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BEFORE THE 95 OCT 20 P3:28

UNITED STATES DEPARTMENT OF LABOR

ALLEN L. MOSBAUGH,

Complainant,

vs.

GEORGIA POWER COMPANY,

Respondent.

VOLUME III

Case Nos. 91-ERA-01
91-ERA-11Hearing Room A, Suite 2400,
101 Marietta Tower,
101 Marietta Street, N.W.,
Atlanta, Georgia

Thursday, March 12, 1992

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

BEFORE:

HON. ROBERT M. GLENNON, Administrative Law Judge

APPEARANCES:

On behalf of the Complainant:MICHAEL D. KOHN, Attorney,
STEPHEN M. KOHN, Attorney,
Kohn, Kohn & Colapinto,
517 Florida Avenue, N.W.,
Washington, D.C. 20001SANDRA MICHAELS, Attorney,
142 Mitchell Street, S.W., Suite 300,
Atlanta, Georgia 30303

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-233

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

☐ Staff ☐ Applicant ☒ Intervenor ☐ Other☐ Identified ☒ Received ☐ Rejected Reporter SP

Date 9/7/95 Witness George Beckhold

9601190271 950907
PDR ADOCK 05000424
T PDR

I N D E XWITNESSES:

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
A. W. Dahlberg	465	479	512	513
Charles Kenneth McCoy	516	587	--	--
George Bockhold, Jr.	630	678	--	--

EXHIBITS:IDENTIFIED RECEIVED

Respondent's:

5 - Letter 6/13/90	Premarked	629
11 - Letter 7/24/89	"	
14 - DOL Statement	"	629
22 - Statement read on site	"	595
27 - Ebnetter Letter	"	629
28 - Letter to Mosbaugh	"	629
29 - NRC Guidelines	"	
32 - Bockhold Memo	"	629
31 - August Counseling Session	"	
35 - Termination Statement	"	629
37 - 1989 Annual Review	"	629
40 - Business Ethics Policy	"	629
41 -	"	629
42 - Bockhold letter	"	
44 - Bockhold letter	"	
62 - Target Organization Package	"	629
71 - Bockhold Letter	"	629
78 - Organizational chart	"	629

1 A. Yes, he did.

2 Q. And Mr. Greene reported to Mr. Bockhold?

3 A. That's correct.

4 Q. And when Mr. Mosbaugh became the acting general
5 manager, he no longer reported to Mr. Greene; correct?

6 A. That's correct.

7 Q. He reported directly to Mr. Bockhold?

8 A. That's correct.

9 Q. Did you know that Mr. Mosbaugh would be placed in
10 the acting general manager plant support position?

11 A. Yes. That was discussed with me prior to --

12 Q. Did you agree with that placement?

13 A. Yes, I did.

14 Q. During your deposition did you state that over the
15 period of '89-'90 that Mr. Mosbaugh's communication
16 capabilities had improved over that year?

17 A. I don't recollect what I said in the deposition
18 about that subject.

19 Q. If I may just read you a question and answer from
20 your deposition, maybe this would refresh your recollection.
21 Question --

22 MR. JOINER: Your Honor --

23 MR. STEPHEN KOHN: I'll show the witness the
24 deposition.

25 MR. JOINER: Yeah, I'd appreciate that.

1 BY MR. STEPHEN KOHN:

2 Q. Could you please read on Page 47, please read Lines
3 11 through 14?

4 A. Line 11, question: "So then it's fair to say that
5 Allen showed improvement in his ability to get along for 1989
6 to 1990; correct?"

7 Line 14, Answer: "Yes, that's correct."

8 Q. And do you stand by that testimony today?

9 A. Yes.

10 Q. Thank you. You can just leave that up there. We
11 may be needing it.

12 You testified that teamwork and cooperation was a
13 major concern of yours coming into the year 1990 at Plant
14 Vogtle?

15 A. I believe my testimony was that from the time that
16 I arrived there that it was a concern of mine.

17 Q. Do you believe that if one manager accused another
18 manager of criminal action and filed a criminal charge that
19 that act may hurt teamwork between those two managers?

20 A. Certainly.

21 Q. And it could interfere with the cooperation between
22 those two managers?

23 A. Certainly.

24 Q. Yet under your policies that you orally enunciated,
25 and the law, it would be the obligation of that manager who

1 A. His annual review?

2 Q. His 1989 annual review was filled out after the OI
3 investigation into the opening of the valves, dilution
4 valves?

5 A. Wasn't the OI investigation about the same time
6 frame? I have a set of notes as far as time goes for that OI
7 investigation.

8 I have February of '90 was the -- some time in
9 February was the OI investigation into the mid-loop, and the
10 annual evaluation was signed in February of '90, so it was
11 about the same time. It was not necessarily after or before.
12 I don't remember the exact dates.

13 Q. Okay. That's fine.

14 So prior to the --

15 A. And that evaluation was a good evaluation.

16 Q. And prior to the OI investigators coming on site,
17 you had heard that there was going to be an investigation;
18 isn't that correct?

19 A. Yes.

20 Q. And is it fair to say that management was
21 speculating as to the source of the investigation prior to
22 the OI investigators coming on site?

23 A. I had asked Allen --

24 JUDGE GLENNON: I'm sorry. May you could try to
25 respond to the kernel of the question, and then --

1 THE WITNESS: Would you repeat your question so I
2 can try to respond better?

3 BY MR. MICHAEL KOHN:

4 Q. Management was speculating --

5 A. Management, sir, is who?

6 Q. You and above, and your immediate -- anyone with a
7 manager title at Plant Vogtle and SONOPCO, there was some
8 form of discussion concerning who could have originated that
9 OI investigation, wasn't there?

10 A. Yes, there was some sort of discussion because we
11 wanted to improve communications.

12 Q. And during the course of that discussion who did
13 you limit -- I mean didn't you try to focus on who that could
14 be?

15 A. I did not. I was not interested in the individual,
16 I was interested in if there was an area to try to
17 communicate better with a particular organization.

18 Q. And you concluded that it had come from Mr.
19 Mosbaugh's side of the plant?

20 A. I didn't conclude that it came from any particular
21 side of the plant. I thought that it might have come out of
22 engineering.

23 Q. That reports to Mr. Mosbaugh?

24 A. It does report to Mr. Mosbaugh.

25 Q. Now, isn't it true that as the NRC OI investigation

1 A. I didn't evaluate the status of the plant at that
2 particular.

3 Q. But eventually you learned it was at mid-loop; is
4 that correct?

5 A. I learned that the plant was at reduced inventory,
6 but I didn't know the exact sequence or the exact timing in
7 relationship to this memo.

8 Q. Now, after September 15th Mr. Mosbaugh told you
9 point-blank that the plant was at mid-loop; correct?

10 A. Yes.

11 Q. Okay. And weren't you somewhat concerned that such
12 an expert as Mr. Kitchens would make such a fundamental error
13 in not realizing whether the plant was at mid-loop or not?

14 A. Mr. Kitchens evaluated the situation at this point.
15 I believe that he told me in this memo the truth as he
16 believed it at this point.

17 When a deficiency card is written people
18 investigate further what went into the situation, and when a
19 concern is written it's investigated further and other facts
20 may come out.

21 Q. And that deficiency card was written at Mr.
22 Mosbaugh's insistence?

23 A. Mr. Mosbaugh was responsible support manager
24 responsible for identifying potential licensing event
25 reports. It should have been written at his or anybody