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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA POWER COMPANY,
a Nevada corporation,

Plaintiff,

vs.

MONSANTO COMPANY, a foreign
corporation; GENERAL ELECTRIC
COMPANY, a foreign corporation;
WESTINGHOUSE ELECTRIC
CORPORATION, a foreign
corporation; and DOES I through
XXV, inclusive,

Defendants.

CASE NO.
CV-S-89-555
LDG-LRL

DEPOSITION OF JOHN H. DIEHL

Taken at Law Offices of
Alverson, Taylor, Mortensen & Nelson
3821 West Charleston Boulevard
Las Vegas, Nevada 89102

On Tuesday, March 16, 1993
At 11:30 A.M.

Reported by: CHERYL GARDNER, CM, RPR
C.S.R. No. 230

1 Clark?

2 A. Dale Inglebrecht (phonetic),
3 and I was going to spell it for you but --

4 Q. I'm not going to require you
5 to. Were the operations manuals for the three
6 smaller transformers removed at the same time back
7 in 1988?

8 A. No, sir.

9 Q. What happened to the operating
10 manuals for the three smaller PCB transformers?

11 A. Well, at Clark they did not
12 remove them at that time at Clark so I made an
13 error. At Clark the small ones were removed I
14 believe in '90, some at that time.

15 Q. At that time the manuals were
16 removed as well?

17 A. Yes.

18 Q. All right. Let me just focus
19 on the six PCB transformers we talked about at
20 Clark. In 1988 three of them were removed,
21 replaced with dry type transformers, and the
22 manuals were removed at the same time; is that
23 correct? These were the larger transformers.

24 A. Yes.

25 Q. And then two years later in

1 1990 what you referred to as the smaller PCB
2 transformers and their manuals were also removed?

3 A. Yes, sir.

4 Q. That leaves the three
5 retrofilled transformers that are still at the
6 Clark station; is that correct?

7 A. That's true.

8 Q. Where are the manuals for the
9 original manufacturer's manuals for those three
10 retrofilled transformers located?

11 A. Control room.

12 Q. Who manufactured the three
13 retrofilled transformers?

14 A. I think those were GE.

15 MR. TATLOCK: Counsel, I don't believe
16 those manuals have been produced, but I'd
17 appreciate it if you'd check to confirm whether or
18 not they have been produced, and if they haven't,
19 I'd like to get copies of the original transformer
20 manuals for the three Clark transformers as well
21 as any supplements.

22 MS. STRAUB: I'll check into that.

23 MR. TATLOCK: Thank you.

24 Q. How many PCB transformers were
25 located at the Sunrise generating plant?

1 A. I wasn't involved with that
2 project, so, I'm unsure.

3 Q. Who would -- who at Nevada
4 Power would have the best information about the
5 PCB transformers located at the Sunrise generating
6 plant?

7 A. I can only think of Dale.

8 Q. Mr. I think Inglebrecht?

9 A. (Nods head affirmatively.)

10 Q. But I believe you have
11 testified that there were PCB transformers located
12 at the Sunrise generating plant.

13 A. Yes. I was going to tell you
14 they were retrofitted, but I would have been --
15 that's only my memory.

16 Q. Are there manuals for the PCB
17 transformers located at the Sunrise plant,
18 operating manuals?

19 A. That would be an assumption. I
20 don't remember seeing them presently. That's our
21 procedure, though. So, it's Nevada Power's
22 procedure.

23 Q. Well, what is Nevada Power's
24 procedure with respect to operation manuals for
25 generating plant transformers?

1 A. They are kept in the control
2 room.

3 Q. At all times?

4 A. At all times.

5 Q. And if the equipment is removed
6 from the system, actually physically removed from
7 the generating station plant, is it also Nevada
8 Power's policy to remove the manual at the same
9 time?

10 A. In the procedure that I
11 described before having any turnover package
12 everyone saying it is complete, the job is done,
13 new manual, old manual.

14 Q. And the procedure at the Clark
15 station you described for the retrofilled
16 transformers, was that the original transformer
17 manual stayed in the control room because the
18 transformer stayed in the generating station. Is
19 that also the practice?

20 A. Yes, then only the portion no
21 longer applicable would be exchanged.

22 Q. Let's go back to the Clark
23 substation -- excuse me -- Clark generating
24 station transformers. What portion of the manuals
25 would no longer be applicable for the Clark

1 retrofilled transformers?

2 A. The PCB information as to
3 insulating value, procedures, et cetera,
4 to do -- the insulating oil portion would be no
5 longer valid.

6 Q. So, any portion of the
7 operating or instruction manual that dealt with
8 PCB insulating fluids would be removed from the
9 manual as part of the turnover package; is that
10 correct?

11 A. That's true.

12 Q. So, if there were anything in
13 the manual in the control room for those
14 retrofilled transformers relating to storage,
15 handling, replacement fluids, or the PCB
16 insulating fluids, that would no longer be in the
17 manual if we were to go look at it today?

18 A. That's true.

19 Q. And is it also accurate that
20 Mr. Turley or Mr. Inglebrecht would be responsible
21 for replacing those sections of the original
22 transformer manuals when the turnover took place?

23 A. That is true.

24 Q. And at the Sunrise generating
25 plant the transformers, as you recall, were

1 retrofilled or retrofitted, the insulating fluid
2 sections of those manuals would also have been
3 replaced?

4 A. That is true, sir.

5 Q. At the West Side Diesel
6 generating plant, how many PCB transformers were
7 located there?

8 A. None, sir.

9 Q. Never were?

10 A. Never were.

11 Q. How many transformers were
12 located there during its operation from '64 to
13 '90?

14 A. One large. That should do it.

15 Q. What capacity was that one
16 large transformer?

17 A. I'm not sure, but I believe it
18 was a 10 KVA.

19 Q. Did the generating department
20 maintain a record of the documents that were
21 destroyed when the PCB transformers were changed
22 out?

23 A. Yes.

24 Q. And who has that list of
25 documents that were destroyed when the PCB

1 transformers were changed out?

2 A. The project department, GE&C,
3 generation, engineering and construction.

4 Q. So, if the original manuals for
5 the PCB transformers that were removed from
6 service at Reed-Gardner had been destroyed, GE&C
7 would have a list by title of the manuals that
8 were destroyed; is that correct?

9 A. Yes, sir.

10 Q. For the Clark generating plant
11 transformers that were retrofilled, is it also
12 accurate to say that the GE&C Department would
13 have a list of those sections of the operating
14 manuals that were destroyed when the retrofilling
15 took place?

16 A. Yes, sir.

17 MR. TATLOCK: Counsel, I also believe we
18 have not received copies of the indexes or lists
19 that Mr. Diehl just described concerning the
20 manuals that were destroyed when the transformers
21 were changed out at Reed-Gardner and Clark and
22 probably Sunrise if his testimony is accurate
23 about the retrofilling, and I request that we get
24 copies of those as well.

25 MS. STRAUB: I will check into it.

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