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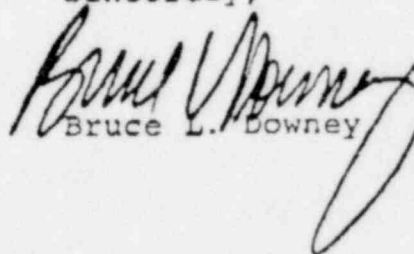
Vincent S. Noonan, Director
Comanche Peak Project
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Bethesda, MD 20814

Dear Mr. Noonan:

Enclosed are the Responses of Texas Utilities to the NRC's questions concerning the 1979 and 1983 surveys of quality control inspectors at Comanche Peak. Also enclosed for your information is a compilation of the testimony elicited during the "Glen Rose depositions" in those surveys.

If you have any questions about the enclosed materials or any additional questions about the surveys, please do not hesitate to contact us.

Sincerely,


Bruce L. Downey

Enclosures
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THE RESPONSES OF
TEXAS UTILITIES TO THE NRC'S QUESTIONS
CONCERNING THE 1979 AND 1983 SURVEYS
OF QUALITY CONTROL INSPECTORS
AT COMANCHE PEAK

The 1979 Survey

1. What were employees told concerning the confidentiality of their responses, who would be seeing the results, and how the survey data would be used?

Response. The 1979 survey was conducted by interviewing all QC inspectors at the site. At the beginning of each interview, the interviewers informed the inspector being interviewed that his/her responses would be kept confidential. The inspector was also informed that all QC inspectors were being interviewed to identify problems and potential problems that needed to be addressed by management.

2. How were the surveys introduced and passed out to employees?

Response. Forms were not passed out to the inspectors during the 1979 survey. Instead, the inspectors were asked a series of questions and their responses were recorded on interview forms.

3. Where and how did employees complete the surveys?

Response. The QC inspectors did not complete the survey forms during the 1979 survey. Instead, two interviewers were present at each interview; one interviewer asked the questions, and the other recorded the inspector's answers.

4. What guidelines were used by those transcribing employee responses?

Response. The interviewers were told to solicit and record any and all problems that the inspectors could identify.

5. How were the completed surveys returned to management?

Response. The interviewers kept the survey forms they completed and filed them with corporate QA management after the project was completed.

6. How were employees selected to participate?

Response. It was management's intention to interview all inspectors employed at the site. The interviews were conducted by discipline, i.e., all electrical inspectors were interviewed during one block of time, all mechanical inspectors were interviewed during another block of time, etc. Except for those inspectors who were absent from work during the time their group was being interviewed, all inspectors were interviewed during the survey.

7. Which organizational units and/or job categories were included and excluded from the surveys and what criteria were used for this process?

Response. All QC groups, i.e., electrical, mechanical, etc., were included in the survey; no QC group was excluded.

8. How many QC inspectors were employed at the plant when each of these two surveys were taken?

Response. At the time of the 1979 survey approximately 190 inspectors were employed at the site.

The 1983 Survey

1. What were employees told concerning the confidentiality of their responses, who would be seeing the results, and how the survey data would be used?

Response. A cover sheet distributed with each of the 1983 questionnaires assured the QC inspectors of anonymity; the cover sheet instructed the inspectors not to write their names or to identify their group on the questionnaire, and advised the inspectors that the survey was not a method of identifying individuals with specific attitudes. In addition, the inspectors were verbally advised when the questionnaires were distributed that their responses would be anonymous.

The cover sheet stated that the questionnaires would be used by site Quality Assurance management to assess the inspectors' concerns. The cover sheet advised that the questionnaire represented the inspectors' opportunity to communicate with management. Verbal instructions confirmed those purposes.

2. How were the surveys introduced and passed out to employees?

Response. The questionnaires were distributed by the supervisors in the non-ASME organization.

3. Where and how did employees complete the surveys?

Response. Where and how the surveys were completed -- indeed, whether the survey was completed -- was left up to each inspector. This information is known only to the inspectors themselves.

4. What guidelines were used by those transcribing employee responses?

Response. The 1983 surveys were completed by the inspectors themselves. The survey responses were not transcribed.

5. How were the completed surveys returned to management?

Response. The inspectors returned the questionnaires to the desk of a staff assistant in the non-ASME organization.

6. How were employees selected to participate?

Response. C. Thomas Brandt, who initiated the 1983 survey, was at the time the non-ASME QA/QC supervisor. Brandt directed that a questionnaire be distributed to all of the Quality Control Inspectors in the non-ASME QC organization, that is, to all inspectors subject to Brandt's supervision.

7. What organizational units and/or job categories were included and excluded from the surveys and what criteria were used for this process.

Response. As noted in response to question 6, questionnaires were distributed to all QC inspectors in the non-ASME organization. The disciplines included were non-ASME mechanical, civil, electrical, structural, and night shift (which covered mechanical, electrical and civil).

8. How many QC inspectors were employed at the plant when the 1983 survey was taken?

Response. At the time of the 1983 survey, approximately 240 QC inspectors were employed at the plant. Of these, approximately 150 were employed in the non-ASME QA/QC organization, and were given survey questionnaires.

DEPOSITION TESTIMONY
CONCERNING THE
1983 SURVEY OF
QUALITY CONTROL INSPECTORS
AT COMANCHE PEAK

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Deposition of: C. Thomas Brandt

Location: Glen Rose, Texas

Pages: 45,000-45,238

Date: Wednesday, July 11, 1984

TAYLOE ASSOCIATES

Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

~~8407190240~~

xxx

1

(The document referred to was
marked Brandt-3 for
identification.)

2

3

4

5

MR. WATKINS: And if I may offer at this moment to
make xerox copies available for Mr. Mizuno, is that acceptable

6

7

8

MR. ROISMAN: Yes, yes, of course.

Why don't we start with finding out about the
survey material?

9

10

MR. WATKINS: Why don't you identify your new
colleague for the record?

11

xxx

12

13

MR. ROISMAN: I am sorry. Sitting with me is
Marina King, who is one of the people assisting us during the
depositions this week and Mr. Carpenter has also joined us.

14

BY MR. ROISMAN:

15

16

17

Q Mr. Brandt, there has been reference to a set of
documents which are described as survey that was conducted
by you.

18

19

20

21

22

Would you just give me a brief description of what
this was, when it occurred and what does it mean "conducted
by you" or is that an improper designation for it -- so we
will know what it is we will be seeing when we get a copy of
it.

23

24

25

A It was a questionnaire sent to all the non-ASME
QC people, essentially asking them what they perceived their
job to be, how they perceived their job conditions, what

1 they thought of their supervisor. It contained about 15
2 questions plus an additional page for any comments or concern
3 they wished to express.

4 It was done at the suggestion of one of my
5 subordinates, a person I have grown to have a great deal of
6 confidence in as far as establishing an anonymous forum --

7 Q Did you say "an anonymous"?

8 A Anonymous -- for inspectors to voice concerns, make
9 suggestions about their daily activities in such a fashion
10 that they could do it in total anonymity and possibly obtain
11 information that I wouldn't have obtained by any other means
12 due to their hesitance to come discuss those problems with me.

13 It was conducted during the summer of 1983.

14 Q So that the documents that we are to receive are
15 the survey questionnaires that you received back in response
16 to this?

17 A Yes, sir.

18 Q I take it from what you just said about anonymity
19 that the questionnaire does not disclose the name of the
20 person?

21 A That's true.

22 Q Is it set up in such a way that no one except the
23 person who filled it out knows who they are unless they chose
24 to put their name on it?

25 A It was set up so I could tell what group it came

1 from because as some of the questions were directed at their
2 impression of their supervision, I could use it as a tool
3 to evaluate my supervisors, people who reported directly to
4 me.

5 It was a very subtle difference. There is a word
6 change typically in a couple of the 14 or 15 questions. They
7 are in the same order. For you to pick it up and take a
8 quick glance at it and look at all 15 questions, you would not
9 notice the difference.

10 Q Was it -- was the questionnaire sent out by you
11 with some kind of a memorandum or instruction?

12 A There was a cover sheet to the questionnaire which
13 essentially describes the purpose of the questionnaire, says
14 that it is anonymous, describes what I was doing with it,
15 giving them a chance to voice their concerns, telling me how
16 I can make their job easier for them.

17 I can tie it to group by the questions are worded,
18 as I said. In no case can I tie it to an individual.

19 Q How many of these were sent out, roughly?

20 A Ballpark -- 150.

21 Q These were to the non-ASME QC people, essentially
22 people who worked for you at that time?

23 A Right.

24 Q Did it get sent out in a way that indicated that
25 you expected everyone to return it and there was a time by

1 which it was to be returned?

2 A It is not clear from reading the cover sheet. It
3 was delivered to the groups by the person whose idea it was.

4 Q By the way, who was that?

5 A Mike Warner, W-a-r-n-e-r. He explained to them
6 what the purpose was, explained to them -- it was their
7 chance of getting an anonymous but direct line of communicati
8 to me. There was no way that -- since it was anonymous,
9 there was no way to check to see if everybody had returned
10 them or to ding the people who hadn't returned them, but if
11 they wished to return them they should return them by a
12 certain date. After that we weren't to look through any
13 submittals.

14 Q What number did you get back out of the total
15 number you sent out, roughly?

16 A The overwhelming majority of them.

17 Q When did you get the survey answers back? When did
18 they come back to you, roughly?

19 A That is a question I have been asked by my own
20 counsel, Mr. Roisman and I don't honestly remember the exact
21 date.

22 The sequence of events was they were passed out,
23 they were given a week to 10 days to complete them, they came
24 back to Mr. Warner, who essentially collated or tabulated
25 results.

1 Most of them are yes - no answers to where I got
2 sheets back that say, for example, "Supervisor X" and then
3 a blank questionnaire with scratch marks tallying the yes
4 answers and the no answers. That took some amount of time.

5 The closest I can tie it down is late Spring or
6 Summer, 1983 it was sent out. It was probably two to three
7 weeks, maybe a month after I sent it out that it reappeared
8 on my desk with the results tabulated.

9 Q Did you have in addition to the tabulation of the
10 results any memorandum evaluating the results or any opinion
11 expressed, either by Mr. Warner or anybody else?

12 A Nothing in writing.

13 Mr. Warner and I discussed it.

14 Q Did you do anything after you got those results?

15 A Supervisory changes, yes, sir.

16 Q What was it that you did?

17 A I reassigned some of the supervisors.

18 Q I guess we can see for ourselves when we get it,
19 but since we are right at the point, did the answers to the
20 questionnaire enable the person if they wanted to say
21 Supervisor -- and name somebody -- has been doing something
22 wrong?

23 A Yes. As I said, there was essentially a yes - no
24 type answer, I believe, and I am speaking from memory now.

25 Most of them were not even a definite yes or a

1 definite no. I think the choices were mostly yes and mostly
2 no. With each answer there was a couple of lines provided
3 for any kind of narrative comments they wanted to add in
4 addition to basically the entire last page with any other
5 comments you would like to make at this time.

6 Most of them have comments on them.

7 Q Was the reassignment a decision which you have the
8 authority to implement yourself or merely that you had to
9 recommend to somebody to implement?

10 A That was solely my decision.

11 Q Did you memorialize the reasons for the reassign-
12 ments in some document?

13 A No.

14 Q Do the people who were reassigned -- were they
15 told by you why they were being reassigned?

16 A In only one case that I can remember did I explain
17 to that supervisor distinctly why he was being reassigned.
18 I take it back -- in two of the cases.

19 One of the reassignments involved a transfer offsite

20 Q Now were these reassignments that were made made
21 within the organization that you had the responsibility for,
22 the non-ASME?

23 A Right.

24 Q So it is like moving a supervisor from mechanical
25 to electrical or something like that?

A Exactly.

1 Q And were there any other actions that you took
2 based upon the answers that you got from the survey?

3 A I can't think of any right now, off the top of
4 my head, Mr. Roisman. I might be able to provide more input
5 if I had them in front of me.

6 Q We'll probably all have that chance at some later
7 time. Did you, either before you initiated the survey, or
8 subsequent to the time you initiated, have occasion to discuss
9 the idea of doing the survey and/or the results of the survey
10 with any of the people who you reported to, like Mr. Tolson
11 or Mr. Chapman?

12 A Tolson and I discussed it.

13 Q Was all the communication between you and Mr.
14 Tolson on this also in writing -- also oral?

15 A It was also oral, to the best of my recollection,
16 yes sir.

17 Q Do you remember whether Mr. -- Mr. Tolson --
18 did you discuss with him before you did it?

19 A Yes.

20 Q Did you go to him to seek his concurrence for
21 doing it, or just to advise him that you were doing it?

22 A I think it would be fairer to describe my going
23 to Mr. Tolson as a sounding board, if you will. Hey,
24 Tolson, do you think this is a good idea? I certainly didn't
25 need his concurrence to do it. I didn't really, I guess,

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1 even need to let him know I was doing it, just a day to day
2 operation. But it was a different type approach. I had
3 never done it before and I wanted to bounce the idea off of
4 him. He thought it was a reasonably good idea.

5 Q Did he have any suggestions for you on ways to
6 improve it or do it differently?

7 A Not that I remember.

8 Q Then did you go back to him, after you got the
9 survey results back, and discuss with him again?

10 A In general, yes. We didn't sit down and read
11 through every single -- excuse me. I say we didn't. I
12 did not sit down with him and peruse each individual response.
13 I discussed the general overall results.

14 Q Did you discuss with him the actions that you
15 were planning to take, or if they were already taken, that
16 you had taken in light of the survey?

17 A Let me clarify, at this point, the personnel
18 decisions were not as an absolute result of the survey.
19 Certainly the reassignments were affected by the results --
20 or my decision to make the reassignments was affected by the
21 results of the survey. But to say that the survey was an
22 absolute-type document, that's not true.

23 In answer to your question, though, I did discuss
24 the reassignment of the personnel with Mr. Tolson.

25 Q Was that in order to seek his concurrence or,

mm111b3

1 again, as a sounding board?

2 A It was more of -- partially a sounding board,
3 partially keeping him apprised because I wasn't moving lead
4 inspectors or things like that. I was moving, you know,
5 people immediately under me at that point. It was more of a
6 keeping him apprised of what I was doing type situation.

7 Q What was it in the surveys, if you remember,
8 that contributed to your decision to make the particular
9 reassignments? And let me just stop you. We're going to see
10 these things, and you've already said that it's hard to
11 remember without them. If you'd rather answer these
12 questions with them --

13 A I'd rather answer them with them in front of me,
14 Mr. Roisman.

15 Q That's fine, all right. With the exception of
16 yourself, Mr. Tolson, and Mr. Warner, and of course the
17 people who actually filled them out, are there any other
18 individuals who you consulted with or who would have a basis
19 to have any knowledge about the content of these surveys or
20 the actions that you took, in part, in light of what you
21 learned in the survey?

22 A Mr. Warner had assistance from an individual
23 in collating the results.

24 Q Who was that?

25 A Mark Welch. Excuse me, if I can clarify myself,

1 I didn't really mean collate, in the typical sense. I meant
2 more of a tabulation. It wasn't a matter of sorting sheets
3 of paper. It was an exercise in tabulating results.

4 Q Was it, in your judgment, purely clerical, or
5 did it require the exercise of some judgment?

6 A No, it was more clerical-type function.

7 Q At the time that Mr. Welch assisted Mr. Warner
8 in doing this tabulation, where was he employed at the plant
9 site? Was he working for you?

10 A He worked for me, yes, sir.

11 Q I'm just trying to get clear on Mr. Welch's -- is
12 this the same Mr. Welch who, at some time in 1984 -- early
13 1984 -- was also the acting site supervisor for engineering,
14 Quality Control engineering? Does that ring a bell with you?

15 A I think we're talking about the same person, but
16 I don't ever remember him being a quality engineering
17 supervisor -- yes, he was.

18 Q Acting?

19 A Yes, he was, for a short period of time.

20 Q The job now held by Mrs. Bielfeldt?

21 A Right.

22 Q And the one who, at some even subsequent time to
23 that was put in charge of the electrical inspectors in the
24 safeguards building?

25 A Same person.

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1 Q And what functions was he performing for you
2 at the time he and Mr. Warner did the tabulation?

3 A He was on my staff as a staff assistant.

4 Q What did that mean? He wasn't a supervisor and
5 not an inspector?

6 A Non-supervisory, non-inspector, non-Quality
7 Engineering. He was essentially special projects coordinator
8 if that term means more to you. He did essentially what I
9 assigned him to do.

10 Q Okay, so he was a special assistant that you call
11 on when you wanted somebody to do something that you yourself
12 didn't have the time to do personally?

13 A Exactly.

14 Q And did he have any substantive input, other than
15 doing the tabulation? Did you sit with him and Mr. Warner
16 when you consulted about what the survey results might mean
17 or whether you should do the survey at all?

18 A I did not discuss, to my recollection, doing the
19 survey with Mr. Welch at all. I did sit and briefly discuss
20 the results with Mr. Warner and Mr. Welch, when they brought
21 them back to me. I don't recall any substantive type of
22 information exchange that occurred at that meeting.

23 MR. ROISMAN: Okay, I think that gives me enough
24 information. Let me just say, on the record, that it does
25 not sound, from what I've heard, as though there would be

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1 any reasonable doubt but that our discovery request would
2 encompass -- I'm not talking here about sanction or anything.
3 I just want to be clear, on the record, that my interpretation
4 of our discovery request would say that this information would
5 clearly fit it and be appropriate. I just want to make that
6 statement on the record.

7 MR. WATKINS: If I then could also make a
8 statement for the record. Mr. Brandt, when did you realize
9 that you had these documents and give them to your lawyers?

10 THE WITNESS: Monday, July 9th, 1984.

11 MR. WATKINS: Were you out of the country for the
12 week preceeding Monday?

13 THE WITNESS: Yes, I was.

14 MR. WATKINS: Mr. Roisman, I don't want to argue
15 about whether they were subject to disclosure or not. I'm
16 not that familiar with the request for production in the first
17 place.

18 MR. ROISMAN: Okay.

19 I want to be very clear. I don't think there's
20 any question. I would like the witness to look at a
21 document, which I'll ask the reporter to mark as Brandt-4.

22 (The document referred to was
23 marked as Exhibit No. Brandt-4
24 for identification.)
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

(Comanche Peak Steam Electric
Station, Units 1 and 2)

Docket Nos. 50-445
50-446

DEPOSITION

OF

C. THOMAS BRANDT

DEPOSITION of C. THOMAS BRANDT, taken on the 16th day of August, 1984, in the above styled and numbered cause at Glen Rose Motor Inn, located at Highway 67 & FM Road 201, in the City of Glen Rose, County of Somerville and State of Texas before Marigay Black a Certified Shorthand Reporter in and for the State of Texas.

1 Additionally, each inspection group held
2 periodic meetings, and I often dropped by to see
3 what was happening and to answer questions. On
4 numerous occasions during these meetings I
5 informed the inspectors of my policy and I tried
6 to convey my personal interest in their concerns.

7 I want to add that I can't think of a
8 day when I didn't meet with one or more inspectors
9 on an individual basis in my office and the
10 majority of these meetings were initiated by the
11 inspectors.

12 Q. Mr. Brandt, did you have a policy about
13 the way in which you wanted disputes between craft
14 and QC resolved?

15 A. Yes, sir. I made it clear to all
16 non-ASME inspectors and supervisors that whenever
17 a difference of opinion arose between craft and QC
18 during an inspection, the inspector had the last
19 word.

20 I also made it clear that the QC
21 supervisors, including myself, were available to
22 assist in resolving any disputes that arose.

23 Q. Mr. Brandt, did there come a time when
24 you conducted a survey of your inspectors to
25 ascertain their attitudes about certain things?

1 A. Yes, I did.

2 Q. When did you conduct this survey?

3 A. Early summer, 1983.

4 Q. How did you decide -- how did you come
5 to conduct the survey?

6 A. I was concerned on what people thought
7 of their own job, how they perceived the job they
8 were trying to do. One of the guy's that worked
9 for me at the time, a fellow by the name of Mike
10 Warner, came up with the idea of the anonymous
11 white paper survey. I think it's called the White
12 Paper Report, giving them an opportunity to voice
13 their complaints, what they thought of their job,
14 what they thought of Comanche Peak, what they
15 thought of their supervisor, what they would do to
16 change their job, if they could. Those type of
17 questions.

18 Mr. Warner prepared the survey for my
19 review.

20 Q. Did you distribute the survey
21 questionnaire?

22 A. Yes, I did. I distributed the
23 questionnaire to every non-ASME QC inspector.

24 Q. You say they were anonymous; is that
25 right?

1 A. They were anonymous in the sense that I
2 can't tell who wrote them, other than in some
3 cases, I can tell by individuals' handwriting
4 whose responses it is. They are geared so that
5 there is minor word changes in a couple of key
6 questions to where I can tell which group or which
7 supervisors or inspectors were answering the
8 survey.

9 Q. How long after you distributed the
10 surveys did you get responses back?

11 A. I would say I got the responses back
12 between a month and six weeks later. I received
13 them. They were turned back in, to the best of my
14 recollection, about two weeks after they were sent
15 out.

16 Q. Were the results then compiled for your
17 review?

18 A. Right.

19 Q. Mr. Brandt, did you review the responses
20 to the survey?

21 A. Yes, I did. I spent more time
22 concentrating on the narrative portion at the
23 end. I think the last question was comments. I
24 reviewed every one of those, and I reviewed the
25 summaries that were prepared for me. I reviewed

1 other portions of the surveys at random. I don't
2 believe I could nonestly say I've read every line
3 of every survey even at this stage.

4 Q. Mr. Brandt, what action did you take in
5 response to the survey?

6 A. I made some supervisory chances.

7 Q. And what were those?

8 A. Let me make clear, before I even answer
9 your question, Mr. Downey, that the survey was a
10 contributing factor. To say the survey alone
11 caused anything other than expenditure of several
12 hours preparing it, distributing it, tabulating
13 it, and evaluating it, it's probably not true.

14 Q. It was a contributing factor?

15 A. It was a contributing factor to some of
16 the personnel decisions I made, one of which was
17 the removal of Harry Williams, one of which was
18 the transfer of Mr. Foote to night shift and the
19 return of Mr. Randall to the day shift, and Mr.
20 Lawrence receiving some additional responsibility.

21 Q. Starting with the additional
22 responsibilities given to Mr. Lawrence, what in
23 the survey responses -- how did that contribute to
24 that?

25 A. Mr. Lawrence's group responded in a way

1 that I would have expected an ideal supervisor's
2 group to respond. They were very positive, which
3 indicated to me that there was a clear line of
4 communication and understanding and respect
5 between Mr. Lawrence and his troops.

6 Q. You say you assigned Mr. Randall to the
7 day shift and Mr. Poote to the night shift after
8 the survey, is that right?

9 A. Right.

10 Q. How did the survey contribute to that
11 change?

12 A. Mr. Randall is -- to use probably an
13 often over-used term, was burned out in the fact
14 that he had been on night shift for well over a
15 year. It was causing him some personal problems.

16 Q. I've worked night shift myself and you
17 tend to lose contact with the people that you met
18 on day shift. You sometimes lost feeling for
19 what's actually going on.

20 After I moved him from night shift to
21 day shift, he came in and personally thanked me
22 for it. He never formally requested that he be
23 removed from night shift, but he did come in,
24 after the fact, to thank me for getting him off
25 night shift.

1 Q. Now, Mr. Foote, why did you move him to
2 night shift?

3 A. When I moved Mr. Randall off night
4 shift, I had to replace him with someone. Mr.
5 Foote had kind of stagnated where he was at. He
6 was supervising an electrical support installation
7 inspection. At the time, the activity with the
8 most craft people and inspection people was the
9 coating area.

10 Mr. Foote was Level III in coatings. I
11 deemed that Mr. Foote was a good chase because he
12 was the only one of my supervisors who had any
13 experience at all with coatings. And it improved
14 the organization, I think, by the fact that I had
15 someone who could answer technical concerns on
16 night shift in the coatings area.

17 Q. You mentioned that following the survey
18 you replaced Mr. Williams, is that right?

19 A. That's true.

20 Q. Would you describe more fully the
21 circumstances that lead to that decision?

22 A. There were a number of factors that
23 occurred during the summer of 1983. One was the
24 survey, one was day-to-day observation of job
25 performance, including personal conversations I

1 had with Mr. Williams and Mr. William's
2 inspectors, conversations with construction,
3 conversations with engineering, inspector
4 interviews I conducted after talking to Mr. Dunham
5 in June.

6 In essence, all the factors lead me to
7 believe that Mr. Williams had lost effectiveness
8 as a supervisor.

9 Q. So the White Paper Report was a
10 contributing factor to this judgment, is that
11 right?

12 A. Yes, it was. I wouldn't say it
13 contributed any more or any less than anything
14 else. It was one of a number of factors that
15 contributed to my decision that Mr. Williams had
16 to be replaced.

17 Q. Apart from the supervisory changes that
18 you made following the survey, as to which the
19 survey results were a contributing factor, did the
20 survey results contribute to any other action that
21 you took outside of this area, outside of the area
22 of supervisory assignments?

23 A. As a result of the survey itself, no,
24 not that I recall.

25 Q. Did you pass the survey along to your

1 supervisors?

2 A. I discussed generally the results of the
3 survey with my supervisor, Mr. Tolson. I
4 discussed the supervisory changes I was about to
5 make.

6 Past that point, no, sir, I didn't.

7 Q. Why didn't you pass the entire survey
8 along to others in your chain of command?

9 A. It was a report that was essentially
10 authored by myself. The idea was mine or my
11 people's. It was done for my benefit, not done at
12 anyone's direction. And other than passing on the
13 general results of the survey, I didn't feel I had
14 any obligation to pass the survey on.

15 Q. Did you see any need to do that?

16 A. No. It was a day-to-day supervisory
17 evaluation of people I had working for me, more
18 than anything else, and what I could try to do to
19 quite frankly make the QC Inspector's job easier
20 for him.

21 MR. DOWNEY: The applicant moves that
22 Brands exhibits 12, 13, 14, 18, 19, 20, 21 be
23 received in evidence.

24 The documents previously marked
25 plant exhibits no, sir 12, 13,

1 14, 18, 19, 20 and 21 for
2 identification were received in
3 evidence.

4 MR. DOWNEY: And the Applicant moves
5 that Brandt Exhibits 15, 16 and 17 be received in
6 evidence for the limited purpose of establishing
7 the nature of the complaints that were brought to
8 management's attention by QC inspectors and
9 managements response to those complaints.

10 The documents previously marked
11 Brandt Exhibit Numbers 15, 16
12 and 17 for identification were
13 received in evidence limited in
14 scope as noted above.

15 (Whereupon the deposition of Mr. Brandt
16 was adjourned.

17
18
19
20
21 I, C. THOMAS BRANDT, have read the foregoing
22 deposition and hereby affix my signature that same
23 is true and correct, except as noted herein.
24
25

C. THOMAS BRANDT

SUBSCRIBED AND SWORN to before me this the

_____ day of _____, 1984.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

My commission expires: _____

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3
4 I, Marigay Black, RPR, Certified Shorthand
5 Reporter in and for the State of Texas, do hereby
6 certify that there came before me on the 16th day
7 of August, A. D., 1984, at the Glen Rose Motor
8 Inn, Glen Rose, Texas, the following named person,
9 to-wit: C. THOMAS BRANDT, who was by me duly sworn
10 to testify the truth and nothing but the truth of
11 his knowledge touching and concerning the matters
12 in controversy in this cause; and that he was
13 thereupon examined upon his oath and his
14 examination reduced to writing; same to be sworn
15 to and subscribed by said witness before any
16 Notary Public.

17
18 I further certify that I am neither attorney
19 or counsel for, nor related to or employed by, any
20 of the parties to the action in which this
21 deposition is taken, and further that I am not a
22 relative or employee of any attorney or counsel
23 employed by the parties hereto, or financially
24 interested in the action.
25

1 In witness whereof, I have hereunto set my
2 hand and affixed my seal this 16th day of August,
3 A.D., 1984.

4
5 License Expires:

6 December 31, 1984
7 CSR No. 351

8 MARIGAY BLACK, RPR, CSR
9 IN AND FOR THE STATE OF TEXAS
10 1226 Commerce, Suite 411
11 Dallas, Texas 75202
12 (214) 742-3035

DEPOSITION TESTIMONY
CONCERNING THE
1979 SURVEY OF
QUALITY CONTROL INSPECTORS
AT COMANCHE PEAK

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Original

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Deposition of: Antonio Vega

Location: Glen Rose, Texas

Pages: 36,500 - 36,659

Date: Monday, July 9, 1984

TAYLOE ASSOCIATES

Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

8407170035

1 question has been asked and answered, then it's asked
2 and answered.

3 BY MR. ROISMAN:

4 Q Mr. Vega, in 1979 you were a member of a
5 management review board that conducted or supervised
6 and conducted interviews of site QC inspectors. Do you
7 remember that? Other members on the board were Mr.
8 Boron, Ms. Anderson, Mr. Moore, Mr. Purdy, Ms. Spencer
9 and Mr. Valdez.

10 A I remember that.

11 Q Do you remember how it happened that this
12 TUGCO QA management review board was established and how
13 you happened to be on it?

14 A Yes, I remember the discussions leading up to
15 this item. I remember that there were discussions in
16 house. I believe these discussions were primarily between
17 Mr. Tolson, Mr. Chapman, myself, Mr. Boron.

18 We wanted to take the initiative and go see
19 how things were going with the quality assurance program
20 at Comanche Peak.

21 As I mentioned to you earlier, we do this a
22 lot. If Mr. Tolson feels uncomfortable with any area in
23 his organization, he asks for a management audit. "Hey,
24 I don't feel comfortable here. I'd appreciate it if you'd
25 come in and look at it and tell me if I have a problem."

12 A That is correct. To the best of my recollect:
13 I cannot remember any incident that brought about this
14 thing. Rather, it was an initiative on our part.

17 A We handled different areas individually.
18 Some of us would interview, say; electrical inspectors.
19 Others would review -- would interview civil; others .
20 procurement people.

25 Different members of the team assumed

1 primary responsibility for authoring different elements
2 of that. We all concurred with that, signed the
3 different elements of the report.

4 Q But, in other words, only the ones that you
5 have primary responsibility for would be the ones in
6 which you really had personal knowledge of the informa-
7 tion that was contained in there?

8 A Not personal knowledge, but rather I had
9 information as to what had been said by the inspectors.

10 Q On the ones that you had responsibility for,
11 were you conducting the interviews?

12 A Yes, I was.

13 Q It wasn't the people working for you? You
14 were doing the interviewing yourself?

15 A I was doing the interviewing myself.

16 Q So the information that's contained in this
17 document reflects what it was that the person doing the
18 interview actually heard the QC inspector that they were
19 interviewing say?

20 A That's correct.

21 Q I notice that when these documents were
22 produced in discovery -- and I'm talking about the
23 interviews themselves -- they're all identified A, B,
24 C, D, with numbers as opposed to individual names.

25 Can you tell me why was that procedure used

1 and was that the way the reports were actually written
2 up originally, or did they include the names originally?

3 A No. We wanted to get as much input as we
4 could get. We wanted to make sure that the inspectors
5 understood that we were not after names; we were not
6 after titles. We wanted information.

7 We couldn't care less whether it was this
8 person or that person. What we wanted was feedback.

9 When people went in there, we told them that
10 we had a key; there was only one copy of that key; and
11 that their identification -- if you want to call it that
12 would be safeguarded because the questionnaires would
13 only have a certain prefix and a number.

14 It was for that purpose that this code was
15 generated.

16 Q So the originals had the code on them to
17 start with is what you're telling me. There never was a
18 questionnaire that had the person's actual name written
19 on it?

20 A There never was a questionnaire that had a
21 person's name written on it. Absolutely not.

22 Q Why did you do that?

23 A We wanted to promote as free of an exchange
24 of information as possible without anybody knowing who
25 said what.

1 Q Why should anybody have been concerned about
2 who said what?

3 A Well, I don't know of any reason why anybody
4 should be concerned. But there are people that don't
5 like to sign their names to different things. I mean,
6 this can be a suggestion or a letter to an editor or
7 whatever.

8 People are at times reluctant to identify
9 themselves. If you divorce the entire process from names
10 and persons, and you promote -- you concentrate your
11 efforts on a free and confidential exchange of information
12 we felt that it would help for a freer communication.

13 It was our opinion as members of the group --
14 nobody told us to do it. We just thought it would be a
15 good idea.

16 Q Did you ask the people whether they would
17 mind if their names were used; or did you assume that
18 they would not want it used, and just used your system
19 for all of it?

20 A We didn't want to use names. That was our
21 decision. We never even asked them.

22 Q Did you have any sense -- You describe it
23 as almost a natural, somewhat universal, although not
24 total, universal feeling. What is your opinion as to
25 why such a feeling would exist, why these people would in

1 any way give you different answers if they knew their
2 names were going to go on the questionnaire?

3 A I'm not saying that they would give me
4 different answers if their names were on the questionnair
5 We just wanted to eliminate the subject in the first plac

6 Q When the reports were completed -- the
7 summaries that were done, to which all of the members
8 put their signatures -- did you continue to have any
9 involvement with regard to the review of the TUGCO
10 management review board summaries or implementation of
11 any actions that may have been taken or not taken in ligh
12 of them; or were you now through?

13 A Well we were pretty well through. We
14 generated the reports. We turned them over to management.
15 I remember we made some presentations.

16 After that we did not get involved in it.
17 It was pretty much we were through with our involvement.

18 Q What was your position in the company at the
19 time that you were on this TUGCO QC management review
20 board; do you remember?

21 A I was probably Supervisor of Quality
22 Assurance Services at that time, but I don't know for
23 sure.

24 Q I'm sorry, I always have trouble with all of
25 these. Is that the same position that you were holding

1 just before you entered your current position, or was
2 there a change?

3 A It would have been the same position.

4 Q In which of these areas did you do the actual
5 interviewing? Which was your area; do you remember?

6 A Mr. Roisman, this was so long ago. I
7 really couldn't tell you for certain. I don't think
8 I could pinpoint something specifically.

9 Q The other people who were on there, as I
10 understand it, if your recollection is correct that you
11 were in fact involved in the job which was essentially
12 the same as the job you held just before your present
13 one -- all these QC people were people whose work was
14 in one way or another subject to your review; is that
15 correct?

16 A Certainly.

17 Q So there was no one area in which you could
18 particularly go and talk to people who you wouldn't
19 know who the person was that you were talking to?
20 You knew them and they knew you at least by name, if
21 nothing else.

22 A No, not at all. Not at all. These are
23 inspectors. I come in and we look at programs. We
24 look at documentation. We talk to people, but we're
25 not based at Comanche Peak.

1 Q That was true of all the other people on the
2 management review board at that time?

3 A Everybody on that list was officing and
4 reporting off site.

5 MR. WATKINS: Could we take a real short
6 recess?

7 MR. ROISMAN: Sure.

8 (Short recess.)
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mgc 10-1

MR. ROISMAN: We are back on the record.

BY MR. ROISMAN:

Q When you did the Management Review Board work in 1979, in your judgment, did the summary produce any things that surprised you? Were there any things that you found that were better than you expected, worse than you expected, different than you had expected, compared to when you were going in and getting ready to start it? Did you have any surprises?

A Gosh, you are asking me to go back five years.

(Pause.)

I really don't remember what I expected.

Q Is it hard for you at this point to have a very clear memory even of what it was that was concluded?

A I remember some of the things that came out that we addressed, that stick in my mind. But other than that, my recollection of this whole thing is very vague.

Q If such a review were conducted today, a management review, I assume it would be one in which you would not be involved because now you are at the site, and it would be your, if you will, work force that was the subject of the review. But if such a one were conducted today, can you think of anything that would be done differently in terms of doing that review than the way

mgc 10-2

1 it was done before?

2 MR. MIZUNO: Objection. Why is that
3 relevant, if one was to be conducted today?

4 MR. ROISMAN: Well, I think it's appropriate
5 to ask the hypothetical question based upon seeking to
6 determine whether, in the witness' judgment, conditions
7 or events at the plant have changed in such a way that thi
8 kind of a review would be done differently and then to pro
9 that. And if he does not believe that it has changed, tha
10 is also relevant because --

11 MR. MIZUNO: But it is not established that
12 he, in fact -- the Applicants have determined that one
13 would be -- a review board of this type would be necessar
14 now or desirab le.

15 MR. ROISMAN: That's true. The only people
16 who have made that decision is the NRC Staff.

17 MR. MIZUNO: And so therefore I don't
18 believe that it's -- since the Staff has required it or
19 because the Applicants have not done this of their own
20 volition, that any questions regarding this would be
21 speculative and not relevant.

22 MR. WATKINS: We endorse that objection and
23 would add that if you would like Mr. Vega to speculate,
24 so long as we identify his answer as speculation, --

25 MR. ROISMAN: It's not important enough. I

mgc 10-3

1 will drop the question.

2 BY MR. ROISMAN:

3 Q Mr. Vega, are you familiar with a document
4 entitled CPSES Policy Regarding Investigation and
5 Reporting of Quality Matters Related to Nuclear Safety?
6 Does that document ring a bell with you, dated sometime
7 around the end of 1983?

8 A (No response.)

9 Q It's CPSES Policy Regarding Investigation and
10 Reporting of Quality Matters Related to Nuclear Safety.

11 MR. MIZUNO: Is this a document which the
12 Intervenors have in their possession?

13 MR. ROISMAN: I don't have it, but I believe
14 that counsel in one of the other rooms has it, the one
15 copy.

16 MR. MIZUNO: The same objection as far as
17 providing it.

18 THE WITNESS: CPSES Policy Regarding
19 Investigation and Reporting of Quality Matters Regarding...

20 MR. ROISMAN: -- Related to Nuclear Safety.

21 THE WITNESS: May I ask if there is a
22 procedure number associated with this?

23 MR. ROISMAN: I have no such designation.
24 If it is not familiar to you, just tell me no, and we will
25 just go on.

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY & LICENSING BOARD

3 IN THE MATTER OF:)

4 TEXAS UTILITIES ELECTRIC)
COMPANY, ET AL)

DOCKET NOS.

50-445

50-446

5 (COMANCHE PEAK STEAM)
6 ELECTRIC STATION, UNITS)
1 AND 2))

7
8
9
10 PREFILED TESTIMONY OF
11 ANTONIO VEGA
12 AUGUST 17, 1984
13
14
15
16

17 PREFILED TESTIMONY OF ANTONIO VEGA, taken on the
18 17th day of August, 1984, in the above-styled and
19 numbered cause, at Glen Rose Motor Inn located at
20 Highway 67 & FM Road 201, in the City of Glen Rose,
21 County of Somervell and State of Texas, before Janet
22 E. Schaffer, a Certified Shorthand Reporter in and
23 for the State of Texas.
24
25

~~814830414~~

1 the total package -- all of the instruments that are
2 used to evaluate inspector force within which the
3 ROF has taken place.

4 Q. Are you satisfied that the ROF system has
5 been followed in every case?

6 A. Yes, it has been.

7 Q. Mr. Vega, did you participate as an
8 interviewer in the 1979 survey of the QC personnel
9 at Comanche Peak?

10 A. Yes, I did.

11 Q. And what was the nature of your
12 participation?

13 A. I was involved in formulating the interview
14 plan, and I participated in the interviews
15 themselves. I participated in drafting the
16 summaries and participated in some followup actions.

17 Q. With respect to the interviews themselves,
18 what instructions did you receive or did you give to
19 people when you conducted those interviews?

20 A. The instructions were really incorporated
21 in the forms that we had prepared. And the way we
22 did this, our objective was to obtain as much input
23 as we could from the inspectors to assess their
24 working environment, the adequacy of their
25 procedures, the interface with the different

1 organizations on site, how they perceived their
2 management. And so we formulated a list of
3 questions that we would ask of each inspector.

4 We agreed that we were after as much
5 information as possible. We agreed that we would
6 not be out there to defend anything that was being
7 done. We were there merely to ask questions, to
8 receive the information. There was absolutely no
9 intent to verify the information, and so
10 consequently, we accepted hearsay together with
11 firsthand information with absolutely no effort to
12 differentiate between it.

13 Q. Is it fair to say that the effort was to
14 get the greatest possible expression of concern with
15 the QC inspectors?

16 A. Yes. We wanted to formulate or come up
17 with as broad a data base as we could on the
18 relevant questions.

19 Q. After the 1979 survey was completed, was
20 there any followup from the Dallas QA group on that
21 survey?

22 A. Yes, there was.

23 Q. And what was the nature of that followup?

24 A. We took some of the key corrective actions
25 that had been agreed upon in different areas and

1 came back and assessed the effectiveness of those
2 corrective actions in addressing the items
3 identified.

4 Q. And who decided to conduct this followup?

5 A. I don't remember the detailed discussions.
6 I'm sure it was a combination of Mr. Chapman, myself,
7 Mrs. Anderson, perhaps Mr. Borne, although I really
8 don't remember the discussions that led up to the
9 followup. I really don't.

10 Q. What actually was done in the followup
11 audit?

12 A. Again, we took the key corrective actions
13 and assessed the level of implementation and the
14 effectiveness in addressing the problems that were
15 identified.

16 Q. I guess I asked the wrong question.

17 How did you do that, Mr. Vega?

18 A. Okay. We did that by primarily talking to
19 people from the organizations within which the
20 corrective action was applicable. And what I mean
21 by that is if we were verifying the effectiveness of
22 a revised procedure -- and taking an example,
23 Procedure 6.9 -- we would talk to inspectors working
24 to that procedure. We certainly wouldn't talk to
25 people from an administrative organization to see

1 how that procedure was working. We would talk with
2 people that worked in the organizations wherein that
3 corrective action was being implemented.

4 Q. Was this the second round of inspector
5 interviews?

6 A. I wouldn't describe it as a second round.
7 It was an assessment on our part to satisfy
8 ourselves that the corrective actions had been
9 implemented. And if we found that that had not been
10 the case, to take followup action from that point on.

11 Q. You actually interviewed inspectors in this
12 process, did you not?

13 A. Oh, yes, we did.

14 Q. Did you participate in those interviews?

15 A. Yes, I did.

16 Q. Who else interviewed inspectors in the
17 followup?

18 A. I believe the followup was done by Mrs.
19 Anderson and myself.

20 Q. Did you render a written report at the
21 conclusion of your audit?

22 A. Yes, we did.

23 Q. And, Mr. Vega, I would like you to review a
24 document that's been marked in another deposition in
25 this proceeding as Panel Anderson Exhibit 1 and ask

1 you if you can identify it.

2 A. Yes. Panel Anderson Exhibit 1 is a report
3 of the followup audit -- the followup survey.

4 Yes. This is a report on the followup
5 survey that we conducted.

6 Q. And did your followup survey find that the
7 problems identified in the 1979 survey had been
8 addressed?

9 A. Yes. The significant items had been
10 addressed. And by that, the things that come to
11 mind was that there was a pay discrepancy between
12 the QC and the craft organizations, and that was a
13 major source of problem. And that was corrected.

14 The other thing that comes to mind is
15 Procedure CPM 6.9. I believe that this was far and
16 away the most common complaint. And when we came
17 back, that procedure had been revised; it had been
18 implemented. And I remember the inspectors being
19 quite satisfied as to how effective that procedure
20 was.

21 Another thing that I remember is that there
22 were combined training sessions wherein the craft
23 and the inspectors attended the same training course
24 so that the inspector would know what the craft had
25 to do and the craft would understand what the

1 inspector had to have before he could accept
2 something. This, I think, greatly contributed to
3 the work relationship and the understanding of each
4 other's jobs between the craft and the QC forces.

5 There were some other minor things that had
6 not yet been addressed, and we addressed those.
7 Those were identified. But in general, we found
8 that the more significant items had been addressed,
9 and we found that the corrective actions were indeed
10 effective.

11 Q. Mr. Vega, you testified that the craft and
12 the QC personnel attended a common training course;
13 is that right?

14 A. Yes.

15 Q. Mr. Vega, you testified that you
16 participated in the 1979 interview process. Did you
17 perceive, as a result of your participation in these
18 interviews, that harassment and intimidation and
19 threats of Quality Control inspectors was a problem
20 at Comanche Peak?

21 A. No, I didn't conclude that it was a problem
22 or a practice. We did come across one incident
23 where a lady inspector had been picked up by the
24 collar by a craft foreman. I remember that that
25 came up during one of the interviews. I remember

1 talking to Mr. Chapman -- I think several of us
2 talked to him -- and we brought the inspector in --
3 the inspectress in. She recounted the incident.

4 This thing happened -- the incident had
5 occurred sometime back. She did not want the craft
6 person fired. She felt that the ~~inspector~~ *craft person* had *G.V.*
7 changed his attitude after that incident.

8 Apparently, the man recognized that he had done
9 wrong, and he probably also recognized that, had she
10 wanted to, she could have had him fired. But I
11 remember that she was very emphatic in asking that
12 he not be terminated; that as far as she was
13 concerned, it was an ~~accident~~ *incident* -- and it was an *G.V.*
14 incident that happened. There had been no
15 recurrence, and that her relationship with that
16 particular individual was very acceptable.

17 Q. Mr. Vega, was a certain amount of friction
18 between craft and QC revealed as a result of these
19 interviews in 1979?

20 A. I believe that some craft people believed
21 that inspectors were inspecting beyond their
22 requirements. I believe that some inspectors
23 believed that the craft people were offering for
24 inspection their work before it was really finished.
25 So I believe that there was some suspicion between

1 groups.

2 Q. What corrective action was taken to address
3 that problem?

4 A. I remembered that we suggested that perhaps
5 it might be beneficial if we were to get the
6 inspectors and the craft in a common classroom so
7 that they both could listen as to what the ~~inspector~~ ^{craft}
8 had to have before he offered his work for
9 inspection and so that the craft person would also
10 hear what the inspector had to have before he could
11 accept something.

12 I remember following this up on a
13 subsequent inspection, and I remember that this
14 particular corrective action was successful in
15 getting both groups to understand what each other's
16 responsibilities were and what each other had to do
17 before each of them could complete their job.

18 Q. When you say you followed up to see if that
19 suggestion had been adopted, are you referring to
20 questions that you pursued in the 1980 followup
21 survey?

22 A. Yes. We certainly did follow up on that
23 point then.

24 Q. And, Mr. Vega, in your followup interviews
25 did you find that in 1980, that harassment,

1 intimidation and threats of Quality Control
2 inspectors was a problem at Comanche Peak?

3 A. No, absolutely not.

4 Q. And did you find that the tension that you
5 found in 1979 had changed in any way, the tension
6 between the two groups had changed in any way?

7 A. I didn't note that there was any residual
8 tension. My conclusion was that the working
9 relationship was very much improved, and I felt
10 quite comfortable with it.

11 MR. DOWNEY: No more questions but at
12 this time the applicant moves that Vega Exhibits
13 1-10 and Anderson Panel Exhibit 1 be received in
14 evidence.

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY & LICENSING BOARD
4

5 -----x
6 In the matter of: :
7 TEXAS UTILITIES ELECTRIC :
8 COMPANY, et al. : Docket Nos. 50-445
9 : 50-446
10 (Comanche Peak Steam Electric :
11 Station, Units 1 and 2) :
12 -----x

11 Glen Rose Motor Inn
12 Glen Rose, Texas

13 July 10, 1984

14 Deposition of: GORDON RAYMOND PURDY
15
16 called by examination by counsel for the Applicants
17 taken before Margaret Schneider, Court Reporter,
18 beginning at 9:30 a.m., pursuant to agreement.
19
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~~8407170078~~

1 issue.

2 Q Okay.

3 A I have heard that there was a discussion
4 or conflict between another coatings inspector and some
5 craft -- excuse me. That was Mr. Tom Miller.

6 Q He was the inspector or the craft?

7 A He was the inspector.

8 Q Uh-huh.

9 A Way back in the history of the project
10 somewhere, I recall there was a case where an inspector
11 was physically intimidated but I do not recall who, when,
12 where -- the scenario. It preceded my time by a great
13 deal, I understand, I would assume.

14 Q How did you come to know about that?

15 A Just the recent discussions we have had here.

16 Q In preparation for this hearing?

17 A No, wait. I do recall one other period about
18 that earlier but that was -- that was not while I was on
19 site. That was a question of physical intimidation I
20 recall when I --

21 Q Keep your voice up a little bit, Mr. Purdy.

22 A Surely. -- was up doing an employee survey
23 in 1979.

24 Q And you came to understand that there had
25 been an instance of physical intimidation at that time?

1 A It was not one of the employees or one of
2 the interviews that I was involved in but I do remember
3 the discussion that we had that evening, that we did
4 discuss the topic.

5 Q All right. Now let me show you a document
6 on the -- a rather thick set of documents on the letter
7 of Texas Utilities Generating Company memo, the date of
8 October 2nd, '79, entitled TUGCO QA Management Review
9 Board Interviews of the Site Electrical QC Personnel.

10 MR. WALKER: Excuse me. Has that been --

11 Q Can you identify that document?

12 MR. WALKER: Has that been marked for identi-
13 fication?

14 MR. GUILD: It hasn't but I'm going to ask
15 if he can identify it and have it marked if he can.

16 (Pause.)

17 MR. WALKER: I'd like to see that whenever
18 you're finished.

19 MR. GUILD: Can we just get the witness to
20 answer the question?

21 BY MR. GUILD:

22 Q Can you identify that document?

23 A Yes. It was the summary of results of a
24 personnel evaluation done in a joint effort in 1979 by
25 Texas Utilities and myself and a gentleman from

1 Brown & Root named John Moore.

2 Q All right. And is that the survey that you
3 had reference to with respect to the last -- the example
4 that came to mind?

5 A Yes, sir. Yes, sir.

6 MR. GUILD: Counsel, let's mark this. We
7 tried to solve the logistical a little bit last name.
8 Mark it by room number. What room number are we in here?

9 MR. WALKER: 42.

10 MR. GUILD: How about -- shall we call it
11 "42-1"? Or do we want to identify it as an Intervenor
12 exhibit?

13 MR. WALKER: Well, why don't you call it
14 Purdy 1.

15 MR. GUILD: Right. Let's call it "Purdy
16 42-1," please. And if we can mark it that way, we
17 would offer that as an exhibit in evidence.

18 (The document above referred
19 was marked Purdy Rm 42-1
20 for identification, and
21 same is attached hereto.)
22

23 (Go on to the next page-----)
24
25

1 MR. WALKER: Do you have something with
2 which we could bind this? We have a lot of loose
3 pages here.

4 MR. GUILD: Well let's go off the record a
5 second, okay?

6 (Discussion off the record.)

7 BY MR. GUILD:

8 Q Now have we gone through to the point where
9 I'd asked you to identify major problems in the craft
10 quality assurance interface? And you've given me some
11 examples that had come to mind. The last one was one
12 that came to your attention during the '79 survey work
13 that you were involved in. Are there others that come
14 to mind before we leave that subject?

15 A I don't recall any other interactions
16 between craft and QC, that I can recall. I would like
17 to repeat, however, that "major" is not necessarily the
18 way that I would characterize those. It did not
19 impend the quality of the end product, and I believe
20 most of them were probably addressed properly, at
21 least within the two that I am familiar with.

22 Q Let's be clear what you're speaking of.
23 I understood your previous testimony to that effect,
24 in part. What are the two that you just had
25 reference to?

1 UNITED STATES OF AMERICA
 2 NUCLEAR REGULATORY COMMISSION
 3 BEFORE THE ATOMIC SAFETY & LICENSING BOARD

4 IN THE MATTER OF:)

5 TEXAS UTILITIES ELECTRIC)
 6 COMPANY, ET AL)

DOCKET NOS.

50-445

50-446

7 (COMANCHE PEAK STEAM)
 8 ELECTRIC STATION, UNITS)
 9 1 AND 2)

10 PREFILED TESTIMONY OF
 11 GORDON PURDY
 12 AUGUST 16, 1984

13
 14
 15
 16 PREFILED TESTIMONY OF GORDON PURDY, taken on the
 17 16th day of August, 1984, in the above-styled and
 18 numbered cause, at Glen Rose Motor Inn located at
 19 Highway 67 & FM Road 201, in the City of Glen Rose,
 20 County of Somervell and State of Texas, before Janet
 21 E. Schaffer, a Certified Shorthand Reporter in and
 22 for the State of Texas.
 23
 24
 25

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1 A. Yes, sir, I do.

2 Q. Mr. Purdy, were you, in 1979, called upon
3 to participate in a survey of QC personnel at
4 Comanche Peak?

5 A. Yes, sir, I was.

6 Q. How did you come to participate in that
7 survey?

8 A. I was requested to participate in the
9 survey by Texas Utilities through the corporate
10 office, at which time I was serving as the corporate
11 Quality Engineering manager.

12 Q. And what was the nature of your assignment?

13 A. The assignment that I had with another
14 associate in the corporate office, Mr. Jon Moore,
15 was to assist the owner in conducting an interview
16 with all QA/QC personnel at Comanche Peak Steam
17 Electric Station, the purpose of which was to try to
18 obtain from those personnel any problems that they
19 had, real or perceived.

20 Q. Is it fair to say your assignment was to
21 extract from the personnel any complaints they had
22 at all?

23 A. That's correct.

24 Q. And did you participate -- this was through
25 interview process; is that right?

1 A. Yes, sir, it was.

2 Q. And approximately how many people did you
3 interview in this effort?

4 A. I personally interviewed maybe 15 to 20
5 people. I was involved in the development of the
6 questionnaire that we used as a guideline to try and
7 elicit problems from the QA/QC personnel, and took
8 part in the interviews conducted over maybe four to
9 five days. I was then called back to Houston to
10 attend to another problem on a different project.

11 Q. Mr. Purdy, in your interviews, did you make
12 any effort to evaluate the merits of the complaints
13 and gripes that were brought out by the inspectors?

14 A. Our overall function was not to provide an
15 analysis of the merits, the substantiation or lack
16 of substantiation of the concerns. If what appeared
17 to be a major problem occurred, we would continue
18 questioning additional personnel to try and obtain
19 additional information. But it was not our
20 responsibility to evaluate or to take any action on
21 those subjects.

22 Q. Did you limit your inquiries to firsthand
23 knowledge of inspectors?

24 A. No.

25 Q. Mr. Purdy, did you include, in the notes

1 that you prepared of these interviews, hearsay
2 remarks provided by the inspectors?

3 A. We included any remarks provided by the
4 inspectors.

5 Q. In the course of the interviews, did you
6 become aware of an allegation of an inspector or a
7 statement of an inspector that a QC person had been
8 threatened with serious bodily injury as a result of
9 inspection on site?

10 A. Yes, sir, I did become aware of that.

11 Q. And do you recognize Purdy Exhibit 17 as
12 the notes of the interview with that person?

13 A. Yes, sir, I do.

14 Q. Did you make independent inquiries about
15 this particular allegation?

16 A. We made inquiries with subsequent persons
17 we interviewed, yes.

18 Q. Did you make an effort to substantiate this
19 particular allegation?

20 A. We made an effort to substantiate it, but
21 we could not find any substantiation for the
22 allegation.

23 Q. Did you find any substantiation at all?

24 A. No, not that I recall.

25 Q. Mr. Purdy, do you recall the name of the

1 person who made the allegations?

2 A. Yes, sir.

3 Q. Is it your understanding the names of these
4 interviewees is subject to a confidentiality
5 agreement?

6 A. Yes, sir, I do.

7 Q. And did you subsequently learn some
8 additional information about this individual?

9 A. Yes, sir. That particular individual was
10 subsequently terminated from the project. He had
11 been indicted on a federal charge of mail fraud.

12 I also subsequently learned that in
13 addition to the federal charges pending against the
14 individual, that he had very professionally
15 falsified his application and resume relative to his
16 obtaining an electrical engineering degree and with
17 respect to professional engineering registration.

18 Q. In fact, wasn't he terminated on two
19 separate occasions from Comanche Peak, the first
20 time for falsifying his qualifications and the
21 second time as a consequence of his indictment and
22 arrest for mail fraud?

23 A. Yes, sir, that's correct

24 MR. DOWNEY: Mr. Purdy, that concludes
25 my questioning of you on the public record of this

1 deposition. I would like to adjourn this portion of
2 your deposition and resume for a very short
3 examination of you about the individual who is the
4 subject matter of the very last part of your
5 testimony.

6 Prior to closing this deposition, however,
7 Applicant moves that Purdy Exhibits 9 through 16 be
8 received in evidence. Applicant further moves that
9 Purdy Exhibit 17 be received in evidence for the
10 limited purpose of establishing the fact of the
11 utterances recorded in the document, but not for the
12 purpose of establishing the truth of the matters in
13 the document.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

-----x
In the matter of: :
 :
TEXAS UTILITIES ELECTRIC :
COMPANY, et al. : Docket Nos. 50-445
 : 50-446
(Comanche Peak Steam Electric :
Station, Units 1 and 2) :
-----x

Glen Rose Motor Inn
Glen Rose, Texas

July 10, 1984

Deposition of: RONALD D. TOLSON
called by examination by counsel for Intervenor
taken before Suzanne Young Court Reporter,
beginning at 10:30 a.m., pursuant to agreement.

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1 second. How long did that situation persist before you
2 finally were able to get transferred from that?

3 A About late '83 until February of '84, March of

4 Q When you say late '83, are you talking about
5 November and after?

6 A In that approximate time frame.

7 Q What do you think the impact of this was on your
8 interpersonal relations, with the people that you had to
9 deal with at the site?

10 A I would say minimal.

11 (Pause.)

12 Q Mr. Tolson, in 1979, there was a review entitled
13 the TUGCO QA Management Review Board Review, which was
14 undertaken at the plant site. Are you familiar with that?

15 A Yes, I am.

16 Q Can you tell me what role did you play, with
17 respect to that review?

18 A I had no role to play, with respect to the review

19 Q What about with respect to the decision to have
20 such a review?

21 A I participated with Mr. Chapman in that decision.

22 Q Can you tell me why was such a review undertaken?

23 A I was receiving indications from the people who
24 reported to me that, to put it bluntly, there was some unres
25 among the people. As I recall, NRC had gotten some

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1 indications of what they chose to call a morale problem, or
2 a potential morale problem. And one way to attempt to come
3 to grips with factual information is to have a group of
4 people that are not part of the line supervisory chain sit
5 and calmly extract, from the minds of the individuals,
6 information that will permit you to attempt to come to grips
7 with the problem and its solution.

8 Q Did you, at the time that you and Mr. Chapman
9 discussed a major decision about having the review board, di
10 you have any specific incidents that you were made aware of,
11 that would have caused you to feel that having such a review
12 was warranted?

13 A The only thing that comes to mind, Mr. Roisman,
14 is some personal observations. Perhaps higher than what I
15 would consider to be normal attrition rate of key individual
16 that I felt were required to successfully accomplish the
17 assignment that I had.

18 Q Which individuals, who were reporting to you were
19 the source of the concerns about unrest at the plant site.
20 In other words, who communicated that to you, other than the
21 NRC?

22 A Basically, three people, David Deviney --

23 Q Could you spell it, please?

24 A D-E-V-I-N-E-Y.

25 Q Okay.

y21b5

1 A Ron Fleck, Jim Hawkins, and the fourth one I
2 just thought of, Jim Ainsworth, A-I-N-S-W-O-R-T-H.

3 Q And where did these people fit in the chart
4 of people on the site? For instance, for whom were they
5 working in the site program?

6 A You mean which company?

7 Q No, well, I guess which company and were they
8 directly reporting to you or were they several levels down
9 below that?

10 A They directly reported to me.

11 Q And what were their positions?

12 A It goes back too many years.

13 Q All we are asking is whatever is your best
14 recollection. And if you're speculating, don't do it. Just
15 tell me what you can remember.

16 A Mr. Hawkins probably carried the title that we
17 have labeled Product Assurance Supervisor. Mr. Fleck was
18 Civil Inspection Supervisor. Mr. Deviney, who was a TUGCO
19 employee, worked directly with Mr. Hawkins. And Mr.
20 Ainsworth was Quality Engineering Supervisor.

21 Q At that time, had you not had any reports from
22 so-called line employees? That is, particular people who
23 work in the QC/QA work itself, below these supervisory
24 level people, who would come to you with any of these proble

25 A I don't recall it.

sy21b6

1 Q Now what role did you play in the process of
2 deciding to have the Management Review Board put together,
3 vis-a-vis Mr. Chapman? Was it a joint decision? Was it your
4 recommendation to him and his final decision? How did that
5 happen?

6 A I have to speculate a little bit, but what I
7 seem to recall having happened is that possibly Mr. Vega,
8 Mr. Boren, and myself -- maybe with or without Mr. Chapman --
9 were talking about ways to attempt to come to grips. Mr.
10 Boren suggested the idea of an interview process. The
11 three of us liked that idea and recommended the program to
12 Mr. Chapman.

13 Q You said you had to speculate some. I just want
14 to make sure, so that we are clear what part you are
15 speculating about. Are you pretty clear that it was you
16 and Mr. Boren and Mr. Vega who met and then made the
17 recommendation to Mr. Chapman?

18 A I won't say met. I know that Boren and I
19 discussed it and I believe that Mr. Vega was involved, but
20 I can't recall.

21 Q Who designed the interview process? Who decided
22 what the questionnaire would look like and how the questions
23 would be asked, and who would do the asking, and the
24 decision to use coded interview forms, and so forth? Where
25 was that decision made?

y21b7

1 A I'm not certain. The team leader was Mr. Boren
2 and I would presume that those details were worked out by h

3 Q And were you not part of that process at all?

4 A That's correct.

5 Q Was that by design? Was it intended that you not
6 be part of that process?

7 A That's correct?

8 Q Were you advised of how they were going to go
9 about doing the review before they actually implemented it?

10 A I believe so.

11 Q And did you have any comments to make to them
12 about what they were proposing to do?

13 A Not that I recall.

14 Q Did you feel that, when you heard what they were
15 going to do, that it was the right way to do it?

16 A Yes, I did.

17 Q In your judgment, knowing what you knew about the
18 possible problem, why do you feel that doing the key system
19 for the interviews -- that is, that the names of the
20 individuals interviewed would not be disclosed -- why did
21 you feel that that was a good thing to do?

22 A I didn't participate in that, one way or the other

23 Q So while you didn't -- you not only didn't pass
24 on it, but you didn't have an opinion about that particular
25 part of it?

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1 A That's correct.

2 Q Did you and Mr. Chapman lay down any deadlines
3 for when that review process should be completed and when
4 you wanted to see some results from it?

5 A I don't recall any.

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1 MR. ROISMAN: Back on the record.

2 While we were in recess, we clarified something
3 and I will clarify it again for the record. The exhibit
4 marked 45-2, which is the Lipinsky Memorandum, is not being
5 offered into evidence by CASE. Consistent with what this
6 counsel understands to be Board policy, we have provided a
7 copy to the Reporter for her to bind with the transcript, but
8 it is not being offered into evidence.

9 MR. DOWNEY: Thank you for that clarification.

10 MR. ROISMAN: I would like Mr. Tolson to have
11 before him a copy of Exhibit Purdy 42-1.

12 (Counsel handing document to witness.)

13 BY MR. ROISMAN:

14 Q Mr. Tolson, I would like to direct your attention
15 and this is the entire document, or at least my version of it
16 is totally unnumbered, so we'll just have to try to struggle
17 through. But we are going to start with the QC Electrical
18 Group. And the page in question is Management.

19 It's three or four pages in, I think.

20 Do you have that in front of you?

21 A Yes, I do.

22 Q And looking at Management, paragraph one, would
23 you just read that briefly?

24 Can you tell me what specific actions were taken
25 by you, or that you know of, that were taken to respond to it?

1 expressed concern, if any?

2 A From memory, I think I ought to add, at the out-
3 I took these documents, in following my review, and any
4 questions I had of my staff and firmly in my mind what they
5 were saying and whether or not it had any bearing in reality
6 I met individually with these people, or in groups of five
7 or six.

8 Q I'm sorry. I am now very unclear about who these
9 people are.

10 A Electrical is what we're talking about.
11 MR. DOWNEY: You're talking about inspectors,
12 Mr. Tolson?

13 THE WITNESS: Electrical inspectors.

14 BY MR. ROISMAN:

15 Q Go ahead.

16 A And fed back to them, really, an exchange because
17 I can take something like paragraph one and I can read that
18 to mean several different things. As an example, I can easily
19 relate to an individual in QC feeling that perhaps part of
20 his efforts were expected in training Crafts.

21 I think it's really obvious that if you have a
22 situation where you tell the Craft no, your product doesn't
23 match in all cases with what the drawing or specifications
24 call for, that I could mentally picture the guy feeling like
25 I'm training the workman how to do his work.

1 Q Yes.

2 A And in that context, what I attempted to do with
3 the people was to extract additional input that might give
4 me a better feeling for what they're trying to say. I
5 don't recall anything other than what is here and I don't th
6 I got any disagreement with the logic I just laid here when
7 I talked to the individuals.

8 I came away feeling like we had a very good
9 exchange of information. They had the opportunity to get th
10 particular item off their chest and had the opportunity to
11 philosophize and discuss it. I personally didn't conceive t
12 as a major issue.

13 Q Let me ask you something. In the context of you
14 meetings with them, after you got back the results of this
15 report, obviously they and you would know who each other was
16 The anonymity portion of it would now be gone.

17 A No, that's not true.

18 Q Well, I'm sorry, let me rephrase it. When you
19 held your meeting with your electrical QC inspectors and you
20 said -- I don't know who said Item 1 here, under Management,
21 but I would like you all to discuss frankly with me your
22 feelings about it.

23 When they discussed them frankly with you, in
24 that give and take, we knew who was then talking about it,
25 isn't that correct?

syl21b7

1 A Not necessarily.

2 Q You mean they were masked, or you simply didn't
3 know who it was?

4 A I never went into the thing trying to determine
5 who was the guy that said this or who was that. That wasn't
6 the purpose of the meeting.

7 Q No, but in the meeting if someone spoke up and
8 said Mr. Tolson, I really think that we've got a problem her
9 with quality not being our real responsibility on the site.
10 Whoever would say that, you would know who said it at that
11 time, not necessarily who said it to the interviewer, but
12 who said it at that time.

13 A I know who said it in that meeting, certainly.

14 Q Well, why do you feel that you were going to get
15 frank answers when they knew that you knew who was saying it
16 if you felt that the approach of doing the interviews without
17 disclosing who the person was was a good approach in the
18 first place?

19 A Well, I started the sessions by trying to give --
20 that's probably the first opportunity I had to sit and talk
21 with the individuals and, you know, I had been at the site
22 a couple of years -- you know, a year and a half, two years.
23 And one of the few opportunities that a guy at my level has
24 to sit in a very calm way and just talk to the people.

25 The introductory portion of the session was

syb8

1 designed to bring them up to speed on the history of
2 Comanche Peak, where we were at, where I perceived the
3 things we were trying to get, and an attempt to set their
4 minds at ease that I was there as a partner in trying to com
5 to grips with significant issues. At the same time, an item
6 like this, I could read it. I read it then and I read it
7 again, that it is a perception as opposed to an issue.

8 Another example, it is common in the nuclear
9 business for the majority, if not all, paperwork -- i.e.
10 inspection records to be controlled, initiated by QC. It
11 is a natural thing for QC people to do. It makes a lot of
12 sense to me. That shouldn't be construed as a negative
13 issue, in my judgment. That's a part of the QC job.

14 And I think when we discussed it with them, in t
15 light, things like this were brought into perspective for th
16 And I never heard any more about it.

17 Q You did not feel that having the meetings face
18 to face would, in any way, inhibit them from giving you thei
19 real feelings on any of these subjects? Is that correct?

20 A I didn't feel that going in and I certainly
21 didn't feel it coming out. I thought we had, you know, not
22 everybody, five people in the room at random. We're probabl
23 going to run onto a group where nobody wants to say anything
24 and you will run onto a group, with a whole group, who has
25 got a heck of a lot to say, none of which is specifically

121b9

1 associated with what the purpose of the meeting is.

2 And so you run that balance of people. But I
3 personally felt very good and I'm glad that I took the effort
4 and time to sit and go back over the details of this with
5 them. And I think they appreciated it.

6 Q With respect to this particular item, one
7 identified in management, did you feel that the discussions
8 that you held with QC electrical inspectors was all -- after
9 it was done -- was all you needed to do to address that
10 particular item?

11 A No, well, maybe item number 1.

12 Q Yes, I'm just talking about item 1.

13 A I don't recall any -- gee, you know, it's been
14 five years ago, Mr. Roisman.

15 Q I understand.

16 A And I don't recall, at this point, anything other
17 than just discussion of the problem.

18 Q All right --

19 MR. DOWNEY: Excuse me. I want to be clear,
20 Mr. Tolson, your answer to Mr. Roisman's questions was limited
21 strictly to item 1 on the sheet headed Management from the
22 Electrical package?

23 THE WITNESS: That's what I understood his
24 question to mean.

25 MR. ROISMAN: You're correct. That's what it was

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1 BY MR. ROISMAN:

2 Q Would you turn over two more pages to the last
3 page of the Electrical package, which is identified nature
4 of problems. And if you would, please, would you read to
5 yourself, not into the record, paragraph 2 thereof. And then
6 I want to ask you some questions about that.

7 (Pause.)

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1 Q Did you take any steps to address that major
2 problem?

3 A Not specifically associated with this particular
4 issue, but I did communicate to the people the programmatic
5 things that were already in place that were designed to take
6 care of what I perceived we were talking about here.

7 Q And this was communicated to them in the same
8 series of meetings that we have just been talking about?

9 A Yes.

10 Q In the course of those meetings, did you manage
11 to meet with most of your QC electrical inspectors? Was
12 that your intent?

13 A I think I accomplished meeting with all of them.

14 Q And beyond that meeting, no further actions were
15 taken by you to address this particular concern?

16 A No, that's not true in this case.

17 One of the programmatic elements that was
18 already established in this was -- I will use my words --
19 fairly detailed and sophisticated trend analysis of
20 construction deficiencies that are uncovered during the
21 inspection process.

22 One purpose of that is to create an atmosphere
23 coming out of QA to the craft that will cause the craft's
24 ability to construct to design the first time to improve.

25 Okay?

1 Q Okay.

2 A And that, in my mind, is what they're saying.

3 The other thing that we successfully accomplished
4 is a project addressing a second sentence in that paragraph
5 -- is to not give the craft credit for production goals
6 unless they had successfully gone through the inspection
7 process.

8 Q Was that a change that took place subsequent to
9 the 1979 report?

10 A It was a thing that we evolved into, as a
11 project.

12 I am not going to claim specifically, as a result
13 of this report, that's what we did. But I do know that we
14 achieved that goal very shortly after this time frame.

15 Q What, if any, specific actions did you take to
16 deal with the portion of paragraph 2 which is essentially
17 the fourth sentence, sort of a second paragraph under
18 paragraph 2?

19 A Where the little gap is there?

20 Q Yes, that's right.

21 A The reference to the phrase "act of violence" was
22 given a great amount of attention by Mr. Chapman. It's the
23 same incident that we talked about much earlier this morning

24 Q I remember it.

25 A So, I had no reason to take any additional action

SYJ1 13/3

1 in that regard.

2 The thrust of the philosophy behind the approach
3 that we've taken is, in my words, if everybody does what
4 they're supposed to do the correct way the right time,
5 there's no reason for an argument. And that's consistent
6 with what I tried to relate a minute or so ago on the
7 philosophy behind the use of the trend analysis. In my
8 judgment, it works very effectively.

9 If people are accomplishing their jobs and are
10 pleased they are accomplishing their jobs, my experience is
11 that you have very few, if any, arguments.

12 Q So, to paraphrase what you're saying and to see
13 if I understand it correctly, one of the ways that you were
14 responding to these express concerns about arguments, hot
15 discussions, yelling, name calling, occasional threats
16 between craft and QC, was to do trend analyses that would
17 show -- and to take the results of trend analyses and show
18 that where sub-quality work was being done, that the craft
19 needed to improve what it was doing?

20 A I don't like your phrase "sub-quality." It is
21 work that does not comply in all cases with the drawing or
22 specifications as they were conceived by the engineer.

23 Q All right. But your way of responding to that
24 was to -- was to what? Report to the craft people, "You
25 guys are getting a lot of work that we can't pass"?

1 A You deal in the negatives, the work that did not
2 in the first inspection, meet all applicable requirements.

3 Q Now, was that trending, was that a program that
4 was in existence before the 1979 management review?

5 A The concept was in place. Memory tells me that
6 the implementation of it was probably early 1980, but I'm
7 really going back a long ways.

8 Q What, if anything, do you know about how the
9 craft would implement this program? That is, when craft
10 got the word as a result of the trending analysis that, in a
11 particular class of electrical wiring, that there was an
12 inordinately or inappropriately large number of items being
13 rejected by the QC people, what do you know of what craft
14 was doing to try to address that problem?

15 A I can't relate in your wiring situation, because
16 it's a more complex situation. I can recall a specific
17 example -- the numbers are not accurate.

18 For talking purposes, an analysis might indicate
19 that 50 percent of the raceway system associated with
20 conduits, that the span and design provides for a given
21 distance between supports.

22 Half of the systems are being rejected, because
23 the distance between those supports doesn't match the
24 drawing. And that's very close to being a real case that
25 I'm trying to talk about. The numbers are off, but the

SY11 13/5

1 concept is there.

2 By simply pointing that fact out to the crafts in
3 an informal way in this case, he purchased and supplied
4 tapes to his craft, and his reject rate went almost to zero.

5 Okay. A very simple fix to what was a significant
6 problem in the minds of the QC people, because they have to
7 go back to that particular run of conduit twice.

8 But when the supports were in their right the
9 first time, now they've only got to go one time.

10 Q How did that deal with the attitude that was
11 being expressed here that when craft found its work being
12 rejected they apparently would express their concern in some
13 way or another by yelling at or having arguments with your
14 people?

15 A I can't relate specifically. I'm not aware of
16 specific examples of hot discussions, yelling, and name
17 calling.

18 What I have experienced throughout my life, if
19 I am a craftsman and I am out there believing that I'm doing
20 everything right and then a quality control individual comes
21 behind me and says, "No, you're not doing everything right,
22 I know in the back of my mind that if he is right my boss is
23 going to be a little bit upset with me.

24 And so, I might attempt to negotiate; but maybe
25 the QC man is not right either, because there's always a

1 little give and take in terms of who is totally right and
2 who is totally wrong.

3 In that context, I think that's what the people
4 are saying here. My solution to that problem was to attempt
5 to remove what I believed to be the cause, which is work tha
6 doesn't meet the requirements.

7 And by doing it, then all this talk about
8 arguments, hot discussions, et cetera no longer exists.

9 Q I take it it might still exist in those instances
10 where the craft still didn't do its work right.

11 A I'm not aware of it. I think we were very
12 effective with our overall approach in managing the human
13 relationships between the craft and the QC.

14 Q What I'm trying to understand is -- I understand
15 that you're saying that if craft doesn't make any mistakes,
16 assuming that QC is not making any mistakes in calling what
17 are mistakes, that the number of times in which the craft
18 person will be called for having made a mistake by QC will
19 go down. And the example that you gave is illustrative of
20 that.

21 But the question still remains: What about those
22 instances in which the craft does make a mistake and the QC
23 man shows up and starts to write whatever, write the NCR or
24 the IR, whatever it is that's appropriate to the circumstanc

25 What is it in this process that you done to reduc

1 or prevent the QC person from feeling that they were being
2 threatened, or even from being -- for having hot discussion
3 yelling and name-calling as a result of that?

4 MR. DOWNEY: I'm going to object to that,
5 Mr. Roisman.

6 You asked Mr. Tolson initially what it was he
7 did to respond to this item in the report. He gave you an
8 example of something he did.

9 You are now asking him -- you've gone away from
10 the report, and you're asking him how -- I will withdraw
11 that.

12 He also testified that he didn't have personal
13 knowledge of any such incidents that you described in this
14 report. And now you're asking him how -- in essence, what
15 he did in response to this and took care of a different
16 situation entirely.

17 Why don't you ask him if he did anything else in
18 response to this?

19 MR. ROISMAN: Because I am asking the questions
20 and I think the question I asked is perfectly proper. I just
21 asked him to explain to me, in his own words, what actions
22 he took and how it would relate. He has given me answers
23 that don't, on their face, ineffectably explain how it
24 addresses the problem when QC and craft still have a
25 disagreement.

1 What did he do to make sure that craft would not
2 engage or reduce the hot discussions, yelling, name-calling,
3 occasional threats when they were being told they had done
4 something wrong?

5 And I still want to know the answer to that. And
6 I feel so comfortable with my question I'm going to ask the
7 reporter to read it back again and ask the witness to answer
8 it, please.

9 (The reporter read the record as requested.)

10 MR. MIZUNO: Staff feels comfortable that it's a
11 legitimate question.

12 MR. DOWNEY: I still feel uncomfortable with the
13 question.

14 First, I think it is incomprehensible.

15 Second, I think it's objectionable on the basis
16 that I stated.

17 And third, there is nothing in the major problem
18 area to indicate that anyone felt threatened in the electric
19 area.

20 BY MR. ROISMAN:

21 Q Mr. Tolson.

22 MR. DOWNEY: Do you understand the question,
23 Mr. Tolson?

24 THE WITNESS: Not really, but I'll try to answer
25 it.

1 I perceive what you are asking. What we ended
2 up doing and the problem I have is that I'm not sure that
3 I necessarily did it, but the key managers at the site, as
4 long as I have been associated with Comanche Peak -- and that
5 includes the first day that we broke grounds -- have
6 diligently tried to avoid leaving an atmosphere that creates
7 hostility between craft and QC.

8 Now, that is not something that you issue a
9 single edict; that's something you work on every day. That's
10 a human relationship thing.

11 I still come back to the long-range fix, which
12 has been effective. It's for everyone to work and do the job
13 right the first time.

14 BY MR. ROISMAN:

15 Q Did the actions that you took, which is something
16 that you said you don't do, ones you just do every day, ones
17 you do every day, did it involve any specific newly adopted
18 procedures, newly issued statements to the personnel, newly
19 implemented training programs, or anything like that?

20 A I can't associate the phrase "newly" with any of
21 that, because again, it is something that I have seen ever
22 since I've been involved with Comanche Peak, which is almost
23 10 years.

24 And an attitude on the part of management to not
25 permit a situation like this to develop and get out of

1 control, that does not mean that me and John Merritt on
2 occasion may not violently disagree on a philosophical point
3 or on how we ought to approach jointly getting our job done.
4 But from a generic standpoint, we have worked diligently at
5 that. That is our job.

6 MR. ROISMAN: Could we go off the record?

7 (Discussion off the record.)
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1 MR. ROISMAN: Back on the record.

2 In looking at this exhibit 42-1, this appears
3 to be not one, but actually a whole series of documents
4 issued, some on the same day and some on other days. Is
5 that correct, Mr. Tolson?

6 BY MR. ROISMAN:

7 Q It wasn't one document, but actually a group of
8 documents?

9 A As they completed the interview process with
10 a given discipline, then they summarized the results and
11 issued a memo -- not a memo, yes it is. They issued a speci
12 memo recording the results of their interviews with each
13 discipline.

14 Q Now to the best of your knowledge, was there
15 ever, beyond this summary, was there ever any effort to writ
16 a report that either reflected some judgment as to the
17 totality of what this interview process found or that
18 reflected the totality of the actions that were taken in
19 response to what the interview process found?

20 A I issued a summary response to this entire
21 report, to Mr. Chapman. And I use the word summary to mean
22 a relatively brief overview of what I accomplished. In
23 addition to that, I believe that the corporate auditor
24 evaluated that particular response and closed this particula
25 interview process in that way.

1 MR. ROISMAN: I don't believe we've ever
2 seen that; have you seen that? Either the audit report
3 or what Mr. Tolson just testified to. Does that ring a
4 bell with you as documents you have seen?

5 MR. DOWNEY: No, it does not.

6 MR. ROISMAN: Can I ask on the record --

7 MR. DOWNEY: I have already made a note in
8 the margin that Mr. Tolson has identified two documents
9 that I have not seen, and as I committed to you this
10 morning, with respect to any documents that we uncover as
11 a result of these depositions in further searches of
12 more files, we will make them available and offer you an
13 opportunity to examine the witnesses about them.

14 MR. MIZUNO: The Staff would like to have copie
15 of those two documents, also.

16 MR. DOWNEY: And I committed to Mr. Treby to
17 make sure that our formal document productions are made
18 available to you, also.

19 THE WITNESS: That's what I think occurred,
20 but I wouldn't swear to it.

21 MR. ROISMAN: Okay, I understand. We're just
22 trying to get you to indicate what it is that you think
23 is correct.

24 BY MR. ROISMAN:

25 Q The management audit -- I'm sorry, I forget

1 what the phrase was that you referred to. Was it the
2 corporate audit program?

3 A Corporate audit group.

4 Q Is that the one that was headed by Mr. Vega?

5 A That's correct.

6 Q And do you think that there may also then have
7 been some kind of a report that he or his group did
8 responding to or giving their conclusions based upon
9 what you had submitted to Mr. Chapman?

10 A I think so.

11 MR. MIZUNO: May I interrupt you to clarify
12 one thing?

13 MR. ROISMAN: Yes.

14 MR. MIZUNO: This report that was done by the
15 corporate audit group, that was their summary of 42-1,
16 and it was not a summary of the actions which were taken in
17 response to 42-1?

18 THE WITNESS: I'm sorry, I don't understand
19 the question.

20 MR. MIZUNO: Okay. The QA Audit Report which
21 you talked about, was that a summary of the Management
22 Review Board interviews?

23 THE WITNESS: That's a detail that I cannot
24 recall.

25 MR. MIZUNO: Okay. I have one more question,

1 then. Do you know of any report that was issued which
-2 summarized all of the management response actions which
3 were taken in response to the findings of the Management
4 Review Board?

5 THE WITNESS: Other than the brief summary of
6 my efforts that I conveyed to Mr. Chapman, I'm not aware
7 of anything.
8

9 MR. ROISMAN: Let's now turn -- this is near
10 the end -- to the QC document personnel portion of this
11 report dated October 19, 1979, and the next to the last page
12 of it, which is entitled Morale.

13 BY MR. ROISMAN:

14 Q I would like to direct your attention to the
15 paragraph numbered 1. Tell me first, what is your under-
16 standing of that identified problem? Either what then,
17 or what now, do you perceive that to be identifying?

18 A I again have memory problems on some of the
19 specific issues, but I think that was what I would
20 characterize as a personality conflict between an employee
21 and his supervisor.

22 Q You may have gone one step beyond where my
23 question is directed. Putting aside for a moment what
24 you think its origin was, what did you think it meant --
25 job security is threatened if verbal directions are not
followed, even if the instructions are contrary to written

1 requirements.

2 A I'm not sure I know, Mr. Roisman, because
3 this is an area that it's difficult to come to grips
4 with, because the need for sophisticated, formalized QA
5 program type documents in this particular area is relatively
6 small compared to an inspector's activities, for example.
7 It's a clerical function to a large degree.

8 And I'm going to have to carry you back to
9 the personality conflict because I think that is basically
10 what I concluded that this particular statement was
11 addressing.

12 I think the people may have felt that they were
13 being told to do something which in their minds may have
14 been contrary to what they perceive to be the objective of
15 their jobs. But I can't go much beyond that.

16 Q How did you go about trying to look into or
17 do something about that particular item?

18 A I think that the particular supervisor either
19 resigned or got reassigned somewhere downstream shortly
20 after this, but I can't recall specifically.

21 Q Was that a coincidence, or was it done in
22 response to the concern expressed here?

23 A I've got to be fairly generic here. If this,
24 in fact, says what it appears to say -- that even though
25 it's a clerical function, if it is a written procedure

1 for the clerical people to follow the instructor or
2 supervisor is telling them to do it a different way and
3 that is contrary from the way I chose to run the QA/QC
4 Department -- if the way the supervisor wanted the work
5 accomplished is a proper way, then the proper solution is
6 to change the solution; not to tell people to do things in
7 a different way.

8 Q And so, --

9 A I'm not sure which way we went. That's what
10 I'm trying to say. But we resolved it along the general
11 lines that I'm trying to convey.

12 Q On a couple of occasions in the course of the
13 depositions today when we've talked about -- I think when
14 we talked about the problems with the electrical QC
15 inspector, and now here again, you have discussed the
16 either temporary reassignment or transfer -- was that a
17 standard way that you had of dealing with problems when
18 you had personnel who were feeling that they were being
19 abused or threatened or being harrassed -- was to transfer
20 or temporarily reassign the people who were causing that
21 difficulty?

22 MR. DOWNEY: Objection. That's not what
23 Mr. Tolson testified. He testified that he considered
24 temporary reassignment for an electrical inspector where
25 he had reason to believe there was destructive activity on

1 the part of that inspector.

2 He testified that in this case, he perceived
3 the personality conflict between the supervisor and other
4 members of the organization, and in that particular
5 situation he considered transfer as an alternative. At no
6 time has he testified that he transferred as a consequence
7 of what you would call harrassment or intimidation.

8 And in fact, to the contrary, there has been
9 no instance of harrassment or intimidation established.

10 MR. ROISMAN: Well, wait. This statement he
11 has indicated to me -- he interpreted the personality
12 conflict to encompass the statements made in the interview
13 or summarized here from the interview, that a person's
14 job security is being threatened.

15 MR. DOWNEY: He didn't testify to that at all.
16 He testified that in reviewing Item 1, he perceived there
17 was a personality conflict between the two. He did not
18 testify that he perceived that job security was threatened
19 for failure to follow verbal instructions.

20 MR. ROISMAN: Let me go back and ask him that,
21 then.

22 BY MR. ROISMAN:

23 Q Mr. Tolson, did you make any effort to
24 determine whether, in fact, a person's job security was
25 being threatened for the failure to follow verbal

1 directions that that person believed contrary to written
2 requirements?

3 A I don't recall specifically how we approached
4 that aspect of it. I would almost have to be sitting in
5 the room with the people and hear someone state that if
6 you don't do it my way I'm going to fire you, before I
7 could ever come to grips with something like that.

8 Again, giving due consideration to the fact
9 that this was well over five years ago, my recollection
10 is that the individual who expressed this may have
11 perceived the situation as opposed to actually having been
12 threatened with loss of job.

13 But that goes back too many years.

14 Q Let's talk about that for just a second.
15 Do you distinguish, for purposes of the seriousness of
16 the situation, between a situation in which one of your
17 inspectors perceives that he's being harrassed or
18 intimidated versus the situation in which an objective
19 observer would, if they had heard the entire incident,
20 say I think that that person was being harrassed and
21 intimidated?

22 A I missed the question.

23 Q The question is: Do you perceive a difference
24 in terms of the seriousness of the situation -- between
25 the situation where a QC inspector believes that he's

1 being harrassed and intimidated and one in which an
2 objective observer would say, when looking at it, that
3 person is being harrassed and intimidated? Does it matter
4 whether the person's perception would be confirmed by an
5 objective observer in terms of how serious that kind of
6 an allegation would be?

7 A I think our basic approach would be to treat
8 the perception and the actual case in the same manner.

end 14

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

CONFIDENTIAL

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Docket No. 50-445
50-446

Deposition of: Ronald Tolson

Location: Glen Rose, Texas

Pages: 51,000-51,738

Date: Friday, July 13, 1984

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1 not November 8, but the November meeting with Lipinsky
2 that we have been referring to here, was any further
3 action taken by the utility or by yourself with regard
4 to either paragraphs A or B of the Lipinsky memo?

5 MR. DOWNEY: I object to that on the
6 ground that in at least one respect Mr. Tolson testified
7 that he had taken action prior to Mr. Lipinsky's -- the
8 preparation of Mr. Lipinsky's memorandum and that is
9 taking action to address the long work hours that
10 inspectors had been working and your question assumes
11 that no action was taken prior to receiving that.

12 MR. MIZUNO: Is that it?

13 MR. DOWNEY: That is my objection.
14 I would ask you to rephrase your question.

15 MR. MIZUNO: Okay. I will rephrase it.

16 BY MR. MIZUNO:

17 Q Was any action taken specifically to
18 respond to the Lipinsky memo after the November meeting?

19 A No, not that I recall.

20 MR. MIZUNO: That ends my examination at
21 this point.

22 EXAMINATION

23 BY MR. DOWNEY:

24 Q Mr. Tolson, in response to questions
25 by Mr. Roisman you testified at some length about the

XXXX

1 management review board summaries that you received
2 and some of the objections you took in response to those
3 summaries. I would like to follow up those questions
4 with a few of my own.

5 Mr. Tolson, did you form any general
6 impression, having read all of the management summaries --
7 review board summaries that came to you?

8 A Yes, I did.

9 Q What were your general impressions of
10 those documents?

11 A Speaking generically in -- whatever one
12 needs to keep in mind as I mentioned in cross by
13 Mr. Mizuno.

14 One aspect of the management review
15 board was in direct response to some criticism we had
16 received from region IV in connection with the
17 electrical inspection activities. My first effort was
18 to analyze the feedback from that particular group.
19 And in that group I formed three general conclusions.

20 The first was what I would like to
21 characterize as a desire and to me the clearly
22 expressed desire on the part of the QC people to be
23 treated as professional people.

24 Connected in that category are things
25 like wage and salary policies and most specifically

1 what they chose to call start and stop times with their
2 daily activities.

3 I think there was a tie again with
4 this attitude of trying to feel more professional was
5 that they expressed to me both in writing and verbally
6 subsequently their daily activities shouldn't
7 necessarily coincide with the craft activities.

8 The second major conclusion that I
9 developed was an apparent need to provide more and
10 perhaps stronger supervision.

11 And, thirdly, it seemed very clear that in
12 some cases there was a need to provide increased
13 training efforts to compensate for what I perceived to be
14 a lack of experience on the part of some people. And
15 in a few cases I had a feeling that possibly there was
16 some con performers in the group.

17 Q Mr. Tolson, did the desire to -- were
18 the wage criticisms present in all of the QC summaries
19 that you reviewed?

20 A As I recall, to a certain extent they
21 appeared to be spread out throu-hout the disciplines.

22 Q So that wasn't limited to the electrical?

23 A No. That was generic across the board. I
24 apologize for that.

25 Q What action did you personally take to

1 address that criticism?

2 A My involvement in that was rather limited
3 because Mr. Chapman, who also received these summaries,
4 made one of his personal objectives to ensure that
5 both our management as well as Brown & Root's were
6 aware of the criticisms. And so my involvement was
7 limited. That is something that is above the level in
8 my position in terms of providing corrective actions
9 relative to wage and salary policy.

10 Q And following the management and review
11 board interviews was the salary structure overhauled for
12 QC inspectors?

13 A Yes, it was.

14 Q In what ways was it changed?

15 A The key elements were a multi-stage
16 program that as I recall included entry level
17 positions, and then at least four supervisory -- excuse
18 me. Not supervisory, but four inspection levels,
19 A through D, A being the highest, with different
20 compensation associated with each level, and one or two
21 supervisory or lead positions which carried
22 compensation levels that were slightly different than the
23 top category for an inspector.

24 In addition to that -- and I am not sure
25 that it all came out at the same time -- they created

1 the position of QC superintendent which was a
2 salaried position that would coincide with craft super-
3 intendent positions.

4 Q When did this wage structure come into
5 play? When was it put in place?

6 A I can't pin the date down precisely, but
7 I seem to recall early '80s as being the time frame
8 that it was implemented.

9 Q And did this overhaul result in increase
10 of wages to the inspectors?

11 A In some cases, yes. In some cases it
12 was probably a horizontal transition. But the
13 opportunity for growth was built into the program.

14 Q You testified that in the electrical
15 area the inspectors were concerned about the time they
16 started work and stopped work. Did that criticism carry
17 over into other disciplines as well?

18 A Yes, and I think it was more prevalent
19 in the civil and test lab groups.

20 Q Did you take any actions in response to
21 changing start and stop times?

22 A Yes, we, at least for a period of time
23 where we could adjusted the QC hours to fit the specific
24 needs of the QC department without regard necessarily
25 to what the craft hours were.

1 Q Mr. Tolson, you testified in the
2 electrical area where you perceived from the results
3 of the survey a need for more -- for stronger
4 supervision. Was that criticism a feeling that you got
5 from other areas as well?

6 A To some degree, but it appeared to be
7 more prevalent in the electrical area.

8 Q Would you take any actions in response to th
9 perceived need for stronger supervision?

10 A Not immediately, but over a period of
11 time we did. The supervisor at that time was a very nice
12 gentleman and I wanted to get to know him before we
13 decided to do anything, and I met with him on several
14 occasions and as I recall we agreed mutually that his
15 talents were perhaps better suited to a group that we
16 labeled quality engineering, and once we agreed that
17 mutual agreement we moved him into that particular
18 activity and placed another individual in the electrical
19 supervision role.

20 Q Mr. Tolson, you testified that your review
21 of the electrical summary led you to conclude that
22 you needed to increase training?

23 A That's correct.

24 Q Was that conclusion reached with
25 respect to other disciplines as well?

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1 A To some degree. I need to caution you,
2 though, on one. The mec-anical group we are dealing
3 with in this interview process was virtually the
4 ASME group. And as I said earlier this morning, that
5 wasn't a group that I had direct daily control of.

6 The non-ASME people, yes. The training
7 effort had already been started in the civil and test
8 laboratories, as I recall.

9 We did some rewriting and developed
10 very detailed inspection instructions within the
11 electrical area, and as I have testified at great
12 length on the stand during the ASLB hearings, it was my
13 concept to train both formally and through OJT
14 efforts inspectors and inspection functions, and I did
15 not attempt to train as discipline people but train for
16 things such as witnessing of cable pulling,
17 inspection of terminations, et cetera.

18 MR. ROISMAN: Can we take a short break?
19 MR. DOWNEY: Yes.

20 MR. ROISMAN: Thank you.

21 MR. ROISMAN: Thank you.

22 (Short recess.)

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1 MR. DOWNEY: Even in Mr. Roisman's
2 absence, for clarity I would like to note that
3 Mr. Tolson's testimony about the management review
4 board summaries refers to an addendum of documents
5 that has been marked for identification as
6 Purdy Room 42 Exhibit 1 marked for identification
7 during the deposition of Gordon Purdy held on
8 July 10, 1984.

9 (Short recess.)

10 MR. DOWNEY: Tony, at the break I went
11 back on the record to identify the management
12 review summaries as Purdy Exhibit 42-1 for clarity.

13 MR. ROISMAN: Okay. Fine.

14 BY MR. DOWNEY:

15 Q Mr. Tolson, in addition to the electrical
16 group, did you implement any other changes in
17 response to the 1979 survey?

18 A Yeah, I can recall one change that I'm
19 particularly proud of. A little background, if I may.

20 TUGCO's direct involvement of non-ASME
21 activities evolved over a period of months. The
22 first group that we became directly involved with
23 was the civil inspection group followed shortly
24 thereafter by the test lab group. In general, the
25 comments out of those groups were sort of split.
Civil group expressed a very strong concern about

1 their what I perceived to be security associated
2 with job longevity. I addressed that group as a
3 whole, and made a commitment that I felt
4 comfortable at that time to establish, for those
5 who wanted the opportunity to cross-train into
6 other inspection disciplines or to develop into
7 other job categories, so that the experience that
8 we had gained with those people could be maintained
9 throughout the construction phase of Comanche Peak.

10 Don't hold me to details, but as I
11 recall, those people that wanted to were provided
12 the cross-training or career development and are
13 still employed at Comanche Peak.

14 Q Mr. Tolson, was there any reason why
15 the civil group needed to be concerned with job
16 security at this time?

17 A Yes, certainly. We were not totally
18 complete, but as I recall, we were close to topping
19 out the Unit 2 containment structure, which is where
20 the majority of the concrete is placed. And the civil
21 group's activities, they could foresee in a very short
22 period of time the job of a civil inspector
23 disappearing due to lack of craft activities.

24 In fact, I think we are at or above the
25 spring line of Unit 2.

1 Q Mr. Tolson, were there any other groups
2 that expressed an interest in cross-training?

3 A Not in the interviews, but the test
4 lab group, I met with them also and conveyed that
5 same message to them that I had with the civil
6 people. Our way of explanation is civil activities
7 played out so did test lab activities. Although
8 I don't specifically remember them mentioning
9 that I wanted to convey that same message to them.
10 Again, as I indicated in the civil group, those
11 personnel that had expressed a desire to stay and
12 learn other inspection activities were given
13 that opportunity and are still employed.

14 Q Mr. Tolson, do you recall any other actions
15 that you took in response to the 1979 meeting
16 other than those to which you have testified about?

17 A Nothing personally. The other groups
18 I leaned on my key staff to address and discuss
19 the issues raised by the inspection personnel
20 with them, and to resolve those that required resolving.

21 MR. ROISMAN: Mr. Downey, are you
22 finished with that line?

23 MR. DOWNEY: Yes.

24 MR. ROISMAN: Can I just ask what the
25 status is of getting the memorandum that Mr. Tolson

1 testified to last time that he had believed he
2 sent to Mr. Chapman that summarized the actions that
3 were taken in response to the management review
4 board?

5 MR. DOWNEY: I have asked Mr. Chapman
6 to return to his files to see if he can locate
7 that memorandum.

8 MR. ROISMAN: Okay. So that's still in
9 the works?

10 MR. DOWNEY: That's still in the works.
11 And I'll make a notation to follow up on that
12 request.

13 THE WITNESS: I need to amplify that last
14 question slightly --

15 MR. ROISMAN: I'm sorry if I cut you off.

16 THE WITNESS: -- on that last answer now
17 that you gave me a little time to think.
18 I did meet personally with the instrumentation people of
19 the QC group, and that was a very small group,
20 and still is, but the corrective actions I mentioned
21 on inspection instructions and training was conveyed
22 to that group just as it was with the electrical group.

23 BY MR. DOWNEY:

24 Q Mr. Tolson, I recall Mr. Roisman asking
25 whether you had with your QA/QC experience with

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Docket No. 50-445
50-446

Deposition of: DAVID N. CHAPMAN

Location: Glen Rose, Texas

Pages: 35,500 - 35,730

Date: Monday, July 9, 1984

~~84-71700-82~~ TAYLOE ASSOCIATES

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1 action?

2 A I think there are things like that in our
3 general employee discipline handbook, but it's been
4 so long since I read it. I know Brown & Root has a
5 policy manual and things like that.

6 Q Well, let's stick with what you know first.
7 Does TUGCO have such an employee code or disciplinary
8 manual, and does it prohibit harassment and intima-
9 tion?

10 A There is a progressive discipline program
11 and manual for TUGCO. As to whether the words harass-
12 ment and intimidation appear in it specifically, I do
13 not know.

14 Q And Brown & Root has such a policy?

15 A They have an manual. I don't recall
16 specifically what the words are in it.

17 Q Has anyone ever been disciplined for
18 harassment and intimidation at Comanche Peak?

19 A Yes.

20 Q How about explaining your answer, please.
21 Who has and what do you know about it?

22 A It's been almost five years now. As a
23 result of some interviews that I had a group of people
24 do over the course of about five or six weeks, I had
25 a telephone call that said that, from one of the people

1 on the team, that said that there was probably some-
2 thing I needed to know about. So I came on down to
3 the site.

4 This system of interviews we set up and
5 we designed it to elicit the maximum amount of
6 information from our people. We had been getting
7 some complaints that -- most of them related to pay
8 and equities. There were complaints, and some of them
9 were expressed directly to me, incidentally, that pay
10 raises were two or three months late, some of them
11 were arbitrarily cut just a few cents an hour, but
12 when they got to Houston, the general things that
13 tend to make morale low.

14 Along about that time, there was an NRC
15 report, I forget what number it was, but they had
16 been receiving some allegations about low morale.
17 The report, as I recall, pointed out that there were
18 no deficiencies relative to morale, but it was
19 something that management should be concerned with.
20 My staff and I had been talking over for some time
21 how to -- but there seemed to be a need to really
22 get some information from the people and see what
23 was bothering them.

24 So, I sent a team down there that had, I
25 think it was, four of my people and two people from

1 Brown & Root, Houston. We structured this thing
2 so that nobody on the team was to be in the direct
3 chain of command on site. Nobody reported on site.
4 We decided to interview the individuals in the QA/AC
5 department, clerks all the way up to upper-level
6 supervisors.

7 We didn't ask if they wanted confidentiality,
8 we just automatically told them that this was going to
9 be confidential information and that names would not be
10 provided to anybody on site.

11 There would be an alpha numeric designator
12 on each set of notes, and nobody on site was going to
13 get a copy of the cross-reference. That would be held
14 by me.

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1 The concerns that we got would not be handed to
2 appropriate management for corrective action, if any, that
3 being the Brown & Root site management or Tolson or other
4 craft or whoever. In any form, that would compromise
5 their confidentiality. Furthermore, they were told --
6 the review team was told that I wanted to get all the
7 information that was on their minds, don't try to put it
8 in perspective necessarily; find out what is eating
9 on them, because if they think they've got a problem,
10 then they have a problem. We want to find out what the
11 causes of this rumbling is. We've already got some pretty
12 good ideas. So they started out, as I recall, in late
13 September, I think it was 1979, and over the course of
14 four or five or six weeks, they talked to all the
15 inspectors they could. They did it by discipline and
16 as each group was finished, the team would meet -- the
17 team didn't interview each individual, they split it up
18 so they could do it a lot faster. As each group, say
19 the electrical and mechanical, would finish, they would
20 take the results of the individual concerns raised and
21 they would put them in the form of a summary for that
22 discipline group. And they would all sign the thing, and
23 they would send that report to me and then it would go
24 to whoever needed to know for appropriate action. I
25 think that was mostly Tolson. But rather than wait in

1 this one instance, I was called because a young inspector
2 had related an incident where she had been physically
3 intimidated. So I went down myself, I called her in to
4 talk with her about it.

5 Q. How did you find out who the inspector was?

6 A. Well, the people doing the interviews obviously
7 have to know, so they called her in.

8 Q. Did she ask to talk to you?

9 A. No, they told her that that was something they
10 thought upper management needed to know about, and she
11 said I'd be glad to talk with them about it. That's my
12 understanding of how it was.

13 Q. So the interviewers called and talked to you and
14 then you talked to her?

15 A. Yes.

16 Q. And what did you do?

17 A. First of all, I asked her what happens? And
18 she said that she had, as I recall, rejected the work
19 of a craft --

20 MR. BELTER: Let me just stop you right there
21 for just a second and make clear for the record that what
22 was reported to Mr. Chapman is admissible in our view on
23 the basis of the fact that it was reported to him, but it's
24 not in itself competent evidence of the truth of the
25 matters that were reported to him. You may continue.

1 THE WITNESS: She rejected the work of
2 this craft, and the guy was a rather large guy, and that
3 he had grabbed her by the coat and kind of yanked her a
4 little bit, and he got right in her face and then all of
5 a sudden realized what he had done and kind of looked kind
6 of shocked and turned loose of her and that was the extent
7 of it. And I asked her if he had hit her or anything
8 like that, and she said oh, no. I said when did that
9 happen and as I recall, it had been several weeks or some
10 period of time had passed since the incident. Nothing
11 else had happened and I said, well, you know that if they're
12 doing that, that man has to go out to the gate. And she
13 very vehemently insisted that she didn't want him to lose
14 his job. I said, well, that's the policy, if anybody does
15 something like that, they go. And all I will do is tell
16 construction and he is gone. And she says, no, I really
17 don't want that. She said, all I want is for him just
18 to do business with me. Ever since then, it's been a
19 strange relationship and I feel I'm easy around him.
20 And I said, well, I'm going to give you the opportunity
21 here to convince me that construction should not run him
22 off right now. But the ball is in your court. You're
23 going to have to convince me that that shouldn't happen.
24 Again, she insisted at length that she didn't want him
25 to lose his job, and it's really something that he reacted,

1 and she felt that he hadn't done it since, and he was just
2 acting funny, and she felt like if somebody would just get
3 with him and fix him and tell him to treat her like he does
4 anybody else, and if she has business to inspect in his
5 area, to treat her with respect and that she did not want
6 to see him lose his job over it. So we talked awhile, and
7 finally I said, well, since this apparently is not --
8 had it been something that was obviously widespread
9 knowledge in the plant, I don't think we could've given
10 into her wishes. I think we would have had to go ahead
11 and let the craft terminate him at that time because of
12 the image of not doing anything about it. But we weren't
13 hearing a lot other than one other friend of hers that
14 knew about the incident, she said, yes, this other gal
15 knows about it and the other inspector told us it was
16 not general knowledge. So I said, well, all right, this
17 is what I'm going to do. You have insisted, and basically
18 the only way that she would let me take any action against
19 the guy to get his attitude fixed was if I would assure
20 that he would not lose his job. Now, the only
21 alternative would be for me to go to construction and
22 tell them what had happened and they would run him out
23 the gate. I told her, I said, all right, I will hold this
24 in more or less in obedience, now, I will get him fixed
25 and I'll tell him exactly what you told me. I will tell

1 the construction manager that what you want is for him
2 to treat you like he always did; businesslike. And be
3 civil to you across the board like everybody else and
4 if he ever so much looks cross-eyed at you again, then
5 I'm not going to let you talk me out of it next time.
6 And she was real happy with that. I said, furthermore,
7 I'm going to come back in a couple of weeks and I'm going
8 to give you the opportunity to convince me even then that
9 he shouldn't go because you are the one who is holding
10 up this deal. And she said that'll be fine. And I
11 came back, I don't know how long it was, a matter of well
12 in the range of two weeks, I called her in again and
13 incidentally, before I left the first day, now, you
14 realize we promised confidentiality here and if I take
15 action on this, it's going to compromise you to a certain
16 extent. She said, I understand that; go ahead. But, she
17 said, I don't want him to lose his job. As long as you
18 get him fixed. So I came back in a couple of weeks and
19 she came in, and she convinced me that she was extremely
20 happy with the way things had turned out. She thanked
21 us for taking interest, and that was the extent of what
22 we did.

23 Q. What discipline was this inspection work done
24 in?

25 A. I think it was electrical, I'm not sure. I'm

1 reasonably sure it was electrical.

2 Q. Was this inspection of cable trays in the
3 auxiliary building?

4 A. I don't recall what specifically it was.

5 Q. 810 elevation?

6 A. I don't recall.

7 Q. It might have been?

8 A. I don't know.

9 Q. Who was the inspector who was the victim of
10 the harassment?

11 MR. BELTER: I'm going to object to that question,
12 Counsel, because we promised her confidentiality. I recognize
13 the relevance of the answer. The problem is that we have
14 tried to work out a cooperative procedure here. You were
15 not involved, Bob, but at one of our hearings, Judge Bloch
16 asked us to cooperate with each other by trying to preserve
17 confidentiality to the extent that both sides could. Each
18 side has recognized the value of preserving the confidentiality.
19 My suggestion on this is that you try to complete your
20 examination without the name, and let's discuss it later.
21 If you feel a need for the name, I think we ought to talk
22 about procedures for giving you the name. I'm not trying
23 to prevent you from having the name today.

24 MR. GUILD: I would be most happy to try to
25 work out something to accommodate that. I do press the

1 point that it is relevant.

2 MR. BELTER: I have no objection that it is
3 relevant.

4 (Laughter.)

5 MR. BELTER: We're off the record.

6 (Short break.)
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1 MR. GUILD: We are back on the record.

2 BY MR. GUILD:

3 Q. What action, if any, was taken with respect
4 to craftsmen involved?

5 A. It was related to me. Construction management
6 told him that he was basically on the verge of being
7 terminated, and his personal fate was in the hands of
8 the inspector that he had intimidated and he had better
9 get right with her and stay that way as long as he
10 intended to be on the job.

11 Q. And how did the construction management
12 learn of the incident?

13 A. Well, that one I cannot remember. I can't
14 remember whether I told him personally or whether I asked
15 Ron Tolson to relay the message.

16 Q. But in any event, from your side at your direction,
17 either directly or indirectly, construction management was
18 told of the incidents that came from the QC inspector?

19 A. Yes. And their original information was much
20 like mine, go ahead and terminate him without even
21 considering what the inspector wanted.

22 Q. Did they document their counsel and warn them
23 of any disciplinary action in any way?

24 A. I do not know.

25 Q. Do they have a system -- Did they, at the time,

1 have a system of documenting such warnings in individual
2 personnel files?

3 A. I don't know.

4 Q. Did it matter to you whether they did or
5 not?

6 A. At the time, not so much, because I was
7 interested in solving the immediate problem. I didn't
8 really think too much about the documentation aspects
9 of it as long as it got done.

10 Q. Did you consider whether or not the craftsmen
11 would take whatever message you relate to him indirectly
12 seriously or more seriously or less seriously if a
13 notation were made in his personnel file or not?

14 A. I didn't consider that. My bottom line was
15 the feelings of the person who had been robbed. And
16 the assurances that she could give me because I just
17 didn't take what she gave me at face value. As I
18 promised her, I made her convince me that everything
19 was right. She says, well, I just can't believe that
20 he's a different person. So I really appreciate what
21 she did. And everything is going great. That was
22 the goal. I didn't really think about all the
23 peripheral things, because she was convinced he was
24 sincere in his change, and that since it was a one-time
25 knee-jerk reaction on his part, she had considered the

1 matter finished.

2 Q. Well, let's lay aside -- I don't think
3 this is the form for you and I to debate the validity
4 of that conclusion on your part. All right?

5 A. Right.

6 Q. But laying aside the wisdom of putting the
7 victim in the position of having to choose the
8 punishment that management maybe ought to have decided,
9 did you consider whether or not the punishment, or the
10 lack of punishment, would be effective in its own right
11 against the craftsmen who had done wrong?

12 A. Now, wait a minute. I disagree with your
13 characterization of what I did. I did not leave the
14 decision of the type of discipline to the victim. The
15 discipline should have been decided by management. I
16 decided the final discipline. I acceded to the wishes
17 and the strong recommendations of this QC inspector who
18 did not want him fired, and maybe she had some good
19 reasons for feeling intimidated if we had fired him.
20 I took that into consideration too. And that's not
21 anything to consider lightly.

22 Q. Well, let's talk about the other point.
23 The other point that I'm directing my question to
24 is someone did wrong, and got away with it without
25 any punishment, regardless, lay aside the propriety

1 of putting the responsibility on the victim --

2 MR. BELTER: I object to the question, Counsel.
3 It hasn't been established, to use your words, that this
4 person got away without any punishment.

5 MR. GUILD: Let me rephrase it.

6 BY MR. GUILD:

7 Q. This person did wrong; he violated the company's
8 either written or unwritten policy, correct?

9 A. That's true.

10 Q. He specifically threatened the quality control
11 inspector in the performance of her job, correct?

12 A. That's true.

13 Q. That is a firing offense, according to your
14 testimony, correct?

15 A. That's true.

16 Q. And that individual was not fired?

17 A. That's true.

18 Q. Now, what I want to know is, assuming that the
19 only discipline that individual received was the counseling
20 that you indirectly indicated to his management should
21 occur, and that you understood occurred, what I want
22 to know is what leads you to believe that that was an
23 effective sanction against him. Lay aside the interest
24 or wisdom of -- and perspective of the inspector, now.

25 A. I was told that he was told if it ever happened

1 again he was out the gate, no questions asked. I don't
2 consider that getting away without discipline.

3 Q. Okay. I didn't hear that the last time. That
4 is what you understood got communicated to the craftsmen
5 involved?

6 A. Yes.

7 Q. And you don't know whether or not that was
8 oral, written or what?

9 A. I do not know.

10 Q. Okay.

11 MR. BELTER: Well, maybe I missed your question,
12 Bob, but were you asking Mr. Chapman whether he believed
13 the report from the QC inspector when he went back two weeks
14 later about the man's conduct? Because you seem to be
15 getting after whether what was done was effective in terms
16 of this man's conduct. Let me ask that question right now
17 to clear it up. I would ask it on redirect. Mr. Chapman,
18 was any information brought to your attention with respect
19 to the man's conduct after the incident, after the action
20 was taken against him?

21 THE WITNESS: Yes. That is the issue which
22 I went back down there to discuss with the inspector.

23 MR. GUILD: Thank you.

24 BY MR. GUILD:

25 Q. Now, what is the basis, if any, for your belief

1 that there was no general knowledge among either the craft
2 of QC of this incident of harassment?

3 A. Due to the detail and -- the extreme detail
4 that the information we received from these people during
5 these interviews, due to the openness with which they
6 approached these things -- Due to the triviality of so
7 many of the things, in addition to the major points that
8 were legitimate concerns on their part, the types of
9 things that they identified to us, even third-party hearsay
10 things, if that had been general knowledge around the plant
11 a couple of weeks after it happened, we would have heard
12 about it. That was our main level of confidence. The
13 additional level of confidence is that this inspector
14 obviously wasn't passing around the story or she could
15 have spread it around all over the site.

16 Q. Excuse me. Let me just interrupt. How do you
17 know she wasn't?

18 A. Well, we only heard it from, as I recall, one
19 other and that was a very close friend of hers.

20 Q. How did you get it from her?

21 A. The interviews. And she wasn't spreading it
22 around, and if we had found it to be another general knowledge
23 around the plant, then I don't think we would have had the
24 option to do what we chose to do just to satisfy an
25 inspector who didn't want this guy to be fired.

1 Q. Who was the other inspector who had knowledge
2 of the incident, and let me note that while I believe the
3 answer to that question is relevant and the answer should
4 be a matter of record, I understand the thing --

5 MR. BELTER: The same objection, yes. And I have
6 a problem with that one. You're asking discovery again, and
7 if you find that inspector, her report could only be hearsay.

8 MR. GUILD: Well, I maintain that it goes to the
9 question of the effectiveness of the remedy that Mr. Chapman
10 is talking to, this harassment incident and -- and/or to
11 the validity of his testimony that the matter was only that
12 limited knowledge on the site and that both subjects are
13 subjects of significance if this is a singular incident
14 of harassment that the gentlemen --

15 MR. BELTER: I know. But the answer to your
16 question about the name isn't going to add one iota of
17 weight to the issue that is before this Board, one way or
18 the other. All it is going to do is give you the opportunity
19 to pursue another step in possibly producing relevant
20 evidence. It's a discovery question.

21 MR. GUILD: I maintain otherwise.

22 MR. BELTER: The name of this individual is
23 going to add weight to whether there has been intimidation
24 or not? That is your position held in good faith?

25 MR. GUILD: My position is that --

1 MR. BELTER: I want you to think about it
2 for a minute, Bob.

3 MR. GUILD: My position is that the name of
4 this individual

5 Yes, because given what I believe the answer to that
6 question is, I think I will succeed in demonstrating that
7 in fact, Mr. Chapman's conviction that he handled the
8 matter in the proper way is wrong, and that the matter was
9 in fact of a more general knowledge on the site.

10 MR. REYNOLDS: Why would the name assist you
11 in that effort?

12 MR. GUILD: It's apparent.

13 MR. REYNOLDS: Explain it to me.

14 MR. GUILD: It's either the right person knows about
15 it or it is not, who knew about the incident or not.

16 It's my belief that the answer to the question of the
17 person he also found out knew about it is an inspector who
18 has also been involved in instances of harassment. That is
19 my belief, and that is the basis, in part, for my strenuous
20 insistence that the information be disclosed.

21 MR. BELTER: Your good faith is based on
22 information known to you and not to me.

23 MR. GUILD: I'm not asking that it be disclosed
24 on the public record of the deposition, but I ask that the
25 name be disclosed.

1 MR. BELTER: All right. We'll talk about that
2 by giving you the name off the record, then, to confirm
3 whether or not you want to pursue it in good faith.

4 MR. GUILD: Do we have a stipulation that that
5 information will be provided off the record?

6 MR. BELTER: I think we will find out. I don't
7 know whether we have gotten to that point or not. I think
8 our inclination is to give it to you.

9 MR. GUILD: My only concern is that I don't
10 want to let Mr. Chapman go without preserving our rights
11 to pursue the matter.

12 MR. BELTER: Let's take a break for a minute.

13 (Discussion off the record.)
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1 MR. BELTER: Back on the record.

2 Bob, there is an intermediate step that I would
3 like to consider with you. We would be willing to reveal
4 the name of this person to you off the record, but I want
5 you to understand that we don't think that your having the
6 name, the name itself is relevant evidence at all in this
7 proceeding, and maybe I have misunderstood your point.
8 But, I would like you to explain to me again why you think
9 the name itself is relevant here as opposed to the potential
10 testimony that the individual might give.

11 MR. GUILD: I think I have explained it
12 adequately. If you want to talk about it off the record,
13 I would be happy to talk about it.

14 If this is simply a ruse to --

15 MR. BELTER: Are you asking for it in good faith,
16 because I don't understand it.

17 MR. GUILD: I am asking for it in good faith.
18 Let's go off the record.

19 (Discussion off the record)

20 MR. BELTER: Back on the record.

21 Do you feel any need, Bob, to recite what we
22 discussed off the record?

23 MR. GUILD: No. Only that I think that counsel
24 for Applicants perceive the tactical advantage to misleading
25 this counsel that we had reached an agreement off the record

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1 on the matter and I feel no need to further explicate the
2 basis for my questions or my argument that we have now gone
3 into at great length on the record and off the record about
4 the basis for the need to elicit the information sought.

5 Now, if you still instruct the gentleman not to
6 answer the questions then we will either resort to a
7 protective order which is still pending as a device to elicit
8 the answer in a way that protects the confidentiality of the
9 two individuals, or if that no longer is the bone of contention
10 and you insist on pressing my good faith in seeking
11 answers to the questions on the basis of your challenge to
12 the relevance, then we will take that matter up independent

13 But, I have left the record on the assumption that
14 you conceded the relevance of the questions and you said so
15 and now I find that you intend to lay some other tactical
16 trap, and that that was the basis for not disclosing the
17 names over the last recess.

18 Now on that basis, are you prepared to disclose
19 the names of the identified victim of the harassment of a
20 quality control inspector who also was aware of the harassment
21 incident in a confidential fashion off the record?

22 MR. BELTER: You have misstated the record on what
23 I said before.

24 I indicated to you that I felt it was relevant
25 for you to ask the question of the name of the witness who

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1 was the alleged victim of this intimidation on the grounds
2 that that might lead to relevant evidence.

3 MR. GUILD: I didn't say that at all.

4 MR. BELTER: I am not trying to prevent you from
5 doing it. If that is what I said, then I misspoke. And
6 let me make my position on this clear right now.

7 The names of these individuals are not relevant.
8 They don't add any weight one way or the other to this issue
9 You may find relevant testimony from them if you take the
10 next step which is typical discovery and go question them
11 about it.

12 You have indicated to me that you think the names
13 themselves may be relevant because they could be then
14 connected up potentially with other witnesses. And I am
15 willing to tell you that the name of the individual -- both
16 of them, the inspector and the other person who reported the
17 incident -- are not names that have appeared to our knowledg
18 anywhere else in this record, or on anybody's witness list.

19 We also indicated to you that we are willing --

20 MR. GUILD: Wait a minute. Say that again.

21 MR. BELTER: They are not names that appear on
22 anybody's witness list in this proceeding and they have
23 never testified in this proceeding.

24 MR. GUILD: Wait a minute. I don't know what
25 witness list you mean. Are they names that are not otherwis

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1 identified in this record?

2 MR. BELTER: I'm sorry. I'm talking about the
3 witness lists that have been exchanged by the parties in
4 this proceeding.

5 I also include in that any prior witnesses in al
6 of the ASLB hearings on this issue. So there is no way tha
7 this name could be connected up to anything else merely by
8 revealing the name. And I am going to ask you -- I am aski
9 you to consider the question of whether you're continuing to
10 operate in good faith and insisting that getting these name
11 is evidentiary in nature and not discovery in nature.

12 I insist that it is discovery in nature.

13 MR. GUILD: I maintain that position.

14 On that my question to you is: I don't know
15 what the term of art "witness list" means. If we can take
16 moment off the record and you can show me what a witness
17 list is, this may solve the whole problem. Okay? Can you
18 do that?

19 MR. BELTER: I can do that.

20 MR. GUILD: Let's do that for a moment.

21 (Discussion off the record)

22 MR. GUILD: Back on the record.

23 I just reviewed what you identified as the
24 witness list and understand that you stipulated that neither
25 the victim of harassment incident that Mr. Chapman has

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1 testified to, nor the quality control inspector that he
2 understands was the sole other quality control inspector
3 informed of the incidents, are named on those lists.

4 Is that an accurate understanding?

5 MR. BELTER: That is correct.

6 MR. GUILD: Can I ask Mr. Chapman if he would
7 confirm it?

8 BY MR. GUILD:

9 Q Is that your understanding, sir?

10 Is that an accurate statement?

11 A That neither of the two individuals involved,
12 neither the inspector who was intimidated, nor the inspector
13 she named as a person who knew, appear on this list.

14 And that is correct.

15 MR. GUILD: All right.

16 Now at that point I confirm my view that the
17 answers to both those questions are relevant. I am willing
18 to cooperate in protecting the confidences of those persons
19 and would suggest that we move to another subject pending
20 the agreement as to the details of a protective order under
21 which I would agree it is appropriate to exchange that
22 information off the record.

23 MR. BELTER: Fine.

24 MR. REYNOLDS: All right.

25

1 communicated, say to quality control inspectors generally or
2 in this discipline, craft, generally or in this discipline,
3 for example?

4 A This specific instance?

5 Q Yes.

6 A I don't know.

7 Q It is not a matter of policy that it would be done
8 that way?

9 A It is not a matter of our policy to call public
10 meetings to explain disciplinary conferences between managers
11 no.

12 Q As far as you know, it did not happen in this case

13 A As far as I know, it may have. I don't know. I
14 told you I didn't know.

15 Q You just don't know, okay.

16 I am going to show you a document, well, it is a
17 stack of documents and I don't intend to mark or introduce
18 them, but can you identify those as reflecting the summaries
19 of the interviews that you described as being conducted in
20 1979 of quality control inspectors?

21 MR. BELTER: Counsel, we are going to have to go
22 through that carefully to make sure it is complete before he
23 answers that question. Do you want to mark it as an exhibit

24 MR. GUILD: I just got done saying I do not want
25 to mark it as an exhibit. I am not asking him to vouch for

1 it being complete. Does that appear to reflect, and I will
2 get him to read the cover sheet, does that appear to reflect
3 the summaries of interviews that he had reference to?

4 I just want the documents generally identified. I
5 am not trying to vouch for that being a careful and complete
6 copy although I do believe it to be.

7 (Witness reviewing document.)

8 THE WITNESS: It appears to be the same type. It
9 appears to be the cover letters.

10 BY MR. GUILD:

11 Q All right.

12 Now those summary sheets were supported, I believe
13 as you testified earlier, by questionnaires that were complet
14 by the indicated interview teams of the interviews with the
15 specific quality control inspectors?

16 A No, I believe I testified that it wasn't done by a
17 team, it was done by individuals of a team, speaking to
18 individual members, yes. That is what I meant to communicat

19 Q And there is also those interviews that were docu-
20 mented on interview sheets that were coded, I believe, as yo
21 previously testified?

22 A Right.

23 Q All right.

24 MR. GUILD: Now, counsel, those -- I have seen tho
25 interview summaries and I understand that they were very

1 recently provided by Applicants to Intervenors. They have
2 been provided, however, only with the names of the interview
3 inspectors deleted and without a code to permit the Intervenor
4 to identify the inspectors involved.

5 We believe that pursuant to discovery agreements a
6 rulings we are entitled to have the names of those inspector
7 communicated to us.

8 MR. BELTER: I don't know the names of the inspect
9 I don't know that anyone knows the names of the inspectors.

10 Are you asking me -- what is your specific request
11 to me?

12 MR. GUILD: My specific request to you is tell me
13 for the record why you haven't transmitted the names of thos
14 inspectors -- we did understand, Mr. Chapman, to have retain

15 MR. BELTER: We gave you the documents as they
16 exist in his files. They never had names on them.

17 MR. GUILD: Well, Mr. Chapman's previous sworn
18 testimony is that he had a key that communicated the identit
19 of the persons that had been interviewed. That key has not
20 been transmitted as a matter of discovery.

21 MR. BELTER: That is correct -- for the same reaso
22 that we haven't given you any of the names of people to whom
23 we have promised confidentiality. We have had an agreement
24 it is my understanding we had an agreement with Mr. Roisman
25 about this, that we were not going to force that issue if we

1 could work it out cooperatively. If you bring this in the
2 category of the same names that you want with respect to --
3 you are putting this in the same category with respect to th
4 other two names but you are making a blanket request for the
5 entire key for some 165 or 70, I don't know, interviews that
6 were conducted in 1979. Is that what you are asking us?

7 MR. GUILD: Yes. What I want to make clear is tha
8 I believe that there is relevant testimony on the subject of
9 the interviews and the underlying facts reflected in those
10 interviews that Mr. Chapman has testified or conducted
11 pursuant to his general direction and supervision, that that
12 inquiry is hampered by the failure by Applicants to have
13 transmitted the key and the names identified in those --

14 MR. BELTER: You are going to have to get Judge
15 Bloch to order us to give you that key.

16 MR. GUILD: Well, let's just make this a point, b
17 I want to state clearly for the record that I would intend
18 to examine from those -- I would intend to have examined thi
19 witness from those interviews, interview sheets, summary
20 sheets, but I am only able to do so on the basis of informat
21 which has not been transmitted and that is the key.

22 And I suggest that this matter be the subject of
23 some discussion off the record in terms of a protective orde

24 MR. BELTER: I want to put something on the record

25 MR. BACHMANN: Let me put something on the record

1 right here.

2 The Staff objects to this as being very specifical
3 a discovery request and although it has not been labelled su
4 I think it is quite obvious from what Mr. Guild has said tha
5 this could lead to testimony that could be admissible and th
6 that is a definition of discovery.

7 Secondly, this document has been in CASE's possess
8 for a certain period of time, and -- when did you receive it

9 I see a note from Mrs. Ellis.

10 MR. GUILD: I am informed that -- I don't have a
11 date, but --

12 MR. BELTER: Well, I can tell you that it was some
13 time, the third week of June that you looked at the document
14 because that is when we discovered them.

15 They were made available to you.

16 MR. GUILD: I did not personally see them.

17 MR. BELTER: I know, Bob, but let me tell you what
18 the problem is with this one.

19 This is so clearly discovery that I am going to
20 accuse you of bad faith if you say this is evidentiary. A
21 key with numbers on it, a key with names matched up to numb
22 is worthless evidence in this case -- and let me finish.

23 It is clearly discovery and I want you to admit on
24 the record right now that it is discovery and not evidence.

25 MR. GUILD: There is no need to raise your voice.

1 There is no need to get impassioned about the point.

2 My point is that I am unable to examine substantiv
3 as to the interview materials intelligently without having
4 had that material, which I assert should have been transmitt
5 in discovery.

6 It was not transmitted in discovery and I make the
7 point for the record now that I would desire to examine
8 Mr. Chapman on that subject but am unable to do so because y
9 have failed to provide that information.

10 MR. BELTER: On the subject of what is on the
11 interview sheets, you are unable to conduct --

12 MR. GUILD: On the subject of the underlying facts
13 I am unable to conduct meaningful examination without knowin
14 who those people are.

15 MR. BELTER: You have just now asked for it and it
16 is discovery. I am not going to give it to you voluntarily.

17 Let's take the next step.

18 MR. BACHMANN: I also object to that statement,
19 because as recognized by Judge Bloch on the record, that the
20 information provided by CASE as to the subject of these
21 depositions was sketchy at best and had this been noted as a
22 subject of possible questioning of Mr. Chapman, perhaps this
23 problem might have been avoided.

24 CASE chose not to identify this topic as a topic
25 of discussion at this deposition and it can only be CASE's

1 fault that they lacked the means to conduct the deposition.
2 And therefore I feel that is an untenable argument.

3 MR. GUILD: Well, I am informed, counsel, that no
4 only was the subject of the interviews noted as the first
5 subject of Mr. Chapman's deposition in the July 2nd clarifi-
6 cation document --

7 MR. BELTER: I doubt that Mr. Bloch ever got that,
8 counsel.

9 MR. BACHMANN: The Staff never received that
10 document.

11 MR. GUILD: Well, that may or may not be so. I wa
12 not a counsel until my appearance today. All I can tell you
13 is we have in front of us a document that lists as its very
14 first subject --

15 (Discussion off the record.)

16 MR. GUILD: On the July 2nd clarification, the
17 first two items are on the subject of th interviews.

18 Ms. Ellis points out to me that in the attachement
19 to the June 27, 1984 letter to Applicants from Intervenors,
20 the second item under Mr. D. Chapman, under the heading,
21 Incidents Requested to be Prepared for Deposition," it says
22 knowledge of the 1979 interviews. And I just want to state
23 my position.

24 The position is that without the names of the
25 quality control inspectors involved, I cannot conduct an

1 intelligent examination as to their complaints about
2 harassment, intimidation or other subjects.

3 MR. BELTER: My response to you, counsel, is that
4 you have access to those documents for several weeks. You
5 put in the June 27 letter that you intended to cross examine
6 Mr. Chapman about those documents. You gave no indication in
7 that letter that you wanted this key and we have consistently
8 taken the position for months that we are not revealing names
9 of people voluntarily to whom we have promised confidentiality.

10 It is apparent that your request to us has been
11 made ten minutes ago and that is why you face this impasse,
12 because you haven't asked for it before.

13 MR. GUILD: We believe we have asked for it before.

14 MR. BELTER: You have not asked for it before.

15 MR. GUILD: Well, I assert that we have asked for
16 that in discovery and it should have been provided.

17 MR. BELTER: I deny that.

18 MR. GUILD: Well, there is no need to argue about
19 it. We both stated our position for the record and I intend
20 to pursue the matter and it is just a question of moving on
21 to complete the deposition.

22 MR. BACHMANN: I would like to correct a statement
23 I made before. The indication that Mr. Chapman would be
24 questioned on the 1979 interviews was in the June 27th letter
25 however, no other further mention was made of any need for

1 any futher names or information at that point.

2 MR. GUILD: Mr. Chapman, let's be clear.

3 BY MR. GUILD:

4 Q Do you have that key in your possession or is it
5 the subject of your control?

6 A It is under my control.

7 Q It is in the records of TUGCO and the quality
8 assurance office?

9 A Yes.

10 Q Is it your position, sir, that the summaries that
11 were prepared and which have been available to the parties
12 for a while, that those fairly and accurately reflect the
13 substance of the information communicated by the inspectors
14 to the interviewers?

15 A Yes. I have a high level of confidence in the
16 individuals I had involved in those interviews.

17 Q Did you review the original interview sheets
18 yourself?

19 A No.

20 Q Did anyone other than --

21 A I say that -- the last few days I looked at a few
22 of them just out of curiosity, but at the time, no.

23 Q And except for preparation for this deposition, you
24 didn't review those?

25 A I didn't even look at a handful of them then. Bea

1 in mind the whole purpose of this summary was to get all of
2 the concerns couched in such terminology that no TUGCO site
3 management could detect the source of any of those concerns.

4 Q Yes, I understand.

5 Now the signatures that appear on the summary sheet
6 summarizing the interviews in each particular QC discipline
7 are under a heading entitled, "Management Review Board."

8 Are those the interviewers?

9 A Yes. That is just what they choose to call
10 themselves, or chose to call themselves.

11 Q All right, and among those persons are Mr. Boren and
12 Ms. Anderson, and both of them work in Dallas?

13 A That is correct.

14 Q In your organization?

15 A Yes.

16 Q Mr. Gordon Purdy, and he works at the site for
17 Brown and Root?

18 A He does now but he did not then.

19 Q What was Mr. Purdy's position then?

20 A I forget what his title was. But he worked in
21 Brown and Root corporate headquarters in Houston.

22 Q In quality assurance?

23 A Yes.

24 Q Miss Susan Spencer, she likewise works in your
25 quality assurance program?

1 A That is correct.

2 Q She works for you indirectly in Dallas?

3 A Yes.

4 Q And J. Antonio Valdez? What position did Mr. Vald
5 hold?

6 A He, I believe, was senior engineer in my QA depart
7 ment back then and he now works in our TUGCO fossil power
8 plant.

9 Q All right.

10 And Mr. Vega, of course, is now the site QA manage

End 18.

11 A That is correct.

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1 Q. In the electrical discipline, you are aware
2 that the interviews identified and characterized as major
3 problems?

4 There's a sheet that says major problems on it.

5 MR. BELTER: Would you identify that, what
6 page it is?

7 MR. GUILD: None of the pages have numbers on
8 them, which is the problem in knowing whether it's a
9 complete document. The document is under the electrical
10 discipline and it's entitled major problems. It's a page
11 that is headed major problems.

12 BY MR. GUILD:

13 Q. Are you aware of the identification major problems
14 in the electrical discipline?

15 A. Yes.

16 Q. Among which there are three listed, and No. 2
17 is, and I read: "It is consistent feeling among QC
18 inspectors, that the main emphasis of CPSES is production
19 at all costs and not on quality. The equipment is installed
20 to take credit for footage and production quotas. The fact
21 that a high percentage of this work must be redone is not
22 being given due consideration.

23 "This creates an atmosphere of arguments, loud discussions,
24 yelling and name-calling between craft and QC, occasional
25 threats and even one act of violence."

1 Are you aware of those findings?

2 A. Yes.

3 Q. Now, would you agree that occasional threats
4 reflect harassment as you understand the term?

5 A. Well, I don't recall exactly what the discussion
6 was that was provided to me to back up the occasional threats.
7 I have already responded as to the one act of violence.

8 Q. The one act of violence, that is the remainder
9 of that characterization is the incident involving the
10 female inspector that you had spoken to earlier?

11 A. That's correct.

12 Q. All right. Do you recall -- Well, what were
13 the findings with respect to the occasional threats?

14 A. I just told you. You see, this is another
15 part of my problem. I'm trying to recall from five years
16 back, and I have not had time. I realize the letter was
17 dated June 27th, but I didn't get it for about week. And
18 I haven't had time to go through them and digest those
19 reports. So I'm going from memory of five years. I don't
20 recall the instance of threats other than that one connected
21 with -- what's characterized there as an act of violence.

22 Q. All right. Would you agree that the general
23 characterization of atmosphere of arguments, loud discussions,
24 yelling and name-calling between craft and QC, occasional
25 threats and even one act of violence collectively reflect

1 instances of harassment and intimidation?

2 A. No, I would not.

3 Q. Why not?

4 A. Not on what you've just given me, no. I'd like
5 to know what the subjects were, who was yelling at whom,
6 and why.

7 Q. Well, what did you do to find out?

8 A. Well, I talked to the people that did the
9 interview, and that is the amounts of -- you know, when
10 I had, say, 24 hours or so to go over something like that,
11 I can't adequately get the details for all those items, but
12 I talked to the people that reported it, and I also
13 assured at the other end the personnel who had made --
14 let's see, the corrective action on these was for Mr.
15 Tolson to get these reports as they were filled out, not
16 all at once. As soon as we had finished one group, he would
17 get the report for whoever for corrective action; digest what
18 it said, what the problems were, and then he would call
19 the inspectors in, several at a time, and put them at
20 ease and go over what he planned to do to solve each and
21 every one. The ones he was going to respond to and the
22 ones he was not going change or explain the ones that
23 required only an explanation, explain the ones that we
24 had to get Brown & Root Corporate Management involved in
25 because they involved corporate payroll policies changes.

1 Q. Does that complete your answer with respect to what
2 you did to investigate these matters?

3 A. Yes.

4 Q. What corrective action did you take specifically
5 with regard to identifying acts of harassment and
6 intimidation and seeing that acts of harassment and
7 intimidation did not occur?

8 A. Where does it say harassment and intimidation
9 in that report?

10 Q. I don't maintain that it did, I'm asking you
11 what you did with respect to the issue of harassment
12 and intimidation as a result of your own management
13 review board making the finding that I just read verbatim
14 into the record, if any?

15 A. In the first place, that finding -- I wouldn't
16 characterize it automatically as harassment and intimidation.
17 I've already agreed that when I brought up the subject of
18 the one instance, that that in my mind constituted
19 harassment and intimidation.

20 Q. And that's the only incidence that you found
21 and you so testified?

22 A. No, I didn't. What I said was I would not
23 characterize what that report says, except for that
24 last instance. As on the face of it, just by what is
25 said there, automatically as harassment and intimidation.

1 There could have been some there --

2 Q. You told me there were two instances of
3 harassment and intimidation. One was recent and you
4 detailed that.

5 A. That I could recall.

6 Q. Fine. That you could recall, and one was the
7 instance involving the woman quality control inspector.

8 A. That's correct.

9 Q. And we talked about. Now I'm asking you, is
10 it true to the best of your recollection that there were
11 no other instances of harassment and intimidation at
12 Comanche Peak period except those two?

13 A. That's true.

14 Q. Nor any others reflected in the findings of
15 this management review board? That one instance is the
16 only instance of harassment and intimidation reflected in
17 what they found?

18 A. That I recall that they found. Again, let me
19 remind you that I have not reviewed those in any degree
20 of detail, in five years. Now, the reference to the
21 rest and so forth, that could have been for any number of
22 reasons, and it may have been a QC person threatening
23 a craft for all I know. I'm not about to make a judgment
24 based on what that finding right there says.

25 Q. What did you do to look into the question of

1 whether or not there was a need for corrective action to
2 remedy the finding that there was a consistent feeling
3 among QC inspectors that the main emphasis at Comanche
4 Peak's steam electric station is the production at all costs
5 and not on quality.

6 A. Let me go back and get the whole question again.

7 Q. Your own management review board found in 1979,
8 Mr. Chapman, that, and I quote:

9 "There is a consistent feeling among QC
10 inspectors that the main emphasis at Comanche
11 Peak is production at all costs and not
12 quality."

13 What did you do to take corrective action for that
14 finding?

15 A. In the first place, as I explained to you awhile
16 ago, the site QA manager called them all in, a few at a time,
17 and this is one reason we did this at that particular point
18 in time. The electrical work was just really getting started
19 in full swing. We wanted to find out what was bothering them.
20 They perceived that there was too much use as is. Too much
21 this, too much that; there's a lot of pressure on
22 production. And we listened to it. They opened up to us,
23 and that's what we wanted. And once we got all their
24 concerns out, this group reported it to me, and in turn it
25 went to Tolson and he digested it. And he took whatever

1 corrective action was appropriate and he called in the
2 various inspectors a few at a time, so that they would be
3 at ease and wouldn't feel like they were on the carpet,
4 explained to them what they had done to change. I think
5 they reload some procedures, there were some complaints,
6 as I recall there, about procedures are vague. I
7 remember one CPM 6.9 was really almost a common
8 denominator complaint, it was so rather large and
9 cumbersome and hard to work with, and there were a lot
10 of specific complaints that we had to address that we
11 agreed with them on. They had some valid concerns. And
12 he called them in, and explained to them, all right,
13 here's the reasons for use as if, and here's the reason
14 why we are not going to change here. Here's the reason
15 why you people are right here, but we're going to change
16 here. And it was a personal type thing. We did not do
17 it to generate a paper trail so that we could show how
18 great we were at this point in time. We did it to solve
19 problems and to try to help some people who had
20 legitimate concerns.

21 MR. GUILD: Let's take a short break.

22 (Short break.)
23
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6:20 p.m.

1 MR. BELTER: We were addressing the problem of
2 the key, which identifies by name, the people who were
3 interviewed during this process in 1979.

4 It's my recollection that this entire file of
5 interviews was first made available to you, to CASE, I
6 believe mid-June. It was the day that Ms. Alice and Ms Gar
7 came down to the Dallas office during the week that
8 Dobey Hatley's Department of Labor case was being heard.

9 MR. GARDE: June 22nd.

10 MR. BELTER: You were not provided at that time
11 with copies of them, but you did look at them.

12 The point I want to make is that once you look
13 at them it is patently obvious that the names are not there
14 and that they are keyed.

15 I have not received a request for the key, and
16 it's obvious why we have not provided the key until a half
17 hour ago. We are beyond that point now, but I want to make
18 that point clear.

19 Our position of providing this one is that of a
20 the promises of confidentiality that we have, if confidential
21 ity means anything, a blanket request for this many names --
22 in effect, the names of every person in the QC Department to
23 be tied up with the comments that that person made, under a
24 very expansive promise that they would be -- that they would
25 be kept in confidence, they were urged to express any concern

1 they had.

2 And in fact, as I want to put on the record
3 through Mr. Chapman, they were told that the notes would be
4 destroyed.

5 This one here we feel we just cannot
6 voluntarily give to you. And I would like to voir dire
7 Mr. Chapman very briefly about that, only two or three
8 questions, just to put it on the record.

9 EXAMINATION

10 BY MR. BELTER:

11 Q Mr. Chapman, do you recall the process by which
12 these interviews were conducted in 1979 with respect to the
13 promise of confidentiality?

14 A Yes, I do.

15 Q What was that?

16 A Each of the individuals was promised confidenti
17 ity, was told that no one in the management chain on side
18 anywhere would be privy to the identities of any one of the
19 people raising concerns, which individual was told that the
20 substances of their concerns would be taken -- would be put
21 into a rewritten report by the review team and phrased such
22 that individual identities would not be discernible from the
23 -- just by the way they were written up.

24 They were further told that when they finished
25 with those notes they wouldn't leave them around the site,

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1 They would be given to me, and I would be the only one to
2 look at them with the key. And there was no further use
3 for them, and the reports would be destroyed -- not the
4 reports, the backup notes would be destroyed.

5 Q Did anyone on your staff have occasion to
6 question you that way, that that had occurred?

7 A Yes, several times.

8 Q What was your response?

9 A Well, the first time I was questioned as to
10 whether I had destroyed those notes was shortly after the
11 completion of the interview. And I was requested to destroy
12 the notes since they had promised the individuals that they
13 would be destroyed.

14 My response was I intended to, but I wanted to
15 keep them around until we assured ourselves that all the
16 concerns had been addressed, so that if we had any question
17 as to what was meant or contained in the generalized reports
18 we might go back through that, through my notes, and dig
19 through there and determine what the concern was, and that
20 as soon -- as soon as I determined that the entire matter
21 was closed out, I would destroy the reports.

22 And this individual team member again emphasized
23 that if I didn't we could lose all our credibility with the
24 people to whom we had promised confidentiality.

25 Q Why is it that the notes have not been destroyed

1 A Frankly, I put them in a file cabinet to which I
2 alone have the key. I locked it up in a drawer that I don't
3 have anything else in.

4 And since the summer reports were the ones we
5 worked to, I forgot that I still had the backed up notes,
6 because they were irrelevant in the first place, and I just
7 forgot about them until rather recently when, during
8 discovery, I was asked to go through my files, my personal
9 files -- anything that could conceivably called a file -- and
10 I saw a big box in there. And there it is.

11 Q Do you have an opinion as to the impact of
12 revealing this entire list of names to an intervenor in this
13 Licensing Board on the ability of management to get along
14 with the employees who would be affected?

15 A Well, I might use one of their favorite phrases
16 and use the term "chilling effect" on anyone who would choose
17 to identify problems as openly, as forthrightly as these
18 people did.

19 Q And just to be clear about who we are talking
20 about, this was interviews of all QC/QA on-site personnel?

21 A Everyone we could get.

22 I'm not saying 100 percent, because there may
23 have been someone on vacation. There may have been some of
24 them we couldn't get. But all or nearly all -- certainly
25 those that we could get, from clerks all the way up to

1 upper-level management.

2 MR. BELTER: That's all the questions I have,
3 Bob.

4 I would urge you to recognize our problem here
5 and see if we can't work out some way of not destroying
6 the credibility of management with the QA/QC Department by
7 revealing to an intervenor in this case these notes.

8 MR. GUILD: I think he focused on the key problem
9 Len.

10 MR. BELTER: Well, let me just point out here --
11 I think if you're discovering the problem that we have here
12 and maybe it's just the need to get this protective order
13 done in preparing to cross-examine some of your witnesses,
14 whose names we don't even have yet.

15 MR. GUILD: Of course, we were forced to rely
16 largely on evidence that is in the possession of Applicants,
17 since it is you who control the employees on the site and
18 the documentation on the site on this entire contention.

19 I would just point out that I think you have
20 belied the primary basis for your fear, and that is that the
21 information that is damaging to TUGCO will fall into the hands
22 of the Intervenor, not that, as you state, it will damage
23 the credibility of management and their relationship with
24 quality control inspectors.

25 And I would emphasize that in the Catawba

1 licensing proceeding this exact point was dealt with very
2 effectively, where the same kinds of assurances that have
3 been given by management to a number of quality control
4 inspectors, interviews or -- well, not interviews, but
5 documented technical and nontechnical concerns were coded,
6 and those codes were required to be provided to Intervenors
7 in discovery. And those formed a substantial basis for
8 findings of harassment and intimidation that are now matter
9 of record in the partial initial decision in the Catawba
10 proceeding.

11 But for the knowledge of who those inspectors
12 were who documented complaints that represented harassment
13 and intimidation, proof would never have been made a
14 record of those matters.

15 And I suspect that that is the primary basis for
16 TUGSO's concern.

17 We will see if we can approach the issue,
18 because I'm certainly not insensitive to the concern that
19 -- for privacy, that individuals have their own rights..

20 But I submit that even the fact that senior
21 quality assurance management in the person of Mr. Chapman
22 was privy to all the detailed notes.

23 Any inspector would have due regard for the
24 limits of the protection of the information that they
25 transmitted. It may be one thing to protect that individual

1 from the knowledge of their immediate supervisor on site.
2 But if a man's ultimate supervisor has full knowledge of
3 all the details, I submit that that limitations on
4 confidentiality largely vitiates any substantial interests
5 these people have in protecting that information, particula
6 from Interventors, who seek to support and probe evidence o
7 complaints that inspectors have voiced to management in the
8 past.

9 But let's move on from that issue. I think our
10 positions are well reflected on the record.

11 MR. BELTER: Let me just make it clear. Your
12 request is for the entire key?

13 MR. GUILD: Yes, it is.

14 My understanding is that that request is well
15 within the purview of the outstanding document requests
16 for discovery.

17 And I assert that, as I had earlier, that I am
18 unable to examine Mr. Chapman today with respect to those
19 interviews without access to that key.

20 MR. BELTER: I would disagree entirely that
21 you can't examine him at all. You can examine him about
22 it. And I suggest that you do that.

23 And if you then discover a difficulty in
24 examining him, you make it very specific so we get to the
25 Judge with precisely what the difficulty is with respect to

1 any one of these.

2 Now, the difficulty is that I am unable to
3 prepare to examine a witness who, himself, has the
4 information about the identities of the person that the
5 notes disclose and therefore --

6 MR. BELTER: He does not have that.

7 MR. GUILD: He has the knowledge, or he certain
8 has had the opportunity to form the knowledge of who
9 specific individuals are, who, since he alone has the key,

10 Our positions are well reflected on the record,
11 and I stand on it.

12 We can certainly discuss the interests in a
13 protective order or other ways of handling this off the
14 record.

15 MR. BELTER: I think our position is that you
16 are perfectly capable of cross-examining Mr. Chapman on
17 the basis of these interviews and the basis of what's in
18 front of you.

19 I don't see where the name itself is going to
20 give you any advantage in that respect.

21 MR. GUILD: We just disagree.

22 EXAMINATION

23 BY MR. GUILD:

24 Q To the best of your knowledge, Mr. Chapman --

25 MR. BACHMANN: Excuse me. I would like to make

XXXXXXXXXX

1 one comment on the record.

2 If, indeed, the Judge denies your request for
3 the identities, I assume, then, that you have waived your
4 right to cross-examine without the identities.

5 MR. GUILD: That's not the case. I'm not makin'
6 any waiver at all.

7 MR. BELTER: Well, then, I suggest that you go
8 ahead and cross-examine without them right now.

9 MR. BACHMANN: The Staff will certainly object
10 to going ahead without the identities if your request is
11 denied.

12 MR. GUILD: I'm sure you will, and I appreciate
13 your taking every tactical advantage of the position that
14 you've put us in. But that is no reason why an Intervenor
15 should be forced to be handicapped as we are to examine on
16 a subject we can only examine ineffectually on. Our positio
17 are well reflected on the record.

18 BY MR. GUILD: Q. Mr. Chapman, do you represent that all of those
19 interview summaries -- strike that.
20

21 Do you represent, sir, that the documentary
22 record of all the interviews that were conducted were trans-
23 mitted to Intervenors in discovery, absent, of course, the
24 the key?

25 A All the documents -- all the documentary

1 interviews that were what?

2 Q All the ones that were conducted.

3 A No, I don't have any way of knowing if you've
4 got them all.

5 Q Did you take any out?

6 A No.

7 Q Did you delete any or throw any away or destroy
8 any?

9 A No.

10 Q Alter them in any way?

11 A No.

12 Q And you did what with those documents? What
13 did you do with them when you found them in your files
14 recently?

15 A I notified Susan Spencer, who is responsible for
16 getting all these things together, that I found something that
17 might be responsive that I had forgotten about.

18 Q And what was she instructed to do?

19 A She just didn't need any instructions.

20 I started looking at some of the envelopes.
21 They were all out of order. They weren't in order by
22 alphanumeric code. So, I thought, well, I will at least
23 put them in order.

24 I noticed there were a few missing, and that's the
25 first time I had even gone through all of them. I didn't

1 locate any of them at that time. I didn't read any of them
2 I just put them in order.

3 Q And who did they get transmitted to?

4 A I gave them to Ms. Spencer. That's the last
5 I saw of them.

6 Q Do you know what she did with them?

7 A I presume she supplied them to CASE or made them
8 available.

9 Q Did she supply them to counsel?

10 A I don't know what she did with them.

11 Q You just don't know?

12 A I don't know.

13 Q Did you give her the key?

14 A No.

15 Q What did you do with it?

16 A I kept it.

17 Q Did you inform her or counsel that you had that
18 in your possession?

19 A I don't remember whether I did or not.

20 Q How did they learn that you had it?

21 A They knew that I had the key originally. I
22 guess they assumed if I didn't throw those things away, I
23 hadn't thrown the key away.

24 Q Did any of your lawyers ask you about the
25 subject?

1 A I don't think they did. I don't remember it if
2 they did.

3 I just kept the key.

4 Q You don't remember any of your lawyers asking
5 you whether or not there was a key that explained the
6 identities of the witnesses and whether you retained it in
7 your possession?

8 A I don't remember.

9 Q So, as far as you know, the first time that
10 subject came up is when I raised it today?

11 A The subject came up?

12 Q The subject of your possession of the key to
13 those interviews, to the identities of the inspectors.

14 To the best of your recollection --

15 A I don't think anybody asked me about that key.

16 Q Until today.

17 A That's right.

18 Q All right.

19
20
21
22
23
24
25
end 20

1 A I did mention, I think, to Susan that I had
2 not -- I was not going to furnish the key, but I don't
3 recall anybody asking me about the key. I just said,
4 "Here. Those things you can take, but I'm going to keep
5 the key."

6 Q She knew you had the key?

7 A Yes.

8 Q You told her you had the key?

9 A Well, I guess when I said I'm going to keep
10 the key, she assumed rightfully by that that I did have i

11 Q All right. Thank you.

12 Let's see if we can move through a couple of
13 these subjects and complete at least this. We are
14 considering, counsel, adjourning or recessing the
15 deposition and trying to resolve this matter of the
16 interviews over the evening.

17 MR. BELTER: How much more have you got,
18 Mr. Chapman?

19 MR. GUILD: That's my point.

20 MR. BELTER: Aside from this subject.

21 MR. GUILD: I have what I hope I can finish
22 very shortly, but let me move on.

23 BY MR. GUILD:

24 Q What is your performance rating, then, Mr.
25 Chapman? Let's take the most recent period for which

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Deposition of: DAVID N. CHAPMAN

Location: Glen Rose, Texas

Pages: 76,500 - 76,631

Date: August 2, 1984

TAYLOE ASSOCIATES

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1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

~~8148480146~~

1 Do you intend on fairly extensive questioning on this
2 exhibit because if so I'd like to have an opportunity
3 to get my copy?

4 MR. BELTER: I think you might want to
5 get your copy, and I have a copy here before me. I don't
6 have extensive questions on that, and I'm not going to
7 go into it.

8 MR. BACHMANN: It will just take me a moment.
9 I'll get it right outside.

10 MR. ROISMAN: Wait. Wait. Wait. Do you
11 need yours in particular because we have an extra one?

12 MR. BACHMANN: I think I do.

13 MR. BELTER: Why don't we take a short
14 break.

15 (A short recess was taken.)

16 MR. BELTER: Back on the record.

17 BY MR. BELTER:

18 Q. Mr. Chapman, would you take a look briefly,
19 please, at what is marked as Purdy Exhibit 42-1.

20 A. Okay.

21 Q. Did you discuss the contents of this exhibit
22 with the members of the management review board?

23 A. Yes, I did.

24 Q. What steps, if any, did you take in response
25 to the concerns identified in the various documents that

1 comprise Purdy Exhibit 42-1?

2 A. Well, there was several management actions
3 that took place, the most immediate of which was after
4 discussions between Mr. Tolson and me, he set about a
5 process of small group meetings in his office on a daily
6 basis. I think he had them before work hours, 7:00 o'clock
7 every morning, for several weeks until he had talked to
8 all the inspectors involved, and to solve the problems
9 that were under his jurisdiction and to -- basically,
10 to communicate the commitment that management had to them
11 on a personal basis to resolve these matters to everyone's
12 satisfaction.

13 Q. These were QC inspectors?

14 A. QC inspectors, yes.

15 In addition to that, I called a meeting
16 with TUGCO senior management. That included executive
17 vice presidents, both over QA/QC and over the construction,
18 and, also, there were site construction and QA management.
19 I was there, and the review team that did the study was
20 there. And the team member gave a presentation to this
21 senior management group going over the items that they
22 had found that needed management attention and answering
23 any questions that our senior management had.

24 Q. Were there any other meetings that you
25 attended?

1 A. Yes. Since -- As a result of this first
2 meeting there were obviously some things which needed
3 to be addressed not only through QA management that I
4 could handle directly but also through construction manage-
5 ment, and that was the purpose of having the first meeting.
6 There were some matters such as pay policies and so forth
7 that needed to be addressed through Brown & Root's corporate
8 office in Houston.

9 So after the construction senior management
10 had heard the concerns that were being expressed by the
11 inspectors -- Bear in mind, our whole intent on this
12 first cut to talk to everybody was to elicit whatever
13 was on their mind, concerns, whether -- And their charter
14 was not to determine whether their concern had merit.
15 We wanted to know what was going on in their minds, get
16 it on the table. So -- And with that -- In that context,
17 we presented it to construction management so they could
18 hear what the concerns of the QC people were, address
19 those concerns. If it involved craft/QC interface, they
20 could address those concerns from a craft management,
21 construction management standpoint. And so that all levels
22 of management were involved in reaching the objective
23 that we knew we wanted.

24 Shortly after that, I guess it was a couple
25 of weeks, roughly, we had another meeting at the site

1 with our -- again, our senior management. We had Brown &
2 Root senior management there, both construction and QA
3 corporate, and to resolve and work out the pay equity
4 considerations that we had been working on at the manage-
5 ment level for some time to finally resolve the issues
6 that needed their attention.

7 Q. Just -- Go ahead.

8 A. Well, then sometime later, I think it was
9 about five months, in order to verify that these management
10 actions that we had taken had been effective and
11 accomplished what we wanted to do, I commissioned an audit
12 by the Dallas audit group to come down and verify that
13 the things that we had done had been effective.

14 Q. Just to tie part of your answer up with
15 other depositions, Mr. Chapman, were the interview
16 sessions that Mr. Tolson had with the small groups
17 of inspectors occasionally referred to as fireside
18 chats?

19 A. Yes. That's what he -- That's his term
20 he gave them. That was a popular phrase during that
21 period of time.

22 MR. ROISMAN: This was in the early
23 forties?

24 (Laughter.)

25 THE WITNESS: No. It was during 1979

1 when the President of the United States liked to refer
2 to fireside chats.

3 MR. ROISMAN: Oh, that fireside chat.

4 MR. BACHMANN: So soon you forget.

5 BY MR. BELTER:

6 Q. With respect to this follow-up audit,
7 is that the -- Was that follow-up audit documented
8 in any fashion?

9 A. Yes, it was, just as any other audit
10 in our auditing system is documented.

11 MR. BELTER: I don't recall the exhibit
12 number, Tony.

13 MR. ROISMAN: Panel Anderson --

14 MR. BELTER: Panel Anderson --

15 MR. ROISMAN: -- Exhibit 1.

16 MR. BELTER: -- Exhibit 1. Thank you.

17 We'll -- I don't intend to get into
18 that at this point. You may.

19 MR. ROISMAN: Do you want for the record
20 to indicate why we just had that conversation? You
21 want him to say that --

22 MR. BELTER: I will recite that there
23 was discussion in other depositions about the follow-up
24 audit that he has mentioned, and the document referred
25 to is Anderson Panel or Panel Anderson Exhibit 1.

1 MR. ROISMAN: Back on the record.

2 BY MR. ROISMAN:

3 Q. All right, Mr. Chapman. What persons in
4 management above yourself did you consult, if anyone, in
5 conjunction with deciding what response should be taken,
6 if any, to the events that are summarized in what has been
7 marked as Purdy Exhibit 42-1? That is the management review
8 board document.

9 A. Well, that was -- I think as I testified
10 earlier, I had discussed with Mr. Gary, who was then my
11 boss, my immediate supervisor, of the need for not only
12 his involvement but also that of Mr. Fikar, and the result
13 of that conversation was a meeting that I called that they
14 attended and other management up both of those chains of
15 command attended.

16 Q. And the thrust of that meeting was -- What
17 issues did that meeting focus on?

18 A. Okay. It was emphasized then when the meeting
19 started that the purpose of this board that had been assigned
20 this task by me was to get everything out on the table,
21 what's on the mind of these inspectors, not for the team
22 members to pass judgment on individual perceptions, but
23 to put everything, including hearsay, down there. Well,
24 I -- You know, somebody told me that they heard somebody
25 say that.

1 And the senior managers were told that the
2 reason for this meeting was not to -- again, not to attempt
3 to necessarily put in perspective or give even a management
4 analysis or summary of the results except in some of the
5 cases where we did make conclusions, but, rather, to tell --
6 For instance, tell construction senior management, "This
7 is what the inspectors are saying. They are saying that
8 the craft puts pressure on them. They are saying the craft
9 does whatever." So that senior management would then know
10 how to deal with those types of things that they needed
11 to look into from their side of the management standpoint.

12 Q. And do you remember which particular subjects
13 were focused on at that meeting out of all the various
14 concerns and statements that are summarized in Purdy Exhibit
15 42-1?

16 A. Was your question which ones were specifically
17 emphasized or --

18 Q. Yes.

19 A. Well, I couldn't give you an all inclusive
20 list. I know the pay inequities were discussed. I know
21 that there was the matter of the QC inspectors' concern
22 about the excessive -- What am I trying to say? The
23 excessive concern with production was discussed.

24 Some of the inspectors feel like management
25 wanted production at all cost and that there was some

1 instances where craft was always arguing with them when
2 they rejected their work. And, of course, in instances
3 like that, well, as I recall, there was a discussion about
4 training of the craft, for instance. QC is going to continue
5 to reject rejectable work. Now, if there's arguments coming
6 out of something like that, then perhaps craft ought to
7 spend more time explaining what the quality requirements
8 are, and then those issues would go away.

9 Those were the types of things that we wanted
10 to discuss there so that we could get to the ultimate concern
11 which was that of an inspector who thinks that he's always
12 being argued with when he rejects something. That's an
13 example that I recall.

14 Q. Did that meeting result in some decisions
15 being made jointly by all of those of you who attended
16 the meeting on what courses of action to take?

17 A. Well, I'm trying to go back five years,
18 and I know that there were some decisions made about what
19 management needed to do. And I recall Mr. Fikar being
20 very receptive, as were those managers under him from the
21 construction standpoint, that we're going to take these
22 concerns seriously and we're going to do what we can, what
23 needs to be done on our side to solve the thing because
24 we do not intend to put excessive pressure on QC inspectors
25 to do something they are not supposed to do. And we tell

1 our people to do it right and so forth.

2 And one of the things that I think I mentioned
3 to you just briefly was that it may be a training matter
4 where if they knew more of what the quality requirements
5 were, that would solve it.

6 Q. What exactly were the steps that were taken
7 to address the concern that the QC inspectors have that
8 there was an over-emphasis on production?

9 A. Well, the -- I guess the most important
10 step was those series of meetings that Mr. Tolson had with
11 them where it was -- he emphasized not only that they were
12 independent and so forth, but they were not to be -- to
13 feel any pressure to do less than what was required.

14 We also -- As a result of that study, we
15 concluded that there was an immediate need to improve the
16 procedures and instructions that the inspectors were working
17 to, particularly, as I recall, in the electrical area.
18 And that really wasn't totally unexpected because we were
19 just beginning to staff up in the electrical part, and
20 normally you run into your -- most of your debugging of
21 procedures at the beginning of an activity.

22 I think the electrical area was where that
23 was the case. I know we did some extensive revisions and
24 rework so that the inspectors would have some very specific
25 criteria to which to inspect.

1 Q. Was that the procedure that was principally
2 modified, was that CPM-6.9?

3 A. That was -- Well, that was one of them,
4 and one of the biggest complaints was CPM-6.9 because it
5 was a very large unwieldy document.

6 Now, what I'm saying in the electrical area,
7 it is my recollection that basically we went in and did
8 a total procedure review across-the-board. And I'm not
9 even sure CPM-6.9 is an -- I don't think it is an electrical
10 procedure. I think it is an across-the-board procedure.

11 But we went in and reviewed and basically
12 restructured all of the electrical inspection procedures
13 and gave the inspectors something that was a whole lot
14 better to work with.

15 Now, I think I've forgotten your original
16 question.

17 Q. Okay. I was still trying to get your
18 specific steps taken to respond to the QC inspector concern
19 of too much production, that there was too much emphasis
20 on production.

21 A. Well, the fireside chats we talked about
22 that Mr. Tolson had with them re-emphasized to them that
23 they were not to be concerned with production, and,
24 incidentally, that they could expect craft to want to meet
25 production goals. That's what their job is. But it

1 is not our job and you as an inspector have inspection
2 requirements that are independent of production goals,
3 and we expect you to maintain that independence, and your
4 management is going to support you.

5 Now -- And it is not just any one thing.
6 That coupled with, "All right. Here's what we're going
7 to do with the procedures. We realize some of them are
8 vague." And we don't want to put an inspector out in the
9 field responsible for making a bunch of interpretations
10 of requirements. Insofar as possible, we'd like to give
11 them something that contains clearcut acceptance or
12 rejection criteria.

13 And then at the same time as a result of
14 our meeting with senior management we knew that the
15 construction management was meeting with their people in
16 order to re-emphasize that just because they have production
17 goals doesn't mean that there's going to be any less QC
18 than there was -- than there always has been. It was
19 several things.

20 Q. And am I correct that the specific response,
21 in addition to whatever effects the things you just listed
22 might have, to the concern that craft would over-argue,
23 I think was the word that you used, when an inspector would
24 say, "I see a problem here," that in addition to these other
25 items, the specific thing that responded to that was to

1 try to better train craft to do their job in a way that
2 there wouldn't be a defect that the QC inspector would
3 have to find?

4 A. Well, that's true. Better train them plus
5 better train the inspectors and arm them with the tools
6 they need; that is, inspection instructions that give them
7 as clearcut accept/reject criteria as possible and requires
8 few subjective judgments on the part of that inspector
9 as possible. So that if you've got very clearcut acceptance
10 criteria, then that in itself cuts down on a lot of arguments

11 And that was one of the issues, as I recall,
12 that was -- that really was addressed by the rewriting
13 of the procedures. We made much more clearcut the
14 inspector's acceptance criteria, and that gave them a lot
15 of help.

16 Q. I take it, though, that there's still a
17 significant portion of the QC inspector's job which must
18 involve judgment.

19 A. I wouldn't know whether I would characterize
20 it as significant. In large part, it depends upon what
21 discipline we're talking about. If it can be measured
22 easily, it is pretty cut and dried. You can measure a
23 weld length. You can measure a weld fill-it size. But
24 when you do a visual inspection and one person says that's
25 a coarse ripple and it is too coarse to render an appropriate

1 judgment of a VT test or whatever, then there's some
2 subjectivity there.

3 By and large, things you can measure, weld
4 length size, fitup, tolerance and so forth. Coarseness
5 of a weld, paint, for instance, there are some subjective
6 judgments that the amount of which varies from discipline
7 to discipline.

8 Q. All right. Mr. Chapman, do you know whether
9 as part of the response to the management review board
10 summaries, Purdy Exhibit 42-1, that there was an effort
11 on the part of Brown & Root to bring in someone to speak
12 to the Brown & Root employees? Do you have any knowledge
13 of that?

14 A. As a result of the summaries?

15 Q. Yes.

16 A. Bring somebody in to speak to them?

17 Q. That's correct.

18 A. The only person that I recall having spoken
19 to them as a group, I believe was about that time frame,
20 was one of their senior vice presidents from Houston.

21 Q. Would that have been Mr. Munisteri?

22 A. Yes.

23 Q. Except for knowing that you think he came
24 in to speak, did you have any connection with that? For
25 instance, did you attend the speech?

1 A. No, I didn't.

2 Q. Did you know whether any effort was made
3 either before or after the speech to find out the employees'
4 feelings about the subject of the speech or after it occurred
5 about what happened with the speech?

6 A. I don't recall offhand whether that
7 specific subject was part of our re-audit to determine
8 the effectiveness of our management actions or not. It
9 may have been. It has been a long time since I looked
10 at that.

11 Q. I'm sorry. Since you looked at?

12 A. Since I looked at anything like the audit
13 report or what have you.

14 Q. But you don't remember seeing any question-
15 naires filled out by Brown & Root employees who attended,
16 if there were such, who attended the speech given by
17 Mr. Munisteri expressing their reactions to the speech?

18 A. If I did, it would have been as a result
19 of the re-audit because that's the only other instance
20 where anything was documented that I know of.

21 So I very well could have, but --

22 Q. All right.

23 MR. ROISMAN: If you think he has -- I think
24 he hasn't, but I'm not going to --

25 MR. BELTER: No, I don't. I have no idea

1 than the more cumbersome nonconformance report. And he
2 tried to communicate with them the reasons as to why we
3 did it that way.

4 BY MR. ROISMAN:

5 Q. And were you satisfied that that was a
6 satisfactory response to whatever the problem was?

7 A. Yes. He satisfied me that he and/or Brandt
8 had resolved the concerns of the individuals and, also,
9 he indicated that there may have been individuals that
10 would even after all that explanation just simply would
11 not accept the answer as to inspection report versus
12 nonconformance report, for whatever reason.

13 Q. Did you -- In the briefing that he gave you
14 of both the nature of the problem and the types of
15 solutions, did you see any parallels between the nature
16 of the problem that he described there and any of the problems
17 which had been identified in the 1979 survey?

18 A. Not really. As I recall, the people, as he
19 described to me, that were having the worst, the biggest
20 trouble, the most heartburn with the NCR versus IR issue
21 simply would not accept the word of the approval authority.

22 There was an instance where an inspector
23 simply would not accept the word of a coatings engineer
24 whose duty, whose job it is to assign the acceptance
25 criteria by which the inspector does his job, and as he

1 related it to me, this inspector -- I don't remember the
2 name -- simply does not accept what engineering says.
3 And there's not much you can do when there's an individual
4 like that.

5 Q. But isn't that just one of the problems
6 that he reported to you that they had uncovered among the
7 paint coatings inspectors? That was just one, wasn't it?

8 A. That's one, yes.

9 Q. You saw no parallel between any of the others
10 and any of the kinds of problems identified in the 1979
11 survey?

12 A. Well, originally, I assumed that there might
13 be because, as I said earlier, when people make
14 allegations or they have concerns, I take them seriously.

15 All right. We talked about the one about
16 the inspector who would not accept engineering's decisions.

17 We had at least one, maybe more -- I don't
18 recall numbers, but the problem persisted after Mr. Tolson
19 had a meeting and explained to them that, as he related
20 to me, that there is no requirement anywhere in 10 CFR 50,
21 Appendix B to write nonconformance reports, to write a
22 piece of paper that says nonconformance report on it.

23 Appendix B requires that nonconformances
24 be dealt with and dispositioned accordingly, according
25 to the --

1 Q. Excuse me, Mr. Chapman. I don't want to
2 interrupt you, but I'm trying to ask about problems other
3 than --

4 A. Okay. I'm trying to go --

5 Q. -- between the NCR and IR.

6 MR. BELTER: Well, ask him a specific --

7 MR. ROISMAN: I can't ask about a specific
8 problem if I don't -- he can't tell me what it was
9 Mr. Tolson told him the problems were. I don't want to
10 create problems for him.

11 MR. BELTER: You told him before that he'd
12 mentioned several concerns. Why don't you direct a specific
13 question to him and stop cutting him off on his answer?

14 MR. ROISMAN: I don't want to cut him off.
15 I just want him to focus on my question so we can get through
16 it faster. That's all.

17 THE WITNESS: I'm not trying -- I'm trying
18 not to ramble, but I'm also trying to talk about the
19 issues that he related to me.

20 BY MR. ROISMAN:

21 Q. Tell me another problem that he identified
22 other than the inspector who would not accept the fact
23 that you could use an IR instead of an NCR.

24 A. Plus the one that the inspector would not
25 accept engineering decisions.

1 Q. All right. That's a second one.

2 A. That's another one.

3 Q. All right. Tell me a third one.

4 A. Gosh, again, I'm going from memory.

5 Q. Did he tell you that there was any inspector -
6 that there was any supervisor inspector who had told his
7 inspectors not to nit-pick?

8 A. Oh, I recall that issue.

9 Q. That refreshes your memory about that one?

10 A. Yes.

11 Q. And what did he tell you he was doing about
12 that problem?

13 A. I asked him -- Well, I'm not characterizing
14 what may or may not have been said as a problem. I remember
15 the incident when it came up, and I believe you're referring
16 to the pump skimmer room incident where the inspectors
17 in the judgment of the supervisor, at least, and this was
18 what was reported to me by Mr. Tolson. There was apparently
19 an inordinately large amount of time spent doing the
20 inspection, that there were a large number of hold tags
21 when in the supervisor's opinion what they should have
22 done was reject the whole room and go on with it instead
23 of putting a tag every so many feet.

24 And Mr. Tolson relayed that incident to
25 me, and there had been a charge that the supervisor made

1 a statement that if you're going to nit-pick like this,
2 then I'll jerk -- yank your certifications or whatever.

3 And he also related to me that there was
4 concern on the part of the supervisor that not only had
5 they put all those hold tags on it and spent a lot more
6 time than they should have, they should have just rejected
7 the whole room, but they had actually missed some rejectable
8 areas.

9 And I remember asking Mr. Tolson if he felt
10 as though that the supervisor was trying to keep them from
11 identifying nonconforming conditions, and he said no, because
12 the supervisor had pointed out that they had missed some
13 rejectable areas, too.

14 And I asked him if he had looked into it,
15 and he had looked into it to some extent at that time
16 and said he felt like that there were some communications
17 problems with the supervisor, obviously, but he felt like
18 that the large part of it was that some of them just didn't
19 like their supervisor. But he and Brandt had looked into
20 it.

21 MR. BELTER: Could we just clarify the record
22 at this point, Tony, with the name of the supervisor?

23 MR. ROISMAN: Sure.

24 BY MR. ROISMAN:

25 Q. Do you know who that person was, the

1 supervisor in question?

2 A. I presume that -- based on the incident
3 you're talking about that it was Harry Williams.

4 Q. Did you find out what, if any, steps
5 Mr. Tolson and/or Mr. Brandt were going to take in response
6 to this problem?

7 A. Well, we had -- This problem, are you talking
8 about --

9 Q. Strike the word. You don't want to call
10 it -- This event.

11 A. I was trying to decide whether you're talking
12 about communications techniques of Mr. Williams as opposed
13 to this particular inspection event.

14 Q. Let's talk about the communications techniques.

15 A. Okay. Mr. Tolson and I had talked about
16 that before. We felt that Mr. Williams was a good quality
17 man. He had no intention of having anybody accept poor
18 quality work. But we talked about his communications
19 and supervisory techniques and felt like that he needed
20 to work on them some, and we talked about it then.

21 Again, every discussion that I had with
22 Mr. Tolson on this subject he would always conclude that
23 the bottom line with Harry Williams was that he did not
24 in any way feel that he was intimidating any inspectors
25 into accepting unacceptable work.

1 Q. Did he tell you that anything -- any action
2 was going to be taken against Mr. Williams?

3 A. Well, action taken against Mr. Williams ...
4 I think what was happening over that period of time was
5 that we were -- at the same time we were trying to get him
6 to improve his communication and supervisory skills, we
7 also recognized that his particular area of expertise,
8 which was civil work, was dwindling down, and his employer,
9 Gibbs & Hill, was looking for another assignment for him.
10 That all came about at about the same time. He left the
11 site, as I recall, sometime late last August or September.

12 Q. But was it your understanding that that
13 leaving was in any nature disciplinary action by
14 Mr. Tolson or Mr. Brandt?

15 A. No. Now, together with the -- our attention
16 to what appeared to be a communications problem, I am
17 convinced it wasn't all Harry Williams' fault. But there
18 was a gradual unloading of responsibilities from Harry
19 Williams from the first of the year until he wound up with
20 basically only protective coatings reporting to him, which
21 was the situation at the time he left.

22 But, no, our conclusion that it wasn't only
23 Harry Williams' fault I think was pretty well substantiated
24 by the inspectors who refused to accept engineering
25 decisions even after it's been explained to them in detail

1 what those decisions are and why they were made.

2 Q. Mr. Chapman, in Mr. Tolson's discussions
3 with you, as best you remember them, during the summer
4 and early fall of 1983, did he ever tell you that of 45
5 QC inspectors asked the question, "Do you feel that upper
6 management (QA) has a hostile or uncomplimentary attitude
7 toward inspection personnel?" that almost one-third answered
8 mostly yes?

9 A. I don't recall ever being told that piece
10 of information.

11 Q. Did he ever tell you that in answer to the
12 question, "Do you have confidence that your supervisor
13 will pursue problems you submit to them that require
14 time for resolution?" made to a QC inspector, that the
15 inspector answered, "They are too busy going to management
16 meetings. Mostly no"?

17 MR. BELTER: Is this one incident?

18 MR. ROISMAN: Yes, it is an incident.

19 BY MR. ROISMAN:

20 Q. Did he ever tell you that?

21 A. No.

22 MR. ROISMAN: Give me a second here, please.

23 BY MR. ROISMAN:

24 Q. Did he ever tell you that a QC inspector
25 in response to the question, "Do you feel that upper

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Deposition of: Panel 3 (Anderson, Spencer & Boren)

Location: Glen Rose, Texas

Pages: 72,500 - 72,681

Date: July 31, 1984

TAYLOR ASSOCIATES

Court Reporters
1625 P Street, N.W. Suite 1004
Washington, D.C. 20006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of: :

TEXAS UTILITIES ELECTRIC :
COMPANY, et al. :

Docket Nos. 50-445
50-446

(Comanche Peak Steam Electric :
Station, Units 1 and 2) :

Room No. 38
Glen Rose Motor Inn
Highway 67 and FM Road 201
Glen Rose, Texas

Tuesday,
July 31, 1984

Panel Depositions of: DEBRA ANDERSON, SUSAN SPENCER,
and ALBERT BOREN called for examination by counsel for
the Applicants taken before Glenna M. Wright, Court
Reporter, beginning at 4:20 p.m., pursuant to agreement.

1 APPEARANCES:

2 For the Applicants, Texas Utilities Electric
3 Company, et al:

4 LEONARD W. BELTER, ESQUIRE
5 Bishop, Liberman, Cook, Purcell & Reynolds
6 1200 Seventeenth Street, Northwest
7 Washington, D. C. 20036

8 For the Nuclear Regulatory Commission Staff:

9 GEARY S. MIZUNO, ESQUIRE
10 Office of the Executive Legal Director
11 U. S. Nuclear Regulatory Commission
12 Washington, D. C. 20555

13 For the Intervenor, Citizens Association for Sound
14 Energy:

15 ANTHONY Z. ROISMAN, ESQUIRE
16 Executive Director
17 Trial Lawyers for Public Justice, P.C.
18 2000 P Street, Northwest, Suite 611
19 Washington, D. C. 20036

20 * * *

I N D E X

PANEL OF WITNESSES:

DIRECTCROSSREDIRECTRECROSS

DEBRA ANDERSON

72,504

72,513

72,654

72,655

SUSAN SPENCER

72,576

72,655

72,670

ALBERT BOREN

72,603

72,679

72,680

E X H I B I T SNUMBERFOR IDENTIFICATION

Panel Anderson No. 1

72,523

Boren No. 1

72,608

* * *

P R O C E E D I N G S

4:20 p.m.

Whereupon,

DEBRA ANDERSON,

SUSAN SPENCER,

and

ALBERT BOREN

were collectively duly sworn and were examined and testified upon their oath as follows:

MR. BELTER: My name is Leonard Belter, Attorney for Applicants in this proceeding.

This afternoon, Tony, we have a panel of three witnesses, Debra Anderson, Susan Spencer, and Al Boren, and the subject of their testimony will be the 1979 surveys.

Two other Applicant witnesses, Mr. Vega and Mr. Purdy, were also involved in this interview process, and we intend to have them on for other matters later this week. It may be that we'll ask a few questions of them with respect to the same subject.

Mr. Vega is out of town due to a death in the family, and Mr. Purdy, we just didn't want to have him coming in and out and in and out.

So I'll go ahead and present the testimony through this panel.

MR. ROISMAN: Okay.

1 MR. BELTER: And I think it would be easier,
2 panel, if we go in order through Ms. Anderson, Ms. Spencer,
3 and Mr. Boren.

4 DIRECT EXAMINATION

5 BY MR. BELTER:

6 Q. Would you state your names, please?

7 BY WITNESS ANDERSON:

8 A. Debra Anderson.

9 BY WITNESS SPENCER:

10 A. Susan Spencer.

11 BY WITNESS BOREN:

12 A. Albert Boren.

13 Q. And what is your present position?

14 BY WITNESS ANDERSON:

15 A. Supervisor, QA Audits.

16 BY WITNESS SPENCER:

17 A. QA auditor.

18 BY WITNESS BOREN:

19 A. Supervisor of Vendor Compliance.

20 MR. ROISMAN: I didn't understand that.

21 WITNESS BOREN: Supervisor, Vendor Compliance.

22 MR. ROISMAN: Okay.

23 BY MR. BELTER:

24 Q. Did each of you have occasion to conduct
25 any interviews in connection with the 1979 survey of QC

1 personnel on the Comanche Peak site?

2 BY WITNESS ANDERSON:

3 A. Yes, I did.

4 BY WITNESS SPENCER:

5 A. Yes, I did.

6 BY WITNESS BOREN:

7 A. Yes.

8 Q. And did each of you have occasion to take
9 notes on any interview sheets in the course of that survey?

10 BY WITNESS ANDERSON:

11 A. Yes.

12 BY WITNESS SPENCER:

13 A. Yes, I did.

14 BY WITNESS BOREN:

15 A. Yes.

16 Q. Could you tell us, please, again, one at
17 a time, what information were you trying to obtain by this
18 process?

19 BY WITNESS ANDERSON:

20 A. Anything and everything that the inspector
21 wanted to talk about.

22 BY WITNESS SPENCER:

23 A. Basically, anything and everything that
24 the inspector wanted to talk about.

25 MR. ROISMAN: I'm glad this panel has not

1 been coached in any way.

2 MR. BELTER: They like to listen to each
3 other.

4 BY MR. BELTER:

5 Q. Mr. Boren?

6 BY WITNESS BOREN:

7 A. I don't have anything to add to that. It
8 was basically anything that they wanted to talk about.

9 Q. Were you basically trying to get at any
10 problems or concerns that they had?

11 BY WITNESS ANDERSON:

12 A. Yes.

13 BY WITNESS SPENCER:

14 A. Yes.

15 BY WITNESS BOREN;

16 A. Yes.

17 Q. Were the notes that you took verbatim notes?

18 BY WITNESS ANDERSON:

19 A. No, they were not. They were whatever was
20 the thoughts that came into mind as you were sitting there
21 listening to them.

22 BY WITNESS SPENCER:

23 A. They were not verbatim notes.

24 BY WITNESS BOREN:

25 A. They were not verbatim notes. They were

1 summaries of what was said.

2 Q. Was it your intent to retain the notes at
3 the time that you took them?

4 BY WITNESS ANDERSON:

5 A. No, it was not.

6 BY WITNESS SPENCER:

7 A. No. It was my understanding that they wouldn't
8 be retained.

9 BY WITNESS BOREN:

10 A. No.

11 Q. What was your understanding as to what was
12 to happen to the notes?

13 BY WITNESS ANDERSON:

14 A. After the summaries were prepared, they
15 were to be destroyed.

16 Q. Is that the same for the other two witnesses?

17 BY WITNESS SPENCER:

18 A. Yes.

19 BY WITNESS BOREN:

20 A. Yes.

21 Q. During the course of these interviews, did
22 you elicit hearsay information as well as information based
23 on the direct knowledge of the person being interviewed?

24 BY WITNESS ANDERSON:

25 A. Yes.

1 BY WITNESS SPENCER:

2 A. Yes, we did.

3 BY WITNESS BOREN:

4 A. Yes.

5 Q. In taking your notes, did you attempt to
6 distinguish between hearsay and direct knowledge?

7 BY WITNESS ANDERSON:

8 A. No.

9 BY WITNESS SPENCER:

10 A. No, we did not.

11 BY WITNESS BOREN:

12 A. No.

13 MR. BELTER: That's all right. You want
14 to take a short break?

15 (A short recess was taken.)

16 MR. BELTER: Back on the record.

17 BY MR. BELTER:

18 Q. Let me ask each of you if during the course
19 of an interview there was related to you a significant
20 incident of harassment or intimidation reportedly occurring
21 at the Comanche Peak site, would you have reported such
22 an incident directly to Mr. Chapman?

23 BY WITNESS ANDERSON:

24 A. Yes, I would.

25 //

1 BY WITNESS SPENCER:

2 A. Yes, I would.

3 BY WITNESS BOREN:

4 A. Yes.

5 Q. Were any such incidents related to you?

6 BY WITNESS ANDERSON:

7 A. Not to me.

8 BY WITNESS SPENCER:

9 A. Yes, there was.

10 Q. How about you, Mr. Boren?

11 BY WITNESS BOREN:

12 A. No.

13 Q. Ms. Spencer, would you describe briefly
14 the incident that was related to you?

15 BY WITNESS SPENCER:

16 A. One of the inspectors that we interviewed
17 relayed an instance where she had been physically threatened.
18 She had been picked up by the collar by one of the craft
19 personnel.

20 Q. And what did you do as a result of this
21 information being relayed to you?

22 A. I thought it was something that our management
23 should be aware of immediately and called my boss up in
24 Dallas, the Manager of Quality Assurance.

25 Q. Mr. Chapman?

1 A. Yes, Mr. Chapman.

2 Q. Would any of you consider an incident of
3 name-calling or swearing between craft and QC to be a
4 significant incident?

5 BY WITNESS ANDERSON:

6 A. No.

7 BY WITNESS SPENCER:

8 A. No.

9 BY WITNESS BOREN:

10 A. No.

11 Q. Mr. Boren, in particular, why would you
12 not consider it to be significant?

13 A. I have been around and associated with
14 construction sites for approximately 20 years, and swearing
15 and name-calling is just part of a construction site, and
16 there's no reason to get upset over cursing or name-calling.

17 MR. ROISMAN: Excuse me. Are you offering
18 these witnesses as experts on this question, or are we
19 just getting anecdotal information?

20 MR. BELTER: We're getting anecdotal informa-
21 tion, but you can consider Mr. Boren to have had some
22 experience around construction sites. I don't consider
23 his answer to be an expert opinion on the subject of what's
24 normally going on on construction sites, but he is relating
25 what his experience has been.

1 MR. ROISMAN: Okay. I think it is of dubious
2 relevance, but I'd rather just have it go in and worry
3 about it later than fuss about it now. Go ahead.

4 BY MR. BELTER:

5 Q. Was each person interviewed asked to indicate
6 to you what they thought were major problems in quality
7 control at the Comanche Peak site?

8 BY WITNESS ANDERSON:

9 A. Yes.

10 BY WITNESS SPENCER:

11 A. Yes, they were.

12 BY WITNESS BOREN:

13 A. Yes.

14 Q. Do any of you recall any of the persons
15 that you interviewed relating to you harassment, intimidation,
16 or threats directed at QC personnel to be a major problem
17 at Comanche Peak site?

18 BY WITNESS ANDERSON:

19 A. Was the question if we interviewed them --
20 I mean, if I interviewed the person?

21 Q. Yes.

22 A. No, I did not.

23 BY WITNESS SPENCER:

24 A. Other than the instance I just spoke about, no.

25 BY WITNESS BOREN:

1 Q. Did each of you take part in compiling the
2 results of the surveys?

3 BY WITNESS ANDERSON:

4 A. Yes.

5 BY WITNESS SPENCER:

6 A. Yes.

7 BY WITNESS BOREN:

8 A. Yes.

9 Q. In compiling the results of the surveys,
10 do any of you recall any of the persons being interviewed
11 relating or listing harassment, intimidation, or threats
12 directed at QC as a major problem at Comanche Peak?

13 BY WITNESS ANDERSON:

14 A. I don't recall any.

15 BY WITNESS SPENCER:

16 A. Other than the one instance I've already
17 talked about, no.

18 BY WITNESS BOREN:

19 A. No.

20 Q. In the course of interviewing these persons,
21 were any of you advised of any incidents where a QC inspector
22 passed an item that he or she felt should have been rejected?

23 BY WITNESS ANDERSON:

24 A. No one indicated that to me.

25 //

1 BY WITNESS SPENCER:

2 A. Nor to me.

3 BY WITNESS BOREN:

4 A. No.

5 MR. BELTER: That's all I have, Tony.

6 CROSS-EXAMINATION

7 BY MR. ROISMAN:

8 Q. At the time that you did the interviews
9 that have produced this summary, which I believe is marked
10 as Purdy Exhibit 42-1 --

11 MR. BELTER: I think you will have to identify
12 them individually, Tony.

13 MR. ROISMAN: All right. Well --

14 MR. BELTER: Is the whole set marked as
15 Purdy 1?

16 MR. ROISMAN: Yeah, it is. The whole set
17 is Purdy 1.

18 Let me withdraw that question and ask just
19 a foundation one.

20 BY MR. ROISMAN:

21 Q. Is it my understanding that each of you
22 were responsible for the interviews within one discrete
23 area; in other words, one of you did electrical QC personnel
24 or one of you did mechanical QC personnel? Or did you
25 do them across the disciplines?

1 BY WITNESS BOREN:

2 A. Across the disciplines.

3 BY WITNESS ANDERSON:

4 A. Across.

5 BY WITNESS SPENCER:

6 A. Across.

7 Q. All right. That makes it more complicated.

8 Have you seen this document that's called
9 Purdy Exhibit 42-1, which is the summary sheets of these --
10 Are these familiar to you so I can ask you some questions
11 about them and know that you know what I'm talking about?

12 BY WITNESS ANDERSON:

13 A. I've seen them.

14 BY WITNESS SPENCER:

15 A. We've seen them.

16 Q. All right. Will you understand what I'm
17 talking about when I say with respect to Purdy Exhibit 42-1
18 and then ask you a question about it? I'm not going to
19 get down to a particular sentence, but I want to ask you
20 some questions about them.

21 When you conducted the interviews that are
22 summarized in Purdy Exhibit 42-1, did the people to whom
23 you speak know that you were employees of TUGCO?

24 BY WITNESS ANDERSON:

25 A. Yes.

1 BY WITNESS SPENCER:

2 A. Yes.

3 BY WITNESS BOREN:

4 A. Yes.

5 Q. What did they know about your relationship,
6 if any, with the people who were working at the plant site,
7 such as Mr. Tolson, or any of the other people who were
8 then in management positions at the plant site?

9 A. They generally knew that Mr. Tolson worked
10 for TUGCO and we worked for TUGCO, but there was no --
11 In other words, we didn't work for Mr. Tolson, and he didn't
12 work for us, but we both worked for TUGCO. We were out
13 of Dallas, and he was at Comanche Peak.

14 Q. Did any of you in the course of your interviews
15 make a point of telling people that you were from Dallas
16 and didn't work for Mr. Tolson or any of the people on
17 the plant site? Was that part of your patter as you --

18 A. Yes.

19 Q. -- introduced yourself?

20 BY WITNESS SPENCER:

21 A. I believe it was.

22 BY WITNESS ANDERSON:

23 A. I believe so.

24 Q. Did you have any instructions that you received
25 regarding how you should go about doing these interviews

1 from any person?

2 BY WITNESS BOREN:

3 A. I don't guess I understand.

4 Q. Well, did anyone tell you how to do the
5 interview?

6 A. Not that I recall.

7 BY WITNESS SPENCER:

8 A. I don't recall it other than the basic charge
9 to perform the interviews themselves.

10 Q. Okay. So there wasn't a training session
11 or anything like that?

12 BY WITNESS BOREN:

13 A. No.

14 BY WITNESS SPENCER:

15 A. No.

16 Q. And there weren't any written instructions?

17 BY WITNESS BOREN:

18 A. No.

19 BY WITNESS ANDERSON:

20 A. No.

21 Q. Had any of you ever had experience as inter-
22 viewers in situations similar to this?

23 Let's ask you each individually. Ms. Anderson?

24 BY WITNESS ANDERSON:

25 A. No, not specifically to this.

1 Q. Ms. Spencer?

2 BY WITNESS SPENCER:

3 A. No.

4 Q. Mr. Boren?

5 BY WITNESS BOREN:

6 A. No.

7 Q. In preparing the summaries, did each of
8 you work on preparing all of the summaries, or did some
9 of you work on preparing particular summaries?

10 Ms. Anderson?

11 BY WITNESS ANDERSON:

12 A. I don't recall.

13 Q. Ms. Spencer?

14 BY WITNESS SPENCER:

15 A. I believe we worked -- all worked on preparing
16 all of the summaries.

17 Q. Mr. Boren?

18 BY WITNESS BOREN:

19 A. Each -- Yeah, we worked -- All of us
20 eventually worked on preparing all the summaries, as best
21 I recall.

22 Q. How many people, roughly, did you interview,
23 Ms. Anderson?

24 BY WITNESS ANDERSON:

25 A. I can't remember the exact number.

1 Q. Was it like 10 or 50 or --

2 A. It was probably closer to 50.

3 Q. Ms. Spencer?

4 BY WITNESS SPENCER:

5 A. As a group that we interviewed or --

6 Q. No. No. You individually.

7 A. -- individually?

8 Individually, there was about 35 to 50.

9 Q. That you did?

10 A. Uh-huh.

11 Q. How about you, Mr. Boren?

12 BY WITNESS BOREN:

13 A. Roughly 50, as opposed to 10.

14 Q. Yeah. Okay.

15 After you completed the interview process
16 and did the summary sheets, what did you do with the summary
17 sheets?

18 MR. BELTER: By "summary sheets," are you
19 referring to Purdy Exhibit --

20 MR. ROISMAN: 42-1, yes.

21 BY MR. ROISMAN:

22 Q. What did you do with those?

23 BY WITNESS SPENCER:

24 A. Transmitted them to Mr. Chapman and Tolson.

25 Q. And did you have any further connection

1 with these subsequent to that time?

2 A. No.

3 Q. I mean up until these hearings.

4 BY WITNESS BOREN:

5 A. No.

6 BY WITNESS SPENCER:

7 A. No.

8 MR. BELTER: With this exhibit, you mean?

9 MR. ROISMAN: Yeah, with these summary sheets.

10 BY WITNESS ANDERSON:

11 A. I did. I participated in a follow-up of
12 the results of the summaries.

13 Q. Okay. Let me just -- I'm going to put you
14 aside and come back to that in a second. Let me just make
15 sure the record is clear.

16 Ms. Spencer and Mr. Boren, you had no further
17 connection with it subsequent to the transmittal of this
18 to Messrs. Chapman and Tolson; is that right?

19 BY WITNESS BOREN:

20 A. I don't believe I ever saw these again until
21 today.

22 BY WITNESS SPENCER:

23 A. Up until the point I gave them to -- During
24 the hearings process was the next time that I referred
25 to them.

1 Q. Okay. All right. Now, Ms. Anderson, what
2 was your further involvement with these documents?

3 BY WITNESS ANDERSON:

4 A. I participated in an audit, a management
5 audit to go back and basically do a sample interview process
6 to determine if actions taken by site management had improved
7 the situation.

8 Q. What was that audit?

9 A. It was TCP-7 and 7 follow-up.

10 MR. MIZUNO: Excuse me. Are those two separate
11 things, TCP-7 and ---

12 WITNESS ANDERSON: They are all in the same
13 file. It was just a further ---

14 BY MR. ROISMAN:

15 Q. And what was the nature of the interview
16 process that you conducted in that follow-up?

17 BY WITNESS ANDERSON:

18 A. As best I recall, based on the problems
19 or the items that we had identified in the summaries, it
20 was to go back and ask in those areas and talk with people
21 to determine had there been improvements or if there hadn't
22 or whatever the case was.

23 Q. Did you go back to particular individuals
24 who you could identify from your earlier notes were the
25 ones who had raised concerns, or did you just do an across-

1 the-board sample?

2 A. We just did an across-the-board sample.

3 Q. And when did that happen?

4 A. It was end of '79, first of '80. I'm not
5 sure on the exact dates.

6 Q. How many interviews did the total review,
7 the total TCP-7 and 7 follow-up review encompass?

8 A. I don't recall.

9 Q. More like 10 or a hundred?

10 A. Probably somewhere around 25 to 30.

11 Q. Did the interviews that you undertook focus
12 on some specific actions? Did it say, "What did you think
13 of X?" and identify something that had been done, or did
14 it just go back and ask the same questions that you had
15 asked before?

16 A. I don't recall exactly what questions were
17 asked at that time.

18 Q. To your knowledge, is it still in existence;
19 that is, the results of that follow-up?

20 A. The results are, yes.

21 Q. And how are they memorialized?

22 A. They are documented in an audit report,
23 the TCP-7.

24 MR. BELTER: Tony, it is my understanding
25 that TCP-7 and, indeed, a lot of other -- or that all

1 the TCP audits have been made available to Ms. Ellis.

2 For your information, I discovered this
3 morning that there was this document relating to it. I
4 know you've had it but didn't know it.

5 MR. ROISMAN: Yeah.

6 MR. BELTER: And I didn't know it was there,
7 and, obviously, we'll --

8 MR. ROISMAN: Do you have a copy around
9 here?

10 MR. BELTER: Well, I have one copy that
11 we got this morning.

12 MR. ROISMAN: Okay. I guess I'd like to
13 look at it.

14 MR. BELTER: Sure.

15 MR. MIZUNO: The Staff would also like to
16 look at it. If it is possible -- If we could get a copy,
17 I could go up to the site and make my own copy.

18 MR. BELTER: Well, I'll be glad to give
19 you my copy of it. If you want to identify it, maybe we
20 can work off of what we have.

21 MR. ROISMAN: Can I?

22 MR. BELTER: Sure.

23 BY MR. ROISMAN:

24 Q. Well, my first question is: Do I understand
25 that the name of the audit that was -- that we've identified

1 as Purdy Exhibit 42-1 is TCP-7?

2 BY WITNESS ANDERSON:

3 A. No. That was not an audit.

4 MR. ROISMAN: Okay. Can we mark this? Well,
5 what do you want to call it?

6 MR. BELTER: Let's call it Anderson Exhibit 1.

7 MR. ROISMAN: All right. Could that be
8 marked Anderson Exhibit 1?

9 (The document referred to was
10 marked Panel Anderson Exhibit
11 No. 1 for identification.)

12 You're going to be memorialized here.

13 MR. MIZUNO: Maybe we should mark it Survey
14 Exhibit 1 since we've got another --

15 MR. BELTER: Well, we've only had one member
16 of the panel that took part or even identified it.

17 MR. ROISMAN: I don't think the name has
18 to be --

19 MR. BELTER: It doesn't matter.

20 MR. ROISMAN: It only has to be distinctive,
21 not descriptive. Certainly, Purdy 42-1 is not very
22 descriptive.

23 BY MR. ROISMAN:

24 Q. Ms. Anderson, I'm going to now hand you
25 what has been marked as Anderson Exhibit 1 and would like

1 you to look at the first paragraph, and, in particular,
2 the reference there to "As a follow-up to Audit TCP-7,"
3 and then references later down there apparently to that,
4 some interviews being conducted in September and October
5 of '79.

6 Would you just identify what are the interviews
7 that are being referred to there as having been conducted
8 in September and October of '79?

9 BY WITNESS ANDERSON:

10 A. The interviews that are being talked about
11 September and October, '79, I believe are Purdy 42-1.

12 MR. BELTER: Those are the interviews that
13 resulted in Purdy 42-1?

14 WITNESS ANDERSON: Right. I'm sorry. Yes,
15 the summaries.

16 MR. BELTER: Okay. The subject of this
17 panel.

18 WITNESS ANDERSON: Right.

19 MR. ROISMAN: Right.

20 BY MR. ROISMAN:

21 Q. And then this document that's now been marked
22 Anderson 1 is the follow-up to Audit TCP-7.

23 What is Audit TCP-7?

24 A. It was a management audit. I can't remember
25 the specifics of what was looked at in it.

1 Q. You don't know what its relationship, if
2 any, is to Purdy Exhibit 42-1?

3 A. I don't recall.

4 BY WITNESS SPENCER:

5 A. I believe TCP-7 was an audit conducted to
6 verify commitments made in some letter to the NRC. I don't
7 know.

8 Q. Okay. May I have it back?

9 Thank you.

10 Now, Ms. Anderson, in conducting the interviews
11 which formed the heart of this follow-up to Audit TCP-7, was
12 there any difference in the way in which the interviews
13 were conducted as compared to the interviews that were
14 conducted to prepare the Purdy Exhibit 42-1?

15 BY WITNESS ANDERSON:

16 A. I don't think I understand exactly what
17 you're saying.

18 Q. Well, did you approach the interviewing
19 process any differently? Did you have a different group
20 of questions that you asked? Were they framed differently?
21 Did you meet the people in a different environment than
22 you had met them before?

23 A. I think as far as I recall that our questions
24 were very similar to the ones that we initially asked but
25 were gearing in on the concerns that had been identified

1 within the summaries.

2 Q. And how were the people selected? How was
3 the sample group selected?

4 A. I don't recall.

5 Q. Was it -- Do you recall whether you did
6 the selection or someone else did?

7 A. I don't recall.

8 Q. Do you remember what was the origination
9 of having this follow-up to Audit TCP-7, who initiated
10 the follow-up?

11 A. It's part of our program when we have items
12 that have been identified to go in and close them out through
13 verification by whatever appropriate means. In this instance,
14 we deemed that a follow-up was appropriate.

15 Q. Were you following up Audit TCP-7, or were
16 you following up Purdy Exhibit 42-1?

17 A. Initially, we were following up TCP-7. As
18 I remember, we decided to broaden the scope slightly to
19 include these.

20 Q. And when you say "we," who made that decision?

21 A. Tony Vega and myself. Mr. Chapman may have
22 been involved in the decision, also. I don't recall exactly.

23 Q. So that the interviews that are contained
24 here in follow-up Audit TCP-7 had a multiple use. They
25 were to follow-up on some open items from the TCP-7 audit,

1 as well as to follow-up on some items contained in Purdy
2 Exhibit 42-1?

3 A. I believe so.

4 Q. How was it possible that they could -- that
5 you could ask essentially the same questions in Purdy Exhibit
6 42-1 and get answers to two different sets of concerns,
7 one identified in TCP-7 and the others identified in Purdy
8 Exhibit 42-1?

9 A. I don't know. I'm confused here.

10 Q. Well, you testified --

11 MR. BELTER: Can I ask a question, Tony --

12 MR. ROISMAN: Sure.

13 MR. BELTER: -- before we waste a lot of
14 time here because I think there's some confusion here?

15 Ms. Anderson, were there technical items
16 involved in TCP-7 that were totally unrelated to the subjects
17 of the interviews?

18 WITNESS ANDERSON: As I recall, yes.

19 MR. BELTER: Okay. I'm sorry I interrupted
20 you.

21 MR. ROISMAN: That's all right.

22 MR. BELTER: Whatever your preference is,
23 Tony, I'm --

24 MR. ROISMAN: No. No.

25 //

1 BY MR. ROISMAN:

2 Q. All right. But this exhibit, now, that
3 we've marked as Anderson Exhibit 1, is this the entire
4 follow-up to TCP-7? Does this contain the entire follow-up,
5 this document?

6 Here, would you like to look at it?

7 MR. BELTER: Do you understand the question,
8 Ms. Anderson?

9 WITNESS ANDERSON: I'm not sure.

10 MR. BELTER: Well, Tony, I'm objecting.
11 I realize the question sounds fine, but I think it is ambiguous
12 in the context in which you are asking it.

13 I think you'll get some clearer answers
14 and a clearer record if you make a distinction between
15 the interviews and the problems that the interviews addressed
16 and the technical matters that were the subject of TCP-7.
17 My suggestion is that TCP-7 as a title for this thing is
18 really misleading. It is a technical matter that I don't
19 know what it is and don't begin to understand it because
20 I took a quick look through the file myself once, but,
21 you know, continue as you wish.

22 MR. ROISMAN: All right.

23 MR. BELTER: But I think we're just going
24 to confuse things by referring to TCP-7 and the follow-
25 up to TCP-7 even though that's what the title reads.

1 MR. ROISMAN: All right. Let me see if
2 I can get at it.

3 BY MR. ROISMAN:

4 Q. Is there a set of activities that can be
5 properly called the follow-up to TCP-7?

6 BY WITNESS ANDERSON:

7 A. Yes.

8 Q. Does this document that's been marked as
9 Anderson Exhibit 1 have in it a summary of all of those
10 activities?

11 A. Without looking at TCP-7, I can't say that
12 without a doubt.

13 Q. Does this document that's marked as Anderson
14 Exhibit 1 have anything in it that represents something
15 other than a follow-up to the concerns expressed in Purdy
16 Exhibit 42-1?

17 A. I believe so, yes.

18 Q. All right. Where is that contained in Anderson
19 Exhibit 1? Just tell me which pages for right now.

20 A. Attachment B is an evaluation of three items
21 which remained open from TCP-7, and, like I said, until
22 I could see TCP-7, I can't say without a doubt.

23 Q. Okay. Who prepared this summary page here
24 that describes -- that's on the first page of Anderson
25 Exhibit 1?

1 A. Mr. Vega and myself.

2 Q. Did you co-author it, or did you author
3 some of it and he authored other parts of it?

4 A. I don't recall.

5 Q. Are any of you-all familiar with a gentleman
6 whose name is Munisteri, M-u-n-i-s-t-e-r-i?

7 Ms. Anderson?

8 A. I believe he was vice-president of Brown & Root.

9 BY WITNESS SPENCER:

10 A. He was a high official in Brown & Root some
11 time ago.

12 BY WITNESS BOREN:

13 A. As I recall.

14 Q. Are you familiar with a speech delivered
15 by Mr. Munisteri to persons working at the Comanche Peak
16 site sometime in the fall of 1979 on the subject "Corporate
17 Management's Support of the QA/QC Effort For Assuring
18 That Project Quality Objectives Are Met"?

19 MR. BELTER: Could you read the title again?

20 MR. ROISMAN: Uh-huh. "Corporate Management's
21 Support of the QA/QC Effort For Assuring That Project Quality
22 Objectives Are Met."

23 BY MR. ROISMAN:

24 Q. Ms. Anderson?

25 //

1 BY WITNESS ANDERSON:

2 A. I believe I may have heard of it, yes.

3 BY WITNESS SPENCER:

4 A. I knew Mr. Munisteri had a talk with QA/QC
5 personnel at Comanche Peak.

6 Q. Mr. Boren?

7 BY WITNESS BOREN:

8 A. I knew that he had a talk with them.

9 Q. Do any of you have any knowledge of why
10 that talk was given and what its purpose was.

11 A. I don't.

12 BY WITNESS SPENCER:

13 A. I don't.

14 BY WITNESS ANDERSON:

15 A. I don't recall.

16 Q. Are any of you familiar with any interviews
17 or evaluations that were made subsequent to that talk
18 of the people who attended it?

19 Ms. Anderson?

20 A. I don't recall.

21 Q. Ms. Spencer?

22 BY WITNESS SPENCER:

23 A. I remember seeing something as I was giving
24 documents away, but other than that, no.

25 Q. Okay. Mr. Boren?

1 BY WITNESS BOREN:

2 A. No.

3 Q. Ms. Anderson, your connection with the Purdy
4 Exhibit 42-1 -- After you completed the summaries, when
5 was the next time that you got involved with any matters
6 related to Purdy Exhibit 42-1?

7 BY WITNESS ANDERSON:

8 A. To the best of my recollection, with regard
9 to the TCP-7 activities.

10 Q. Now, when you say "the TCP-7 activities,"
11 do you mean the TCP-7, the audit follow-up activities or
12 the original TCP-7 document?

13 A. I don't recall until -- like I said, without
14 seeing that report.

15 MR. ROISMAN: Did you-all try to find that
16 report and didn't find it, or --

17 MR. BELTER: Tony, I looked through that
18 file once some time ago. Again, it is in a bunch of files
19 that I'm sure Ms. Ellis looked through at one time, too.
20 And I didn't see anything in it other than a bunch of,
21 to me, unintelligible technical concerns or matters not
22 related to this interview.

23 I know I'm testifying here, but --

24 MR. ROISMAN: No. No.

25 MR. BELTER: -- you asked me and I'm telling

1 you.

2 MR. ROISMAN: That's right. I'm trying
3 to get these witnesses to testify to that same effect so
4 we can take --

5 MR. BELTER: That's why I think it would
6 help if we phrased our questions in terms of the follow-up
7 to the interview process and not use this title because
8 it is just --

9 MR. ROISMAN: Okay. All right.

10 MR. BELTER: -- confusing as heck.

11 BY MR. ROISMAN:

12 Q. Well, when was the next time that you had
13 a follow-up to -- had any work related to Purdy Exhibit 42-1
14 in terms of time, now, not the name of the document?

15 BY WITNESS ANDERSON:

16 A. To the best of my recollection, in May of
17 '80.

18 Q. Okay. In the intervening period, who had
19 responsibility for the -- Ms. Anderson, who had responsibility
20 for the follow-up to Purdy Exhibit 42-1?

21 MR. BELTER: Could I ask what you mean by
22 "follow-up" in that sense? Taking action?

23 BY MR. ROISMAN:

24 Q. Taking any action or doing anything about
25 it if anything was warranted.

1 BY WITNESS ANDERSON:

2 A. I believe Mr. Chapman and Tolson.

3 Q. At the time of the interviews in May of
4 1980 that are described in TCP -- in your -- in Anderson
5 Exhibit 1, did you -- were you made aware of what specific
6 actions had been taken in response to Purdy Exhibit 42-1?

7 A. I believe so as part of the follow-up.

8 Q. When you interviewed the people, did you
9 make mention of those specific actions as part of your
10 interviewing?

11 A. I don't recall.

12 Q. Did you have any instruction sheet for conduct-
13 ing those interviews?

14 A. I don't recall. I don't believe so.

15 Q. Did anybody give you any oral instructions
16 on conducting those interviews?

17 A. It was discussed as part of the audit process
18 between myself and Mr. Vega.

19 MR. ROISMAN: I'm going to leave this for
20 a little bit, but at a break or something I'd really like
21 to be able to sit down and take a look at it. I just can't
22 ask her the questions or anyone the questions very effectively
23 based on trying to read it and think about it in this short
24 period of time. So I'm going to go on to some other things.
25

//

1 BY MR. ROISMAN:

2 Q. At the time that you did your interviews
3 in 1979, each of you, and I want you to think back to then,
4 did you at that time have in your minds a definition of
5 the concepts "harassment and intimidation"?

6 Ms. Anderson?

7 BY WITNESS ANDERSON:

8 A. I don't understand exactly what you mean.

9 Q. Well, did those words have any special meaning
10 to you in 1979 at the time you did these interviews? Did
11 you -- Let's start with the first question.

12 Did you interview with the thought that
13 you were looking to see if there was any harassment and
14 intimidation?

15 A. We basically went into it with the idea
16 to find out any type of problems that the QC inspectors
17 might have been having.

18 Q. Did you know or have -- Did that terminology,
19 harassment and intimidation, have any meaning to you in
20 the context of problems that QC inspectors might have?

21 A. I don't believe so.

22 Q. Had you ever heard the phrase used with
23 reference to QC inspectors?

24 A. Not that I recall specifically.

25 Q. Did you remember in the interviews ever

1 asking anybody, "Were you harassed, or were you intimidated"?

2 A. We asked them the questions that were in
3 the questionnaires.

4 Q. And those -- And nothing beyond that?

5 A. As best I recall.

6 Q. How about you, Ms. Spencer? At the time
7 that you were doing the interviews, did you have any opinion
8 about whether the phrase "harassment and intimidation"
9 had any relationship to QC personnel at the Comanche Peak
10 site?

11 BY WITNESS SPENCER:

12 A. I don't think that those particular words
13 were part of my vocabulary at that time.

14 Q. Did you want to add something?

15 A. But -- Well, no.

16 Q. Okay. Mr. Boren?

17 BY WITNESS BOREN:

18 A. I didn't place any more emphasis on that
19 than anything else, I guess, that we were looking for.

20 Q. Well, all right. Let's start again.

21 Ms. Anderson, if one of the people had said
22 to you in the course of the interview that certain events
23 had happened to them which made them feel discouraged about
24 reporting safety problems, would you necessarily have related
25 that to the phrase "harassment and intimidation"? Would

1 that label have occurred to you to have applied to that?

2 BY WITNESS ANDERSON:

3 A. Not necessarily.

4 Q. Ms. Spencer?

5 BY WITNESS SPENCER:

6 A. Not the terms "harassment and intimidation,"
7 but it would have certainly stuck out in my mind.

8 Q. I understand.

9 BY WITNESS ANDERSON:

10 A. Yes. The same for me.

11 Q. Yeah. Mr. Boren?

12 BY WITNESS BOREN:

13 A. Harassment may have.

14 Q. You mean you might have associated that
15 description that they were discouraged from reporting
16 safety problems as being harassment?

17 A. Yeah.

18 Q. And how about --

19 A. Or intimidated, you know.

20 Q. Ms. Anderson, when was the first time that
21 you had occasion to link the phrase "harassment and
22 intimidation" with QC inspectors at the Comanche Peak site?

23 BY WITNESS ANDERSON:

24 A. Basically, in the context of these hearings.

25 Q. And when you say "these hearings," you mean

1 the ones that have been going on here in Glen Rose for
2 the last several weeks?

3 A. Yes.

4 Q. And how did that come to your attention?

5 A. I don't recall. Discussions. Reading
6 Board notifications, information, things like that.

7 Q. Did you have a discussion with any persons
8 about what harassment and intimidation meant?

9 A. I don't recall specifically.

10 Q. Did anybody give you their opinion as to
11 what they thought the importance or unimportance of harassment
12 and intimidation were for QC and QA functions at the plant
13 site?

14 A. I'm sorry. I don't understand.

15 Q. Did anyone express to you an opinion as
16 to -- in the context of these hearings as to what the impor-
17 tance of harassment and intimidation was to the QA/QC function
18 at the Comanche Peak site?

19 A. There may have been discussions on it. I
20 don't recall any specific examples.

21 Q. How about you, Ms. Spencer? When did you
22 first have the harassment and intimidation phrase linked
23 up in any way with QC inspectors or QA/QC functions at
24 the Comanche Peak site?

25 //

1 BY WITNESS SPENCER:

2 A. It must have been at the time when CASE
3 submitted one of their sets of interrogatories on the subject
4 and I subsequently got involved somewhat in it.

5 Q. And roughly, do you -- Was that within the
6 last year?

7 A. Uh-huh. Within the last year.

8 Q. All right. How about you, Mr. Boren? This
9 is the same question. When did you first learn of any
10 connection between harassment and intimidation, that phrase,
11 on the one hand, and the QA/QC function at the Comanche
12 Peak site on the other?

13 BY WITNESS BOREN:

14 A. I don't really have any idea.

15 Q. Ms. Anderson, you testified earlier in response
16 to a question that you would not call name-calling and
17 cursing ... would not in your mind be a significant incident.

18 Do you remember that?

19 BY WITNESS ANDERSON:

20 A. Yes, I do.

21 Q. Would you call name-calling and cursing
22 harassment or intimidation by a craft person of a quality
23 control person?

24 A. Not necessarily.

25 Q. Have you a well-defined concept of what

1 you believe harassment and intimidation means?

2 A. I have what I feel in my mind harassment
3 or intimidation would mean as far as what the end result
4 would be.

5 Q. All right. And when did you form that view?

6 A. I don't remember.

7 Q. In the last year? In the last ten years?
8 The last week?

9 A. Oh, probably in the last seven, eight years.

10 Q. Okay. What is that concept? What do you
11 understand that phrase means?

12 MR. BELTER: Which phrase are you talking
13 about?

14 BY MR. ROISMAN:

15 Q. Harassment and intimidation.

16 BY WITNESS ANDERSON:

17 A. Basically, something that would prevent
18 someone from doing their job, fulfilling their responsibilities
19 An external or, I guess, perhaps an internal feeling that
20 there was something to prevent them from doing their job such
21 as a QA person or QC person.

22 Q. Ms. Spencer, when did you develop a
23 definition, if you have one, of what you believe harassment
24 and intimidation means?

25 //

1 BY WITNESS SPENCER:

2 A. Sometime within the last several, be it,
3 three to seven years, I would imagine.

4 Q. Okay. And what is that definition?

5 A. Basically, just a feeling that a person
6 has been coerced or felt pressure to do something that
7 they had no intentions of doing or --

8 Q. A feeling by the person who received the
9 pressure or the person who applied the pressure?

10 A. Well, it depends on if you are -- I don't
11 understand the question.

12 Q. Well, you said a feeling, and I'm just trying
13 to find out whose feeling you're talking about. The person
14 who is applying the pressure, their feeling that what they
15 are doing is going to discourage this person from doing
16 something, or the feeling of the person who is having the
17 pressure applied to them that the result of the pressure
18 is to make them feel that they are being discouraged from
19 doing something.

20 A. I would say if it is the intent of the person --
21 the feeling of the person who may be harassing or intimidating
22 somebody else. You know, if they are -- If they have the
23 intent to apply pressure to somebody else, then they are
24 harassing somebody or intimidating somebody.

25 Q. And that is irrespective of how the person

1 who is the object of those actions might receive them?

2 A. They may perceive them to be harassment
3 or intimidation when, in fact, they aren't, or, I guess,
4 you know, they could be, too, depends on --

5 Q. Right. But you are saying how the person
6 perceives it is not how your definition of harassment and
7 intimidation is defined. It is how the person who sends
8 it intends it to be. That's how you would define harassment
9 and intimidation.

10 A. I guess it would be a little of both.

11 Q. In doing your interviews in 1979, did you
12 interview any of the supervisory personnel or craft personnel
13 to find out whether what they were doing was in their judgment
14 intended to pressure QC personnel?

15 A. I don't believe we did, no.

16 Q. How do you have an opinion about whether
17 you learned of any harassment and intimidation without
18 having talked to that half of it in light of your answer
19 to me about what you consider to be the nature of harassment
20 and intimidation?

21 A. Well, we were talking to the QC inspectors
22 to see if they had any problems. We would record or find
23 out about any perceptions that they had of any instances
24 of pressure or, now as we call it, harassment and intima-
25 tion.

1 Q. But you wouldn't know whether, in fact,
2 there was an effort to engage in harassment and intimidation
3 from those interviews; isn't that correct?

4 A. We would be aware of the possibility.

5 Q. But if the person who received it said --
6 didn't tell you that they -- that they had been pressured,
7 you wouldn't know if, in fact, somebody had been intending
8 to pressure them or trying to pressure them; isn't that
9 true?

10 A. The individual who was the recipient of
11 any pressure would surely know if he had been pressured
12 or intimidated or harassed.

13 Q. Well, is it your testimony that every time
14 someone intends to harass and intimidate, the person who
15 is going to be harassed and intimidated knows that that's
16 happening? Is that --

17 MR. BELTER: Do you understand the question?

18 WITNESS SPENCER: Phrase it again, please.

19 BY MR. ROISMAN:

20 Q. Every time someone engages in an action
21 that's intended to be harassing and intimidating, is it
22 your testimony that the person who is the object of that
23 harassing and intimidating action knows that they are being
24 harassed and intimidated?

25 //

1 BY WITNESS SPENCER:

2 A. I don't know if I can answer the question.

3 Q. You don't know whether or not somebody who
4 is the object of harassment and intimidation knows or doesn't
5 know that they are the object of it?

6 A. It is a matter of perception on that person's
7 part and whether or not they perceive that they are being
8 harassed or intimidated.

9 Q. All right. So let's go back and tell me
10 where do you find the source of the harassment and
11 intimidation, in the person who is receiving it or the
12 person who is sending it? Which constitutes harassment
13 and intimidation?

14 MR. BELTER: Do you understand the question?
15 I'm particularly referring to the word "which".

16 "Which" has no predicate in your question,
17 Tony. I think the problem we're having here is that you
18 and I and the other lawyers have been dealing with these
19 ethereal intellectual concepts for the last several weeks,
20 and you are going to have a confused record here asking
21 people this for the first time. We haven't attempted to
22 come up with a definition.

23 We recognize and you have on the record
24 that the craft personnel were not interviewed here, and
25 I'm not cutting off the questions, but I'm telling my

1 witnesses, if you don't understand the questions and can't
2 answer them, don't speculate here. I'm having difficulty
3 following you.

4 MR. ROISMAN: Well, part of your direct
5 exam was the question would you report any incident of
6 harassment and intimidation that was related to you.

7 MR. BELTER: Right. You can ask where you
8 have, give me examples, if you want --

9 MR. ROISMAN: Well, I'm trying to find out
10 whether these people had any firm idea of what was harassment
11 and intimidation so that if it was related to them they
12 would have known it.

13 MR. BELTER: Fine.

14 MR. ROISMAN: And I'm now trying to find
15 out from Ms. Spencer, and I'll ask the question again with
16 a predicate for which even clearer.

17 BY MR. ROISMAN:

18 Q. One person is engaging in conduct that he
19 intends to be harassing and intimidating. A second person
20 is the object of that conduct.

21 BY WITNESS SPENCER:

22 A. Uh-huh.

23 Q. Okay? In your judgment of what you understand
24 harassment and intimidation is, does it require anything
25 more than that the person who has the intent to harass

1 and intimidate has that intent? Does it also require that
2 the person who is the object believes that they are being
3 harassed and intimidated?

4 A. I believe so.

5 Q. It requires both?

6 A. It requires two parties.

7 Q. If the person who believes they are being
8 harassed and intimidated, if they have that belief and
9 the person who is harassing and intimidating them has no
10 intend to do it, in your definition of harassment and
11 intimidation, would that be harassment and intimidation?

12 A. No, I don't think so. It is an internal --
13 It is how that person internalizes that.

14 Q. So to you the harassment and intimidation
15 is dependent only on the objective event and not on how
16 the person receives the event?

17 MR. BELTER: Are you making a distinction
18 between the event and whether the person even perceives
19 the event? For example --

20 MR. ROISMAN: No. I'm not saying that they
21 don't know it happened. I'm saying they know the event
22 happened, and whether or not Ms. Spencer --

23 MR. BELTER: Uh-huh.

24 MR. ROISMAN: -- is telling me that given
25 that the event happened, it's still not harassment and

1 intimidation unless the person views it as harassment and
2 intimidation. And then I'm asking her the question does
3 the intent of the person who is engaging in the conduct
4 have anything to do with whether it is harassment and
5 intimidation, or is it all dependent upon what the person
6 who feels harassed and intimidated says?

7 MR. BELTER: Relate it back to the incidents
8 described in the interview sheet because we're only talking
9 here about what Ms. Spencer understands for purposes of
10 putting incidents down. It doesn't matter what you and
11 I and the Board may define.

12 BY MR. ROISMAN:

13 Q. In the Purdy Exhibit 42-1, one of the major
14 problems it identified, major problem No. 2 is, and I quote,
15 "There is a consistent feeling among QC inspectors that
16 the main emphasis of CPSES is production at all cost and
17 not on quality. Equipment is installed to take credit
18 for footage and production quotas. The fact that a high
19 percentage of this work must be redone is not being given
20 due consideration. This creates an atmosphere of arguments,
21 hot discussions, yelling and name-calling between craft
22 and QC, occasional threats, and even one act of violence."

23 Now, I assume that the "even one act of
24 violence" refers to the woman QC inspector that said that
25 she was grabbed by the collar.

1 BY WITNESS SPENCER:

2 A. Correct.

3 Q. Okay? And I believe it was your testimony
4 that that was an act of harassment and intimidation or
5 harassment -- Was it "harassment and" or "harassment or"?
6 Which is it?

7 A. I don't -- I would say it was harassment.
8 I don't know.

9 Q. What about occasional threats? Explain
10 to me in the context of your understanding of the meaning
11 of the phrase "harassment and intimidation" why occasional
12 threats are not in the context of this summary harassment
13 and intimidation.

14 A. Repeat the question.

15 Q. Why are occasional threats not harassment
16 and intimidation? I'm using the words "occasional threats"
17 as they appear in the summary which you participated in
18 preparing as it relates to the site electrical QC personnel.

19 A. That is a summary of all of the interviews
20 that were conducted. Is that your understanding?

21 Q. I understand that.

22 A. May I look at the document?

23 C. Uh-huh. Absolutely.

24 That is the front, and this doesn't have
25 Purdy Exhibit 42 marked on it, but it is the same.

1 A. A lot of this was probably somewhat of a
2 communication problem.

3 Q. I'm sorry. A lot of what was a communication
4 problem?

5 A. This portion of it right here [indicating].

6 Q. You mean -- I'm sorry.

7 MR. BELTER: The reference to the paragraph
8 you quoted, Mr. --

9 BY MR. ROISMAN:

10 Q. Was the communication problem between the
11 person being interviewed and the person conducting the
12 interview or between QC and craft?

13 BY WITNESS SPENCER:

14 A. Between the QC and craft personnel.

15 Q. Explain to me how a threat is a communication
16 problem.

17 A. Well, I think you'd have to ask me a specific
18 about what particular threat.

19 Q. Well, that is your summary, isn't it?

20 A. It is the board's summary, yes.

21 Q. And I believe your testimo _ was that you
22 participated in the preparation of those summaries.

23 A. Based on the interviews that I conducted,
24 yes.

25

1 Q. Now, you have no recollection of conducting
2 any interview with anybody that mentioned a threat?

3 A. No, I do not.

4 Q. How about you, Ms. Anderson?

5 BY WITNESS ANDERSON:

6 A. No, I do not.

7 Q. How about you, Mr. Boren?

8 BY WITNESS BOREN:

9 A. (Motioned negatively.)

10 Q. So none of you have any idea where that
11 phrase "occasional threats" could have come from in terms
12 of your own personal knowledge of an interview that you
13 conducted.

14 A. I haven't seen the data sheets or the interview
15 sheets in over five years. I haven't seen them since the
16 time that they were taken. So I do not recall any over the
17 past five years, the specifics on which that was put in
18 there from.

19 BY WITNESS SPENCER:

20 A. And I haven't looked at any of them that
21 I took notes on either since the original review process.

22 Q. Ms. Anderson?

23 BY WITNESS ANDERSON:

24 A. I don't recall the specific conversations
25 and events. I have looked at a couple of the interview

1 sheets, but I do not recall the specifics of the discussions.

2 Q. What about yelling and name-calling between
3 craft and QC? Ms. Spencer, do you have any recollection
4 of that?

5 BY WITNESS SPENCER:

6 A. No, I don't. I don't recall.

7 Q. Ms. Anderson?

8 BY WITNESS ANDERSON:

9 A. Not specifics.

10 Q. Mr. Boren?

11 BY WITNESS BOREN:

12 A. I recall that there were some of the people
13 that I talked to commented that there was name-calling
14 between QC and craft.

15 Q. Do you have any recollection of what you --
16 what that meant, name-calling?

17 A. Cursing between QC and craft. Most of the --
18 As I recall, most of the time in most of the instances
19 that they were talking about it was craft wanting QC to
20 do their inspections faster than what QC was performing
21 the inspections, and there would be shouting contests or
22 name-calling, cursing going on between them. But it was
23 usually even -- From what I recall questioning some of
24 the people that I interviewed, it was never more than that.

25 Q. By "more," what do you mean?

1 A. Oh, there was never any, you know, threats
2 of "I'm going to cut your wife's throat tonight," or, you
3 know, any -- what I would consider the be violent threats.
4 It was, "Hey, you SOB, where have you been? Why can't
5 you get over here and inspect this thing when we call you?
6 You know, you're holding up people that are doing the work
7 putting this thing together." That would be like from
8 the craft, and the QC people would feel harassed, intimidated
9 by it, but there was never usually -- That I recall, there
10 was never anyone that paid that much attention to it.

11 Q. Well, what do you think, and you testified
12 about your experience on construction sites. What do you
13 think is the impact on the person who is being name-called?
14 I mean, how do they feel based upon your experience?

15 A. Most of them mouth right back at the guy
16 that just mouthed to them and go on and forget about it.
17 I mean, it is no big deal one way or the other.

18 Q. Does it have anything to do with the relative
19 physical size or position in the hierarchy of the organization
20 as to who is making the statements as to how the person
21 might perceive them, in your judgment?

22 A. I guess that it could, but not in the context
23 that we're talking about here. We're talking about craft
24 and QC personnel. We're talking about, generally, people
25 of the same level.

1 Whoever the plant construction manager is,
2 if he goes out there, he's going to have more of an impact
3 on a craft person, say, talking to a QC guy than just the
4 common craft would.

5 Q. What about a craft foreman?

6 A. I don't think that he would have that much
7 more effect than the craft would.

8 Q. Ms. Spencer, what is your feeling about
9 yelling and name-calling between craft and QC? Does that
10 fit your definition? Could it fit your definition of harass-
11 ment and intimidation?

12 BY WITNESS SPENCER:

13 A. I wouldn't consider name-calling and yelling
14 harassment and intimidation.

15 Q. What would you consider it?

16 A. What would I consider it? Part of the job
17 or everyday activity. I'm sure it happens during the normal
18 course of a job, construction site.

19 Q. How about up at your office? Would you
20 see it differently if it happened up at your office?

21 A. No.

22 Q. Huh?

23 A. No.

24 Q. You'd see it the same.

25 A. Yeah

1 Q. If someone came up there and cursed you
2 out and told you to get moving on whatever it was you were
3 doing and not take so long with it, that would not, for
4 you, be harassing or intimidating?

5 A. No, I'm afraid it wouldn't.

6 Q. Would you do that to anybody yourself?

7 A. Me? No. I would -- In a joking manner,
8 I may call somebody a dummy or something, you know, but
9 no, I wouldn't consider it anyway harassment or intimidation.
10 And I wouldn't consider myself harassing or intimidating
11 somebody if I did something of a similar nature.

12 Q. If the person who was yelled at or had names
13 called with respect to, if they thought they were being
14 harassed and intimidated, would that change your view as
15 to whether you think that was harassing and intimidating?

16 A. If I hollered at somebody?

17 Q. No. No. Let's take you out of it for a
18 moment. Someone comes to you and they say in these interviews,
19 "I was yelled at, and I was called terrible names, and
20 it made me feel very uncomfortable about doing my job.
21 I didn't feel comfortable in doing my work with people
22 doing that, and it inhibited me."

23 They are telling you that, and you found
24 the person who did the name-calling. They said, "Nah."
25 They said what Mr. Boren said, "We do it all the time down

1 here. I don't want to harass or intimidate them at all."

2 In your definition of harassment and intima-
3 tion, would that be harassment and intimidation or not?

4 A. If it prevented somebody from doing their
5 job as they knew it. Is that the question?

6 If it prevented somebody, it may be considered
7 some form of harassment or intimidation.

8 Q. Even if it wasn't intended to, it just had
9 that effect.

10 A. Possibly. Possibly.

11 Q. Mr. Boren, what is the time frame in which
12 you developed a view as to what the phrase harassment and
13 intimidation means?

14 BY WITNESS BOREN:

15 A. You mean when did I?

16 Q. Uh-huh.

17 A. I guess we all have some type of a definition
18 of harassment and intimidation from probably the first
19 time that we have a boss.

20 Q. So you are saying for a long time you've
21 had a definition of that?

22 A. Yeah.

23 Q. Has it evolved much in recent years?

24 A. Oh, it probably changed some. I don't --
25 You know, I certainly didn't write it down back when I

1 first started work.

2 Q. Well, has it changed any in the last five
3 years, would you say?

4 A. I don't think so.

5 Q. And what is that? What is your definition
6 of harassment and intimidation?

7 A. Someone being either feels like that they
8 cannot properly perform their job because of either verbal
9 or physical threats on them.

10 Q. So that in your definition, looking at it
11 in the terms that Ms. Spencer testified, the critical element
12 is how the person receiving the action perceives what's
13 happening as opposed to what the person intended who did
14 it.

15 A. I think for it to really be true harassment
16 and intimidation, it has to be a combination of both.

17 Q. You must have both the intent and the
18 recipient's reaction to the intent?

19 A. Yes. To me, you do.

20 Q. Okay. And is it -- Are they in lockstep
21 with each other? In other words, if -- Let's say that
22 the actor only intends to just give a -- just a little --

23 A. I don't know who the actor is.

24 Q. Well, let's say a craft person.

25 A. Okay.

1 Q. All they really want to do is to give this
2 QC inspector a little scare.

3 A. Okay.

4 Q. That's all they've got in mind. They
5 certainly don't want him not to do his job, but they would
6 like it if he could do it a little faster.

7 The QC inspector, hearing this statement,
8 perceives it not as a little scare but a life-threatening
9 statement --

10 A. Uh-huh.

11 Q. -- and reacts as though they had been --
12 as though their life has been threatened, and they are
13 terribly upset and feel as though they cannot remain and
14 do their job at all properly for fear that they may lose
15 their life. So he's got an entirely different perception
16 than what the actor said.

17 A. Uh-huh.

18 Q. In looking at both sides of the equation,
19 how would you evaluate what -- What would we call that
20 event? First, would you call that harassment and intimidation
21 at all?

22 A. No. I'd call it a misunderstanding.

23 Q. So that wouldn't be harassment and intimidation?

24 A. Not to my mind.

25 Q. Okay. Well, that's the only mind we have

1 got for you to testify about. I'm not going to let you
2 testify about anybody else's mind.

3 Ms. Anderson, after the surveys were
4 completed, the 1979 surveys were completed, did you have
5 occasion to look at or become aware of what steps were
6 taken in response to the survey by management before you
7 did your May, 1980 follow-up audit?

8 BY WITNESS ANDERSON:

9 A. I don't recall the exact sequence. It was
10 before because it was used as part of the follow-up activities
11 but I don't know the exact time frame before.

12 Q. There were no particular events that --
13 or changes that took place at the plant that stick in your
14 mind, no major change that you can remember?

15 A. Not related to the follow-up activities?

16 Q. That's right. Not -- I'm not talking about
17 the TCP follow-up. I'm talking about any follow-up
18 activities to the Purdy Exhibit 42-1.

19 A. The activities that I participated in in
20 May were to look at actions that had been taken as a result
21 of those Purdy 42-1.

22 Q. Okay. And that's what I'm trying to find
23 out. When did you first become aware of what actions had
24 been taken in response to Purdy Exhibit 42-1? Was it as
25 they were occurring or at the time that you began to

1 do your TCP-7 follow-up?

2 A. It was probably as they were occurring.
3 I don't recall exactly.

4 Q. Do you recall what they were?

5 A. Not specifically.

6 Q. How about you, Ms. Spencer?

7 BY WITNESS SPENCER:

8 A. Would you repeat the question?

9 Q. Do you recall what the actions were that
10 were taken in response to Purdy Exhibit 42-1?

11 A. The only thing that I recall was that Tolson
12 had some what he called fireside chats with some of the
13 inspectors.

14 Q. Uh-huh.

15 A. That's the only information I recall.

16 Q. How about you, Mr. Boren?

17 BY WITNESS BOREN:

18 A. His fireside chats is the only thing I recall.

19 Q. Do you recall whether there were other things
20 and you just can't remember what they were, or do you think
21 that's all there were?

22 A. No. I wasn't implying that there wasn't
23 any other thing. I'm saying that that was the only thing
24 that I was really made aware of. There may have been other
25 things and I wasn't made aware of it. There was no reason

1 for them to make me aware of any of them.

2 Q. Okay. During this whole time between the
3 fall of 1979 and let's say the summer of 1980, were you
4 employed in Dallas during that whole time?

5 A. Yes.

6 Q. And you, Ms. Spencer, in Dallas?

7 BY WITNESS SPENCER:

8 A. In Dallas.

9 Q. And Ms. Anderson?

10 BY WITNESS ANDERSON:

11 A. Yes, in Dallas.

12 Q. Okay. How did it happen that you would
13 be made aware of the fireside chats, Ms. Anderson?

14 I'm sorry. You didn't remember.

15 Ms. Spencer?

16 BY WITNESS SPENCER:

17 A. I'm sure it was through just everyday
18 conversations. That's the only -- With Chapman or Tolson
19 or somebody.

20 Q. Were you working with Mr. Chapman at that
21 time?

22 A. Yes. I've always been employed by Mr. Chapman.

23 Q. And how about you, Mr. Boren? How would
24 you have become aware of the fireside chats?

25 //

1 BY WITNESS BOREN:

2 A. Mr. Tolson told me that he was doing some
3 of the follow-up on the early, what do you want to call
4 it, report summaries that were put out, and he was having
5 some early morning, as he called them, fireside chats.

6 Q. Would you expect that he would have told
7 you if he was doing anything else of any significance?

8 A. Not necessarily.

9 Q. Why do you think he told you about the fireside
10 chats?

11 A. Just as a matter of conversation.

12 Q. You mean not in any way related to the fact
13 that you were one of the authors of the management review
14 report?

15 A. No. That had nothing to do with it. It
16 was just over dinner. He started some of those quite early
17 after we finished issuing these reports, in fact.

18 Q. Mr. Boren, when did you join the TUGCO organi-
19 zation?

20 A. How exact do you want?

21 Q. Give me the year or the decade.

22 A. Roughly, 1973.

23 Wait a minute. What do you mean by TUGCO
24 organization?

25 Q. Well, I'm sorry. I realize that's -- Any --

1 TUGCO or any of its affiliate organizations.

2 A. 1956, roughly, was the first, as I recall.

3 Q. When did you have your first connection
4 with any nuclear facility?

5 A. 1972 or '3. '3, I think.

6 Q. And that was which facility?

7 A. Comanche Peak.

8 Q. And were you on the site at one time?

9 A. No, sir.

10 Q. You've always been in Dallas?

11 A. Yes, sir.

12 Q. Your on-site construction experience, then,
13 is with non-nuclear facilities?

14 A. Yes.

15 Q. Based upon your current knowledge about
16 nuclear facilities, do you feel that there is any sub-
17 stantive difference between the potential implications
18 of harassment and intimidation at a nuclear facility as
19 opposed to a non-nuclear construction site?

20 MR. BELTER: I'm going to object, Tony,
21 unless you can define "substantive" for me. I have no
22 idea what you mean.

23 BY MR. ROISMAN:

24 Q. Well, I mean is there -- Is it more important
25 to prevent harassment and intimidation at a nuclear facility

1 than it would be at the average construction site in your
2 experience?

3 BY WITNESS BOREN:

4 A. I think it is always important to prevent
5 harassment and intimidation no matter where it occurs.

6 Q. Okay. Now, my question was: Is it more
7 important to prevent it at a nuclear facility in which --
8 than it is in the average construction site?

9 A. Again, I'll answer you I think that it is
10 important to prevent harassment and intimidation regardless
11 of where it occurs. I don't think that it is the -- what
12 you are building should have anything to do with it.

13 Q. So the fact that the nuclear facility is
14 built under some federal regulations that prohibit
15 harassment and intimidation whereas many other construction
16 sites there's no such prohibition doesn't make any difference
17 to you in terms of whether it is important to prevent it.

18 A. That's right.

19 Q. They are equally important.

20 A. Yes.

21 Q. Did you-all participate in the decision
22 to do the interviews without having the interview sheet
23 disclose the name of the person who had been interviewed?
24 Was that part of the decision? Did any of you --

25 A. What is your question, again?

1 Q. Did any of you participate in the decision
2 to have these interviews conducted, the 1979 interviews
3 I'm talking about now, without having the name of the person
4 disclosed -- who was being interviewed disclosed on the
5 interview sheet?

6 A. Did we have any?

7 Q. Input into making that decision.
8 Ms. Anderson?

9 BY WITNESS ANDERSON:

10 A. I don't recall specifically. It was
11 discussed and basically that's what was agreed upon, but
12 I don't recall specific input.

13 Q. Ms. Spencer?

14 BY WITNESS SPENCER:

15 A. I don't recall.

16 Q. Mr. Boren?

17 BY WITNESS BOREN:

18 A. Yes, I recall.

19 Q. Okay. What do you recall?

20 A. I recall Mr. Tolson and Mr. Chapman and
21 I believe Mr. Vega and myself decided not to put the names
22 on the interview sheets to keep it as strictly confidential
23 as possible.

24 Q. And why? Why did you make that decision?

25 A. We felt like that with as much confidentiality

1 as we could obtain in something like this we would get the
2 people to open up better and tell us more about what was
3 going on and any problems that they would be having out
4 there in construction than any other way, and so our attempt
5 was to try to do that.

6 Q. Is it not the case that every employee at
7 the plant site and certainly QC employees are obligated
8 to report any problems that they know exist that would
9 interfere with them fulfilling their responsibilities?

10 A. Yes.

11 Q. What made you think that these employees
12 would be in any way reluctant to do that openly, just stand
13 up, say their names, tell you their problems?

14 A. Repeat the question.

15 Q. What made you feel that any of these
16 employees would be reluctant to tell you any problems that
17 they perceived at the site? I think your words were --

18 A. I'm not saying that it would make them feel
19 less reluctant. I'm just saying that we felt like it would
20 make them feel more comfortable.

21 Q. In what way? Would you expect -- Well,
22 let me take a hypothetical.

23 If you asked them, "Do you love your country,"
24 do you think you would need to give them anonymity in order
25 to make them feel more comfortable to answer that question?

1 A. Do what?

2 Q. If you asked them the question, "Do you
3 love your country," do you think you would have to give
4 them anonymity in order to make them feel more comfortable
5 in answering that question?

6 A. No.

7 Q. Then why would you think you'd need to give
8 them anonymity in order to make them feel more comfortable
9 in answering the question do you think there are any problems
10 here at the plant site?

11 A. The reason that we were doing it was so
12 that -- We didn't want to and didn't want them to feel
13 like that we would immediately run out and say, "Hey, do
14 you know that old Joe Blow over here, he said this? He
15 went out and told those people over there that this craft
16 person said that he was intimidating him."

17 We didn't want that type of rumors to get
18 out.

19 Q. Why not?

20 A. Why would we?

21 Q. Well, fortunately for me, I don't have to
22 answer the questions. Unfortunately for you, you do.

23 Why not? Why would you not want to have
24 that --

25 A. I don't think that it is a good healthy

1 working atmosphere to have rumors going around that aren't
2 true and can't be really substantiated, and to make these
3 interviews publicly known to all of the plant personnel,
4 all four or five or six thousand of them, would have done
5 just that.

6 Q. No. I only asked you the question why did
7 you need to have anonymity, not whether you should publish
8 the interviews in The Circuit Breaker.

9 Why did you have to --

10 A. Well, you were relating the two together.

11 Q. No. No. I wasn't at all. In fact, until
12 just this minute, I never even said anything about
13 The Circuit Breaker.

14 I want to know why you felt that you needed
15 to have anonymity on the interview. Why couldn't the inter-
16 view sheets, kept confidential to those people who were
17 on the management review team and Mr. Tolson and Chapman
18 and some of the other upper management people, why shouldn't
19 the names of each person have been at the top and say,
20 "Smith complained of this and that"?

21 MR. BELTER: Tony, you are arguing with
22 him.

23 MR. ROISMAN: No. I'm asking him the question.

24 MR. BELTER: He's already -- He's already
25 answered the question.

1 WITNESS BOREN: I answered the question.

2 MR. ROISMAN: No.

3 WITNESS BOREN: Yes, I did. I answered
4 your question, and I told you that we felt like it would
5 let the people open up more.

6 BY MR. ROISMAN:

7 Q. And I'm asking you what was it that made
8 you believe that was so. Now, that's the question you
9 haven't answered yet.

10 BY WITNESS BOREN:

11 A. I don't know, then. We just felt like that
12 it would be better, a better atmosphere and would let the
13 people open up more by not having their names identified
14 on the sheet.

15 Q. Ms. Anderson, when you did the interviews
16 that formed the TCP-7 follow-up, did you also follow the
17 approach of anonymity with regard to the people who you
18 interviewed?

19 BY WITNESS ANDERSON:

20 A. I believe so, but I don't recall specifically.

21 Q. Do you recall anything very specifically
22 about either the surveys or the TCP-7 follow-up, or would
23 it be fair to say that most of it is not in your memory
24 any longer?

25 A. That's a pretty fair statement as far as

1 specific details and people.

2 Q. Do you remember if you used in the TCP-7
3 audit follow-up the same questionnaire as the one that
4 you used in the survey questions back in 1979?

5 A. I don't remember.

6 Q. Do you know what happened to the actual
7 interview sheets that were -- that you used to take the
8 information down when you did the TCP-7 follow-up interviews?

9 A. No, I don't remember.

10 Q. Were you the only one who conducted those
11 interviews?

12 A. No. They were conducted jointly between
13 myself and Mr. Vega. We worked as a team.

14 Q. So both of you went and interviewed each
15 of the people who was interviewed?

16 A. Yes.

17 Q. Did you both take notes?

18 A. As I remember, we switched off. One person
19 would do the talking and one person would take the notes,
20 and then we would switch.

21 Q. Did you go to the plant site to do them,
22 or did you have the people come to Dallas?

23 A. We went to the plant site.

24 Q. Do you remember if you interviewed them
25 in the same setting as what -- as you had interviewed

1 the people during the '79 survey?

2 A. I believe we brought them individually into
3 an office to talk with them. It was the same.

4 Q. But that was the same.

5 MR. MIZUNO: Can I request a short restroom
6 break at this point?

7 MR. ROISMAN: Sure.

8 MR. BELTER: You can request it, but you
9 won't get it from me.

10 (A short recess was taken.)

11 BY MR. ROISMAN:

12 Q. I believe you-all testified, all of you,
13 that it was your understanding that your notes were not
14 going to be retained and you thought that they were going
15 to be destroyed.

16 Is that correct, Ms. Anderson?

17 BY WITNESS ANDERSON:

18 A. Yes.

19 Q. Ms. Spencer?

20 BY WITNESS SPENCER:

21 A. Yes.

22 Q. Mr. Boren?

23 BY WITNESS BOREN:

24 A. Yes.

25 Q. Do you remember, any of you, why that was

1 going to happen? Why did you believe that was going to
2 happen?

3 Ms. Anderson, I'm sure --

4 MR. BELTER: Well, is your question --

5 MR. ROISMAN: The reason they were supposed
6 to be destroyed.

7 MR. BELTER: -- knowing that this was going
8 to happen, did that affect the way they -- the care they
9 took in making them, or is it -- I've got a chicken and
10 egg problem with your question.

11 MR. ROISMAN: Okay. Well, I'm just trying
12 to -- For right now, I'm just trying to find out what was
13 the reason, as they understood it, that the notes were
14 going to be destroyed. Why were the notes going to be
15 destroyed as opposed to saved or attached to the final
16 summaries or --

17 MR. BELTER: As opposed to going into it
18 with the concept that you are creating a permanent record?

19 MR. ROISMAN: Yeah.

20 MR. BELTER: Okay.

21 BY MR. ROISMAN:

22 Q. Ms. Spencer, do you have a recollection
23 of --

24 BY WITNESS SPENCER:

25 A. Not as to why they were going to be --

1 we expected them to be destroyed, no.

2 Q. Mr. Boren?

3 BY WITNESS BOREN:

4 A. The -- What was supposed to have been
5 destroyed, and it was from the standpoint of the keeping
6 anonymous who said what on these interview sheets, was
7 the cross-reference sheet.

8 Q. Not the interview notes?

9 A. Not the interview notes themselves. The
10 interview notes, you know, I mean they could be kept, and
11 if you didn't know who said what and so forth, it would
12 make no difference.

13 There was no attempt or whatever as far
14 as I know to ever really destroy those. What was going
15 to be destroyed was the cross-reference sheets that identified
16 the code letter at the top to the individual.

17 Q. Ms. Anderson, when you did your --

18 MR. BELTER: Do you have the same question
19 for her about the understanding of why the notes were to
20 be destroyed?

21 MR. ROISMAN: You mean do I have it for
22 Ms. Anderson?

23 MR. BELTER: Yeah. I mean, if she needed
24 to answer, I don't think she did.

25 WITNESS ANDERSON: I forgot to answer.

1 MR. ROISMAN: I thought she and I had an
2 understanding that she didn't remember, and I didn't feel
3 like subjecting her to one more of those. If you want
4 me to ask her that --

5 MR. BELTER: I'm sorry. I may have missed
6 it.

7 MR. ROISMAN: -- then I'll do that.

8 WITNESS ANDERSON: I'll answer the question.

9 BY MR. ROISMAN:

10 Q. Good. Okay.

11 A. Okay. No. Basically, the summaries were --
12 The notes were an attempt just to take down anything and
13 everything, and the summaries were to document what came
14 out of those notes. There was no need to keep the notes.

15 Q. So your recollection different from
16 Mr. Boren's is that the notes themselves as well as the
17 cross-index sheet were to have been destroyed?

18 A. Yes.

19 Q. When you did the follow-up interviews, I
20 think you've already testified that those two were done
21 anonymously; is that correct?

22 A. As best I remember.

23 Q. Right. And do you remember whether a cross-
24 index sheet was kept for those so that if Mr. Chapman or
25 Mr. Tolson or Mr. Vega wanted to cross-reference them,

1 they could.

2 A. I don't believe there was, no.

3 Q. Was any attempt made to match up the sample
4 that you had interviewed with any of the people who had
5 expressed concerns back in the 1979 interview?

6 A. As far as developing the sample?

7 Q. Well, no, not so much developing it. I
8 believe you had already testified that it was -- that you
9 don't know exactly how it was done, but you think it was
10 at random. No. But, rather, after you got the results
11 to see have we got a person here who had one set of concerns
12 in '79 and now has expressed in '80 that they are all gone.
13 Was there any effort made to do that?

14 A. I don't recall that there was.

15 MR. ROISMAN: Well, subject to looking at
16 this and wanting to have a chance to ask some subsequent
17 questions, I have no further questions for this panel at
18 this time.

19 MR. BELTER: Geary?

20 MR. MIZUNO: Yeah, I have some.

21 MR. ROISMAN: Do you want this?

22 MR. MIZUNO: Before I ask questions, I guess,
23 from understanding the testimony of the witnesses, these
24 people are being proffered just to provide information
25 on how the 42-1, the management review board interviews

1 were conducted, but not to discuss what higher management
2 did with the results of the interviews.

3 MR. BELTER: That's correct. But there
4 were some questions asked --

5 MR. MIZUNO: Right.

6 MR. BELTER: -- and answered about what
7 knowledge they may have had about the response.

8 MR. MIZUNO: And there will be further
9 witnesses? You will be presenting further evidence on
10 that later?

11 MR. BELTER: I don't know.

12 MR. MIZUNO: You don't know.

13 MR. ROISMAN: I believe, just so the record
14 is clear --

15 MR. BELTER: Mr. Tolson testified about
16 it in his deposition.

17 MR. ROISMAN: That's correct. And you
18 indicated that Messrs. Vega and Purdy might --

19 MR. BELTER: I indicated Mr. Vega and
20 Mr. Purdy were basically part of the same panel, Mr. Purdy
21 to a lesser extent, and we do intend to present testimony
22 on other subjects from them this week. And I think it
23 is fair to say if you've got questions of them along the
24 same lines here, you'd be free to ask it. I don't know
25 whether I have or not. In all likelihood, it would be

1 cumulative here. It may not.

2 MR. MIZUNO: Okay.

3 CROSS-EXAMINATION

4 BY MR. MIZUNO:

5 Q. Members of the panel, were you told the
6 reason why these management review board interviews were
7 being conducted?

8 BY WITNESS ANDERSON:

9 A. I don't remember the specific reasons.

10 BY WITNESS SPENCER:

11 A. As best I recall, there was a newspaper
12 article or NRC report or something that identified low
13 morale for plant employees, and in response to that, the
14 review board performed the interviews to find out if that
15 was true.

16 Q. Mr. Boren?

17 BY WITNESS BOREN:

18 A. The best I recall, Mr. Tolson wanted to
19 know was there any problems out there with these QC
20 inspectors -- He and I were discussing it -- and what
21 the best way would be to find out if we did have any problems,
22 morale problems, how deep did they go and these sort of
23 things, and I suggested this type of arrangement to do it.

24 MR. ROISMAN: Before you go on any further,
25 it seems to me that that is clear hearsay, and Mr. Tolson

1 has already testified as to why this was done. These witnesses
2 understanding of why they thought it was done, I don't
3 see -- It is either irrelevant or it is hearsay.

4 And you got one question and you got one
5 answer, and if that's all you've got, we can just go by
6 it. If this is going to be a line of questions, I'd like
7 you to explain where you are headed and why it is appropriate.

8 MR. MIZUNO: Okay. I guess I was going
9 to clarify with Ms. Spencer and Mr. Boren where they received
10 their knowledge about the purpose of that, and I was going --
11 I believe that it is relevant to the question as to how
12 they then went in and actually conducted the interview.

13 I don't know whether there's a line of
14 questions that I'm going to develop on that.

15 MR. BELTER: Well, why don't you go on to
16 the next question and see where we wind up?

17 MR. ROISMAN: Well, let's try one more.
18 It looks to me like you are skating on thin ice.

19 BY MR. MIZUNO:

20 Q. Okay. Ms. Spencer, this discussion -- You
21 indicated that you believe that the management review board
22 interviews were a result of some NRC --

23 BY WITNESS SPENCER:

24 A. Report.

25 Q. -- report.

1 Who told you that?

2 A. Who told me that?

3 MR. BELTER: If you recall.

4 BY MR. MIZUNO:

5 Q. Let me take that back.

6 Was this made known to you at the time that
7 you were told to do these interviews?

8 BY WITNESS SPENCER:

9 A. I don't recall.

10 Q. Do you recall who told you that?

11 A. No, I sure don't, not specifically.

12 Q. Mr. Boren, you indicated that you discussed
13 the -- I believe you talked about Mr. Tolson and some
14 discussions with -- Those discussions were with you?

15 BY WITNESS BOREN:

16 A. Mr. Tolson and I?

17 Q. Yes.

18 A. Yes.

19 Q. Okay. Did you have similar discussions
20 with Mr. Chapman or Mr. Vega regarding the --

21 A. I believe Mr. Tolson -- Either Mr. Tolson
22 then had discussions with Mr. Chapman, or Mr. Tolson and
23 myself had discussions with Mr. Chapman. I don't remember.

24 Q. Okay. You don't recall whether you had --

25 A. I did not go in and approach Mr. Chapman

1 with it. It was either with -- By myself, I mean. It
2 was either with Mr. Tolson, at his suggestion, or either
3 he himself did it.

4 Q. Okay.

5 A. Mr. Vega was not, I would say, in the
6 discussions at that point in time, as I recall.

7 Q. Okay. Now, although I might appear to be
8 asking the same question, it is a slightly different question.

9 Were you told what you were supposed to
10 do as part of this interview process?

11 A. What do you mean?

12 Q. As far as were you told that you were to --
13 I take that back.

14 Did anyone tell you whether you were supposed
15 to merely summarize what the QC inspectors told you, or
16 were you told to do something else?

17 A. Just that.

18 Q. Just that.

19 And, Ms. Spencer?

20 BY WITNESS SPENCER:

21 A. I don't recall specifically.

22 BY WITNESS ANDERSON:

23 A. I don't recall specifically.

24 Q. Okay.

25

//

1 BY WITNESS BOREN:

2 A. Are you talking about on writing down on
3 the interview sheets?

4 Q. Right.

5 A. We were just summarizing what the people
6 told us.

7 Q. Okay. Is that, in fact, what you did?

8 A. Yes.

9 BY WITNESS SPENCER:

10 A. That's what I did, yes.

11 Q. Okay. And --

12 BY WITNESS ANDERSON:

13 A. Yes. That's what I did.

14 Q. Okay. You didn't screen what people were
15 telling you? In other words, let's suppose someone told
16 you that they felt there was a problem. You in your mind
17 did not say, well, I don't think that that's a problem
18 and then not write it down on the interview sheet. Is
19 that --

20 BY WITNESS BOREN:

21 A. You know, when you are summarizing -- I
22 don't know how I can answer that.

23 Q. Okay. Let's say there was a specific
24 incident which a QC inspector told you about and indicated
25 that he wanted to bring this out.

1 A. Okay. No. As I understand, if you're talking
2 about specific instances, no, not that I recall did I not
3 write any of those down.

4 Q. Okay.

5 A. Okay. If you're talking about just the
6 general flow of conversation did I capture every thought
7 that came out and that he said, then, you know, I don't
8 know.

9 Q. Okay. Ms. Spencer?

10 BY WITNESS SPENCER:

11 A. Basically, the same. I mean, I take notes
12 like you are taking notes. Are you -- Well --

13 Q. Okay.

14 BY WITNESS ANDERSON:

15 A. The same thing here. Basically, getting
16 down the idea of what was said in phrases, words, whatever,
17 but not an intent to take dictation of every word that's
18 said.

19 Q. Okay. Now, I understand that all three
20 of you participated in actually drafting the summaries
21 which are contained in -- which are Purdy Exhibit 42-1.
22 Is that okay?

23 BY WITNESS BOREN:

24 A. Yes.

25 BY WITNESS ANDERSON:

1 Q. When you were preparing these summaries,
2 did you use your notes that you -- the notes of the
3 interviews?

4 BY WITNESS ANDERSON:

5 A. Yes.

6 BY WITNESS BOREN:

7 A. Yes.

8 BY WITNESS SPENCER:

9 A. Uh-huh.

10 Q. Now, from going from the notes to the
11 summaries, did you perform a screening function? And by
12 "screening function," again, saying -- looking through
13 your notes and saying is this -- taking an incident and
14 saying, well, this is not really a problem and not including
15 it in your summary.

16 BY WITNESS BOREN:

17 A. I guess you'd have to say yes, to some degree.
18 You are going from the notes, and I don't know how many
19 people was in each one of those groups now, but if you
20 had 50 in a group and you were trying to take and condense
21 that down to something that management or Mr. Tolson can
22 understand and do something about. Okay. That was the
23 purpose for the whole thing. So you were trying to take
24 that and condense it down into something that would be
25 meaningful for him, and if you got one guy out there that

1 says, "I don't like to park way back on the back parking
2 lot" out of 50, then, no, that would not show up in the
3 summary sheet to Mr. Tolson.

4 MR. ROISMAN: Mr. Mizuno, were you aware
5 that the Applicant produced the original interview sheets?

6 MR. MIZUNO: No. I have not received those.

7 MR. BELTER: You've got them.

8 MR. ROISMAN: We have them, and I assume
9 that you have them.

10 MR. MIZUNO: Well, the fact that I have
11 the original summary sheets does not --

12 MR. ROISMAN: I know.

13 MR. BELTER: You have the interview sheets,
14 too.

15 MR. MIZUNO: But that's still not important.
16 I want to --

17 MR. BELTER: I don't have an objection.

18 MR. ROISMAN: No. No. I just wasn't aware
19 whether you knew that, that they were out there.

20 MR. MIZUNO: No. I don't -- I recall someone
21 saying in one of these depositions that they had just found
22 these sheets, the interview notes, and --

23 MR. BELTER: No, Geary. I want to make
24 the record clear. That didn't occur during the course
25 of the depositions. It occurred before the depositions.

1 MR. MIZUNO: Well, the first time I heard
2 about it --

3 MR. BELTER: And I gave copies of all these
4 interview sheets specifically before these depositions
5 began because I remember very well building up my forearms
6 lugging it over to you guys.

7 Excuse me.

8 MR. MIZUNO: It might not have gone to me
9 personally. I'm just stating that I don't know personally.
10 I haven't seen them.

11 MR. BELTER: I'm a little bit defensive
12 about discovery in this case. Forgive me.

13 BY MR. MIZUNO:

14 Q. Okay. Mr. Boren, if someone described to
15 you an incident and said that they -- Well, let me ask
16 you something.

17 Did anyone describe to you an incident
18 and indicate to you that they felt harassed or intimidated
19 by it?

20 BY WITNESS BOREN:

21 A. Not to the point -- No. I never talked
22 to anyone that felt like that things that were being said
23 out from the craft to the QC affected their job and what
24 they were doing.

25 MR. ROISMAN: This has been asked and

1 answered. It was in the direct. The witnesses have already
2 answered the question.

3 MR. MIZUNO: Well, I'm getting to a different

4 BY MR. MIZUNO:

5 Q. Did you --

6 (Pause.)

7 MR. MIZUNO: Let me take a break here. I
8 want to look something over.

9 MR. BELTER: Have you got much more, Geary?

10 MR. MIZUNO: Well, the problem that I have --
11 is -- Are we off -- Can we go off the record just one second?

12 MR. BELTER: Sure.

13 (Discussion off the record.)

14 MR. BELTER: Back on the record.

15 BY MR. MIZUNO:

16 Q. Did you perform any screening function when
17 you transferred your -- when you prepared the summary sheets?

18 BY WITNESS SPENCER:

19 A. There was somewhat of a screening. We
20 summarized a concern. We determined if there were a number
21 of those concerns. We didn't write each of the concerns
22 down if they were the same type concern, you know, that
23 dealt with pay or a concern about pay or something. I
24 mean, that type of thing was generalized. That's the screen-
25 ing process, as I recall, that we went through in transferring

1 information from the notes to the summaries.

2 Q. Okay. Ms. Anderson?

3 BY WITNESS ANDERSON:

4 A. That's basically the same screening process
5 I recall.

6 Q. Okay. Were you told specifically to look
7 for -- Excuse me. Drop that.

8 In your minds, do you perceive a difference
9 between the concept of harassment and the concept of
10 intimidation?

11 BY WITNESS BOREN:

12 A. Who is he asking?

13 Q. All of you..

14 MR. BELTER: Why don't you pick a victim
15 to start with?

16 WITNESS BOREN: Which one do you want to
17 start with?

18 Yes. There is a difference to me. Intimida-
19 tion is worse than harassment.

20 BY MR. MIZUNO:

21 Q. Okay. And what do you mean by "worse"?

22 BY WITNESS BOREN.

23 A. More severe.

24 Q. Okay. Severe in terms of --

25 A. Harassment --

1 Q. -- the action being --

2 A. Harassment is more of an interfering with
3 you doing your job maybe properly. Intimidation can --
4 to me, can lead up to threatening. That's what I mean
5 by more severe.

6 Q. Ms. Spencer?

7 BY WITNESS SPENCER:

8 A. I think the significance of harassment and
9 intimidation and threats are just that, more significant.
10 Harassment is the least [unintelligible].

11 THE REPORTER: I'm sorry. I can't hear you.

12 WITNESS SPENCER: I'm sorry..

13 MR. BELTER: Did you get her answer down?

14 THE REPORTER: Not the last few words.

15 MR. BELTER: The last few words of your answer,
16 Mr. Spencer. I believe you were giving us a one, two, three
17 in terms of severity.

18 WITNESS SPENCER: The severity would be
19 harassment is the least severe, moving to intimidation
20 and threats being the most severe.

21 BY MR. MIZUNO:

22 Q. Okay. Ms. Anderson?

23 BY WITNESS ANDERSON:

24 A. I will agree with that description.

25 Q. Ms. Spencer's?

1 A. Ms. Spencer's, yes.

2 Q. Okay. Okay. Once you prepared all these
3 summaries contained in 42-1 and you submitted them, were
4 you responsible for any further assessment of the content,
5 the concerns which were summarized in 42-1?

6 BY WITNESS ANDERSON:

7 A. What do you mean by "assessment"? I'm not
8 sure I understand the question.

9 Q. Okay. The concerns which were expressed
10 in 42-1 --

11 A. Right.

12 Q. Okay. Once you had finally finished
13 compiling these and you had submitted them to higher manage-
14 ment, were you consulted or did you participate in any
15 further action with regards to 42-1?

16 A. As I stated, I participated in some follow-
17 up activities.

18 Q. That was it?

19 A. Specifically, yes.

20 Q. Okay.

21 A. There may have been discussions in general
22 within the QA organization about actions taken, but I don't
23 remember those specifically.

24 Q. Do you recall being in any meetings in which
25 you presented the results of 42-1 and gave your interpretation

1 of what it all meant?

2 A. I don't recall such a meeting.

3 Q. Ms. Spencer, the same question.

4 BY WITNESS SPENCER:

5 A. I don't recall.

6 Q. Mr. Boren?

7 BY WITNESS BOREN:

8 A. What was the question?

9 Q. Okay. The question is: Once you had finished
10 compiling the summaries in Purdy 42-1 --

11 A. Okay.

12 Q. -- and had submitted it --

13 A. Yes.

14 Q. -- did you participate in any further follow-
15 up action with regards to the concerns which were expressed
16 in the document?

17 A. No.

18 Q. Do you recall participating in any meeting
19 or conversation in which you explained the concerns that
20 were identified in 42-1 and gave your assessment of this
21 document?

22 A. Yes.

23 Q. And who was that with?

24 A. It was with our upper management.

25 Q. Can you recall any specific persons?

1 A. Mr. Bob Gary and Lew Fikar.

2 You want to spell it for her?

3 BY WITNESS SPENCER:

4 A. F-i-k-a-r.

5 Q. This was in a face-to-face meeting with
6 these gentlemen?

7 BY WITNESS BOREN:

8 A. Yes. They -- You know, they were sitting
9 on one side of the table and I'm sitting on the other.

10 Q. Okay.

11 A. We had those documents, and we presented
12 the summary of the entire package on what we had found.

13 Q. Okay. You said "we presented the summary."
14 Who were those other people?

15 A. I believe Mr. Vega was there. Mr. Chapman
16 was also there.

17 Q. Okay. Did you have any discussions prior
18 to this meeting with Mr. Vega or Mr. Chapman concerning
19 42-1?

20 A. About what?

21 Q. Just about what I'm just saying.

22 A. I mean, we discussed it, I guess, but that's,
23 you know -- They had copies of it by that time.

24 Q. Okay. Once they received copies --

25 A. Mr. Vega, obviously, his name is signed

1 to it, and Mr. Chapman received a copy of it.

2 Q. Yes. I'm not asking you whether they received
3 a copy or not, though.

4 A. Okay.

5 Q. The question is whether you spoke with
6 Mr. Chapman or Mr. Vega prior to this meeting with
7 Mr. Fikar and Mr. Gary --

8 A. Mr. Vega --

9 Q. -- the subject of those meetings or
10 conversations being 42-1.

11 A. Mr. Vega participated with me in the
12 presentation of this document.

13 Am I -- What is his question, Len? I don't
14 understand, I guess.

15 MR. BELTER: Yeah. If you don't understand
16 the question, then don't answer it. Okay? Just say you
17 don't understand.

18 WITNESS BOREN: I'm trying to answer the
19 question, but maybe I don't -- From the look on your face,
20 somewhere I'm missing something.

21 MR. BELTER: When you said "your face,"
22 are you looking at Mr. Mizuno?

23 WITNESS BOREN: Yes.

24 MR. BELTER: Thank you. I hope I don't
25 have a quizzical look on my face.

1 Geary, are you trying to get from him was
2 there a preparation session before they went into the meeting
3 with --

4 MR. MIZUNO: Yes.

5 MR. BELTER: Well, why don't you ask that?

6 MR. MIZUNO: I don't have to use those --
7 I just asked a meeting --

8 MR. BELTER: Oh.

9 MR. MIZUNO: -- or a conversation. What
10 could be clearer? Do I have to use --

11 MR. BELTER: People talk to each other every
12 day about a hundred things. That's where you're confusing
13 him. You've got to make it a specific question or he doesn't
14 understand it.

15 Mr. Boren, if you don't understand a question,
16 just don't answer it and say you don't understand it.

17 WITNESS BOREN: No. I --

18 MR. MIZUNO: I think that's a fairly clear
19 question, did you have a meeting or a conversation --

20 MR. BELTER: This man has obviously had
21 probably 20 or 30 meetings --

22 MR. MIZUNO: He can say that.

23 MR. BELTER: -- and 10 years ago he had
24 meetings, Geary. You've got to direct his attention to
25 a specific time and ask a specific question.

1 MR. MIZUNO: I asked him a specific time,
2 prior to the meeting --

3 MR. BELTER: Ask your question again. Just
4 ask it.

5 MR. MIZUNO: -- with Mr. Gary and Mr. Fikar.
6 If there were many meetings, he can say so, and we can
7 talk about each of those or --

8 MR. BELTER: Ask a question.

9 MR. ROISMAN: Can I just have a clarification?
10 I thought you had testified that the people
11 there were Mr. Gary, Mr. Fikar and Mr. Clements.

12 WITNESS BOREN: No.

13 MR. BELTER: No. Clements was not onboard
14 then.

15 MR. ROISMAN: Okay.

16 WITNESS SPENCER: I think he said Chapman.

17 MR. BELTER: Chapman.

18 WITNESS BOREN: I said -- We were talking
19 about upper management --

20 MR. ROISMAN: Who was present at the meeting.

21 WITNESS BOREN: -- at the meeting, and that
22 was Mr. Gary and Mr. Fikar, as I recall. And then he
23 asked me something about who else was at the meeting --

24 MR. ROISMAN: That's fine. I just wanted
25 to get my notes straight. I don't want to interrupt.

1 I'm sorry.

2 WITNESS BOREN: Whoever it was, Chapman
3 and Vega.

4 We did not have any other meetings. This
5 meeting -- Other than that one, as far as I recall, that
6 was the one and only meeting to let them know because they
7 wanted to keep informed on everything at Comanche Peak
8 and what we found on this.

9 BY MR. MIZUNO:

10 Q. Okay. You're saying you had no other
11 meetings, meaning no other meetings with Mr. Vega or
12 Mr. Chapman?

13 BY WITNESS BOREN:

14 A. Not that I recall.

15 Q. Okay. Do you recall any conversations that
16 you had with Mr. Vega and Chapman prior to this meeting
17 with Mr. Fikar and Mr. Gary on 42-1?

18 A. (Motioned negatively.)

19 Q. You don't recall talking with them at all
20 prior to going to this meeting with Mr. Fikar and Mr. --

21 A. Mr. Vega and I might have sat down and gone
22 over, you know, he was going to present this part and I
23 was going to present that or something like that, but that
24 was -- But Mr. Chapman wasn't involved with any of those,
25 as I recall.

1 Q. Okay. Once you -- Once you had the meeting
2 with Mr. Fikar and Mr. Gary, did you have any further ,
3 discussions, either conversations or additional meetings,
4 with Mr. Chapman or Mr. Vega on 42-1?

5 A. You mean --

6 Q. After the meeting.

7 A. No, not that I recall.

8 Q. Did you have any further meetings on 42-1
9 with Mr. Gary and Mr. Fikar, subsequent meetings?

10 A. No.

11 Q. Okay. At this meeting that you attended
12 with Mr. Fikar and Mr. Gary, were you -- What did you say
13 at that meeting, or can you summarize what you said?

14 A. We essentially took those sheets and high-
15 lighted those, the items on those sheets that fell
16 consistent problems between groups -- Okay? Are you with
17 me?

18 You're confused.

19 Q. No. No. I'm listening.

20 A. Okay. And I put those on an opaque projector,
21 flashed them up on the wall, and we went through them.

22 Q. Okay. I take it that not every concern
23 that was listed in the 42-1 was flashed on the wall on
24 an opaque projector.

25 A. No.

1 Q. Now, were you the person that selected which
2 things you felt should be highlighted?

3 A. Mr. Vega, I think I said, and I probably
4 got together, as I recall, beforehand and went through
5 the thing and made the selection.

6 Q. Okay.

7 A. It was primarily trying to give a representa-
8 tion as to what that was on the whole QC, not QC concrete
9 or QC electrical but QC. So we tried to look at it from
10 an overview standpoint of the entire group.

11 Q. Okay. Did you present concerns just
12 generally, or did you talk about concerns in specific
13 disciplines such as electrical QC inspectors have these
14 concerns and welding QC inspectors have these concerns?

15 A. No. I said that most of the things that
16 we were presenting to him may be across-the-board. They
17 may be in more than one discipline.

18 Q. Okay.

19 A. Okay. We did not get down and talk about --
20 I'm talking about generally. Now, I can't remember what
21 all was said exactly five years ago in this meeting, but
22 generally we were talking about, you know, here is this
23 concern and, you know, it was in three out of the 12
24 disciplines or whatever.

25 Q. At the time that you had this meeting

1 where you presented your concerns -- I'm sorry -- presented
2 the concerns which were identified in 42-1, your summary,
3 did you personally perceive that there was an across-the-
4 board problem with intimidation and harassment of QC
5 inspectors at Comanche Peak?

6 A. No.

7 Q. Did Mr. Vega convey to you his -- any opinion
8 as to whether he felt that the results of 42-1 suggested
9 in his mind a problem with harassment and intimidation
10 at Comanche Peak?

11 A. Not as far as I'm aware.

12 Q. What was -- Why did you believe at that
13 time that there was no concern with intimidation and harass-
14 ment of QC inspectors at Comanche Peak? And I mean "at
15 that time" meaning the time that you presented the results
16 of Purdy 42-1 to Mr. Gary and Mr. Fikar.

17 A. We just hadn't heard really that much evidence
18 on it or any evidence from the however many numbers of
19 people that had been interviewed during this entire process
20 to warrant us thinking along those lines. I think there
21 was one out of however many hundreds there were.

22 Q. Did you express your opinion in that regard
23 to the participants at the meeting; in other words,
24 Mr. Fikar and Mr. Gary, or was it just something which
25 you had formed in your mind but had not said in a meeting?

1 A. What do you mean?

2 Q. Okay. You had come to a conclusion that
3 there was not a problem with intimidation or harassment
4 of QC inspectors --

5 A. Yes.

6 Q. -- at Comanche Peak based upon the --

7 A. Did I express that to them?

8 Q. Yes.

9 A. I don't recall.

10 Q. You don't recall. Okay.

11 Do you recall whether Mr. Vega expressed
12 his conclusion that he didn't think there was intimidation
13 or harassment?

14 A. I don't recall.

15 Q. Okay. I have a few more questions on the
16 42-1 interview process.

17 Where were the interviews conducted? Can
18 you identify a building?

19 A. They were conducted in rooms in what was
20 considered -- I have to have some help.

21 What building, the general --

22 BY WITNESS SPENCER:

23 A. Admin, construction admin.

24 BY WITNESS BOREN:

25 A. Construction building, main construction

1 building at that time.

2 Q. Could -- Would people coming to be interviewed
3 have to pass the doors of any, I guess, higher management,
4 construction management or utility management?

5 A. Not that I know of.

6 BY WITNESS ANDERSON:

7 A. The offices change out there every week.
8 I don't recall the setup.

9 Q. Okay.

10 A. They do.

11 Q. These interviews were conducted one-on-
12 one?

13 A. No. There were two people.

14 BY WITNESS BOREN:

15 A. Two on one.

16 Q. Two on one. Okay.

17 What process was used to bring the QC
18 inspectors into the building?

19 MR. BELTER: Geary, I'm going to object
20 to the relevance of it, and let me explain it a little
21 bit.

22 If we're talking about people being, you
23 know, kept confidential, the problem I'm having with your
24 question is that every single QC was called in. So there
25 wouldn't be any point in hiding them from -- hiding from

1 anyone else the fact that they were being called in
2 when they all were called in. What was kept confidential
3 was the key, who said what. Okay?

4 MR. MIZUNO: Well --

5 MR. BELTER: I mean if they had all been
6 conducted in public in front of a thousand people it wouldn't
7 have made any difference as long as you didn't know what
8 was put down on the sheet and coded with who.

9 MR. MIZUNO: Well, let me ask a question,
10 then.

11 BY MR. MIZUNO:

12 Q. Were the QC inspectors told ahead of time
13 that everyone would be participating in these -- the manage-
14 ment review board interviews?

15 BY WITNESS ANDERSON:

16 A. I believe so.

17 BY WITNESS BOREN:

18 A. I believe they were, yes. They were told
19 that this was going to be going on and that everybody would
20 have, you know, time with the interviewees and that they
21 were from Dallas.

22 MR. MIZUNO: Okay. On that basis, then,
23 that's fine. I will drop that line of questioning.

24 BY MR. MIZUNO:

25 Q. Okay. Ms. Anderson, I guess my remaining

1 questions will be addressed to you, and these are with
2 regards to the follow-up on 42-1. I won't call it the
3 TCP-7 follow-up.

4 BY WITNESS ANDERSON:

5 A. Okay.

6 Q. Were these -- Where were these interviews
7 held?

8 MR. BELTER: You've already asked and --
9 That's been asked and answered.

10 MR. MIZUNO: No. This is --

11 MR. BELTER: I'm sure it was in Mr. Roisman's,
12 but go ahead and answer.

13 WITNESS ANDERSON: They were conducted in
14 offices in the construction administration building.

15 BY MR. MIZUNO:

16 Q. Okay. And you didn't interview all the
17 QC inspectors. They were a sample.

18 BY WITNESS ANDERSON:

19 A. Correct.

20 Q. Okay. What method was used to bring the
21 QC inspectors into the building for the interviews?

22 A. I don't recall.

23 Q. Okay. Were you the only one conducting
24 the interviews?

25 A. No. Mr. Vega and I conducted them together.

1 Q. Okay. Other than you and Mr. Vega, there
2 was no one else conducting a separate set of interviews
3 for the follow-up?

4 A. No. We were the only two.

5 Q. Okay. Were the QC inspectors told ahead
6 of time of your audit?

7 A. I don't know.

8 Q. Okay. Once you had finished preparing the
9 results of the follow-up, in other words, prepared the
10 document that we're calling Anderson 1 --

11 MR. BELTER: We're calling it now Anderson
12 Panel Exhibit 1.

13 BY MR. MIZUNO:

14 Q. -- Anderson Panel 1, did you have any further
15 Did you participate in any further actions with regards
16 to following up on the audit?

17 BY WITNESS ANDERSON:

18 A. I don't recall. I may have reviewed
19 additional information or responses as part of the audit
20 process, but, specifically, I don't remember.

21 Q. Do you recall having any meetings or conversa-
22 tions with anyone regarding what you had -- what you and
23 Mr. Vega had found in your follow-up?

24 A. Oh, I'm certain we had conversations with
25 probably Mr. Chapman, Mr. Tolson and various other

1 individuals in the QA department.

2 Q. Okay. Is it fair to say that the results
3 as -- I guess, the discussion as contained on the office
4 memorandum for this audit represents your view as well
5 as Mr. Vega's?

6 A. Yes, that's fair to say.

7 Q. Okay. I assume these interviews were
8 confidential or anonymous interviews with the QC inspectors.

9 A. To the best of my recollection, they were.

10 MR. MIZUNO: Okay. I guess I don't have ---
11 any more questions.

12 MR. BELTER: Tony, do you have any further
13 cross as a result?

14 MR. ROISMAN: As a result of Geary's
15 questions, I have just a clarification.

16 FURTHER CROSS-EXAMINATION

17 BY MR. ROISMAN:

18 Q. And I think this is clear, Mr. Boren.

19 When you did the projections at the meeting
20 you had with Mr. Fikar and Mr. Gary, you were only attempt-
21 ing to highlight for them those problems that were in at
22 least two or more of the areas and not to give them
23 problems that showed up only in one area.

24 Was that your testimony, that that's what
25 you were projecting for them?

1 BY WITNESS BOREN:

2 A. That's -- You know, we were trying to give
3 them an overview, if you will, of the whole thing, you
4 know. Now, you can go through and you can say, "Okay.
5 We've got 10 different QC groups," and I don't know how
6 many. But let's say we've got 10. We've got problems,
7 the same type of problem, in four of these. So that would
8 definitely be one that we would have in this overview picture
9 that we would have highlighted.

10 If we had two, you know, it would depend.
11 We would take a look at it and maybe say, you know, what
12 is it. If it was something that two of the groups felt
13 like that they were being asked to contribute too much
14 to the United Way Fund or something, that's not something
15 that Mr. Gary and Mr. Fikar would care about. First of
16 all, it was with Brown & Root. So it was nothing they
17 had control over.

18 Q. I understand.

19 A. So that's what I'm trying to say.

20 On the other hand, if there's one out here
21 that was in one group that represented a large group
22 that had one problem and if we felt like that, you know,
23 was a significant item, it may be in there, too, or it
24 may have been presented --

25 Q. Well, can you remember whether the -- Looking

1 at the QC electrical personnel group in that paragraph
2 number two that Ms. Spencer and I discussed, the one that
3 elicited the comment regarding the one person who was
4 physically grabbed by the collar, can you remember whether
5 that was one of them that was highlighted?

6 A. I cannot tell you for sure. You know, that's
7 been five years ago, and it was done by Mr. Vega and myself
8 in, you know, one afternoon and presented the next morning.

9 MR. ROISMAN: Okay. Nothing further.

10 MR. BELTER: Shall we take a break now
11 and I'll get redirect, and if you want to look at the document
12 if you have --

13 MR. ROISMAN: Okay. How long? Can we break
14 for -- I'd like 30 minutes with it, if that's not unreason-
15 able.

16 MR. BELTER: That's fine.

17 (A short recess was taken.)

18 MR. BELTER: Let's go back on the record.

19 Mr. Roisman.

20 MR. ROISMAN: All right. I have brought
21 into the room a pile approximately four inches high that
22 consists of what appear to be QC personnel interview sheets,
23 and I believe that these are some, but not all, of the
24 actual QC personnel interview sheets that were used in
25 the interviews that make up the basis for the summary

1 that has been marked as Purdy Exhibit 42-1.

2 And I would like to have the pile, as such,
3 marked as an exhibit, and let's call it Boren Exhibit 1.

4 I will then make an index of what the numbers
5 are as noted on the sheets. There's a code. For instance,
6 the one on top of my pile is G-9 and the next one is I-1
7 and the one after that is K-9. And we'll keep this pile
8 intact in this form and give the reporter the index to
9 attach to the back.

10 And I'm going to ask some questions of the
11 witnesses about these QC personnel interview sheets, and
12 I believe that they are admissible through these witnesses.

13 I believe that Mr. Belter believes they
14 are not, and so because we do not intend at any point to
15 physically attach this to the many copies of the transcript
16 that the reporter would be making, we will simply make
17 our arguments about their admissibility at this point and
18 let the Board resolve the question of admissibility at
19 the time of the hearing. The index will, however, identify
20 what it is that we are offering, which is by everyone's
21 agreement a sub-set of all the actual interviews conducted.

22 MR. BELTER: Well, I can't object or not
23 object to your index until I see it.

24 MR. ROISMAN: I understand.

25 MR. BELTER: I do understand and I do agree

1 with you, Mr. Roisman, that what you have, based upon a
2 quick review of it, appears to be some of the interview
3 sheets that we provided to you. It is my understanding
4 that we made available to you all that exists and that
5 you requested copies of some, but not all, of the interview
6 sheets.

7 My position, of course, is that the sheets
8 themselves are not admissible. They are not competent
9 evidence. They are hearsay, and they contain double and
10 triple hearsay within them.

11 I'll leave it at that. You haven't offered
12 it into evidence yet.

13 MR. ROISMAN: No. That's right. I'm going
14 to ask some questions about it, and then I will make the
15 formal offer, and you can either reiterate or not reiterate
16 that statement of your objection.

17 MR. BELTER: I think your offer should await
18 questions and the use of either some or all of these
19 documents.

20 MR. ROISMAN: Okay. All right. That is
21 fine.

22 What I would like to do is to take -- First
23 of all, Ms. Reporter, would you just put your little sticker
24 up there.

25 //

1 (The document referred to was
2 marked Boren Exhibit No. 1
3 for identification.)

4 Okay. And let the record show that the
5 Boren Exhibit 1 sticker appears on the first page of the
6 QC personnel interview with code G-9 on it, and I am going
7 to take that one off and ask you, Ms. Anderson, and then
8 you, Ms. Spencer, and then you, Mr. Boren, to take a look
9 at that. I'm going to ask you a few questions about it
10 and not about the details of what is written there, but,
11 rather, as to whether it is, in fact, the type of interview
12 sheet that you filled out and maybe one of you actually
13 filled that one out.

14 MR. BELTER: You don't mind if I look at
15 it, do you?

16 MR. ROISMAN: Well, if you'll be quick about
17 it.

18 MR. BELTER: Well, how many of these are
19 we going to go through?

20 MR. ROISMAN: I'm not going to go through
21 very many at all unless you want to make me go through
22 that.

23 If you are willing to stipulate that whatever
24 they say about this one, other than that they filled it
25 out if one of them happens to have filled it out, is true

1 as to all of them, then we don't have to go through them.

2 MR. BELTER: Well, let's go through your
3 questions.

4 MR. ROISMAN: Okay.

5 MR. BELTER: See where we come out.

6 WITNESS SPENCER: What is your questions
7 now with regard to this?

8 BY MR. ROISMAN:

9 Q. Well, first, I just wanted you to look at
10 it and see if you recognize it as the form that you used
11 in getting answers when you did your personnel interviews.

12 BY WITNESS SPENCER:

13 A. Uh-huh. That's it.

14 Q. Mr. Boren?

15 BY WITNESS BOREN:

16 A. Yes.

17 Q. Okay. Ms. Anderson?

18 BY WITNESS ANDERSON:

19 A. Yes.

20 Q. Okay. All right. Now, in the preparation
21 of these QC personnel interviews, did you always use the
22 form that's shown here as code G-9? Was this the form
23 that you used for all of them?

24 MR. BELTER: By the form, you mean the type-
25 written portion of it?

1 BY MR. ROISMAN:

2 Q. The typewritten portion of it, correct.

3 BY WITNESS BOREN:

4 A. Yes.

5 BY WITNESS ANDERSON:

6 A. To the best of my recollection.

7 Q. Ms. Spencer?

8 BY WITNESS SPENCER:

9 A. It looks like it, yeah, to the best of my
10 recollection.

11 Q. Okay. And was this form prepared by any
12 one of you personally, the actual form?

13 BY WITNESS BOREN:

14 A. I contributed.

15 Q. You did, Mr. Boren. And who else contributed
16 to the preparation of the form?

17 A. I believe Mr. Vega. Mr. Tolson might have
18 had some input on it. Mr. Chapman probably had some input
19 on it.

20 Q. All prepared by people in-house at TUGCO?

21 A. Yeah.

22 Q. And in the preparation of this, how did
23 you make the selection of the particular questions that
24 you would put on the form?

25 A. We just tried to get a list of questions

1 that we felt would get the people to talking about their
2 jobs and the problems with their job, if they had any with
3 their jobs, and asking them direct questions in some cases to
4 try to get as much information about any problems that
5 they had.

6 Q. Okay. Now, Ms. Anderson, when you used
7 the QC personnel interview form, did you ask each of the
8 questions on the form of the people, or did the other person
9 in the interview ask each of the questions on the form
10 of the person you were interviewing?

11 BY WITNESS ANDERSON:

12 A. Yes.

13 Q. And what was the procedure that you followed
14 as you heard the answer?

15 A. As we heard the answer, we would converse
16 about it, ask different questions, depending on what the
17 statement that they made was, you know, further questions,
18 getting more details, you know, talking about it.

19 Q. And were you making a genuine effort to
20 write down as best as you could an accurate, but not a
21 verbatim, statement of what the person was telling you?

22 A. Yes.

23 Q. Ms. Spencer, is your answer to those questions
24 the same as Ms. Anderson's?

25 //

1 BY WITNESS SPENCER:

2 A. Yes, it is.

3 Q And yours, Mr. Boren?

4 BY WITNESS BOREN:

5 A. Yes.

6 MR. ROISMAN: Okay. I'm going to offer
7 them. I believe that they are a formalized document used
8 in the normal course of business of the Applicant. They
9 were used consistently in a course of interviews. They
10 were used in a consistent way in the course of interviews. ---
11 And I offer them for the purpose of the demonstration of
12 what the people who were doing the interviews perceived
13 the people who they were interviewing were telling them;
14 that is, it represents a sub-group of management's perception
15 of what, if any, problems existed at the plant with regard
16 to QC personnel as identified on these forms.

17 MR. BELTER: You're contending that the
18 sub-group of management is, in effect, the management review
19 board --

20 MR. ROISMAN: Correct.

21 MR. BELTER: -- represented here as the
22 panel.

23 MR. ROISMAN: Well --

24 MR. BELTER: First of all, let me get it
25 clear. You are certainly not contending that, number one,

1 what is shown on the sheets is a verbatim of what the
2 persons --

3 MR. ROISMAN: No. The testimony is already
4 to the contrary.

5 MR. BELTER: And you are not contending
6 that what is shown on the sheets is competent evidence
7 to indicate that what is stated on the sheets actually
8 happened.

9 MR. ROISMAN: I believe that there is an
10 argument to be made that it is, but I am not at this point
11 making that argument. All I am making the argument is
12 that this represents an accurate description of the management
13 review board's perception of what QC personnel believed
14 their problems were in the areas identified in the form --

15 MR. BELTER: I don't --

16 MR. ROISMAN: -- and that that, in turn,
17 was passed on through the summary sheets into higher levels
18 of management.

19 MR. BELTER: I don't believe that the record
20 supports that. I think the record supports the management
21 review board put it all together in the summaries, and
22 I would not object to the summaries on that same basis.
23 But I would object to the admissibility of these documents,
24 first of all, on the grounds that they are hearsay. To
25 the extent that they say anything intelligible, they

1 are hearsay.

2 They are not only hearsay in the sense that
3 the person taking down the notes was only attempting to
4 take rough notes, not verbatim notes, of what the person
5 being interviewed was relating to them, but the person
6 being interviewed was also being asked -- As they indicated,
7 hearsay was elicited during the course of the interview.
8 What have you heard? Tell me anything that you have heard
9 were taken down here.

10 So you've got double, triple, even farther
11 type hearsay involved here.

12 On that basis, I think these things are
13 not competent evidence and are not admissible.

14 MR. ROISMAN: All right. Let me --

15 MR. BELTER: You can go ahead.

16 MR. ROISMAN: Yeah. Let me just clarify
17 it because we may be talking about two different things.

18 At this point what I'm offering it for
19 is I'm offering it to establish what it was that management
20 knew its QC people were telling the management review board
21 interviewers.

22 MR. BELTER: No. You haven't established
23 that yet unless you say that management is the interviewers.

24 MR. ROISMAN: Well, this is --

25 MR. BELTER: Are you intending --

1 MR. ROISMAN: -- a management review board
2 set up by two undeniably management people and made up
3 of the head of QA Audit at the time, the -- Well, Purdy
4 was new on the site then. So I don't know what his role
5 was. But that it represents a legitimate extension of
6 management and that the interview sheets represent the
7 information that they gathered.

8 MR. BELTER: The interview sheets represent
9 exactly what they have described that it was, rough notes
10 of what happened during the interview.

11 MR. ROISMAN: Well, I think they were a
12 little more --

13 MR. BELTER: Sheets that they understood --

14 MR. ROISMAN: During your direct, I think
15 they were a little bit better than rough notes. They were
16 less than verbatim.

17 MR. BELTER: Let me finish.

18 Sheets that they understood were to be
19 destroyed. Okay? Put together --

20 MR. ROISMAN: Not all of them. Mr. Boren
21 said only the tally sheet was to be destroyed, the key.
22 He did not believe that these were to be destroyed.

23 MR. BELTER: Whatever. Rough notes.

24 MR. ROISMAN: Ms. Anderson and Ms. Spencer
25 have said that.

1 MR. BELTER: Geary.

2 MR. MIZUNO: The Staff agrees with the
3 Intervenor that there's no hearsay problem here. The
4 Intervenor is not offering the statements for proving
5 the truth of the concerns or the particular words which
6 are presented in the statements. I don't think there is
7 any hearsay problem.

8 If there is a problem with the accuracy
9 of these notes, then there is a problem with the accuracy
10 of the report upon which it is based upon. I think my
11 cross-examination was sufficient to show that the witnesses
12 believe that these notes were an accurate summary of what
13 was told to them by the QC inspectors.

14 MR. BELTER: All right.

15 MR. ROISMAN: Okay. I think we have
16 articulated our positions on the record.

17 I don't have any additional questions to
18 ask the witnesses about these at this point, but the offer
19 has been made, and at a later date we will argue about
20 that. I just want to be clear --

21 MR. BELTER: Now, when are you going to
22 give us the index of the sheets that you've got there
23 because I don't know what is in --

24 MR. ROISMAN: Okay. I'm going to go back
25 this evening. I'm going to write up -- I don't have

1 available any secretarial typing, but I will write up and
2 it will be fairly clear just a listing of the code letters
3 that are on this pile.

4 And all we're doing is we're agreeing that
5 for convenience the coded sheet will be the equivalent
6 as though we had physically attached this as an offered
7 exhibit to the transcript of this deposition to be ruled
8 upon its admissibility at a later date.

9 MR. BELTER: You can take that up at the
10 next deposition once we see the index, and I will agree
11 that -- give me a chance to do a quick check -- that you've
12 made an accurate index.

13 MR. ROISMAN: Okay. That's fine. I'll
14 bring the pile back so that it can -- and either you or
15 Mr. Mizuno can review the pile against the index and make
16 sure that the pile is still the pile. If there's a concern,
17 we could now count and get a count.

18 MR. BELTER: I'm not going to ask that.

19 MR. MIZUNO: My concern is just that I haven't
20 seen these at all, and even though it was represented by
21 Applicant's counsel that they were provided to the Staff,
22 I would like to go through our stuff and pull it out just
23 so that I'll have something to refer to.

24 MR. ROISMAN: All right.

25 MR. MIZUNO: Make sure I have a complete

1 set for the Staff.

2 MR. ROISMAN: All right. It may be quite
3 possible, and I don't want to -- I don't want to mislead
4 anyone. It may be quite possible that this is even a differ-
5 ent pile than the pile which CASE received from Ms. Spencer
6 through the document production process; that is, that
7 there are one or two or five or ten that were in that pile
8 that aren't --

9 MR. BELTER: That you've already weeded
10 out.

11 MR. ROISMAN: -- that aren't in this pile
12 that if they are out, they are out inadvertently. I had
13 Ms. Garde check the notes that we had that accompanied
14 this pile. This is the pile that we got. We've shifted
15 it and moved it around and banded it differently, but it
16 is the same pile.

17 But I can't attest on my own personal knowledge
18 that it is the same.

19 MR. BELTER: Can we call it the pile?

20 MR. ROISMAN: We can call it the pile, absolute
21 ly. It may be known as the pile.

22 WITNESS BOREN: Can we call that Pile No. 1
23 instead of Boren No. 1?

24 MR. ROISMAN: We cannot do that, Mr. Boren.
25 This is going to be Boren's pile, whether you like it or not.

1 MR. BELTER: All right. Are you finished with
2 your --

3 MR. ROISMAN: I'm finished with Boren's
4 pile for now, and I will have that list for tomorrow morning.

5 Now, during the recess, which was approxi-
6 mately 45 minutes, I have had an opportunity to review
7 Anderson Exhibit -- Panel Anderson Exhibit 1 and now have
8 some questions for Ms. Anderson with respect to this document,
9 and let me just be clear.

10 BY MR. ROISMAN:

11 Q. Ms. Anderson, you were one of the co-authors
12 of this document that has been marked as Panel Anderson
13 Exhibit 1, correct?

14 BY WITNESS ANDERSON:

15 A. Correct.

16 Q. And, Ms. Spencer and Mr. Boren, you have
17 no direct personal knowledge of this document at all; is
18 that correct?

19 BY WITNESS BOREN:

20 A. Correct.

21 BY WITNESS SPENCER:

22 A. Correct.

23 Q. All right. I just want to make sure I'm
24 asking the right person the questions.

25 Ms. Spencer -- Excuse me.

1 Ms. Anderson -- Let the record show it is
2 7:30 p.m.

3 In conducting the interviews which form
4 the basis for the statements contained in Panel Anderson
5 Exhibit 1, did you attempt to find from the people who
6 you interviewed all the problems that they perceived existed
7 in the QC program at Comanche Peak in the same way in which
8 you attempted when you did the survey, 1979 survey
9 interviews?

10 BY WITNESS ANDERSON:

11 A. To the best of my recollection, yes. We
12 did not limit it to just specific problems. It was any
13 concerns that they had, whether they had previously been
14 identified or were new ones.

15 Q. But as I remember your testimony is, you
16 can't remember whether you used, in fact, the same interview
17 form that we just marked as Boren Exhibit 1; is that correct?

18 A. I can't remember if it was that exact same
19 form, no.

20 Q. All right. But you do remember that it
21 was your intent to get at all the problems through the
22 interview in the same way that the original survey was
23 to have done.

24 A. Yes.

25 Q. All right. In the first paragraph of

1 Panel Anderson Exhibit 1 the statement appears, "The
2 questions involved problems that were identified during
3 the original interviews conducted during September and
4 October, 1979."

5 Does that provide you with any further
6 recollection of whether, in fact, the questionnaire that
7 you used for the interviews identified in Panel Anderson
8 Exhibit 1 were more selective than the general question
9 that we've just been talking about?

10 A. I don't recall.

11 Q. In the preceding sentence, it indicates,
12 "Included were personnel from," and then there's several
13 different groups listed.

14 Is it correct that that is a sub-set of
15 all the groups that were interviewed in the original 1979
16 survey?

17 A. I'm sorry. I don't quite understand.

18 Q. In the sentence that's the second sentence
19 of the first paragraph of the document, it says, "Included
20 were personnel from the electrical, mechanical, QA vault,
21 QA records, and quality engineering groups."

22 My question to you is: Is it the case that
23 that represents a sub-set of all the groups that were
24 originally interviewed for the September/October, '79 survey?

25 A. It is a sub-set, yes.

1 Q. And were there personnel interviewed from
2 any other groups for purposes of preparing the follow-
3 up TCP-7 audit?

4 A. There may have been. I don't recall.

5 Q. In the last sentence of the first paragraph
6 where it says, "The questions involved problems that were
7 identified during the original interviews," do you remember
8 whether the questions attempted to involve all the problems
9 that were identified during the original interviews or
10 only some of them?

11 A. I don't recall.

12 Q. In the first sentence of the next paragraph
13 you say, "On the whole, the morale of the quality control
14 personnel has greatly improved."

15 To the best of your recollection, what is
16 the basis for that statement?

17 A. The basis was that the interviews and talking
18 with people and discussing problems and asking questions
19 on what kind of problems they may have had and, you know,
20 determining that there was -- that certain areas there
21 had been improvements and there were a lesser number of
22 problems and things of this nature. We felt there had
23 been improvement, a lot of improvement since the previous
24 interviews.

25 Q. Do you remember whether you asked them

1 specifically whether your morale is improved?

2 A. I don't know that we asked them that specific
3 question.

4 Q. Do you remember whether you asked them a
5 question such as appeared in the original interview under
6 "System Adequacy Question 1," looking now at code sheet
7 G-9 of Boren Exhibit 1, which stated in 1-D, "How comfortable
8 do you feel in your job?" And then there are two sub-
9 questions under that.

10 Do you remember whether that question was
11 asked specifically of the people in your follow-up interviews
12 in 1980?

13 A. I don't recall specifically.

14 Q. Can you remember whether the interview form
15 that you used in 1980 was as long as the form that you
16 used in 1979? And I'll ask you to take a look at the form
17 and indicate for the record how many pages long that is.

18 A. The form that I'm looking at now is 11 pages,
19 and I do not recall if the form that we used at that time
20 was -- Was your question longer or shorter?

21 Q. That's right. Whether it was as long
22 and by that time meaning the 1980 interviews.

23 A. Okay. I don't recall.

24 Q. Does the document marked Panel Anderson
25 Exhibit 1, does it contain in its Attachment A the only

1 summary that was made of the results of the 1980 interviews?

2 A. To the best of my knowledge, yes.

3 Q. In the second sentence of the second paragraph
4 of the first page of this document there's reference to,
5 "Major improvements were cited in the areas of" and then
6 several are listed there.

7 When you say that major improvements were
8 cited, where were they cited?

9 MR. BELTER: I'm sorry. I don't have the
10 reference. Which paragraph are you on?

11 MR. ROISMAN: The very first page, the second
12 paragraph --

13 MR. BELTER: Okay.

14 MR. ROISMAN: -- the second sentence.

15 BY MR. ROISMAN:

16 Q. Where were major improvements cited when
17 you say major improvements were cited?

18 A. To the best of my recollection, in the inter-
19 view process.

20 Q. And what did you understand -- Strike that.
21 What did you mean by the phrase "QC working
22 environment and relationships with construction personnel"?
23 To what were you referring?

24 A. Specific examples, I don't recall.

25 Q. Well, in general what does that phrase mean?

1 What did it mean when you wrote it?

2 A. It meant that we felt that based on our
3 interviews with the inspectors that previous concerns that
4 they may have had in their -- with their working environment
5 or relationship with construction personnel, that that
6 had improved.

7 Q. What is covered in working environment?
8 Do you mean air conditioning, or did you mean something
9 else?

10 A. It could mean -- Not having specific examples,
11 it could mean anything from air conditioning to procedures,
12 things that affected them doing their job, working environ-
13 ment.

14 Q. Now, in the summary of the interviews that
15 appears in Attachment A to the document Panel Anderson
16 Exhibit 1, could you tell me was the purpose of this summary
17 to highlight both the problems found and the sense of
18 solution to previously identified problems which were cited
19 by the people who were interviewed?

20 A. Could you repeat the question?

21 Q. Uh-huh. Was the purpose of this summary
22 that comprises Attachment A to Anderson Panel Exhibit 1,
23 was it to give a full summary of the problems identified
24 as well as the improvements noted by the people who were
25 interviewed?

1 A. Well, basically stated that it was additional
2 comments. In looking at it, some of them were positives;
3 some were negatives.

4 Q. Well, for instance, if these comments had
5 included a reference to the improved working environment,
6 would you expect that it would be in the summary?

7 A. I believe that it is in the front sheet.

8 Q. The front sheet being?

9 A. The cover letter.

10 Q. And the portion of it that you are referring
11 to is the sentence that we have just been discussing,
12 sentence two of paragraph two of the first sheet?

13 A. Yes.

14 Q. And no greater summary was done of that
15 than that sentence?

16 A. Not that I recall.

17 Q. Why was this detailed or -- Strike that.

18 Why was this more detailed summary given
19 of the additional comments in Attachment A provided at
20 all in light of that much less detailed summary of the
21 original comments?

22 A. I don't know.

23 Q. Does the phrase in Attachment A in the first
24 line as it appears, "The following is a summary of additional
25 comments," jog your memory as to the possibility that there

1 may be a summary of the original comments somewhere else
2 that we don't have in this document?

3 A. Not that I'm aware of, no.

4 Q. Can you remember why it was decided to do
5 a summary of additional comments separate and apart from
6 the cover sheet?

7 A. No, other than it would have been perhaps
8 a little bit bulky to put it in the letter as far as --
9 By putting it in the attachment, you know, you summarize
10 and make some points and then reference back to the attach-
11 ment. It is just a -- It could have been a means to just
12 not, you know, have an endless long letter. But I don't
13 recall specifically why we did it this way.

14 Q. In the third paragraph on the first page
15 of Panel Anderson Exhibit 1, the statement appears, "Attach-
16 ment A contains other positive or negative items identified
17 which were specific to a certain group."

18 Does that in any way refresh your memory
19 as to perhaps what the distinction is between Attachment A
20 on the one hand and the summary paragraph that's paragraph
21 two on the first page of this document?

22 A. Can I speculate somewhat?

23 MR. BELTER: No.

24 BY MR. ROISMAN:

25 Q. No. You're not supposed to. Yeah. You've

1 just got to give me the best of your memory.

2 A. To the best of my memory, the statement
3 "other positive or negative items" would indicate that
4 those probably had not been identified on the initial
5 interviews and that what we discussed above were areas
6 that had previously been discussed through the original
7 interviews, the summaries.

8 Q. Is it your recollection that there were
9 two or more sets of interviews when you say "the original
10 interviews"?

11 A. I'm talking the Purdy 42-1 interviews.

12 Q. I see. Okay. Not 1980 --

13 A. No.

14 Q. -- there weren't two sets of interviews.

15 Do you remember whether the actual interview
16 sheets were shown to any persons other than Mr. Vega and
17 yourself after the interviews had been completed?

18 A. I don't remember.

19 Q. Do you remember how you went about evaluating
20 the interview results to form the basis for your opinions
21 as they are contained in paragraph two of the first page
22 of Panel Anderson Exhibit 1?

23 A. To the best of my recollection, based on
24 notes taken during the interviews and discussions between
25 Mr. Vega and myself.

1 Q. Did you go back and look at what has been
2 marked as Purdy Exhibit 42-1 and compare the comments that
3 you received to the comments that you had summarized in
4 that earlier document to see whether the problem that had
5 been expressed was now clearly responded to by some new
6 information in the interview?

7 A. I don't recall specifically, but I believe
8 that we did.

9 Q. Looking at Attachment A to Panel Anderson
10 Exhibit 1, under the Quality Engineering heading there
11 were a number of specific problems identified there.

12 Do you have any recollection of what, if
13 any, action was taken in response to those problems?

14 A. Basically, I don't see them -- When you
15 say problems, we indicated that they were suggestions for
16 improvement on effectiveness, not necessarily that they
17 were a problem.

18 As far as a specific effort on any of these,
19 I don't recall.

20 Q. The very last one, which is on the second
21 page of the attachment, makes reference to "Other suggestions
22 were made which were of a management nature."

23 Do you have any recollection of what kind
24 of suggestions we're talking about that fell into the category
25 "management nature"?

1 A. I don't recall.

2 Q. All right. I'd now like to have you take
3 a look at Purdy Exhibit 42-1.

4 Do you have a copy of that there?

5 And I'd like you, if you would, to turn
6 to the interviews of site electrical QC personnel and the
7 last page thereof, which is identified "Major Problems."

8 Can you explain to me what specifically
9 did you learn in the interviews in 1980 that indicated
10 to you that the concern expressed in paragraph two had
11 been substantially improved, that the problem had been
12 substantially reduced?

13 A. I don't recall specific details.

14 Q. Do you remember anything at all about that?

15 A. Not on this specific one, no.

16 Q. Do you remember whether when you went back
17 to check the 1980 interviews against the problems identified
18 in 1979 this was one of the problems that you looked at?

19 A. I'm sure it was. I don't have it written
20 down somewhere that this particular one, but I'm certain
21 it was.

22 Q. You're certain that you did look at it,
23 but you have no recollection of doing so?

24 A. It was our intent based on problems that
25 had been previously identified to determine if we felt

1 there was still a problem. This was identified in the
2 summaries as a major problem, and I feel very confident
3 that we would have looked at this, and that that is the
4 basis of the statement that we made in the front page of
5 the Panel Anderson 1 or whatever with regard to the working
6 environment and relationships between craft and QC.

7 Q. Was comparing the interviews in 1980 with
8 the answers given in 1979 by the electrical group?

9 A. By the electrical group and if it was in
10 any of the other areas.

11 Q. Do you remember how many of the people from
12 the electrical QC were interviewed in 1980?

13 A. No, I do not.

14 Q. How many total were there in that group?
15 Do you remember that?

16 A. I don't recall. I think I said earlier
17 approximately 30, something like that.

18 Q. All right. Let me have you take a look
19 further down in Purdy Exhibit 42-1 to the interviews with
20 QA/QC site surveillance group, which is about 20 more pages
21 into the document.

22 A. I'm there.

23 Q. Okay. And I'd like to direct your attention
24 to the single page that comprises Attachment A of that
25 and ask you to take a look at items 3, 5, and 7.

1 A. Okay.

2 Q. Do you remember looking at those specific
3 items in connection with evaluating the personnel information
4 that you obtained in your 1980 interviews and in forming
5 your opinion that is in paragraph two of what has been
6 marked as Panel Anderson Exhibit 1?

7 A. I don't recall these specific three areas,
8 no.

9 Q. Do you have an opinion as to whether you
10 did look at them?

11 A. 3, 5, and 7?

12 Q. Uh-huh.

13 A. I don't know if I did or not.

14 Q. In looking at 3, 5, and 7, would you say
15 that those concerns expressed there fall within the general
16 category of QC working environment and relationships with
17 construction personnel?

18 A. Yes.

19 Q. Looking at paragraph one of Panel Anderson
20 Exhibit 1, is it not the case that there is no mention
21 in there of any interviews being conducted with the site
22 surveillance group?

23 A. That group is not specifically mentioned.
24 As it says, it says "included were," and there may have
25 been other individuals that were talked to.

1 Q. I understand that. If there were no
2 individuals talked to from the site surveillance group
3 in the course of conducting the 1980 interviews, would
4 you say that there would be no basis for you to make a
5 statement that the QC working environment and relationship
6 with construction personnel in the site surveillance area
7 had improved or not improved?

8 A. I'm sorry. What was your question again?

9 Q. If there were no personnel from the site
10 surveillance group who were interviewed in 1980, would
11 there be any basis for you to say that the QC working environ-
12 ment and relationships with construction personnel had
13 improved or not with respect to the site surveillance
14 personnel?

15 A. With specific reference to the site
16 surveillance group, because of their function on site,
17 these three items that you've addressed are basically
18 concerns between QC and craft. The site surveillance group
19 was quality assurance. So these three areas have been
20 identified within other QC interviews, as I recall, I think
21 in the electrical one or the one that we looked at. They
22 perform an overview function, and this may have been their
23 perceptions that they saw.

24 So as far as if we didn't talk -- If we
25 saw from talking with the other inspection groups that

1 their involvement with the crafts, et cetera, had improved,
2 then we could have concluded that these people -- perhaps
3 concluded these people were seeing the same thing. They --
4 I'm sorry.

5 Q. Go ahead. No. No.

6 A. No.

7 Q. No. I want you to finish.

8 A. They did not perform a direct in-line QC
9 function, this group.

10 Q. But you would have no way of knowing whether
11 whatever they originally perceived they were still perceiving
12 unless you had actually interviewed at least one of them
13 or some of them; isn't that true?

14 A. That's true.

15 Q. All right. Let me direct your attention
16 to the next group down, which is protective coatings QC
17 personnel, and, first, am I correct that they are not
18 one of the groups that's specifically listed in paragraph
19 one of Panel Anderson Exhibit 1?

20 A. That's true, protective coatings is not
21 specifically addressed.

22 Q. All right. I'd like to direct your attention
23 to the page in this packet which is marked "Management,"
24 and would you please look at items 2 and 3.

25 A. Okay.

1 Q. Do you have any specific recollection of
2 looking at those two items in evaluating the results of
3 the 1980 interviews and reaching the opinions that you've
4 reached in paragraph two of Panel Anderson Exhibit 1?

5 A. I do not recall those two specific examples,
6 no.

7 Q. Do you have an opinion as to whether you
8 would have necessarily had to have looked at those as part
9 of the process that you engaged in?

10 A. I'm sorry. What was your question?

11 Q. Do you have an opinion as to whether you
12 must, in fact, have looked at those in order to have engaged
13 in the process of reaching the judgments that you've reached
14 in paragraph two?

15 A. I would have thought, yes. Yes, I would
16 have thought we would have looked at that.

17 Q. If you had no interviews with members of
18 the protective coatings QC personnel group, what would
19 be the basis for any opinions that you would form about
20 resolution of the concerns expressed in paragraph two and
21 three of the management page of their 1979 survey summary?

22 MR. BELTER: I'm sorry. What was the first
23 part of your question, if you had no interviews with which
24 group?

25 MR. ROISMAN: With the QC coatings personnel.

1 It is the group of which the management page is a sheet.

2 MR. BELTER: Or the QC engineering?

3 MR. ROISMAN: No. It is protective coatings
4 QC.

5 MR. BELTER: I'm sorry. What was your --
6 Did you lose the question?

7 WITNESS ANDERSON: I lost it somewhere,
8 yes.

9 BY MR. ROISMAN:

10 Q. Okay. I'll ask it again.

11 If you conducted no interviews with the
12 QA/QC protective -- the protective coatings QC personnel,
13 would you have any basis for determining whether the concerns
14 expressed on this management page in paragraph two and
15 three had, in fact, been addressed adequately?

16 MR. BELTER: Are you including in the question
17 paint quality engineering?

18 BY MR. ROISMAN:

19 Q. I am including in the question the people
20 who are identified as the ones who were interviewed who
21 form the base for these two concerns, and, as I understand
22 it, it was interviews of the site protective coatings QC
23 personnel and no others in this group.

24 If I'm wrong on that, please correct me,
25 Ms. Anderson. That the summary that appears behind the

1 heading interviews of the site protective coatings QC
2 personnel is a summary of the comments obtained from the
3 interviews of the site protective coatings QC personnel.

4 BY WITNESS ANDERSON:

5 A. In the organization that existed at that
6 point in time, yes.

7 Q. Okay.

8 A. At the point in time that these follow-
9 ups were conducted, I'm not certain if that organization
10 as it was there still existed.

11 Q. Well, my question to you is: If you did
12 not talk to any of the people who were in the site
13 protective coatings QC personnel, and to take into account
14 what you just added, who were not in it as of 1979 when
15 you did the original interviews, what basis would you have
16 in 1980 for knowing whether their concerns that they expressed
17 then were now resolved in their opinion?

18 A. If we did not talk with anyone that was
19 a protective coatings QC inspector, then we could not have
20 made that distinction.

21 Q. Now, are paragraphs two and three on the
22 page called management, would those, in your opinion, be
23 within the general category QC working environment and
24 relationships with construction personnel?

25 MR. BELTER: Are you asking the question

1 of both or taking them one at a time?

2 MR. ROISMAN: Well, if there is a distinction -

3 MR. BELTER: I'd like you to take it one
4 at a time.

5 MR. ROISMAN: All right.

6 BY MR. ROISMAN:

7 Q. Paragraph two.

8 BY WITNESS ANDERSON:

9 A. So you want to know what again?

10 Q. Whether you include that in the phrase
11 QC working environment and relationships with construction
12 personnel.

13 A. Two, I would say yes.

14 Q. And what about three?

15 A. I would say yes.

16 Q. All right. Now moving on through Purdy
17 Exhibit 42-1, I'd like to direct your attention to the
18 summary of interviews of the site QA/QC staff personnel.

19 Now, am I correct that they also are not
20 one of the specifically listed groups in the first paragraph
21 of Panel Anderson Exhibit 1?

22 A. The term QA/QC staff personnel is not included,
23 that's true.

24 Q. Are QA/QC staff personnel part of any one
25 of those listed groups in the normal structure of the plant?

1 A. I don't recall who those QA/QC staff personnel
2 were. So I really cannot say at this point.

3 Q. Was QA/QC staff personnel not a definable
4 group of people? I don't mean that you would know their
5 names, but I mean were they a known group like QC coatings
6 personnel were?

7 A. Not that I recall. I don't really remember.

8 Q. Mr. Boren, do you have any recollection
9 of this sub-grouping of the 1979 survey, who these people
10 are, these QA/QC staff personnel?

11 BY WITNESS BOREN:

12 A. Not really. I'd just be guessing.

13 Q. So, Ms. Anderson, you don't know necessarily
14 who these people are, I mean short of going back, finding
15 the interview, getting the code sheet and digging out the
16 name. They don't represent a definable group to you?

17 BY WITNESS ANDERSON:

18 A. They may have been quality engineering at
19 that time, but I don't remember specifically.

20 Q. If you didn't know, would there be any way
21 for you to determine through the 1980 interviews whether
22 you had talked to any of the people who might have been
23 within the group that had expressed those concerns in the
24 first instance?

25 A. I feel confident that I knew then, but I

1 cannot recall after this many years.

2 Q. Do you -- And is your testimony that you
3 had any knowledge as to whether, in fact, any of the
4 QA/QC staff personnel were included in the people who you
5 interviewed in 1980?

6 A. I do not remember.

7 Q. I'd like you to turn and look at the
8 management sheet, which is the third sheet in this sub-
9 set, and I'd like to direct your attention to items 2, 3,
10 4, 5, 8, and 9.

11 Would you like me to go over those again?

12 A. Please.

13 Q. All right. 2, 3, 4, 5, and then 8 and 9.

14 A. Okay.

15 Q. And can you tell me, starting with 2 and
16 working your way through, which of those are included in
17 the definition QC working environment and relationships
18 with construction personnel?

19 A. On 2, I don't recall the specifics of what
20 the discussion is there. I don't know if that would have
21 been included in QC working environment and relationships
22 with construction personnel.

23 Q. You're not sure whether a statement involving
24 a power struggle between construction and QC personnel
25 relates to the relationship of QC with construction

1 personnel?

2 MR. BELTER: Relates to the? Was your
3 question before to the working environment or the relation-
4 ship?

5 MR. ROISMAN: Well, it was both, QC working
6 environment and relationships with construction personnel.

7 WITNESS ANDERSON: Yes. I'm sorry. I guess
8 it could be the same or part of that concept.

9 BY MR. ROISMAN:

10 Q. Okay. All right. What about No. 3?

11 A. Now, this is specifically to QC working
12 environment and relationship with construction personnel?

13 Q. That's right. I'm referring to that phrase
14 as you wrote it in the second paragraph of Panel Anderson
15 Exhibit 1.

16 A. I would say no, that would not be included
17 in that.

18 Q. And what about No. 4?

19 A. Yes, that could be part of it.

20 Q. And how about No. 5?

21 A. No, I would not consider that a part of
22 it.

23 Q. And how about No. 8?

24 A. It could have an indirect involvement there.

25 Q. And what about No. 9?

1 A. That could be part of it.

2 Q. Now, with regard to items 3, 5 and that
3 portion of 8 that you were so very uncertain about, which,
4 if any, of the areas identified in the first two sentences
5 of the second paragraph of Panel Anderson Exhibit 1 would
6 you say is encompassed, if it is at all -- encompasses,
7 if they do at all, the concerns expressed in 3, 5, and 8?

8 A. I would say in 3 that could have been
9 encompassed in management support and training.

10 The other one was 5?

11 Q. 5, uh-huh.

12 A. I would say that is management support.

13 And No. 8?

14 Q. 8. Yeah. You had been uncertain as to
15 whether it really belonged in QC working environment.

16 A. Well, my uncertainty was I feel that it
17 more strongly goes under management support, but with that
18 management support, it would have resulted in better
19 conditions or improved.

20 Q. Okay. Now, let's go to the next page,
21 Communication, still in the QC personnel -- staff personnel --
22 QC staff personnel, and look under Communication at item 2.

23 Would that be included in the phrase
24 QC working environment and relationships with construction
25 personnel?

1 A. Yes.

2 Q. Do you have any recollection of looking
3 at that particular item in evaluating the 1980 interviews
4 and reaching the conclusions that are contained in paragraph
5 two of Panel Anderson Exhibit 1?

6 A. Specifically, with QA/QC staff personnel?

7 Q. Well, looking at this statement as it appears
8 in this summary. Do you remember looking at that when
9 you did your evaluation of the 1980 interviews and reached
10 your conclusions as they appear in paragraph two of Panel
11 Anderson Exhibit 1?

12 A. I don't recall that specifically, that item 2.

13 Q. Would you believe that you would have looked
14 at that?

15 A. Yes.

16 Q. All right. I'd like you to look over now
17 to -- It is about one more over -- to QC document personnel --
18 excuse me -- QC documentation personnel.

19 Do you have that one?

20 A. Yes.

21 Q. Okay. Again, is this a group which is not
22 identified in paragraph one of Panel Anderson Exhibit 1
23 specifically?

24 A. The title QC documentation personnel is
25 not identified, that's true.

1 Q. Okay. Do you have any recollection that
2 any of the QC document personnel who were interviewed in
3 1979 were interviewed in 1980 or any persons from that
4 group were interviewed in 1980?

5 A. I don't recall specific persons, no.

6 Q. Or even whether there were any people in
7 the QC document group that were interviewed in 1980?

8 A. As I was discussing earlier, I am not certain
9 that this group existed with this title and this organiza-
10 tion at that time.

11 Q. Okay. Let me direct your attention to the
12 Management page of Attachment A of this summary and ask
13 you to look at item 1 and the last sentence of item 6,
14 and tell me with respect to first 1 and then the last
15 sentence of No. 6 which, if any, of the areas identified
16 in the first two sentences of paragraph two of Panel Anderson
17 Exhibit 1 you believe that those paragraphs relate to.

18 A. That was paragraph 1?

19 Q. One and the last sentence of paragraph 6

20 A. I would say management support for 1, and
21 the last sentence of 6, I would say management support.

22 Q. If you did not interview in 1980 any of
23 the people who had indicates those concerns in 1979, would
24 you have had any basis for indicating that that particular --
25 those two particular concerns had, in fact, had major

1 improvements?

2 A. If we did not -- I mean, if we did not inter-
3 view the specific personnel that made those statements
4 or people that were involved in those same activities?

5 Q. If you did not interview any of the people
6 who were in the QC document personnel group in 1980, would
7 you have had a basis for indicating major improvements
8 with respect to those two items?

9 A. Not as it relates to the group called QC
10 documentation, no.

11 Q. Okay. You just indicated a sort of sub-
12 set of this, and I'll ask you just to think back over what
13 we have been discussing for the last several minutes.

14 If a particular problem as summarized in
15 these 1979 summaries was expressed by one or two as opposed
16 to most of the people within the group, and if in 1980
17 you did not talk to any of those people who originally
18 expressed the problem in 1979, would you have had a basis
19 for knowing whether the problem as expressed by that person
20 in 1979 was as of 1980 now significantly improved in that
21 person's opinion?

22 A. If we did not talk to the specific
23 individual that was initially talked to, I would say that's
24 true.

25 Q. Still in this same documentation group,

1 would you look over at the page called Morale, which is
2 two pages over, and, in particular, would you look at
3 paragraphs 1, 5, and 6, and then with respect to them
4 indicate to me in which area, if any, of the areas identified
5 in the first two sentences of paragraph two of Panel Anderson
6 Exhibit 1 those paragraphs are covered by.

7 A. Paragraphs 1 -- What were the others?

8 Q. 5 and 6.

9 A. No. 1 I would say could be included under
10 management support.

11 No. 5 could also be under management support.
12 The same on No. 6.

13 Q. And do you have a recollection of looking
14 at those particular items when you reached your conclusions
15 as they are contained in paragraph two of Panel Anderson
16 Exhibit 1 about management support?

17 A. I do not recall those specific items.

18 Q. Would you expect that you would have looked
19 at them given the nature of the kind of evaluation that
20 you did?

21 A. Yes.

22 Q. And would you also indicate that if you
23 had not spoken to any of the persons who originally made
24 those concerns in 1980 that you would not have had a basis
25 for concluding that as to the concern as they expressed

1 it there had been a major improvement as of 1980?

2 A. I'm sorry. The statement again?

3 Q. Would you also agree that if you had not
4 spoken to any of the persons who expressed those concerns
5 in 1979 when you did your interviews in 1980 that you would
6 not have a basis for concluding that as to those concerns
7 there had been a major improvement as of 1980?

8 A. Those specific statements, that's true.

9 Q. Now I'd like you to look at what will be
10 the last group of these that we'll look at, interviews
11 with QC NDE personnel. And I'll direct your attention
12 first to paragraph one of Panel Anderson Exhibit 1.

13 Can you tell me whether the NDE personnel
14 are specifically identified in that first paragraph?

15 A. No, they are not specifically identified.

16 Q. Now, turning to the Communication page of
17 Attachment A to that summary, I would like you to look
18 at paragraph 3 and tell me which of the categories identified
19 in the first two sentences of paragraph two of Panel Anderson
20 Exhibit 1 you would say that fits under.

21 A. That's item 3 under Communication?

22 Q. Correct.

23 A. I don't know that it would fit in any of
24 them.

25 Q. Okay. Look at Management, please, the

1 next page, and, in particular, paragraph 3-A, C, E, and G.

2 Do you want me to say those again?

3 A. 3-A, C, E, and G?

4 Q. E and G, correct.

5 And as to, first, A, and then through the
6 others, would you indicate into which of the categories
7 identified in the first two paragraphs of -- first two
8 sentences of paragraph two of Panel Anderson Exhibit 1
9 they would fit into.

10 A. "A" could have been under QC working environ-
11 ment. C, the same thing. E, the same thing. G, the same
12 thing.

13 Q. In reaching your conclusions with regard
14 to the QC working environment in Panel Anderson Exhibit 1,
15 do you have a recollection of looking at these particular
16 subparagraphs?

17 A. Not these specific subparagraphs, no.
18 I don't recall.

19 Q. Would it be your opinion that you would
20 have looked at them given the nature of the kind of analysis
21 that you did in reaching these conclusions?

22 A. Yes.

23 Q. And if you did not speak to the particular
24 persons in the NDE -- QC NDE personnel group who had expressed
25 those concerns, would you have had any basis for concluding

1 that there had been a major improvement with respect to
2 those items identified in paragraph 3-A, C, E, and G?

3 A. No.

4 Q. Now, in Panel Anderson Exhibit 1, the first
5 sentence of paragraph two on the first page, the statement
6 appears, "On the whole, the morale of the quality control
7 personnel has greatly improved."

8 Is that intended to be a summary of what
9 you believe is shown by the second sentence, or is that
10 intended to be an independent conclusion which is separate
11 from the conclusions in the second sentence of that paragraph?

12 A. As I recall, the first sentence was based
13 on the major improvement cited in the second sentence.

14 Q. Okay. I'd like to direct your attention
15 to the last page of Panel Anderson Exhibit 1, Evaluation
16 of Open Items from Audit TCP-7, and looking at Deficiency
17 No. 3.

18 Is it your understanding that the origin
19 of the deficiency that is discussed there --

20 MR. BELTER: I don't see a reference to
21 deficiency.

22 MR. MIZUNO: Deficiency No. 3.

23 MR. BELTER: Okay. I'm sorry.

24 BY MR. ROISMAN:

25 Q. Is it your understanding that the origin

1 of that concern was the 1979 survey?

2 BY WITNESS ANDERSON:

3 A. I don't recall.

4 Q. Mr. Boren, do you remember from the 1979
5 survey whether one of the points of concern was the CPM-6.9
6 and training problems, whether that was one of the things
7 identified?

8 BY WITNESS BOREN:

9 A. As I recall.

10 Q. I'm sorry?

11 A. As I recall, it was, 6.9 was a --

12 Q. Do you remember whether that was one of
13 the items that you discussed in your briefing?

14 A. Not specifically, no.

15 Q. Ms. Anderson, let me --

16 BY WITNESS ANDERSON:

17 A. It may have been identified. The only point
18 I guess I'm making, this was an open item from Audit TCP-7,
19 and I don't have Audit TCP-7 here.

20 Q. Okay.

21 A. So it is hard for me to say that that is
22 the only place that that came from.

23 Q. Nor am I asking you was it the only place,
24 but whether it is -- Is it a source of, not the only or
25 whether there was only one source?

1 A. It may have been. I --

2 Q. I'm going to ask you to look again at
3 these to see if we can refresh your memory and look at
4 the site mechanical QC personnel summary, which is about
5 the second or third one in, and under the major problems
6 area. And if you would read the first paragraph.

7 A. Oh, I'm sorry. To myself.

8 Q. Yeah. Not out loud.

9 A. Okay.

10 Q. And then take a look at the very next one,
11 which is QC -- instrumentation QC personnel, and look at
12 item 5 under the summary in Attachment A.

13 A. Okay.

14 Q. All right. And do those two instances help
15 to refresh your memory as to whether or not CPM-6.9 may
16 have been or was one of the sources of the concern that's
17 identified here as Deficiency No. 3?

18 A. It may have been, yes.

19 Q. Did you prepare this part of the summary
20 of the -- of Panel Anderson Exhibit 1, the portion that's
21 contained in Appendix B? Was that also prepared by you
22 in part?

23 A. In part, yes.

24 Q. Okay. The sentence -- The second sentence
25 under Deficiency No. 3 said -- Well, the first sentence

1 says that the CPM-6.9 has been revised, re-issued, and
2 appears to be a more workable document.

3 Do you know what the basis was for that
4 statement, that it appears to be a more workable document?

5 A. I don't recall specifically.

6 Q. Can I direct your attention back to Attachment
7 A of this same document and under the category Mechanical
8 Discipline, the first page of Attachment A. Take a look
9 at that.

10 Does that refresh your memory at all?

11 MR. BELTER: Tony, is it your contention
12 that this particular items relates to the issue of harassment
13 or intimidation of QC inspectors? I don't see it.

14 MR. ROISMAN: What I am trying to do is
15 to get some sense of how this Panel Anderson Exhibit No. 1
16 was put together; in other words, how were the conclusions
17 reached, and this is one conclusion which appears to have
18 had some origin back in the 1979 survey. I'm trying to
19 find out whether there was any different procedure used
20 in reaching conclusions about the resolution of this problem
21 as distinct from conclusions regarding the resolution of
22 what we'll call for shorthand the morale problems.

23 WITNESS ANDERSON: On an item such as this
24 in an audit function, we would have looked at the procedure,
25 had it been revised, re-issued, looked at documentation

1 on training classes which had been conducted, and, basically,
2 it appears, as you say, refreshing my memory, that, you
3 know, in talking with the personnel that that is what came --
4 the more workable document came from, origin of it. That
5 is part of an audit function. You talk with people.

6 BY MR. ROISMAN:

7 Q. So the interview would have been one piece
8 of the process that you would go through to indicate whether
9 the deficiency had been resolved or not.

10 BY WITNESS ANDERSON:

11 A. Yes.

12 Q. Now, did you go through anything other than
13 the interviews in order to reach the conclusions that are
14 identified in the first two paragraphs -- I'm sorry --
15 the first two sentences of the second paragraph on page
16 one of Panel Anderson Exhibit 1?

17 A. I'm sorry. In the second paragraph?

18 Q. The first two sentences of the second paragraph
19 Did you do anything other than the interviews
20 in order to reach your conclusions regarding those items?

21 A. Not that I recall.

22 MR. ROISMAN: I have no further questions
23 at this time.

24 MR. BELTER: I want to put one redirect
25 question on the record just because I want it in the same

1 area --

2 MR. ROISMAN: Okay.

3 MR. BELTER: -- and then I think we better
4 talk about a break or dinner or something.

5 MR. ROISMAN: Okay.

6 REDIRECT EXAMINATION

7 BY MR. BELTER:

8 Q. Ms. Anderson, is there a particular reason
9 relating to your job function of why you would find it
10 difficult to recall specific details about things that
11 you worked on in 1979 and 1980?

12 BY WITNESS ANDERSON:

13 A. Yes, I believe there is. Since this audit,
14 I have probably myself participated in approximately a
15 hundred and reviewed numerous other reports that personnel
16 that work for me have written, and that includes the
17 specific details of the deficiencies, the summaries, the
18 areas, the organizations. I've looked at a tremendous
19 amount of documentation relating to Comanche Peak since
20 that point in time that would be, you know, an audit.

21 Q. Does part of your job function in conducting
22 audits entail going down to the site and talking with people?

23 A. Yes, it does. That is a major portion of
24 it.

25 MR. BELTER: Tony, I'd like a -- Let's go

1 off the record for a second and talk about it.

2 MR. ROISMAN: Can I just ask her one
3 clarifying question on that?

4 RECROSS-EXAMINATION

5 BY MR. ROISMAN:

6 Q. With respect to the 1980 follow-up to Audit
7 TCP-7, who better than you would be likely to have a memory
8 about these items?

9 MR. BELTER: That is going to call for a
10 lot of speculation. Why don't you ask her who else was
11 involved? We all know there was only one other person
12 involved.

13 MR. ROISMAN: Okay. All right.

14 BY MR. ROISMAN:

15 Q. And that's the only other person involved
16 in it who could have any memory as far as you know?

17 BY WITNESS ANDERSON:

18 A. Yes, that is correct.

19 MR. ROISMAN: Okay. Fine. I did not mean
20 to ask her to speculate, certainly not at 8:30.

21 MR. BELTER: Why don't we go off the record.

22 (A short recess was taken.)

23 MR. BELTER: Let's go back on the record.

24 FURTHER REDIRECT EXAMINATION

25 BY MR. BELTER:

1 Q. Panel, I'm going to start with a few questions
2 about the interview process itself and what you were taking
3 down as a result of some of the questions asked by
4 Mr. Roisman.

5 Ms. Anderson, you indicated that you first
6 formed an understanding or a definition, if you will, of
7 the term harassment and intimidation in recent months.

8 Are you certain in your own mind today
9 that based upon your current understanding of the phrase
10 harassment and intimidation you would have recorded in
11 the interview sheet any instance that constitutes harassment
12 or intimidation?

13 BY WITNESS ANDERSON:

14 A. Yes, I'm certain.

15 Q. Even though you weren't familiar with the
16 term of art, harassment and intimidation, was the same
17 concept in your mind during the '79 interviews?

18 A. Yes, it was.

19 Q. Ms. Spencer --

20 MR. ROISMAN: Can I just note for the record
21 that that must be the essence of the leading question?
22 I have already noted that that objection seems to fall
23 on deaf ears in the NRC process in which we normally prefile
24 direct testimony, but I'd just like to note for the honor
25 of the profession that that was a real leading question.

1 And I assume we're not going to get it asked of the next
2 two people.

3 MR. BELTER: No, I'm not going to go through
4 that.

5 MR. ROISMAN: All right.

6 MR. BELTER: She was the only one that had
7 a recent definition of harassment and intimidation.

8 MR. ROISMAN: All right.

9 BY MR. BELTER:

10 Q. Ms. Spencer, you were asked a question about
11 your knowledge of the fireside chats conducted by
12 Mr. Tolson.

13 Do you know how many such fireside chats
14 he conducted?

15 BY WITNESS SPENCER:

16 A. No, I do not know.

17 Q. Do you know whether he had them with some
18 inspectors or with all inspectors?

19 A. I do not know.

20 Q. To the panel, if one person during the course
21 of one of these interviews had indicated, for example,
22 that he or she felt there was excessive pressure from craft
23 to buy off on work, would this have been listed on the
24 interview sheet and then on the summary of identified concerns?

25 //

1 BY WITNESS BOREN:

2 A. Yes.

3 BY WITNESS ANDERSON:

4 A. Yes.

5 BY WITNESS SPENCER:

6 A. Absolutely.

7 Q. You were asked a question with reference
8 to the phrase "occasional threats," and that phrase appears
9 in the same paragraph with a reference to "hot discussions,
10 name-calling, and yelling."

11 To the panel, would you consider every
12 occasional threat to be an instance of harassment or
13 intimidation?

14 BY WITNESS BOREN:

15 A. No.

16 BY WITNESS ANDERSON:

17 A. No.

18 BY WITNESS SPENCER:

19 A. No.

20 Q. Would some occasional threats constitute
21 harassment or intimidation?

22 BY WITNESS BOREN:

23 A. Yes.

24 BY WITNESS ANDERSON:

25 A. Yes.

1 BY WITNESS SPENCER:

2 A. They may, yes.

3 Q. Mr. Boren, could you give us an example
4 of one or the other?

5 BY WITNESS BOREN:

6 A. If an inspector was told by a craft to either
7 accept his weld or he was going to hit him in the head
8 with a hammer, that would be harassmt and intimidation.

9 If a craft told an inspector that if he
10 cursed around him anymore he was going to knock his teeth
11 out, that would not be harassmt or intimidation.

12 Q. Could some reference to occasional threats
13 be contained in the interview sheets where the threat has
14 no relationship to job performance?

15 BY WITNESS ANDERSON:

16 A. Yes.

17 BY WITNESS SPENCER:

18 A. Uh-huh.

19 BY WITNESS BOREN:

20 A. Yes.

21 Q. At one point, and this may have been cleared
22 up later, Ms. Anderson, you indicated that you followed
23 the questions listed on the sheet.

24 Did you also ask follow-up questions?

25 //

1 BY WITNESS ANDERSON:

2 A. Yes. Depending on the answers or the statements
3 that were made by the inspectors, we had further discussions.

4 Q. Is that true of the rest of the panel?

5 BY WITNESS SPENCER:

6 A. Sure.

7 BY WITNESS BOREN:

8 A. Yes.

9 Q. I'm going to direct the next couple of questions
10 now to the entire process that went on back in 1979.

11 I'm sorry. I do have one more question
12 just on the interviews.

13 Would follow-up questions occur for you
14 to determine whether or not a serious incident was being
15 related to you?

16 BY WITNESS BOREN:

17 A. Yes.

18 BY WITNESS ANDERSON:

19 A. Yes.

20 BY WITNESS SPENCER:

21 A. Yes.

22 Q. If you felt a serious incident was being
23 related to you, would the details of that incident likely
24 appear on the sheets as a result of follow-up questions?

25 //

1 BY WITNESS ANDERSON:

2 A. Yes.

3 BY WITNESS BOREN:

4 A. Yes.

5 BY WITNESS SPENCER:

6 A. Yes.

7 MR. ROISMAN: Could you describe which sheets
8 you were referring to?

9 MR. BELTER: The 1979 interview sheets.

10 MR. ROISMAN: Not the summary?

11 MR. BELTER: Not the summary.

12 BY MR. BELTER:

13 Q. To the panel, do you feel that as a result
14 of the process that was undertaken in September and October
15 of 1979 you accurately found and transmitted to upper
16 management whatever problems may have existed in 1979?

17 BY WITNESS SPENCER:

18 A. Restate the question.

19 BY WITNESS ANDERSON:

20 A. Yes.

21 Q. Do you feel that you accurately found and
22 put down on the sheets and then on the summaries whatever
23 problems had been identified by anyone during the course
24 of this process back in 1979?

25 //

1 BY WITNESS BOREN:

2 A. Yes.

3 BY WITNESS ANDERSON:

4 A. Yes.

5 BY WITNESS SPENCER:

6 A. Yes.

7 Q. Ms. Anderson, you in particular were asked
8 a series of questions about items that appear on the various
9 summary sheets.

10 First of all, am I correct that the cover
11 page to each of the summary sheets indicates that each
12 summary sheet, and I'm quoting here, contains the problems
13 identified, close quote? That phrase or a virtually identical
14 phrase was used in each cover sheet.

15 BY WITNESS ANDERSON:

16 A. That's true.

17 Q. With respect to the items listed, does the
18 listing of the item on the sheet indicate in your mind
19 that you had found that there was a real or a significant
20 concern there, or is it a reflection of the fact that someone
21 had made such a statement or concern in the course of an
22 interview?

23 BY WITNESS ANDERSON:

24 A. It was strictly a reflection of a statement
25 that was made or voiced by a person during an interview.

1 Q. Is that true for the rest of the panel?

2 BY WITNESS SPENCER:

3 A. Yes. And that statement that was made may
4 have been based on hearsay, you know, him relating another
5 instance that he had heard third-hand, that kind of thing.

6 Q. Are any of you, for instance, vouching
7 to management in these reports that any of these items
8 that Ms. Anderson was asked specifically about were indeed
9 significant problems that management needed to address?

10 BY WITNESS ANDERSON:

11 A. No.

12 BY WITNESS BOREN:

13 A. No.

14 BY WITNESS SPENCER:

15 A. No.

16 Q. As a result of the entire process, do each
17 of you have an opinion as to whether or not in 1979 there
18 existed a significant problem with respect to harassment,
19 intimidation, or any other form of discouraging quality
20 control inspectors from doing their jobs?

21 MR. ROISMAN: Objection. The question calls
22 for the witnesses to give an opinion on a subject on which
23 they have not been qualified. In fact, they have just
24 stated, I believe, in answer to your questions that all
25 they were doing was passing on what they heard, not

1 evaluating it.

2 MR. BELTER: I'll withdraw the question
3 and ask a couple of foundation questions.

4 BY MR. BELTER:

5 Q. Did each of you conduct a series of
6 interviews?

7 BY WITNESS ANDERSON:

8 A. Yes.

9 BY WITNESS BOREN:

10 A. Yes.

11 BY WITNESS SPENCER:

12 A. Yes.

13 Q. And did each of you participate in summarizing
14 all of the interview sheets that were involved in this
15 process?

16 BY WITNESS BOREN:

17 A. Yes.

18 BY WITNESS ANDERSON:

19 A. Yes.

20 BY WITNESS SPENCER:

21 A. Yes.

22 Q. As a result of that process, did you read
23 these sheets and did you do some thinking about what
24 problems you were presenting to management?

25 //

1 BY WITNESS ANDERSON:

2 A. Yes.

3 BY WITNESS SPENCER:

4 A. Yes.

5 BY WITNESS BOREN:

6 A. Yes.

7 MR. BELTER: All right. I'm going to ask
8 the question again, Tony. I assume you have the same objectio

9 MR. ROISMAN: Yes.

10 BY MR. BELTER:

11 Q. Do each of you have an opinion as to whether
12 or not in 1979 as a result of the process that you took
13 part in whether or not there existed a significant problem
14 with respect to harassment, intimidation, threats or any
15 other form of discouraging quality control inspectors from
16 doing their job?

17 BY WITNESS ANDERSON:

18 A. Yes, I have an opinion.

19 BY WITNESS SPENCER:

20 A. I have an opinion.

21 BY WITNESS BOREN:

22 A. Yes, I have an opinion.

23 Q. And I'll take it one at a time.

24 Ms. Anderson, what is your opinion?

25 MR. ROISMAN: I object. For the reason

1 stated, I do not believe the witness is qualified, and
2 the testimony that would be given is not relevant or
3 probative. It represents the opinion of essentially an
4 amateur on a matter that she has no basis for an opinion
5 on, nor is she management, which you've also established.

6 MR. BELTER: Let me ask you, Tony. Is it
7 your belief that based upon the entire interview process
8 no one is capable of rendering such an opinion? Because
9 if that's the case, I don't think you or anybody on your
10 side is as capable of rendering such an opinion as the
11 persons that took part in the interview and conducted the
12 process and were there at the time and summarized the results
13 at the time and reported it to management and had the
14 responsibility to do that. And these folks had the
15 responsibility, and they did it, and they have an opinion.

16 MR. ROISMAN: I have the following things
17 to say: They had a responsibility to report to management
18 what they gathered in the interviews. And they've been
19 asked whether they believe and gave their opinion that
20 they believe that they accurately reported to management.

21 On that matter they are qualified to give
22 that opinion. That was their job, and they have an opinion
23 to give.

24 Now you are asking them to give an opinion
25 about what was management's job, to take this raw data

1 which was given to them by the interviews and make their
2 judgment. These people were not making that judgment,
3 and --

4 MR. BELTER: An hour ago you were elevating
5 them to the level of extended management. These folks
6 were management in your view an hour ago.

7 MR. ROISMAN: They were --

8 MR. BELTER: And now you are putting them
9 down to the information gatherer stage --

10 MR. ROISMAN: No. They were --

11 MR. BELTER: -- incapable of forming an
12 opinion.

13 MR. ROISMAN: They acted as an arm of
14 management to gather the data. They did not perform the
15 function of management to have an opinion on that. And
16 the opinion, the proper place for those opinions to come
17 are from no level lower than the two recipients of the
18 raw data, which are Mr. Tolson and Mr. Chapman, both --

19 MR. BELTER: I totally disagree with you.

20 MR. ROISMAN: -- of whom have been asked
21 about that.

22 In addition, I don't believe, short of an
23 expert, that there is anyone who has an outside basis for
24 an opinion.

25 It is relevant in this proceeding how the

1 management of this corporation responded to this information,
2 but what the opinion of these three people are with respect
3 to it does not represent anything that is relevant.

4 MR. BELTER: I note your objection. I couldn'
5 disagree more. I think there's no one that's more qualified
6 to render this opinion, and whether or not they held a
7 title or not has nothing to do with their individual ability
8 to render this kind of an opinion.

9 MR. ROISMAN: All right. Well, as you know,
10 under the rules here, I have stated it, and you can how
11 have them answer the question.

12 The Staff may have a view on this.

13 MR. MIZUNO: I think at this time the Staff
14 will withhold any position on this.

15 BY MR. BELTER:

16 Q. Ms. Anderson, what is your opinion?

17 BY WITNESS ANDERSON:

18 A. Based on the interviews that I conducted
19 and the summaries that I helped prepare, I did not feel
20 and do not feel that there was a significant problem with
21 harassment and intimidation at Comanche Peak.

22 Q. Ms. Spencer?

23 BY WITNESS SPENCER:

24 A. I also do not feel that there was a
25 significant problem at Comanche Peak on harassment or

1 intimidation or undue pressure with the exception that
2 there was the one incident that I feel and as I acted
3 deserved management attention. I brought it to their
4 attention. But other than that, absolutely, there was
5 no harassment and intimidation and pressure at Comanche
6 Peak site.

7 Q. Mr. Boren?

8 BY WITNESS BOREN:

9 A. Based on the interviews that I conducted
10 at Comanche Peak in 1979, I did not feel that at that time
11 there was any basis or grounds that we could see of any
12 harassment or intimidation.

13 Q. Ms. Anderson, in the follow-up series of
14 interviews conducted in 1980, do you have any way of knowing
15 whether an individual or individuals who had identified
16 any of the listed concerns that Mr. Roisman specifically
17 asked you about were still present on site?

18 BY WITNESS ANDERSON:

19 A. I'm sorry. Could you --

20 Q. Do you have any way of knowing whether,
21 for example, the persons that might have listed item 3,
22 4, 5, or 8 of any of these specific summaries that
23 Mr. Roisman identified for you, whether such a person might
24 still have been on site?

25 A. No. I have no way of knowing.

1 MR. BELTER: Give me just a moment, please.

2 (Pause.)

3 BY MR. BELTER:

4 Q. In conducting the follow-up interviews in
5 1980, you indicated that -- correct me if I'm wrong --
6 that the persons interviewed were selected randomly.

7 BY WITNESS ANDERSON:

8 A. Yes. To the best of my recall.

9 Q. In selecting the random group to re-interview
10 Strike that.

11 MR. BELTER: I have nothing further.
12 Tony.

13 MR. ROISMAN: I just have a couple.

14 FURTHER RECROSS-EXAMINATION

15 BY MR. ROISMAN:

16 Q. Mr. Belter asked all of you whether if in
17 the interviews you learned of excessive pressure from craft
18 to sign off, pressure applied to QC to sign off on items
19 when they weren't proper, whether you would have mentioned
20 that in the summary sheet.

21 Do you remember that question and answer?

22 MR. BELTER: They are nodding affirmatively.

23 MR. ROISMAN: Yeah.

24 WITNESS SPENCER: Yes.

25

1 BY MR. ROISMAN:

2 Q. Would you have similarly recorded it if
3 the pressure had not been excessive?

4 BY WITNESS SPENCER:

5 A. We recorded any information that they gave
6 to us. You know, we relayed the -- The information that
7 they gave to us we recorded on the summary sheets -- on
8 the forms.

9 Q. Interview sheets.

10 A. Interview sheets.

11 Q. I think Mr. Belter had asked about the
12 summary sheets, though.

13 A. Oh, I'm sorry.

14 Q. If your interview sheet had not disclosed
15 that the pressure was excessive, would it have made it
16 to the summary sheet nonetheless?

17 A. I would think so, yes.

18 Q. Ms. Anderson?

19 BY WITNESS ANDERSON:

20 A. I would think so. I'm not positive.

21 Q. Mr. Boren?

22 BY WITNESS BOREN:

23 A. In all probability.

24 Q. Would you say that was true even if the
25 pressure was very slight but nonetheless was there according

1 to the interview sheet, Ms. Anderson?

2 BY WITNESS BOREN:

3 A. How slight are you -- You are going to have
4 to get definitive now. What do you mean? How slight?

5 Q. Well, if you asked the question of someone
6 in the interview and they said yes, I have felt pressure
7 from craft for me to sign off on things that were not okay,
8 that's the sum of it. They didn't say a lot. They didn't
9 say I was threatened or yelled at. They didn't say anything
10 except I felt pressure from craft to sign off on things
11 that I didn't think were proper.

12 Would that have been reported? I assume
13 from Ms. Spencer's answer that would have been reported
14 in the interview sheet.

15 Would that have been reported in the summary
16 sheet?

17 A. Yes.

18 Q. Ms. Spencer?

19 BY WITNESS SPENCER:

20 A. I believe so.

21 Q. Ms. Anderson?

22 BY WITNESS ANDERSON:

23 A. I believe so.

24 Q. In answer to Mr. Belter's question, you
25 indicated that the -- that when you made a recording of

1 information on the interview sheet that you did not have
2 a basis other than the statement of the person themselves
3 to believe that the statement was correct.

4 Is that an accurate statement of what you
5 said, Ms. Anderson?

6 BY WITNESS ANDERSON:

7 A. That's true.

8 BY WITNESS SPENCER:

9 A. Repeat it for me.

10 BY WITNESS BOREN:

11 A. Yes.

12 Q. Okay. When you record -- Well, wait a minute.
13 Mr. Boren, was your answer yes, also?

14 A. My answer was yes.

15 Q. Okay. Ms. Spencer, the question was: When
16 you recorded something on the interview sheet, was it your
17 testimony that you did not have an independent basis to
18 determine whether the statement was correct or not. All
19 you can say is that you were recording as accurately as
20 possible what you were being told.

21 BY WITNESS SPENCER:

22 A. Yes.

23 Q. Not whether it was correct.

24 A. Yes.

25 Q. Ms. Anderson, is that equally true about

1 the interview that you did in 1980, that you had no
2 independent basis for determining whether what you were
3 told in the interview was correct or not?

4 BY WITNESS ANDERSON:

5 A. As far as the specific interviews, yes.
6 As it would have related to a finding from the report,
7 a deficiency, per se, there would have been other things
8 looked at.

9 Q. I'm sorry?

10 A. Well, as far as yes, in the interviews
11 and specifically addressing the questions and what they
12 were telling us, that's a true statement.

13 With regard to addressing deficiencies or
14 whatever that we may have been, there would have been
15 other things that were looked at.

16 Q. But I believe your testimony already was
17 that in forming your opinions that are contained in the
18 first two sentences of paragraph two of what is marked
19 as Panel Anderson Exhibit No. 1, that the only thing that
20 you looked at was the interviews; isn't that correct?

21 A. That's true, yes.

22 Q. Okay. So as to those two sentences, all
23 you had was the interview answers. And as to the interview
24 answers --

25 Answer that one first. All you had was

1 the interview answers in order to form the basis of the
2 opinions expressed in those first two sentences of
3 Panel Anderson Exhibit No. 1, paragraph two; is that correct?

4 A. True.

5 Q. All right. And that you had no more basis
6 to know whether the answer you got in those interviews
7 was accurate than you did as to whether the answers you
8 got in the 1979 survey interviews were accurate; is that
9 correct?

10 A. That's correct.

11 Q. All right. The third -- Maybe it is the
12 fourth.

13 You indicated in an answer to Mr. Belter's
14 question about your opinion that you have the opinion that
15 there was no harassment and intimidation at Comanche Peak
16 based upon the information that you got from the surveys;
17 is that correct, that that was what formed the basis of
18 your opinion, Ms. Anderson?

19 MR. BELTER: I think Ms. Spencer indicated
20 one instance where she felt there had been.

21 BY MR. ROISMAN:

22 Q. I'm sorry. I'm sorry. With the one exception
23 Ms. Spencer indicated, is that true for you, Ms. Spencer?

24 BY WITNESS SPENCER:

25 A. Repeat the question. I'm sorry.

1 Q. That's all right. It is very late. We
2 haven't any of us eaten. I'm sure my questions are as
3 confusing to me as they are to you.

4 That the basis for your statement that in
5 your opinion there was no Comanche -- there was no
6 harassment and intimidation at Comanche Peak as of 1979,
7 with the one exception noted, was the information that
8 you got in the interviews; is that correct?

9 A. Correct.

10 Q. And, Mr. Boren, is that correct?

11 BY WITNESS BOREN:

12 A. It is.

13 MR. BELTER: You are missing one aspect
14 of it, Tony. I don't think you are doing it deliberately --

15 MR. ROISMAN: Okay.

16 MR. BELTER: -- but you are mischaracterizing
17 the question because I did ask them specifically about
18 the only interviews they conducted and as a result of
19 the activity of sitting down and summarizing all the other
20 interviews, also.

21 MR. ROISMAN: Okay. Fine. I'm sorry. I
22 didn't mean to exclude that.

23 BY MR. ROISMAN:

24 Q. Is it not correct that the information that
25 you were evaluating, whether based upon your own interview

1 or the summaries of all the interviews, still had its
2 base back in the interview itself, the accuracy of which
3 you have no basis to know whether it is correct or not?
4 Is that true?

5 BY WITNESS ANDERSON:

6 A. That's true.

7 BY WITNESS SPENCER:

8 A. That's true.

9 BY WITNESS BOREN:

10 A. Yes.

11 Q. Ms. Anderson, you were asked the question
12 whether in 1980 you would have any way of knowing whether
13 the persons who had raised concerns in the 1979 survey
14 were still present on the site in 1980. And I believe
15 you said no way of knowing.

16 Is that a correct summary of what --

17 BY WITNESS ANDERSON:

18 A. That's what I said, yes.

19 Q. Isn't it true that you knew all the people
20 who had been surveyed in 1979 because every QC person was
21 surveyed?

22 A. The only people I would have had knowledge
23 about were the ones that I talked with specifically, their
24 names.

25 Q. But that's not -- My point is: Isn't it

1 true that in 1979 every QC person was interviewed?

2 A. I'm not sure if everyone was interviewed.

3 Q. Was it --

4 MR. BELTER: Mr. Chapman indicated that
5 as they went discipline-by-discipline there may have been
6 some who were on vacation or had been missed.

7 WITNESS BOREN: There were some that were
8 sick.

9 BY MR. ROISMAN:

10 Q. Of the people who were interviewed in 1979,
11 wouldn't it have been possible for you in 1980 to at least
12 determine how many of the people who were present in '79
13 were still present in 1980?

14 BY WITNESS ANDERSON:

15 A. We could have found out, that's true.

16 Q. And isn't it possible that when you conducted
17 the interview in 1980 you could have asked the person,
18 "Were you a person who raised this concern in 1979?" and
19 found out from the interviewee whether they were, in fact,
20 the same person?

21 MR. BELTER: Do you understand the question?

22 WITNESS ANDERSON: That for every person
23 that we talked to we would have had to ask them with every
24 specific item had they made that statement.

25 MR. ROISMAN: No.

1 WITNESS ANDERSON: We could have asked them,
2 and I believe that we did, "Were you interviewed in 1979?"

3 BY MR. ROISMAN:

4 Q. Okay. So you could have found that much
5 out at least, right?

6 BY WITNESS ANDERSON:

7 A. Yes. That's true.

8 Q. And you could have also found out if they
9 were interviewed whether they had raised any concerns in
10 1979.

11 A. Yes.

12 Q. And you could have found out; could you
13 not, if that concern in their opinion had now been addressed?

14 A. Yes.

15 Q. But you have no recollection of whether
16 you, in fact, did that. Isn't that not your prior testimony?

17 A. I do not recall specifically, yes.

18 MR. ROISMAN: Okay. That's it.

19 MR. BELTER: One more.

20 FURTHER REDIRECT EXAMINATION

21 BY MR. BELTER:

22 Q. Following up on Mr. Roisman's theory, in
23 order to determine whether or not a person you re-interviewed
24 in 1980 was a person who had raised a particular concern
25 back in 1979, would you not have had to ask them whether

1 or not they had raised and then list for them the 60 or
2 70 items that appear in the summary sheets, some of which
3 Mr. Roisman asked you about?

4 BY WITNESS ANDERSON:

5 A. That's true.

6 MR. ROISMAN: I've got to do one more.

7 FURTHER RECROSS-EXAMINATION

8 BY MR. ROISMAN:

9 Q. If the person was in the group of QC
10 personnel, staff personnel, you would only had to ask them --
11 in 1979, you would only have had to ask them in 1980 about
12 the concerns expressed by people in that group in '79,
13 wouldn't you, not for all the groups? Is that true?

14 BY WITNESS ANDERSON:

15 A. That's true.

16 MR. ROISMAN: Okay. No more.

17 One more?

18 MR. BELTER: No.

19 MR. ROISMAN: Thank you all very much.

20 MR. BELTER: Off the record, please.

21 (Discussion off the record.)

22 MR. BELTER: On the record.

23 MR. MIZUNO: The Staff has no further questions
24 at this time. However, it did request of the Applicants
25 to provide for me the professional qualifications or a

1 resume for each of the three witnesses on this panel.

2 That's it.

3 (Whereupon, at 9:17 p.m., the deposition
4 was concluded.)

5 * * *

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CERTIFICATE OF PROCEEDINGS

1 This is to certify that the attached proceedings before the
2 NRC COMMISSION

3 In the matter of: TEXAS UTILITIES ELECTRIC COMPANY
4 (Panel 3, Anderson, Spencer & Boren)
5 Date of Proceeding: July 31, 1984

6 Place of Proceeding: Glen Rose, Texas
7 were held as herein appears, and that this is the original
8 transcript for the file of the Commission.

9
10 Glenna M. Wright
Official Reporter - Typed

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12 Glenna M. Wright
13 Official Reporter - Signatur
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Debra Anderson

SIGNATURE OF WITNESS

STATE OF TEXAS)

COUNTY OF Dallas)

Subscribed and sworn to before me by the said witness,

Debra Anderson on this 14th day of

August, 1984.

Glenn Benson

Notary Public in and for

Dallas, County, Texas

Susan Spencer
SIGNATURE OF WITNESS

STATE OF TEXAS)

COUNTY OF Dallas)

Subscribed and sworn to before me by the said witness,

Susan Spencer on this 14th day of

August, 1984.

Gerene Benson
Notary Public in and for

Dallas, County, Texas

Albert H. Bowen

SIGNATURE OF WITNESS

STATE OF TEXAS)

COUNTY OF Dallas)

Subscribed and sworn to before me by the said witness,

Albert H. Bowen on this 4th day of

August, 1984.

Geneva Benson

Notary Public in and for

Dallas, County, Texas

ERRATA SHEET

[illegible]

A-3

A-8

A9

B3

B7

B9

B19

B29

B30

B32

C4

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D1

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F1

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F3

F4

F5

F6

F7

F8

F9

G17

G22

G24

G26

G28

G30

G33

G34

G37

G39

G41

G42

G45

G46

G47

G48

G52

H2

H4

H5

H6

H9

I1

J2

J3

J4

K7

K9

L6

L10

L11

B } 3 - no #
B } all diff
B } employees

1 no letter, no #

SUMMARY

B

G

H

J

NO #

NO #

NO #

B7

B9

B19

B29

B30

B32

C4

C7

D1

D7

F1

E1

E2

E4

F2

F3

F4

F5

F6

F7

F8

F9

F12

G2

G4

G6

G9

G10

G12

G13)

G28

G30

G33

G34

G37

G39

G41

G42

G45

G46

G47

G48

G52

H2

H4

H5

H6

H9

I1

J2

J3

J5

J6

J8

J9

J10

J11

K1

K3

K4

L11

B } 3 - no #

B } all diff

B } employees

1 no letter, no #

SUMMARY

B

G

H

J

NO #

NO #

NO #

CTQ-33

To R. G. Tolson

Dallas, Texas June 16, 1980

Subject COMANCHE PEAK STEAM ELECTRIC STATION
QUALITY ASSURANCE AUDIT TCP-7: FOLLOW-UP
QA AUDIT FILE: TCP-7

On the whole, the morale of the Quality Control personnel has greatly improved. Major improvements were cited in the areas of salary administration, management support, training, QC working environment and relationships with construction personnel. Problem areas mentioned were inefficiencies at the document control center (DCC) which result in excessive waiting, the excessive amount of rework, the use-as-is dispositions and the lack of direct access to the Quality Engineering group. While we recognize that some of these activities are not under your organizational control, we are bringing them to your attention in the belief that you are best qualified to decide what responsible person should be further involved.

Attachment A contains other positive or negative items identified which were specific to a certain group. Attachment B is an evaluation of the three (3) items which remained open from Audit TCP-7. Please advise us of your intended course of action on Unresolved Item 1 by July 16, 1980.

If you have any questions, please contact Debra Anderson at 214-653-4882.

for Debra Anderson
Antonio Vega

AV/DLA:dk
cc: D. N. Chapman
J. R. Ainsworth

[illegible]

Attachment A

to

QTQ-33

The following is a summary of additional comments made during the interviews the week of May 12, 1980:

Electrical Discipline

Inspectors commented that on the whole their inspection procedures had been improved. However, concern was expressed that the termination and cable pulling procedures contain gray areas which require further clarification. No specific examples were cited even though they were asked to elaborate.

Mechanical Discipline

The revisions to CPM-6.9 were generally well received. It is now considered a "workable" document. In the pipe hanger group the feeling was that some of the substance has been taken out, such as fit-up inspections, and not all necessary items are being addressed. Again, no further elaboration was given. The inspectors doing hanger inspections are also having problems with the drawings that are being prepared by on-site drafting in which weld symbols are not being accurately transferred.

QA Vault

The frequent changes to procedures are causing confusion at the QA Vault. Changes to procedures (forms, etc.) which may affect the activities of the vault personnel are not being communicated to them.

Quality Engineering

Quality Engineering personnel made several suggestions which they feel will improve the effectiveness of the QA/QC efforts at CPSES.

- There is a need to put more emphasis on on-going qualification of personnel. There is a need to bolster QA confidence in areas where activities are infrequent.
- There is a need to put more emphasis in setting standards for and testing for reading comprehension when hiring inspectors.
- There is a need to promote the use of problem-solving sessions wherein personnel from the different affected groups meet to discuss and seek solutions to problems. At the present, meetings on problems appear to be forums for expressing and defending positions already established among individual groups, rather than problem-solving meetings.

- Duplicating machines appear to be "bottlenecking" work efforts. There is a need for a cost effective solution to this problem.
- Other suggestions were made which were of a management nature. These have been made known to appropriate personnel.

Attachment B

to

QTQ-33

Evaluation of Open Items from Audit TCP-7

Deficiency No. 3

CPM-6.9 has been revised, re-issued and appears to be a more workable document. Training classes have been conducted with both craft and QC personnel on the revised procedures and the changes appear to address the majority of problems originally expressed by the inspectors. This item is considered closed.

Unresolved Item 1 - QC Training Program

No action has been taken on selecting OJT instructors on the basis of their teaching ability or their willingness to administer OJT. The only requirement for selection of an OJT instructor is that the inspector be fully certified in the area being taught. This item remains open.

Unresolved Item 3 - Site Surveillance

Since the December audit, the Site Surveillance group has been re-organized under the Dallas QA organization. They are presently conducting approximately 15-20 surveys and re-surveys per month. The surveillances are being performed in more depth than in the past. A month-to-month schedule is used with changes made to accommodate requests from the Dallas office and provide support to priority site needs. The more in-depth surveys and the concentration of efforts in priority areas has improved the Site Surveillance function. The group is still short of personnel, particularly in the electrical and I&C disciplines. Efforts are continuing to fill these staffing needs. This item is considered closed.