

AFFIDAVIT OF DENNIS CULTON

My name is Dennis Culton. I live at 610 S. Dick Price Road in Fort Worth, Texas 76119.

I am making this statement freely, without any threats, inducements, or promises of rewards. This affidavit was prepared at the request of CASE (Citizens Association for Sound Energy) in connection with events regarding my limited appearance statement during the September 1982 operating license hearings for Comanche Peak, and the aftermath of my statement (specifically my dealings with the Nuclear Regulatory Commission regarding my concerns). This affidavit was prepared under my personal direction, and the thoughts and words expressed herein are my own thoughts and words (with the exception of minor grammatical changes, either to correct spelling or to clarify what I meant, which did not change the intent of my thoughts).

Following my limited appearance statement before the Atomic Safety and Licensing Board in September 1982, I was contacted by the NRC Region IV office in Arlington, Texas, and asked to come in and talk to the investigators regarding my concerns. I have read CASE's <sup>2K E</sup> 12/21/82 Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982, regarding this matter. The statements contained therein on pages 23-26 and Attachments 10 and 11 are substantively correct to the best of my knowledge and belief.

Mrs. Juanita Ellis, CASE President, accompanied me on Monday, November 8, 1982, to the NRC Region IV offices to discuss my allegations further with the NRC. I had originally requested someone else to accompany me but that individual was unable to do so due to illness in the family, so Mrs. Ellis was asked to accompany me instead. We met with the NRC in Arlington on Monday, November 8, 1982.

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Both myself and Mrs. Ellis tape-recorded the meeting; the NRC has stated that they did not do so. As the meeting progressed, I became increasingly upset, and almost walked out. I was especially concerned about the Q (safety-related) cable that was in the cable spread room being spliced, and one of the main reasons that I went to the meeting was to see what the Nuclear Regulatory Commission was going to do about the spliced Q cable. I gave them the location and we discussed the statement that I had made at the NRC hearing in September. I wanted to know what they were going to do about the spliced cable.

I have other information that I believe shows that pipe supports and pipe hangers are not located in the proper areas, that there are faulty welds on the supports. They kept asking me questions about it. And they tried to discredit me. They tried to get me to say things that were not true by badgering me and twisting what I had said to confuse me. The meeting went on for about an hour and forty-five minutes before I and Mrs. Ellis decided to leave. All the time we tried to find out what they were going to do about that spliced Q cable.

I feel that the NRC people at the meeting were trying to intimidate me. I don't think they took me seriously at all. I think that what they really wanted to do was to find out what other information I had, and whether or not I had a grudge against the Nuclear Regulatory Commission or Brown & Root (neither of which is true). I left Brown & Root with a high classification; they would have been very willing to rehire me. I left of my own accord. One of the reasons was that I had intentions of going back to school; the other was that I could not condone what was going on at the plant. I thought that they were not treating the problem areas as they should. I knew what was going on and I tried to stop it, but I was told to just keep

my mouth shut. I felt that my only recourse was to quit.

Bob Stewart telephoned me after this meeting in Arlington at the NRC office. (I believe it was on Friday, November 12, 1982.) He asked me why I hadn't come down to give them the papers that I had. I told him that at this time I have no intention of giving him the papers, since I felt that he wasn't going to do anything about the splice Q cable. To the best of my recollection, the conversation went like what is in paragraph 4 of CASE's Attachment 11. I told him that I was not going to turn over the drawings to them; that I planned to turn them over to Mrs. Ellis. I also told him that I had talked to an engineering professor at UTA who suggested that I not let the papers out of my hands, just to scatter them in different areas where I could locate them if there would be a fire or other kind of accident in my home, or if a thief should break in and steal a box of information that I have. Mr. Stewart tried to figure out what papers I have, but I told him that I wasn't going to talk to him about it anymore. He told me that I was going to have to back up my statements. And I told him that he was badgering me, that he knew that I had the information to back up my statements, and that he was trying to discredit me in the phone conversation then just like they tried to do in the meeting. That was pretty much the end of the conversation. It lasted no longer than about 10 minutes.

I think that people who come in to give the NRC some information that the NRC tries to discredit them. The way I see it, the NRC's not telling us the full story. At least I didn't get the full story. And I think that if they talked to me like they did, that they talk to everybody else that way, too.

I don't know what I would have done if I hadn't had my tape-recorder and if Mrs. Ellis hadn't been there. I got so upset during the meeting that I almost got up and walked out. I even used some foul language (which I don't normally do--I usually don't get that angry).

While Mr. Stewart badgered me with questions (popping them at me one after another as fast as he could), Mr. Tomlinson asked more specific questions. Mr. Herr asked very detailed direct questions--and he did more cutting down than anything else. They were a very effective cross-examination team--very tactful, but very poor class, very low class. They treated me like a very low-class person which I do not consider myself to be. I consider myself to be at least the equal of the people at the NRC office, if not higher. I feel that they tried to make me feel like a came from a little Podunk dirt town with no education, but I've got a good education. This is my sixth year in college (I'm working on my second degree), and I definitely did not appreciate his attitude to me.

If Mrs. Ellis hadn't been there with me, I would have walked out earlier in the meeting. I would have stood up, said "To hell with it," and walked out. I would have done so because they were treating me very badly; I didn't like the way they were conducting themselves.

In fact, if I had it to do over, I don't think I would have gone to the meeting in the first place. I don't think that anyone else would go either if they found out what happened to me. If anyone else knew that there was a fault in the plant that might cause a problem at some time, and they knew that the Nuclear Regulatory Commission was not going to do anything about it, and that they did not conduct a meeting properly with someone who brought them information, they wouldn't go to them. I know I wouldn't go back to them; and I don't think that I would turn over my information to them. I think if I do turn it over to anyone, I will turn it over to Mrs. Ellis. At the plant, the Nuclear Regulatory Commission at Brown & Root <sup>B&C</sup> has the notorious reputation of not doing their job. I believe that there are people working at the plant right now that might come forward with information on problem areas of which they are

aware if the Nuclear Regulatory Commission didn't have the reputation that it has now. But, the way that they handle people who do come to them with information, they won't get many more to come and talk with them. I'm sure that at this time I don't want to talk to them again.

I have read the foregoing 5-page affidavit and it is true and correct to the best of my knowledge and belief.

X Dennis K Culton

Date: 29 JUNE 1983

STATE OF TEXAS

On this, the 29 day of JUNE, 1983, personally appeared DENNIS K CULTON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed.

Subscribed and sworn before me on the 29 day of JUNE, 1983.

James H. Tarrant  
Notary Public in and for the State of Texas

My Commission Expires: 11/18/84

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR  
AN OPERATING LICENSE FOR  
COMANCHE PEAK STEAM ELECTRIC  
STATION UNITS #1 AND #2 (CPSES)

Docket Nos. 50-445  
and 50-446

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CASE'S BRIEF IN OPPOSITION TO THE  
NRC STAFF'S EXCEPTIONS TO  
THE ATOMIC SAFETY AND LICENSING BOARD'S  
ORDER DENYING RECONSIDERATION OF SEPTEMBER 30, 1982

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(Mrs.) Juanita Ellis  
President  
CASE (Citizens Association for Sound Energy)

December 21, 1982

(4) The Culton case.

One of the people who made a limited appearance statement at the September 1982 operating license hearings for Comanche Peak was Dennis Culton<sup>39</sup>. There were two areas with which Mr. Culton was especially concerned: Q (quality-control or safety-related) cable which had been spliced contrary to regulations; and pipe supports or hangers which he was concerned had not been done correctly. Following his limited appearance statement, Licensing Board Chairman Miller instructed the Applicants and Staff "To the extent that these matters concern issues that are controverted matters in this proceeding, they will be given appropriate consideration by Applicants and Staff."<sup>40</sup>

On Saturday, November 6, 1982, the writer was asked to accompany Mr. Culton on Monday, November 8, to the NRC Region IV offices so that he could discuss his allegations further with the NRC. It was explained that he did not want to go alone and the person who had originally planned to accompany him had illness in the family. I agreed to do so. On Monday, November 8, 1982, Dennis Culton and I attended a meeting in Arlington with the NRC. Both Mr. Culton and I tape-recorded the meeting, and a copy of a rough transcript of the meeting is attached<sup>41</sup>. (The circumstances of taping are similar to those already described regarding CASE Attachment 7, as detailed on page 13, first paragraph, of this pleading; and it was transcribed by me personally to the best of my ability and I believe that the substance of the conversations is accurate.) The NRC has stated that they did not record the meeting<sup>42</sup>.

The writer initially tried to participate in the meeting only as an observer.

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<sup>39</sup> Tr. 5551-5559.

<sup>40</sup> Tr. 5555.

<sup>41</sup> See CASE Attachment 10 hereto.

<sup>42</sup> See CASE Attachment 7, page 9.

However, as the meeting progressed, it became very obvious to me that Mr. Culton was becoming increasingly upset, to the point of walking out. I felt that it was important to try to keep a dialogue going and thereafter participated in the discussion<sup>43</sup> from time to time.

Sometime after the meeting, I contacted Mr. Culton to see if he had gotten together with the NRC again. He told me of a phone conversation with an NRC representative (Mr. Stewart, he believed) afterward and the general substance of that conversation. He also told me of his decision not to discuss the drawings or anything else further with the NRC. He was quite upset about the manner in which the whole meeting had been handled.

During the preparation of this Brief, it became obvious that the meeting between Mr. Culton and the NRC and his feelings about it should be included in this Brief. I discussed this with Mr. Culton and asked if he preferred that the tape of the 11/8/82 interview with the NRC remain confidential; he stated that he did not. I also asked him to try to articulate his feelings about the meeting, and on December 13, 1982, he dictated a rough draft of his thoughts and feelings to me over the telephone, I typed a rough draft of them, and mailed it to him. Our intent was to type up a final version, after his review of it, and prepare it as a sworn affidavit to be attached as part of this pleading. However, he had guests from out of town for the holidays and it was physically impossible to get the affidavit prepared in time to send with this pleading. Therefore, on December 20, I contacted Mr. Culton again by telephone, we discussed the rough draft, and he advised me by phone of the changes he wanted.

<sup>43</sup> See CASE Attachment 10, page 13.

I have typed this up as comments of Mr. Culton regarding his feelings following the meeting with the NRC, and it is attached hereto<sup>44</sup>. The words and thoughts are Mr. Culton's own; I have tried very hard not to influence his thinking in this matter. He is aware and approves of CASE's inclusion of CASE Attachments 7, 10, and 11.<sup>45</sup>

As Mr. Culton indicates, he felt that the NRC representatives tried to discredit him; that they tried to intimidate him and me; that they did not try to take him seriously at all; that what they really wanted to do was find out what other information he had, if he had a grudge against the NRC or Brown & Root; that they did not intend to do anything about the spliced Q cable; that he was being badgered; that the NRC treated him like a very low-class person from a little Podunk dirt town; that the NRC treated him very poor, very bad; he did not like the way the NRC representatives conducted themselves; and that if he had it to do over again, he would not have gone to the meeting with the NRC; etc.<sup>46</sup>

CASE is very disappointed about the way this entire matter has developed. We had hoped that we might be able to persuade the Licensing Board to allow Mr. Culton to testify, since there is nothing other than the two limited appearance statements in the record at this time regarding spliced Q cable, and since his allegation was similar to that contained in another limited appearance statement<sup>47</sup>. We believe this testimony should certainly be in the record as sworn testimony. However, as disenchanted as Mr. Culton is at the present time with the manner in which the NRC handled his allegations, it is doubtful that he would testify even if the Licensing Board did allow it. I believe that he still plans to

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<sup>44</sup> See CASE Attachment 11 hereto.

<sup>45</sup> The writer also realizes that there are too many "I's" in the preceding; however, this was an unusual situation where I was personally involved, as President of CASE and CASE's representative in these proceedings.

<sup>46</sup> See CASE Attachment 11 hereto.

<sup>47</sup> See CASE Attachment 10, page 27, middle of page.

provide CASE with the sworn affidavit, however, and we will send it as soon as we receive it.

The meeting between Dennis Culton and the NRC was the second such meeting that I have attended as President of CASE. The first was the initial meeting between Henry Stiner and the NRC<sup>48</sup>. Neither meeting did anything to inspire confidence in the NRC's investigations of whistleblowers' allegations. This was especially true regarding the Culton/NRC meeting. The writer shares many of Mr. Culton's impressions about the meeting, and so do others who have listened to the tape of the meeting<sup>49</sup>, including other CASE Board members. CASE has now been placed in a very awkward and untenable position. As an Intervenor in these proceedings (and in accordance with CASE's natural inclinations), we feel a responsibility to work within the established system. This would mean that when we are contacted by potential whistleblowers, we normally would urge them to take their concerns to the NRC's Region IV investigators. But under the circumstances and in light of what we now know, how can we in good conscience and with any sincerity urge them to do so? And what are we to do about the potential whistleblowers who contact us who will not go to the NRC under any circumstances but who believe there are significant construction deficiencies at Comanche Peak which should be investigated and corrected prior to the plant's receiving an operating license? The Licensing Board has indicated little interest in allowing testimony from new witnesses. Are we to be forced after going through all the time, expense, and difficulties of intervening in the operating license hearings to now see new allegations tried in the press rather than in the hearings process?

<sup>48</sup> See Tr. 4205/6-4207/2, Direct Testimony of Henry Stiner; and CASE Exhibit 666C-17 and 666C-39, "sanitized" notes provided by NRC Staff re: investigation report of Stiners' allegations (Staff Exhibit 178).

<sup>49</sup> See transcript, CASE Attachment 10 hereto.

11/8/82 Interview at NRC Region IV Offices, Arlington, Texas between Dennis Culton and the U. S. Nuclear Regulatory Commission (NRC); present were: Dennis Culton; Juanita Ellis, President, CASE (Citizens Association for Sound Energy); Robert Stewart; Dan Tomlinson; and Richard Herr.

STEWART: "...if you have anything more you could add to this...what you're describing ..."

CULTON: "Do you want a copy of this? Do you have a copy of that?" (To Mr. Stewart, then to Mrs. Ellis, referring to Mr. Culton's testimony and transcript from the September 1982 operating license hearings)

ELLIS: "Uh huh..."

CULTON: (To Stewart) "I was wondering if you had a copy. I felt sure that you did."

STEWART: "Yeah. This is out of the transcript. Yeah. Down on, uh...let's see..."

CULTON: "Down near line 20...it's O.K. if I record this...is that all right?"

STEWART: "No. Fine. Go right ahead."

STEWART: "Let's see if I can get a line and a page...on page 5552."

CULTON: "O.K."

STEWART: "Now you said...let's see, it'd be line 2 where you said...well, 1, 2 and 3...800 foot pull, quality control cable, I guess you didn't finish the pull and it ended up in the cable spreading room, the lower section of control room number one..."

CULTON: "Yes, sir."

STEWART: "O.K. You said..."

CULTON: "That should have been 800 plus."

STEWART: "...or 800 plus, O.K., that's immaterial. On line 6, 7 and 8 and 9, you said "Several weeks later, or a week later, in fact it was four days later, I went back to that location to check to see if it was spliced and I found out that it was spliced."

CULTON: "Yes, sir."

STEWART: "Do you have a cable pull number or some way that we could locate that?"

CULTON: "Well, of course not."

STEWART: "Well, I didn't know, uh, you know, pretty specific, said that it was a splice."

CULTON: "Yes, sir. It was."

STEWART: "O.K. Can you add anything more to this so/..you realize what's down <sup>where we could</sup> there-- in the cable spreading room."

CULTON: "Yes, sir, right. Oh, I know."

STEWART: "And there's no way in the world we could find that..."

CULTON: "No, I couldn't go back...I could not go back right now and find that location. I can give you an estimate of the location, but right now you know as well as I do..."

PHONE RINGS, TOMLINSON ANSWERS, CONVERSATION MUFFLED IN BACKGROUND AS CULTON CONTINUES.

CULTON: "...that when I left the cable in that tray was over a foot thick and it was in the middle, it was probably about six inches in the middle, so you know, who knows how much cable's on top of that now."

STEWART: "Do you have...you say it went to a relay panel..."

CULTON: "Yes, sir, in control room number one."

STEWART: "Do you know what relay panel that was?"

CULTON: "Negative."

STEWART: "And where it's located?"

CULTON: "I can give you an estimate of where it's located, but I don't know the panel and as far as I know, other panels could have been put up in that area, it could have been changed out cause they were constantly changing things."

STEWART: "Uh huh. Can you give me a sketch of where it might be located?"

CULTON: "I tell you what, do you have a layout of the cable spread room?"

STEWART: "No..."

CULTON: "You don't?"

STEWART: "Not right here. It would take us a while to get one. We normally don't..."

TOMLINSON: "If we had to keep the prints for all of the rooms on all of the sites that we go to, we wouldn't have room here on the 10th floor."

CULTON: "Well, I feel sure...I understand that. You know, I don't see how you can expect me to have all those drawings either..."

STEWART: "No, no, I'm not suggesting..."

CULTON: "...I do have a lot of them, but uh..."

STEWART: "that, I'm just asking if you can just draw a sketch to show what approximate location that relay panel's in."

"Uh huh."

CULTON: / That's still not going to tell you anything. I mean, I can give you all kinds of drawings. I tell you what, I'll go ahead and make a note of it and sit down and try and sketch it out. Let me put some more time and thought of it, sketch it out and I'll bring that drawing to you. How's that sound? Do you want to do that?"

STEWART: "Yeah, sure, anything that would help."

CULTON: "Cause I think I could make it a little more accurate than I can right here, cause I can think back and which panel it was, you know, how many panels in; I know it was, I think right now, it's the third panel from the aisleway, from the aisle, and there's..."

ELLIS: "You all" (the NRC) "have access to those drawings, don't you?"

STEWART: "Oh, certainly."

ELLIS: "You couldn't get a copy of the drawing and maybe get that to him and then he could do that..."

CULTON: "Yeah, you could do that. I could make a sketch, then we could take that drawing and sit down and go over it. Do you want to do that?"

STEWART: "Yeah. We could..."

CULTON: "Control Room No. 1."

ELLIS: "That might give you a little closer location..."

TOMLINSON: "You don't remember any names on the panel or any numbers or..."

CULTON: "No."

STEWART: "Let's see, you mentioned that there were two?"

CULTON: "Well, I know that there were two that we pulled that...I don't know if our last Q cable if it was spliced or not. But I know that I saw Q cable in the spread room and in Safeguard No. 2 -- No. 1 -- Safeguard No. 1 that was spliced. And the..."

STEWART: "You say in the Safeguards Building or in..."

CULTON: "Safeguard. Safeguard No. 1."

STEWART: "The room...the relay panel room or the..."

CULTON: "No. It's the...in a tray, uh..."

STEWART: "Oh, that was the tray name?"

CULTON: "No, no, it's a Q cable that was spliced that is in Safeguard -- Safeguard Building No. 1."

STEWART: "Oh, O.K. But it was in what, an overhead tray?"

CULTON: "Yes. Everything was in an overhead tray."

STEWART: "Well, as opposed to the cable spreading room type of tray; they're down lower, they're not all overhead."

CULTON: "Yes. O.K....O.K., in that case, it was in an overhead tray."

STEWART: "If we get a drawing can you help us locate that one also?"

CULTON: "I can try. In fact, I have a layout of the cable spreading room."

STEWART: "Do you? Well then, maybe you can use that drawing..."

CULTON: "I'll pull it out. Well, no, you'll have to get an electrical...I've got the mechan...I've got just a layout drawing of the cable...of the Safeguard."

KNOCK ON DOOR WHILE CULTON IS TALKING.

SOMEONE SAYS: "Come on in." (Stewart or Tomlinson)

STEWART: "Hi, Dick. You know Juanita Ellis."

HERR: "How're you doing?"

ELLIS: "Hello."

STEWART: "This is Dennis Culton."

HERR: "Dennis. How are you. Richard Herr."

"Mr.  
CULTON: /Hart?"

HERR: "Herr."

CULTON: "Herr."

HERR: "H-e-r-r."

STEWART: "...to bring you up to speed, we were...she's taping, of course, it's all on tape...and we're just trying to get a...tie these statements down as to where the location to help us locate something if we can. We're talking about the splices. O.K. I guess we can hopefully get something better from you..."

CULTON: "Well, get an electrical drawing of the...I'm trying to think of a close elevation, above...I can't remember...uh, do you have a layout of the elevation versus locations for the plant?"

PHONE RINGS WHILE CULTON IS TALKING; TOMLINSON ANSWERS AND CARRIES ON FOLLOWING CONVERSATION WHILE CULTON IS TALKING:

TOMLINSON: "Mr. Seidle's office; Tomlinson. Yes. Yes. Yeah, we're kinda involved right now....if I call you back? O.K. O.K. Very good. Thank you. I'll do it. Thank you."

STEWART: "As described in the PSAR?"

CULTON: "Yes."

STEWART: "Yeah. We'd have to go check it out."

CULTON: "O.K. Well, I can cross-section it for you."

STEWART: "O.K. I'll tell you what, since we don't have the other drawings and to avoid the repetition, let's get all of this stuff together, we'll make a note of what we want and then you can come back later and we can go through the drawings and ...."

CULTON: "I'll tell you what I came here for. I came here to find out what information that I give you and that you've already gotten, what you're going to do with it."

STEWART: "We're going to pursue it, if there's any possibility of locating these, you know, we're certainly not gonna go down there and inspect every damn cable in the cable spreading room to try to find a splice..."

CULTON: "Right. Well, I understand that. I understand that, you know, what you're looking for is factual information..."

STEWART: "Right."

CULTON: "...stuff that you can go by and that you can take care of..."

STEWART: "Absolutely."

CULTON: "...and the information that I have given you is items that either I was related with or that I know should be still there now. I mean, there's a hundred and one other items that's going on there or have gone on there that, you know..."

STEWART: "Well, I want to get these two subject matters down first, and then we can, let us know what else you saw or that's not in the testimony. You follow?"

CULTON: "Yeah."

STEWART: "O.K. I think we have established now that what we need is some drawings and elevations. We will get the control room No. 1 panel drawings since you don't have those. We will also get some elevation drawings..."

CULTON: "O.K."

STEWART: "...so you can help locate these trays."

CULTON: "O.K."

STEWART: "And you're going to provide...what are you gonna provide? You have some sketches you say of the..."

CULTON: "I'll just bring what I have and we'll sit down and..."

STEWART: "O.K."

STEWART: "O.K. You were transferred back into the drafting department?"

CULTON: "Yes, sir."

STEWART: "You were put on the Brown & Root hangers location known as the BRHL?"

CULTON: "Uh huh."

STEWART: "O.K. What specifically did you do there?"

CULTON: "I was given..."

STEWART: "Some isos?"

CULTON: "...some isometric drawings of..."

STEWART: "O.K., I guess..."

CULTON: "...Brown & Root hangers, no of piping that was to go up. I was given on another sheet how many hangers were to be hung on each spool, each piece of pipe, each section of pipe, and the type of hanger it was."

STEWART: "They were already identified on the spool or the isos?"

CULTON: "Yes, they were identified, and I was to locate them on the isometric drawings and make a redraw..."

STEWART: "O.K. Were the dimensions..."

CULTON: "...to go, to be issued to the field."

STEWART: "Were the dimensions already on it?"

CULTON: "Negative. No, there were no dimensions on it. I was to put them down there. I was just to place them on there; that's what I couldn't understand. I was just to place the hangers on the drawing, just to put them down on paper right then, then later on, after we had our production going, we were...they were turned back to us to put locations. I was given no other information to go by, I was to estimate the feet or the space in between that area of that hanger, just an estimate of what I thought was there, and, uh..."

STEWART: "Then the field crews would..."

CULTON: "Then it was issued to the field."

STEWART: "Uh huh, and then they would go put the hangers up."

CULTON: "Yes."

STEWART: "Did you go back and verify?"

CULTON: "Yes, I did. I went out in the field and just out of curiosity -- I had a brother that worked out there as a pipe, uh what do you call it, just places the pipe up to each other..."

TOMLINSON: "fitter...pipe fitter?"

CULTON: "Pipe fitter. And he showed me around some where the pipe that were hung and a couple of them were off a little bit, but all of them were within the estimates of where I placed them, where I placed the hanger on that piece of spool. You know, of course, there's so much up there, you know, they're gonna have to put that in a different...you know, they're hanging a little bit ~~XXXXXX~~ they're either off maybe several inches or they may be off several feet, but there's so much junk on that ceiling or on the wall that they could not, you know they had to move it down, it was all as-built, and it came back, and sometimes we were issued as built drawings and changes to that Brown & Root hanger location."

STEWART: "But you didn't actually go out and do the as-built, somebody else did?"

CULTON: "No. Somebody else did."

STEWART: "O.K. Do you know what the process is from there? The system?"

CULTON: "No."

STEWART: "'Cause they are verified..."

CULTON: "You mean the as-built drawings? Yes, they are, yeah, but they come back to me."

STEWART: "...Yes. But they use the as-builts to recalculate the seismic, O.K.?"

CULTON: "Yes. But it's the same hanger number."

STEWART: "Yeah. I mean, is there something wrong with that?"

CULTON: "Well, it was a different hanger. It was a different hanger that...the hanger numbers that I had put down on the paper and the type of hanger it was, if it was a shock hanger or if it was, you know, a direct support, then it was out there. That's what was hung. At least, that's what I saw. I know that as-built will go back and change that and they may change the type of shock, they may change the type of support and they may change it and never let us know. That could be. But what I saw is what I drew, what I put up. Now I'm not saying that all of them are that way."

STEWART: "What's wrong with that is what I'm saying?"

CULTON: "Because...what is wrong with it is why did they put this on me to put in the footage, why did they put this on me to put in the distance between the hangers? I had no information."

STEWART: "You've had four years..."

CULTON: "But I'm not an engineer, that doesn't mean -- that's not a damn thing. I'm not an engineer. I'm not qualified to put in this hanger."

STEWART: "Why aren't you? /you've had four years of drafting experience."  
I mean,

CULTON: "Sure."

STEWART: "And that's what a draftsman was to do."

CULTON: "As a draftsman, that's right, but..."

STEWART: "But you don't do any calculations, did you?"

CULTON: "No.  
/Of course not."

STEWART: "O.K. You made a location. The location could have, or could not have, been exactly where you put it."

CULTON: "Those engineers went back and they used my drawings to put those supports in?"

STEWART: "Why, what's wrong with that?"

CULTON: "Could be nothing. That's why I'm here."

STEWART: "There is the process that you do the first phase of it. The craftsmen go and hang the hangers."

CULTON: "No, an engineer does the first part...first phase."

STEWART: "Well, the installation..."

CULTON: "All that information should have already been figured, should already have been done. I know that from experience from working with other hangers and other piping supports that all that information is already done, then it's given to the draftsman. A draftsman is not an engineer."

STEWART: "Yes. Well, the pre-installation is what I'm talking about. You're taking the engineer's work and converting it to a field work drawing."

CULTON: "That's true."

STEWART: "The workman goes and puts it in. Then there is a verification program that follows."

CULTON: "O.K."

STEWART: "O.K. The exact locations are known, <sup>then</sup> there is a recalculation made to make sure if they are moved that that is the right hanger, the right size, so I mean there is a very extensive as-built verification program that goes on."

CULTON: "Not when I was there."

STEWART: "Well, no. I mean, the plant was certainly not in that phase of construction by the time you were there. So I, you know, I'm trying to find a problem with the system."

CULTON: "Well, I ~~XX~~ don't think it's a problem, I think it's a situation that the reason -- what was the reasoning in having me go back and make an estimate between those hangers? I just stuck them on there. I just stuck them on this..."

STEWART: "No way could you do it otherwise than an estimate."

CULTON: "Why. Because you don't know how long that piece of pipe is. I know how many hangers are going in there, I don't know where the location of that hanger is going to be. I stuck them on there."

TOMLINSON: "It was a guess."

CULTON: "That's right."

TOMLINSON: "Because you have no way of knowing until you go out and look at the actual run of pipe."

CULTON: "But I saw it, and it was there where I put it."

STEWART: "Well, that's fine."

TOMLINSON: "They got lucky; they didn't have to move something else to get to it then, or to be able to put it where you had it."

CULTON: "Well, I guess I made some money for the plant, didn't I?"

STEWART: "How many other draftsmen were doing the same thing you're doing?"

CULTON: "Between four and twelve that worked under me."

STEWART: "You feel unqualified as a draftsman?"

CULTON: "Negative."

STEWART: "So, you know..."

CULTON: "I feel unqualified in sticking in a location..."

STEWART: "...estimating where..."

CULTON: "...estimating a location. That's not my job."

STEWART: "Well, that's the job that was assigned to you, wasn't it?"

CULTON: "Yes, sir, that's true."

STEWART: "You know, I'm..."

CULTON: "No, it's you don't understand."

STEWART: "No, I think you don't understand the system."

CULTON: "I am not an engineer, and I don't know how heavy that piece of pipe is, I don't know what that load is carrying..."

TOMLINSON: "Who determined what hanger would be placed?"

CULTON: "I did."

TOMLINSON: "It was up to you..."

CULTON: "I stuck it on there."

TOMLINSON: "...to decide whether it was a rigid hanger, or a spring can?"

CULTON: "Oh, negative. No. That was already done."

TOMLINSON: "And the size of the hanger itself, who determined that? Did they give you a number that said it will be such-and-such a spring can?"

CULTON: "Yes. The numbers were already put down."

TOMLINSON: "That eliminates the engineering."

CULTON: "It doesn't eliminate the location."

TOMLINSON: "Within reason it does."

CULTON: "Well, does that mean that I could have stuck that hanger anywhere? I could have stuck them all together this far away on a 20-foot piece of pipe that was carrying an 8?"

STEWART: "Well, I assume you have some reasonable thinking ability to say that that isn't going to be done."

CULTON: "Well, I'm glad you trust me."

STEWART: "Well, I don't know, uh. You just don't have the confidence in yourself to do it right, or what?"

CULTON: "Well, it's not that, sir, it's exactly what I've told you."

TOMLINSON: "How much latitude were you given in the placement of these hangers."

CULTON: "I don't understand."

TOMLINSON: "Well, you say that each one of the hangers had already been preassigned a number -- a type and number."

CULTON: "That's right. Yes, sir."

TOMLINSON: "When this came to you, it came to you as an isometric drawing with just a list of hanger numbers and types or was there some rough location given to you?"

CULTON: "No rough location at all."

TOMLINSON: "Were you given instructions..."

CULTON: "An isometric drawing from this isometric pipe drawing, O.K. Another list came in from the engineers with the hangers, the drawing number and the type of hanger it was, all that was on one sheet of paper. And this was on a sheet of paper. I was to go back and make re-draws -- or my group was -- to go back and make a re-draw of the hanger for the people in the field. They were given this same list of just the hanger numbers."

TOMLINSON: "The list of hanger numbers -- was it broken up by hanger types or was it put down in the order that the hangers would be installed from, say, a wall here to a wall here. Like you would be given a spring can, a spring can, a rigid support, a rigid support, another spring can, or would you have three spring cans in a row and two rigid supports in a row, or who determined the placement of these?"

CULTON: "I don't remember."

TOMLINSON: "Well, was it your decision to make where the hangers would go and in what order, but if you so desired you could put all spring cans at one end of the line?"

CULTON: "No, it was..."

TOMLINSON: "Then someone else had already done this?"

CULTON: "Yes."

TOMLINSON: "O.K. Their calculations were based on a rough placement of these hangers prior to your ever seeing the list. There is a post-installation that Bob was talking about that is a re-verification of this and they go back to the as-built drawings and they perform new stress calculations based on the as-built condition. Not what they thought they had and what you thought you had when you made the first drawing, it's what they come up with on the as-built drawings, the actual as-built drawings, where the hanger had to be because of other interference. Now, if it's a foot off, if it's four feet off, does this span allow for this type hanger to perform as it should, or do we have to redesign? Do we have to put another hanger some place in between? But you weren't doing the engineering though."

CULTON: "No. But you know, what I said is that I gave the approximate distance between the hangers, I put that in. No matter how long that spool was, no matter what angle it was at, I stuck it there. I put it in there. And I went out in the field to check it, if it was 18', if it was 6", if it was 20 plus feet, it was there. Almost every one of them I'll say was within less than a foot of the location that I put on that drawing."

TOMLINSON: "How many of these were anchored into base plates, or were installed in ceilings or in the walls?"

CULTON: "I have no idea."

TOMLINSON: "Because that would have a lot to do with where the hangers would be placed. The base plates were installed at the time the wall was installed or the ceiling was installed or the ceiling was installed in anticipation of attaching a hanger to it. So again, somebody had done this before."

CULTON: "That's great."

STEWART: "Have you been out in the field and noticed the plates with just numbers on them?"

CULTON: "Sure."

STEWART: "And those are hanger numbers."

CULTON: "Yeah."

STEWART: "And those are the ones that you located?"

CULTON: "Yeah."

STEWART: "On the pipe?"

CULTON: "Some of them were already there. Some of them were just already put up. Like this, whenever -- when I first hired on out there I was a scheduler and we were given -- a lot of the crews want to go ahead and to keep up with their schedule, they find the shortest distance between two points, O.K.? Because it makes them look good, it makes their crew look good if they put in their required 800 foot of pipe or they pull their, you know, 1200 foot of cable or 12,000 foot of cable, or whatever. It makes them look good. They're meeting their schedule. They don't give a damn if there's an HVAC unit coming in or if there's another pipe that comes in this location if they can get theirs in first regardless of anybody else as long as they meet their schedule. I had to go back and reschedule a lot because I found out that the competition out there in the field; one that I remember rerouting was an 8" pipe that went through and HVAC needed to come through -- you know, which one had priority. They were pretty much on the same level, you know, where the HVAC -- you know, the pipe was a priority, the HVAC could have been rerouted and HVAC unit went in first, so they had to tear it all back out and put in the pipe and reroute the HVAC."

STEWART: "NCR was written on it, is that correct? So that there was a decision made by engineering as to who had priority, the pipe or the..."

CULTON: "Probably was, I don't know for sure."

ELLIS (to Stewart): "Do you know for sure?"

STEWART: "Oh, it's routinely done that way."

CULTON: "That's bullshit."

STEWART: "How many construction jobs have you been on? How many nuclear plants have you been on?"

CULTON: "None, sir, except Brown & Root. Construction, I've been on eight or ten."

STEWART: "So the only one you've been on is here at Comanche Peak?"

CULTON: "Yes, sir."

STEWART: "So, I mean..."

CULTON: "I went to all the meetings. I went to all the NCR meetings. I know what went on; I knew the people there. It's like this: If they wrote an NCR report up, it would go back to this guy right here. You know, you knew that that pipe wasn't supposed to go there. Why did you put it up? I had to meet my schedule. And, you know, he was going to take a long time, and I tried to force you a little bit so you could, you know, stay ahead, so you could keep up with your schedule. I asked you if you were going to put it up, and you said no. O.K., go ahead and tear it down and, you know..."

(HAD TO CHANGE TAPE TO SIDE 2)

STEWART: "...except at tremendous cost in labor while somebody sit around and ....that's why they tell them to go ahead and put it in..."

CULTON: "...they don't care. No."

STEWART: "...that an engineering decision will be made."

CULTON: "Then why wasn't it rescheduled? Why couldn't they do something else?"

STEWART: "It really didn't matter, did it?"

CULTON: "No, of course not. It doesn't matter."

TOMLINSON: "To us it really doesn't matter either because it's a money problem that you're talking and that's the least of our concerns. Our big thing is safety. Does it affect safety."

CULTON: "I don't know. I'm not an engineer."

STEWART: "Well, uh..."

TOMLINSON: "How they reschedule...."

CULTON: "It's ya'll job to find that out. I just give you information. I'm not here to argue, I'm not here to fight. I'm here to give you some facts and let you deal with the facts. I'm here..."

STEWART: "Well, we'll certainly do that, but...."

CULTON: "It's fine. If this is right...if this is right, if this is routine for you to do this or...that's fantastic, I think that's great. I'm not here to argue that at all. Now, you know, if...cause I know that there's always, these drawings are always coming back, you know, they're always being rev'd and once they get to a rev. 10 they have to be redrawn again, and you know, those papers are filed somewhere. And as far as I know, those papers could be -- you know, a total redraw done on them. They could be thrown out. An engineer might have caught a hold of them and said, my God, hey, what is this? This is not right. Let's get rid of these, let's straighten this thing out. I feel that it is a possibility that that has happened, BUT how can I go back and check on it. That's where I asked you, that's where I asked Juanita, that's where I asked -- I gave some of my finer drawings to a group that I didn't really, I didn't agree with, that Armadillo Coalition at North Texas State when I went there. I heard of Juanita's group and I thought, there's a lady that I have to give these papers to."

TOMLINSON: "Well, I haven't heard anything that you've said yet that was wrong, as far as the hangers go."

CULTON: "That's great. Then we don't have to worry about it."

Tomlinson: "That's as far as the hangers go."

STEWART: "I mean, we want...yeah."

ELLIS: "Let me ask ya'll something. You're making an awful lot of assumptions,

ELLIS (continued): it seems to me. You're assuming that all the hangers and stuff were checked that he did. You don't know that."

CULTON: "You don't know that."

ELLIS: "How do you know that?"

(EVERYBODY TALKED AT ONCE)

TOMLINSON: "...and there is a system that provides for this. Now whether the system is followed or not, I can't guarantee in all instances. Ma'm, I am one person..."

ELLIS: "All right. The ones we're talking about are the ones/he has done. You've got specific concerns here that are being expressed by a specific person."

Tomlinson: "O.K. Let's...do you have a system that you were working on? Do you know what piping system it was and where this general location of it? We can go back and we can check it. If you can get it specific for us."

ELLIS: "Can't you check something from the drawings? Can't they check something from the initials where he initialed...you initialed the drawings that you did?"

CULTON: "Or my group."

STEWART: "Do you realize how many hangers there are?"

ELLIS: "There's an awful lot, I know."

STEWART: "I mean, we just can't go out and try to spot something out of 20,000..."

TOMLINSON: "17,000."

ELLIS: "Aren't there record that would reflect what he worked on?"

CULTON: "It wasn't just me, it was..."

Stewart: "If he can tell me a drawing number, the  
iso, or a system number, that's fine, then we can tie it down."

TOMLINSON: "But we are talking just unit 1, 17,000 hangers."

CULTON: "I believe it. I believe a lot more."

ELLIS: "But isn't there something that would allow you within the system to check the hangers that he worked on?"

TOMLINSON: "Only if we set someone down with a stack of drawings and went through to look for his name or initials."

CULTON: "Oh, my goodness."

TOMLINSON: "That's the only way we would be able to locate what he had done. So, how many drawings would there be, let's say, on a run of pipe that had 5 hangers? The potential is there that you've got as many as 15 drawings. You've got the isometric for that, you've got possibly two or three pages on the larger hangers, you've got drawings for base plates, just any number of things could be there. Now, we could be talking, you know, talking a mountain of paper for someone to go through just to locate what he has done."

ELLIS: "And you're saying that you don't have the personnel or the time to do it?"

TOMLINSON: "Ma'm, we've got five sites."

STEWART: "We have...there's checks and balances for all of this, not only from the construction side, installation side, then there's the verification program which is an engineering recalculation program. Everyone wants..."

ELLIS: "Yeah, I understand all of that. But what I'm concerned about is whether or not this works. We don't think it works too well because of some of the things we've been told by people, and if you're not checking it out, how do you know that it's working?"

STEWART: "We do check that out. We..."

ELLIS: "You haven't checked out what he's saying specifically, is what I'm saying."

STEWART: "I know routinely that's the manner in which it is done. Routinely. He's not separate."

ELLIS: "If you don't have the time to go through the drawings and stuff, bring some of them here and I'll go through them and find some of the ones that he's done."

TOMLINSON: "I don't think Brown & Root would like the idea of us taking a bunch of their drawings offsite."

ELLIS: "Well, at the site."

STEWART: "I mean, for what purpose?"

ELLIS: "To check out what he's saying, the things that he's concerned about. How are you going to know what..."

STEWART: "I'm telling you what he is concerned about is routinely done, not just him. There is checks and balances. Like he says,...."

CULTON: "It's routinely done to go in and estimate a spool of pipe..."

STEWART: "You have to...."

CULTON: "I know an engineer, what -- my father's an engineer. This is why...."

TOMLINSON: "But remember now, the base plates for those supports were in there before you ever saw the isometrics. The base plates were already installed. Someone...."

CULTON: "Not necessarily."

TOMLINSON: "An awful lot of them, I'll bet they were."

CULTON: "An awful lot of them were."

TOMLINSON: "Because, the walls and the ceilings and the floors were all there."

CULTON: "But in Unit No. 2, Safeguard No. 2 and the Steam Generator No. 2 was not there."

STEWART: "In No. 2. You know what they have in Unit 2? In that corridor? The wall is steel plated for hangers. That's the very purpose. The problems they had in Unit 1 locating hangers was tremendous. So in Unit 2 in the corridor they put a whole steel panel up rather than locate individual hanger inserts."

TOMLINSON: "Base plates...."

CULTON: "Are you talking inside the containment building?"

STEWART/TOMLINSON: "No. Safeguards."

CULTON: "Safeguards? O.K."

STEWART: "So, I mean...you know, there has been a tremendous amount of rework that has gone on in Unit 1 because of the location of hangers. Interferences, primarily. They've been...they're down now to about 4% rework, but at the initial onset, the location, the system in which they were locating them, they were wrong. So they had to rework."

CULTON: "I was there when that went on. I was doing it. That's the reason I was doing the locations, because it was, at that time it was all being redone. It was not like, you know, we couldn't use the same drawings we used in Unit 1. That's the reason I was doing this."

STEWART: "Well, would it satisfy you if we sat down and went step by step in what is done at the site in the verification program?"

CULTON: "Satisfy me? No."

ELLIS: "You mean what is supposed to be done."

CULTON: "Cause I -- that's right. That's what you're...."

STEWART: "I know that it's what is being done. That's what we go down and inspect to see that their program is working. We don't go down and..."

ELLIS: "I don't see how you can satisfy his concerns if you don't address his specific concerns."

STEWART: "Well, I'm trying to find out what his concerns are that are wrong. What is wrong?"

TOMLINSON: "We'll have to go back and do a review of all the drawings that he has worked on."

CULTON: "Not necessarily my drawings. I believe my drawings were more close to being accurate than anybody else's drawings. I worked very hard and I took a lot of time with the drawings that I drew. Now, other people in my crew didn't give a damn where that location went in, they went in and just stuck that hanger any damn where, any place where they could stick it. If it was a 20' piece of section in there, they stuck that hanger anywhere and then went back and made an estimate of where that piece of pipe went, where the hanger was located between that spool. They didn't care. They did not care where that hanger was supposed to be. We went back out in the field and checked...."

COMMENTS INTERJECTED DURING PRECEDING COMMENTS BY:

STEWART: "Are you saying they're not located right?"

TOMLINSON: "Well, there is no way that we can go back and pull..."

ELLIS: "And that's why Dennis is here now."

TOMLINSON: "Well, we can't go back and do a reverification on 17,000 hangers. There is no possible way."

ELLIS: "Sure. No."

CULTON: "I know that you can't."

STEWART: "But the reverification program is in operation. That's what I'm saying."

CULTON: "That's great."

STEWART: "There's hundreds of people that are working on hangers. And part of that is a verification. Is it the right hanger, is it the right location, and is it on the right pipe? All of those...and the calculations that follow. There's a tremendous amount of hours. You already have Mr. Doyle and somebody else that have some allegations regarding the design function."

ELLIS: "Uh huh."

CULTON: "But I sat down, not only with my father as a consultant to me as an engineer on those hangers, but I took it to a professor at UTA and another consultant engineer that I worked with on other sites. I was going to say something else, but I'd better not. They said that that was not the proper way to locate the hangers, that when I was given that information I knew how long that spool of pipe was, I knew the angle in which the intent was supposed to be, I knew how many hangers were supposed to go in this one area..."

STEWART: "Was the iso marked with an X for a hanger?"

CULTON: "No."

STEWART: "There was nothing on the iso that would locate the hanger at all?"

CULTON: "No."

STEWART: "Not even approximate?"

CULTON: "No. I was given an isometric drawing and that's it. With the distance..."

Stewart: "...pipe number?"

Culton: "With the pipe number, with a spool number, with the distance between the spool from one end to the other, from one valve to another. I knew that. I was given the information, No. 2, I was given the information of how many hangers was to go on this drawing. I did not know if it was supposed to go from left to right, right to left, I did not know what hanger was supposed to be hung between these distances. I could have stuck every one of these hangers just right in here, and then I -- my job was finished. Later on, this came back to me, verbal communication came to me from my supervisor which was to estimate the distance between each hanger that I and my group have located on the isometric drawings. We went back, we gave a rough estimate of how far apart the hangers were, put them in a box, each week they are issued to the field -- they were stamped and issued to the field."

STEWART: "Can you give me a system that you worked on? A name of a system? An iso? Some way that we can go back and do some checking...."

CULTON: "I can give you my crappy drawings that I have. I have, you know, like I said, the choice drawings that I have are given away to a professor at UTA, are given away to a professor at North Texas State that are in turn with the group the Armadillo radical coalition. They're the ones that have that."

STEWART: "Do you have duplicates...."

CULTON: "They're the ones that have that. What?"

STEWART: "Are they duplicates or what you...."

CULTON: "Yes, they are duplicates. They are just copies. They are not the drawings. They are just copies. I took those drawings -- a draftsman always saves some of his work, some of his finer work, a draftsman saves for the benefit of going back into another position that you, as an employer, would like to see what kind of work I do. You'd like to see how, you know, some of my ideas. I might be able to help you to, you know, to change some of your ideas. I might have a better idea. You might have a better idea. But you want to see my work to see what kind of quality draftsman I am. So where am I supposed to get that information? On my own time drawing it? Well, that's fine and dandy, but 9 times out of 10, if you draw it on your own time, for you, I would do a fantastic job, I would do a very quality job of doing it. That's not what you want to see; you want to see production work. O.K., that's it, that's what you want to see."

that  
TOMLINSON: "Let's go back to some of the things/you said a minute ago that you first...."

CULTON: "That's what I did and that's what my group did."

TOMLINSON: "You turned over some of the drawings to a gentleman down here at UTA and another one at North Texas State..."

CULTON: "Yes, sir."

TOMLINSON: "...and you said that they, it was their opinion that this was not being done in the proper manner."

CULTON: "Yes, sir."

TOMLINSON: "Did they verify any of the stress calculations or find out that the hangers were in the wrong place, were not the proper strength, or did they find any fault with them?"

CULTON: "They found, for instance, that some of the hangers were -- had/improper <sup>some</sup> welds, the wrong type of bevel weld, the -- some of the types of welds that they used in the location of stress were the wrong types."

TOMLINSON: "Now this, if you could get me on to specifics on this..."

CULTON: "Well, I think I only -- we went through..."

TOMLINSON: "...then we're in my ball park."

CULTON: "...the last time I talked to you -- I'm not sure if he was an engineer, / <sup>I thought he was an engineer</sup> that looked at it. No, he was a welder down at the nuclear power plant in Glen Rose and he pointed out several of the welds that were wrong, they were improper welds..."

TOMLINSON: "...the design or the..."

CULTON: "It was design. It was the design on the hanger and on the base plate."

TOMLINSON: "If you can give me something specific on that..."

STEWART: "Did they have the loads and everything and everything for the weld design?"

CULTON: "I'm not sure they did..."

STEWART: "I mean, how did they say -- what was their basis that it was wrong?"

CULTON: "Some of the material/I <sup>I had</sup> written down some information off a piece of paper onto the drawings..."

STEWART: "You mean, they were stress calculations or..."

CULTON: "And it was for my benefit, you know, because it made the drawing look neat, it looked -- you know, I was going to keep it, you know, a copy of this drawing, just for my benefit. I didn't know what I was really putting down. I didn't know that that was, you know, the improper or the stress, where the stress load was, but when I took it to North Texas State, he gave it, the professor gave it to I felt an engineer, I don't know, somebody, and he came back and told me that they were improper stress loads. I don't know."

STEWART: "You said you had some rough sketches that you have..."

CULTON: "Just what everybody picked through."

STEWART: "Do you have them with you?"

CULTON: "No. Cause I was going to find out and see what you were going to do first. If you're not going to do anything, there's no reason wasting my time."

STEWART: "Well, I mean, if we weren't going to do anything, we wouldn't have called you in."

CULTON: "Well, I don't know that."

STEWART: "O.K. I mean, give us some credit."

CULTON: "Oh, yeah, I give you credit. I give you credit for being here, for making an attempt, you know, for giving Brown & Root, or not necessarily Brown & Root, but you know, the nuclear power plant in Glen Rose a headache."

STEWART: "We want it right..."

CULTON: "I want it right."

STEWART: "Our responsibility to see it safe...you know, that's our job..."

CULTON: "I'm paying for part of it; you're paying for part of it."

STEWART: "Right. Well..."

CULTON: "I know what went on there. You know, the people that I worked with knew what went on there."

STEWART: "I mean, I've been in the business for 30 years and I know construction."

CULTON: "That's good."

STEWART: "I know just every phase of it, and..."

CULTON: "That's great."

STEWART: "...I am concerned. And my fanny comes first, you know, as far as the health and safety of the public. So if it isn't safe for me..."

CULTON: "I'm not here to stop it. Believe this, I'm not here to stop, you know, the production of electricity at the nuclear power plant in Glen Rose. I'm here, like I said ten times, to give you the information that I have..."

STEWART: "Well, we certainly appreciate it."

CULTON: "...and if you work with it, that's fine and dandy. You know, if you can't do anything with it, then give it back to me where I can give it to my employer some day so he can look at it and see if he might want to give me a raise."

STEWART: "Well, I'm not going to keep anything you've got. All I want is to see it. I'd like to see it and maybe make copies of some of it if..."

CULTON: "Well, I'm very sorry that I can't give you the good stuff that I had. I don't know who has it at North Texas State. I will be up there later on this week and I'll go by and talk to the professor, and see if I can get..."

STEWART: "Well, if you can get some of the..."

CULTON: "...cause I'll tell him what's going on and, you know, I think it would be of benefit to him, both groups and myself."

STEWART: "Certainly."

TOMLINSON: "You're saying that the isometrics and the hanger lists were given to you by your boss. Could we get a name for him, please. It probably would be easy to go through him to get copies of things that you had worked on before. He would probably have some record of what you or your crew had done."

CULTON: "No, he's not there anymore."

TOMLINSON: "He's bound to have a replacement."

CULTON: "Yeah."

TOMLINSON: "And there's bound to be a record kept someplace."

CULTON: "...remember his name. I think -- did I mention his name here? I mentioned it back over here...Brian Lee. Brian Lee was my supervisor in the drafting department. I thought the scheduling department was fantastic, they had some very fine schedulers. I've been scheduling for -- this is my seventh year as a scheduler, and I still go by some of the techniques and I still pull out some of their little manuals on scheduling. I like it. I've scheduled at Vought Corporation in Grand Prairie for a year and a half as a production scheduler and I've given a lot of the information for some of the course that they had that I went through, courses that I took there onsite at the nuclear power plant, and that they are using at Vought right now. But that was fine. I thought the scheduling schedulers were very good. But at least that's what we issued the field. Now what you see could be something totally different from what I drew."

STEWART: "Well, what I'd like to get if possible is a typical or a sampling of your sketches. If you've got some old ones or you don't think they're that good, I'd like to see them anyway, just to get a sampling."

CULTON: "O.K."

STEWART: "You can be more specific on the drawings...."

CULTON: "O.K."

STEWART: "So if you can bring that back with you..."

ELLIS: "If ya'll go through and find some of the things in this and they turn out to be all right, would you pursue it further?"

STEWART: "Well, it all depends..."

ELLIS: " some of the others?"

STEWART: "...on what is being done in a manner so that we know there's a stopgap or a check point that what he's saying is overlooked."

ELLIS: "Well, you know that they're going to say that there is, but it's a matter of whether it's working or not."

STEWART: "No, no, we don't just go verbally."

ELLIS: "That's what I wanted to know."

STEWART: "We actually do the inspection ourselves. But again, it's only on a sampling basis, and if we have any doubts at all, then we put the burden of proof on them, particularly if we find some questionable area."

ELLIS: "One thing that concerns me is, after taking such a strong position in the hearings for their getting a license, frankly is how close ya'll might look at some things at this point."

STEWART: "At this point?"

ELLIS: "Uh huh. I don't mean to impune your integrity or anything like that, but, uh..."

STEWART: "No, no, I -- the thing is that..."

ELLIS: "...it would be awfully hard to take a contrary position at this point."

STEWART: "...that the checks and balances...Not for us. By no means. We can shut a plant down just like right now if there's a concern of safety. So, the thing is trying to describe to you the checks and balances that go on, well, on every safety system in that plant. There's a tier of inspections. Right now, the start-up crews do their own system walk-down from as-built drawings, and they walk every inch of those lines. They have to, for one, I mean, that's

STEWART (continued): a requirement. Secondly, it's the best way to know a system if you're an operator. After the start-up crews go through and do their start-up checks, then the operations crews go through and do their own system walk-downs, and, you know, there's things caught, you know, not anything really significant other than like, not, is it San Onofre where they did find mirror images were wrong, you know, dual plans. But the checks and balances that go on are numerous, and that's in addition to our samplings that we do in every system in every plant in our region."

TOMLINSON: "Through safety systems."

ELLIS: "When ya'll check this out, will ya'll be doing this yourselves, actually doing the checking out and everything yourselves?"

STEWART: "Oh, yeah."

CULTON: "You'll do it yourself? You'll walk it?"

STEWART: "Oh, absolutely. Absolutely. But I'm not going to walk 17,000 hangers, you know. I want to tie it down to try to get it to an area that you're concerned with in the time frame that you're..."

TOMLINSON: "If we can take the things that you worked on and that you have concerns with and do these in depth, then we find that either there are things wrong or there're not things wrong. There's always the two possibilities. If we find that there is nothing wrong, then it goes away. If we find there are things wrong and you're right, then all of a sudden it becomes a major problem and then is when we go into other systems..."

CULTON: "I'm concerned about, you know, some of the drawings that I did, like I told you, but I'm more concerned about is some of the drawings that my group did."

TOMLINSON: "Can you give us names of the people that worked for you, so that we could pull the work that they did."

CULTON: "Yes. Because they, you know, a lot of them. I can't give you the names now. I will. I have--I also did the, you know, the special event drawings, anything that Texas Utilities came down to see the -- what do you call it -- rank of hierarchy of people in the departments. I did all those, where you put everybody's name down, and I kept a copy of it. I drew all of those.... made them real nice and pretty....

kept a chart of who's working for who. I did all those. So you can take those and make copies of those and go by the names, but you know, there's a hundred people before me and a hundred people after me that you don't see. All you see is the time span when I worked there. You don't see any other people that I worked with and you don't see..."

TOMLINSON: "Is that what you have here...is that what raises a major concern in your mind, is the time that you were there, what you did see?"

CULTON: "That's why I'm here."

TOMLINSON: "Those are the ones that we're interested in then."

STEWART: "Can you give us some dates?"

CULTON: "For what?"

STEWART: "That time span."

CULTON: "I can't recall them right now."

STEWART: "....a year? Was it one year, two years?"

CULTON: "

I had my copy of my resume, copy of my -- the day that I quit and walked out the gate, I got a copy of my report about me which you're not supposed to get, but I got it, and I'll let you just go ahead and make copies of everything that I have."

STEWART: "Well, we'd certainly appreciate it."

CULTON: "...and then you can see, see what I've got."

ELLIS: "Once you've done this, will you let him know what you've done?"

STEWART: "Oh, absolutely."

TOMLINSON: "Yes."

ELLIS: "This has been one of the problems with some of our witnesses. They've asked for things and never found out what happened to them. I know Henry Stiner in particular was very upset because he'd never been given a copy of the I&E Report in regard to his allegations."

TOMLINSON: "As a matter of course, he will not be given a copy of the report, but it will be filed in the PDR and it will be available. In the case of a special request, maybe we'll make a phone call and we'll tell them what the outcome was. But as far as mailing a copy of our report to an individual, that just isn't done."

ELLIS: "Well, if he had even known what it was or anything...he wanted to find out what had happened and I think he made that pretty clear, and...this, to me, is one of the problems. I think there's a real communications breakdown between the NRC and people who make allegations, and we've talked to an awful lot of people who wouldn't come to the NRC with an allegation under any circumstances because they don't believe you'll do anything about it."

CULTON: "I was reluctant to come here. That's the reason that I brought Juanita and the reason that I...you know, I even went down to the little hearing that you had. I was reluctant to do anything about it. I was more inclined to go ahead and just give all the information to the radical group or somebody like that that might at least hold this up and say, hey, this is wrong, bugger. This is what's going on, this is what is...you know, the problem is there now."

Stewart: "Yeah, I can see you've got your time span here. You said you started work in October 18, '79, and then you say, I quit in June of 1980 in order to go back to school."

CULTON: "That's about right."

ELLIS: "And then later came back to work..."

CULTON: "Negative...."

(HAD TO CHANGE TAPE)

CULTON: "....which it was for my benefit. My supervisor thought it was a good idea because of the past experience that I have and I intended and intend to become a mechanical engineer, or really right now a civil engineer, and to work in construction. I have...I live on a farm, lived on a farm all of my life, so I know how to wire something together and keep it running, but I've also worked in construction for six years as a scheduler, you know, same time for a total of seven years, production field one year."

STEWART: "O.K., well, how soon can you get this information back to us?"

CULTON: "When do you want it?"

STEWART: "As soon as you can. We'll have to get some drawings also. Can you come back Friday?"

ELLIS: "There's another aspect of this that kind of bothers me. I think after talking to Dennis just recently, we feel like his testimony should be part of the record, and as you know, these limited appearance statements don't really, you know, mean all that much in the record because they're not sworn statements, they're not cross-examined on them or anything like that. I really feel that some of the things ~~XXXXXX~~ need to be in the record, especially about the Q cable being spliced, because there's nothing officially in the record even though we've got allegations from the fellow who's in prison in Oklahoma about the same sort of thing. There's still nothing officially in the record about this. I think it needs to be there. One of the things I'm concerned about, frankly, is that if Dennis gives you the names of some of these people and says, you know, to look at this; you go out and investigate it and talk to them, then they're veiled in this cloak of secrecy, whereas if we present the information in the hearings and he names names in the hearings, then we could ask that the Board subpoena these people and the records and go from there and it would be part of the public record. We ran into that problem with the Stiners. Now, Mrs. Stiner tried to tell the Board Chairman what she really meant about that -- they never at any time meant to say that the people who were interrogated who were being accused of doing things wrong should not be brought forward in the hearings or that confidentiality was, in their opinion, being offered to them. So we have a very weird sort of situation in that regard. This decision will have to be Dennis's, for sure, but that's one of the problems that I've got with some of this right now."

"Well,

STEWART: /You know this is being adjudicated right at this point as to naming names, and I don't wanna any comment about it one way or another. But, no, I think that we've got a good beginning here and that we can start off and if we can get these drawings, information that you have and sit down and try to locate these splices, uh..."

CULTON: "O.K. Some of the drawings that I have at UTA, I'm going to talk to a professor today about them, then I'll get back with you on those."

STEWART: "O.K."

CULTON: "Before I give you anything I want to talk to two other people and Juanita, and what papers I give you you'll get."

STEWART: "Well, all we wanna do is make copies..."

CULTON: "It'll be about five minutes before I need to leave...."

STEWART: "O.K. Let's...how soon can you call me on that?"

CULTON: "...if there's anything else... <sup>Call you</sup> /on what?"

STEWART: "On the...when you can..."

CULTON: "On the drawings?"

STEWART: "Yeah."

CULTON: "How about day after tomorrow?"

STEWART: "That's fine."

CULTON: "Wednesday?"

STEWART: "Wednesday is fine."

CULTON: "About what time? How about..."

STEWART: "Well..."

CULTON: "Wednesday. It'd be, it'd have to be in the afternoon. Three o'clock?"

STEWART: "Fine."

CULTON: "O.K."

STEWART: "And in the meantime, you said you'd seen other things that you noticed, why don't you give us a run-down on those, what you can remember or recall?"

CULTON: "Well, why don't we just hold off on that right now, and then..."

STEWART: "No, I don't mean now, I mean in the meantime..."

CULTON: "O.K."

STEWART: "You can just make notes on what you're concerned with."

CULTON: "O.K."

STEWART: "O.K.? You say you've got to get going to class?"

CULTON: "Uh huh."

ELLIS: "I haven't really had a chance to talk to Dennis. It may be that his situation will be different from the Stiners anyway. It may be that if he has someone that he thinks has not done work correctly or ~~WMM~~ he's concerned that may not have done work correctly, and he says, 'Joe Blow, down there, didn't give a damn about the way things were done and I don't think he did it right, or there's a good possibility he didn't do it right,' and we give you that name and you go check with Joe Blow and he says, 'Why, I always did everything right, everything's beautiful,' and that's confidential then between you and him and we never get to even hear about it or to cross-examine him or anything like that..."

STEWART: "Normally we don't talk to him if we know specifically. If we have specifics, we can track these things down. When people talk in generalities, what can we do?"

TOMLINSON: "...a lot of cables, a lot of hangers, an awful lot of people, the proverbial needle in the haystack. We really have to have something that will pin it down a little closer than that. There's a cable at Comanche Peak, or there's a hanger at Comanche Peak."

ELLIS: "Right."

CULTON: "The information that I've given you, is it pretty much common, do you get this all the time? Or am I pretty much an isolated case, I'm one out of the hundreds of people that work there, that just happened to realize that that was the Q cable that was spliced? Or that was the, you know, that they're crowding the trays, or that they're doing something?"

TOMLINSON: "You're in a better position to answer that than we are." (to Herr)

CULTON: "How many people come by here and talk to you like this?"

HERR: "Yeah, and <sup>my answer</sup> ~~I~~ may tend to identify various people and I don't know if I'd like to answer that or not...."

CULTON: "Well, you don't have to mention any people, just give a percentage... just give an idea of how many people come by and talk to you..."

ELLIS: "Well, not names. All he wants is just -- he just wants to know if he's just an isolated case."

CULTON: "...that's all I care about."

HERR: "No."

TOMLINSON: "No."

STEWART: "No."

CULTON: "Dr, you get a lot of people, a few people, ten, twenty? Less?"

HERR: "Somewhere in there."

(laughter)

ELLIS: "Ten, twenty, or less."

HERR: "I have one question I'd like to ask you on the Q cable. Is there a way you can take a Q cable and splice it and it be all right?"

CULTON: "Yes, sir, it's probably true. But that's not what the contract says."

HERR: "...I just wanted to know if there's a way and you're aware of that way."

CULTON: "I am not an electrician."

TOMLINSON: "I've got another question on that. When ~~you're talking about~~ you're talking about a spliced cable, is it a factory-spliced cable or is it a site-spliced cable?"

CULTON: "No. Site-spliced."

TOMLINSON: "Site-spliced."

CULTON: "That is right. It was a site-spliced cable, it was not a factory-spliced cable."

TOMLINSON: "O.K."

HERR: "How did you recognize it?"

CULTON: "I pulled it. I'm telling you the cable that I pulled."

STEWART: "No. Recognized exactly where it was spliced?"

CULTON: "Yes, sir."

STEWART: "What did it look like at the time you saw it? Had it been a finished splice?"

CULTON: "Oh, it was very nice, very neatly done..."

(TELEPHONE RINGS)

CULTON: "...very well done splice. They did a very good job..."

TOMLINSON (answering phone): "Seidle's office. Tomlinson."

CULTON: "...of splicing it, but..."

TOMLINSON: "Oh, we're just about closing up."

CULTON: "...my understanding of the contract that they had with Q cable was that there was no splicing..."

TOMLINSON: "Hang on just a second."

CULTON: "...whatsoever."

TOMLINSON: "What color was the cable?"

CULTON: "I don't recall."

TOMLINSON (into telephone): "He says he doesn't recall the color."

CULTON: "Green, yellow, orange, black..."

TOMLINSON (into telephone): "O.K. Uh huh." (Hangs up telephone)

CULTON: "They had all colors, all different colors, but I know at that time, I -- hell, it's been, what, two years ago, three years ago? I don't remember. At that time I had worked on six different sites pulling, you know, pulling cable, routing it, routing it conduits."

HERR: "Did you write this up -- when you saw this, did you write it up as a nonconformance or bring it to anybody's attention?"

CULTON: "Negative. Are you kidding?"

HERR: "I don't kid very much."

CULTON: "Well, I'm sure you don't, sir, but I expressed that as a -- I didn't mean that as a wise comment, but as a person in the field, as a worker in the field, you didn't do that because my brother did that. I had two other brothers that worked there. My one brother that worked as a pipe fitter made an attempt to write up a nonconformance report and made his life in jeopardy

And when you're working out with that many people, you had -- I'm not going to say a low class -- you had people that were coming from a \$3.00 an hour job that they were happy with at one time and then jumped up and made \$8.00, \$10.00, \$12.00, \$13.00, \$14.00 an hour; you weren't going to take that job away from them. If you wrote that nonconformance report up, in turn, not just that one person but that crew would be jeopardized."

HERR: "Are you telling me that nonconformances aren't written out there in your department?"

CULTON: "No, sir, I'm not telling you that."

HERR: "What are you telling me? Your brother didn't write one because he was afraid of getting beat up. That was an isolated case..."

CULTON: "That happened, sir..."

HERR: "...or is that the feeling..."

Culton: "...that happened outside all the time..."

HERR: "Is that a feeling throughout the department that you..."

CULTON: "Yes, sir."

HERR: "...worked for?"

CULTON: "Not -- that's a feeling that's throughout the plant."

HERR: "So therefore, if that feeling persisted, there wouldn't be any non-conformances written."

CULTON: "I know that on the containment No. 1 door, the -- what's it called? the pressure door, airlock, there was a faulty weld on that door that was reported and four people were fired. And out in the parking lot, there was a good fight going, and it was due to that."

HERR: "Did you participate in the fight?"

CULTON: "No, I ran like hell."

HERR: "Did you know it was a fight over that and not over some girl?"

CULTON: "Yes, sir."

HERR: "Well, how many nonconformances are written down there? Do we have any?"

STEWART OR TOMLINSON: "Oh, are you kidding?"

CULTON: "Hundreds. Thousands."

HERR: "Thousands....we're talking about a five-year period."

STEWART (to Ellis): "You've been looking at them, you've been sorting through them."

ELLIS: "I may be the most expert person here on that."

STEWART: "Right. How many is there? Did you ever count them?"

ELLIS: "There's a few thousand...however..."

CULTON: "I got to sit in on the meetings as a scheduler, as a planner/scheduler, I had the opportunity to sit in on some of the meetings where they discussed some of the nonconformance reports. When they felt that there was a problem somewhere, they tried to talk it out before it was formally written up, can we go ahead and get this thing taken care of? That happens on every site. They try and go ahead and see what they can do to settle it before it's formally written up."

HERR: "Probably good management practice. Besides that, probably you said you saw thousands?"

ELLIS: "Probably, I imagine, three or four thousand."

HERR: "Three or four thousand?"

TOMLINSON: "That's a decent number."

HERR: "So I guess there're not too many people who feared for losing their job if they write a nonconformance."

ELLIS: "Also, you need to look at what has been written up and what hasn't been written up also."

HERR: "See, if this is a problem, I've investigated these things before..."

ELLIS: "I think in certain areas you'll find some things written up and some things not."

HERR: "...and I've found some of them to be true in some departments. I would only be concerned if it was true in your department. But it's obviously not true throughout the whole plant, so I can dismiss 95% and concentrate on the other 5%."

CULTON: "Well, if you want to dismiss 95% of it, then that's fine..."

ELLIS: "I think I'd have to...."

CULTON: "All I know was the feeling throughout the plant. I went down there as a very green person. I didn't know what was going on. I didn't know, so I had to follow everybody, I had to talk to other people. My crew -- you know, we were a small group but you always heard, you know what's going in a construction plant, you know where you are in the percentage of completion from the start to the completion, you just know it. You're putting it up, you're doing it."

ELLIS: "There's a lot of things that happen down there -- if somebody tells you you've got to be very very careful, that can be taken a lot of different ways, and you don't have to always be told 'I'm going to beat the hell out of you in the parking lot if you do this' to know that that's what they mean. And as far as what's written up, I think that that's something else that bothers us, but I don't know if we really want to get into all that right now."

HERR: "Yes, but you're telling me that you didn't write this question up because you felt intimidated and threatened, and if you...."

CULTON: "No, I felt at that time it would probably be repulled, be pulled back, but it was too long -- it was a full spool, they'd have to go back..."

HERR: "So you didn't report it because you felt that it was going to be repulled."

Culton: "At that time, I probably did. In fact, maybe I can come back and say I really didn't care. I had the idea in my mind that I cared but I wasn't overly concerned, I had other problems going on outside of my..."

HERR: "What has changed your thinking?"

CULTON: "Sir?"

HERR: "I mean, could they have pulled that and you not known about it?"

CULTON: "Very true. All these drawings could be redone and properly relocated. If that's true, that's fine and dandy, but there's no way that they're going to let me in that gate right now and find out."

HERR: "...I just wanted to know, that's all."

CULTON: "I would like to find out. You know, if I could go down there and I could scrounge through some of that cable to see if it's been spliced, you know, it seems like that's all I'm basing my comments on, is that cable and, you know, a few of these drawings, a few hundred of these drawings that I've drawn, which is a very small fraction of what is really going on there. Juanita, I spilled my guts out to her one time and she was going 'My God, I don't believe what I'm hearing!' But what you want is facts, what you want is what I had or I have on a piece of paper."

ELLIS: "All that he's talked to you about here is what he can pretty well prove or that he has concerns about that is provable."

STEWART: "Well, like I say, I think we can't do much more now until you get, you know, try to tie this stuff down a lot closer than what it is."

ELLIS: "When you get this done, if you went and found that there were problems, would those specific problems be addressed or would a thorough investigation then follow if there were problems?"

TOMLINSON: "A little of both. Because it would be done in two stages. First, we would locate the things that he has said; there would be a report written on that. Then there would probably be some action taken. I hate to use the words stop work or anything else, but some action would be taken and then it would go much further."

CULTON: "It's getting close to that time..."

ELLIS: "Yeah..."

CULTON: "I need to go ahead and run. We can continue this later on if you like, if you feel that there's enough information for you or the information that I'm going to continue to give you. We can meet some other time, but I need to go ahead and get to my class. What was your name again, you're...?"

STEWART: "Bob Stewart."

CULTON: "And you're...?"

TOMLINSON: "Dan Tomlinson."

CULTON: "Dan Tomlinson?"

TOMLINSON: "T-o-m-l-i-n-s-o-n."

CULTON: "And you're...? It'll still pick up, sir."

ELLIS: "Richard Herr."

CULTON: "It'll pick up very well." (referring to his tape recorder)

HERR: "Richard Herr."

CULTON: "Richard Hart?"

HERR: "Herr."

ELLIS: "Herr."

CULTON: "Richard Herr."

Comments of Dennis Culton regarding his feelings following meeting with NRC; relayed to CASE President Juanita Ellis by phone 12/13/82, and 12/20/82:

I was especially concerned about the Q (safety-related) cable that was in the cable spread room being spliced, and one of the main reasons we went there was to see what the Nuclear Regulatory Commission was going to do about the spliced Q cable. I gave them the location and we discussed the statement that I made at the Nuclear Regulatory Commission hearing. We wanted to know what the NRC was going to do about the spliced Q cable.

I have other information that I believe shows that pipe supports and pipe hangers are not located in the proper areas, that there are faulty welds on the supports. They kept asking us questions about it. They tried to discredit my conversations. They tried to say thing and make me say things that were not true. As far as I'm concerned, we were badgered in the conversations that we had. We kept trying to find out what they were going to do about that spliced Q cable. The meeting went on for about an hour and forty-five minutes and Juanita Ellis and I decided to go ahead and leave.

I felt they were trying to intimidate us. I don't think that they tried to take me seriously at all. They tried to feel me out. I think what they really wanted to do was to find out what other information I had, if I had a grudge against them (the Nuclear Regulatory Commission or Brown & Root), which I did not. I came out of Brown & Root with a very high classification, they were very much willing to rehire me. I left of my own accord. I had intentions of going back to school and also, the other main reason that I left was that I couldn't condone what was going on at the plant. I thought that they were not treating the problem areas as they should. I knew that these problems or faults were being conducted or were going on, and I tried to stop it, and they just told me to keep my mouth shut about it. So the only recourse as far as I knew was to go ahead and quit.

Bob Stewart telephoned me after the meeting, I believe on Friday (11/12/82). He asked me why I didn't come down and give them the papers, and I told him that at this time I have no intentions of giving him the papers, for the reason that I felt that he wasn't going to do anything about the spliced Q cable. The conversation went something like this, to the best of my recollection. He made several comments like, "Well, if we don't have that information, how do you expect us to do it?" And I said, "Well, I gave you a location, I expect you to locate this area." He said, "How can we go through a couple of thousand cables in that area?" And I said, "Well, it's a spliced cable. You have a job to do it. You're being paid to do that job." He said, "Well, how can we do it without your drawings?" I said, "I gave you the location of where it was, you can go and find it." He said, "Well, are you going to bring those drawings to us?" I said, "No, I'm going to turn them over to Juanita Ellis." And I asked him also if someone else was listening in on the phone conversation. His answer was no.

I told him that I had talked to an engineering professor at UTA and let him listen to the tape and look at my drawings and he suggested not to do anything -- not to let any of the papers out of my hands -- in fact, he suggested not to even turn them over to Juanita Ellis. And to just go ahead and hold them but scatter them to different areas where I can locate them sometime if anything ever does happen like a fire or accident at my home, or if a thief accidentally does take one box of information that I have. And Mr. Stewart also tried to figure out what papers I did have and I told him I wasn't going to talk to him about

it any more. And he said, "Well, you made statements and you're going to have to back them up." And I said, "I have all the information. You know, my statement's backed up. You know, you're badgering me now, you badgered me during that meeting, you're trying to discredit me now in this telephone conversation that we're just having, and you tried to discredit me there, so I see no further point in conducting our conversation any further." And he said, "Well, if you feel that way, you go ahead and do what you have to do." I said, "I'll do what I have to do." And that was pretty much the end of the conversation. The total conversation lasted about ten minutes or less.

When people that come in and have something to say, some information to give the Nuclear Regulatory Commission, I think that the people are discredited. I think that they're not taken seriously, that the Nuclear Regulatory Commission says, "Well, that's no big deal, and you know, that's just a routine -- could be a routine thing." And the people think, "Well, it's possible; these guys ought to know, they're a government agency, they're paid by the government, they're independent, and they have no reason to lie." The way I see it now, I believe that the NRC's not telling us the full story. At least that I didn't get the full story. And I think if they talked to me that way, they talk to everybody else that way.

I don't know what I would have done if Mrs. Ellis hadn't been there and I hadn't had that tape recorder, because I'm sure that they would have made me very mad. I got so upset during that meeting that I almost got up and walked out. I literally cussed, I said some foul language, and I don't do that -- I don't get that mad. They were very, very tactful in doing it. The guy would make a very good attorney in cross-examination. There is one guy, Mr. Stewart, who sat across the table and kept on popping questions at me as fast as he could, he popped questions to me. The second gentleman, Mr. Tomlinson, he asked some more logical questions. He felt me out.

While Stewart badgered these questions one after another, Tomlinson asked more specific questions, and a little bit more in detail, and that's where Stewart also just kept on popping questions, you know, to relate to these questions. And then, Richard Herr asked very classic questions, very detailed, direct, and he did more cut down than anything. He sat back and listened to all this. And if I were to cross-examine somebody, that's the way I would conduct it. I thought it was very good the way they did it, but very poor class. Very low class. They treated me like a very low class person, and I can grant you that I do not consider myself a low-class person. I consider myself up, you know, as high as the NRC people are if not higher. I think the NRC representative tried to make me feel like I came from a little Podunk dirt town and treated me as such, and I think I'm pretty well educated. This is my sixth year in college, I'm working on my second degree, and I didn't appreciate his attitude.

If Mrs. Ellis hadn't been there with me, I would have walked out. I would have told them, "To hell with it" and walked out. I would have said, "You and I have no more conversation, nothing else to say." And I would have probably gotten up and walked out because they were treating me very poor, they were treating me very bad. I didn't like the way that they conducted themselves.

If I had it to do over again, I don't think that I would have gone. I don't think that anybody else would go if they find out. If somebody else had a situation that they knew that there was a fault in the plant that might cause a problem at some time and they knew that the Nuclear Regulatory Commission was not conducted in a proper procedure or not doing anything about it, they wouldn't go to them. I wouldn't go back there to them. I don't think I'd turn my information over to them. I think I'd turn it over to Mrs. Ellis. I gave some of the information to the Armadillo Coalition and I thought that they might be able to do something about it. I knew from previous experience that the Nuclear Regulatory Commission down at Brown & Root had a notorious reputation as supposedly being the arm of -- or the negotiator in between the people and the -- doing what's right and doing what's wrong. The people that worked there felt that the Nuclear Regulatory Commission was not doing their job. I believe that there are people at the plant now that know of problem areas that might come forward if the Nuclear Regulatory Commission didn't have the reputation that it does now.

I think that it jeopardizes the people that work at the nuclear power plant when Brown & Root puts out their newsletter and makes statements about people that are talking against them like the gentleman that has been fired a number of times. Also my name was written up and many other people that did make comments or did talk to the Nuclear Regulatory Commission were written up in the newsletter. This newsletter is put out onsite to all the employees or available to all the employees onsite. And most of the people that did make conversation or did talk to the Nuclear Regulatory Commission live in that area, and some of the people are not used to making this kind of money. They're used to living and maintaining a \$3.00 an hour job and living in a one-room house with barely one car running, and now they have a job at Comanche Peak making \$8, \$10, \$12, \$15 an hour and they have added on to their home or a new home, they have two new cars, all new clothes and having parties every weekend. And not one or two beers in the refrigerator, but a case of beer. And when they see that their friends have turned against them, which is the way that they really see it, they see that if they talk against Brown & Root, they talk against their brothers and relatives (B&R), and they feel that, "Heck, we don't need you anymore," and they do not counsel one another anymore and they do not talk to them.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

## ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Charles Bechhoefer, Chairman  
Dr. James C. Lamb  
Mr. Ernest E. Hill

In the Matter of  
HOUSTON LIGHTING AND  
POWER COMPANY, ET AL.  
(South Texas Project  
Units 1 and 2)

ASLBP No. 79-421-07 OL

Docket Nos. STN 50-498 OL  
STN 50-499 OL

July 14, 1983

MEMORANDUM AND ORDER  
(Denying Motion for New Contention)

On March 18, 1983, Citizens Concerned About Nuclear Power (CCANP), an intervenor in this operating license proceeding, filed a motion for admission of a new contention, dealing with the Applicants' financial qualifications to "complete and operate" the South Texas Nuclear Project (STNP). (On March 29, 1983, CCANP submitted certain corrections to its motion.) The Applicants and NRC Staff each oppose admission of the contention. As authorized by us in our Memorandum and Order dated May 11, 1983 (unpublished), CCANP filed a reply to the substantive arguments of the Applicants and Staff on its contention. For reasons hereinafter set forth, we decline to admit the contention or to certify CCANP's request to the Commission (pursuant to 10 CFR § 2.758(d)).

revenues to enable them to meet their needs" (June 2, 1983 reply, p. 2). CCANP contends that the Commission expected utilities facing financial difficulties to cancel or postpone plants, and that a utility that persisted in the construction of a nuclear plant even when the cancellation of the plant is called for by the economic conditions facing the utility would be acting outside the normal bounds the Commission expected to be observed by such utilities (June 2, 1983 reply, p. 3). In CCANP's opinion, HL&P is currently a utility of that type.<sup>7</sup>

As part of its argument for waiver of the financial qualifications rule, CCANP also questions the efficacy of the Region IV inspection efforts. CCANP refers in particular to instances in 1979 where Region IV failed to uncover certain activities but where the special inspection organized at headquarters found violations with respect to those activities.

In opposing the motion, the Applicants and Staff assert that the circumstances pointed to by CCANP were contemplated by the Commission when it adopted the new rule. They claim that CCANP has not made a prima facie demonstration of the "unusual and compelling circumstances" needed to warrant a waiver. See Northern States Power

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<sup>7</sup> But cf. fn. 8, infra.

CCANP refers as background to its motion, the NRC explicitly referenced that condition when it amended its rules.

Finally, we are aware of NRC's intent to utilize its inspection/investigation resources to help assure itself that utilities which have a need for operating funds will not skimp on complying with regulatory requirements. Seabrook, CLI-78-1, supra, 7 NRC at 19; 47 Fed. Reg. at 13751. We are also aware that the inspection activities carried on by Region IV have not always been completely effective. Nonetheless, there has been significant reorganization and restructuring of NRC's inspection functions in the recent past. Moreover, the asserted 1979 deficiency in Region IV activities to which CCANP has called our attention (June 2, 1983 reply, pp. 6-7) was well known to the Commission when it amended its financial qualifications rule. In addition, as is reflected by the special inspection conducted in this case, NRC's inspection resources are not limited to inspections conducted solely by field office personnel. In short, CCANP has not brought forth any circumstances concerning NRC's investigatory efforts which would cause us to differentiate this proceeding from the general run of proceedings and to recommend a waiver of the bar to considering financial qualifications contentions.

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