, and the beginning of this next transcript, the one that's --

Q Which is identified as NRC Number -- Tape 58, which was dated by Mr. Mosbaugh April 19th, 1990, Number 4, and is also identified as Exhibit Number 38.

A Okay? Well, about the first seven pages of that -- seven or eight pages of that are my participation in the operator discussion, and that's down in Jim Swartzwelder's office. Okay? And we're on the phone with Mr. Hairston.

And so now I'm going to go beyond that now. And after that wrapped up, I the went back up to John Aufdenkampe's office, which was on the floor above, and the very first thing John said is well, Al Mosbaugh just walked

in. And he was on the speaker phone with the offices in Birmingham, and I was in John's office with the speaker phone, and he and I were the only ones in his office. And the on the other end in Birmingham -- and I'm not positive where George Bockhold was located then, if he was actually in Birmingham there or if he was at some other location on another phone. I'm not sure of that. Okay?

Q At another location on another phone at Plant Vogtle?

A Yeah. Yeah. That he perhaps may have been. Okay?

Q Okay.

A I wasn't aware of where he was at that time or not, but from my participation in the conversation, it was -- it did seem to me, though, that McCoy and Shipman and Stringfellow were in the office in Birmingham on the speaker phone and that in this conversation -- also Mr. Hairston comes into this conversation. And, again, with any of these speaker phone conversations, there is a possibility that somebody else, you know, might have been -- might have participated.

Q And Mr. Bockhold is on this conversation, too?

A And Mr. Bockhold is definitely on this conversation, yeah.

Q Okay.

A Okay? One of the other people that I've -- that I am not sure if they were on this call or not was Rushton. He didn't say anything, but, you know, I think there could be a possibility he was on this call. At any rate -- so John, when I walk in the room, is talking about the diesel starts.

Q John Aufdenkampe?

A John Aufdenkampe is talking about the diesel starts. And so he starts saying, well -- this is page 8, line 7: well, the way -- and then he interrupts: Al Mosbaugh just walked in, George, so I'll put it on the speaker. The way my people came up with the greater than 20 starts is they took the 18 and 19 starts and -- based on the April 9th letter -- and they went and checked and found out how may starts they had subsequent to April 9th, and that's why you can say greater than 20. Okay? And --

Q And his people would be Odom and Webb?

A His people was Odom and Webb, and they were the people that had drafted this PRB, requested addition of a specific number to the LER which hadn't been in there before.

Okay. Then George Bockhold says, well, I think you can -- greater than 20, you know, we even had more starts recently. We had a start last -- the other night. Okay. And so then Mr. McCoy says we need to make sure that

we know the number of starts after we've completed the comprehensive control tests program. And John says, well -- he says, I do have people right now going out -- three of my people going out through their RLL logs. And then George Bockhold chimes in: well, from my numbers that I presented at the conference -- and he's referring to the conference on 4/9, the presentation to Ebnetter -- they were verified correct by Jimmy Paul Cash, who went through the operator logs. And McCoy then says, you ought to use those numbers.

Q Let me just interrupt for this moment and try to put this particular phone call in a time context. After you had the conversation with Mr. Hairston and the operator in Mr. Swartzwelder's office and you came back up to Mr. Aufdenkampe's office, approximately what time of day was it?

A This call is late afternoon on 4/19. And as additional evidence that that was the time frame of this call, right at the end of this call there is some concern expressed by John Aufdenkampe about how late his people are going to have to stay, and -- because there's a possibility that this may need a PRB -- some PRB follow-up, and he's wanting to know if he needs -- and I'll just jump to that. Page 15, line 21: This is John. Are these all the changes we're going to make because I don't think there's any substantial that needs -- anything substantial that needs a PRB. Shipman says, I won't guarantee that, John. John

says, okay, so I need to keep somebody on standby to do that. Shipman says, yes, sir, you sure do. And then John says, okay, I'll have whoever is going to be on standby give Jack a call in case, you know, this thing drags on till 7:00 or 8:00 at night or something like that. Okay? So, you know --

Q What time would these people normally go home and leave the site?

A Let's say around 4:30, you know, would be a normal -- a normal quitting time.

Q All right. So that's -- so you're saying late afternoon and --

A Yeah, I --

Q And we may be talking in the 4:00 or 4:30 because John has to make arrangements to keep some people there at that point in time?

A Right. Right.

Q Okay. Go ahead.

A So, you know -- now, Mr. McCoy says you ought to use the numbers. And so this is where -- this is where what finally goes into the LER is created. Okay? And McCoy says that what ought to go into the LER is the same numbers that Bockhold presented in his conference. Okay? And so Bockhold agrees with McCoy's desire to use the same number, and on page -- line -- 9 -- line number 1, George says,

okay, so we'll say greater than those numbers that were used in the conference.

Now, at this point what had come from the site, you know, is being overridden. The wording in that section is being overridden. The site prepared a segment of this -- the last PRB-approved segment used the words 20 and I believe used the words like since the event or since 3/20 -- used some kind of words like that. At this point that's all being rewritten. Okay? And it's being rewritten by Bockhold, McCoy, Shipman, and Stringfellow. They're rewriting that section. Okay? So whatever the site provided is now thrown out and we're going to use the words that were in the conference, and so --

Q The numbers that were in the conference?

A The numbers that were in the conference, yeah. And McCoy then says -- page 9, line 3 -- those numbers you used in the conference were after they had completed the comprehensive test of the control system on each diesel. Okay? So now the first time here the words comprehensive test of each diesel is added, and it's -- and Bockhold responds, that's correct; those numbers were not before that time. So right now Bockhold is saying that what he said -- whatever was said on 4/9 about there being 18 or 19 starts on DG-1A and DG-1AB respectively -- whatever they said on 4/9 about that, 18 and 19, that also applies to those being

the right numbers that had occurred since they completed the comprehensive control system test of each diesel.

So Bockhold is confirming now that this wording that they're going to put in the 4/19 LER would also have been appropriate wording to put in the 4/9 COA responses. Well, he's saying that would have been a true statement then and it's a true statement now. Okay? Now, an after-the-fact review of that will find that both of those are false. Okay? But that's what Bockhold is saying: you could've used that same phrase on 4/9 and it would've been true 'cause McCoy says those numbers you used in the conference were after they had completed the comprehensive test of the control system on each diesel, and Bockhold says that is correct, those numbers were not before that time.

And now Stringfellow, who's the scribe and writing all this down, he -- he's going to write down the actual words. And he says: let me make sure I'm clear; do we want to say the comprehensive test program; do we want to say that kind of stuff. I guess I'll have to say -- the transcript's not complete here. There are --

Q Some inaudible portions indicated on the transcript --

A There's an inaudible portion indicated here for which we -- there are other transcripts that have that filled in. Okay? And the submittal I made to the NRC in

the -- June of '91, I believe, has some of those words filled in. Okay.

Q Right. From your review of the tapes.

A From my review. Okay? But anyway -- so Stringfellow says, do we want to say that kind of stuff. And George Bockhold says, yes, we can say that. And then I guess there's another error here. McCoy on line 12, I don't think he says, that's pretty clear, at that point. I think he says something about I just -- well, I guess all I can say is that I think some of those subsequent transcripts have this more accurately identified. Okay?

Q Which section of the transcripts that --

A Section.

Q -- you have prepared with Mr. Kohn --

A That I prepared. I've listened to. I remember from being a participant and I remember from subsequent review.

Q Right.

A Okay? All right. So anyway, Stringfellow then goes to write in the section of the wording, you know, that they're -- the diesels had been subjected to a comprehensive test program, and subsequent to that test program there have been -- and he's at this point writing the words that will actually be the final words.

Q And you can't -- when you say he's writing the

words, obviously he's in Birmingham and you are in -- at Plant Vogtle, and you're saying that because you know that's --

A I know that's how he does --

Q -- his job and that's what he does.

A And that's how he does his job and -- yeah -- and that -- you know, that's what he would be doing. And that's why, you know, the vice presidents here have just spoke in generalities as to what he wants, and, of course, he'll be responsible for actually putting the actual words down. So that's why he adds here, I want to make sure I'm clear, 'cause he's the guy that's going to write it.

And so he goes over then in this section where there are a few inaudibles what he's actually going to put down. Okay? And so the Shipman says -- after Stringfellow finishes that, you know, he says 18 or 19 -- you know, what do you have in your presentation, George. Okay. So again we find out that what they're going to put in there is what they put in -- [illegible] has the same basis, okay, whatever that basis, it is -- it has the same basis of what they put in on the 9th. Okay? What do you have in your presentation, George, 17 or 18, or 18 and 19, and then Bockhold answers, 18 and 19. And, indeed, that's what he had. When you look at his overhead, it's 18 and 19 on A and B respectively. When you look at the COA, it's 18 and 19 on A and B

respectively. And then Shipman says, well, when we say greater than 18, do we mean more than 18. Bockhold says, greater than 18 will be fine. So what they do is they consolidate the wording 18 and 19 to just say greater than 18, so they can say one sentence is applying to both to simplify it. And so, you know, that's when they decide to put that wording in there. And at this point what they've done is they've added this comprehensive test program.

Q And they've take out the phrase: since March 20th.

A And they've take out: since March 20th. But even though that they've done that, it's clear this is -- you know, this is what actually happened contemporaneously, and it's clear that, however they changed it here and however they added the words about the comprehensive test program, whatever they're saying now is based on wanting to repeat what they said before. And it's also stated that whatever they're saying now would have also been true on 4/9, from Bockhold's statements.

And also I see here that there is a desire to say the same -- to have the same numbers, you know. The first thing we say about what do you want to put in here, well, let's put in what we said before. There's an expression of desire, an intent at the vice-president level to use the same numbers that they used before. There's no discussion

of the basis, you know, and I can say that at no time in this conversation or in subsequent conversations, recorded and unrecorded, that I can recall prior to this has there been any discussion of what the content of the comprehensive test program was, when it began, and after these words were added there was only confusion afterwards as to what it meant as we got into the subsequent reviews and so forth.

Q The only discussion would have been the acceptance of George Bockhold's statement as to when he started it -- the count?

A Yeah. Bockhold said that the 18 and 19 applied on 4/9 to the comprehensive test program as starts having since the -- and, yeah, that's the source. You know, Bockhold said, that's true; you can say that; it was not before that time. And -- but nobody defined it, you know, and, you know, there's no careful definition, you know; there's no list being used, you know, where, you know, we're saying, okay, well, the start on this date and time or this start number is -- this is the definition of where we're going to -- one of this had been used.

Q And we'll see that in your subsequent phone call with Mr. Shipman, but go ahead on this call.

A Yeah. So now we -- the call continues, and this was a fairly lengthy late-afternoon phone call with all these comments. We started talking about what the operator

saw and --

Q Is this the point in time when Mr. Hairston --

A Yeah.

Q -- comes back into the phone call?

A Yeah. And that is -- that is right where we are.

Q So the decision on the new language that Mr. Stringfellow is going to scribe into the LER has pretty well already been made before Mr. Hairston comes back onto the call; is that correct?

A Well, before we hear -- before we hear Mr. Hairston speak --

Q Okay.

A -- as to when he actually entered the room we can't say.

Q Theoretically he could've entered that room as quickly as you entered Aufdenkampe's room after you hang up from the operator's conversation?

A Yes. Yes, he could've.

Q But at this point in time in the tape is the first time in this conversation where Mr. Hairston's presence is acknowledged and he starts talking?

A Yeah. I'm trying to -- trying to find the first entry. Where we start off is we just start off on page 11, talking about the conversation with the operator, and Mr. Shipman says, you know, he didn't lead the operator -- he is

referring to Mr. Hairston at that point. This -- oh, here. Okay. I'm sorry. I thought that was a B. G.H., okay, George Hairston right here on line 11. Okay. Is -- so shortly after Shipman says he didn't lead the operator, referring to Hairston, then Hairston goes on to explain what the operator had told him on line 11. Yeah.

Q Okay.

A And then George Hairston continues to participate in the conversation then after that, yeah. And so he participates for a couple of pages here. We're still talking about the notifications on the E and -- there's a lot of inaudible there. Okay. Can't even follow where that fits.

MR. ROBINSON: It's now 12:33. And we're going to take a short break off the record.

[Recess, 12:33 - 12:36 p.m.]

MR. ROBINSON: All right. It is now 12:36 and we're back on the record.

THE WITNESS: Okay. So I guess the discussions about the other comments, what the operator saw, and some of the notifications, then that takes us up through about page 12, line 5 or 6. And then I think after they wrapped up that -- some of those discussions, Shipman is leading the discussion here of the LER comments, and in this conversation they're -- they are -- they are creating the

final -- the final revision, the final product LER that's going to be signed out. And they've made the few changes, like we talked about before, on the way the diesel starts is going to be worded, and they've done some of these things with notification.

And then Shipman, who's leading discussion, says, what other questions do we have to the group, and then he says, we got the start thing -- we got the start thing straightened out. Okay? And so when he -- when he says that, Hairston is present on the call. And Stringfellow starts to respond to Shipman and says, the other question we had, Bill, was -- and Hairston hears that, and he -- you know, you got to look at now who is here. Hairston is the senior vice president, nuclear, and so everybody in the room reports to him, with some of the people being, you know, many levels below him. He's the top senior vice president there. And he is immediately interested in the fact that Shipman has just said we got the start thing straightened out, which indicates that he knew that there -- you know, he has a lot of interest in this. He knew there must be some question about the start thing. And this start thing relates to the diesel starts.

BY MR. ROBINSON:

Q Well, I do believe that there is an indication that -- from the earlier draft of the -- of the LER as

approved by the PRB that Mr. Hairston was interested in verifying that there were greater than 20 starts on each machine.

A Uh-huh [yes].

Q So, yes, he has a interest in that start data.

MR. KOHN: Al, you're looking at a document?

THE WITNESS: A transcript.

MR. KOHN: Okay. Good.

THE WITNESS: Yeah. So the first thing Hairston says is we got the starts, so we didn't have no trips -- so we didn't have no -- we didn't have no trips is what he says.

BY MR. ROBINSON:

Q Question?

A Question. Okay. So the fact that there were trips -- the, quote, verify -- you know, putting what you mentioned, Larry, in time sequence the -- verify the 20 starts happened first, in the morning maybe of the 19th. The information that there were trips happened was information I brought to Aufdenkampe's and Stringfellow's and Shipman's attention afternoon and then a little bit later on the separate call with Shipman. Okay? And then on the call after that, you know, Aufdenkampe makes the statement that Birmingham thinks there's -- was a false statement and they're all discussing it between McCoy,

Hairston, and McDonald. Okay? So the fact that there were trips is a piece of information that came to light after the request or --

Q Right.

A -- you know, after the request to verify. So now it's brought into question whether or not there were 20 starts or not. And, in fact, you know, based on the discussion it's acknowledged that the statements are not correct in light of the fact there were trips. So Hairston says so we got the trips; we didn't have no trips. And the Shipman is hesitant. Okay? He says --

Q Hairston says so we got the starts --

A We got the starts.

Q -- so we didn't have no trips.

A So we got the starts, though we didn't have no -- we didn't have no trips.

Q Right.

A Okay. And Shipman says no, and he's kind of hesitant: not -- not, with hesitation in-between those nos and nots. And with that then, McCoy kind of jumps in to rescue his subordi[illegible]. Shipman's response, okay, he's going to help hi[illegible] And says, you know, let me -- I'll -- I'll testify t[illegible]t. And then Mr. Shipman comes back with: just disa[illegible] And then Bill Shipman, again, who's leading the conversation, says what else do we have, Jack.

And then conversation moves on to other topics and does not go back, you know, to this discussion.

Q At that point in time, Mr. Mosbaugh, did you hear that conversation, what was said?

A I heard that conversation, but I did not hear all of -- all of what I just repeated from the transcript. Okay?

Q And when did you first realize what was said there, what was actually said there?

A Okay. When I first realized the specific sentences and words that I just went over was in -- all of them -- was in -- sometime between spring and summer of 1991.

Q Okay. And what --

A What I heard -- what I heard -- I heard that conversation. I was there, I was a participant, and I heard most all of that conversation. And when I heard it, it bothered me what I had heard 'cause I didn't understand what was going on fully, but aspects of it were suspicious. Okay? And I had suspicion of, you know, what did I just hear, you know. What I heard was, most of all, that: so we got the starts, and Shipman's reply to Hairston, and the -- and I heard -- I heard Mr. McCoy said -- that he would testify or that he had testified or he was going to testify about that. Okay, I heard him say that.

I did not hear at that time the words -- the two words that Mr. Shipman said about disavow. I didn't hear that then. I don't know if I was concentrating on what McCoy had just said about testifying, was thinking about that, but I just didn't, you know, hear McCoy -- or I'm sorry -- didn't hear Shipman say disavow then. But I was -- it did bother me at the time that in response to this discussion McCoy was saying he was going to testify about it and that in the context of this conversation I didn't -- I didn't understand why he was talking about testifying. That seemed out of place to me and I was suspicious.

And the other thing was the way the conversation left this area. You know, this was extremely important to Mr. Hairston. And when you review this section here, you know, you look at it, and Shipman brings this topic up and it gets Hairston's great interest, and then we have only three sentences after that, very brief sentences, you know, said back to Hairston. And each one is addressing their boss.

You know, you can tell listening to the conversation that -- you know, Hairston's the senior vice president, he's real concerned about trips, and each one of these people, you know, respond directly to him on that. You know, he says first we didn't have no trips, and so immediately Shipman says no, not -- and I don't know if he's

going to say not really or not this, but he's struggling to answer that question we didn't have no trips. And that's kind of a double-negative question, so he may not have understood what response was required or was in the affirmative there, anyway.

And then -- and then McCoy, you know, says, you know, let me -- well, I think he's, you know, going to say well, let me explain. I think that's, you know, kind of what he's interjecting, and then he says, I'll testify to that. And then Mr. Shipman offers the final advice to Hairston, and then -- and, again, they move right on. Okay?

Now, if Mr. Hairston wasn't part of the earlier conversation where the wording was revised, you know, why wasn't it explained, well, okay, we said this before, but this is what we're going to say now, and, well, the point of reference before was the event, but we changed the words here now to refer to a comprehensive test program, you know, and we've checked this out, and -- you know, he was -- Hairston was concerned enough, you know, that he apparently made this notation to verify this, and this conversation's so brief. I mean, you know, we don't -- we don't -- we don't say anything in here to give Mr. Hairston assurance of the question he's just asked. We rapidly move it out of this area and we don't come back to it. And so some of those things seem real suspicious to me at the time even

though I didn't hear the word disavow.

Q And when did you recognize that that was what was said?

A Well, the reason why I went back and looked at this was when -- in September of 1990 I filed a petition, a 2.206 petition, and then in about March -- spring of 1991, Southern Nuclear, SONOPCO, Georgia Power responded, you know, to that petition. And when I got the petition response, you know, I was -- I was quite shocked with some of the responses.

And one of the items in there was the statement that although Mr. Hairston was not a participant on the late-afternoon phone call where the final -- where the wording in the LER was revised -- I think that's close to what words were in there -- you know, he had every reason to believe that it was correct, et cetera, et cetera. And when I read that -- you know, first jumped out at me was, well, he was a participant; he was a participant to the late-afternoon phone call which finalized, you know, the LER wording in which the LER wording was revised because this is the last call where -- of the day -- this is the last call that occurred where the wording was revised. The wording that was introduced here is what was signed out in the final LER and no changes were made after this on other calls. You know, there were other calls, but no wording changes were

made on other calls.

And so this is the call they were talking about, and they said Hairston didn't -- was not a participant. Well, I knew that was wrong, and so what I did is I got a duplicate of this portion of this tape that I had retained and that -- I reviewed this section. And when I reviewed this section, I heard all these things that I've just quoted out of the transcript and especially the new words, the "just disavow," that I hadn't picked up on at the original occasion that I -- that I heard this firsthand.

Q Okay.

A And, you know, I hear it very clear. That's exactly what he says, you know, and, you know -- he says disavow, and there's no question in my mind about that.

Q All right. And was -- were there any other -- after Mr. Shipman moves the conversation on to a different topic, was there any other final conversation on that phone call with that group of folks: Hairston, McCoy, Shipman, Stringfellow, Bockhold, you, and Aufdenkampe? Any other conversation about the diesel starts and how you were going to report those?

A No. That wording, you know, was finalized and then this participation here with Hairston about the diesel starts and the trips, and then that was it.

Q Okay.

A That was it. And then at the end of that call, you know, we had the section where it places the time frame of that call where John Aufdenkampe's concerned about holding people over into the evening, PRB review, seven and eight o'clock, and so forth.

Q And was there another phone call with you and Aufdenkampe and Shipman and Stringfellow after that?

A Yes, there was a -- there was another call. And I believe Mr. Shipman called back sometime after this call.

Q And, you know, using that transcript to refresh your memory, what took place on that call?

[Witness reviews document.]

A Okay. Yeah. Shipman called back and I was still in John Aufdenkampe's office and Shipman was calling John. He wouldn't have known that I was necessarily still in John's office. And he began to talk about the diesel start counting again, and on page 23, line 7, Shipman says the problem with that is is that the number is going to be significantly less, I think, than what George told Ebnetter and, you know, it's going to create a selling job for me, I think, but eventually that's the only way we can tell a valid story that, you know, we can defend if somebody calls Al Mosbaugh, Bill Shipman, and John Aufdenkampe again to testify.

Q And I think before he made that statement, though,

he was talking about the possibility of using the point of declaration of operability --

A Yeah.

Q -- for the starts?

A Yeah. Yeah, I'm just trying to scan this one here, Larry, and --

Q Right.

A Well, yeah, that was one of the options that, you know, Shipman had begun, you know, talking about. We could solve the problem created by this information by using valid starts, you know.

Q Well, that was -- that was earlier in the day?

A Right.

Q At this point in time obviously you're still struggling with when the end of the comprehensive control test program was and you were trying to find that point. And --

A Well, nobody -- yeah, nobody defined that point.

Q That point was never defined to anyone, to your knowledge, on April 19th, was it?

A That's right.

Q And so from my review of that tape and that transcript, Shipman was suggesting the possible option of starting the count at the time the diesels were declared operable, if I'm not mistaken.

A Uh-huh, yes. Yes.

Q And that's what prompted his statement --

A That -- that's --

Q -- saying that --

A That's right.

Q -- that the count would be significantly less.

A That's right.

Q And that -- why do you think that would have created a selling job and who would he have had to sell?

A Well, I think, you know, he meant a selling job with the NRC is what I believe he meant.

Q Do you -- at this point in time the language in the LER has been pretty much finalized by Shipman's management, McCoy and Hairston, in that earlier phone call; is that correct?

A Yes.

Q And to start talking about a number of counts after the diesels were declared operable, it seems to me that it would have created a selling job even to his own management now to start changing the language again; is that correct? In other words, they're talking about starting it after the completion of a control test program -- comprehensive control test program and Shipman throws out the suggestion of starting it after they were declared operable, and it sounds like he realizes that it's going to

-- it would create a selling job for him to use less numbers than were in the presentation, would create a selling job to him with his own management.

A Well, he may have meant that, but I believe he meant the NRC as well. And the reason why is the problem with that is that the number is going to be significantly less, I think, than what George told Ebnetter. So this is this concern about a change of data --

Q Okay.

A Okay, versus what the NRC had been told previously. So I believe there's a -- there may be a concern with his own management, okay, but I believe there is a significant concern of presenting the NRC any data -- any information that isn't, you know, equal to or greater than what they were told before. Okay. And his mention here again of what George told Ebnetter, I think, is a indication of that.

Q Okay. But you end up discarding the idea of starting after they're operable, anyway; right?

A We end up discarding that. And, of course, then, you know, in retrospect there were, you know, again, only one -- one or two, you know, starts or so after they were declared operable -- you know, very -- a very small number. It may not have been one or two but only a very small number of starts, you know, after that.

And we have some discussion here about -- in the course of this section about -- well, you know, Shipman indicates what he thinks Bockhold meant, okay, about Bockhold's claim about, you know, coming out of outage, you know, and that kind of terminology, and we had some discussion about that. And I say to Shipman, well, you know, one of the failures, you know, were when they were doing an eight-hour loaded run. You know, I say I -- you know, one of these failures that I've told him about is when we were doing an eight-hour loaded run, and I said, you know, I sure hope to hell that we had recalibrated the instruments, you know, before we were, you know, going to do an eight-hour loaded run of the diesel.

And, you know, so -- you know, there's more discussion about that and what Shipman thinks Bockhold meant. You know, I guess all this discussion -- you know, all this rehash of well, should we do it, you know, back when we're declaring this operable or, you know, whatever George's logic was, you know, as to the coming out of maintenance issues and all that. You know, we're rehashing all this here, and, you know, kind of the question is -- Shipman's speaking for Bockhold. Okay? Bockhold thought this and Bockhold -- you know, all the time here we're talking about, you know, what George told Ebnetter. That was on page 23, line 23 and 24. That was the logic George

used. Okay? And, you know, we talk about -- and talking to Jimmy Paul Cash. And so we're -- you know, Shipman keeps talking about what Bockhold thought or must have thought or what his bases were. But Shipman's calling Aufdenkampe. Okay?

Now, the way an LER works, you know, and the preparation process here is that, you know, the site prepares, you know, initial drafts, and then at some point the resporsibility transfers, you know, to corporate. And at this point we're literally hours before it's going to be revised. The responsibility is in corporate. In fact, the scribe for the revisions is now -- is now Jack Stringfellow. Okay. And in all the information of what -- of the final wording that we just put in this LER wasn't put in by the -- you know, the wording is not -- John Aufdenkampe isn't saying on this previous conversation, well, let's word it like this, you know; let's say the same thing we said in the 4/9 presentation. Ken McCoy is saying that, the vice president. George Bockhold's saying, yes, you can say that. Okay? And they're writing it down.

So this is moved, you know, two and three levels of management above, you know, Aufdenkampe and myself and the people on site. They have written these -- this final wording that's going in here. And now Shipman is calling back to the site -- to Aufdenkampe, who doesn't report in

any way to Shipman -- you know, I'm the duty manager; I report to Shipman if he wanted, you know, something. You know, Stringfellow is the interface with Aufdenkampe. He's calling back to Aufdenkampe and in a sense wanting the site to buy in to the way this is going to go out. Okay?

And -- but Bockhold is the source. Bockhold is the source of the phraseology here, okay, but he's calling Aufdenkampe to get a site, you know, buy-in here. Okay? And that's out of -- that's out of character -- out of context, it seems to me, you know. They've decided how this wording's going to be. This certainly should be hashed out between Bockhold and Shipman, you know, not kicking it down to Aufdenkampe. And Aufdenkampe is not -- he doesn't have -- he knows there's conflicting data, he knows there's the trips, and he has not verified that it's not false, you know. The data from Webb and Odom hasn't come back yet. And yet Shipman's, you know, pressing him to say, you know, well -- you know, you say at least 15 times, and Aufdenkampe's -- well, says, I mean, somebody has gone and validated that data, you know; that's what George presented.

Q Aufdenkampe said that?

A Aufdenkampe says that. That's the bottom of page 25. Aufdenkampe doesn't have independent knowledge -- he has independent knowledge that there's a problem, but he has -- doesn't have independent knowledge to confirm that the

statement is true.

Q And nobody knows what George Bockhold's definition of the end of the comprehensive control test program is at that point?

A Nobody knows what it is --

Q Other than --

A -- except we know that whatever it is it also applied on 3/9, according to the source, George Bockhold.

Q On 4/9?

A On 4/9, yeah. We know that.

Q Right.

A Okay. And we also know that, whatever his definition is, his source was Jimmy Paul Cash.

Q But there comes a point in time in that conversation where Mr. Aufdenkampe essentially tells Shipman that he can go ahead and use the language that they had constructed in the earlier phone call; is that correct?

A Well, let me see if I can -- let me see if I can find that because, you know, my general recollection of the conversation is -- is that -- is that at some point John said something like, George must have -- must have been right or George must have know. And let me see if I can find that section.

[Witness reviews document.]

MR. KOHN: Hello?

MR. ROBINSON: We're still here.

BY MR. ROBINSON:

Q Okay. We're at page 25, line 24.

A Yeah, I think that's what I may have quoted before.

Q Yeah, Aufdenkampe refers to the fact that somebody had -- somebody had gone ahead and validated that data. One could assume that he was talking about Jimmy Paul Cash having gone ahead and validating that data for Bockhold.

A Well, I -- you know, I can't speak for John, but having been present through the conversation, if you recall, when George talked about that -- you know, in the earlier call George said, you know, yes, you can say that Jimmy Paul Cash went through the operator logs, and, you know -- and so it was all said in the same kind of sentence, and I think John's remembering, you know, the same -- the same comment. And, you know -- and Shipman says, you say at least 18 times, huh. And John says yeah and Shipman says okay. And John says, I mean that somebody had gone and validated that data. And that's what George presented. Okay? And so, you know, if that's -- you know, if that's the -- you know, what you mean to, you know, say that he --

Q No. Go ahead. Go ahead with that --

A Say the rest of it?

Q Yeah, and the on the next page.

A Okay. The -- and continuing -- I mean, somebody had gone and validated that data and that's what George presented. The data that's been offered to us doesn't bring into question that data. Okay? That's what Aufdenkampe says.

Q Okay.

A And the voice says okay, and John says, it tends to support that data; would you take exception to that, Allen. John says that to me. I guess --

Q Right.

A -- 'cause I don't answer.

Q Right.

A Okay, We're going to go with that. Jack is grinning from ear to ear. Okay? Shipman. Then John says the only issue is we can't let people be misled, think that there were not failures until we started doing that count.

Q Right.

A Okay. Then Shipman says and we say -- we say that after 3/29 event the flow system -- the flow system with both engines has been subjected to -- after 3/29? Oh, three -- okay. Must be 3/20 event.

Q Right.

A Has been subjected to 18 times each and no failures or problems occurred during any of these starts.

Q At this point do you recall Aufdenkampe asking yo

if you would've take exception to what he just told Shipman?

A If I remember --

Q If you recall Aufdenkampe asking you if you would take exception to the fact that the data that he has tends to support that earlier verification, whatever it was.

A Well, I mean, that -- that's what it says here. Do I remember him saying that to me?

Q Do you remember him asking you if you -- if you took exception to that?

A Not really.

Q Okay. Based on what you knew or what was in your mind, it seems that you would -- probably would have take exception to that at that point --

A I would --

Q -- is that correct?

A Yeah. I was not -- I was not convinced -- I was not convinced that we had proven that we what were going to say was a correct statement. You know, I came into this with data saying that what we said before was -- before was false and that what we were saying now was false even though we changed it a little bit and added the words comprehensive test program.

We said that whatever we were saying now would still have been true on 4/9, so to me, we were going to say the same thing again. You know, to me, the intent of what

we -- of what we were doing was we were going to repeat what we had said on 4/9. Different words, but, according to Mr. Bockhold, the same -- the same meaning -- the same facts that would've been true then, and we were going to say it again. And there was no data -- there was no data that we had the that proved the new way we were going to word this was correct. We had the data that brought it into question and we -- and we went forward without any data that proved it correct.

You know, we are talking about a nuclear power plant, you know, and sworn statements to the NRC, you know, licensee event reports, confirmation of action letters. We are talking about a plant that has a philosophy of attention to detail, you know, and we preach attention to detail, and, you know, yet we're going to, you know, come up with wording by Mr. McCoy, Mr. Bockhold, Mr. Shipman, and we're not going to use the log, you know, or we're going to use -- you know, we're not going to -- we're not going to verify this; we're not going to do the good attention-to-detail action that would've been nuclear practice.

Q And so is the reason perhaps that you didn't take exception to what Aufdenkampe was saying was that you didn't have the absolute data to show that it was, in fact, false or is it just that you were going with unverified statements?

A Larry, you have to realize that it -- at this point -- okay -- I'm a whistle-blower. Okay? I --

Q On April 19th?

A Yeah.

Q Okay.

A I've already gone to the NRC with allegations of wrongdoing.

Q Right.

A Okay? I have initiated an OI investigation of a separate issue that eventually resulted in findings of wrongdoing. Okay?

Q Right.

A I have begun already to suspect that my management is discriminating against me, okay, based on a variety of conversations, you know, possible changes in jobs, you know, and statements that I need to get out, okay, and that I can't conform. Okay. So I'm already -- I'm already under suspicion. I'm a whistle-blower and I feel I'm under suspicion.

Now, I'm torn -- I'm torn between doing the right thing -- well, and let's add one more thing. I'm so suspicious of what my management is doing to me and in its communications with the NRC that I'm documenting on tape-recordings. Okay, I'm that suspicious, you know, that I'm -- I feel threatened -- I feel personally threatened that I

need to have a record, you know, of what actually occurred that I'm documenting it on tape-recordings.

So I'm torn -- I'm torn between further exposing myself, okay, to do the right thing and correct and object vehemently, you know -- I'm torn between, you know, doing that and further exposing myself as a whistle-blower, giving management further rationale to take more adverse action against me. I'm torn between that. So what -- so what I say and to the degree with which I object, okay, is controlled because of the unique predicament that I'm in and my fear that if I become even more of a troublemaker here and keep them from getting this LER out and telling them -- tell them that made a -- making -- you know, telling in a more direct way that they're making a false statement to the NRC, I'm exposing myself, you know, more, and I'm fearful.

Q Okay.

COURT REPORTER: Can I take a --

MR. ROBINSON: Sure. It's now 1:18, and we're off the record for a short break.

[Recess, 1:18 - 1:28 p.m.]

MR. ROBINSON: Okay. It is now 1:28, and we're back on the record.

BY MR. ROBINSON:

Q Mr. Mosbaugh, I want to continue with the telephone call that we were just discussing.

A Okay.

Q And go ahead and make any comments regarding that call that are appropriate.

A Right. We were -- we were talking about my taking exception -- started off talking about my taking exception to anything that Mr. Shipman were -- saying or wording that was finalized and going to go in.

Q No, I think -- I think the question was --

A To support that data. Okay.

Q Aufdenkampe was -- Aufdenkampe was stating his basis for accepting the wording that was created in the -- in the earlier phone call.

A Well, yeah, he stated the basis and he said somebody had validated that data and that was what George presented and the data that's been offered to us -- and whatever he meant by that is -- does not bring us to question that. Okay? And then --

Q He asked you if you'd take exception --

A It says tends to support that data, would you take exception to that one, and I don't recall him saying that, but I don't recall answering that either. And I was describing the dilemma of being, you know, torn between, you know, saying there's something suspicious going on here, what are we trying to do, make false statements to the NRC, and at the same time not wanting to make false statements to

the NRC. Okay? And in my status of being a whistle-blower already at that time and already being -- fearing that discrimination was occurring against me and fearing that more might happen, and so I guess, you know, line 17 on page 26 is the way I resolved that.

And you said I didn't -- I said I didn't respond to taking exception to that -- well, actually, you know, when I look at the transcript, tnis is -- this is my answer. Okay? And, you know, what I say -- page 26, line 17 -- when you read it to me that way, Bill, when you talk about the comprehensive test program, you know, I kind of set the philosophy for that down here, is that -- is that we would do -- I'm sorry -- is that we would have a test program to, you know, determine root cause and restore operability, and, you know, that kind of sounds like what I talked about down here on our diesel test program, and it sounds like that is kind of establishing a starting point, you know, at least at the point in time after which we did the UV test. Okay?

So I'm responding and saying, you know -- and you have to read between the lines 'cause I'm not trying to outright say you're lying. Okay? I'm saying that the comprehensive test program, the way you describe it in there, Bill -- Shipman -- is you're describing about a point in time that I'm saying is the point in time after which we did the UV testing. Okay? Well, the point in time after we

did the UV testing, you can't count 18 or 19 starts after that time. Okay?

Q But does Bill know that at that time?

A Well, I don't know.

Q Okay.

A Okay? But the UV testing -- there's not that many starts. Okay? There's not that many starts after we did the UV testing. And what I'm trying to say is that -- you know, as best I can without saying it, you know, point blank, is that, you know, the comprehensive test program ends with the UV testing, in which case I don't think there's 18 starts, 'cause that UV test -- and we could look at the data, but it seems like it -- you know, it's fairly far into the sequence.

Q Well, and that particular point, it may not be right at the UV test, but it's right prior to the operability test.

A It's right before the operability, right.

Q Was described in the revision to the LER when -- in that cover letter they said Georgia Power said there were only 10 in 12 successful starts at that point.

A Right. And then -- and, you know -- and then the next thing -- you know, the next thing that happens here is that, you know, Shipman says, well -- he wants to add one more additional fact. Okay? And this is on page 27. And

then he starts saying that there's been a call placed to Ken Brockman to clarify this. Okay? So, you know, what Shipman's doing is he's twisting the site arm here to buy into this by informing John Aufdenkampe and myself that, yeah, we -- Ken McCoy just bounced this off Brockman and he has no problem with it, you know, so don't worry about it, you know, we just bounced this off the NRC. And he's using that as an additional way to get a site buy-in, and so he adds that, you know, right here. Now, we don't know what the extent of that discussion, you know, with Brockman was and, you know, what Brockman's been told at all, but that's being added in as an additional selling point.

And so, you know, with that -- I guess at that point this conversation then changes a little bit, and Jim Swartzwelder comes in. And Jim Swartzwelder starts relaying some Pat McDonald comments, and so apparently Pat McDonald has reviewed this LER and Jim Swartzwelder is forwarding those comments, you know. For example, on page 29, line 11: the second place -- Jim -- that Pat had a comment was on the description of the event; and line 20: Pat's concern is we opened an issue there and nowhere in the LER do we close it by saying these were invalid alarms. And there's a good bit of detailed discussion here about Pat's comments on the LER between Swartzwelder and Shipman.

Q Yeah, I believe there's something in there about

him indicating it's the RCS and not the Corps.

A Yeah. Yeah, I remember that.

Q But at that point Shipman and Stringfellow are of the mind that they're going to go ahead and use the language with respect to the diesel counts and the comprehensive control test program that was suggested earlier?

A Yeah. What -- well, yeah. What happens here is that -- is that -- and we -- you can go through the whole transcript and you can see that there's no discussion of well, let's reword the LER to say this -- okay -- or whatever. There's no -- no revision of this LER occurs on this call. But, yes, Shipman leaves this call with the intention of sending it out with the words that were introduced into the call -- or introduced into the LER on the previous call, the one that Shipman and McCoy and Bockhold and Hairston, et cetera, participated in. And, yeah, and that's the way the LER goes out when it's actually signed.

Q Is there any other comments that you want to make regarding that final phone call on the 19th?

A Yeah, I -- just one other thing, you know, and I'm mentioning Pat McDonald's comments here for a specific reason, but, you know, the -- all the references to Pat is Pat McDonald. In fact, on page 28, line 11, John says, I want to go over Pat McDonald's comments with him, so, you

know, the Pat we're talking about is Pat McDonald.

Q And you might as well point out that specific reason, the reason that you're highlighting those comments right at this point.

A Yeah. Well, the reason why I bring that up is that in the deposition in my Department of Labor proceeding that was taken of Pat McDonald on about -- seems like it was around September 17th of 1990, my attorney, Mike Kohn, asked Pat McDonald his role in reviewing this LER, the LER about the site air emergency and the diesel generator and -- specifically the diesel generator.

And he was asked if he had ever read it. He was asked if he had ever read it or reviewed it before it was signed out. He was asking what his role was, if he had ever commented on it, and what his role was in preparing and revising and -- there was a multitude of questions asked, and in the responses in his deposition Pat McDonald indicated that he had never seen the LER before it was signed out, that he had no role whatsoever in commenting, revising, writing, preparing, et cetera, this LER. And the facts as evidenced by Pat McDonald's comments being forwarded through Swartzwelder and discussed with Shipman and Aufdenkampe indicates that the responses in that deposition are false.

Q I now have some additional questions that I'm

going to put to you regarding certain specific areas of these two transcripts that we've gone over before, so as I -- as I mention the page number and the line number -- let's go back to the transcript of tape number 57, which is also referred to as Exhibit Number 36.

I believe we've touched on this before. Look at page 62, line 10, and page 63, line 13. Evidently you were referring to a comment given to John Aufdenkampe at a PRB meeting. And I'll give you a minute to review that.

[Witness reviews document.]

Q Can you put that in context a little bit for us from your review of the transcript?

A I need to look a little further.

Q Okay. And the basic question here is the role that you played in the evolution of the draft LER prior to April 19th.

[Witness reviews document.]

Q And I'll further clarify the question in that there appears to be, I guess, in the two cites that I just gave you: page 62, line 10, and page 63, line 13, you apparently are familiar with comments in the PRB meetings regarding this LER. And then at page 106, line 16, you appear surprised or, you know, you indicated that you didn't think -- you appear surprised at language that appeared in the LER, and I think we've touched on this. I believe -- I

believe this last cite is in your phone call with Stringfellow and Shipman where Shipman was asking how it got through the PRB.

A Right.

Q And you --

MR. KOHN: Al?

THE WITNESS: Yeah.

MR. KOHN: Are you reviewing a document?

THE WITNESS: Yeah, I am.

BY MR. ROBINSON:

Q I guess the overall question is, again, what was the detail of your involvement in the evolution of the draft LER?

A Okay. All right. On -- I think what we've got here is the PRB meeting that I was talking about, and it looks like it did happen on the morning of the 19th.

Q Okay.

A Okay? And this is the meeting that I came in late to. Okay?

Q All right.

A And this is -- when I come into the meeting, they're on -- they're on and discussing the LER. Okay? And, you know, I say here did you correct the diesel starts? I had given John a comment on that. Okay? That's the -- that's the statement.

Q Right.

A So when I entered the PRB meeting in the middle of their review -- in fact, you know, Skip's talking about the revision from 16 to 8 pages and so forth. I asked a question about the diesel starts. Okay? And then John explains to me that there had been a comment in the minutes to either verify it or get it out, and he says that's what we're actually doing -- okay -- either verify the sentence, reword the sentence, or delete the sentence. You know, that had been the comment on the LER from the previous day, from the 18th.

Q Roughly, ballpark figure, how many PRBs did you attend that this LER was at least addressed?

A Three or four.

Q And it went from 16 pages to --

A 16 pages to 8 pages. It was a complete rewrite when it went from 16 to 8, then it came back to the PRB, and then -- I can't recall if we reviewed it once or twice at that stage, and then -- I do remember that I think on the 18th it came to the PRB for review and just said the diesel had been started several times.

Q And so you had been making comments regarding this --

A Well, I hadn't been necessarily making comments, but there had been comments made in the PRB. Like I said, I

think Lackey was the one that had made the comment about --

Q The comment that it be given to John?

A -- to add some specific numbers in there. Okay?

Q You think that's the comment you're talking about, that one right there at, like, page 62?

A Yeah. I think -- I think what we're talking about is did you correct the diesel starts, and I think what we're talking about -- well, John says what he understood me to say, he said that we had a comment and the comment was to either verify the sentence, reword the sentence, or delete the sentence. Okay? And I don't know if he's talking about the effort to add the specific number from the just several or if he's talking about verify the sentence -- that's the 20 -- reword the sentence, or delete the sentence. I don't know, but -- you know, which evolution he is talking about, but -- and, you know, John -- well, we must have the 20 -- at that point I think somebody is proposing the 20, and I think John's people proposed 20, and that's the effort that came from Webb and Odom. Okay?

Q Right.

A And then John is going to go out -- this is line 17 and 18. John is going to go out and either verify it or take those numbers out. Okay? Okay. And take out the wording that says there was no -- that basically says no failures or problems. Okay? So anyway, there's still -- it

looks like in that meeting there's still some discussion about what we're going to put in there, you know, whether or not we're going to take out no problems or failures. Okay?

Q Okay. And now go to page 106, line 16.

A All right. Do you want to do on -- you had something on page 63.

Q Well, on page 63, line 13, what were they -- what was he talking about there?

A Okay. Skip -- well, he's saying we could verify the 20 and John picked that up as an action item. They're kind of describing to me maybe some things that I missed. I don't -- I don't know.

Q Okay.

A He's going to verify it, wrong or not. If it's wrong, we'll take it out. George -- now, this is George Fredericks -- pointed out that there was a failure right after the maintenance work on it. So that's George Fredericks, apparently, and the PRB has brought up that there was a -- that he's aware of a failure, okay, a postmaintenance failure.

Q And then evidently at page 106, line 16 -- and I seem to remember this from your conversation with Shipman and Stringfellow where there -- Shipman was asking, you know, how'd this thing get through the PRB, and did you make some kind of comment that you didn't think that language was

in the LER or something like that?

A Yeah. Well, what I -- what I said was, you know, how the world did it get through the PRB, and then, you know, we say the statement in the LER --

Q Okay. Shipman said that, right, how in the world --

A Yeah, yeah. He's --

Q -- did it get through the PRB? Okay.

A You know, what's happening is Shipman is -- I'm questioning -- I'm questioning this wording with Shipman.

Q Right.

A I'm bringing up the failures to Shipman's attention, and Shipman then is reflecting back to the site saying, well, site, you know, how the hell did this get into this LER, and he's a little bit casting blame, you know, back to the site.

Q Right.

A Okay? And so I try to clarify what he's talking about, and he says the LER, and then Shipman says that data was not available in -- that data was not available in the PRB. Okay?

Q Is that a question or?

A That's a question.

Q That data was not available in the PRB?

A Right, right.

Q And what --

A And so what -- and what I think he's referring to is the data, that is, those trips that I just told him about. Okay?

Q Oh. Okay.

A The trips -- you know, you have to look at where we were.

Q Yeah.

A I've just -- right here -- right on the previous page. It was on 3/23 -- and let me find it, I think we've got another one -- it was on 3/23 at 7:13. The machine tripped on low jacket water. Okay? And so now I've given him the second trip, the second data, the 3/23 at a particular time and it tripped on low jacket water pressure, turbo lube oil pressure low. Okay? And then he says the first one we had was on what date. And so now he's kind of -- I think he's probably writing them down. And I tell him two -- or 3/22.

Q Right.

A Okay. And then the very next thing he says is how the world did it get through the PRB with that data -- right there -- how, you know, with that data that I just gave him. I think it's been through the PRB a couple of times; how the world did it get through the PRB?

Q And -- okay. And your response --

A Okay. And then he says that data was not available in the PRB. Okay? And then I start going through the history as I know it as to how the LER was revised in the PRB, and I say the previous time it went through the PRB, I'm not sure if those statements were in there. Okay? And that's -- and the previous time that this went through the PRB -- okay -- I'm thinking at this point about -- I guess I'm thinking about the 18th. Okay?

Q Okay.

A Because the last time that this went through the PRB -- and I guess I'm not thinking about this morning. Is that what you're getting at or?

Q No. When you say the statements were not in there --

A Right.

Q -- to me, you're meaning that the statements about greater than 20 were not in there.

A Right.

Q Okay.

A Yeah, I am -- I am -- I believe I'm referring to the 20, okay, were the statements. And -- but I also think I'm referring to the 18th, not the morning's PRB. Okay?

Q But did you really not think those statements were in there or?

A No, I knew -- well, we knew that I was in the PRB

on the --

Q 18th.

A On the 19th.

Q Yeah.

A Okay. On the 18th they weren't. The 18th is when the comment -- it was the day before that the comment was made to add something. As far as I remember the evolution in the PRB, on the 18th -- and I had -- you know, I've only just through the discussions over time been able to remember which one was the 18th and the 19th.

Q Sure.

A But on the 18th the LER didn't have any numbers in it, and a comment was made to add numbers, by Lackey. Okay? And then I think on the 19th is when the revision that added the numbers got introduced and was reviewed in the PRB manual.

Q But then Stringfellow -- I mean, you were saying that you didn't think the statements were in there and Stringfellow says, oh, yes, they were, or something like that.

A Yeah, yeah. I said the previous time that this went through the PRB -- and I'm -- I believe I'm referring to the 18th -- I'm not sure the previous time. Okay?

Q Right.

A And since we had a PRB that morning, I think I'm

referring to the 18th. Okay? I'm not sure if those statements were in there, and Jack says, yeah, they were. And I say, they were? And he says yeah, and then he says, the last PRB added the parenthetical phrase more than 20 times each. I say, the last -- not today but the previous PRB -- I don't think the PRB on the 18th added -- well, the PRB on the 18th added the comment to add numbers, but I don't believe the PRB on the 18th added the numbers.

Q Okay.

A Does that --

Q That --

A I mean --

Q Yeah. And you don't recall -- you didn't recall at the time you were making that comment that those statements, whatever they were, okay, were in there?

A No.

Q What -- you know, what -- the question is, you know, if -- obviously if you were -- if you were so intimately involved with the development of this -- of this LER and you were aware of the fact that, hey, they're taking the April 9th statement and adding to it and that type of thing, then --

A Well, that -- again, remember Larry, that adding to the April 9th statement occurred after this conversation. See -- oh, you're talking about Aufdenkampe's adding to it?

Q Yeah, I'm talking about the PRB adding to it.

A Oh, okay.

Q The taking the statement from the April 9th letter that said 18 or 19 and saying, yeah, we got 2 more since then, we're going to -- we'll make it greater than that or greater than 20.

A Right. That --

Q Okay.

A Yeah, that's John's -- that was John's rationale.

Q That had been in there -- that had been in the LER since it was reduced to eight pages; right?

A No.

Q That kind of language?

A No, no.

Q No, it hadn't been?

A No. It was reduced to eight pages and the eighth page rewrite said the diesel's been started several times.

Q Since March 20th?

A Since the event -- you know, we can look in -- you can look at the -- I wish we had the actual revs, but at eight pages I believe it said -- still said several times. Okay? I believe that on the 18th a comment was made by Lackey -- and, you know, this all ought to be reflected in the PRB meeting minutes.

Q Right.

A Okay. I believe that on the 18th a comment was made by Lackey, add a specific number; don't put several in, add a specific number. I believe that on the 19th that the number 20 was added by Aufdenkampe from Webb-Odom review to -- based on a basis of adding two to what had been used on April the 9th.

Q So it would've been added at that PRB that you were late to --

A Yes.

Q -- on the 19th?

A That's what I -- that's what my recollection is. You know, I mean, if you're trying to --

Q Okay.

A If you're trying to develop the history of it, you know, let's get the PRB meeting minutes out and it should all be recorded.

Q Well, I guess the only -- the only reason for this question is to, you know, to just establish your degree of involvement in the PRB, and evidently to the reader of that transcript for the first time and without any background -- a lot of background information, there appeared to be a conflict. You seem to be aware of what kind of comments were going into that LER on page -- what -- 62 and 63, and then on page 106, you know, you weren't sure whether those -- whether certain comments or statements were in the LER or

not. And I don't know --

A Well, the only thing --

Q -- I guess I'll just let you answer that in your own words and we'll move on.

A Okay. I mean, you know, the only thing about I'm not sure of those statements, you know, and what I mean here is the use of the specific number 20. Okay? I'm not sure -- you know, the previous time this went out through the PRB, which I -- which I think, you know, I'm referring to as the 18th, the meeting of the 18th, I'm not sure that those statements were in there. And, you know, then Jack says, yes, they were, and then he says that the last -- he says the last PRB, and not the -- and he says not the one today but the one -- the previous PRB -- and I guess he's referring also to the one on the 18th. He's saying -- he says that it added the one -- that one added the more than 20 times each.

Now, my recollection is that -- and my recollection at this time and still today 'cause I haven't had the opportunity to look at the PRB meeting minutes and see if maybe I'm a day off. Maybe it was the 17th and not the 18th. But my recollection is is that the PRB on the 18th was the one in which Lackey commented to add some specific numbers and that the PRB on the 19th is the PRB when the number 20 was approved to be in there.

Q Okay.

A Okay? And -- well, you know, I guess there's not much more to say.

Q Right. All right. Okay. Look at page 91, line 7 where you and John were identifying the problems on the B machine.

A Right.

Q At this point in time you were relying on the Kochery list; is that correct?

A Yes.

Q Do you know if that Kochery list was provided to the Chafee team? I mean, you may make a statement in there that it was.

A Yeah, yeah. I made a -- I made a couple of statements along the way in these transcripts -- and not just this day but in a couple of other situations -- where I said that's been provided to the Chafee team or Al Chafee has that or the NRC knows this or the NRC has the same information as we do, and a variety of different things that I said like that. And let me tell you, you know, what I knew and what I said and why I said what I said.

Q Okay.

A I was trying in some of those statements to put some pressure on various individuals that I was speaking to to be very careful and to correct, if they thought

necessary, any of these statements -- okay -- by hinting that NRC's on to this, NRC has this, NRC has that. I was trying my best in a -- in -- as a whistle-blower role, in a nonobvious way -- okay -- to effect a degree of caution and clarification and honesty -- okay -- by saying some of those things.

Now, the only -- the only first-hand knowledge I had of -- that I can remember -- of what list had been given to the Chafee team or whatever -- I didn't give any list to the Chafee team. Okay?

Q Right.

A I believe that John Aufdenkampe told me at some point that he had given some list to the Chafee team, and so all those statements that were made -- and we can flag whichever ones they were -- were based on the knowledge that either it was a statement made to caution people, but -- or whatever, but it was based on the limited firsthand knowledge on my part that John Aufdenkampe told me that he or one person in his group had given a list of starts to Chafee. Okay?

Q Okay.

A And there's no -- there's no more basis on my part than that knowledge. Okay?

Q Okay. And --

A Does that --

Q But -- yeah, that answers my question.

A And there was -- and there was a degree of intent on my part to say some of those things to try to -- try to keep people honest, as a way -- as a way of indirectly influencing this process.

Q I guess the question that pops up in my mind is: if you're already identified as being a whistle-blower at that time; right?

A Well, I think I am.

Q Well, I mean -- okay. So you --

A It's my belief that I am.

Q This is after you filed with DOL; right?

A No, no. I have yet to file with DOL.

Q I thought -- now, this is -- this is April 19th; right?

A No. I have yet to file -- I don't file with DOL until June the 4th.

Q That's right. Okay. So you're thinking you're identified as a whistle-blower from the dilution valve?

A Yes, sir, most definitely.

Q Okay. That obviates my question because my question was going to be: okay, if you're absolutely identified as a whistle-blower, why are you even worried about being subtle, you know, but obviously you're -- you know, if you're -- you hadn't gone to Labor at that point

and you thought you had been identified as a whistle-blower. You -- yeah, okay.

A Well, you know, even if -- even if it had been after I had, you know, directly, you know, filed an action -- okay -- I'm not, you know, I'm not a troublemaker. Okay? You know, I'm not -- I'm not one to try to use my whistle-blowing activity to create a disturbance in the organization. And, you know, what we're talking about didn't happen after the point that I, you know, went public as far as that's concerned with filing with the DOL. But, you know, it's -- it wouldn't have been my -- it wouldn't have been my tack to do -- to be, you know, confrontational. Okay? You know, I try my best to, you know, do what I could, you know, in an indirect way here as much as I could.

Q Look at page 91, line 13. And the question is: what type of verification did Tom Webb provide at the -- I'll let you answer that two ways. What type of verification did Tom Webb provide before the LER went out?

A Before the LER went out, I'm not aware that Tom Webb completed and verified anything as far as the task he was sent out to do, you know. I got Tom Webb out reviewing their reactor operator laws and counting, that Odom statement. I -- it never -- no knowledge came back to me that he had ever completed his task and that he had verified anything.

Q And, to your knowledge, did Tom Webb ever complete his verification and produce a document, a verification-type document?

A He never produced a document that verified that what was in the LER was correct, because what was in the LER was false.

Q Did he ever produce a list of starts from the operator's logs, to your knowledge?

A I recall there being a Tom Webb list at one time, and I can't recall if that was something that he had done preliminarily before the LER went out or it was something that he finished after the LER went out. I do recall there being a Tom Webb list. Okay? But I just for the life of me can't -- I can't remember if it was a preliminary list before or a list afterwards, but in either case he never produced a list that verified these statements that were made were correct.

Q Did you ever have in your possession a Tom Webb list?

A I may have, but I don't know. I just --

Q Do you remember what you did with it?

A No.

Q Look at page 95, line 11. Same question with respect to Odom's verification: before the LER went out, what type of verification did Odom provide, if any?

A Odom, to my knowledge, provided no verification other than that his employee, Tom Webb, was working on doing his verification, reviewing the logs. I don't believe Odom was doing anything separate or independent from Webb. He was just the supervisor, and -- you know, Aufdenkampe calls Odom, says verify, and Odom says, Webb, go verify, and Webb goes out and tries to count starts out of control room logs.

Q Look at page 97, line 22, and page 108 -- keep that place and then go -- also look at page 108, line 2. Page 97, line 22.

A Got it.

Q And page 108, line 2. And I think probably at one of those two points you make the statement, I will verify with Kochery, though. And the question is: other than the Kochery list that we have talked about extensively already today, what type of verification did Kochery provide?

A Okay. I went -- after I talked to Shipman and said, this is the best information I have, but I will verify with Kochery, though -- and in here I say, if I may see if I can pull some of the diesel stuff from Kochery. Okay? What I did is I went over to Kochery's office, as we discussed in an earlier portion of this transcript, and Stokes and Kochery were there, and I talked to them about valid, you know, because Shipman was throwing up -- you know, trying to use valid.

And it's interesting because the request that came from Shipman for Hairston was to verify for George Hairston that there were 20 valid starts. Just, you know -- it's interesting.

Q Yeah, he did use the term valid. I remember that.

A Okay. But when he -- when he gave me my assignment, you know, what he was trying to do, he said we're trying to verify for George Hairston that there were 20 valid starts, you know, like we say. Okay? So --

Q That may well have been --

A So I don't know if that was a misstatement or a misintent or whatever, but, you know, I went over and talked to Kochery. And, you know, it's a little hard with the transcript to hear everything that I talked to Kochery and Stokes about, but I went over and I talked to them. I -- and I can't get you right to a quote out of the transcript, but my recollections is that I talked to them about, you know, the list and how many valid starts we had and, you know, had a discussion with them to see if there was any new information other than what he -- what I had seen from him or what he had given me earlier in the day or the day before when I got the Kochery list and found out for the first time that on 2/22 and 2/23 we had diesel trips.

So that's the verification I did. I verified with Stokes and Kochery that my data to Shipman, that there had

been those particular trips -- and, of course, those trips were right in the middle of the strings of counts -- that that was good information and that they didn't have any better, further, or contradictory information. And so that was the verification I got from them, and basically it was, you know, that there was no -- that there was no new information other than what, you know, they had given me.

Q Look at page 111, lines 22 through 25.

A And just to add on that, I will say on that, based on going to Stokes and Kochery and finding that there was not any newer, better, or different or contradictory information, you know, I did not call Hairston back and -- or Shipman back in Hairston's office, because, as I told him, this is the best information that I know, and I found nothing to contradict that.

Q On page 111, line 22 through 25.

A Okay.

Q The question is: what information are you and Kochery referring to?

[Witness reviews document.]

A This is the Kochery list.

Q Okay. That's the information that you're referring to?

A Yeah. This is the handwritten Kochery list of one-liners on each diesel start.

Q All right. Now look at Exhibit 38, which is tape 58. Look at page 9, line 13. And the question is: what did you mean by your comment, quote, I don't think they better look at those logs, unquote.

A Okay. Yeah, I got you. That is a comment -- okay. You know, right then and there, as you can see, right up on -- go right to the previous page, page 8, line 22: from the numbers I present in the conference, they were verified correct by Jimmy Paul Cash, who went through the operator logs. And McCoy says, you ought to use those numbers. Okay? So we'll say greater than those numbers you used in the conference. And then McCoy says, those numbers you used in the conference were after they had completed the comprehensive test of the control system on each diesel. Bockhold said, that is correct, those numbers were not before that time.

When I hear that -- when I hear Mr. McCoy say you ought to use the numbers from the 4/9 presentation -- okay -- I mean, as incredible as it sounds, I hear Mr. McCoy tell that group in Birmingham that we're going to repeat a false statement. You know, I mean, that -- I mean, that's the way I'm viewing it. Okay? I've gone on the record with me and Aufdenkampe and Stringfellow. They've acknowledged that the 4/9 presentation was false. Then separately I've gone to Shipman and Shipman's acknowledged that the 4/9 presentation

was false. Okay?

They knew it was false. Okay? And now right after that I hear McCoy say, you ought to use the same numbers that you -- that -- you ought to just say the same thing again that you said in the 4/9 presentation, and, you know, we got this slightly different wording, but we say, well -- Bockhold said this wording's the same, you know, it would've been true then, you know, those numbers I used in the conference, they were after they had completed the comprehensive test program on each diesel.

At that point I'm hearing -- I'm hearing that they're going to repeat what they acknowledged to be a false statement, and they're -- you know, it's -- to me, I mean, this is the crux of it. You know, this is the knowing -- knowing, intentional repeating and making again of a false statement, that they acknowledged to be false, to NRC and in this LER.

And so what I say -- you know, and I'm shocked, but it's happening, and this is an aside -- you know, we're on the speaker phone and I'm with John, and I say this to Aufdenkampe and I don't know if this is picked up on the speaker phone or not, but I say to Aufdenkampe, they better look at those logs, you know, 'cause -- you know, basically I'm saying they're going ahead with this, they better look at those logs 'cause this is false, what they're doing.

Q Do you remember if you said I don't think they better look at those logs or they better look at those logs?

A I believe that what I said is like, I don't think -- like, I don't think that's correct. Okay?

Q Okay.

A And I -- and I --

Q Interrupted yourself.

A I don't think that's true. Okay? You know, and then I interrupted myself and just said, they better look at those logs.

Q Okay.

A My -- and I can tell you very explicitly, my intent of saying this there is not to imply that they should not look at those logs. My intent is to state that they should look at the logs

Q Okay.

A And that -- like I said, that was said aside to Aufdenkampe. You know, whether it was picked up on the other end, I don't know.

Q During this entire process, Mr. Mosbaugh, when you recognized that wrongdoing was going on, did you delay for any reason in bringing it to the attention of either your own management or the NRC? Do you understand the question?

A Yeah.

Q Okay.

A The answer is no. When -- you know, when you recognize that wrongdoing is going on -- you know, I recognize that this kind of wrongdoing is criminal. Okay? As a nuclear manager and having familiarity with NRC requirements and enforcement and code of federal regulations, I recognize that this -- if this -- this wrongdoing, if I'm correct, is criminal, and that's a very serious charge to make.

And the -- even taking it one step less than that, if it was wrongdoing -- what if it was just wrong? What if it was just a material false statement? You know, and I guess people argue that there has to be intent for it to be material, but. Well, let's say just if -- what if it was an important false statement? Okay. I'm also aware that those -- that the NRC calls for enforcement action at severity levels one, two, and three for just wrong statements and not -- even without criminal intent, you know, so those are the highest level of NRC violations.

And I don't take that lightly. Okay? And so I did not want to formally present my management or formally present an allegation to the NRC until I had completely verified that and at least given time to get all the facts and consider that perhaps there was some other interpretation that I wasn't looking at at that time that could have made what they said just true and, secondly, that

it -- that -- you know, that maybe there was something I didn't know about that -- where I suspected it was of a malicious intent or deliberate, that maybe it wasn't deliberate. Okay?

And so it took me awhile to do that. And whereas this occurred on 4/19, I put together -- I got control logs, you know, so I got control logs and shift supervisor logs, and I got logs -- the diesel generator surveillance sheets of logs and so forth and went through that. And that's not -- that's not an easy job, but then it's not a difficult job either, you know. It's, you know, dozens and dozens of pages and making tabulations, but -- and so I went through and did that, and I completed that effort between the 19th and the 30th. Okay? And so that's 11 days.

I got the logs, I reviewed the logs, I made tabulations, and I also made -- I also made a tabulation. And in about the same time frame -- and I can't recall if it was before the 30th or after the 30th, but in about the same time frame I began to draft an allegation to the NRC, a formal written allegation typed on a word processor, and that took a little bit of time, too, and I wanted that to be -- to be just right.

And that allegation addressed two separate -- what I viewed as two separate events: one series of events about the COA and another series of events about the LER. But in

addition to that, I included in there under the COA document all of the information about diesel air quality, and so that required some additional research like getting maintenance work orders and, you know, getting all the history on dryers and dryer performance and so forth.

I didn't want to go into the NRC with that piecemeal -- okay, well, here's a false statement about starts, and then come in another three weeks later and say well, here's false information. I wanted it all together. So, you know, no, there was no delay. I think that my actions were prompt. I put it in -- did the research, proved the false statement had been made, and I went to my management within 11 days. Okay? And then in the same time frame, in April, I -- April or early May -- I drafted the allegations that I would eventually give to the NRC.

Now, there was some additional delay. I was prepared to give those allegations directly to the NRC -- you know, I went to my management on the 30th of April, only 11 days after recognizing that wrongdoing was going on. Okay? Then I took my allegations to the NRC, and I didn't give those to the NRC until a couple of months more -- month/month and half?

Q About June.

A Month and a half. Mid June, June 14th. Okay? Now, I prepared documents to give to the NRC right away, and

I was -- and I prepared those documents to send to the NRC anonymously like I had the dilution valves. But because of what happened in early May, when I was relieved from the PRB and all my job responsibilities were taken away, I got into the DOL process. In mid May I contacted a lawyer, and because that was going on simultaneously, I didn't know if I ought to send those anonymously again. Okay? So as a result, I didn't do anything. I asked my attorney how best to handle this, and they eventually -- and they and I eventually set up the meetings that we began in June.

So there was -- there was perhaps a little delay. There was no intentional delay and the delay was a result of initiating the DOL proceeding at the same time. But, you know, I initiated these allegations in both cases, I think, you know, really quite promptly. And given the time that's transpired since then, they were very prompt.

Q Looking at page 21, line 20. This is of Exhibit -- still of Exhibit 38.

A Let me just add, you know, one more thing -- one more thing with that, too.

Q Sure.

A With respect to wrongdoing, it was important to me what I saw happen after the 19th, the actions of the company and things that I saw happen after the 19th that further confirmed -- and I'll speak to the criminal side of

wrongdoing, the intentional side of wrongdoing. The actions that happened after the 19th further supported my initial conclusion. Okay? The actions that the company took to delay the correction of this LER, you know, to stall it, okay, the various actions and, you know, how I was told that they were not going to submit the revision until after the meeting with the IIT team meeting with the commission on the site air emergency, you know, the job actions that were taken against me in early May, you know--the various things that I saw happening after that, you know, further confirmed, you know, that there was intentional wrongdoing and wrongdoing of -- by intent, you know, and, you know, those -- you know, those just further solidified my conclusions that I drew on those.

Q Are you at page 21, line 20 of Exhibit 38?

A Yeah.

Q What are you referring to when you say you have the data?

[Witness reviews document.]

A Yeah. I'm referring to the Kochery list. Okay? So we had the data. He's saying -- he says that well, George -- George Bockhold, I guess -- has claimed that he started counting after we had completed the instrumentation and et cetera, et cetera. And then he's saying, you know, what we're trying to show is that the unit starts -- when

that's -- when the calibration's been done correctly, that the --

Q Who is saying that?

A Shipman is saying that.

Q Okay.

A Okay. And he's basing that on George Bockhold's assertions. And what I say is, well, we have the data, you know, the Kochery list; the question is is what's the date and time that you're talking about? Okay? What date and time or what start number was it when you completed the calibrations? Okay? And, you know, as soon as we get to that point at which we want to start counting, we can get the count pretty quick.

In a sense, this comes back to defining the comprehensive test program or whatever George meant by the starting point that he claims to be the completion of the comprehensive test program. And, again, what we see here is it's not defined. Okay? It's not defined.

Q But the data that you're referring to is the Kochery list?

A I'm referring to the -- to a Kochery list.

Q Right. Look at page 22, line 16. And we've touched on this fairly extensively, and I'll ask you this question: other than what we've already discussed on the record with respect to your contacts of Jimmy Paul Cash, is

there anything -- are there--is there anything else that you can recall with respect to a contact of Jimmy Paul Cash and what he told you about how he got the starts?

A I -- you know, I think -- I think in the course -- I think in the course of the 19th Jimmy Paul Cash may have popped into Aufdenkampe's office and we may have -- John and I may have said something to Jimmy Paul about, you know, the data or the counts, but all I can remember that he ever -- he ever told us was that -- I think he confirmed that he did the counts, but he never supplied us any other detail. You know, I think we may have said well, did you -- you know, did you do it, and, yeah, I counted that for George or I did that review for George, but I don't remember any additional detail of what -- of what he told us, and I don't believe he told us anything.

Q And you're -- and I'm not talking only now about the contact you may have had with Cash on the 19th, but we talked earlier about your --

A We talked about my contacts after --

Q After the 30th.

A -- 4/30, which probably occurred in the first couple of days of May. And like I said, the -- you know, the -- well, we've discussed -- we have discussed everything that I can remember about my, quote, working with Jimmy Paul Cash as George Bockhold, you know, assigned and getting from

Jimmy Paul Cash information about how --

MR. KOHN: I'm losing you.

THE WITNESS: -- and getting information about how he did that initial compilation. I think we've already gone over everything that I can -- I can remember about that.

I -- you know, I noted one thing here right in the section before, you know, what we were talking about with-- you know, when I said to Shipman, well, if you can tell me what point that is, you know, that we should start counting, you know, we have a list; we could start counting. And that's interesting 'cause, you know, this just further shows that Shipman says, well, George said he started -- you know, we're on that last -- you know, we're on that last call where Shipman supposedly is getting a site buy-in. Okay? And Shipman says, well, George said he started counting after we had completed the instrumentation recalibration. Okay? So that's one point we can start counting if we can define that point. I can't define it -- Shipman says. I can't define it. I don't know when that was. Somebody generated the sort of data that generated the numbers 18 and 19 to George on that basis.

So, you know, I'm just saying this, again, is saying that, you know, one, they had no basis, you know, two, you know, they really don't know what they're talking about. They're putting -- they're putting words in here and

they want to put words in here that is based on something that they've been told is wrong, that they can't defend -- I can't define it -- you know, that they can't support, yet this same call is the call that Shipman is and Southern Nuclear and their law firm is going to claim, you know, constituted a site verification of data, you know, and I find that very contradictory.

BY MR. ROBINSON:

Q Look at page 33, line 11. What data or document are you using when you cannot find enough starts?

A Kochery list.

Q Look at page 34, line 5. Do you know what schedule were you referring to that was given to the IIT? And I know we have had some conversation about you making comments about things given to the IIT just to kind of put Georgia Power management on guard. Were you -- can you recall what schedule you were referring to that was given to the IIT?

A I think this was -- I think this was the undervoltage test schedule. You know, the outage -- the outage group made these little minischedules of the testing events, and I think this is the undervoltage testing schedule. I think there was a separate little schedule put together for this.

Q Let the record reflect that I'm going to show Mr.

Mosbaugh a document identified in the lower left-hand corner with the words 1R2 critical path, and this may or may not be -- have any relation to the schedule you were talking about, but is that the format of the schedule?

A No.

Q No, that --

A No.

Q -- critical path type --

A Yeah, this is -- this is the computer-generated schedule. These -- the schedule I'm referring to was a hand-drawn schedule, a hand-drafted schedule.

Q I see.

A And what we're talking about here, you know, when -- you can see that -- what we're talking about here is we're arguing a little bit about this comprehensive test program. Okay?

Q Uh-huh [yes].

A And I'm claiming that the undervoltage test was certainly part of the comprehensive test program. And this is what we covered a little earlier where I was trying to rebut Shipman in saying that, hey, you can't start counting at least until the undervoltage test. And so I say on line -- on page 34, line, 1, on the B unit the undervoltage testing is certainly part of the comprehensive test program. And John says, I don't know, and then I say, well, hell, it

was part of the test program that we put in writing in a little schedule we gave to the IIT.

So what that schedule was was like maybe a one-day or a two-day detailed schedule of how we were going to conduct that undervoltage test. It wouldn't have included other diesel testing before or after and was in no way a comprehensive kind of list. It was -- it was just a little segment, a very detailed and probably one day's duration of how we were going to set up for and do the undervoltage test.

Q Do you remember giving that to the IIT or did some -- did John give it them?

A I remember in a meeting -- I remember in a meeting or something that it was handed, in this case--

MR. KOHN: I'm losing you, Al.

THE WITNESS: Yeah. I remember -- I remember it being handed to them. I don't recall that I gave it to them, but I may -- I remember probably seeing it given or hearing that it was given.

BY MR. ROBINSON:

Q Look at page 34, line 24. And I think I know the answer to this question, but to what are you referring when you say you can't find enough starts?

[Witness reviews document.]

A Okay. I'm looking -- I'm looking at a list again.

and I think it's the same list we've been talking about, the Kochery list. And I -- we've had this discussion --

Q About the comprehensive --

A -- about the comprehensive test program and when we might start counting or when's an appropriate point to start counting, and I've claimed the undervoltage test -- you know, that you couldn't start counting before this undervoltage test.

Q Okay.

A And now I'm counting. And I'm saying that I can't find enough starts; I'm having trouble finding enough starts. And a number of them I don't know are logged here because -- and then Aufdenkampe says they're all logged there, they're all logged. There's -- oh, Cash. Now -- okay. So Cash is here now. Okay. I went through the log book page by page. When did you start? Where did you start at? Cash: when did I start what? You've got the information -- Aufdenkampe got the failures -- I gave him failures as well as valid starts. Cash: I gave him every one that we -- every start that we had done.

Q Okay. But we're talking about --

A Okay. Yeah, I --

Q -- what you're referring to when you couldn't find enough starts, and you're saying that was the Kochery list.

A I believe I'm still referring to the Kochery list

You know, we keep -- and I just -- I can't -- I can't help you, Larry, any further on this. You know, we've talked about a Webb -- a Webb list, and, you know, there's this possibility that maybe at this point, you know, that we get some more data, a Webb list, you know, gets tallied, but I --

Q And when you say at this point, this is after -- is this after you've hung up with Shipman and Stringfellow after the last call on April 19th?

A Yeah, yeah. Yeah, it is, I believe. I just can't remember that we -- if we got a second list. You know, I just -- I just recall there being something, you know, before or after, but it -- so to answer your question, you know, I think I'm looking at the Kochery list, but, you know, whatever I'm looking at -- and I'm saying I -- starting at the comprehensive test program, I can't -- I can't find enough. Okay?

Q Right, right.

A And I say they're all -- I say don't know if they're all logged, and then that's interesting that Cash says -- I think Cash is referring to Bockhold here--I gave him every one. You know, I think Jimmy Paul is talking about his role in counting these starts initially for Bockhold on 4/9. He says, I gave him every one, every start that we had done. Let's see. Aufdenkampe -- one had

started, one had failed, two had started, three had started --

MR. KOHN: Hello?

THE WITNESS: Yeah. -- four had started and failed. Is that how you gave it to him or did you just give him totals? And Cash says totals.

BY MR. ROBINSON:

Q And that's his response, totals?

A Totals. But before he said, I gave him every one --

Q Yeah.

A -- that we had, every start that we had done. So there's a conflict there.

Q Well, I think we've answered that particular question, and I think the folks on --

A Okay. Here it is. This is -- this is -- you know, we were talking about the conversation with Cash on the 19th. Yeah, this is it 'cause I'm asking him right here on page 35 at line 22: the information George presented when he was in Atlanta -- okay -- you got some information together for him, and Cash says right. You know, we ask him when he started counting -- okay. This is the conversation that I recalled with Cash.

Q And that's starting on what page of Exhibit 38?

A That starts on page 35 toward the bottom.

Q Other than what we've already discussed today, do you have any other information that McCoy, McDonald, or Hairston --

MR. KOHN: Larry, I have a hard time hearing you.

BY MR. ROBINSON:

Q Do you have any other information that McCoy, McDonald, or Hairston knew on April 19th about the trips that you had talked to Shipman and Stringfellow about? Okay? I'll repeat the question. Other than what we've already talked about today, okay, do you have any other information that shows that McCoy, McDonald, or Hairston knew on April 19th about the trips that you had talked to Shipman and Stringfellow about earlier in the day?

A I think we've covered the indications and the evidence that they had talked -- you know, that it -- the information had gone up the chain. Okay? And we've cited from the transcript a number of acknowledgements where the people indicate that the information had gone up the chain all the way up to McDonald, you know, so I think we already have that on the record.

Q Okay. And I'll give you a moment to think about is there -- is there any other conversation or something that you can recall that shows that McCoy, McDonald, or Hairston knew on April 19th about those March 22nd and March 23rd trips?

MR. ROBINSON: While you're thinking about the answer to that question, it appears that we need to replace tapes. It is now 2:52 p.m., and we're going to take a break for the court reporter to change tapes.

[Brief recess]

MR. ROBINSON: Stephen--

MR. KOHN: Yeah.

MR. ROBINSON: --Al's back now if you want to talk to him.

MR. KOHN: Okay. Yeah. Could we go off the record for a second.

MR. ROBINSON: Okay.

[Off the record momentarily]

MR. ROBINSON: Yeah. We're back on.

MR. KOHN: Okay. Yeah. And there's no one else in the room.

MR. ROBINSON: Okay. It is -- it is now 2:55 p.m. and we're back on the record.

THE WITNESS: Yeah. To--

MR. ROBINSON: Let the record reflect that there was an off-the-record conference between Mr. Mosbaugh and his attorney. Go ahead wherever you were.

THE WITNESS: Yeah. To answer your question, Larry, I believe that the responses that were given by Georgia Power Southern Nuclear in a variety of subsequent

sworn and under oath replies are evidence that the executives, McCoy, Hairston, McDonald, were aware that there was a problem, that there were a problem of trips and false statements about to be made here. And let me go over, you know, what I think that is. You know, first, what--when we started--for example, got the responses to the 2.206 petition, when we got the depositions from the Southern Nuclear personnel and the DOL hearing, what came through was a very clear effort to distance from those executives and from their responses to distance themself from involvement. Okay? And, for example, in the response to the 2.206 petition, the response we get back, even though we have the involvement that we had discussed earlier and we have these statements about McCoy and McDonald and Hairston being concerned about a false statement in the LER and how they've reviewed the LER on McDonald's part and how Hairston, we know from the transcript, was on the call and how Hairston was concerned about the trips so we didn't have no trips.

Even though we have all that direct evidence, when we got the responses back on these various things, the statements tried to distance themselves. So in the 2.206 petition response, we get the response back Hairston--although Hairston was not a participant in the call, okay, when we talk to McDonald in his deposition on June--or on September 17th, 1990, in the DOL proceeding, McDonald said

he hasn't--he didn't review the LER before it was signed out. When we asked McDonald where he was on the 18th and on the 19th, he says he was out of the office, he was in Atlanta. Okay? You know, again, sworn to tell the truth, the whole truth and nothing but the truth, in that deposition he leaves the distinct impression that he was not in the office. Okay? He was out of the office. He was in Atlanta in a meeting. But the fact is is that's not true. Okay?

BY MR. ROBINSON:

Q You're talking about McDonald now?

A McDonald. Okay? Because now upon Southern Nuclear's own admission, McDonald, you know, was in the office. Okay? And in his--and in statements, you know, made in the ASLB proceeding, they have now said that he--that he was out of town, you know, some of the day he was in the office on the afternoon and we know that because--and we also know he reviewed the LER. And in his statements in the same ASLB proceeding, now he's admitting that he reviewed the LER. McCoy, in his deposition he says that he was also out of town. Okay?

So McDonald was out of town, McCoy was out of town and Hairston wasn't on the phone call. Collectively, they are trying--and McDonald's never saw the LER before it was signed out. They're distancing themself from involvement.

Okay? But now--and I'll continue where I was with McCoy in his deposition, which I think was taken on about September the 12th of 1990, in the DOL proceeding. He also said that--that he was aware that Al Mosbaugh had brought up concerns about that LER with Bill Shipman. But we know that that conversation happened on the 19th. And then McCoy says--goes on to say that he was out of the office that day. Okay? In his DOL testimony he says he was out of the office that day.

When we--when we look at the white paper that Southern Nuclear provided in August of 1990 and identified who was on the call that revised the LER, they identify who was on the call. They identify myself, Stringfellow, Bockhold, Shipman, and nobody else--and Aufdenkampe and that's it. McCoy is not identified. Okay? But we know very clearly from listening to that conversation, in which the words--and it's very clear in that white paper, the words--the NRC asks the specific question of how were the words subsequent to the test program added.

Well, they were added only on one call and we know which call that was and we also know that Mr. McCoy participated in that call. Yet they didn't identify in the white paper written statements in response to questions from the NRC that they gave to the NRC a direct answering of NRC question in writing. They failed to identify Mr. McCoy.

And Mr. McCoy was present in a meeting when that white paper was prepared and he didn't identify himself and correct that answer when it was prepared. So you see, we have maybe a dozen different instances where they are trying to say I was out of town, I wasn't there, I didn't know anything about it. They're trying to distance themselves from involvement. And I believe that that act of trying--of trying to do that is a fairly, you know, strong indicator that they're trying to cover something up. And because to the contrary we hear from these comments that they--we know they were involved. We hear comments that they are involved from a variety of people. Yet, in these sworn documents, they're saying they weren't involved.

Now, they did all that before they knew what was the content of these tapes. All these responses where they say--where McDonald says I never reviewed that LER before it was signed out, I was out of town, where McCoy says he was out of town, where Hairston--where McDonald said Hairston wasn't on the call, et cetera, et cetera, they did--they made all those responses before they knew what was on the content of the tapes. Okay? And they distanced themselves. Then when they knew some of what was on the contents of the tapes, they changed their story. Their testimony is different. And now in the ASLB proceeding, they admit that McDonald--

MR. KOHN: I would just like to interject here, if I could, this is one of our reasons why we think getting the affidavit of Aufdenkampe and some of the other persons who executed statements before they had access to the tapes. They think that they are very probative as to this issue.

MR. ROBINSON: So noted.

THE WITNESS: So, you know, the story changed as soon as they knew a little bit more, knew a little bit of what was on this tape or that tape. And in the same way they changed which call of reference they're referring to now when they said Hairston wasn't on the call. Once they knew Hairston was on the call, like McDonald denied in the 2.206 petition response, they switched their reference. They switched it to another call. Okay? But that--and that does get into, you know, the affidavits. But just from--just from the way they described that call alone, you know, we know what--I know that that call was the bigger call, the earlier call, the call in which Bockhold and McCoy and Hairston participated because that was the only call in which by their own words the call in which the final wording was--and the wording was revised. You know, they used that word in their 2.206 petition response when they--when they said Hairston wasn't on the call in which the wording was revised. Only in one call was the wording revised, you know, but now they're--now they're trying to refer to the

later call. So, you know, you have that--all those denials.

And, I guess, the other thing I'd like to get in because it is--it is separate and independent indication is my knowledge of the affidavits. And let me see if I can try to go over the sequence. In the spring of 1991--well, in September of 1990, the 2.206 petition was filed. By the spring of 1991, Georgia Power Southern Nuclear responded to the 2.206 petition. And specifically in that petition, they tried to distance Mr. Hairston from involvement by saying that he was not on the late afternoon phone call and that he had every reason to believe the information and it was accurate. Okay?

Well, when I saw that, I re-reviewed, as we've discussed earlier on this transcript, and I rebutted that in a--in a follow-up allegation that I filed with Bruno Uryc and that, I think, may have gone into some petition amendments, too. And so I believe that--and that happened in June of 1991. Well, after that in the fall/winter time frame of 1991, I believe somehow Georgia Power found out that I had filed that and that there had been some rebuttal. Okay? And I don't know what channels that place took, but I think it became an issue for them or they realized they needed to support their statement that Hairston was not a participant on that call. Okay? And so what I have firsthand knowledge of is that at that time I was here in my

subdivision, in Lake Royal subdivision in Augusta, and I was--had visited John Aufdenkampe in his house in the same subdivision and he told me about the affidavit that the lawyers were seeking for him to sign. And he indicated to me that the affidavit was about that late afternoon phone call, the one about the LER, the one from 4/19/90, and that they--the affidavit had been prepared by the lawyers for him to sign and the initial draft that they had prepared for him to sign, he didn't like and he found to be inaccurate.

BY MR. ROBINSON:

Q Let me ask you this while you're talking about that: did you address in your conversation with Mr. Aufdenkampe whether or not at any time he had given them any words to form a first draft--

MR. KOHN: Losing you, Al.

BY MR. ROBINSON:

Q --of an affidavit?

THE WITNESS: That's Larry speaking.

MR. KOHN: Oh, I've lost you, Larry.

MR. ROBINSON: Okay.

BY MR. ROBINSON:

Q Do you understand the question?

A Yeah. My understanding of the evolution of that affidavit is that a draft was first presented to him, having been drafted and prepared by the lawyers.

Q Without any input from him?

A I don't know.

Q Okay.

A Okay. You know, I don't know what extent of initial input he may have provided. Okay? But if, for example, he had provided the majority of the initial input, one would think that it might have initially been more accurate. Okay?

Q Or acceptable.

A Or acceptable. But he found that initial draft to be inaccurate and unacceptable and told me he would not sign it.

Q Did he tell you what that initial draft said?

A No. No. No, he didn't. But he told me that he was going, quote, round and round with the lawyers, okay, on this. And he also said that the affidavit concerned whether Hairston--well, it concerned who were the participants on that late afternoon call and, more specifically, whether Hairston was a participant on that late afternoon call. And John said to me, he said, Al, I remember--I remember Hairston being on that call. And I said, yeah, I do, too. And then he said to me--he named to me the individuals that he recalled being on that call and he named himself and me and Jack Stringfellow and Bill Shipman and Ken McCoy and George Bockhold and George Hairston and that--and that he

remembered that. And he told me that he told the lawyers that, that he remembered Hairston being on the call. And when he told the lawyers that he remembered Hairston being on the call, the lawyers said to John, they said, John, you're--you know, we're getting affidavits from everybody that was on that call or we have gotten or are getting affidavits from everybody that was on that call and you're the only one--this is what the lawyers told Aufdenkampe, John, you're the only one that remembers Hairston being on that call.

And so that was--so we talked about that, and then I think I said something like--I said, well, you remember Hairston was on that call. I said -- I said, remember when George Hairston said, well, that's just what the shift supervisor would tell me to do or something like that and quoting from what I remembered being on the call and John said oh, yeah. And then John said to me, he said--he said, well, he said--he said, I guess I shouldn't be talking to you about this. He said, I guess--I guess there's a conflict of interest. And with that, the conversation ended.

And so then a week or two or so passed and I was visiting John again in his house and I learned from him that, I think, he said something about he had--he had resolved--he had resolved the affidavit or, you know, the

issue with the affidavits.

And then also, another contact occurred between--I think between that time. And this was a brief discussion I had with Aufdenkampe's wife because the lawyers, according to her, had been calling the house, you know, wanting to get the affidavit out of John. And she indicated that -- I guess, a degree of concern about the calling--the calling and the lawyers. And so then, like I said, eventually, John made some mention that he--that he had resolved the affidavit.

And so on an additional occasion, I was visiting Aufdenkampe's house and his wife made mention that John had completed or signed the--resolved the affidavit and offered to show me the affidavit. And she did and I read it and it was a signed copy and it was--it was just, I believe, one page in length and it started out with the typical words, you know, being of the age of and so forth. And then it started describing the LER, you know, 90-006, and the discussion, the telephone conversations that made revisions to that LER. And then the--and I think it discussed the other participants, the participants on the call, the late afternoon call on 4/19. And then the one--the one sentence that I remember and can quote fairly well out of it was that, you know, I recall--I being John Aufdenkampe, you know -- recall that George Hairston was on the call, but he was

on an earlier portion of the call and he was not on the portion of the call where the diesels were discussed. And that's as best as I recall a quote of that key sentence out of it. And so, you know, the--that was what I believe in the final affidavit that was prepared, you know, by John.

Q Did you confront John with the fact that that affidavit didn't appear to be the way the situation actually was?

A No, I didn't. And John was in the earlier conversation -- obviously realized that he had reservations about discussing it with me when he said I guess I shouldn't be discussing this with you. So I didn't approach--I didn't pursue it further with him. But I did--I did contact--I did talk briefly to my lawyers and I asked them, hey, if somebody had written something that's incorrect--

MR. KOHN: One moment.

THE WITNESS: Yeah.

MR. KOHN: Hold one second. Okay. Thank you. Okay. Someone just stepped in, but they didn't overhear and they're out now.

MR. ROBINSON: Okay.

THE WITNESS: Okay. So I talked to my lawyer and said, hey, if somebody had signed an affidavit, you know, but later realized that, you know, something there was incorrect, you know, what can they do? You know, I was--I

was trying to seek some advice for John because I was worried that he had signed the affidavit the way it was written.

MR. KOHN: Uh --

THE WITNESS: And--

MR. KOHN: Al--

THE WITNESS: Yeah.

MR. KOHN: I wouldn't get into any attorney client conversation. That would be privileged.

THE WITNESS: Okay. Well, and so I got that advice, okay, and not for myself but on the behalf of John. Okay? And so I related the advice of what he could do to his wife. Okay? And --

BY MR. ROBINSON:

Q And you don't know whether he has followed that advice or not?

A No, I really don't. I don't know anything that happened after that. I do know, though, that in the ASLB proceeding when we sought to get the John Aufdenkampe's affidavit and the affidavits of the other people that they were obtained from, that Georgia Power denied to produce those or refused to produce those affidavits. And the interesting thing there is that, see, these were prepared in the--in the fall/winter of '91 before, I believe, Georgia Power would have known the contents of any of these tape

recordings and whether they proved or not whether Hairston, you know, was on the call. And they sought--and they seems to me would have sought those affidavits to support their statements in the 2.206 petition response.

And, of course, if as the lawyer said they--everybody--nobody remembered Hairston was on the call, then these affidavits, you know, would bolster Georgia Power's case that Hairston did not willfully make any of these statements because well, he didn't know because he wasn't involved. And it would seem like it would be a strong case for them. But now that they could use those to bolster their case in the ASLB proceeding, for example, these affidavits that support--that should support their view aren't being provided. Why? Okay. Well, the reason why is obvious that since these affidavits were sought in the fall/winter of 1991, they've now learned that there are tapes that clearly do evidence that Hairston was on the call.

And based on the existence of those tapes, they have now changed their frame of reference and claiming that the call that Mr. McDonald was referring to wasn't that big late afternoon phone call; it was the call, you know, after that. And, see, now those affidavits are a liability because one of the affiants, John Aufdenkampe, has attested to that Hairston was on the call. Well, if he was on the

call, even any portion of the call, even the portion of the call where the die weren't discussed, we know that he wasn't on the second call at all, okay, that Mr.--that Southern Nuclear and Mr. McDonald, you know, may now be claiming was the call of reference in the 2.206 petition response. And if, as John Aufdenkampe said to me, affidavits were obtained from each of the participants of the call, then the mere existence of an affidavit from Bockhold and an affidavit from McCoy stating that they were participants on the call but Hairston wasn't on the call further clearly identifies that second call as not being the call of reference, you know.

And so it makes a lie out of subsequent statements, out of even the changed statement that they've made. First they made the statement that Hairston wasn't on the call. When they found out the tapes proved that to be false, they changed their frame of reference saying that no, we weren't talking about that call; we were talking about the later call. And now the affidavits are in a position to blow that out of the water, to prove that now this--even this latest statement, this ongoing statement, is yet again, false. And so, you know, that's the additional information that I have about the affidavit.

So it's--I guess, you know, to try to answer your question again, Larry, it's this continuing inconsistency,

coverup, you know, desire to distance themselves, the effort to change the story, you know, that indicates to me, yeah, they were--they all knew; they were all involved; they made the decisions to let it go out false the way it went out and now they're doing everything they can to keep the proof of that from coming to light.

Q And I appreciate that information. Do you have any information that there were any conversations among Bockhold, McCoy, McDonald, or Hairston on April 19th other than the taped conversations, okay, that--in which the comprehensive test program and the decision to start the counts after the comprehensive test program was made? And I'll try to simplify that question. Other than what is on the tapes regarding that late afternoon phone call and the decision to use the subsequent-to-the-comprehensive-test-program language, are you aware of any other conversations between Bockhold, McCoy, McDonald, or Hairston about that issue?

A Yeah. I think--I think that there--well, I think there were additional conversations between those parties, and I think we have evidence

MR. KOHN: I can't hear anyone.

THE WITNESS: Yeah. I think there were additional conversations between those parties, and I think that we have evidence of that in that segment that we talked about

earlier off of one of these transcripts makes reference to a discussion that's not taped. Okay. And where that is it makes--I think there's an indication that Stringfellow probably called Aufdenkampe and there's a statement on there that Birmingham thinks there's a material false statement in this LER and it's being discussed between McCoy, Hairston, and McDonald. Okay. And I think that's, you know, fairly good evidence that there were other conversations and--

BY MR. ROBINSON:

Q Okay. And now I'm kind of focusing on the subsequent to the comprehensive test program. I understand -- I understand what you're saying that that tape excerpt indicates as far as conversations among the highest levels regarding the issue of the fact that there were trips and perhaps how we were going to solve this problem. Okay. And my question is: I guess you're including the potential of conversations about the comprehensive control test program in those -- in those conversations that you feel took place as a result of that?

A I think it's--I think it's entirely possible. All along the way, I see--I see attempts to solve this problem. Okay. We see it with Shipman, you know, trying to figure out if he can use the words valid to solve this problem. And the way the words comprehensive test program are introduced into that conversation is--that series of words

really hadn't been mentioned before and all of a sudden, you know, that's introduced. You know, I will raise the possibility that that might have been prediscussed as--

Q Well, I think the words--

A --as some new phraseology.

Q I think -- I think those words were used in the April 9th letter. I'll take a look at the April 9th letter. It was in a sentence prior to the discussion of the counts.

A Okay.

Q And--okay. In the April 9th letter--and I quote from paragraph G [reading] since March 20th, 1990, GPC has performed numerous sensor calibrations including jacket-water temperatures, extensive logic testing, special pneumatic leak testing and multiple engine starts and runs under various conditions. And I agree with you that is not exactly the word regarding the comprehensive testing. So the comprehensive testing language was not only introduced into the pertinent statement with respect to counts, but the comprehensive testing language was introduced into the LER in the sentence just prior to that where they talked about them being subjective to a comprehensive--

A Yeah. It says--yeah.

Q --control test program.

A Since, you know, they have been subjected to a comprehensive. It was a new phrase.

Q Okay.

A You know, either it was coined on the spot but it may well have--very well have been, you know, coined in an earlier discussion and introduced, you know, into that conversation.

Q Right.

A You know, one other--one other thing that I thought about while we were talking about additional evidence. You know, we haven't discussed the multiple draft revisions. Okay. But the multiple draft revisions, of which there were seven or eight, you know, different drafts written in June time frame, I think--yeah.

Q Of the revision to the LER?

A Yeah. Right. The draft cover letters that would accompany the June 29th LER revision.

Q Right.

A They ascribe the error to a whole variety of reasons. Okay. And they get into valid and they get into well, we counted--we counted all the starts but we only counted the valid failures, you know, and then we counted it this way but that--and you know, there's seven or eight different and in-between them inconsistent and virtually all incorrect reasons for this error. And some of those you can see from the transcripts were being tossed around, you know, at the time they were--on the 19th. Okay.

And so, you know, I'm suggesting that that indicates that there were probably a number of maybe different discussions that were going on as to how we could solve this problem, how we're going to reword this thing, how we're going to cover up the 4/9, how we're going to interpret, you know, what we said on 4/9, how we're going to make it now consistent with whatever we're going to say this time. I think that is some evidence of additional conversations occurring. And Mr. Hairston has stated in--well, in the white paper in the questions the NRC asked of Georgia Power in August of 1990, they indicated to the NRC that Mr. Hairston himself was the one that worked with a staff member to prepare all those draft cover letter revisions.

Q Yes. I know you covered the draft cover letter revisions very--in a lot of detail in your allegation that came off of your--in your computer--

A Right.

Q --printed allegation. Yes, I'm well aware of those. Continuing with some of these questions from--then. I believe, we're probably about through with them.

[Pause]

Q Earlier I asked you if you had ever presented any kind of a written diesel test plan to George Bockhold and, I believe, you answered that you hadn't?

A That's correct.

Q Are you aware of anyone that did, in fact, give Bockhold a diesel test plan?

A I don't remember that anybody wrote a complete, you know, before-the-fact determination of these are all the tests that we're going to do because along the way it was decided to add new tests. And based on results of other tests, new tests were added. So I don't remember any document of a listing of tests, you know, we're going to do before the fact. Along the way, yes, there were--there were various test schedules. There were various lists developed for presentation purposes that we have done these tests and it listed, you know, tests we were going to do.

But, you know, with regard to your last comment, you know, I think after this event occurred, you know--and it was in a staff meeting or maybe a PRB meeting, you know, I tried, you know, from my management position to direct the appropriate people to the philosophy I thought we ought to take in testing these diesels and said that there ought to be a three-part test program to test these diesels. And one, there was a test program was needed to determine the root cause. And there was a test program needed to make them operable again and that--and that may or may not have been operable in the--in the tech-spec sense. Okay.

And then there was a test program to assure

reliability. And those were the three elements that I tried to indicate, you know, we needed. We need to figure out what's wrong, what the root cause was, what the failed component was, and get that firmly determined, the firm determination of root cause, to correct it. And then we can go about, you know, getting these machines operable to run again. And then not only getting them operable, you know, verifying that we have the required reliability to support a return to power operations. And, you know, that was the test program I tried to articulate. I never wrote--I never wrote that down and, to my knowledge, it was never worked up in a detailed--

MR. KOHN: Hello.

THE WITNESS: --in a detailed list of testing.

MR. ROBINSON: Can you hear -- have you heard anything at all on that, Stephen?

MR. KOHN: Excuse me.

MR. ROBINSON: Did you hear anything at all of what Allen just said about the test program?

MR. KOHN: No. It faded out, but we can just move on.

MR. ROBINSON: Okay.

BY MR. ROBINSON:

Q And--

MR. KOHN: You just try to keep your voices a

little louder.

MR. ROBINSON: Right.

MR. KOHN: 'Cause I can follow most of it, but every once in a while, you fade out a little. So just try to keep it just one little decimal point above normal.

MR. ROBINSON: Well, maybe we're getting a little tired.

MR. KOHN: Yeah. Well, why don't we take a break?

MR. ROBINSON: Well, I'm just about at the end of this point of bringing forth some questions that were brought forth by OGC and enforcement and NRR, so I think we can continue with those.

MR. KOHN: Okay.

[Pause]

MR. KOHN: Hello.

MR. ROBINSON: We're reviewing questions right now.

MR. KOHN: Okay.

MR. ROBINSON: Okay. I think that pretty well concludes the additional supplemental questions that I had regarding this issue. Why don't -- why don't -- it's now 3:37. Why don't we take a break, Allen, and you decide if there are any final comments or issues that you want to bring up to go on the record at this point that pertains to the diesels and the reliability of the diesels and the--

MR. KOHN: Right. Al--

MR. ROBINSON: --reporting of that.

MR. KOHN: --do you want to talk--

THE WITNESS: Yeah.

MR. KOHN: --or do you want--

THE WITNESS: Yeah. I'll--we'll--we'll talk off the record.

MR. KOHN: Pardon.

MR. ROBINSON: Yeah. It's now -- it's now 3:37 and we're off the record.

[Off-the-record discussion 3:37 - 3:45 p.m.]

MR. ROBINSON: It's now 3:45 and we're back on the record.

BY MR. ROBINSON:

Q Mr. Mosbaugh, are there any additional comments that you would like to make pertaining to your allegations of false statements regarding these diesels?

A I guess I'd like to--I'd like to try to cover another area of false statements about the diesels and then, I guess, after that, I'd like to--I'd like to just give maybe a little bit of overview of the way I see the diesels being sold to the NRC to be reliable based on statements of error and on starts and on the testing--

MR. KOHN: Hello.

THE WITNESS: --and on the testing done, you know,

based on the fact that they failed, you know--

BY MR. ROBINSON:

Q Okay.

A --in a summary fashion. But first, let's just cover that other area of false statement. The COA letter, which I first saw on the 10th of April, 1990, like I said, there were two areas that kind of jumped out as being--as being suspicious. And when I--when I read it and was handed it in that meeting and read it, you know, I looked at those areas and I thought, hmm onomatopoeia, you know, these look funny and so I started looking into them. And the first one that I looked into was the statement about air quality and we'll focus here specifically on dew point. The statement is made--and if you have the COA there, we can just quote right from it so I don't have to paraphrase.

[Mr. Robinson proffers document to the witness.]

A Item 4, page 3 [reading] GPC has reviewed air quality of the DG air system including dew point controls and has concluded that air quality is satisfactory. Initial reports of higher than expected dew points were later attributed to faulty instrumentation. And then--

Q Unquote.

A Unquote. And then there's a little bit more, but I'd like to focus on those sentences.

Q Okay.

A What I did is I--like I said, this was the first thing that I--that I looked at because I knew we were having trouble with air quality and we were having trouble specifically with dew points. And so I asked one of the engineers to look into that and give me information about it. I believe his name was Tim Steele, I think. And he gave me a package of information which I gave you, and when I looked at that package of information, it became quite apparent that the air quality wasn't satisfactory with respect to dew point. And what is satisfactory? Okay. Well, there was an NRC generic letter and it has a special number. I can get it for you if you want, but I think you probably know what it is. And it's in the FSAR and I believe that that specific generic letter was signed as a signed response of George Hairston.

Q So this -- is this an NRC generic letter or a--

A It's --

Q --Georgia Power?

A It's a Georgia Power response to a generic letter. Would you like me to get it? I mean, I--

Q You can get it if you'd like. I--

A Okay. Well, let's just--I can get it in about a few seconds.

Q Okay.

[Witness exits room 3:49 - 3:50 p.m.]

A There's a generic letter from the NRC. It's an NRC document.

Q Would you identify it.

A Well, actually, what I have here is an NRC information notice, but there's also--that's an NRC document and then there's also a generic letter.

Q What's the number of the information notice?

A Okay. The NRC information notice is number 87-28.

Q Dated?

A Dated June 22nd, 1987.

Q And the document--

MR. KOHN: Al--

THE WITNESS: Yeah.

MR. KOHN: Are you talking?

THE WITNESS: Yes, I am. We'll talk up.

MR. KOHN: A little louder.

THE WITNESS: And this response here is titled Vogtle Electric Generating Units 1 and 2, Operating Licenses NPF-68 and NPF-79, generic letter number 88-14, Instrument Air Supply System Problems Affecting Safety-Related Equipment. And this is a response, and this response here is signed by George Hairston.

BY MR. ROBINSON:

Q And what is the date of that?

A The date of the response is signed by Hairston is

the 17th of February 1989. And in that Georgia Power SONOPCO responds to instrument air quality at Vogtle, but the area we want to focus on is diesel instrument air 'cause this responds to both the instrument air system and the diesel. There -- now, the -- on page 3 quoting from the response, [reading] the maximum dew point acceptance criteria for the VEGP diesel air start system has been established as 50 degrees Fahrenheit at system pressure, see FSAR table 9.5.6-1. And so that's the statement in it and that's the acceptance criteria. It is 50 degrees Fahrenheit dew point at system pressure.

Q Okay.

A So what I found out when I had the engineer look into this statement was that there had been major problems with the diesel instrument air system and there's just-- there's one air system. There's starting air and control air, and it comes off the same system. And what I found out was there's air dryers. There's refrigerant-type air dryers in that system to lower the dew point of the air to meet the acceptance criteria. And the reason why you have to have a low dew point is the HVAC controls for those diesel rooms. The lower limit of temperature control and design for those rooms is 50 degrees Fahrenheit.

So if the dew point of the air system would ever rise to 50 degrees and if the room were cool at 50 degrees,

which is its lower limit of temperature, then condensation could occur in the air lines, in the control air lines, and these are fluidics/pneumatic-type controls and any water in those lines would make the whole control system go haywire. So that's where the acceptance criteria comes from. And what I found was that due to maintenance problems and not doing proper corrective maintenance, air dryers were out of service. And according to the engineer, where they had been out of service for a year or more. Well, with no--with no air dryers in the system, obviously, the dew points were going to be high, very high, and probably about saturation because when you compress air, it becomes saturated. In fact, you have to drain water out of the receivers.

If you've ever operated an air compressor and you open the drain on the bottom of an air compressor, water comes out. So when you compress air, you squeeze it down, it becomes saturated, and the dew points rise way up. And if you don't have air dryers operating, you get real high dew points. So specific measurements were taken and that problem has caused diesel problems and diesel failures at other plants and that's the reason why these generic letters were issued among other things. And so when this accident occurred on March 20th, obviously there was some keen interest in whether or not the air quality and the--and the dew point and water in the system had been a contributing

factor and it had been part of the root cause. And so some measurements were taken, and what I found out was that, like, from maintenance work orders--and they're documented specifically in some of those allegations I gave the NRC and I gave you, Larry.

I named the work orders, and these work orders show dew points 80 degrees, 90 degrees, you know, very high, clearly higher than the acceptance criteria. That acceptance criteria is pretty much black and white. If you're above 50 degrees, you could claim that your air is satisfactory. If you're below 50--I'm sorry. If your dew point is below 50 degrees--strike what I said before.

If your dew point is below 50 degrees Fahrenheit, then you could claim that your air quality is satisfactory. If your dew point is above 50 degrees Fahrenheit, then you could not claim it satisfactory. You would have to say that your air quality was unsatisfactory. And that's what an acceptance criteria means. It's a bound. It's a point where it's sat or unsat. Obviously, high dew points is what's a problem, you know, not low dew points. So high dew points were found and they were found in these work orders and, I think, like on sometimes in -- there were dates in March and I think there were dates in April--

Q Of 1990?

A Of 1990. And but even worse is what I found from

the engineer is they hadn't been checking them, you know, when the air--when the dryer was out of service. There was a whole period of time, like in '89 and earlier, when they hadn't even--there was no data. Okay. And some of the data that you looked at was scientifically impossible, like it was 10 degrees Fahrenheit. We--you couldn't have that even. That was below the--it was below the freezing point. So there was all kinds--the data was real funny. It was nonexistent. They hadn't been checking it, but we're still--it's not that they just hadn't been checking it. We knew the air dryers were out of service. It was a maintenance problem. There were parts on order. There was a compressor and a fan out, and the parts were on order.

And so the--this system wasn't even running. And so -- and after this site area emergency happened, there was some more focus to get some measurements on it. And when we started getting measurements on it, the measurements were bad. They exceeded the acceptance criteria. The air quality was unsatisfactory. And, I guess, the worse thing of all is that--is on the very day that George Bockhold went to Atlanta to--and that afternoon when they gave this document to the NRC stating that the air quality was satisfactory--

Q When you say this document, you're talking about the April 9th COA letter?

A April 9th COA letter. The very day--the--that--I think the day before and the very day the measurements of the dew point were--exceeded the acceptance criteria, were unsat and George Bockhold knew it. And I participated in a conversation with George Bockhold where he acknowledged that he knew on that very day that he had--that he had a bad reading, an 80 degree about dew -- Fahrenheit dew point.

Q Was that on unit 2?

A Well, there were ones on unit 2 and on unit 1, on both units.

Q And was -- were these high dew point readings at this point in time a result of faulty instrumentation?

A No, they weren't. These were confirmed measurements because what happened was in the--in the beginning maintenance, I think, had a couple of different instruments to measure dew point with, and they had problems using them or they weren't familiar with using them. But some of the engineers got involved and told them which instruments to use and other instruments were used and the--and the high values were confirmed. And so these high values I'm talking about were real accurate data. Okay. They were not a measured condition that was high when, in fact, the actual air quality was satisfactory. No, that wasn't--that wasn't the case. And so that's really the second sentence here. You know, the first sentence says-

-and, you know -- and George Bockhold's going to Atlanta making this statement and he knows they were bad. And he makes some reference in one conversation about, you know, how they were kind of embarrassed because Milt Hunt picked up on one of these. Well, that was just one of a variety of readings that were bad.

And then the second sentence [reading] initial reports of higher than expected dew points were later attributed to faulty instrumentation. Well, that--you know, you read that. That--if I read that, I--that says well, yeah, we may have reported some high values but in reality they were bad--they were inaccurate readings and the true dew points met specifications. That's what it says to me, and I think that's what it meant--means to the NRC. The NRC indicated that's what it meant to them in the ASLB proceeding. And that's false. That's not true. There were accurate readings taken at the time this letter was written and before that were high, that were unsatisfactory. And despite that fact, Georgia Power put in writing that one, it's satisfactory and they lied about the reason why there were high readings. They--the readings were good readings. And, like I said, I had a fairly extensive write-up and discussion with the--with Engineer Tim Steele, and there were some follow-up discussions that are documented on a tape recording where Mr. Bockhold acknowledges that he knew

the readings were high. And he makes--and in that conversation, he doesn't mention that it was a bad reading, that was an--I'll say, an inaccurate reading. He doesn't, in that conversation, attribute the high reading to an inaccurate reading. Okay. He knew that at that point, you know, the instruments, the detection instruments were being used properly and these were high values. And the reason why one of the engineers also speaks up in that reading--in that meeting with Bockhold and says well, you know, why that is, and he said they left the instrument air dryer off again, you know. And that was--maybe I think it was Paul Kochery. You know, he even told Bockhold why the reading was high, you know, because, you know, they had left the dryers off. If--when you leave the dryers off, the readings are going to be unsatisfactory.

And this system, this air system had a terrible history, a terrible maintenance history of inadequate corrective maintenance and leaving these dryers out of service. And the operators themselves, even after the maintenance was completed, had a bad habit of not assuring that these dryers were in service 'cause that was what happened with the bad readings on the 9th.

Q Had you had the history or problems in the operation of a diesel as a result of air quality problems?

A It's hard to say, okay, because this kind of

problem can manifest itself in a lot of different ways. And we had--it turns out in retrospect, when you look back, for example, CALCON switches, there was a terrible maintenance operating history of CALCON switches. CALCON switches had--you know, I think the IIT report identified, you know, some 69, I think it was, or so failures of CALCON switches. Were those--some of those previous failures, you know, any result of air problems? Well, maybe. We had--we had some problems that were identified in some of the control logic, in the fluidics, and in a thing called a P3 interlock. You know, there were other problems with the--with the diesel, the so-called air-start pilot solenoid valves, problems that were not logged by operators and only found--

MR. KOHN: Al, you keep fading.

THE WITNESS: Okay. Problems not found by operators and later logged and reported to the NRC under--and I think of part 21 issue, you know. Air-start solenoid valves, they all--they're all from this same system, you know. So it's hard to--it's hard to say whether there had been an operating history that was affected by this or not. That's why--that's why the NRC was concerned about this. That's why they wrote the generic letter because they knew how insidious an air quality or dew point problem, you know, could be in a diesel system that utilized air and pneumatic controls. So--but the maintenance history was very bad and

was known about. And again, Georgia Power needed to relieve NRC concerns in this area. An NRC man had picked up on a high reading. Okay. You know, Bockhold says Milt Hunt picked up on this high reading. Well, they needed to dismiss that, you know. And so, you know, it's dismissed here. It says initial reports of higher than expected dew points were attributed to faulty measurements, faulty instrumentation.

BY MR. ROBINSON:

Q What do you think they meant by initial reports?

A Well, I don't know. Maybe the ones the NRC knew about.

Q Okay.

A Maybe this one Milt Hunt picked up on. You know, maybe the one--I believe there was some concern by some of the NRC people about this when they--when they got wind of a high--of a high reading. Okay. And when you read this, if you were one of those people sitting in a big meeting, you know, assessing whether to give this plant permission to restart and you knew there was a high reading and then you hear, well, the initial reports had been attributed to faulty--and you basically say, oh, okay, well, it was a bad reading and in actuality, what they've done since proves that the air really was good and they just measured it inaccurately.

Q When, in fact, that was not the case and Bockhold knew of a high reading with good instrumentation being used properly the day before he came over to --

A Yeah. And the--and the engineers knew. The engineers all knew that their current readings, the reading were being done with multiple instrumentation. One of the work orders after they got the high reading, they went out with three different types of instruments and independently confirmed with each instrument, you know, the reading, you know. So maintenance knew that the bad--so- called bad readings were--

Q True.

A --were accurate, true and accurate.

Q Truly bad readings.

A Yeah.

Q Truly bad dew points.

A And it's documented on work orders and the engineers knew it, you know. Yet with all that knowledge on site, this is what we--this is what we go to the NRC with. And I found it very--very false and misleading. And when you add to the history, you know, the more than a year of operation with no dryer in service, you know, with this equipment, you know, and you can't even get--you can't even resurrect data, you know, on this. I couldn't even get any data prior to nineteen--seems like 1989. You know, Plant

Vogtle went in service, you know, initially in nineteen eighty--'87 in the beginning and--

Q Okay.

A --so--

Q Any other comments with respect to the--

MR. KOHN: Hello.

BY MR. ROBINSON:

Q -- with the dew points and the air quality or do you--

A Well, I--you know, I--I've tried--I documented those as best I could in that--in that other submittal. And then I'll--I'll also add that the taped conversation of Bockhold--and in response to, you know, an earlier question, you know, delay in informing my management of this, as I indicated, the first thing that I really jumped into was this air quality thing. And, you know, I had that memo to Bockhold, I think it was the very next day, you know, about stating that, you know, hey, this wording here about it being satisfactory, that it probably wasn't satisfactory, what we told the NRC, you know. And I gave him a memo on the 10th and--I think it was the 10th.

Q 10th or the 11th.

A Or the 11th. And, you know, then I--then I, after I exhausted my review on this one under the starts. But a meeting occurred with a lot of the engineers, you know, and

Bockhold, you know, telling him about--you know, telling him about the bad readings and then he said, you know, the day I was going to Atlanta, you know, I heard about the bad reading.

Q You also indicated that you--I believe you wanted to summarize--

A Yeah.

Q --the overall--

A The overall--

Q --picture.

A The--you know, when we talk about this diesel and these false statements, these false statements were made to get permission to restart to--with the air quality to alleviate the NRC concerns that air quality might be--you know, have a role in this--

MR. KOHN: Al--

THE WITNESS: Yeah. Have a role in this accident. And the other ones were in response to a very obvious concern of the NRC: are your diesels operable? are they reliable? are they ready to support a return to power operations? which requires both diesels fully reliable. You know, the NRC has regulations and requirements on this. And the NRC requires--and it's part of the safety analysis of the plant that this emergency power, this backup emergency safety power system has to have a 95-percent reliability per

diesel and the system as a whole has to have a 99 percent reliability. Those are the requirements that the NRC has set up for a diesel system, the system at Vogtle, for that plant to operate safely. And they require initially that that reliability be demonstrated through testing. And you're required to do a total of 69 consecutive tests, valid tests, not just--not just any old test, not just a one-minute test. Okay.

You have to loaded runs, you know, valid loaded tests and have a success. And, you know, to me this site area emergency, you know, which -- a blackout, you know, total plant blackout at mid-loop, you know, demonstrated that there was a major problem. The required redundancy wasn't there. The reliability wasn't there. The safety systems were unable to function. And it all came down to the reliability of these diesel generators. And among other things, one of--one of the key causes was determined to be CALCON switches. And the CALCON switches had a terrible maintenance history as indicated in the taped conversations in the critique, for example, from March 23rd. The maintenance people acknowledged that they had known about CALCON switch. They said they were horrible; they were junk. You know, how the hell can you put something like this on a diesel. They knew that every--that they had to be replaced or recalibrated every time they were used. And so,

you know, and they've known about this for years, and there was a terrible maintenance operating history with these CALCON switches.

So in order to get this plant back up again, you know, we surely would have to prove that we had identified the root cause, that we had corrected the root cause, and we had demonstrated through testing that the diesel was both operable and reliable. Well, you know, when you look and see what we did, you know, well, first, we made false statements about how many times these diesels had been started. And it is that successive testing which attests to reliability. Everybody's used to that. The NRC's used to that. That's the way they wrote their regulations is that successive tests is what establishes reliability. And to get a 95-percent reliability just in layman's terms would require about 20 starts. If you failed once in 20, that would be a 5-percent failure or a 95-percent reliability, you know, requirement. Now, the NRC regulations are a little more complicated than that, but just in simple terms, you have to demonstrate the successive testing.

Well, they didn't have that many tests. But then when you look at the tests that they did themselves and that they took credit for, you know, it just goes further to show that the testing they did didn't prove the reliability. Because the way these CALCON switches were failing, the way

the site area emergency was created, was that the CALCON switches were subject to set point drift. Okay. They were supposed to trip the diesel off at 200 degrees Fahrenheit, but they tripped the diesel off when the temperature wasn't close to that. And why did they do that? Well, they were--they were kind of unreliable. Okay. They were found to have debris in them due to bad maintenance practices. They were found to have a loose collar which actually twisted them a little bit and adjusted the set point -- a loose set screw that wasn't ever properly incorporated into the maintenance procedures for installation. The temperature bath that Georgia Power used to calibrate it in had internal flow blockage and didn't have uniform temperatures in it.

So there's this whole slew of maintenance problems and other things that caused these CALCON switches to have a set point drift down maybe to 186 degrees, maybe--the one that was actually quarantined in the site area emergency, its set point had drifted down to, I think, 186 degrees. And so with this drift, what happens sometimes is the diesel was started, you know, loaded, you know, heated up, the temperature of operation moved up to the downward drift of the set point of the CALCON switch and then the diesel tripped off line. And, you know, so when you--when you take a look back at all this testing, even the testing even though the words themselves were false that there weren't as

many tests as they described, if you look at the very tests that they did do, the accurate number that they did do, you look at them and you see some of those runs were only run for--the diesel was run for one minute. It was started and run for one minute. In another case it was run for three minutes. In another case it was run for five minutes. And you look at the actual testing that you could have taken credit for, it never subjected those diesels to a test that would have manifest the very problem that caused the site area emergency.

You start a big diesel like that up and the initial jacket water is 150 degrees, maybe 160 degrees. It's a massive engine, several thousand gallons of water, generates some heat, but it doesn't heat up but a few degrees in a--in a minute or a couple of minutes. So these tests that you did that are testing the reliability, that we conveyed to the NRC that tested the reliability, they never challenged the defect. They never challenged the defect of CALCON switches that drifted down into lower temperatures way below their set point which prematurely tripped the diesel. So--and we didn't load--a lot of these tests, we didn't load the machine. We didn't tie it to the generator and let it produce seven--7,000 kilowatts of power and really lug it down and generate that heat.

This was scientifically illegitimate testing that

was being falsely claimed to the NRC on exaggerated numbers to take credit to get a restart. And I have a much better perspective looking at that now than I--than I did, you know, when this was happening because I've had time to, you know, really think about it and analyze it. But, you know, what we did and what we said wasn't right. You know, we shouldn't have allowed and the NRC shouldn't have allowed those diesels to be returned to service. And the very fact that on May, after we got permission to return to service, the very fact that on May 22nd of 1990, the diesel tripped seven times in the same day on CALCON high jacket water temperature switches, you know, just proved that we weren't ready to put that, you know, that unit back on line. We weren't--we shouldn't have--we shouldn't have been granted--

MR. KOHN: Hey, Al, I keep losing you.

THE WITNESS: Yeah. We shouldn't have been granted permission to do it, and it was only after that embarrassment, you know, did we really get serious, you know, about it and get to the root cause, you know. That unit was returned to service before the root cause had been corrected. The vendor--the vendor and the--and the site, you know, wanted, I guess, wanted not to have a major problem, wanted to--wanted the CALCON switches to be able to stay on there and not have to make a design change and

whatever and ultimately, then after the failures in mid May, you know, then a design change was made that cut them out of the circuit. And, you know, that's the big view on this thing and, you know, we didn't tell the truth and we were granted permission to restart the plant, you know, based on misrepresentation.

BY MR. ROBINSON:

Q Well, I appreciate those comments. Is there anything else that you want to add to that before we wrap it up?

MR. KOHN: Hello.

THE WITNESS: We're in a holding pattern. We have a final question of is there anything else.

MR. KOHN: Why don't we--Al--

THE WITNESS: Yeah.

MR. KOHN: That's the question, is there anything else? That's the question on the table?

THE WITNESS: Yeah.

MR. ROBINSON: Yes.

MR. KOHN: What I suggested with Al during one of our breaks was that when the transcript is ready, that he go and review it in your office for correction and maybe at that time if there's anything else he'd like to add, that we could bring it up, call it to your attention.

MR. ROBINSON: Okay.

MR. KOHN: That's my procedural suggestion.

MR. ROBINSON: Well, that sounds acceptable to me.

BY MR. ROBINSON:

Q Once again, I'll ask the final question: are there any other comments pertaining to the false--your allegations of false statements and subsequent coverup of the false statements that--

A Yeah. We--

Q --you want to add?

A Yeah. Larry, we didn't, you know, when -- when we first talked, we talked about five major documents. Okay. You know, we haven't talked about--

Q The revision to the LER--

A --the rev and--

Q --and the August 30th letter.

A --the August 30th letter. And I guess I'll add into that the QA audit. Okay. But that's not one of your five documents, but, you know, as evidences as I've been trying to convey of a continuing coverup and subsequent false statements made in other submittals on this as being, you know, problems in themselves as well as supporting evidence of the initial allegations, you know, we have the reasons submitted in those follow-ups and--and we have in the--in the June 29th revision to the LER the restatement of all the wording in terms of valid. Okay. And then we have

the attributing of the reason for the air to the lack of a--
no. I'm sorry. In the--yeah. We have attributed to in
that one, in June 29th, '90, we have the--it attributed to
diesel start recordkeeping practices and the lack of a
definition of the comprehensive test program and--

Q And you're saying that those weren't the real reasons that that--

A Well, no.

Q --data was bad?

A No. They weren't, because the diesel start recordkeeping practices, if you bothered--if you bothered to get the logs, the control logs out of the main control room or the shift supervisor logs, if you bothered to get both of them or either of them, you could not have supported your statement. And the fact that there was a QA audit and that they did find some discrepancies between them, those discrepancies would not have caused you to make the error. Okay. Yet, that's what they hang their hat on. Okay. And I find that misleading and a misrepresentation. The other thing is the--that it's attributed to the definition of the test program. Well, no, not really. True, there wasn't a definition of the test program, but the reason why the words 18 and 19 were put in there weren't because there was any confusion or lack of a definition of the test program. They were put in there because McCoy said that those were the

numbers he wanted in there and Bockhold said, yes, those numbers were right, that they occurred after the test program.

MR. ROBINSON: The court reporter is indicating a need for a change of tape. It's now 4:28 p.m. and we're off the record for just a minute.

[Off the record momentarily]

MR. ROBINSON: All right. It is still 4:28 and we're back on the record.

THE WITNESS: Okay. So those weren't the reasons. They weren't the reasons why the errors were made. It's interesting that on the--on the same day, on June 29th, 1990, the report from SAER from George Fredericks came out, the report that had been initiated to verify the start count. And that report concluded that there--that an error had been made. It concluded that the information was in error. And it said that it -- it said that they did not--that they did not attribute a specific cause to--that they did not find a specific cause. Okay. Yet, when we wrote the cover letter, then, you know, these--these specific you know, causes are--are mentioned. So, you know, there's some disagreement between that QA report and what was written here but--

BY MR. ROBINSON:

Q To your knowledge, were George Bockhold and Jimmy

Paul Cash interviewed as--

MR. KOHN: Hey, Al, I've lost you.

THE WITNESS: Yeah. Larry's talking.

MR. KOHN: Then I've lost him.

BY MR. ROBINSON:

Q Were George Bockhold and Jimmy Paul Cash interviewed as part of that QA audit--

A What--

Q --with respect to their start--

A That's an excellent question, because I was a little irritated at George Fredericks for his--

Q George Fredericks being the SAER man that conducted the audit or that supervised the conduct of the audit?

A Yeah. It was the--the SAER guy on site. And I was a little disturbed at him because of the conclusions I read in that audit and I confronted him with that. And I said, George, I said--I said, do you know--do you know how those words really got in there, you know, how the phraseology really was in there. And I said, you know, you weren't on that call. Okay. And he acknowledged that they did not--they did not look at that, that he was not aware of what had transpired on that call and how those words were added into it. He was not aware, and based on his statement to me that he was not aware, he wasn't on the call and he

was not aware of what had happened on the call, I told him, I said, well, then how could you--then how can you draw a conclusion, you know. And so my--

MR. KOHN: Hello.

THE WITNESS: So my answer is no. I do not believe that they did the appropriate investigation of asking George Bockhold. And it would have been George Bockhold because this was the LER, you know, or Ken McCoy, you know, how did these words get in there; who put them in there; based on what. Okay. And to my knowledge and based on my discussion with Fredericks, he did not do that.

Then, you know, in August 30th, then the correction, the clarification to the COA comes out. Now, you know, it's--I'm astounded at how it's over 4½ months later, you know, that we're going to correct this statement, but now we have yet a different reason, you know, comes up. You know, you have to remember that whatever we're talking about here, because the words were the same or meant to apply to both, you know, that the reasons ought to be the same here. Okay. 'Cause we know in--from our earlier discussions how the--how the wording was derived and how it came and it applied to the 4/9 as well as the 4/19.

But now on--now we had that there was confusion due to two factors. You know, first there was confusion in the distinction of a successful start and a valid start.

BY MR. ROBINSON:

Q Let the record reflect that Mr. Mosbaugh is now quoting from the August 30th letter from Georgia Power to the NRC, signed by Mr. McCoy.

A Yeah. That one was signed by McCoy for Hairston, right. And the first one was signed on the--on June 29th was signed by Hairston. And then the second reading--reason states that an error was made by the individual who performed the count of the diesel starts and, you know, that individual, you know, to my knowledge, is Jimmy Paul Cash. And so now we have different, you know, different reasons, you know, applying to different documents granted, but because of the way they were created and worded, the reason--they were the same and they meant the same. They were intended to mean the same and certainly, the reason should have been true, but the reason is none of these. And, I guess, you know, the other thing that I'd add to the record is that on about August 30th, maybe August 29th, I participated as an observer in a meeting. And I think it was a PRB meeting that Tom Green was holding and they were going over this August--what would be the August 30th correction to the COA and in that meeting they were discussing--

MR. KOHN: Hey, Al, you've got to talk a little louder.

THE WITNESS: --they were discussing this--the correction and the reasons and I was--I was getting a little bit upset by all this rationalization about, you know, talk of these confusion and comprehensive test program and all this. And so I spoke up in that meeting out of frustration and said, you know, why don't we just tell the truth, you know; why don't we say that we were just negligent. Okay. And well, with that, Tom Green cut the meeting off short and says, well, I've heard enough, and dismissed it and they went on and they issued this, you know, the way--the way it came out. And, you know, that was--that was just, you know, another event where it appeared--

BY MR. ROBINSON:

Q Is that comment that you made on tape?

A Yes. Yes, it is.

Q I'm aware of the--of at least one meeting regarding that August 30th letter in which Mr. Bockhold was present and the--and two specific statements that talked about failures on specific starts that were in a draft were removed from that draft.

A Yeah. This was another meeting.

Q This was a different meeting?

A Yeah. The meeting you're talking about, I recall, was with Bockhold and it occurred in the war room on the second floor of the service building. The meeting I'm

talking about was a PRB meeting and, I believe, occurred in Jim Swartzwelder's office or Skip Kitchens', one of those corner offices. It was in an office. It wasn't in the war room. I think it may have been in Swartzwelder's office.

Q And this would have been either--

A Right about--

Q --the 29th or the 28th--

A Yeah.

Q --or the 30th?

A Yeah, yeah.

Q Okay. Go ahead.

A So, you know, they didn't want to hear what I had to say about--

Q Negligence.

A --about negligence and about what I was trying to say was my observation of the real reason for the error here. You know, they didn't want to address that.

Q He just adjourned the meeting?

A He said, I've heard enough, and he was--he was irritated and -- I've heard enough, and I don't know if we adjourned the meeting, but we got off that topic.

Q This is Tom Green?

A Tom Green. Yeah, yeah.

Q Okay.

A So -- you know, and so we have a continuing change

in reasons, you know, for the error, you know. And then, you know, the other thing we have is--and this comes out of recent submittals in the ASLB proceeding -- is a continuing changing of the definition of the comprehensive test program. And it's changed--you know, we--you have about--you've got about a half a dozen to a dozen different definitions of the comprehensive test program. You have the definition that was created when Bockhold said what he said on 4/19. Then you have the definitions that--and the reasons that you have in those various draft letters just before four--or just before June 29. Then you have what's in your revision here on 4/29. It says, if the--

Q Six--on 6/29.

A On 6/29. Excuse me. If the comprehensive program is interpreted to--or understood to be, you know, I think that verbiage is in the copy we just looked at.

Q The definition of the--

A Of the comprehensive test program.

Q --comprehensive test program was what caused--one of the causes of the --

A Well, but they all--I think they also defined it.

Q Yes. They did define it in that --

A They defined it in there, okay, on 6/29.

Q Right.

A Okay. And then during the--well, then--then the

QA audit defines it--

Q And that--

A --in the QA audit report.

Q And the definition of the comprehensive test program in the June 29th rev corresponds to the definition in the QA audit?

A Yeah. I think they're similar, but I'd want to look at that--

Q Okay.

A --you know, before I fully agreed to that. The other thing is when the PRB, like on--in May 10th/May 11th, when we tried to revise the LER, that I was pushing for the revised LER, the PRB struggled with the definition of the comprehensive test program. We didn't know what it was, what it should apply to. And so the PRB, you know, which included all the members including members that were on that call like Aufdenkampe, you know, we decided what we thought those words meant and that was one thing. Okay. And then--and then the QA audit decided what the definition of the comprehensive test program was and then that letter states what the definition of the test program was. And then the NRC as part of--in the IIT report--

MR. KOHN: Al, you've got to keep a little louder.

THE WITNESS: The NRC and the IIT report talks about the comprehensive test program as they understood it

and--

MR. KOHN: Al--

THE WITNESS: Yeah.

MR. KOHN: --louder.

THE WITNESS: Okay. And then -- let's see. There's--oh, in the--I think in some of the white paper responses, I think there's a discussion of the comprehensive test program and what was meant. And on and on, you know. And then--and then we get into the 2.206 petition, the petition responses, and now we get into the ASLB proceeding and those responses, it keeps changing. Okay. It keeps changing and I could, you know, I could, you know, try to, you know, piece that history, you know, through and identify, you know, all the starts and so forth that constitute that because, you know, that's just another one of these things where as the set of circumstances changed and as what questions are being asked and how--and how we're backed into a corner in a particular way now, you know, that these definitions are changing. And now the latest thing, you know, we have out of the ASLB proceeding is the comprehensive test program consists of that testing that didn't require starting the diesel engines. That's the-- that's the definition we have now. Well--

BY MR. ROBINSON:

Q Is that the latest Georgia Power definition?

A That's the latest Georgia Power definition submitted to the ASLB proceeding. The comprehensive test program is the testing of the diesel that didn't require starting of the diesel engines.

Q And your--

A A totally different definition than what we've--than the history that I've just gone over.

Q Your point being that Georgia Power changes definition of the end of--or the comprehensive control test program to suit the circumstances--

A To suit the circumstances, the challenges at the time, and to--and to make a previous false statement come true by changing that definition.

Q I understand what you're saying. Any final comments?

A I think we've done final comments enough, but--

MR. ROBINSON: All right. Well, I appreciate your time today, Mr. Mosbaugh. It's now 4:43 p.m. and this interview is completed. Thank you.

[Interview concluded at 4:43 p.m.]

REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission
in the matter of:

NAME OF PROCEEDING: Interview of Mosbaugh

DOCKET NUMBER:

PLACE OF PROCEEDING: Grovetown, GA

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.

Samuel Miller

Official Reporter
Ann Riley & Associates, Ltd.