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UNITED STATES OF AMERICA

BEFORE THE
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
)
HOUSTON LIGHTING & POWER) Docket Nos. 50-498 OL
COMPANY, ET AL) 50-499 OL
)
South Texas Nuclear Project)
Units 1 and 2)

Green Auditorium
South Texas College of Law
1303 San Jacinto Street
Houston, Texas

Monday
June 15, 1981

PURSUANT TO ADJOURNMENT, the above-entitled
matter came on for further hearing at 7:00 p.m.

APPEARANCES:

Board Members:

CHARLES BECHHOEFER, ESQ., Chairman
Administrative Judge
Atomic Safety & Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ERNEST E. HILL, Nuclear Engineer
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STATEMENT OF: PAGE

Richard C. Balough 4129

WITNESSES: BOARD
DIRECT CROSS REDIRECT RECROSS EXAM.

DR. KNOX M. BROOM, JR.
MR. RAYMOND J. VURPILLAT

By Mr. Reis 4132

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EVENING PROCEEDINGS

7:00 p.m.

JUDGE BECHHOEFER: Good evening, Ladies and Gentlemen.

During the break since our last meeting we have been reviewing certain portions of the transcript and also evaluating our own schedules.

We would like very much to be able to finish this whole proceeding by the end of the September session, and we are going to change the modus of operation slightly during the course of the procedures governing this hearing.

First, we think that the cross-examination of the last panel has worked very well, and we think the cross-examination of further panels should be as a panel. In other words, one party cross-examines through all the witnesses and then another party will cross-examine all the panel's witnesses.

We think that could save some time. I don't know that it will, but we think it could.

Now, this would not govern, obviously, the current panel. Actually, that has been followed, but the change would govern future panels that come on.

We would like to have included the Oprea Panel to the extent that the parties can do so. Some part of that panel has already been completed.

Second, we think that the Intervenors should

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1 coordinate their cross-examination even more than they have.

2 We think that the Intervenors should divide
3 witnesses by subject. Just as an example, if one Intervenor
4 asks about a witness' background, that will be it. He could
5 cover that subject.

6 Now, we're not limiting the subjects, but we think
7 that it would be much more efficient to run the proceeding in
8 that way.

9 Let's see. Next, we have found one additional week
10 when we can schedule hearings, and that would be the week from
11 July 20 to 24th, and this is working into our own schedules
12 but that's the only week we have left, and we think an additional
13 week could be gotten in.

14 We'll have real problems if we run past the
15 September hearings.

16 MR. JORDAN: On that one, Your Honor, what would --
17 I was hoping to have a vacation at the end of that week.

18 Would you intend to go through the Saturday?

19 JUDGE BECHHOEFER: No. We would intend to break
20 by 3:00 o'clock on Friday.

21 MR. JORDAN: Friday. Okay.

22 JUDGE BECHHOEFER: In time so that people could
23 fly out on Friday evening.

24 MR. JORDAN: Then I can take my backpacking gear to
25 California and send my legal gear back to Washington.

1 JUDGE BECHHOEFER: Yes. We're doing some
2 interrupting of our own vacations to schedule that week, but
3 the fall presents much more substantial problems.

4 MR. JORDAN: Where would that be, do we have it?

5 JUDGE BECHHOEFER: Well, we're hoping it will be
6 right in this room. I'm not sure if the room is available yet.
7 We will know by tomorrow.

8 We do wish, as we stated before, to cut down some
9 of the time spent on matters such as authenticating documents,
10 so that, as we earlier stated, and I guess the transcript cite
11 is Transcript 3890 to 92 and 3898, if I ready my writing
12 correctly. Those are just two of the places we mentioned that.

13 We do wish that if documents are going to be brought
14 up they should be shown to the counsel whose witness is on the
15 stand beforehand, the evening before, certainly, if possible.

16 In terms of arguments on objections, I think we will
17 hear each party only once. The person who is objecting to
18 something can state his objection. Then each of the other
19 parties will have a chance to respond, and we'll just rule and
20 that will be it. Each party will get one chance, and that might
21 save a little time, I can't say how much.

22 And finally, if it appears that cross-examination
23 is going on -- is unproductive in a given area, we may well
24 cut it short, although we will warn you before we do so, even
25 though the questions may be technically relevant. If it goes

1 into areas which we don't think are helping develop the record
2 in ways we think are beneficial, we will let you know before we
3 do that, however.

4 Now, we have also decided to hold the September
5 hearings right here. The balance of the convenience, I think,
6 favors that. Most of the witnesses, and in terms of our
7 getting to the various hearings and maximizing the amount of
8 hearing time we have, it's much more efficient to get to Houston
9 in terms of time. So we will hold those hearings right here.
10 The last day of those hearings will be in another room in this
11 building.

12 The only other preliminary matters that I have --
13 other parties may have some -- what about the Protective Order
14 on the CCANP witnesses? There were four of them, I believe.

15 MR. SINKIN: Mr. Chairman, regarding th Protective
16 Order, we have spoken with the witnesses, and on Nos. 2, 11 and 13,
17 they wish to remain under the Protective Order until called to
18 testify.

19 On No. 12, we now have no intention of calling No. 12
20 as a witness, and will probably refrain from any further contact
21 with No. 12, or his wife, in hopes that his wife will get her
22 job back.

23 JUDGE BECHHOEFER: Did your witnesses express
24 reasons?

25 MR. SINKIN: In the case of No. 2, he wanted

2-5 1 essentially as few people to know as possible that he would be
2 a witness, and that he wanted to limit the number of contacts
3 that would be made pertaining to these proceedings.

4 I'm trying to reconstruct the conversation, Your
5 Honor.

6 Those are the two main reasons I can remember.

7 In terms of No. 11 -- I might point out that No. 2
8 is still down in the area of the plant working not too far away.

9 In the case of No. 11, No. 11 also wished to limit
10 the number of contacts and No. 11 works at the plant.

11 In the case of No. 13, essentially the same
12 reasoning of limiting the number of contacts, and No. 13 also
13 lives in the area and works in the area of the plant.

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1 MR. SINKIN: I'd like to point out, also,
2 Mr. Chairman, on No. 11 that there was a concern expressed
3 about keeping employment at the project.

4 JUDGE BECHHOEFER: Mr. Newman or Axelrad,
5 do you have comments, or Cowan, as the case may be.

6 Take your pick.

7 MR. AXELRAD: Mr. Chairman, if I may have
8 just a minute.

9 I'm not quite sure I understand one of the
10 basic common grounds that Mr. Sinkin just stated. I'm
11 not sure I understand the concept of limiting contacts,
12 whatever that means; but it seems to me very clear that
13 we have a situation here where people are going to be
14 testifying publicly, where there is no reason at all why
15 their identity should not be made known so that -- at
16 least to the extent that the other participants need to
17 know that particular name in order to prepare for the
18 cross-examination of these individuals.

19 There would be no reason for the identity
20 to be protected in a fashion which prevents the parties
21 from preparing for such a cross-examination as effectively
22 as possible.

23 With respect to No. 11, that particular individual
24 has been identified in this proceeding before.

25 MR. SINKIN: I don't think that's an appropriate

1 remark necessarily, Mr. Axelrad.

2 MR. AXELRAD: I won't pursue it.

3 JUDGE BECHHOEFER: Well, wait until
4 Mr. Axelrad....

5 MR. AXELRAD: And the particular preferences
6 of any individuals with respect to limiting the number
7 of contacts, whatever that may be, can have no particular
8 weight in this proceeding before this particular Board.

9 The most important consideration should be
10 to assure that when the individuals are called, they will
11 be able to present their testimony and they will be able
12 to be examined by all the other parties as effectively
13 as possible.

14 Certainly, there is no valid reason why Applicants
15 should not be able to prepare their case as well as possible.

16 It will be difficult for Applicants to prepare
17 their case without being able to discuss the particular
18 individuals who are former employees and a present employee
19 at the plant with HL&P and Brown & Root, be able to ascertain
20 the previous work experience of those particular individuals,
21 be able to discuss fully -- having Applicants' Counsel
22 be able to discuss fully with his clients whatever information
23 is available within the records of the company with respect
24 to these particular individuals.

25 I think there is a very good chance if the

1 names of these individuals are kept protected until they
2 appear, that we will not be able to cross-examine effectively
3 at that time, that there may need to be a recess when
4 their identity is fully known so that we can then prepare
5 for full and effective cross-examination, and that will
6 be completely contrary to the wishes that the Board has
7 made known just before.

8 I would add that if for some reason this limiting
9 number of contacts means that any of these individuals
10 are concerned about press inquiries or anything of the
11 kind, that at the very least, if they are going to be
12 kept protected in any fashion, that that protection not
13 limit the ability of Applicants to reveal the identity
14 of these individuals to people within HL&P and Brown &
15 Root to whom Counsel would have to talk in order to be
16 able to cross-examine these particular individuals fully.

17 MR. SINKIN: Mr. Chairman, the Applicants
18 will have three months in which to prepare their case
19 on three people.

20 I'm sure they are fully competent to do that.

21 They have two of their licensing personnel
22 who have access to those names.

23 We feel that there has already been some pressure
24 on some of these witnesses and that the way to minimize
25 that pressure is to minimize the number of people contacting

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1 them, to limit those contacts to the people who are directly
2 involved in these proceeding who will know what's to be
3 asked and what's to be discussed, and to avoid the witnesses
4 being harassed or even intimidated in terms of testifying
5 in these proceedings.

6 MR. COWAN: Mr. Chairman, I resent those remarks
7 again.

8 JUDGE BECHHOEFER: I just have a question
9 to ask Mr. Sinkin.

10 Would you have any objection to allowing the
11 Applicants to release the names but not permitting any
12 other contacts or interviews, other than what would have
13 been permitted under the protective order?

14 In other words, so that they could get background
15 on those employees or former employees through respective
16 Personnel Departments?

17 MR. SINKIN: The only thing I can think of,
18 Mr. Chairman, that might be appropriate is if one person
19 in each of the Personnel Departments concerned is allowed
20 to know the names in order to cooperate with the attorneys
21 on the work record, and that those people, then, are under
22 the protective order limitations, as well.

23 (Board conference.)

24 MR. SINKIN: We added to licensing engineers.
25 I think we can add two Personnel Department people.

1 MR. AXELRAD: Mr. Chairman, these are not
2 personnel matters.

3 To the extent that an individual was a former
4 employee, we would need to be able to talk to people within
5 wherever the individual was employed to find out what
6 he was doing at the time, what was known about his activities.

7 This is not the type of information that would
8 be contained within the personnel record itself.

9 MR. REIS: Mr. Chairman, I don't think the
10 requisite showing has been made.

11 The requisite showing for protection has to
12 give a base for protection, not just the fact that somebody
13 doesn't want to have his name bandied in public.

14 That's an obligation of a citizen, and that
15 is incumbent on every quasi and quasi-judicial procedure.
16 That happens all the time and that's the nature of our
17 legal system.

18 I don't see that anything else -- more is
19 said than that; therefore, I don't think a base has been
20 set out.

21 There are conclusions set out, but there is
22 no base and no facts on which there would be any grounds
23 to continue any sort of protection here.

24 MR. JORDAN: With all respect, Your Honor,
25 it seems to me Mr. Axelrad just set out what is a recognized

-6 1 basis for this kind of protection, and that is the contacting
2 of a new employer, or even a potential new employer.

3 As I recall, from the preparation of the brief
4 on the in-camera proceedings that was never filed, that
5 has been a particular concern; not simply that an existing
6 employment be threatened, but in fact, the possibility
7 of contacts with future employers is also a major concern.

8 We have here that point, really, just raised,
9 and we have Mr. Sinkin's representation here of concern --
10 as I recall, at least one of the witnesses' specific concern
11 for loss of job.

12 That is precisely the kind of thing that is
13 at issue here.

14 I might add that the question is not in this
15 protective order context whether eventually they will
16 not testify in camera, which indeed is the case; but that
17 they be protected in the interim from the type of harassment
18 or intimidation that might well occur and that is precisely
19 the concern and the reason for this kind of protection
20 of witnesses.

21 Now, Mr. Reis asks for facts. I suppose we
22 could go ahead and have an in-camera hearing and have
23 the facts on why we should have the protective order,
24 which is about the only way we could do that.

25 It doesn't seem reasonable at all to me.

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1 We have two licensing personnel. Actually,
2 I don't even agree with Mr. Sinkin on this point.

3 It seems to me they have full access to the
4 records of those operations and they can get -- We don't
5 need personnel people under the protective order.

6 They can go and get the records of whatever
7 the individuals are and find out what the work history
8 is.

9 That's the reason those people were allowed
10 into that position, and it seems to me at this point in
11 this proceeding that's enough.

12 If there is a need later on, maybe we will
13 have to have a recess, or maybe we will have to do something
14 special; but the point now is to maintain this protection.

15 Let's see if it's needed later on.

16 JUDGE BECHHOEFER: Mr. Axelrad, do the licensing
17 personnel have access to personnel files or not?

18 MR. AXELRAD: Well, I believe that the licensing
19 people would, but as I tried to point out before, that
20 is not the basic question before us.

21 JUDGE BECHHOEFER: No, I recognize that, but --

22 MR. AXELRAD: I would like to respond to some
23 of the things Mr. Jordan just said, because he may have
24 misunderstood.

25 I made no mention of contacting new employers,

1 and there is no reason for us to contact new employers.

2 What we were talking about was determining
3 when these people were employed at the plant, what type
4 of work they did and what their relationships with their
5 co-workers were, for example.

6 This has nothing to do with contacting new
7 employers. It would not be the type of things that would
8 be found in a personnel file.

9 And I resent, again, the remarks that both
10 Mr. Sinkin and now Mr. Jordan have made with respect to
11 harassment and intimidation.

12 This is a continuation of the type of slanders
13 that we've heard continuously in this proceeding with
14 absolutely no basis.

15 After coming to this Board with lists of hundreds
16 of people who theoretically were concerned about harassment
17 and intimidation, it then turned out that not a single
18 one of the 20 people even on the protective list were
19 unwilling to testify publicly; and none of them had indicated
20 to the Counsel for the Intervenors any desire to be protected
21 from HL&P and Brown & Root, and they indicated a willingness
22 to testify publicly.

23 Now, again, we have these baseless remarks
24 being made by Counsel for the Intervenors.

25 MR. SINKIN: Mr. Chairman, that's a misrepresentation

1 of the history of the proceedings, and I don't want to
2 get into it.

3 JUDGE BECHHOEFER: Yes, I think we -- We'll
4 rule tomorrow on this, but I think --

5 MR. SINKIN: I would make one final point,
6 though, on No. 11.

7 Certainly, going to all the people that No.
8 11 works with and asking about No. 11's work history and
9 performance and all that cannot help but highlight that
10 there's something special about No. 11.

11 JUDGE BECHHOEFER: Okay. We'll consider this
12 and we'll rule tomorrow.

13 MR. REIS: Mr. Chairman, just one word.

14 There was talk about protection of witnesses
15 and what had been the reasons for the protection of witnesses
16 in various cases.

17 In each case, they were government sources
18 of information and not sources for private parties or
19 intervenors.

20 MR. SINKIN: Well, then, one final word,
21 Mr. Chairman.

22 If you really want to hear from these witnesses,
23 we think the protective order should stay in place.

24 JUDGE BECHHOEFER: We'll discuss it tonight
25 and rule tomorrow.

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1 JUDGE BECHHOEFER: My other inquiry is to the
2 Applicant's. Have you investigated the Swayze Personnel File
3 and decided, or been able to supply or come up with any
4 further documents from it, including that was on its face
5 missing?

6 MR. AXELRAD: We have not been able to complete
7 our review of that, Mr. Chairman. We will try to do that as
8 quickly as possible, and in event no later than Wednesday.

9 JUDGE BECHHOEFER: Okay. Are there any further
10 preliminary matters before we recall the Broom and Vurpillat
11 Panel for Staff's cross-examination?

12 MR. COWAN: Judge Bechhoefer, our fellow
13 participant, the City of Austin, has its City Attorney here,
14 and he would like to be heard on a resolution passed by the
15 City Council of the City of Austin. It is Mr. Richard Balough.

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STATEMENT
of
RICHARD C. BALOUGH

MR. BALOUGH: Mr. Chairman, all of this matter has already been disposed of by your decision.

For the record, my name is Richard Balough, and I am Assistant City Attorney for the City of Austin. I would like to read a resolution that the new City Council has passed.

Before I do, let me tell you that the City of Austin, the entire licensing procedure for the South Texas Project it's part of the duty of Houston Lighting and Power, and this is a resolution passed by the City Council. It says:

"That the City Council hereby requests the Atomic Safety and Licensing Board schedule the announced September, 1981 hearings in Docket Nos. 50-498 and 50-499 in the Matter of Houston Lighting & Power Company, et al., (South Texas Project, Units 1 and 2) in Austin, Texas, and that the Board allow additional limited appearance statements during a portion of those hearings."

JUDGE BECHHOEFER: I'm sorry. We have ruled already.

MR. BALOUGH: I understand that, but I would like

1 to state it for the record.

2 JUDGE BECHHOEFER: Right. It will be.

3 MR. BALOUGH: Thank you.

4 JUDGE BECHHOEFER: Mr. Cowan, did you have any
5 more?

6 MR. COWAN: Sir?

7 JUDGE BECHHOEFER: Any more preliminary matters?

8 MR. COWAN: No, sir.

9 MR. SINKIN: We have one, Your Honor.

10 JUDGE BECHHOEFER: Okay.

11 MR. SINKIN: I would just like to note for the
12 record that a partner in this project has come before us and
13 asked to have hearings in their city, and apparently is to be
14 denied, and that the additional week of hearings that has now
15 been scheduled for July is also to be in Houston. Again, we
16 protest, and don't believe that the overwhelming amount of the
17 hearing should always be in Houston.

18 I did want to check on the schedule for the City
19 of San Antonio as to exactly when you will begin. Is it
20 June 22nd, and if so, what time?

21 JUDGE BECHHOEFER: Off the record for a minute.

22 (Discussion off the record.)

23 JUDGE BECHHOEFER: On the record.

24 MR. SINKIN: And the last day is Friday?
25

1 JUDGE BECHHOEFER: The last day is Friday, yes.

2 MR. SINKIN: And how late will be run?

3 JUDGE BECHHOEFER: I would say we would run until
4 around 4:00.

5 MR. SINKIN: And the evening session, what time
6 will that start?

7 JUDGE BECHHOEFER: If I recall the schedule, it is
8 from 7:30 to 9:00.

9 MR. SINKIN: Thank you.

10 JUDGE BECHHOEFER: Possibly a little later. I think
11 we will have to get out of the Federal Building before 10:00.

12 MR. SINKIN: That concludes our preliminary matters.

13 JUDGE BECHHOEFER: Okay.

14 Do you wish to recall the Broom/Vurpillat Panel?

15 MR. AXELRAD: Yes.

16 Whereupon,

17 KNOX M. BROOM, JR.

18 RAYMOND J. VURPILLAT

19 having been previously duly sworn to tell the truth, the whole
20 truth and nothing but the truth, resumed the stand as witnesses
21 herein, and were examined and testified further as follows:

22 JUDGE BECHHOEFER: Before you begin Mr. Newman or
23 Axelrad, at what point, just refresh my recollection, was
24 Mr. Grogan going to be brought on? Was he going to join this
25 panel?

1 MR. AXELRAD: Mr. Grote?

2 JUDGE BECHHOEFER: Yes.

3 MR. AXELRAD: Yes. It was our assumption that the
4 cross-examination of Dr. Broom and Mr. Vurpillat on their
5 prepared testimony would be completed, and at that point
6 Mr. Grote would be put on.

7 JUDGE BECHHOEFER: Okay.

8 MR. AXELRAD: This will be either this evening or
9 tomorrow morning, I assume.

10 We were in the midst of examination by Mr. Reis
11 of Dr. Broom and Mr. Vurpillat, and then we have the Board
12 questions.

13 JUDGE BECHHOEFER: Right.

14 MR. AXELRAD: I guess then redirect and recross.
15 Mr. Grote is available.

16 JUDGE BECHHOEFER: Okay. That is satisfactory.
17 Mr. Reis, are you ready to resume?

18 MR. REIS: Good evening, gentlemen.

19 CROSS-EXAMINATION (Continued)

20 BY MR. REIS:

21 Q Mr. Vurpillat, when we last met you testified that
22 typically voiding does not occur in areas where rebar is most
23 congested because there is special efforts made to plan the
24 placement in those areas. Do you recall that testimony?
25

1 BY WITNESS VURPILLAT:

2 A I believe I said something to that effect, although
3 I don't believe I made the stark statement that voiding does
4 not occur --

5 Q I believe you --

6 A -- because of the preparation, the extra
7 preparation in areas such as you described we find that voiding
8 might be less likely to occur.

9 Q Have you examined the history of voiding on this
10 project to see whether voiding occurred in those congested
11 areas?

12 BY WITNESS VURPILLAT:

13 A I am familiar with the voiding on this project from
14 simply reviewing the records. I was not with Brown & Root and
15 on the project at the time it occurred and was studied.

16 Q And the voiding here occurred in areas of heavy
17 congestion and where there was an angle, a horizontal eight-
18 inch bar put in; isn't that so?

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1 BY WITNESS VURPILLAT:

2 A Yes. I believe that is correct.

3 Q Would these matters indicate to you anything about
4 the extent of preplacement planning of the concrete on this
5 project, you as an expert?

6 BY WITNESS VURPILLAT:

7 A Yes. I think it indicates that one of two things
8 may have occurred.

9 The congestion was greater and the circumstances
10 were such than what were planned for, or that the -- Now,
11 this is almost hypothetical, because everything that I know
12 about it is really hearsay -- or that the planning might have
13 been somewhat more detailed.

14 Q I see. Do you know whether they prepared models
15 of the rebar in place in congested areas before the beginning
16 of 1980?

17 BY WITNESS VURPILLAT:

18 A No. I don't know that.

19 Q Do you know the extent? Have you reviewed any
20 minutes, or reviewed the extent of preplacement meetings before
21 1980?

22 BY WITNESS VURPILLAT:

23 A I have not reviewed the minutes of the preplacement
24 meetings before 1980. I am aware there were preplacement
25 meetings before 1980.

1 Q Are you aware of the depth to which planning was
2 carried out at those meetings?

3 BY WITNESS VURPILLAT:

4 A No.

5 Q Were there any post-placement meetings here after
6 post-placement of concrete?

7 BY WITNESS VURPILLAT:

8 A I have been advised and I have read that there were
9 post-placement meetings.

10 Again, you are talking prior to 1980?

11 Q Yes.

12 When you look at the constructability of pours you
13 are also concerned about included in that is the inspectability
14 of the work as well. That is a part of --

15 BY WITNESS VURPILLAT:

16 A Yes. That is correct.

17 Q Now, generally, how are voids found in concrete? If
18 you have a wall or a -- a wall and you want to tell whether there
19 are voids in that wall, how do you go about determining that?

20 MR. NEWMAN: Mr. Chairman, I'm going to object to
21 that question. It's clearly outside the scope of Mr. Vurpillat's
22 direct testimony, and matters affecting the situation in regard
23 to concrete will be the subject of special testimony by
24 additional panels later in the proceeding. I believe it would
25 be more appropriate to address the questions to those experts in

5-5 1 that particular area.

2 MR. REIS: Well, Mr. Vurpillat said he is here as
3 an expert in quality assurance. I thought we could make sure --
4 use his expertise to see how you would check the quality of
5 concrete.

6 (Bench conference.)

7 MR. SINKIN: Mr. Chairman, there is testimony in the
8 record about voids on Page 28. In the case of concrete there is
9 no reason to suspect any additional voiding or substandard
10 conditions.

11 (Board examines document.)

12 MR. SINKIN: I would also note that the question
13 that appears on Page 25 is Question No. 26, and it is not
14 addressed to one or the other of the panel members, so I presume
15 it was answered by both.

16 JUDGE BECHHOEFER: I will overrule the objection.

17 You may answer the question.

18 BY MR. REIS:

19 Q Mr. Vurpillat, how do you go about finding voids
20 in a wall?

21 BY WITNESS VURPILLAT:

22 A Are you talking about voids recognizing the fact
23 that there may be voids during the placement, or after the
24 placement is complete?

25 Q After the placement is complete.

1 BY WITNESS VURPILLAT:

2 A. There is one way that is relatively obvious if the
3 voids are surface voids, because when you strip the forms it
4 will be apparent that there is no concrete there.

5 If you suspect that there might be voiding there are
6 a number of rather precise tests that can be run, and I am not
7 an expert in the area of these tests, but there are sonic in
8 nature, generally. They can be as sophisticated as ultrasound;
9 in some types of concrete pours lend themselves to voiding
10 discovery by this method.

11 Other areas it is simple sounding, hitting it with
12 a hammer. If you have some type of a cover that voids near the
13 surface, particularly behind, for instance, a liner plate.

14 ///

16 ///

18 ///

3-7
1 BY MR. REIS:

2 Q Do you know what percent of voids here were found
3 by simply hitting the wall with a hammer?

4 BY WITNESS VURPILLAT:

5 A No. I don't.

6 Q Are you aware of the size of some of the voids
7 involved in this project?

8 BY WITNESS VURPILLAT:

9 A I have of the size of some of the voids, yes.

10 Q And were some of those voids as long as 40 feet?

11 BY WITNESS VURPILLAT:

12 A Mr. Reis, I don't remembering reading, or talking
13 to anyone that was explaining a void that was 40 feet.

14 Q What's the longest void you remember?

15 MR. NEWMAN: Mr. Chairman, I'm going to object to
16 the question, really on the same basis as my earlier objection.
17 I hope to better avail.

18 Mr. Vurpillat is not here to testify about events
19 occurring before the date of his assumption of responsibilities.
20 We do have a panel that are available and will be available to
21 talk about voiding, and I really think we are spinning our
22 wheels talking with Mr. Vurpillat about these matters. He can't
23 really have direct knowledge.

24 JUDGE BECHHOEFER: Mr. Reis --

25 MR. REIS: Yes, sir.

5-8 1 JUDGE BECHHOEFER: -- I just wondered if you have a
2 response?

3 MR. REIS: Well, my response is that if their
4 direct testimony involves voids I think I should be able to
5 probe, extent, and depth of their knowledge on the voiding in
6 this project, and whether their direct testimony should have
7 any weight.

8 Now, on the other panels, we'll see what the weight
9 is with the other panels, and here we will see what the weight
10 is with this panel.

11 JUDGE BECHHOEFER: Didn't he already testify,
12 though, that he didn't know the length?

13 MR. REIS: Yes.

14 MR. AXELRAD: Mr. Chairman, can I add one thing?

15 JUDGE BECHHOEFER: I think on that basis we will
16 sustain the objection.

17 MR. REIS: Okay.

18 BY MR. REIS:

19 Q In preventing the formation of voids, is the
20 vibration and procedures for vibration of concrete important?

21 BY WITNESS VURPILLAT:

22 A In part.

23 Q Do you know whether the procedures for the
24 vibration of concrete were followed by Brown & Root here?
25

1 BY WITNESS VURPILLAT:

2 A Mr. Reis, I really don't. I wasn't there, and I
3 have read reports indicating one thing and another, but do I
4 know whether or not they were, no, I don't.

5 Q Now, turning to both members of the panel as to
6 welding, what percentage of the ASW welds were found to have
7 defects when they were looked at after the Spring of 1980?

8 BY WITNESS BROOM:

9 A Mr. Reis, I'll try to answer that. I don't recall
10 the figure. It is in our response to show cause. If I could
11 refer to that document I could refresh my memory.

12 Q Okay. And, similarly, the ASME welds, those figures
13 are correct in the response to the order of show cause.

14 BY WITNESS BROOM:

15 A Yes. That indicated the status of the findings of
16 the investigations made to that date. Subsequently, we have
17 filed, I believe, some reports with the NRC to keep them
18 apprised of the status of that investigation, but I do not have
19 the statistical information at my finger tips.

20 Q That's fine.

21 BY WITNESS BROOM:

22 A We could get that for you.

23 Q Were your welding procedures revised after the
24 investigative report of 79-19?

25

1 BY WITNESS BROOM:

2 A Yes, sir. I think in general. I can't comment
3 about each and every one, but there were a substantial number
4 of procedural changes following 79-19.

5 Q And after 79-19 were the procedures amended to
6 protect welds from adverse environmental conditions during the
7 welding process?

8 BY WITNESS BROOM:

9 A Yes, sir. I'm not sure whether we had incorporated
10 some of those changes prior to that, but certainly if we had
11 not they were incorporated in the subsequent changes.

12 Q Do you know which Brown & Root procedures defined
13 radiographic processing techniques before 79-19, or if there was
14 such procedures?

15 BY WITNESS BROOM:

16 A Mr. Reis, my memory is very vague on that subject.
17 I stand to be corrected, but I believe for the most part we
18 were relying upon the manufacturer's instructions of the film
19 and of the film-processing equipment to process the film.

20 I don't know that we had a project procedures for
21 processing the film in the same format that we talk about our
22 quality control procedures at the site. I might be in error,
23 but I believe that to be the case.

24 Q How did you go about getting those film
25 manufacturer's and equipment manufacturer's instruction to the

1 people who processed the film?

2 BY WITNESS BROOM:

3 A I'm sorry, sir. I would presume those would be
4 instruction manuals or instructions that came with the film.
5 Whatever of that we had I presume that was available in the
6 facility where the film was processed.

7 Q On the use of -- Did you have any instructions on
8 the uses by welding inspectors of penetrometers?

9 BY WITNESS BROOM:

10 A Yes, sir. You understand I'm not a welding or an
11 RT expert, but, yes, I believe we did. I remember there being
12 some findings that there was question of the proper placement,
13 whether it was source side or film side use of the penetrometer.
14 I don't recall the details, but I know that we either changed
15 our procedure to clarify the proper location of the
16 penetrometer after 79-19, or if that portion of the procedure
17 was missing we added it. I believe the former was the case,
18 rather than the latter, but I am not positive. Perhaps
19 Mr. Vurpillat remembers.

20 BY WITNESS VURPILLAT:

21 A As I recall, the permissiveness of using film side
22 penetrometers was in the -- the procedure as it is is a
23 technique that is often used in certain circumstances.

24 As I recall the revisions to the procedures indicated
25 that in which cases more specifically this should be practiced

5 -11 1 and should not be practiced.

2 Q Mr. Vurpillat, and gentlemen -- both of you -- as
3 one skilled in QA and QC, is the documentation of the results
4 of surveillances an accepted practice and something that should
5 be done in QA/QC generally?

6 BY WITNESS BROOM:

7 A The documentation of surveillances --

8 Q The results of surveillances.

9 BY WITNESS BROOM:

10 A Mr. Reis, I guess I would have to answer that in
11 two ways.

12 Q Yes, sir.

13 BY WITNESS BROOM:

14 A First, I think in general in the nuclear industry
15 most matters related to QA activities should be documented so
16 that you can verify what was done, when, by whom, and so on.

17 I don't know specifically if there is a requirement
18 in Appendix B for the documentation of surveillances.
19 Surveillances, as I think I have testified earlier is I believe
20 a rather subjective term, and I'm not sure there is a precise
21 definition of surveillances accepted through the industry. I
22 believe we've talked about what mine was, or maybe what some
23 other witness' usage of the term surveillance might be, but
24 certainly in some cases if a surveillance meaning some type of
25 watching over, or witnessing of inspections, or some activity is

5-12

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1 to be taken credit for in complying with a portion of the
2 ANSI Standards, or Appendix B or wherever, then certainly they
3 should be documented and those documents retained.

4 Mr. Vurpillat may have another point of view.

5 BY WITNESS VURPILLAT:

6 A No. I think basically I agree with that. The type
7 of documentation, the extent of documentation will differ
8 depending on the type of surveillance, and the activity actually
9 being surveilled.

10 Q Dr. Broom, there came a time in this project when
11 safety-related welding was stopped, didn't there?

12 BY WITNESS BROOM:

13 A Yes, sir.

14 Q Okay. Did that occur before or after the dicussions
15 with the NRC involving inspection report 79-19 and the
16 inspection that led up to it?

17 BY WITNESS BROOM:

18 A It came after the discussions with the NRC. I
19 believe HL&P's first discussion with the NRC dated back to
20 mid to late December 1979.

21 I don't know that that specific item was discussed
22 at that particular meeting, but I am sure it was discussed in
23 that or subsequent meetings.

24 Q Gentlemen, do you know the length of time between
25 Lift 1 in Reactor Containment Building 1, until the time voids

5-13

1 were found?

2 BY WITNESS BROOM:

3 A Mr. Reis, I believe you asked me that question
4 before, and I neglected to refresh my memory. We will have
5 people who work in the concrete area who can give you that
6 information probably more accurately than I can.

7 However, I believe I did comment that I am certain
8 it was an extended period of time of several months of more, if
9 that will suffice.

10 Q Thank you. Now, on how many occasions in 1979
11 was the placement of concrete stopped?

12 BY WITNESS BROOM:

13 A Mr. Reis, I'm sorry. I don't know.

14 Do you have any data on that with you?

15 BY WITNESS VURPILLAT:

16 A No. I don't have any with me. Again, we certainly
17 can find that out pretty easily by researching some record.

18 Q Was it stopped once in about September of 1979, and
19 stopped again in December?

20 BY WITNESS BROOM:

21 A I was to say that I recall I believe sometime -- I
22 thought it was the summer. If you say September, perhaps you
23 have more accurate information than I. I remember there being
24 a stop work associated with concrete in that timeframe. I don't
25 remember the details of whether it was all concrete or a certain

5-14
1 type, or whatever.

2 Of course, you refreshed my memory about the
3 stoppage of work on concrete in December, because I certainly
4 am aware of that as a result of the first conversations with
5 the NRC about inspection 79-19, safety related concrete pouring
6 was stopped and I believe that stop was changed fairly shortly
7 afterwards to complex pours, as opposed to all pours, but I
8 certainly was aware of that, and that occurred in December
9 1979.

10 Q Was there physical abuse on the project between
11 construction personnel and QA personnel in 1977?

12 BY WITNESS BROOM:

13 A In 1977, Mr. Reis, I believe the incident between
14 a QC inspector and a construction foreman, which involved some
15 pushing and falling onto some rebar in which the QC inspector
16 was injured, that did occur in 1977, and to my knowledge that
17 was the first occasion on the project that we had had a
18 physical altercation of some type between QC and construction.

19 Q Now, did just an incident --

20 BY WITNESS BROOM:

21 A I don't remember another instance in 1977.

22 Q Did such an instance occur in 1978?

23 ///

24 ///

1 Q . Broom, to speed this up, are all the instances
2 of physical abuse you are aware of on the project, are they
3 all set out, every one of them set out in your testimony?

4 BY WITNESS BROOM:

5 A No, sir. I'd have to review it again. I don't
6 know that I mentioned all of them. I believe, to my knowledge,
7 there were three instances of physical altercations. I believe
8 they're all mentioned in some NRC inspection report, and
9 that's the information I was looking in, is the NRC's testimony.

10 Q I see. Now, in your preparation for testimony here
11 did you review Brown & Root reports which might have this
12 information as well as NRC reports?

13 BY WITNESS BROOM:

14 A I reviewed a great deal of information. I believe
15 I reviewed sources of information that should have contained
16 such documentation of such instances.

17 Q Do you believe that the records you reviewed
18 should have been complete?

19 BY WITNESS BROOM:

20 A Yes, sir, I believe so.

21 Q Now, going from actual physical abuse, were there
22 instances of threats of physical violence of one type or
23 another by construction personnel against quality assurance
24 personnel in 1977 on the South Texas Project?

25 / / / /

5-2

1 BY WITNESS BROOM:

2 A Mr. Reis, instances like that did occur perhaps in
3 1977. I'd have to have time to check the chronology of events,
4 but on a few occasions there were name-callings and verbal
5 threats, I guess you could characterize it in that fashion.

6 Q And the name-callings, did they involve also
7 instances of construction personnel threatening to hit quality
8 assurance personnel with a shovel or a wrench, or some physical
9 implement?

10 BY WITNESS BROOM:

11 A Perhaps. I don't recall an instance where a shovel
12 or a wrench was involved, but I'm sure there were occasions
13 where a construction worker said he was going to hit the
14 inspector with his fist or with something.

15 Q How about with a Magnum?

16 BY WITNESS BROOM:

17 A I'm sorry?

18 Q How about with a pistol, a Magnum pistol?

19 BY WITNESS BROOM:

20 A I don't recall that, but it may have occurred.

21 Q How much time did you spend reviewing the Brown &
22 Root records prior to your testimony today?

23 BY WITNESS BROOM:

24 A All of our records, or are you talking about
25 specific records that might indicate those type of instances?

5-3

1 Q Records that might indicate threats, threats of
2 harassment, threats of violence.

3 BY WITNESS BROOM:

4 A Mr. Reis, I spent a considerable amount of time.
5 I really don't know how I could quantify it in hours or days,
6 but I expended a considerable amount of time reviewing reports
7 like that, as well as reports that we made to the NRC, and NRC
8 inspection reports surrounding those instances, as well as
9 Houston Lighting & Power correspondence and reports surrounding
10 instances like that.

11 Q In 1978, are you aware of any threats of physical
12 abuse by construction personnel against quality assurance
13 personnel?

14 BY WITNESS BROOM:

15 A Mr. Reis, I'd have to give you the same answer.
16 Probably so. I'd have to check the chronology to make sure
17 that I am familiar with a specific instance that happened
18 during 1978, but probably so.

19 Q And did such instances occur during 1979?

20 BY WITNESS BROOM:

21 A Probably so.

22 Q And during 1980?

23 BY WITNESS BROOM:

24 A Yes, sir, I'm sure that they did. We don't like
25 any of them to happen, but that does not mean that they haven't

1 happened during 1981 or they won't happen in the future. I
2 think we've characterized that people use pretty rough language
3 around a construction site, and sometimes tempers on the spur of
4 the moment get out of control and somebody makes an unfortunate
5 remark.

6 We don't condone or like any of that kind of
7 behavior.

8 Q Now, those unfortunate remarks include threats of
9 physical violence?

10 BY WITNESS BROOM:

11 A Yes, they do.

12 Q Now, going to record falsification, sir, were there
13 record falsifications in quality assurance records in 1977?

14 BY WITNESS BROOM:

15 A Yes, I believe so. I believe that the first
16 instance of alleged falsification occurred in 1977 with a
17 technician employed by Pittsburgh Testing Laboratories. That
18 occurred in 1977. I believe that was the first one, to my
19 knowledge, on the project.

20 Q And that's recorded in Staff Exhibit No. 1; isn't
21 that so?

22 BY WITNESS BROOM:

23 A I was referring to your testimony by Mr. Hubacek
24 and others. I don't have Exhibit No. 1 in front of me.

25 (Witness reviews document.)

1 BY WITNESS BROOM:

2 A Yes, sir, that's Inspection Report 77-02 That's
3 correct.

4 Q And were there any such instances in 1978?

5 BY WITNESS BROOM:

6 A I believe so. I believe there was an accusation
7 that the base mat cad welds in Unit 1 were -- there was some
8 falsification in those records made during 1978.

9 I'm not sure that -- you said were there instances
10 of falsification, and I'm not sure that we or the NRC concluded
11 that this was a case of falsification, but that was certainly
12 an instance where the subject was alleged.

13 Q Okay. And in 1979 did such instances arise, or
14 allegations of such instances?

15 BY WITNESS BROOM:

16 A I believe in October of 1979 Mr. Swayze's appearance
17 on television alleged that there were some, I think you could
18 characterize falsification as part of his allegations of wrong-
19 doings on the project.

20 Q In 1979 did Brown & Root become aware of any
21 instance where an inspector signed off on concrete pours which
22 had not been inspected?

23 (Witness reviews document.)

24 BY WITNESS BROOM:

25 A I'm familiar with an instance that occurred in

5-6

1 March of 1979 where -- I don't remember there being a charge
2 that a concrete pour was signed off without inspection. Perhaps
3 that charge was made.

4 There was an inspector and a construction worker
5 who were disputing the cleanliness of a pour, and after that
6 inspector left the work area, I believe the supervisor and the
7 QA manager, I believe, were called to the site and some
8 additional inspections were performed, and I think someone else
9 signed the pour card, and that original inspector, I believe,
10 said that he wasn't satisfied that the final cleanliness
11 inspections, or something to that effect, were made.

12 Q Who signed the pour card?

13 BY WITNESS BROOM:

14 A I'm not certain whether it was his supervisor or
15 whether it was the QA manager at the site. I thought it was
16 his supervisor. I don't recall that detail at the moment.

17 Q Had the supervisor inspected the complete
18 circumference of the pour, the complete area of the pour?

19 BY WITNESS BROOM:

20 A I don't know that. I'm not sure. I think there
21 was one area being discussed, but it could have been the
22 entire pour and he may not have ordered re-inspection of all
23 of the area. I don't know.

24 Q Do you know whether those people still work for
25 Brown & Root?

1 BY WITNESS BROOM:

2 A I'm sorry?

3 Q Do you know whether those people still work for
4 Brown & Root?

5 BY WITNESS BROOM:

6 A The people involved in that instance, I believe that
7 at least one of them is still in our employ. I'm not certain
8 of the others.

9 Q Did Brown & Root conduct an investigation to see
10 whether there was a record falsification at that time?

11 (Witness reviews document.)

12 BY WITNESS BROOM:

13 A Mr. Reis, I feel sure that we investigated the
14 incident thoroughly. I don't know whether we investigated it
15 as an instance of potential or alleged falsification, but I'm
16 sure there must be reports in the file that indicate the
17 actions we took, documented what occurred and what was to be
18 done in the future, but I don't recall whether it was an
19 investigation into falsification, per se, in that instance;
20 there may have been.

21 - - -
22
23
24
25

1 (Document passed to witness.)

2 BY MR. REIS:

3 Q I show you what has been introduced as Staff
4 Exhibit, or I ask your Counsel to show you Staff Exhibit
5 60, which is I&E Report 80-14

6 BY WITNESS BROOM:

7 A Yes, sir. I have not read this since it was
8 handed to me, but I'm generally familiar with 80-14.

9 Q Does that involve an instance of record
10 falsification in 1979?

11 BY WITNESS BROOM:

12 A Yes. The allegation was made in May of 1980,
13 but it involved an incident that, I believe, happened
14 in -- I believe it happened in November of 1979.

15 Q And was the allegation of a record falsification
16 substantiated?

17 BY WITNESS BROOM:

18 A Yes, sir. I -- by Brown & Root or by NRC.
19 We were satisfied that a record had been falsified
20 and terminated the individual involved.

21 Q How long after this time was the individual
22 terminated?

23 BY WITNESS VURPILJAT:

24 A Mr. Reis, as I recall -- and this is recollection
25 only, but this individual was terminated shortly after

1 the NRC Report was made public, was issued.

2 Q And when was that, sir? Was that after this --
3 BY WITNESS VURPILLAT:

4 A I would have to check the exact month, but
5 it was after -- the termination -- the report being issued,
6 and the termination was after I joined the company.

7 So it had to be somewhere after August of
8 '80.

9 Q Was it this year, in '81?
10 BY WITNESS VURPILLAT:

11 A '80.

12 Q Did it happen in '81?

13 BY WITNESS VURPILLAT:

14 A Mr. Reis, I'd have to check that, but I think
15 not. I think it happened in 1980, but I'd have to check.

16 BY WITNESS BROOM:

17 A The report, Mr. Reis, that I'm looking at
18 was published by the NRC on October 9th, 1980, Exhibit
19 No. 60.

20 Q Yes. It was sent to Houston Lighting & Power
21 on that date. I don't believe that date is the date
22 necessarily -- I don't want to be testifying, but I don't
23 think that's the date necessarily that the report became
24 public.

25 //

1 BY WITNESS BROOM:

2 A. I'm sorry, I don't -- you mean --

3 Q. Was released in the Public Document Room.

4 BY WITNESS BROOM:

5 A. It was not on October 9th?

6 Q. No.

7 BY WITNESS VURPILLAT:

8 A. I meant made public by being received and
9 we had knowledge by someone of the report other than the
10 NRC.

11 Q. Okay. Going to page 10 of that report, and
12 the paragraphs that are headed, "Re-Interviews of Individuals
13 B and C," sir.

14 BY WITNESS BROCM:

15 A. I'm sorry, Mr. Reis. I didn't hear you.

16 Q. The paragraphs that are headed, "Re-Interviews
17 of Individuals B and C."

18 In that there is a report of conversations
19 with an Individual E.

20 Can you tell me how long Individual E remained
21 on the job after you received this report?

22 BY WITNESS BROOM:

23 A. Mr. Reis, I'm sorry. You'll have to give
24 me a moment.

25 I don't know who Individual E is.

7-4 1 Q Okay. I would suggest you look at --

2 JUDGE BECHHOEFER: I might add, neither does
3 the Board at this stage.

4 BY MR. REIS:

5 Q I would suggest you look at page 5 and the
6 interview of Individual C. It identifies Individual E
7 as the site QA manager.

8 BY WITNESS BROOM:

9 A Oh, all right.

10 BY WITNESS VURPILLAT:

11 A Would you repeat your question about Individual
12 E now?

13 Q How long after you received this report did
14 he remain on the job?

15 BY WITNESS VURPILLAT:

16 A As I recall --

17 MR. NEWMAN: Mr. Reis, excuse me. I'm sorry,
18 I'm not clear on something.

19 We've indicated that Individual E was the
20 site QA manager?

21 MR. REIS: Yes, sir.

22 MR. NEWMAN: And on what date was he the manager?
23 We have to have a fix on the date, because it might be
24 different individuals.

25 Are you aware of --

1 MR. REIS: I'll lay a predicate.

2 BY MR. REIS:

3 Q Was the one who was site QA manager on November
4 11, 1979, still employed by Brown & Root on October 9,
5 1980?

6 BY WITNESS BROOM:

7 A Yes, sir.

8 BY WITNESS VURPILLAT:

9 A Yes. You bet.

10 Q Did he still occupy the same position?

11 BY WITNESS BROOM:

12 A No, sir. He was the site QC manager.

13 Q I see. He was no longer the site QA manager;
14 he had become the site QC manager?

15 BY WITNESS BROOM:

16 A Yes, sir, I believe that's correct.

17 Q Okay. How long after -- Is he still the
18 site QC manager?

19 BY WITNESS VURPILLAT:

20 A No.

21 BY WITNESS BROOM:

22 A No, sir. He left voluntarily. I believe
23 it was in -- I'm not certain, but I believe February of
24 this year.

25 //

1 BY WITNESS VURPILLAT:

2 A I think that's right, February or March.

3 I might point out, Mr. Reis, that in talking
4 about the individual who allegedly made the falsification,
5 at the time that this became known, he was removed from
6 all safety-related work.

7 There was a matter of illness involved shortly
8 thereafter, and I recall being told -- and you can probably
9 check this with the HL&P people -- but I recall being
10 told that we were specifically asked not to do anything
11 final in this case until the NRC Report was received,
12 and it was a considerable timespan then.

13 During that time, he was not -- that individual
14 was not performing any safety-related work.

15 Q Dr. Broom, in your testimony you talk about
16 card games at the South Texas site.

17 Did you -- and allegations about card games.

18 Are the only sources of your knowledge about
19 those card games from what you have heard, either directly
20 or indirectly through Mr. Swayze?

21 BY WITNESS BROOM:

22 A No, sir.

23 Q What other information do you have?

24 BY WITNESS BROOM:

25 A I have talked to some of the personnel who

7-7
1 were alleged to have been involved in those card games
2 by Mr. Swayze.

3 I have heard confirming statements that cards
4 were played at periods of low work on the job when there
5 was not enough to do by some inspectors, and in most cases,
6 I think, a card game at the noon hour would slop over
7 until afterwards, or perhaps when there were no inspections
8 to be performed.

9 I've heard that described by, I believe, two
10 other individuals.

11 Q At what period of time, what year and in what
12 month did these card games take place that you heard about?

13 BY WITNESS BROOM:

14 A In late 1976 to early 1977, a period of a
15 couple of months.

16 Q And to your investigation, there was none
17 in late 1977?

18 BY WITNESS BROOM:

19 A Mr. Swayze, I believe, said that the card
20 games occurred during that same timeframe at one point,
21 and then at other instances has said that the card games
22 occurred as -- I don't remember -- late -- well, the summer
23 to fall, mid-year to late in the year, 1977; but that
24 is the only source of information that I have about card
25 games alleged to have been played during that period of

1 time.

2 Mr. Reis, you understand we're talking about
3 the card games that Mr. Swayze alleged to have occurred.

4 I'm sure there was probably a noontime bridge
5 game on the job site today somewhere, but I mean card
6 games that were to have been played in lieu of going out
7 and inspecting.

8 Q Off the record, I could ask you if you are
9 sure they are playing only bridge?

10 (Laughter.)

11 BY WITNESS BROOM:

12 A Perhaps gin rummy or poker; I don't know.

13 Q Okay. Were there any orders issued by Brown
14 & Root in the 1976 to 1978 period that all preparatory
15 work in areas of concrete pours were to be complete far
16 enough in advance of the pours to allow sufficient time
17 for unpressured inspections by QA inspectors?

18 BY WITNESS BROOM:

19 A I think I understood all of your question,
20 but I lost the dates, the time period.

21 Q 1976 - '78.

22 BY WITNESS BROOM:

23 A '76 to 1978.

24 Mr. Reis, I don't believe there was anything
25 in writing to that effect.

1 I am confident that our inspection supervision
2 and construction supervision was aware that that would
3 be our policy, but I don't think we had it in -- I don't
4 believe we had that in writing.

5 Q And was such a procedure issued in 1979 and
6 was it in writing?

7 BY WITNESS BROOM:

8 A Yes, sir, I believe so.

9 I believe I stated that we instituted a policy
10 along about mid-1979 of a minimum period of 24 hours for
11 preplacement inspections.

12 I believe that was in writing.

13 Q Your direct testimony would be correct as
14 to the date of that?

15 BY WITNESS BROOM:

16 A Can you refer me to a page?
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1 BY WITNESS BROOM:

2 A. No, I can't, but I recall it. I'm sure that it's
3 in here, if you'll give me a moment.

4 On the bottom of Page 19, beginning Line 44, it
5 states that management instituted a requirement of a minimum
6 of 24 hours, and I believe that to be correct.

7 Q. Prior to that time it was a source of friction
8 between the quality assurance personnel/quality control
9 personnel and construction personnel?

10 MR. REIS: Strike that question.

11 BY MR. REIS:

12 Q. Prior to that time, the amount of time allowed for
13 concrete pours was a source of friction between quality control
14 personnel and construction personnel, and concrete inspections?

15 BY WITNESS BROOM:

16 A. I would state it slightly differently.

17 We've said that there was friction between
18 construction and inspection personnel, and at some times that
19 friction was more than that which you normally expect on a
20 jobsite.

21 I would take issue with your statement of the
22 amount of time -- did you use the word "prescribed" or
23 "allotted"?

24 Q. Allotted.

25 / / /

1 BY WITNESS BROOM:

2 A We had always had a clear understanding with our
3 QC inspection personnel that they were to take as long as
4 necessary to complete their inspections.

5 They may have felt that they were constrained in
6 the amount of time given to do that pour by some action that
7 construction took or some perception on their part of actions
8 that construction took, but they did not have to sign a pour card
9 until they finished their inspection.

10 So it's only in that respect that I would have
11 stated it a little bit different.

12 Q And their perception might have been influenced by
13 the fact that there were concrete trucks standing by ready to
14 make the pour?

15 BY WITNESS BROOM:

16 A Yes, sir, I'm sure that on occasion that could
17 create a feeling of urgency and perhaps pressure on the
18 inspector in the form of trying to complete his inspection.

19 Q Right. And pressure on the quality control
20 personnel can come about by having the construction supervisor
21 stand around waiting until he can start his pour?

22 BY WITNESS BROOM:

23 A Well, it might be -- it might depend on how he
24 stood around. I think our inspection personnel were
25 comfortable with working in the presence of construction people.

1 It goes on all the time. If they were yelling at him to hurry up,
2 maybe that's one thing. If they were standing around trying to
3 be helpful, it might be something entirely different.

4 Q What if they were reminding the inspector that
5 concrete was ordered already and on its way to the pour?

6 MR. NEWMAN: Mr. Chairman, I'm going to object to
7 the question.

8 It appears to be a hypothetical with absolutely no
9 basis yet having been established in the record for posing
10 such a hypothetical.

11 If my understanding of the question is correct, it
12 is a hypothetical question.

13 MR. REIS: I don't see any reason why I can't
14 explore as to what pressures would be on an inspector and how
15 those pressures would be there. We can connect it up later.

16 But I don't understand this objection at all.
17 It's a perfectly valid question.

18 We're talking about pressures on an inspector.

19 JUDGE BECHHOEFER: Objection overruled. The
20 question may be answered.

21 BY WITNESS BROOM:

22 A Let me see if I remember your question.

23 Would the inspector feel -- I'm sorry. Would you
24 restate it. I'm sorry.

25 MR. REIS: Okay.

1 BY MR. REIS:

2 Q Would there be pressures on the inspectors if the
3 construction superintendents were reminding them that concrete
4 was already ordered and on the way to the site?

5 BY WITNESS BROOM:

6 A I think that in some inspectors' minds that might
7 be perceived as pressure.

8 However, I've talked QC inspectors that have said
9 if anything like that occurred, probably that would just make
10 them drag their feet; that that kind of pressure wouldn't make
11 them hurry up their jobs, so I really think that that type of
12 situation is viewed differently by different people.

13 Q Did you inquire into how it affected your QC
14 superintendents, how that type of pressure affected your QC
15 superintendents on the job?

16 BY WITNESS BROOM:

17 A Are you using the word "superintendents" plural
18 or singular? I didn't hear you.

19 Q I said plural; superintendents.

20 BY WITNESS BROOM:

21 A I stand to be corrected, but I don't believe there's
22 but one QC superintendent in the civil concrete area. I don't
23 know what influence it might have had on any other super-
24 intendents.

25 The one in question, yes, I talked to, and I'm sure

1 he's felt different ways at different times, depending on the
2 circumstances.

3 If statements are made in one way by construction
4 people, they can be perceived by some individuals as pressure
5 and by others at other times perhaps shrug it off as not
6 anything serious.

7 Q Do you know whether he has ever admitted that that
8 type of pressure caused him to sign off on concrete pours where
9 inspection wasn't as complete as it should have been, or as
10 required?

11 BY WITNESS BROOM:

12 A Our QC superintendent?

13 Q Yes, sir.

14 BY WITNESS BROOM:

15 A No, sir, I don't know whether he's admitted to
16 anything like that. He has not, to my knowledge.

17 JUDGE BECHHOEFER: Mr. Reis, are you going on to a
18 new subject?

19 MR. REIS: Am I leaving that particular question
20 there?

21 JUDGE BECHHOEFER: Yes.

22 MR. REIS: Yes. And I will connect it up through --

23 JUDGE BECHHOEFER: Well, my question was, we want
24 to take about a ten-minute break at this point.

25 MR. REIS: Oh, I'm sorry.

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JUDGE BECHHOEFER: This is about the middle of the session.

MR. REIS: Yes. That's an appropriate time.

JUDGE BECHHOEFER: Okay. Ten minutes.

(A short recess was taken.)

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1 JUDGE BECHHOEFER: Back on the record.

2 Mr. Reis, you may proceed.

3 BY MR. REIS:

4 Q Dr. Broom, previously you talked about learning
5 about the December 1979 meeting between HL&P and the NRC
6 personnel where they discussed the types of findings which
7 would generally be set out in the NRC's investigative report,
8 which eventually became 79-19, isn't that so?

9 BY WITNESS BROOM:

10 A Yes, Mr. Reis. I don't recall in my first meeting
11 with HL&P how many of the ultimate findings of 79-19 were
12 discussed. I remember that Mr. Oprea discussed his nine-
13 point action plan that he had discussed with the NRC covering
14 improvements in actions that we were going to take in some of
15 those areas.

16 Q And did it come to your attention at that time that
17 among other NRC findings were to be some that PSAR commitments
18 were not being met in the QA program at the South Texas project?

19 BY WITNESS BROOM:

20 A Mr. Reis, I don't recall if that was part of the
21 discussion or not. It may have been, I don't recall specifically.

22 Q When was the first time that you learned that
23 PSAR commitments were not being met in the QA program at the
24 South Texas Project?

25 77

1 BY WITNESS BROOM:

2 A It would help me if you could be more specific,
3 because I think, as I testified earlier, Mr. Reis, any
4 deficiency in our program could be viewed as a failure to do
5 something we said we were going to do or to comply with
6 Appendix B or some code or standard. I remember -- I don't
7 recall the language of 79-19, but I believe that the failure
8 to audit the construction procedures in a formal fashion was
9 stated to be a violation of PSAR requirement. I'm a little
10 vague about that language, I'm not sure specifically what
11 specifically that applied to with regard to specific PSAR
12 commitments.

13 Q Was that the only area that you're aware of?

14 BY WITNESS BROOM:

15 A No. I'm sure that others used that language.
16 That's just what came to mind.

17 Q And was this the first instance where you became
18 aware, the issuance of 79-19, the first instance where you
19 became aware that you were not meeting PSAR requirements?

20 BY WITNESS BROOM:

21 A No, sir. When an NRC inspector performs an
22 inspection, going back, I guess to my earliest recollections
23 of the nuclear business, it's quite common for the inspector to
24 site a reference to a PSAR commitment in stating that some
25 procedure or some implementation or some aspect of the program

1 is not in full compliance with what's committed there. I'm
2 familiar with failures to comply with the details, commitments,
3 in a PSAR on other occasions.

4 Q Now, turning to your testimony on page 36 of your
5 direct testimony --

6 BY WITNESS BROOM:

7 A Yes, sir, I'm looking at page 36.

8 Q -- and going down to lines 36 and 38 --

9 BY WITNESS BROOM:

10 A Yes.

11 Q -- you talk about a failure to mention significant
12 evidence of HL&P and Brown & Root management awareness of key
13 problem areas. Now, there was no -- do you not?

14 BY WITNESS BROOM:

15 A Yes, those are my words.

16 Q Yes.

17 And so at the time of the issuance of 79-19, you
18 were aware of key problem areas?

19 BY WITNESS BROOM:

20 A Yes. What I say here, Mr. Reis, is that we were
21 aware of most, if not all, of the findings by the time the
22 report was issued, and that we had committed to corrective
23 actions in most, if not all, of the instances and in many of
24 the areas substantial amount of work had been done toward
25 meeting the commitments we had made.

1 Q And did these key areas involve cad welding,
2 among others?

3 BY WITNESS BROOM:

4 A We had been discussing with the NRC, on several
5 occasions in the past, due to inspection findings, specific
6 problems in the area of cad welding. Each one was different.
7 Reviews of records were underway, I remember one instance in
8 which it was alleged that an inspector was supposed to have
9 falsified cad weld records, and your people, as well as ours,
10 had investigated that and found that that was not the case.
11 There was some misunderstanding about the work he was doing,
12 but it certainly was not a falsification case.

13 I think that the NRC had a pretty good understanding
14 of our cad welding activities and what was going on in that
15 area about the time 79-19 was issued.

16 I'm not sure I'm answering your question?

17 Q And did these key areas also include concrete
18 placement? Key problem areas?

19 BY WITNESS BROOM:

20 A Well, we had stopped complex concrete placement
21 in December. We had had several discussions with your people
22 about the sources of past problems and what was being done to
23 correct any such deficiencies.

24 Q This was a key problem area, or had been a key
25 problem area?

1 BY WITNESS BROOM:

2 A Is your question what was I referring to when I
3 say "key problem areas"?

4 Q Yes. I want to see what -- which areas of
5 construction you were referring to.

6 BY WITNESS BROOM:

7 A Well, we had discussed with the NRC people what
8 actions we would take with regard to welding, not in detail
9 by that time, but I believe the NRC was aware of many of the
10 things that we were implementing and later did implement in
11 the welding area.

12 With regard to concrete, I think the same is
13 true, the changes that we effected in both procedurally and
14 training-wise and other areas. Backfill -- I'm not certain as
15 to the timing of the issuance of that report, but I believe that
16 you were aware of our interpretation of some of the findings
17 in those areas that we had some misunderstandings about the
18 intent of inspectors recording observations on inspection forms.

19 I know that HL&P -- or at least I believe HL&P --
20 had discussed the fact that in auditing surveillances of
21 construction procedures had been maintained for a long time,
22 but not formal audits. You were certainly aware of the
23 allegations concerning harassment and intimidation. I had
24 personally met with NRC inspectors and described to them a
25 number of activities that were underway and were to be taken in

1 the future, as well as the findings that had been made by our
2 personnel and our consultant in that area. I'm not trying to
3 minimize the importance of any particular area, but those are
4 the type things I had in mind when I wrote "key problem areas
5 were known and understood and under discussion with the NRC."

6 Q Right. And that also included concrete placement?

7 BY WITNESS BROOM:

8 A Yes. I think I mentioned concrete.

9 The concrete placement had been stopped, complex
10 concrete placement had been stopped, since December, and I'm
11 pretty sure that Mr. Oprea had committed that this would not
12 be restarted until a full planned and programmed procedure to
13 satisfy any reservations that the NRC had in these areas was
14 developed and explored and satisfied the NRC. As a matter of
15 fact, I think that was a commitment that he made even in
16 December, when he first became aware in the original meeting
when he first became aware of some of the findings.

18 Q Now, you mentioned harassment, and you've testified
19 before about a survey you had done by Time Lapse on employee
20 perception, quality assurance personnel's perception, of
21 harassment and intimidation.

22 BY WITNESS BROOM:

23 A Yes, sir.

24 Q When those investigations were undertaken by
25 Time Lapse, did you start out with -- did they start out with

1 group interviews?

2 BY WITNESS BROOM:

3 A The first day that interviews were conducted,
4 Mr. Reis, I believe there were a total of about thirty, plus
5 or minus a few, people spoken with, both privately and in some
6 groups. I don't remember which came first, but that all happened
7 in the first day that the consultant was on the site.

8 Q And let me ask you this, sir:

9 What type of anonymity can you give in a group
10 interview?

11 BY WITNESS BROOM:

12 A What type of anonymity?

13 Q Yes. You testified before that you took pains to
14 see that the people talking to Time Lapse were anonymous and
15 kept some anonymity. What type of anonymity can you get in
16 group interviews?

17 BY WITNESS BROOM:

18 A I suppose there's several things that can be done,
19 but let me hasten to add that that was not the primary thing
20 we did to protect anonymity. I'll get to that in a moment,
21 but the Time Lapse employee, I don't believe, requested names
22 or any details from the individuals he talked to. However,
23 I'm sure that those people were aware that our people were
24 around. I'm sure that he could have identified them had he
25 chosen to. That was not the mission I sent him on, and I don't

1 believe he tried to do that.

2 My discussions with him concerning anonymity were --
3 resulted in our decision to administer this questionnaire to all
4 employees and to state that we were not trying to identify who
5 completed the questionnaire, we did not want them to sign it,
6 there were no identifying marks on the paper, and it was
7 administered in large groups. That's the way we approached it.

8 Q When groups were interviewed, the people being
9 interviewed, the inspectors being interviewed, they knew the
10 identity of the other inspectors in those groups, didn't they?

11 BY WITNESS BROOM:

12 A Yes, sir. You know, I presume they did. I think
13 most inspectors on the job know most of the other inspectors.

14 But I do want to emphasize that not all of the
15 interviews were done in groups. There were a number -- quite
16 a large number -- of one-on-one interviews and certainly that
17 was done with any employee that expressed an interest in
18 discussing with Mr. Howell any matters in private.

19 Q Was there any finding of a perception of a lack of
20 support by QA management of QC personnel?

21 BY WITNESS BROOM:

22 A Yes, sir. I think I've testified to that earlier.
23 I'll be glad to repeat that if you would like. I think it's
24 in my prepared testimony, but I believe I discussed it here.
25 But I'll be glad to talk about that if you'd like.

1 Q. When you looked at -- when 79-19 was received by
2 Brown & Root, did they attempt to check out the instances that
3 were set out in that report, the specific instances of happenings
4 as set out in that report?

5 MR. NEWMAN: I'm going to object to that question,
6 Mr. Chairman. It's much too general, the reference to happenings
7 is really not susceptible of an answer that would provide a
8 meaningful record. I think the question should be phrased to
9 indicate what part of 79-19 the question is addressed to,
10 because 79-19 covers so many different subjects.

11 MR. REIS: I'll withdraw the question.

12 BY MR. REIS:

13 Q Looking at 79-19, and going to the first violation.
14 in the notice of violations, Appendix A, listed thereunder there
15 are instances A through P, examples. They appear on page 2 to
16 page 5 of that appendix.

17 Did Brown & Root attempt to --

18 MR. NEWMAN: Mr. Reis, I --

19 MR. REIS: Let me finish the question.

20 MR. NEWMAN: Okay, go ahead.

21 BY MR. REIS:

22 Q -- attempt to check out the, whether those
23 happenings occurred, and I ask Counsel for the Applicant to
24 please give the exhibit to the witness so that he may look at it.
25 Exhibit 46.

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(Document passed to witness.)

BY WITNESS BROOM:

A. Yes.

MR. NEWMAN: Mr. Reis, could you just repeat for a moment the examples that you're directing the witness' attention to?

MR. REIS: A through P. Beginning on page 2.

BY WITNESS BROOM:

A. I'm looking at that list.

Q. Thank you.

BY WITNESS BROOM:

A. Is your question did we attempt to investigate these matters?

1 Q That's right.

2 BY WITNESS BROOM:

3 A Mr. Reis --

4 Q And verify them.

5 BY WITNESS BROOM:

6 A Mr. Reis, to describe our actions, I have to
7 explain something just a moment.

8 These statements attribute to anonymous individuals
9 who talked to the NRC about certain occurrences on the job site.
10 This is very similar to the investigation reports we received
11 in other instances. We must be very careful not to take any
12 steps that can be viewed by the employees on the job site as
13 a witch hunt or any other words you can think of, that we're
14 trying to find out who's talked to the NRC. And so, no, there
15 was no investigation of these matters that would have involved
16 us doing that kind of thing.

17 Now, there are some, and I have not read the
18 entire list, but I remember one -- I'm sure there's more than
19 one if I spent time going down the list -- that described
20 instances with which we were familiar and obviously we knew
21 the individuals involved, perhaps not the person making the
22 statement about it, but the individuals involved in the
23 circumstances. And, yes, if we had not already satisfied
24 ourselves as to the facts of that circumstance, we did
25 attempt, in those cases, to try to find out the facts.

1 But, I have to confess, that's something we have
2 to keep in mind at all times, and that's this verifying for
3 our ourselves or investigating for our ourselves, the
4 circumstances surrounding these or any other statements made
5 by anonymous individuals and yet make no moves, make no
6 comments or statements or take no actions that can be viewed by
7 those people as management's trying to find out who I am.
8 We're not interested in that. We state that over and over again
9 to our employees, but we're very sensitive to that subject.
10 We don't want our employees to feel that anything we're doing
11 is in any way directed toward identifying or damaging the
12 anonymity of such individuals.

13 Q Did you take the same action and treat
14 Investigative Report 81-11 in the same way?

15 BY WITNESS BROOM:

16 A Yes, sir. However, I must add that in 81-11 the
17 circumstance was such that I believe most of the people
18 involved in the instance were immediately apparent to everyone
19 involved in the incident or looking into the incident. I'm
20 sure that that may not be true with regard to every person,
21 but sometimes it is very obvious who the people are. If you only
22 have one person in charge of one activity at each job site and
23 that activity is supposed to be involved, well it's pretty
24 evident who the person involved is.

25

1 MR. REIS: I might point out, for the record,
2 that this is 81-11 and the Applicant's report on 81-11 is
3 Appellant -- Applicant's Exhibit 32, for identification, and
4 32(a).

5 BY MR. REIS:

6 Q Now, looking at Example A, were there records,
7 going back to Appendix A, notice of violation 1 and example
8 1A, were there records -- that appears on page 2 of Appendix A,
9 Staff's Exhibit 46 --

10 BY WITNESS BROOM:

11 A I'm sorry, I'm looking at page 2. What was your
12 question about it?

13 Q Example A -- I haven't gotten to the question yet --

14 BY WITNESS BROOM:

15 A Excuse me.

16 Q Could part of your investigation there be just
17 checking records without going back to interview persons?

18 (Witness reviews documents.)

19 BY WITNESS BROOM:

20 A No, sir. I believe that this instance, if I'm not
21 confused, is the subject of an earlier NRC report, and I believe
22 that -- I think some of the people involved, not the person
23 who is describing the incident, but the people involved on that
24 pour were well known to everyone.

25 Q I see. So, the QC supervisor indicated in that

1 report, everyone knows who he is?

2 BY WITNESS BROOM:

3 A Well, if it says lift rive of Unit 2 reactor
4 containment building wall, placed on April 27th, 1979, and
5 on that particular pour a QCE supervisor -- that narrows it
6 down awfully small.

7 I don't -- you don't investigate to find out who
8 that is, but that's pretty apparent to anybody who's on the
9 job.

10 Q I see.

11 Generally, in reviewing 79-19, you could tell
12 who the supervisors and the managers were in that report,
13 couldn't you?

14 BY WITNESS BROOM:

15 A Yes, sir. I wouldn't say that without careful
16 review. There might have been an exception, but in general,
17 I think the descriptions of a supervisory and management
18 personnel could be identified, yes.

19 Q In the course of that review of that report, did
20 you become aware of an instance there reported where a civil
21 construction supervisor threatened to come across the table
22 at a QA inspector in a post-placement meeting and hit him?

23 BY WITNESS BROOM:

24 A Yes, sir, But I think, again, that was a well-
25 known event and I thought was covered by a prior NRC report.

1 It may not have been, but yes, that incident was well known.
2 The individuals were reprimanded. It was not anything that
3 was hard to identify.

4 Q Okay. Did you become aware that a QA supervisor
5 told QA -- QC inspectors, in a meeting in the fall of 1979,
6 that anytime you go to the NRC, we find out, meaning Brown &
7 Root?

8 BY WITNESS BROOM:

9 A Yes, sir.

10 That might have been known to others prior to that.
11 I believe to me this was my first time that that instance had
12 been pointed out to me.

13 Q Okay, did you become --

14 BY WITNESS BROOM:

15 A And there is a good example of a case in which we
16 investigated that matter, because obviously we knew who the
17 individual was that was supposed to have said those words.
18 We did not try to find out, in any way, who said that those
19 words were spoken.

20 Q Did you become aware that some QC inspectors
21 perceived the statement as a warning, that they would get into
22 trouble if they went to the NRC?

23 BY WITNESS BROOM:

24 A Mr. Reis, I don't -- I'm not sure how to answer
25 that.

1 I don't believe we conducted an investigation to
2 determine if that was the perception of the inspectors who
3 heard the remark. I think -- I'm not looking at which item
4 in this list that is right now -- but I believe the words in
5 there were clear that, at least, whoever talked to the NRC,
6 however many that was, they felt that. And so our objection
7 -- our objective was to talk to the individual who made that
8 statement to find out whether in fact he did make it, what
9 did he say, what did he intend by the remark, was it
10 misinterpreted; and that was our conclusion, and he tried to
11 rectify that situation by letting people know what he intended
12 by his remark.

13 Q What position did this supervisor hold?

14 BY WITNESS BROOM:

15 A That supervisor?

16 Q Yes.

17 BY WITNESS BROOM:

18 A He was the site QA manager.

19 Q And how many QC inspectors did he have under his
20 supervision?

21 BY WITNESS BROOM:

22 A All of them.

23 Q About how many were there?

24 BY WITNESS BROOM:

25 A How many inspectors were on the payroll --

1 Q Yes. About?

2 BY WITNESS BROOM:

3 A More than a hundred. I don't know the number
4 offhand at that time.

5 Q Okay.

6 Dr. Broom, do you think that it's important that
7 a QA supervisor be aware of and care about how his statements
8 to subordinates are perceived?

9 BY WITNESS BROOM:

10 A Yes, I do.

11 Q Did you also become aware that the supervisor
12 said at the same meeting in the fall of 1979 that the NRC
13 is getting tired of all the calls, referring to calls from
14 people to the NRC reporting matters?

15 BY WITNESS BROOM:

16 A I believe that statement is attributed to him in
17 this report, yes.

18 BY WITNESS VURPILLAT:

19 A Mr. Reis, I would like to add to that.

20 I talked to the individual who allegedly made that
21 statement, and the way you just stated it is entirely different
22 from the way that he indicated to me that he said it, and
23 I think it can be interpreted in a different ways. In this
24 particular case, he indicated to me that it was almost jocular
25 in nature and certainly not intended to intimidate.

1 Q Do you think that's an appropriate way for a QA
2 manager who has a QA manager's position to joke?

3 BY WITNESS VURPILLAT:

4 A Mr. Reis, you almost have to be there to answer that
5 question, and you almost have to have heard it in the context in
6 which it was given.

7 The way it was explained to me --

8 Q Were you there, sir?

9 BY WITNESS VURPILLAT:

10 A No. I said I talked to the individual who allegedly
11 made the statement, and this is how he reported it to me; and
12 I think I said that when I started the description.

13 Q How long after 79-19 was this -- did this individual
14 leave Brown & Root?

15 BY WITNESS VURPILLAT:

16 A That individual left, voluntarily, Brown & Root
17 employment somewhere in the neighborhood of February of 1981.

18 BY WITNESS BROOM:

19 A Mr. Reis, I would like to add a comment at this point
20 about when he left Brown & Root.

21 He left, as I recall, in February, and he left of
22 his own volition. We did not ask him to leave. I know the
23 gentleman in question and have known him for some time and I
24 have absolutely no reason whatsoever to question his integrity,
25 his motives, his dealings with those people, and his dedication

1 to the job.

2 He may very well have made a comment that was taken
3 out of context. He may very well have made a misstatement that,
4 on reflection, was incorrect. But, I get the inference from
5 your question that perhaps we should have removed him from the
6 payroll, and I want to make it very, very clear that we did
7 not do that.

8 Q Do you defend his making these statements?
9 Do you think they were proper or appropriate?

10 BY WITNESS BROOM:

11 A No, sir. I don't defend this gentleman making a
12 statement that he was alleged to have made. I don't defend
13 him making a statement that created a perception in the minds
14 of some people that he intended remarks like that.

15 That does not mean he's not a good employee and it
16 doesn't mean he's not fully dedicated to meeting every require-
17 ment on that project.

18 Q In the review of Inspection Report 79-19, did you
19 become aware that a QA supervisor admitted telling a QA
20 inspector, during the course of that inspection that after the
21 NRC is finished investigating, we need to get rid of some
22 people?

23 BY WITNESS BROOM:

24 A Mr. Reis, I'm familiar with that statement in the
25 inspection report. Here is a case in which I do not know which

1 QC supervisor was referred to. Some of our people may know.
2 It may be an incident that is known on the job site.

3 Q Did you read all the interviews attached to 79-19?

4 BY WITNESS BROOM:

5 A Yes, I did.

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9-21]

1 Q And did you read the interview of A35, attached
2 thereto?

3 BY WITNESS BROOM:

4 A I reviewed all of those attached.

5 Q Okay.

6 In your review of 79-19, were you aware that the
7 QA inspector to whom these remarks were directed perceived this
8 as meaning people would be discharged who talked to the NRC?

9 BY WITNESS BROOM:

10 A I think that's what the remarks say, as I recall.
11 I don't have that in front of me.

12 The attachments are not here, are they?

13 Q They are. They're in the back.

14 BY WITNESS BROOM:

15 A Oh, yes. I'm sorry. Um-hum.

16 Q The statement of A35 begins at page 3-14.

17 (Witness reviews document.)

18 Q In your review of 79-19, did you become aware that
19 this individual whose supervisor told another inspector, "You
20 don't have much time left. If you're smart, you will keep your
21 mouth shut."

22 BY WITNESS BROOM:

23 A I don't recall that. If you could refer me to the
24 proper section -- I read all this material, if it's in one of
25 these interviews, it might refresh my memory.

1 (Counsel reviews file.)

2 MR. REIS: We will connect that later.

3 BY MR. REIS:

4 Q The supervisor we're talking about, who is A35, is
5 still employed on the site?

6 MR. NEWMAN: Mr. Chairman, I'm going to object
7 to that question. There's no foundation for it, there's
8 nothing to indicate, on the record, that the witness is aware
9 of the identity of A35.

10 MR. REIS: I think he testified before that he
11 generally knew.

12 MR. NEWMAN: I think the question should be put to
13 the witness and see whether or not he does know who A35 is.
14 Otherwise, the question is objectionable.

15 BY MR. REIS:

16 Q Are you aware of who A35 is, sir?

17 BY WITNESS BROOM:

18 A I'm not sure who A35 is. I could probably
19 speculate.

20 Q If I tell you that he is the supervisor who, as
21 set out on page 3-15 of his statement here, report of his
22 interview, that he is the inspector who signed off on lift five
23 on reactor containment building two, the shell wall, would that
24 help you identify him?

25 //

1 BY WITNESS BROOM:

2 A I think earlier that I stated with regard to who
 3 signed that pour card, I was not sure. I think I know who
 4 signed the pour card, and, yes, I think that means I can
 5 recognize who A35 is.

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1 JUDGE BECHHOEFER: Mr. Reis.

2 MR. REIS: Yes.

3 JUDGE BECHHOEFER: In the course of these questions,
4 it would be more than assisting, if we knew who the person
5 was as well; and I realize that we lost before the Appeal
6 Board, but it's getting to be that we will not be able
7 to make a fair ruling without identifying at least some
8 of these people, including the --

9 MR. REIS: We might later connect A-35.

10 MR. NEWMAN: Mr. Chairman, I would like to
11 interject.

12 I have not wanted to interrupt Mr. Reis' examination
13 again, because I know he husbands his time carefully.

14 I am, however, getting increasingly concerned
15 about the status of the record.

16 We are talking now about individuals who may
17 or may not be known clearly to the witness.

18 JUDGE BECHHOEFER: That's the trouble the
19 Board --

20 MR. NEWMAN: It's going to end up in a record
21 that's just totally meaningless to the reviewer at some
22 later date.

23 It seems to me the Staff can't have it both
24 ways. It can't cross-examine from using these anonymous
25 individuals, and at the same time refuse to identify who

0-2 1 they are.

2 Staff has got to make a choice in these
3 circumstances.

4 MR. SINKIN: Mr. Chairman.

5 JUDGE BECHHOEFER: Yes.

6 MR. SINKIN: I think there is some basis for
7 what the Staff was doing in the same sense that we talk
8 about the protected witnesses by number.

9 If Dr. Broom can identify a witness by a description
10 of an event, that's adequate.

11 JUDGE BECHHOEFER: I'm not sure it's adequate
12 for us.

13 MR. NEWMAN: I might say, Mr. Chairman, that --

14 JUDGE BECHHOEFER: I might say that the Board
15 itself from what's going on could speculate as to who
16 some of these people are, but I don't think we could write
17 a decision on this.

18 MR. NEWMAN: I might say at this point, Mr.
19 Chairman, that any questions that are asked along these
20 lines I am going to object to on grounds that they call
21 for speculation on the part of the witness.

22 MR. REIS: One moment here.

23 I think he's identified in Applicant's testimony.

24 (Counsel reviews document.)

25 JUDGE BECHHOEFER: I think the Board, unless

0-3 1 these witnesses are identified, the Board will not be
2 able to use this information.

3 Now, if they still need protection, there
4 are devices that can be used, but the Board is going to
5 have to find out who these people are.

6 Otherwise, we couldn't write a decision saying
7 the witness thought the person might be so-and-so, and
8 if that's the case, then something else is the case.

9 I just don't think that a decision could be
10 written that way.

11 I think we will have to sustain the objections
12 unless some method is made, either to reveal them in public
13 or perhaps there are protective devices that could be
14 used if protection is needed still.

15 But we can't have the record developing the
16 way it is developing.

17 MR. REIS: We will check with this individual
18 and see whether he wishes to remain anonymous.

19 BY MR. REIS:

20 Q Dr. Broom, do you have it under your authority
21 to check and see who signed Lift 5 on Reactor Containment
22 Building 2, the pour card for that lift?

23 BY WITNESS BROOM:

24 A Yes. If I have it properly identified, yes,
25 sir.

0-4 1 (Counsel reviews documents.)

2 MR. REIS: I think the other individual who
3 we talked about before with the other statement, we identified
4 his position.

5 So I don't think there was much question as
6 to who he was.

7 MR. NEWMAN: Mr. Chairman, again, I think
8 now Counsel is speculating where the witness was once
9 called on to speculate.

10 It's just not advancing the record to make
11 these constant references to, "We think we both agree
12 on who the individual is."

13 It's just pure speculation on the part of
14 everybody concerned.

15 Mr. Chairman, I just want to make one statement
16 for the record in this regard, because it may seem peculiar
17 at this time that we're raising this objection.

18 I really want it understood that when we responded
19 to the show-cause order, we deliberately determined not
20 to challenge the NRC with respect to Finding No. 1 by
21 seeking the identification of the specific witnesses.

22 We felt that that would be counter-productive
23 and that our best efforts were aimed at trying to address
24 the underlying problems on the assumption that certain
25 of these circumstances might have occurred.

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1 Now, I think the use that's being made of
2 this material at this point is just really totally unjustified,
3 and I don't think that we ought to have any more questions
4 based on the type of assumptions Mr. Reis is making; namely,
5 that the witness might or might not know the identify
6 of Witness A-16 or B-25.

7 MR. REIS: Mr. Chairman, we have in the record
8 that there was -- that intimidation and harassment didn't
9 really occur or that it was light, that it wasn't important.

10 I think it's important to show the level of
11 the organization which made this type of statement, that
12 created this type of atmosphere at the site.

13 I think we have to get to it.

14 I can ask, as to the last person....

15 BY MR. REIS:

16 Q I asked you previously, Dr. Broom, whether
17 you knew whether a QA supervisor said to a meeting of
18 QA inspectors that, "Anytime you go to the NRC, we find
19 out"?

20 Who was that supervisor?

21 BY WITNESS BROOM:

22 A I think I know that person's name and I'll
23 disclose it here, but I thought I was under some kind
24 of restraint in that regard, in that these are given to
25 us as anonymous.

0-6 1 I'll be happy to do that, if I'm not violating
2 some rule.

3 MR. REIS: As far as I know, the pledge was
4 given that the NRC inspectors would not disclose it to
5 Brown & Root and to HL&P.

6 If HL&P and Brown & Root know it --

7 JUDGE BECHHOEFER: Off the record.

8 (Discussion off the record.)

9 WITNESS BROOM: Judge Bechhoefer, perhaps
10 again I'm speaking out of order, but I was asked a question
11 and I stated that I had some confusion in my mind about
12 whether I was permitted to answer it.

13 I'd like to add, part of my problem surrounds
14 just a fact that I'm confronted with.

15 Specifically with regard to some of the statements
16 that were made here in this document, I can assure you
17 without any investigation on Brown & Root's part, we've
18 had a number of our inspectors come to us after this investigation
19 and say that they were quoted out of context, that their
20 statements were misinterpreted, or whatever.

21 I'm not trying to say that these statements
22 are not in fact true; but I am saying that I have a variety
23 of information that's been presented to me in an area
24 that I do not feel that I'm permitted to (and I certainly
25 have never tried to) seek the sources of this information.

0-7 1 I've got some statements that say, "Some of
2 this stuff is not exactly the way I said it," or, "That's
3 not what I meant," or whatever.

4 I'm just very reluctant to attribute statements
5 made to individuals or by individuals that I'm not really
6 supposed to know who they are under that set of circumstances.

7 That's just part of the problem that I have,
8 and pardon me for interrupting.

9 MR. NEWMAN: Mr. Chairman, from the vantage
10 point of Counsel for the Applicant, I must say that Mr. Reis
11 may feel under no compunction about identifying who A-35 is
12 or A-40, but it was my impression that it was the management,
13 at least, of the I&E Division, which did not want these
14 individuals identified, and it ill-behoves us, it seems
15 to me, to begin that process of identification in this
16 courtroom while the I&E position remains as it is.

17 MR. REIS: Mr. Chairman --

18 JUDGE BECHHOEFER: Let me comment on one thing.

19 We are getting to exactly the situation that
20 the Board foresaw when it issued its order concerning
21 the Intervenors' discovery request.

22 There the Intervenors were requesting it.
23 The Board also commented in our order that we saw a need
24 for this information in the hearing, and we've come to
25 the stage where that time has come.

0-8 1 Now, there are a number of options available,
2 but I don't think the record can stand the way it is developing.

3 We will have to, I think, identify a number
4 of these people; maybe not everybody, but a number of
5 persons who you wish to cross-examine with respect to --
6 "you" being the Staff right now -- I think those people
7 will have to be identified.

8 Whether that has to be full public identification,
9 I'm not saying at this stage, and perhaps if the Board
10 or the parties were supplied copies of the names of these
11 individuals, the names would not have to be put in the
12 public record so that it will remain subject to a protective
13 order.

14 But some method would have to be devised to
15 identify these people so the witnesses will know who they
16 are being asked about precisely.

17 MR. REIS: I think I identified -- certainly
18 with the first one there was no question.

19 I think the record will reflect that the person
20 was the quality assurance manager and he had become the
21 quality control manager after 79-19.

22 So I don't think there was any question that
23 anybody was under any misapprehension who we were talking
24 about in answering the question.

25 I think there is --

0-9 1 JUDGE BECHHOEFER: Will the Staff put his
2 name on the record?

3 MR. REIS: Well, I see it's 9:44 now.

4 (Laughter.)

5 MR. REIS: I would like to get back, frankly,
6 to Washington.

7 There are a number of problems, of course,
8 that I foresee coming up that I didn't realize would come
9 up just at this time. I thought they might come up later.

10 I don't think when we talk about releasing
11 names we talk about the same thing in releasing all names,
12 as when we talk about supervisors and managers.

13 I think there are different types of requirements,
14 and there's also different levels.

15 I don't think that a supervisor and a manager
16 falls in exactly the same classification as a quality --

17 JUDGE BECHHOEFER: Well, what we're referring
18 to now are the names of people who you are asking questions
19 about.

20 MR. REIS: There's also -- On the particular
21 people I'm asking questions about, there is another factor
22 that I'm sure the Applicants are aware of that very much
23 influences my questions in this regard.

24 I don't want to go into it today. I think
25 I will be able to go into it tomorrow morning.

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1 (Bench conference.)

2 JUDGE BECHHOEFER: Well, I think we will take
3 up your offer to adjourn at this stage.

4 Before we do so, I would like to comment that
5 the fact that a person is a manager or not a manager,
6 that may make a difference to the Staff; but to us the
7 difference resolves upon what information is attempted
8 to be developed in the record.

9 So we will be concerned if questions are asked
10 about any of these people, to make sure that there's positive
11 identification in some way.

12 So I would hope the Staff would think this
13 over by the time we get back tomorrow and --

14 MR. REIS: We are thinking it over and I am
15 in touch with --

16 JUDGE BECHHOEFER: You may wish to contact
17 I&E, also, about some of these people, because the persons
18 you asked questions about, I think we are not going to
19 be able to leave unidentified.

20 There's also been statements made by the witnesses
21 that not all of the statements in the I&E Reports are
22 necessarily completely -- at least unambiguous.

23 So perhaps some explanations will have to
24 be entered if we get into discussing what those statements
25 were and who made them.

0-11 1 MR. REIS: Well, there is a question of law
2 involved there and the application, and the Commission's
3 regulations and what the effect of prior admissions are;
4 and I don't think -- It's not an easy question.

5 JUDGE BECHHOEFER: No, but I also call your
6 attention to the fact that there are varying degrees of
7 making these things public, and there are a number of
8 devices by which perhaps their names would not have to
9 be made available completely to the public.

10 Anyhow, we call upon you to think about some
11 of these questions before we get back tomorrow.

12 Anything else before we adjourn?

13 (No response.)

14 JUDGE BECHHOEFER: With that, we will adjourn
15 until 9:00 a.m. tomorrow.

16 (Whereupon, at 9:45 p.m., the hearing was
17 adjourned to reconvene at 9:00 a.m., Tuesday, June 16,
18 1981, at the same place.)

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This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION
HOUSTON LIGHTING & POWER COMPANY, ET AL.
in the matter of:
South Texas Nuclear Project Units 1 and 2

DATE of proceedings: June 15, 1981

DOCKET Number: 50-498 OL; 50-499 OL

PLACE of proceedings: Houston, Texas

were held as herein appears, and that this is the original
transcript thereof for the file of the Commission.

Lagailda Barnes
Official Reporter (Typed)

Lagailda Barnes
Official Reporter (Signature)